



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

## HOUSE OF REPRESENTATIVES—Monday, February 22, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. SPEIER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 22, 2010.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord of history, yet ever present to people of faith, we place our trust in You.

As we mark the birthday of George Washington, we are mindful of his words: "When you deliver a message, do it without passion and with discretion, however mean the person you do it to."

Lord, help children and adults, especially leaders and professional communicators in this country, to be discreet and discerning in the way they speak to others. Then perhaps some of the 110 rules of civility and decent behavior George jotted down for himself at the age of 14 may find fresh expression in us.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. TONKO)

come forward and lead the House in the Pledge of Allegiance.

Mr. TONKO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

FEBRUARY 11, 2010.

Hon. NANCY PELOSI,  
*Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 11, 2010 at 7:01 p.m.:

That the Senate passed S. 2917.

That the Senate agreed to S. Res. 413.

That the Senate agreed to without amendment H. Con. Res. 235.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Tuesday, February 9, 2010:

S. 2950, to extend the pilot program for volunteer groups to obtain criminal history background checks.

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, February 11, 2010.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives, The Capitol, Washington, DC.*

DEAR SPEAKER PELOSI: This letter is to let you know that I have sent a letter to Hawaii Governor Linda Lingle informing her that I am resigning my position as the United States Representative for the First Congressional district of Hawaii effective February 28, 2010.

It has been my privilege to serve in the United States House of Representatives on behalf of the people of Hawaii for the past 19 years. And to have served with you, Madam Speaker, the first female Speaker of the House, is an honor. I owe you and all my Congressional colleagues a debt of gratitude for your leadership, dedication, and friendship. I look forward to working with you in the future.

During my tenure in Washington, DC I have seen partisan division grind our important work to a halt but I have also developed lasting relationships in pursuit of bi-partisan solutions on national defense, natural resources, and energy issues. In the coming months and years, I plan to bring the best of what I have learned in the U.S. Congress and from the Obama Administration's promise of hope and change back to the islands of Hawaii.

Sincerely,

NEIL ABERCROMBIE,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
Washington, DC, February 11, 2010.

Hon. LINDA LINGLE,  
*Governor, Executive Chambers, Hawaii State Capitol, Honolulu, HI.*

DEAR GOVERNOR LINGLE: This letter is intended to serve notice that I will be resigning my position as the United States Representative for the First Congressional District of Hawaii effective February 28, 2010. It has been a great privilege to serve the people of Hawaii in the U.S. House of Representatives for the past 19 years and I am grateful for their faith and trust.

I would like to thank my colleagues in the House, and more specifically, in the Hawaii Congressional Delegation for the honor of serving the people of our state and country together as a team. I am looking forward to continuing our important work to build a better Hawaii in the years ahead.

Sincerely,

NEIL ABERCROMBIE,  
*Member of Congress.*

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HONORING MARTY MAHAR

(Mr. TONKO asked and was given permission to address the House for 1 minute.)

Mr. TONKO. Madam Speaker, I come to the floor today asking my colleagues to join me in supporting H.R. 4425, which would rename the Lansingburgh Post Office located at 2-116th Street in North Troy to the Martin G. "Marty" Mahar Post Office.

A longtime resident of Troy, Marty Mahar's legacy was one defined by his unwavering commitment to public service. Returning home as both a celebrated and decorated World War II veteran, earning four Battle Stars, Marty's desire to stay active within veterans organizations led him to become a National Service Officer.

He was extremely effective at combining his military professionalism and consideration for his fellow soldiers with countless hours of information and counseling sessions to ensure that veterans experienced a smooth transition back into civilian life. Marty's commitment to serving his country led him to becoming both a life member of the VFW and Military Order of the Purple Heart as well as a Veterans Hall of Fame honoree in 2005.

Apart from the time spent with the military, Marty is also honored for his civic duties on the local and State levels. The desire to give back to his community was a hallmark of Marty's character. Such an attitude helped in his push to found the Troy Patriot's Pop Warner football league, the Uncle Sam Parade committee, the Troy Flag Day parade and more. He was president of the New York State Association of City Councils and a city councilman in Troy for a decade as well as serving as its mayor.

Marty was truly a public servant whose leadership and selflessness should be a model for us all. From his dedication in serving our country as a marine during World War II to his service in the Postal Service and our community, I am honored to take a lead role in renaming this post office in Marty's honor. I hope my colleagues will join me in honoring this extraordinary public servant by voting "yes" on H.R. 4425.

FEDERAL GOVERNMENT CAN  
MAKE DO WITH LESS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, American taxpayers are wondering how another year of trillion-dollar government deficits is going to help get our economy humming again. We've seen a costly stimulus package that didn't create the jobs that were promised. Then it was a trillion-dollar health care bill that was more about Washington control than giving patients the

control they want. And recently Congress increased the national debt limit by \$1.9 trillion to pay for its record-breaking spending spree over the past 12 months.

So it comes as no surprise that today the White House unveiled a new trillion-dollar health care bill that is even more expensive than the Senate bill it was supposed to improve upon.

When will Washington get it? Americans are making do with less. Shouldn't the Federal Government they pay for at least do the same?

RECLAIMING AMERICA'S  
GREATNESS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a New York Times columnist who is revered by liberal Democrats recently wrote, "We've always known that America's reign as the world's greatest nation would eventually end."

This may be the logical conclusion if we follow President Obama's policies, but it doesn't have to be true. We can reclaim America's greatness—not lose it—if we focus on creating jobs in the private sector, not the government; reducing the deficit, not doubling it; providing health care to the long-term, low-income uninsured, not mandating a government takeover; and treating terrorists like terrorists, not local bank robbers.

Let's listen to the American people and get our financial house in order and our priorities straight. Then we will stay the greatest nation.

## HEALTH CARE REFORM

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I, as many of my colleagues, have just returned from my district. During that time, I had two town hall meetings and numerous individual meetings with members of my constituency; and one thing was abundantly clear.

On the subject of health care, overwhelmingly they told me to bring this message back to Washington, D.C.:

Stop what you're doing, scrap the House bill, scrap the Senate bill and start over.

Interestingly enough, national polls show that's the national sentiment. By about 61 or 62 to 28, at least, the American people are telling us, Back off, scrap what you've done, start over again.

They're not asking for the status quo but they're asking for incremental approaches, and many of the things that Republicans have talked about are what the people are asking for.

Yet today, I was very disappointed to see the President has decided to ignore the American people. His message to the American people at least coming out from the White House today is:

Forget what you say. You're not smart enough to figure this out. We know better. We're going to forge ahead.

Madam Speaker, let's listen to the American people.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MARTIN G. "MARTY" MAHAR POST  
OFFICE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4425) to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4425

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. MARTIN G. "MARTY" MAHAR POST  
OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2-116th Street in North Troy, New York, shall be known and designated as the "Martin G. 'Marty' Mahar Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Martin G. 'Marty' Mahar Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

## GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction

over the United States Postal Service, I am pleased to present H.R. 4425 for consideration. This legislation if adopted will designate the United States Postal Service facility located at 2-116th Street in North Troy, New York, as the Martin G. "Marty" Mahar Post Office.

□ 1415

This legislation has been introduced by my colleague and friend Representative PAUL TONKO of New York, and I would like to yield to him such time as he may consume in presenting this resolution.

Mr. TONKO. Madam Speaker, Representative LYNCH has been a big help in making certain that we could move forward with a request from one of my local communities. Obviously, we honor, by renaming the post office at 116th Street in North Troy, the memory of Marty Mahar who served this country so well. Certainly he is a public servant who can be held up as a model for this Nation, one who has an outstanding track record of service to this Nation's military, taking and assisting the veterans as they return to our communities, working with them, having earned so much recognition and honor from his service to country. He was also just understood to be that voice for veterans who worked so steadfastly to make certain that they had a welcome home and that they were finding the services that were intended for them to be brought right to the doorstep.

Also, he has so many distinguished bids of service. He is honored for his civic duties, the sense that he cherished Troy and cherishes Troy at the local and State levels, recognized as president of the New York State Association of City Councils, having served as a city council member of Troy and then eventually as mayor.

All of these issues are why this recognition and the renaming of the post office is so worthy and so justified. He is a model for all. His dedication to this country and certainly his work servicing the Postal Service is just a sense of his love and devotion for Troy. The people of the community honor him in this very splendid fashion. They enable him to be held as that esteemed leader. And the work here done under H.R. 4425 is, I think, a very justified effort to rename the 116th Street post office in North Troy, which carries much pride to it—North Troy—the Martin G. "Marty" Mahar Post Office.

And I thank the gentleman from Massachusetts, Representative LYNCH, again for the work done through the subcommittee and the committee to make this possible today. I would strongly encourage all of our colleagues to support H.R. 4425 with a resounding "yes" vote.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4425 which designates the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the Martin G. "Marty" Mahar Post Office.

Martin G. "Marty" Mahar was born and resided in Troy, New York, prior to World War II. After war was declared, he enlisted in the Marine Corps, where he served as a paratrooper in the Asiatic-Pacific theater. During his military service, he earned four Battle Stars, a Presidential Unit Citation, and a Purple Heart in recognition of the severe injuries that he sustained while fighting in Iwo Jima.

After returning home to Troy from the war, Mr. Mahar worked for the United States Postal Service as a letter carrier for nearly 30 years and always stayed active within veterans organizations. His leadership and dedication led him to become a national service officer and a life member of the Military Order of the Purple Heart, where he served as the organization's State legislative director. For his commitment to serving his country, he was also inducted into the New York State Senate Veterans Hall of Fame in its inaugural class.

Apart from his time spent with veterans organizations, he had a desire to give back to his community of Troy. He was a driving force behind starting the Troy Patriots Pop Warner Football League, the Uncle Sam Parade Committee and the Troy Flag Day Parade. He was president of the New York State Association of City Councils. He served on the Troy City Council for 10 years and was then elected the mayor of Troy.

Madam Speaker, Mr. Mahar's dedication to his country and the Troy community has been an inspiration. I ask my colleagues to support this resolution so that his community may remember his work for years to come.

With that, Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, Marty Mahar was truly an extraordinary American, and as my colleague has so eloquently described, his life was really a shining example of the possibilities of the American Dream. Marty Mahar, as has been noted, began his longstanding commitment to public service as a member of the United States Marine Corps during World War II. As a paratrooper in the Asiatic-Pacific theater, Mayor Mahar earned his four Battle Stars, as has been mentioned, through heroic service on the island of Iwo Jima. He received a Presidential Unit Citation and a Purple Heart in recognition of that service, and serious injuries were sustained during that combat. Mayor Mahar's meritorious service to our Nation was further recognized in December of 2005 as he was inducted into the inaugural class of the New York State Veterans Hall of

Fame, following his nomination by Senate Majority Leader Joseph Bruno.

After his tour of duty in World War II, Mayor Mahar returned home to serve his community in a civilian capacity as a letter carrier for the United States Postal Service and a member of the National Association of Letter Carriers. It is fitting that this letter carrier will now have the local post office in North Troy named after him. I can think of no greater tribute to this man, as his active membership with the letter carriers spans 51 years.

Following his tenure with the United States Postal Service, Mayor Mahar continued his commitment to serving his community as a highly regarded elected official. Specifically, Mayor Mahar's political career included service as a member of the Troy City Council for 10 years, deputy mayor of Troy for 2 years, and, ultimately, mayor of his beloved hometown from 1990 to 1991. Additionally, Mayor Mahar served on a variety of local community organizations and committees in fulfillment of his lifelong commitment to addressing the needs of America's military veterans and improving the lives of all Troy's citizens.

Included among Mayor Mahar's various community service positions were his chairmanship of the City of Troy Veterans Committee, his membership on the Legislative Committee for the Veterans of Foreign Wars, his tenure as youth activities director for the Department of New York VFW, and his membership on the National World War II Monument Committee here in Washington, D.C. Mayor Mahar will forever be remembered by the city of Troy as the founder of the Troy Flag Day Parade, which many regard as the largest parade in the Nation in honor of the American flag.

Madam Speaker, while, regrettably, Mayor Mahar passed away in October of 2007, his lifelong dedication to public service, to America's military veterans, and to the city of Troy will ensure that his legacy will never be forgotten. The life of Mayor Martin G. Mahar stands as a testament to public service, and it's my hope that we can honor this dedicated and remarkable American through the passage of this legislation to designate the North Troy post office in his honor.

I have no further speakers on this side, but I will continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I urge all Members to support the passage of H.R. 4425 and yield back the balance of my time.

Mr. LYNCH. I thank the gentlelady from North Carolina for her remarks, and I encourage my colleagues to join with Mr. TONKO, the lead sponsor of this resolution, H.R. 4425.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4238.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### W.D. FARR POST OFFICE BUILDING

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4238) to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4238

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. W.D. FARR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, shall be known and designated as the "W.D. Farr Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "W.D. Farr Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from North Carolina (Ms. FOX) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 4238 for consideration. This legislation will designate the United States Postal Service facility located at 930 39th Avenue in Greeley, Colorado, as the W.D. Farr Post Office Building. This resolution has been introduced by my colleague Representative BETSY MARKEY of Colorado on December 8, 2009.

H.R. 4238 was favorably reported out of the Oversight and Government Reform Committee on January 27, 2010, by unanimous consent. In addition to Representative MARKEY, H.R. 4238 enjoys the support of the entire Colorado House delegation.

Because Ms. MARKEY is the chief sponsor of this resolution, I will yield to her for such time as she may need to lay forth the details of this resolution.

Ms. MARKEY of Colorado. Madam Speaker, I rise today in support of H.R. 4238, a bill to designate a facility in Greeley as the W.D. Farr Post Office Building.

During his lifetime, W.D. Farr was a pioneer rancher, water expert, and banker who made immense contributions to Greeley, helping make the city what it is today. William Davin Farr was a third-generation Coloradan, born in Greeley in 1910. Farr came from an established farming family. He grew up working with sheep and cattle on the family farm. In 1931, Farr and his father bought 125 cattle and built a feed lot in Greeley, Farr Feeders. By the late 1960s, the Farr feed yard had grown to about 25,000 head of cattle.

While working on the farm and at the feed lot, he became involved with several irrigation ditch companies. Through his work in irrigation, he came to understand the importance of water to the continued growth of the Greeley community. Farr then became active with the Colorado Big Thompson Water Project, which brings water from the western slopes of the Rocky Mountains to help irrigate approximately 693,000 acres of northeastern Colorado farmland. Farr later came to serve on the board of directors of the Northern Colorado Water Conservancy District and the Greeley Water Board for over 40 years.

In addition to his many achievements in agriculture and water, Farr was also active in government, both local and national. He served as an adviser to the U.S. Department of Agriculture under three U.S. Presidents: Harry Truman, John F. Kennedy, and Richard Nixon.

□ 1430

He served on a number of national boards and committees, including the Department of the Interior Water Pollution Control Advisory Board and the Agricultural Committee of the U.S. Chamber of Commerce.

The land on which this post office was built was owned by another Greeley agricultural pioneer, C.O. Plumb. Upon his death, Plumb donated his home and land just south of the W.D. Farr Post Office to the Greeley Museums for use as an agricultural learning center. Both men made significant contributions to the agricultural and social vitality of Weld County.

In 2007, W.D. Farr passed away at his home in Greeley at the age of 97. Farr

and his family have made innumerable contributions to the Greeley community as well as to Colorado and to the United States.

I am proud to stand in support of this bill that would name one of the post offices in Greeley after this pillar of the community.

Ms. FOX. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4238, which designates the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado as the W.D. Farr Post Office Building.

William Davin "W.D." Farr was once described by the president of Colorado State University as "one of the true giants in Colorado history and in the history of the modern American West."

Mr. Farr was born in Greeley, Colorado, in 1910 and was proudly a third-generation Coloradan, pioneer rancher, statesman, and banker. When he was 15 years old, he began working on a cattle ranch in western Colorado. This job was the first of many during his lifetime of work in agriculture. As he became more involved in ranching, he looked at many ways to improve and develop the business of cattle feeding. He was famous for his Greeley T-Bone Club, where he and several other ranchers in Greeley would have a steak dinner and discuss ways they could improve cattle ranching. One of his first inventions helped aid cattle ranchers by making the cattle feeding process significantly more efficient and less wasteful.

During his work in the cattle industry, he became very involved in bringing water to dry regions of Colorado. He did extensive work on behalf of the Colorado-Big Thompson Project, which delivered water from the Colorado River to various regions of Colorado that needed water. His work on water development projects greatly helped the economy of Colorado and the entire region.

Throughout his lifetime, Mr. Farr received many honors. He was inducted into the Colorado Business Hall of Fame in 1991. The National Western Stock Show in Denver honored him as Citizen of the West in 1999, and he was inducted into the Hall of Great Westerners in 2007.

W.D. Farr was a leader and an innovator in agriculture, and his work was essential to the development of Colorado and the Western United States in the 20th century.

I ask my colleagues to support this resolution so that his life may be remembered for generations in the future in his hometown of Greeley.

Madam Speaker, I urge all Members to support the passage of H.R. 4238.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I just wish to associate myself with the remarks of the gentlelady of North Carolina and with the remarks of the chief



sponsor of this legislation, the gentlewoman from Colorado (Ms. MARKEY). Truly, Mr. Farr was an extraordinary individual.

We have no further speakers on our side on this matter. Madam Speaker, I simply ask all Members to support Ms. MARKEY in support of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4238.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING THE HISTORICAL AND CULTURAL SIGNIFICANCE OF THE LANGSTON GOLF COURSE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) recognizing the 70th anniversary of John Mercer Langston Golf Course, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 526

Whereas the site for the historic Langston Golf Course was selected in 1929, following repeated demands from African-Americans who were excluded from all but one of the District's public courses, the Lincoln Memorial;

Whereas construction did not begin until the mid 1930s, and in 1938, African-American women from the Wake Robin Golf Club pressed for desegregation of the District of Columbia's public courses by drafting and introducing a petition to Secretary of the Interior, Harold Ickes;

Whereas the Langston Golf Course, officially opened in 1939, is the first and only course built by the United States Government for segregated purposes, and was built because African-Americans were denied equal access to the city's golf courses;

Whereas the Langston Golf Course was named for John Mercer Langston, a renowned Howard University educator, prominent political figure, and the first African-American Congressman from Virginia, elected in 1888;

Whereas the Langston Golf Course is listed in the National Register of Historic Places and has been the home course of both the Royal Golf Club and the Wake Robin Golf Club, respectively the Nation's first clubs for African-American men and women;

Whereas over its 70-year existence, the Langston Golf Course has attracted many famous African-American golfers, such as Lee Elder, Ted Rhodes, Calvin Peete, and Jim Thorpe, who all made regular and annual stops on the circuit of African-American pro-

fessionals when they were unable to play regularly on the then-racially restricted PGA Tour;

Whereas other notable visitors to play golf there include heavyweight boxing champion Joe Louis, Hall of Fame baseball player Maury Wills, Washington Senators baseball player Chuck Hinton, Washington Redskins players Darrell Green and Brian Mitchell, U.S. Secretary of the Interior Gale Norton, Missouri Congressman Lacy Clay, South Carolina Congressman James Clyburn, Wisconsin Senator Russ Feingold, actor and professor Al Freeman, Jr., and the musical superstars the O'Jays have all enjoyed the Langston course;

Whereas in 2002, a partnership was formed with Howard University to open the Interpretive Education Center, and this program was integrated into the Langston community schools in 2003;

Whereas for more than 15 years, three junior golf programs have made the Langston Golf Course their home, Masons Army, Langston Junior Boys and Girls, and the First Tee, DC;

Whereas juniors from these programs are nationally and internationally known as The Jimmy Garvin All-Stars and are required to utilize the Education Center in order to learn golf and use the facilities;

Whereas these programs operate year round offering educational and golf instruction;

Whereas the Langston Golf Course is known as the home of the internationally renowned Capital City Open Pro-Am Tournament and the Jimmy Garvin Legacy Scholarship Classic;

Whereas the Langston Golf Course, Rock Creek Golf Course, and East Potomac Golf Course are owned by the National Park Service, and each has a long history of service to the general public as an integral part of the Nation's capital, including services to local and regional residents, visitors, and tourists; and

Whereas it is the policy of the National Park Service to maintain and upgrade its recreational sites: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the historical and cultural significance of the Langston Golf Course and its contributions to racial equality.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

##### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 526 for consideration. This legislation recognizes the historical and cultural significance of the John Mercer Langston Golf Course as

well as its contributions to achieving racial equality.

Introduced by my colleague, Representative ELEANOR HOLMES NORTON of the District of Columbia, on June 10, 2009, H. Res. 526 enjoys the support of 50 Members of Congress. In addition, a Senate companion bill to this legislation, Senate Resolution 162, was introduced by Senator RUSS FEINGOLD, and was subsequently passed by the United States Senate on May 21, 2009, by unanimous consent.

Madam Speaker, over the course of its 70-year history, the John Mercer Langston Golf Course has stood as a symbol of the struggle for racial equality in the District of Columbia and across our Nation. In addition, the Langston Golf Course continues to serve as a regional hub for the promotion of golf as a recreational and as a professional sport in the Greater Washington, D.C., area as well as being an invaluable community institution dedicated to providing greater educational opportunities to area residents.

Located alongside the Anacostia River in northeast Washington, D.C., the Langston Golf Course was constructed in the mid-1930s in response to the exclusion of African Americans from all but one of the District's public golf courses. Appropriately, the Langston Golf Course was named in honor of a renowned African American educator and political figure, John Mercer Langston, who founded and became the first dean of the Howard University School of Law, the first president of Virginia State University and, in 1888, the first African American Congressman elected to represent the State of Virginia.

From its official opening in 1939, the Langston Golf Course has served as the home course of the Royal Golf Club and the Wake Robin Golf Club—the Nation's first clubs for African American men and women. In addition, the Langston Golf Course has consistently attracted a variety of outstanding African American golfers, including Ted Rhodes, Calvin Peete, Jim Thorpe, and Lee Elder, who, along with his wife, Rose, managed the course during the 1970s.

Moreover, as home of the widely known Capital City Open Golf Tournament, the Langston Golf Course has attracted a variety of prominent Americans from the world of politics, sports, and entertainment, including President Gerald Ford, heavyweight boxing champion Joe Louis, and comedian Bob Hope.

Today, the Langston Golf Course continues to serve the general public by offering year-round educational and golf instruction designed to promote the sport of golf as well as educational opportunities in the Washington, D.C., community.

In 2002, the Langston Golf Course entered into a partnership with Howard

University to establish the Interpretive Educational Center, a learning facility that offers comprehensive child and adult educational programs as well as life skills workshops. Additionally, for over 15 years, the Langston Golf Course has served as the home course for three junior golf programs—the Masons Army, the Junior Boys and Girls, and the First Tee, D.C. Collectively, the program participants are known as the “Jimmy Garvin All-Stars” in honor of Langston’s longtime general manager, community leader and member of the African American Golfers Hall of Fame, Jimmy Garvin. Notably, these juniors must utilize the Interpretive Education Center as a prerequisite to learning golf and to using the Langston facilities.

Overall, the junior programs at Langston Golf Course include the participation of over 200 local boys and girls. In addition to offering golf instruction, they focus on cultivating principles of honesty and integrity as well as highlighting the interrelationship between excellence on the golf course and excellence in the classroom.

Notably, the Langston Golf Course is also home to the annual Jimmy Garvin Legacy Scholarship Tournament. Proceeds from the tournament are donated to Langston’s Interpretive Educational Center in furtherance of Langston’s mission of teaching the sport of golf to area youth while also developing them as higher learners.

Madam Speaker, in recognition of its historical and cultural significance, the Langston Golf Course was placed on the National Register of Historical Places in 1991. It is my hope that we can further honor this distinguished community institution through the passage of House Resolution 526. I urge my colleagues to join us in supporting House Resolution 526.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 526, recognizing the historical and cultural significance of the Langston Golf Course and its contributions to racial equality.

Opening its doors in 1939, the Langston Golf Course has been both a meeting ground and a playground for thousands of African American golfers. During a time when African American golfers were prohibited from playing at most Washington, D.C., golf courses, unless it was caddie day, women from the Wake Robin Golf Club pressed for the desegregation of the District of Columbia’s public courses by drafting and introducing a petition on their behalf to the Secretary of the Interior under Franklin D. Roosevelt. Named after the noted professor and first African American Congressman from Virginia, John Mercer Langston, the once nine-hole course was the first and only course built by the United States Gov-

ernment as a segregated “African Americans only” facility. Home to the Royal Golf Club and Wake Robin Golf Club, Langston was expanded into an 18-hole course in 1955, and is listed in the National Register of Historical Places.

This year, the golf course celebrates its 70th anniversary. Over the years, the venue has attracted many famous African American golfers, including Lee Elder, who once had a contract to manage the facility; Ted Rhodes, considered one of the greatest African American players in the 1940s and 1950s; and Calvin Peete.

The course, which today counts about 25,000 rounds played a year, has recently drawn a diverse group of devoted players of all ages, genders, and races to its challenging 6,500-yard, par-72 layout. Thousands of these players are children from all races and economic backgrounds from surrounding neighborhoods who have found a safe haven for pursuing education and for learning life lessons from the game of golf. For more than 15 years, three junior golf programs have made Langston their home—Masons Army, Langston Junior Boys and Girls, and the First Tee, D.C. The Langston Golf Course is also known as the home of the internationally renowned Capital City Open Pro-Am Tournament and as the Jimmy Garvin Legacy Scholarship Tournament.

Owned by the National Park Service, the Langston Golf Course has a long history of accessibility to all, and today, we recognize this historical facility which for 70 years has been patronized year-round by the famous as well as by young people, by regional residents, and by tourists alike.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time, I yield 5 minutes to the lead sponsor of this resolution, the very capable Representative from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the chairman for his courtesy and generosity and for his help in perfecting this resolution. I thank the gentlewoman on the other side as well. I thank them both for the excellent history of Langston they have offered this morning, up to and including its present-day facilities, not only to serve golfers but to serve the children of the District of Columbia.

Madam Speaker, I will endeavor not to repeat what they have said but will only indicate why I have brought the bill forward at this time and especially during this month, Black History Month, when I know Members look for reasons in history, particularly in living history, to celebrate African American contributions to American life.

So why do I choose a golf course—I who do not know an iron from a tee? I choose a golf course because I am in such great admiration of this golf course, which has served the people of

the District of Columbia for now over 70 years and which was started even before I was born, when young women, apparently not the male golfers who predominated then and predominate now, insisted that there had to be somewhere for African Americans to play golf.

What Members may not recognize is that the District of Columbia was a legally segregated city. It was segregated by the Congress of the United States. *Brown v. Board of Education* was brought by five jurisdictions. One of them was the District of Columbia. It was one of the Brown cases. Every part of this city was segregated except the buses. When these women found that they could not play on the public golf courses here, they petitioned the Secretary of the Interior, Harold Ickes, for the right to play golf like everyone else.

□ 1445

The Federal Government did something that it has never done before and has never done since. It started a segregated golf course. The Federal Government had not done that before. It didn’t buy in to Jim Crow. For this was long after the Civil War. But in order to have a golf course in a segregated city, you had to have a black golf course, so that is what we got. This golf course became nationally known because many celebrities came to Washington and it was the golf course that black celebrities had to play on from Joe Lewis to Members of Congress who today are frequent players at the Langston the golf course.

This golf course is one of the great undervalued properties in the District of Columbia. It has gotten great interest from people who want to remake golf courses. Because of its historic significance, they see it as a real prize.

My hat is off to Jimmy Garvin, whom you have mentioned in your remarks, both of you have mentioned in your remarks, because what Jimmy Garvin has done is to build up a golf course which was built on a trash dump. I don’t think that’s so bad today. We want to build more on tire dumps so that we can make greater use of what we are throwing away. But it certainly indicated where this golf course came then, and, of course, it is not in the best condition today.

I have also introduced the Golf Course Preservation and Modernization Act of 2009, and long ago I recognized that the Federal Government and National Park Service were not in a position to make this into a class A golf course, but along with the East Potomac Park and Rock Creek Golf Course—imagine a city with three golf courses—my bill would indeed form a public/private partnership so that the money would essentially come from the private sector.

If we look at Black History Month as a way to celebrate not only where

black people have been but where they are, it's important to understand the institutions that they revered and that they preserved and still preserve because those institutions, for example, as we now see black golfers now regularly on golf courses, had they not been present, then of course there would have been no way for black people to play golf at all. So we were grateful even for a segregated golf course. Black people in the District of Columbia indeed were very grateful that Harold Ickes, in fact, answered the petition with a golf course. And today, close to 71 years later, we should, I think, pay tribute not only to the fact that if that was the only way to do it, that's what the Federal Government did, but we've now come to a time in this city when every facility is open to everyone.

We cherish this golf course for its great history and particularly those who keep that history alive like Jimmy Garvin and the Langston Golf Course.

Ms. FOXX. Madam Speaker, I urge all Members to support H. Res. 526, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I just want to ask all of our colleagues to join with the lead sponsor of this resolution, ELEANOR HOLMES NORTON. And I must confess that I have had the opportunity to travel out to—Langston is about 10 minutes from my house, so I have been out there. I've seen the youth programs that they have had. Absolutely fantastic. Jim Garvin does a wonderful job there as the groundskeeper and general manager, the crew there. You can tell the way the people there who run and maintain that golf course, they understand the history. They understand the importance of the Langston Golf Course from when it was home to the Negro Golf League during the days of segregation, and they understand going forward what a treasure it really is. So I am particularly happy to call on our Members to support House Resolution 526.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to support H. Res. 526, a resolution to recognize the 70th anniversary of John Mercer Langston Golf Course. This bill was introduced by Representative NORTON of D.C., and I am a proud co-sponsor of this legislation. I urge my colleagues to support this important resolution.

As a result of segregation during the early 20th century, African-American golfers were unable to enjoy a round of golf at public courses within the District of Columbia. As a result, the John Mercer Langston Golf Course was built in 1939 as a golf course that African-Americans could call their own.

The course was named for John Mercer Langston who, in 1855, became the first African-American elected to public office. He was the founder and first dean of Howard University's Law Department, now the Howard University School of Law. He was the first president of Virginia State University, and the first

African-American congressman elected from Virginia. The golf course was originally built with only nine holes; however, today it is a full 18-hole golf course. The unique history of this golf course was recognized in 1991, when the first nine holes were placed on the National Register for Historic Places.

The John Mercer Langston Golf Course is the home course to the Royal Golf Club and the Wake Robin Golf Club, the Nation's first golf clubs for African-American men and women. Today, there are plans underway to upgrade the course to championship quality and to include a museum and a new clubhouse.

Over its 70-year existence, the Langston Golf Course has attracted many famous African-American golfers, such as Lee Elder, Calvin Peete, and Jim Thorpe, who all made regular stops when they were unable to play regularly on the racially restricted PGA Tour. The John Mercer Langston Golf Course is also home to the Capital City Open, a renowned event that has attracted participants such as Bob Hope, former president Gerald Ford, and Joe Louis. As a result of the long history of the John Mercer Langston Golf Course, it will forever be associated with the development and desegregation of public golfing and recreational facilities in the Nation's capital.

Since its construction in 1939, the John Mercer Langston Golf Course became a beacon for desegregation in recreational facilities. I urge my colleagues to join me in support of this resolution, and recognize the 70th anniversary of this historic golf course.

Mr. LYNCH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 526, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Recognizing the historical and cultural significance of the Langston Golf Course and its contributions to racial equality."

A motion to reconsider was laid on the table.

#### AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1039) supporting the goals and ideals of American Heart Month and National Wear Red Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1039

Whereas heart disease affects adult men and women of every age and race in the United States;

Whereas heart disease continues to be the leading cause of death in the United States;

Whereas an estimated 81,000,000 adult Americans, more than one in every 3, have

one or more types of heart disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease;

Whereas these studies have identified the following as major risk factors that cannot be changed: Age (the risk of developing heart disease gradually increases as people age; advanced age significantly increases the risk), gender (men have greater risk of developing heart disease than women), and heredity (children of parents with heart disease are more likely to develop it themselves; African-Americans have more severe high blood pressure than Caucasians and therefore are at higher risk; the risk is also higher among Latina Americans, some Asian Americans, and Native Americans and other indigenous populations);

Whereas these studies have identified the following as major risk factors that Americans can modify, treat, or control by changing their lifestyle or seeking appropriate medical treatment: High blood pressure, high blood cholesterol, smoking tobacco products and exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas these studies have identified the following as contributing risk factors that Americans can also take action to modify, treat or control by changing their lifestyle or seeking appropriate medical treatment: Individual response to stress, excessive consumption of alcoholic beverages, use of certain illegal drugs, and hormone replacement therapy;

Whereas more than 106,000,000 adult Americans have high blood pressure;

Whereas more than 37,000,000 Americans have cholesterol levels of 240 mg/dL or higher, the level at which it becomes a major risk factor;

Whereas an estimated 46,000,000 Americans put themselves at risk for heart disease every day by smoking cigarettes;

Whereas data released by the Centers for Disease Control and Prevention shows that more than 65 percent of American adults do not get enough physical activity, and more than 39 percent are not physically active at all;

Whereas 66 percent of adult Americans are overweight or obese;

Whereas 24 million adult Americans have diabetes and 65 percent of those so afflicted will die of some form of heart disease;

Whereas the American Heart Association projects that in 2010 1,200,000 Americans will have a first or recurrent heart attack and 452,000 of these people will die as a result;

Whereas in 2010 approximately 800,000 Americans will suffer a new or recurrent stroke and 160,000 of these people will die as a result;

Whereas advances in medical research have significantly improved our capacity to fight heart disease by providing greater knowledge about its causes, innovative diagnostic tools to detect the disease, and new and improved treatments that help people survive and recover from this disease;

Whereas Congress by Joint Resolution approved on December 30, 1963 (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as "American Heart Month";

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate "National Wear Red Day" during February by

"going red" to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964 the President has issued a proclamation designating the month February as "American Heart Month": Now, therefore, be it

*Resolved*, That the House of Representatives supports the goals and ideals of American Heart Month and National Wear Red Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to add any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 1039 for consideration. This legislation expresses our support for the goals and ideals of American Heart Month and National Wear Red Day.

Introduced by my colleague Representative CHRISTOPHER LEE of New York on January 26, 2010, House Resolution 1039 enjoys the support of over 50 Members of Congress. In addition, today's floor consideration allows Members of this body an added opportunity to express their support for this thoughtful commemorative resolution.

Madam Speaker, House Resolution 1039 expresses our support for the goals of American Heart Month, which is annually commemorated during the month of February as a way of highlighting the devastating impact of cardiovascular disease on our Nation. As noted by the American Heart Association, heart disease, including stroke, continues to serve as the number one cause of death in the United States. In addition, an estimated 81.1 million adult Americans currently suffer from one or more types of heart disease. Accordingly, since 1963, Congress and the American Heart Association have partnered to draw attention to the cause and effects of heart disease, an effort that is reflected in the resolution authored by the gentleman from New York (Mr. LEE).

In addition, House Resolution 1039 also expresses our support for the goals and ideals of National Wear Red Day, which this year was held on Friday, February 5. Notably, National Wear Red Day is designed to support the fight against heart disease in women by encouraging all Americans to wear

red at their workplaces, places of worship, out in their communities, and at home. Through the simple act of wearing red, all Americans can ensure that National Wear Red Day continues to serve as a powerful tool by which to raise our national awareness of heart disease and stroke, especially among women.

Madam Speaker, American Heart Month and National Wear Red Day are both valuable efforts in the fight against heart disease. For this reason, I urge my colleagues to join Mr. LEE, myself, and others in supporting House Resolution 1039.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of this resolution urging the support of American Heart Month and National Wear Red Day.

American Heart Month was initiated in 1963 by Congress in an effort to bring about awareness and urge Americans to join the battle against today's number one killer, heart disease.

Heart disease continues to be the leading cause of death in the United States. It is a tragic disease that affects men, women, and children of every age and race throughout the country. Approximately one in three adult Americans have one or more types of heart disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart disease, as well as those at risk for heart disease as a result of smoking.

An astounding 66 percent of adult Americans are overweight, 46 million people are at risk for heart disease because they smoke, and 37 million people have high cholesterol levels that could become a major risk factor. The American Heart Association projects that this year almost a half million people will die as a result of a heart attack.

These are staggering numbers, and all of these lifestyles, among many others, have a direct impact on heart disease. Therefore, it's imperative we sound the alarm and remain vigilant and supportive of heart disease awareness programs. By exercising regularly, avoiding tobacco, limiting consumption of alcohol, following a nutritious diet, and monitoring high cholesterol and high blood pressure, we all can work to increase the chances of healthy lifestyle changes.

National Wear Red Day, a day when people throughout the country are encouraged to wear a red article of clothing as an outward sign that heart disease "doesn't care what you wear," is one way to visually express our concern and show support for women's heart disease awareness. Although one-half of all heart disease deaths are in women, studies have shown that wom-

en's symptoms are less recognized. There are currently a number of initiatives that are underway to raise awareness of the dangers of cardiovascular disease in women; however, the challenging work of promoting awareness continues as cardiovascular disease increases in the country.

I am proud to do my part through support of this resolution while encouraging all citizens to take advantage of regular screenings and consult their doctors about reducing their risk for heart disease. It's also important that we support the organizations that celebrate National Wear Red Day and American Heart Month in February in an effort to educate the public, promote awareness, and fund research of this serious disease.

Madam Speaker, I urge all Members to support the passage of H. Res. 1039, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I want to thank the gentlewoman from North Carolina for her eloquent words and for her support.

I simply ask all Members to support Mr. LEE of New York in this resolution, House Resolution 1039.

Mr. LEE of New York. Madam Speaker, as we all know, the United States has marked American Heart Month every February for the last 46 years. I want to thank Chairman TOWNS and Ranking Member ISSA for their cooperation in getting this resolution to the floor quickly. I also want to thank our nearly 60 cosponsors from both sides of the aisle.

Heart disease and stroke affect more people in Western New York than anywhere else in the country. Here are some other facts: The rate of stroke death in WNY is 23 percent higher than the national rate and 79 percent higher than the aggregate New York State rate. Heart disease kills 10 times as many women in WNY as breast cancer and six times as many women as lung cancer.

Of course, heart disease remains the number one cause of death for both women and men in the United States. And the one fact that troubles me greatly is: Only 58 percent of WNY residents report visiting their doctors routinely to have their blood pressure and cholesterol checked. That number is simply too low.

The one thing we can all do to raise public awareness of heart disease and stroke without spending a dime is talk to family and friends about the warning signs for these silent killers and what preventive steps they can take to protect themselves.

The simple act of going to the doctor—or even visiting the American Heart Association's Web site—may be all it takes to save a life.

I hope that in addition to the passage of this resolution, my colleagues will join me in talking to constituents and raising awareness of these deadly diseases.

Mr. LYNCH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts

(Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1039.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1500

#### RECOGNIZING BLACK HISTORY MONTH

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1046) recognizing the significance of Black History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1046

Whereas the first Africans were brought involuntarily to the shores of the America as early as the 17th century;

Whereas these Africans in America and their descendants are now known as African-Americans;

Whereas African-Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas despite slavery, African-Americans in all walks of life have made significant contributions throughout the history of the United States, including through the—

(1) writings of Booker T. Washington, Phillis Wheatley, James Baldwin, Toni Morrison, Ralph Ellison, Zora Neale Hurston, and Alex Haley;

(2) music of Mahalia Jackson, Billie Holiday, John Coltrane, Bessie Smith, and Duke Ellington;

(3) resolve of athletes such as Jackie Robinson, Althea Gibson, Jesse Owens, Wilma Rudolph, and Muhammad Ali;

(4) scientific advancements of George Washington Carver, Charles Drew, Benjamin Banneker, and Mae Jemison;

(5) vision of leaders such as Frederick Douglass, Mary McLeod Bethune, Thurgood Marshall, Martin Luther King, and Shirley Chisholm; and

(6) bravery of those who stood on the front lines in the battle against oppression, such as Sojourner Truth, Fannie Lou Hamer, and Rosa Parks;

Whereas in the face of injustices, United States citizens of good will and of all races distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and freedom of African-Americans;

Whereas Dr. Martin Luther King Jr. lived and died to make real these noble ideas;

Whereas Barack Hussein Obama was elected the 44th President of the United States,

making him the first African-American chief executive and breaking one of the last racial barriers in politics in this country;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of Dr. Carter G. Woodson's efforts to enhance knowledge of Black history started through the Journal of Negro History, published by Woodson's Association for the Study of African-American Life and History; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of Black History Month as an important time to recognize the contributions of African-Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) recognizes that ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 1046 for consideration. This legislation recognizes the significance of Black History Month, which is annually commemorated during the month of February.

Introduced by my colleague, Representative AL GREEN of Texas, on January 27, 2010, House Resolution 1046 enjoys the support of over 60 Members of Congress. Notably, today's floor consideration of the bill offers Members of this body an additional opportunity to pay tribute to the remarkable and diverse contributions that African Americans have made to our Nation's history and culture.

Madam Speaker, as we all know, the month of February marks our annual commemoration of Black History Month. Originally celebrated as Negro History Week in 1926 by Carter G.

Woodson, a renowned African American author and scholar, our annual tribute to the leading role of African Americans in our Nation's history has since grown to a month-long commemorative celebration.

Whether we recall the story of Crispus Attucks, an African American from my home State of Massachusetts who became the first American casualty of the Revolutionary War, or the works of such compelling individuals as Harriet Tubman, Dr. King, Malcolm X, Madam C.J. Walker, and General Colin Powell, we all understand that the contributions of African Americans are intricately woven into our identity as a people and as a Nation.

Similarly, we need not look further than the thousands of brave military service men and women who have served and who are continuing to serve our Nation with honor and distinction at home and abroad, or the distinguished members of our own Congressional Black Caucus, or of course our 44th President of the United States, Barack Obama, to witness the diverse and significant influence of African Americans on American society.

Madam Speaker, it is also important to note that it is not just our African American pioneers or leaders that have made such a difference. Importantly, it is the everyday citizen that is serving as a teacher, a mentor, a pastor, a doctor, a first responder, a public servant, or a parent who continues to impact our Nation's history in an equally powerful and positive way.

Across our Nation, Black History Month is marked by a variety of educational and cultural programs, as well as special celebrations and events designed to share the strength, ingenuity, and accomplishment of our fellow citizens with the world.

Madam Speaker, as we move to recognize Black History Month in 2010, let us all recall the experience and valuable contributions of African Americans to the United States of America. Moreover, let us not forget that black history is, in truth, American history.

I urge my colleagues to join me in supporting House Resolution 1046.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, I am honored today to speak in support of H. Res. 1046, recognizing the significance of Black History Month. Just a few weeks ago we celebrated the life and accomplishments of one great man, Reverend Martin Luther King, Jr., and today we pay tribute to the contributions all African Americans have made to this great country.

Each February we express our appreciation for the perseverance and determination of the African American community, while keeping in mind the adversity they endured. Nothing serves as a better example of this than the civil

rights movement. Dr. King often said it was not the sole efforts of one man, but the collective work of many that brought about change. Today our Nation would not have the strong diversity of which it is so proud.

In order to better understand the experiences that have shaped this Nation, we must continue to learn about the historical struggles and recognize the contributions of African Americans that have enriched our culture and heritage. Our way of life has been bettered by the great African American activists, politicians, artists, writers, poets, scientists, economists, athletes, and entertainers who have contributed to the tapestry of our American culture. The achievements of all these people have encouraged today's youth to strive for a more equal and free country.

Noted leaders such as Harriet Tubman, Rosa Parks, Thurgood Marshall, Frederick Douglass, and of course Martin Luther King, Jr., inspired a nation through their valiant efforts and showed the way to begin the quest to end racial inequality.

In 1926, Harvard scholar Dr. Carter G. Woodson proposed a week-long celebration of black history. Over time, the entire month of February has been designated to commemorate African Americans in America. And today, I speak in support of H. Res. 1046.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I welcome and appreciate the kind remarks of the lady from North Carolina.

In closing, I simply ask all Members to support Representative AL GREEN of Texas, who is the lead sponsor of this resolution. I urge all members to vote "yes" on House Resolution 1046.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of House Resolution 1046 to recognize the significance of Black History Month.

In February of every year, people across the country cast their thoughts on the long and unique history of African-Americans. It is particularly important to do so to both celebrate the accomplishments and remember the lengthy struggle that the African-American community has endured in this country. We have benefitted immensely from notables such as Booker T. Washington, Duke Ellington, Althea Gibson, George Washington Carver, and Zora Neale Hurston in addition to political and civil rights leaders like Martin Luther King, Jr., Shirley Chisholm, Thurgood Marshall, Rosa Parks, and Sojourner Truth.

I am proud of how far we have come as a community, but as we look to the future, I am also reminded of the challenges that the 21st century is presenting to us. African-American ingenuity has been key in developing many of our modern technologies and high-tech devices. However, as the world becomes a more interconnected and technological place, there is an increased need for experts in science, technology, engineering, and math (STEM) professions. This trend makes it remarkably important to nurture and attract America's mi-

nority youth, the fastest growing college-eligible population, to the sciences. For this reason, I am introducing a resolution during Black History Month to recognize the importance of African-American contributions to scientific innovation, and I encourage my fellow colleagues to join me in supporting it.

Madam Speaker, Black History Month is not only a time to look to the past, but also to reflect on the present and prepare for the future. The African-American community has overcome many obstacles throughout our country's history, and as we continue down a path toward prosperity, I know that this community will play an integral role in the years ahead. I encourage my fellow colleagues to support this resolution and join me in recognizing Black History Month.

Mr. JOHNSON of Georgia. Madam Speaker, it is with great pleasure that I rise today in strong support of this resolution recognizing the importance of Black History Month. Each February we come together to commemorate the trials, tribulations, achievements and accomplishments of African Americans throughout history. I applaud the actions of Representative AL GREEN from Texas for bringing this resolution forward.

Recognizing the importance of African-American heritage, Carter G. Woodson, Harvard University's second African-American graduate, in conjunction with Omega Psi Phi fraternity, created Negro History and Literature Week to honor the births of Fredrick Douglass and President Abraham Lincoln. Although the name was eventually changed to Negro History Week in 1926, Americans trace the origins of the month long celebration of African-American history to Woodson's efforts.

Highlighting the historical contributions of numerous African-American luminaries including Martin Luther King Jr., George Washington Carver, and Booker T. Washington, Black History Month celebrates the unique individuals and events that have shaped the African-American diaspora for centuries. From the de-tested years of enslavement, the passage of the Emancipation Proclamation, the social inequities of Jim Crow laws, the famed artistic ingenuity of the Harlem Renaissance, the social evolution of the civil rights movement, and the notable election of Barack Obama, the first African-American President, Black History Month serves as a reminder of the great strides that African Americans have made and the inherent promise of generations to come.

Madam Speaker, the 4th District of Georgia is home to several sites of historical significance among African Americans. Flat Rock, one of the few African-American communities to survive the pre-Civil War era, is the embodiment of what Black History Month promotes—honoring those who have come before us to shape the present. By preserving the legacies of the slaves who founded this community, Flat Rock serves as a lasting piece of black history.

Madam Speaker, and I urge my colleagues to support its passage.

Ms. LEE of California. Madam Speaker, every year in February, America pauses to honor the rich heritage and tremendous contributions of African Americans past and present. Black History Month is a time to recognize and pay tribute to the many trials and

triumphs of African Americans, which are intricately woven into the fabric of our nation. Simply put, Black history is American history.

The theme of Black History Month this year, "The History of Black Economic Employment," could not be more fitting as our nation continues on the road to full economic recovery. The current economic crisis has impacted all Americans, but communities of color, particularly African Americans, have been among the hardest hit. The evidence is clear—glaring disparities between African Americans and others can be found in every economic indicator and they must not be ignored.

The Congressional Black Caucus has long championed the elimination of disparities wherever they exist. Where there is a major disparity between rich and poor or between one race or gender and another, there is a moral gap. The job of the Congressional Black Caucus is to help fill in the moral gaps. For 40 years, the Congressional Black Caucus has sought moral equality, for Black Americans and ultimately all Americans.

As we take this time to acknowledge Black History month we must all recommit ourselves to fulfilling the bedrock principles of our nation: liberty, equality, and opportunity for all. To fill in these gaps for African Americans is to fill them in for all Americans.

Tonight, in particular we pay tribute to unsung heroes who contribute greatly to make our communities better and stronger.

In my district, the Ninth Congressional District of California I'd like to honor some individuals who don't always receive the recognition they deserve.

I will start with Nicole Taylor.

Ms. Taylor is president and CEO of the East Bay Community Foundation and she has been a trailblazer for this philanthropic organization since joining the foundation in 2007.

The East Bay Community Foundation is a leading resource for mobilizing financial resources and community leadership to transform the lives of people in the East Bay. Ms. Taylor and the East Bay Community Foundation have identified two interrelated issues that they believe can lead to this transformation: Support for young children to succeed with a focus on the critical period of birth to third grade, and enhancing economic opportunities for adults and families, particularly those with significant barriers to achieving employment and financial stability. Ms. Taylor has also worked with my district office to develop a Website that was designed to make it easier for non-profits and faith-based organizations to gain access to Recovery funds.

Under her watch, the East Bay Community Foundation managed about \$285 million in charitable funds and made grants over \$34 million in the most recent fiscal year.

Art Shanks, the executive director of the Cypress Mandela Training Center. For the past 17 years, Mr. Shanks has been pioneer in using the development of green jobs to not only to address environment and create green jobs that can serve as a pathway out of poverty.

The Cypress Mandela Training Center is the community resource committed to enhancing the viability of the construction trades industry through quality life skills and technical training in directed pre-apprentice programs. These



programs promote positive life change and teach multi-trade expertise that serve as a bridge for empowering a diverse socio-economic community at large.

Mr. Shanks joined the Cypress Mandela Training Center in Oakland, CA since its inception in 1993. Two years later, Mr. Shanks was elevated to Project Director responsible for the overall operation of the training center, including its economic stability and the development of the curriculum.

As a result of Mr. Shanks' efforts, the Cypress Mandela Training Center has evolved into a nationally acclaimed pre-apprenticeship program. Mr. Shanks has been recognized by the Building Trades for placing well over 1,700 disenfranchised, and under-represented men and women of color into union apprenticeship programs.

Margaret Gordon, commissioner for the Port of Oakland.

Over the last decade, Margaret Gordon has been respected locally as a strong voice of reason and intellect not only in her West Oakland community, but regionally as well. The longtime health and environmental advocate has earned statewide respect on Port issues.

A recipient of the 2007 Alameda County Women's Hall of Fame award, Ms. Gordon is one of the founding members of both the West Oakland Environmental Indicators Project and the Alameda County Stakeholder Project for the Environmental Health Tracking Project. In 2006, Ms. Gordon was a presenter at a Port-related conference concerned with trucking, shipping and logistics sponsored by the Intermodal Maritime Association, while also contributing to the development of two community-based participatory research reports and the publications, "Neighborhood Knowledge for Change" and "Reducing Diesel Pollution in West Oakland". Moreover, during this period she was instrumental in the design of the 7th St/McClymonds Corridor Neighborhood Improvement Initiative and was co-chair of the Citizens Advisory Committee, the group assembled to oversee replacement of the Cypress freeway following the Loma Prieta earthquake in 1989.

In 2001, Ms. Gordon and the Pacific Institute, an environmental research and policy group based in the city of Oakland, launched the West Oakland Environmental Indicators project. The study concluded that diesel emissions in West Oakland were five times higher than the rest of the city. That study promoted the several local efforts to remediate contamination at the Port of Oakland and to increase efforts to reduce diesel emissions.

Most recently, Ms. Gordon co-wrote "Healthy Home Indoor Air Quality Project," a report proposing ways to reduce diesel emissions in the community. The document has been submitted to local and federal environmental health agencies for review.

I will conclude with my good friend Keith Carson, Alameda County Supervisor.

Keith Carson was elected to the Alameda County Board of Supervisors, Fifth District in 1992 on a platform dedicated to inclusive and accessible government.

As a native of Berkeley California, Keith has longstanding roots in the progressive community, yet clearly understands the role business must play in the development of thriving com-

munities. Supervisor Carson has been the Chair of the Alameda County Budget Workgroup for over 10 years and in that time the County has been forced to cut over \$2 Billion out of their budget. Supervisor Carson has brought together County Department Heads, unions, civic leaders to devise yearly formulas for balancing the ever declining budget. The County is the safety net for residents and through this process will continue to struggle to provide much needed life supporting services.

Years before California began a process of dumping state prisoners in local government through their early release program, Supervisor Carson had been attempting to reconnect those who are returning from jail or prison in a way that would allow them to become productive citizens.

Supervisor Carson and I have worked closely with other local elected officials to organize a yearly event allowing people to have their records cleared when appropriate, and provide information about other key services hoping to curb the rate of recidivism. While his work speaks volumes, it is his compassion for people that drives his success. Alameda County is a microcosm of America's ethnic and business diversity. He uses Alameda County's diversity to its fullest in attempting to bring all voices to the decisionmaking process. As he often says "the only way one of us survives is if we all work together".

These are just a few examples of African-American in my district who go to work everyday determined to improve the lives of those who reside in their communities. And today, I salute them.

Mr. DAVIS of Illinois. Madam Speaker, I rise this evening in commemoration of Black History Month as we celebrate and honor the tremendous achievements of African Americans.

At no time in history has there been a greater need to rethink the role of government given the current socio-economic conditions of African Americans residing within disinvested communities wrought with:

Poor performing schools that fail to provide African American children the math, science, and reading skills vital to securing jobs in today's global economy;

Lack of access to sustainable and gainful employment to become productive members of society; and lastly,

Lack of self-sufficiency of income and wealth to ensure the well-being of our children and our nation.

In celebration of the resiliency of African Americans past and present, as the Chair of the Child Welfare Brain Trust, I am hosting a forum tomorrow examining the pathways out of poverty.

This forum will introduce a platform to assess the efficacy of human service programs in light of current socio-economic and budgetary constraints at this crucial time in history. As policymakers, we must decide how to address the needs of all American families living at and below the poverty line, of which Black families constitute a disproportionate share.

We will also examine ways in which select federal programs can be realigned to create more interagency cooperation and collaboration, especially in light of current budgetary constraints. Our nation's future depends on it.

As we celebrate Black History Month, we celebrate with a forward focus in addressing the holistic needs of all Americans.

Mr. BISHOP of Georgia. Madam Speaker, I am pleased to join my distinguished colleague AL GREEN in co-sponsoring H. Res. 1046, which recognizes the significance of Black History Month.

This year, Black History Month marks Abraham Lincoln's 201st birthday, as well as our nation's first anniversary of the inauguration of an African-American president. This remarkable fact truly shows the capacity of our society to transform. Since 1926, February has been dedicated to giving Americans of every ethnicity and race the opportunity to reflect on the struggles of the past and look forward to an even brighter future as we continue working to ensure equality for all Americans. Black History Month is also a reminder that there will still be challenges ahead, and we must stay united as freedom-loving Americans to overcome them.

One sign of this progress is the United States Department of Agriculture's recent announcement of a settlement in the Pigford Case—a lawsuit brought by plaintiffs who were black farmers who sued for compensation for the harm they suffered as a result of unlawful actions of USDA government agents regarding loan applications.

Many African-Americans still struggle with disparities in their workplace, in their educational opportunities, and in their health care. We still have a long way to go before the dream of Dr. Martin Luther King, Jr. and his brethren in the Civil Rights Movement becomes a reality. Let us reeducate ourselves this year as we do every February, to making our country a better, fairer, and kinder place for all Americans.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1046, "Recognizing the significance of Black History Month" and for other purposes, introduced by my distinguished colleague from Texas, Representative GREEN. "Black History Month," recognizes, reflects, and honors the many contributions, achievements and works of African-Americans who have influenced American history through their selflessness and sacrifices. The origins of "Black History Month" derived from Negro History Week, in efforts to enhance the knowledge of Black history started through the Journal of Negro History, published by Dr. Carter G. Woodson's Association for the Study of African-American Life and History. The birthdays of President Abraham Lincoln and abolitionist Frederick Douglass inspired the creation of Negro History Week.

Negro History Week is the precursor to Black History Month, and the month of February has been celebrated as Black History Month since 1926 when a special period of time was set aside to recognize and celebrate the heritage and achievements of African-Americans. Whereas the first African-Americans were brought involuntarily to the shores of the America as early as the 17th century and despite being held in slavery, African-Americans in all walks of life have made significant contributions throughout the history of the United States. Significant contributions made by African-Americans include the—



(1) Writings of Booker T. Washington, Phyllis Wheatley, James Baldwin, Toni Morrison, Ralph Ellison, Zora Neale Hurston, and Alex Haley;

(2) Music of Mahalia Jackson, Billie Holiday, John Coltrane, Bessie Smith, and Duke Ellington;

(3) Resolve of athletes such as Jackie Robinson, Althea Gibson, Jesse Owens, Wilma Rudolph, and Muhammad Ali;

(4) Scientific advancements of George Washington Carver, Charles Drew, Benjamin Banneker, and Mae Jemison;

(5) Vision of leaders such as Frederick Douglass, Mary McLeod Bethune, Thurgood Marshall, Martin Luther King, and Shirley Chisholm; and

(6) Bravery of those who stood on the front lines in the battle against oppression, such as Sojourner Truth, Fannie Lou Hammer, and Rosa Parks.

In the face of injustices, United States citizens of good will and of all races distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and freedom of African-Americans, and Dr. Martin Luther King, Jr. lived and died to make real these noble ideas. He is most known for his "I Have A Dream" speech.

The Honorable Barack Hussein Obama was elected the 44th President of the United States, making him the first African-American Chief Executive. President Obama's election to the U.S. Presidency broke one of the last racial barriers in politics in this country. President Obama has inspired hopes in the lives of many Americans across the country and to people across the globe.

Black History Month is an important time that we recognize the contributions of African-Americans in the Nation's history and encourages the continued celebration of February to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have helped shape the Nation.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1046.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, February 11, 2010.

Hon. NANCY PELOSI,  
*The Speaker,*  
U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, February 11, 2010 at 5:08 p.m., and said to contain a message from the President whereby he submits the 2010 Economic Report of the President.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-81)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Joint Economic Committee and ordered to be printed:

*To the Congress of the United States:*

As we begin a new year, the American people are still experiencing the effects of a recession as deep and painful as any we have known in generations. Traveling across this country, I have met countless men and women who have lost jobs these past two years. I have met small business owners struggling to pay for health care for their workers; seniors unable to afford prescriptions; parents worried about paying the bills and saving for their children's future and their own retirement. And the effects of this recession come in the aftermath of a decade of declining economic security for the middle class and those who aspire to it.

At the same time, over the past two years, we have also seen reason for hope: the resilience of the American people who have held fast—even in the face of hardship—to an unrelenting faith in the promise of our country.

It is that determination that has helped the American people overcome difficult periods in our Nation's history. And it is this perseverance that remains our great strength today. After all, our workers are as productive as ever. American businesses are still leaders in innovation. Our potential is still unrivaled. Our task as a Nation—and our mission as an Administration—is to harness that innovative spirit, that productive energy, and that potential in order to create jobs, raise incomes, and foster economic growth that is sustained and broadly shared. It's not enough to move the economy from recession to recovery. We must rebuild the economy on a new and stronger foundation.

I can report that over the past year, this work has begun. In the coming year, this work continues. But to understand where we must go in the next year and beyond, it is important to remember where we began one year ago.

Last January, years of irresponsible risk-taking and debt-fueled speculation—unchecked by sound oversight—led to the near-collapse of our financial system. We were losing an average of 700,000 jobs each month. Over the course of one year, \$13 trillion of Americans' household wealth had evaporated as stocks, pensions, and home values plummeted. Our gross domestic product was falling at the fastest rate in a quarter century. The flow of credit, vital to the functioning of businesses large and small, had ground to a halt. The fear among economists, from across the political spectrum, was that we could sink into a second Great Depression.

Immediately, we took a series of difficult steps to prevent that catastrophe for American families and businesses. We acted to get lending flowing again so ordinary Americans could get financing to buy homes and cars, to go to college, and to start businesses of their own; and so businesses, large and small, could access loans to make payroll, buy equipment, hire workers, and expand. We enacted measures to stem the tide of foreclosures in our housing market, helping responsible homeowners stay in their homes and helping to stop the broader decline in home values.

To achieve this, and to prevent an economic collapse, we were forced to use authority enacted under the previous Administration to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the collapse of the American auto industry, which faced a crisis partly of its own making, to prevent another round of widespread job losses in an already fragile time. These decisions were not popular, but they were necessary. Indeed, the decision to stabilize the financial system helped to avert a larger catastrophe, and thanks to the efficient management of the rescue—with added transparency and accountability—we have recovered most of the money provided to banks.

In addition, even as we worked to address the crises in our banking sector, in our housing market, and in our auto industry, we also began attacking our economic crisis on a broader front. Less than one month after taking office, we enacted the most sweeping economic recovery package in history: the American Recovery and Reinvestment Act of 2009. The Recovery Act not only provided tax cuts to small businesses and 95 percent of working families and provided emergency relief to those out of work or without health insurance; it

also began to lay a new foundation for long-term growth. With investments in health care, education, infrastructure, and clean energy, the Recovery Act has saved or created roughly two million jobs so far, and it has begun the hard work of transforming our economy to thrive in the modern, global era.

Because of these and other steps, we can safely say that we've avoided the depression many feared. Our economy is growing again, and the growth over the last three months was the strongest in six years. But while economic growth is important, it means nothing to somebody who has lost a job and can't find another. For Americans looking for work, a good job is the only good news that matters. And that's why our work is far from complete.

It is true that the steps we have taken have slowed the flood of job losses from 691,000 per month in the first quarter of 2009 to 69,000 in the last quarter. But stemming the tide of job loss isn't enough. More than 7 million jobs have been lost since the recession began two years ago. This represents not only a terrible human tragedy, but also a very deep hole from which we'll have to climb out. Until jobs are being created to replace those we've lost—until America is back at work—my Administration will not rest and this recovery will not be finished.

That's why I am continuing to call on the Congress to pass a jobs bill. I've proposed a package that includes tax relief for small businesses to spur hiring, that accelerates construction on roads, bridges, and waterways, and that creates incentives for homeowners to invest in energy efficiency, because this will create jobs, save families money, and reduce pollution that harms our environment.

It is also essential that as we promote private sector hiring, we continue to take steps to prevent layoffs of critical public servants like teachers, firefighters, and police officers, whose jobs are threatened by State and local budget shortfalls. To do otherwise would not only worsen unemployment and hamper our recovery; it would also undermine our communities. And we cannot forget the millions of people who have lost their jobs. The Recovery Act provided support for these families hardest hit by this recession, and that support must continue.

At the same time, long before this crisis hit, middle-class families were under growing strain. For decades, Washington failed to address fundamental weaknesses in the economy: rising health care costs, growing dependence on foreign oil, an education system unable to prepare all of our children for the jobs of the future. In recent years, spending bills and tax cuts for the very wealthiest were approved without paying for any of it, leaving behind a mountain of debt. And while Wall Street gambled without re-

gard for the consequences, Washington looked the other way.

As a result, the economy may have been working for some at the very top, but it was not working for all American families. Year after year, folks were forced to work longer hours, spend more time away from their loved ones, all while their incomes flat-lined and their sense of economic security evaporated. Growth in our country was neither sustained nor broadly shared. Instead of a prosperity powered by smart ideas and sound investments, growth was fueled in large part by a rapid rise in consumer borrowing and consumer spending.

Beneath the statistics are the stories of hardship I've heard all across America—hardships that began long before this recession hit two years ago. For too many, there has long been a sense that the American dream—a chance to make your own way, to work hard and support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.

These weaknesses have not only made our economy more susceptible to the kind of crisis we have been through. They have also meant that even in good times the economy did not produce nearly enough gains for middle-class families. Typical American families saw their standards of living stagnate, rather than rise as they had for generations. That is why, in the aftermath of this crisis, and after years of inaction, what is clear is that we cannot go back to business as usual.

That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for prosperity: a foundation on which the middle class can prosper and grow, where if you are willing to work hard, you can find a good job, afford a home, send your children to world-class schools, afford high-quality health care, and enjoy retirement security in your later years. This is the heart of the American Dream, and it is at the core of our efforts to not only rebuild this economy—but to rebuild it stronger than before. And this work has already begun.

Already, we have made historic strides to reform and improve our education system. We have launched a Race to the Top in which schools are competing to create the most innovative programs, especially in math and science. We have already made college more affordable, even as we seek to increase student aid by ending a wasteful subsidy that serves only to line the pockets of lenders with tens of billions of taxpayer dollars. And I've proposed a new American Graduation Initiative and set this goal: by 2020, America will once again have the highest proportion of college graduates in the world. For

we know that in this new century, growth will be powered not by what consumers can borrow and spend, but what talented, skilled workers can create and export.

Already, we have made historic strides to improve our health care system, essential to our economic prosperity. The burdens this system places on workers, businesses, and governments is simply unsustainable. And beyond the economic cost—which is vast—there is also a terrible human toll. That's why we've extended health insurance to millions more children; invested in health information technology through the Recovery Act to improve care and reduce costly errors; and provided the largest boost to medical research in our history. And I continue to fight to pass real, meaningful health insurance reforms that will get costs under control for families, businesses, and governments, protect people from the worst practices of insurance companies, and make coverage more affordable and secure for people with insurance, as well as those without it.

Already, we have begun to build a new clean energy economy. The Recovery Act included the largest investment in clean energy in history, investments that are today creating jobs across America in the industries that will power our future: developing wind energy, solar technology, and clean energy vehicles. But this work has only just begun. Other countries around the world understand that the nation that leads the clean energy economy will be the nation that leads the global economy. I want America to be that nation. That is why we are working toward legislation that will create new incentives to finally make renewable energy the profitable kind of energy in America. It's not only essential for our planet and our security, it's essential for our economy.

But this is not all we must do. For growth to be truly sustainable—for our prosperity to be truly shared and our living standards to actually rise—we need to move beyond an economy that is fueled by budget deficits and consumer demand. In other words, in order to create jobs and raise incomes for the middle class over the long run, we need to export more and borrow less from around the world, and we need to save more money and take on less debt here at home. As we rebuild, we must also rebalance. In order to achieve this, we'll need to grow this economy by growing our capacity to innovate in burgeoning industries, while putting a stop to irresponsible budget policies and financial dealings that have led us into such a deep fiscal and economic hole.

That begins with policies that will promote innovation throughout our economy. To spur the discoveries that will power new jobs, new businesses—

and perhaps new industries—I have challenged both the public sector and the private sector to devote more resources to research and development. And to achieve this, my budget puts us on a path to double investment in key research agencies and makes the research and experimentation tax credit permanent. We are also pursuing policies that will help us export more of our goods around the world, especially by small businesses and farmers. And by harnessing the growth potential of international trade—while ensuring that other countries play by the rules and that all Americans share in the benefits—we will support millions of good, high-paying jobs.

But hand in hand with increasing our reliance on the Nation's ingenuity is decreasing our reliance on the Nation's credit card, as well as reining in the excess and abuse in our financial sector that led large firms to take on extraordinary risks and extraordinary liabilities.

When my Administration took office, the surpluses our Nation had enjoyed at the start of the last decade had disappeared as a result of the failure to pay for two large tax cuts, two wars, and a new entitlement program. And decades of neglect of rising health care costs had put our budget on an unsustainable path.

In the long term, we cannot have sustainable and durable economic growth without getting our fiscal house in order. That is why even as we increased our short-term deficit to rescue the economy, we have refused to go along with business as usual, taking responsibility for every dollar we spend. Last year, we combed the budget, cutting waste and excess wherever we could, a process that will continue in the coming years. We are pursuing health insurance reforms that are essential to reining in deficits. I've called for a fee to be paid by the largest financial firms so that the American people are fully repaid for bailing out the financial sector. And I've proposed a freeze on nonsecurity discretionary spending for three years, a bipartisan commission to address the long-term structural imbalance between expenditures and revenues, and the enactment of "pay-go" rules so that Congress has to account for every dollar it spends.

In addition, I've proposed a set of common sense reforms to prevent future financial crises. For while the financial system is far stronger today than it was one year ago, it is still operating under the same rules that led to its near-collapse. These are rules that allowed firms to act contrary to the interests of customers; to hide their exposure to debt through complex financial dealings that few understood; to benefit from taxpayer-insured deposits while making speculative investments to increase their own profits; and to take on risks so vast that they

posed a threat to the entire economy and the jobs of tens of millions of Americans.

That is why we are seeking reforms to empower consumers with the benefit of a new consumer watchdog charged with making sure that financial information is clear and transparent; to close loopholes that allowed big financial firms to trade risky financial products like credit defaults swaps and other derivatives without any oversight; to identify system-wide risks that could cause a financial meltdown; to strengthen capital and liquidity requirements to make the system more stable; and to ensure that the failure of any large firm does not take the economy down with it. Never again will the American taxpayer be held hostage by a bank that is "too big to fail."

Through these reforms, we seek not to undermine our markets but to make them stronger: to promote a vibrant, fair, and transparent financial system that is far more resistant to the reckless, irresponsible activities that might lead to another meltdown. And these kinds of reforms are in the shared interest of firms on Wall Street and families on Main Street.

These have been a very tough two years. American families and businesses have paid a heavy price for failures of responsibility from Wall Street to Washington. Our task now is to move beyond these failures, to take responsibility for our future once more. That is how we will create new jobs in new industries, harnessing the incredible generative and creative capacity of our people. That is how we'll achieve greater economic security and opportunity for middle-class families in this country. That is how in this new century we will rebuild our economy stronger than ever before.

BARACK OBAMA.  
THE WHITE HOUSE, February 11, 2010.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 7 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MARKEY of Colorado) at 6 o'clock and 30 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2314, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a priv-

ileged report (Rept. No. 111-413) on the resolution (H. Res. 1083) providing for consideration of the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4425, by the yeas and nays, and H.R. 4238, by the yeas and nays.

Remaining postponed votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## MARTIN G. "MARTY" MAHAR POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4425, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4425.

The vote was taken by electronic device, and there were—yeas 330, nays 0, not voting 102, as follows:

[Roll No. 49]  
YEAS—330

Abercrombie	Brady (TX)	Coffman (CO)
Aderholt	Bright	Cohen
Adler (NJ)	Broun (GA)	Cole
Akin	Brown (SC)	Conaway
Alexander	Brown, Corrine	Connolly (VA)
Altmire	Brown-Waite,	Cooper
Andrews	Ginny	Costa
Arcuri	Buchanan	Courtney
Baca	Burgess	Crenshaw
Bachmann	Burton (IN)	Crowley
Bachus	Butterfield	Cummings
Baird	Buyer	Dahlkemper
Baldwin	Cantor	Davis (CA)
Bartlett	Cao	Davis (IL)
Becerra	Capito	Davis (KY)
Berkley	Capps	Davis (TN)
Berman	Capuano	DeGette
Billbray	Cardoza	DeLauro
Bilirakis	Carney	Diaz-Balart, L.
Bishop (GA)	Carson (IN)	Diaz-Balart, M.
Bishop (NY)	Carter	Dicks
Bishop (UT)	Cassidy	Dingell
Blumenauer	Castle	Doggett
Blunt	Castor (FL)	Donnelly (IN)
Boehner	Chaffetz	Doyle
Bonner	Chandler	Driehaus
Boozman	Chu	Duncan
Boswell	Clarke	Edwards (MD)
Boustany	Clay	Edwards (TX)
Boyd	Clyburn	Ellison
Brady (PA)	Coble	Ellsworth

Emerson	Lee (NY)	Richardson
Eshoo	Levin	Rodriguez
Farr	Lewis (CA)	Roe (TN)
Fattah	Lewis (GA)	Rogers (AL)
Flake	Linder	Rogers (KY)
Fleming	LoBiondo	Rogers (MI)
Forbes	Lofgren, Zoe	Rohrabacher
Foster	Lowe	Rooney
Fox	Lucas	Ross
Frank (MA)	Luetkemeyer	Rothman (NJ)
Franks (AZ)	Lujan	Roybal-Allard
Frelinghuysen	Lummis	Royce
Fudge	Lungren, Daniel	Ruppersberger
Gallely	E.	Ryan (WI)
Garamendi	Lynch	Sánchez, Linda
Garrett (NJ)	Maloney	T.
Gerlach	Manzullo	Sarbanes
Gohmert	Marchant	Schakowsky
Gonzalez	Markey (CO)	Schauer
Goodlatte	Markey (MA)	Schiff
Gordon (TN)	Marshall	Schmidt
Grayson	Massa	Schock
Green, Al	Matheson	Schwartz
Green, Gene	Matsui	Scott (GA)
Griffith	McCarthy (CA)	Scott (VA)
Guthrie	McCarthy (NY)	Sensenbrenner
Hall (NY)	McCaul	Serrano
Hall (TX)	McClintock	Sestak
Halvorson	McCotter	Shadegg
Hare	McDermott	Shea-Porter
Harper	McGovern	Shimkus
Hastings (FL)	McHenry	Shuler
Heinrich	McKeon	Shuster
Heller	McMahon	Simpson
Hensarling	McMorris	Skelton
Herger	Rodgers	Slaughter
Hereth Sandlin	Meeks (NY)	Smith (NE)
Hill	Mica	Smith (NJ)
Himes	Michaud	Smith (TX)
Hinche	Miller (FL)	Snyder
Hinojosa	Miller, Gary	Souder
Hirono	Miller, George	Space
Holden	Minnick	Speier
Holt	Mitchell	Spratt
Honda	Mollohan	Stearns
Hoyer	Murphy (CT)	Stupak
Hunter	Murphy (NY)	Sullivan
Inlee	Murphy, Tim	Sutton
Israel	Myrick	Tanner
Issa	Nadler (NY)	Taylor
Jackson (IL)	Napolitano	Terry
Jackson Lee	Nunes	Thompson (CA)
(TX)	Nye	Thompson (PA)
Jenkins	Oberstar	Thornberry
Johnson (GA)	Obey	Tiahrt
Johnson, E.B.	Olson	Tiberi
Johnson, Sam	Olver	Tierney
Jones	Ortiz	Tonko
Kagen	Owens	Towns
Kanjorski	Pallone	Tsongas
Kennedy	Pastor (AZ)	Turner
Kildee	Paul	Upton
Kilroy	Paulsen	Van Hollen
Kind	Payne	Visclosky
King (IA)	Pence	Walden
King (NY)	Perlmutter	Walz
Kingston	Perriello	Wasserman
Kirkpatrick (AZ)	Peters	Schultz
Klein (FL)	Peterson	Waters
Kline (MN)	Petri	Watt
Kosmas	Pingree (ME)	Waxman
Kratovil	Pitts	Weiner
Kucinich	Pollis (CO)	Welch
Lamborn	Posey	Whitfield
Lance	Price (NC)	Wilson (SC)
Langevin	Putnam	Wittman
Larson (CT)	Quigley	Wolf
Latham	Rahall	Woolsey
LaTourette	Rangel	Wu
Latta	Rehberg	Yarmuth
Lee (CA)	Reyes	Young (FL)

## NOT VOTING—102

Ackerman	Boucher	Davis (AL)
Austria	Braley (IA)	Deal (GA)
Barrett (SC)	Calvert	DeFazio
Barrow	Camp	Delahunt
Barton (TX)	Campbell	Dent
Bean	Carnahan	Dreier
Berry	Childers	Ehlers
Biggert	Cleaver	Engel
Blackburn	Conyers	Etheridge
Boccieri	Costello	Fallin
Bono Mack	Cuellar	Filner
Boren	Culberson	Fortenberry

Giffords	Maffei	Ros-Lehtinen
Gingrey (GA)	McCollum	Roskam
Granger	McIntyre	Rush
Graves	McNerney	Ryan (OH)
Grijalva	Meek (FL)	Salazar
Gutierrez	Melancon	Sanchez, Loretta
Harman	Miller (MI)	Scalise
Hastings (WA)	Miller (NC)	Schrader
Higgins	Moore (KS)	Sessions
Hodes	Moore (WI)	Sherman
Hoekstra	Moran (KS)	Sires
Inglis	Moran (VA)	Smith (WA)
Johnson (IL)	Murphy, Patrick	Stark
Jordan (OH)	Neal (MA)	Teague
Kaptur	Neugebauer	Thompson (MS)
Kilpatrick (MI)	Pascarell	Titus
Kirk	Platts	Velázquez
Kissell	Poe (TX)	Wamp
Larsen (WA)	Pomeroy	Watson
Lipinski	Price (GA)	Westmoreland
Loeback	Radanovich	Wilson (OH)
Mack	Reichert	Young (AK)

## □ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 49, I was away from the Capitol. Had I been present, I would have voted "yea."

#### MOMENT OF SILENCE IN MEMORY OF REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute.)

Mr. KANJORSKI. As most Members of this Chamber know, we recently lost a dear friend and colleague. Congressman Jack Murtha passed away on February 8 after complications from gallbladder surgery.

Jack recently became the longest-serving Member of Congress from Pennsylvania ever. Jack was dedicated to his country, our military troops, and the people of Pennsylvania that he represented for 36 years. He will be greatly missed by our delegation, our State, and the entire Nation.

On Wednesday, there will be a Special Order following votes in memory of Jack Murtha. Anyone wishing to speak may contact my office for that privilege.

In closing, I respectfully request a moment of silence in memory of our dear friend, Jack Murtha.

I yield to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, I first got to know Jack as a freshman legislator in the Pennsylvania House of 1973-1974, where he and I served together until he was elected to Congress in 1974. We were both Vietnam veterans—the only two in the State house, so we had something in common with that that we chatted about.

Jack served his community in western Pennsylvania as both the State and Federal Representative for nearly four decades, and he will be missed by his

hometown of Johnstown and residents of the 12th Congressional District.

He served his country as a Marine drill instructor. As an officer, he remained in the Reserves after leaving full-time service in 1955. He volunteered to return to full-time service in 1967, and he served honorably in Vietnam, earning a Bronze Star with Valor and two Purple Hearts.

Even after being elected to the House in Congress, Representative Murtha continued his service in the Reserves, finally retiring as a colonel in 1990. Just a few weeks ago, he became the longest-serving Pennsylvania Member of the House of Representatives.

He will be dearly missed by his wife of 55 years and his children and grandchildren that he leaves behind. I join with my colleagues in the Pennsylvania delegation to extend our condolences to his family and friends.

Tonight, we honor his service.

The SPEAKER. Will all Members please rise for a moment of silence.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

#### W.D. FARR POST OFFICE BUILDING

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4238, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4238.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 331, nays 0, not voting 101, as follows:

[Roll No. 50]

YEAS—331

Abercrombie	Bonner	Carter
Aderholt	Boozman	Cassidy
Adler (NJ)	Boswell	Castle
Akin	Boustany	Castor (FL)
Alexander	Boyd	Chaffetz
Altmire	Brady (PA)	Chandler
Andrews	Brady (TX)	Chu
Arcuri	Bright	Clarke
Baca	Brown (GA)	Clay
Bachmann	Brown (SC)	Clyburn
Bachus	Brown, Corrine	Coble
Baird	Brown-Waite,	Coffman (CO)
Baldwin	Ginny	Cohen
Bartlett	Buchanan	Cole
Becerra	Burgess	Conaway
Berkley	Burton (IN)	Connolly (VA)
Berman	Butterfield	Cooper
Billray	Buyer	Costa
Bilirakis	Cantor	Courtney
Bishop (GA)	Cao	Crenshaw
Bishop (NY)	Capito	Crowley
Bishop (UT)	Capps	Cummings
Blackburn	Capuano	Dahlkemper
Blumenauer	Cardoza	Davis (CA)
Blunt	Carney	Davis (IL)
Boehner	Carson (IN)	Davis (KY)

Davis (TN)	Kosmas	Rahall
DeGette	Kratovil	Rangel
DeLauro	Kucinich	Rehberg
Diaz-Balart, L.	Lamborn	Reyes
Diaz-Balart, M.	Lance	Richardson
Dicks	Langevin	Rodriguez
Dingell	Larson (CT)	Roe (TN)
Doggett	Latham	Rogers (AL)
Donnelly (IN)	LaTourette	Rogers (KY)
Doyle	Latta	Rogers (MI)
Driehaus	Lee (CA)	Rohrabacher
Duncan	Lee (NY)	Rooney
Edwards (MD)	Levin	Roskam
Edwards (TX)	Lewis (CA)	Ross
Ellison	Lewis (GA)	Rothman (NJ)
Ellsworth	Linder	Roybal-Allard
Emerson	LoBiondo	Royce
Engel	Lofgren, Zoe	Ruppersberger
Eshoo	Lowey	Ryan (WI)
Farr	Lucas	Sánchez, Linda T.
Fattah	Luetkemeyer	Sarbanes
Flake	Lujan	Schakowsky
Fleming	Lummis	Schauer
Forbes	Lungren, Daniel E.	Schiff
Foster	Lynch	Schmidt
Fox	Maloney	Schock
Frank (MA)	Manzullo	Schwartz
Franks (AZ)	Marchant	Scott (GA)
Frelinghuysen	Markey (CO)	Scott (VA)
Fudge	Markey (MA)	Sensenbrenner
Gallely	Marshall	Serrano
Garamendi	Massa	Sestak
Garrett (NJ)	Matheson	Shadegg
Gerlach	Matsui	Shea-Porter
Gohmert	McCarthy (CA)	Shimkus
Gonzalez	McCarthy (NY)	Shuler
Goodlatte	McCaul	Simpson
Gordon (TN)	McClintock	Skelton
Grayson	McCotter	Slaughter
Green, Al	McDermott	Smith (NE)
Green, Gene	McHenry	Smith (NJ)
Griffith	McKeon	Smith (TX)
Guthrie	McMahon	Snyder
Hall (NY)	McMorris	Souder
Hall (TX)	Rodgers	Space
Halvorson	Meeks (NY)	Speier
Hare	Mica	Spratt
Harper	Michaud	Stearns
Hastings (FL)	Miller (FL)	Stupak
Heinrich	Miller, Gary	Sutton
Heller	Miller, George	Tanner
Hensarling	Minnick	Taylor
Herger	Mitchell	Terry
Herseth Sandlin	Mollohan	Thompson (CA)
Hill	Murphy (CT)	Thompson (PA)
Himes	Murphy (NY)	Thornberry
Hinche	Murphy, Tim	Tiahrt
Hinojosa	Myrick	Tiberi
Hirono	Nadler (NY)	Tierney
Holden	Napolitano	Tonko
Holt	Nunes	Towns
Honda	Nye	Tsongas
Hoyer	Oberstar	Turner
Hunter	Obey	Upton
Inslee	Olson	Van Hollen
Israel	Oliver	Visclosky
Issa	Ortiz	Walden
Jackson (IL)	Owens	Walz
Jackson Lee	Pallone	Wasserman
(TX)	Pastor (AZ)	Schultz
Jenkins	Paul	Waters
Johnson (GA)	Paulsen	Watson
Johnson, E.B.	Payne	Watt
Johnson, Sam	Pence	Waxman
Jones	Perlmutter	Weiner
Kagen	Perriello	Welch
Kanjorski	Peters	Whitfield
Kennedy	Peterson	Wilson (SC)
Kildee	Petri	Wittman
Kilroy	Pingree (ME)	Wolf
Kind	Pitts	Woolsey
King (IA)	Polis (CO)	Wu
King (NY)	Posey	Yarmuth
Kingston	Price (NC)	Young (FL)
Kirkpatrick (AZ)	Putnam	
Klein (FL)	Quigley	
Kline (MN)		

## NOT VOTING—101

Ackerman	Berry	Brale (IA)
Austria	Biggart	Calvert
Barrett (SC)	Bocieri	Camp
Barrow	Bono Mack	Campbell
Barton (TX)	Boren	Carnahan
Bean	Boucher	Childers

Cleaver	Johnson (IL)	Poe (TX)
Conyers	Jordan (OH)	Pomeroy
Costello	Kaptur	Price (GA)
Cuellar	Kilpatrick (MI)	Radanovich
Culberson	Kirk	Reichert
Davis (AL)	Kissell	Ros-Lehtinen
Deal (GA)	Larsen (WA)	Rush
DeFazio	Lipinski	Ryan (OH)
Delahunt	Loebbeck	Salazar
Dent	Mack	Sanchez, Loretta
Dreier	Maffei	Scalise
Ehlers	McCollum	Schrader
Etheridge	McGovern	Sessions
Fallin	McIntyre	Sherman
Filner	McNerney	Shuster
Fortenberry	Meek (FL)	Sires
Giffords	Melancon	Smith (WA)
Gingrey (GA)	Miller (MI)	Stark
Granger	Miller (NC)	Sullivan
Graves	Moore (KS)	Teague
Grijalva	Moore (WI)	Thompson (MS)
Gutierrez	Moran (KS)	Titus
Harman	Moran (VA)	Velázquez
Hastings (WA)	Murphy, Patrick	Wamp
Higgins	Neal (MA)	Westmoreland
Hodes	Neugebauer	Wilson (OH)
Hoekstra	Pascarell	Young (AK)
Inglis	Platts	

## □ 1919

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 50, I was away from the Capitol. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 49 and 50.

# EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE JOHN P. MURTHA, A REPRESENTATIVE FROM THE COMMONWEALTH OF PENNSYLVANIA

Mr. KANJORSKI. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 1084

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable John P. Murtha, a Representative from the Commonwealth of Pennsylvania.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. KANJORSKI. Madam Speaker and colleagues, it is with great sadness as well as a great deal of honor that I rise this evening to commemorate and to celebrate the life of our friend and colleague, Congressman John Murtha of Pennsylvania's 12th District.

As we mourn the loss of Jack Murtha and remember his life, I pass along my thoughts and prayers to his family and friends. Just days before his passing, Jack became the longest serving Member of Congress ever from Pennsylvania.

I am privileged to have had the opportunity to work closely with Jack during our time together in Congress, and I am honored to have called him my friend. I thought the other day, upon returning from Pittsburgh and the funeral in Johnstown, that Jack and I had spent more than 5,000 days together, and more than 2 or 3 hours each day, during our service in Congress together. That is probably longer than most husbands and wives spend together. And maybe that accounts for the fact that I feel such a loss.

I looked up to Jack for his dedication to our country and our military troops, his strength to work in a bipartisan way, and his passion for his work and the Pennsylvanians he represented. Throughout his career in public service, Jack has been a symbol of the hardworking Pennsylvanians throughout the Commonwealth.

Jack dedicated his life to serving our country both in the military, in the halls of Congress, and the State legislature of Pennsylvania. A former Marine, he became the first Vietnam combat veteran elected to the United States Congress.

When he arrived here in 1974, he quickly attracted the attention of then majority leader and future Speaker Tip O'Neill, who became Jack's mentor. Tip taught him that all politics is local, which enabled him to become an effective advocate for his own congressional district and for initiatives throughout our State.

Jack's contributions to Pennsylvania are endless. When Pennsylvania's Children's Health Insurance Program, CHIP, was slated to be eliminated by Federal regulations, Jack convinced the Clinton administration to be more flexible, and ultimately saved the program. When our steel industry was in crisis, he convinced the Reagan administration to impose higher tariffs on foreign steel, giving domestic producers an edge.

When the Philadelphia Shipyard was threatened with closure, he secured funding to keep ship production going. When the United States Army was forming the Stryker Brigades, Jack helped convince Army leaders to field one within the Pennsylvania National Guard, creating the first and only brigade of its kind in the reserve component. When the National Park Service wanted to construct a new museum and visitors center at Gettysburg, he secured funding to make the project possible.

When a decades-long mine fire threatened the residents of Centralia, Pennsylvania, Jack worked to secure

funding to buy the town and relocate the residents. When the health care benefits of retired miners were in trouble, he twice secured funding to help save their benefits from termination.

When Flight 93 crashed in Stonycreek Township, Pennsylvania, Jack was there the next day to survey the scene, and later introduced legislation which was enacted establishing a national memorial in honor of the passengers and crew.

When he found out that diabetes was becoming an epidemic in the military and throughout Pennsylvania, Jack secured over \$150 million for research, prevention, education, and outreach programs.

Jack led our Pennsylvania delegation for almost 36 years with passion and dedication. The legacy that he has left will surely live on as a symbol of the great work that one man can do, and is something that we can all strive to achieve. The Pennsylvania delegation is honored to pay tribute to his life this evening and say good-bye to a dear friend and colleague.

Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Madam Speaker, I thank my good friend, Mr. KANJORSKI, for yielding and this opportunity to take time to remember and to recognize the life and the public service of Congressman John Murtha.

As a freshman, and being here 14 months, I had the opportunity to just get to know the Congressman when I joined this chamber a little over a year ago. And I will say that Congressman Murtha, as the dean of the delegation, and someone who had been here almost four decades, yet despite that, he reached out to an individual who was a freshman, a rookie, and whenever I saw Congressman Murtha, he was always quick to ask how things were going, how people were treating me, and was there anything he could do for me. He had that bipartisan approach. He was first and foremost from Pennsylvania, as opposed to identifying as a party.

Congressman Murtha, as I had gotten to know him, we had some common ties. I found out he had such a sense of public service. As Mr. KANJORSKI mentioned, he certainly will be missed by the people of Cambria County and throughout his entire congressional district. And his sense of public service really I believe grew out of his experiences in scouting. Congressman Murtha was an Eagle Scout. And within scouting, learned those principles of leadership and citizenship and service, and went on to serve as a decorated war hero in the United States Marines, and continued that service right up until just 1990 in his service, retiring as a colonel.

□ 1930

And today, we remember Congressman Murtha in his public service as he

went on to be the longest serving Member in the United States House of Representatives from Pennsylvania.

All of our prayers go out to Congressman Murtha's wife and his family at this time as we take this time to pause and give thanks and honor the life of Congressman John Murtha.

#### GENERAL LEAVE

Mr. KANJORSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1084.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentleman from Pennsylvania (Mr. Murtha), the whole number of the House is 433.

#### APPOINTMENT OF MEMBERS TO THE COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE JOHN P. MURTHA

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Speaker on February 16, 2010, appointed the following Members of the House to the committee to attend the funeral of the late Honorable John P. Murtha:

The gentleman from Pennsylvania, Mr. KANJORSKI

The gentlewoman from California, Ms. PELOSI

The members of the Pennsylvania delegation:

Mr. HOLDEN

Mr. DOYLE

Mr. FATTAH

Mr. PITTS

Mr. BRADY

Mr. PLATTS

Mr. SHUSTER

Mr. GERLACH

Mr. TIM MURPHY

Mr. DENT

Ms. SCHWARTZ

Mr. ALTMIRE

Mr. CARNEY

Mr. PATRICK MURPHY

Mr. SESTAK

Mrs. DAHLKEMPER

Mr. THOMPSON

Other Members in attendance:

Mr. LARSON (CT)

Mr. BECERRA

Mr. CROWLEY

Ms. WASSERMAN SCHULTZ

Mr. RANGEL

Mr. DICKS

Ms. KAPTUR

Mr. LEVIN

Mr. MOLLOHAN

Ms. SLAUGHTER

Mr. TAYLOR

Mr. ANDREWS

Mr. MORAN (VA)

Mr. BISHOP (GA)

Ms. CORRINE BROWN (FL)

Ms. ESHOO

Mr. KENNEDY

Mr. BERRY

Ms. KILPATRICK (MI)

Mr. KUCINICH

Mrs. MCCARTHY

Mr. PASCRELL

Mr. REYES

Mr. ROTHMAN

Mr. CAPUANO

Mr. HOLT

Mr. WEINER

Mr. RYAN (OH)

Ms. MATSUI

Mr. COHEN

Mr. COURTNEY

#### IT IS TIME TO PASS HEALTH CARE REFORM

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. I would like to thank my dear friend, Mr. KANJORSKI, for offering a privileged resolution.

My simple words are that this House was privileged to have a man like John Murtha walk these halls and this floor. I know that as he is honored on Wednesday night with a Special Order, we will gather to celebrate and commemorate a life well lived not only for his family, but for his country and for the people that he loved and the military that he served and respected.

Madam Speaker, I come as well today to speak very quickly about the President's issuance of a health care reform package. Everywhere I have gone in my district there are people crying out for relief, and that relief comes in terms of no preexisting disease, lower premium costs, the insuring of 36 million, and the opportunity for people to go into an exchange and find the insurance that they can subscribe to, including that which covers those of us in Congress. We have to stop those who are dying, 45,000, who live without insurance. It is time to pass health care reform now.

# CONGRATULATING THE DAILY PRESS ON ITS 100TH ANNIVERSARY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to congratulate a small town newspaper on its 100th anniversary. The Daily Press in St. Marys, Pennsylvania, was started in February 1910 by founders John A. Dippold, John S. Speer, and William A. Timm. Owners have changed, the paper has moved and it has merged with the Elk County Gazette, but it has remained in continuous operation into its centennial year with more than 5,300 subscribers.

The Daily Press is the first and only newspaper published in St. Marys. It sells for 50 cents and is published 6 days a week, Monday through Saturday. And it still provides a service that people want—local, community, school, and church news. It has changed through the years from the use of early printers and Linotype to today's computers and Web site, but as larger newspapers are closing across the Nation, smaller community newspapers have remained strong because of the services they provide.

From potholes to politics, publisher Darlene Coder, her editor, and two reporters cover the community. They know the people, cover the organizations, and do an outstanding job of reporting the news that fits the region. I commend the Daily Press and its staff and wish them another 100 years of success.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

### GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days to enter remarks into the RECORD on this topic of Black History Month.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I appreciate the opportunity to anchor this Special Order hour for the Congressional Black Caucus. Currently, the CBC is chaired by

the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, and I represent the 11th Congressional District of Ohio.

CBC members are advocates for human rights and advocates for families, nationally and internationally. We also play a significant role as local and regional activists. We work diligently to be the conscience of the Congress, but also provide dedicated and focused service to the citizens and congressional districts that have elected us.

The vision of the founding members of the Congressional Black Caucus was to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens. It continues to be a beacon and focal point for the legislative work and political activities of the Congressional Black Caucus today. To celebrate the month of February, we are proud to present a reflection on black history. Specifically, we will herald the unsung history makers in our communities.

The origin of Black History Month, just for the record, what we now call Black History Month, was originated in 1926 by Carter G. Woodson as Negro History Week. The month of February was selected in deference to Frederick Douglass and Abraham Lincoln, who were both born in that month.

The son of a slave, Carter G. Woodson was born in New Canton, Virginia, in 1875. He began high school at the age of 20 and then proceeded to study at Berea College, the University of Chicago, the Sorbonne, and Harvard University, where he earned a Ph.D. in 1912.

Woodson founded the Association for the Study of Negro Life and History in 1915 to train black historians and to collect, preserve, and publish documents on black life and black people. He also founded the Journal of Negro History, Associated Publishers, and the Negro Bulletin. Woodson spent his life working to educate all people about the vast contributions made by black men and women throughout history. Mr. Woodson died in 1950. Black History Month continues his legacy of educating everyone about black history, which is American history.

I am privileged to commend several amazing trailblazers within my congressional district's African American community.

David Albritton. David Albritton lived from 1913 to 1994, a pioneering African American in the Ohio General Assembly. Interestingly enough, he was also a high jumper in the Olympic games.

Albritton was born in Danville, Alabama, the hometown of Jesse Owens. Like Owens, Albritton was raised in the great city of Cleveland and became a track star at East Technical High School. Albritton also accompanied Owens to Ohio State University and

the 1936 Olympic games in Berlin. During tryouts for the Olympics, he tied a world record of 6 feet, 9½ inches in the high jump.

In 1960, he moved into public service when he won a seat in the Ohio House of Representatives. In the House, he was named Chair of the House Interstate Cooperation Committee, making him the first African American in Ohio history to head a House committee. Albritton, a black hero raised in Cleveland, Ohio, is a member of the National Track and Field Hall of Fame, the Ohio Sport Hall of Fame, and the Ohio State Athletic Hall of Fame.

Then, Madam Speaker, there is Harry Smith. Harry C. Smith was born in 1863. He was a pioneer of the black press. Shortly after graduating from Central High School in Cleveland, Ohio, he founded the Cleveland Gazette. The newspaper would become the longest publishing black weekly in America, earning its nickname "The Old Reliable." It never missed a Saturday publication date in 58 years.

Like Albritton, Smith was also a member of the Ohio General Assembly. In the course of his three-term career, Smith sponsored the Ohio Civil Rights Law of 1894 that established penalties against discrimination in public accommodations. In 1896, Smith sponsored the Mob Violence Act of 1896, which was an antilynching law. Though he lost his bids for the Republican nomination for Governor in 1926 and in 1928, he broke ground as the first black candidate for the position of Governor.

□ 1945

Fannie Lewis: Fannie Lewis was a dynamic, revered, and respected member of Cleveland's City Council who passed away in 2008. Lewis was actually a native of Memphis, Tennessee, who moved north to Cleveland in 1951.

A decade after she moved to her new hometown, she began her public life as a community activist in the Hough neighborhood. Even after she was elected to council in 1979, she kept her grassroots approach to politics—looking out for her hardworking constituents. Councilwoman Lewis fought relentlessly for her ward, never giving in and never giving up on Hough.

This dedication led to the passage of the Fannie M. Lewis Cleveland Resident Employment law, which requires construction projects receiving \$100,000 or more in funding from the city to employ people who live in the city on those projects.

Jane Edna Hunter: Jane Edna Hunter was a prominent African American social worker who founded Cleveland's Phyllis Wheatley Association.

Born to a sharecropper, Hunter defied the odds and graduated with a nursing degree. She later attended Marshall Law School in Cleveland, and passed the Ohio bar examination.



In addition to her legal career, Hunter was a dedicated philanthropist. She organized the Phyllis Wheatley Association in 1911 to provide safe living quarters for unmarried African American women and girls.

Following retirement, she founded the Phyllis Wheatley Foundation, a scholarship fund for African American high school graduates. She also founded the Women's Civic League of Cleveland, belonged to the NAACP, and served as vice president and executive committee member of the National Association of Colored Women.

Highly esteemed around the Nation, Hunter was granted honorary degrees from Fisk University in Nashville, Tennessee, Allen University in Columbia, South Carolina, and Central State University in Wilberforce, Ohio.

Mary Brown Martin: Mary Brown Martin, who championed academic achievement for all children, was the first black woman elected to the Cleveland Board of Education.

She was born in Raleigh, North Carolina, to former slaves. In 1886, she moved to Cleveland, where she graduated from Central High School in 1900.

In the 1920s, Martin was dedicated to teaching in the Cleveland public schools. She was profoundly dedicated to the students, and she advocated for their needs.

To increase her advocacy for children, she ran and was elected to the Board of Education in 1930. She served three terms. The Mary B. Martin Elementary School on Brookline Avenue was named in honor of her service.

Lastly, Madam Speaker, the black commanders of Cleveland: I congratulate Deputy Chief Prioleau Green, Commander Dwayne Drummond, Commander Ellis Johnson, Commander Dean McCaulley, Commander Leroy Morrow, and Commander Calvin Williams from Cleveland, Ohio.

These outstanding law enforcement officers have honorably served and protected the people of Cleveland for more than 20 years, and they are still serving our city today. These outstanding officers were recently recognized by The Call and Post newspaper for their tireless service, exemplary leadership, and commitment to the community.

I am proud they are among our police department's leadership—protecting our people and risking their lives to keep our community safe.

I am proud of all of these amazing black heroes who have given Cleveland its legacy of excellence and its legacy of activism. The 11th Congressional District of Ohio, which includes Cleveland, is a great place to live with its amazing history of black involvement and achievement.

I now yield to my colleague from Texas, Representative JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank the Congresswoman from Cleveland, Ohio, Congresswoman FUDGE, for

her leadership on providing for the CONGRESSIONAL RECORD a recounting of the history of African American people and for particularly highlighting the notables of her congressional area.

I rise today to join as a participant in the Congressional Black Caucus special hour celebrating black history. It's interesting that my friend and colleague started out with Dr. Woodson, who is called the "father of black history." I was sitting in church, at the Greater St. Matthew Church, where Pastor Gusta Booker is the presiding minister and pastor. In their black history program, a young man stood up and recounted the history of Carter G. Woodson.

That is what black history is about—the carrying on of the story, the embedding of the history of a people who are part of this American landscape into the hearts and minds of our young leaders. That is what our purpose should be today, as our message will be forever embedded in the CONGRESSIONAL RECORD—that on this day, February 22, 2010, we stood to honor those who made a difference.

In my congressional district, let me simply call the roll:

Mr. John Chase, one of the first African American architects and, clearly, a person who paved the way for architects to follow.

Dr. John B. Coleman, one of the first African American doctors. He has a highway named after him. His son is Representative Garnet Coleman, who is a leader in his own right and who is a senior member of the Texas legislature. The legacy continues.

Dr. Zeb Poindexter, Sr., one of the first African American dentists who built a building and who began serving our community, and now his legacy is passed on to his son.

Dr. Edith Irby Jones, one of the first graduates from the University of Arkansas Medical School, who has been in the practice of medicine in Houston, Texas, for 50 years.

E.M. Knight, one of the champions of political advocates and social justice advocates, now passed, who advocated for the right of African Americans in Houston to vote.

Christie Adair, of whom I had the privilege of sitting, in essence, at her feet as the first secretary of the NAACP, which was a real accomplishment for women during those days.

Moses Leroy, a union fighter, an advocate for social justice.

The Reverend C.L. Jackson, who followed a great pastor at the Pleasant Grove Baptist Church and who really was the first pastoral architect of the largest church in our community, a dome church, built when others said it could not be built.

The Reverend Jack Yates, who organized and led the Fourth Ward/Freedman's Town, who our Jack Yates High School is named after. This pastor was a social activist as well.

The Reverend Bill Lawson, who came to Texas Southern University as a young pastor and led those students through the civil rights movement.

Then I would like to emphasize the fact that out of these leaders comes so much, and much of it is done by members of the Congressional Black Caucus. Let me continue in the roll call:

Constable A.B. Chambers, in Texas, the first African American constable-law enforcement officer in the history of the State of Texas, since passed.

Constable May Walker, the first African American woman law enforcement officer and constable in the State of Texas.

Chief Lee P. Brown, the first African American chief of police in Houston, Texas who came after a rough and often violent experience between the African American community and those who did not understand diversity. The chief of police brought such grand opportunities.

Let me just finish so that I can show the nexus between these leaders in Houston, Texas, and the leaders whom I want to honor in the Congressional Black Caucus:

Adam Clayton Powell, who chaired one of our most important committees, who was one of the architects of Medicare and Medicaid and who fought for the establishment of the Department of Labor and who fought for the opportunity for people to work.

The Honorable Shirley Chisholm, who reminds us that she was unbossed and unbought and who reminded all of us that, even if named to the Agriculture Committee as the new freshman Congresswoman, she rose to be a fighter for justice but also to be an architect of legislation that helped her constituents in a place called Brooklyn, as she would say.

Then my colleagues who were my predecessors:

The Honorable Barbara Jordan, who said that she didn't mind being called a "politician" as long as she could be called a "good politician." We will never forget her words "we the people" as she sat on the impeachment proceedings of Richard Nixon. She established the vitality of the Constitution, and we will be forever indebted to her voice and her words.

Then, of course, the Honorable Mickey Leland, of which so much in this Congress is named after. But more importantly, he left a spirit of humanitarianism that has never been overcome. Mickey cared for those who could not care for themselves. He died on the side of an Ethiopian mountain, trying to feed those who were starving in Ethiopia, but he left in his memory many things, including the Mickey Leland Kibbutzim program, the Mickey Leland Internship and the Mickey Leland Hunger Center, because hunger has not been stamped out. Mickey's memory continues to be part of that.

My immediate predecessor, the Honorable Craig Washington, 25 years in the Texas State senate. At that time, he was known as the single champion for justice.

As the Congresswoman from the 18th Congressional District, it is important to note that we are part of a synergism. That is what black history is about. So, when we talk about black radio, it was a creature of the advocacy of African Americans. When we talk about cable and about the expansion of diverse programming, it is a creature of African Americans in the United States Congress. When we now talk about health care reform and about speaking to the issues of disparities and of making sure that health care reform fits our communities, it is, in fact, a creature of the United States Congress and members of the Congressional Black Caucus.

In conclusion, let me pay tribute to one Member whom I had the privilege of working with, Juanita Melinda McDonald. She passed. I am reminded that she became the first African American chairwoman of the House Administration Committee. What she did as a member of that committee was, again, to focus this Congress on the wide diversity of the Congress, helping to put the first portrait of an African American woman Congressperson—that had never been done. She helped to work with me and C. Delores Tucker on establishing the opportunity for the Sojourner Truth Bust to be placed in the United States Congress.

We have so many giants, and this is a very important time to be able to say "thank you" to them. I stand with a great appreciation, and for this CONGRESSIONAL RECORD to reflect that, as we have had those who have gone on, what they have done has generated opportunities for so many today.

I thank my colleague, and yield back. Ms. FUDGE. Thank you very much.

I now yield to my friend and colleague from the Virgin Islands, Representative CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE, and thank you once again for holding this Special Order. I know how difficult it is to do this week after week, and we really appreciate all of your efforts.

Madam Speaker, I join my colleagues in the Congressional Black Caucus this evening in our tribute to Black History Month. Since we are largely a black community, I want to use this time to speak about my home district, the U.S. Virgin Islands, the United States Virgin Islands.

I feel the need to do this because the mainstream media and some of our colleagues have been treating my district as though we were not a part of this country. Recently, some of our Republican colleagues in this body have even taken to using funding to my district

as the poster child for spending that Americans simply cannot afford. Because we have been blessed with sunshine and beaches, and because most Americans from the States have only the images of people at play to reference our territory, we are often targeted as not deserving of stimulus funding, as being too expensive to be funded in health care, as not requiring homeland security, even though it is for the protection of the entire United States as well as for us, as not deserving of our funding to preserve our precious natural areas, as too beautiful for Federal officials to come to for hearings and site visits that are done in other districts. There are other unfair characterizations that overlook the fact that we are a community with health, education, economic development, and other needs just like other districts represented in this body.

We are Americans, and our people have fought and died in every conflict from the American Revolution through the world wars and right through to the present conflicts in Afghanistan, Iraq, and other points around the world. Today, 200 of my constituents are in Kosovo and Guantanamo, and others are about to be called up to other parts of the world. They serve in our National Guard. We are proud of them in their service. Like our sister territories, we have given more lives per capita in our wars and conflicts than most other States.

Well, Madam Speaker and colleagues, we are tired of being spoken of as though we are not part of the American family, and I wanted to use this opportunity to point out the familial bonds which stretch all the way to the founding of this Nation.

The Virgin Islands became a part of the American family in 1917 as this country needed a strategic presence in the Caribbean to help defend the Panama Canal during World War I. There was talk long before in the administration of President Abraham Lincoln of purchasing our island territories, but those talks stalled, and we were not to be transferred to U.S. authority until the Woodrow Wilson administration. During that time, our forefathers were not consulted about the sale and had no opportunity to say yea or nay. Yet we accepted our new Nation, as difficult and denigrating as those first years were for us, determined to make the best of it for us and for the United States of America. Let's go even further back than that.

During the Revolutionary War, St. Croix served as a transshipment point for the gunpowder for the Revolutionary Army, not to mention that our rum, which some tend to malign today, helped warm the soldiers during those cold nights on the battlefield. We were major fueling and ship repair stops for ships of the new American Nation and for others crossing the Atlantic.

One of our sons of the Marco Family, who served in the Revolutionary War, created the very first version of the flag for the 13 colonies. According to some accounts, the first salute to the stars and stripes occurred in the St. Croix harbor in 1776.

So we are not new to the support of and loyalty to this country, and we have and continue to serve and honor it in any way we can. The Virgin Islands proudly count as one of our own one of the great Founding Fathers of this Nation, Alexander Hamilton. He, of course, is credited, among other important contributions, with creating the Nation's financial system, and he served as the first Secretary of the Treasury.

□ 2000

He came to St. Croix as a boy of about 9 years old, and it was his education and training there in the shipping industry that covered the American and Caribbean ports which laid the foundation for the path he, and, indeed, our country, was to follow.

Many other early leaders of this country had ties to the Virgin Islands. There are many more, too numerous to name them all. But as we celebrate Black History Month, we can point to several other important persons who have helped to shape the United States that we know today. And note that I'm focusing on those who made their biggest contributions to our Nation. There are countless more also worthy of recognition who have guided and continue to guide us in the United States Virgin Islands.

The first person I want to mention is William Alexander Leidesdorff, a native of St. Croix, credited with being the first black millionaire. He helped to build the City on the Bay. He was a member of San Francisco's first town council, helped create its first school, opened its first hotel, and was the city's first treasurer.

J. Raymond Jones of New York, who was known as the Silver Fox of Tammany Hall in New York City, hailed from St. Thomas. Also born in St. Thomas, Terrence Todman served this country as ambassador for many distinguished years in Argentina, Denmark, and other countries.

One of the intriguing writers of the Harlem Renaissance, Nella Larsen Imes, also hailed from our shores. Arthur Schomburg, for whom the Center for Research in Harlem is named, is from a St. Croix family. In the U.S. labor movement, St. Thomas's Ashley Totten was a lieutenant of A. Phillip Randolph in the founding of the Brotherhood of Sleeping Car Porters.

Frank Rudolph Crosswaith, another labor luminary, created the Trade Union Committee for Organizing Negro Workers, the Negro Labor Committee, and became a founding member of the anti-Communist Union for Democratic Action.

Famous American musicians who hailed from the U.S. Virgin Islands include Benny Benjamin, who wrote "I Want to Set the World on Fire," and Jon Lucien, a jazz favorite for many generations. There are many, many others.

In sports, we have Tim Duncan of the San Antonio Spurs and Raja Bell of the Phoenix Suns. They follow in the footsteps of many other mainstays from the golden era of American baseball like Horace Clarke, Valmy Thomas, Joe Christopher, and all the others who came from the Virgin Islands. And we have many young stars who are making their name in track and field and other areas.

Our boxing legends include Emile Griffith, Livingston Bramble, and Julian Jackson. There are many more, as I said, in sports that I can't name due to the time limitation.

But there are also the hundreds of thousands of Virgin Islanders who over the 93 years that we have been a part of the American family have loved it and served it in so many other ways, just like our fellow citizens of the United States who are represented by my other colleagues. And all that we ask is that we, our contributions, our service, and our citizenship be recognized and given the appropriate respect.

Madam Speaker, the Virgin Islands has a rich, diverse, long, loyal, and productive history as a part of the American family. Like many of our sister districts, we are also susceptible to all the challenges of our great country, such as the devastating recession, threats to our homeland, escalating crime, and the need for improvements in education and health care. Spending on the Virgin Islands and the other territories is not frivolous spending. And, by the way, much of those dollars that come to us are spent not only to improve the lives and services for our residents but for the millions of people from all over the United States who visit our shores every year.

It has been hard for me as a representative of these proud Americans in the U.S. Virgin Islands to have to listen to the negative rhetoric coming from the other side of the aisle as I have sought to represent, like they do, my district. It has been painful to have to work so hard to get fair treatment in Medicaid, other health programs, and to get that fair treatment in health care reform, as well as to provide SSI for our individuals who have special needs.

It has been difficult to have disparaging remarks made about our reported unemployment at 8.5 percent when the tools available in other States are not available to enable us to have an accurate count. When undertaken by our university some years ago when our unemployment was reportedly around 7 percent, a more thorough assessment determined that it was as

high as 13 percent in St. Croix and a little less in St. Thomas, and that was during better times.

I consider it to be a disservice that there might be Republican objections to holding a hearing in the Virgin Islands on the Constitution that our elected delegates have drafted for this Congress' consideration in the place where it will govern if passed and adopted. It's a milestone for any territory. And why? Because it's a beautiful place? I was to go to the Grand Canyon for a site visit today. It's a very beautiful place, and I don't think anyone objected to that.

Madam Speaker and my colleagues, thank you for the time to speak about this important part of our country's black history, our country's history, and the opportunity to remind those who don't seem to know that we are proudly American and that we ask nothing more than to be treated as such.

Mr. VISCLOSKEY. Madam Speaker, it is with great respect and sincere admiration that I rise to celebrate Black History Month and its 2010 theme—The History of Black Economic Empowerment. With the current economic struggles facing our nation, it is fitting that this year's theme focuses on honoring those individuals and organizations that have had an immense impact on society during our most difficult times. Throughout our nation's history, time and time again, African American communities have found strength and purpose in coming together to rise above unfortunate circumstances, and I rise today to pay tribute to those who have demonstrated such remarkable leadership.

The theme for this year's Black History Month, The History of Black Economic Empowerment, is a reminder that in striving for a greater society, we must examine the past. Few organizations can match the impact that the National Urban League has had on promoting economic empowerment in our nation's urban communities. The National Urban League has been a cornerstone of communities across America in carrying out its mission, to enable African Americans to secure economic self-reliance, parity, power and civil rights. As the National Urban League celebrates a remarkable milestone, its 100th anniversary, we take this time to remember the outstanding contributions of those visionaries who sought to bring about hope during the bleakest of times and to recognize those who have carried on their work.

As the Representative for the First Congressional District of Indiana, I have had the pleasure of representing the Urban League of Northwest Indiana and the honor of knowing one of the organization's most influential members, Ms. Eloise Gentry. Ms. Gentry passed away on August 20, 2009, after leading the Urban League of Northwest Indiana for more than thirty years. While Ms. Gentry is missed by all of Northwest Indiana, the impact she has had on her community, not only as the president and chief executive officer of the Urban League but also as an educator in the Gary Community School Corporation and in her many other community service under-

takings, will continue to resonate for generations to come. As an educator, activist, and community leader, Ms. Gentry has touched thousands of lives.

As her obituary read, "First and foremost, Eloise Gentry was an EDUCATOR." I cannot think of a more fitting one-word description. From those she taught in the classroom to those she worked closely with at the Urban League to those whose lives she improved through her work, everyone who had the pleasure of knowing Ms. Gentry learned from her, if not by her words then by her example.

While we have lost a pillar of our community, Eloise Gentry's lasting impression and the efforts of the Urban League of Northwest Indiana continue on today. Under the leadership of newly appointed president and chief executive officer, Vanessa Allen, the Urban League of Northwest Indiana, along with the more than one hundred local affiliates across America, continues to strive to provide economic empowerment and educational opportunities for African Americans while seeking to ensure their civil rights.

It is the efforts of organizations like the National Urban League and its affiliates that allow us to reflect on what makes the United States of America so special. While the United States is made up of people from so many different racial, religious, social, and ideological backgrounds, it is the vision and leadership of people like Eloise Gentry, who have sought to improve the quality of life for all Americans, that has made America what it is.

Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing the tireless dedication of the members of organizations such as the National Urban League, who continue their selfless work today, and I ask that you join me in remembering a true hero, Ms. Eloise Gentry, one of Northwest Indiana's finest citizens.

Ms. FUDGE. Thank you very much.

Madam Speaker, those of us who have had the privilege and the pleasure and the honor to serve in this House, we create history every day. Every single day. I just hope that all of my colleagues will make their service worthy of emulation, that it will be a source of pride to our people, and that we will encourage others to seek a life in public service.

So many people look at what they call "politicians" as such a dirty word. I am a public servant. I get up every day, and every morning when I leave my apartment, I say, I am going to do the people's work. That is my job. That is what I was brought here to do. I hope there is someone out there who recognizes what we do, who understands the significance of who we are, and they will feel the same sense of pride we feel today talking about all of the people on whose shoulders we stand today.

Madam Speaker, I thank you for allowing us to have this hour this evening. It is always a sense of pride for our people to know that we are still fighting the good fight and we understand from whence we have come.

## HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. LUMMIS. Madam Speaker, it's a privilege to be here tonight on behalf of the Republican Party and on behalf of its members here in Congress. This evening we will be led by Judge CARTER, Representative CARTER of Texas, who is on his way to the Chamber at this point, but it's my privilege to cover for him until he arrives.

We have just finished, Madam Speaker, a week in our districts where we were meeting with members of our constituency. I want to inform you that among the issues that I heard about when I was home were still concerns from automobile dealers about franchises that have been put in jeopardy due to the automobile issue with General Motors; I heard about people who are trying to build houses in Wyoming and would create jobs in Wyoming doing so and had the building permits and the need for the housing confirms but that financing for building construction in Wyoming remains impossible to get because of new bank regulations that require two-thirds more security for those loans than was previously the case. Banks are simply unwilling to lend under the same terms that they would before to risk-takers who hire people to create jobs to build wealth and value in this country and who have strong credit ratings themselves and solid track records of producing jobs and producing value in the housing and the construction market in this country. That remains an issue around the United States and certainly in my State of Wyoming. Jobs must be the main criteria as we go forward this year; and the looming debt and deficit concerns continue to be voiced by people in my State throughout the week as I met with them.

As you know, we are preparing for more budget hearings now that Congress has reconvened after the President's Day recess. I'm on the Budget Committee, and we had the opportunity to meet with Mr. Orszag before the weather curtailed our activities and then the intervening district work period occurred. But we will be resuming those activities, hopefully meeting with Treasury Secretary Geithner soon and discussing the debt and deficit.

I want to remind my colleagues that last year we were approached by Federal Reserve Chairman Ben Bernanke about the need for the United States to come up with a plan, a long-term plan to address our debt and deficits. It is not possible for us to accurately and clearly address our debt and deficit issues unless we discuss entitlements: Medicare, Medicaid, and Social Security. There are components of those

issues that will be discussed this week, hopefully, at the White House conference on health care.

We are now joined by the secretary of the Republican Conference and an esteemed Member of this body, a former judge from Texas (Mr. CARTER).

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for the balance of the time as the designee of the minority leader.

Mr. CARTER. I thank the gentlewoman for being here to take over and for doing such an eloquent job of discussing issues in my absence. I apologize profusely that I was not here when my name was called. Thank you for taking this hour for us, and please stay and participate if you can. We're going to talk about the so-called health care summit that's coming up later this week and just exactly what it is and what we think it might be.

We're hearing a lot of spin on this issue from a lot of sources close to the White House. I have a concern that what they are offering is nothing more than another press event.

Let's start off by talking about what is proposed to happen. The White House this morning unveiled Senate bill 2, if you will, but not really, because they didn't give us a bill nor legislative language. They gave us about 12 pages of things that they said that this was Obama's offer of compromising with the Republicans. But the starting point, it seems, from what it says because it references from place to place the Senate bill, it seems the starting point for this, quote, bipartisan summit that is being offered by the White House is going to be the Senate bill, which stands about 3 feet high, and I think we don't need to really go into that. Everybody in America has seen that bill and they have seen the House bill, too. It's so heavy that the average citizen couldn't lift it without a forklift. Yet this seems to be still the starting point that the President is going forward with. The starting gate has been opened now ever since the Senate bill has come out and that's the starting place.

You hear people say, Why can't we have bipartisan effort? And we're hearing that this is an attempt at a bipartisan effort. Well, I would argue that there's a better way to show a bipartisan effort. But let's start with the work product that we have in place right now. We have a Senate bill and we have a House bill. What have the American people said about these gigantic intrusions into their private life?

□ 2015

They've said, We don't want the Senate bill and we don't want the House bill. We don't want something that is so gigantic and creates so many agen-

cies and bureaus and groups and advisers and spends so much money, a trillion dollars here and a trillion dollars there. We don't want that. We want some simple stuff we can understand. We would like to see something that we as the American people can clearly read and understand.

They're asking us to let them be part of the process, to let them be able to read without the legalese, as we used to call it in the courtroom, which nobody can understand but the lawyer who wrote it.

No, that's not what the American people want. The American people are worried about the cost of health care. They're worried about the coverage of health care. They want to see that we get what they're worried about and that we're trying to save money, not spend money; that we're trying to give them opportunity rather than give them regulation. They want to be able to pick up something about maybe the size of this half a dozen pieces of paper and read it and kind of get a concept of what the people they sent to Washington are doing to start down the road to trying to fix health care.

They don't want a bill that stands this high. They don't want that, because they've gone by their Congressman's office and some of them have actually gotten copies of that thing and tried to dig into it and it's driving them insane as it is everybody that's tried.

You say, well, Judge, how do you say that the people have spoken about it? Well, let's look at what we've got in the way of public opinion polls. Polls, you can take them or leave them. But right now the public opinion poll on health care stands at 58 percent of the voters nationwide oppose Obama's health care reform plan.

Now when I say that, they're talking about resurrecting either the House or Senate bill. Quite honestly, I don't think they even know what he proposed as of this morning because quite frankly we didn't know until this morning.

What they're saying is, We don't like the omnibus style of health care bill. That's what they're saying. It's confusing, it scares us, we're afraid we're going to go bankrupt in this nation; and why can't you guys narrow it down to the simple things that would bring down cost and get better coverage instead of this massive changing of 18 percent of the American economy?

Fifty percent of the voters strongly oppose anything to do with the Senate or House plan, which is the Obama health care reform plan; and 78 percent of the voters expect the plan to cost more than projected. When you're in a world where people are talking about, Will the people who are buying our debt be willing to continue to buy our debt if we continue to go so far in the hole? What are we going to do about all

this spending? What are we going to do about all this huge amount of accumulated debt that we've accumulated in the last 12 months and is projected to accumulate in the future?

These are questions that the ordinary guy on the street at the coffee shop on Monday morning is talking about. This is what the guy at the cafe in the small town after he finishes having his lunch, he and his friends sit around and they talk about. And they're worried about it. They know what happens to their lives when their debt is overconsuming and they're concerned, what is going to happen to our country when our debt is overconsuming. It's really telling when they are so afraid that this bill and this proposal that's going to come forth, we think, from the White House on Thursday at this summit of bipartisanship, they're afraid it's going to cost more than projected.

One of the things I wondered about when I came to this place, it seemed to me as just an ordinary citizen out there watching what goes on in Congress that one group says it costs X and one group says it costs Y, and nobody is saying who's telling the truth. And X may be a trillion dollars off from what Y says. The American people look at that and say, That place is broken. One hand doesn't know what the other hand is doing.

And then they say, Well, it's all politics. Well, they're fed up to here with all politics. The folks back home are saying, We're fed up with politics. We've got to get down to basics. It's time to go back to not spending money you don't have and creating jobs that are real jobs. We don't want all the jobs that are created to be jobs that exist in Washington, D.C. The only place in the country that's got positive job numbers is right here.

Why is that? Because we're hiring a lot more Federal employees and those Federal employees are out there growing the size of this monster that we live in. The American people are worried about that. They look at health care and they look at this so-called summit and say, Why don't these guys kind of do what they say they were going to do and everybody push the stuff that nobody likes off the table? Let's lay new stuff or new concepts on the table and let's have a work-together session on coming up with solutions. That's what the American people thought was being proposed.

But I would argue that that's not what we're seeing from the White House. I think that it's something that concerns all of us greatly. The number one worry right now, I think, of the American people when you cut through all the stuff that you watch on 24-hour news, the number one concern of the American people is, We don't trust you to listen to us anymore. We want you to listen to what we're saying. We've

told you in our polls, but not just in the polls now. Somebody will say, well, one poll favors this group and one poll favors that group.

There's another sort of a poll that has taken place in just the recent past and, that is, we have had three elections here and this is the American people casting their opinion in the media of public opinion—a vote. We used to tell jurors that the only thing more important than serving on a jury if you're a juror is casting your vote, because all of this freedom that we have depends upon your vote. All of this prosperity that we create depends upon your vote. So you should cherish that vote.

Well, Americans do cherish that vote. And I would argue that in New Jersey, in Virginia, and most recently in Massachusetts the polls are in. What those polls say is, We don't like what's going on right now in the majority. Look at these colors. Red is the Republicans. This is arguably the most Democrat State in the entire country. And look at what the polls show, that the American people said, Enough is enough. What we're looking for, we don't care what party this guy's in; we're looking for a guy that will listen to us. And BROWN is a man that will listen to them; and they voted for him.

You can't have a State with the kind of Democrat numbers that Massachusetts has and not realize that Democrats voted for him. They had to. The numbers are overwhelmingly Democrat in that State. Which is a message to us here, that we're looking for somebody we can trust; we don't care what party he's in. I would argue that the same thing happened in Virginia which, if you look at those numbers compared to the Presidential numbers, or New Jersey which you look at those numbers compared to the Presidential numbers, there was a great shift in the public saying, We don't trust the folks that are running the show right now and we want something else.

I really don't think that they were thinking like politics. I really think they were thinking like Americans. Our Founding Fathers never wanted us to make our decisions based upon what political party we belonged to. They wanted us to make our decisions upon what's good for the country, and what's good for the people of the country. And I think the message we're hearing from the tea party groups that you hear from and from the other groups that are making very vocal, loud outcries, saying to us, Just listen. Stop talking and start listening to what we are asking you. The driver right now that they're asking us to listen to is their outcry against massive change in 18 percent of our economy in the health care field. They want to make sure that they've got coverage for their families and that medical care is affordable. They don't need a million

more bureaucrats to tell them how to do that; that new regulations don't solve their problem. Commonsense solutions solve their problem.

The President has had, and I will argue still has but the time line is getting short, a golden opportunity to step up and make this a true summit on bipartisanship. But it should start at a minimum with him doing what JOHN BOEHNER did on the floor of this House and dropping those two bills in the trash can and saying, Ladies and gentlemen, we are here to work out our issues, and all previous work is not on the table. We're here to start anew, and we can do it together. And, hey, if that's what's coming, that's the way it ought to be.

I will tell you, I don't think that's what's coming, and I think the indications are clear. Just recently, the White House made a statement that the bill passage is one thing and the media event is another. So it is a media event that's being created by the White House. The campaign is over, Mr. President. It's time for us to sit down and act like we're supposed to.

This is not a parliamentary government. This is a Republic. This is a separate but equal branch of government over here in the Congress and our voices should be heard, not played with. I have great concern about what we're getting ourselves into on Thursday.

There's a couple of things that have been said by the media, and I'm not going to go into them in any detail, but they're all basically saying, Watch out. This is not really a bipartisan reachout. This is really a media performance. And because the bill—and let me make something very clear. I don't want to use the term "bill." What the President brought out this morning is not legislative language; it is not a bill that says in black and white what changes need to be made. It is a series of suggestions and most of the references are to line and page and section of the Senate version of the health care bill. So you've got to start with 2,000 pages and then go in and tweak them.

There's only one thing harder than trying to sit down and read a 2,000-page bill. And seeing as I used to do this kind of stuff for a living, I can make this argument very effectively. It's much harder to go through and comprehend the whole bill and then reference a change on line 1, page 7, paragraph 2, because then you've got to read what was there, read what was not there, and then figure out how it fits the context of 2,000 pages.

□ 2030

So amendments are even more difficult for the person who's in the business of doing it, and we're in the business of doing it. But for the average citizen, it becomes—not that they're

not smart enough to do it. It is so dad-blamed tedious that you don't want to do it. It'll drive you off a cliff. And that's the kind of thing that the American people are tired of. They want it to be simple. So we're starting with 2,000 pages and tweaking 2,000 pages. This is not what we're asking for in the way of a summit.

I see my good friend from Wyoming is back, and we're glad to have her. I'll yield to her for whatever comments she wants to make.

Mrs. LUMMIS. I thank the gentleman from Texas for yielding, and I have many of the same questions that Americans have.

I was on an airplane returning to Washington, D.C., today when I learned of the President's proposal; that it was not his intention to have a summit this week where members of the majority party and the minority party had an opportunity to bring ideas to the table; that it would not be an opportunity to take the House minority party bill, the Senate majority party bill, the House majority party bill, and find where the overlap is among all those bills, and then spend their time on February 25 concentrating on the areas of overlap.

That's what the American people want us to do. That's what my constituents told me they hoped would happen on February 25. They were hoping that when we were home for the President's Day work period last week that there was an effort here in Washington to find out where's the commonality among all those bills and how might that common ground be front and center to the discussion on February 25.

Now, today, as I have arrived back in Washington, I've learned that, although the Congressional Budget Office hasn't told us how much they believe President's proposal will cost, the President's own people believe that it will cost in the vicinity of \$950 billion, just under the trillion dollar mark; that it will include over \$600 billion in taxes; and that, even though it will provide opportunities for all States to be treated under Medicaid the same way that Nebraska is under the Senate bill, that, in fact, the special deals that were cut for Florida, Louisiana, Massachusetts, and other States have not been altered. Furthermore, I heard one of my majority party House colleagues on another interview program this evening explaining that there's still hope that a public option, government-run health care is part of this package.

So I would ask the gentleman from Texas or our colleague from Georgia, a physician, who has joined us to let us know and enlighten me and members of the public via C-SPAN this evening, do we know what's in the President's proposal? Has it received the approval of both the majority party people who will be attending the summit and the minority party people? Do we even

know who's going to be in attendance at the summit? Do we know the format of that summit? Will the President be leading this group and only explaining his proposal or will all in attendance have an opportunity to bring aspects of the health care debate forward?

For example, will there be a debate on what really are the issues that every one of us knows needs to be discussed: things like portability; things like addressing the problem of pre-existing conditions being uninsured under many insurance policies today, and the issue of having an affordable insurance policy for high-risk individuals as well as the general population, and also, the issue of having a level playing field for tax treatment, whether you're self-employed or you have an employer.

These are the issues that I've heard about for the last 8 months, over and over, that people want addressed individually, bill by bill, debated, amended, and agreed upon in the House and the Senate; not these big, comprehensive omnibus bills that have so many provisions that have not been discussed, have not been vetted and are not well understood either by the Members here or by the general public.

And I yield back to the gentleman from Texas.

Mr. CARTER. And I thank the gentlelady for her comments. And I agree with you. You've nailed it, what the American people are looking for. That's just exactly what I was talking about. They're looking for something, they, for the first time in many generations, and it's a real joy for those of us who believe in our Republic. They are wanting to be involved, and they're doing it by stepping up at every level and saying, Give me something I can understand because I want to be able to comment. I want to be able to tell my Representative or my Senator how I feel about it, and don't hide it in a gigantic monster omnibus proposal. Put it out there on the table in a form that I can understand so I know what you're doing to my life.

The President made some proposals, and this is a summary. I'm not reading from proposals, but some of the proposals' details that he's put forward are going to be \$500 to \$700 billion worth of new taxes, \$500 billion of Medicare cuts again, new taxes and insurance mandates on businesses during this recession.

The White House says this bill will raise health—they admit it will raise health care costs. It'll probably cut millions of jobs over 5 years, raise the insurance premiums is what they're doing, mandates individual coverage under threat of jail time, which is why the administration wants Gitmo cleaned out, and eliminates pro-life protections in the House bill. Those are just some of the things that they've more or less admitted that they've done with this bill.

Now, that's not the kind of stuff the American people want to hear. And plus, they know, the American people have learned in this debate that the devil is in the details. And so, even if these were acceptable, the details are where these gigantic bills come from.

So I've got my good friend, PAUL BROWN from Georgia. He is here to give us the wisdom of the physician, and I yield to him what time he may consume.

Mr. BROWN of Georgia. Thank you, Judge CARTER. I really appreciate you yielding to me tonight and appreciate you doing these Special Orders as we look at the President's proposal.

I went on the White House Web site this morning and looked at all of the parameters that were put forth, and I was looking for some legislative language. There's no bill. All they've put out is bullet points. So I went down through all those bullet points to try to figure out what's going on so that I could help inform my constituents in the Georgia's 10th Congressional District what the President was all about.

Now, let me back up a minute and say when the President announced that he was going to have a summit with Republicans and Democrats, that it was going to be televised, actually I was very hopeful that maybe we were going to get some bipartisanship, maybe we were going to get something done for the American people in the right way. But the more I've learned about that, the more I'm very fearful that this is nothing but political showmanship. It's a ruse.

The President, in secret—we don't have any clue of who is involved in putting together all these proposals that he's put forward. But in looking at those proposals, he says, if you have insurance, you can keep it.

Well, in the House bill, we saw that if you have insurance, you can't keep it. And we have a lot of people over here on the Democratic side that are very much in favor of nobody being able to keep their private insurance. They want to go to a single-party payer system, the government-run system. And, in fact, the President himself has said that the public option, or even the government exchange, is the first step toward getting the government to run everybody's health care. So a bureaucrat in Washington, DC, is going to tell my medical colleagues—I'm a medical doctor, as you know, Judge—is going to tell my medical colleagues how to treat their patients.

Well, in reading the President's proposals, nothing has changed. There's going to be a government exchange, and the vise is going to be put on small businesses as well as individuals so that they can't afford to keep their private insurance. It's going to run people away from their private insurance and run them into the government exchange so the government can control your health care, and that's not right.



It's going to be extremely expensive. It creates all these new taxes. We hear about all these tax cuts, but the tax cuts have not been fleshed out. We don't have any clue what they mean. And frankly, we do know that there are going to be tax increases on virtually everybody.

So it's going to destroy the quality of health care. It's going to mean that doctors, when they see their patients, can't make medical decisions because some bureaucrat in Washington, DC, is going to make those decisions for the doctor.

Mrs. LUMMIS. Will the gentleman yield for just a second?

Mr. BROUN of Georgia. You bet. Sure.

Mrs. LUMMIS. You mentioned something that I'm curious about. In one of the little summaries that I read when I arrived back in Washington today, it said that they were reducing the penalty for noncompliant health insurance under the Internal Revenue Code, but that implies that you cannot keep your health insurance if you want to because it implies that there is still going to be a requirement under the President's proposal that your insurance comply with government approval.

So, how can the President say, if you like your insurance you can keep it, when the fact of the matter is, if your insurance does not comply with government standards, that you will be penalized under the Internal Revenue Code for keeping that insurance?

And I yield back.

Mr. BROUN of Georgia. Well, Mrs. LUMMIS is exactly right. And that's the point I'm trying to make is that if you like your insurance you can't keep it. It's going to be too expensive. And this plan that the President has put forward is going to push everybody out of their private insurance on to a government insurance exchange; thus, the government is going to eventually take over the whole health care system.

But what I was fixing to say is that a patient can't make the decisions themselves either. So this is totally geared, it's a slippery slide into a government-run health insurance program so that the Federal Government is going to tell doctors and hospitals how to treat their patients, and tell patients, small businesses, individuals, about whatever kind of insurance. And if you don't take the government's insurance exchange, well, it actually mandates that you have insurance, which is totally unconstitutional.

Actually, the whole bill is unconstitutional that we saw in the House. The whole bill that we saw from the Senate is unconstitutional. I don't find anywhere in this document, the Constitution of the United States, anywhere that the Federal Government has the authority to take over the health care system in America. So that's what the

President's proposal will do. That's what the House bill does. That's what the Senate bill does.

And the President said we're going to have this bipartisan meeting, and I was very hopeful, as I said previously. But our leadership, I've talked to them individually. They went to the President in a private meeting. The President said, You start with my plan. He's told our leadership, Republicans are going to have to accept some things that you don't like. He said that he would not take the ramrod over in the Senate of budget reconciliation off the table. And this is what they're talking about today.

Just today the President's spokesman has said, We're going to run it through no matter how we can get it, over all of the public's wishes. Seventy percent of the American public, in the latest poll I saw, said that either we start over or do nothing, 70 percent.

But why is this being forced down the throats of the American people? It's because this administration, the leadership in the House and the Senate, want to take over health care, and that's the only reason that they're doing this. And they think, I believe that they think that if they do it now, that maybe the economy will get better and they won't be punished so much at the ballot box in November.

But this is going to be disastrous. It's going to destroy the quality of health care. It's going to take the choice away from patients, away from doctors. It's going to mean that everybody's health care cost is going to go up. And Mrs. LUMMIS, the reason CBO has not scored it is because they said today they cannot score it because of all these gigantic tax increases and other things that the President proposed.

So this summit on the 25th is nothing but political showmanship. It's trying, in my opinion, to make it look to the American people like we're working in a bipartisan way, but we're absolutely not doing so. And it's a ruse. It's absolutely a ruse. And the American people deserve better, should demand better, should demand something totally different. And it's up to the American people to tell their Congressmen and their Senators, We're not going to have a government takeover of health care forced down our throats. We say no. And if you don't say no to this government takeover, we're going to say no to you in November. So I hope the American public will do that.

And I yield back to the judge.

Mr. CARTER. Thank you.

Reclaiming my time, you said something that I think is important because I'm going to tell you that I'm concerned that all this is is a media event and all this is—so I'm going to ask people to listen for some things that probably will come out of this event. I think you may hear that the President reached out a hand and the Repub-

licans gave back a fist. I think you may hear that the Republicans continue to be the Party of No. Well, first, what's wrong with being the Party of No if it's bad policy?

You got elected to come down here and represent people who expected you to stand up and say, This is bad. No.

□ 2045

Secondly, let's get this very clear. The Republicans don't have any way to stop this bill, especially in this House. They have an overwhelming majority. It's their party they can't get the votes from. It's not the Republican votes blocking this bill; it's the Democrat votes that are blocking this bill.

So this whole thing, if we're going with the same work product they've already created, then it is a sham to go over there and deal with the work product that has already been created because they know they can't pass it, and they know the American people don't want them to pass it. So let's do what he said he was going to do and let's start over.

Mr. BROUN of Georgia. I submit the Republican Party is the party of k-n-o-w, know, because we know how to lower the cost of health care.

I introduced a bill—that's H.R. 3889—which is a comprehensive health care financing reform, and we put doctors and patients in charge of their health care dollars, health care expenses.

We know how to give patients the ownership of their insurance so that they can solve the portability problems. We know how to insure the uninsurable as well as the uninsured in this country. We know how to stimulate the economy and to create jobs. But every effort that we've made to do all of these things has been blocked by the leadership of the Democratic Party.

We are the party of k-n-o-w. We do know how to do those things.

I have sent the President a letter. In fact, I have reached out to the President. He said if anybody has any ideas, please contact him. I have made many efforts to reach out to him to stimulate the economy, create jobs, to solve the health care financing crisis, to lower the cost of health care. Guess how many times I've been responded to. Zero. The White House is not interested in hearing from this doctor. And in fact, there is not a single medical doctor that's been invited to the White House on the 25th of February.

I am the vice chairman of the Doctors Caucus, the GOP Doctors Caucus here in this House. And nobody from the Doctors Caucus, the chairman, none of us vice chairmen—me and another co-vice chairman—have not been invited. Dr. MICHAEL BURGESS, who is on the Energy and Commerce Committee and the Health Subcommittee, he has not been invited as far as I know. So not a single doctor has been invited to this meeting on Thursday,



the 25th of February. They don't want to hear from us.

They have one agenda, and that is to force down the throats of the American people a government-run health care system. And that is actually what, if you read all of the parameters of what the White House put out on their Web site today, that is exactly where it's going to lead. And the President himself said that is what he wants to do.

It's up to the American people to stop it, to contact their Congressmen, contact their Senators, and say "no" to this government takeover of health care. We will not fall for this trick, this ruse, this political theater that is going to come about on Thursday, not fall for that trick and understand that this is not a reaching out.

And just like you said, Judge CARTER, I think you're going to hear a lot of things: We reached out to the Republicans, but they're obstructionists. They have no ideas, no ideas whatsoever. They're the Party of No. Well, we are the party of k-n-o-w. We can solve these problems.

And let me say one other thing before I yield back. I have challenged Democrats individually, as well as I wrote an op-ed with two of our colleagues, JOHN SHADEGG and CHARLEY DENT, challenging Democrats to introduce a bill that would do four things: Number one is to have across-State-line purchasing for individuals and for businesses; number two, to establish association pools so that anybody could join any kind of association in this country and have these huge pools to offer one or more insurance products; number three, to establish State high-risk pools to cover the uninsurable; and number four, to have tax fairness to give 100 percent tax deductibility for all health care expenses.

I've had Democrat after Democrat say, PAUL, I'd like to do that. I'd like to introduce it. I told them we'd give them the legislative language. All they had to do is write their name in the blank, and the three of us Republicans would work it on our side. I think we'd get 100 percent of the Republicans to vote for that bill, and we'd get most of the Democrats. But Democrat after Democrat after Democrat has told me individually, privately, I can't do it because my leadership will punish me if I were to introduce that bill and work it on my side.

We need to step back, clear the deck. Let's go ahead and start off and work off in an incremental bipartisan way to find a commonsense market-based solution so that people's insurance is lower than it is today and that they and their doctors are in control of their health care decisions. And that is what we're trying to do on the Republican side.

Mr. CARTER. I will yield to the gentlelady from Wyoming.

Mrs. LUMMIS. I thank the gentleman for yielding because I have

questions. My questions are the same kinds of things that my constituents are asking: Are Republicans just going to be window dressing in this event? Why were we invited if the President is going to take yet another bill drafted by Democrats just as the House-passed bill was, just as the Senate-passed bill was, and now the President has a bill? Why are the Republicans even being included now when the bill that the President is proposing is not yet in draft form, is only in talking points? How is it going to be a bipartisan summit when the party that makes it bipartisan is not really asked to participate in the crafting of the legislation? I yield back.

Mr. CARTER. You brought up something that has bothered me about this whole process since the day it started.

First off, I would argue, and I think that the evidence shows overwhelmingly, that we are being treated as—both the Republican minority and the American people—by a group of folks who believe that the elite of their party are just smarter than the rest of us, and they don't have time nor inclination to fool with us because they are, you know, the elite of our country, the great liberal masses and progressives they call themselves now, who have figured out all of the solutions to society's woes. And our opinions are not asked for.

Now, what is the evidence that will prove that? I will submit my two pieces of evidence. To start off with will be the House bill, which basically was drafted behind closed doors by the Democrats and their elitist staff groups. I submit the Senate bill, drafted exactly the same way. I submit the rules which allowed almost no amendments offered from the Republican side in the piece of garbage that they created.

And then I would submit the President has just done the exact same thing with his talking points he submitted to us saying, Oh, by the way, here's what we're going to talk about. That is not a bipartisan discussion. That is not working together on health care. That is saying, Yes, mama. What else can I do for you? And I am not there. I am not there.

I believe it's our job as Members of this body to stand up to the White House and say, You got all of the playing cards. If you think you can get this thing done, act like a big boy and step up here and do it. But don't start laying off on Republicans, and if you want to say it's a summit, then let's have ideas.

I see I am joined by two of the most courageous colleagues that we have, and one of them is bound to say something. So let me see what my good friend, Mr. GOHMERT, has to say about what's going to happen on Thursday.

My good friend from Texas and a fellow judge, and he always has some-

thing good to say. I yield him what time he needs.

Mr. GOHMERT. I appreciate my friend yielding.

This is such a perplexing time.

The American people, the vast majority, have made clear that they don't want what has come through the House and what has come through the Senate. And you know yes, I came from east Texas. I've worked in some pretty nasty barns and fields. And one person said to me, So you're going to go in and compromise, you know, talk about the Senate and the House bill and try to work out a compromise? Because when you try to compromise between one type of horse manure and another type of horse manure, you're still not going to really like what you got unless you're going to use it for fertilizer.

But the thing is we heard last week—I read that a representative of the AARP and unions had said that they had been behind the scenes privately behind closed doors working on a compromise between these bills that the vast majority of Americans said they don't want. And that was going to be unleashed today. Apparently, it was revealed this morning.

So I am really struggling with this. We're going to have negotiations on C-SPAN, but we're not going to do it when it really counts because we got the bill.

We heard from the representatives at AARP and this administration they've been working in secret behind closed doors, like the auto task force that wouldn't even come to Congress and tell us what had been going on behind closed doors. There is no accountability in that. We don't know, as the President promised, who was negotiating for whom. Did the AARP executives get another exemption in this bill so there is no salary cap on them even though they can sell millions in insurance? Did the unions exempt themselves from something else and get a sweetheart deal? We don't know because the C-SPAN cameras weren't there.

But now that the bill has been revealed this morning that was all negotiated in secret, now we're going to have a meeting, and we're going to have Republican leaders and Democrat leaders come together and talk about the bill that was negotiated in secret?

And I tell you, credibility, as my friend, the former judge, knows, whether it's in the courtroom as we dealt with or whether it's in public, credibility is everything. And this massive bill doesn't give a whole lot of time. Seventy-two hours is not much time to go through a massive bill like that and try to figure out the sweetheart deals that are in there because sometimes it's hidden by referencing another law. And then you've got to go chase down that law and see how this affects this, and whether that controls—like the

references to ERISA in the big House bill. Well, that was a sweetheart deal to get some insurance companies on board. And then there was a sweetheart bill to get plaintiffs lawyers on board, and then there was a sweetheart deal for pharmaceuticals in there. But you had to know where to look, and you had to know the other references, and you had to know the effect of bureaucrats' rules on all of those laws. We hadn't had that chance.

But going back to the issue of credibility. Right there at that podium as an invited guest in this Chamber the President of the United States came in here and said as a matter of record, "There are those who claim that our reform efforts would insure illegal immigrants. This too is false." That came out of the President's mouth. "This too is false. The reforms I am proposing would not apply to those who are here illegally." Yet he knew, he knew when he was saying those things that this body passed a bill, and the Senate passed a bill, that did not require identification. And at every level Republicans tried to inject the amendment that you had to identify yourself in order to get access to this Federal taxpayer-funded health care insurance, the public insurance.

Well, he surely had to know that those efforts were beat back at every turn. So there was no requirement to show your identification that you're legally here to get insurance.

So giving the President the benefit of the doubt or just, you know, giving him the benefit of everything, then you'd have to figure, well if he didn't know that that's what had happened, then you're going to have to go in and negotiate with a man who doesn't know what's in a bill or isn't in the bill or what the effect will be, because clearly that bill was going to allow illegal aliens and will, if it's passed. And I haven't had a chance today because we've been so busy up here, haven't had a chance to go through the brand new bill.

□ 2100

But then the President also said, "Under our plan, no Federal dollars will be used to fund abortions." But the very House bill that we had in here, was the only bill we had to work with at the time, and there was a provision in there that was titled, basically, "Abortions for which Federal dollars may be used."

Obviously I am sure the President would never misrepresent things, so he clearly did not know what he was talking about. And you are going to come in and negotiate about a bill that people there don't know what is in it? You know, we dealt with that with the crap-and-trade bill.

Mr. CARTER. Reclaiming my time for just a moment, there is no bill. The President has given us no legislative

language. He has only given us 12 pages of talking points of what he says he is going to propose in a bill. But I know you, and I know you very well, you are one of the guys around here who want to see the bill, see the legislative language. You go to the trouble to dig down in there. It is kind of I guess a weakness of being an old trial judge. We all want to see what is in the law before we want to rule on it. Well, there is no bill in this particular thing. There is only the President's talking points. And that is another thing. We have got to get this straight. They don't have a bill.

Mr. GOHMERT. Thank you. That is what concerned me back in September. The President repeatedly said, my bill will not do this, my plan does this, my bill does that, my plan does this. And he says, if you misrepresent my bill, I am going to call you out. Well, I know what it means to be called out back in Texas, but I didn't know what the President meant by calling out. Well, I don't want to give the President rise to call me out because I have misrepresented something. So all I would ask for is what bill he was talking about.

How can anybody say this bill, my bill, this plan, my plan, and they don't have a bill that they are talking about? How can you misrepresent what is in a bill that doesn't exist? It makes it rather frustrating.

But I do know in this document here, and this was put together by the Republican Study Committee, it is a list of just different Republican proposals. This whole thing is one summary after another. And each one of these bills represents many pages. My bill in here is 25 pages. It has some great information, not that I dreamed up, but after visiting with real experts that deal with this stuff all the time, and some of the brightest minds in America. Newt Gingrich did me a favor, sending over some people to visit with me about some of the ideas. That is 25 pages.

There are some great ideas contained in all these many different Republican proposals. And yet we are told you can't make any preconditions for this meeting, and yet here is our 12-page proposal, and that is our precondition. You would meet with Ahmadinejad—and this is something my friend Mr. KING pointed out—how could somebody agree to meet with a man who is proud of being the former President of a terrorist country and wants to destroy the United States, clearly wants to wipe Israel off the map, and you will sit down with a nut like that with no preconditions. But that is a terrorist, it is okay, we will meet with no preconditions with him. But with Republicans, they are worse than terrorists. We have got our preconditions, and you can't have any. That is really not right.

It is not right when we are talking about something as important as not

merely the health of Americans, but we are talking about government control of virtually every private aspect of your life. If this were just about health care, it would be rough enough. But you don't have over 2,000 pages, as we did in the health care bill here in the House, and not intrude into so many areas, including the requirement, a shall, one of the many shalls it required was a study by the Secretary of Health and Human Services with the Secretary of Labor shall conduct a study of businesses.

And it goes through a list of different things they are supposed to look for, the kind of benefits the employees get. And one of them is whether or not particular companies are making decisions that will allow them to remain solvent. It is government at an intrusion like never seen before in this country.

Mr. CARTER. Thank you, Mr. GOHMERT. Reclaiming my time, Mr. KING, I think we have about 3 minutes. Do you want to be heard very briefly?

Mr. KING of Iowa. I thank the judge from Texas, and I appreciate the chance to address you, Mr. Speaker, here on the floor of the House.

I tell you, I am full of amazement that the President of the United States can make a proposal that he wants to come out here and negotiate on health care, and yet he doesn't want to negotiate on health care. He insists on bringing forward one or another of the bills that passed the House or the Senate, but he apparently doesn't have a bill yet. Bill Clinton had a bill. Hillary Clinton actually had a bill. This President actually doesn't have a bill. He has a position.

We asked him if he was going to keep his word and present his legislation at least 72 hours before it would be voted on. It is quite interesting that the platitudes that the President has released in bullet points this morning at 10 o'clock happens to be 72 hours precisely until such time as the meeting starts at the Blair House on Thursday at 10 o'clock in the morning. So there is 72 hours to digest some platitudes, but all the while that is going on, and you have spoken of it very well, then the secret meetings have been taking place in the White House and wherever. This is something that is clearly being done behind closed doors, in formerly smoke-filled rooms, with guards on the outside, albeit there for the security of the people inside the room. We don't know what went on in there.

But the President is not coming to the table looking to negotiate. The President is coming to the table looking to put the reconciliation gun to our head, cock the hammer and say, you can say "yes" on Thursday or we are going to pull the trigger on reconciliation. That is the nuclear option. That is the thing that was intolerable when Republicans discussed it, and I would

like to think it is going to end up being intolerable to the American people. I thank the gentleman.

Mr. CARTER. That is a great summary. And that is exactly what the American people need to be looking for. They need to be looking for those words, reconciliation, because the truth is the real loaded gun that is going to be held to the heads of those who go to negotiate is reconciliation, which will mean we are not interested in Republican input, and we are going to bypass it.

#### RESTORE FISCAL DISCIPLINE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentleman from Georgia (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Georgia. Thank you, Mr. Speaker.

They say that talk is cheap, but for hardworking Americans, the President's talk is very expensive. President Obama has spent the past year making speech after speech about the need for Washington to restore fiscal discipline. But what he says isn't what he does.

During the campaign, Obama promised he would go through the budget line by line to reduce spending. But it seems as though a few lines is all that he has cut. The President began his campaign last spring when he rushed to the microphone to announce his order to his cabinet to reduce spending by \$100 million. Then he went to the podium to tout more fiscal restraint by announcing a spending freeze. But we quickly learned that it affects less than 20 percent of the budget.

Recent press reports reveal he cut \$1 million in funding for an Olympic scholarship program, and another \$2 million subsidy for cotton and peanuts. If the President is serious about fiscal discipline, he is going to have to remove more than a couple of peanuts from his Federal budget. These meager cuts are just another example of the administration's arrogance, ignorance, and incompetence.

The President has proposed a \$3.8 trillion budget for 2011, boosting the deficit to a record high of \$1.6 trillion, a record he broke last year when he introduced a budget with a \$1.4 trillion deficit. Let me put that into perspective. The average deficit when Republicans were in power was \$104 billion. The average deficit now that Democrats are in control is \$1.1 trillion. What that means is each man, woman, and child owes \$46,000 apiece.

As hardworking Americans are struggling to balance their checkbooks, they are frustrated that Congress can't do the same. They aren't just frustrated, they are angry. I share the concerns of the American people. That is why I have introduced H.J. Resolution 75, which is a balanced budget amendment

to the U.S. Constitution, aimed at rein-in in the chronic deficits in spending.

We absolutely must stop the outrageous spending by Congress. Our children and grandchildren's future depend upon our doing so. My amendment would make sure that government does not spend more than it takes in. My amendment would also make sure that any extra revenue would be returned to the taxpayers at the end of the year.

After decades of deficit spending it is time to make balancing our budgets the rule, not the exception. For too long Congress has acted as if it has a credit card with no limit and a bill that our children and grandchildren will be forced to pay. Individuals cannot spend more money than they earn, and neither should Washington. The fact is if the family budget cannot afford to go into debt, neither should the Federal budget.

The only way we are ever going to get our economy back on track is by leaving dollars in the hands of individuals, and particularly leaving dollars in the hands of small businesses so that they can buy inventory and can hire permanent employees. Small business is the economic engine that pulls along the train of prosperity in America. We need to stimulate small business, not bigger government.

Congress must now make tough decisions, slow down the rapid growth of government, and get back to the fiscally responsible government that the American people expect and demand. I am committed to doing just that. I urge my colleagues to join in this effort, and I urge the American people to demand a balanced budget from this Congress.

#### DEFENDING THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

I appreciate being recognized to address you here on the floor of the House of Representatives. I appreciate my colleagues that have spoken in the hour previous and those that will perhaps join me in the hour that ensues at this point.

As one can tell from listening to that dialogue, we can clearly see that there is a high degree of concern about the direction America is going. I would like to get into that pretty deeply, but I also recognize that my friend from Georgia has something left unsaid, and so I would be very happy to yield as much time as he may consume to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. Thank you, Mr. KING. I appreciate you yielding.

You have a document there that I know you are going to explain it, but I

want to say before I have to leave that my name is on that document. It is the Declaration of Health Care Independence. In fact, I recently signed a copy of the Declaration of Independence. I was honored to do so, as I was honored to sign the Declaration of Health Care Independence.

But what I want to say is the Declaration of Independence and the Constitution of the United States cannot be separated. And in fact, the Declaration of Independence in itself, the original declaration penned by Thomas Jefferson, set out the philosophies of government. The Constitution took those philosophies and embodied it into a foundational principle that this government should be run upon. We have left that idea.

We hear people talking all the time about a Constitution that is flexible and that is changeable and that it is a flowing document. Well, it can be amended. The Founding Fathers set in place the process for amending the Constitution. There have been just a few, over 20 amendments to the Constitution.

It shows the beauty of the Constitution of the United States. I carry a copy in my pocket all the time. I believe in this document as our Founding Fathers meant it, one of very few Members of Congress that believe in the original intent and vote that way here on the floor of the U.S. House of Representatives.

Mr. Speaker, the American people are suffering. They are suffering, and frankly they are scared, they are angry. They are scared and angry because they see their freedom being taken away from them. And this health care bill that we have been discussing for the last several weeks is something that is bringing that to the head. Because what I see is an American sleeping giant is arising, a sleeping giant that has had some nightmares, nightmares about Obamacare, nightmares about an energy tax that is going to destroy our economy and kill millions of jobs in this country, a nightmare of overgovernance from the Federal, state, as well as local level.

□ 2115

They are angry, they are scared, and they are sleeping giants waking up. And I'm excited about that because, frankly, Mr. Speaker, I think the best days of America are still ahead, but they're not going to be ahead for our children and grandchildren if we continue down this road where government is going to control our health care, what cars we drive, what we eat, how we live our lives. And the American people understand that very firmly; they understand that government is trying to rule them instead of them taking care of their own family's situation.

Most people in America just want to go to work, come home, live a great

life for their families and take care of all their family business without all the government intrusion. That is what you are fighting for, Mr. KING. That is what I'm fighting for here. That is what the declaration of health care independence is all about. We must return back to the foundational principles.

In Hosea 4:6, God says, "My people are destroyed for lack of knowledge." And I am encouraging people to get a copy of the Constitution of the United States. We give out hundreds, maybe thousands, of copies out of our offices in Georgia as well as our congressional office here in Washington. But I encourage people to get a copy of the Constitution. Read it; it's readable. It wasn't written by a bunch of lawyers. And that is all there is to it. In fact, the Declaration of Independence, the Constitution, and every single amendment that has ever been passed, in this little booklet. "My people are destroyed for lack of knowledge." America is going to be destroyed for a lack of knowledge if we don't become knowledgeable about limited government and start demanding something else.

Mr. KING, you have been very vigilant in coming to the floor over and over again fighting for what you and I believe in, and that is fair and limited government, personal responsibility and accountability. I applaud the efforts that you have made, and I feel very honored to serve with you. I feel very honored to come to Special Orders and speak with you, and I thank you. I just want to thank you from the bottom of my heart for being engaged in the fight. I'm a marine. You're not a marine, but you're a fighter, and I appreciate that. I thank you and yield back.

Mr. KING of Iowa. Reclaiming my time, I very much thank my good friend from Georgia, who is always there when I need him, and he shows up sometimes before I realize I need him. This may well be one of those times.

Mr. Speaker, there are certain bonds that get built here in the House of Representatives. There are people here working late at night and they're up early in the morning and they are pushing an agenda, those that carry a Constitution in their pocket and those that believe it. There are some that carry a Constitution in their pocket that believe that it is a living and breathing document. That way of thinking that began to erode our liberties over 110 or 120 years ago is the way of thinking that says that there is no guarantee whatsoever, that the Constitution is not only a protection of the rights of the majority, it is the protection of the rights of the minority, whichever side of that equation you happen to be on.

This liberty that we have is not just in the document, but it is something

that we have to preserve and protect. Those that set about with the argument that it is a living and breathing document are actually undermining our liberty and turning it over to people in black robes who then can decide in their fashion what they believe the Constitution is supposed to say. So I pose the question, Mr. Speaker—and I posed this question to Chief Justice Rehnquist when he was alive and sitting on the Supreme Court—and that is, if the Constitution doesn't mean what it says, if it doesn't mean what it was understood to mean at the time of its ratification, then what has it become? Has it become just an artifact of history, or is it a shield that liberal judicial activists can hold up to protect themselves from the criticism of the public that they would like to convince that they don't have the capability of reading a very simple document, that clear, plain, precise language of our Constitution?

I yield again to the gentleman from Georgia.

Mr. BROUN of Georgia. Thank you, Mr. KING.

In Psalm 11, God asks a question. He says, "If the foundations be destroyed, what are the righteous to do?" Well, the Constitution of the United States was obviously the foundation of this country. But if you think about it, if it is a living and breathing document, then that means it can be applied by anyone in any manner. What does that have a potential of leading to is nothing but tyranny. Tyranny. And that philosophy is a tyrannous philosophy.

Mr. KING of Iowa. The tyranny of the majority, as our Founding Fathers defined it.

Mr. BROUN of Georgia. It is the tyranny of the majority. And it's tyranny that destroys freedom and liberty in this country. And I say liberty and freedom. Let me define liberty for you, Mr. Speaker, because I see them differently.

Liberty is freedom bridled by morality. A wild dog is free. True freedom for everybody is anarchy. But we have liberty in this country. Liberty is where my freedom ends, where yours begins, where you and I can come together in a society and we can work for a common good. That is what our Founding Fathers very firmly believed. That is what I believe. We need to work together for our common good.

We are supposed to be, under the Constitution, a government of the people, by the people, and for the people, not a government over the people. That is what many in this House, many in the Senate, and many Presidents, even Republicans and Democrats have—

Mr. KING of Iowa. Reclaiming my time, if I can just make this point that however long we might talk to the people on that side of the aisle, they're not going to change their mind. They are the wrong people. I can tell you that I

stood here for 7 years and made some powerful arguments, and I can't think of a single time when one of them stood up and said, Oh, my, I didn't realize that. I didn't think about it that way. I'm going to change my mind. It doesn't happen in the real world.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. Well, you are right. They are absolutely entrenched in the philosophy that they know best: The government needs to control everything. Well, there is a word for that. It's called socialism, central planning. That is exactly what many people on the other side hold very dear to is they think we are too ignorant to control our own lives, to make our own decisions, so they have to control our health care. They have to control what light bulbs we screw into the lamps in our home. They have to control what kind of toilet we can have in our bathrooms and what kind of showerhead, what kind of cars we can drive. That is socialism, that is central planning, and that is the road we are going down.

We are on a road towards people losing their freedom, where they cannot make decisions for themselves. This health care bill, proposal—it's actually not a bill; it's a proposal that the President put forth this morning. I went on the Web site and looked at all the things. There is no bill. The proposal is nothing but the first step in taking over the whole health care system and making it government control so that government bureaucrats control that part of it. We have got to stop it, and it is up to the American people.

Mr. KING, you are exactly right. Mr. Speaker, Mr. KING is exactly right that there are folks that don't pull out the Constitution. They talk about the Constitution, but they have no clue what limited government is supposed to be under the Constitution. They fight for bigger government, bigger government control, socialism, central planning so that it takes everything away from individuals. And the American people are going to have to stop it by standing up and saying no to ObamaCare, no to an energy tax, the tax-and-trade, or cap-and-trade as they call it, no to forced unionization, no to the illegal aliens in this country—they need to go home; they're criminals. They need to say no to all those things. The American people need to say no to those. We are accused of being the party of "no," but we are the party of "k-n-o-w," because we know how to solve these problems over here on the Republican side if we can just have our voices heard. The American people need to demand that also; that is absolutely critical.

Mr. KING of Iowa. I thank the gentleman from Georgia, and I appreciate him sticking around for a few extra kind words. The gentleman, the doctor, the marine from Georgia, thank you very much, Dr. BROUN.

I want to move along into a component of this that is at the front of my mind. The first part of this is so that you, Mr. Speaker, and the people on the other side of the aisle—and I know your constitutional position from a formal standpoint, nonpartisan position from a formal and constitutional standpoint, that would be one of the points we would disagree on, but how did we get here is the question. Why is it that America is watching as the White House has rolled out, what is it, 14 pages of platitudes, no legislative language, that is supposed to be a bipartisan negotiating standard? Why is it that the President of the United States has refused to give up on ObamaCare—which some could call ReidCare, others would call PelosiCare, some of that is ObamaCare, and I call it TroikaCare. It is a health care policy that is put together by those three rulers and leaders that are untested in a single party government, and this is what you get. You get something, Mr. Speaker, that is put together behind closed doors in those formerly smoke-filled rooms with guards outside the doors, and they are trying to put together some kind of package that can garner now 51 votes in the United States Senate and 218 votes in the House of Representatives. Meanwhile, the President is chastising Republicans for not wanting to work in a bipartisan fashion.

So what has happened? I will make the point, Mr. Speaker, that the President of the United States has simply lost his mojo. He doesn't have it anymore. He had the most juice of any President I can think of when he was inaugurated on January 20, 2009. This was a Nation that was on the verge of euphoria because they elected the first black President of the United States, because it was a new way forward, because it was all about hope and change. And this hope and change was defined differently to people depending on what they heard from the ambiguities of the President of the United States. One side, the extreme liberals, believed that the President of the United States was going to jerk the troops out of Iraq come whatever calamity. They believed that he would never engage in a foreign conflict and he would sell off our tanks and airplanes and spend the money on social programs. The other side believed that the President might be somewhat stable with national defense and maybe wouldn't spend so much money. And everybody certainly believed that the President would work in a bipartisan fashion, but it didn't happen.

When the President of the United States, today's President of the United States, Mr. Speaker, was working in a complicit fashion with George W. Bush when TARP unfolded 1 year and several months ago, it turned out to be first \$350 billion, and then another \$350 bil-

lion. We see it as one package. Well, it was not. Under the 110th Congress, and it would be in the last months of the Bush administration, \$350 billion was approved for TARP—Troubled Asset Relief Program. Henry Paulson came to this Capitol on September 19, 2008, before the presidential election and did what I call his "Chicken Little routine." He said, The sky is falling, the sky is falling and it is a financial calamity, and the only way we can prop the sky back up is you give me \$700 billion and do so right now. And maybe, just maybe I will be smart enough and wise enough to do this, but if you tie my hands and you put any strings on this money, if you try to alter or amend the latitude that I demand, then the whole sky is going to come crashing down. The economic world will collapse. Because he had been thinking about it for 13 months, he presumed we had only thought about it for 24 hours, and we had to bite the bullet and take the bait so that they could set the hook and reel us in on TARP.

Well, Mr. Speaker, that was one of the things that happened. It wasn't actually the first. But through the course of this, President Obama, then-Senator Obama, was right along the way supporting for, voting for every irresponsible spending that took place as a United States Senator, and then as a President-elect United States Senator, then as President of the United States newly inaugurated. That is when he really turned up the heat. That is when he really opened the floodgates, and that's when the spending really moved on and that is when we really saw the nationalization of these eight huge entities. That would be three large investment banks, Mr. Speaker. It would be AIG, the insurance company. It would be Fannie Mae, Freddie Mac.

□ 2130

Now, that's six of the eight. The American people are watching this, and they're thinking we have a constitutional republic. We elect our representatives. Their job is to use their best judgment and their best resources to come to the best conclusions possible and to make decisions for the American people because, first of all, the American people can't all be investment bankers. They can't all know what's going on in the inside of Wall Street. They can't all know what the United States Treasurer is doing, and they can't understand necessarily all of the advice that's going into the White House or into the offices of the Members of Congress.

They can provide their input, and we need to listen, but they also trusted the judgment. That's how our Founding Fathers set this up. That's why this is a constitutional republic, because every one of us has his own unique franchise. Every one of the 435 Members of the House and of the 100 Mem-

bers of the Senate has a unique franchise.

We owe the American people this, Mr. Speaker: first, our best effort; second, our best judgment.

Our best effort is clear, which is to work as hard, as diligently and as efficiently as you can. Our best judgment includes input from the American people, and it includes input that comes from the experts and the data and the analyses and the studies and the testimony and the hearings that come before these committees so that we can come to a good conclusion.

The American people, to some degree, trusted those conclusions, but they saw TARP come down the pike. Then they saw the takeover of some of the large investment banks and the investment brokers like Bear Stearns, Bank of America, Citigroup, AIG—bing, bang, boom, one after another—Fannie Mae and Freddie Mac taken over by the Federal Government. They are getting more and more uneasy as this unfolds.

Then, Mr. Speaker, as the American people had this knot in their guts, along came the nationalization of General Motors and Chrysler. That's when the credibility of the White House tanked, because, even though the American people don't necessarily understand Wall Street, they understand cars. Most of us own one or more of them. We know pickups, too, and people who know pickups certainly know cars. I'm not sure it's the other way around, Mr. Speaker. We know cars. We make cars. We market them. We sell them. We fix them. We race them. We buy them, sell them, trade them. We collect them. Americans have a love affair with cars, especially with their American cars.

The President of the United States nationalized two huge, important American automakers. He took them over. He dictated the terms to the bankruptcy court, and the hearings that were held before bankruptcy changed not one single dot or cross on a "t" from the proposal that was dictated by the White House going into the bankruptcy court, according to testimony in the Judiciary Committee on just this.

So the President dictated the terms, or his people dictated the terms, and the President appointed a car czar, a 31-year-old car czar who had never made a car or sold a car. We don't think he has ever fixed a car. We don't even know if he owned a car at the time, but if he did, we ought to take a look and see if it was an American car or if it was a foreign-made car. We began to lose faith quickly when we saw the White House take over our automobile business.

The Speaker of the House, Mr. Speaker, made the point that she would not give the automakers bargaining control over the unions, over

the United Auto Workers union. When she said that and when that term stuck and when the President of the United States and others leveraged the bondholders out—the secured creditors who had hard collateral invested in these companies—and when they had secured collateral that they could foreclose on, they were aced out. One of the reasons they were is that those secured entities that held those were some of the investment banks that were bailed out by TARP. So they had leverage that said, Give up your positions because we've got the money, and we can control your boards of directors.

So the White House dictated then the terms of these bankruptcies to the automakers. They took the secured credit away from the investors, and they handed it over to the labor unions. Additionally to that, the President of the United States fired the CEO of General Motors, and replaced the board of directors of General Motors down to the last two. All but two were directed by the President of the United States, and the American people were repulsed by the very idea that the President of the United States would be engaged in nationalizing companies.

As I look at this, I just have a little piece of document that I've printed off of the socialist Web site, the Democratic Socialists of America. Mr. Speaker, I would encourage you and the others who are interested in this to go to the Web site [dsausa.org](http://dsausa.org). There you will find some of the text of the strategy that appears to be the strategy of the White House.

"Social redistribution," it reads. Social redistribution is one of the goals. "The shift of wealth and resources from the rich to the rest of society will require"—this is the Democratic Socialists' Web site—"the shift of wealth and resources from the rich to the rest of society will require, No. 1, massive redistribution of income from corporations and the wealthy to wage earners and the poor and the public sector in order to provide the main source of new funds for social programs, income maintenance, and infrastructure rehabilitation."

A massive shift of income from corporations and the wealthy. In other words, share the wealth, Mr. Speaker. This is right off the socialists' Web site.

Item No. 2 reads, "A massive shift of public resources from the military to civilian uses." We've seen that, too.

Furthermore, on the socialists' Web site, it talks of the nationalization of major corporations. It says they don't have to do it all at once. They can do it gradually. They want to nationalize the oil refinery business. They want to nationalize the energy industry in America. All of that is on the socialists' Web site, Mr. Speaker. All of that looks stunningly like what we've seen happen over the last year and a half.

The American people have had enough. Eight large entities. The last two were the automakers, and the automakers were the ones that gave the American people the insight into what the rest of those decisions were.

Right after that came the stimulus plan—\$787 billion poured into the economy for a purpose that only 6 percent of the people think it produced. Only 6 percent think that the stimulus plan worked.

Right behind that came cap-and-trade, cap-and-tax. This was another plan to punish American business and to punish everybody in America who uses energy under the extremely myopic and ill-informed idea that anybody is "trying to save the planet, trying to save the planet." I don't want to sound like a broken record. I'm actually quoting a high-profile person in the House of Representatives, Mr. Speaker.

Well, you're not going to save the planet if you're going to use false data—data that has been either jiggered or data that has been sorted and selected to produce the results that they want. It looks like the data that produced the hockey stick graph was selected data, and the language that came out of some of the leaked emails said we have to hide the decline. Michael Mann wants to hide the decline. Phil Jones wants to hide the decline.

Well, the American people understand now that it wasn't just something that they didn't understand. Cap-and-trade, the science behind that—if you call it science—is another one of those things the American people thought they didn't understand, but surely, the experts did, just like they didn't understand Wall Street, but surely, the experts did. Now they're finding out the American people knew more about Wall Street than the people of Wall Street did, because they want fiscal responsibility. They aren't skimming the cream out every quarter and, come what may, letting the economy become unstable and, perhaps, crash. It's the same with cap-and-trade, cap-and-tax, and the pseudoscience behind that. They understand now that the results have been rigged to some degree—they don't quite know what.

Right behind that came comprehensive health care reform—socialized medicine, Mr. Speaker. The American people rose up again, and they filled the town hall meetings in August, and they kept them full into September, and we came back here and argued and fought this legislation. As that unfolded, finally, on the 7th of November, a version from the House passed here on the floor. In the following month, on Christmas Eve, a version in the Senate, a significantly different version, passed there with a 60-vote super majority. On Christmas Eve, the elves were just putting away the last gift

that they had put together, the last toy for the kids, and they were going to go to bed to sleep while Santa delivered, but HARRY REID had to have a vote over in the United States Senate. So the Christmas Eve gift to the American people was socialized medicine, Senate style.

Now we have a House version and we have a Senate version, and the American people rose up. Not a single pundit on Christmas Eve, on the day that that bill passed, had said that there was a chance for SCOTT BROWN to win the United States Senate race in the special election in Massachusetts, which was scheduled for and did take place on January 19 of this year. Not a single pundit predicted it on that date. No one saw it coming. Some poll showed SCOTT BROWN down 30 percent. Others showed him down 21 percent on that day. His opponent went dark, and they stopped the campaign. People thought that everybody would be distracted over Christmas, and so there wasn't any point in doing politics during that period of time from Christmas Eve on through New Year's Eve and on into the new year, when you finally get back into the rhythm of things.

Yet the thing that didn't get anticipated was that, oh, we talked politics all right when we got together for the holidays. We do several King Christmases to get it all taken care of in the right way. We talk about politics. We talk about religion. We talk about the weather. So do all kinds of Americans, and so do people in Massachusetts. So, when they came through the other side of that and with the intervention that we had, SCOTT BROWN obviously won the election in Massachusetts in the "Scott Heard Round the World." That was the death knell for socialized medicine in America. The President of the United States immediately refused to receive the message from the people in Massachusetts, and he insists on pushing ObamaCare back at us over and over and over again.

While that was going on—excuse me, Mr. Speaker. I think I need to make this point—from the 19th of January, there were a lot of other maneuverings that went on. Senator TOM HARKIN said that they had already negotiated a settlement between Democrats so that they could figure out how to pass a bill before SCOTT BROWN won the election. That strategy, I presume, was predicated upon an assumption that they would have 60 votes in the Senate. In any case, they contemplated the idea that they might have to try to move something through on reconciliation—the tactic that they use in the Senate on rare occasions which Democrats call the "nuclear option," but it's not too handy to call it a "nuclear option" today.

Mr. Speaker, even though the blizzard shut this town down for a week and it was hard to get some business

done, they have been meeting behind closed doors again. Even though the American people are revolted at the idea of cooking up this toxic stew called ObamaCare—"TroikaCare" I called it earlier—this toxic stew that started with socialized medicine, single-payer government runs it all, this big, old, dated, 15-year-old, tainted soup bone called HillaryCare, they dropped it into a pot to cook up this health care bill. Then they saw that nobody wanted it. Nobody wanted the plain old, straight, single-payer that President Obama, as candidate Obama, had promised that he was for to the American people.

So they started throwing in some other kinds of vegetables and things to change the flavor of it or the looks of it a little bit. So they gave some options about it the other way, but it still turned out to be the same soup bone in there, that same tainted meat that cooked up this toxic stew. This toxic stew, called ObamaCare, is something the American people don't want. They don't want the taste of any toxic stew, and once it is, no matter what you add to it it's still toxic. It's still tainted. The American people don't want a potful, and they don't want a bowlful, and they don't want a cupful, and they don't want a spoonful. Mr. Speaker, they want no measure of this national health care plan that has been cooked up. It's tainted. It needs to be thrown over the side, thrown out, and we need to start over. That's what 47 percent of the people say—they want to start over. Another quarter of them says to just throw it out and do nothing. There is maybe a quarter of them who think—I think the number was actually 23 percent—that ObamaCare should be passed, and that's a pretty low percentage.

Thomas Jefferson said a large initiative should not be passed on slender majorities. Well, now they're trying to push a large initiative through without a majority. I say that because, Mr. Speaker, the American people have spoken. The American people realize now what they have produced in the past election. They know they have got a new election coming up here in November of this year. The political center of America has moved, and the elections haven't caught up to reflect the movement of the political center, but no one doubts it will happen. They are just as confident that there are going to be significant seats that are going to be picked up here in the House of Representatives.

So I'm going to make this point, Mr. Speaker, which is that nothing good can come from the President's insisting on pushing ObamaCare back out onto the table on Thursday. Nothing good can come from closed-door, secret meetings, planning a strategy called "reconciliation-nuclear option," which is the equivalent of holding a gun to

the heads of Republicans, figuratively speaking, and then saying, Listen, I have all the cylinders full; the hammer is cocked. This is reconciliation-nuclear option. Now you can either accept this that we offer to you, ObamaCare through this version, or, if you don't, we're just going to pull the trigger, drop the hammer and run that reconciliation package through the Senate and over here to the House where the House would be sitting with two Senate versions passed.

Then they would pass the reconciliation, which are the changes that the House insists on in the Senate bill—not the House—excuse me—the Speaker and the House Democrats insist on in the Senate bill. If they pass that, they would then hold it and not message it to the President. They would wait, and then they would pass the Senate version of the bill, message that to the President, ask him to sign the Senate version. Then the reconciliation-nuclear option package would go to the President of the United States, and he would sign that right afterwards, probably in the same bill-signing ceremony, and the second bill amends the first bill.

That, Mr. Speaker, is how honest this is, and I'm not suggesting that it is. That should give the American people an idea of what's going on here, and it is something that repulses them and me.

□ 2145

The job of the Speaker is to bring out the will of the group, not to bring out the will of the Speaker.

We have some negotiations to take place. Before we go to those, I want to make a point that is very useful to me, and it is something that was originated within the mind and the thought process of my friend from Minnesota. This is the Declaration of Health Care Independence. I could read this whole thing down here, but it recognizes six points above of what went wrong. Those six points are that everything that's going on right now, except for what Republicans have done, has denied our American liberty. It increases our taxes. It cripples the economy. It creates a new tax. It creates a bureaucracy that will devise ways to increase the spending. It empowers bureaucrats to do what they will to us. And it costs us quality and choice. Those are the negatives.

Mr. Speaker, the positives are these in this Declaration of Health Care Independence: These are the things that we say are the new rules for the road going forward. We're going to consider working with people who believe in these principles. These principles are, number one, we're going to protect the doctor-patient relationship. Number two, we're not going to add to the debt. Number three, we're going to improve, not diminish, the quality of care. What we do is going to be trans-

parent in its negotiations and in its meaning with no favoritism to anyone from any State, equal protection under the law. We're going to treat people the same whether they're Members of Congress or whether they are your regular citizens that don't have the privileges that we have here. We are not going to fund abortion. We are not going to fund illegals. There will be no new mandates on the States, individuals, businesses, or employers. I said equal protection. And we're going to utilize the marketplace of ideas and choice with competition.

That, Mr. Speaker, is what this Declaration of Health Care Independence does. It currently has at least the signatures of 96 Members of Congress. Somebody printed that there was a small number of people that have supported this. That's only 2 days of trying. Ninety-six Republicans have signed this. Not a single Democrat has come forward and been willing to sign it at this point. And we need to send a strong message to the leadership, going cheek to cheek with the President of the United States and dancing a tango and acting like we want to do business and we don't have any rules for the road. These are the rules of the road. And I will, Mr. Speaker, make the announcement here that I will not vote for a bill that doesn't honor and respect these parameters. And I want to start with single standalone pieces of legislation, and I want to start with tort reform.

I need to recognize the gentlewoman from Minnesota because she was here first for so much time as she may consume until such time as Mr. GOHMERT gets nervous about it.

Mrs. BACHMANN. I thank the gentleman from Iowa for yielding.

I'm so thankful that you're bringing up the Declaration of Health Care Independence. I believe that viewers may be able to see that on your Web site at [king.house.gov](http://king.house.gov). Also it would be available at my Web site as well, which is [bachmann.house.gov](http://bachmann.house.gov). We encourage viewers to go and view this document and take a look for themselves. As I understand, we have about a hundred Members of Congress that have already signed this. I understand that anyone can go ahead and take a copy of this bill and post it on their Web site. They can download it. They can do whatever they would like. They can take it to their Member of Congress, their Senator. Whatever they want to do they can do with this. I understand that some people have taken this and posted it on Web sites and have gotten at least 10,000 signatures of the American people. So it's interesting how this has captivated the imagination of the American people because going forward with this health care summit on Thursday, we need to have a roadmap. The President has indicated what his roadmap is, and many of us—I know that



Mr. GOHMERT, Mr. KING, myself, other Members of Congress spent hours working on this Declaration of Health Care Independence. We labored over this, particularly Mr. GOHMERT, particularly Mr. KING, wordsmithing every word to make sure this was exactly right. That's why we're very proud to have the American people see this as a road-map going forward on health care, unlike what we believe will be seen this coming Thursday. I just want to let the American people know ahead of time. It's now Monday; so we're within the 72-hour window of when this health care "summit" will occur. I say it's summit in name only because I say be prepared, America, Mr. Speaker. I say be prepared, because we probably had more substance come out of the beer summit that was at the White House than we will in all likelihood see come out of 6 hours of TV cameras on Thursday coming up.

Why do I say that? I say that because this dog and pony show that is planned for this upcoming Thursday needs to be about what the American people want it to be about, and the President is demonstrating, in essence, a very deaf ear to what the American people have asked for.

The American people overwhelmingly have repudiated the Democrat job-killing government takeover of health care. Again, as Mr. KING has said, this is the government's taking over one-sixth of the American company, or 18 percent of the private sector. Just like that, in one fell swoop, taking it over so that rather than the American people having the say over their health care decisions, now the say goes to the Federal Government so the Federal Government gets to decide. So egregious is this bill, in fact, it's not even a bill. It's an 11- or 12-page proposal that the White House just put up online today. It says in essence the Federal Government would be able to price-fix on health insurance policies. We've been down this road before. This is an old movie. It's a B movie at that. It's been repeated over and over. Any time government gets the wise idea of putting its hand in on price fixing any commodity, any service, any wage in the United States, inevitably the result, and it's always been this way, is scarcity.

So now think of that in terms of health insurance. The Federal Government says how much a policy can be in the United States. Inevitably there will be less of that product. Why? Why would a private organization decide to put a product out and can only spend so much on that product? The only option this organization would have would be to offer less of it. Fewer options, less care. In other words, the Federal Government is going to mess up health care even more than they already have done. We know this because the President has decided he's going to

begin on Thursday with a plan that already the American people have repudiated. The American people have said clearly what they want in all of this is lower costs and more competition. That isn't done at all. As a matter of fact, the President's own economic adviser, Christina Romer, has already said if the President's plan goes through, it's 5½ million jobs lost.

Now, things haven't gone real well already by the estimates from the President's advisers. They said if we passed the stimulus plan when we had 7.6 percent unemployment that we wouldn't rise above 8 percent. They said if we do nothing, it will go up to 9 percent unemployment. Well, we're now millions of jobs lost later and we're still hovering at 10 percent unemployment. And the President's own economic adviser says if we put his plan in place, we'll lose another 5½ million? I think that alone is reason enough to reject his plan.

But that isn't enough. This plan also we know is massive tax increases in violation of what the President promised the American people. It's also massive job killing, as the President's own economic adviser said. And it cuts half a trillion dollars out of Medicare. That's right, Mr. Speaker. While we will be adding in about 47 million more people into receiving services, we're going to cut \$500 billion out of Medicare. Who's going to be hurt by all of this? Senior citizens.

Senior citizens are so smart. They have been on to this from the beginning, and that's why overwhelmingly senior citizens have said, Mr. President, don't do this thing. I'm the one that's going to pay the price.

That's right. Only every American will pay the price because all of us will see tax increases. All of us will suffer from these job-killing actions. This will force Americans again to pay for other people's abortions, and it will force Americans to pay for people's health care that aren't in this country legally.

Every word in the health care bill was negotiated by Democrats behind closed doors. In fact, they said today that if the Republicans won't go along with their bill, they're going to go forward with it anyway. Well, then what in the world are we going to this summit in name only for? If the Democrats have already said we've figured out our legislative trick, according to the chief negotiator for Speaker PELOSI, we've got our trick, we know how we're going to trick the American people and pass through a bill that two-thirds of the American people said they don't want. Well, if that's the case, what's this about?

Well, we know what this is about. Today the White House Communications Director gave a quote, and he said that they want the American people to see the negotiations played out

on TV among Democrats and Republicans. And why do they want that to happen? Well, Mr. Pfeiffer said, "The fact that the summit," and I quote, "will be on TV and that the legislation is posted online will help take away a little of the concern of this being something hatched behind closed doors."

Well, I hate to break it to you, but this has already been done behind closed doors. As Mr. KING said, while the snow shut down Washington, D.C., that didn't shut down the Democrats, who control every lever of power in Washington, from staying behind closed doors.

Remember, every minute of this health care bill, every minute, has been negotiated behind closed doors with all the special interest groups who don't want to get whacked by the President. Except for the American people. They did not get access behind those closed doors. It's been negotiated behind closed doors. It's going to result in tax increases. It's going to result in less health care. And it's going to hurt senior citizens the most.

Mr. KING of Iowa. Exclusively with Democrats.

Mrs. BACHMANN. Exclusively by Democrats. They have been the only ones behind closed doors with these negotiations. So don't for a moment suffer the delusion to think that what's going to happen this Thursday in a 6-hour time period—remember, the President on Saturday in his weekly radio address said that when we have these negotiations, he doesn't want to see any political theater. Oh, really? He also said that he wants to go through section by section a 2,700-page bill. In a 6-hour period, Mr. President, you're going to go through section by section a 2,700-page bill, which, by the way, none of us have seen yet?

Mr. GOHMERT, have you seen this bill? Mr. KING, have you seen the bill? Mr. KING of Iowa. I have not seen the bill.

Mrs. BACHMANN. That's because no one has seen this bill. It's not online. How do we know that? Today the Director of the Congressional Budget Office, Mr. Douglas Elmendorf, said, We can't score how much this bill is going to cost. Why? We don't have the legislation. In fact, he said, We don't even have enough details out of this, quote, little 11-page proposal to even say how much the thing is going to cost.

So we don't know exactly who the players are that are going to go to this summit in name only on Thursday. We don't have a bill yet that we can negotiate. Yet this is going to impact every American, raise taxes, kill jobs. We don't even know what the bill is. We don't even know who the players are that are going to be in the room. And somehow this is a negotiation when the President has already said through his mouthpiece, his spokesmen, they have already said, well, it doesn't matter if

the GOP turns it down, we're going to go our own way anyway. So agree with us. That's your option, Republicans. Agree with us or take a hike. Doesn't that make the American people feel good?

I thought the Declaration of Independence said that we rule by the consent of the governed; that we pass laws with what our constituents want. I spoke to STEVE KING earlier; I spoke to LOUIE GOHMERT earlier. They were both home over these last 2 weeks in their respective districts. Their constituents told them, We don't want this job-killing government takeover of health care. That's what my constituents told me. I was just this weekend in St. Cloud, St. Martin, in Stillwater, in Woodbury. I was up in Anoka County. Everywhere I went people said, Michele, please, you don't think they're going to pass this health care, do you? Well, President Obama plans to. He must have his fingers in his ears or something must be happening, with all due respect, because that's not what my people are telling me in my district. All I can say is, Mr. President—Mr. Speaker, I am speaking through you. Mr. President, I beg you, listen to the heart cry of the American people. They don't want this clunker, for cash or otherwise. They don't want this thing. Let's start over and have a true legitimate negotiation. Let's not insult the intelligence of the American people. That's all this summit in name only is. There is more respect for the beer summit than there is for this so-called "summit" in name only on Thursday. It's a travesty.

Mr. KING of Iowa. Reclaiming my time, I very much thank the gentlewoman from Minnesota.

In transition to the gentleman from Texas, I will just say I can tell you, Mr. Speaker, who will not be at the summit, who will not have a forum, who will not have a microphone, and that will be there will be no outspoken conservatives allowed to address that issue on Thursday at the Blair House. That's a given. I make that prediction for the American people, Mr. Speaker.

I yield to the gentleman from Texas who has so patiently waited and has so much to say. And I thank the gentlewoman from Minnesota for joining us.

Mr. GOHMERT. I thank the gentleman for yielding.

It's a pleasure to wait. It's not patiently. I'm just sitting and taking in everything that has been said and benefiting from that.

My friends here, the gentlewoman from Minnesota, the gentleman from Iowa, and others, have worked very hard on the Declaration of Health Care Independence.

□ 2200

But it must be noted that these last 10 things that are pledges are things the President has already prom-

ised. You know, and it is important that people in Washington keep their word. You give your word and say, this is what we're going to do, we will not do that, then it's important that we keep our word.

So we were hoping that the President—and there's still time, and we would ask, Mr. Speaker, that the President go ahead and note these 10 things, all of which he has promised, and say, you know what? Even though our leaders didn't make these preconditions, they're not really preconditions. They're just saying, will you live up to what you've promised before? Please, Mr. President, live up to what you promised before. That's all this is asking. That's all it's stating. That's what the pledge is.

Number 1, protect as inviolate the vital doctor-patient relationship. That's been promised by the President. We're going to protect the doctor-patient relationship. So that shouldn't be a tough one to agree to.

Number 2, reject any addition to the crushing national debt heaped upon all Americans. The President promised when he was running for the Presidency and after he's elected to the Presidency, we're not going to heap on any debt. And, in fact, I've enjoyed his speeches recently where he has chastised Congress for spending too much money, and that he's having to do by Executive order what didn't pass in Congress.

And I'm sorry. I haven't heard anybody point out the irony of saying, you know what? I am going to appoint an executive committee, people that I choose, and heck, I'll let you throw some people in there, but I'm going to sign an order to create a panel to save money. Now, this panel is going to cost millions and millions of dollars. But we're going to have a panel that will cost us millions and millions of dollars, but we're hoping somehow in the end we'll finally get this Democratic majority to do what they haven't done before, and that is rein in spending.

You know, Republicans lost the majority in 2006 because they had not reined in spending. Yeah, it was the Republican Congress in 1995 through 2000 that did as they said, they reined in spending. This President has said that.

And I don't know what happened to the Vice President. I do know the President said, you know, he's going to put him in charge and people would be afraid to mess with the Vice President.

But what happened to scrubbing the budget line by line? We just shot up \$3.8 trillion, never a budget that high in the history of the country ever. And yet, just crushing national debt will be heaped upon all Americans.

So, the ask here, Mr. Speaker, is that the President go back and listen to some of his own speeches recently where he has said we have got to stop

this runaway spending. So if he'll listen to what he said himself there, then we'll be able to get him to agree to Number 2 because he said it himself.

Number 3, improve rather than diminish the quality of care that Americans enjoy. Now, it's one thing to come before the American public and say nobody's going to be denied any type of coverage. Yet, you talk to people in England, you talk to people in Canada, they're not denied coverage.

So we're not going to say you can't have that surgery. You can't have that radiation. We're going to put you on a list and one in five of you, like for with localized breast cancer tumor, one in five of you here in England are going to die waiting on a list; whereas, if you were in America, you would get that treatment anyway. So let's improve, rather than diminish the quality of care. That ought to be the goal.

Number 4, negotiate it publicly, transparently, with genuine accountability and oversight, and be free from political favoritism. I know eight times the President promised on television that he—it's on video eight different times that the negotiations would be done on C-SPAN.

Well, that doesn't mean when you're going to come bring a bunch of people in and talk for 6 hours when the negotiation already occurred, because we've already heard from AARP and union reps, those folks that have said, oh, yeah, we've already negotiated this deal. We've come up with a compromise between the House and the Senate bill. That's not transparent.

He promised everybody would get to see who was siding with the pharmaceutical companies—I've heard the President say this stuff—and who's siding with the union, who's siding with the AARP and who's siding with people. And when I say "AARP," I mean that entity. I don't mean retired people, because all of us, I think, in this Chamber right now side with the retired people whether we do with AARP or not.

Number 5, treat private citizens at least as well as political officials. What that means is, particularly, the little phrase that was added to the House bill when people had an outcry from around the country that we expect Members of Congress to have to live with whatever they do to us, there was that line inserted into the House bill that just said Members of Congress may participate in this program.

Well, I haven't found anybody in America, when you read that line to them, that doesn't immediately pick up on the word "may."

Now, this pledge that we're asking of the President, that so many people across America have already signed on to, just says, you know, treat private citizens at least as well as the public officials.

We're called public servants for a reason. We're the servants. We're not supposed to be the masters.

Number 6, protect taxpayers from compulsory funding of abortion. Well, the President said right in here in September, there are those who claim that our reform efforts—well, let's see. Under our plan, no Federal dollars will be used to fund abortions. He said that.

Well, the truth is, we had to have the Bart Stupak amendment to prevent what the President said from being false. And if the Stupak amendment hadn't passed here in the House, then what the President said would not have been true. In fact, at the time he said it, it wasn't true. I'm sure he didn't realize that he was stating something false, but it wasn't true. That's why the Stupak amendment was necessary. And the Stupak amendment was not used in the Senate version.

Number 7, reject all new mandates on patients, employers, individuals, or States.

Well, originally, that's what was promised by the President, so hopefully he'd be willing to go back and live up to that.

Prohibit expansion of taxpayer funded health care to those unlawfully present in the United States. The President said in September, those who claim that our reform efforts would insure illegal immigrants, this too is false. The reforms I'm proposing would not apply to those who are here illegally.

Unless you require identification, it's not going to happen. We want the President to the live up to his promise, and we'd ask that that pledge be made.

Number 9, guarantee equal protection under the law and the Constitution. That means it applies across the board to everyone, every State.

Number 10, empower, rather than limit, an open and accessible marketplace of health care choice and opportunity.

I've heard people say I want the same health care coverage you have. Well, you don't want what I had last year. I didn't want it. I got rid of that at the end of last year, and I went through that big publication we had that every Federal employee has, and I chose a different insurance for this year. I hope it works out.

You don't want my insurance I had last year. You want my choices, and that's what Number 10 is talking about. American people ought to have a choice.

And with those 10 things being covered, I sure hope the President will be willing to live up to those things he's promised over the last year and half.

And I yield back to my friend, Mr. KING.

Mr. KING of Iowa. I thank my friend the judge and Congressman from Texas for joining us here this evening. And to bring this together and bring it to a

close, Mr. Speaker, I'd just say this, that there will not be outspoken conservatives that will be part of this discussion. There may be outspoken liberals; that would be if the President speaks up. That would confirm that, in my view, Mr. Speaker.

But the American people have rejected the very idea that the Federal Government would do what it would do, take over 100 percent of the health care in America and all of the health insurance policies that are in America, and, by the way, if they say that they won't, but they'd actually regulate every single one, it's true.

□ 2210

I talked a moment earlier, some minutes earlier, about the nationalization of these eight huge entities and what that means to free enterprise, but the real utter irony that we have, Mr. Speaker, is that not since 1973, since *Roe v. Wade*, have there been thousands and thousands of people who have stood up and said the government has no business telling a woman what she should do with her body. That is a sacrosanct decision made by the woman and her doctor and her pastor or her priest. I've heard the argument over and over and over again. And it is made by men and women. It's been made for two generations. And now the very same people that are arguing that you can't tell a woman what to do with her body, are now advocating that the Federal Government should take over the management of everybody's body.

The utter nationalization of the most private thing we have, our health care. Take away our choices, take it over and manage it, give us whatever insurance policy the Federal Government will approve, tell us what we have to pay for it, tell us what mandates will be included in it. And if we can't afford it, they will give us a refundable tax credit, and if we can't afford it and don't buy it, they're going to fine us, and they're going to fine the employer that doesn't produce it.

This is a mandate for the first time in the history of America that the Federal Government would mandate that a person has to buy something that is imposed on us by the Federal Government, and I say "no" to it all.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Mr. HOYER) for today on account of death in the family.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today on account of inclement weather and travel delays.

Ms. MCCOLLUM (at the request of Mr. HOYER) for today on account of business in the district.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal business.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of events in the district.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today on account of other district-related business.

Mr. REICHERT (at the request of Mr. BOEHNER) for today and the balance of the week on account of supporting his family after the sudden and unexpected death of his 16-year-old niece.

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of official business in the district, scheduled before the majority leader's announcement that votes would be held today.

Mr. DENT (at the request of Mr. BOEHNER) for today on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. FUDGE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. THOMPSON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, February 23, 24, and 25.

Mr. BURTON of Indiana, for 5 minutes, today, February 23, 24, 25, and 26.

Mr. POE of Texas, for 5 minutes, February 23, 24, 25, and 26.

Mr. JONES, for 5 minutes, February 23, 24, 25, and 26.

Mr. INGLIS, for 5 minutes, February 23, 24, and 25.

Mr. BROWN of Georgia, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today, February 23, 24, and 25.

Ms. ROS-LEHTINEN, for 5 minutes, February 23, 24, and 25.

Mr. SHIMKUS, for 5 minutes, February 23.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following title:

S. 2950. A act to extend the pilot program for volunteer groups to obtain criminal history background checks.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), under its previous order and pursuant to House Resolution 1084, the House adjourned until tomorrow, Tuesday, February 23, 2010, at 10:30 a.m., for

morning-hour debate, as a further mark of respect to the memory of the late Honorable John P. Murtha.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6057. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Astaxanthin Dimethyldisuccinate [Docket No.: FDA-2007-C-0044] (Formerly Docket No.: 2007C-0474) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6058. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting a proposed FY 2010 budget for High Intensity Drug Trafficking Areas (HIDTA) Program; to the Committee on Appropriations.

6059. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Departments of Defense, Education, Energy, Health and Human Services, the Treasury, Veterans Affairs and the National Aeronautics and Space Administration; (H. Doc. No. 111-91); to the Committee on Appropriations and ordered to be printed.

6060. A communication from the President of the United States, transmitting A Request For Budget Amendments For Fiscal Year 2010 proposals in the Fiscal Year 2011 Budget for the Department of Homeland Security; (H. Doc. No. 111-92); to the Committee on Appropriations and ordered to be printed.

6061. A letter from the Deputy Under Secretary of Defense (Plans), Department of Defense, transmitting notification of the Department's intention to close the Defense commissary store at Naval Air Station (NAS) Barbers Point on May 1, 2010; to the Committee on Armed Services.

6062. A letter from the Acting Secretary of the Navy, Department of Defense, transmitting a report detailing a Program Acquisition Unit Cost breach in the DCC 1000 Program; to the Committee on Armed Services.

6063. A letter from the Assistant Secretary, Department of Defense, transmitting a letter regarding the extension of the due date for a report on the current and future military strategy of Iran; to the Committee on Armed Services.

6064. A letter from the Assistant Secretary, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2009, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

6065. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's "Major" final rule—Fair Credit Reporting Risk-Based Pricing Regulations [Regulation V; Docket No. R-1316] (RIN: 3084-AA94) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6066. A letter from the Secretary, Department of Health and Human Services, transmitting final Head Start Impact Study report to Congress; to the Committee on Education and Labor.

6067. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Civil Penalty Factors received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6068. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Determinations Regarding Lead Content Limits on Certain Materials or Products; Final Rule received January 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6069. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Interpretative Rule on Inaccessible Component Parts received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6070. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6071. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Labeling Amendment of Blasting Caps received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6072. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Final Rule: Standard for All Terrain Vehicles received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6073. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Final Rule; Procedures and Requirements for a Commission Determination or Exclusion received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6074. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Interim Final Rule received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6075. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Labeling Requirement for Toy and Game Advertisements; Final Rule received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6076. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Exemption From Classification as Banned Hazardous Substance; Exemption for Boston Billow Nursing Pillow and Substantially Similar Nursing Pillows received January 7, 2010,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6077. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Information Disclosure Under Section 6(b) of the Consumer Product Safety Act received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6078. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Certificates of Compliance received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6079. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Technical Amendment to the Flammability Standards for Carpets and Rugs received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6080. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Portable Generators; Final Rule; Labeling Requirements received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder [EPA-HQ-OAR-2007-0121; FRL-9097-4] (RIN: 2060-AO38) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6082. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to: The Requirements for Transboundary Shipments of Hazardous Wastes between OECD Member Countries, the Requirements for Export Shipments of Spent Lead-Acid Batteries, the Requirements for Submitting Exception Reports for Export Shipments of Hazardous Wastes, and the Requirements for Imports of Hazardous Wastes [EPA-HQ-RCRA-2005-0018; FRL-9098-7] (RIN: 2050-AE93) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County; Correcting Amendment [EPA-R04-OAR-2008-0797-200824(c); FRL-9099-9] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6084. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision [EPA-R04-OAR-2007-0113-200709(a); FRL-9098-5] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6085. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation

of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Shelby County, Tennessee Portion of the Memphis, Tennessee-Arkansas 1997 8-Hour Ozone Non-attainment Area to Attainment [EPA-R04-OAR-2009-0164-200916; FRL-9099-1] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6086. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard [EPA-R04-OAR-2009-0751-200928; FRL-9098-9] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6087. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure to Submit Certain State Implementation Plans Required for the 1-Hour Ozone NAAQS [EPA-HQ-OAR-2009-0898; FRL-9099-7] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Greensboro-Winston Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard [EPA-R04-OAR-2009-0561-200929; FRL-9098-8] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Oregon; Final Authorization of State Hazardous Waste Management Program Revision [EPA-R10-RCRA-2009-0766; FRL-9098-6] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—TSCA Section 5 Premanufacture and Significant New Use Notification Electronic Reporting; Revisions to Notification Regulations [EPA-HQ-OPPT-2008-0296; FRL-8794-5] (RIN: 2070-AJ41) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6091. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2009 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on Foreign Affairs.

6092. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting 2009 Fiscal Year report in accordance with the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

6093. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the FY 2009 annual report on Military Assistance, Military Exports, and Military Imports, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA); to the Committee on Foreign Affairs.

6094. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Australia (Transmittal No. 07-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6095. A letter from the Secretary, Department of Commerce, transmitting the Department's report on Foreign Policy-Based Export Controls for 2010; to the Committee on Foreign Affairs.

6096. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

6097. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Removal of Entry from the Entity List: Preson Removed Based on Removal Request [Docket No.: 0910231375-91388-01] (RIN: 0694-AE75) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6098. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Amendments to the Export Administration Regulations (EAR) Based upon the Accession of Albania and Croatia to Formal Membership in the North Atlantic Treaty Organization (NATO) [Docket No.: 0907241162-91276-01] (RIN: 0694-AE62) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6099. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification for calendar year 2009; to the Committee on Foreign Affairs.

6100. A letter from the Deputy Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq, pursuant to Section 9204 of the Supplemental Appropriations Act for 2008, Pub. L. 110-252 and Section 1508(c) of the Department of Defense Authorization Act for 2009, Pub. L. 110-417; to the Committee on Foreign Affairs.

6101. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6102. A letter from the Assistant Secretary, Political Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 09-141, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

6103. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-105, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of

State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6105. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

6106. A letter from the President, transmitting a report on the Democratic People's Republic of Korea from June 26, 2008 through November 16, 2009; to the Committee on Foreign Affairs.

6107. A letter from the Deputy Executive Secretary, Agency for International Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6108. A letter from the Secretary, American Battle Monuments Commission, transmitting Fiscal Year 2010-2015 Strategic Plan, pursuant to 31 U.S.C. 1115; to the Committee on Oversight and Government Reform.

6109. A letter from the Executive Director, Consumer Product Safety Commission, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commercial activities for fiscal year 2009; to the Committee on Oversight and Government Reform.

6110. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2009, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6111. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification that the Administration is in compliance with the Government in Sunshine Act for calendar year 2009; to the Committee on Oversight and Government Reform.

6112. A letter from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting the FY 2009 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

6113. A letter from the Associate Special Counsel, Office of Special Counsel, transmitting the Counsel's fiscal year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

6114. A letter from the Secretary of the Board of Governors, Postal Service, transmitting the Service's report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

6115. A letter from the Secretary, Department of the Interior, transmitting Annual Operating Plan for Colorado River System Reservoirs for 2010; to the Committee on Natural Resources.

6116. A letter from the Director, Administrative Office of the United States Courts, transmitting fifth annual report on crime victims' rights; to the Committee on the Judiciary.

6117. A letter from the Staff Director, Sentencing Commission, transmitting report on the compliance of the federal district courts with documentation submission requirements on sentencing, pursuant to 28 U.S.C. 994(w)(1); to the Committee on the Judiciary.

6118. A letter from the National President, Women's Army Corps Veterans' Association, transmitting the annual audit of the Association as of June 30, 2009, pursuant to 36 U.S.C. 1103 and 1101(64); to the Committee on the Judiciary.

6119. A letter from the Secretary, Department of Energy, transmitting notification to authorize a noncompetitive extension of a contract for up to five years; to the Committee on Science and Technology.

6120. A letter from the Chair, NASA Aerospace Safety Advisory Panel, transmitting the Panel's Annual Report for 2009, pursuant to Public Law 109-155, section 106(b); to the Committee on Science and Technology.

6121. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the report numbered GAO-10-200; to the Committee on Science and Technology.

6122. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Class 9 Bonded Warehouse Procedures [Docket No.: USCBP-2007-0080] (RIN: 1505-AB85) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6123. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—"Imported Directly" Requirement Under The United States—Bahrain Free Trade Agreement [Docket No.: USCBP-2009-0015] (RIN: 1505-AC13) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6124. A letter from the Administrator, Social Security Administration, transmitting proposed legislation to extend funding for the Work Incentive Planning and Assistance and the Protection and Advocacy for Beneficiaries of Social Security Programs; to the Committee on Ways and Means.

6125. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the State of California; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6126. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the State of Indiana; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6127. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the Sovereign Tribal Nation of the Havasupai Tribe; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6128. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information from FEMA-1861-DR for the State of Arkansas; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2314. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. 111-412). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS of Colorado: Committee on Rules. House Resolution 1083. Resolution providing for consideration of the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. 111-413). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3562. A bill to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the "Chaney, Goodman, Schwerner Federal Building"; with amendments (Rept. 111-414). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 917. Resolution recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation; with an amendment (Rept. 111-415). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3695. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons system, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; with an amendment (Rept. 111-416). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PERRIELLO (for himself, Ms. MARKEY of Colorado, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. ANDREWS, Mr. BOSWELL, Mr. BOUCHER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CHU, Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAUNO, Mr. ELLISON, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. NORTON, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. KILROY, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LUJÁN, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE of Maine, Mr.

POLIS of Colorado, Mr. QUIGLEY, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. STUPAK, Ms. SUTTON, Mr. TAYLOR, Mr. TEAGUE, Mr. TIERNEY, Ms. TITUS, Mr. TONKO, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WOOLSEY, Mr. WU, Mr. BARROW, and Ms. HIRONO):

H.R. 4626. A bill to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers; to the Committee on the Judiciary.

By Mr. KRATOVLIL:

H.R. 4627. A bill to amend the Immigration and Nationality Act to impose new penalties for the knowing unlawful employment of aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. ADLER of New Jersey, Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. LANCE, Mr. LOBIONDO, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. SIREN, Mr. SMITH of New Jersey, Mr. PAYNE, and Mr. PAL-LONE):

H.R. 4628. A bill to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LEVIN (for himself, Mr. FRANK of Massachusetts, Mr. PETERS, Mr. MOORE of Kansas, Mr. DINGELL, Mr. KANJORSKI, Mr. RANGEL, Ms. FUDGE, Mr. KILDEE, Mr. PASCRELL, Mr. LIPINSKI, Mr. DOYLE, Ms. SCHWARTZ, Mr. BUTTERFIELD, Mr. ETHERIDGE, and Mr. RYAN of Ohio):

H.R. 4629. A bill to create a loan program to provide funds to State special purpose vehicles for use in collateral support programs and loan participation programs to benefit qualified manufacturers; to the Committee on Financial Services.

By Mr. ACKERMAN (for himself, Ms. HIRONO, Mr. CAPUANO, Mrs. MALONEY, and Mr. GUTIERREZ):

H.R. 4630. A bill to amend the securities laws to require that registration statements, quarterly and annual reports, and proxy solicitations of public companies include a disclosure to shareholders of any expenditure made by that company in support of or in opposition to any candidate for Federal, State, or local public office; to the Committee on Financial Services.

By Mr. ALEXANDER:

H.R. 4631. A bill to amend section 1105 of title 31, United States Code, to require that annual budget submissions of the President to Congress provide certain information regarding companies in which the Government holds stock, and for other purposes; to the Committee on the Budget.

By Mr. BISHOP of New York (for himself, Mr. KING of New York, Mr. LEE of New York, Mr. COURTNEY, Mr. HEINRICH, Mr. KAGEN, Mr. WEINER, Mr. PETERSON, Mrs. HALVORSON, Mr. ISRAEL, Ms. BORDALLO, Mr. SOUDER, Mr. LUJÁN, Mr. MCMAHON, Ms. KAPTUR, and Mr. GRIJALVA):

H.R. 4632. A bill to amend the Housing and Community Development Act of 1974 to set-aside community development block grant amounts in each fiscal year for grants to local chapters of veterans service organizations for rehabilitation of their facilities; to the Committee on Financial Services.



By Mr. BRALEY of Iowa:

H.R. 4633. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer Social Security taxes with respect to previously unemployed individuals, and to provide a credit for the retention of such individuals for at least 1 year; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. MCINTYRE, Mr. WILSON of South Carolina, Mr. MICA, Mr. BARRETT of South Carolina, Mr. JONES, and Ms. KOSMAS):

H.R. 4634. A bill to limit the authority of the Secretary of Commerce to implement certain fishery closures unless the Secretary certifies that closure is the only option available for maintaining a fishery at a sustainable level, and for other purposes; to the Committee on Natural Resources.

By Ms. FUDGE (for herself, Ms. WATERS, Mr. MEEK of Florida, Ms. SUTTON, and Ms. KILROY):

H.R. 4635. A bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 4636. A bill to prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations; to the Committee on Foreign Affairs.

By Mr. HALL of New York:

H.R. 4637. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures, to provide a standard home office deduction, to increase the amount allowed as a deduction for meals and entertainment expenses of small businesses, and to extend bonus depreciation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mrs. EMERSON, Mr. SHULER, Mr. THOMPSON of Mississippi, and Mr. HIMES):

H.R. 4638. A bill to amend the Richard B. Russell National School Lunch Act to provide commodity assistance to States participating in the school breakfast program established under the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. JONES:

H.R. 4639. A bill to amend title 10, United States Code, to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog; to the Committee on Armed Services.

By Mr. LEE of New York (for himself, Mr. SCHOCK, Mr. LANCE, Mr. BURTON of Indiana, Mr. BURGESS, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Mr. RYAN of Wisconsin, Mr. AKIN, Mr. BRADY of Texas, Mr. MARCHANT, Mr. MCHENRY, Mr. LAMBORN, Mrs. LUMMIS, Mr. POSEY, Mr. HENSARLING, Mr. KING of Iowa, Mr. ROONEY, Mr. JORDAN of Ohio, Mr. BILBRAY, Mr. PAULSEN, Mr. CHAFFETZ, Mr. SOUDER, Mr. HOEKSTRA, Mr. GARRETT of New Jersey,

Ms. JENKINS, Mr. CAO, Ms. WATSON, Mr. EHLERS, Mr. HINCHEY, Mr. POLIS of Colorado, Mr. MINNICK, Mr. CARNAHAN, Mr. SMITH of Washington, and Mr. POMEROY):

H.R. 4640. A bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. CAMPBELL, Mr. FRANK of Massachusetts, Ms. BEAN, Mr. FILNER, and Mrs. NAPOLITANO):

H.R. 4641. A bill to amend title 18, United States Code, to prohibit the making of political robocalls during certain periods, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 4642. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. DEFazio, and Ms. EDWARDS of Maryland) (all by request):

H.R. 4643. A bill to amend chapter 53 of title 49, United States Code, to establish a public transportation safety program; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK:

H.R. 4644. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a corporation from making any independent expenditure or disbursing funds for any electioneering communication without obtaining the prior approval of a majority of its shareholders, and for other purposes; to the Committee on House Administration.

By Mr. KLEIN of Florida (for himself, Mr. WAXMAN, Mr. CANTOR, Mr. LATOURETTE, and Ms. GIFFORDS):

H. Con. Res. 236. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mrs. DAVIS of California (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 237. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to the Women Airforce Service Pilots; to the Committee on House Administration.

By Mr. LEWIS of Georgia (for himself, Mr. KENNEDY, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, and Ms. SCHAKOWSKY):

H. Res. 1081. A resolution supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Month; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, and Mrs. BIGGERT):

H. Res. 1082. A resolution supporting the goals and ideals of the fourth annual America Saves Week; to the Committee on Financial Services.

By Mr. KANJORSKI:

H. Res. 1084. A resolution expressing the condolences of the House of Representatives on the death of the Honorable John P. Mur-

tha, a Representative from the Commonwealth of Pennsylvania; considered and agreed to.

By Ms. CORRINE BROWN of Florida (for herself, Mr. OBERSTAR, Mr. CUMMINGS, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. HARE, Mr. PERRIELLO, Mr. BOSWELL, Mr. SIREs, Mr. FILNER, Ms. NORTON, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. SHULER, Ms. HIRONO, Mr. HOLDEN, Mr. COSTELLO, Mr. DEFazio, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Mr. MEEK of Florida, and Mr. TOWNS):

H. Res. 1085. A resolution honoring and celebrating the contributions of African-Americans to the transportation and infrastructure of the United States; to the Committee on Transportation and Infrastructure.

By Mr. BACA (for himself, Mr. HEINRICH, Ms. RICHARDSON, and Mrs. CHRISTENSEN):

H. Res. 1086. A resolution recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census; to the Committee on Oversight and Government Reform.

By Mr. BARROW (for himself, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. SCOTT of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. DEAL of Georgia, and Mr. GINGREY of Georgia):

H. Res. 1087. A resolution honoring the life of John H. "Jack" Ruffin, Jr.; to the Committee on the Judiciary.

By Mr. CONNOLLY of Virginia (for himself, Mr. WOLF, Mrs. CAPPS, Ms. BALDWIN, Ms. BERKLEY, Mr. FALBOMAVEGA, Ms. WATSON, Mr. INGLIS, Mr. SCOTT of Georgia, Mr. SCHAUER, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. LANCE, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Ms. NORTON, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. CLYBURN, Mr. CROWLEY, Mr. MCMAHON, Ms. GRANGER, Mr. MCCAUL, Mr. SARBANES, Mrs. SCHMIDT, Mr. COHEN, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Ms. HARMAN, Mr. MURPHY of New York, Mrs. MALONEY, Mr. SCHOCK, Mr. ROHRABACHER, Mr. MATHESON, and Ms. LEE of California):

H. Res. 1088. A resolution recognizing the plight of people with albinism in East Africa and condemning their murder and mutilation; to the Committee on Foreign Affairs.

By Mr. HARE:

H. Res. 1089. A resolution recognizing the 150th anniversary of Augustana College; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Ms. SPEIER, Mr. FARR, Mr. GRIJALVA, Mr. HONDA, Mr. GUTIERREZ, Ms. PINGREE of Maine, Ms. BERKLEY, Ms. WATSON, Mr. FRANK of Massachusetts, Ms. KILPATRICK of Michigan, Ms. CHU, Mr. FILNER, Mrs. CHRISTENSEN, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. ISRAEL, Mr. HINCHEY, Mr. BERMAN, Mr. DINGELL, Mr. CUMMINGS, Ms. JACKSON LEE of Texas, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. MICHAUD, and Mr. POLIS of Colorado):

H. Res. 1090. A resolution recognizing the hearing of the Committee on Armed Services of the Senate on the Don't Ask, Don't Tell policy, and the testimony of Secretary of Defense Robert M. Gates and Admiral Michael G. Mullen at the hearing, as an important first step in permitting gay and lesbian Americans to serve openly in the Armed Forces and expressing the sense of the House of Representatives that the policy should be repealed in 2010; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. EHLERS, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LANGEVIN, Mr. LOEBSACK, Mr. MOORE of Kansas, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Mr. YARMUTH, Mr. HARE, Mr. KISSELL, Ms. SCHWARTZ, Mr. MEEKS of New York, and Ms. MCCOLLUM):

H. Res. 1091. A resolution expressing support for designation of the week of February 28 through March 7, 2010, as "School Social Work Week"; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LATHAM):

H. Res. 1092. A resolution congratulating the University of Iowa Hawkeyes football team for winning the 2010 FedEx Orange Bowl; to the Committee on Education and Labor.

By Mr. MORAN of Virginia:

H. Res. 1093. A resolution expressing support for designation of March as "National Whole Child Month"; to the Committee on Education and Labor.

By Ms. WATSON:

H. Res. 1094. A resolution commemorating the life of the late Cynthia DeLores Tucker; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. NORTON.  
H.R. 39: Mr. CHANDLER, Ms. ROYBAL-ALLARD, Mr. FILNER, Mr. HASTINGS of Florida, Mr. BAIRD, and Mr. GUTIERREZ.  
H.R. 43: Mr. DRIEHAUS and Mr. CLAY.  
H.R. 197: Mr. JOHNSON of Illinois, Mr. INGALLS, Mr. DONNELLY of Indiana, and Ms. ROS-LEHTINEN.  
H.R. 211: Mr. TEAGUE, Ms. WATERS, and Mr. PERRIELLO.  
H.R. 417: Mr. VAN HOLLEN.  
H.R. 424: Mr. COURTNEY.  
H.R. 442: Mr. GRAVES, Ms. GRANGER, and Mr. JOHNSON of Illinois.  
H.R. 444: Mr. LATOURETTE and Ms. NORTON.  
H.R. 450: Mr. BRADY of Texas.  
H.R. 467: Mr. SALAZAR.  
H.R. 476: Mr. DICKS.  
H.R. 482: Mr. KILDEE, Mr. OWENS, Mr. UPTON, Mr. MILLER of Florida, and Mr. WILSON of South Carolina.  
H.R. 517: Mr. HINCHEY.  
H.R. 571: Ms. WASSERMAN SCHULTZ.  
H.R. 606: Mr. POLIS of Colorado and Mr. GRAYSON.  
H.R. 658: Mr. MAFFEI.  
H.R. 690: Mr. DOGGETT.  
H.R. 734: Ms. WOOLSEY, Ms. CASTOR of Florida, Mr. MURPHY of Connecticut, Mr. HIMES, Mr. VISCLOSKEY, Mr. PUTNAM, Ms. BALDWIN, Mr. LARSON of Connecticut, Mr. KILDEE, Mr. HARPER, Mr. COFFMAN of Colorado, Mr. BACA, and Mr. ISRAEL.

H.R. 745: Mr. HONDA.  
H.R. 789: Mr. GRAYSON and Mr. KENNEDY.  
H.R. 795: Mr. McDERMOTT.  
H.R. 840: Ms. CHU.  
H.R. 930: Mr. HALL of Texas and Mr. ISRAEL.  
H.R. 984: Ms. CHU, Mr. WATT, and Mr. COHEN.  
H.R. 1024: Ms. WATERS.  
H.R. 1079: Mr. BLUNT and Mr. ELLSWORTH.  
H.R. 1144: Ms. FUDGE.  
H.R. 1308: Mr. SESTAK.  
H.R. 1402: Mr. HOLDEN.  
H.R. 1443: Ms. ESHOO and Ms. CHU.  
H.R. 1500: Ms. NORTON.  
H.R. 1520: Mr. CHAFFETZ.  
H.R. 1521: Mr. SALAZAR, Ms. RICHARDSON, Mr. KINGSTON, Mr. BURTON of Indiana, and Mr. BURGESS.  
H.R. 1523: Ms. TSONGAS and Mr. POLIS of Colorado.  
H.R. 1526: Mr. CASSIDY.  
H.R. 1547: Ms. ROS-LEHTINEN and Mr. THORNBERRY.  
H.R. 1552: Ms. BERKLEY and Mr. McMAHON.  
H.R. 1557: Mr. SCHRADER.  
H.R. 1629: Ms. GRANGER.  
H.R. 1686: Mr. HOLT, Mr. TIERNEY, and Mr. WALZ.  
H.R. 1718: Mr. AKIN.  
H.R. 1800: Mr. CAPUANO.  
H.R. 1826: Mr. QUIGLEY and Mr. PAYNE.  
H.R. 1866: Mr. McDERMOTT.  
H.R. 1895: Mr. MCGOVERN.  
H.R. 1908: Mr. GUTHRIE.  
H.R. 1912: Ms. NORTON, Mr. BOUCHER, Mr. ISRAEL, Mr. HASTINGS of Florida, and Mr. DOYLE.  
H.R. 1943: Mrs. MCCARTHY of New York.  
H.R. 1960: Mr. FORBES.  
H.R. 2000: Mr. MEEK of Florida, Mr. JOHNSON of Georgia, and Mr. CAO.  
H.R. 2067: Ms. PINGREE of Maine.  
H.R. 2089: Mr. POLIS of Colorado.  
H.R. 2102: Ms. SUTTON, Ms. ZOE LOFGREN of California, and Mr. LUJAN.  
H.R. 2110: Mr. HIMES.  
H.R. 2116: Mr. SCHRADER.  
H.R. 2160: Mr. KLEIN of Florida.  
H.R. 2227: Mr. DONNELLY of Indiana.  
H.R. 2296: Mr. INGLIS and Mr. SHADEGG.  
H.R. 2365: Mr. HOLT.  
H.R. 2377: Mrs. DAVIS of California.  
H.R. 2478: Mr. BISHOP of New York, Ms. KOSMAS, and Mr. HODES.  
H.R. 2546: Ms. SHEA-PORTER.  
H.R. 2567: Mr. BAIRD.  
H.R. 2669: Mr. COHEN.  
H.R. 2682: Mr. GRAVES.  
H.R. 2724: Mrs. CAPPS.  
H.R. 2746: Mr. LANGEVIN, Ms. TITUS, and Ms. SHEA-PORTER.  
H.R. 2764: Mr. COHEN and Mr. HARE.  
H.R. 2807: Ms. SHEA-PORTER.  
H.R. 2817: Ms. ZOE LOFGREN of California and Mrs. CAPPS.  
H.R. 2819: Ms. NORTON and Mr. FILNER.  
H.R. 2842: Mr. AUSTRIA.  
H.R. 2849: Mr. MARKEY of Massachusetts and Ms. ESHOO.  
H.R. 2882: Mr. CARNAHAN, Mr. BOUCHER, Mr. GUTIERREZ, and Ms. CHU.  
H.R. 2906: Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. RUSH, and Mr. CAPUANO.  
H.R. 2909: Ms. WOOLSEY.  
H.R. 2941: Mr. DICKS.  
H.R. 3018: Mr. GONZALEZ.  
H.R. 3048: Ms. NORTON.  
H.R. 3059: Mrs. HALVORSON.  
H.R. 3101: Ms. SLAUGHTER and Mr. BERMAN.  
H.R. 3238: Mr. GRAYSON.  
H.R. 3264: Mr. CUMMINGS and Mr. CLAY.  
H.R. 3286: Ms. MATSUI, Mr. HIGGINS, and Mr. DAVIS of Tennessee.

H.R. 3308: Mrs. MILLER of Michigan and Mr. SESSIONS.  
H.R. 3332: Ms. ZOE LOFGREN of California.  
H.R. 3339: Ms. TITUS.  
H.R. 3381: Mr. AL GREEN of Texas and Mr. GONZALEZ.  
H.R. 3415: Mr. ALEXANDER.  
H.R. 3464: Mrs. CHRISTENSEN, Mr. ROSS, Mr. LUCAS, Mr. MINNICK, Ms. JENKINS, Mr. GRAVES and Mr. CHANDLER.  
H.R. 3517: Mr. HIMES.  
H.R. 3554: Mr. TIBERI and Mr. WELCH.  
H.R. 3560: Ms. KILPATRICK of Michigan.  
H.R. 3592: Mr. WILSON of South Carolina.  
H.R. 3652: Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Ms. MCCOLLUM, and Ms. BEAN.  
H.R. 3670: Mr. OWENS.  
H.R. 3699: Ms. PINGREE of Maine.  
H.R. 3734: Mr. TURNER.  
H.R. 3735: Mr. GRAVES.  
H.R. 3742: Mr. BISHOP of New York.  
H.R. 3787: Mr. COHEN.  
H.R. 3790: Mr. REHBERG, Mr. BONNER, Mr. CRENSHAW, Mr. ADERHOLT, and Mr. INGLIS.  
H.R. 3800: Mr. SESTAK.  
H.R. 3810: Mr. RAHALL.  
H.R. 3888: Mr. HALL of New York and Mr. McDERMOTT.  
H.R. 3907: Mr. COHEN, Mr. HIGGINS, Ms. ROS-LEHTINEN, Ms. MCCOLLUM, Mr. MAFFEI, Mr. REYES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KISSELL, and Mr. GONZALEZ.  
H.R. 3922: Mr. MCCOTTER.  
H.R. 3939: Ms. ZOE LOFGREN of California.  
H.R. 3952: Mr. LOBIONDO.  
H.R. 3990: Ms. JACKSON LEE of Texas and Mr. AL GREEN of Texas.  
H.R. 4004: Ms. JACKSON LEE of Texas and Mr. AL GREEN of Texas.  
H.R. 4036: Ms. FUDGE.  
H.R. 4037: Mr. SESTAK and Ms. NORTON.  
H.R. 4045: Mr. KLEIN of Florida.  
H.R. 4068: Ms. SCHWARTZ and Mr. DAVIS of Illinois.  
H.R. 4091: Ms. JACKSON LEE of Texas and Ms. HERSETH SANDLIN.  
H.R. 4107: Mr. MORAN of Kansas.  
H.R. 4108: Mr. HONDA.  
H.R. 4115: Ms. WATERS.  
H.R. 4116: Mr. SESTAK, Mr. KAGEN, Mr. HINCHEY, and Mr. GUTIERREZ.  
H.R. 4128: Mr. RUSH and Mr. DOGGETT.  
H.R. 4140: Mr. RYAN of Ohio.  
H.R. 4148: Mr. ROTHMAN of New Jersey.  
H.R. 4163: Ms. NORTON.  
H.R. 4196: Mr. HINCHEY and Ms. JACKSON LEE of Texas.  
H.R. 4197: Mr. GINGREY of Georgia.  
H.R. 4202: Ms. ZOE LOFGREN of California, Mr. KAGEN, and Ms. SHEA-PORTER.  
H.R. 4227: Mr. BOREN.  
H.R. 4247: Mr. KENNEDY, Mr. COHEN, Mr. HINCHEY, Ms. DELAURO, and Mr. FRANK of Massachusetts.  
H.R. 4249: Mrs. BLACKBURN.  
H.R. 4255: Mr. HOLT and Mr. WOLF.  
H.R. 4279: Mr. MILLER of Florida.  
H.R. 4296: Mrs. NAPOLITANO, Mr. ROSS, Mrs. MALONEY, and Mr. PETERS.  
H.R. 4309: Mr. ELLSWORTH.  
H.R. 4311: Mr. SKELTON.  
H.R. 4312: Mr. CHAFFETZ.  
H.R. 4324: Mr. CARDOZA, Ms. CHU, Ms. SHEA-PORTER, and Mr. MASSA.  
H.R. 4332: Mr. BERMAN.  
H.R. 4354: Mr. SESTAK and Ms. FUDGE.  
H.R. 4378: Mrs. MYRICK and Mr. COHEN.  
H.R. 4389: Mr. MICHAUD and Mr. KAGEN.  
H.R. 4400: Mr. OLSON, Mrs. HALVORSON, Mr. UPTON, Ms. SHEA-PORTER, Mr. HARE, Mr. TIERNEY, and Mr. ROSS.  
H.R. 4404: Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. CONYERS, and Mr. BISHOP of Georgia.

H.R. 4405: Mrs. DAVIS of California, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. McDERMOTT.

H.R. 4413: Mr. PIERLUISI, Ms. FUDGE, and Ms. RICHARDSON.

H.R. 4420: Mr. ELLSWORTH.

H.R. 4427: Mrs. McMORRIS RODGERS.

H.R. 4428: Mr. LARSON of Connecticut.

H.R. 4463: Mr. SAM JOHNSON of Texas, Mr. MARCHANT, and Mr. LINDER.

H.R. 4489: Mr. DOGGETT.

H.R. 4491: Mr. JACKSON of Illinois.

H.R. 4496: Mr. MICA.

H.R. 4505: Mr. McKEON and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4509: Mr. FRANK of Massachusetts and Mr. MINNICK.

H.R. 4512: Mr. GRAYSON.

H.R. 4517: Mr. HINCHEY.

H.R. 4520: Mr. CAO.

H.R. 4522: Mr. STUPAK.

H.R. 4530: Mr. TONKO and Ms. MATSUI.

H.R. 4534: Ms. FUDGE.

H.R. 4540: Mr. WAXMAN, Ms. MCCOLLUM, Mr. THOMPSON of Mississippi, Mr. ISRAEL, and Mr. FILNER.

H.R. 4541: Mr. FRANK of Massachusetts and Mr. MCGOVERN.

H.R. 4542: Mr. BOREN and Ms. FOXX.

H.R. 4548: Mr. BURTON of Indiana, Mr. MARCHANT, Mr. JONES, and Mr. McKEON.

H.R. 4553: Mr. STUPAK, Ms. DELAULO, Mrs. NAPOLITANO, and Mr. WILSON of Ohio.

H.R. 4554: Mr. COSTELLO, Mr. WILSON of Ohio, Mr. SESTAK, Mr. CONYERS, and Mr. MEEKS of New York.

H.R. 4559: Mr. MICHAUD.

H.R. 4563: Ms. RICHARDSON.

H.R. 4564: Mr. FARR, Ms. RICHARDSON, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. CLEAVER, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. CARDOZA, Mr. HASTINGS of Florida, Ms. HIRONO, and Mr. HARE.

H.R. 4568: Mr. MASSA.

H.R. 4572: Ms. HERSETH SANDLIN, Mr. TERRY, Mr. BOSWELL, Mr. MCCOTTER, Mr. HOLDEN, Mr. SIMPSON, and Mr. BURTON of Indiana.

H.R. 4573: Ms. KILPATRICK of Michigan and Ms. RICHARDSON.

H.R. 4598: Mr. LANCE, Mr. CARNAHAN, Mr. LIPINSKI, and Mr. AL GREEN of Texas, Mr. LEE of New York, and Mr. CHILDERS.

H.R. 4607: Ms. NORTON.

H.R. 4615: Mr. BURTON of Indiana.

H.R. 4616: Mr. GUTIERREZ, Ms. SCHAKOWSKY, and Mr. MORAN of Virginia.

H.R. 4621: Mr. SERRANO, Mr. REYES, Mr. AL GREEN of Texas, Ms. NORTON, Mr. LEWIS of Georgia, Ms. BERKLEY, and Mr. HONDA.

H.J. Res. 61: Mr. GUTIERREZ.

H.J. Res. 74: Ms. NORTON, Mr. MCGOVERN, Mr. ELLISON, Ms. PINGREE of Maine, Ms. LEE of California, Ms. SUTTON, Mr. CARSON of In-

diana, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. MARKEY of Massachusetts, Mr. GRIJALVA, Mr. RAHALL, Mrs. MALONEY, Ms. SLAUGHTER, and Mr. GRAYSON.

H. Con. Res. 227: Mr. JOHNSON of Georgia and Ms. MCCOLLUM.

H. Con. Res. 230: Mr. LAMBORN, Mr. BISHOP of Utah, and Ms. BORDALLO.

H. Con. Res. 232: Mr. MILLER of Florida, Mr. KING of New York, Mr. CARNEY, Mr. OWENS, and Mr. MASSA.

H. Con. Res. 233: Ms. BORDALLO, Ms. RICHARDSON, and Mr. CUMMINGS.

H. Res. 330: Mr. BOYD, Mr. RANGEL, Mr. ORTIZ, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, Mr. SNYDER, Ms. NORTON, Mr. HUNTER, Mr. SIRES, Mr. DINGELL, and Mr. COURTNEY.

H. Res. 397: Mr. INGLIS.

H. Res. 526: Mr. TANNER, Ms. HIRONO, and Mr. CLEAVER.

H. Res. 716: Mr. GRAYSON, Ms. WATSON, and Ms. CHU.

H. Res. 764: Mr. WILSON of South Carolina and Mr. SHULER.

H. Res. 870: Mr. GALLEGLEY, Mr. LINDER, Mr. SHADEGG, Mr. GRIFFITH, Mr. ROGERS of Alabama, and Mr. ROHRBACHER.

H. Res. 902: Mr. COHEN.

H. Res. 919: Mr. MCCOTTER.

H. Res. 935: Mr. POLIS of Colorado.

H. Res. 936: Mr. ELLSWORTH and Mr. JOHNSON of Georgia.

H. Res. 947: Mr. SIRES.

H. Res. 996: Ms. DELAULO, Mr. ISRAEL, Mr. ROGERS of Kentucky, Mrs. NAPOLITANO, Ms. WATSON, Mr. RODRIGUEZ, Mr. JOHNSON of Illinois, Mr. GONZALEZ, Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. COHEN, and Mr. CAO.

H. Res. 1019: Mr. MCCOTTER.

H. Res. 1026: Mr. NEUGEBAUER, Mr. POE of Texas, Mr. MANZULLO, Mr. BURTON of Indiana, and Mr. McKEON.

H. Res. 1032: Ms. WATERS and Mr. BACA.

H. Res. 1036: Mr. CONNOLLY of Virginia, Mr. INGLIS, Mr. McMAHON, Mr. HOLT, Mr. DELAHUNT, Mr. ROSKAM, Mr. LANCE, and Mr. ROYCE.

H. Res. 1039: Mr. PRICE of Georgia.

H. Res. 1041: Mr. COOPER and Mr. SHULER.

H. Res. 1042: Mr. COOPER and Mr. SHULER.

H. Res. 1048: Mr. WOLF, Mr. McDERMOTT, and Mr. CUMMINGS.

H. Res. 1053: Mr. GRAYSON, Mr. MOORE of Kansas, and Mr. MORAN of Virginia.

H. Res. 1059: Ms. WASSERMAN SCHULTZ.

H. Res. 1060: Mr. INGLIS, Mr. SCHOCK, Mr. WILSON of South Carolina, Mr. TURNER, Mr. MASSA, Mr. ARCURI, Mrs. MYRICK, Mr. ORTIZ, Mr. BARTLETT, Mr. CONAWAY, and Mr. McKEON.

H. Res. 1063: Mr. SOUDER, Mr. NUNES, and Mr. BURTON of Indiana.

H. Res. 1066: Ms. WASSERMAN SCHULTZ, Mr. BLUNT, Mrs. HALVORSON, Mr. FORBES, and Mr. JONES.

H. Res. 1074: Mr. SCOTT of Virginia, Mr. GRAYSON, Ms. RICHARDSON, Mr. HOLT, and Ms. ROS-LEHTINEN.

H. Res. 1075: Mr. BOREN, Mr. SCHIFF, Mr. PUTNAM, Mr. LATHAM, Mr. COLE, Mrs. BLACKBURN, Mr. MCCAUL, Mr. BISHOP of Utah, Mr. THORNBERRY, Mr. ORTIZ, Mr. SCHOCK, and Mr. MCINTYRE.

H. Res. 1077: Mr. HOLT.

H. Res. 1079: Mr. ROSKAM, Mr. BLUMENAUER, Mr. ISSA, Mr. WALDEN, Mr. KINGSTON, Ms. LEE of California, Mr. MCCARTHY of California, Mr. OLSON, Mr. TANNER, Mr. DAVIS of Kentucky, Mr. OWENS, Mr. GRIJALVA, Mr. COHEN, Ms. HIRONO, Mr. SABLAN, Mrs. EMERSON, Mr. ROE of Tennessee, Mr. BACA, Mr. YOUNG of Alaska, Mr. BUCHANAN, Mr. BACHUS, Mr. INGLIS, Mrs. BONO MACK, Mr. ROTHMAN of New Jersey, Mr. REICHERT, Mr. SHULER, Ms. ROS-LEHTINEN, Mr. WHITFIELD, Mr. POSEY, Mr. WOLF, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. GUTHRIE, Ms. MOORE of Wisconsin, Mr. LEWIS of California, Mr. LATOURETTE, Mr. LOBIONDO, Mr. STEARNS, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. LANCE, Mr. THOMPSON of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Kentucky, Mr. CONAWAY, Mr. BOOZMAN, Mr. FORBES, and Mr. WITTMAN.

H. Res. 1080: Mr. GINGREY of Georgia and Mr. NYE.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

##### OFFERED BY MR. CONYERS

H.R. 4626, the Health Insurance Industry Fair Competition Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative ABERCROMBIE, or a designee, to H.R. 2314 the Native Hawaiian Government Reorganization Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 2314 the Native Hawaiian Government Reorganization Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## SENATE—Monday, February 22, 2010

The Senate met at 2 p.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of life, source of our strength, in You we take refuge. Empower our lawmakers to be faithful in that which is least, knowing that great good can come from small matters. Lord, teach them to love You with all their mind, heart, and strength, always remaining attentive to the leading of Your loving Providence.

Today, as we celebrate George Washington's birthday by reading his Farewell Address, inspire our Senators to lift some burden, bring light to some darkness, and stand firm against evil.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Pursuant to the order of the Sen-

ate on January 24, 1901, the Senator from Illinois, Mr. BURRIS, having been appointed by the Vice President, will now read Washington's Farewell Address, as follows:

Mr. BURRIS, at the rostrum, read the Farewell Address, as follows:

To the President of the Senate and to the people of the United States:

*To the people of the United States:*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use

of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any ap-

pellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict

neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with

Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and

then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful

despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the



public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have oc-

casioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and thence the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subser-

vient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as

possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present cir-

cumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

Mr. BURRIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, which the clerk will report.

The legislative clerk read as follows:

A House message to accompany H.R. 2847, a bill making appropriations for the Department of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 3310 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 3311 (to amendment No. 3310), to change the enactment date.

Reid amendment No. 3312, to provide for a study.

Reid amendment No. 3313 (to amendment No. 3312), of a perfecting nature.

Reid amendment No. 3314 (to amendment No. 3313), of a perfecting nature.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, later this afternoon, the Senate will consider a piece of legislation to try to create some jobs. I understand that the Federal Government, by passing legislation, doesn't automatically create jobs, although it can in some circumstances. For example, a summer youth program can put some kids to work in the summer if the Federal Government or State government sponsors it. By and large, the private sector creates jobs.

This piece of legislation this afternoon is a payroll tax exemption—trying to encourage small- and medium-sized businesses that are ready to expand and capable to expand—giving them extra incentive to hire people and put them back to work. Section 179, business expensing, is another incentive to business. The highway trust fund extension—we know building highways puts people to work almost instantly. We have plenty of backlog in highway and bridge repair.

This is a piece of legislation that will put people back to work and create the incentives for companies—whether it is highway contractors or small- and medium-sized businesses—to hire those employees. Why is that important? Because we have probably somewhere around 25 million people today who wake up without a job. The hard-core unemployment, as known in the statistics, is about 17 million people. But 20 million to 26 million people are effectively unemployed in this country. They woke up this morning wanting a job and looking for a job but cannot find a job.

I recognize that one of the prevailing moods in the Congress is to do nothing. Those are the two words that best describe what we have seen, particularly from the minority recently, "do nothing." It is a pretty easy position to take, but it is so wrong. Generally, it has always been wrong on the significant issues of the day. If this country doesn't believe that having 20 million,

25 or 26 million people out of work—and they don't believe that is something that is significantly wrong, something that weakens our country, then there is something wrong with their thinking.

This is a serious and urgent priority the Congress must address.

The do-nothing approach to public policy is something we have seen before. It goes all the way back to the basic rights of people—women's rights, civil rights, workers' rights. I have spoken on the floor previously, talking about the struggles to improve in those areas. Those struggles were against those who said let's do nothing. Women didn't have the right to vote for over the first half of this country's existence. They weren't allowed to vote. It took the beating in Occoquan Prison in 1917, when Lucy Burns, at night, was manacled and a chain between her wrists, hung over a cell door, with blood running down her arms all night long; and Alice Paul, a tube forced down her throat, force-feeding, to where she nearly drowned in her own vomit. She and 33 other women were arrested and chained to the White House gate. That is how women got the right to vote in this country. It is not because we had people who said let's do nothing, it is fine that women cannot vote. People pushed back and said what is going on is wrong.

Workers' rights. I wrote a book about the struggle to get workers' rights in this country. I said James Fyler died of lead poisoning. James Fyler was shot 54 times. Why? He felt people who went underground to mine for coal ought to be paid a fair wage. Think of the struggle for workers' rights and civil rights. I served in the Congress with John Lewis in the House of Representatives, who was beaten in Montgomery, AL. He was beaten because he believed one ought to be able to sit at a lunch counter as an African American. In some areas, it was against the law to drink from certain water fountains and ride in the front of the bus. It was against the law to sit at the lunch counter at Woolworth's.

Workers rights, civil rights, women's rights—all these things were struggles. There were those all along the way who said let's do nothing. Today, they say let's do nothing about the fact that 25 million or 26 million Americans are out of work.

By the way, here is a new report that shows that not everybody is out of work. We know that. A lot of people are working. In fact, there is full employment, according to the Northeastern Center for Labor Studies, among those who earn more than \$150,000 a year. Their unemployment is 3 percent, but that is called full employment. Not everybody is having trouble. The more affluent Americans have full employment. It is a lot of folks at the bottom who are struggling

and getting laid off and are out looking for work. So change is very hard.

The question is, Is this Congress going to do something about it? Does it care about it? In every case, you can go back a century, and the wailing and the whining of those who have opposed everything for the first time and said it can't be done, it will not work, it will ruin our country—they are the ones who dug in their heels and said let's do nothing.

What about today? What is our responsibility today? Well, it seems to me, in this economic crisis—a crisis, by the way, that is not some natural disaster; this wasn't some massive storm that enveloped America, some tornado or cyclone or some massive natural event that occurred. This was an economic wreck that was caused by unbelievable avarice and greed in some of our Nation's largest institutions. There was nearly criminal negligence on the part of regulators who wouldn't regulate. There was shameful, greedy behavior by people at the top of the financial food chain, whose business philosophy was to maximize profits at any cost, it doesn't matter.

Now we find ourselves in a desperate position. Yes, I think we have a foundation where we have found the bottom and are going to try to build from this point on. The question is, How do we move this process along to give hope to people who, at this point, get up this morning and don't have a job? Some say let's work on the faucet—that is what this bill is today, and I will support it. Let's work on the faucet that will put more jobs in this tank. I say also let's work on the drain because you can turn the faucet on, if the drain is wide open you are not going to make much headway. I will talk about the drain, but first I will talk about the faucet.

There is no social program as important as a good job that pays well. That is why this needs to be a priority with us. It is why we should pass this piece of legislation this afternoon. No, it is not going to fix every issue. I understand that. I mentioned we have full employment with the people on the top. What about the people who shower after work—the people who work hard all day and have to take a shower after work to get rid of the evidence of that work? Well, let's talk about them for a moment. I met with a group of people who were losing their jobs just before Christmas this year—500 people who worked for a company that made one of America's best products. They were told their plant was going to close down—500 of them. Can you imagine the Christmas they spent with their families, because there were no other jobs in that area. Yet 500 jobs is a reasonably small amount of the total number of jobs we have been losing. That describes the drain on this economy of ours with respect to jobs. Let me talk a bit about that.

I am talking about particularly jobs in which Americans make something, produce something. Our manufacturing sector is rapidly losing steam. We have lost 5½ million manufacturing jobs since 2000. We now have 11.7 million manufacturing jobs left. That is the fewest number of manufacturing jobs since the early 1940s. Since 2001, we have seen the closing of 42,000 factories in America. One-third of all the factories that employ over 1,000 people have closed since 2001 in this country. They are gone. Some people blame the workers because they want a living wage. They say: If you cannot compete with 50 cents an hour in China, tough luck, you don't deserve to compete. It is an international economic system and if you cannot compete, that is too bad. That is a pretty ignorant way to look at it. This is a global economy, but who decided, after spending a century lifting standards, requiring safe workplaces, better labor standards, better wages and benefits, that all that should be washed away because we can't compete with somebody who worked for 50 cents an hour, somebody who works in a factory where they live in cinder block, little rooms, with 12 in a room at night, and they work 7 days a week, 12 to 14 hours a day—who decided that ought to be the standard with which we have to compete? That doesn't make sense to me.

I guess there are people who believe that "made in the USA" doesn't matter anymore. We don't have to be a country that manufactures. If we don't have a strong manufacturing base, we will not long remain a world economic power. That is a fact. This manufacturing base of ours is being sequentially and systematically destroyed.

We have, essentially, lost the area of producing machine tools in this country. We have lost electronics. We have lost automobile parts. We have lost furniture manufacturing. We have lost telecom. We have lost appliances. I am talking about the manufacture of these things. In 1960, 30 percent of our GDP in this country was manufacturing. Now it is 11 percent. There are 1.2 billion cell phones sold on this planet every year. Not one is made in America—1.2 billion and not one is made in America. We have lost 60 percent of the furniture manufacturing. You don't need to know all the stories, but I have spoken about the one we lost in Pennsylvania. Pennsylvania House Furniture, which was an upscale fine furniture company. Governor Rendell did everything he could to stop it from moving to China. They used a special Pennsylvania wood to make this furniture. What they did is closed the plant and shipped the wood to China, made the furniture there and shipped it back and called it American production. The last piece of furniture that came down off the line—for a company that lasted 100 years, making top-of-

the-line furniture—the very last piece of furniture, those workmen in that plant turned it over and all the people who worked in the plant signed their names because they said there would not be furniture such as this made again. Their jobs were gone in an instant, and 60 percent of furniture manufacturing is gone.

The list goes on and on and on. Eighty-four percent of the circuit boards, which used to be ours—we developed circuit boards—are now made in Asia. We defend, as all of us understand, our military security aggressively. Do we care about our economic security—that we are hollowing out the manufacturing base of our country? Apparently not.

In this economic recovery bill that was passed, I included on the Senate side something called "Buy American." One would have thought I was exploding all of the relationships that existed around the globe. People here even had apoplectic seizures: What are you doing? Are you trying to start a trade war? No, I was not. "Buy American" is perfectly permitted in the WTO trade rules. In fact, Mr. Pascal Lamy, the WTO chief, says "Buy American meets world trade rules." If we had not put a "Buy American" provision in so State and local governments and the Federal Government, when contracting to buy steel and to buy products with which to make highways and other items we are investing in, had we not done that, we would be spending our taxpayers' money to purchase from China, to import the steel from China. I thought we were doing that to put Americans back to work. So I put in a "Buy American" provision. If you read the New York Times and the Washington Post, you just thought they were having seizures about it. Unbelievable, they say. No, it is not unbelievable to me. If you are going to try to get economic recovery in this country, you do not do that by incentivizing production in China and Japan. By the way, in their programs in China and Japan, they have their own provisions to purchase at home.

Here is the trade deficit we have with the world. This is why I say I support trying to do something with the faucet about jobs, to put more jobs in this economy. I am going to vote this afternoon on the proposal coming before the Senate. But here is the drain. Even as we do that, more and more jobs are leaving this country. Anybody who talks about fiscal policy deficits and is really worried that these fiscal policy deficits are going to sink this country, you can make a case—I used to teach a little economics in college—you can make a case that the fiscal policy deficit is money we owe to ourselves. You cannot make a case that this amount of red—these red lines go down, down, down, \$800 billion a year for the last 3 years in a row. That is money we owe to other countries. That is money that

will be repaid by a lower standard of living in the United States.

I say to all of those who care about fiscal policy deficits—and I do—you better care about this as well because this is a description of moving American jobs overseas in addition to indebting ourselves deep in debt to especially China, as this chart shows. This chart shows the red lines. This is only China, a country with which we have a \$260 billion trade deficit and growing every single year.

By the way, we have with the country of China a reasonably ignorant bilateral which says to China—I am taking one piece of it now—it says: You are ramping up a very large automobile export industry, and we will very soon see Chinese cars on the streets of America. When they come to America under our agreement with you, you have a very large deficit with us, China, so when you ship us your cars—and they are coming—we will impose a 2.5-percent tariff on automobiles from China into the United States. We agree that if we ship cars made in the United States to China, you may impose a 25-percent tariff. A country with which we have a \$260 billion trade deficit, we agreed to give them a 10-to-1 advantage on tariffs on bilateral automobile trading. I don't know how other people define ignorance, but I believe that is ignorant of our country's economic interest.

That is the reason I indicated in the economic recovery—what is called the stimulus program—that if we are going to spend money to try to restart this economy, to try to get this engine restarted and put people back to work, we at least ought to have some understanding that the products we are purchasing with that are not purchased from China and Japan, with which we have these very large budget deficits.

Since repetition is so very important here—I received a letter the other day from someone who said: Mr. Senator, if you are, at the end of your third term in the Senate this year, going to leave the Senate, who is going to speak for Huffy bicycles?

I said: I don't know who is going to speak for Huffy bicycles, but I am going to continue to do so until the end of the year because it is a perfect description of what is wrong in this country with respect to this so-called bathtub which should hold jobs but has a wide open drain.

Huffy was an Ohio company. Not anymore. They all got fired, all of them, because all these bicycles are produced in China. Why? Because the folks in Ohio were making \$11 an hour and that is way too much money to pay an American worker. I know where they are made now. They are made in China for 50 cents an hour by people who work 7 days a week, 12 to 14 hours a day.

The poignant story about Huffy bicycles is when the last factory closed and

the last Huffy bicycle was made in America, all the workers, as they drove out of the parking lot, left a pair of empty shoes in the space where their car once parked. It was the only way they could send a message to the company: You can ship our jobs to China, but you are never really going to fill this space of ours. So no more Huffy bicycles.

The list is endless. Huffy bicycles and Radio Flyer, the little red wagon every child has ridden in, are examples of what we do not make here anymore. Radio Flyer was made in Illinois for 110 years. The little red wagon was made by an immigrant who came to this country who not only loved airplanes—and so he named a red wagon “Radio Flyer”—but was a very good businessman. Every American child sat in those little red wagons and played in those little red wagons for 110 years, made in America. Not anymore. They are all made in China.

My point is this: I am going to vote for this bill this afternoon. It is the right thing to do. We will have people come here and spread the mantra again today as they have for so many weeks and months: Do nothing. Do nothing. Things will be fine.

Things are not fine. It is our responsibility to do something to address these issues. I want us to do something to try to create new jobs.

I chaired a hearing of the policy committee not too long ago. We had three small to medium-size businesses come testify. All of them were ready to expand and ready to hire new people. All of them were profitable businesses, all of them were ready to expand, and none of them could expand because none of them could find credit from the banks. Think of this: The biggest banks in America are now making record profits. I am talking about the biggest banks on Wall Street. They are making record profits and are prepared to pay record bonuses at a time when small and medium-size businesses that create the jobs in this country cannot find credit to expand even when they are profitable.

There is something wrong with this system. This system is not working. There are a lot of reasons for us to care a lot about what has happened in this country. I regret that there has never been the kinds of hearings with subpoena power that develops the master narrative of what has happened in the last 6 or 8 years that caused this economic wreck. The American people need to know. I understand there is now a commission, but that is not a substitute for what the Congress has a responsibility to do.

In 200 years in this country, we have gone from times when the productive sector—those who produce and manufacture—had the upper hand to other times when the financing sector had the upper hand. More recently, the fi-

ancing sector has had the upper hand in this country. Manufacturing is an afterthought, and we are losing, losing, losing our manufacturing base.

The financing side, as all of us know, has become much larger. In fact, just about 15, 18 months ago, then-Treasury Secretary Paulson and the Chairman of the Federal Reserve Board came to the Congress and said: Look, we are facing near imminent collapse of this entire economy. At that time, one of the things they said was that we have too much concentration in the biggest financial firms in the country. Yes, that was true, except, you know what, the concentration is even much greater now, engineered by some of the same people who said there is too much already.

This is not rocket science. Too big to fail meant no-fault capitalism. The biggest financial firms in the country got bailed out. Why? Because it was feared they were too big to fail. I think too big to fail is just too big. This is not rocket science. If you are too big to fail, you are too big. Yet the very institutions that are too big to fail are getting bigger, not smaller, imposing more risk.

By the way, the biggest ones that are showing significant record profits and ready to pay record bonuses—we are told somewhere around \$140 billion to \$160 billion—the biggest firms are engaged in the same kind of activity that steered the country into the ditch. We still have the credit default swaps and derivatives out there that represent very substantial risks.

If anybody really wants to understand how this relates, just go to Las Vegas or a casino someplace. Look up and understand what a synthetic derivative means. It means you are buying a credit default swap to insure a bond, except this transition does not relate to anything that is real. It is just a wager. That is exactly what has gone on in this country, unimpeded by regulators who did not look, who were woefully blind, and who boasted about it for some years. Who pays the price for all of that? The 25 or 26 million people who got up this morning and could not find a job. In some cases, they got up on a morning a month ago, a morning a year ago, in some cases 2 years ago, and still could not find work. They are the victims. And the very folks at the top who steered this country into the ditch are reporting record profits. The folks at the top, as I just described with the new study from Northeastern University, have full employment.

It seems to me there is something wrong with this picture. How does one come to the floor of the Senate this evening and say: Let's do nothing. I have an idea: let's keep doing nothing, they say.

We have watched that inaction, and that does not work. The American people deserve better than that. I hope

this afternoon we will have most Members of the Senate coming to the floor to say: Let's do something. Let's care today not about the people at the top of the financial food chain who are now making record profits and preparing to pay record bonuses, but let's do something for the folks at the bottom who have lost their jobs—5.5 million manufacturing workers just in the last decade. Let's do something to see if we can find a way to put them back to work. If we do that, maybe we will get a strong vote today for people saying we care about jobs.

We would like to work together—Republicans and Democrats—to get the best ideas both have to offer rather than the worst of each and see if we can advance the economic interests of this country once again.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time from 5 p.m. to 5:30 p.m. today be equally divided and controlled between the leaders or their designees, with the majority leader controlling the final 15 minutes prior to the 5:30 p.m. cloture vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, jobs. We are here today to help create jobs. Everyone is thinking about jobs and ways to create more of them.

Business owners, workers, community leaders across the country, especially in my home State of Montana, are asking what Congress is doing to create jobs. I might say when I was home last week, Mr. President, I had some job forums. At one of them, we had lots of different ways to create jobs and a lot of ideas.

At the end, I said: OK, everybody. What does this all boil down to? Give me one or two or three things that we can do to create more jobs. There was a big chorus of: more jobs, more jobs, better-paying jobs. So it is there, and it should be there because unemployment is so high and there is a huge need.

In his State of the Union Address, President Obama said: "Jobs must be our No. 1 focus in 2010." Here in the Senate, a group of us have been working on finding the best way to create new jobs. I am pleased to have worked together across the aisle with a thoughtful bipartisan group of Senators to craft legislation to create tax incentives for job creation. I applaud my colleagues, Senators SCHUMER and HATCH, for working together to bring good ideas to the table. I thank my very good friend, CHUCK GRASSLEY, for working with us once again, and I appreciate the tremendous help from Senators DORGAN, CASEY, and DURBIN who have been spearheading the broader jobs effort.

Some of the provisions on which these Senators have worked are before us today. The provisions before us today would address the immediate needs of businesses on many different levels. For example, it would allow smaller businesses faster depreciation of equipment purchases. This provision helps create jobs, clearly. As the demand for services and products increase, so does the demand for workers.

But the amendment before us would do more. The amendment would go to the heart of the matter to provide simple and immediate tax incentives for businesses to employ new workers. The amendment answers the challenge of doing something that would make a difference for the unemployed right now. Let me explain the tax incentive for hiring in the amendment.

This year any business that hires someone who has been out of work for 60 days or more would qualify for the credit. The business would not have to pay its share of Social Security payroll taxes on that employee for the remainder of the year. It is that simple.

This incentive would be available for every new worker hired no matter the size of the business. Moreover, if that business retains the new employee for a full year, then the business would be able to take an additional \$1,000 income tax credit against next year's taxes.

So, for example, the mom-and-pop grocery store owner in Billings, MT, that employs a previously unemployed store clerk and pays him \$25,000 for the rest of the year would save \$1,550 on payroll taxes. The medium-sized trucking company that can employ 10 new workers at \$35,000 each for the rest of the year would save \$21,700 on payroll taxes.

The large manufacturer that employs 100 new assembly-line workers at \$45,000 each for the rest of the year would save almost \$300,000 in payroll taxes. All of these businesses would get another \$1,000 for each new employee they retained for a full year.

Let me explain why this is a good package. First of all, the incentive is simple. We want all businesses to be

able to take the incentive, not just those that can afford an attorney to explain it or an accountant to prepare the necessary paperwork. All private businesses that create jobs and employ the currently unemployed would be entitled to a payroll tax holiday; and because it is simple to understand, we hope the program will enjoy broad news coverage. That way more employers would hear about the incentive and opt in.

Second, the amendment would provide an immediate benefit. Employers need help now, and we want to create jobs now. As soon as a business hires a new employee, the business would receive the benefit as a payroll tax holiday on that new employee. The business would get the benefit of every payroll tax deposit it would make. The business would not have to wait until it filed its tax return next year, and the cash that the business would save from the payroll tax cut could be used to help pay the wages of the new employee or the cash could be invested in the business. That is right now. The amendment would not hurt the Social Security trust fund. The government would make the trust fund whole in the full amount of the payroll tax holiday.

The third reason this is a good provision is the amendment would encourage faster hiring. An employee with a salary of \$50,000 hired on July 1 would save the business about \$1,500 in taxes. But the same worker hired earlier, say, on March 1, would save the business about \$2,600 in taxes. The faster a business hires, the more benefit the business would receive. The incentive would boost the economy today, and it would create an additional demand for workers sooner.

What is the fourth reason this is a good idea? Just this one provision I have been talking about—and that is the payroll tax holiday. The amendment would encourage jobs that pay good wages. The higher the wage, the higher the credit. That is because the incentive is directly tied to the wages subject to the Social Security payroll tax.

Fifth, the amendment targets the unemployed. The incentive would reward businesses that hire those who are currently out of work. It would reward those businesses that create employment, not those that shift workers from another job. Yet it would not require the employee be collecting unemployment insurance benefits. For all sorts of reasons, not all persons take unemployment benefits. The incentive would be as broad as possible. It would help all those currently not working who want to be.

What is the sixth reason for this payroll tax holiday provision? It is fair. The incentive sets no limits on the size of the business that can utilize it. Job creation happens with all sizes and types of businesses—from the sole pro-

prietor seeking to expand, to the largest manufacturer recovering from downsizing. Because the credit would be on payroll taxes rather than income taxes, the incentive would also help tax-exempt organizations and businesses currently operating at a loss. Those businesses have no income tax to offset with an income tax credit.

Seventh, the amendment would provide ease of hiring. The employer would only have to get a signed affidavit from a new employee that the employee had been out of work for the previous 60 days. That is pretty simple—no lengthy certification process through State agencies, as some current wage credits require.

Eighth, the amendment would encourage employee retention. Employers that retain their new employees for a year would get an added bonus.

Ninth, and most importantly, the amendment would increase employment. The nonpartisan Congressional Budget Office studied a number of options for job creation in the year 2010. After receiving many ideas, CBO stated that the payroll tax deduction for firms that increase their payroll is the most cost-effective policy for creating jobs. Economists suggest the same thing. While all thoughtful observers are careful to point out no company would hire unneeded workers just for a tax credit, many economists believe that a hiring incentive may be the push that many companies waiting on the sidelines need to hire those extra people.

Business owners have flexibility in hiring. They can work longer hours themselves, substitute machines for labor, or pay overtime to current employees. But those employers on the fence may believe this package of tax cuts and hiring incentives are enough of a boost for them to hire new employees now.

The National Federation of Independent Businesses indicated in December that there are many companies starting and growing businesses during this recession. In the past, the NFIB has supported a fixed-length payroll tax holiday. Economist Mark Zandi reported that "various business surveys suggest firms are more open to expanding their payrolls."

He added:

A tax break for hiring could be particularly effective this summer. By then, businesses will have had more time to come to terms with the Great Recession, and banks should be extending credit somewhat more freely by then.

Former Labor Secretary Robert Reich has suggested a new jobs tax credit for every new job created by small businesses this year. Although he thinks that a job credit does not do much under normal circumstances, he says that these are not normal circumstances, and businesses need a boost.



David Greenlaw and Ted Wieseman of Morgan Stanley Research have said that a new job credit, designed correctly, could represent an important source of effective stimulus.

And Ted Gayer of the nonpartisan Brookings Institution said that timing of an employment tax credit matters. He warned:

The more you dither, then people will wait on the sidelines and not hire now. You want it to be immediate and you want it to go a set length.

Let us not delay. Let us answer the call from Americans to help and let us enact this package to get more people to work.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. I thank the Chair.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### HEALTH CARE AND THE JOBS BILL

Mr. MCCONNELL. Mr. President, first, I want to welcome everybody back. I don't think there is any snow in the forecast, so hopefully we can get some work done around here. Having spent the past week in Kentucky, I can assure you that my constituents are concerned, first and foremost, about jobs and the economy. And another thing they are concerned about is lawmakers in Washington making matters worse.

Americans are worried about the growing national debt. That is why Republicans hope to offer amendments to the jobs bill that we will be voting on today that would lower it. Those ideas should be considered.

Millions of Americans want to get back to work. That is why Republicans will offer ideas that will make it easier for businesses to hire new workers. Those ideas should be considered too.

Small business owners want greater certainty about the future. That is why Republicans will propose ideas that will keep their taxes from going up and make it easier for them to invest in their businesses. Those and other ideas from both sides of the aisle should be considered.

Later this week, we will have the health care summit at the White House. Americans want the administration to scrap its massive government scheme in favor of an incremental approach to health care reform.

Unfortunately, the White House still seems unwilling to do the one thing Americans want most. It is still clinging to a massive bill that Americans have overwhelmingly rejected again and again for months.

The tragedy of this approach is that the longer Washington sticks with its failed approach to health care, the longer Americans will have to wait for the real, step-by-step reforms that will actually lower costs and lead to a better system. That is the kind of real reform Americans have wanted all along. That is what they have been asking for and that is what Republicans in Congress will continue to fight for.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. I thank the Chair.

(The remarks of Mr. CASEY pertaining to the submission of S. Res. 418 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we all went home over this recess—most of us did—and we heard very clear messages. At least I can tell you I did. The messages are: Address the problems that face us and reach out a hand across the aisle and do it together. Pretty simple.

Today we have a chance to do that. Today we have a very clear chance to do that and to lift the spirits of the American people. The bill we will be voting on—actually we are voting to take it up, in essence; we need 60 votes to do that, unfortunately, because there is a filibuster again on this—is a very simple, straightforward jobs bill.

It has four parts. Two relate to tax breaks for business for doing good things. One is buying new equipment and getting a break on the expensing. The other is hiring people who have been unemployed for 60 days or more. The other two pieces involve the extension of the highway trust fund and the Build America Bond program, and that relates to building our infrastructure.

In the case of the highway trust fund, of course, it does fund transportation of all kinds: transit systems as well as highways, bridges, roads. Very important.

Build America Bonds is a way to help the States issue bonds that they have voter approval to do, and helps them with the interest rate. In California, that program—Build America Bonds—resulted in billions of dollars of bonding to build roads and schools and all kinds of important necessities for my people back home.

So we have four things before us in one package: two tax breaks very important to businesses and two very important infrastructure measures.

I want to have printed in the RECORD—and I ask unanimous consent to do so—a very important letter sent to us by the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, the Associated General Contractors of America, the U.S. Chamber of Commerce, the Laborers International Union, and the International Union of Operating Engineers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS, THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION, THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA, THE U.S. CHAMBER OF COMMERCE, THE LABORERS INTERNATIONAL UNION, INTERNATIONAL UNION OF OPERATING ENGINEERS.

Hon. RICHARD DURBIN,  
Majority Whip,  
Hon. BARBARA BOXER,  
Chairman, The Environment and Public Works Committee,

Hon. MAX BAUCUS,  
Chairman, Finance Committee,  
Hon. JAMES INHOFE,  
Ranking Member, Environment and Public Works Committee.

DEAR SENATORS: We are writing on behalf of the undersigned organizations to express our strong support for prompt Senate passage of an extension of the highway and transit programs in the SAFETEA-LU legislation and inclusion of a transfer of General Funds into the Highway Trust Fund in an amount sufficient to support the appropriated FY10 funding levels consistent with at least a nine month period and should the Senate decide a one year extension period.

Passage of legislation that includes an extension and the funds transfer will provide much needed certainty and stability within the states, local transportation authorities and transit agencies to make long-term capital commitments and plan for a full season of work. All 50 states continue their highway construction season through September and into October, at least 45 states continue highway work into November and one-third of the states are still working in December. Without an extension that also stabilizes the Highway Trust Fund, the transportation construction industry will continue to decline and much needed transportation investments cannot be made.

We continue to support Congressional efforts to enact a well-funded, long-term surface transportation bill. That work can go on in Congress while the program continues to fund needed transportation assets. Swift passage of a multiyear bill will have an impact in the out years but shoring up the trust fund now will allow the maximum job creation during the 2010 construction season. We face a shortfall in the trust fund at this time that makes an extension and funds transfer essential to creating much needed jobs in the construction industry this year and to continuing to improve this nation's transportation infrastructure. The nation needs these investments now and we urge the Senate to act to move this critical legislation.

It is critically important given the urgency of the investment and jobs issues that these provisions be included in the Senate jobs bill to be introduced next week.

Mrs. BOXER. I have to say I have worked with these organizations over the break to talk to them about what will happen if we vote this measure down and we do not continue our funding through the highway trust fund. They are very clear, and I am going to give you the information they told me about job losses that will happen if we do not act today.

As I read this list, I hope, Mr. President, you realize these organizations are Republican organizations, Democratic organizations, bipartisan organizations. They have Independents, Republicans, and Democrats. The Chamber of Commerce, we all know they tend to go with the Republican side most of the time. They want a "yes" vote. The general contractors, they generally go—generally go—with the Republicans. They want a "yes" vote. Then you look at the unions, the workers, they generally go with the Democrats. They want a "yes" vote.

And why? Because they are fearing if we do not act, we are going to hurt business and we are going to hurt the working people of this country. They say:

Passage of [this] legislation . . . will provide much needed certainty and stability within the States, local transportation authorities and transit agencies to make long-term capital commitments and plan for a full season of work. . . . Without an extension that . . . stabilizes the Highway Trust Fund—

Which, by the way, this does—the transportation construction industry will continue to decline and much needed transportation investments cannot be made.

I want to repeat that. This is not a quote from a Senator, Republican or Democratic or Independent. This is a quote from the Republicans and the Democrats and the Independents who are represented by the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, the Associated General Contractors of America, the U.S. Chamber of Commerce, the Laborers International Union, and the International Union of Operating Engineers. They are telling

us this is critical. They say: "The Nation needs these investments now." They put the word "now" in bold letters. Not tomorrow, not next week but now.

We urge the Senate to act to move this critical legislation. It is critically important, given the urgency of the investment in jobs issues that these provisions be included in the Senate jobs bill and they are.

Today, we have a chance to have a fresh start by voting for cloture—in other words, ending a filibuster—on this package of four bills, two tax breaks for businesses and two very important investments in our infrastructure.

I wish to give the numbers that were given to us by the American Association of State Highway Officials.

We have asked the State highway officials in our States—and I see Senator CASEY here; in his State—we have asked them all to give us an idea of the jobs we would lose if we do not make that \$20 billion transfer into the highway trust fund that is included in the Reid jobs bill. In Arizona, it is estimated we would see 6,800 jobs lost; in California, 31,000; in Florida, 17,000—I am rounding these off—in Illinois, 11,000; Iowa, 4,000; Maine, 1,400; Massachusetts, 5,300; Michigan, 9,300; Missouri, 7,800; Nevada, 2,590, to be exact; Ohio, 12,000 jobs—let me repeat, 12,000 jobs would be lost in Ohio—in South Carolina, 5,000; Texas, 29,000-plus jobs would be lost if we don't get moving on this bill; in Utah, 2,600; and in Wisconsin, 6,500.

I just picked these States out for purposes of explanation.

If we fail to pass an extension, period, we would lose 1 million jobs in this great Nation.

So there are two scenarios. One is if we fail to extend the program, this is what will happen. The States will lose jobs immediately. If we don't authorize this program, we will lose 1 million jobs. Without the transfer, this highway trust fund will not have any funds by the summer. Some people say June. Some people say August. I ask my colleagues who may be watching this debate: Please consider what it will be like when you have your contractors come and tell you they have had to stop a project in midstream—a highway, a bike path, a freeway, fixing a bridge that is perhaps in danger of collapsing.

So I will tell my colleagues I don't think we have a choice.

I ask unanimous consent to have printed in the RECORD the estimated job loss if there is no extension whatsoever of the highway trust fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Estimated job loss under no CR or extension
Arizona .....	15,558
California .....	70,111
Florida .....	39,244
Illinois .....	25,831
Iowa .....	8,794
Maine .....	3,219
Massachusetts .....	12,121
Michigan .....	21,294
Missouri .....	17,921
Nevada .....	5,903
Ohio .....	26,934
South Carolina .....	12,683
Texas .....	66,434
Utah .....	5,964
Wisconsin .....	14,894

Mrs. BOXER. Mr. President, this is a pretty straightforward vote for us today. In essence, everything in this jobs bill is bipartisan. Everything in it is bipartisan. I can tell my colleagues right now that my Republican colleagues tell me they want to reauthorize this highway trust fund through the end of the year. They want to make sure the trust fund has the dollars it needs. Well, then, what is the reason why one might not vote to end the filibuster?

Some say we didn't get everything we wanted in this bill. Well, neither did I. There are many things I would like to see in a jobs bill, believe me. I didn't get them in this bill because Senator REID said we have to go slowly. We are going to have these smaller packages. They are more understandable. I think he has a point. But each of us could write our own jobs bill. Senator MCCONNELL could write his. I could write mine. The fact is, what Senator REID has done is to take four provisions that are bipartisan in nature and put them in this jobs package.

Frankly, I don't know how anyone could face their constituents in a time of unemployment that we are seeing now. Even though we have certainly gone from bleeding—600,000 jobs a month, 700,000 jobs a month—to very few in comparison, we have a long way to go. Building the infrastructure of this Nation is done by the private sector. We hear the Republicans on the other side say: Well, we want this to be built by the private sector. That is how this program works.

I ask unanimous consent to have printed in the RECORD at this time a notice that went out from the Missouri Department of Transportation, if I may.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MISSOURI DEPARTMENT  
OF TRANSPORTATION,  
Jefferson City, MO, February 19, 2010.  
SPECIAL NOTICE TO CONTRACTORS: BID  
OPENING

All bidders—PLEASE TAKE NOTE!—Unless the federal government takes the necessary steps to ensure the availability of federal funds for the remaining fiscal year prior to 12:00 p.m. on February 25, 2010, the scheduled February 26, 2010 bid opening will be Postponed/Withdrawn until further notice.

If necessary, the final Notice to Postpone/Withdraw the scheduled February 26, 2010 bid opening will be posted at 12:00 p.m. on February 25, 2010.

As many of you are aware, the Surface Transportation Act, titled SAFETEA-LU, which provides \$42 billion per year nationally in federal funding for highway and bridge projects to cities, counties and states, expired on September 30, 2009. The U.S. Congress provided for an extension of SAFETEA-LU, but funded it at \$30 billion per year. MoDOT, like other State Departments of Transportation, developed its highway program with the assumption that Congress would fully fund the federal program at, or above, the SAFETEA-LU level. This action by Congress has not happened.

Congress has until February 28, 2010 to correct the shortfall in transportation funding. If Congress takes no action by February 28 to correct the federal funding shortfall, MoDOT and other State DOTs will have to make adjustments to their existing highway programs. The impact to MoDOT, cities and counties will be a reduction of \$250 million in federal funds for the remainder of this fiscal year. This lack of action directly affects the scheduled-highway bid openings at MoDOT through the May 21, 2010 bid opening. Because the February 26, 2010 bid opening is prior to the February 28 deadline for Congress to address the federal funding shortfall, MoDOT believes it is prudent to postpone or withdraw the February 26, 2010 bid opening until Congress has acted on the federal level for highway and bridge funding.

If you have any questions related to MoDOT's bid opening schedules, please feel free to contact Dave Nichols, director of program delivery, at 573-751-4586 or email at: david.nichols@modot.mo.gov.

Link to the projects scheduled in the February 26, 2010 bid opening: [http://www.modot.org/eBidLettingPublicWeb/viewStream.do?documentType=general\\_info&key=1198](http://www.modot.org/eBidLettingPublicWeb/viewStream.do?documentType=general_info&key=1198).

Mrs. BOXER. Mr. President, I wish my colleagues to hear this because it is very shocking, and it could happen in Delaware, California, Pennsylvania, any of our States. It is a special notice to contractors, dated February 19:

All bidders take note. Unless the Federal Government takes the necessary steps to ensure the availability of Federal funds for the remaining fiscal year prior to 12 p.m. on February 25, the scheduled February 26 bid opening will be postponed or withdrawn until further notice.

This is real. This is real. I know this is a political season. I know firsthand it is a political season. But there comes a time when we have to put politics aside for 5 minutes—I would say 15 minutes—when we vote, put it aside for 15 minutes and let's not have a circumstance where we hear from the Missouri Department of Transportation that they are about to shut down their bidding process.

I also ask unanimous consent to have printed in the RECORD a letter from the American Highway Users Alliance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HIGHWAY  
USERS ALLIANCE,  
Washington, DC, February 3, 2010.

Hon. HARRY REID,  
Majority Leader, U.S. Senate, Washington, DC.  
Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate, Washington, DC.  
Hon. RICHARD J. DURBIN,  
Majority Whip, U.S. Senate, Washington, DC.  
Hon. JON KYL,  
Minority Whip, U.S. Senate, Washington, DC.

DEAR SENATE LEADERS: On behalf of our 270 motoring clubs, non-profit associations and businesses with an interest in safe and efficient highways, the American Highway Users Alliance asks for your support for the highway bill extension and Highway Trust Fund restoration in the initial "jobs bill" pending in the Senate.

Our members represent millions of motorists, RVers, motorcyclists, as well as hundreds of truck and bus companies. It is critical to us that the Highway Trust Fund remains solvent, that the expired highway bill is extended through the current fiscal year, and that rescissions that took effect on September 30, 2009 are repealed.

Compared to last year, the Federal Highway Administration is distributing about \$1 billion less per month to the States in budget authority for highways. This cut is devastating all 50 state highway programs and will create serious impacts on the safety and efficiency of our Nation's commerce corridors.

If the initial job bill is enacted with an extension of the highway bill and a restoration of funds to the Highway Trust Fund, FY10 contract authority will be restored to pre-recession FY09 levels and the highway program will remain solvent through the summer construction season.

We also take this opportunity to urge your support for additional highway funding in future jobs bills to be considered this year. The House has proposed that \$27.5 billion be appropriated for highways in their bill. We strongly support this funding level and ask that the Senate concur with the House on this provision. The use of jobs bill funding for highways will not only add immediate construction jobs, but will also create and support hundreds of thousands of supply chain and induced jobs in every part of our country.

Thank you for your leadership on highway issues. Please do not hesitate to contact me if you have any questions.

Sincerely,

GREGORY M. COHEN,  
President and CEO.

Mrs. BOXER. Mr. President, it is signed by their CEO and President. They are asking us to support this bill. Here is what he says:

Our members represent millions of motorists, RVers, motorcyclists, as well as hundreds of truck and bus companies. It is critical that the Highway Trust Fund remain solvent, that the expired bill be extended through the current fiscal year, and that the rescissions that took effect in September be repealed.

They get it. These are our constituents who drive on the highways and the freeways, and they are begging us to act and set aside our political games for 15 minutes and vote cloture. By the way, I am hopeful we can; I am.

I also have a letter to the Members of the Senate:

The current lack of funding certainty in the Federal highway market is having a dev-

astating effect on the transportation construction industry. Our industry is in dire economic shape. We urge the Senate to act promptly on passing the Reid amendment.

Let me tell my colleagues who signed this letter. The President and CEO of American Concrete Pavement Association, the President of the National Asphalt Pavement Association, the President of the National Ready Mixed Concrete Association, the President and CEO of Portland Cement, the President and CEO of the National Stone, Sand, and Gravel Association.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 19, 2010.

TO THE MEMBERS OF THE UNITED STATES SENATE: As the principal suppliers of materials used to manufacture our nation's roads, highways and bridges, we call on the U.S. Senate to promptly enact the Reid amendment that extends the surface transportation programs and provides \$19.5 billion for the Highway Trust Fund.

The current lack of funding certainty in the federal highway market is having a devastating effect on the transportation construction industry. Since SAFETEA-LU expired on September 30, 2009, the program has been extended 151 days under which state highway funds have been reduced by 30 percent. As a result, state transportation departments and contractors cannot plan for a full season of work just as the transportation construction industry is suffering its worst construction cycle since the Great Depression.

Our industry is in dire economic shape. Production of asphalt and concrete pavements experienced double digit declines in 2009. Nearly one in four construction workers are unemployed, and more job losses will occur in 2010 due to a lack of contract awards by state transportation departments across the country. While the American Recovery and Reinvestment Act (ARRA) staved off a catastrophic decline in highway construction, uncertainty about longterm federal investment in state and local highway programs, combined with a lingering recession and associated state budget problems, poses a significant threat to the future of transportation builders and suppliers.

We urge the Senate to act promptly on passing the Reid amendment. This legislation provides for a full year extension of the Federal Highway Program and funding to shore up the Highway Trust Fund.

Sincerely,

GERALD F. VOIGT,  
President and CEO,  
American Concrete  
Pavement Association.

MIKE ACOTT,  
President, National  
Asphalt Pavement  
Association.

ROBERT A. GARBINI,  
President, National  
Ready Mixed Concrete  
Association.

JENNIFER JOY WILSON,  
President and CEO,  
National Stone,  
Sand and Gravel Association.

BRIAN MCCARTHY,  
President & CEO,  
Portland Cement As-  
sociation.

Mrs. BOXER. Mr. President, these letters are stark in their message to us. If we don't listen to this incredible group of people who are writing us these letters—these are Republicans, they are Democrats, they are Independents, they are Americans. They are saying: Set aside your differences and fund the highway trust fund. This vote will send a shiver through the spine of our entire business community and our working people if we don't get 60 votes today.

So we have an opportunity today to send the clearest of messages that we are ready to come together around a simple premise; that is, the transportation infrastructure of this Nation is not a political whipping boy. There is no time to play politics here—no time. We have one State already saying: Beware. We are putting off our contracting. What more do we need to see than that? This is just the beginning of what is going to happen. We know the Build America Bonds program, which will allow State and local governments to borrow at lower costs, is going to put people to work. Our treasurer, California treasurer Bill Lockyer, said Build America Bonds have enabled the State—our State—to sell more than \$19 billion in general obligation funds to meet voter-approved mandates for more than 7,000 vital infrastructure projects, in turn creating or sustaining more than 100,000 solid, middle-class, private sector jobs and businesses, large and small, in California.

The Build America Bond program is something our local people want, whether they are in California or anywhere else in the Nation. This program can cover bonds for school construction, clean energy, and all the rest. It will allow us to put people to work, and the decisions will not be made here but in our cities, our counties, and our States.

Clearly, the two infrastructure pieces in the Reid bill are essential in both saving jobs and creating new jobs. Investments in infrastructure are a crucial component of job creation in our Nation. As we work our way out of this recession, the last thing we want to do is create uncertainty about our transportation funding. Too many people are counting on it.

I wish to mention, as the chair of the Environment and Public Works Committee, that what we are doing today will give us the time we need to pass a larger authorization, and I am working on that authorization with Republicans and Democrats on our committee. I wish to commend, in particular, Senator VOINOVICH for reaching out to me in an extraordinary way. He is reaching out his hand and he says: Let's get started. I say to him, through my re-

marks on the Senate floor: Absolutely. We are going to start working. That bill is going to be transformational. It is going to, I think, be another boon to our economy.

There is one thing I can say after spending so much time back home. I have not heard one of my constituents in my State—and I traveled to every part of my State and I met with Democrats, Republicans, Independents, business, labor, nurses, firefighters, everybody—not one disagrees with this point; that is, a great nation must have a great infrastructure. Our infrastructure must be updated. That means our roads, our bridges, our highways, our transit systems, our sewer systems, our water systems. We have water systems with arsenic in them. We have water systems that are not healthful for our families. No great nation can be a great nation if our people are not at the top of their game. You can't be at the top of your game if your child is getting ill because they are drinking tainted water. These are the things we have to do, and they are done in the private sector. On the transportation side, there is a separate fund for that highway trust fund, separate funds that go into that user fee, and that is how we fund our highways and transit systems. It is a very sound idea.

Again, I say to all colleagues: If we turn our back today on this very straightforward proposal that extends the highway trust fund and gives it the funding it needs to spend at the authorized levels, we are going to see more State departments of transportation, such as this one in Missouri:

Special Notice: Unless the Federal Government takes the necessary steps to ensure the availability of Federal funds for the remaining fiscal year, then the bid opening will be postponed or withdrawn until further notice.

That is not a threat; it is real.

I yield the floor.

• Mr. HATCH. Mr. President, I oppose invoking cloture on the motion to concur with the House amendment to the Senate amendment to HR 2847, also known as Senator REID's Hiring Incentives to Restore Employment Act.

Only 2 weeks after President Obama stood in the House of Representatives to deliver his State of the Union address calling for a bipartisan solution to creating job growth, the majority leader has pulled the rug from underneath both Democrats and Republicans. Senators BAUCUS, GRASSLEY, and others, including myself, had been spearheading an effort to put forth a bipartisan jobs bill. However, the majority leader inexplicably decided to gut our work product.

Let me be clear, there is no doubt in my mind and in the mind of many of my colleagues that passing a jobs bill is crucial. We have seen our unemployment rate remain stagnant at around 10 percent since last September. The American people sent us here to do a job, and it is way past time we did it.

That is why I worked with Senator SCHUMER to come up with a payroll tax holiday for those companies that hired more employees. Under this incentive, the sooner a company hired an unemployed worker the more tax incentive the company would receive.

Regrettably, because of the majority leader's decision, it looks as though President Obama's hope for a bipartisan solution to job creation only lasted 2 weeks. What a shame.

The original package, negotiated by Senate Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY, included an array of tax provisions aimed at providing the private sector with the ability to hire more employees and invest in more equipment.

The extension of these expired tax provisions only support proven growth of companies that are slowly beginning to see the light at the end of the tunnel.

The President set the tone at the beginning of the year by calling on Congress to put forth a bipartisan solution to creating jobs in this country. In response, both Democrats and Republicans brought innovative ideas to the table. Then, in a sudden change of events, many Republican ideas have been excluded from the jobs bill the majority leader has brought to the floor.

And again, the majority leader has maneuvered this legislation to prevent any amendments from being offered by our side. If this is not an arrogance of power, then I do not know what is. I only hope the majority leader heeds to President Obama's plea for a bipartisan solution.

I think it would be a grave injustice to the American people to pass this bill in this way. How is the minority supposed to have faith that the minority will not be excluded from debate of future legislation, such as health care and energy legislation? It is easy to label the Republicans as the party of no when you completely exclude them from the legislative process. No is the only option that remains.●

Mr. GRASSLEY. Mr. President, the Senate is about to engage in a cloture vote on the Senate Democratic leadership's third stimulus bill. What I find surprising is that what we are about to vote on indisputably and absolutely belongs to the majority leader. That is to say we are not going to vote on a bipartisan package that I put together with Finance Committee Chairman BAUCUS. I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leader was highly involved in the development of a bipartisan bill, he arbitrarily decided to replace it with a bill he hopes to jam through the Senate.

As much as I was surprised by the Senate Democratic leader's disregard

for bipartisanship, I am even more surprised by the explanations given by him and his cohorts.

Perhaps the most significant change between the bipartisan package Chairman BAUCUS and I helped put together and the package we will be voting to move to is that a package of expired tax provisions has been removed. Normally referred to as extenders, these generally very popular and certainly bipartisan provisions have been extended several times over the past few years.

What is surprising is that hyperpartisan members of the majority have suddenly decided that the tax extenders are partisan pork for Republicans. A representative sample comes from one report, which describes the bipartisan bill as "an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that had been designed to win GOP support." Just today the Washington Post includes this attribution to the Senate Democratic Leadership. From the Post:

"We're pretty close," {the majority leader} said Friday during a television appearance in Nevada, adding that he thought "fat cats" would have benefitted too much from the larger Baucus-Grassley bill.

The portrait being painted by certain members of the majority, echoed without critical examination in some press reports, is wildly inaccurate. For one thing, the tax extenders include provisions such as the deduction for qualified tuition and related expenses and also the deduction for certain expenses of elementary and secondary school teachers. If you are going to school or if you are a grade school teacher, the Senate Democratic leadership thinks you are a fat cat so you are on your own. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in the extenders package, too bad, because helping you would amount to a corporate giveaway in the eyes of some.

The tax extenders have been routinely passed repeatedly because they are bipartisan and very popular. Democrats have consistently voted in favor of extending these tax provisions.

House Speaker NANCY PELOSI released a very strong statement upon House passage of tax extenders in December of 2009, saying this was, "good for businesses, good for homeowners, and good for our communities." December of 2009 was not very long ago. In 2006, the then-Democratic leader released a blistering statement: "After Bush Republicans in the Senate blocked passage of critical tax extenders, . . . American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks." I ask unanimous consent that

both of these statements be printed in the RECORD in their entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PELOSI: TAX EXTENDERS ACT CREATES NEW JOBS, GROWTH, INNOVATION, AND OPPORTUNITY FOR EVERY AMERICAN

WASHINGTON, DC—Speaker Nancy Pelosi released the following statement today after the House passed the Tax Extenders Act of 2009, which will help to create jobs and cut taxes for American middle-class families. The House passed the bill by a vote of 241 to 181.

"Today, Congress took another positive step forward in our drive to create more jobs, strengthen our economy, and lay the foundation for long-term prosperity. By passing the Tax Extenders Act, we are placing our working families at the center of our economic recovery.

"This legislation is good for businesses, good for homeowners, and good for our communities. The bill extends research and development tax credits for American companies, encouraging them to invest in innovation and clean energy, and create the high-tech jobs of the 21st century. It provides property tax relief to 30 million families, ensures our men and women called to serve overseas do not face a pay cut here at home, and offers some security for millions of parents, teachers, and consumers by extending deductions for college tuition, classroom expenses, and state and local sales taxes.

"Maintaining our commitment to fiscal discipline, this legislation will not add to the deficit. The costs of this proposal are fully paid for because we put an end to the preferential tax treatment for hedge fund managers and investment bankers and crack down on offshore tax havens.

"This bill is a down payment on new jobs, growth, innovation, and opportunity for every American."

REID: REPUBLICANS SHOULD STOP BLOCKING TAX EXTENDERS

WASHINGTON, DC—Senate Democratic Leader Harry Reid today issued the following statement after Bush Republicans in the Senate blocked passage of critical tax extenders.

"American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks. Families who just recently took their sons and daughters to college now wonder whether the tuition deduction that Republicans allowed to expire last year will get reinstated. Teachers, forced to reach into their own pockets to provide supplies for their students, now wonder why Republicans refuse to extend the modest tax break they get for doing so. Instead of holding such important tax provisions hostage to ill-fated estate tax giveaways to multi-millionaires, Republicans should join Democrats to pass these measures today. Middle-class Americans deserve a new direction, where they will not be forced to endure a tax increase because of Republican inaction and obstruction.

Mr. GRASSLEY. Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008; the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous consent; and the Working Families Tax Relief Act of 2004, which

originally passed the Senate by voice vote although the conference report received 92 votes in favor and a whopping 3 against. According to the nonpartisan Congressional Research Service, extension of several of these provisions go back even further, including the Tax Relief Extension Act of 1999, which again passed the Senate by unanimous consent but lost one vote on the conference report.

Blinded and dazed by the power of their now not-so-super majority, certain Democrats have in the last few weeks turned against the extenders. One Democrat said:

Our side isn't sure that the Republicans are real interested in developing good policy and to move forward together. Instead, they are more inclined to play rope-a-dope again. My own view is, let's test them.

Another member of this large 59-vote majority exclaimed:

It looks more like a tax bill than a jobs bill to me. What the Democratic Caucus is going to put on the floor is something that's more focused on job creation than on tax breaks.

The only explanation for this behavior is that certain Senators have decided that it serves a deeply partisan goal to slander what have been for several years bipartisan and popular tax provisions benefitting many different people.

Today's Washington Post article I quoted from earlier includes a statement from a Senate Democratic leadership aide saying:

No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed.

Having put their heads into the sand, this chamber's Democratic leaders seem intent on keeping them there. I appeal to all of you to vote against the Democratic Leadership's effort today to jam the Senate. A vote for the Senate Democratic Leadership's cloture motion is a vote to foreclose an opportunity to improve the bill. It also is a vote to forbid any corrections to mistakes in the bill. And there is a significant mistake in the Senate Democratic Leadership's bill. The bill as currently written would allow employers of illegal workers to benefit from the payroll tax holiday. We should correct that mistake with an amendment.

The Senate Democratic Leadership's posture prohibits this correction.

Either the Democratic leaders are playing partisan politics with tax extenders, or they don't understand the worth of the provisions to the economy, including job retention and creation. The biodiesel industry alone says 23,000 jobs are at risk due to the biodiesel tax credit being allowed to expire. Those workers are not fat cats.

And in case anyone thinks biodiesel is something only Iowans worry about, these green jobs are in 44 of the 50 states. There are 24 facilities in Texas. There are 15 facilities in Iowa. There

are 6 facilities in Illinois and 6 in Missouri. There are 4 facilities in Washington. Ohio has 11 facilities. There are 5 facilities in Indiana. There are 3 facilities each in Mississippi and South Carolina. There are 7 facilities in Pennsylvania and 4 in Arkansas. New Jersey has 2 facilities.

There is one facility in North Dakota. Only 6 of the 50 States do not have some biodiesel production. They are Alaska, Delaware, Maine, New Hampshire, Vermont, and Wyoming. The other 44 States have some biodiesel presence. I have an article from the Erie, PA, newspaper, describing the struggles of a local biodiesel plant.

So we need to turn away from talk of fat cats. We need to get back to work on the bipartisan package that was in the works until the Senate Democratic Leadership's dramatic change in direction. Many people who are not fat cats or a part of large corporations are counting on these provisions being extended, and they are counting on their elected representatives to work together, as we were doing, to get the job done.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ERIE-BASED BIODIESEL COMPANY PRESSES FOR  
RETURN OF TAX CREDIT

HERO BX SUFFERS WITHOUT BIODIESEL  
INCENTIVE

(By Jim Martin)

A major financial incentive to purchase biodiesel fuel disappeared Jan. 1, and companies such as Erie-based Hero BX are feeling the pain.

Hero, which can make up to 45 million gallons a year and ranks as Pennsylvania's largest biodiesel company, ran full steam for most of 2009.

But now, the loss of a \$1-a-gallon tax credit for buyers who blend biodiesel with petroleum-based fuels has softened demand dramatically, said Mike Noble, Hero BX president.

The plant has operated only about 10 days since that credit expired at the end of 2009, he said.

"We are running today and tomorrow. Then we will be done for a few days," he said Friday. "It comes and goes, but there is not a lot of demand."

He's hoping the problem is temporary. So far this year, however, efforts to reintroduce the tax credit, which makes biodiesel prices more competitive, have fallen flat.

An extension of the credit was included in a draft of an \$85 billion Senate jobs bill.

However, Senate Majority Leader Harry Reid, a Democrat from Nevada, announced he would trim the tax credit, along with other provisions, to a more modest \$15 billion.

Now, Reid and other Democrats in the Senate are under pressure to restore the tax credit, not only from Republican senators, but from Agriculture Secretary Tom Vilsack, who has called the credit, "an important credit and support mechanism" for renewable fuels.

There seems to be general agreement in Washington that the credit will eventually

be extended. The question that remains is, "When?"

The timing matters a great deal to Hero BX, where Noble said biofuel production supports 40 jobs directly and another 40 or so office jobs indirectly.

So far, none of those employees have been laid off, despite a dramatically reduced production schedule.

"Once we get them trained, it's a very technical job. I really don't want to lay them off," Noble said, citing the time and expense of training new employees.

Noble said Hero BX has received support from U.S. Sens. Arlen Specter and Bob Casey, both Pennsylvania Democrats.

"Senator Casey thinks we must quickly restore the biodiesel tax credit to preserve jobs in Erie and promote energy independence," Stephanie Zarecky, his press secretary, said in a statement. "Senate leadership has announced their intention to bring an extension to the floor. Senator Casey hopes that it will come to the floor soon and receive bipartisan support."

Kate Kelly, press secretary for Specter, said her boss has been a champion for the industry as a co-sponsor of the Biodiesel Tax Incentive Reform and Extension Act of 2009, which would have extended the tax credit through 2014.

She said in a statement that "Senator Specter's office has been working closely with stakeholders on the matter and is looking for an appropriate legislative vehicle through which to reinstate the tax credit so that companies like Hero BX can get back on their feet."

Both Hero BX and Erie-based American Biodiesel Energy Inc. can look forward to May 1, when a new state mandate takes effect that will require a 2 percent blend of biodiesel in all diesel sold for over-the-road use in Pennsylvania.

Noble said that mandate will be good for business but hopes he doesn't have to wait that long to see some relief.

"The longer it takes, the further we go in debt and the harder it will be to get out of the hole," he said.

Mr. REID. Mr. President, what is the order before the Senate at this time?

The PRESIDING OFFICER. The time until 5:30 p.m. is under the majority leader's control.

Mr. REID. Mr. President, if we are going to get the American economy back on track, we have to get the American people back to work. We know our serious troubles were not created in 1 day and we know they will not be solved overnight. But we have to begin. We have to take that first step. That is what the bill before us represents: a strong first step in the right direction.

This is a jobs plan that will cut businesses' taxes as an incentive to hire unemployed workers. It is a plan that includes tax breaks for keeping those workers on the payroll and even more help for small businesses to write off their investments. In fact, this legislation will allow small businesses to write off up to \$250,000 for equipment and materials they purchased. That is a good deal. They do not have to depreciate it.

It will extend the highway trust fund and expand Build America Bonds. I just

finished a meeting a few minutes ago with 11 Governors. This is one of the best programs with which they have ever dealt. We have no more money. It creates jobs immediately. It is oversubscribed. It is a wonderful program that will build roads, will build other projects, bridges. The highway trust fund, for example, will save 1 million jobs; in Nevada, thousands of jobs.

I have a letter, if people think this is not a serious issue we are dealing with—and I do this because it is the only one I have—from the Missouri Department of Transportation:

All bidders—PLEASE TAKE NOTE!—Unless the federal government takes the necessary steps to ensure the availability of federal funds for the remaining fiscal year prior to 12:00 p.m. on February 25, 2010, the scheduled February 26, 2010 bid opening will be Postponed/Withdrawn until further notice.

That is how it is. Missouri is not alone.

With this bill, we will create the right conditions for the private sector to start hiring again, and we are doing so in the right places.

These moneys, even though they come from Congress, the taxpayers' dollars go to create private jobs. These highways are not built by a bunch of Federal employees; they are built by private contractors. For every \$1 billion we invest in infrastructure, we create 47,500 high-paying jobs and other jobs that spin off from them.

With this first bill, we will create the right conditions for the private sector to start hiring again. I think we are doing it in the right places. When we help small businesses thrive, we will create jobs that will let more entrepreneurs innovate and invent. When we invest in improving our roads and bridges, we will create jobs so workers can support their families but also create infrastructure to support our growing Nation.

This bill is as good for the employees as it is for the employers. This bill is good for the employers who will do the hiring. This is such a good deal. If a person is out of work for 30 days, a business can hire them. If they hire them for up to 30 hours a week, they do not have to pay their withholding tax, and at the end of the year they get a \$1,000 tax credit.

On my trip home, businesses on the verge of hiring people said: This is going to allow us to hire people. We can afford to do this. This is as good for the employers doing the hiring as it is for the employees who will be getting hired.

One thing about this bill. Everybody should hear this. It is fully paid for, no deficit spending, which means we are not adding a single dime to the deficit, not a penny. We are doing this the responsible way, holding ourselves to the same budgeting standards we teach our children: You can only spend the money you have.



Each of these components—what are they? The Build America Bonds provision I talked about; extending the highway bill for a year; the provision Senator HATCH and Senator SCHUMER came up with that I talked about that allows an employer to hire somebody who has been off work for up to 60 days; and the final provision that allows them to write off \$250,000 in purchases—is a good deal. That is what is in this bill.

We are doing this bill in a way that is responsible. You should not spend money you do not have, and that is what we are doing here. Each of these components—the tax breaks, the support to help small businesses grow and hire more workers, the new construction projects, and the fiscally responsible way we are doing it—is a non-partisan idea. Republicans have supported every part of this bill in the past—every part of this bill—and Democrats have also done the same. There is simply no reason it should not receive overwhelming support from both sides of the aisle. But so far, I am sorry to say, this has not happened. I am disappointed that this has been the case.

As the Presiding Officer knows, we had to file cloture some 70 times last year—70 times. That is remarkably bad. Let's change that. I have spoken some with some of my Republican colleagues this past week and said: Let's don't do that anymore. Let's work together.

Who can complain about this bill? I have told the Republican leader and I have told anyone who will listen that we are going to move very quickly to a bill that will take about a day—travel promotion—after this. In every State in the Union, No. 1, No. 2, sometimes No. 3, but mostly No. 1 and No. 2, the economic driver is tourism. We are the only modern Nation that does not advertise itself. Watch TV and see the advertisements coming from Australia, New Zealand, South American countries, the Caribbean islands, and European countries. We should do the same. The Travel Promotion Act will save \$½ billion, and it also pays for itself. There is no deficit spending.

As we finish that bill—it should be toward the end of the week—we are going to move into the tax extenders, unemployment, COBRA, issues such as those. I have explained that to the Republican leader.

Rather than figuring out how we can up the other politically, let's figure how to put Americans back to work. I am sorry to say my friends on the other side of the aisle are looking for ways not to vote for this bill. The business community supports this legislation. It is jobs. Rather than rally around a plan we know will create jobs, I have heard excuse after tired excuse. But the American people want us to work together. They are not buying these excuses.

Why wouldn't we do this bill? We can create jobs starting in just a few days. If someone could explain to me what is wrong with this bill, I would be happy to listen to them. What is wrong with this legislation? Some have questioned the size of the bill. Only in Washington is a \$15 billion investment to create and save more than 1 million jobs not enough. I was stunned to hear on the radio this morning—when I received my press briefing, I was told that the unions and the left—whoever that is—oppose our bill because it is not big enough. Now try that one on, Mr. President. Only in Washington is a \$15 billion investment to create and save more than 1 million jobs not enough.

The answer is not to do nothing. It is to do something to create jobs and then create more jobs and then create more jobs after that. That is why this is not the only jobs bill we are going to be dealing with or the last jobs bill we will bring to the floor. We have a jobs agenda, not a jobs bill. We are not going to stop until every American who wants a job can get one.

Some Senators—one Senator in particular, but there are others; this Senator does not stand alone—think that money that was spent on TARP should be returned for the deficit. Other Senators said: I think the money that has not been spent from the stimulus should be returned to employees. These are all good ideas, and amendments are going to be able to be offered when we get to our package later this week. That is the way it should be.

We want every person in America who needs a job to get a job, but we cannot do it alone. My friends on the other side of the aisle share this responsibility. When I had 60 votes, all the responsibility was mine. It is no longer that way. We are down to 59, and 1 of my Senators is sick today. I did speak with Senator LAUTENBERG last night. He is doing fine. He is such a strong man. He said he will be back in a week or two. He is doing just fine.

If Republicans support this bill, as they have all the elements of it in the past, and they join us to pass it, we are going to do many more bills just like this to create jobs. However, if my friends on the other side of the aisle want to put partisanship ahead of people—people who are out of work—if they once again try to distract from the issue at hand, they will only confirm their reputation as the party of no. They will only confirm the American people's fear that Republicans refuse to do anything to help them.

So to my Republican colleagues, I say as seriously and fervently as I can: Work with us. Show us you are serious about legislating. Show our constituents you are serious about leading. Show the skeptics that you know that putting people back to work is far more important than putting points up on the political scoreboard. Most im-

portant, I ask my Republican colleagues to show those Americans who deserve a job they can go to every morning, a job they can get up and go to, that we are willing to do our job tonight.

It is remarkable we have to hold a procedural vote on a bill that will create jobs. It will be regrettable if the minority prevents us from moving forward, from taking that first step, from giving millions of unemployed Americans the hope that tomorrow will be better than yesterday.

Think what it is for someone to get up in the morning and have no place to go to work. I have met with some people, while I was home, dealing with domestic abuse. It has gotten out of hand. Why? Men do not have jobs. Women do not have jobs, either, but women are not abusive, most of the time. Men, when they are out of work, tend to become abusive. Our domestic crisis shelters in Nevada are jammed. That is the way it is all over the country. Jobs bring dignity, and that is what this legislation is all about.

I hope we can pass this legislation and move on during this work period and work together in doing some good things for this country.

We have a couple minutes until 5:30 p.m. It is my understanding the vote is to occur at that time. Since there is no one on the floor, I ask unanimous consent that the vote start early, and we will not cut it off early.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Harry Reid, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Mark R. Warner, Tom Harkin, Kay R. Hagan, Daniel K. Inouye, Bill Nelson, Al Franken, Max Baucus, John D. Rockefeller IV, Robert Menendez, Amy Klobuchar, Daniel K. Akaka, Frank R. Lautenberg, Byron L. Dorgan, Richard Durbin.

**THE PRESIDING OFFICER.** By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, an act making appropriations for the Departments of

Commerce, and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. ENZI), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted "nay," and the Senator from Utah (Mr. HATCH), would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—62

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown (MA)	Kaufman	Shaheen
Brown (OH)	Kerry	Snowe
Burr	Klobuchar	Specter
Byrd	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NAYS—30

Alexander	Ensign	McCain
Barrasso	Graham	McConnell
Bunning	Grassley	Murkowski
Chambliss	Gregg	Nelson (NE)
Coburn	Hutchison	Risch
Cochran	Inhofe	Roberts
Corker	Johanns	Shelby
Cornyn	Kyl	Thune
Crapo	LeMieux	Vitter
DeMint	Lugar	Wicker

NOT VOTING—8

Bennett	Enzi	Lautenberg
Brownback	Hatch	Sessions
Burr	Isakson	

The PRESIDING OFFICER (Mrs. SHAHEEN.) On this vote, the yeas are 62, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on the motion to concur with an amendment, the motion to refer falls.

Mr. REID. Madam President, I hope this is the beginning of a new day in the Senate. Whether this new day was created by the new Senator from Massachusetts or some other reason, I am very happy that we were able to get this vote. But there are some winners—not any individual Senator, not Democrats or Republicans; the winners are small business people throughout this country.

On my trip home this past 10 days, people are excited about the fact they may be able to write off \$250,000 for things they badly need—not depreciate it, just write it off. The other three provisions are wonderful. To extend the highway bill for a year is going to save thousands of jobs in Nevada and 1 million jobs throughout the country. So the small business communities throughout this country are winners, and also workers. This is going to create jobs.

I had a long conversation today with the Republican leader, and I told him what the plans are in the Senate. He listened very closely, and we had a very good conversation. We are going to move, for a day or two after we complete this, to travel promotion, another bipartisan bill. It will save \$½ billion. It will create thousands and thousands of jobs. All around the world countries advertise their tourism, but we do not. In this great country of ours, we do not see anything on TV. All we see is money being spent by other countries having us go to their countries. We want to do the same in their countries. That is what this is all about. Every State in the Union, all 50, the No. 1, 2, and in a few instances the third economic driving factor is tourism. This will help tourism.

As soon as we finish that, toward the end of this week, what we will do is move to the Finance Committee matters that they worked on before, and they worked very hard. I am glad we have made progress in that regard. I told Senator MCCONNELL that will be open to amendment. I will try to work out with him so many amendments on each side. If we cannot do that, we will not do that. I hope we can do that. But if we cannot, we will move forward on the tax extenders, the expiring provisions, and a few other things.

It is really a new day. I look forward to this work period being one where we can all go home and say: You know, ladies and gentlemen from Nevada and New Hampshire and Illinois and New Jersey and New York and Arkansas, we are working together. We are really getting things done together. That is what legislation should be about. Legislation is the art of compromise. It is building consensus and working together.

Basically that is what this piece of legislation is all about. This is not the jobs bill that we just completed. At least cloture has been invoked, and we

will vote on that in another day or so. It is part of an agenda. We are going to have, later this month, another jobs bill. I have spoken to a number of Republican Senators. They have specific provisions they want in this bill. It will deal with small business. During the last 10 years, 96 percent of all jobs in America were created by small businesses. I am very happy we were able to do this.

I express my appreciation to Senator BOXER, chairman of the Public Works Committee. She has worked so hard. I love her committee. I was chairman on two separate occasions. It is a committee I have fond memories of serving on. Every time I see the enthusiasm of BARBARA BOXER, I know why the State of California cares so much about her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before the majority leader leaves the floor, I want to say to him that today jobs triumphed over politics. That is a great day around here. Jobs triumphed over politics. I want to say to Senator REID, this idea you have to keep these bills very straightforward and very easy to understand, this bill, four parts to it, two parts dealt with infrastructure, two parts dealt with tax breaks that were related to making capital investments and hiring unemployed workers, is very simple for people to understand. I have to say to my Democratic colleagues, 57 of whom voted for this, thank you. And to the five Republicans who joined us, thank you so much. It means so much to the working families of this country, to the business community.

I want to say a special word to Senator LAUTENBERG if he is watching. I know how strongly he supports transportation. He is kind of Mr. Transportation in New Jersey. We all wish him well. We know he would have been here if there was any way for him to be here. I will not say any more than I said before. I want to thank specific people out there around the country whom I talked to on several conference calls over this break. They were always there. Night and day we talked. I explained to them how close this vote would be. They explained to me that they understood what the stakes were, a million jobs at stake in relation to the highway trust fund, thousands more at stake in relation to the Build America bonds. This is a good day.

I thank the American Association of State Highway and Transportation Officials; the American Road and Transportation Builders Association; the Associated General Contractors of America; the U.S. Chamber of Commerce; the Laborers International Union; the International Union of Operating Engineers; the American Highway Users Alliance; Faster, Better, Safer Americans for Transportation Mobility; the AAA, which wrote to us. I want to say to all

of them, they made this vote work because they knew what was happening on the ground.

In closing, I have one more thank you. This is a strange thing to say but I want to thank the Missouri Department of Transportation for telling the truth. Listen to what they wrote:

All bidders—PLEASE TAKE NOTE!—Unless the federal government takes the necessary steps to ensure the availability of federal funds for the remaining fiscal year, bid openings will be postponed or withdrawn until further notice.

In other words, the Department of Transportation in Missouri, being the first State to be hit with this mess—by the way, followed closely by North Dakota, they are very close to this place, all of our States are—they came forward and told the truth that we had to act today. I hope the House will act with us, and we will get this resolved. In March we will start on the new bill. It is a good day.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me thank the Senator from California, Mrs. BOXER, and certainly Senator REID and others. This vote was very important. The question for the Senate and the Congress is when 25, 26 million people wake up in this country and go looking for a job and can't find it—the numbers I know are 16 to 17 million people, but the real number of people who are unemployed in America is much higher than that. There are many who have given up hope. At a time when that many Americans are looking for work and can't find it, they need some hope. This Senate has a choice of doing nothing or doing something. There are too many in this Senate who have always been satisfied to do nothing. Tonight, finally, in a piece of legislation that will put people to work, we know, for example, that the private sector hires people, small and medium-size businesses. But we also know that when you spend money for highways, highway contractors are going to put people on payrolls immediately, because those programs and those projects are already engineered, already designed, ready to go. The money doesn't exist for them. When the money is made available, people will be hired immediately.

The same is true with respect to the wage tax credits in this piece of legislation. I held a hearing in the policy committee. We had three small to medium-size businesses there, all of which are profitable, all wonderful businesses, all ready to expand. But none of them could because none of them could find capital or they had no access to capital from their banks. Money was not available. These are successful businesses, profitable businesses, businesses wanting to and ready to expand, wanting to hire more people and can't do it.

The fact is, this legislation is another step in the direction of saying to small to medium-size businesses, when you are ready to begin hiring again, here is an additional incentive to hire that next worker. Slowly but surely we have to find a way to give people confidence, give the American people confidence that this economy is improving, that there will be a job, there will be opportunity and hope in the future.

We don't so much spend our days with people who are out of work. Most people serving in the Senate have a pretty wonderful opportunity. They put on a suit in the morning. We are the kind of people, we shower in the morning, put on a suit, are dressed up all day, come here. Our jobs are not being shipped overseas. In most cases, people in this Chamber have not been so much subject to the deep recession. But a lot of people have. Five-and-a-half million people who used to work in manufacturing making things have lost their jobs in recent years. The question for most of those people who are looking for some hope from their leaders is: Will somebody do something, or is the government going to be content to do nothing?

The action this evening by which these four pieces of legislation, which include some incentives for small and medium-size businesses, some bonding authority that will increase economic activity, the extension of the highway program that will put people back to work, expensing for small businesses—these are all things that are going to actually put people on payrolls. It is not a case where we will hire somebody as a government worker. It is a case of incentivizing highway contractors to hire people to help build roads and bridges and repair roads and bridges. It is a case of incentivizing small to medium-size businesses to say: If you need that extra little incentive to hire that next person, here it is.

Finally, and even more important than the incentive, is the signal this sends, the signal that maybe at least, at long last, we will begin to see some progress, some cooperation, circumstances in which Republicans and Democrats vote together in sufficient numbers that things can get passed and get done. With as deep a recession as we are in, the deepest since the Great Depression, there is an urgency. It ought to be treated as an urgent situation. This vote this evening may well put us on the road to understanding how urgent it is and how important it is that we take action rather than delay.

I thank the leader and so many others. Senator DURBIN and I worked on a jobs package. These four provisions are in that package. There are other pieces we can implement in the future that will also be substantially important in getting people back to work, putting America back to work. I know the Sen-

ator from Ohio will speak next. I know he hopes that perhaps we will not just put people back to work but perhaps will make products that say "made in America" once again. Wouldn't that be a wonderful thing?

One additional point. I spoke earlier describing the metaphor of filling the bathtub. We are trying to get the faucet going with incentives to put people to work. At the same time you have to plug the drain a little bit. We have a drain of jobs going out of this country. The President, in the State of the Union, said: Let's get rid of that unbelievable tax break that we provide people for moving jobs overseas. I have been in the Senate working on that for a long time. It is unbelievable that we say to somebody: Close up your factory, fire your workers, move the jobs overseas, and you get a big fat tax break. We need to plug the drain, in addition to opening the faucet to try to get additional jobs and work on that in addition to the progress we have made this evening that will give some hope to the American people who want to go to work and need a good job.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I thank Senator DORGAN, who has led with Senator DURBIN on all kinds of job creation efforts, understanding that although the private sector creates these jobs, it is a partnership with the private and public sector and State and local and Federal governments. He had it right. We need to follow his suggestions and those of Senator DURBIN as we move forward, including what was on the floor earlier this evening.

There are in my State some 640,000 unemployed people, in a State of about 11 million. There are hundreds of thousands more who are underemployed. There are tens of thousands of small businesses across Ohio. There are hundreds of thousands of Ohioans who help ensure that roads and bridges and transit systems serve the best interests of residents and businesses.

The bill we voted on today would help those Ohioans. These Ohioans didn't bring about our Nation's economic crisis. It wasn't people who work every day in Zanesville and Lima or Findley who brought this on, but they are paying the price for it every day. Too many people are losing health insurance.

I was just on public television with the senior Senator from New Hampshire. I pointed out that 390 Ohioans every day lose their health insurance. This economy has squeezed more and more people, people who have jobs, let alone the anxiety of people who have jobs and are afraid that they will lose those jobs. Small businesses in my State have everything it takes to thrive, but they are undermined by this perilous economic climate. Construction workers, manufacturing

workers, small businesses, other hard-working Ohioans who keep our State going are losing jobs, not because they are not good employees, not because they don't show up, not because they aren't working hard, but because the dollars aren't there to pay them because employers are laying them off, whether in the private or public sector. Unemployed workers are remaining that way not because they don't have the drive or the skills to succeed.

Majority Leader REID has introduced a bill based on proposals from Democrats and Republicans alike that would give tax breaks to small businesses and ensure dollars continue to flow into the highway trust fund. It is a bill designed to cut businesses a break. It is a bill designed to sustain our roads and bridges and transit systems to prevent massive job loss among the millions of Americans who work to ensure the safety and the effectiveness of our transportation infrastructure. If they are working, if people are working construction, if our bus drivers in the cities who are getting particularly the elderly and low-income people to their doctors' appointments or to their workplace, if they are working, if the bus drivers and the transit workers and the construction workers and the highway builders, if they are working, then there is more money in the economy and more people are working.

It is a bill, unfortunately, most Republicans in this Chamber, for whatever reason—they always have a reason to be obstructive literally 100 times in this session, more than 100 times—it is a bill that most of my Republican colleagues are determined to kill. I thank Senator VOINOVICH, the senior Republican in my State, for his support. I thank the other four or five Republicans who voted at least to let us debate this bill, something in the past they haven't even been willing to do on other legislation.

So at least we have made progress that way. But if the press is right, the Republican leadership and their lobbying friends gathered together. They have been working 24/7 to convince the public that a bill solely focused on small businesses and middle-class jobs is a bad bill. You may have seen news reports that 100 lobbyists sat down with Republicans and figured out a strategy to try to kill this jobs bill. It is the same story, it is the same movie we watched last year on health care. It is the same story again that we have seen, that they are doing whatever it takes to kill this legislation. Fortunately for the American people, fortunately for these hundreds of thousands of Ohioans who are unemployed or underemployed, they did not get away with it today, that enough Republicans broke with their leadership and supported efforts to move forward on jobs legislation.

Earlier today, I met with 200 to 300 Ohioans to unveil a report on how to

get our State's economy back on track. This was a group of Democrats, Republicans, and Independents, and it was a group that had everyone from the mayor of Mansfield and the mayor of Marietta, to small businesses, to large companies, a couple of executives, American Electric Power Company, to a whole host of citizen activists who want to do whatever it takes. They want to fight for made-in-America legislation that Senator DORGAN mentioned. They want a manufacturing industrial policy in this country. We are the only country in the developed world that does not have a real plan on how to do manufacturing, on how to build an industrial economy, on how we begin to lead the world not just in the technology, which we have done in solar and wind turbines and biomass and fuel cells—we lead in technology; we do not lead in industrial development and making those products. We developed the wind turbine technology in Sandusky, OH, about 30 miles from where I live, but most of the wind turbines, the components—a lot of components are made in Ohio, but most of the wind turbines are manufactured and assembled overseas. It is the same on solar technology, the same on biomass, the same on fuel cells. Our scientists, our engineers, our professors, and our researchers develop a lot of this technology, but we are not making it in Ohio and New Hampshire and States around the country.

So today, as I said, all couple hundred, 250, 300 Ohioans—Democrats, Independents, Republicans—gathered to figure out how to do this, to move our State forward. As I said, there were a lot of Republicans. But Republicans in Washington look at the world differently. Many of them are trying to demonize a bill that provides tax breaks, that saves jobs. They need to take a step back, the Republicans in this body who I believe are very out of step with Republicans and everybody else in States such as mine. They need to take a step back and remember for whom they work.

Opposition for opposition's sake is not working for the American people. On the Senate floor, we need to work together to save small businesses, to help these small businesses get credit, to help these small businesses work with local communities to provide jobs. That is what they want to do. We can do this if we work together.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THALIA DONDERO

Mr. REID. Madam President, Thalia Marie Sperry Dondero has lived in Nevada since 1942 when she transferred to Las Vegas for employment. She met and married Harvey Dondero, who worked for the U.S. Department of Education. He became an assistant superintendent of the Clark County School District. She began her community involvement through the Parent Teacher Organization as her five children were growing up. At the same time she was active in the Service League, director of the Las Vegas Girl Scouts for 10 years during which time she helped develop both Scout camps. She was also appointed to the Nevada State Parks Commission.

Thalia Dondero became the first woman elected to the Clark County Commission in 1974 where she promptly made the news by refusing to fill the role of coffee maker and secretary to the other male members of the Commission. Mrs. Dondero was a commissioner for the next 20 years serving as chairperson three times.

Thalia's service mentored other women to run for office. During her tenure as commissioner, she was instrumental in the expansion of McCarran International Airport, the development of flood control projects and chaired the Las Vegas Valley Water District. Her efforts led to the expansion and protection of Clark County's recreational pearls, Red Rock Canyon, Kyle Canyon and Valley of Fire. In 1996, Thalia Dondero was elected to the Nevada System of Higher Education Board where she served two terms as chair.

In the past 50 years, all of Nevada and Southern Nevada specifically have been greatly affected by Thalia Dondero's lifelong dedication to the children of Nevada and their education. She has made significant contributions to the improvement of educational quality. She has continuously advocated for the Nevada environment. Thalia's single-minded civic responsibility and charitable contributions have played a major role in making Nevada and Las Vegas the destinations they have become.

#### TRADEMARK LAW TECHNICAL AND CONFORMING AMENDMENTS ACT

Mr. LEAHY. Madam President, on January 28, 2010, I introduced S. 2968, the Trademark Technical and Conforming Amendment Act of 2010, along

with the ranking member of the Senate Judiciary Committee, Senator SESSIONS. I appreciate that the Senate moved quickly to call up and pass this legislation by unanimous consent. The speed with which the Senate acted on this legislation demonstrates what we can do when we work in a bipartisan fashion.

I recently received a suggestion from the chairman and ranking member of the House of Representatives Committee on the Judiciary, who introduced companion legislation, to improve and clarify the language of the section that requires a study and report. Specifically, they suggested that Congress should strike the words “by corporations” from paragraph (a)(1) of section 4. I agree that this suggestion adds clarity and, should S. 2968 be enacted, I will work with Senator SESSIONS and the House Committee on the Judiciary to amend the study language in subsequent legislation.

#### DIETARY SUPPLEMENT SAFETY ACT OF 2010

Mr. MCCAIN. Madam President, I wanted to take a moment to discuss the Dietary Supplement Safety Act of 2010 that Senator DORGAN and I introduced earlier this month. This legislation has been widely discussed since introduction and many falsehoods and misstatements regarding it have been raised. I want to take a moment to clarify what this bill will and will not do if passed into law.

We introduced this legislation at the request of the U.S. Anti-Doping Agency, Major League Baseball, National Basketball Association, National Football League, National Hockey League, U.S. Olympic Committee, American College of Sports Medicine, American Swimming Coaches Association, National Collegiate Athletic Association, PGA Tour, U.S. Lacrosse, U.S. Tennis Association, U.S.A. Cycling, U.S.A. Gymnastics, U.S.A. Swimming, U.S.A. Track and Field, and U.S.A. Triathlon. Additionally, scores of parents, spouses and high school athletic coaches requested action by Congress or the Food and Drug Administration (FDA) to assist them in ensuring the safety of dietary supplements.

I am proud that this legislation is so widely supported. However, opponents to this bill and their well-paid Washington lobbyists have spread false statements and rumors about the legislation, which is really a disservice to consumers, and instead proudly boast that they remain largely untouchable by the FDA.

This legislation would simply require dietary supplements to list all ingredients on the packaging, mandate that all dietary manufacturers register with the Food and Drug Administration—FDA—to ensure the FDA knows what is being sold and provide the FDA man-

datory recall authority of any dietary supplement if the FDA finds the supplement to be hazardous to one's health.

Opponents have stated that the legislation would seek to limit consumers' ability to purchase dietary supplements, vitamins or prescription drugs. That is completely false. Opponents also claim the bill establishes a new regulatory structure for dietary supplements at the Food and Drug Administration. That is completely false. Opponents claim that this bill was only introduced to rein in a few athletes who took supplements and then tested positive for steroids or other substances banned by sports leagues. That is completely false.

This bill was introduced for the nearly half of all Americans who take a dietary supplement. People have died from taking dietary supplements, including a young mother and wife who lived in my home State, and thousands have had to be hospitalized or seen by a doctor due to an adverse reaction from a dietary supplement. It took nearly 10 years—and then a lengthy court battle—for the FDA to ban the inclusion of ephedra in dietary supplements after ephedra was linked to a number of deaths. Such a delay should never happen again.

Additionally, the more than 100 million Americans who consume dietary supplements should be able to know the ingredients of any supplement, and these supplements need to be required to be listed on the product's packaging. If you go to a grocery store and pick up a box of cereal, bread, yogurt or any product off the shelf, you can read the product's label to clearly know the ingredients and be sure you aren't eating something that you find concerning, hazardous or unhealthy. Those who take dietary supplements should have the same option. Simply put, this legislation is about truth in labeling. This legislation is about giving consumers choice. If you take a vitamin now, this bill will in no way restrict your ability to take that vitamin. But the consumer needs to know the entirety of what is contained in that pill.

Additionally, clear labeling could save lives as it did for a Phoenix Suns star who took a dietary supplement sleep aid and stopped breathing. Fortunately, his teammates found the supplement bottle that listed the ingredients, and the emergency room doctors were able to use the information to give him an antidote in the emergency room moments later and save his life. The disclosure of ingredients on a dietary supplement can save lives; and therefore, it should be mandatory. With the new “buzz word” in Washington being “transparency,” I don't understand how any lawmaker could oppose such a requirement.

#### HONORING OUR ARMED FORCES

SPECIALIST MARC P. DECOTEAU

Mrs. SHAHEEN. Madam President, it is with a heavy heart that I rise today to pay tribute to the life and service of Army SPC Marc P. Decoteau of Waterville Valley, NH. Tragically, this young soldier, just 19 years old, died while serving as part of Operation Enduring Freedom in Wardak Province, Afghanistan on January 29, 2010. Specialist Decoteau was a member of the 6th Psychological Operations Battalion, 4th Psychological Operations Group based at Fort Bragg, NC. He had been deployed in Afghanistan less than 1 month at the time of his death.

Specialist Decoteau enlisted in the Army shortly after his graduation from Plymouth Regional High School in 2008. He made this honorable decision without reservation, having long declared his desire to serve. Marc followed in the footsteps of his father, an Army veteran and West Point graduate. His decorations include the National Defense Service Medal, Afghanistan Campaign Medal with Campaign Star, Army Service Ribbon, and Global War on Terrorism Service Medal. Marc was posthumously awarded the Army Commendation Medal, Army Good Conduct Medal and NATO Medal.

Despite his young age, Specialist Decoteau left an indelible mark on those who knew him. Marc was an upstanding young man with an infectious sense of humor and warm smile. His hometown of Waterville Valley is an exceptionally tight-knit community of just 340 residents, and he was an integral member of it. While at Plymouth Regional, he was also an outstanding student-athlete who played lacrosse and football and was known for his work ethic. He was a member of two State champion football teams.

Each day, the men and women of our Armed Forces offer their service so that we might enjoy freedom and security. Specialist Decoteau selflessly gave his life to that cause. No words can diminish the pain of losing such a young soldier, but I hope Marc's family—and the town of Waterville Valley, his extended family—can find solace in knowing that all Americans share a deep appreciation of Marc's service. Daniel Webster's words, first spoken during his eulogy for Presidents Adams and Jefferson in 1826, are fitting: “Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored.” Specialist Decoteau has earned our country's enduring gratitude and recognition.

Specialist Decoteau is survived by his parents Nancy and Mark, his sister Medora and brother Andrew, as well as grandparents, aunts, uncles and cousins. This young patriot will be dearly missed by all; his death while deployed far from home is a true loss for New

Hampshire and for our nation. I ask my colleagues and all Americans to join me in honoring the life, service and sacrifice of SPC Marc P. Decoteau.

CAPTAIN DANIEL WHITTEN

Mr. GRASSLEY. Madam President, I stand before you today with a somber task. I extend my most sincere gratitude to fallen soldier, CAPT Daniel Whitten, and his family. Captain Whitten was a decorated officer who served valiantly with Company C, 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, NC, before he was killed by an improvised explosive device in the Zabul province, Afghanistan, on February 2, 2010.

When people described CAPT Daniel Whitten, comments such as, "always doing the right thing," "stood by his values," "true to his family and himself," "trusted his character" were common responses. It is a true testament to the character of Captain Whitten that those who knew him held him in such high regard.

Captain Whitten is a graduate of Johnston High School, class of 1999, and the U.S. Military Academy at West Point, class of 2004. He was a very motivated individual, always striving to be the best he could be. The men who served under him had only good things to say about him. People who knew him said that he was the exact type of person they would want defending this country.

My deepest sympathies go out to Captain Whitten's wife Starr, his mother Jill, his father Dan, and his sister CAPT Sarah Whitten who is currently serving her country in Afghanistan. It is men like CAPT Daniel Whitten who guarantee our Nation's security and our people's liberty. We all owe Captain Whitten and his family our profound gratitude for their tremendous sacrifice. I ask that they be in your thoughts and prayers, as they are in mine.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MYRON DONOVAN CROCKER

• Mrs. BOXER. Madam President, I ask my colleagues to join me in honoring the memory of Judge Myron Donovan "M.D." Crocker. Judge Crocker passed away on February 2 at his home in Chowchilla. He was 94 years old.

M.D. Crocker was born in Pasadena on September 4, 1915. In 1918, his family moved to Caruthers in Fresno County and then to the city of Fresno in 1921. After graduating from Fresno High School, he earned a degree in political science from Fresno State College. In 1940, he graduated from Boalt Hall Law School at University of California,

Berkeley, and passed the California bar.

Instead of beginning his career in the legal field, Judge Crocker joined the FBI serving in Albany, NY, where he specialized in deciphering codes during World War II. After a stint in the FBI's Los Angeles office, he returned to the San Joaquin Valley in 1946 where he served as assistant district attorney in Madera County. In 1953, he was elected to the Justice Court in Chowchilla. Five years later, he was appointed by Governor Goodwin Knight as a Madera County Superior Court judge.

When he was appointed by President Dwight Eisenhower to the Federal court bench, Judge Crocker, at 44 years old, became the youngest Federal judge in the United State at the time. For 8 years, he commuted to his job in Los Angeles. In 1961, he became the first Fresno based Federal judge with the creation of the Eastern District of California. For the next 12 years, Judge Crocker heard all the cases in the southern section of the Eastern District until a second Federal judge was authorized in Fresno.

Judge Crocker would serve under 10 U.S. Presidents during a remarkable career on the Federal bench. Despite earning senior status in 1980, he continued to work and hear cases until he retired in 2002 at the age of 87.

A man of keen intellect, Judge Crocker was also acknowledged by those who knew him for his gregarious nature and gentlemanly ways. He was admired by his colleagues for his sharp memory. A giving person, he lent his time and talents to a number of community causes, including Lions Club and coaching Little League baseball. In his spare time, he enjoyed golfing, tending to his garden and playing bridge with his friends. He will be missed.

Judge Crocker was preceded in death by his beloved wife of 68 years, Elaine. He is survived by his son, Glenn; daughter and son-in-law, Holly and Robert Longatti; grandchildren, Donovan, Justin, Todd and Adam; great-grandchildren, Luke, Noveli, Brandon and Tyler; and sister, Janice Ahlf.●

##### 100TH ANNIVERSARY OF LINDSAY, CALIFORNIA

• Mrs. BOXER. Madam President, I ask my colleagues to join me in celebrating the 100th anniversary of the city of Lindsay, a vibrant, family-oriented community located in California's San Joaquin Valley.

In the late 1880s, the Southern Pacific Railroad expanded into Tulare County and the development of the Lindsay townsite progressed. On February 28, 1910, the city of Lindsay was incorporated with a population of 1,500 people.

The beginning of the 20th century would see economic growth and an in-

crease in population in the area. Attracted by the promise of Lindsay's growing economy and appealing living conditions, the city of Lindsay became a popular destination for people in search of a better livelihood. The city's rail cars would transport the region's agricultural products to new markets, allowing the citrus and olive industries to flourish.

Spanning the 20th century, the city of Lindsay thrived with the addition of businesses, churches, schools, and community organizations. The ingenuity and determination of new generations of farmers would continue to enhance the city's agricultural eminence. Even when faced with the hardships of the Great Depression, community members and the Lindsay Chamber of Commerce pulled together to establish the first Orange Blossom Festival in 1932, which promoted the city's prolific citrus industry. To this day, the Orange Blossom Festival continues to be a city-wide celebration of the city's rich heritage in citrus growing.

In 1995, the city of Lindsay was awarded the prestigious All America City Award by the National Civic League. This well deserved recognition is a testament to the city of Lindsay's community spirit.

The city of Lindsay has grown from a town of 1,500 to a strong community of over 10,000 residents. The successful history of the city's first hundred years can be attributed to its vision, optimism, and an endearing sense of community. As the residents of the city work together to make their community a better place to call home, I congratulate them on their centennial celebration and wish them another 100 years of good fortune and success.●

##### RECOGNIZING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

• Mr. CRAPO. Madam President, today I wish to take note of a great international internship program that is now celebrating its 11th year. I am proud to be involved for a 4th year in the Uni-Capitol Washington Internship Programme, UCWIP, an exchange program in which outstanding college students from Australia's top universities compete to serve as interns for the U.S. Congress. This program has been bringing the Washington internship experience to students from Australia for more than 10 years. In addition to working in congressional offices, the program provides students with a number of other opportunities and activities including visits to U.S. historic sites, visits to government agencies and education events.

This semester Benjamin Watson, a student from the University of Western Australia, is spending a couple of months in my office, helping me serve Idaho constituents. But students from



the Uni-Capitol Washington Programme can be found throughout congressional offices, working for both the House and the Senate.

I asked Ben to share his thoughts about this program, and he said, "The UCWIP has truly been a once-in-a-lifetime experience. Working in Senator CRAPO's office has given me an insight into the workings of the world's most influential democracy, adding a practical element to my studies in politics and law. My internship has given me the chance to interact with interesting people and understand the processes and procedures of U.S. Congress, within the friendly and welcoming environment of Senator CRAPO's office."

Ben has been a great addition to my intern staff for the spring semester, and has spent many hours helping keep my schedule and activities running smoothly. His efforts are much appreciated. And I am sure that the other offices that have participated in this program feel that way toward the work of those assigned to their offices.

I cannot conclude without recognizing the efforts put into this program each year by its director and founder, Eric Federling, who spent a number of years working on Capitol Hill himself. After he visited Australia a number of years ago, he determined to find a way to introduce the U.S. Congress to the students he met. He has done such great work in sharing his enthusiasm and experiences with so many Australian students. More than 100 students have made the long journey from their universities in Australia to Washington, DC, to take part in this program. In addition to the work opportunities provided on Capitol Hill, Uni-Capitol Washington also expands the yearly experience to include some of America's historical sites and famous landmarks, including Gettysburg and New York City.

It has been an honor to participate with this program, and I look forward to continuing my association with the Uni-Capitol Washington Internship Programme next year.●

#### TRIBUTE TO HAROLD MCGRAW, JR.

● Mr. DODD. Madam President, today I honor a great American from my home State of Connecticut, Harold McGraw, Jr.

After serving as a captain in the Army Air Corps during World War II, Mr. McGraw joined the family business, McGraw-Hill, as a sales representative in 1947. Over the next half century, he worked his way up to the position of president of the McGraw-Hill book company, and then CEO and chairman of the parent corporation, McGraw-Hill, Inc.

Not satisfied with simply succeeding in business, Mr. McGraw quickly became a leader in his community. In the 1980s, he founded the Business Council

for Effective Literacy, BCEL, and served as its president for a decade. He spoke at events across the country to champion the cause of adult literacy, giving generously of his own wealth and raising funds from corporate and public entities alike.

A BCEL grant led to the formation of the National Coalition for Literacy and established Mr. McGraw as a key public policy expert on this important issue. His work laid the foundation for the National Literacy Act and the National Institute for Literacy, and those of us in Congress and in the executive branch quickly became familiar with his tireless advocacy. He spoke up in person and in letters. He mobilized the business community. And he was always accessible to adult learners, teachers, and local adult literacy programs.

Always cognizant of the role education played in his own success, Mr. McGraw has worked hard to make education a focus of his civic engagement, including efforts with the New York Public Library, the Council for Air to Education, the International Center for the Disabled, and the Barbara Bush Foundation for Family Literacy.

A proud Princeton graduate, Mr. McGraw gave back to his alma mater with a generous gift to establish The McGraw Center for Teaching and Learning at Princeton University. Princeton President Harold Shapiro said that the McGraw Center would help "redefine teaching and learning for future generations." Mr. McGraw has also lent his publishing expertise to the Princeton University Press.

The Harold W. McGraw, Jr. Prize in Education, established in 1988 by The McGraw-Hill Companies to mark the Company's 100th anniversary, honors those who have dedicated themselves to improving American education.

But Mr. McGraw is no stranger to honors himself. In 1990, President Bush awarded him the Nation's highest literacy award at a special White House ceremony.

And he is the recipient of honorary degrees from the Graduate School of Princeton University, the City University of New York, Ohio University, Pine Manor College, Fairfield University, Hofstra University, and Marymount Manhattan College, as well as the Cleveland E. Dodge Medal for Distinguished Service to Education from Columbia University's Teachers College.

Mr. McGraw has given so much to our country at large, but he hasn't forgotten the State he and I both love. A major supporter of the library in his town of Darien, he has also contributed generously to Norwalk Hospital and St. Joseph's Hospital, along with his local church. He has worked to support elderly care at the Waveny Care Center in New Canaan, CT, Pegasus Therapeutic Riding in Stamford, and a wide

range of civic organizations, from the Boy Scouts to the Literary Volunteers of Connecticut.

Harold McGraw represents the best of American business and civic culture. All of us in Connecticut are proud to call him one of our own, and the many whose lives have been touched by his commitment to adult literacy are grateful for his efforts. We look forward to his continued good deeds and remain inspired by his example. It is my pleasure to honor this great American.●

#### REMEMBERING DIANE CAVES

● Mr. ISAKSON. Madam President, today I honor the life and service of Diane Caves, a bright and talented young woman whose life ended far too soon, in the tragic earthquake in Port-au-Prince, Haiti, on January 12, 2010.

Diane worked for the Centers for Disease Control and Prevention, as a policy analyst in the Office of Public Health Preparedness and Response. Her commitment to public service was recognized just last year when she was named 2009 Federal Employee of the Year for Atlanta in the Outstanding Professional Category, at the age of 30.

Diane led the development in 2008 of CDC's first comprehensive nationwide report on public health preparedness, "Public Health Preparedness: Mobilizing State by State." Her work launched a regular series of reports that demonstrate accountability and drive program improvements to help protect the Nation from public health emergencies.

She shined equally bright among her friends and in her community. She was an avid soccer player, an insatiable reader, and a world traveler. She brought people together to share their interests in food, knitting, books and sports, and motivated others with her energy, wit and unyielding optimism.

Diane recently volunteered for a short assignment to Haiti to work on the President's Emergency Plan for AIDS Relief, or PEPFAR. Congress reauthorized this historic commitment to the fight against global AIDS a little more than a year ago, with strong support from both parties. PEPFAR represents the very best of America. It is a remarkable program that is saving lives around the world with the contributions of people like Diane and her colleagues at CDC.

Diane didn't go to Haiti for the recognition. She went because she was passionate about public health, because she was a committed public servant, and because, above all, she wanted to help people. She didn't go to Haiti because it would be easy or comfortable. She asked to go where the challenges were greatest, the work was the hardest and the potential to help was limitless.

Diane didn't go to Haiti to be a hero. But she has come home as one.

She was brought to Dover Air Force Base last week, and a family memorial service was held in her hometown of Oak Ridge, TN. Her family and friends will mourn her quietly and privately as a loved one. We will also mourn her as a nation, as we do any American who dies in service to this country. There will be a ceremony at CDC in her honor on March 1, 2010, where her name will be added to a memorial for employees who died while in service.

We are thankful for the life and service of Diane Caves. Her smile, her laugh and her spirit will always be remembered. Her service will always be celebrated. Her extraordinary gifts and talents were shared with many during her short life, and they will never be forgotten.

Our thoughts and prayers are with her husband Jeff Caves; her parents Lee and Linda Berry; her brother David Berry; and with Jeff's family and all of her friends and colleagues who will mourn her and miss her and strive always to live up to her example.●

#### TRIBUTE TO DR. SANDI SANDERS

● Mr. PRYOR. Madam President, today I pay tribute to the professional career and community achievements of Dr. Sandra Diane "Sandi" Sanders of Fort Smith, AR.

Dr. Sandi Sanders, who did her master's and doctoral work at the University of Arkansas, has been an educator and involved in the Fort Smith community all of her life. She played a major role in the development of the former Westark Community College which today is the University of Arkansas-Fort Smith, UAFS. She served in many different roles including provost, chief academic officer, senior vice chancellor and chief of staff, and most recently interim chancellor. Her leadership has guided UAFS to be one of the premiere community colleges in Arkansas and across the Nation.

She has served and continues to serve in the community in many different roles such as former director of the Arkansas State Chamber of Commerce, board of directors at Arvest Bank of Fort Smith, United Way Women's Leadership Giving Steering Committee, former campaign chairman for the 2005 United Way of Fort Smith, and many other activities. She is currently serving as project director for the U.S. Marshall Museum being built in Fort Smith. Her dedication to her community is shown through the numerous hours devoted to making her society a better place for her neighbors and for future residents.

Dr. Sanders has brought great leadership and outstanding integrity to the Arkansas community. Her leadership has been and will continue to be critical in an ever-changing environment. The work of educating young people should not be taken lightly and I am

proud to have Dr. Sanders teaching and advising students in our great State.

Madam President, I ask that my colleagues join me in recognizing the great contributions Dr. Sandi Sanders has made to Arkansas and the United States of America.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on February 16, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2950. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bill was signed on February 17, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 17, 2010, during the adjournment of the Senate, she had presented to the President of the United States the following enrolled bill:

S. 2950. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4670. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Spiromesifen; Pesticide Tolerances" (FRL No. 8436-9) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4671. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8808-4) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4672. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dithianon; Pesticide Tolerances" (FRL No. 8808-8) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4673. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances" (FRL No. 8809-3) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4674. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerances" (FRL No. 8810-3) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4675. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerances" (FRL No. 8809-9) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4676. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exemption from the Requirement of a Tolerance; Technical Amendment" (FRL No. 8809-4) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4677. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment" (FRL No. 8812-3) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4678. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Poly(oxy-1,2-ethanediyl), @-hydro-w-hydroxy-, polymer with 1, 1'- methylene-bis-[4-isocyanatocyclohexane]; Tolerance Exemption" (FRL No. 8807-8) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4679. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment; Approval of Information Collection Request" (RIN0584-AD71) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4680. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Revisions in the WIC Food Packages Rule to Increase Case Value Vouchers for Women" (RIN0584-AD77) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4681. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2010 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4682. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Special Forest Products and Forest Botanical Products" (RIN0596-AB81) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4683. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Class Deviation; Disputes Resolution Procedures Related to Clean Water and Drinking Water State Revolving Fund (CWSRF and DWSRF, respectively) Reallocation Under the American Reinvestment and Recovery Act of 2009 (ARRA)" (FRL No. 9115-1) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2010; to the Committee on Environment and Public Works.

EC-4684. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia: Update to Materials Incorporated by Reference" (FRL No. 9097-5) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Environment and Public Works.

EC-4685. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge 1-Hour Ozone Nonattainment Area; Determination of Attainment of the 1-Hour Ozone Standard" (FRL No. 9113-5) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Environment and Public Works.

EC-4686. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Carbon Monoxide Emissions from Basic Oxygen Furnaces" (FRL No. 9111-7) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Environment and Public Works.

EC-4687. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of NO<sub>x</sub> SIP Call Rules" (FRL No. 9111-5) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Environment and Public Works.

EC-4688. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County" (FRL No. 9112-1) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Environment and Public Works.

EC-4689. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of Nevada, Nevada Division of Environmental Protection, Washoe County District Health Department" (FRL No. 9111-2) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Environment and Public Works.

EC-4690. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of the Department of Defense" (DFARS Case 2008-D005) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Armed Services.

EC-4691. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Additional Requirements

Applicable to Multiyear Contracts" (DFARS Case 2008-D023) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Armed Services.

EC-4692. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisition Strategies to Ensure Competition throughout the Life Cycle of Major Defense Acquisition Programs" (DFARS Case 2009-D014) received in the Office of the President of the Senate on February 9, 2010; to the Committee on Armed Services.

EC-4693. A communication from the Assistant Secretary of Defense (Homeland Defense), transmitting, pursuant to law, a report on Department of Defense assistance provided for essential security and safety for civilian sporting events during calendar year 2009; to the Committee on Armed Services.

EC-4694. A communication from the Assistant Secretary of Defense (Legislative Affairs), Department of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran; to the Committee on Armed Services.

EC-4695. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to overseas ship repairs; to the Committee on Armed Services.

EC-4696. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, an annual report relative to the Department's Chemical Demilitarization Program; to the Committee on Armed Services.

EC-4697. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), Department of Defense, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-4698. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 07-01; to the Committee on Armed Services.

EC-4699. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-4700. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Air Force (Manpower and Reserve Affairs), received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Armed Services.

EC-4701. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel of the Department of the Air Force, received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Armed Services.

EC-4702. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a

vacancy in the position of Assistant Secretary of the Air Force (Acquisition), received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Armed Services.

EC-4703. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Installations and Environment), received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Armed Services.

EC-4704. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-4705. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe declared in Executive Order 13288; to the Committee on Banking, Housing, and Urban Affairs.

EC-4706. A communication from the Senior Vice President and Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, the Bank's 2009 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-4707. A communication from the Secretary of the Commission, Division of Privacy and Identity Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Risk-Based Pricing Regulations" (RIN3084-AA94) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4708. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues" (RIN1550-AC36) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4709. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues; Final Rule" (RIN3064-AD54) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4710. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AD54) received

during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4711. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Bank Secrecy Act Regulations—Expansion of Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity" (RIN1506-AB04) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4712. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulation: Areas of the National Park System, National Capital Region; Correction" (RIN1024-AD71) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2010; to the Committee on Energy and Natural Resources.

EC-4713. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle program for fiscal year 2009; to the Committee on Energy and Natural Resources.

EC-4714. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2011 Congressional Performance Budget Request; to the Committee on Energy and Natural Resources.

EC-4715. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, a report relative to the implementation of Energy Conservation Standards Activities; to the Committee on Energy and Natural Resources.

EC-4716. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, a report relative to the decision to authorize a noncompetitive extension of up to five years for the management and operation of the Oak Ridge National Laboratory; to the Committee on Energy and Natural Resources.

EC-4717. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, a report relative to an annual plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC-4718. A communication from the Deputy Associate Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Transfer of Accumulated Benefit Payments" (RIN0960-AH08) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2010; to the Committee on Finance.

EC-4719. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules Under the Mental Health Parity and Addiction Equity Act of 2008" (RIN1545-BJ05) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Finance.

EC-4720. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Internal Revenue Code Section 2511(c)" (Notice No. 2010-19) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Finance.

EC-4721. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-20) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2010; to the Committee on Finance.

EC-4722. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911(d)(4)-2009 Update" (Notice No. 2010-17) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2010; to the Committee on Finance.

EC-4723. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Budget Justification for Fiscal Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4724. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates for Fiscal Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4725. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulation—Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program" (RIN1840-AC96) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4726. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008" (RIN1210-AB30) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4727. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Age Discrimination in Employment Act; Retiree Health Benefits" (RIN3046-AA72) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4728. A communication from General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Serve America Act Amendments to the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973" (RIN3045-AA50) received during adjournment

of the Senate in the Office of the President of the Senate on February 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4729. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0015-2009-0028); to the Committee on Foreign Relations.

EC-4730. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment from the Government of Pakistan to Turkish Aerospace Industries with an original acquisition cost of \$14,000,000 (Transmittal No. RSAT-09-1973); to the Committee on Foreign Relations.

EC-4731. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. contributions to the United Nations and its affiliated agencies during fiscal year 2008; to the Committee on Foreign Relations.

EC-4732. A communication from the Director, Defense Security Cooperation Agency, transmitting, pursuant to law, a report relative to Section 25(a)(6) of the Arms Export Control Act; to the Committee on Foreign Relations.

EC-4733. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the quarterly report on unobligated and unexpended appropriated funds; to the Committee on Foreign Relations.

EC-4734. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to Fiscal Year 2009 Competitive Sourcing efforts; to the Committee on Foreign Relations.

EC-4735. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-286, "Heights on Georgia Avenue Tax Exemption Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4736. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-287, "WMATA Compact Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4737. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-288, "State Board of Education License Plate Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4738. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-289, "51st State Commission Establishment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4739. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-290, "Park Place at Petworth, Highland Park, and Highland Park Phase II

Economic Development Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-291, "Affordable Housing Opportunities Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-292, "Advisory Neighborhood Commission Vacancy Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4742. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-293, "District of Columbia Housing Authority Board of Commissioners Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-295, "High Technology Commercial Real Estate Database and Service Providers Tax Abatement Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4744. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-296, "Hospital and Medical Services Corporation Regulatory Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4745. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-297, "Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Temporary Approval Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4746. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-298, "Prevention of Child Abuse and Neglect Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4747. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-299, "Abe Pollin City Title Championship and Title Trophy Designation Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4748. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-300, "Executive Grant—Making Authority Limitation Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4749. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-301, "Unauthorized Contract Stop Payment Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4750. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-302, "Anacostia River Clean

Up and Protection Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4751. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Rewrite of Part 512, Acquisition of Commercial Items" (RIN3090-AI61) received in the Office of the President of the Senate on February 4, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4752. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4753. A communication from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the Agency's use of the Category Rating system during the period ending July 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4754. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, the Board's Strategic Plan for Fiscal Years 2010-2015; to the Committee on Homeland Security and Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. 3012. A bill to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the Martin G. "Marty" Mahar Post Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. LAUTENBERG (for himself and Mr. MENENDEZ)):

S. 3013. A bill to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. HATCH, Mr. SCHUMER, Ms. SNOWE, and Mr. BROWN of Ohio):

S. 3014. A bill to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain United States jobs, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. MENENDEZ, Ms. MIKULSKI, and Mr. CARDIN):

S. 3015. A bill to amend chapter 53 of title 49, United States Code, to establish a public transportation safety program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 3016. A bill to prohibit the further extension or establishment of national monuments in Utah except by express authorization of Congress; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 418. A resolution commemorating the life of the late Cynthia DeLores Tucker; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 213

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 471

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 504

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 656

At the request of Mr. REED, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents.

S. 678

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 678, a bill to reauthorize

and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 796

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 796, a bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

S. 841

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 854

At the request of Mr. VOINOVICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 854, a bill to amend the Federal Water Pollution Control Act to update a program to provide assistance for the planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows, and to require the Administrator of the Environmental Protection Agency to update certain guidance used to develop and determine the financial capability of communities to implement clean water infrastructure programs.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1039

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1039, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1173

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1173, a bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1237

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1237, a bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make



permanent the depreciation classification of motorsports entertainment complexes.

S. 1414

At the request of Mr. BOND, his name was added as a cosponsor of S. 1414, a bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes.

S. 1480

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1480, a bill to amend the Child Nutrition Act of 1966 to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes.

S. 1547

At the request of Mr. REED, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1589

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1589, *supra*.

S. 1610

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1646

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1646, a bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

S. 1681

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1756

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 1791

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1791, a bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

S. 1799

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1799, a bill to amend the Truth in Lending Act, to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2052

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2052, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2869

At the request of Ms. LANDRIEU, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Washington (Mrs. MURRAY) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2924

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S. 2961

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2961, a bill to provide debt relief to Haiti, and for other purposes.

S. 2977

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks.

S. 2983

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2983, a bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer social security taxes with respect to previously unemployed individuals, and to provide a credit for the retention of such individuals for at least 1 year.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 2990

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2990, a bill to establish an earmark moratorium for fiscal years 2010 and 2011.

S. 2998

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 2998, a bill to temporarily expand the V non-immigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

S. 3003

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3003, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S.J. RES. 27

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. RES. 400

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 400, a resolution urging the implementation of a comprehensive strategy to address instability in Yemen.

S. RES. 404

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

S. RES. 409

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from

Alaska (Mr. BEGICH), the Senator from Florida (Mr. NELSON), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

S. RES. 416

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 416, a resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. MENENDEZ, Ms. MIKULSKI, and Mr. CARDIN):

S. 3015. A bill to amend chapter 53 of title 49, United States Code, to establish a public transportation safety program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce, at the request of the administration and on behalf of my fellow original cosponsors Senator MENENDEZ, Senator MIKULSKI, and Senator CARDIN, the Public Transportation Safety Program Act of 2010. This legislation is designed to provide the Federal Transit Administration with the proper funding and rulemaking, examination, and enforcement authority to improve the safety of our nation's transit systems.

The issue of improving transit safety is a bipartisan issue, on which I think all Members can come to agreement. While this proposal from the administration is a good and appropriate first step in the Federal Government's efforts to improve transit safety, I look forward to working with my cosponsors and all of my colleagues on the Senate Banking Committee to make the final bill, which will emerge from the Senate Banking Committee, the strongest legislation possible for ensuring the safety of our nation's transit systems.

Transit is among the safest modes of transportation. Between 1998 and 2007, incidents on public transportation rail systems fell by half.

But in light of a recent series of high-profile accidents, Americans have grown concerned, and rightfully so. As our Nation's transit systems age, it is becoming increasingly clear that it is time for the Federal government to take a more direct role in their oversight.

Currently, the Federal Transit Administration has limited authority to implement and enforce national transit safety standards and we have gone without a proper national transit safety program for far too long.

Having been handed an unfunded mandate, States have been forced to scrape by with State Safety Oversight boards. Many of these boards lack authority, expertise, a dedicated budget or even full-time employees to monitor safety.

This is unacceptable. This ad hoc approach to transit safety oversight must be replaced with better oversight and clear national transit safety standards. Congress should provide the FTA with the authority and the resources to bring consistency and Federal leadership to our transit safety system. It is our duty to ensure that accidents like those that occurred in 2009 are prevented.

I commend the Administration, particularly Secretary LaHood and administrator Rogoff, for taking a leadership role on this very important issue and sending the proposed legislation to Congress. This proposal is a good start, and I look forward to discussing it with my colleagues.

The Obama administration has indicated its commitment to improving transit safety. It is time for us to do the same.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3015

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Transportation Safety Program Act of 2010".

#### SEC. 2. PUBLIC TRANSPORTATION SAFETY PROGRAM.

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended to read as follows:

##### "§ 5329. Public transportation safety program

"(a) RAIL FIXED GUIDEWAY SAFETY.—

"(1) PROGRAM.—The Secretary shall, as soon as practicable, establish and implement a public transportation safety program to improve the safety of, and reduce the number and severity of accidents involving, the design, construction, and revenue service operation of rail fixed guideway public transportation systems that receive financial assistance under this chapter.

"(2) EXCLUSION.—This section shall not apply to rail fixed guideway public transportation systems subject to regulation by the Federal Railroad Administration under subtitle V of this title and the Rail Safety Improvement Act of 2008 (Public Law 110-432; 122 Stat. 4848).

"(3) NATIONAL TRANSPORTATION SAFETY BOARD.—When promulgating public safety transportation regulations, the Secretary shall, to the extent practicable, take into consideration relevant recommendations of the National Transportation Safety Board.

"(b) BUS SAFETY.—The Secretary may establish and implement a public transportation safety program to improve the safety of, and reduce the number and severity of accidents involving, public transportation bus systems that receive financial assistance under this chapter in accordance with the provisions of this section.

“(c) REGULATIONS AND ORDERS.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations and issue orders for the safe operation of rail fixed guideway public transportation systems, after appropriate consideration of costs and benefits. The Secretary shall ensure that the regulations establish a Federal certification program for employees and contractors who carry out a State public transportation safety program in compliance with this section and oversee the performance of employees or contractors responsible for performing safety activities identified in such program.

“(2) CONSULTATION BY DHS SECRETARY.—Before prescribing a security regulation or issuing a security order that affects the safety of public transportation design, construction or operations, the Secretary of Homeland Security shall consult with the Secretary.

“(3) WAIVERS.—The Secretary may waive compliance with any part of a regulation promulgated or order issued under this section if the waiver is in the public interest, or a regulation or order issued under this section. The Secretary shall not issue a waiver and shall immediately revoke a waiver if the waiver would not be consistent with the goals and objectives of this section. The Secretary shall make public the reasons for granting or revoking the waiver.

“(d) PREEMPTION.—

“(1) IN GENERAL.—A State may adopt or continue in force a law, regulation, or order related to public transportation safety until the Secretary promulgates a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to public transportation safety only if the law, regulation, or order—

“(A) has a safety benefit;

“(B) is not incompatible with a law, regulation, or order of the United States Government; and

“(C) does not unreasonably burden interstate commerce.

“(2) DAMAGES.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party—

“(A) has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary under this section;

“(B) has failed to comply with its own program, rule, or standard that it created under a regulation or order issued by the Secretary; or

“(C) has failed to comply with a State law, regulation, or order that is not incompatible with paragraph (1) of this subsection.

“(3) EFFECTIVE DATE.—This subsection shall apply to all State law causes of action arising from events or activities occurring on or after the enactment of this section.

“(4) FEDERAL JURISDICTION.—Nothing in this section creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for State law causes of action.

“(e) SAFETY PROGRAM ACTIVITIES.—

“(1) IN GENERAL.—In carrying out this section, the Secretary may take actions the Secretary considers necessary, including—

“(A) conducting inspections, investigations, audits, examinations, and testing of a public transportation system's equipment, facilities, rolling stock, operations, and persons engaged in the business of a public transportation system;

“(B) delegating to a public entity or other qualified person the conduct of inspections, investigations, audits, examinations, and testing of a public transportation system's equipment, facilities, rolling stock, operations, and persons engaged in the business of a public transportation system;

“(C) making reports, issuing subpoenas, requiring the production of documents, taking depositions, and prescribing recordkeeping and reporting requirements; and

“(D) making grants or entering into agreements—

“(i) for research, development, testing and training of every area of public transportation safety; and

“(ii) to assist a public entity or qualified person in carrying out the delegated activities set forth in subparagraph (B) of this paragraph.

“(2) ACCIDENTS AND INCIDENTS.—Activities authorized under this subsection may be engaged in for safety purposes, including accident and incident prevention and investigation.

“(3) COST SHARING.—The Federal share of a grant awarded or an agreement entered into under paragraph (1)(D) of this section may be up to 100 percent.

“(4) ENTRY.—In carrying out this subsection, an officer or employee of the Secretary, or agent designated by the Secretary under paragraph (1)(B) of this subsection, at reasonable times and in a reasonable way, may enter and inspect public transportation equipment, facilities, rolling stock, operations, and relevant records. When requested, the officer, employee, or the designated agent shall display proper credentials. During an inspection, the officer, employee, or designated agent of the Secretary qualifies as an employee of the United States Government under chapter 171 of title 28.

“(f) STATE PARTICIPATION.—

“(1) SAFETY PROGRAM.—A State may establish and implement a State public transportation safety program through statute and regulation that requires, at a minimum, compliance with the regulations and policies issued by the Secretary under this section and complies with subsection (d) of this section.

“(2) GRANTS.—The Secretary may make grants or enter into agreements under this subsection to carry out a State public transportation safety program, including to train employees necessary to administer and manage the program, and to enforce Federal and State public transportation safety laws, regulations and orders, provided that—

“(A) employees responsible for carrying out the safety oversight functions of a State public transportation safety program meet the safety certification criteria established through regulations issued under subsection (c)(1) of this section;

“(B) a State submits its public transportation safety program, which shall provide a right of entry and inspection to carry out the program, to the Secretary for review and written approval prior to implementing the program; and

“(C) a State submits each amendment to its public transportation safety program to the Secretary for review and written decision at least 60 days before the amendment becomes effective. If a State does not receive a written response from the Secretary by the end of the 60-day period, the amendment shall be deemed to be approved.

“(3) MULTI-STATE REQUIREMENTS.—When a single public transportation authority operates in more than one State, the affected States, if establishing and implementing a

public transportation safety program as authorized under this subsection, shall—

“(A) establish and implement the program jointly to ensure uniform safety standards and enforcement procedures that shall be, at a minimum, in compliance with this section and the regulations and policies issued by the Secretary under this section; or

“(B) designate an entity (other than the public transportation authority) to carry out the activities and requirements specified by subparagraph (A) of this paragraph.

“(4) CONFLICT OF INTEREST.—A State may not—

“(A) allocate grant funds awarded under paragraph (1) of this subsection to a State agency or local entity that operates a public transportation system that receives Federal transit assistance;

“(B) allow a State agency or local entity that operates a public transportation system to provide funds to a State agency or an entity designated by the State that is responsible for establishing, implementing, or maintaining a State public transportation safety program; or

“(C) allow a State agency or local entity that operates a public transportation system to participate in the oversight of establishing, implementing, or maintaining a State public transportation safety program.

“(5) COST SHARING.—In the case of a State that implements a safety program under this section, the following applies:

“(A) The Secretary shall reimburse the State from a grant made or agreement entered into under this section, an amount that is up to 100 percent of the costs incurred by the State in a fiscal year for developing, implementing and enforcing a State public transportation safety program.

“(B) The Secretary, through regulations promulgated under this section, shall establish a schedule of reimbursable costs that the Secretary shall use to assist the State in defraying the State's costs of developing, implementing and enforcing a State public transportation safety program.

“(C) To help defray the costs of developing, implementing and enforcing a State public transportation safety program, the State may submit to the Secretary a voucher that does not exceed the amount identified on the schedule of reimbursable costs for an eligible activity.

“(D) The Secretary shall pay the State an amount not more than the Federal Government's share of costs incurred as of the date of the voucher.

“(6) NOTICE OF WITHDRAWAL.—The Secretary shall ensure that the State is carrying out the State public transportation safety program, as follows:

“(A) If the Secretary finds, after notice and opportunity to comment, that the State transportation safety program previously approved is not being followed or has become inadequate to ensure enforcement of the regulations or orders, the Secretary shall withdraw approval of the program and notify the State.

“(B) A State public transportation safety program shall no longer be in effect upon the State's receipt of the Secretary's notice of withdrawal of approval.

“(C) A State receiving notice under subparagraph (A) of this paragraph may seek judicial review of the Secretary's decision under chapter 7 of title 5, United States Code.

“(D) Notwithstanding the withdrawal, a State may retain jurisdiction in administrative and judicial proceedings begun before the withdrawal if the issues involved are not

related directly to the reasons for the withdrawal.

“(g) ENFORCEMENT.—

“(1) IN GENERAL.—The Secretary has the authority—

“(A) to establish, impose and compromise a civil penalty for a violation of a public transportation safety regulation promulgated or order issued under this section;

“(B) to establish, impose and compromise a civil penalty for violation of the alcohol and controlled substances testing provisions under section 5331 of this chapter;

“(C) to request an injunction for a violation of a public transportation safety regulation promulgated or order issued under this section; and

“(D) to notify the Attorney General when the Secretary receives evidence of a possible criminal violation under paragraph (5).

“(2) DEPOSIT OF CIVIL PENALTIES.—An amount collected by the Secretary under this section shall be deposited into the General Fund of the United States Treasury.

“(3) ENFORCEMENT BY THE ATTORNEY GENERAL.—At the request of the Secretary, the Attorney General shall bring a civil action—

“(A) for appropriate injunctive relief to ensure compliance with this section;

“(B) to collect a civil penalty imposed or an amount agreed upon in a compromise under paragraph (1) of this subsection; or

“(C) to enforce a subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition issued by the Secretary under this section.

“(4) JURISDICTION.—An action under paragraph (3) of this subsection may be brought in a district court of the United States in any State in which the relief is required. On a proper showing, the court shall issue a temporary restraining order or preliminary or permanent injunction. An injunction under this section may order a public transportation agency receiving assistance under this chapter to comply with this section, or a regulation promulgated under this section.

“(5) CRIMINAL PENALTY.—A person who knowingly violates this section or a public transportation safety regulation or order issued under this section shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation results in death or bodily injury to any person. For purposes of this subparagraph—

“(A) a person acts knowingly when—

“(i) the person has actual knowledge of the facts giving rise to the violation; or

“(ii) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge; and

“(B) actual knowledge of the existence of a statutory provision, or a regulation or a requirement required by the Secretary is not an element of an offense under this paragraph.

“(h) EMERGENCY AUTHORITY.—

“(1) ORDERING RESTRICTIONS AND PROHIBITIONS.—If, through testing, inspection, investigation, or research carried out under this section, the Secretary decides that an unsafe condition or practice, or a combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary immediately may order restrictions and prohibitions, without regard to section 553 and section 554 of title 5, United States Code, that may be necessary to abate the emergency situation.

“(2) EMERGENCY CONDITION OR PRACTICE.—The order shall describe the condition or practice, or a combination of conditions and practices, that causes the emergency situation and promulgate standards and procedures for obtaining relief from the order. This paragraph does not affect the Secretary's discretion under this subsection to maintain the order in effect for as long as the emergency situation exists.

“(3) REVIEW OF ORDERS.—After issuing an order under this subsection, the Secretary shall provide an opportunity for review of the order under section 554 of title 5, United States Code. If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the order was issued, the order stops being effective at the end of that period unless the Secretary decides in writing that the emergency situation still exists.

“(4) CIVIL ACTIONS TO COMPEL ISSUANCE OF ORDERS.—An employee of a rail fixed guideway public transportation system provider who may be exposed to imminent physical injury during that employment because of the Secretary's failure, without any reasonable basis, to issue an order under paragraph (1) of this subsection, or the employee's authorized representative, may bring a civil action against the Secretary in a district court of the United States to compel the Secretary to issue an order. The action shall be brought in the judicial district in which the emergency situation is alleged to exist, in which the employing provider has its principal executive office, or in the District of Columbia. The Secretary's failure to issue an order under paragraph (1) of this subsection may be reviewed only under section 706 of title 5, United States Code.

“(i) EFFECT ON EMPLOYEE QUALIFICATIONS AND COLLECTIVE BARGAINING.—This section does not—

“(1) authorize the Secretary to promulgate regulations and issue orders related to qualifications of employees, except qualifications specifically related to safety; or

“(2) prohibit collective bargaining agreements between public transportation agencies and public transportation employees or their representatives, including agreements related to qualifications of the employees that are not inconsistent with regulations and orders promulgated under this section.

“(j) PUBLIC TRANSPORTATION EMPLOYEE PROTECTIONS.—Applicable provisions of the public transportation employee protection provisions under section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1142) apply to direct and indirect recipients of Federal transit assistance under this chapter.

“(k) JUDICIAL REVIEW.—A person adversely affected or aggrieved by a final action of the Secretary under this section or under section 5331 of this title may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides and has its principal place of business. Judicial procedures require—

“(1) the petition be filed not more than 60 days after the Secretary's action becomes final;

“(2) the clerk of the court immediately send a copy of the petition filed under paragraph (3) of this section to the Secretary;

“(3) the Secretary file with the court a record of any proceeding in which the final action was issued as provided in section 2112 of title 28, United States Code; and

“(4) the court to consider an objection to a final action of the Secretary only if the ob-

jection was made in the course of the proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.”

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

(1) by redesignating subsections (e), (f) and (g) as subsections (f), (g) and (h), respectively;

(2) by inserting after subsection (d) the following:

“(e) SAFETY PROGRAM.—There are authorized to be appropriated such amounts in each fiscal year as necessary to administer section 5329 and to make grants or enter into agreements to carry out section 5329.”; and

(3) in subsection (h), as redesignated, by striking “and (d)” and inserting “(d) and (e)”.

(c) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—Section 5334(b)(1) of title 49, United States Code, is amended by inserting “or for purposes of establishing and enforcing programs to improve the safety of the nation's public transportation systems, and reducing accidents on rail fixed guideway and bus systems for public transportation,” after “emergency.”

(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—Section 5331(b)(2) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following:

“(A) shall establish and implement an enforcement program, including the imposition of penalties for failure to comply with this section.”

(e) CONFORMING AMENDMENT; REPEAL.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5329 and inserting the following:

“5329. Public Transportation Safety Program.”

(2) REPEAL.—Section 5330 of title 49, United States Code, is repealed 3 years after the effective date of final regulations issued by the Secretary under section 5329 of title 49, as amended by this section.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 418—COMMEMORATING THE LIFE OF THE LATE CYNTHIA DELORES TUCKER

Mr. CASEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 418

Whereas the late Cynthia DeLores Tucker dedicated her life to eliminating racial barriers by championing civil rights and rights of women in the United States;

Whereas, having grown up in Philadelphia during the Great Depression, C. DeLores Tucker overcame a childhood marked by economic hardship and segregation;

Whereas, having personally experienced the effects of racism, C. DeLores Tucker first became active in the postwar civil rights movement when she worked to register African American voters during the 1950 Philadelphia mayoral campaign;

Whereas C. DeLores Tucker became active in local politics, developed her skills as an

accomplished fund raiser and public speaker, and quickly became the first African American and first woman to serve on the Philadelphia Zoning Board;

Whereas in 1965, in the midst of the Civil Rights Movement, C. DeLores Tucker participated in the White House Conference on Civil Rights and marched from Selma to Montgomery with Rev. Dr. Martin Luther King Jr., in support of the 1965 Voting Rights Bill, which was later signed into law by President Lyndon Johnson;

Whereas in January 1971, while still primarily focused on efforts to gain equality for all, C. DeLores Tucker was named Secretary of the Commonwealth of Pennsylvania by then-Governor Milton Shapp, making her the first female African American Secretary of a State in the Nation;

Whereas, under the leadership of C. DeLores Tucker as Secretary of the Commonwealth, Pennsylvania became one of the first states to pass the Equal Rights Amendment, lower the voting age from 21 to 18, and institute voter registration through mail;

Whereas, after leaving her position in Pennsylvania State government, C. DeLores Tucker became the first African American to serve as president of the National Federation of Democratic Women;

Whereas in 1984, C. DeLores Tucker founded the National Political Congress of Black Women, now known as the National Congress of Black Women, a non-profit organization dedicated to the educational, political, economic, and cultural development of African American Women and their families;

Whereas in 1983, C. DeLores Tucker founded the Philadelphia Martin Luther King Jr. Association for Non-Violence and, in 1986, the Bethune-DuBois Institute, both of which are dedicated to promoting the cultural and educational development of African American youth and young professionals;

Whereas C. DeLores Tucker served as a member of the Board of Trustees of the NAACP and numerous other boards, including the Points of Light Foundation and Delaware Valley College;

Whereas, in the later phase of her life, C. DeLores Tucker publicly criticized gangster rap music, arguing that such music denigrated women and promoted violence and drug use;

Whereas, as a student of history, C. DeLores Tucker led the successful campaign to have a bust of the pioneering activist and suffragist Sojourner Truth installed in the United States Capitol, along with other suffragette leaders;

Whereas C. DeLores Tucker received more than 400 honors and awards during her lifetime, including the NAACP Thurgood Marshall Award, the Martin Luther King, Jr. Distinguished Service Award, and the Philadelphia Urban League Whitney Young Award, and honorary Doctor of Law degrees from Morris College and Villa Maria College; and

Whereas the work of C. DeLores Tucker as crusader for civil rights and rights of women, through grace, dignity, and purpose has helped transform the perception of race and gender in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the life of the late Cynthia DeLores Tucker;

(2) salutes the lasting legacy of the achievements of C. DeLores Tucker; and

(3) encourages the continued pursuit of the vision of C. DeLores Tucker to eliminate racial and gender prejudice from all corners of our society.

Mr. CASEY. Mr. President, I rise today in support of a resolution honoring the lifetime achievements of C. DeLores Tucker. Along with her family and many friends with us today in Washington, we pay tribute to her life of service and courageous commitment to justice for women and for the African-American community.

Cynthia DeLores Nottage Tucker was born in Philadelphia, PA, on October 4, 1927 and was the tenth of eleven children in her family. Her Bahamian-born Baptist minister father and her hard-working mother approached life from a Christian perspective and encouraged their children to do so as well. She grew up in a nurturing and achievement-oriented household. "My mother and father gave us wonderful values," Tucker once told *Good Housekeeping* magazine. "They taught us to be good and loving, and to use our lives to help others."

Young DeLores originally intended to become a doctor and, as a girl, spent summers working in local hospitals. When she graduated from Girls' High of Philadelphia, her father took her to the Bahamas as a reward. During the trip, she became seriously ill and was restricted to a sickbed that kept her out of college for a year. This setback changed the course of her life. She subsequently finished her education at Temple University and the Wharton School of the University of Pennsylvania. She also received two honorary degrees, from Morris College in Alabama and Villa Maria College in Pennsylvania.

C. DeLores Tucker first became active in the postwar civil rights movement when she worked to register Black voters during a 1950 mayoral campaign. In July 1951, she married a friend of her brother, Bill Tucker, a construction company owner who also owned real estate in and around Philadelphia. For several years, DeLores sold real estate and insurance and was active in local politics. She also became an accomplished fundraiser and public speaker. The experience she gained in civic causes and work with her husband, helped to make her a well known figure in the city. She became the first African-American and first woman to serve on the Philadelphia Zoning Board.

As the civil rights movement gained momentum in the late 1950s and early 1960s, DeLores found the perfect channel for her activism. She joined the National Association for the Advancement of Colored People, NAACP, and helped the NAACP raise funds. She never shied away from sensitive political issues. As part of her civil rights activism, she walked with Dr. Martin Luther King, Jr. in the Selma to Montgomery march. In 1965, she participated in the White House Conference on Civil Rights and was a strong advocate of the 1965 Voting Rights Bill signed by President Lyndon Johnson.

DeLores Tucker's life was guided by her deep convictions. Throughout the 1960s, she campaigned for African-American candidates and served on her party's state committee. Her strong will and organizing skills brought her to the attention of those in power. In January 1971, she was named Secretary of the Commonwealth by Governor Milton J. Shapp. This appointment made DeLores the first African-American woman in the United States to serve in such a role.

The responsibilities of her job were serious. As Secretary of the Commonwealth, she was the keeper of the Great Seal of the Commonwealth and had the duty of authenticating government documents through the seal's use. By statute, she was a member of a number of important state boards and commissions. She also helped implement an affirmative action program to bring more equality to Pennsylvania's hiring practices. During her tenure, she advocated for the appointment of women and African-Americans as judges and as members of state boards and commissions. She led the effort to make Pennsylvania one of the first states to develop voter registration by mail and reduce the voting age from 21 to 18. Further, she helped pass statutes that would permit students to register and vote from their college districts. *Ebony* magazine named her among the "100 most influential" African-Americans every year of her tenure.

After leaving state government, Dr. Tucker was a candidate for several political offices, including lieutenant governor and United States Senator. Although her efforts were unsuccessful, she never wavered in her commitment to public service. She continued her commitment to community service, working with underprivileged young people both in Philadelphia and across the country.

DeLores Tucker always continued to participate in politics. As a fundraiser and organizer, she was involved in Jesse Jackson's presidential campaign in 1984. She chaired the Black Caucus of her party's national committee for several years, where she worked to increase the involvement of African-American women in politics.

One of Dr. Tucker's greatest legacies was her work as a founder of the National Political Congress of Black Women in 1984 which was created to advance the interests of the African-American community, especially women. The group devised a comprehensive ten-point plan to reclaim and improve the African-American community by focusing on voter registration, educational quality and equity, welfare reform that would not victimize poor people, and fair and adequate legal services for everyone. The National Political Congress of Black Women addressed both broad national issues as well as local issues by, for example, supporting African-American

congresswomen, as well as honoring civil rights pioneers, including Myrlie Evers-Williams, Dr. Betty Shabazz, and Coretta Scott King. The organization encouraged Black women to participate in the political process as voters, candidates, policymakers, fundraisers and role models. Today, the organization is known as the National Congress for Black Women. In 1992, Dr. Tucker succeeded Shirley Chisholm as the national chair of the National Congress of Black Women and served in that role until her death in 2005.

In 1991, Dr. Tucker founded the Bethune-DuBois Institute to promote the cultural and educational development of African-American youth. During this time, Dr. Tucker began her public criticism of some kinds of rap music. She argued that record companies should halt the distribution of popular music that she believed contained derogatory lyrics about women and minorities and had a negative impact on young people. Objecting to the sale of such lyrics to minors, she asked the Federal Bureau of Investigation to launch an inquiry. Both the NAACP and the Congressional Black Caucus supported Dr. Tucker's initiative.

Dr. Tucker rose to national prominence in African-American civil rights circles through her tireless activism and political fundraising. She worked to end racism and make the United States a more equal, multicultural society. Her career in civil rights spanned more than 50 years. Her husband, Bill Tucker, told the Washington Post that DeLores "was one of the most fearless individuals I have ever known . . . She will take on anyone, anything, if that's what she thinks is right."

Dr. Tucker chaired the Black Caucus of her party's national committee for 11 years and spoke at five national conventions. As a member of the national committee, she was one of the original organizers of the Black Caucus and the Women's Caucus. She worked tirelessly to ensure that women, African-Americans and other minorities had fair representation within her party. She was the first African-American to serve as President of the National Federation of Democratic Women. Dr. Tucker also served as a member of the NAACP Board of Trustees and on the board of the Points of Light Foundation. She was also a member of Alpha Kappa Alpha Sorority.

During her career, Dr. Tucker received more than 400 awards and honors, including the NAACP Thurgood Marshall Award, the Martin Luther King, Jr. Distinguished Service Award and the Philadelphia Urban League Whitney Young Award.

C. DeLores Tucker passed away on October 12, 2005. Her legacy lives on through the work of her husband, Bill Tucker, her many nieces and nephews, and the hundreds of people she helped and mentored during her life.

DeLores Tucker was a daughter of Philadelphia, a city that has produced many notable leaders, in fields as diverse as the fine arts, politics, science, athletics, business, literature and entertainment. In December of 1939, Marcia Davenport wrote an article in Collier's magazine about the great internationally known contralto, Philadelphia's Marian Anderson. Davenport's article described Anderson as a young girl in south Philadelphia—whose father, John Anderson, died when she was ten—playing on an imaginary piano and singing despite the poverty her family lived in.

But in the heart of Anna Anderson, as she watched her child throbbing with music, there was a steadfast belief that for any worthy end, a way will come.

For DeLores Tucker, through hard work, a passion for advocacy, a strong faith and a loving family, a way did come. A way to stand up for the powerless; a way to overcome racism, prejudice, and hatred; a way to shine the bright warm light of justice and compassion in the dark corners of America. Yes, a way did come for DeLores Tucker to use her voice to sing her own hymn of equal rights and opportunity for all, especially women and African-Americans.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3315. Mr. SESSIONS (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 3316. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3317. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3318. Mr. VITTER (for himself, Mr. BARRASSO, Mr. BOND, Mr. BUNNING, Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mrs. HUTCHISON, Mr. INHOFE, Mr. RISCH, Mr. SESSIONS, Mr. CRAPO, Mr. BROWNBACK, Mr. WICKER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3319. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3320. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3321. Mr. BROWN, of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S.

Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters.

SA 3322. Mr. BROWN, of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, supra.

SA 3323. Mr. BROWN, of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, supra.

#### TEXT OF AMENDMENTS

**SA 3315.** Mr. SESSIONS (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SEC. 01. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

##### "DISCRETIONARY SPENDING LIMITS

"SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

"(b) LIMITS.—In this section, the term 'discretionary spending limits' has the following meaning subject to adjustments in subsection (c):

"(1) For fiscal year 2011—

"(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

"(B) for the nondefense category, \$529,662,000,000 in budget authority.

"(2) For fiscal year 2012—

"(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

"(B) for the nondefense category, \$533,232,000,000 in budget authority.

"(3) For fiscal year 2013—

"(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

"(B) for the nondefense category, \$540,834,000,000 in budget authority.

"(4) For fiscal year 2014—

"(A) for the defense category (budget function 050), \$598,249,000,000 in budget authority; and

"(B) for the nondefense category, \$550,509,000,000 in budget authority.

"(5) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

"(c) ADJUSTMENTS.—

"(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

"(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the



budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

“(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

“(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

“(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

“(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

“(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority;

“(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority; and

“(iv) with respect to fiscal year 2014, \$50,000,000,000 in new budget authority.

“(B) EMERGENCY SPENDING.—For fiscal year 2011, 2012, 2013, or 2014 for appropriations for discretionary accounts designated as emergency requirements, the adjustment for purposes of paragraph (1) shall be the total of such appropriations in discretionary accounts designated as emergency requirements, but not to exceed \$10,454,000,000 for 2011, \$10,558,000,000 for 2012, \$10,664,000,000 for 2013, and \$10,877,000,000 for 2014. Appropriations designated as emergencies in excess of these limitations shall be treated as new budget authority.

“(C) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, for fiscal year 2013, \$7,315,000,000, and for fiscal year 2014, \$7,461,000,000.

“(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, \$908,000,000, for fiscal year 2013, \$917,000,000, and for fiscal year 2014, \$935,000,000.

“(D) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2011, \$276,000,000; for fiscal year 2012, \$278,000,000; for fiscal year 2013, \$281,000,000; for fiscal year 2014, \$287,000,000.

“(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, \$495,000,000; for fiscal year 2013, \$500,000,000; for fiscal year 2014, \$510,000,000.

“(iii) ASSET VERIFICATION.—

“(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

“(II) AMOUNTS.—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, for fiscal year 2013, \$35,030,000 and for fiscal year 2014, \$35,731,000.

“(E) HEALTH CARE FRAUD AND ABUSE.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

“(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, for fiscal year 2013, \$320,000,000, and for fiscal year 2014, \$327,000,000.

“(F) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

“(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority; and

“(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority.

“(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority; and

“(iv) with respect to fiscal year 2014, \$53,000,000 in new budget authority.

“(G) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

“(d) EMERGENCY SPENDING.—

“(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision

shall be treated as an emergency requirement for the purpose of this subsection.

“(2) EXEMPTION OF EMERGENCY PROVISIONS.—Subject to the limitations provided in subsection (c)(2)(B), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

“(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

“(4) DEFINITIONS.—In this subsection, the terms ‘direct spending’, ‘receipts’, and ‘appropriations for discretionary accounts’ mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(5) POINT OF ORDER.—

“(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(B) SUPERMAJORITY WAIVER AND APPEALS.—

“(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

“(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as

the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(6) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

“(i) necessary, essential, or vital (not merely useful or beneficial);

“(ii) sudden, quickly coming into being, and not building up over time;

“(iii) an urgent, pressing, and compelling need requiring immediate action;

“(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

“(v) not permanent, temporary in nature.

“(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

“(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(f) POINT OF ORDER IN THE SENATE.—

“(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.”.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Discretionary spending limits.”.

**SA 3316.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## **TITLE —SMALL BUSINESS LOANS**

### **SEC. 1. SHORT TITLE.**

This title may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

### **Subtitle A—Next Steps for Main Street Credit Availability**

#### **SEC. 21. SECTION 7(a) BUSINESS LOANS.**

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “75 percent” and inserting “90 percent”; and

(B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and

(2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “90 percent” and inserting “75 percent”; and

(B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and

(2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

#### **SEC. 22. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.**

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”; and

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”; and

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

#### **SEC. 23. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.**

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”; and

(2) in paragraph (3)—

(A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and

(B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and

(3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

#### **SEC. 24. TEMPORARY FEE REDUCTIONS.**

Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place that term appears and inserting “December 31, 2010”.

#### **SEC. 25. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.**

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New

Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

#### **SEC. 26. ALTERNATIVE SIZE STANDARDS.**

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

#### **SEC. 27. SALE OF 7(a) LOANS IN SECONDARY MARKET.**

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

#### **SEC. 28. ONLINE LENDING PLATFORM.**

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

#### **Subtitle B—Small Business Access to Capital**

#### **SEC. 42. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.**

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application

to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) **AUTHORITY.**—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) **FINANCING FOR BUSINESS EXPENSES.**—

“(I) **FINANCING FOR BUSINESS EXPENSES.**—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) **APPLICATION FOR FINANCING.**—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) **CONDITION ON ADDITIONAL FINANCING.**—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) **LOANS BASED ON JOBS.**—

“(I) **JOB CREATION AND RETENTION GOALS.**—

“(aa) **IN GENERAL.**—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) **ALTERNATE JOB RETENTION GOAL.**—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) **NUMBER OF EMPLOYEES.**—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the bor-

rower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) **NONDELEGATION.**—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) **TOTAL AMOUNT OF LOANS.**—The Administrator may provide not more than a total of \$4,000,000,000 of financing under this subparagraph for each fiscal year.”.

(b) **PROSPECTIVE REPEAL.**—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) **TECHNICAL CORRECTION.**—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

**SA 3317.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SMALL BUSINESS TECHNICAL ASSISTANCE.**

(a) **SMALL BUSINESS ACT.**—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) **WAIVER OF NON-FEDERAL SHARE FOR TECHNICAL ASSISTANCE AND COUNSELING PROGRAMS.**—Upon request, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under a technical assistance or counseling program under this Act (including the microloan program under section 7(m), the small business development center program under section 21, and the women’s business center program under section 29) if the Administrator determines—

“(1) the requestor is suffering extreme economic hardship; and

“(2) waiving the requirement to obtain non-Federal funds will not undermine the credibility of the program.”.

(b) **SMALL BUSINESS INVESTMENT ACT OF 1958.**—Title I of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended by adding at the end the following:

**“SEC. 104. WAIVER OF NON-FEDERAL SHARE FOR TECHNICAL ASSISTANCE AND COUNSELING PROGRAMS.**

“Upon request, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under a technical assistance or counseling program under this Act if the Administrator determines—

“(1) the requestor is suffering extreme economic hardship; and

“(2) waiving the requirement to obtain non-Federal funds will not undermine the credibility of the program.”.

**SA 3318.** Mr. VITTER (for himself, Mr. BARRASSO, Mr. BOND, Mr. BUNNING,

Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mrs. HUTCHINSON, Mr. INHOFE, Mr. RISCH, Mr. SESSIONS, Mr. CRAPO, Mr. BROWNBACK, Mr. WICKER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_—NO COST STIMULUS**

**SEC. \_\_\_\_ . SHORT TITLE.**

This title may be cited as the “No Cost Stimulus Act of 2010”.

**Subtitle A—Outer Continental Shelf Leasing**

**SEC. \_\_\_\_ . 11. LEASING PROGRAM CONSIDERED APPROVED.**

(a) **IN GENERAL.**—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015 issued by the Secretary of the Interior (referred to in this section as the “Secretary”) under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) **FINAL ENVIRONMENTAL IMPACT STATEMENT.**—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

**SEC. \_\_\_\_ . 12. LEASE SALES.**

(a) **OUTER CONTINENTAL SHELF.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(2) **SUBSEQUENT DETERMINATIONS AND SALES.**—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this subsection, not later than 2 years after the date of enactment of the determination and every 2 years thereafter, the Secretary shall—

(A) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(B) if the Secretary determines that there is a commercial interest described in subparagraph (A), conduct a lease sale in the planning area.

(b) **RENEWABLE ENERGY AND MARICULTURE.**—The Secretary may conduct commercial lease sales of resources owned by United States—

(1) to produce renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(2) to cultivate marine organisms in the natural habitat of the organisms.

**SEC. \_\_\_\_ . 13. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.**

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

“(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

“(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

“(B) be immediately eligible to receive payments under this section.”; and

(2) by adding at the end the following:

“(e) FUNDING.—

“(1) STREAMLINING.—

“(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the ‘Secretary’) shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

“(i) decreasing the time required to approve plans submitted under subsection (c)(1);

“(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

“(iii) any modifications to the authorized uses for payments under subsection (d).

“(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

“(C) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

“(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.

“(3) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

“(A) secure additional funds from other sources; and

“(B) use the amounts made available under this section on receipt.”.

#### SEC. 14. SEAWARD BOUNDARIES OF STATES.

(a) SEAWARD BOUNDARIES.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking “three geographical miles” each place it appears and inserting “12 nautical miles”.

(b) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subsection (a)(2), by striking “three geographical miles” and inserting “12 nautical miles”; and

(2) in subsection (b)—

(A) by striking “three geographical miles” and inserting “12 nautical miles”; and

(B) by striking “three marine leagues” and inserting “12 nautical miles”.

(c) EFFECT OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the amendments made by this section shall not effect Federal oil and gas mineral rights.

(2) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(A) subject to Federal oil and gas mineral rights to the extent provided by law;

(B) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(3) EXISTING LEASES.—The amendments made by this section shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(4) TAXATION.—

(A) IN GENERAL.—Subject to subparagraph (B), a State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this section).

(B) LIMITATION.—Nothing in this paragraph affects the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment of this Act.

#### Subtitle B—Leasing Program for Land Within Coastal Plain

##### SEC. 21. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area identified as the “1002 Coastal Plain Area” on the map.

(2) FEDERAL AGREEMENT.—The term “Federal Agreement” means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term “Final Statement” means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term “map” means the map entitled “Arctic National Wildlife Refuge”, dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service.

#### SEC. 22. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant ad-

verse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(d) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLERCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerchit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(e) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, subsistence resources, and environment of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant biological, environmental, scientific or engineering data that come to the attention of the Secretary.

#### SEC. 23. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than 90 days after the date of the completion of the sale, evaluate the bids in the sale and issue leases resulting from the sale; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

#### SEC. 24. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease

sale conducted pursuant to section 23 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

#### SEC. 25. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) on application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 22(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and the regulations promulgated under this subtitle.

#### SEC. 26. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 22, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the 1 or more agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment

on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements.

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(F) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

#### SEC. 27. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be

subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 28. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle for each fiscal year—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 31(d), the balance shall be—

(A) used to offset the provisions of this title; and

(B) after making the offsets under subparagraph (A), transferred to the ANWR Alternative Energy Trust Fund established by section 32.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

#### SEC. 29. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170, 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 22(f) provisions granting rights-of-way and easements described in subsection (a).

#### SEC. 30. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

#### SEC. 31. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—



(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2).

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services; and

(3) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(A) to coordinate with and advise developers on local conditions and the history of areas affected by development; and

(B) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”).

(2) USE.—Amounts in the Fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the Fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the Fund may not exceed \$11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary from the Fund to provide financial assistance under this section \$5,000,000 for each fiscal year.

#### SEC. 32. ANWR ALTERNATIVE ENERGY TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “ANWR Alternative Energy Trust Fund”, consisting of such amounts as may be transferred to the ANWR Alternative Energy Trust Fund as provided in section 28(a)(2).

(b) EXPENDITURES FROM ANWR ALTERNATIVE ENERGY TRUST FUND.—

(1) IN GENERAL.—Amounts in the ANWR Alternative Energy Trust Fund shall be available without further appropriation to carry out specified provisions of the Energy Policy Act of 2005 (Public Law 109-58; referred to in this section as “EPAct2005”) and the Energy Independence and Security Act of 2007 (Public Law 110-140; referred to in this section as “EISAct2007”) as follows:

**The following percentage of annual receipts to the ANWR Alternative Energy Trust Fund, but not to exceed the limit on amount authorized, if any:**

To carry out the provisions of:

EPAct2005:	
Section 210 .....	1.5 percent
Section 242 .....	1.0 percent
Section 369 .....	2.0 percent
Section 401 .....	6.0 percent
Section 812 .....	6.0 percent
Section 931 .....	19.0 percent
Section 942 .....	1.5 percent
Section 962 .....	3.0 percent
Section 968 .....	1.5 percent
Section 1704 .....	6.0 percent
EISAct2007:	
Section 207 .....	15.0 percent
Section 607 .....	1.5 percent
Title VI, Subtitle B .....	3.0 percent
Title VI, Subtitle C .....	1.5 percent
Section 641 .....	9.0 percent
Title VII, Subtitle A .....	10.0 percent
Section 1112 .....	1.5 percent
Section 1304 .....	11.0 percent.

(2) APPORTIONMENT OF EXCESS AMOUNT.—Notwithstanding paragraph (1), any amounts allocated under paragraph (1) that are in excess of the amounts authorized in the applicable cited section or subtitle of EPAct2005 and EISAct2007 shall be reallocated to the remaining sections and subtitles cited in paragraph (1), up to the amounts otherwise authorized by law to carry out those sections and subtitles, in proportion to the amounts authorized by law to be appropriated for those other sections and subtitles.

#### Subtitle C—Regulatory Streamlining

#### SEC. 41. COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Subsection (e) of the Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act of 2005 (42 U.S.C. 15927(e)) is amended—

(1) in the first sentence, by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”;

(2) in the second sentence—

(A) by striking “If the Secretary” and inserting the following:

“(2) LEASE SALES.—

“(A) IN GENERAL.—If the Secretary”;

(B) by striking “may” and inserting “shall”;

(3) in the last sentence, by striking “Evidence of interest” and inserting the following:

“(B) EVIDENCE OF INTEREST.—Evidence of interest”;

(4) by adding at the end the following:

“(C) SUBSEQUENT LEASE SALES.—During any period for which the Secretary determines that there is sufficient support and interest in a State in the development of tar sands and oil shale resources, the Secretary shall—

“(i) at least annually, consult with the persons described in paragraph (1) to expedite the commercial leasing program for oil shale resources on public land in the State; and

“(ii) at least once every 270 days, conduct a lease sale in the State under the commercial leasing program regulations.”.

#### SEC. 42. LICENSING OF NEW NUCLEAR POWER PLANTS.

(a) CONSTRUCTION PERMITS AND OPERATING LICENSES.—Section 185 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2235(b)) is amended in the first sentence by striking “holding a public hearing” and inserting “any public hearing held”.

(b) HEARINGS AND JUDICIAL REVIEW.—Section 189 a.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)(A)) is amended—

(1) by striking the second sentence; and

(2) in the third sentence—

(A) by striking “In cases” and all that follows through “hearing, The” and inserting “The”; and

(B) by striking “an operating license” and inserting “a construction permit, an operating license”.

#### SEC. 43. JURISDICTION OVER COVERED ENERGY PROJECTS.

(a) DEFINITION OF COVERED ENERGY PROJECT.—In this section, the term “covered energy project” means any action or decision by a Federal official regarding—

(1) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section and Act shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged breach of the lease.

(b) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this section or any other Act that arise from any covered energy project.

(c) TIME FOR FILING COMPLAINT.—

(1) IN GENERAL.—Each case or claim described in subsection (b) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(2) PROHIBITION.—Any cause or claim described in subsection (b) that is not filed within the time period described in paragraph (1) shall be barred.

(d) DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.—

(1) IN GENERAL.—Each proceeding that is subject to subsection (b) shall—

(A) be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

(B) take precedence over all other pending matters before the district court.

(2) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this

section, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(e) **ABILITY TO SEEK APPELLATE REVIEW.**—An interlocutory or final judgment, decree, or order of the district court under this section may be reviewed by no other court except the Supreme Court.

(f) **DEADLINE FOR APPEAL TO THE SUPREME COURT.**—If a writ of certiorari has been granted by the Supreme Court pursuant to subsection (e), the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued.

#### **SEC. 44. ENVIRONMENTAL IMPACT STATEMENTS.**

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following: “**SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.**

“(a) **COMPLETION.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, each review carried out under section 102(2)(C) with respect to any action taken under any provision of law, or for which funds are made available under any provision of law, shall be completed not later than the date that is 270 days after the commencement of the review.

“(2) **FAILURE TO COMPLETE REVIEW.**—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph (1)—

“(A) the action shall be considered to have no significant impact described in section 102(2)(C); and

“(B) that classification shall be considered to be a final agency action.

“(b) **LEAD AGENCY.**—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.

“(c) **REVIEW.**—

“(1) **ADMINISTRATIVE APPEALS.**—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).

“(2) **JUDICIAL REVIEW.**—

“(A) **IN GENERAL.**—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

“(B) **ADMINISTRATIVE RECORD.**—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

“(C) **PENDENCY OF JUDICIAL REVIEW.**—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).

“(3) **CIVIL ACTION.**—Each civil action covered by this section shall be considered to arise under the laws of the United States.”.

#### **SEC. 45. CLEAN AIR REGULATION.**

(a) **REGULATION OF GREENHOUSE GASES.**—Section 302(g) of the Clean Air Act (42 U.S.C. 7602(g)) is amended—

(1) by striking “(g) The term” and inserting the following:

“(g) **AIR POLLUTANT.**—

“(1) **IN GENERAL.**—The term”;

(2) by striking “Such term” and inserting the following:

“(2) **INCLUSIONS.**—The term ‘air pollutant’”; and

(3) by adding at the end the following:

“(3) **EXCLUSIONS.**—The term ‘air pollutant’ does not include carbon dioxide, methane from agriculture or livestock, or water vapor.”.

(b) **EMISSION WAIVERS.**—The Administrator of the Environmental Protection Agency shall not grant to any State any waiver of Federal preemption of motor vehicle standards under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)) for preemption under that Act for any regulation of the State to control greenhouse gas emissions from motor vehicles.

#### **SEC. 46. ENDANGERED SPECIES.**

(a) **EMERGENCIES.**—Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended by adding at the end the following:

“(k) **EMERGENCIES.**—On the declaration of an emergency by the Governor of a State, the Secretary shall, for the duration of the emergency, temporarily exempt from the prohibition against taking, and the prohibition against the adverse modification of critical habitat, under this Act any action that is reasonably necessary to avoid or ameliorate the impact of the emergency, including the operation of any water supply or flood control project by a Federal agency.”.

(b) **PROHIBITION OF CONSIDERATION OF IMPACT OF GREENHOUSE GAS.**—

(1) **IN GENERAL.**—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended by adding at the end the following:

“**SEC. 19. PROHIBITION OF CONSIDERATION OF IMPACT OF GREENHOUSE GAS.**

“(a) **DEFINITION OF GREENHOUSE.**—In this section, the term ‘greenhouse gas’ means any of—

“(1) carbon dioxide;

“(2) methane;

“(3) nitrous oxide;

“(4) sulfur hexafluoride;

“(5) a hydrofluorocarbon;

“(6) a perfluorocarbon; or

“(7) any other anthropogenic gas designated by the Secretary for purposes of this section.

“(b) **IMPACT OF GREENHOUSE GAS.**—The impact of greenhouse gas on any species of fish or wildlife or plant shall not be considered for any purpose in the implementation of this Act.”.

(2) **CONFORMING AMENDMENT.**—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by adding at the end the following:

“Sec. 18. Annual cost analysis by the Fish and Wildlife Service.

“Sec. 19. Prohibition of consideration of impact of greenhouse gas.”.

**SA 3319.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle B of title V and insert the following:

#### **Subtitle B—Transfer of Stimulus Funds**

#### **SEC. 551. TRANSFER OF STIMULUS FUNDS.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of

Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

### **TITLE VI—BUSINESS RELIEF**

#### **Subtitle A—General Provisions**

#### **SEC. 601. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.**

(a) **NONAPPLICATION OF AMENDMENTS.**—The amendments made by section 201 of this Act shall not apply.

(b) **PERMANENT INCREASE.**—Subsection (b) of section 179 is amended—

(1) by striking “\$25,000” and all that follows in paragraph (1) and inserting “\$500,000.”,

(2) by striking “\$200,000” and all that follows in paragraph (2) and inserting “\$2,000,000.”,

(3) by striking “after 2007 and before 2011, the \$120,000 and \$500,000” in paragraph (5)(A) and inserting “after 2009, the \$500,000 and the \$2,000,000.”,

(4) by striking “2006” in paragraph (5)(A)(ii) and inserting “2008”, and

(5) by striking paragraph (7).

(c) **PERMANENT EXPENSING OF COMPUTER SOFTWARE.**—Section 179(d)(1)(A)(ii) is amended by striking “and before 2011”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2008.

#### **SEC. 602. EXTENSION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 168(k), as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading for subsection (k) of section 168, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B), as so amended, is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”.

(4) Subparagraph (B) of section 168(l)(5), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

# **SEC. 603. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.**

## (a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

## “(a) EXCLUSION.—

“(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include the applicable percentage of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent, in the case of stock issued after August 10, 1993, and on or before February 18, 2009,

“(B) 75 percent, in the case of stock issued after February 18, 2009, and on or before the date of the enactment of the Hiring Incentives to Restore Employment Act, and

“(C) 100 percent, in the case of stock issued after the date of the enactment of the Hiring Incentives to Restore Employment Act.

## “(3) EMPOWERMENT ZONE BUSINESSES.—

“(A) IN GENERAL.—In the case of qualified small business stock acquired after December 21, 2000, and on or before February 18, 2009, in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (2)(A) shall be applied by substituting ‘60 percent’ for ‘50 percent’.

“(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

“(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

“(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.”.

## (2) CONFORMING AMENDMENTS.—

(A) The heading for section 1202 is amended by striking “**PARTIAL**”.

(B) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking “Partial exclusion” and inserting “Exclusion”.

(C) Section 1223(13) is amended by striking “1202(a)(2)”,.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—Paragraph (7) of section 57(a) is amended by adding at the end the following: “The preceding sentence shall not apply to stock issued after the date of the enactment of the Hiring Incentives to Restore Employment Act.”.

## (c) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking “paragraph (1)(A) shall be applied by substituting ‘\$5,000,000’ for ‘\$10,000,000’” and inserting “the amount under paragraph (1)(A) shall be half of the amount otherwise in effect”.

(d) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking “\$50,000,000” each place it appears and inserting “\$75,000,000”.

(e) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

## “(k) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2010, the \$15,000,000

amount in subsection (b)(1)(A), the \$75,000,000 amount in subsection (d)(1)(A), and the \$75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$1,000,000 such amount shall be rounded to the next lowest multiple of \$1,000,000.”.

## (f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (c) and (e) shall apply to taxable years ending after the date of the enactment of this Act.

# **SEC. 604. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.**

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

“(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

“(A) 9 percent of the lesser of—

“(i) the qualified production activities income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year, and

“(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

“(i) the eligible small business income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year.”.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

“(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

“(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term ‘eligible small business’ means, with respect to any taxable year—

“(A) a corporation the stock of which is not publicly traded, or

“(B) a partnership,

which meets the gross receipts test of section 448(c) (determined by substituting ‘\$50,000,000’ for ‘\$5,000,000’ each place it appears in such section) for the taxable year (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation).

“(2) ELIGIBLE SMALL BUSINESS INCOME.—

“(A) IN GENERAL.—For purposes of this section, the term ‘eligible small business income’ means the excess of—

“(i) the income of the eligible small business which—

“(I) is attributable to the actual conduct of a trade or business,

“(II) is income from sources within the United States (within the meaning of section 861), and

“(III) is not passive income (as defined in section 904(d)(2)(B)), over

“(ii) the sum of—

“(I) the cost of goods sold that are allocable to such income, and

“(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

“(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

“(i) Any income which is attributable to any property described in section 1400N(p)(3).

“(ii) Any income which is attributable to the ownership or management of any professional sports team.

“(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

“(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

“(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

“(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.”.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

# **SEC. 605. NONAPPLICATION OF CERTAIN LABOR STANDARDS.**

Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 shall not apply to any specified tax credit bond described in section 6431(f)(2)(A) of the Internal Revenue Code of 1986 (as added by section 301 of this Act).

# **SEC. 606. E-VERIFY PROGRAM PARTICIPATION REQUIREMENT FOR EMPLOYERS RECEIVING PAYROLL TAX FORGIVENESS.**

(a) IN GENERAL.—Paragraph (2) of section 3111(d), as added by section 101, is amended by adding at the end the following new subparagraph:

“(C) E-VERIFY PROGRAM REQUIREMENT.—The term ‘qualified employer’ shall not include any employer that does not participate in the E-Verify Program carried out under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as of the hiring date of any qualified individual.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in section 101 of this Act.

## **Subtitle B—Pension Funding Relief**

### **PART I—SINGLE EMPLOYER PLANS**

# **SEC. 611. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.**

## (a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-

year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of

1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the 9-plan-year or 15-plan-year period, whichever is applicable, with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (de-

termined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—Any amount includible in income with respect to the granting on or after February 4, 2010, of an equity interest described in subclause (II) shall not be taken into account under clause (i)(I), but only if all portions of such interest remain subject to a substantial risk of forfeiture (other than in the case of death or disability) at all times before the date which is 5 years after the date on which such interest is granted.

“(II) EQUITY INTERESTS.—An equity interest is described in this subclause if it is a stock option which is granted at its fair market value on the date of the grant or a stock appreciation right which is granted at its fair market value on the date of the grant.

“(III) SUBSTANTIAL RISK OF FORFEITURE.—The term ‘substantial risk of forfeiture’ has the meaning given such term by section 83(c)(1) of the Internal Revenue Code of 1986.

“(IV) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration payable under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is repaid. This subclause shall not apply to bonus payments payable under such a contract during a calendar year to the extent that the aggregate amount of such bonus payments during such calendar year exceeds \$100,000.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(i) If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the sum of—

“(I) the aggregate amount of extraordinary dividends declared during the plan year by the plan sponsor and required to be reported under section 4043(c)(11), plus

“(II) if the plan sponsor redeems, in any 12-month period ending during the plan year, an aggregate of 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or an aggregate of 10 percent or more of the total value of shares of all classes of stock, of the plan sponsor, the aggregate fair market value of the stock so redeemed.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i)—

“(I) dividends shall be taken into account only if declared after February 4, 2010, and

“(II) if clause (i)(II) otherwise applies for any plan year (determined without regard to this subclause), only the fair market value of redemptions occurring after February 4, 2010, shall be taken into account in determining the amount under such clause for the plan year.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—An extraordinary dividend paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i)(I).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) BONUS PAYMENT.—The term ‘bonus payment’ means any payment which is a payment for services rendered and which is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate. Such term

does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986), welfare and fringe benefits, overtime pay, or expense reimbursements. The Secretary of the Treasury may recharacterize a payment that is a disguised bonus as a bonus payment for purposes of this paragraph.

“(ii) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts nec-

essary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the 9-plan-year or 15-plan-year period, whichever is applicable, with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—Any amount includible in income with respect to the granting on or after February 4, 2010, of an equity interest described in subclause (II) shall not be taken into account under clause (i)(I), but only if all portions of such interest remain subject to a substantial risk of forfeiture (other than in the case of death or disability) at all times before the date which is 5 years after the date on which such interest is granted.

“(II) EQUITY INTERESTS.—An equity interest is described in this subclause if it is a stock option which is granted at its fair market value on the date of the grant or a stock appreciation right which is granted at its fair market value on the date of the grant.

“(III) SUBSTANTIAL RISK OF FORFEITURE.—The term ‘substantial risk of forfeiture’ has the meaning given such term by section 83(c)(1).

“(IV) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration payable under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is repaid. This subclause shall not apply to bonus payments payable under such a contract during a calendar year to the extent that the aggregate amount of such bonus payments during such calendar year exceeds \$100,000.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ in-

cludes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the sum of—

“(I) the aggregate amount of extraordinary dividends declared during the plan year by the plan sponsor and required to be reported under section 4043(c)(11) of the Employee Retirement Income Security Act of 1974, plus

“(II) if the plan sponsor redeems, in any 12-month period ending during the plan year, an aggregate of 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or an aggregate of 10 percent or more of the total value of shares of all classes of stock, of the plan sponsor, the aggregate fair market value of the stock so redeemed.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i)—

“(I) dividends shall be taken into account only if declared after February 4, 2010, and

“(II) if clause (i)(II) otherwise applies for any plan year (determined without regard to this subclause), only the fair market value of redemptions occurring after February 4, 2010, shall be taken into account in determining the amount under such clause for the plan year.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—An extraordinary dividend paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i)(I).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) BONUS PAYMENT.—The term ‘bonus payment’ means any payment which is a payment for services rendered and which is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate. Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c)), welfare and fringe benefits, overtime pay, or expense reimbursements. The Secretary may recharacterize a payment that is a disguised bonus as a bonus payment for purposes of this paragraph.

“(ii) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of



any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

**SEC. 612. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.**

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

**“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.**

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(1)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(1) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(1)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(1) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(1)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(1)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(1) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

**SEC. 613. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.**

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(i) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

## PART II—MULTIEMPLOYER PLANS

### SEC. 621. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in

either or both of the first two plan years beginning after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) NO EXTENSION ALLOWED.—If this subparagraph applies for any plan year, no extension of the amortization period under clause (i) shall be allowed under subsection (d).

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years beginning after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be substantially the same as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years beginning after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) NO EXTENSION ALLOWED.—If this subparagraph applies for any plan year, no extension of the amortization period under clause (i) shall be allowed under subsection (d).

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years beginning after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multi-employer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be substantially the same as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

## TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

### SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that

such statement has been submitted prior to the vote on passage.

**SA 3320.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle B of title V and insert the following:

#### Subtitle B—Black Liquor

##### SEC. 551. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF UNPROCESSED FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

“(II) the ash content of such fuel is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

##### SEC. 552. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

#### Subtitle C—Homebuyer Credit

##### SEC. 561. TECHNICAL MODIFICATIONS TO HOME-BUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking “or” at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

“(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

“(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).”.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking “returns for taxable

years ending after the date of the enactment of this Act” and inserting “returns filed after the date of the enactment of this Act”.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

#### Subtitle D—Economic Substance

##### SEC. 571. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

“(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

“(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

“(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

“(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

“(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

“(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

“(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

“(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ECONOMIC SUBSTANCE DOCTRINE.—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in

this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

“(E) TRANSACTION.—The term ‘transaction’ includes a series of transactions.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.”.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

“(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.”.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

“(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

“(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.

“(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term ‘nondisclosed noneconomic substance transaction’ means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

“(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.”.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking “section 6662(h)” and inserting “subsections (h) or (i) of section 6662”; and

(B) by striking “GROSS VALUATION MISSTATEMENT PENALTY” in the heading and inserting “CERTAIN INCREASED UNDERPAYMENT PENALTIES”.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)” in paragraph (4)(A), as so redesignated, and inserting “paragraph (3)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).”.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)(C)” in paragraph (4), as so redesignated, and inserting “paragraph (3)(C)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).”.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

#### Subtitle E—Additional Provisions

#### SEC. 581. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended by striking “\$20,740,000,000” and inserting “\$10,240,000,000”.

#### SEC. 582. TRANSFER OF STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

#### TITLE VI—EXTENSION OF EXPIRING PROVISIONS

##### Subtitle A—Energy

#### SEC. 601. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

#### SEC. 602. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

#### SEC. 603. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

#### SEC. 604. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

#### SEC. 605. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

#### SEC. 606. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

#### SEC. 607. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

#### SEC. 608. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 609. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.**

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after December 31, 2009.

**SEC. 610. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.**

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**Subtitle B—Individual Tax Relief**

**PART I—MISCELLANEOUS PROVISIONS**

**SEC. 611. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 612. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.**

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 613. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 614. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 615. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 616. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

**SEC. 617. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

**PART II—LOW-INCOME HOUSING CREDITS**

**SEC. 621. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.**

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR REFUNDABLE CREDITS.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (ii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36A.”.

**Subtitle C—Business Tax Relief**

**SEC. 631. RESEARCH CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 632. INDIAN EMPLOYMENT TAX CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 633. NEW MARKETS TAX CREDIT.**

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

**SEC. 634. RAILROAD TRACK MAINTENANCE CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

**SEC. 635. MINE RESCUE TEAM TRAINING CREDIT.**

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 636. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

**SEC. 637. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.**

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 638. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010.”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 639. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 640. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 641. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 642. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 643. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 644. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 645. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

**SEC. 646. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

**SEC. 647. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 648. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “Decem-

ber 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

**SEC. 649. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.**

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

**SEC. 650. TIMBER REIT MODERNIZATION.**

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “in a taxable year beginning before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 651. TREATMENT OF CERTAIN DIVIDENDS AND ASSETS OF REGULATED INVESTMENT COMPANIES.**

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 652. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 653. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 654. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 655. TEMPORARY REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.**

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account—

“(A) any portion of such taxable year after May 22, 2009, and before the date of the enactment of the Hiring Incentives to Restore Employment Act, and

“(B) any portion of such taxable year after December 31, 2010.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 656. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 657. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”, and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to



such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 658. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) **IN GENERAL.**—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—

(A) **IN GENERAL.**—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) **PARTNERSHIPS AND S-CORPS.**—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) **FIRST-TIME HOMEBUYER CREDIT.**—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) **ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.**—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) **HOMEBUYER CREDIT.**—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 659. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”, and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(B) by striking “2014” in the heading and inserting “2015”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 660. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 661. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) **IN GENERAL.**—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**Subtitle D—Temporary Disaster Relief Provisions**

**PART I—NATIONAL DISASTER RELIEF**

**SEC. 671. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.**

(a) **IN GENERAL.**—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) **TECHNICAL AMENDMENT.**—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special

rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) **RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

**SEC. 672. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

**SEC. 673. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

**SEC. 674. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

**SEC. 675. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

**PART II—REGIONAL PROVISIONS**

**Subpart A—New York Liberty Zone**

**SEC. 681. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.**

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 682. TAX-EXEMPT BOND FINANCING.**

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

**Subpart B—GO Zone****SEC. 683. SPECIAL DEPRECIATION ALLOWANCE.**

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 684. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**Subpart C—Midwestern Disaster Areas****SEC. 685. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.**

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

**SEC. 686. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.**

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

**TITLE VII—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS****Subtitle A—Unemployment Insurance****SEC. 701. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “May 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “FEBRUARY 28, 2010” and inserting “MAY 31, 2010”; and

(C) in subsection (b)(3), by striking “July 31, 2010” and inserting “November 1, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “February 28, 2010” and inserting “May 31, 2010”;

(B) in the heading for paragraph (2), by striking “FEBRUARY 28, 2010” and inserting “MAY 31, 2010”; and

(C) in paragraph (3), by striking “August 31, 2010” and inserting “November 30, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “May 31, 2010”; and

(B) in subsection (c), by striking “July 31, 2010” and inserting “November 1, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by

striking “July 31, 2010” and inserting “November 1, 2010”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking “1009” and inserting “1009(a)(1)”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) the amendments made by section 601(a)(1) of the Hiring Incentives to Restore Employment Act; and”.

**Subtitle B—Health Provisions****SEC. 711. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “February 28, 2010” and inserting “May 31, 2010”.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: “or consists of a reduction of hours followed by such an involuntary termination of employment during such period”; and

(B) in paragraph (16)—

(i) by striking clause (ii) of subparagraph (A), and inserting the following:

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under subparagraph (D)(ii), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).”; and

(ii) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and”; and

(C) by adding at the end the following:

“(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

“(A) NEW ELECTION PERIOD.—

“(i) IN GENERAL.—For purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the date of the enactment of the Hiring Incentives to Restore Employment Act shall be treated as a qualifying event.

“(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual’s continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

“(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

“(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

“(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual’s involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

“(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred after the date of the enactment of the Hiring Incentives to Restore Employment Act.”.

(2) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “of the first month”.

(3) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: “In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor’s or issuer’s receipt of the determination.”.

(4) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 is amended by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(B) Section 139C is amended by striking “section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(C) Section 6432 is amended—

(i) in subsection (a), by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”; and

(ii) in subsection (c)(3), by striking “section 3002(a)(1)(A) of such Act” in subsection (c)(3) and inserting “section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009”; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

“(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

“(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder,

an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

"(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee, the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment."

(D) Subsection (a) of section 6720C is amended by striking "section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009" and inserting "section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendments made by paragraphs (2) and (3) of subsection (b) shall take effect on the date of the enactment of this Act.

#### **SEC. 712. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

#### **SEC. 713. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.**

(a) **IN GENERAL.**—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking "clause (ii)" and inserting "clauses (ii) and (iii)";

(ii) by striking "January 1, 2010" and inserting "January 1, 2011"; and

(iii) by striking "and" at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting "; and";

(C) by inserting after clause (ii)(II) the following new clause:

"(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

"(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies."; and

(D) by adding at the end the following flush sentence:

"If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G))."; and

(2) by adding at the end the following new subparagraph:

"(G) **PHARMACY DESCRIBED.**—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

"(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

"(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

"(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

"(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary."

(b) **CONFORMING AMENDMENTS.**—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking "The" and inserting "Except as provided in the third sentence, the"; and

(2) by adding at the end the following new sentences: "Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services."

(c) **ADMINISTRATION.**—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) **RULE OF CONSTRUCTION.**—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

(e) **WAIVER OF 1-YEAR REENROLLMENT BAR.**—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of non-compliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

#### **SEC. 714. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking

"December 31, 2009" and inserting "December 31, 2010".

#### **SEC. 715. EXTENSION OF AMBULANCE ADD-ONS.**

(a) **IN GENERAL.**—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "before January 1, 2010" and inserting "before January 1, 2011"; and

(B) in each of clauses (i) and (ii), by striking "before January 1, 2010" and inserting "before January 1, 2011".

(b) **AIR AMBULANCE IMPROVEMENTS.**—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking "ending on December 31, 2009" and inserting "ending on December 31, 2010".

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking "2010" and inserting "2011"; and

(2) by adding at the end the following new sentence: "For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009."

#### **SEC. 716. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking "before January 1, 2010" and inserting "before January 1, 2011".

#### **SEC. 717. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking "and 2009" and inserting "2009, and 2010".

#### **SEC. 718. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking "2010" and inserting "2011"; and

(B) in the second sentence, by striking "or 2009" and inserting ", 2009, or 2010"; and

(2) in subclause (III), by striking "January 1, 2010" and inserting "January 1, 2011".

#### **SEC. 719. EHR CLARIFICATION.**

(a) **QUALIFICATION FOR CLINIC-BASED PHYSICIANS.**—

(1) **MEDICARE.**—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(2) **MEDICAID.**—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking "setting (whether inpatient or outpatient)" and inserting "inpatient or emergency room setting".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective as if

included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

**SEC. 720. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.**

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking “5-year period” and inserting “6-year period”.

**SEC. 721. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.**

(a) **EXTENSION OF CERTAIN PAYMENT RULES.**—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111-5), is amended by striking “3-year period” each place it appears and inserting “4-year period”.

(b) **EXTENSION OF MORATORIUM.**—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111-5), in the matter preceding subparagraph (A), is amended by striking “3-year period” and inserting “4-year period”.

**SEC. 722. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.**

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking “2010, and for” and inserting “2010, for”; and

(2) by inserting “and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended” before the period at the end.

**SEC. 723. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.**

(a) **IN GENERAL.**—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) **SPECIAL RULE FOR FISCAL YEAR 2010.**—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

**SEC. 724. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.**

(a) **IN GENERAL.**—Subsections (g)(2)(A) and (1)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting “101 percent of” before “the reasonable costs”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2266).

**SEC. 725. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.**

(a) **IN GENERAL.**—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking “2011” and inserting “2012”.

(b) **TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.**—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

**SEC. 726. EXTENSION OF REASONABLE COST CONTRACTS.**

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking “January 1, 2010” and inserting “January 1, 2011”.

**SEC. 727. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.**

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services’ memorandum with the subject “2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans”) to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w-27(i)(2)) and that had enrollment as of January 1, 2010.

**SEC. 728. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

**SEC. 729. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.**

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note) is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

**SEC. 730. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “fiscal year 2009” and inserting “each of fiscal years 2009 through 2011”.

**SEC. 731. IMPLEMENTATION FUNDING.**

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

**Subtitle C—Other Provisions**

**SEC. 741. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) is amended—

(1) by striking “before March 1, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

**SEC. 742. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) **IN GENERAL.**—Subchapter A of chapter 65 is amended by adding at the end the following new section:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) **TERMINATION.**—Subsection (a) shall not apply to any amount received after December 31, 2010.”

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

#### SEC. 743. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

#### SEC. 744. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting May 31, 2010, for the date specified in each such section.”.

#### SEC. 745. EXTENSION OF INTELLIGENCE AUTHORITY SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

#### SEC. 746. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Business Loans Program Account”, \$354,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section, *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

##### (b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123

Stat. 153) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

#### TITLE VIII—PENSION FUNDING RELIEF

##### Subtitle A—Single Employer Plans

#### SEC. 801. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

##### (a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 4 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

##### “(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury

shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the 9-plan-year or 15-plan-year period, whichever is applicable, with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment

acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—Any amount includible in income with respect to the granting on or after February 4, 2010, of an equity interest described in subclause (II) shall not be taken into account under clause (i)(I), but only if all portions of such interest remain subject to a substantial risk of forfeiture (other than in the case of death or disability) at all times before the date which is 5 years after the date on which such interest is granted.

“(II) EQUITY INTERESTS.—An equity interest is described in this subclause if it is a stock option which is granted at its fair market value on the date of the grant or a stock appreciation right which is granted at its fair market value on the date of the grant.

“(III) SUBSTANTIAL RISK OF FORFEITURE.—The term ‘substantial risk of forfeiture’ has the meaning given such term by section 83(c)(1) of the Internal Revenue Code of 1986.

“(IV) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration payable under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is repaid. This subclause shall not apply to bonus payments payable under such a contract during a calendar year to the extent that the aggregate amount of such bonus payments during such calendar year exceeds \$100,000.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the sum of—

“(I) the aggregate amount of extraordinary dividends declared during the plan year by the plan sponsor and required to be reported under section 4043(c)(11), plus

“(II) if the plan sponsor redeems, in any 12-month period ending during the plan year, an aggregate of 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or an aggregate of 10 percent or more of the total value of shares

of all classes of stock, of the plan sponsor, the aggregate fair market value of the stock so redeemed.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i)—

“(I) dividends shall be taken into account only if declared after February 4, 2010, and

“(II) if clause (i)(II) otherwise applies for any plan year (determined without regard to this subclause), only the fair market value of redemptions occurring after February 4, 2010, shall be taken into account in determining the amount under such clause for the plan year.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—An extraordinary dividend paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i)(I).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) BONUS PAYMENT.—The term ‘bonus payment’ means any payment which is a payment for services rendered and which is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate. Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986), welfare and fringe benefits, overtime pay, or expense reimbursements. The Secretary of the Treasury may recharacterize a payment that is a disguised bonus as a bonus payment for purposes of this paragraph.

“(ii) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—



“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall

inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the 9-plan-year or 15-plan-year period, whichever is applicable, with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (deter-

mined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—Any amount includible in income with respect to the granting on or after February 4, 2010, of an equity interest described in subclause (II) shall not be taken into account under clause (i)(I), but only if all portions of such interest remain subject to a substantial risk of forfeiture (other than in the case of death or disability) at all times before the date which is 5 years after the date on which such interest is granted.

“(II) EQUITY INTERESTS.—An equity interest is described in this subclause if it is a stock option which is granted at its fair market value on the date of the grant or a stock appreciation right which is granted at its fair market value on the date of the grant.

“(III) SUBSTANTIAL RISK OF FORFEITURE.—The term ‘substantial risk of forfeiture’ has

the meaning given such term by section 83(c)(1).

“(IV) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration payable under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is repaid. This subclause shall not apply to bonus payments payable under such a contract during a calendar year to the extent that the aggregate amount of such bonus payments during such calendar year exceeds \$100,000.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the sum of—

“(I) the aggregate amount of extraordinary dividends declared during the plan year by the plan sponsor and required to be reported under section 4043(c)(11) of the Employee Retirement Income Security Act of 1974, plus

“(II) if the plan sponsor redeems, in any 12-month period ending during the plan year, an aggregate of 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or an aggregate of 10 percent or more of the total value of shares of all classes of stock, of the plan sponsor, the aggregate fair market value of the stock so redeemed.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i)—

“(I) dividends shall be taken into account only if declared after February 4, 2010, and

“(II) if clause (i)(II) otherwise applies for any plan year (determined without regard to this subclause), only the fair market value of redemptions occurring after February 4, 2010, shall be taken into account in determining the amount under such clause for the plan year.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—An extraordinary dividend paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of

such group shall not be taken into account under clause (i)(I).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) BONUS PAYMENT.—The term ‘bonus payment’ means any payment which is a payment for services rendered and which is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate. Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c)), welfare and fringe benefits, overtime pay, or expense reimbursements. The Secretary may recharacterize a payment that is a disguised bonus as a bonus payment for purposes of this paragraph.

“(ii) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 802. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in

effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan

year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 803. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and be-

fore October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### Subtitle B—Multiemployer Plans

#### SEC. 811. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years beginning after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) NO EXTENSION ALLOWED.—If this subparagraph applies for any plan year, no extension of the amortization period under clause (i) shall be allowed under subsection (d).

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years beginning after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.”

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be substantially the same as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years beginning after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) NO EXTENSION ALLOWED.—If this subparagraph applies for any plan year, no extension of the amortization period under clause (i) shall be allowed under subsection (d).

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to

whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years beginning after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subparagraphs (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be substantially the same as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first

day of the first plan year beginning after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan’s funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

## TITLE IX—SATELLITE TELEVISION EXTENSION

### SEC. 901. SHORT TITLE.

This title may be cited as the “Satellite Television Extension and Localism Act of 2010”.

#### Subtitle A—Statutory Licenses

### SEC. 901. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

### SEC. 902. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking “**superstations and network stations for private home viewing**” and inserting “**distant television programming by satellite**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household’s local market and affiliated with that network or—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”.

(B) in subparagraph (B)—

(i) by striking “subsection (a)(14)” and inserting “subsection (a)(13);” and

(ii) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(C) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

“(14) QUALIFYING DATE.—The term ‘qualifying date’, for purposes of paragraph (10)(A), means—

“(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

“(B) January 1, 2011, for all other multicast streams.”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—”; and

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”; and

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”; and

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”; and

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”; and

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”; and

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “March 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) PROCEDURE FOR ADOPTION OF FEES.—

“(I) PUBLICATION OF NOTICE.—Within”; and

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”; and

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) ADOPTION OF FEES.—The Copyright Royalty Judges”; and

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”; and

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”; and

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “February 28, 2010” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”; and

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”; and

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “May 3, 2010, the Copyright Royalty Judges”; and

(bb) by striking “arbitration proceedings” and inserting “a proceeding”; and

(cc) by striking “fee to be paid” and inserting “fees to be paid”; and

(dd) by striking “primary analog transmissions” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”; and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

(iv) by amending clause (iii) to read as follows:

“(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”; and

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

“(8) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(14) MULTICAST STREAM.—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) PRIMARY STREAM.—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by

striking “which” each place it appears and inserting “that”.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting “subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”; and

(II) by striking “paragraph (12)” and inserting “paragraph (11)”;

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely

on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2009 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) FUTURE APPLICABILITY.—

“(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an

unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”;

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”;

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking “and 509”.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause.”.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

#### SEC. 903. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking “by satellite carriers within local markets” and inserting “of local television programming by satellite”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

“122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.”.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market



shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED STATIONS.—

“(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

“(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

“(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

“(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

“(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

“(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

“(i) on January 1, 2004, were in local markets principally comprised of counties in another State; and

“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

“(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

“(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

“(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

“(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.”

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking “station a list” and all that follows through the end and inserting the following: “station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.”

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting “FOR CERTAIN SECONDARY TRANSMISSIONS” after “REQUIRED”; and

(2) by striking “subsection (a)” and inserting “paragraphs (1), (2), and (3) of subsection (a)”.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of paragraph (2)(A),

(3), or (4) of subsection (a), or subject to"; and

(B) in subsection (g), by striking "section 119 or" and inserting the following: "section 119, paragraph (2)(A), (3), or (4) of subsection (a), or";

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking "which contracts" and inserting "that contracts";

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting "NON-NETWORK STATION;" after "NETWORK STATION;"; and

(C) by inserting "non-network station," after "network station,";

(4) by inserting after paragraph (2) the following:

"(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.";

(5) by inserting after paragraph (4) (as redesignated) the following:

"(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.";

(6) by amending paragraph (6) (as redesignated) to read as follows:

"(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.";

#### SEC. 904. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: "of broadcast programming by cable".

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

"111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.".

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking "or" and inserting "or section 122;".

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "A cable system whose secondary" and inserting the following: "STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary"; and

(ii) by striking "by regulation—" and inserting "by regulation the following:";

(B) in subparagraph (A)—

(i) by striking "a statement of account" and inserting "A statement of account"; and

(ii) by striking "and" and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

"(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

"(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

"(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

"(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

"(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

"(C) In computing amounts under clauses (i) through (iv) of subparagraph (B)—

"(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

"(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

"(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

"(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

"(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

"(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

"(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

"(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than \$10,400; and

"(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

"(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

"(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

"(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

"(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).";

(2) in paragraph (2), in the first sentence—

(A) by striking "The Register of Copyrights" and inserting the following "HANDLING OF FEES.—The Register of Copyrights"; and

(B) by inserting "(including the filing fee specified in paragraph (1)(G))" after "shall receive all fees";

(3) in paragraph (3)—

(A) by striking "The royalty fees" and inserting the following: "DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees";

(B) in subparagraph (A)—

(i) by striking "any such" and inserting "Any such"; and

(ii) by striking "and" and inserting a period;

(C) in subparagraph (B)—

(i) by striking "any such" and inserting "Any such"; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking "any such" and inserting "Any such";

(4) in paragraph (4), by striking "The royalty fees" and inserting the following: "PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees"; and

(5) by adding at the end the following new paragraphs:

"(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

"(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

"(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—  
(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—  
(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a tele-

vision broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”; and

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission.”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the

late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multistation stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multistation stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPERNATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BE-

FORE 2009 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

#### SEC. 905. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier’s efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with

the examinations required by this subparagraph.

“(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) FAILURE TO PROVIDE SERVICE.—

“(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity's efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

“(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the

entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

#### SEC. 906. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”

#### SEC. 907. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

#### SEC. 908. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

#### Subtitle B—Communications Provisions

#### SEC. 921. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

#### SEC. 922. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “February 28, 2010” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “March 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

#### SEC. 923. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if

such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”.

(b) **RULEMAKING REQUIRED.**—Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

**SEC. 924. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.**

(a) **SECTION 338.**—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) **CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.**—

“(1) **SINGLE RECEPTION ANTENNA.**—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) **ADDITIONAL RECEPTION ANTENNA.**—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”.

(b) **SECTION 339.**—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”; and

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”; and

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”; and

(III) in the heading for clause (ii), by striking “ANALOG”; and

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”; and

(iii) by amending subparagraph (B) to read as follows:

“(B) **RULES FOR OTHER SUBSCRIBERS.**—

“(i) **IN GENERAL.**—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that

television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) **SPECIAL CIRCUMSTANCES.**—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”; and

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following:

“the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”;

(III) by amending clause (ii) to read as follows:

“(i) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”; and

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) **ELIGIBILITY AND SIGNAL TESTING.**—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section

73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) **TIME-SHIFTING PROHIBITED.**—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) **ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.**—

“(A) **PREDICTIVE MODEL.**—Within 180 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.



“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rule-making proceeding in ET Docket No. 06-94 within 180 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rule-making, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”; and

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

**SEC. 925. APPLICATION PENDING COMPLETION OF RULEMAKINGS.**

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 923 and section 924 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and

“television network” have the meanings given such terms in section 339(d) of such Act.

**SEC. 926. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

Part I of title III is amended by adding at the end the following new section:

**“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

“(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the

households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) CERTIFICATION ISSUANCE.—

“(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) GOOD QUALITY SATELLITE SIGNAL.—

“(A) IN GENERAL.—The term ‘good quality satellite signal’ means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.”.

**SEC. 927. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE SATELLITE CARRIER.—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.”;

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”.

#### SEC. 928. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

#### SEC. 929. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting “STATE PUBLIC AFFAIRS,” after “EDUCATIONAL,” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) CHANNEL CAPACITY REQUIRED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection:”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broadcast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”.

#### Subtitle C—Reports and Savings Provision

##### SEC. 931. DEFINITION.

In this subtitle, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

##### SEC. 932. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consulta-

tion with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

##### SEC. 933. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

##### SEC. 934. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

##### SEC. 935. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—  
 (i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) **TERMINATION.**—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) **FCC STUDY; REPORT.**—

(1) **STUDY.**—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 926 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) **REPORT.**—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) **DEFINITIONS.**—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

#### **SEC. 936. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.**

(a) **IN GENERAL.**—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) **LIMITATION.**—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

#### **Subtitle D—Severability**

#### **SEC. 941. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

#### **TITLE X—ADDITIONAL PROVISIONS**

##### **SEC. 1001. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE FOR THE LAST 10 MONTHS OF 2010.**

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended to read as follows:

“(10) **UPDATE FOR 2010.**—

“(A) **IN GENERAL.**—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010, the update to the single conversion factor shall be 0 percent for 2010.

“(B) **NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.**—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.”.

##### **SEC. 1002. NONAPPLICATION OF CERTAIN LABOR STANDARDS.**

Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 shall not apply to any specified tax credit bond described in section 6431(f)(2)(A) of the Internal Revenue Code of 1986 (as added by section 301 of this Act).

##### **SEC. 1003. E-VERIFY PROGRAM PARTICIPATION REQUIREMENT FOR EMPLOYERS RECEIVING PAYROLL TAX FORGIVENESS.**

(a) **IN GENERAL.**—Paragraph (2) of section 3111(d), as added by section 101, is amended by adding at the end the following new subparagraph:

“(C) **E-VERIFY PROGRAM REQUIREMENT.**—The term ‘qualified employer’ shall not include any employer that does not participate in the E-Verify Program carried out under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as of the hiring date of any qualified individual.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply as if included in the amendments made by section 101 of this Act.

#### **TITLE XI—DETERMINATION OF BUDGETARY EFFECTS**

##### **SEC. 1101. DETERMINATION OF BUDGETARY EFFECTS.**

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION.**—For all of the provisions in titles VI and VII, one-half of the amounts of the budgetary effects are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010, and designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 3321.** Mr. BROWN of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters; as follows:

In paragraph (1) of the resolving clause, strike “Guinea, and calls for an immediate

cessation of violence, including gender-based violence and targeted killings by security forces” and insert “Guinea”.

Strike paragraphs (2) through (5) of the resolving clause and insert the following:

(2) urges the prosecution, by the appropriate authorities, of those responsible for orchestrating or carrying out the violence in Guinea;

(3) urges the President, in coordination with leaders from the European Union and the African Union, to continue to consider punitive measures that could be taken against senior officials in Guinea found to be complicit in the violence, and in particular, the atrocities perpetrated against women and other gross human rights violations;

(4) encourages the President to remain actively engaged in the political situation in Guinea, and to continue to convey that the blatant abuse of women will not be tolerated;

(5) calls on President Blaise Compaoré of Burkina Faso to ensure that Captain Camara does not return to Guinea in order to allow a peaceful transition to civilian rule;

(6) notes that the first steps set forth in the Joint Declaration of Ouagadougou have been initiated with the naming of a prime minister and urges all parties to continue to adhere to the agreement to see the process through free, fair, and timely elections; and

(7) recognizes the importance of the multilateral observer mission to help ensure peace and security in Guinea during the period of transition.

**SA 3322.** Mr. BROWN of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters; as follows:

Strike the 2nd whereas clause of the preamble and insert the following:

Whereas, on September 28, 2009, authorities of the Government of Guinea opened fire on a crowd of thousands of unarmed opposition protesters who were gathered in and around an outdoor stadium to protest statements made by Captain Camara that he may run for president, after he said that he would not;

Strike the 3rd whereas clause of the preamble and insert the following:

Whereas, on September 29, 2009, the United States Department of State condemned the brazen and inappropriate use of force by the military against civilians in Guinea, and demanded the immediate release of opposition leaders and a return to civilian rule as soon as possible;

Whereas, according to the United Nations Security Council Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 28 September 2009 in Guinea, 156 people were killed or disappeared and at least 109 women and girls “were subjected to rape and other sexual violence, including sexual mutilation and sexual slavery”;

Strike the 5th whereas clause of the preamble.

Strike the 6th whereas clause of the preamble.

Insert between the 7th and 8th whereas clauses of the preamble, the following:

Whereas, according to the humanitarian organization CARE, “What happened in Guinea is an outrage—and a stark reminder of a larger epidemic of violence against women and girls around the world.”;

In the 8th whereas clause of the preamble, strike the “and” at the end.

Strike the 9th whereas clause of the preamble, and insert the following:

Whereas the International Commission of Inquiry of the United Nations concluded that “the crimes perpetrated on 28 September 2009 and in the immediate aftermath can be described as crimes against humanity” and that there is sufficient evidence that Captain Camara “incurred individual criminal liability and command responsibility for the events that occurred during the attack and related events in their immediate aftermath”;

Whereas, on January 15, 2010, General Sékouba Konate and Captain Camara of the Republic of Guinea and President Blaise Compaoré of Burkina Faso signed the Joint Declaration of Ouagadougou pledging to form a transitional government of national unity in Guinea, to hold elections within six months without the participation of candidates from the military junta, and to permit the entry of an international observer mission from the Economic Community of West African States; and

Whereas, in accordance with the Joint Declaration of Ouagadougou, a prime minister from the coalition of opposition forces, Forces Vives, has been named to the transitional government; Now, therefore, be it

**SA 3323.** Mr. BROWN of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters; as follows:

Amend the title so as to read: “A resolution deploring the rape and assault of women in Guinea and the killing of political protesters on September 28, 2009.”.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources, previously announced for February 10th, has been rescheduled and will now be held on Wednesday, March

3, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for Fiscal Year 2011 for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 24, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for Fiscal Year 2011 for the Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

##### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled be-

fore the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 25, 2010; at 10:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine the science and policy behind the Federal framework and non-Federal efforts to prevent introduction of the aquatic invasive Asian carp into the Great Lakes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [GinaWeinstock@energy.senate.gov](mailto:GinaWeinstock@energy.senate.gov).

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 25, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to Examine Tribal Programs and Initiatives Proposed in the President's fiscal year 2011 Budget.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 22, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Stephanie Mercier:									
Switzerland .....	Franc		2,691.00						2,691.00
United States .....	Dollar				6,144.90				6,144.90
Hayden Milberg:									
Switzerland .....	Franc		2,097.00						2,097.00
United States .....	Dollar				6,144.90				6,144.00
Bartholomew Kempf:									
Denmark .....	Kroner		9,258.00						9,258.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States .....	Dollar .....				2,046.90				2,046.00
Karla Thieman: .....									
Denmark .....	Kroner .....		9,481.00						9,481.00
United States .....	Dollar .....				1,289.20				1,289.20
Joseph Shultz: .....									
Denmark .....	Kroner .....		4,661.00						4,661.00
United States .....	Dollar .....				1,143.00				1,143.00
Christopher Adamo: .....									
Denmark .....	Kroner .....		5,885.00						5,885.00
United States .....	Dollar .....				1,130.00				1,130.00
Julie Barkemeyer: .....									
Denmark .....	Kroner .....		9,622.00						9,622.00
United States .....	Dollar .....				1,252.00				1,252.00
Sean Babington: .....									
Denmark .....	Kroner .....		10,028.00						10,028.00
United States .....	Dollar .....				2,938.60				2,938.60
Total .....			53,723.00		22,088.60		0.00		75,811.60

SENATOR BLANCHE L. LINCOLN,  
Chairman, Committee on Agriculture, Nutrition & Forestry, Jan. 26, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Galen Fountain: .....									
Italy .....	Euro .....		2,167.00						2,167.00
United States .....	Dollar .....				2,166.00				2,166.00
Allen Cutler: .....									
Russia .....	Ruble .....		1,825.00						1,825.00
United States .....	Dollar .....				7,444.00				7,444.00
Senator Daniel Inouye: .....									
United Arab Emirates .....	Dirham .....		146.94						146.94
Afghanistan .....	Afghani .....		56.00						56.00
United States .....	Dollar .....				8,184.10				8,184.10
Nicole DiResta: .....									
United Arab Emirates .....	Dirham .....		146.94						146.94
Afghanistan .....	Afghani .....		56.00						
United States .....	Dollar .....				8,184.10				8,184.10
Elizabeth Schmid: .....									
United Arab Emirates .....	Dirham .....		146.94						146.94
Afghanistan .....	Afghani .....		56.00						56.00
United States .....	Dollar .....				8,184.10				8,184.10
Christine Crawford: .....									
South Africa .....	Dollar .....		513.00						513.00
Netherlands .....	Euro .....		1,279.00						1,279.00
Botswana .....	Dollar .....		219.00						219.00
United States .....	Dollar .....				11,118.00				11,118.00
Total .....			6,611.82		45,280.30				51,836.12

SENATOR DANIEL K. INOUE,  
Chairman, Committee on Appropriations, Jan. 26, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Adam J. Barker: .....									
United States .....	Dollar .....				9,885.00				9,885.00
Jordan .....	Dollar .....		67.00						67.00
Kuwait .....	Dollar .....		80.00						80.00
Michael V. Kostiw: .....									
United States .....	Dollar .....				9,915.90				9,915.90
Jordan .....	Dollar .....		157.00						157.00
Kuwait .....	Dollar .....		140.00						140.00
Michael J. Noblet: .....									
United States .....	Dollar .....				10,147.00				10,147.00
Jordan .....	Dollar .....		228.00						228.00
Kuwait .....	Dollar .....		361.00						361.00
Gabriella Eisen: .....									
United States .....	Dollar .....				9,633.60				9,633.60
United Arab Emirates .....	Dollar .....		108.00		506.38				614.38
Afghanistan .....	Dollar .....		8.00						8.00
Israel .....	Dollar .....		133.00						133.00
Germany .....	Dollar .....		540.00						540.00
Senator George S. LeMieux: .....									
United Arab Emirates .....	Dollar .....		6.00						6.00
Afghanistan .....	Dollar .....		13.00				196.35		209.35
John W. Heath, Jr.: .....									
United States .....	Dollar .....				7,347.90				7,347.90
United Kingdom .....	Pound .....		806.05		79.67				885.72
Brooke Buchanan: .....									
Canada .....	Dollar .....		166.00						166.00
Dana W. White: .....									
United States .....	Dollar .....				7,153.00				7,153.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany .....	Dollar .....		153.00						153.00
Michael J. Kucken: .....									
United States .....	Dollar .....				7,118.00				7,118.00
Germany .....	Dollar .....		163.00						163.00
Howard H. Hoegge, III: .....									
United States .....	Dollar .....				7,306.90				7,306.90
United Kingdom .....	Pound .....		839.49		75.24		18.97		933.70
Senator John McCain: .....									
Canada .....	Dollar .....		20.80						20.80
Senator Joseph I. Lieberman: .....									
Israel .....	Shekel .....		251.00						251.00
Christopher J. Griffin: .....									
Israel .....	Shekel .....		219.00						219.00
Vance F. Serchuk: .....									
Israel .....	Shekel .....		402.00						402.00
Senator Roland W. Burris: .....									
United States .....	Dollar .....				7,620.60				7,620.60
Kuwait .....	Dollar .....		159.00				306.00		465.00
Roosevelt Barfield: .....									
United States .....	Dollar .....				7,620.60				7,620.60
Kuwait .....	Dollar .....		159.00				306.00		465.00
John W. Heath, Jr.: .....									
United States .....	Dollar .....				8,252.00		2.00		8,254.00
United Arab Emirates .....	Dirham .....		1,258.86						1,258.86
Joseph M. Bryan: .....									
United States .....	Dollar .....				7,238.90				7,238.90
United Kingdom .....	Pound .....		915.00		125.21				1,040.21
Howard H. Hoegge III: .....									
United States .....	Dollar .....				8,269.10				8,269.10
United Arab Emirates .....	Dollar .....		228.65		5.41		4.16		238.22
Daniel A. Leimer: .....									
United States .....	Dollar .....				3,928.00				3,928.00
United States .....	Dollar .....				6,083.00				6,083.00
United Kingdom .....	Dollar .....		1,887.00						1,887.00
Germany .....	Dollar .....		370.00						370.00
Belgium .....	Dollar .....		1,359.00						1,359.00
Poland .....	Dollar .....		147.00						147.00
Senator Lindsey Graham: .....									
Israel .....	Dollar .....		415.00						415.00
Jennifer Olson: .....									
Israel .....	Dollar .....		591.00						591.00
Ilona R. Cohen: .....									
United States .....	Dollar .....		10.24		7,309.15		8.71		7,328.10
United Kingdom .....	Pound .....		792.95		72.29				865.24
Ilona R. Cohen: .....									
United States .....	Dollar .....				8,264.35		9.45		8,273.80
United Arab Emirates .....	Dollar .....		265.39		5.45		7.08		277.92
David M. Morris: .....									
United States .....	Dollar .....				8,885.00				8,885.00
United Arab Emirates .....	Dollar .....		192.00						192.00
Kuwait .....	Dollar .....		318.00						318.00
Afghanistan .....	Dollar .....		73.00						73.00
Michael V. Kostiw: .....									
United States .....	Dollar .....				8,884.60				8,884.60
United Arab Emirates .....	Dollar .....		197.00						197.00
Kuwait .....	Dollar .....		318.00						318.00
Michael V. Kostiw: .....									
United States .....	Dollar .....				6,640.30				6,640.30
Israel .....	Dollar .....		704.00						704.00
Diana Tabler Forbes: .....									
United States .....	Dollar .....				8,606.00		10.00		8,616.00
United Arab Emirates .....	Dollar .....		1,104.82						1,104.82
Afghanistan .....	Dollar .....		78.00						78.00
Christian D. Brose: .....									
Canada .....	Dollar .....		166.00						166.00
Senator Mark Udall: .....									
Canada .....	Dollar .....		20.80						20.80
Jennifer Barrett: .....									
Canada .....	Dollar .....		20.80						20.80
Senator Saxby Chambliss: .....									
United States .....	Dollar .....				9,428.50				9,428.50
United Arab Emirates .....	Dollar .....		476.00				29.00		505.00
Afghanistan .....	Dollar .....		44.00				12.00		56.00
Pakistan .....	Dollar .....		122.00				30.00		152.00
Clyde Taylor: .....									
United States .....	Dollar .....				9,435.50				9,435.50
United Arab Emirates .....	Dollar .....		476.00				29.00		505.00
Afghanistan .....	Dollar .....		44.00				12.00		56.00
Pakistan .....	Dollar .....		122.00				30.00		152.00
Joseph Bryan: .....									
United States .....	Dollar .....				8,269.10				8,269.10
United Arab Emirates .....	Dollar .....		222.80				5.35		228.15
Madelyn R. Creedon: .....									
United States .....	Dollar .....				9,261.00				9,261.00
England .....	Pound .....		906.00		20.00				926.00
Scotland .....	Pound .....		513.00						513.00
Germany .....	Euro .....		157.00						157.00
Belgium .....	Euro .....		1,212.00						1,212.00
Richard W. Fieldhouse: .....									
United States .....	Dollar .....				9,754.00				9,754.00
Belgium .....	Euro .....		852.00						852.00
Germany .....	Euro .....		113.00		136.00				249.00
Poland .....	Zloty .....		147.00						147.00
Michael J. Kucken: .....									
United States .....	Dollar .....				3,984.00				3,984.00
Israel .....	Shekel .....		703.00						703.00
Paul C. Hutton IV: .....									
United States .....	Dollar .....				4,033.50				4,033.50
Israel .....	Shekel .....		241.78						241.78
Total .....			22,963.43		221,300.15		1,016.07		245,279.65



February 22, 2010

## CONGRESSIONAL RECORD—SENATE, Vol. 156, Pt. 2

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## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Merkley:									
United States .....	Dollar .....				7,138.60				7,138.60
Kuwait .....	Dinar .....		369.42						369.42
Mr. William White:									
United States .....	Dollar .....				7,138.60				7,138.60
Kuwait .....	Dinar .....		371.42						371.42
Misc. expenses of Codel:					194.94		3,934.88		4,129.82
Total .....			740.84		14,472.14		3,934.88		19,147.86

SENATOR KENT CONRAD,  
Chairman, Committee on Budget, Jan. 29, 2010.

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Julie Chon:									
Turkey .....	Lira .....		2,667.93						2,667.93
United States .....	Dollar .....				8,258.50				8,258.50
Daniel O'Brien:									
Spain .....	Euro .....		1,168.00						1,168.00
United States .....	Dollar .....				7,645.80				7,645.80
Total .....			3,835.93		15,904.30				19,740.23

SENATOR CHRISTOPHER DODD,  
Chairman, Committee on Banking, Housing, and Urban Affairs, Jan. 15, 2010.

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Dower:									
United States .....	Dollar .....				8,337.00				8,337.00
Denmark .....	Kroner .....		5,265.12						5,265.12
Patrick Woodcock:									
United States .....	Dollar .....				6,889.30				6,889.30
Denmark .....	Kroner .....		5,098.00						5,098.00
Michael Johnson:									
United States .....	Dollar .....				6,794.20				6,794.20
Denmark .....	Kroner .....		8,147.00						8,147.00
Michael Conathan:									
United States .....	Dollar .....				7,658.70				7,658.70
Brazil .....	Real .....		3,239.00						3,239.00
Total .....			21,749.12		29,679.20				51,428.32

SENATOR JOHN ROCKEFELLER,  
Chairman, Committee on Commerce, Science, and Transportation, Feb. 1, 2010.

## CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jonathan Black:									
United States .....	Dollar .....				4,011.00				4,011.00
Denmark .....	Krone .....		9,341.00						9,341.00
Kevin Rennert:									
United States .....	Dollar .....				6,802.60				6,802.60
Denmark .....	Krone .....		8,729.00						8,729.00
Colin Hayes:									
United States .....	Dollar .....				8,987.00				8,987.00
Denmark .....	Krone .....		5,885.00						5,885.00
Brian Hughes:									
United States .....	Dollar .....				8,987.00				8,987.00
Denmark .....	Krone .....		5,328.52						5,328.52
Total .....			29,283.52		28,787.60				58,071.12

SENATOR JEFF BINGAMAN,  
Chairman, Committee on Energy and Natural Resources, Jan. 26, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George Voinovich:									
Greece .....	Euro .....		247.00						247.00
Allyne Todd Johnston:									
Greece .....	Euro .....		606.00						606.00
United States .....	Dollar .....				7,290.90				7,290.00
Denmark .....	Kroner .....		5,662.00						5,662.00
Netherlands .....	Euro .....		560.00						560.00
Katherine Konschnik:									
United States .....	Dollar .....				7,771.60				7,771.60
Denmark .....	Kroner .....		5,132.00						5,132.00
Sarah Greenberger:									
United States .....	Dollar .....				6,734.10				6,734.10
Denmark .....	Kroner .....		5,052.00						5,052.00
Benjamin Dunham:									
United States .....	Dollar .....				4,682.60				4,682.60
Denmark .....	Kroner .....		9,755.00						9,755.00
George Sugiyama:									
United States .....	Dollar .....				6,729.30				6,729.30
Denmark .....	Kroner .....		5,534.00						5,534.00
James Warner:									
United States .....	Dollar .....				1,980.00				1,980.00
Denmark .....	Kroner .....		5,613.35						5,613.35
Laura Haynes:									
United States .....	Dollar .....				6,137.00				6,137.00
Denmark .....	Kroner .....		9,845.00						9,845.00
Andrew Wallace:									
United States .....	Dollar .....				8,361.30				8,361.30
Denmark .....	Kroner .....		5,298.00						5,298.00
Senator James M. Inhofe:									
United States .....	Dollar .....				8,849.20				8,849.20
Tristan Brown:									
United States .....	Dollar .....				8,337.00				8,337.00
Denmark .....	Kroner .....		5,439.00						5,439.00
Matthew Dempsey:									
United States .....	Dollar .....				8,315.20				8,315.20
Denmark .....	Kroner .....		5,075.00						5,075.00
Christopher Jason Albritton:									
United States .....	Dollar .....				6,940.60				6,940.60
Denmark .....	Kroner .....		5,216.00						5,216.00
Brian Clifford:									
United States .....	Dollar .....				6,720.00				6,720.00
Denmark .....	Kroner .....		5,662.00						5,662.00
Peter Raffle:									
United States .....	Dollar .....				7,854.70				7,854.70
Denmark .....	Kroner .....		4,993.00						4,993.00
Brad Crowell:									
United States .....	Dollar .....				6,755.00				6,755.00
Denmark .....	Kroner .....		10,112.00						10,112.00
Jeremiah Baumann:									
United States .....	Dollar .....				4,009.90				4,009.90
Denmark .....	Kroner .....		9,845.00						9,845.00
John Stoddy:									
United States .....	Dollar .....				6,720.00				6,720.00
Denmark .....	Kroner .....		5,662.00						5,662.00
Thomas Hassenboehler:									
United States .....	Dollar .....				8,301.50				8,301.50
Denmark .....	Kroner .....		5,893.00						5,893.00
Total .....			111,201.35		122,489.90		0.00		233,691.25

SENATOR BARBARA BOXER,  
Chairman, Committee on Environment and Public Works, Jan. 27, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James A. Person:									
Kuwait .....	Dollar .....		84.00						84.00
United States .....	Dollar .....				7,103.60				7,103.60
Michael Smart:									
Switzerland .....	Swiss Franc .....		1,923.26						1,923.26
United States .....	Dollar .....				6,144.90				6,144.90
Darci Vetter:									
Switzerland .....	Dollar .....		1,709.66						1,709.66
United States .....	Dollar .....				7,788.90				7,788.90
Chelsea Thomas:									
Cuba .....	Peso .....		550.00						550.00
United States .....	Dollar .....				1,233.20				1,233.20
Michael Smart:									
Denmark .....	Krone .....		4,852.00						4,852.00
United States .....	Dollar .....				6,679.30				6,679.30
Pat Bousliman:									
Denmark .....	Krone .....		5,091.00						5,091.00
United States .....	Dollar .....				6,755.00				6,755.00
Darci Vetter:									
Denmark .....	Krone .....		5,216.00						5,216.00
United States .....	Dollar .....				6,679.30				6,679.30
Catharine Ransom:									
Denmark .....	Krone .....		5,175.00						5,175.00
United States .....	Dollar .....				6,755.00				6,755.00
Total .....			24,600.92		49,139.20				73,740.12

SENATOR MAX BAUCUS,  
Chairman, Committee on Finance, Jan. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
United States .....	Dollar .....				8,906.60				8,906.60
Senator Ted Kaufman:									
Israel .....	Shekel .....		20.00						20.00
Senator John Kerry:									
Afghanistan .....	Dollar .....		89.65						89.65
United States .....	Dollar .....				8,184.10				8,184.10
Senator Robert Menendez:									
Spain .....	Dollar .....		382.00						382.00
United States .....	Dollar .....				6,007.90				6,007.90
Senator Jeanne Shaheen:									
Canada .....	Dollar .....		20.80						20.80
Trent Bauserman:									
Denmark .....	Krone .....		887.46						887.46
United States .....	Dollar .....				3,058.60				3,058.60
Daniel Benaim:									
Kuwait .....	Dinar .....		144.00						144.00
United States .....	Dollar .....				7,138.60				7,138.60
Jonah Blank:									
Afghanistan .....	Dollar .....		150.15						150.15
Pakistan .....	Dollar .....		30.00						30.00
United States .....	Dollar .....				8,149.10				8,149.10
Shellie Bressler:									
India .....	Rupee .....		1,902.00						1,902.00
United States .....	Dollar .....				7,921.60				7,921.60
Jason Bruder:									
Belgium .....	Euro .....		790.00						790.00
United States .....	Dollar .....				6,705.00				6,705.00
Perry Cammack:									
Israel .....	Shekel .....		880.00						880.00
United States .....	Dollar .....				4,966.40				4,966.40
Perry Cammack:									
Kuwait .....	Dinar .....		144.00						144.00
United States .....	Dollar .....				7,138.60				7,138.60
Hal Connolly:									
Denmark .....	Kroner .....		1,338.00						1,338.00
United States .....	Dollar .....				7,610.90				7,610.90
Heidi Crebo-Rediker:									
Turkey .....	Lira .....		815.42						815.42
United Kingdom .....	Pound .....		1,148.80						1,148.80
United States .....	Dollar .....				7,676.70				7,676.70
Steve Feldstein:									
Kuwait .....	Dinar .....		144.00						144.00
United States .....	Dollar .....				7,138.60				7,138.60
Kathleen Frangione:									
Denmark .....	Kroner .....		761.00						761.00
United States .....	Dollar .....				6,755.00				6,755.00
Mark Helmke:									
Denmark .....	Kroner .....		1,584.00						1,584.00
United States .....	Dollar .....				6,719.00				6,719.00
Frank Jannuzi:									
China .....	Renminbi .....		3,448.00						3,448.00
United States .....	Dollar .....				11,887.90				11,887.90
Andrew Keller:									
Denmark .....	Krone .....		841.00						841.00
United States .....	Dollar .....				1,238.90				1,238.90
John Kiriakou:									
United Arab Emirates .....	Dirham .....		203.66						203.66
Djibouti .....	Franc .....		443.41						443.41
Ethiopia .....	Birr .....		306.63						306.63
Yemen .....	Riyal .....		409.52						409.52
United States .....	Dollar .....				9,518.90				9,518.90
Chad Kriekemeier:									
Canada .....	Dollar .....		52.00						52.00
Mark Lopes:									
Spain .....	Dollar .....		382.00						382.00
United States .....	Dollar .....				6,531.90				6,531.90
Frank Lowenstein:									
Afghanistan .....	Dollar .....		266.65						266.65
Pakistan .....	Dollar .....		115.00						115.00
United States .....	Dollar .....				8,184.10				8,184.10
Micholas Ma:									
Denmark .....	Kroner .....		1,259.00						1,259.00
United States .....	Dollar .....				6,685.50				6,685.50
Carl Meacham:									
Brazil .....	Real .....		436.00						436.00
Chile .....	Peso .....		1,595.00						1,595.00
Argentina .....	Peso .....		290.00						290.00
United States .....	Dollar .....				7,041.20				7,041.20
Mike Mattler:									
Denmark .....	Kroner .....		976.00						976.00
United States .....	Dollar .....				6,755.00				6,755.00
Melanie Nakagawa:									
Denmark .....	Kroner .....		1,784.00						1,784.00
United Kingdom .....	Pound .....		260.00						260.00
United States .....	Dollar .....				6,789.90				6,789.90
William Niebling:									
Spain .....	Euro .....		1,042.08						1,042.08
United States .....	Dollar .....				6,044.30				6,044.30
William Niebling:									
Denmark .....	Kroner .....		1,169.75						1,169.75
United States .....	Dollar .....				8,371.60				8,371.60
Ashley Palmer:									
Denmark .....	Kroner .....		446.00						446.00
United States .....	Dollar .....				6,754.60				6,754.60
Nilmini Rubin:									
Sri Lanka .....	Ruppee .....		654.00						654.00
United States .....	Dollar .....				9,808.80				9,808.80
Michael Phelan:									
Afghanistan .....	Afghani .....		286.00						286.00
United States .....	Dollar .....				10,918.70				10,918.70

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jodi Seth:									
Denmark .....	Kroner .....		266.00						266.00
United States .....	Dollar .....				3,374.10				3,374.10
Dorothy Shea:									
Egypt .....	Dollar .....		102.67						102.67
Yemen .....	Riyal .....		57.69						57.69
Lebanon .....	Dollar .....		774.00						774.00
United States .....	Dollar .....				9,906.90				9,906.90
Hailie Soifer:									
Israel .....	Shekel .....		102.00						102.00
Shannon Smith:									
India .....	Rupee .....		1,902.00						1,902.00
United States .....	Dollar .....				7,921.60				7,921.60
Marik String:									
Georgia .....	Lari .....		2,028.00						2,028.00
United States .....	Dollar .....				8,968.90				8,968.90
Fatema Sumar:									
Sri Lanka .....	Rupee .....		440.00						440.00
United States .....	Dollar .....				9,843.80				9,843.80
Fatema Sumar:									
Afghanistan .....	Dollar .....		276.00						276.00
Pakistan .....	Dollar .....		87.00						87.00
United States .....	Dollar .....				8,184.10				8,184.10
Laura Winthrop:									
Switzerland .....	Franc .....		992.00						992.00
United States .....	Dollar .....				6,143.70				6,143.70
Debbie Yamada:									
Greece .....	Euro .....		606.00						606.00
Charles Ziegler:									
United States .....	Dollar .....				7,138.60				7,138.60
Total .....			35,530.34		272,089.70				307,620.04

SENATOR JOHN KERRY,  
Chairman, Committee on Foreign Relations, Jan. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—THIRD QUARTER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Keith Luse:									
Indonesia .....	Dollar .....		1,563.98						1,563.98
Singapore .....	Dollar .....		360.89						360.89
United States .....	Dollar .....				3,246.59				3,246.59
Total .....			1,924.87		3,246.59				5,171.46

SENATOR JOHN KERRY,  
Chairman, Committee on Foreign Relations, Oct. 30, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Danielle Rosengarten:									
United States .....	Dollar .....				2,587.80				2,587.80
Denmark .....	Kroner .....		5,521.00						5,521.00
Matthew Rimkunas:									
United States .....	Dollar .....				1,215.40				1,215.40
Denmark .....	Kroner .....		4,799.00						4,799.00
Total .....			10,320.00		3,803.20				14,123.20

SENATOR JOSEPH LIEBERMAN,  
Chairman, Committee on Homeland Security and Governmental Affairs, Jan. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE (ADDENDUM TO 2009 THIRD QUARTER REPORT) TRAVEL FROM JULY 1 TO SEPT. 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Nelson .....	Dollar .....				278.97		527.36		806.33
Andrew Kerr .....	Dollar .....						2,071.74		2,071.74
Total .....					278.97		2,599.10		2,878.07

SENATOR DIANNE FEINSTEIN,  
Chairman, Committee on Intelligence, Dec. 22, 2009.

February 22, 2010

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jennifer Wagner .....	Dollar .....		430.00		9,435.50				430.00
Senator Richard Burr .....	Dollar .....		13.00		8,184.10				9,435.50
Senator Sheldon Whitehouse .....	Dollar .....		13.00		8,184.10				13.00
James Smythers .....	Dollar .....		256.00		8,184.10				8,184.10
Andrew Grotto .....	Dollar .....		249.00		8,184.10				256.00
Senator Ron Wyden .....	Dollar .....		115.00		7,103.60				8,184.10
Isaiah Akin .....	Dollar .....		159.00		7,103.60				115.00
Total .....			1,235.00		56,379.10				7,103.60

SENATOR DIANNE FEINSTEIN,  
Chairman, Committee on Intelligence, Dec. 22, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin Cardin:									
Greece .....	Euro .....		1,035.66						1,035.66
Congressman Alcee Hastings:									
Greece .....	Euro .....		994.74						994.74
United States .....	Dollar .....				5,486.70				5,486.70
Congressman Mike McIntyre:									
Greece .....	Euro .....		1,035.66						1,035.66
Fred Turner:									
Greece .....	Euro .....		994.74						994.74
Shelly Han:									
Greece .....	Euro .....		994.74						994.74
Neil Simon:									
Greece .....	Euro .....		994.74						994.74
Alex Johnson:									
Greece .....	Euro .....		1,326.32						1,326.32
Winsome Packer:									
Greece .....	Euro .....		1,326.32						1,326.32
Austria .....	Euro .....				1,341.71				1,341.71
Douglas Davidson:									
Netherlands .....	Euro .....		336.00						336.00
Bosnia Herzegovina .....	Mark .....		198.00						198.00
Poland .....	Zloty .....		887.13						887.13
United States .....	Dollar .....				8,932.10				8,932.10
Shelly Han:									
Azerbaijan .....	Manat .....		368.00						368.00
United States .....	Dollar .....				8,893.10				8,893.10
Douglas Davidson:									
Serbia .....	Danir .....		822.67						822.67
Austria .....	Euro .....		1,057.22						1,057.22
United States .....	Dollar .....				9,868.40				9,868.40
Winsome Packer:									
Austria .....	Euro .....		34,408.01						34,408.01
United States .....	Dollar .....				2,734.90				2,734.90
Marlene Kaufmann:									
Egypt .....	Pound .....		1,068.00						1,068.00
United States .....	Dollar .....				9,119.80				9,119.80
Alex Johnson:									
Egypt .....	Pound .....		1,068.00						1,068.00
United States .....	Dollar .....				9,119.80				9,119.80
Fred Turner:									
Poland .....	Zloty .....		691.42						691.42
United States .....	Dollar .....				7,916.30				7,916.30
Erika Schlager:									
Poland .....	Zloty .....		4,092.94						4,092.94
United States .....	Dollar .....				7,047.90				7,047.90
Janice Helwig:									
Poland .....	Zloty .....		4,042.94						4,042.94
United States .....	Dollar .....				8,137.50				8,137.50
Ronald McNamara:									
Poland .....	Zloty .....		1,677.26						1,677.26
United States .....	Dollar .....				7,938.90				7,938.90
Alex Johnson:									
Poland .....	Zloty .....		979.39						979.39
United States .....	Dollar .....				2,475.30				2,475.30
Douglas Davidson:									
Greece .....	Euro .....		1,847.00						1,847.00
United States .....	Dollar .....				8,398.20				8,398.20
Winsome Packer:									
Greece .....	Euro .....		2,800.00						2,800.00
Austria .....	Euro .....				1,222.00				1,222.00
Total .....			65,046.90		98,632.61				163,679.51

SENATOR BENJAMIN CARDIN,  
Chairman, Commission on Security and Cooperation in Europe, Jan. 26,  
2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS AMENDED FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin Cardin:									
Lithuania .....	Lita .....		1,364.00						1,364.00
Bosnia & Herzegovina .....	Marka .....		313.99						313.99
Senator Roger Wicker:									
Lithuania .....	Lita .....		1,450.00						1,450.00
Bosnia & Herzegovina .....	Marka .....		313.99						313.99
Erika Schlager:									
Slovakia .....	Euro .....		424.50						424.50
Austria .....	Euro .....		996.21						996.21
United States .....	Dollar .....				6,166.81				6,166.81
Janice Helwig:									
Kyrgyzstan .....	Som .....		1,476.50						1,476.50
United States .....	Dollar .....				7,216.52				7,216.52
Orest Deychakiwsky:									
Kyrgyzstan .....	Som .....		1,476.50						1,476.50
United States .....	Dollar .....				7,216.52				7,216.52
Shelly Han:									
Ghana .....	Cedi .....		505.00						505.00
Liberia .....	Dollar .....		500.00						500.00
United States .....	Dollar .....				7,593.20				7,593.20
Alex Johnson:									
Austria .....	Euro .....		1,122.00						1,122.00
United States .....	Dollar .....				7,239.80				7,239.80
Winsome Packer:									
Austria .....	Euro .....		32,416.02						32,416.02
United States .....	Dollar .....				6,106.60				6,106.60
Total .....			42,358.71		41,539.45				83,898.16

SENATOR BENJAMIN CARDIN,  
Chairman, Commission on Security and Cooperation in Europe, Oct. 21, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jim DeMint:									
Honduras .....	Dollar .....						69.00		69.00
Chris Socha:									
Honduras .....	Dollar .....						69.00		69.00
Total .....							138.00		138.00

SENATOR MITCH MCCONNELL,  
Republican Leader, Dec. 18, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), U.S. SENATE NATIONAL SECURITY WORKING GROUP FOR TRAVEL FROM NOV. 10 TO NOV. 13, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dianne Feinstein:									
Switzerland .....	Franc .....		1,303.00						1,303.00
Senator Jon Kyl:									
United States .....	Dollar .....				4,059.40				4,059.40
Switzerland .....	Franc .....		714.00						714.00
David Grannis:									
United States .....	Dollar .....				6,144.60				6,144.60
Switzerland .....	Franc .....		1,051.00						1,051.00
Timothy Morrison:									
United States .....	Dollar .....				6,144.60				6,144.60
Switzerland .....	Franc .....		1,173.00						1,173.00
Delegation Expenses:*									
Switzerland .....	Franc .....						1,905.00		1,905.00
Total .....			4,241.00		16,348.40		1,905.00		22,494.40

\* Delegation expenses include payments and reimbursements to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR HARRY REID,  
Jan. 26, 2010.  
SENATOR MITCH MCCONNELL,  
Jan. 26, 2010.



CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), OFFICE OF THE PRESIDENT PRO TEMPORE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James J. Tuite III:									
United Arab Emirates .....	Dirham .....		1,047.78						1,047.78
Afghanistan .....	Dollar .....		20.00						20.00
United States .....	Dollar .....				8,571.00				8,571.00
Total .....			1,067.78		8,571.00				9,638.78

SENATOR ROBERT BYRD,  
President pro tempore, Feb. 1, 2010.

#### SOCIAL SECURITY DISABILITY APPLICANTS' ACCESS TO PROFESSIONAL REPRESENTATION ACT OF 2010

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4532, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4532) to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Madam President, I urge the Senate to pass by unanimous consent H.R. 4532, the Social Security Disability Applicants' Access to Professional Representation Act of 2010, which was recently passed by the House of Representatives by a vote of 412 to 6.

Claimants of Social Security disability benefits who want to appeal decisions on their cases face many complexities. Therefore, many wish to hire professionals to represent them in these appeals. These representatives can request to have their fees withheld by SSA from the retroactive benefits owed to the claimant. The withheld fees are forwarded directly to the representatives by SSA. This fee arrangement makes it much more attractive for these representatives to take on these cases, which will provide claimants with easier access to professionals willing to represent them before SSA. Prior to enactment of the Social Security Protection Act of 2004, this direct payment of fees was only available to attorneys, not to nonattorneys, and only applied to Social Security claims, not to supplemental security income, SSI, claims.

The Social Security Protection Act authorized two nationwide demonstration projects for a period of 5 years each. One project extended the attorney fee withholding and payment pro-

cedures that existed for Social Security claims to supplemental security income claims. A second project allowed nonattorney representatives the option of fee withholding for both Social Security and supplemental security income claims. This second project also required that nonattorney representatives who wish to apply for the direct fee payment program must have passed an examination written and administered by the Commissioner of Social Security, have met certain educational and professional liability insurance requirements, and have passed a criminal background check.

The demonstration projects have been successful, but both sunset on March 1, 2010. H.R. 4532 eliminates the sunsets of both of the demonstration projects. This bill unifies the attorney and nonattorney fee withholding process for both Social Security and supplemental security income. The bill is a commonsense reform to the Social Security Act and should be enacted.

I would like to thank my colleagues in the House of Representatives for the work they put into this bill. I urge my colleagues in the Senate to support H.R. 4532.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4532) was ordered to a third reading, was read the third time, and passed.

#### DEPLORING THE RAPE AND ASSAULT OF WOMEN IN GUINEA AND THE KILLING OF POLITICAL PROTESTERS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 213, S. Res. 345.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 345) deploring the rape and assault of women in Guinea and the killing of political protesters.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Boxer amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the Boxer amendment to the preamble be agreed to; the preamble be agreed to; a title amendment which is at the desk be agreed to; and the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3321) was agreed to, as follows:

(Purpose: To amend the resolving clause)

In paragraph (1) of the resolving clause, strike "Guinea, and calls for an immediate cessation of violence, including gender-based violence and targeted killings by security forces" and insert "Guinea".

Strike paragraphs (2) through (5) of the resolving clause and insert the following:

(2) urges the prosecution, by the appropriate authorities, of those responsible for orchestrating or carrying out the violence in Guinea;

(3) urges the President, in coordination with leaders from the European Union and the African Union, to continue to consider punitive measures that could be taken against senior officials in Guinea found to be complicit in the violence, and in particular, the atrocities perpetrated against women and other gross human rights violations;

(4) encourages the President to remain actively engaged in the political situation in Guinea, and to continue to convey that the blatant abuse of women will not be tolerated;

(5) calls on President Blaise Compaoré of Burkina Faso to ensure that Captain Camara does not return to Guinea in order to allow a peaceful transition to civilian rule;

(6) notes that the first steps set forth in the Joint Declaration of Ouagadougou have been initiated with the naming of a prime minister and urges all parties to continue to adhere to the agreement to see the process through free, fair, and timely elections; and

(7) recognizes the importance of the multilateral observer mission to help ensure peace and security in Guinea during the period of transition.

The resolution (S. Res. 345), as amended, was agreed to.

The amendment (No. 3322) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the 2nd whereas clause of the preamble and insert the following:

Whereas, on September 28, 2009, authorities of the Government of Guinea opened fire on a crowd of thousands of unarmed opposition protesters who were gathered in and around an outdoor stadium to protest statements made by Captain Camara that he may run for president, after he said that he would not;

Strike the 3rd whereas clause of the preamble and insert the following:

Whereas, on September 29, 2009, the United States Department of State condemned the brazen and inappropriate use of force by the military against civilians in Guinea, and demanded the immediate release of opposition leaders and a return to civilian rule as soon as possible;

Whereas, according to the United Nations Security Council Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 28 September 2009 in Guinea, 156 people were killed or disappeared and at least 109 women and girls "were subjected to rape and other sexual violence, including sexual mutilation and sexual slavery";

Strike the 5th whereas clause of the preamble.

Strike the 6th whereas clause of the preamble.

Insert between the 7th and 8th whereas clauses of the preamble, the following:

Whereas, according to the humanitarian organization CARE, "What happened in Guinea is an outrage—and a stark reminder of a larger epidemic of violence against women and girls around the world.";

In the 8th whereas clause of the preamble, strike the "and" at the end.

Strike the 9th whereas clause of the preamble, and insert the following:

Whereas the International Commission of Inquiry of the United Nations concluded that "the crimes perpetrated on 28 September 2009 and in the immediate aftermath can be described as crimes against humanity" and that there is sufficient evidence that Captain Camara "incurred individual criminal liability and command responsibility for the events that occurred during the attack and related events in their immediate aftermath";

Whereas, on January 15, 2010, General Sékouba Konate and Captain Camara of the Republic of Guinea and President Blaise Compaoré of Burkina Faso signed the Joint Declaration of Ouagadougou pledging to form a transitional government of national unity in Guinea, to hold elections within six months without the participation of candidates from the military junta, and to permit the entry of an international observer mission from the Economic Community of West African States; and

Whereas, in accordance with the Joint Declaration of Ouagadougou, a prime minister from the coalition of opposition forces, Forces Vives, has been named to the transitional government: Now, therefore, be it

The preamble, as amended, was agreed to.

The amendment (No. 3323) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A resolution deploring the rape and assault of women

in Guinea and the killing of political protesters on September 28, 2009."

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 345

Whereas, on December 23, 2008, a group of military officers calling itself the National Council for Democracy and Development (referred to in this preamble as the "CNDD") seized power in a coup in Guinea, installed as interim President Captain Moussa Dadis Camara, and promised to hold elections;

Whereas, on September 28, 2009, authorities of the Government of Guinea opened fire on a crowd of thousands of unarmed opposition protesters who were gathered in and around an outdoor stadium to protest statements made by Captain Camara that he may run for president, after he said that he would not;

Whereas, on September 29, 2009, the United States Department of State condemned the brazen and inappropriate use of force by the military against civilians in Guinea, and demanded the immediate release of opposition leaders and a return to civilian rule as soon as possible;

Whereas according to the United Nations Security Council Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 28 September 2009 in Guinea, 156 people were killed or disappeared and at least 109 women and girls "were subjected to rape and other sexual violence, including sexual mutilation and sexual slavery";

Whereas according to Human Rights Watch, these killings and assaults were part of a "premeditated massacre" in which the "level, frequency, and brutality of sexual violence that took place at and after the protests strongly suggests that it was part of a systematic attempt to terrorize and humiliate the opposition, not just random acts by rogue soldiers";

Whereas the United Nations High Commissioner for Human Rights characterized the events as a "blood bath" and stated that they "must not become part of the fabric of impunity that has enveloped Guinea for decades";

Whereas according to the humanitarian organization CARE, "What happened in Guinea is an outrage—and a stark reminder of a larger epidemic of violence against women and girls around the world.";

Whereas Amnesty International reports that violence against women knows few bounds, and that "in armed conflicts, countless women and girls are raped and sexually abused by security forces and opposition groups as an act of war, and often face additional violence in refugee camps. Government sponsored violence also exists in peacetime, with women assaulted while in police custody, in prison, and at the hands of any number of state actors." and that "violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim";

Whereas the International Commission of Inquiry of the United Nations concluded that "the crimes perpetrated on 28 September 2009 and in the immediate aftermath can be described as crimes against humanity" and that there is sufficient evidence that Captain Camara "incurred individual criminal liability and command responsibility for the events that occurred during the attack and related events in their immediate aftermath";

Whereas, on January 15, 2010, General Sékouba Konate and Captain Camara of the

Republic of Guinea and President Blaise Compaoré of Burkina Faso signed the Joint Declaration of Ouagadougou pledging to form a transitional government of national unity in Guinea, to hold elections within six months without the participation of candidates from the military junta, and to permit the entry of an international observer mission from the Economic Community of West African States; and

Whereas, in accordance with the Joint Declaration of Ouagadougou, a prime minister from the coalition of opposition forces, Forces Vives, has been named to the transitional government: Now, therefore, be it

*Resolved*, That the Senate—

(1) deplores the rape and assault of women and the killing of political protesters in Guinea;

(2) urges the prosecution, by the appropriate authorities, of those responsible for orchestrating or carrying out the violence in Guinea;

(3) urges the President, in coordination with leaders from the European Union and the African Union, to continue to consider punitive measures that could be taken against senior officials in Guinea found to be complicit in the violence, and in particular, the atrocities perpetrated against women and other gross human rights violations;

(4) encourages the President to remain actively engaged in the political situation in Guinea, and to continue to convey that the blatant abuse of women will not be tolerated;

(5) calls on President Blaise Compaoré of Burkina Faso to ensure that Captain Camara does not return to Guinea in order to allow a peaceful transition to civilian rule;

(6) notes that the first steps set forth in the Joint Declaration of Ouagadougou have been initiated with the naming of a prime minister and urges all parties to continue to adhere to the agreement to see the process through free, fair, and timely elections; and

(7) recognizes the importance of the multi-lateral observer mission to help ensure peace and security in Guinea during the period of transition.

#### ORDERS FOR TUESDAY, FEBRUARY 23, 2010

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, February 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business the Senate resume consideration of the House message with respect to H.R. 2847, the legislative vehicle for the jobs bill; that time during any period of morning business, recess, or adjournment count postcloture; finally, I ask unanimous consent that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. BROWN of Ohio. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, February 23, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

LARRY ROBINSON, OF FLORIDA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE WILLIAM J. BRENNAN, RESIGNED.

DEPARTMENT OF STATE

ROBERT STEPHEN FORD, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE GERALD WALPIN, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

*To be lieutenant commander*

SCOTT J. PRICE  
AMELIA A. EBHARDT  
RYAN C. KIDDER  
MARK VAN WAES  
RICHARD E. HESTER, JR.  
JENNIFER E. PRALGO  
SEAN D. CIMILLUCA  
CHARLES J. YOOS III  
KEITH A. GOLDEN  
DOUGLAS E. MACINTYRE  
SARAH L. DUNSFORD  
SARAH K. MROZEK

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

*To be lieutenant (junior grade)*

HEATHER L. MOE

RUSSELL D. PATE  
KYLE A. SANDERS  
LINDSAY H. CLOVIS  
JON D. ANDVICK  
CHRISTOPHER J. BRIAND  
MICHAEL D. ROBBIE  
ERIK S. NORRIS  
KURT S. KARPOV

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

HENRY C. BODDEN  
DAVID M. SOUSA

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JAMES R. REUSSE  
JEFFREY P. WOOLDRIDGE

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ANTHONY REDMAN  
GARY J. SPINELLI

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MARK E. DUMAS  
WALTER A. HARRIS, JR.  
JAMES SMILEY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

STEVEN S. DEVOST  
TRAVIS M. FULTON  
WILLIAM E. LANHAM

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

TONY C. ARMSTRONG  
CHRISTOPHER W. BENSON  
ANTHONY P. GREEN  
THOMAS J. LIPPERT  
SHELTON WILLIAMS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHARLES R. BAUGHN

KYLE B. HANNER  
MICHAEL T. KUZNIAR  
JOHN P. MULLERY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RANDALL E. DAVIS  
JAMES E. GRIFFITH  
WILLIAM C. TRAQUAIR  
WADE E. WALLACE  
BRIAN L. WHITE

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

BRENT L. ENGLISH  
WARREN A. GRAHAM, JR.  
STEVEN P. HULSE  
JAMES R. KELLER  
ANTHONY C. LYONS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ROBERT BOYERO  
MORRIS A. DESIMONE III  
JOHN DIGIOVANNI  
JAMES S. DUCKER  
KEITH E. GELSINGER  
RONALD J. ROSTEK, JR.  
ANDREW R. STRAUSS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

CRAIG E. BUNDY

*To be lieutenant commander*

MICHAEL B. DENT  
BRAD S. FEFFARI  
HOWARD M. GUTHMANN II  
RONAN J. LASSO II  
YARON RABINOWITZ

WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 22, 2010 withdrawing from further Senate consideration the following nomination:

LARRY ROBINSON, OF HAWAII, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE WILLIAM J. BRENNAN, RESIGNED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 4, 2010.

## EXTENSIONS OF REMARKS

### ANNOUNCEMENT OF THE 2010 CONGRESS-BUNDESTAG/BUNDES RAT EXCHANGE

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. PELOSI. Madam Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany from July 3–11 of this year. During this 10 day exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag Member during a district visit.

A comparable delegation of German staff members will visit the United States for 10 days April 24–May 2 of this year. They will attend similar meetings here in Washington and visit the districts of Members of Congress. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of States' Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings

in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HB–28, the Capitol, by 5 p.m. on Tuesday, March 9, 2010.

### HONORING THE TAWAS AREA HIGH SCHOOL BOYS VARSITY SOCCER TEAM

#### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. STUPAK. Madam Speaker, I rise to honor the 2009 Tawas Area High School Boys Varsity Soccer Team and coach Ken Cook on capturing the team's eighth straight district championship title and their first regional championship. Throughout the season these young men worked together as a team, displaying exemplary athletic skills along with determination and focus.

The team ended their season with an impressive 20–3–1 record, winning their first ever regional championship in a 3–0 victory over the Newaygo Lions. Despite playing in tough conditions, the Braves were able to dominate the offense while maintaining a strong defense, led by a shutout performance by goalkeeper Nick Hulea. The team also defeated the Roscommon Bucks, 3–2 in the district championship game. This was the 8th consecutive district championship for the Braves and the 11th district title in 13 seasons.

In addition to their talent on the field, I commend the entire team and coaching staff for their excellent display of teamwork throughout the season. Every one of the Braves saw playing time, and each individual was able to contribute to the team's championship season. This hard work and team spirit is a reflection not only on these young men and their coaches, but also the entire Tawas community.

In addition to the teams winning record, senior Cody Jordan set a Tawas record 45 goals in the 2009 season. With 12 seniors on the team it is especially fitting that they ended their high school soccer career achieving the

long sought after goal of a regional championship.

Local sports play a key role in schools and communities throughout Northern Michigan. I congratulate each member of the 2009 Tawas Area High School Boys Varsity Soccer team: Seniors Kurds Branham, D.J. Decker, Aran Freel, Nicholas Hulea, Cody Jordan, Ryan Kaschner, Braden Kauffman, Derek Keim, Dylan Loga, Antoine Mauron, J.D. Putz and Travis Simmons; Juniors Talal Abdallah, Joseph Boensch, Andrew DiFilippo, Benjamin Enzenberger and Kyle Hewitt; Sophomores Dylan Gotcher and Tyler Jordan; and Managers Ali Jungquist and Audrey Thoryk.

I also applaud the leadership of head coach Ken Cook and assistant coaches Matt Friedemann and Dan DiFilippo. Their diligence on and off the field, and post-season vision and strategy guided the team through a successful season, culminating in an impressive series of post-season victories.

Madam Speaker, the 2009 Tawas Area High School Boys Varsity Soccer Team has won an impressive eight straight district titles and capped off another successful year with their first regional championship. These young men and their coaches set high goals for the season, played each game with power and passion, and delivered a memorable season for both the players and the Tawas community. Therefore I ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in cheering on the players and coaches of this championship team. Go Braves.

### RECOGNIZING THE 30TH ANNIVERSARY OF INTRADO

#### HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. MARKEY of Colorado. Madam Speaker, I rise today to congratulate Longmont, Colorado based Intrado on the occasion of the celebration of their 30-year anniversary.

Founded by two Boulder County Sheriffs, George Heinrichs and Stephen Meer, Intrado has played a key role in helping to define, build and maintain the country's complex emergency communications system. Today Intrado provides the core of the Nation's 9-1-1 infrastructure, supporting over 200 million calls to 9-1-1 each year. Intrado is responsible for the ultimate delivery of over 90% of all 9-1-1 calls in the country.

Intrado's history of emergency communications excellence is based on a strong foundation. Their extensive involvement in all aspects of the current 9-1-1 network has given them a unique perspective on how the system must evolve to support new technology, new system

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

requirements and citizens' growing expectations.

9-1-1 is fundamental to telecommunications service. To meet this market requirement, Intrado helps telecommunications service providers ensure their subscribers' 9-1-1 calls are delivered to the correct public safety answering point (PSAP) over the dedicated 9-1-1 network along with the caller's accurate location information and call back number. As communications networks converge and 9-1-1 callers become more mobile, Intrado has a proven track record of both anticipating and pioneering the solutions needed to keep pace with subscribers' demands for ubiquitous access to 9-1-1.

Intrado's success has come in large part due to its leadership, dedication and perseverance in helping the public safety community. I want to thank them for all they have done to contribute to Colorado's economy and to the advancement of 9-1-1 communications around the country. Once again, congratulations on the anniversary of 30 years providing service to our community.

#### RECOGNIZING GARRETT METAL DETECTORS OF GARLAND, TEXAS

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to recognize Garrett Metal Detectors, a global leader in the security industry for over forty-five years, which calls my own Third Congressional District of Texas home.

Founded by Charles and Eleanor Garrett in 1964, the Garland, Texas-based company specializes in the production of walk-through, hand-held and ground search metal detection products and training for security and law enforcement applications.

The company's three main divisions, Hobby, Security and Countermine/Explosive Remnants of War (ERW), define its outreach. While Garrett hobby detectors are the treasure-hunter's tool of choice, the company also produces advanced models specifically designed to pinpoint the danger of buried landmines. In addition, the company's expertise has been called on to provide security checkpoint screening at countless events worldwide including eleven Olympic Games and numerous political conventions, concerts, and awards shows.

In fact, Charles and Eleanor Garrett, Bob Podhrasky and Vaughan Garrett recently had a turn at carrying the Olympic torch as it makes its way to the 2010 Winter Games in Vancouver, Canada.

All products produced by Garrett are proudly designed, assembled and tested for quality control here in the USA. Due to its extraordinary success and global impact, the company has even been profiled by John Ratzenger for his hit TV series, *Made in America*, which airs on the Travel Channel.

I am pleased to recognize Garrett Metal Detectors for its invaluable contribution to the safety and security of people worldwide. It is an honor and a privilege to represent this fine American business.

#### CONGRATULATING THE TRANSPORTATION TRADES DEPARTMENT, AFL-CIO (TTD) ON ITS 20TH ANNIVERSARY

#### HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. LATOURETTE. Madam Speaker, I rise to congratulate the Transportation Trades Department, AFL-CIO (TTD), on its 20th anniversary. TTD is a leading advocacy organization for transportation workers and for a strong investment in our nation's infrastructure.

Throughout its 20-year history, TTD has consistently stood up for our nation's transportation workers. These outstanding men and women, many of whom I have the privilege to represent, are a backbone of our nation's economy. They work each day in an industry that has been dramatically altered by the larger economic and security crises facing our nation. Yet through it all, these dedicated men and women remain focused on public service and doing their jobs to their utmost ability.

As I and my colleagues can attest, TTD has helped policymakers understand the needs and concerns of those on the front lines of this important part of our daily life and our economy. We sadly don't invest enough on our infrastructure, and I am heartened to hear TTD call for greater investment in transportation infrastructure. They understand how it can both rebuild our nation and put Americans back to work. In my travels through Northeast Ohio, I see firsthand how our infrastructure is crumbling and families are struggling to get by. Our quality of life and the strength and efficiency of our economy will not fully improve unless we make critical infrastructure investments.

I again commend TTD on their anniversary, and I look forward to continuing to work with them on these issues facing our nation.

#### HONORING HARRY L. BEGLE, HERNANDO COUNTY, FLORIDA

#### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero, Harry L. Begle of Brooksville, Florida. A decorated war veteran, Lieutenant Begle's service to our nation will forever be remembered by this Congress.

Born in Lexington, Virginia, Lt. Begle graduated from Fork Union Military Academy in 1943 and entered WW II soon thereafter.

He served as a 2nd Lieutenant in the 101st Airborne Division and an Assistant Platoon Leader with the H Company 3rd Battalion in the 506th Parachute Division. While deployed outside of Bastogne, Belgium, Lt. Begle's platoon came under attack by a German Infantry. To describe that moment, Lt. Begle said, it was then that "all hell broke loose". During the battle, Lt. Begle's hand was struck by a bullet, and his upper body was struck by shrapnel from an artillery shell explosion. The blast

caused wounds in his neck and left him in a British Military hospital for several months. Lt. Begle received a Bronze Star and a Purple Heart for his courageous actions in battle.

Despite his wounds and time spent away from the front lines, Lt. Begle returned to serve his country abroad once again in 1945. This time in Austria. He was later transferred to the 82nd Airborne Division when the Pacific ended.

In 1946, he returned home. He marched in the WW II victory parade in New York where he was greeted with a heroes welcome. He served as a reservist until 1949 when he was honorably discharged.

Long after his military days had passed, he continued to protect his fellow Americans, serving as a Washington D.C. Police Officer for 23 years; he retired in 1972.

Madam Speaker, it is an honor to recognize Harry L. Begle; a beloved and decorated American hero. On behalf of a grateful nation, this Congress, his family and friends, I thank him for his service and sacrifice to our country.

#### HONORING MODESTO CHRISTIAN HIGH SCHOOL VARSITY FOOTBALL TEAM

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate the Modesto Christian High School Varsity Football Team upon winning the California Interscholastic Federation Small Schools State Football Championship on Friday, December 18, 2009. The team will be honored on Thursday, January 7, 2010.

The Modesto Christian High School Varsity Football Team consists of 31 players including: Isaiah Burse, Jose Oseguera, Keaton Engel, Kevin Roya, Damien Bell-White, Nate Sudfeld, Aaron Brown, Dominic Dami, Alec Pearson, David Sielin, Dustin Hayes, Ryn Megee, Raymond Nelson, Nathan Straubinger, Johnny Juvera, Nick Carson, Brandon Baker, Danie Hague, Tyke Andrew, Vince Rovedatti, Cody Daniel, Matt Heinrich, Michael Fahlgren, Steve Rubalcava, Evan Schwartz, Vinny Warda, Jacob Alameda, Josh Lane, Tyler Jamison, Thomas Deshields and Colin Lane. The team was led by Head Coach, Mike Parsons and the rest of the coaching staff: Ron Megee, Andy Strickland, P. Jay Thirault, Darin Higgins, Steve Gleason, Adam Foster, Mark Dobbins and Noel Alfaro.

The hard work and dedication of the entire team led the Modesto Christian Crusaders to an undefeated season; winning eleven regular season games, three section playoff games and the final championship game with a final 15-0 record. The team not only won all of the games they played, but they dominated their opponents, averaging 45 points per game.

With Modesto Christian Principal Cynthia Jewel and Athletic Director Greg Pearce cheering the team on, the team made their way to the championship game. The game was held at the Home Depot Field in Carson,

California against Parker High School of San Diego, California. Parker's football team entered the game with an 11–2 record, and a 45-point scoring average per game.

With Isaiah Burse as quarterback, the Crusaders were able to move the ball quickly throughout the game. However, Parker was able to move the ball equally as well, leading to a nail biter. In the final minutes of the game, the Crusaders were holding on to a 44–40 lead, but Parker was moving the ball quickly down the field. With fourth-and-goal at the two, and 1 minute 40 seconds to play, the Crusaders defense dug deep to hold the Parker offense. The Crusaders were able to pick up a first down, triggering a celebration on their sideline and a final score of 44–40, with Modesto Christian on top.

Madam Speaker, I rise today to commend and congratulate the 2009 Modesto Christian High School Football Team upon its achievements and upon becoming the California Interscholastic Federation Small Schools State Football Champions. I invite my colleagues to join me in wishing the entire team and coaching staff congratulations on its many accomplishments this season.

#### RECOGNITION OF MERLE J. PRATT

##### HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor Merle J. Pratt, a great American who has worked for decades to protect our nation, advocate for our veterans, and strengthen the State of Ohio. Currently a resident of Powell, Ohio, Merle has loyally served our nation as a member of the United States Navy, an employee for the State of Ohio, and a leader in numerous community organizations.

Merle served in the U.S. Navy for 26 years, including five years of active duty and over two decades in the U.S. Naval Reserve until his retirement in 1994 as a chief petty officer. Merle also served the Buckeye State in the Ohio Secretary of State's office and the Ohio Attorney General's office. After 26 years of service, Merle retired from his position as the Director of Constituent Services and Veteran Liaison for the Ohio Attorney General's office in 2009. His devotion to helping Ohio citizens and veterans inspired Ohio Attorney General Jim Petro to award Merle with the Innovation and Excellence Award in 2003.

In addition to his career as a public servant in the State of Ohio, Merle has served as a trustee, chairman, or president for many organizations and chapters dedicated to helping our nation's veterans, including the Military/Veterans Educational Foundation, Vietnam Veterans of America, the Columbus Veterans Day Parade Committee, the American Legion, the Franklin County Veteran's Memorial Board of Trustees, the Ohio Governor's Veterans Advisory Committee, and the Ohio Attorney General's Veterans Advisory Council. He has also been a longtime member of the Ohio Veterans Hall of Fame Executive Committee, the Inter-Service Family Assistance Committee, the Ohio Veterans Employment and Training

Council, and the Ohio Military Activation Task Force. Merle has been a Life Member of AMVETS Post 89 and served as the Chairman of the AMVETS State Legislative Committee from 1999 to 2009, during which he was awarded the prestigious AMVETS Silver Helmet Civil Servant of the Year award in 2004 for his passion and continued service to veterans in central Ohio. As a true public servant, Merle is continuing to actively participate in veterans services, and is currently serving as Commander for the AMVETS Department of Ohio.

Throughout his life, Merle has inspired those around him with his continued dedication to helping veterans and military families. On February 20, 2010, Merle will be recognized by the AMVETS Department of Ohio for his decades of invaluable service. I am proud to join this group in honoring Merle Pratt, whose leadership and commitment to our veterans, both in the Columbus community as well as around the nation, has been an inspiration and a blessing in the lives of countless Americans.

#### RECOGNIZING JANICE GOULD

##### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the extensive and distinguished career of Janice Gould. She has been a teacher and a vital part of the Chicago community for 35 years.

Ms. Gould teaches art at Lawrence Hall Youth Services, a school that treats, educates and provides a home to at-risk youth. Using the power of art, she shows her students that great accomplishments are possible. Her former students have participated in and won national art competitions and the Chicago City Clerk vehicle sticker contests.

Ms. Gould herself has a long list of special honors and awards. She received the Kohl International Teaching Award, the Golden Apple Teaching Award and the Exceptional Teachers Award, as well as being a member of the National Teachers Hall of Fame. She and her students also started the "Permanent Children's Art Collection" for the Illinois State Board of Education, an exhibit designed as a reminder of what special-needs children can accomplish and create when given the ability to blossom.

Under Ms. Gould's guidance, troubled youth can transform into self-confident, competent young men and women. When most aspects of their lives have shrouded them in darkness, her art classes provide them the environment to develop their artistic talents and shine.

Madam Speaker, I ask my colleagues to join me in recognizing Janice Gould and her extraordinary career, and thank her for her many outstanding contributions to the City of Chicago and its youth. Her passion and dedication serve as an example for us all.

#### HONORING THE LIFE AND LEGACY OF PHYLLIS WHITE

##### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. DeLAURO. Madam Speaker, it is with the heaviest of hearts that I rise today to pay tribute to the life of one of my dearest friends and an outstanding member of our community, Phyllis White. Phyllis lived her life in the best and most rewarding way possible—dedicated to the service of others and to her community.

I knew Phyllis for over forty years—a friendship that began when we were both organizers together for the Community Action Institute. She was always a vibrant presence back then, and she lived each and every day I knew her with compassion and humanity, grace and conviction. As an organizer, a counselor, and later as an academic advisor, Phyllis was always there to lend a hand, an ear, or a shoulder to those in need around her.

Phyllis was no stranger to the rough-and-tumble of life. She lived to see both her sister, Natalie, and her lovely daughter, Linda, lose their battles with breast cancer. Yet, she never let these tragedies crush her spirit or diminish her vitality, her optimism, and her caring for others. She—and later her granddaughter Dawn—took over the leadership of Sisters' Journey, a breast cancer survivors' advocacy organization her daughter Linda had founded, to keep up the fight against this deadly disease and help ensure that other families did not have to share in their grief. And to the end, and despite her long illness, Phyllis took comfort in the small things, and never stopped giving back to people when she could.

In short, Phyllis was a role model and an inspiration to me all those years ago, and will continue to serve as a source of inspiration to all of those fortunate enough to have been touched by her kind heart and compassion. I will keep her in my thoughts for the rest of my days. As we mourn the loss of Phyllis today, we can take solace that she is now with Natalie and Linda once more. And I know her legacy here in our world lives on—not only in her career and good works throughout Hamden and New Haven, but in the love of her children Ed Jr., Keith, Craig, Barry, and Anita, her fourteen grandchildren, and nine great grandchildren.

Mentor and friend, Phyllis was an extraordinary woman. The impact that she had on my life has much to do with the person I am today. I will always be grateful for her many years of special friendship and for the immeasurable good that she did for our community. Phyllis White is a reflection of all that we could hope to be and has left a legacy to which we should all strive. Though I mourn the friend I lost, I am proud to stand today to celebrate her life. She will be missed but never forgotten.

RECOGNITION OF MARINA DAVIS'  
LIFELONG DEDICATION AS AN  
EDUCATOR

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor Marina Davis for 40 years of dedicated service to the young adults of central Ohio. Marina Davis devoted her life to improving our education system and inspiring students to strive for excellence. She passed away in December 2009, but will be remembered by everyone who knew her as a dedicated educator and a role model.

Marina Davis began her career in 1970 as a teacher at St. Anthony Grade School in Columbus, Ohio. She went on to teach English at St. Francis DeSales before becoming an assistant principal. While there, she chaired the St. Francis DeSales High School Committee, which received a Blue Ribbon Award for Excellence in Education from the U.S. Department of Education. In 1995 she became the first principal of Dublin Scioto High School, where she worked until her death this past December.

As an advocate for her students, staff, and faculty, Marina continually worked to improve the quality of education at each school she served. As an innovative administrator she instituted the Professional Learning Community Model at Dublin Scioto, which in 2009 received a Silver Award of Accomplishment from U.S. News and World Report. Marina's passion and commitment to education allowed her to make a difference in the lives of thousands of Ohio students and families, and this tragic loss is being felt throughout the community.

In memory of this outstanding public servant, the Dublin City Schools Board of Education has adopted a resolution formally naming the Performing Arts Center at Scioto High School in her honor. The Marina Davis Performing Arts Center will be dedicated on May 18, 2010, and will honor Marina's lifelong commitment to advancing the performing arts among Dublin students. Her contributions to the central Ohio school system will never be forgotten, and I am proud to recognize and honor this accomplished and devoted educator for a lifetime of service.

A TRIBUTE TO MIKE WATERS

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CHILDERS. Madam Speaker, I rise today to congratulate and pay tribute to a fine American, Mike Waters, on an occasion when he and his business have received a prestigious honor: the International Circle of Excellence Award for 2009.

The Circle of Excellence, which is awarded by the International dealer organization of Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and fi-

nancial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Mike's business, Waters Truck & Tractor Co., is headquartered in Columbus, Mississippi, where it was founded 72 years ago by his grandfather. Since Mike joined the company full-time in 1975, it has grown into one of the preeminent truck dealerships in the Southeast and the entire nation. In addition to five full-service truck locations, the Waters Companies include an IC Bus school bus dealership, a wrecker service, and remote facility and equipment maintenance. The Waters Companies employ 275 people in all. In 2002, Waters Truck & Tractor was named the International Dealer of the Year, an honor awarded to the one International dealer who exhibits the highest commitment to best-in-class customer service. With this most recent award, Waters Truck & Tractor has now received the Circle of Excellence Award a total of 29 times.

Mike has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He is active in his church and many civic groups and is a board member for numerous organizations, including the Cadence Bank, the Baptist Memorial Health Care System and the Mississippi University for Women Foundation. Mike has now welcomed the fourth generation into the business, with Michael, Vaughan and Josh Waters having joined the company.

Through his commitment to hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you and my colleagues to join with me in congratulating Mike Waters for his record of accomplishment and for his many contributions to his community, state and nation.

A TRIBUTE TO MRS. JOHNNIE  
BAMFIELD JAMES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mrs. Johnnie Bamfield James who turns 90 years old this month.

Born Johnnie Elizabeth Watts, on February 25, 1920, in Fairfax, S.C., to the Rev. John Quincy Watts and Estella English Watts, Mrs. James was one of thirteen children. She remembers walking with her brothers about 2 miles to attend the Huspah School, a two-room school located on the grounds of the local church. Her basketball uniform is currently displayed at the "Old Colored School", which has been formally certified as a historical landmark in South Carolina.

In 1937, she attended South Carolina State University for a semester, met and married James Howard Bamfield, from Yemassee, SC. She left school, began a family, and moved to Beaufort, S.C. Her daughter, Ethel was born in 1940. Joining her husband in New York City, she worked as a domestic until she returned home to Hampton, S.C. and gave birth to her daughter, Gwen, in 1951.

She began substitute teaching and was encouraged to return to school to complete her college education with a promise of a job when she graduated. She attended Claflin College graduating in 1957 and began a teaching career in Dale-Lobeca, S.C. (Beaufort area) where she taught 1st grade. When an opening became available at home, she joined the staff at the Hampton Colored School.

In 1958 Ms. Johnnie returned to New York and joined her husband in Brooklyn where she began a near twenty year dedicated career of working with at-risk children at the Spofford Juvenile Detention Center, Bronx, N.Y. As a "dorm mother" Ms. Johnnie gained the respect, admiration and love of hundreds of young girls as they passed through the juvenile justice system. On more than one occasion she requested special permission to take a young girl home with her, and in one such instance became a foster parent for a youth who had no family resources. Cutting across ethnic, racial and religious differences, Mrs. James, a skilled seamstress, was a mentor for the girls sharing her talent for arts and crafts and design and decorating. She was also a supportive and reliable employee always demonstrating awareness and consideration of others. In 1965 her adopted daughter Barbara J. Lee joined the family.

In 1976 she retired from service in New York and returned to her hometown of Hampton, South Carolina, the same year of her husband's death.

In 1978, she married the late Deacon Felder James. Ms. Johnnie joined the Huspah Missionary Baptist Church at an early age and has been a faithful member and a Deaconess for more than 30 years. Ms. Johnnie continues to enjoy her arts and crafts, volunteering at the Council on Aging Center in Hampton. Her cooking ministry provides infamous Sunday fellowship dinners for all who come.

She is a member of the Eastern Star-Glad Tidings Chapter, an active member of the Brother & Sister Benevolent Society. She is a mother of two daughters, one adopted daughter, one stepson, six grandchildren, ten great grandchildren, and three great-great grandchildren.

Madam Speaker, I rise today in recognition of Mrs. Johnnie Bamfield James who turns 90 this month and I encourage my colleagues to join me in this effort and celebration.

HONORING ALBRECHT-KEMPER  
MUSEUM OF ART

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the Albrecht-Kemper Museum of Art in Saint Joseph, Missouri, which has been awarded accreditation by the American Association of Museums. Accreditation by the AAM is the highest recognition of a museum's commitment to public service, professional standards, and excellence in education.

The Albrecht-Kemper Museum of Art originated in 1913 with the foundation of the Saint



Joseph Art League, a group made up of twelve women who had a clear vision of increasing public awareness and understanding of the arts. It has since grown into the cultural arts center for Northwest Missouri, and includes one of the finest collections of 18th-, 19th-, and 20th century American art in the Midwest region. The Museum has continually fulfilled the vision of its founders by focusing on the community and strengthening its relationship to the arts through classes, workshops, educational programs, special exhibitions, as well as support of local talent and events throughout the region. The Albrecht-Kemper Museum of Art joins an impressive group of 778 institutions currently accredited by AAM.

Madam Speaker, I proudly ask you to join me in honoring the Albrecht-Kemper Museum of Art, an icon of cultural exuberance and public appreciation of the arts. It is my privilege to represent this museum and all its efforts in the United States Congress.

HONORING GEORGE QUIER'S 100TH  
BIRTHDAY

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. GERLACH. Madam Speaker, I rise today to honor George Quier, a Southeastern Pennsylvania resident and dedicated volunteer celebrating his 100th birthday.

George remains an extremely active member of the Independent Order of Odd Fellows Lodge #57 in Norristown, Pennsylvania. His roots in the Odd Fellows organization run deep, as George, and his 103-year-old brother, Calvin, were raised in the Odd Fellows Philadelphia orphanage.

And George, who bravely served our country in the Army for 22 years, has been a member of the Odd Fellows for more than 80 years. To this day, he faithfully fulfills the Odd Fellows pledge to visit the sick and relieve the distressed by volunteering seven hours per day, five days per week at Mercy Suburban Hospital.

Friends and members of the Odd Fellows Lodge #57 who cherish George's companionship and commitment to the organization will celebrate his remarkable personal milestone during a dinner at P.J. Whelihans in Whitpain Township, Montgomery County, Pennsylvania, on February 22, 2010.

Madam Speaker, I ask my colleagues to join me in honoring George Quier for his tremendous volunteer spirit and in wishing him a very happy 100th birthday. He is an inspiration to all.

HONORING MR. JEFF DIETRICH

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to

the people of Chautauqua County by Mr. Jeff Dietrich. Mr. Dietrich served his constituency faithfully and justly during his tenure as a member of the Arkwright Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Dietrich served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Dietrich is one of those people and that is why Madam Speaker I rise to pay tribute to him today.

IN HONOR OF THE UNI-CAPITOL  
WASHINGTON INTERNSHIP PROGRAM

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. FARR. Madam Speaker, I rise today to honor the Uni-Capitol Washington Internship Program. This annual program is a wonderful educational experience for both the Congressional office and especially for the visiting intern. The eight week program delivers some of Australia's best and brightest university students who have exhibited a passion for civic engagement and public service.

Eric Federer of KPMG is the inspiration behind the Uni-Capitol Washington Internship Program which he first organized in 2000. I thank him for his efforts in promoting U.S.-Australian understanding through this program and am proud to say that since its inception I have been a proud participant. This year, I welcomed an outstanding student-ambassador to my office, Erin Riley, who has shared with us the different perspective she offers as a newcomer to Washington, D.C. Ms. Riley joined my office from the United States Studies Centre at the University of Sydney, and has proven to be a shining example of the high caliber of students who are involved in this program. Currently undertaking a Master of Letters degree in U.S. Studies, Erin has relished the opportunity to see the practical application of her studies in American politics and has had the chance to gain hands-on experience in working on domestic issues, especially health care policy.

Since welcoming Ms. Riley to my office on January 4, she has been an invaluable asset. In addition to attending committee hearings and briefings, assisting my staff with legislative research, and taking an active role in our mail program, Erin has demonstrated her commitment and enthusiasm for understanding our American government. Erin has particularly enjoyed the opportunity to meet constituents while giving Capitol tours, and to offer her perspective on the United States from the view of an outsider.

Erin is one of several outstanding Australian interns. This year, 12 students from across Australia were matched with Congressional of-

fices. They were drawn from seven Australian universities in four different Australian states. The Uni-Capitol program gives its students practical experience and allows them to gain knowledge and understanding of the internal workings of the United States Government.

Including this current group, 105 Australian students from 10 universities have interned in Washington, D.C. since the program's inception 11 years ago. Due credit must go to the founder of the University-Capitol Washington Internship Program, Eric Federer. Mr. Federer is a former senior House and Senate congressional staffer who has worked to develop the exchange of ideas and knowledge between the U.S. and Australia through his efforts with the Uni-Capitol Washington Internship Program.

Madam Speaker, I strongly encourage my colleagues to help foster international connections by participating in this rewarding program. It is truly heartening to see how much this program has grown over the years, and I look forward to its continued success. I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Washington Internship Program and, again, thank Erin Riley for her admirable participation and diligent work.

FOR THE "FESTSCHRIFT" OF MY  
FRIEND, DANIEL HAYS  
LOWENSTEIN

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. BERMAN. Madam Speaker, I rise today to pay homage to the pioneering work of Daniel Hays Lowenstein, who is retiring from UCLA School of Law to begin service as the founding director for UCLA's Center for the Study of Liberal Arts and Free Institutions.

The field of election law has grown exponentially in recent decades, thanks in no small part to the pioneering work of Dan Lowenstein, who has been a professor of law at UCLA since 1979, teaching a variety of courses focusing on election law and legislation.

His textbook, *Election Law*, published in 1995, was the first major text on American election law since 1877. Since then, there has been an explosion of interest in the subject and Dan has written seminal work on virtually every important issue in election law including: initiatives and direct democracy; partisan and racial gerrymandering; political party associational rights and issues related to party primaries and caucuses; campaign finance and political bribery; election administration; and the role of competitiveness in election law jurisprudence, not to mention literary criticism of works including *The Merchant of Venice*. Since 2002, Dan has served as co-editor of the only peer-reviewed scholarly journal devoted to election law issues, the *Election Law Journal*.

He has, on several occasions, represented members of the House of Representatives in litigation and has counseled them for several decades on strategies regarding redistricting and other political issues.

Lowenstein began his career as a staff attorney at California Rural Legal Assistance, where he spent two and a half years. He served as Chief Deputy for California's Secretary of State, Jerry Brown, where he specialized in election law, and was the main drafter of the Political Reform Act, which was adopted as a statewide initiative (Proposition 9) by an overwhelming majority of California voters in 1974. The law requires detailed disclosure of the role of money in California politics. It created a new Fair Political Practices Commission. Jerry Brown, then Governor, appointed Dan as the first chairman of the Commission. In that position he earned a reputation for fair play and nonpartisanship.

Dan has served on the national governing board of Common Cause and has been a board member and a vice president of Americans for Nonsmokers' Rights. He is a member of the Board of Directors of the award-winning theatre troupe Interact and twice yearly brings the company to the School of Law to perform plays with legal themes, such as Sophocles' *Antigone*, Ibsen's *Rosmerholm*, and Wouk's *The Caine Mutiny Court Martial*.

He graduated from Yale University in 1964 and Magna Cum Laude from Harvard Law School in 1967. He is married to Sharon Yagi Lowenstein, who is originally from Watsonville, California. They have two sons, Aaron Lowenstein and Nathan Lowenstein, who are both attorneys working in Los Angeles.

Dan's work, careful, yet provocative, has been cited and debated in Supreme Court opinions and in law review and political science articles too numerous to count. His decision to take emeritus status at the law school and take up a new position as director of UCLA's new Center for the Liberal Arts and Free Institutions (CLAFI) represents a new turn in his career. Developments in America's great universities over the past several decades, while introducing important and often much-needed innovations, have also sometimes shouldered aside the study of the great achievements of western civilization and of the foundations of the free institutions on which our nation rests. From Magna Carta to the Declaration of Independence, from William Shakespeare to William Faulkner, from the Gothic cathedrals to the monuments that adorn our nation's capitol, we are all blessed by a heritage that guides us as we seek what is good, what is true, and what is beautiful. CLAFI and comparable efforts starting up at other great American universities will help assure that we pass our heritage down to future generations. Lowenstein's leadership in this movement reflects his own introduction to great works as an undergraduate in the Directed Studies program at Yale, followed by a lifetime of immersion in the study of free institutions, great ideas and great artistic achievements.

Daniel Hays Lowenstein has set an example for scholarly excellence, community service, and intellectual integrity. He is a true Renaissance Man. I am proud to call him a friend.

# INTRODUCING A RESOLUTION AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO THE WOMEN AIRFORCE SERVICE PILOTS

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to the Women Airforce Service Pilots.

As Chair of the House Armed Services Subcommittee on Military Personnel and Co-chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to honor these women who, almost 70 years ago, became pioneers for women's equality in the Armed Forces.

And now, on March 10, 2010, we will honor their legacy as the first female aviators in American military history with the award of the Congressional Gold Medal.

The Women Airforce Service Pilots are referred to as the WASP.

Unlike many acronyms used in the military, this is an apt name!

Like wasps, their work demanded a unique combination of feistiness and strength, underlined by loyalty to their fellow WASP and their country.

I am astounded by their tenacity and their bravery.

And yet, despite that dedication, these women have encountered difficulties in being recognized for their service.

This ceremony will be an illustrative example of our indebtedness to their service, and I hope all of my colleagues will join me in thanking the WASP.

This group of unsung heroines demonstrates the courage of servicewomen in the past, the integrity with which women serve today, and the enthusiasm of the young women who dream of serving this great Nation in the future.

I am therefore honored to ask for authorization for the use of the Capitol Rotunda for the Congressional Gold Medal Ceremony.

Madam Speaker, thank you for the opportunity to introduce this resolution today.

IN HONOR OF MARTHA LOIS  
MCGINNIS CAMERON NORTON

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. FARR. Madam Speaker, I rise today to honor the memory of Martha Lois McGinnis Cameron Norton, or just simply Martha. It is with great sadness that I must share the news of her death last week at the young age of eighty-eight. Martha was one of those Americans who embodies the meaning of the word citizenship; who always worked to strengthen

our democracy. Martha was born in 1922 in the little town of Washington, Iowa. She grew up on a farm and spent her childhood raising corn, tending hogs, and seeing to all the other chores of an Iowa farm girl. But being from a place called Washington, she had politics in her blood. As a child she saw both President Hoover and Governor Roosevelt speak during the 1932 presidential campaign. Four years later she worked her first of many campaigns when she helped re-elect President Roosevelt.

In 1945, following her graduation with a degree in chemistry from Monmouth College, Illinois, Martha became a research scientist for Shell Chemical Company in San Francisco. After several years, she returned to Iowa to take a position as the principal of Ainsworth High School. Following another stint as a research scientist, Martha settled on a career in teaching, which brought her to Monterey in 1962. And while Martha built a stellar career of teaching with the Monterey Peninsula Unified School District, she is remembered by the wider world for her relentless political activism.

That activism began in earnest in 1946 when Martha joined a local campaign to save San Francisco's landmark cable car system. In 1956, she worked to re-elect President Eisenhower. In 1959, she helped run her father's successful write-in campaign to become Mayor of her hometown. Soon after her move to Monterey, Martha began working on numerous local election races, including one of my father's California State Senate re-election campaigns. In the late 60s, she worked on the coastal protection campaign that culminated in the voters' 1972 adoption of the landmark Coastal Act. In 1976, Martha worked as a precinct walker in Leon Panetta's first successful run for Congress. She also worked on Jimmy Carter's presidential campaign, coordinating more than 100 volunteers from their teens into their 70s.

Martha became a bedrock fixture of elected politics in Monterey County. Campaign after campaign, she made the calls, distributed the signs, gathered the volunteers, registered voters, got out the vote, and all the other indispensable grassroots tasks that make participatory democracy work. I know all this because she helped me in every one of my own campaigns going back to my service as a County Supervisor in the 1970s. I often said that she was my political mother.

Martha was also a tireless volunteer for many community causes. She devoted countless hours to many different boards, commissions, and other community organizations, including the MPUSD school board, the Highway 68 committee, the Toxic Waste committee for Fort Ord, several League of Women Voters committees, and local Democratic committees and clubs.

Martha is survived by her husband, Joe Norton; sons, Jeff Norton and his wife Dana; Christopher Norton and his wife Julie; daughter, Cheryl Herzog and her husband, David; and daughter-in-law Linda Cameron; as well as ten grandchildren; one great-grandchild; and her brother, Bill McGinnis. She was predeceased by her son, Bill Cameron, in 2007.

Madam Speaker, Martha Norton touched countless people through her service and good works. Our Nation is poorer for her passing but enriched by the example she leaves behind.

HONORING WILLIAM "BILL"  
KAJIKAWA

**N. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to honor William "Bill" Kajikawa, a legendary former football, basketball and baseball coach at Arizona State University, who passed away Monday, February 15.

Kajikawa began coaching at Arizona State in 1937 and retired after close to 40 years of dedicated service. Kajikawa served as head basketball coach from 1948 to 1957 and was head coach of ASU's club baseball team from 1947 to 1957. Additionally, Kajikawa worked as the freshman football coach under nine ASU head football coaches.

Kajikawa took his only break from ASU during World War II, where he served with distinction in the Army's 442nd Regimental Combat Team. The 442nd was manned entirely by Japanese Americans and was the Army's most decorated combat unit.

Kajikawa has been recognized on numerous occasions for his tremendous accomplishments. In 1995, Arizona State University honored Kajikawa in a ceremony that named the Sun Devil football practice field The Bill Kajikawa Practice Facility. He was inducted into the Arizona Basketball Hall of Fame in 1968 and the ASU Hall of Distinction in 1982. Moreover, the American Legion selected him in 1976 for the Americanism Award to applaud his service to young people.

A true Sun Devil, Kajikawa possessed an enthusiastic personality that inspired student athletes to excel. He will long be remembered and honored for his strong leadership and passion for athletics. I am privileged to have known Coach Kajikawa and his wonderful family, and to have had the opportunity to represent such an incredible mentor. Please join me, Madam Speaker, in remembering his distinguished legacy.

TERRANCE "TERRY" THORNTON

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. McMAHON. Madam Speaker, I rise today to acknowledge, congratulate, and honor the career and service of Chief Terrance "Terry" Thornton of the Fire Department of New York.

In a long and distinguished career spanning nearly three decades, Chief Thornton courageously and selflessly served the people of New York City. He has truly earned the right to count himself among New York's bravest. From his humble beginnings at Engine 201 in Brooklyn in 1981, Terry quickly gained the trust and respect of his co-workers and superiors. He was promoted to Lieutenant in 1991 and to Captain in 1998.

Perhaps the best example of Chief Thornton's leadership and bravery was his selection to join the Special Operations Command of

the FDNY. This elite unit is responsible for all types of emergencies in New York City. With responsibilities ranging from search and rescue to HAZMAT responses, the Special Operations Command accepts only the best of the best. To be selected for this is an honor that is earned only by those who perform their duties at the highest level of professionalism and competence. In 2004, Terry was promoted to chief of 21 Battalion in Staten Island, a crowning achievement to a truly stellar career. After serving in this capacity for 5 years, Chief Thornton is retiring from the Fire Department to begin the next chapter in his life.

Madam Speaker, on a personal note, I have known Chief Thornton since we were both 14 years old. A better and truer friend neither I nor anyone in this chamber could ever wish to have. He is without question one of the most cheerful, friendly, kind, punctual, talkative, effervescent, convivial, and fastidious people I know. He has taught so many of us at home in Staten Island, NY the true meaning of bravery and courage. Not only has he dealt with the daily life-threatening situations he and his brothers faced while wearing the uniform of the New York City Fire Department, but also as a civilian he has brought his incredibly strong will of character to overcome the daily challenges that life presents. He has overcome great losses by learning to cherish and appreciate all of his gains.

We join his family; his children Patrick, Kyla, John, and Tara; his best friend and love, Lisa and her children, his sisters and brother, and all of his friends in wishing him well.

TRIBUTE TO WATSON WILLIAMS

**HON. MICHAEL A. ARCURI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. ARCURI. Madam Speaker, it is with great pleasure that I rise today in honor of Watson Williams Elementary School, which is located in my Congressional District in upstate New York.

Historically, the overwhelming majority of students enter kindergarten at Watson Williams Elementary School with a delay for cognitive development as measured by standardized screening tools. Watson Williams Elementary School also experiences a 96 percent poverty rating for its students.

In recent years, during the tenure of Principal Henry Frasca, which lasted from September 2002 through June 2008, Watson Williams Elementary School has received national recognition for student achievement, despite facing these difficult obstacles.

Due to Principal Frasca's extraordinary leadership, and the commitment and dedication of his staff, Watson Williams Elementary School was named a No Child Left Behind Blue Ribbon School of Excellence in 2006 and a Magnet School of Excellence in 2008. Most recently, Watson Williams Elementary School was a recipient of the Title I School of Distinction for 2009 which was based on student achievement during the school years of 2006–2007 and 2007–2008.

Principal Frasca attributes the high level of student achievement during his tenure at Wat-

son Williams Elementary School to the concerted efforts of parents, students, teachers, staff and administration.

Madam Speaker, I call on my colleagues to join me in recognizing Watson Williams Elementary School for defying the odds, and establishing itself as a model of hope and success for all struggling schools throughout our country.

COMMEMORATING THE FIFTH ANNUAL  
DIALYSIS AWARENESS  
WALK

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the fifth annual Dialysis Awareness Walk taking place Sunday, March 7, 2010. The Sunset Kiwanis Club of Fountain Hills and DaVita Patient Citizen's Group has organized this wonderful and exciting event.

I would particularly like to honor Edward Stizza for his efforts coordinating this annual event, and for his tremendous commitment to educating the community about Chronic Kidney Disease and End Stage renal disease. The proceeds from the walk will benefit the Dialysis Patient Citizens Group, a non-profit organization that provides education for dialysis patients and their families. Additionally, the walk provides an invaluable forum for organizations to answer questions and provide pertinent information regarding diabetes, kidney dialysis, nutrition and organ transplants.

More than 20 million Americans have chronic kidney disease, which if left untreated can lead to End Stage Renal Disease. However, with the help of individuals like Mr. Stizza, and particularly his work organizing the Dialysis Awareness Walk, we can raise the public awareness of this debilitating disease and the plight of the more than 400,000 Americans who rely on kidney dialysis today.

Madam Speaker, please join me in applauding the fifth annual Dialysis Awareness Walk. I am confident that this event will do much to increase support and funding for those whose lives are intimately affected by chronic kidney disease.

HONORING MR. ROGER L.  
GALATAS

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. BRADY of Texas. Madam Speaker, I rise today to honor Mr. Roger L. Galatas as the "King of the Court" of the Montgomery County Performing Arts Society for 2010.

Mr. Galatas is an icon in Montgomery County, Texas. For almost 20 years he worked alongside George Mitchell, the founder of the Woodlands, on Mr. Mitchell's innovative and internationally recognized development team.

Roger has held many leadership roles throughout his years in The Woodlands, including former CEO and president of The

Woodlands Corporation and the founding director of The Woodlands Hospital.

Mr. Galatas has been instrumental in making education in Montgomery County stronger by serving as a founding director of The John Cooper School and past president of the Conroe Independent School District Board of Trustees. Galatas Elementary in the Conroe Independent School District today proudly bears his name.

He is a past board of directors for Stewart Title Company of Montgomery County and the United Way of Montgomery County, a former board member of the Memorial Hermann Hospital System, former trustee and officer of the Urban Land Institute, and he has served on the Real Estate Advisory Committee of the Trust for Public Land.

Mr. Galatas continues his regional leadership role as a current board member of the Center for Houston's Future and the current chair of the Strategic Planning Committee.

In 2004, Mr. Galatas co-wrote a book with Jim Barlow titled "The Woodlands, The Inside Story of Creating a Better Hometown". The book gives the inside-scoop of how The Woodlands has grown into what it is today—a fast growing, environmentally sustainable community with a vibrant economy that he played an immeasurable role in shaping.

Without question Mr. Galatas, with the support of his beautiful wife Ann, has served his community above and beyond and continues to make Montgomery County and the Houston region a better place in which to live, work and play.

Madam Speaker, I am proud to call him my friend and to recognize Mr. Roger L. Galatas and his countless contributions to the people of The Woodlands and Montgomery County.

I urge you to join me in recognizing Roger Galatas as the Royal "King of the Court" at the Second Annual Montgomery County Performing Arts Society Mardi Gras Ball that took place on February 13, 2010.

#### COMMEMORATING THE 100TH ANNIVERSARY OF SCOTTSDALE'S LITTLE RED SCHOOLHOUSE

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the 100th anniversary of Scottsdale's Little Red Schoolhouse. The schoolhouse has been a prominent pillar within the Scottsdale community since its beginnings and an important historic marker of how far the city has developed.

Since its construction in 1910, the schoolhouse has continuously evolved to match the needs of a flourishing community. Originally designed as a school for eight students, the schoolhouse now serves as a historical museum under the leadership of the Scottsdale Historical Society. Over its many years, it has also served as a polling place, a Sunday school, a county court office and as Scottsdale's Town Hall.

The schoolhouse fostered the growth of the community and symbolizes Scottsdale's con-

tinued prosperity. I am confident that the schoolhouse will continue to thrive and serve Scottsdale for the next 100 years.

Madam Speaker, please join me in commemorating Scottsdale's Little Red Schoolhouse, and expressing gratitude to all of the volunteers and advocates of historical preservation who have made this special celebration possible.

#### CONGRATULATING PORTLAND DEVELOPMENT COMMISSION

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. BLUMENAUER. Madam Speaker, I rise today to congratulate the Portland Development Commission and the City of Portland, Oregon.

The Portland Development Commission, the city's urban renewal and economic development agency, has been able to exceed their established diversity goals in construction contracting for each of the last two years.

The PDC results are promising. In tough economic times and in a city with a small minority population PDC has exceeded goals for utilization of minority, women-owned and emerging small businesses by at least 15 percent annually, committing more than 35 percent of the dollars committed to state-certified firms.

Three years ago the PDC executive leadership and Board took bold steps by revising the decade-old policies governing business and workforce equity and adopting significant policy changes, which included: The adoption of the PDC Construction Wage Policy; revision of the PDC Business and Workforce Equity Policies; convening a community-based Workforce Diversity Advisory Committee, whose work resulted in PDC's new workforce diversity goals for all PDC construction projects and upcoming new contractor requirements; closer working relationships with the National Association of Minority Contractors-Oregon, the minority chambers of commerce and the Metropolitan Contracting Improvement Partnership, which focuses on building contractor capacity; a renewed partnership with organized labor that changed the state prevailing wage statutes on public-private partnerships; support for pre-apprenticeship programs such as Oregon Tradeswomen, Inc., the Evening Trades Apprenticeship Program, WorkSystems Inc., Irvington Covenant, Portland Youthbuilders and Construction Apprenticeship and Workforce Solutions; and providing technical assistance at no cost to all minority, women-owned and emerging small businesses bidding on or receiving PDC constructs.

Additionally, I'm pleased to report that the PDC has achieved these results in part due to close collaboration with organized labor. These jobs are family wage jobs that provide health insurance benefits.

The PDC is committed to making further progress. They've established a Workforce Diversity Strategy Committee that will function as an oversight group and constantly evaluate results and set aggressive goals for diversity in PDC construction projects.

They've worked with minority business associations to put in place technical assistance agreements to focus on building capacity among historically underutilized businesses. PDC will implement a prompt payment requirement making sure that small contractors get paid quickly for their work, and just last month, PDC implemented a Small Contractor Loan Insurance program that gives small contractors access to working capital through a revolving loan. This will be a huge help to small firms that are struggling to attain credit with banks.

I commend PDC for what they've done, and what they have planned to make sure that public construction projects benefit the entire community and not just a select few.

#### RECOGNIZING STAFF SERGEANT TIM COPELAND—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces from my home state of Arizona. Every month, Scottsdale Healthcare honors military personnel who perform diligent service to this country. Scottsdale Healthcare has recognized U.S. Army Staff Sergeant Tim Copeland for the month of February.

I commend Scottsdale Healthcare for paying tribute to such an outstanding service member for his bravery and service to our country.

Copeland has served as an Information Systems Operator and Analyst for the Army since 1992. He has been deployed twice to Kuwait and is currently deployed for a two-year tour at Camp Arifjan, Kuwait.

During his service Copeland has received numerous awards, all of which serve as a tribute to his honorable character. He has received the Presidential Service Badge, two Joint Meritorious Unit Awards, a Joint Service Commendation medal, two Army Commendation medals and seven Army Achievement medals.

Staff Sergeant Copeland is the brother of Clare Copeland, who works in the Emergency Department Admitting Office at Scottsdale Healthcare. Clare is an avid supporter of the military partnership training program.

Madam Speaker, please join me in recognizing the inspiring efforts of this courageous citizen who is serving our country and protecting the lives of his fellow service men and women in combat.

#### CONGRATULATING MR. IRA LEESFIELD FOR HIS ACCOMPLISHMENTS IN THE LEGAL COMMUNITY

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate Mr. Ira Leesfield

on being a recipient of the American Jewish Committee's Judge Learned Hand Award. This prestigious award honors leaders in the legal profession for both their overall excellence in the workplace and their contributions to the community. Mr. Leesfield has always welcomed the challenge to serve the underserved, and it is this devotion that has earned him one of the American Jewish Committee's highest honors.

Mr. Leesfield carries himself with great integrity, respect, and dedication in everything he does for his profession and for his community. A look into his background shows just how successful he has been on both of these fronts. In 1976, Ira Leesfield founded Leesfield & Partners, dedicating his professional life to protecting the courtroom rights of the firm's clients throughout Florida and the United States. He currently holds record personal injury verdicts and settlements in a plethora of jurisdictions, earning him recognition as one of America's top ten trial lawyers.

However, Mr. Leesfield's interest reaches far beyond monetary figures as he has been recognized for prosecuting cases that benefit the public interest. He has received the American Occupational Rehabilitation Training (ORT) Jurisprudence Award for his dedication to his profession, as well as the prestigious Jurisprudence Award from the Anti-Defamation League for his success in gaining access to the courts for the less privileged. Ira was elected President of both the Melvin M. Belli Society and the Academy of Florida Trial Lawyers after receiving each organization's respective awards: the Belli Award and the Al J. Cone Lifetime Achievement Award.

A resident of Florida since 1956, Ira is an American Bar Foundation Fellow, life member of the American Association for Justice as well as the Roscoe Pound Foundation, and a past adjunct professor at the University of Miami School of Law. Mr. Leesfield's success hits close to home as his many accomplishments have greatly benefited myself as well as the great people of Florida's 23rd Congressional District.

Madam Speaker, I am truly honored to recognize Mr. Ira Leesfield for his dedication to the legal profession and to the South Florida community as a whole.

#### TRIBUTE TO LAWRENCE "LARRY" KING

#### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mrs. CAPPS. Madam Speaker, I rise today to honor the life of my constituent, Lawrence "Larry" King.

Two years ago this week, Larry was shot by a fellow student while at school in Oxnard, CA.

He died 2 days later. The police classified his murder as a hate crime.

He was 15 years old.

In addition to our local community, almost 200 vigils in all 50 States were held to honor Larry's life.

Two years later, Larry's death continues to remind us of the violence and harassment di-

rected at lesbian, gay, bisexual and transgender people every day.

This violence is unacceptable anywhere and particularly painful in our schools.

I think every American believes all our children deserve an education free from bullying, harassment, discrimination and violence.

In honor of Larry and all LGBT students, I would like to encourage my colleagues to support the Student Non-Discrimination Act.

This important bill establishes a comprehensive Federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity.

We know that bullying deprives students of equal educational opportunities.

It also causes high rates of absenteeism, dropout, adverse health consequences, and academic underachievement among LGBT youth.

Without interference, bullying and discrimination leads to life-threatening violence and suicide.

Also, when school officials engage in discriminatory treatment, or are indifferent to harassing behavior, LGBT students' constitutional rights are infringed.

This is deplorable.

In Larry's memory, we owe our children nothing less than a safe environment and the support they need to learn most effectively.

#### VETERANS OF FOREIGN WARS OF THE UNITED STATES

#### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. JOHNSON of Georgia. Madam Speaker, Whereas, DeKalb County serves as home for many of our Veterans that have served in the United States Military; and

Whereas, forty-nine years ago servicemen who fought in wartime joined forces to form the "VFW Belvedere Post 4706"; and

Whereas, our beloved country, has and continues to benefit from the service of the members of the VFW Post 4706 in the areas of leadership, service and scholarship to our community; and

Whereas, this unique group has given of themselves tirelessly and unconditionally to preserve integrity, advocate for our enlisted service personnel and veterans; and

Whereas, the VFW Post 4706 continues to serve our country by being involved in the planning, organizing and conducting of ceremonies that commemorate and recognize those who served our country in the United States military, our children who desire scholarships to gain higher education and veterans who have fallen to homelessness; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor, recognize and congratulate the VFW Post 4706 on their 49th Anniversary for their outstanding service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim February 21, 2010, as Veterans of Foreign Wars of the United States Post 4706 Day in the 4th Congressional District.

Proclaimed, this 21st day of February, 2010.

#### HONORING DR. DON T. NAKANISHI

#### HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. CHU. Madam Speaker, I rise today to recognize a pioneer in the field of Asian American political and educational research, and one of my dearest mentors, Dr. Don T. Nakanishi, on his retirement as director and professor of the UCLA Asian American Studies Center.

Dr. Nakanishi's 20-year tenure at the UCLA Asian American Studies Center, the largest and most renowned research and teaching institute of its kind in the Nation, has provided key leadership and vision for the development of the field of Asian American Studies and Race and Ethnic Relations Scholarship. His contributions to this invaluable field of study date back nearly 4 decades.

Born and raised in the multiethnic, working class community of East Los Angeles, California, Professor Nakanishi attended Theodore Roosevelt High School, where he served as student body president. He was also selected as boy mayor of the City of Los Angeles when he was a senior.

A political scientist, Dr. Nakanishi received his B.A. in political science from Yale University in 1971, and his Ph.D., also in political science, from Harvard University in 1978.

A professor at UCLA for 35 years, Dr. Nakanishi is a prolific writer and highly influential teacher and scholar who has written over 100 books, articles, and reports on the political participation of Asian Pacific Americans and other ethnic and racial groups in American politics; educational research on issues of access and representation; and the international political dimensions of minority experiences.

Dr. Nakanishi is widely recognized for developing the fields of Asian American political and educational research. He has received numerous awards for his scholarly achievements and public service, including the National Community Leadership Award from the Asian Pacific Institute for Congressional Studies, the prestigious Yale Medal from Yale University, and the inaugural Engaged Scholar Award from the Association of Asian American Studies.

Because of his accomplishments, President Bill Clinton appointed Dr. Nakanishi to the Civil Liberties Public Education Fund board of directors, which administered the program established under the 1988 Civil Liberties Act that provided a national apology and reparations for the 120,000 Japanese Americans who were incarcerated in concentration camps during World War II.

I urge all my House colleagues to join me in honoring Dr. Don Nakanishi for his remarkable service and contribution to our community.

COMMEMORATING THE 25TH ANNIVERSARY OF TEMPE LEADERSHIP

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the 25th anniversary of Tempe Leadership. Tempe Leadership has continuously identified bright and exceptional community members and nurtured their leadership skills through education, experience, exposure and service.

In its 25 years, Tempe Leadership has played an essential role in fostering tomorrow's community leaders. To date, Tempe Leadership boasts more than 400 graduates, including highly accomplished elected officials, board members, and numerous business and non-profit executives. Each year, participants of the program tackle a class project, which utilizes their skilled and unskilled physical labor to give back to Tempe.

I would like to congratulate Tempe Leadership on 25 years of success, and express my gratitude for the profound contributions its graduates have made to our community's quality of life. Because of Tempe Leadership, their positive impact on our community will be felt for decades to come.

Madam Speaker, please join me in recognizing Tempe Leadership's impressive 25 years of service. The program's dedication to enhancing Tempe leaders should serve as an inspiration to us all.

RECOGNIZING EDWARD PATE AS THE SANTA ROSA COUNTY TEACHER OF THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Edward Pate upon receiving the Santa Rosa County, Florida Teacher of the Year Award. Edward is a dedicated teacher and public servant, and I am honored to recognize his Teacher of the Year achievement.

Edward joined Gulf Breeze High School in 2005 following a career as an attorney and ceramics gallery owner in New York City. He currently teaches English III and Pensacola Junior College Dual Enrollment classes. These core classes have achieved a passing rate of 94 percent or better during his tenure. Edward also coaches the Boys Golf Team, this year's District 2A Champion and a state Academic Team Champion. The team had the highest cumulative GPA of the 251 schools in District 2A.

Edward serves on the PTSO Board, the SAC Committee, and the RtI Committee. He received his National Board Certification in 2008 and serves as the English Department Chair. As Department Chair, he is developing a new department-wide program to assess and improve student writing. He always im-

parts a positive attitude to his students and other teachers, and his high level of energy inspires the entire school.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Edward Pate as the Santa Rosa Teacher of the Year. He is a true public servant and a dedicated teacher. My wife Vicki and I wish Edward and his family all the best for the future.

HONORING THE 100TH ANNIVERSARY OF GWINN UNITED METHODIST CHURCH

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. STUPAK. Madam Speaker, I rise to honor Gwinn United Methodist Church, UMC, during its centennial celebration. For 100 years, the Gwinn UMC has been a gathering site for worship, teaching and fellowship in the Gwinn community. Its rich history can be traced through families who have been members of the church for generations, while its welcoming atmosphere continues to attract new members.

Just a short drive south of Lake Superior, Gwinn United Methodist Church is bound tightly to the history of the Upper Peninsula. The community of Gwinn was built to support the iron mines of Cleveland-Cliffs Iron Mining Company, which still operates in the Marquette County today. As Cleveland-Cliffs president William G. Mather began to build his "model town," a group of settlers in nearby Princeton organized a church group and began plans for a Methodist church.

Land for the Gwinn United Methodist Church was deeded to the congregation by William Mather in 1909, and on October 15, 1909, the cornerstone of the church was laid by Mather himself. The church was formally dedicated on February 20, 1910, by its first pastor, Reverend Simon Hocking.

As the community of Gwinn grew and prospered, so did Gwinn UMC. Over the years, modifications have been made to the building, including the addition of an education wing, a remodeled chancel area in the sanctuary, and the construction of a parsonage on property adjoining the church. Gwinn UMC also welcomed its first full-time minister in 1984, having previously shared pastors with several nearby communities. Even as the church has grown, it has also stayed connected with its roots; today's congregation still worships in the original 1909 pews.

While its history is impressive, Gwinn UMC's most inspiring attribute is the outpouring of support and assistance it provides to the Gwinn community. The church has opened its doors to be used by groups including Head Start, Boy Scouts, Girl Scouts, 4-H, and Alcoholics Anonymous. On the second Wednesday of each month, members of the congregation prepare a free evening meal for the community, serving 707 people in 2009, fostering a sense of fellowship and camaraderie between neighbors and friends. The church also provided 344 bags of groceries to

235 families last year through its weekly food pantry.

Through its Children's Love Fund, Gwinn UMC provides assistance to families of area children needing extensive medical treatment; and through its Endowment Fund, the church provides gifts and grants to individuals, organizations and missions locally, regionally and globally. Since 2002, \$11,300 has been provided to missions through the Endowment Fund.

Madam Speaker, from its earliest days Gwinn United Methodist Church has been connected to the Gwinn community through history and tradition. The spirit and principles that are intrinsic to the Upper Peninsula can be found throughout the history of the church and the actions of its congregation. Over the past 100 years, Gwinn United Methodist Church has shared the joy of the Lord with the community of Gwinn and with open arms has reached out to those in need. For these many blessings, Madam Speaker, I ask that you, and the entire U.S. House of Representatives, join me in recognizing Pastor Geri Hamlen and the members of the Gwinn United Methodist Church on the church's centennial anniversary.

IN TRIBUTE TO JOSEPH HANREDDY

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize an artistic leader, theater director, producer, actor, and consummate professional from the Fourth Congressional District. Mr. Joseph Hanreddy is recognized at the international, national, regional and local level for his work and achievements during his seventeen seasons as the Artistic Director for the Milwaukee Repertory Theatre Company in Milwaukee, Wisconsin.

The influence of the Repertory Artistic Director goes beyond the company; the person in the job affects the tone and style of the entire theater community. Because of his commitment to the theater, Mr. Hanreddy gave nearly two years advance notice of his retirement so his successor could choose his or her inaugural season.

During his tenure, the theater has presented 252 productions, 55 world premieres, as well as having established one of the country's finest resident acting ensembles. The total attendance while Mr. Hanreddy has been in residence is 3,247,045. International connections continued under Mr. Hanreddy's leadership with the recruitment of acclaimed directors Ben Barnes, former Artistic Director of Ireland's Abee Theatre, and Paolo Landi, Ganshi Mureta, Lev Stukalov and Mark-Wing Davey from Italy, Japan, Russia and Great Britain respectively, to create productions for the theater.

The Milwaukee Repertory Theatre, affectionately known as The Rep, presents critically-acclaimed dramas, contemporary plays, and cabaret shows. The Company continues its strong history of premiering new American

plays. Mr. Hanreddy commissioned and directed the premieres of several original plays by Steven Dietz, directed 40 productions at The Rep, with recent premieres going on to be produced in Los Angeles and Chicago, and a successful Off-Broadway run.

The Rep has one of the oldest artistic internship programs in regional theater to foster valuable experience in professional theater. Each season welcomes acting and directing fulltime internships, as well as, internships throughout the production, marketing and development departments. The Rep maintains community service programs including education programs serving over 20,000 students annually, student matinees, facility tours and in-school workshops. The Rep contributes hundreds of complimentary tickets to Milwaukee area non-profit fundraisers, conducts adult acting classes, and access services including audio-described performances, American Sign Language-interpreted performances and Captioned Theater performances.

Madam Speaker, for these reasons, I am honored to pay tribute to Joseph Hanreddy. Mr. Hanreddy's dedication to the Milwaukee Repertory Theatre has brought the arts and enriched the lives of all of us in the Greater Milwaukee area and beyond.

#### RECOGNIZING THE RETIREMENT OF REVEREND HERB SADLER

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Reverend Herb Sadler, a northwest Florida leader who is retiring after fifty years of service to his church and to his community. Reverend Sadler spent his life serving others, and I am proud to honor his dedication, faith, and service.

After completing his sophomore year at Huntingdon College, Herb was called to pastoral service by the United Methodist Church at the age of 20. In 1962, then-superintendent Marshall Ford asked Herb to pastor six small churches in West Alabama. Herb became senior pastor of Gulf Breeze United Methodist in 1975, where he served until 2003. Over the course of his tenure, church attendance grew from a little over 100 to more than 2,000. In 1999, he oversaw the opening of the church's second campus—the Community Life Center—which provides support groups, recreational ministries, and workshops to thousands of local community members.

Reverend Sadler was appointed as the Superintendent of the Dothan District of the UMC in 2003, ministering to 99 churches in Southeast Alabama. He returned to Gulf Breeze in 2008 as the interim senior pastor for a year as the church searched for a permanent senior pastor. The church honored his dedication by renaming the Community Life Center after Reverend Sadler.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Reverend Herb Sadler for his fifty years of pastoral service to the United Methodist Church. He has been a dedicated pastor and

a community leader for northwest Florida. My wife Vicki and I wish all the best for Herb and his wife Barbara as they embark on this next journey in their lives.

#### HONORING THE LIFE AND ACCOMPLISHMENTS OF NINA SIMONE

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. SHULER. Madam Speaker, I rise today to remember the life of legendary American jazz musician and civil rights activist Nina Simone. A native of Tryon, North Carolina, Nina Simone was born Eunice Kathleen Waymon on February 21, 1933. In the United States House of Representatives, it is an honor to represent Ms. Simone's birthplace and the town where she began her legacy of musical innovation and civil rights activism.

Ms. Simone began playing the piano at age three and made her first classical piano debut at age twelve. During this first recital she witnessed her parents being escorted from the front row to make room for a Caucasian family. Ms. Simone refused to play until her parents were seated in the front row. This event marked the beginning of a lifetime of civil rights activism.

As the sixth of seven children in a poor family, Ms. Simone began her musical career singing as an accompanist to earn extra income for her family. As the civil rights struggle developed in the United States, so did her music. After the bombing of a church in Birmingham, Alabama in 1963, Ms. Simone wrote an emotional response to the situation of African Americans in the United States. By 1974, Ms. Simone was traveling the world.

In 1987, while in Paris, her song "My Baby Just Cares for Me," was featured on a major television network. Her music, both in French and English, has been an inspiration for artists around the world.

The Eunice Waymon-Nina Simone Project honors the legacy of Nina Simone in Tryon, her hometown in Western North Carolina. The Project honors her remarkable life and musical contributions. The Project also seeks to inspire and support talented youth to reach their full potential through a variety of scholarship programs. On the 21st of February they unveiled a life-size bronze statue of Ms. Simone. The Eunice Waymon-Nina Simone Project keeps her legacy alive in Western North Carolina.

Ms. Simone passed away on April 21, 2003 at the age of 70 in the French countryside. Her daughter, Lisa Celeste Stroud, is also an actress and singer. Born in New York, Ms. Stroud spent much time traveling the world with her mother before enlisting in the United States Air Force. Today, she is a successful singer with a resume that includes starring in the Tim Rice musical "Aida."

Madam Speaker, I ask my colleagues to join me in celebrating Ms. Simone's 77th birthday, and celebrating her extraordinary accomplishments as both an extraordinary jazz musician and strong civil rights activist.

#### RECOGNIZING DAWN PACK AS THE OKALOOSA COUNTY TEACHER OF THE YEAR

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Dawn Pack upon receiving the Okaloosa County, Florida Teacher of the Year Award. Dawn is a dedicated public servant, and I am honored to recognize her on this achievement.

Dawn's career as an educator spans over nineteen years. Since 2003, she has taught 5th grade students at Destin Elementary School in Okaloosa County. Dawn motivates her students, but goes above and beyond to inspire other teachers and the local community. From day one, she has advocated to integrate science into all of the curricula at Destin Elementary, conducting training to show other teachers how to use the scientific method. Additionally, she has reached out to the parents and the community to work with her students on science-related projects. Dawn is the kind of teacher who loves her students and loves what she does. She is truly an inspiration to all of those around her.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Dawn Pack as the Okaloosa Teacher of the Year. She is a great educator to students and teachers alike, as well as a passionate community leader. My wife Vicki and I wish Dawn and her family all the best for the future.

#### HONORING WILLIAM ALLAN WOOD FOR A LIFE WELL-LIVED IN SOUTH JERSEY

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor William Allan Wood for his many years in New Jersey's First district. Mr. Wood, at 105 years old, sets an excellent example of how to live fully and completely.

Mr. Wood was born the second of seven children in June of 1904 in Camden, New Jersey. He grew up in Haddonfield, NJ. He started attending Drexel night school in the fall of 1923 studying mechanical engineering and received his certificate in 1928. While attending Drexel, he worked in a shop rebuilding machine tools and then at the Southwark Foundry in Philadelphia and later at the Baldwin Locomotive Works as a draftsman and then an engineer. In 1936, he started working for Florence Pipe Foundry, part of the R. D. Wood Company. He started as an engineer/draftsman. In 1940, he became a plant engineer and oversaw the expansion of the foundry's capacity during WWII. He remained plant engineer until he retired in 1961.

Allan married his wife Virginia in 1937 and moved to Delanco, NJ where they raised a daughter and a son. His wife passed away in 1999. He has three grandchildren and five



great grandchildren. Allan has always stressed the importance of family, friends and has served on many local and state boards and commissions.

Allan has been a lifelong sailor, first in small racing sailboats and then in cruising sailboats. For 25 years, Allan and his wife sailed their beloved 27-foot sailboat on the Delaware River and the Chesapeake Bay, often in company with family and friends. It was through a sailor friend that he started his second career at C-Lec Plastics in 1962 as an engineer designing tools and equipment for casting, curing and machining large high tech plastic components. When his wife became ill he cut back to a 3-day workweek and for the past 5 years he has been working 3 half-days per week. Even at 105 years of age, Allan is one of the most reliable employees at C-Lec and is appreciated by everyone there.

Madam Speaker, I would like to congratulate Mr. Wood on a life filled with achievements and service. It is an honor to pay tribute to Mr. Wood, and I wish him the best of luck in his future endeavors.

IN HONOR OF FIRE CHIEF  
BERNARD M. BENEDICT

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Fire Chief Bernard M. Benedict, upon his retirement from the Middleburg Heights Fire Department, following nearly forty years of leadership, service and dedication to the citizens of Middleburg Heights.

Chief Benedict joined the Middleburg Heights Fire Department on June 16, 1973. In November of that year, he completed the State of Ohio's 160 Hour Fire Training course, finishing fourth in his class. On June 29th, 1977, he graduated from the Paramedic Program at Cuyahoga County Community College. One year later, Chief Benedict became one of the first paramedic-firefighters with the Middleburg Heights Fire Department. From the beginning, Chief Benedict set a tone of camaraderie and professionalism within the Department, and he easily gained the respect and admiration of his colleagues and superiors.

Equipped with expertise in the safety field, an unwavering dedication to his vocation, and an affable nature, he quickly rose through the ranks, and was appointed as Acting Lieutenant in March, 1987. Committed to continuing his education, Chief Benedict completed his Associate's Degree in Emergency Medical Technology in 1990. In 2000, he was appointed as the Technical Rescue Director for the Southwest Emergency Response. One year later, in May of 2001, he was appointed Chief of the Middleburg Heights Fire Department.

Madam Speaker and colleagues, please join me in honoring Fire Chief Bernard M. Benedict for his commitment and his leadership in creating a safe community for everyone who lives and works in Middleburg Heights. His superior work as Chief, firefighter, paramedic and instructor has set the bar high for safety, re-

sponse and protection within Middleburg Heights, Ohio. His service will forever be a true example for others to follow.

H.R. 4495—DESIGNATING THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 100 NORTH TAYLOR LANE IN PATAGONIA, ARIZONA, AS THE "JIM KOLBE POST OFFICE"

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. McCOLLUM. Madam Speaker, I rise today in support of H.R. 4495, which designates the United States Postal Service facility located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office."

Jim Kolbe served the people of Arizona in Congress for 22 years, including 2 decades on the House Appropriations Committee. He chaired the Subcommittee on Foreign Operations, Export Financing and Related Agencies during his final 6 years in Congress, which is when I came to know him.

I traveled with Jim in 2005 as part of a Congressional Delegation to Africa and worked with him to promote human rights and economic growth in the developing world. Jim is now the Senior Transatlantic Fellow for the German Marshall Fund, where he continues to contribute his expertise to the Caucus for Congressional-World Bank Dialogue.

H.R. 4495 is a well-deserved honor. Today I have the privilege of joining my colleagues in paying tribute to this distinguished public servant by designating the "Jim Kolbe Post Office" in Patagonia, Arizona.

IN HONOR OF THE VIETNAMESE  
NEW YEAR: TET, 2010 YEAR OF  
THE TIGER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Vietnamese New Year: Tet, 2010, Year of the Tiger. As the Vietnamese community in Greater Cleveland gathers at St. Helena Catholic Church to celebrate, I join them in celebration of their rich history and culture.

Tet is the time of the year to pay homage to ancestors, reconnect with friends and family and celebrate every hope and possibility rising with the new year. This year's gathering will once again honor community volunteers and leaders, showcasing many Vietnamese cultural treasures including Vietnamese culinary cuisine, music and dance.

2010 also marks thirty-five years of service to the community by the Vietnamese Community in Greater Cleveland, Inc. This organization has been an invaluable resource for hundreds of Clevelanders of Vietnamese descent, linking them to needed resources and pre-

serving the rich heritage of the Vietnamese people.

I would also like to recognize Le Nguyen, President of the Vietnamese Community in Greater Cleveland, Inc., and every member, past and present, for their dedication to Vietnamese-Americans of Northeast Ohio.

Madam Speaker and colleagues, please join me in celebration of the Vietnamese New Year, Tet 2010: Year of the Tiger. May every American of Vietnamese heritage hold memories of their past forever in their hearts, and find peace and happiness within every new day of the rising new year.

COMMEMORATING THE LIFE OF  
JEAN HANDLEY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. DeLAURO. Madam Speaker, I rise to commemorate the life and work of Jean Handley, an inspiring leader in our New Haven community and a long time friend to the arts and to the dispossessed, who passed away at the age of 83 last month.

A path-breaking career woman who spent three decades working for AT&T and Southern New England Telephone, SNET, Jean knocked down barriers for working women across Connecticut. After serving 10 years as the Executive Director of the Connecticut League of Women Voters, she joined SNET in 1960 and later AT&T in 1972. Six years later, she was the highest ranking female employee in the Bell system, eventually retiring as Vice-President of Public and Corporate Relations in 1989. And she was the first female member of the Quinpiack Club, a New Haven business institution since 1871. As it turns out, she was elected to the Club because she refused to enter through the kitchen there, as was the questionable custom for women before Handley gently and firmly put a stop to it.

This was the type of leadership Jean showed throughout her life—She led by example, with grace, elegance, good humor, and enormous competence.

Her career aside, Jean was a passionate admirer of the arts and a dedicated supporter of non-profits and community service efforts in our state. She was a longtime board member of Learning, Education, and Athletics in Partnership, LEAP, the Long Wharf Theatre, and the New Haven Symphony. In addition, she served as an Emeritus Trustee of her alma mater, Connecticut College, as well as the University of New Hampshire. And, in 1996, she was a co-founder of the International Festival of Arts and Ideas, an 18-day arts festival in New Haven that now attracts over 100,000 people each June. True to her enthusiasm, her passion for the arts, and her diligence, Jean not only commissioned a market study to ascertain the appeal of the festival first, she researched the weather to figure out the best two-week window to hold it.

Last December, in her last public appearance before succumbing to the cancer she had so bravely and silently fought, Jean was awarded with the Connecticut Arts Council's

C. Newton Schenk III Award for Lifetime Achievement, which deemed her a "life-long champion of the region's arts organizations and an individual of exceedingly high standards." That she was. Our city of New Haven, and our world, is a smaller place with her passing.

**HONORING THE 100TH ANNIVERSARY OF THE HOWARD THEATRE AND ITS CONTRIBUTION OF ENTERTAINMENT ON HISTORIC U STREET**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES  
*Monday, February 22, 2010*

Ms. NORTON. Madam Speaker, I rise to ask the House of Representatives to join me in honoring the 100th anniversary of the Howard Theatre and its contribution to music and entertainment on historic U Street in Washington, DC.

The Howard Theatre was the only theater in the Nation's capital where African Americans could enjoy live music, dance, drama and comedy during the era of racial segregation in Washington, DC.

The Howard Theatre provided a gateway to the historic U Street corridor and currently is being preserved for historic renovation. We commend Howard Theatre Restoration Inc. for spearheading the preservation of the Howard Theatre.

Known as "the largest colored theatre in the world," the Howard Theatre welcomed talent regardless of color. Many legendary music greats appeared at "The Howard," among them, Ella Fitzgerald, Billy Taylor, The Supremes, Chuck Brown, Petey Greene, Dick Gregory, and Redd Foxx.

Madam Speaker, I ask the House of Representatives to join me in applauding Howard Theatre Restoration Inc. for its work to preserve the Howard Theatre legacy, and in commemorating the 100th anniversary of the Howard Theatre for its contribution as a premiere entertainment venue for people of all races and backgrounds and as a showcase of national and international importance for African American entertainers of the day.

**IN HONOR AND REMEMBRANCE OF DON SCOTT**

**HON. DENNIS J. KUCINICH**

OF OHIO  
IN THE HOUSE OF REPRESENTATIVES  
*Monday, February 22, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Don Scott, a beloved husband, father, grandfather, brother and friend. Mr. Scott's life was centered around family, community and service to others. His keen business sense, positive attitude, and unstoppable energy were key elements of his success.

Throughout Cleveland, Mr. Scott was known for his gathering place called "Vel's"—the premier party center for the African-American

community named after his beloved wife, Velma Rose. African-American city leaders, politicians and candidates met regularly at Vel's, where Mr. Scott always greeted guests with kind and encouraging words. He hosted major political events, giving many candidates the exposure and support they needed to rally voters and win elections, including former United States Congressman Louis Stokes.

In 1963, Don and Velma purchased the Alhambra Bowling Lanes near Euclid and East 102nd Street, and changed the name to University Lanes. They opened Vel's Red Carpet Lounge in the basement, and it soon became a popular venue that drew nationally known performers. Mr. Scott became the first African-American contestant on the popular national TV series "Championship Bowling." He won his first match in 1961 by bowling five strikes in a row and went on to tour with the Professional Bowling Association. In 1962, Mr. Scott won the first round of the PBA Open and ended the tournament by placing ninth in the nation.

Mr. Scott was first and foremost dedicated to his wife and children. Together, Don and Velma Scott raised their children, Gregory, Avis and Don D. In later years, Don and Velma travelled the world but remained committed to the betterment of their eastside community. They founded Vel's Purple Oasis Garden, a community garden and greenhouse near University Circle. They also opened "New Life Skills Academy," a training center for future entrepreneurs.

Madam Speaker and colleagues, please join me in honor of Don Scott, a man who will be greatly missed by all who knew and loved him. I also honor the memory of his beloved wife, the late Velma Rose. I offer my deepest condolences to his children, Gregory, Avis and Don D., to his six grandchildren, his six siblings, and to his extended family and friends. Mr. Scott lived his life with a generous heart and an unwavering love for his family and his community. He will never be forgotten.

**IN RECOGNITION OF RUSSELL E. KING ON HIS 90TH BIRTHDAY**

**HON. JEFF MILLER**

OF FLORIDA  
IN THE HOUSE OF REPRESENTATIVES  
*Monday, February 22, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise to honor Mr. Russell "Tony" E. King upon the occasion of his 90th birthday. Mr. King has spent a lifetime serving his community and his family, and it is a privilege to recognize him on his accomplishments today.

Known as Papa King to his family, Tony has lived in Florida for almost 70 years. He was married to Jonnie King for 62 years before she passed away in 2008, and the two are the proud parents of five children, ten grandchildren, and 22 great-grandchildren. Tony served his country in the U.S. Navy for two years before starting a career at the St. Regis Paper Company, now International Paper, where he retired after 33 years. He was a very active member of the community, serving as Assistant Chief of the Brent Volunteer Fire Department and spending fifteen years in the

Florida Highway Patrol Auxiliary. Tony also volunteers much of his time at the Gonzalez United Methodist Church, where he is still a member.

Madam Speaker, Tony King is a Northwest Florida community leader who has spent a lifetime serving his country and his community. My wife Vicki and I wish him a happy birthday and his entire family all the best for the future.

**HONORING THE 100TH ANNIVERSARY OF ST. MARY'S SCHOOL**

**HON. JOHN SHIMKUS**

OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
*Monday, February 22, 2010*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the 100th anniversary of the St. Mary's School in Taylorville, Illinois.

St. Mary's opened its doors in 1909 in a one room structure on Franklin Street in Taylorville. At that time, the school consisted of one teacher and 77 students. The school moved into its current building in 1921, which is home to kindergarten through third grade, two libraries and the school office. By the 1990s, St. Mary's enrollment had expanded so much that a second building was necessary. The new building was dedicated in 2000.

Over the last century, St. Mary's has remained dedicated to providing its students with a high quality education which will last a lifetime. Last fall, the school held its annual fall festival, where former students and educators returned to St. Mary's to celebrate a century of progress. To help students and alumni see how classes were conducted a century ago, the school re-created the original one room schoolhouse, with kindergarten through sixth grade in the same room.

Today, the students, families and staff at St. Mary's are recognized throughout the area for their exemplary record of service to their community. St. Mary's has been recognized for its work on behalf of the American Lung Association, the local Crisis Pregnancy Center and Catholic Charities.

I would like to congratulate Principal Cathy Robertson, Father Alan Hunter, and the students, teachers and staff of St. Mary's School, past and present, as they celebrate this important birthday and wish them another 100 years of success.

**HONORING THE ZEPHYRHILLS HIGH SCHOOL JROTC**

**HON. GINNY BROWN-WAITE**

OF FLORIDA  
IN THE HOUSE OF REPRESENTATIVES  
*Monday, February 22, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the Zephyrhills High School JROTC for their dedication to service on behalf of our nation's heroes and veterans.

On February 11th, a signing ceremony will take place by the National Armed Forces Community covenant in honor of the Zephyrhills High School JROTC.

Although this presentation has taken place in over 700 communities across our great country, this presentation is significant because it is the first presentation being made to a High School JROTC. As such, this historic ceremony represents an unprecedented commitment to improving the quality of life for our soldiers and their families by the Zephyrhills High School JROTC.

Madam Speaker, it is an honor to recognize the Zephyrhills High School JROTC. On behalf of a grateful nation, this Congress, and the local community of veterans and active service members, I thank the members of Zephyrhills JROTC for their dedication to this country.

RECOGNIZING NORTHSIDE COLLEGE PREPARATORY HIGH SCHOOL

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the success of Northside College Preparatory Academy, recently named number one high school in Illinois based upon its students scoring in the highest average percentile on the Prairie State Achievement Examination.

Led by principal Barry P. Rodgers and assistant principal Dr. Margaret E. Murphy, Northside Prep has worked tirelessly since 1999 to help foster student values. The school teaches students that vital leadership skills, critical problem solving skills, a passion to learn, and the ability to balance all these attributes are tantamount to a successful adult life.

In addition, Northside Prep helps its students further explore their individual interests and heritages by offering an array of extra-curricular clubs that cater to various hobbies, nationalities, and human rights issues. Northside Prep has shown that focusing on developing a well rounded student, can and does improve the education they receive, something evidenced by their recent success on the Reading, Science and Math achievement tests.

Madam Speaker, for these reasons, I ask my colleagues to join me in recognizing the important contributions that Northside College Preparatory has made in shaping and educating Chicago's youth, and in enriching the communities surrounding it.

HONORING STELL MANFREDI

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Stell Manfredi upon his retirement as the Madera County Administrative Officer. Mr. Manfredi was honored by the Madera County Board of Supervisors on Saturday, January 30, 2010.

Mr. Stell Manfredi was born in 1945 in Madera, California. He attended St. Joachim's

Catholic Grammar School and graduated from Madera High School in 1963. Upon his high school graduation, he attended Fresno City College and California State University, Fresno, where he earned his Bachelor's Degree in Business Administration with a minor in Economics. In 1969, Mr. Manfredi joined the United States Naval Reserve and served in DaNang, Vietnam.

After returning to Madera in 1971, Mr. Manfredi began working for the Madera County Administrative Office. The first three years he served as an Administrative Analyst I and was promoted to Administrative Analyst II. In 1980, he became the Assistant County Administrative Officer, and in 1991 he was named the County Administrative Officer.

In the thirty-eight years of working for the County Administrative Office, Mr. Manfredi has worked on many county projects; including the jail construction, juvenile boot camp, Madera Ranchos water system, juvenile hall, Oakhurst sewer system, the Madera County Government Center and parking facility, the Oakhurst fire and sheriff facility and the central garage facility. The county has grown in population, employees and budget. In 1971, when Mr. Manfredi began with the county, there were 42,600 residents, 375 employees and a sixteen million dollar budget. Today, there are over 151,000 residents, 1,700 employees and a two hundred million dollar budget. Mr. Manfredi has participated in almost two thousand Board of Supervisor meetings, worked under the direction of twenty-one members of the Board of Supervisors and has worked with over one hundred and thirty appointed and elected county department heads. He is currently the second longest serving County Administrative Officer in the State of California, he is the third County Administrative Officer for Madera county. Mr. Manfredi also acted as the Executive Officer of the Local Agency Formation Commission from 1971 until 2000.

Madam Speaker, I rise today to commend and congratulate Stell Manfredi upon his retirement from Madera County. I invite my colleagues to join me in wishing Mr. Manfredi many years of continued success.

HONORING THE UNIVERSITY OF IOWA HAWKEYE FOOTBALL TEAM

**HON. DAVID LOESACK**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. LOESACK. Madam Speaker, today, I am introducing a Resolution to honor the University of Iowa Hawkeye football team for the great success they had on the football field during the 2009 season. The team began the season by winning its first nine football games, which set a new team record for consecutive wins to start a football season. The Hawkeyes finished the regular season with 10 wins and two losses, leaving them ranked seventh in both the final Associated Press and USA Today rankings, tied for second in the Big Ten Conference, and were invited to play in the 2010 FedEx Orange Bowl against the Georgia Tech Yellow Jackets. The game was very well competed by both schools, but with stellar de-

fense and an exciting offensive performance, the University of Iowa Hawkeye football team won the game 24-14.

Through hard work and great success on the football field, the University of Iowa Hawkeye football team received numerous awards and won over many new fans. Through this Resolution, I hope to congratulate the 2009 University of Iowa Hawkeye football program for bringing honor to the team, the University of Iowa, the city of Iowa City, and the State of Iowa.

HONORING THE COLLINSVILLE HIGH SCHOOL GIRLS BOWLING TEAM

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the Collinsville High School girls bowling team.

This outstanding and competitive group captured the Illinois High School Association's state championship in February by bowling a team total of 12,450 points, or an average of 207.5 per bowler. This is the first Collinsville High School championship since 1992 and the first girls state championship in the school's history. Special recognition went to Collinsville High School senior Frannie Steiner who bowled the top individual score at the state finals, finishing with a 229.7 average.

I join with the Members of this House in commending coach Sean Hay on his outstanding work with this team and congratulating the members of the Illinois state championship bowling team: Frannie Steiner, Katie Beauchamp, Lisa Graham, Brittany Warner, Sara Bell, Liz Huffman, Amber Burns and Elizabeth Beauchamp. I wish them all the best in their future endeavors.

EARMARK DECLARATION

**HON. JOHN SULLIVAN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one additional project funding request that I made and was included within the text of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Project: Ground Warfare Acoustical Combat Systems of Netted Sensors  
Project Amount: \$5,000,000  
Account: RDTE—Navy  
Legal Name of Requesting Entity: GWACS Defense, Inc.

Address of Requesting Entity: Suite 191, 4500 South, 129th East Ave., Tulsa, OK 74134

Description of Request: Combat systems are required that can detect, locate, discriminate and give precision targeting data of hostile fire to blue forces in a netcentric environment. Additionally, multi sensor systems are

required that can help IFF, create total battlespace situational awareness both in open and urban terrain, and provide precision targeting data for combined and integrated fire support. Funds will be used to accelerate the completion of a new technology that is critical and urgently needed for small arms detection and location data for future procurement for force protection and situational awareness at all command levels in open and urban terrain operations in Iraq and Afghanistan.

**INTRODUCING A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT "DON'T ASK, DON'T TELL" BE REPEALED IN 2010**

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that recognizes the Senate Armed Services Committee's hearing on Don't Ask, Don't Tell, and the testimony of Defense Secretary Robert M. Gates and Admiral Michael G. Mullen, Chairman of the Joint Chiefs of Staff, at the hearing, as an important first step towards equality in the Armed Forces. Furthermore, my resolution expresses the sense of the House of Representatives that this discriminatory law should be repealed in 2010.

There are an estimated 66,000 gay and lesbian service members currently on active-duty, serving in all capacities around the world to protect our nation and advance our interests. The misguided policy known as Don't Ask, Don't Tell is yet another enemy to fight at a time when we are strained in two wars. In 2009 alone, we lost 428 service members to Don't Ask, Don't Tell at the estimated cost of over \$12 million. We cannot allow the strength and unity of our military to suffer from a destructive force within. Don't Ask, Don't Tell is irreconcilable with the values that our great nation was built on and the values that our Armed Forces embody.

The Senate Armed Services Committee's recent hearing on Don't Ask, Don't Tell was indeed historic, being the first Senate hearing on the issue in 17 years. My resolution recognizes the great significance of Defense Secretary Gates and Admiral Mullen's testimonies, which sent a clear signal across the nation and through the military ranks that discrimination is not a value of our Armed Forces. Furthermore, it urges the Pentagon working group to deliver an implementation plan to Congress as soon as possible while ensuring that the needs and concerns of all service members are taken into consideration, and strongly recommends that the Senate Armed Services Committee and House Armed Services Committee's Subcommittee on Military Personnel include active-duty service members in their upcoming hearings regarding Don't Ask, Don't Tell.

While a majority of the American people support open service by gay and lesbian members of the Armed Forces, there are those who would like to see the policy kept in

place. Don't Ask, Don't Tell should be repealed swiftly and replaced with a policy of non-discrimination and inclusion once and for all.

Madam Speaker, the repeal of Don't Ask, Don't Tell is long overdue. It is my sincere hope that President Obama, the Department of Defense, the U.S. military, and Congress will do everything in their power to allow gay and lesbian Americans to serve openly as soon as possible. I urge my colleagues to support this important resolution and to join me in working to bring about the full and final repeal of Don't Ask, Don't Tell this year.

**HONORING THE CHICAGO CHAPTER OF THE AMERICAN VETERANS FOR EQUAL RIGHTS**

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to congratulate the Chicago Chapter of the American Veterans for Equal Rights, AVER, an organization of gay, lesbian, bisexual and transgender veterans of the U.S. Armed Forces, on the occasion of the City of Chicago's annual Salute to LGBT veterans.

Founded in 1992, the Chicago Chapter of AVER provides support to LGBT veterans in the Chicago metropolitan area. Members of AVER have served in every war from World War II to Iraq and Afghanistan.

Each year, AVER members march in Chicago's Memorial Day Parade and in Chicago's Gay Pride Parade. By doing so, AVER members bear witness to the fact that gay and lesbian Americans have served throughout our history to defend the United States in time of war and to preserve our freedoms and democracy.

AVER fights not only for LGBT veterans but also for gay and lesbian soldiers currently serving in our Armed Forces, especially those who are in harms way in Iraq and Afghanistan. AVER members travel to Washington every year to lobby members of Congress for an end to the "Don't Ask, Don't Tell" policy.

For 15 years, AVER has fought against this detrimental policy that requires gay and lesbian service members to deny who they are and to lie about their lives. Our democratic allies—from the United Kingdom to Israel—allow gay and lesbian soldiers to serve openly without any adverse effects on military preparedness or morale. This is the basic fairness and justice that AVER seeks for gay and lesbian American soldiers.

Madam Speaker, I also want to recognize Jim Darby, the founder of the Chicago Chapter of AVER and a Korean War veteran. Jim served in the Navy as a Russian-language specialist. Along with all the other AVER members, Jim has fought tirelessly to educate the general public and the Congress about the plight of LGBT veterans and active service members. What AVER seeks is what we should all seek: respect and honor for all those who have served and who are serving the United States of America through our Armed Forces.

STATEMENT ON H. RES. 1044 COMMORATING THE 65TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ, A NAZI CONCENTRATION AND EXTERMINATION CAMP, HONORING THE VICTIMS OF THE HOLOCAUST, AND EXPRESSING COMMITMENT TO STRENGTHEN THE FIGHT AGAINST BIGOTRY AND INTOLERANCE

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. JACKSON LEE of Texas. Madam Speaker, I stand before you today in support of H. Res. 1044 "Commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance."

I would like to begin by thanking my colleague Representative ILEANA ROS-LEHTINEN for introducing this resolution in the House, as it is important that we never forget the horrible atrocities of the Holocaust and that we continue to fight against acts of genocide around the world as well as fight against bigotry and intolerance here at home in the U.S.

The Auschwitz concentration camp in present-day Poland was one of the most horrific Nazi extermination camps during World War II. The camp was initially established by the Nazis in 1940 as an army barracks but soon took on a new role as the Nazis began targeting specific groups of people including Jews, ethnic Poles, Romani, Soviet civilians, Soviet prisoners of war, people with disabilities, homosexuals, Jehovah's Witnesses, and other political and religious groups.

Between 1940 and 1945 Auschwitz grew into the largest of the Nazi concentration camps in Europe, and consisted of three main camps in addition to 45 other satellite camps around the area.

During the Holocaust, more than 6 million Jews and other targeted groups were exterminated by the Nazis, and over 1 million of those killed in the Holocaust were murdered at Auschwitz.

As prisoners were taken into Auschwitz, they would pass through an infamous gate that read "Arbeit macht frei" or "Work makes free." This statement could not have been further from the truth however. The victims of Auschwitz were systematically exterminated in gas chambers while others were starved to death, tortured, and subjected to forced labor and horrific medical experiments.

On January 27, 1945, Soviet troops entered the Auschwitz concentration camp and liberated over 7,000 prisoners from the Nazis. Prior to the arrival of the allied Soviet troops however, many of the Nazis who were responsible for the horrible acts at Auschwitz escaped back into Germany, killing as many prisoners as they could in their escape.

Today we honor the victims of the Holocaust who were oppressed and killed by the Nazis at Auschwitz as well as those who were killed at the hands of the Nazis during World

War II. Today we also stand with the other victims of genocide across the world and condemn the violent dictators and regimes that carry out these horrible and despicable actions.

I would also like to express my appreciation for the soldiers, sailors and airmen who fought against the Nazi tyranny during the Second World War and helped to liberate millions of prisoners from concentration camps across Europe. Because of the actions of these brave men and women, Europe is now a free and democratic society and the world is a much better place.

It is important that we never forget the horrible actions that took place during the Holocaust. Furthermore, I would also like to urge countries and leaders across the world to reassess their efforts in fighting racism, intolerance and anti-Semitism.

Through providing education and instruction to adults and children alike, we can help to ensure that what happened in Auschwitz and other Nazi concentration and extermination camps is never allowed to happen again.

I ask my colleagues for their support of this legislation as well as their support for victims of genocide across the world. I strongly urge you to support this resolution.

#### HONORING THE GLEN CARBON CENTENNIAL LIBRARY

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the Glen Carbon Centennial Library in Glen Carbon, Illinois, as it is recognized as the "Best Small Library in America."

The library's motto, "More than you expect," is more than just a saying for the 15 librarians serving the community of Glen Carbon. For them, it is a commitment to stop at nothing to ensure that library patrons get the service they need. As a testament to the community's appreciation of the Centennial Library staff's dedication, the number of visitors to the library has increased 33 percent since 2007.

Because of this dedication to service, Library Journal named Glen Carbon Centennial Library its "Best Small Library in America." The library staff has taken innovative approaches to addressing the needs of their patrons. One example is the "No to Yes log," where the staff logs requests to which they had to say "No." Then, at staff meetings they determine how to turn a "No" into a "Yes" so that they can better serve the community. In the words of one of the "Best Small Library in America" judges, "Glen Carbon seems to be doing everything right."

It is because of their hard work and dedication, that the Glen Carbon Centennial Library earned this honor. I would like to congratulate director Anne Hughes, the management team, librarians and volunteers who have made the library into the award-winning institution that it is today and wish them continued success in the future.

#### EARMARK DECLARATION

#### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: FLIR Systems, Inc./Scientific Materials Corporation of 31948 East Frontage Road, Bozeman, MT 59715.

Description: \$4,000,000 in funding will be used to develop SOF Visual Augmentation System Hand Held Imager/Long Range, a thermal camera that allows special operations forces to conduct critical reconnaissance, surveillance, detection and recognition at safe and maximum ranges from positions of relative safety.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: Blackfeet Nation of P.O. Box 850, Browning, Montana 59417

Description: \$3,200,000 in funding will be used to develop adaptive, lightweight materials associated with enhanced fabrication, production and manufacturing technologies that can respond to meet the unique needs for lighter weight and stronger components for its missiles, ground, air and space platforms and sensors.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: MSE Technology Applications, Inc. of 200 Technology Way, Butte, MT 59701

Description: \$6,408,000 in funding will be used to develop a mobile cryoplasma demilitarization system that will freeze, crush and destroy obsolete and hazardous munitions in a safe, cost-effective, and environmentally acceptable process.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: Federal Technology Group of 203 S. Enterprise Boulevard, Suite 4, Bozeman, MT 59718-6062

Description: \$2,400,000 in funding will be used to produce a superior thermal interface adhesive to enhance heat removal from LEDs.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: UTRS, Inc. of 116 South Parkmont, Butte, MT 59701

Description: \$4,800,000 in funding will be used to support Titanium Extraction, Mining and Process Engineering Research (TEMPER) and the development of lightweight weapons at an affordable cost for the Army, enhancing lethality and performance while dramatically reducing life cycle cost.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: International Heart Institute Foundation at St. Patrick Hospital of 500 Broadway, Missoula, MT 59802.

Description: \$1,600,000 in funding will be used to develop a readily-available, sterile,

freeze-dried vascular graft made from animal tissue for the management of traumatic vascular injuries.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: National Center for Health Care Informatics of 1300 West Park, Butte, MT 59701

Description: \$1,600,000 in funding will be used to develop "next generation" simulation training for the USAF Pararescuemen (PJs) which would realistically depict environments and challenges.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: Montana State University-Bozeman of 207 Montana Hall, Bozeman, MT 59717.

Description: \$1,600,000 in funding will be used to transition new technology to the U.S. warfighter in order to help save lives and improve effectiveness.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: Bridger Photonics Inc. of 2310 University Way Bldg. 4-4.

Description: \$800,000 in funding will be used to develop advanced helicopter landing aid—an advanced 3D active imaging sensor that can provide rapid and accurate imagery to a helicopter pilot operating in brownouts.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: American Chemet of 701 N Last Chance Gulch, Helena, Montana 59601.

Description: \$800,000 in funding will be used to give the military anti-fouling tools for paint in fresh water areas.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: Montana Tech of The University of Montana/Center for Advanced Mineral and Metallurgical Processing (CAMP) of 1300 West Park Street, Butte, MT 59701.

Description: \$3,200,000 in funding will be used to support research, development, and construction of a reliable, durable, low acoustic, and low thermal signature battlefield power source.

Requesting Member: Rep. DENNY REHBERG  
Bill Number: H.R. 3326

Name and Address: Western Computer Services, Inc. (WESCO) of 631 N. Last Chance Gulch, Helena, MT 59601.

Description: \$2,400,000 in funding will be used to ensure a continued focus on the integration needs of Marine Expeditionary Rifle Squad (MERS), as the mission of the squad expands and the mode and means of transport change to meet the threat and the environment.

#### RECOGNIZING THE CONTRIBUTIONS OF OUR DAILY BREAD

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Our Daily Bread, and to congratulate them on their 25 years of service to the community.

Our Daily Bread is a volunteer-based organization dedicated to providing critical services to families and individuals suffering from financial hardship. Through robust community support from local faith-based groups, community organizations, local businesses, schools and universities, Our Daily Bread has grown to provide food, financial literacy education and assistance, school supplies, and holiday cheer to thousands of people in our area.

Our Daily Bread's mission is to identify and address the unmet fundamental needs of Fairfax area residents, and to empower the community to help our neighbors maintain self-sufficiency. This mission of sustainability and self-sufficiency evolved from humble beginnings. Our Daily Bread was founded in 1984 as a temporary homeless shelter that rotated among several area churches. When Fairfax County opened a county-run shelter in the Reston area, Our Daily Bread refocused its energies on feeding the homeless and opened a soup kitchen to serve those most in need. Recognizing the difficulties faced by those patrons unable to benefit from this service, Our Daily Bread again reinvented itself first by delivering sandwiches made by volunteers and later to delivering supplemental groceries directly to homeless families who were living in motels along Route 50 in Fairfax.

Our Daily Bread has a history of being dynamic in the face of changing demographics. Beginning in the 1990's and largely fueled by the high cost of rental housing, a new urgent need emerged. Families who were not homeless, families in which one or both parents were often juggling multiple jobs, were finding themselves unable to meet their basic needs and were just one crisis away from homelessness. Our Daily Bread rose to meet this challenge and began a program offering emergency financial assistance in the form of a modest one-time grant of up to \$350.00. More recently, Our Daily Bread expanded their services to provide financial mentoring, a back to school program and holiday meals and gifts. It is a testament to talent and commitment of the volunteers, staff, and supporters who make Our Daily Bread what it is today; an organization with the foresight and readiness to take on new problems, while continuing to deliver on core initiatives.

Today, Our Daily Bread provides critical services to the elderly, the working poor, the disabled and the homeless in the Fairfax area. In 2009, Our Daily Bread provided food assistance to 345 families, a 73% increase from the previous year. In addition, 279 families benefited from financial assistance and over 100 families took part in financial literacy training and mentoring. Nearly 3,800 families were served by the holiday program, and 350 children received supplies for school. Over half of those assisted by our Daily Bread's program were children.

Madam Speaker, I ask that my colleagues join me in paying tribute to Our Daily Bread for their commitment to the community. I would also to express my sincere gratitude to the volunteers and staff who contribute their time and energy and also to the Fairfax area business community for the support they provide to this worthwhile cause.

HONORING THE ACCOMPLISHMENTS OF FLORIDA STATE REPRESENTATIVE GERALDINE F. THOMPSON

### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to recognize the community activism of Florida House Representative Geraldine Thompson. State Representative Thompson grew up in the South Dade town of Perrine, Florida. She attended Miami Dade Community College and received a John F. Kennedy/Martin Luther King, Jr., Scholarship to attend the University of Miami in Coral Gables, Florida, where she enrolled shortly after that school ended racial segregation. In 1970, she received a bachelor's degree with honors in journalism and business education. She moved with her husband, Emerson, to Tallahassee where he attended law school and she worked in State government and higher education. Her first position in Tallahassee was as executive secretary to Representative Gwendolyn Sawyer Cherry, the first African-American woman to serve in the Florida House of Representatives. After working for several years, she sought a master of science degree in communication from Florida State University, which she received in 1973. She then joined her husband in Orlando and immediately became active in the central Florida community.

She began work in Orlando as a teacher in the Orange County Public School System. After 6 years, she left the classroom to accept a position as director of the Equal Opportunity Office at Valencia Community College where she served for 24 years as assistant to the president. Among her many accomplishments at Valencia Community College, she initiated the establishment of the "College Reach Out Program" which enabled thousands of low income and disadvantaged students to fulfill their dream of going to college. She also served on the boards of the Orange County Community Action Advisory, the Metropolitan Orlando Urban League, WMFE Public Broadcasting Station, the YMCA, the Mayor's Martin Luther King, Jr., Holiday Commission, the Holocaust Memorial and Resource Center, and the West Orange Healthcare District. In 1987, she was appointed by Governor Bob Graham to the Florida Commission on Human Relations. She received confirmation from the Florida Senate and remained on the Commission during the terms of Governor Lawton Chiles, where she was elected by her fellow commissioners to serve as chair.

Also considered a local historian, her passion for history led her to conducting research and compiling documents which resulted in authoring a book entitled, "Black America Series: Orlando, Florida," in 2003. She is also credited with preserving one of Orlando's unique landmarks, The Wells' Built Hotel, which housed some of America's most prominent citizens, including Justice Thurgood Marshall, Ray Charles, Ella Fitzgerald, Jackie Robinson and many more. She helped to secure funds to convert the hotel into a museum

which is known today as The Wells' Built Museum of African American History.

In November of 2006, she was elected by the constituents of District 39 in Orlando to serve as the first African-American female to represent Orange County in the Florida House of Representatives. During her tenure in the House she has filed legislation to outlaw the mutilation of young women, increase penalties for hate crime perpetrators, provide \$1.8 million in trust fund monies for a student who was injured in a local public school, and increase access to healthcare for women diagnosed with breast cancer. On November 18, 2008, she was unanimously selected by her legislative colleagues to serve as the Democratic Leader Pro Tempore, the second highest ranking Democrat in the Florida House of Representatives.

Madam Speaker, as Black History Month comes to a close, it is with great honor that I highlight my friend and fellow champion for human and civil rights Geraldine "Geri" Thompson. State Representative Thompson has been a crucial advocate for women's rights and the African-American community. She is a true role model and example of what a public servant should be. Her numerous contributions will leave a lasting legacy in our central Florida community, in the state of Florida, and for her family. I know her husband, the Honorable Emerson R. Thompson, Jr., and her three children, Laurise, Emerson III, and Elizabeth, and her four grandchildren are proud of what she has accomplished. We all benefit from her service and dedication.

ON THE OCCASION OF THE 78TH BIRTHDAY OF SENATOR EDWARD M. KENNEDY

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. ESHOO. Madam Speaker, I offer these few words in observation and in celebration of the birthday of a man who remains very much with us as we go about the people's business—Senator Ted Kennedy.

No one fought harder for the causes in which he believed, but he also believed in working across the aisle and in reaching out to find common ground.

No one believed more deeply in providing universal health care to all Americans and I know that if he were still in the United States Senate, he would have been working overtime to help us find a way to make health care a reality for everyone.

Those of us who are blessed to have known him and to be wrapped in his special embrace of friendship miss him deeply.

But we can feel him at our shoulder, urging us on, helping us find joy in battle, satisfaction in doing our best, and taking inspiration from the people who need us most and who cannot speak for themselves. And we can still be touched by his example, his belief in a common respect that each of us is here to do our best to make our nation better.

On this day when Senator Kennedy would be 78, let us give ourselves a gift—let us be

worthy of his unfailing optimism—let us work together a little harder, get along a little better, and spend the few precious moments we are allotted bringing all Americans freedom to live a healthy life.

Happy birthday, my friend, and God bless you.

HONORING ANN LAM WONG AND SHARON DRAVVORN, RECIPIENTS OF THE MILKEN NATIONAL EDUCATOR AWARDS

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Ann Lam Wong and Sharon Dravvorn, recipients of 2009 Milken Family Foundation National Educator Awards. The Milken Foundation honors teachers, principals, and specialists throughout America with \$25,000 individual awards. Criteria for individual awards include exceptional education talent based on student results in the classroom, educational accomplishments outside of the classroom, and professional leadership. All of the recipients of the awards will attend the Milken Educator Forum in Los Angeles, Calif., in May.

Ann Lam Wong is a biology teacher at West Springfield High School in Springfield, VA. She teaches several sections of biology, and 100 percent of her students passed the Virginia Standards of Learning tests in biology with 68 percent passing at an advanced level. Wong also teaches AP biology, where 75 percent of her students passed the AP examination with a score of 3 or higher.

In addition to teaching biology, Wong mentors students who are having a hard time transitioning to high school. She started an AP summer academy, which increased AP enrollment requests at West Springfield High School by 27 percent. Wong also is the advisor for her students' Asian American Student Association.

Sharon Dravvorn teaches 9th and 10th grade mathematics at Woodbridge High School in Woodbridge, VA. Dravvorn incorporates a broad range of tools in her classroom, including the use of classical music, logic games, and visual aids. She focuses on teaching students that failed their 8th grade Standards of Learning exams. Ninety-five percent of those students who have received additional instruction from Dravvorn went on to pass their exams.

Along with teaching mathematics, Dravvorn is a role model for other teachers in the area. She mentors fellow teachers, leads a book club for teachers, and teaches training courses for her peers.

Madam Speaker, I ask my colleagues to join me in honoring Ann Lam Wong and Sharon Dravvorn as examples of outstanding educators through their exceptional work in and outside of the classroom. They are role models for both their students and other teachers.

170TH ANNIVERSARY OF THE AVENUE L MISSIONARY BAPTIST CHURCH IN GALVESTON, TEXAS

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. PAUL. Madam Speaker, February 28th marks the 170th anniversary of the Avenue L Missionary Baptist Church in Galveston, Texas. The Avenue L Missionary Baptist Church will commemorate this anniversary with a series of events through this month, including a grand parade and old fashioned picnic on February 20th.

One of the oldest black churches in Texas, Avenue L Baptist is the mother church of African-American worship in the entire state of Texas. Texas Avenue L Baptist began as the Colored Baptist Church, a congregation organized by Reverend James Hutchinson to serve Galveston's slave population. In 1855, First Baptist trustees Gail Borden, Jr., John S. Sydnor, and Reverend Huckins purchased land from the Galveston City Company for use by the congregation of Colored Baptist's successor, the African Baptist Church. After the Civil War, the property was formally deeded to the African Baptist Church, who where reorganized under Reverend Israel S. Campbell as the First Regular Missionary Baptist Church in 1867. The church adopted the name Avenue L Missionary Baptist in 1903.

In 1916, construction of the present brick church building commenced. Many fund-raising activities where undertaken by the people of Galveston to raise the funds for the church. The new structure included art glass windowpanes, a furnace to supply steam heat, and a baptizing pool. A pipe organ was installed in 1921. Reverend H.M. Williams spoke for all of his congregants when he said "Our Church is a most beautiful one." Today, almost ninety years later, Avenue L Missionary Baptist remains a most beautiful church.

In 1973 work began on renovations, including the additions of air-conditioning, and central heating. In 1977, the Church's stained glass windows where refurbished and covered with a protective shield. Reverend R.E. McKeen, who served as pastor of Avenue L Missionary Baptist, during the renovation also began broadcasting sermons on local radio.

Among the prominent pastors who have served at Avenue L Missionary Baptist Church are Reverend H.M. Williams, who served as moderator of the Lincoln District Baptist Association and led the rebuilding of the church after the hurricane of 1900 and the Reverend G.L. Price who served as President of the National Baptist Convention of American and the Mary Allen College. Reverend Andrew Walker Berry, who served as Pastor from 1985 to 1990 was a noted composer and prolific writer of prospectuses and pamphlets. Reverend Berry also has over 100 gospel songs published through his company "Musico."

The Avenue L Missionary Baptists Church remains a pillar of the Galveston Community. Every Sunday hundreds gather in the church for services. In addition, Avenue L Missionary serves the Galveston community with a variety of missionaries including the Young Adult

Christian League, the Logos Bible Class, Midweek prayer and Bible study, the General Mission, Jr. Melodic Messengers, and the Young Adult Ushers. I am pleased to congratulate the Avenue L Missionary Baptist on its 140th anniversary, and wish for its continued success in serving the people of Galveston.

HONORING THE LUNAR NEW YEAR—THE YEAR OF THE TIGER

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. DAVIS of Illinois. Madam Speaker, I rise today to join with the millions of Asian-Americans who are celebrating the Lunar New Year and welcoming year 4708, the Year of the Tiger. The origin of Lunar New Year is centuries old and is the most important celebration in the Lunar Calendar. It is also recognized as the Spring Festival. The celebrations traditionally last for 15 days and provide an opportunity to give thanks for one's blessings, celebrate family, resolve arguments, and prepare the community to embark on a new year with hope and charity.

In Chicago, the Lunar New Year was celebrated on February 14, 2010 with the 27th annual Chinese Lunar New Year celebration in Chicago's Chinatown, which I am proud to say resides in my Congressional District. Approximately 40,000 Chicagoans enjoy a Chinese heritage. Restaurants celebrated the holiday by serving special dishes, and thousands of people attend multiple events to commemorate and cherish the traditions of the New Year.

Every year, thousands of Asian-Americans will gather with their families and friends to enjoy the New Year festivities and the company of loved ones. The New Year offers a time for sweeping away misfortune and welcoming the New Year with hopes of prosperity and good luck. We should all take advantage of the opportunity to explore and share in this treasured tradition with family and friends. Embracing this tradition honors the richness of our diversity as Americans.

I congratulate the Asian-American community for their successes and thank them for their contributions to our country this past year. And I wish you all a very happy, healthy, and prosperous New Year. I wish all a Gong Hay Fat Choy.

RECOGNIZING THE 2010 CHINESE LUNAR NEW YEAR CELEBRATION SPONSORED BY THE ASIAN COMMUNITY SERVICE CENTER IN VIRGINIA

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the celebration of Chinese New Year. This year marks the 4,708th year in the Chinese Lunar calendar.



In Virginia's 11th District, constituents of different backgrounds—including Chinese, Indonesian, Indian, Japanese, Korean, Filipino, and Malaysian—gathered on February 13th and 14th to ring in the New Year.

The celebration that many of my constituents attended was sponsored by the Asian Community Service Center and hosted by Luther Jackson Middle School in Falls Church, Virginia. This celebration was a testament to the rich cultural traditions that are often practiced by the residents of Northern Virginia.

To my constituents and all those who celebrate Chinese New Year, I wish you a prosperous Year of the Tiger.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,402,054,835,588.68.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,763,629,089,294.88 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### PERSONAL EXPLANATION

##### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. MILLER of Florida. Madam Speaker, I missed rollcall vote Nos. 17–19 on January 26, 2010. Had I been present, I would have voted:

Rollcall vote No. 17, Expressing support for designation of January 2010 as “National Mentoring Month”, “aye.”

Rollcall vote No. 18, Recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month, “aye.”

Rollcall vote No. 19, Expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week, “aye.”

RECOGNIZING THE 2010 CHINESE LUNAR NEW YEAR CELEBRATION SPONSORED BY THE HAI HUA COMMUNITY CENTER IN VIRGINIA

##### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the celebration of

Chinese New Year. This year marks the 4,708th year in the Chinese Lunar calendar.

In Virginia's 11th District, constituents of different backgrounds—including Chinese, Indonesian, Indian, Japanese, Korean, Filipino, and Malaysian—gathered on February 13th and 14th to ring in the New Year.

The celebration that many of my constituents attended was presented by the Fair Oaks Mall and sponsored by the Hai Hua Community Center in Virginia. This celebration was a testament to the rich cultural traditions that are often practiced by the residents of Northern Virginia.

This year, the Lunar New Year celebration also included a Lantern Festival celebration. The festivities consisted of cultural performances, demonstrations, and arts and crafts activities. To my constituents and all those who celebrated Chinese New Year, I wish you a prosperous Year of the Tiger.

#### THE PUBLIC TRANSPORTATION SAFETY PROGRAM ACT OF 2010

##### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. OBERSTAR. Madam Speaker, together with Highways and Transit Subcommittee Chairman PETER A. DEFazio and the gentlewoman from Maryland (Ms. EDWARDS), I rise today to introduce the “Public Transportation Safety Program Act of 2010”, by request of Secretary of Transportation Raymond H. LaHood. I commend the Department of Transportation (DOT) for focusing its first legislative proposal on improving transit safety, and I am pleased to work together with Secretary LaHood and Federal Transit Administrator Peter M. Rogoff on this important initiative.

Currently, public transportation remains one of the safest modes of passenger travel. In recent years, the fatality rate for rail transit systems—such as subways and light rail—has decreased to just .002 fatalities per 100 million passenger miles. This is one of the lowest fatality rates of all surface transportation modes. At the same time, Americans are riding transit at record levels. The growth in transit ridership is almost triple the growth rate of the population, and substantially more than the growth rate for vehicle miles traveled on our nation's highways. This public transportation renaissance taking place in cities large and small across America further elevates the importance of transit safety, while also spotlighting an issue that is inextricably linked to safety—the state of good repair of public transit systems.

Unfortunately, the state of good repair of many transit systems has not kept up with the influx of new riders. Maintenance levels at many public transit agencies have decreased to a point where older, less safe rail cars, tracks, electrical equipment, and other assets are left in service long after their useful life. According to the Federal Transit Administration (FTA), more than one-third of the total assets of the largest rail systems in the country are in either marginal or poor condition, and the estimated maintenance backlog for the na-

tion's rail transit systems exceeds \$80 billion. According to DOT's 2008 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance, an average of \$21.1 billion in annual capital investment is needed to bring all transit assets to a good condition by 2026. This level of investment represents an annual increase of \$8.3 billion—an increase of 64.8 percent—above current capital investment levels.

In addition to addressing this maintenance backlog, the Federal Transit Administration should strengthen its role in rail transit safety oversight. Currently, there are no nationwide mandatory minimum standards for rail transit safety. Unlike the Federal Aviation Administration and the Federal Railroad Administration, the Federal Transit Administration does not have the authority to directly regulate public transit systems. Instead, FTA oversees a State Safety Oversight (SSO) program which puts the safety oversight and enforcement responsibility for rail transit systems on States rather than the Federal Government. However, the legal authorities of the various state oversight agencies are limited and vary widely from State to State. According to a Government Accountability Office (GAO) report in 2006, some States employ as few as 0.1 or 0.2 full-time equivalent positions dedicated to the safety of rail transit systems they are required to oversee. GAO also found that many SSOs lack sufficient financial resources and independence from the transit systems under their purview. The relationship between the Federal Government and States is a partnership, and a culture of safety must permeate this relationship, including at the Federal level. As in all partnerships, when one partner does not do his or her job well, the other must step in to help achieve their shared goals.

I commend the Obama administration for acknowledging the shortfalls of the current state-based safety system and I believe that the Department's proposal represents much needed improvements. It will assure that each State has an adequate number of fully-trained staff, that it has sufficient authority granted by the state legislature and governor, that it can compel compliance by the transit agencies, and that the state oversight entity has financial independence from the transit systems it oversees. I think those are reasonable propositions. Safety is our number one responsibility in transportation.

I would also like to applaud Secretary Ray LaHood for his leadership on this critical safety issue, and for directing DOT to take intermodal initiatives to enhance transit safety. This is a nonpartisan issue—protecting human life from injury or death. I appreciate the Secretary's decision to create a new, internal safety council designed to enhance the culture of safety at the Department. At a very basic level, we need to ensure that passengers feel completely safe as they board rail transit systems, as ensuring safety is a key component of creating livable communities, which is a goal that both Secretary LaHood and I share.

I look forward to working with the Department of Transportation on this proposal during consideration of the comprehensive, long-term surface transportation authorization bill. Improving transportation safety across all modes is a core principle of the “Surface Transportation Authorization Act”, and I look forward to

working with the Administration to further strengthen its transit safety provisions.

HONORING DR. RUTH SIMMONS

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize Dr. Ruth Simmons who is President of Brown University and is the first African American to head an Ivy League institution.

Dr. Simmons began her life as the youngest of 12 children to a sharecropper in Grapeland, Texas. She spent her formative years in segregated Houston, and went on to complete a bachelor's degree on a scholarship from Dillard University in New Orleans. She completed her education with a master's degree and a doctorate in Romance literature from Harvard University.

Today, Dr. Simmons is regarded as one of the most notable people in academia and academic administration. Through the years, she has served as Dean at Princeton University and President of Smith College where she was responsible for starting the institution's engineering program. In 2001, she became President of Brown University, and there she has completed a \$1.4 billion initiative to enhance Brown's academic program entitled Boldly Brown: The Campaign for Academic Enrichment.

Dr. Simmons recently visited Dallas where the city's Brown University Club hosted her at a reception. Additionally, she attended a luncheon at St. Phillips School and Community Center, an institution dedicated to enhancing the lives of children and families with low and moderate income. We were very privileged to have Dr. Simmons visit our city, and I know that her personality and character will be an inspiration to the countless people that were privileged to meet her.

Madam Speaker, I encourage my fellow colleagues to join me in recognizing and honoring Dr. Ruth Simmons for her countless achievements and dedication to higher education. Additionally, I would like to personally thank her for visiting Dallas and inspiring people across our community to achieve their goals.

SHAKEN BABY SYNDROME  
VICTIMS

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mrs. LOWEY. Madam Speaker, I would like to insert the following list of Shaken Baby Syndrome victims:

Cynthia Gibbs from New York,  
Tanner Jurisch from South Dakota,  
Cheyanne Huffines from Georgia,  
Macie McCarty from Minnesota,  
Jake Belisle from Maine,  
Benjamin Zentz from Michigan,  
Chole Salazar from New Mexico,

Madison Musser from Oklahoma,  
Daniel Carbajal from Texas,  
Nykkole Becker from Minnesota,  
Gianna D'Alessio from Rhode Island,  
Brynn Ackley from Washington,  
Rachael Kang from Texas,  
John Sprague from Maryland,  
Ryan Sanders from Virginia,  
Reagan Johnson from Virginia,  
Brittney Sheets from New York,  
Dalton Fish from Indiana,  
Nicolette Klinker from Colorado,  
Brianna Moore from West Virginia,  
Shania Maria from Massachusetts,  
Dayton Jones from Pennsylvania,  
Breanna Sherer from California,  
Evelyn Biondo from New York,  
Kenneth Hardy from Pennsylvania,  
Alexis Vazquez from Florida,  
Joshua True from Washington,  
Stephen David from California,  
Michael Blair from Arkansas,  
Olivia Thomas from Ohio,  
Kaleb Schwade from Florida,  
Aiden Jenkins from Pennsylvania,  
Isabella Clark from Pennsylvania,  
Aaron Cherry from Texas,  
Skipper Lithco from New York,  
Madilyne Wentz from Missouri,  
Chelsea Forant from Massachusetts,  
David Sedlet from California,  
Joshua Cross from Ohio,  
Taylor Rogers from Illinois,  
Kaden Isings from Washington,  
Hannah Juceam from California,  
Sarah Donohue from New York,  
Gavin Calloway from Maryland,  
Kierra Harrison from Nevada,  
Christopher Daughtrey from North Carolina,  
Miranda Raymond from Pennsylvania,  
Dominic Morelock from Ohio,  
Emmy Cole from Maine,  
McKynzee Goin from Oregon,  
Bryce McCormick from Florida,  
Dawson Rath from Pennsylvania,  
Joseph Wells from Texas,  
Stephen Siegfried from Texas,  
Margaret Dittman from Texas,  
Jamison Carmichael from Florida,  
Bennett Sandwell from Missouri,  
Amber Stone from New York,  
Cassandra Castens from Arizona,  
Gabriela Poole from Florida.

On behalf of these victims and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

HONORING MOLLY SABOLSKY, RECIPIENT OF THE HARRY F. BYRD, JR. LEADERSHIP AWARD

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Molly Sabolsky, a senior from W.T. Woodson High School in Fairfax, VA, for receiving a 2010 Harry F. Byrd Jr. Leadership Award. Senator Byrd developed the award to recognize and reward students that are strong academically and demonstrate leadership qualities. A \$10,000 scholarship is awarded to one student from each congressional district in Virginia.

Each high school in Virginia is able to nominate one student to compete for the award.

Students are nominated based upon their excellence in academics, leadership, good citizenship, and character. Molly Sabolsky embodies the reward through her academic achievement in the classroom and her leadership on the volleyball team.

Madam Speaker, I ask that my colleagues join me in honoring Molly Sabolsky for being recognized by the Harry F. Byrd, Jr. Leadership for her academic success and leadership qualities.

HOUSTON LEADS NATION IN  
ENERGY STAR QUALIFIED HOMES

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. POE of Texas. Madam Speaker, recently our Environmental Protection Agency announced a major milestone in saving electricity and avoiding greenhouse gases. One million Energy Star qualified homes have been built since the start of the program in 1992. \$1.2 billion has been saved on energy bills and we have been able to reduce our greenhouse gas emissions by 22 billion pounds. In 2009, Americans have saved more than \$270 million on utility bills.

I am proud to say that Houston, a portion of the second district of Texas, leads the nation, with 144,000 Energy Star qualified homes since 1995. Altogether, Texas cities hold 4 spots in the top 20 geographical areas.

Thousands of Texans are saving millions of dollars by being aware of their energy consumption, making smart energy choices, and getting the most bang for their energy buck. The guidelines to getting a house Energy Star labeled are strict, but using common sense when trying to save energy can prevent greenhouse gases. Homes must have effective insulation systems, high-performance windows, tight construction and ductwork, efficient heating and cooling, and high-efficiency lighting. Houston has the most of these homes, in a state where one-third of all electricity is used for air conditioning. That is almost three times the national average.

Studies have shown that if Texas embraces conservation and comprehensive sets of energy technology, our state could avoid building any new electric generating plants for at least 15 years. Right now in 2009, Texans have the highest average spending on residential electricity in the South. That is changing, and rapidly.

The Energy Star program has paved the way for a new, energy efficient America. Houston, Texas is at the helm and our nation's advances in efficiency and awareness show no signs of slowing.

And that's just the way it is.

TRIBUTE TO GERALD WAYNE  
SMITH

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. KILDEE. Madam Speaker, I rise today and ask the House of Representatives to join me in congratulating Gerald Wayne Smith as he is awarded the rank of Eagle Scout by the Boy Scouts of America. At the age of 71, Gerald is one of the oldest individuals in our country to receive this distinction.

Over the years the Tall Pine Council of the Boy Scouts of America has worked to provide the Scouting opportunity for every youngster. The focus of their program is to accommodate all abilities. The Council holds a "Handicapable Camporee" on a regular basis to allow all scouts regardless of their abilities to learn how to function in an outdoors setting. The Tall Pine Council ranks near the top of Boy Scout Councils across the Nation that have awarded the Eagle Scout rank to youngsters with disabilities.

Gerald Wayne Smith is a charter member of Boy Scout Troop 117, a Tall Pine Council Boy Scout Troop founded on October 16, 1961 as a troop devoted to Scouts with differing abilities. He has served as Junior Assistant Scoutmaster since 1974, and was promoted to Life Scout in 1989.

Gerald was elected to the Order of the Arrow, an honor given to those Scouts that best exemplify the Scout Oath and Law in their daily lives. He completed his Ordeal requirements in 1985, the Brotherhood requirements in 1986 and completed the Vigil level requirements in 1998. The Order of the Arrow is considered to be scouting's national service organization and Gerald is recognized as an honored camper. The purpose of the Order is to promote the Scout habit of helpfulness into a life purpose of cheerful service to others.

After overseeing a landscaping and canopy renovation project at Asbury United Methodist Church in Flint, Michigan, Gerald fulfilled the requirements to receive the Eagle Scout Award. Only about five percent of Boy Scouts earn the rank of Eagle Scout and it is the highest level a Boy Scout can achieve. He is the ninth Scout in Troop 117 to achieve the rank of Eagle Scout.

Madam Speaker, Gerald Wayne Smith has exhibited leadership, service, and outdoor skills, throughout his Boy Scout career. These are the three essential elements to earning the Eagle Scout Award and he is to be commended for his commitment to Scouting and his perseverance in achieving his goal. I ask the House of Representatives to join me in applauding this tremendous achievement and congratulating him for his accomplishment.

EARMARK DECLARATION

**HON. ANDER CRENSHAW**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: RDTE, A

Legal Name of Receiving Entity: Florida State University (FSU)

Address of Receiving Entity: 109 Westcott Building Tallahassee, FL 32306

Description of Request: I have secured \$3,200,000 in funding in H.R. 3326 in the RDTE, A Account for the Nanotubes Optimized for Lightweight Exceptional Strength (NOLES) Composite Materials.

It is my understanding that the funding would be used to develop effective personnel protection and a lighter, stronger fleet of fighting vehicles through diminutive nanotubes.

This is a valuable use of taxpayer funds because the U.S. Army's objective of developing effective personnel protection and a lighter, stronger fleet of fighting vehicles may be achieved through the diminutive nanotubes that (1) are the strongest fiber known, (2) have a thermal conductivity two times higher than pure diamond, and (3) have unique electrical conductivity properties and an ultrahigh current carrying capacity.

There are no matching funds required for this project.

IN MEMORY OF MARY  
RUTHSDOTTER

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor my dear friend, Mary Ruthsdotter, who passed away January 8, 2010, at the age of 65. Mary was a sparkling personality and a community leader, friend to many, devoted family woman, and a prominent activist for women's issues. As one of four women who founded the National Women's History Project, NWHP, in 1980 in Santa Rosa, California, she profoundly influenced the Nation's understanding of women's roles in our lives.

Born in Iowa in 1944 to a military family, Mary traveled widely while growing up. She attended UCLA and, while living in Los Angeles, married Dave Crawford. The couple moved to Sonoma County in 1977. Later, as the spirit of feminism informed her life, Mary changed her last name from Crawford to Ruthsdotter in honor of her mother Ruth.

With a strong mother and grandmother as role models, Mary was always a feminist. The move to Sonoma County turned her into an activist. She learned about women's history from Molly MacGregor, Bette Morgan, and Paula Hammett, future co-founders with her of the NWHP. She also heeded the call from the Sonoma County Commission on the Status of Women for volunteers and eventually became its Chair.

The founding of the NWHP, a national clearinghouse and curriculum development center, was the realization of a dream to promote and celebrate the diverse accomplishments of women. As Mary explained it, "Not knowing

women's history and trying to understand the world is like not knowing odd numbers and trying to figure out math."

She served as a researcher and writer and traveled around the country making presentations, training teachers, and lobbying for the inclusion of women's accomplishments in the nation's history. She established a nationwide network to provide resource materials to schools; co-produced a video series, *Women in American Life*, as well as the first video documenting the role of Latino women, *Adelante, Mujeres*; and coordinated reviews for thousands of books on women in history submitted by publishers across the Nation. She donated these selections to Sonoma State University.

Thanks to the NWHP, March is now recognized as National Women's History Month. Mary, of course, was on the front lines spearheading the movement for National Women's History Week which became the full month of recognition in 1987. That is one reason I nominated her for the Women's History Month 2007 list of prominent women, a fitting tribute. She received the award at a ceremony in the Capitol Rotunda in Washington, DC.

Mary's community involvement included a stint as a field representative for former State Assemblymember Patricia Wiggins. Ten years ago, she and Dave were leaders in organizing a co-housing community, the Two Acre Wood, in Sebastopol, California, where they lived with people from varied backgrounds, ages, and perspectives. Mary enjoyed this extended family and working in the garden on the property.

A portrayal Alice wrote of her mother a few years ago truly sums up Mary's remarkable personality. While visiting at Alice's home in Australia, Mary was entranced by the description of a woman as a "truly remarkable rare bird." This phrase fits Mary well, Alice says, because "there is so much about my mother that is remarkable and rare. In my mind, the mixture of exuberance and STICK TO-IT-iveness that she brings to her work in the garden has become a kind of shorthand for what I so admire in her approach to life. My mother is always cultivating something—in fact, she is constantly cultivating many things at once. With an abundance of creative energy, she starts more projects in a day than many of us do in a month, and—even more impressively—she has the patience and the persistence to see the majority of them through."

Alice describes how Mary brought the imaginative vision, inspiration, and verve of her gardening to everything she did, from the Women's History Project, to nurturing her relationship with Dave, throwing pots, cooking feasts, filling a neighborhood with trees, and "raising a happy and appreciative daughter who turned out to be a real, live feminist herself."

In addition to Dave and Alice, Mary is survived by her mother Ruth Moyer, son-in-law Geoff, and two grandchildren, Marcus and Ian.

Madam Speaker, Mary Ruthsdotter also looked forward to what women can accomplish. In her life she exemplified her own description of the path women's lives will take: "Holding prominent public offices and winning Olympic downhill ski medals may be new to women, but not because those possibilities had held no interest for them in the past. As

social conventions change and women are allowed to do even more with our lives, we will." Here's to Mary—a truly remarkable rare bird.

**HONORING NYASHA SPROW, RECIPIENT OF THE 15TH ANNUAL PRUDENTIAL SPIRIT OF COMMUNITY AWARDS**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Nyasha Sprow, 12, of Dale City, VA, for receiving a Prudential Spirit of Community Award, a nationwide program that honors youth for outstanding acts of volunteerism. The Prudential Spirit of the Community Award was created by Prudential Financial in partnership with the National Association of Secondary School Principals in order to impress upon our young people that their contributions are important and to inspire young people to become involved in their communities. As a recipient of the award, Nyasha will receive a \$1,000 award and an engraved silver medallion.

Nyasha was nominated by the Prince William Chapter of the American Red Cross in Manassas. She is a seventh grader at Herbert Saunders Middle School in Manassas and is an advocate for organ and tissue donation. Her two sisters were tragically killed, and her mother made the hard decision to donate their organs and tissues. Following this tragic event, Nyasha has made advocating organ donation her personal mission.

Nyasha is a spokesperson for the National Kidney Foundation, where she conducts presentations for elementary school children, distributes literature at health fairs and speaks with the media. She also helps with fundraising events sponsored by the National Kidney Foundation and the Washington Regional Transplant Center. In addition to her work with the National Kidney Foundation, she discussed the issue of organ donation as a contestant in the National American Miss pageant.

Madam Speaker, I ask that my colleagues join me in honoring Nyasha Sprow for her outstanding volunteerism. She should be applauded for her initiative in making her community a better place to live. She has demonstrated a level of commitment and accomplishment that is truly extraordinary for someone of her age, and she deserves our sincere admiration. Her actions demonstrate the impact the youth can play in our communities.

**CONGRATULATING NATIVE CENTRAL FLORIDIAN ZACK GREINKE ON BEING NAMED THE AMERICAN LEAGUE CY YOUNG AWARD WINNER FOR THE 2009 MAJOR LEAGUE BASEBALL SEASON**

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to congratulate Zack Greinke on being

named the American League Cy Young Award winner for the 2009 Major League Baseball season. Mr. Greinke has performed at the highest level in every division of baseball, from the Conway Little League All-Stars to the Kansas City Royals of Major League Baseball.

His passion and dedication to the sport of baseball is evident from his many achievements and recognitions throughout his baseball career. The Baseball Writers' Association of America lauded Zack Greinke's Major League-leading 2.16 earned run average. He won his first six starts with a 0.40 earned run average, the third best start in Major League Baseball history. Mr. Greinke did not give up a home run through the first 83⅓ innings he pitched, struck out 15 batters and threw a one-hitter in back-to-back outings in August 2009. Mr. Greinke won six games and lost only one, with a 1.75 earned run average during his final 11 starts, and pitched a perfect inning in the American League's 4–3 Major League Baseball All-Star Game victory.

Madam Speaker, I truly admire Mr. Greinke's accomplishments and recognize the hard work and dedication it took to achieve such a distinguished honor. I congratulate Mr. Greinke and his family on this exceptional award.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 23, 2010 may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED**

**FEBRUARY 24**

9 a.m.

**Budget**

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Transportation.

SD-608

9:30 a.m.

**Armed Services**

To hold hearings to examine contracting in a counterinsurgency, focusing on an examination of Blackwater-Paravant contract and the need for oversight.

SH-216

**Environment and Public Works  
Water and Wildlife Subcommittee**

To hold hearings to examine legislative approaches to protecting, preserving and restoring great water bodies.

SD-406

10 a.m.

**Energy and Natural Resources**

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Forest Service.

SD-366

**Finance**

To hold hearings to examine certain nominations.

SD-215

**Health, Education, Labor, and Pensions**

To hold hearings to examine a stronger workforce investment system for a stronger economy.

SD-430

**Homeland Security and Governmental Affairs**

To hold hearings to examine the proposed budget request for fiscal year 2011 for the Department of Homeland Security.

SD-342

10:30 a.m.

**Judiciary**

**Human Rights and the Law Subcommittee**  
To hold hearings to examine child prostitution and sex trafficking in the United States.

SD-226

**Appropriations**

**State, Foreign Operations, and Related Programs Subcommittee**

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of State and Foreign Operations.

SD-192

2 p.m.

**Appropriations**

**Homeland Security Subcommittee**

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Homeland Security.

SD-192

**Judiciary**

To hold hearings to examine the nominations of Brian Anthony Jackson, to be United States District Judge for the Middle District of Louisiana, Elizabeth Erny Foote, to be United States District Judge for the Western District of Louisiana, Marc T. Treadwell, to be United States District Judge for the Middle District of Georgia, and Josephine Staton Tucker, to be United States District Judge for the Central District of California.

SD-226

2:30 p.m.

**Armed Services**

Business meeting to consider any pending nominations.

SR-222

**Foreign Relations**

Business meeting to consider S. 2961, to provide debt relief to Haiti, S. Res. 400, urging the implementation of a comprehensive strategy to address instability in Yemen, S. Res. 404, supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and the nominations of Leocadia Irine Zak, of the District of Columbia, to be Director of the Trade and Development Agency, Walter Crawford Jones, of Maryland, to be

United States Director of the African Development Bank, and Douglas A. Rediker, of Massachusetts, to be United States Alternate Executive Director of the International Monetary Fund, and Ian Hoddy Solomon, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development, Donald E. Booth, of Virginia, to be Ambassador to the Federal Democratic Republic of Ethiopia, Bisa Williams, of New Jersey, to be Ambassador to the Republic of Niger, Beatrice Wilkinson Welters, of Virginia, to be Ambassador to the Republic of Trinidad and Tobago, Scott H. DeLisi, of Minnesota, to be Ambassador to the Federal Democratic Republic of Nepal, Harry K. Thomas, Jr., of New York, to be Ambassador to the Republic of the Philippines, David Adelman, of Georgia, to be Ambassador to the Republic of Singapore, Rosemary Anne DiCarlo, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations, and to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Deputy Representative of the United States of America in the Security Council of the United Nations, Brooke D. Anderson, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, and to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, Allan J. Katz, of Florida, to be Ambassador to the Portuguese Republic, Ian C. Kelly, of Maryland, to be U. S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, and Judith Ann Stewart Stock, of Virginia, to be Assistant Secretary of State for Educational and Cultural Affairs, all of the Department of State, and a promotion list in the Foreign Service; to be immediately followed by a hearing to examine foreign policy priorities in the fiscal year 2011 International Affairs budget.

SD-419

Commerce, Science, and Transportation  
Science and Space Subcommittee

To hold hearings to examine the challenges and opportunities in the National Aeronautics and Space Administration (NASA) fiscal year 2011 budget proposal.

SR-253

## FEBRUARY 25

9 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual Monetary Policy Report to the Congress.

SD-538

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety, focusing on one year after the crash of flight 3407.

SR-253

10 a.m.

Judiciary

Business meeting to consider S. 1789, to restore fairness to Federal cocaine sentencing, S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 2772, to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety, H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and the nominations of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, William Joseph Hochul, Jr., to be United States Attorney for the Western District of New York, and Sally Quillian Yates, to be United States Attorney for the Northern District of Georgia, all of the Department of Justice, and Gloria M. Navarro, to be United States District Judge for the District of Nevada, Audrey Goldstein Fleissig, to be United States District Judge for the Eastern District of Missouri, Lucy Haeran Koh, to be United States District Judge for the Northern District of California, Jon E. DeGuilio, to be United States District Judge for the Northern District of Indiana, and Jane E. Magnus-Stinson and Tanya Walton Pratt, both to be United States District Judge for the Southern District of Indiana.

SD-226

Small Business and Entrepreneurship

Business meeting to consider S. 2989, to improve the Small Business Act.

SR-485

10:30 a.m.

Energy and Natural Resources  
Water and Power Subcommittee

To hold an oversight hearing to examine the science and policy behind the Federal framework and non-Federal efforts to prevent introduction of the aquatic invasive Asian carp into the Great Lakes.

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2011 for tribal programs and initiatives.

SD-628

2:30 p.m.

Homeland Security and Governmental Affairs  
Contracting Oversight Subcommittee

To hold hearings to examine interagency contracts (part I), focusing on an overview and recommendations for reform.

SD-342

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

## FEBRUARY 26

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

Judiciary

To hold hearings to examine the Office of Professional Responsibility Investigation into the Office of Legal Counsel Memoranda.

SD-226

10:30 a.m.

Joint Economic Committee

To hold hearings to examine the road to economic recovery, focusing on prospects for jobs and growth.

2325, Rayburn Building

## MARCH 2

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Toyota's recalls and the government's response.

SR-253

2 p.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

## MARCH 3

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine mental health care and suicide prevention for veterans.

SR-418

10 a.m.

Commerce, Science, and Transportation  
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the National Oceanic and Atmospheric Administration and Fisheries Enforcement Programs and Operations.

SR-253

## MARCH 4

9:30 a.m.

## Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Air Force in review of the Defense Authorization and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

## Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

## MARCH 9

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Joint Forces Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

## Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SDG-50

## MARCH 10

2:30 p.m.

## Foreign Relations

International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold hearings to examine the future of U.S. public diplomacy.

SD-419

## MARCH 11

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SD-G50

10 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 1696, to require the Secretary of Energy to conduct a study of video game console energy efficiency, and S. 2908, to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

SD-366

## MARCH 16

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

2 p.m.

## Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing foster care and family services in the District of Columbia, focusing on challenges and solutions.

SD-342

## MARCH 18

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National

Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SDG-50

## MARCH 23

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

## MARCH 24

9:30 a.m.

## Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.

SR-418

## POSTPONEMENTS

## FEBRUARY 25

9:30 a.m.

## Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Housing and Urban Development.

SD-124

2:30 p.m.

## Environment and Public Works

## Water and Wildlife Subcommittee

To hold hearings to examine efforts to prevent introduction of Asian Carp into the Great Lakes.

SD-406

**SENATE—Tuesday, February 23, 2010**

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, high above all yet in all, we thank You for Your steadfast love and faithfulness. Do mighty things through the labors of our lawmakers, using them to accomplish Your work on Earth. Lord, provide them with faith to confront perplexities and to remain unwearied, even during monotonous seasons. Keep them strong as they face life's demands and may they never let go of their dreams.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 23, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for 1 hour, with Senators able to speak for up to 10

minutes each. The Republicans will control the first half, the majority the second half.

Following morning business, the Senate will resume consideration of the House message on H.R. 2847, which is the legislative vehicle for the jobs bill. Postcloture debate time expires shortly after midnight tonight.

I am hopeful and confident we can work out a reasonable time to vote on this; otherwise, we have to do it late tonight or very early in the morning.

Later today, I will ask unanimous consent for a 30-day extension of expiring tax provisions, including unemployment insurance, COBRA, flood insurance, and a number of other important issues. I hope we can clear that request later tonight or this afternoon. Senators, of course, will be notified if there are any votes scheduled.

Again, we have to finish this jobs bill we are on. We are going to move, as I explained last night, to the Travel Promotion Act, and then we are going to move to the big package I described a little earlier, which is so important to do. We will have to do the tax extenders, unemployment insurance extension for a reasonable period of time, along with COBRA. We are going to take a look at FMAP as something that needs to be done. We will discuss that in more detail when we get the timelines defined.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

**HEALTH CARE REFORM**

Mr. MCCONNELL. Madam President, as we meet here in Washington this week, unemployment continues to hover around 10 percent. Tens of millions of Americans are struggling to make ends meet. The national debt is at a staggering all-time high. In response to all this, the administration wants lawmakers to go down to the White House to talk about a health care bill Americans have already re-

jected resoundingly. The American people thought the debate on this approach to reform was over. They issued their verdict on the substance of the Democratic bills and the process that was used to force them on the public. Yet here we are, once again, being told by the White House we have to consider the same health care bills that caused such a backlash across the country in December. Democrats either aren't listening to the American people or they are going down the same road they have gone down again and again over the past year: put a bill together behind closed doors and then try to force it through Congress along a party-line vote and ultimately onto a public that doesn't want it.

Americans don't want to be told what is best for them. They call the shots. What they are telling lawmakers in Washington to do on health care is to stop and start over. They want us to put the old bills on the shelf, pull out a clean sheet of paper, bring all the parties together, and start over.

They are telling us they want a new bill. It is no wonder, since the bills we have seen would slash Medicare, increase taxes, and lead to higher insurance premiums. You could call this kind of approach many things, but you can't call it reform. Americans want real reform. That is what I had hoped Thursday's meeting at the White House would present, an opportunity for us to share the best ideas and work together on commonsense solutions. I am disappointed the White House seems to view it instead as an opportunity to simply restart where we left off in December. Americans don't know how else to say it. They are not interested in reform that starts with either of these two bills. The American people have been quite clear about that. They are not interested in reform that starts with either of these two bills.

If you think they are mad about the process they have seen so far, wait until Democrats in Washington completely ignore them and try to jam these bills through one more time. People aren't interested in so-called reform that raises costs instead of lowering them. They are not interested in massive cuts to Medicare. They are not interested in new taxes at a time when we are already struggling. They are not interested in a government-run health care system that will inevitably lead to delays and to rationing. They want step-by-step reforms that address the core of our problem, which is cost, not grand government schemes that only expand existing problems, increase our debt, and extend the reach of government further and further into our lives.



Reform is necessary. Unfortunately, it seems Washington Democrats are so wedded to their own flawed vision of reform that they would rather have nothing at all done about health care than to implement the kinds of changes Americans want.

When it comes to solving problems, Americans want us to listen first and then, if necessary, offer targeted, step-by-step solutions. Above all, they are tired of a process that shuts them out. They are tired of giant bills negotiated in secret, then jammed through on a party-line vote in the middle of the night. It should be clear by now, Americans are tired of grand schemes imposed from above. They have been telling us exactly that for an entire year. Incredibly, our friends on the other side still don't seem to get it. But Americans see what is going on, and that is why they will reject this bill one more time.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa is recognized.

#### JOBS LEGISLATION

Mr. GRASSLEY. Madam President, I yield myself such time as I may consume. I rise to address the jobs issue and the bill before the Senate. Part of it is to show to my fellow Senators and the American people that the Democratic leadership has a different view on this bill before us that is a partisan bill, particularly in regard to the absence of tax extenders being in that bill, compared to what they have over several of the recent years, which was very supportive of these tax provisions that are left out of this bill. I will explain it this way.

Although the Senate Democratic leader was highly involved in the development of the bipartisan bill, he arbitrarily decided to replace it with a bill now being jammed through the Senate. From the start, this was something Senator BAUCUS and I were working on with both leaders of the Senate. Somehow, that didn't seem to work in the end, as we thought it was working very well as we were moving along. As

much as I was surprised by the Democratic leader's disregard for bipartisanship, I am even more surprised by the explanation given by him and his people who speak for him.

Perhaps the most significant change between the bipartisan package Chairman BAUCUS and I helped put together and the package we voted to move to is the package of expired tax provisions has been removed. These expired tax provisions are the ones I referred to as tax extenders. These generally very popular and certainly bipartisan tax extender provisions have, in fact, been extended several times over the past few years. What is surprising is that hyperpartisan members of the majority have suddenly somehow decided tax extenders are what they refer to as "partisan pork for Republicans." A representative sample comes from one report which describes the bipartisan bill as "an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that have been designed to win GOP support." Like this is something that only Republicans have ever been for or it is just for major corporations.

There is another quote in the Washington Post which includes this attribution to the Senate Democratic leadership:

"We're pretty close," [the majority leader] said Friday during a television appearance in Nevada, adding that he thought "fat cats" would have benefitted too much from the larger Baucus-Grassley bill.

Understand, Senator BAUCUS is a Democrat, I am a Republican. The portrait being painted, then, by certain members of the majority, echoed without critical examination by people in our press, is wildly inaccurate. For one thing, the tax extenders include provisions such as the deduction for qualified tuition for college and related expenses and also the deduction for certain expenses for elementary and secondary schoolteachers. That ended December 31. It is going to mean tax increases for these families if we don't reinstitute it. If you are going to college or if you are a grade school teacher, the Senate Democratic leadership thinks you are a fat cat, so you are on your own. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in this extenders package, too bad, because helping you would amount to corporate giveaways in the eyes of some around here.

The bipartisan package that was shelved included an extension of unemployment insurance and also a COBRA health insurance extension. Do these provisions benefit corporate fat cats? The answer is obviously no. Therefore, the common, ordinary person, Main Street America, smalltown America or

big city America, the working people of this country, that is who will benefit from those provisions that are left out of this bill.

The tax extenders have also been routinely passed and repeatedly passed because, in fact, they are and have been bipartisan and have been very popular and have been very beneficial to the economy. Democrats have consistently voted in favor of extending these tax provisions. Let me as an example refer to House Speaker NANCY PELOSI, who released a very strong statement upon the House package of tax extenders in December 2009. Just 6 weeks ago, the other body passed these tax extenders. This is what the leader of the Democratic Party in the House had to say in December 2009, not very long ago: that it is "good for business, good for homeowners, and good for our communities."

In 2006, the then-Democratic leader released a blistering statement:

After Bush Republicans in the Senate blocked passage of critical tax extenders [because] American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks.

Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008, the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous vote, and the Working Families Tax Relief Act of 2004, which was originally passed in the Senate by a simple voice vote, although the conference report received 92 votes in favor and a whopping 3 against. That doesn't sound, to me, like these tax extenders are just for GOP corporate fat cats.

According to the nonpartisan Congressional Research Service, extension of several of these provisions goes back even further, including the Tax Relief Extension Act of 1999, which passed the Senate by unanimous consent and lost just one Senator voting against it coming out of conference.

Why have Democrats in the last few weeks or maybe in just the last few days turned against the extenders, particularly considering it passed overwhelmingly in the House of Representatives with Democratic support? The only explanation to this behavior is that certain Senators have decided it serves deeply partisan goals to slander what have been, for several years, very bipartisan and very popular tax provisions benefiting many different people.

Yesterday's Washington Post article, from which I quoted, includes a statement from a Democratic leadership aide saying that:

No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed.

Having put their heads into the sand, this Chamber's leaders seem intent on

keeping them there, based on that previous quote. The bill, as currently written, would allow employers of illegal workers to benefit from the payroll tax holiday. For sure, we should correct that mistake with an amendment. But under this parliamentary setup, you can only offer an amendment if not a single Senator objects to setting aside the existing business and replacing it with a new idea. The leadership's posture on this bill now prohibits this correction of giving illegal workers the benefit of a payroll tax holiday or the employer that employs them. Either the Democratic leaders are playing partisan politics with tax extenders or they don't understand the worth of the provisions to the economy as a whole and, most importantly, job retention and job creation.

I wish to speak about a very specific industry where 23,000 jobs are at risk and, in some instances, people actually without a job since December 31 because the biodiesel tax credit has been allowed to expire on December 31. That is one of the many tax extenders.

These workers are not GOP corporate fat cats, and in case anybody thinks biodiesel—because it is connected to agriculture—is related just to Iowans, let me make it very clear that these green jobs are in 44 of the 50 States, with thousands of people unemployed.

There are 24 facilities in Texas, 15 in my State of Iowa, 6 in Illinois, 6 in Missouri, and 4 facilities in Washington State. Ohio has 11 facilities, there are 5 facilities in Indiana, 3 each in Mississippi and South Carolina, 7 in Pennsylvania, and 4 in Arkansas. New Jersey has 2 facilities, there is 1 facility in North Dakota. Only 6 States out of 50 do not have some biodiesel production layoffs because Congress did not act by December 31 of last year.

You know what. We just had to stay in session on Christmas Eve—because we had not met on Christmas Eve since 1895—to pass a health care reform bill that does not take effect until 2014.

Think of that. Let people in the biodiesel industry be laid off because Congress cannot act because we had to work on a bill that does not take effect until the year 2014.

So we need to turn away from talk about GOP corporate fat cats. We have to start thinking about those teachers having income tax provisions to be able to deduct expenses they have for their classrooms. We ought to think about these biodiesel workers being laid off. We ought to be thinking about the people who are harmed by the floods and have an extension of the temporary tax relief for them and quit bad-mouthing popular bipartisan proposals that we need to pass and should have passed yet last year, as the House of Representatives did. So we need to get back to work on a bipartisan package that was in the works until the Democratic leadership dramatically changed directions and went partisan.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. I wish to speak for up to 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Res. 419 are located in today's RECORD under "Submitted Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL LARRY JOHNSON

Mr. CASEY. Madam President, I rise for two purposes this morning. The first is to speak about a native of Scranton, PA, who died serving our country in Afghanistan. LCpl Larry M. Johnson, just 19 years old, lost his life in the service to his country in the last couple of days. He becomes for Pennsylvania the 43rd soldier killed in action in Afghanistan, with an additional 191 Pennsylvanians who have been wounded at last count.

When we lose one of our brave young soldiers in Afghanistan or Iraq or anywhere around the world, we have a lot to say about their sacrifice and their service. I often, as we all do at one time or another, quote Abraham Lincoln: "These Americans gave the last full measure of devotion to their country." No one said it better than Lincoln. He captured the essence of their service and the sense of loss we all feel when someone who is serving their country is lost in combat.

LCpl Larry Johnson's duties were the following: He was the combat engineer. His main responsibility was to combat and detect improvised explosive devices, and we know them by the acronym IEDs. He lost his life doing that work. Just 19 years old, he was a graduate of Scranton High School in 2008.

In instances such as this, probably the best testimony about the soldier's life, their commitment to their country and the sacrifice they made, probably the best testament of all of those subjects comes from members of their family. In this case, there was testimony in news articles over the last couple of days from friends and teachers, but, of course, most poignantly and most movingly from Larry Johnson's family. Yesterday in the Scranton Time-Tribune there was an article among several over the course of a cou-

ple of days, but this article in particular focused on Larry Johnson's family. I unanimous consent to have printed in the RECORD two stories, one entitled "Teacher Recalls Scranton Marine's 'Really Good Heart.'" That is the name of the first story. That is February 21. The second story I ask unanimous consent to have printed in the RECORD is entitled "Knock at the Door Brought Tragedy Home for Marine's Kin." That is from Borys Krawczeniuk, February 22.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From citizensvoice.com, Feb. 22, 2010]

FOR MARINE'S FAMILY, KNOCK AT DOOR  
BROUGHT TRAGEDY HOME

(By Borys Krawczeniuk)

Johanna Johnson thought she would die first, not any of her four kids.

"You're not supposed to bury your son. Your son is supposed to bury you," Johnson, 43, said Sunday. "It isn't supposed to be this way."

She worried about Larry, her third child, the Marine in Afghanistan, the one who loved the outdoors and a good time and loved his mom so much that he always promised he would someday make sure she no longer had to work. He would buy her a double-block home in California, and she would live on one side and live off the rent from the other half.

"I'm 43 and he's acting like I'm 70," Johnson said.

She worried about him the way a mom worries about a son fighting a war a world away, but this was not supposed to happen.

Two serious-looking Marines are not supposed to come to the door of a tiny, third-floor apartment on Moosic Street in Scranton to report that your son gave his life in service to his country.

Last Thursday, they did.

The official Marine version says Lance Cpl. Larry M. Johnson, 19, of Scranton, died that day "as a result of a hostile incident while conducting combat operations in Helmand province, Afghanistan."

Family members say a Marine who transported his body to the U.S. told them Cpl. Johnson, trained as a combat engineer whose job was to seek and destroy improvised explosive devices, was the victim of one himself. He was part of the renewed thrust into Helmand, the United States' biggest push in Afghanistan since 2001. The goal is to chase away the Taliban.

His funeral will be Thursday or Friday, family members said.

Johanna Johnson was not home when the Marines arrived with the bad news.

She was at work, second day on the job on the assembly line packaging helmet shields at Gentex Corp. in Simpson where they make the helmets American troops wear in places like Afghanistan.

Ashley, 21, Larry Johnson's older sister, heard the knock on the door from the bathroom.

It was a hard knock, she remembered.

"Is your mom home one Marine asked."

"I went to turn away and I was like, 'Wait, did something happen to my brother?'" Ashley Johnson asked.

They never actually said Larry Michael Johnson was dead.

"I just knew," Ashley said. "I saw the look in their face that he was dead. I didn't even have to ask the question."

She broke down. She chokes up re-telling the story.

Her brother, a 2008 Scranton High School graduate, always smiled. He loved to laugh and was good at breaking the silence when a conversation paused with a joke.

He was no more than 5 feet 7 inches tall, and suggesting Larry Johnson would be a Marine might bring a chuckle. He enlisted in October 2008 only two weeks after surprising his mother with his decision.

His father, an Army veteran also named Larry Johnson, would do his best to get his son to bulk up by lifting weights, but pictures show a skinny kid. In a senior prom picture, he has a barely visible pencil-thin mustache.

His sister Ashley always wanted to take care of him.

He wanted to care for animals. As a 10-year-old, he dreamed of being a veterinarian. He owned an unnamed python and could draw highly detailed pictures of animals. Outdoors, he snow-boarded, skied, water-skied, camped, rode all-terrain vehicles and liked to party, family members said. Though he was underage, he liked a beer or two now and then.

"The transformation that these Marines did to Larry was something," said Jeff Whitney, Johanna Johnson's boyfriend, whom Cpl. Johnson viewed as a stepfather. "Not that he was a bad kid, don't get me wrong. But he was headed in the wrong direction, hanging around with knuckleheads. He was headed straight to jail. I kept on him every time. I kept on his butt."

The Marines did the rest. His Marine pictures show a boy turning into a man, with wider biceps and a more rugged look.

He gained respect for others, family members said, always answering, "Yes, sir" or "No, sir." After being deployed to Afghanistan in October, he talked about how he would no longer take life for granted.

At Christmas, he sent his mother a deep fryer and a crock pot he bought online from Wal Mart.

On patrol, he would sometimes call her via a satellite phone, sometimes when he should not have.

"He'd be out on a mission and he would call me," Johanna Johnson said. "He always worried about his mother."

The last three weeks, well before he died, he did not call. It is now apparent to family members that he could not because the mission was being planned, and secrecy was essential.

"I was stressing over my phone not ringing," Johanna Johnson said. "I kept saying 'Why isn't he calling me? I wish he would call me.'"

[From the Scranton Times-Tribune, Feb. 21, 2010]

"TEACHER RECALLS SCRANTON MARINE'S  
'REALLY GOOD HEART'"

(By Erin L. Nissley)

Jennifer Brotherton remembers former student Larry M. Johnson as a good-natured kid who almost always had a smile on his face.

When the Scranton High School teacher heard Friday the 19-year-old 2008 graduate was killed while serving with the Marines in Afghanistan, she was shocked.

"He had a really good heart and he was so full of energy," said Ms. Brotherton, who was Lance Cpl. Johnson's English teacher in 2006-2007.

"Any time a child dies, it's too soon," she added.

Lance Cpl. Johnson was a combat engineer assigned to 2nd Combat Engineer Battalion,

2nd Marine Expeditionary Brigade. He joined the Marines after graduating from Scranton High School and was promoted to lance corporal on Dec. 1.

Information released Saturday by military officials indicates that Lance Cpl. Johnson died Thursday "as a result of a hostile incident while conducting combat operations" in Helmand Province, Afghanistan. His remains arrived in Dover, Del., on Saturday.

Efforts to contact family members were unsuccessful.

Scranton School District officials plan to reach out to the family in the coming days "to see what they might need," said Gregg Sunday, the district's business manager.

"I can't imagine what the family is going through right now," Mr. Sunday said. "It's a tragedy."

Lance Cpl. Johnson was deployed to Afghanistan in October. His awards include the Afghanistan Campaign Medal, National Defense Service Medal, Global War on Terrorism Service Medal and NATO International Security Assistance Force Medal.

Mr. CASEY. The one that focused on his family begins with this line, speaking of Larry Johnson's family:

Johanna Johnson thought she would die first, not any of her four kids.

This is what Larry's mom is quoted as saying in the second line of the story:

You're not supposed to bury your son. Your son is supposed to bury you. It isn't supposed to be this way.

The story went on to talk about what Larry's hopes and dreams were, not only for himself but for his own mother. The story says that Larry Johnson "loved his mom so much that he always promised he would some day make sure she no longer had to work. He would buy her a double-block home in California, and she would live on one side and live off the rent from the other half." That was a soldier's dream for his mother—just 19 years old and not only thinking about the rest of his life, not only volunteering to serve his country in the Marine Corps and going to Afghanistan, but to have a dream—a dream for his mother's future that he hoped to bring to fruition.

Larry Johnson's sister Ashley is 21 years old, just 2 years older than Larry. She talked about the knock at the door that no family, no mother or father, no brother or sister—no loved one—ever wants to be present for. But Ashley heard the knock at the door. It was a hard knock at the door, she remembered. The one marine who was at the door asked, "Is your mom home?"

This is what Ashley said after that. She went to turn away, and she asked herself: Wait, did something happen to my brother? He never actually said—the marine at the door—that Larry Michael Johnson was dead, but Ashley said the following:

I just knew. I saw the look on their face that he was dead. I didn't even have to ask the question.

The story goes on to talk about Larry's father, by the same name—Larry—who was an Army veteran who

served his country as well. It is talking about how his father prepared him to go into the Marine Corps once Larry made the decision to become a marine.

Then the story ends with a couple of references to, again, Larry's mom—the one he had a dream for, the one he wanted to build a house in California for someday in the future. The story says:

At Christmas, he sent his mother a deep fryer and a crock pot that he bought online from WalMart.

He wanted to send that to her.

It says:

On patrol, he would sometimes call [his mother] via a satellite phone, sometimes when he should not have.

But, again, he loved his mother.

Johanna Johnson is quoted toward the end of the story:

He'd be out on a mission and he would call me. He always worried about his mother.

There is really not a lot more I could say about his life and his sacrifice than what was contained in this story about what it means to serve, what it means to give, as I said before, in Lincoln's words, "the last full measure of devotion to your country." But we know that when these lives are lost, it is not just about service, it is not just about combat and the military or the Marine Corps. All of that is relevant and critically important, but in the end these stories are about families, about mothers and fathers and brothers and sisters.

For those who have loved and lost, we do our best to try to understand, but we can never fully understand what Johanna Johnson and her family are living through these last few days and will live with the rest of their lives. They will be able to manage that loss. They will be able to move on. But they will never be fully recovered from that kind of a loss.

We are thinking of Larry Johnson and his family today. We are praying for them. We want him and his family to know, in our own small way, how much we appreciate his sacrifice.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3017 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, which the clerk will report.

The bill clerk read as follows:

A House message to accompany H.R. 2847, an act making appropriations for the Departments of Commerce and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 3310 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 3311 (to the amendment No. 3310), to change the enactment date.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to talk about what I believe should be our top priority, almost our exclusive focus in terms of immediate work, and that is the issue of jobs and the economy. Doing so, I applaud the fact that finally as a body we are somewhat focused on that. We are debating a bill having to do with job creation, economic growth. But at the same time, I find it unfortunate, really sad, that as we take up that top agenda item for the American people we do so by taking up a bill of the majority leader, which is fine, but in a way under which he completely shuts out any opportunity for amendment on the floor of the Senate.

Again, I find that process really unfair and unfortunate. The fact that every Republican idea, every Republican amendment is just being shut out is really frustrating, even angering to me as a Republican. But the issue isn't Republican and Democrat. The issue is what is good and right for the American people. The fact is that ideas and amendments on the Senate floor, which is supposed to be a place of unlimited debate, virtually unlimited ability to offer good ideas, to offer amendments, that is being completely subverted, and all amendments are being shut out.

Because of that, I am going to ask unanimous consent that we break out

of that logjam, that we break out of that bitter partisanship and consider, with an open mind, one amendment I am bringing forward. But let me spend a few minutes outlining that amendment.

As we look on the job picture and the economy over the last year, as I talk about that job picture over the last year with folks in my State, I hear two dominant concerns. No. 1, we are still in a heck of a recession. The job creation that was promised a year ago with the stimulus just hasn't panned out. The promise of staying below 8 percent unemployment, minimizing that job loss, clearly, tragically, unfortunately never panned out. The President promised his stimulus would keep us below 8 percent. Unfortunately, as we all know, unemployment nationally went above 10 percent. Right now it still hovers near 10 percent, just a shade below that. And, again, unfortunately, the Federal Reserve has issued a report recently warning that sort of high level of unemployment would be with us for several years to come.

What I hear from Louisianans all around the State—and I would certainly trust what Members from every State of the Union hear in their home States—is that we need a better model to create jobs, to jump-start this economy, to get us out of this serious recession.

The other big theme and concern I hear all around Louisiana is: What are you all doing about this unsustainable level of spending and debt? I share that fear. I share that concern. Even as we struggle to get out of this recession—and we are not near there yet—I am fearful that the next economic crisis is coming based on spending and debt, unsustainable levels of spending and debt. We are near debt levels today comparable to where this Nation was at the end of World War II compared to GDP.

I don't like the idea of going into heavy debt for anything, but if we are going to do it as a nation, surely the reason we had with World War II, the need to build a modern Army overnight, unlike any military we had ever had before that, to defeat Hitler, to preserve freedom and democracy, literally our way of life, surely that reason is a pretty darn good one. That is why we as a nation went into debt, got up to 120 percent of GDP at the end of World War II.

The "greatest generation" that did that, that sacrificed and fought and won that war, turned around after the war and wiped away that debt, sent it down with great prosperity and fiscal restraint in the 1950s. But today we are nearing those same historic high levels of debt, with our overall debt now at about 100 percent of GDP, but, obviously, without the historical circumstances such as we had in World War II.

The other thing we don't have is that plan to get rid of it, that determination to reverse course and get our fiscal house in order because we don't have that plan either. In fact, we are in a huge fiscal debt hole, and we have not even stopped digging. In fact, the only thing this administration and this liberal Congress have done in the last year is to put down the shovel digging and used a backhoe instead, specifically to pass a budget that takes that historically high level of debt and doubles it in 5 years and triples it in 10 years.

In the face of those two enormous challenges, we need to create jobs much more effectively than we have in the last year, and we need to get spending and debt under control.

I proposed last March legislation that I and my cosponsors called the no-cost stimulus act. The no-cost stimulus act is about just that, creating great American jobs, stimulating the economy, helping us get out of this recession, using a fundamentally different model than the last year, at no cost to the taxpayer, not continuing to drop hard-earned taxpayer dollars out of helicopters—a fundamentally different approach at no cost to the taxpayer.

In fact, it will produce new Federal revenue and lower our level of deficit and debt.

How do we do that? We do it by focusing on our domestic energy sector, by opening access to domestic energy we have in great quantities in this country, by decreasing our reliance on foreign sources and creating great American jobs in the process. Again, we do this by opening access to our tremendous energy reserves we have.

We are the only country on Earth that has major, significant energy resources but that puts 95 percent of them off limits under Federal law and says: No, no, no, no, you cannot touch that. You cannot touch 95 percent of our domestic energy resources.

We need to change that both to improve our energy situation and to create good American jobs because the answer on the energy front is not either/or. It is not either drill for traditional sources, such as oil and gas, or develop new technology, new research and development. The American people know it is not either/or; it is all of the above, and we need to do all of the above aggressively.

This bill fits right into that commonsense, all-of-the-above mentality of the American people. We open access to domestic energy reserves. We produce more energy here at home. In doing so, we grow great American jobs—2 million long-term, sustainable, well-paying jobs. In doing that, we increase GDP by as much as \$10 trillion over the next 30 years.

But we accomplish even more. We lessen our dependence on foreign sources. We do not spend additional

taxpayer dollars and go deeper into debt. By creating these jobs and domestic energy, we actually increase Federal revenue. Because what happens when we open our energy resources for production? That production comes online, royalty goes to the Federal Government—new Federal revenue—and we decrease deficit and debt. It truly is a win-win-win.

Part of that is also focusing on the nuclear side, developing what many folks, including the President, have talked about but which we have not accomplished yet: a true nuclear renaissance, a true streamlining of nuclear programs so we can dramatically increase that capacity, particularly producing electricity.

Finally, let me mention the other part of the win-win-win which is in this legislation. We devote some significant portion of the new, additional Federal revenue created to alternative energy research and development. So, again, it is not either/or; it is all of the above.

This proposal has significant support. I am very proud to say we now have 18 Senators who are coauthors of the proposal. There is a companion bill in the House with 50 coauthors there. So it is a significant proposal with significant support. It represents a win-win-win for the American people and the American economy in this time of serious recession.

So why shouldn't this be actively considered and debated and voted on, on the floor of the Senate? We are supposed to be considering a jobs bill. That is progress. At least, finally, we are focused on jobs. But why is every alternative, every amendment being shut out by the majority leader, including this valid alternative?

So in that vein, Mr. President, I ask unanimous consent that it be in order for me to offer amendment No. 3318, which is filed at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN of Ohio. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, again, I came to the Senate hearing this was the body of full and open debate, full and open consideration of amendments. The problem is my experience here in 5 years has been anything but that, including yet again this week on this legislation, as we are trying to address the top issue of the American people: jobs and the economy.

Why can't we have a full debate? Why can't we have open consideration of amendments, including this alternative model to continuing to spend taxpayer dollars, increasing deficit and debt at an alarming rate. Again, I find it unfortunate that is the partisan procedural position we are in. But I will continue with my Senate coauthors, with the 50 House coauthors of this no-

cost stimulus proposal to advance this idea as part of a reasonable solution to grow good jobs without having to spend another trillion dollars of hard-earned taxpayer dollars and increased deficit and debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I come down to the floor and I hear the Senator from Louisiana saying he has been in the Senate for years and he cannot believe we cannot debate these things. I have watched over the last 13 months since President Obama took the oath of office—13 months and less than a week—and I am incredulous the Senator from Louisiana would say what he says; that we, in fact, do not allow debate in this institution, when more than 100 times, just in the last 13 months—I think maybe 110 times; I cannot keep count because we add a few every day or every week—more than 100 times the other party, the Republicans, have obstructed, have delayed, have stopped us from moving forward.

We have had plenty of time to debate. We will stay here weekends. We will stay here evenings. But when it is not debate they want, it is to block things—maybe talking things to death is the way they block things; maybe they just object to things—but time and time again we have had the “slow walk” on health care, so we have not been able to put a bill on the President's desk. That is not because people do not have ideas. It is not because people want to shut down debate. It is because they have tried to stop these bills on issue after issue after issue.

I remember something so simple as the children's health insurance bill, which President Bush vetoed but many people in both parties supported. They tried to slow that down. They tried to slow the Lilly Ledbetter legislation which we passed to try to make sure women doing the same job in the same place are paid as much as men doing the same job in the same place.

I could stand here, Mr. President, as you could, representing your constituents in Santa Fe and Taos and all over New Mexico—you could do the same as I can do, representing my constituents in Toledo and Dayton and Galion and Saint Clairsville—and point out that when we have tried to get things done, they have blocked it.

We do want bipartisanship. But the public, more than anything, wants us to get things done. The Senator from Louisiana has been one of the leaders, in conjunction with one of his other regional Senators, who has said health care could be President Obama's Waterloo. There are people in this institution on the other side of the aisle—not all of them; the senior Senator from my State, GEORGE VOINOVICH, has co-operated a lot of times on a lot of

things, unlike some of his colleagues, but there are senior Senators on that side of the aisle, where their goal is to see the President of the United States fail. If the President of the United States fails, this country does not move forward.

We are in the worst economic times of my lifetime, brought on by terrible policies in the last 8 years: bank deregulation, tax cuts for the rich, a war not paid for, a giveaway to drug companies and the insurance companies in the name of Medicare privatization, causing all these problems that we inherited a year ago, and all they want to do is stop the jobs bill. They voted last night—the Senator who just complained about not being able to debate voted last night not to even allow the bill on the floor, as he did on health care, as he has done on issue after issue after issue.

It is not personal to me what they are doing, but it is certainly wrong when they try to block issue after issue, bill after bill. We can disagree on what we need to do to bring this country forward. We can disagree on the jobs bill. We can disagree on the health care bill. But we ought to be able to agree we can have full debate, move forward, work on this legislation, and pass it in a reasonable time so every Senator does not talk it to death in the way of stopping it, in the way of obstructionism.

I yield the floor.

#### RECESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m., as provided for under the previous order.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### METRO SAFETY

Ms. MIKULSKI. Mr. President, I rise to speak about the current state of affairs in the Washington Metro and why we need to bring about change. The Washington Metro, America's subway, is in trouble. I fear for its safety. I fear for its operational reliance. I fear for the well-being of both the passengers and the workers who ride Metro.

Every morning, I am afraid to wake up and find out that there has been another accident or death on the Washington Metro. Most recently, a Metro

train carrying 345 passengers derailed underground in the heart of downtown. It was Friday when the Federal Government reopened after our big No. 2 blizzard. The train somehow managed to get on the wrong track as it was leaving the station. Thank God a safety device actually worked and pushed the train off of the wrong track to prevent it from crashing into another train. Thankfully, a near miss.

In June, there was a terrible crash of the Metro, cars upon cars upon cars. Since that time, 13 people have died on the Metro, and there have been countless injuries. That is why that terrible day after our No. 2 blizzard, many sat in the dark, scared to death. They were afraid of being crashed into, which had happened before. They were afraid of fire. They were afraid of smoke. They were afraid of being trapped and, most of all, they were afraid that Congress would fail to act.

I wish to salute the Subcommittee on Housing, Transportation, and Community Development chaired by my good colleague Senator BOB MENENDEZ, for taking a great interest in this and introducing legislation that the administration sanctions to begin to get Metro on the right track. We need to do this.

Last year, after the nine people were killed, I introduced legislation to give the Transportation Secretary the authority to establish Federal safety standards for Metro systems around the country. There had been none. It would require the Transportation Secretary to implement the National Transportation Safety Board's most wanted safety recommendations.

After accidents on subways, after accidents on our Metro, the NTSB comes in and investigates. Gee, are we glad to see them. They are the CSI meets Metro. At the end, they not only tell us what went wrong, but what we have to do to get it right. Well, guess what. We don't listen to them. After every accident, there is press—we are going to make changes—but nothing happens. So, for example, the issues they have recommended relating to crashworthiness standards for cars, emergency entry and evacuation standards, data event recorders, often go unheeded. We have to make those changes, and we need to take another step.

Today, I take another step by joining Senator MENENDEZ, Senator DODD, and Senator CARDIN on the Public Transportation Safety Program Act. This is an idea that we have worked on, along with the administration, to give the Transportation Secretary the authority to establish Federal safety standards. It also strengthens State oversight programs that inspect and regulate the Metro systems. Because Washington Metro is in two States and in the District of Columbia—Maryland, Virginia, and DC—it has the Tri-State Oversight Committee. But you know

what. The Metro board doesn't have to pay any attention. In fact, we had to raise cane and pound the table to allow them to work with the safety inspectors and actually walk the tracks to try to get some action. We had to muscle our way in, just trying to get the Tri-State folks involved in safety.

Well, for me, right now, the spotlight is the Washington Metro. My obligation is here. There are other Metro systems around the country that this bill will also deal with, but right now, myself and Senator CARDIN, John Warner—MARK WARNER—John Warner in his time—JIM WEBB, and Congresswoman ELEANOR HOLMES NORTON want to work together. We want to work with the Banking Committee to pass legislation that would bring about change. We want to make sure that when we make recommendations, the FTA—the Federal Transit Authority—has the authority to implement the changes and to make sure that Metros both here and around the country implement them.

We also want to require that the implementation of the NTSB's most wanted list is absolutely done so when we say let's have crashworthy standards for our cars, it is actually implemented. Did you know we have standards for everything that is involved in transportation but not standards for the safety or the crashworthiness of these cars? These two bills are important because there are no Federal safety standards for Metro systems. Rail transit is the only transportation mode without safety standards oversight or enforcement. As I said, we have safety standards for airplanes, commuter rail systems, even buses, but Metro systems do not have standards, even though the rail transit has 14 million daily riders. Up until now, safety has been left to the States. Each State has its own safety enforcement practices, but in our case of the Washington Metro, which travels in two States and the District of Columbia, we need to make sure we have a system that is appropriately regulated.

The bill that was introduced by the Banking Committee and Senator MENENDEZ yesterday, which I support, does two things. It gives the Transportation Secretary authority to establish safety standards for Metro, light rail, and bus systems nationwide. It provides a framework for developing and enforcing those safety standards, and it will look at existing industry standards and best practices. It would also have to consider the NTSB's recommendations.

I think about those 13 people a lot. I think about the people who ride the Metro. I think about the people who work on the Metro. So when we talk about this legislation, we have to think of it not in terms of rail cars and money but in terms of people and in terms of safety.

That is why I introduced the National Metro Safety Act in July after the accident, joined by my colleague Senator CARDIN. It enables the Transportation Secretary to develop, implement, and enforce those national safety standards, and it requires DOT to implement the NTSB, the National Transportation Safety Board's, most wanted safety recommendations. They have what they call their top 10. It would have standards for the crashworthiness of cars. It would mandate evacuation standards so that people could get out of these cars in the event of an accident. It would have the black box data recording device so we could trace what happens on a car and have the lessons learned. It would also deal with the hour of service regulations for train operators. It requires that we do these actions.

So for these issues—the crashworthiness, the train cars, the emergency entry and evacuation, data—all of this has been recommended in the past by the NTSB. In 2002 they recommended data event recorders. Nothing happened. They recommended emergency evacuation standards in 2006. Nothing happened. They recommended hours of service to make sure our people were fresh and fit for duty. Nothing happened. We know what happens: accidents in which people die, are maimed, burned, or injured.

It is time we listened to the experts who advise us. It is time that we ensure the safety of the people who ride the Metro here. It is time that we take action and be able to bring this under the Federal Transit Authority. The people who count on us when they get on a subway should be able to count on us to do all we can to ensure their safety.

**THE PRESIDING OFFICER.** The Senator from New Hampshire.

**MR. GREGG.** Mr. President, I rise today to take on a cause which I know is close to the hearts of my colleagues on the other side of the aisle, which is to assert the privilege of pay-go. I have heard innumerable arguments made on the other side of the aisle about the importance of the pay-go mechanisms in this Congress: how pay-go will be used to discipline our spending as a Congress and how pay-go is the way we get to financial and fiscal responsibility as a Congress. In fact, 2 weeks ago, I believe it was, the majority leader came to the floor and offered a brandnew pay-go resolution as a matter of statute and said that this is one of the key pillars of the majority party and the President in the area of how you discipline spending and bring our spending house in order. The President has mentioned pay-go on numerous occasions also.

Why all this talk about pay-go? Because I think people are beginning to realize—certainly our constituents—that the government is spending too



much money; that we are running up too much debt; that we are passing bill after bill after bill in this Congress which we are not paying for. The cost of those bills is going to our children. We are going to double the Federal debt here in 2013. We are going to triple the Federal debt in 2019 under the President's budget and the budget passed by the Democratic leadership in this Congress. The Federal debt increases by \$11 trillion over the next 9 years of this budget that is being proposed by the President—\$11 trillion. We get to a point where our Nation is basically spending so much and borrowing so much that our financial house is unsustainable.

Those are not my words. Those are the words actually of the Secretary of the Treasury and the head of OMB. They both said their own budget that they sent up here was unsustainable in its present form because it spends so much more money than we have, and those bills get passed right on to our kids.

Well, in defense of their sending up a budget that spends all of this money we don't have and doubles the debt in 2013 and triples it in 2019, they said they were going to assert pay-go rules which would discipline this Senate on the issue of spending. At the time they made that assertion I said, Oh, come on, give us a break. Over the last 3 years that this Congress has been under Democratic control, under liberal control, in over 20 instances, pay-go as it presently exists in the law was waived, costing over \$½ trillion in new spending. Approximately \$½ trillion that should have been subject to pay-go rules was waived—simply waived—by the other side of the aisle: We are not going to pay attention to pay-go rules, we are going to spend the money and add the debt to our children's backs.

I think the American people notice this and are certainly frustrated about this, because they intuitively understand—it is called common sense—if you spend all of this money you don't have, the debt is going to come back to roost on our children's backs and it reduces their quality of life. Obviously, if you have a government that runs up deficits which exceed the capacity of our ability to repay them, it is our children who end up paying the cost of that profligate spending. It is our children who end up with these bills. Their standard of living will be reduced as a result of all of this new deficit and debt this Congress has passed and which this Congress has proposed.

So for political cover, they called up a couple of weeks ago this pay-go resolution and said we are going to assert pay-go around here on everything that comes through this Congress. We are going to make sure the financial house of this Congress is disciplined by the rule of pay-go.

Well, that is why I want to help them, because here is a new bill on the floor of the Senate.

It violates pay-go. It violates their own rules. It violates this great sanctity that they claim was going to be the cause of fiscal discipline—the pay-go rule. Just a few weeks ago, we passed a pay-go resolution here. What did we get? Within 2 weeks, we have a bill that violates the pay-go rules.

The pay-go rules, as we have them—and they are the law, the rule of the Senate today—say that pay-go will apply for any legislation that increases the deficit in the first 5-year period or in the first 10-year period. This bill has been scored by CBO as violating that rule. It increases the deficit by \$12 billion, unpaid for, in the first 5-year period. This bill is, therefore, subject to a pay-go point of order.

We are going to hear a specious argument from the other side of the aisle that, well, in the year 2020 we account for all this and we get the money back. Well, I don't believe that. I don't believe the check is in the mail either. The American people don't believe that. More importantly, the rules of the Senate don't allow that. The rules of the Senate make it very clear that if it adds to the deficit in the first 5 years, it is subject to a pay-go point of order. And this is not a small amount here; \$12 billion is a lot of money. I know that under the way we function here, and we talk about trillions—and the President rolled out just yesterday a new \$100 billion or \$200 billion package of health care, added to a \$2.4 trillion package of health care—I know that billions become lost sometimes in that debate. But \$1 billion is a lot of money, and this is \$12 billion added to our children's backs in the way of deficit and debt. Most Americans see that as a lot of money. You could run the entire State government of New Hampshire for about 3 years on that. Yet we are going to run up the deficit by \$12 billion, in violation of our own rules.

There is something even more outrageous about this bill. It is pretty outrageous that we would have all the sanctimonious discussion from the other side of the aisle about how they are going to live by pay-go 2 weeks ago and then have the first bill they bring forth violate the rules of pay-go. That is pretty outrageous in and of itself. But this bill, in an act of gamesmanship that really deserves a special award—maybe a gold medal at the Vancouver Olympics for gamesmanship in fiscal policy and how you basically pass on to your children a major new debt without telling them it is coming—certainly this bill would deserve a gold medal in that category.

On top of the pay-go violation, this bill creates \$140 billion of deficit and debt. Now, even on the other side of the aisle, that has to be considered a lot of money. Maybe they don't consider \$12

billion a lot of money, but \$140 billion has to be big money. So \$140 billion of deficit and debt is built into this bill even though the bill, on its face, states that it only spends \$12 billion or \$15 billion, something like that. How do they do that? How could that possibly be? Because what they have done here—and as I said, this deserves a gold medal for manipulating the financial house of the Senate and the Congress in a way that is avoiding actual accountability for the debt you are adding onto our children's shoulders—is they have put into the baseline the highway money. So the billions in highway money for this year in this bill, multiplied out over 10 years, comes to \$140 billion, and then they have claimed that is all offset, all that money is offset. How do they claim it is offset? Well, it is tactical, but follow this because it is the ultimate game in double bookkeeping—something Al Capone might have done were he running the books of the Senate. There is a highway trust fund that doesn't have enough money to pay for the roads they want to build—the highway committee in this Congress, the EPW Committee. They want to build more roads than the trust fund has money coming in for, so they take money from the general fund and transfer it to the highway trust fund.

They allege that 10 years ago or so, the highway trust fund lent money to the general fund and no interest was paid on that money lent to the general fund. First off, at the time they passed the law that said no interest was to be paid on it—but it would be ridiculous to pay interest between the two funds anyway—even if you accepted that argument, you couldn't get to the numbers they are talking about. What they have done is claimed that any money that comes out of the general fund to fund the highway fund is an offset. That is an interesting concept. Therefore, it doesn't get scored against the deficit by the highway fund.

Where do we get the money we took from the general fund to fund the highway fund? The answer is pretty simple: We borrow it from China, from Saudi Arabia, from Americans, and our kids get a bill called a piece of debt that they have to pay off. This double-entry bookkeeping, in the tradition of Al Capone basically, when simplified, means that it adds \$140 billion of new deficit and debt to the general fund, which has to be paid by our kids—not offset, unpaid for, simply money spent.

Do you know something. We are spending a lot of money around here that we don't have, and it is not right. I think the American people would like us to stop that. If we are going to spend this money on roads, then let's pay for it. Don't hide the fact that you are not paying for this with some gamesmanship called offsetting highway fund with general fund money. I think that



is a pretty cynical act. If you don't have the courage to stand before this Congress and say publicly that we want to spend \$140 billion and don't want to pay for it, then you are not fulfilling your responsibility to your constituents, because that is what you are doing. You have an obligation not to try to hide what you are doing in some sort of bookkeeping manipulation, which gets you a gold medal for bookkeeping manipulation but certainly doesn't do anything for transparency and honesty in government, on top of having a pay-go violation—\$12 billion as scored by CBO.

This point of order lies. There is \$140 billion of new spending proposed in this bill, which isn't paid for. It is spending that isn't paid for, and it is authorized and going to be spent. That is pretty inexcusable because it is claimed that it is paid for, which is the real hypocrisy of what we are seeing.

My colleagues on the other side may vote against this point of order. I cannot understand how they can do that, and I cannot understand how, when the majority leader comes down here—and I am sure he will or one of his representatives will—and says pay-go should not lie here because in 2020 we are going to pay for all this, that they can claim anything other than the fact that a pay-go point of order lies. I mean, it does lie.

What is a pay-go point of order? It is the CBO telling us that we have violated our own rules, called pay-go, and we are spending money that goes to the deficit—in this case, \$12 billion.

So as a very practical matter this is a pretty black-and-white situation: either you are for enforcing fiscal discipline here with a pay-go point of order or you are not. I have to say, if this pay-go point of order fails, then I think we ought to follow it up with a unanimous consent that says we are going to rid ourselves of pay-go as an enforcement mechanism because we are then saying it doesn't mean anything. Clearly, that would be the only conclusion you could reach.

A pay-go point of order makes it clear: There is \$12 billion of deficit spending in the first 5-year window, which violates the pay-go rules set up by this Senate and specifically proposed and promoted by the Democratic majority as a way to give us fiscal discipline, and we are ignoring it, overruling it, and we are bypassing it with this piece of legislation if we do waive the pay-go rule.

At this point, I make a point of order that the pending amendment offered by the Senator from Nevada, Mr. REID, would increase the on-budget deficit for the sum of years 2010 to 2014. Therefore, I raise a point of order against the amendment pursuant to section 201(a) of S. Con. Res. 21, Concurrent Resolution on the Budget for Fiscal Year 2008.

Mr. CARDIN. Mr. President, I move that the point of order be waived.

Mr. GREGG. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that my waiver of the relevant point of order that was recently entered into include all relevant points of order that were raised.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I rise today on the occasion of Black History Month to recognize the accomplishments of three leading Marylanders in American medicine. Established by Howard University historian Carter G. Woodson in 1927 as Black History Week, this now month-long celebration is an opportunity to elevate awareness of Black Americans' contributions to our Nation's history.

It is customary for American families to spend time in February learning more about famous Black Americans who helped shape our Nation, including Marylanders Harriet Ross Tubman, the "Moses of her people," who ran the Underground Railroad, and Justice Thurgood Marshall, the first black Supreme Court Justice and the architect of the legal strategy leading to the 1954 landmark *Brown v. Board of Education* decision.

Today, I come to the Senate floor to highlight the contributions of three Marylanders who are currently at the pinnacle of the medical profession—Dr. Ben Carson, Dr. Eve Higginbotham, and Dr. Donald Wilson.

I have spoken before on the crushing burden of health disparities on our health care system and the urgent need to eliminate them. It is an issue directly affecting one out of every three Americans: 37 million African Americans, 45 million Latinos, 13 million Asians, 2.3 million Native Americans and Alaskan Natives, and 400,000 Hawaiians and Pacific Islanders in our Nation. While minorities represent one-third of our Nation's population, they are fully one-half of the uninsured. So when we enact legislation that expands access to millions of uninsured Americans, it will make a dif-

ference in minority communities, in minority health overall, and in the health of our Nation.

But providing access to comprehensive health insurance addresses only one of the factors contributing to health disparities. Research informs us that even after accounting for those who lack health insurance, minority racial and ethnic groups face inequities in access and treatment; and they have adverse health care outcomes at higher rates than whites. Even when insurance status, income, age, and severity of conditions are comparable, racial and ethnic minorities tend to receive lower quality health care. Therefore, coverage is not enough.

Despite many attempts over the years by health policymakers, providers, researchers, and others, wide disparities still persist in many facets of health care. When it comes to equitable care for minorities, low-income, geographic, cultural and language barriers, and racial bias are found to be common obstacles. These inequities carry a high cost in terms of life expectancy, quality of life, and efficiency, and they cost our Nation billions of dollars each year.

Researchers from Johns Hopkins University and the University of Maryland found that between 2003 and 2006, racial and ethnic disparities cost the Nation more than \$229 billion in excess direct medical costs. Adding indirect costs reveals a staggering \$1.24 trillion from lost wages and premature and preventable deaths and disabilities. By elevating the focus on health disparities, we can bring down these costs and improve the quality of care across the board.

If we are to improve the health care status of Americans, we must focus on and eliminate these disparities. One step is ensuring every community has a sufficient supply of well-trained medical professionals, and this is where our Nation's academic medical centers play an essential role. All three physicians—Drs. Carson, Higginbotham, and Wilson—shine as leaders in their medical profession and have devoted their careers to academic medicine.

First is Dr. Benjamin Carson, a world-renowned pediatric neurosurgeon who works daily to save and improve the lives of children as director of pediatric neurosurgery at Johns Hopkins. Dr. Carson's story is truly inspiring. He was born and raised in Detroit by a mother who encouraged Ben and his brother to work hard and succeed in school. Dr. Carson graduated high school with honors and was admitted to Yale University to study psychology. He attended the University of Michigan Medical School, specializing in neurosurgery. Dr. Carson completed neurosurgery residency at Johns Hopkins Hospital, where at age 33 he became the youngest physician ever to head a major division there. Dr. Carson

has surgically separated several pairs of conjoined twins and has pioneered new, groundbreaking procedures to save children's lives.

Most notable among Dr. Carson's numerous accolades and honors is the Presidential Medal of Freedom, the Nation's highest civilian award, which he received in 2008. In addition to his surgical acumen, Dr. Carson is a dedicated community activist. He is president and cofounder of the Carson Scholars Fund which recognizes young people of all backgrounds for exceptional academic and humanitarian accomplishments. He is also president and cofounder of the Benevolent Endowment Network Fund, an organization that works to cover the medical expenses of pediatric neurosurgery patients with complex medical conditions.

Second, I wish to recognize Dr. Eve Higginbotham, an internationally recognized physician who was recently appointed senior vice president and executive dean for health services at Howard University. Dr. Higginbotham is the first woman to chair a university-based ophthalmology department in the United States, and she held this position at the University of Maryland School of Medicine in Baltimore from 1994 to 2006. Her next appointment was dean and senior vice president for academic affairs at Morehouse School of Medicine in Atlanta.

Dr. Higginbotham is a frontline warrior in the fight to eliminate health disparities. As a member of the Friends of the Congressional Glaucoma Caucus Foundation, she developed a glaucoma screening training program that has been implemented in more than 40 medical schools nationwide. Through this program, medical students provide glaucoma screening to elderly residents in underserved communities, making possible early detection and treatment for the leading cause of blindness among African Americans.

Dr. Higginbotham was recently inducted into the American Academy of Arts and Sciences. She has served on the boards of the American Academy of Ophthalmology, Women in Ophthalmology, and the National Space Biomedical Research Institute. She is also a past president of the Baltimore City Medical Society and the Maryland Society of Eye Physicians and Surgeons.

Finally, I wish to recognize Dr. Donald Wilson, who was Dr. Higginbotham's immediate predecessor at Howard University. Dr. Wilson served as dean of the University of Maryland School of Medicine from 1991 to 2006. The University of Maryland's medical research funding increased nearly fivefold, from \$77 million to \$341 million during Dr. Wilson's leadership. His tenure at Maryland distinguished him as the Nation's first African-American dean of a nonminority medical school. While at the University of Maryland, Dr. Wilson also served as the

director of the Program in Minority Health and Health Disparities Education and Research.

Dr. Wilson has also chaired Federal health committees at the NIH and the FDA, as well as serving on the advisory council of HHS's Agency for Health Care Policy and Research. He was chairman of both the Association of American Medical Colleges and the Council of Deans of U.S. Medical Schools. And he was the first African American to hold each of these positions. He is a member of several medical and research societies, including the Institute of Medicine of the National Academy of Sciences and the Association of American Physicians. He is a master of the American College of Physicians, an honor bestowed on fewer than 1 percent of its members. Dr. Wilson also cofounded the Association for Academic Minority Physicians in 1986.

Numerous honors and awards have been bestowed upon Dr. Wilson, including the Baltimore Urban League's Whitney M. Young, Jr., Humanitarian Award. In 2003, he received the prestigious Frederick Douglass Award from the University System of Maryland Board of Regents. Dr. Wilson is also the recipient of the Institutional Leadership Diversity Award from the Association of American Medical Colleges Group on Student Affairs-Minority Affairs Section.

Drs. Carson, Higginbotham, and Wilson are three living reasons why we celebrate Black History Month. Their contributions have made invaluable contributions to American medicine, but they are just the tip of the iceberg in terms of African Americans who have made a noteworthy impact upon our Nation.

I ask my colleagues to join me in recognizing the contributions of these three noteworthy physicians as this body seeks to make health care available to everyone, and join me in celebrating their accomplishments during Black History Month.

Mr. President, to clarify, my intention on my previous motion to waive was to waive the Budget Act and budget resolutions with respect to the motion to concur with an amendment and that the yeas and nays previously ordered be considered as ordered on the motion as modified. I ask unanimous consent for this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today to speak about two issues. First, the jobs bill and the provision that Senator HATCH and I worked on that helped break the partisan logjam, and also the need for the Senate to take up and pass up to \$25 billion in FMAP assistance to the States. First, the jobs portion.

During our break, I traveled all around my State from Cheektowaga to Oswego, from Syracuse to Poughkeepsie, from Long Island to New York City. In each place, I talked with people who had lost their jobs. It was heartbreaking. These are people who are looking desperately to find work.

One of the sadder points of this recession is, of course, its depth. It is deeper than all but one recession we have had since World War II. But, second, it seems to affect people at all income levels. If you are poor, if you are middle class, even if you are upper middle class, you can lose your job. Perhaps most painful of all, the amount of time that people are out of work is much longer than previous recessions. In other words, in previous recessions, you would lose your job, it would be horrible, but you would say to yourself: In 3 or 4 months, I can find a new job quite easily. That has not happened.

In fact, I met people such as a woman in Rochester who worked for a major firm in human resources. She is about 50. She does not have a family, but her job was her life. She was told she had to leave a year and a half ago. She has been looking and looking. Her salary was in the low six figures. She was a very talented person upon meeting her. No work. No job.

I met somebody who came from a blue-collar background. The family had no education. He climbed his way to the top of the tool-and-die industry. He was making a good living. He has six children and a wife who stayed home because when you have six kids, it is not easy to work. He was laid off about a year ago. Again, he has been looking and looking, first with his high skills in his industry, and then he kept looking lower and lower and lower on the pay scale, to no avail. No job. I could repeat this story over and over.

I can see why the people of Massachusetts voted the way they did. I did not agree with it, but I understand it. In my judgment, what they were saying was simple. If you look at the exit polls, about 50 percent of the people in Massachusetts supported the President's health care bill and an equal number against it. But, overwhelmingly, they were saying to us, whether they were for the bill or against it, focus on issue No. 1, jobs—jobs, the economy, helping the middle class stretch that paycheck so they can make ends meet.

That is why I think Senator REID, our majority leader, was so wise to put together the bill he did, the HIRE Act. That is why he reached out to those across the aisle, as did I. That is why I am pleased this vital legislation—hardly a panacea; it is not going to cure all our problems—looks as though it will move forward late this afternoon or this evening.

I am very proud—we are all proud—that we have bipartisan support. I believe the vote later on will be even more bipartisan than the vote to move forward on the bill yesterday. Bipartisan victories such as this have been few and far between. But this could be the start of something good. I hope the bipartisanship will not end with this afternoon's vote.

Unemployment, of course, is not simply a blue State problem or a red State problem; it is an everywhere problem. It will take more than one party's solutions to solve it. So if there is only one issue that we can find common ground on this year, let it be jobs.

We all know unemployment, which is hovering just below 10 percent, is unacceptably high. When you hear the number 10 percent, it is an abstract figure. But if you are a husband or wife, a son or daughter who is out of work, or one in your family is out of work, unemployment is 100 percent.

As the economy shows signs of life, unfortunately millions of Americans remain out of work, struggling to make ends meet with savings and unemployment benefits. There are more than 15 million unemployed Americans. That is not even counting those who have stopped looking for work. There are more than 6 million people who have been out of work for 6 or more months. Each one has a story, a life, usually a family, such as the woman from Rochester I mentioned.

When I go to sleep at night, I sometimes think of the people I talked with last week while we were on break and about their pain at losing their job and their quest to find a new one. Unfortunately, despite their efforts, most of them have not found work.

This recession is unlike anything we have seen since the 1930s. It has created immeasurable hardship and heartache for tens of millions of American families. It doesn't matter if you are in a red State or a blue State. If you are unemployed, you want a job.

Last year, Congress took bold steps to bring our economy back from the brink of collapse, and GDP growth in the last quarter was as high as 5.7 percent. The purpose of the provision Senator HATCH and I have introduced is to take that growth and translate it into jobs because while the economy grew at a very rapid clip—5.7 percent—hardly a job was created. That is a problem because we cannot continue to grow at that rate unless people start going back to work. Until the unemployment

rate drops significantly, Congress must do more to help families across the country who are desperately struggling to find work, and this bill is a step in the right direction.

Last year, I believe Congress was right not to add a jobs tax credit to the stimulus package. Economists told us that with the economy shrinking and losing 700,000 jobs a month when the President took office, our focus had to be on stimulating demand. But now that the economy is beginning to grow—at the very worst is flat—a tax credit is what is needed because there are companies that have seen sales blip up and they are wondering whether to hire that additional worker. The Schumer-Hatch tax credit may push them over the edge and they may say: OK, I will hire somebody. Then, instead of the vicious cycle of downward employment we have seen, a virtuous cycle will begin. That company will hire a worker, that worker will go to the stores and buy things, those stores may hire another worker and more money circulates in the economy and we start moving upward as opposed to downward.

After reviewing the criticisms of past tax credit proposals, Senator HATCH and I set out to develop an idea that would address some of the past concerns while honing in on the problem we are trying to solve, which is persistently high and long-term unemployment. I felt we needed a solution that was simple, immediate, focused, fiscally responsible, and potentially bipartisan. That is what our proposal does.

Let me talk about each word. It is simple. Small business, we know, is the job growth engine in America. But if you tell a small businessperson they have to fill out 40 pages or even hire an accountant before they get a tax credit, they are going to say: Forget about it. But this is immediate. Again, if you tell a small businessperson: Yes, you will get a tax credit, but it will be a year from April when your tax returns come in, they are not going to do it.

Our proposal is immediate. The minute the worker is hired, the benefit begins. As I said, it is simple: All the employer must do is show that the person they are hiring has been unemployed for 60 days—and that is easy to do because they can show 60 days of unemployment benefits—and that is that.

Third, our program is fiscally responsible. It is not a big, huge bureaucracy. It is not a new government agency. The money goes directly to the small business that makes the new hire, and that is why it has bang for the buck. It is estimated that if 3 million people were hired by this credit, it would cost about \$15 billion. Mr. President, \$15 billion sounds like a lot of money, but compared to the stimulus—again, for a different purpose a year ago when the economy was collapsing—the cost of

ours is about one-sixtieth, and dollar for dollar it will be focused on jobs.

So it meets all these criteria. It will focus like a laser on the unemployed and will create jobs right away at a reasonable cost. In this day when communication is so important, it can be explained in a single sentence. Any private sector employer that hires a worker who has been unemployed for 60 days will not have to pay payroll taxes on that worker for the rest of the year. That is it. Nothing else. It explains the whole program from start to finish. By the way, if the employer keeps that worker for at least a year, they will receive an additional \$1,000 tax credit.

Our plan is good for business and good for workers. The more a business pays a worker, the bigger benefit they get. Many of the previous programs were aimed, understandably, at workers at the lower income level. But these days, when you have people in our State who make \$60,000, \$80,000, \$100,000 or \$120,000 a year and who can't find work, they will benefit by the same percentage as somebody at the lower end of the spectrum. The sooner the employer hires, the bigger the break because it lasts this year. The employer doesn't pay taxes and the benefits go immediately into the business's cashflow. Unlike other proposals, there is no waiting to receive a tax credit. The employer doesn't pay the taxes to the government in the first place.

Obviously, employers decide to hire workers when it makes business sense. If your sales are declining, no tax incentive is going to encourage you to hire somebody. But we are now finding—at this stage of this Nation's incipient and all-too-small recovery—that many businesses, large and small, are finding orders are beginning to rise, sales beginning to increase. It is those businesses that our tax credit is aimed at. This proposal may give them the push they need to add a few workers or hire them a few months sooner than they otherwise might. Either would be a good thing.

I don't wish to delude my colleagues, and I know Senator HATCH, the co-author of this proposal, would agree, that this provision is not a panacea. There are other proposals Congress could, should, and must consider to aid job creation, but I look forward to considering those ideas in the weeks to come. In the meantime, we ought to take advantage of the bipartisan camaraderie, which I hope lasts, and move this proposal forward.

I wish to thank a number of people who helped. At the top of the list is Chairman BAUCUS. When Senator HATCH and I—both members of his committee, the Finance Committee—brought him the proposal, he thought it was a good idea and helped champion it. I wish to thank Leader REID, who jumped right at the opportunity to

pass the proposal. I wish to recognize Senator CASEY and Senator GILLIBRAND, my colleague, for the hard work they put into an alternative tax credit idea, which could end up complementing, not replacing, our idea. Finally, last but certainly not least, I wish to thank my colleague, Senator HATCH, as well as Senator GRASSLEY, who worked with us on this proposal to refine it and make it possible to pass, which I believe we will do shortly.

I wish to turn the subject to another pressing issue; that is, the pressing issue of State fiscal relief. While our top priority is putting unemployed Americans back to work, nothing we do on job creation will be truly effective unless we also stop the bleeding caused by State and local budget cuts across the Nation. We cannot, with one hand, incentivize private sector employment while, on the other hand, through inaction, force State and local governments to lay off thousands of firefighters, teachers, health care providers, and other public servants.

Right now, States face the steepest ever dropoff in revenues. My State of New York and so many of the localities I have visited—from large major cities such as New York City and Buffalo, to the smaller towns and villages—are desperate for help. If they do not receive it, they are going to have to lay off thousands and thousands of workers. In the city of New York, they are talking about laying off teachers. That is hurting our seed corn. The number of police officers, at a time of crime and terrorist threats, is declining. That hurts our economy as well as our localities.

New York is not alone. From California to Arizona, to Alabama, to Maine, and to Mississippi, State Governors have laid out proposals that will unfortunately eliminate jobs and cut critical services in the coming months. In fact, it is estimated, if there is no help, State and local governments will have to lay off 1 million workers—something we can ill afford at a time of this incipient recovery. The cuts couldn't come at a worse time for our fledgling economy. States will be forced to make massive layoffs and they will be cornered into raising taxes on hard-working, middle-class Americans at a time when families can't afford to take another hit and at a time when taking money out of the economy makes no sense at all. It oftentimes makes no sense but now more particularly.

Last week, the Nation's Governors nearly unanimously endorsed a 6-month emergency extension of FMAP, the Federal Medicaid Assistance Program, which would send up to \$25 billion to the States. They know firsthand that job losses in their States would have been much more severe were it not for the significant relief Congress provided for them in last

year's stimulus package, particularly through the FMAP program. I know our economy is growing, but out in the States it sure doesn't feel like a recovery yet. Cutting off this assistance now, as the stimulus expires, would be like pulling the rug from under the States just as they are maybe beginning to turn the corner.

I was an ardent supporter of the Recovery Act's FMAP aid because, plain and simple, it saves jobs, and I argued for it then. I am especially proud to have authored a provision that ensured a stream of funding that went directly to county governments. In my State, the Medicaid burden, much of it—too much of it—falls on localities. If we were just to give Albany the money—not just the Albany share but the county share—the counties and New York City might never see that money ever again. So I was able to—with the help of Leader REID and Chairman BAUCUS—write a provision into law that said the locality gets its share directly, and I am urging the Senate to include this language in a new emergency extension as well.

We cannot afford to delay any longer. This economic downturn didn't come with an end-of-the-year deadline. This critical aid to States shouldn't either. So I hope that in the next jobs bill we pass FMAP is a vital part, and I hope, just as with the provision Senator HATCH and I put together, it will get broad bipartisan support. I believe an overwhelming majority of Governors—Democratic and Republican—have already signed a letter urging that that happen, and I hope we will get people from both sides of the aisle to make sure the next jobs bill contains a healthy and robust FMAP extension. The House has already passed it. It is up to us.

We have much yet to do on the job front, but our efforts will be undermined if our Nation's Governors are forced to lay off workers and raise property taxes. We need to plug the holes in the dam so our recovery efforts are not washed away. We need to put this great Nation back on a path to prosperity by passing the tax credit Senator HATCH and I have offered and then by moving forward and making sure FMAP is extended for at least another 6 months.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Vermont. Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECONCILIATION

Mr. SANDERS. Mr. President, I think all across this country people are wondering about what is going on in Congress and, specifically, what is going on in the Senate. People are using the expression that government is broken and that we seem to be a dysfunctional institution.

The reason for the alarm is pretty obvious. The United States today faces the most serious set of crises we have seen since the Great Depression. Today, some 17 percent of our people are either unemployed or underemployed. This is on top of coming out of a decade where the median family income actually declined. So people by the millions are today working longer hours for lower wages. They are wondering what kind of life is going to be available for their kids. They are having a hard time affording childcare. They are having a hard time affording higher education. We have 46 million people who are uninsured. We have 45,000 people who die every single year because they can't get to a doctor. If we don't get a handle on health care, their costs are going to be doubling in the next 8 years. We recently saw Blue Cross in California asking for a 39-percent rate increase for their premiums. It is not unusual. It is going on all over the country.

People are saying, What is going on? Is the middle class going to continue to collapse? Is poverty going to continue to increase? Are you guys going to get your act together and begin to do something that benefits working families in this country?

It goes without saying that the American people want—I want, you want, we all want—bipartisan efforts to solve these problems, but, most importantly, we want to solve these issues. We have to deal with the economy. We have to deal with our friends on Wall Street whose recklessness and illegal behavior has driven this country into this terrible recession. We have to deal with it. We have to deal with health care. We don't have a choice. We have to deal with the \$12 trillion national debt. We have to do it.

Unfortunately, I think what the American people are beginning to catch onto is that to have bipartisanship, you need a “bi,” you need two sides coming together. What we have here in the Senate is not two sides coming together but one side, our Republican friends who are saying: No, no, no. If it is good for Obama, it is bad for us. No, no, no. We have had a record-breaking number of filibusters, a record-breaking number of other obstructionist tactics. The end result is the American people are becoming very frustrated.

I do a national radio show every week and every week on that program

somebody is calling me up and saying, I don't understand it. When the Republicans were in control of the Senate, they were able to bring forth sweeping proposals. They didn't have 60 votes. What is going on? You guys on your side, those who are Independents and in the Democratic caucus, you have 59 votes, why aren't you doing it? It is a good question.

I think more and more people are talking about using the reconciliation process, which is simply a parliamentary procedure which enables us to pass legislation with the end result of saving taxpayers' money and lowering the deficit. The beauty of that approach is you can go forward with 51 votes, not the 60 votes we are having a very difficult time obtaining, because we are not getting much support from the other side. Some people say, Well, this reconciliation approach is unfair. This is a radical idea. Why are you bringing it forth? The answer is that this has been done time after time after time, mostly, in fact, by Republicans. So it seems to me if this is a concept the Republicans have used year after year after year for very major pieces of legislation, it is appropriate for the Democratic caucus to do that as well.

Let me give a few examples. Many Americans will remember the Contract With America. That was Newt Gingrich's very big idea. I thought it was a very bad idea, but nonetheless it was a very comprehensive approach. The Contract With America in 1995 was passed in the Senate through reconciliation. This was a broad, comprehensive bill, and this is what President Clinton said. This is what the Washington Post reported President Clinton saying when he vetoed that legislation, and I am glad he did. This is what Clinton said:

Today I am vetoing the biggest Medicare and Medicaid cuts in history, deep cuts in education, a rollback in environmental protection, and a tax increase on working families.

This was Clinton's veto message of the Republican Contract With America that was passed through reconciliation.

That is not the only effort the Republicans mounted through reconciliation. In 1996, Republicans passed legislation to enact welfare reform through reconciliation. In 1997, Congress used reconciliation to establish new health coverage programs or to substantially expand existing ones, including SCHIP passed through reconciliation. In 2005, Republicans pushed through reconciliation legislation that reduced spending on Medicaid and raised premiums on upper income Medicare beneficiaries. In 2003, Republicans used reconciliation to push through President Bush's 2003 tax cuts. In 2001, Republicans used reconciliation to pass President Bush's \$1.35 trillion tax cut, much of it going to the wealthiest people in this country.

What is my point? My point is that it would be the utmost hypocrisy for Republicans to tell us we should not use reconciliation when they have used it time and time and time again.

Let me conclude by saying this country faces enormous problems. What has occurred over the last year, year and a half, is an unprecedented level of obstructionism and delaying tactics on the part of our Republican colleagues. The American people are hurting. They want to see this government begin the process of creating millions of decent-paying jobs. They want to see a transformation of our energy system so we can move from fossil fuel to energy efficiency and sustainable energy and jobs doing that. The American people want to see us rebuild our infrastructure which is presently crumbling and we can create jobs doing that. In the short term, the American people want us to do something about the high cost of a college education by expanding Pell grants and by also addressing the very serious problems with childcare and the needs for school construction. We can do that as well.

My point is the American people are angry. They are frustrated. They want action. If the Republicans choose, as is their right, to try to obstruct and try to use the rules to delay action, I think we should do what they have done time after time after time and that is use the reconciliation process. That is what I think we should do, and I hope we will.

Thank you very much, Madam President. I yield the floor and note the absence of a quorum.

THE PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### NUCLEAR NONPROLIFERATION

Mr. CASEY. Mr. President, I rise tonight to express support for the Obama administration's efforts on nuclear nonproliferation. We know—and I believe this is a consensus in our country—that nuclear terrorism poses the most serious threat to our security, as well as the security of other nations around the world. I believe we have a solemn responsibility to do what we can to combat the threat of nuclear weapons.

The Obama administration has set forth a vision which puts American security first in pursuit of a world where terrorists cannot acquire weapons of mass destruction. The Senate also has

an important leadership role to play. Our No. 1 obligation should be to protect the American people.

In Prague last April, President Obama described the steps the United States is prepared to take toward a world without nuclear weapons. In expressing this goal, the President acknowledged the necessity of maintaining our weapons complex while simultaneously working to negotiate agreements that decrease the number of nuclear weapons in the world. He said:

Make no mistake, as long as these weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary, and guarantee that defense to our allies . . . but we will begin the work of reducing our arsenal.

This January, a bipartisan group of American national security leaders came together to help guide our thinking on these important issues. Former Secretary of State George Shultz, former Secretary of Defense William Perry, former National Security Adviser and Secretary of State Henry Kissinger, and former Senator Sam Nunn all have stellar national security experience and credentials. They wrote together:

Nuclear weapons today present tremendous dangers, but also an historic opportunity. U.S. leadership will be required to take the world to the next stage—to a solid consensus for reversing reliance on nuclear weapons globally as a vital contribution to preventing their proliferation into potentially dangerous hands, and ultimately ending them as a threat to the world.

President Obama is willing and able to provide this leadership at this critical point in history.

The administration is in the final stages of negotiating START with Russia. This treaty would reduce deployed nuclear weapons in the United States and Russia and would provide crucial verification measures that would allow a window into the Russian nuclear program.

While the Treaty has taken a little longer than expected to complete, I applaud Assistant Secretary for Verification, Compliance and Implementation, Rose Gottemoeller, for her leadership and her efforts to pursue a strong agreement as opposed to an immediate agreement.

A new START agreement is in our national security interest, especially in terms of maintaining verification and transparency measures. Once completed, this agreement can help to strengthen the U.S.-Russian relationship and potentially increase the possibility of Russian cooperation on an array of thorny international issues, including North Korea and Iran.

The START follow-on treaty is also a clear demonstration that the United States is upholding our disarmament obligation under the Nuclear Nonproliferation Treaty, one of the treaty's three pillars, in addition to nonproliferation and peaceful uses of nuclear energy. START is a necessary

step in reaffirming U.S. leadership on nonproliferation issues. Without a clear commitment to our nonproliferation responsibilities through a new START agreement, it will be increasingly difficult for the United States to secure international support in addressing the urgent security threats posed by the spread of nuclear weapons.

An essential element of securing our nuclear weapons complex begins at home. Last Thursday, Vice President BIDEN spoke at the National Defense University about the administration's efforts to maintain a safe, secure, and effective nuclear arsenal.

Mr. President, I ask unanimous consent to have printed in the RECORD the Vice President's speech.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PATH TO NUCLEAR SECURITY: IMPLEMENTING THE PRESIDENT'S PRAGUE AGENDA

Ladies and gentlemen; Secretaries Gates and Chu; General Cartwright; Undersecretary Tauscher; Administrator D'Agostino; members of our armed services; students and faculty; thank you all for coming.

At its founding, Elihu Root gave this campus a mission that is the very essence of our national defense: "Not to promote war, but to preserve peace by intelligent and adequate preparation to repel aggression." For more than a century, you and your predecessors have heeded that call. There are few greater contributions citizens can claim.

Many statesmen have walked these grounds, including our Administration's outstanding National Security Advisor, General Jim Jones. You taught him well. George Kennan, the scholar and diplomat, lectured at the National War College in the late 1940s. Just back from Moscow, in a small office not far from here, he developed the doctrine of Containment that guided a generation of Cold War foreign policy.

Some of the issues that arose during that time seem like distant memories. But the topic I came to discuss with you today, the challenge posed by nuclear weapons, continues to demand our urgent attention.

Last April, in Prague, President Obama laid out his vision for protecting our country from nuclear threats.

He made clear we will take concrete steps toward a world without nuclear weapons, while retaining a safe, secure, and effective arsenal as long as we still need it. We will work to strengthen the Nuclear Non-Proliferation Treaty. And we will do everything in our power to prevent the spread of nuclear weapons to terrorists and also to states that don't already possess them.

It's easy to recognize the threat posed by nuclear terrorism. But we must not underestimate how proliferation to a state could destabilize regions critical to our security and prompt neighbors to seek nuclear weapons of their own.

Our agenda is based on a clear-eyed assessment of our national interest. We have long relied on nuclear weapons to deter potential adversaries.

Now, as our technology improves, we are developing non-nuclear ways to accomplish that same objective. The Quadrennial Defense Review and Ballistic Missile Defense Review, which Secretary Gates released two weeks ago, present a plan to further

strengthen our preeminent conventional forces to defend our nation and our allies.

Capabilities like an adaptive missile defense shield, conventional warheads with worldwide reach, and others that we are developing enable us to reduce the role of nuclear weapons, as other nuclear powers join us in drawing down. With these modern capabilities, even with deep nuclear reductions, we will remain undeniably strong.

As we've said many times, the spread of nuclear weapons is the greatest threat facing our country.

That is why we are working both to stop their proliferation and eventually to eliminate them. Until that day comes, though, we will do everything necessary to maintain our arsenal.

At the vanguard of this effort, alongside our military, are our nuclear weapons laboratories, national treasures that deserve our support. Their invaluable contributions range from building the world's fastest supercomputers, to developing cleaner fuels, to surveying the heavens with robotic telescopes.

But the labs are best known for the work they do to secure our country. Time and again, we have asked our labs to meet our most urgent strategic needs. And time and again, they have delivered.

In 1939, as fascism began its march across Europe, Asia, and Africa, Albert Einstein warned President Roosevelt that the Nazis were racing to build a weapon, the likes of which the world had never seen. In the Southwest Desert, under the leadership of Robert Oppenheimer, the physicists of Los Alamos won that race and changed the course of history.

Sandia was born near Albuquerque soon after the Second World War and became our premier facility for developing the non-nuclear components of our nuclear weapons program.

And a few years later the institution that became Lawrence Livermore took root in California. During the arms race that followed the Korean War, it designed and developed warheads that kept our nuclear capabilities second to none.

These examples illustrate what everyone in this room already knows—that the past century's defining conflicts were decided not just on the battlefield, but in the classroom and in the laboratory.

Air Force General Hap Arnold, an aviation pioneer whose vision helped shape the National War College, once argued that the First World War was decided by brawn and the Second by logistics. "The Third World War will be different," he predicted. "It will be won by brains."

General Arnold got it almost right. Great minds like Kennan and Oppenheimer helped win the Cold War and prevent World War Three altogether.

During the Cold War, we tested nuclear weapons in our atmosphere, underwater and underground, to confirm that they worked before deploying them, and to evaluate more advanced concepts. But explosive testing damaged our health, disrupted our environment and set back our non-proliferation goals.

Eighteen years ago, President George H.W. Bush signed the nuclear testing moratorium enacted by Congress, which remains in place to this day.

Under the moratorium, our laboratories have maintained our arsenal through the Stockpile Stewardship Program without underground nuclear testing, using techniques that are as successful as they are cutting edge.

Today, the directors of our nuclear laboratories tell us they have a deeper understanding of our arsenal from Stockpile Stewardship than they ever had when testing was commonplace.

Let me repeat that—our labs know more about our arsenal today than when we used to explode our weapons on a regular basis. With our support, the labs can anticipate potential problems and reduce their impact on our arsenal.

Unfortunately, during the last decade, our nuclear complex and experts were neglected and underfunded.

Tight budgets forced more than 2,000 employees of Los Alamos and Lawrence Livermore from their jobs between 2006 and 2008, including highly-skilled scientists and engineers.

And some of the facilities we use to handle uranium and plutonium date back to the days when the world's great powers were led by Truman, Churchill, and Stalin. The signs of age and decay are becoming more apparent every day.

Because we recognized these dangers, in December, Secretary Chu and I met at the White House with the heads of the three nuclear weapons labs. They described the dangerous impact these budgetary pressures were having on their ability to manage our arsenal without testing. They say this situation is a threat to our security. President Obama and I agree.

That's why earlier this month we announced a new budget that reverses the last decade's dangerous decline. It devotes \$7 billion to maintaining our nuclear stockpile and modernizing our nuclear infrastructure. To put that in perspective, that's \$624 million more than Congress approved last year—and an increase of \$5 billion over the next five years. Even in these tight fiscal times, we will commit the resources our security requires.

This investment is not only consistent with our nonproliferation agenda; it is essential to it. Guaranteeing our stockpile, coupled with broader research and development efforts, allows us to pursue deep nuclear reductions without compromising our security. As our conventional capabilities improve, we will continue to reduce our reliance on nuclear weapons.

Responsible disarmament requires versatile specialists to manage it.

The skilled technicians who look after our arsenal today are the ones who will safely dismantle it tomorrow.

And chemists who understand how plutonium ages also develop forensics to track missing nuclear material and catch those trafficking in it.

Our goal of a world without nuclear weapons has been endorsed by leading voices in both parties. These include two former Secretaries of State from Republican administrations, Henry Kissinger and George Shultz; President Clinton's Secretary of Defense Bill Perry; and my former colleague Sam Nunn, for years the Democratic Chairman of the Senate Armed Services Committee.

Together, these four statesmen called eliminating nuclear weapons "a bold initiative consistent with America's moral heritage."

During the 2008 Presidential campaign, both the President and Senator McCain supported the same objective. We will continue to build support for this emerging bipartisan consensus like the one around containment of Soviet expansionism that George Kennan inspired.

Toward that end, we have worked tirelessly to implement the President's Prague agenda.



In September, the President chaired an historic meeting of the UN Security Council, which unanimously embraced the key elements of the President's vision.

As I speak, U.S. and Russian negotiators are completing an agreement that will reduce strategic weapons to their lowest levels in decades.

Its verification measures will provide confidence its terms are being met. These reductions will be conducted transparently and predictably. The new START treaty will promote strategic stability and bolster global efforts to prevent proliferation by showing that the world's leading nuclear powers are committed to reducing their arsenals.

And it will build momentum for collaboration with Russia on strengthening the global consensus that nations who violate their NPT obligations should be held to account.

This strategy is yielding results. We have tightened sanctions on North Korea's proliferation activities through the most restrictive UN Security Council resolution to date—and the international community is enforcing these sanctions effectively.

And we are now working with our international partners to ensure that Iran, too, faces real consequences for failing to meet its obligations.

In the meantime, we are completing a government-wide review of our nuclear posture.

Already, our budget proposal reflects some of our key priorities, including increased funding for our nuclear complex, and a commitment to sustain our heavy bombers and land and submarine-based missile capabilities, under the new START agreement.

As Congress requested and with Secretary Gates' full support, this review has been a full interagency partnership.

We believe we have developed a broad and deep consensus on the importance of the President's agenda and the steps we must take to achieve it. The results will be presented to Congress soon.

In April, the President will also host a Nuclear Security Summit to advance his goal of securing all vulnerable nuclear material within four years. We cannot wait for an act of nuclear terrorism before coming together to share best practices and raise security standards, and we will seek firm commitments from our partners to do just that.

In May, we will participate in the Non-Proliferation Treaty Review Conference. We are rallying support for stronger measures to strengthen inspections and punish cheaters.

The Treaty's basic bargain—that nuclear powers pursue disarmament and non-nuclear states do not acquire such weapons, while gaining access to civilian nuclear technology—is the cornerstone of the non-proliferation regime.

Before the treaty was negotiated, President Kennedy predicted a world with up to 20 nuclear powers by the mid-1970s. Because of the Non-Proliferation Treaty and the consensus it embodied, that didn't happen.

Now, 40 years later, that consensus is fraying. We must reinforce this consensus, and strengthen the treaty for the future.

And, while we do that, we will also continue our efforts to negotiate a ban on the production of fissile materials that can be used in nuclear weapons.

We know that completing a treaty that will ban the production of fissile material will not be quick or easy—but the Conference on Disarmament must resume its work on this treaty as soon as possible.

The last piece of the President's agenda from Prague was the ratification of the Comprehensive Test Ban Treaty.

A decade ago, we led this effort to negotiate this treaty in order to keep emerging nuclear states from perfecting their arsenals and to prevent our rivals from pursuing ever more advanced weapons.

We are confident that all reasonable concerns raised about the treaty back then—concerns about verification and the reliability of our own arsenal—have now been addressed. The test ban treaty is as important as ever.

As President Obama said in Prague, “we cannot succeed in this endeavor alone, but we can lead it, we can start it.”

Some friends in both parties may question aspects of our approach. Some in my own party may have trouble reconciling investments in our nuclear complex with a commitment to arms reduction. Some in the other party may worry we're relinquishing capabilities that keep our country safe.

With both groups we respectfully disagree. As both the only nation to have used nuclear weapons, and as a strong proponent of non-proliferation, the United States has long embodied a stark but inevitable contradiction. The horror of nuclear conflict may make its occurrence unlikely, but the very existence of nuclear weapons leaves the human race ever at the brink of self-destruction, particularly if the weapons fall into the wrong hands.

Many leading figures of the nuclear age grew ambivalent about aspects of this order. Kennan, whose writings gave birth to the theory of nuclear deterrence, argued passionately but futilely against the development of the hydrogen bomb. And Robert Oppenheimer famously lamented, after watching the first mushroom cloud erupt from a device he helped design, that he had become “the destroyer of worlds.”

President Obama is determined, and I am as well, that the destroyed world Oppenheimer feared must never become our reality. That is why we are pursuing the peace and security of a world without nuclear weapons. The awesome force at our disposal must always be balanced by the weight of our shared responsibility.

Every day, many in this audience help bear that burden with professionalism, courage, and grace.

A grateful nation appreciates your service. Together, we will live up to our responsibilities. Together, we will lead the world.

Thank you.

May God bless America. May God protect our troops.

Mr. CASEY. Mr. President, the Vice President said that recent years have seen a slow but steady decline in support for our nuclear stockpile and infrastructure and for our highly trained nuclear workforce. The four national security statesmen I previously referred to agree. In January, all four of these experts wrote:

These investments are urgently needed to undo the adverse consequences of deep reductions over the past 5 years in the laboratories' budgets for the science, technology and engineering programs that support and underwrite the Nation's nuclear deterrent.

We know that JASON, an independent defense advisory group of senior scientists, has also echoed these same concerns in a recent study. The JASON group found that the lifetimes of today's warheads could be extended for decades. That was the good news. While the weapons are in good shape,

JASON is concerned that maintenance of the stockpile relies on the “renewal of expertise and capabilities in science, technology, engineering, and production unique to the nuclear weapons program” and that this expertise was “threatened by lack of program stability, perceived lack of mission importance, and degradation of the work environment.”

The Obama administration's budget request reflects these concerns. The fiscal year 2011 budget request devotes \$7 billion to maintaining our nuclear weapons stockpile and complex and for related efforts. Delivering on promises made in Prague and elsewhere, this administration has demonstrated a clear commitment to a nuclear nonproliferation strategy that is an integral part of our security and that of our allies.

As Under Secretary of State for Arms Control in International Security, Ellen Tauscher, a former Member of the House, said recently:

Nuclear disarmament is not the Holy Grail. As long as we see the rise of nuclear weapons in other countries, we will maintain deterrence that is second to none.

This approach by Ellen Tauscher is smart, strategic, and measured, and it puts American security first.

As I stand in support of full funding for the administration's nuclear weapons stockpile and complex request, I believe it is very important that we stand together—all of us, Democrats, Republicans, and Independents.

Key dimensions of our nuclear stockpile are the nuclear labs and resident scientific expertise. We need to be able to continue to recruit the most highly qualified and motivated experts tasked with stockpile maintenance. Our three National Laboratories—Lawrence Livermore in California, Los Alamos in New Mexico, and Sandia in New Mexico and California—are staffed by gifted public servants who have established methods for verifying the safety, security, and reliability of our stockpile. This budget presented by the administration will help to ensure that the most talented scientists continue to be attracted to our labs and that these labs continue to be state of the art.

The administration's 2011 budget request also bolsters the case for eventual ratification of the Comprehensive Test-Ban Treaty. A full investment in our nuclear weapons infrastructure will mean the United States can continue to maintain its nuclear weapons infrastructure without testing. We have not tested a nuclear weapon since 1992 because we now have the technical means to ensure the reliability and safety of our stockpile without testing.

This is an issue of national security and preventing nuclear terrorism. By working to diminish access to fissile material, by working to ensure Russia and the United States decrease nuclear stockpiles, and by promoting a ban on nuclear testing and by ensuring our nuclear arsenal is safe and secure—all of



these measures, as well as others—will help to create an international environment where a terrorist's access to fissile material is diminished.

I should mention as well the work of Senator LUGAR. Senator LUGAR has been a remarkable leader in regard to promoting the Nunn-Lugar program all these years. I agree with Senator LUGAR's efforts to secure more funding as the mandate of the program is expanded without commensurate resources. Senator LUGAR reports that the program "has eliminated more nuclear weapons than the combined nuclear arsenals of France, China, and the United Kingdom for less than \$3 billion—a striking return on investment." I have to agree that is a striking return, indeed.

Finally, I also express support for the administration's requested increase in funding for the International Atomic Energy Agency, which we all know by the acronym IAEA. For too the long, the IAEA's technical assistance and co-operation programs have been underfunded. International nonproliferation efforts face an uncertain future. Iran and North Korea are our primary concerns, but potential nuclear flashpoints remain between India and Pakistan, and the security of fissile material, while improving, remains a vital concern. In order for the IAEA to be best positioned to confront proliferation efforts in North Korea and Iran, as well as monitor the peaceful nuclear energy programs in countries around the world, its budget needs to reflect this growing portfolio. U.S. leadership in nonproliferation is essential. A fully funded IAEA will complement U.S. efforts to combat proliferation at this critical time.

These investments in our national security are substantial, but there is no greater threat than that of nuclear terrorism. We must remain vigilant in doing everything we can to ensure terrorists do not get their hands on weapons of mass destruction. The nonproliferation measures mentioned above all help to address this threat.

To keep America safe, Democrats, Republicans, and Independents must work together—let me say that again—must work together to promote nonproliferation and confront nuclear terror by ensuring that our existing nuclear arsenal is safe, secure, and effective.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, in a moment, I will ask unanimous consent to

be able to offer an amendment, but first I wish to talk about that amendment because I understand the other side is going to object.

Currently, there are seven States that collect no income tax from their residents. Those States are my home the State of Nevada, Florida, South Dakota, Tennessee, Texas, Washington, and Wyoming.

Under current Federal tax law, in all the States that have an income tax, individuals are allowed to deduct those income taxes from their Federal tax form. Your property taxes can also be deducted. Even when you register your car and pay your registration fee on your car, you are allowed to deduct that because that is a local tax. The tax that you are not allowed to deduct, if we don't extend current law, will be the sales tax.

My State relies more on a sales tax for its revenue sources. That is what it decided to do. Other States have chosen to set their taxes up differently. But States have the flexibility to set up their taxes in the way they feel is best for their residents. My State actually has a constitutional amendment against collecting a State income tax from its residents.

Nevadans don't want a State income tax, but they want to be treated fairly. So a few years ago, we passed a law so that Nevada and these six other States would be treated fairly; so that residents would have the option of deducting a sales tax or an income tax. It is just a matter of fairness, but it also allows people to keep more of their own income. At the end of last year, the deductibility for the sales tax expired, and I would like to be able to offer an amendment to extend it in this jobs bill.

I believe if people have more of their own money—money they can count on—they will make good decisions, and they will actually go out and spend some of that money. I believe this would actually be a good measure to put in the jobs bill. It was in the original bipartisan bill that Chairman BAUCUS and Ranking Member GRASSLEY came up with and introduced. So I am hoping the other side will not object, although I understand they are going to.

Mr. President, I ask unanimous consent that it be in order to offer an amendment to allow for the deduction of State and local sales tax.

The PRESIDING OFFICER. Is there objection?

In my capacity as a Senator from Colorado, I object.

Objection is heard.

Mr. ENSIGN. Mr. President, I knew that was going to happen because the majority party has decided to allow no amendments on this bill, which is a shame. It is the reason I voted against cloture on the bill yesterday, because I think it is only fair that we get to offer

amendments on such an important and expensive bill. This is one of the amendments that I think should be allowed.

We will be making other efforts during the year to get the sales tax deductibility enacted into law because it is a question of fairness for these seven States. I know the Senators from those seven States join me in fighting for this. We fought together before, and we are going to continue to fight to try to make sure this deductibility, as a matter of fairness for our citizens, is maintained in Federal law.

I yield the floor.

Mr. GRASSLEY. Mr. President, as I stated earlier today, I had worked to put together a bipartisan package with my colleague, Finance Committee Chairman BAUCUS, to address some time-sensitive matters that need to be considered.

I was under the impression that the Senate Democratic leadership genuinely wanted to work on a bipartisan basis but, unfortunately, I was mistaken.

Although the majority leader was deeply involved in the development of our bipartisan bill, as soon as it was released he announced that he would not take it up, and he arbitrarily decided to replace it with a bill he plans to jam through the Senate.

I addressed my concerns earlier about the removal of the tax extender provisions.

Now I want to discuss another significant change between the bipartisan package Chairman BAUCUS and I put together and the Senate Democratic leadership's bill that we will be voting on this week.

A package of expired and expiring Medicare health provisions has been removed without any explanation. These bipartisan provisions are essential to the health and well-being of Medicare beneficiaries. They have been routinely supported by both sides and passed repeatedly in recent years.

So where does that leave us? We are now less than a week away from the end of February, and Medicare beneficiaries around the country will suffer from the Senate Democratic leader's decision to remove these provisions without any explanation. Medicare beneficiaries should not be held hostage to whatever partisan goals the Senate Democratic leadership envisions.

To make matters worse, they have decided to "fill the tree," as the procedure is called, so there will be no opportunity to offer these essential health provisions known as "Medicare extenders" as amendments to his bill.

The decision to abandon a bipartisan approach is especially ironic considering the fact that later this week President Obama is hosting a bipartisan meeting with Senators and Members of the House to discuss health care reform.

It is too early to tell if that meeting will lead to a true bipartisan effort to address health care reform issues, at least in some areas where there is broad agreement on both sides. But I commend the President for his bipartisan outreach and invitation to meet and discuss these important issues. It is an approach that the Senate Democratic leadership abandoned last year.

Apparently, political games have become more important than ensuring that critical legislation is passed to protect Medicare beneficiaries' access to health care.

Many individuals, in fact, are already in jeopardy of suffering adverse consequences to their health because of the failure by the Senate Democratic leadership to ensure that these critically needed Medicare provisions would be enacted by the end of last year. These are the same provisions that had broad, bipartisan support when they were considered by the Finance Committee and included in the health care bill the committee reported last fall.

I am going to review some of these provisions and the impact they have on Medicare beneficiaries and their access to health care.

First, there is the need for a physician payment update, what we commonly refer to as the "SGR" or the "doc fix." A 2-month extension that was passed in December is scheduled to expire on February 28, just 5 days from now. Unless a physician update is enacted by March 1, physicians, nurses, and other health care practitioners will experience severe payment cuts of 21 percent as of that date.

These payment cuts would be even more disastrous for physicians in rural States, such as Iowa, where Medicare reimbursement is already about 30 percent lower than in other areas. But payment cuts of this magnitude will severely impact physicians and health care practitioners throughout the country, and they will significantly threaten beneficiary access to care.

Should these cuts occur and continue for any length of time, they will have a truly disastrous effect on the ability of seniors to find, or keep, physicians who take Medicare patients.

I am appalled that Medicare beneficiaries' access to physicians and other needed medical care is being jeopardized because of the political games that are being played by the Senate Democratic leadership.

Let's look at beneficiaries who are already being affected by other Medicare provisions that should have been extended, as they have been in the past, but that were allowed to expire at the end of last year.

One of the most pressing is an extension of the exceptions process for therapy caps. The law puts annual payment limits or financial caps on therapy services. There are annual dollar limits on outpatient physical therapy and

speech-language pathology therapy combined and on occupational therapy.

While the law provided for an exceptions process to these caps when additional therapy was medically necessary, that provision expired at the end of 2009. Medicare beneficiaries who have suffered strokes or serious debilitating injuries, such as a hip fracture, have significant rehabilitation needs. Some of these beneficiaries have already exceeded their therapy limits for 2010.

Since the exceptions process that would have allowed these patients to receive more needed therapy has expired, beneficiaries with the greatest need for therapy will be the hardest hit. Congress must address this issue immediately.

A second issue of major concern is the need for additional payment for mental health services. A provision that expired at the end of last year provided an additional 5-percent payment for Medicare mental health services provided by psychologists and mental health counselors. This provision has been key to improving access to mental health care services for veterans and other military personnel suffering from post-traumatic stress and other disorders since TRICARE coverage is based on Medicare rates.

Significant shortages of mental health personnel have made it exceedingly difficult for Medicare beneficiaries and some of our military returning from overseas to find this critically needed help. The expiration of this provision has made it even more difficult for them to obtain these services. Congress needs to act immediately to help Medicare beneficiaries and members of the Armed Forces in need of mental health services.

A third issue concerns additional payments for ambulance services that are routinely extended, year after year. Many ambulance providers need them to survive. But those provisions also expired at the end of last year.

Another provision would ensure that Medicare beneficiaries can continue to get vital medical supplies such as diabetic test strips, canes, nebulizers, and wound care products from their local community pharmacies.

Under current law, suppliers of durable medical equipment, prosthetics, orthotics, and other supplies must get accredited to prove they comply with quality standards. Many eligible professionals, such as physicians, nurse practitioners, physical therapists, and others are specifically exempted from this requirement. This provision would exempt pharmacies from being accredited under certain circumstances. Pharmacies must have been enrolled as a Medicare supplier with a provider number for at least 2 years, have DME billings that are less than 5 percent of their total sales, be in good standing with Medicare, and meet other criteria.

Medicare beneficiaries living in rural and underserved areas are particularly at risk of losing access to these critical medical products. This provision is essential to ensure they do not.

There are also a number of expired provisions in this package that improve payment for hospitals, especially rural hospitals. These hospitals rely on these provisions to keep their doors open.

The impact of a hospital shutting its doors would be especially hard on rural and underserved areas where hospitals are the only point of access for health care.

Our country is facing record unemployment and Americans are struggling to make ends meet. The failure to extend these essential Medicare provisions immediately will make access to health care or needed medical services simply unavailable for many beneficiaries. The impact will be even worse for those in rural areas already facing health care access problems.

These examples show some of the damage that failing to extend these Medicare provisions will do to our seniors' health care.

We need to get back to work on the bipartisan package that was in the works until the Senate Democratic leadership's dramatic change in direction.

Medicare beneficiaries are counting on us to work together and get this done.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate convenes Wednesday, February 24, all postcloture time be considered expired, except for any time available until 9:55 a.m., and that at 9:55 a.m. the Senate proceed to vote on a motion to waive the applicable budget points of order; further, that if the points of order are waived, without further intervening action, the second-degree amendment be withdrawn and no further amendments be in order; the Senate then proceed to vote on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 2847, with amendment No. 3310; provided further that upon disposition of the House message with respect to H.R. 2847, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GUNS ON UNIVERSITY CAMPUSES

Mr. LEVIN. Mr. President, in 2009, bills aimed at weakening the ability of universities to regulate the possession of firearms on campus were introduced in 12 State legislatures, including the Michigan State Legislature. In 2008, 17 States saw similar legislation introduced. Fortunately for the safety of students, faculty, and visitors, none of these bills passed. In fact, according to the Wall Street Journal, as of July 2009, State legislative efforts to allow firearms on college campuses had been defeated 34 straight times nationwide. However, while this statistic demonstrates a clear national consensus that guns do not belong at universities, the National Rifle Association, NRA, continues to push for weaker gun regulations.

Already in 2010, efforts have been undertaken that would weaken the ability of colleges to determine their own security needs in Arizona, Georgia, Virginia, and Colorado. These legislative efforts are part of a strategy to pressure State legislatures into passing legislation that would force colleges to allow the possession and use of firearms by students, faculty, and others on campus. According to a report from the Brady Center to Prevent Gun Violence, entitled "No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools," this strategy can be seen as a response to the horrific shootings at Virginia Tech in 2007. According to this strategy, the way to prevent future violence on college campuses is to have more guns on campuses.

Increasing the number of guns in university settings is likely to increase the threat of violence. Every day at colleges across the country, young people engage in risky behaviors involving alcohol and drugs. According to the U.S. Department of Health and Human Services, binge drinking and illegal drug use is highest among 18- to 24-year-olds. Furthermore, a report by the National Center on Addiction and Substance Abuse at Columbia University found that "nearly half of America's full-time college students abuse drugs or drink on binges at least once a month." This behavior is dangerous enough without introducing a weapon into the environment. Additional threats to public safety stemming from firearms on campuses include the high risk of gun thefts in typically unsecure college living environments, as well as an increase in the number of accidental shootings.

Students and faculty should feel safe while on campus. Contrary to the claims of some, more guns on campus will not create a more secure campus. More guns will increase the threat of violence, and that is why legislation that would force universities to allow firearms on campus is misguided.

## HONORING OUR ARMED FORCES

SPECIALIST MARC DECOTEAU

Mr. GREGG. Mr. President, I rise today to remember and honor Army SPC Marc Paul Decoteau of Waterville Valley, NH, for his service and supreme sacrifice for his country.

Specialist Decoteau demonstrated a willingness and dedication to serve and defend his country by joining the U.S. Army. Just as many of America's heroes have taken up arms in the face of dire threats, Marc dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but his sacrifice will help spare millions from lives under tyranny and oppression.

An exceptional student-athlete, Marc played an integral role in two Plymouth Regional High School State football championships and was also a standout lacrosse player. Marc graduated from Plymouth High School in Plymouth, NH, in 2008 and, sensing a call to duty, enlisted in the Army shortly thereafter.

Tragically, on January 29, 2010, this brave 19-year-old gave his life for this Nation while in support of combat operations in the Wardak Province of Afghanistan. At the time of this hostile action, Specialist Decoteau, a member of the 6th Psychological Operations Battalion out of Fort Bragg, NC, was serving his first tour in Afghanistan in support of Operation Enduring Freedom.

A beloved member of the Waterville Valley community, Marc was respected and admired by all those around him. As a loyal member of the U.S. Army, he continually performed above and beyond all expectations. Specialist Decoteau will live on as a decorated hero and a patriot.

Marc was recognized for his service several times, receiving the National Defense Service Medal, Afghanistan Campaign Medal with Campaign Star, Global War on Terrorism Service Medal, Army Service Ribbon, and Parachutist Badge. He was also posthumously awarded the Army Commendation Medal, Army Good Conduct Medal, and NATO Medal.

My condolences and prayers go out to Marc's parents Mark and Nancy, his brother Andrew and sister Maddie, and his family and friends. I offer them my deepest sympathies and most heartfelt thanks for their sacrifice. Marc exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to

guard and defend it." Because of his efforts, the liberty of this country is made more secure. God bless Marc Decoteau.

## SELDON TECHNOLOGIES

Mr. LEAHY. Mr. President, I would like to direct the attention of the Senate to an article that was recently published in the Rutland Herald about Seldon Technologies, located in Windsor, VT.

This article describes the laudable efforts of a Vermont company taking part in the ongoing disaster relief operation in Haiti. Seldon Technologies has donated one of its state-of-the-art water filtration devices to a nonprofit organization that provides clean water to people in developing countries and those affected by natural disasters, such as Haiti. I commend Seldon for using its technology to help the many Haitians who are still desperately in need of assistance.

Mr. President, I ask unanimous consent that this article entitled "Windsor Water Company Ships Help to Haiti" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## WINDSOR WATER COMPANY SHIPS HELP TO HAITI

(By Josh O'Gorman)

WINDSOR, VT.—A local company is doing its part to help with disaster relief in Haiti.

Seldon Technologies, which develops state-of-the-art water filtration devices, has donated one of its products to Water Missions International, a South Carolina-based nonprofit that works to provide clean water to developing countries and disaster areas such as Haiti.

Seldon Technologies donated a Seldon WaterBox Mobile Filtration System, which will help Water Missions aid workers stay healthy and provide immediate, clean, drinking water to temporary shelters.

"The Seldon staff are excited about the opportunity to utilize our new filtration products on behalf of those in need," said CEO Alan G. Cummings. "Such use matches our corporate mission. Seldon's progress has been helped immeasurably by our Senator Leahy and his interest in new technology initiatives in Vermont."

Democratic U.S. Sen. Patrick Leahy has secured several Department of Defense contracts for Seldon to develop water filtration products for civilian and military use.

The WaterBox, which retails for \$2,695, can provide water to 390 people a day, based upon the World Health Organization's disaster standard of 1.9 gallons per person, said Heidi Luquer, who handles disaster and relief for Seldon Technologies.

Brad Reed, president and chief operating officer for Water Missions International, said the donation fits his organization's mission.

"It's a good example of groups trying to help each other when one approach complements the other," said Reed, whose organization has been working to provide clean drinking water in Haiti since 2004 and had 22 clean-water projects up and running prior to the Jan. 12 earthquake that killed more than 200,000 people and left more than 1 million homeless.

Water Missions International has increased its efforts since the earthquake, bringing in an additional 12 aid workers from Germany, Honduras and the U.S., and will have 80 water projects in place by the end of the week, Reed said.

Seldon's WaterBox is currently en route to Haiti and is expected arrive by the beginning of next week, said Reed.

To learn more about Seldon Technologies, visit [www.seldontechnologies.com](http://www.seldontechnologies.com). For more about Water Missions International, visit [www.watermissions.org](http://www.watermissions.org).

#### NATIONAL EYE DONOR MONTH

Mr. ISAKSON. Mr. President, I rise today to bring to the attention of my colleagues that March is National Eye Donor Month. In 1983, President Ronald Reagan announced, "One of the most magnificent presents that one human being can bestow upon another is the gift of sight. Incredible as it may seem, it is within the power of each of us to give this precious gift simply by making arrangements to donate our eyes after death." In less than 50 words, President Reagan expressed how simple and incredible it is to give the gift of sight. He declared March as National Eye Donor Month, and today his words hold no less relevance.

During National Eye Donor Month, we should take time to honor past donors and their families for the tremendous gift of sight they have given. These gifts have helped to improve the lives of over 1 million recipients since this procedure was introduced into America's health care system. Throughout the United States today, more than 40,000 corneal transplants take place yearly, over 750 each week. The Eye Bank Association of America was founded in 1961 and promulgates medical standards for eye banks throughout the world. Its initial membership of 25 member banks has grown to 85 banks in the United States and 15 international banks.

Corneal transplants can restore sight to people of all ages and all walks of life, whether it be a newborn, an adult or an aging grandparent. While success rates for corneal transplants have always been high, advancements in recent technology have increased success rates to over 95 percent. When the procedure was first performed, patients would spend upwards of 1 month in the hospital recovering from the transplant. Today, it is an outpatient procedure.

Today, we possess the knowledge and technology to give the gift of sight to thousands of individuals through the generosity of eye donation. Anyone can become an eye donor. Cataracts, poor eyesight or age do not prevent a person from being a donor. I encourage all Americans to become eye donors. It is a very simple process. All you need to do is sign up on your State's donor registry and talk to your family to ensure they understand that you wish to give the gift of sight.

Donated human eyes and corneal tissue are used for research, education and transplantation. There is no substitute for human tissue donation. Corneal transplants cannot take place without the priceless gift of corneal donation from one human to another. I encourage my colleagues to work with their local eye banks to help raise awareness within your communities and throughout our country. I am honored to recognize March as National Eye Donor Month today in the RECORD.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### RECOGNIZING THE TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

• Mr. LAUTENBERG. Mr. President, I wish to pay tribute to the Transportation Trades Department, AFL-CIO, as it marks its 20th anniversary representing our Nation's transportation workers. The TTD is a leader in the effort to ensure that our transportation needs are fully met, and they work to remind us of the critical role that workers serve in this industry.

As chairman of the Commerce Subcommittee on Surface Transportation and a member of the Transportation Appropriations Subcommittee, I have found TTD to be a trusted, valuable resource to help strengthen our infrastructure and expand our skilled, well-trained workforce. We are working together to address our ailing bridges and highways, improve our rail systems and ports, and modernize our air traffic control systems.

I am proud to have worked with TTD to guard against those who would put safety, security, and service at risk. TTD and I have fought against risky privatization schemes for Amtrak and air traffic controllers and to rein in air carriers who seek out low-cost, poorly supervised foreign repair facilities. There is absolutely no excuse for cutting corners on safety anywhere in the transportation industry.

Our work in transportation is far from done. With our economy mired in a recession and lingering unemployment crisis, we need to rebuild our infrastructure and put Americans back to work. We must do more to modernize rail, transit, and ports, improve safety on our roads, and invest in the technologies that will make air travel safer and more efficient. Transportation workers are a strong partner in these bold steps, and I look forward to continuing to work closely with TTD in pursuit of these shared goals.

Twenty years after its inception, the Transportation Trades Department, AFL-CIO, continues to be a leader in a more efficient, productive, and connected nation. I congratulate the organization on this milestone anniversary and wish it continued success in the future. •

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO THE DELTA CHAPTER SIGMA CHI VETERANS

• Mr. CHAMBLISS. Mr. President, today I pay tribute to the brothers of the Delta Chapter of Sigma Chi fraternity at the University of Georgia who honorably served in our Nation's Armed Forces during the Vietnam war.

These men made tremendous sacrifices, leaving behind their loved ones and the comfort of college to serve our Nation. One of our brothers, Joe Laslie, gave his life.

This weekend, members of the Delta Chapter of the Sigma Chi fraternity will honor the brothers who served during the Vietnam war at a memorial brunch. This will be a touching event, especially for the family of Joe Laslie.

Joe made the ultimate sacrifice during the summer of 1968. Many of his close friends at school did not attend his funeral because they did not learn of his death until the following semester. This event will give us the opportunity to pay our respects.

I am truly humbled to have had the opportunity to know these men. As fraternity brothers, we competed in sports and threw parties, but we also we built strong bonds of friendship, and learned respect and honor.

I am proud of my brothers who so dutifully served our Nation. It is because of their dedication and sacrifice that we are able to live in a safe, free country.

As a tribute, I would like their names to be etched into the CONGRESSIONAL RECORD for posterity:

Kenan J. Kern  
Donald G. Charlton  
Lloyd G. Ewing  
William E. Schley  
Tom J. Jones  
G. Elliott Hagan, Jr.  
Warren A. Norman  
Steve J. Ernest  
Clyde W. Fitzgerald, Jr.  
David G. Jones  
William M. Riley  
John S. Noell, Jr.  
John A. Ewing, Jr.  
William O. McDonald  
John B. Thurman, III  
William E. Johnston  
Harris W. Sims  
Emory Lee Brinson  
Richard H. Warner  
J. Rufus Youmans  
Warren B. Taylor  
R. Daniel Weigle  
James F. Martin  
Otha C. Dent  
Richard B. Smith  
James R. Klein  
Joseph T. Laslie, Jr.\*  
Martin T. Bailey  
James W. Friedewald  
William W. Bell, Jr.  
Otis L. Durham  
John Richard Owens  
Richard B. Russell, IV  
Daniel H. Bull •

##### TRIBUTE TO TERRY LINDSEY

• Mr. CHAMBLISS. Mr. President, today I pay tribute to a local leader

and a true public servant, Mr. Terry Lindsey.

Several years ago, Terry took the helm of marketing at Engineered Fabrics, one of the largest employers in the Rockmart, GA, area. At the end of March, after 33 years on the job, he will leave Engineered Fabrics better than when he started.

In addition to serving Engineered Fabrics, Terry has spent a great deal of his life promoting his community.

Over the years, Terry has sponsored and hosted several Washington fly-ins, giving the Polk County delegation the opportunity to discuss issues of importance to the community with the Georgia congressional delegation—whether it be issues impacting small businesses, banks, education, or other critical issues to Polk County.

I have had the opportunity to get to know Terry during these visits, and I can tell you he is a salt-of-the-earth kind of guy. His friends will tell you that he loves his job, wife, country and God, and is truly thankful for what he has.

Terry, a longtime member of the Polk County Chamber of Commerce, has been involved in strengthening his community through activities such as the Youth Leadership committee and hosting the Development Authority of Polk County and the Intergovernmental Committee of Polk. He has also been a member of the Rotary Club of Rockmart/Polk County, and has provided guidance and encouragement as a mentor. I have no doubt he has touched many lives throughout his career.

The leadership and public service he has provided over the years is tremendously valuable, and he should be very proud of all he has accomplished.

The entire community will miss Terry's visionary leadership.

It is my pleasure to congratulate Terry as he concludes his long and distinguished career and begins retirement.●

#### TRIBUTE TO RICHARD BASHAM

● Mr. KOHL. Mr. President, I want to take a brief moment to recognize and congratulate Richard Basham on his retirement as football coach of the Marquette University High School Hilltoppers.

Coach Basham led the Hilltoppers for 38 seasons. Throughout his tenure, the Hilltoppers had 4 undefeated seasons, 20 conference championships, and 9 state championships—including in Coach Basham's final season. With 340 career wins, Coach Basham has won more high school football games than any other coach in Wisconsin State history.

In addition to Coach Basham's outstanding work on the football field, he led students in the classroom as a math teacher and chair of the Marquette University High School Mathe-

matics Department. He showed an enduring commitment to bettering the lives of his students and his players, cultivating their passion for success.

In a State that is proud to call Title Town and the great Vince Lombardi its own, Richard Basham will be remembered as the leader of another great football dynasty. In these almost four decades, Coach Basham and Marquette University High School Hilltoppers football have epitomized tradition, discipline, and success both on and off the field.

On behalf of our State, I congratulate Coach Basham on his remarkable coaching career and for his retirement. I wish him good health, happiness, and prosperity for many years to come.●

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2010.

BARACK OBAMA.

THE WHITE HOUSE, February 23, 2010.

#### MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

At 11:09 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following resolution:

H. Res. 1084. A resolution relative to the death of the Honorable John P. Murtha, a Representative from the Commonwealth of Pennsylvania.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office"; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4755. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at Naval Air Station Barbers Point; to the Committee on Armed Services.

EC-4756. A communication from the Secretary of the Navy, transmitting, pursuant to law, notification that the Program Acquisition Unit Cost metrics for the DDG 1000 Program have exceeded the critical cost growth threshold; to the Committee on Armed Services.

EC-4757. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2008-0020)) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4758. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Disclosure Related to Climate Change" (17 CFR Parts 211, 231 and 241) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4759. A communication from the Associate General Counsel for Legislation and Regulations, Office of the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income

Verification System; Withdrawal of Re-scinded Regulatory Amendments” (RIN2501-AD48) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4760. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled “Emissions of Greenhouse Gases in the United States 2008”; to the Committee on Energy and Natural Resources.

EC-4761. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Indiana; Correction” (FRL No. 9108-7) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Environment and Public Works.

EC-4762. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Albuquerque-Bernalillo County, New Mexico; Excess Emissions” (FRL No. 9110-2) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Environment and Public Works.

EC-4763. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, an annual report on civil works activities for fiscal year 2007; to the Committee on Environment and Public Works.

EC-4764. A communication from the Program Manager, National Institutes of Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Grants for Research Projects” (RIN0925-AA42) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4765. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission’s Annual Sunshine Act Report for 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4766. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled “Fair and Equitable Treatment: Progress Made and Challenges Remaining”; to the Committee on Homeland Security and Governmental Affairs.

EC-4767. A communication from the Deputy Assistant Administrator for Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act” (Docket Number DEA-285F) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on the Judiciary.

EC-4768. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report on crime victims’ rights; to the Committee on the Judiciary.

EC-4769. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

EC-4770. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2011; to the Committee on Rules and Administration.

EC-4771. A communication from the Director of Regulations Management, Center for Veterans Enterprise, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “VA-Veteran-Owned Small Business Verification Guidelines” (RIN2900-AM78) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2010; to the Committee on Veterans’ Affairs.

EC-4772. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention” (RIN0648-AV63) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4773. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements” (RIN0648-AX38) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4774. A communication from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4775. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off the Exclusive Economic Zone Off Alaska, Steller Sea Lions; Correction” (RIN0648-AY39) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4776. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures” (RIN0648-AY13) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4777. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting,

pursuant to law, the report of a rule entitled “Western Pacific Fisheries; Regulatory Restructuring” (RIN0648-AU71) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4778. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands” (RIN0648-XT42) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4779. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels” (RIN0648-XT87) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4780. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543” (RIN0648-XT86) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4781. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure” (RIN0648-XU01) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4782. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer” (RIN0648-XT61) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4783. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear” (RIN0648-XT71) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4784. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law,



the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area" (RIN0648-XT95) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4785. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XT97) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4786. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested" (RIN0648-XT98) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4787. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures" (RIN0648-AX95) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4788. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures" (MB Docket No. 09-52) received in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4789. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements" (MB Docket No. 07-198) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4790. A communication from the Senior Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "MarITel, Inc. and Mobex Network Services, LLC—Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees" (FCC 10-6) received in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4791. A communication from the Assistant Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law,

the report of a rule entitled "Revisions to Rules Authorizing the Operation of Low Power Auxiliary Station in 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90" (DA 10-92, WT Docket Nos. 08-166 and 167) received in the Office of the President of the Senate on February 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4792. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lower Mississippi River, USACE Revetment, Mile 869 to 303" ((RIN1625-AA00)(Docket No. USG-2009-0561)) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4793. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Notice Announcing 2010 Adjusted Thresholds for Clayton Act 7A" received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4794. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List; Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States" (RIN0694-AE84) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4795. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Select Agents Controls in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL); Correction to ECCN 1E998" (RIN0694-AE67) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 111-126).

S. 2768. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, and for other purposes (Rept. No. 111-127).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GREGG):

S. 3018. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3019. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BOND, and Mr. MERKLEY):

S. 3020. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3021. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWNBARK, and Mr. LEVIN):

S. 3022. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 3023. A bill to phase out the use of private military contractors; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 3024. A bill to ensure that the creation of jobs by small businesses is considered during the Federal legislative and rulemaking process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY:

S. 3025. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. MCCAIN):

S. 3026. A bill to provide fiscal discipline through a freeze on spending and budget



process reforms; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. 3027. A bill to prevent the inadvertent disclosure of information on a computer through certain "peer-to-peer" file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, and Mr. BENNETT):

S. Res. 419. A resolution supporting the goals and ideals of "National Guard Youth Challenge Day"; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 420. A resolution honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001; to the Committee on Armed Services.

#### ADDITIONAL COSPONSORS

S. 553

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 553, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 841

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 910

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1269

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1269, a bill to provide for enhanced foodborne illness surveillance and food safety capacity, to establish regional food safety centers of excellence, and for other purposes.

S. 1350

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1350, a bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1733

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1733, a bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1931

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1931, a bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and recommendations of the December 2008

Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes.

S. 2734

At the request of Mr. FRANKEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2734, a bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2750

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2803

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2803, a bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

S. 2816

At the request of Mr. BUNNING, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 2816, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as "National Childhood Obesity Awareness Month".

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make it a Federal offense to intimidate or threaten a witness in a State court proceeding.

This legislation I believe to be necessary based upon some very disastrous experiences in the criminal courts in Philadelphia, as evidenced by a lengthy series of articles in the Philadelphia Inquirer and a field hearing which the Judiciary Subcommittee on Crime and Drugs held in Philadelphia. What has occurred is that in many instances, witnesses are intimidated—even murdered—to prevent them from testifying.

The crime scenes in our big cities are atrocious. I spent eight years as the district attorney of Philadelphia. When I left that position, I didn't think the

crime problem could be worse, but regrettably it is now, in many aspects. One of the aspects has been for the young thugs who are under accusation or friends of those who are under charge to go to the witnesses and terrify them and even murder them. During the course of the field hearing, we had two parents testify about how their children were brutally murdered.

It is a violation of State law to intimidate a witness, but making it a Federal offense imports a great deal more pressure, more power to the situation. People do not like the Federal presence, the initiation of a criminal case, the investigation by the FBI, and the treatment of the Federal courts is materially different—at least in Philadelphia—than it is in the State court proceedings.

I think this kind of legislation would be very salutary. If you don't have the integrity of the judicial process protected, it is a very sad day in the administration of justice. I introduced this legislation on behalf of Senator SCHUMER, Senator KLOBUCHAR, and Senator KAUFMAN.

Mr. President, I ask unanimous consent that the full text of my statement and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

Mr. SPECTER. Mr. President, I have sought recognition to introduce the State Witness Protection Act of 2010. I am joined on this legislation by Senators Kaufman, Schumer and Klobuchar as original cosponsors.

As reported by the Philadelphia Inquirer on December 14, 2009, "[p]rosecutors, detectives, and even some defense attorneys say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia. Reluctant or terrified witnesses routinely fail to appear in court, and when they do, they often recant their earlier testimony or statement to police."

One Philadelphia Assistant District Attorney is quoted in the article saying that at least one witness in every murder trial recants. As a result, Assistant District Attorneys learn to "lock in" witness testimony early with signed statements and testimony under oath, and are expert in cross-examining witnesses who "go south." At times, the prosecutors are forced to lock up witnesses on material witness warrants to assure their appearance at trial.

In Philadelphia between 2006 and 2008, the District Attorney's Office filed witness intimidation charges against approximately 1,000 individuals. Their conviction rate on these charges, however, is only 28%.

Witness intimidation and violent crime are problems that I have worked on for decades, since I was an Assistant District Attorney and later District Attorney in Philadelphia, and on the Judiciary Committee, where I have served since 1981 when I was sworn in.

Criminal trials cannot proceed unless there are witnesses, and if witnesses are subject to intimidation or even worse, murdered, criminal cases cannot go forward. And unless witnesses can be assured they will be protected, the problem of witness intimidation cannot be expected to go away.

Philadelphia's witness intimidation problems are similar to those faced by many communities in our country. A recent Op-Ed in the Chicago Tribune stated that witnesses often want to cooperate with police, but the risk of retribution is too great. The article posed the following question "What would happen if we diminished the risk and created a greater sense of assurance that the law would do its job in actually making the streets safe as well as protecting those who decide to turn killers in?"

On January 8, 2010, I chaired a field hearing in Philadelphia for the Senate Judiciary Subcommittee on Crime and Drugs on witness intimidation to explore how law enforcement can better protect witnesses. Two parents—each who lost a child to gun violence—testified. Barbara Clowden told us that her son Eric Hayes, 17 years old, was killed just two days before he was to testify in an arson trial in Philadelphia. Because Eric's life had been threatened, in January 2006 his family entered into the city's witness relocation program. Eventually the money from the program ran out and they had to relocate to Northeast Philadelphia where Eric was murdered. No one to date has been convicted of Eric's murder.

Ted Canada is a Philadelphia resident and SEPTA bus driver. In 2005, his son Lamar Canada was shot 12 times and killed by Dominick Peoples and another unidentified shooter in Philadelphia over a gambling debt. One witness to the shooting, Johntha Gravitt, 17 years old, was murdered 10 days after he testified at the preliminary hearing and identified Peoples as one of the shooters. Another witness initially cooperated but after his statement to the police was publicly posted in his neighborhood identifying him as a "snitch," he recanted. Peoples, nevertheless, was convicted.

The most notorious example of witness intimidation in Philadelphia involves Kaboni Savage, a drug kingpin who was federally indicted last April on racketeering and murder charges for retaliating against his former drug associate, Eugene Coleman. Coleman had agreed to testify against Savage in a federal trial. The federal charges allege that to retaliate for this, Savage orchestrated the firebombing of Coleman's family home on the 3200 block of North 6th Street in Philadelphia during the early morning hours of October 9, 2004. Killed in the fire were Coleman's mother, Marcella Coleman (age 54); Coleman's infant son, Damir Jenkins (15 months old); Marcella Coleman's niece, Tameka Nash (age 34), and her daughter, Khadjah Nash (age 10); Marcella Coleman's grandson, Tahj Porchea (age 12); and a family friend, Sean Rodriguez (age 15). In a conversation secretly recorded by court authorized wiretaps, Savage explained how witness intimidation works, "Without the witnesses, you don't have no case . . . No witness, no crime."

The witness intimidation problem is exacerbated by internet sites, such as whosarat.com, which expose the identities of witnesses and government informants. Gang members and criminals are becoming more computer savvy. They use the internet to find out who may be a cooperating witness by accessing public court dockets. They also access other sites to locate these individuals. With this information obtained anonymously through the internet, gang members and other criminals can easily threaten or harm witnesses, as well as their family members.

It is imperative that we find a way to make people feel safe if they step forward and provide information to law enforcement.

As Philadelphia Police Commissioner Charles H. Ramsey testified at the Subcommittee hearing, "the only way we're going to deal with crime in communities is when the community steps forward, but they have to feel comfortable in doing so and know they have support."

To better protect state witnesses from witness tampering and witness retaliation, I am introducing today The State Witness Protection Act of 2010, a bill that ensures that state witnesses will receive the same protections from actions of intimidation and retaliation as federal witnesses have under federal law. Making this a federal offense and bringing in the FBI to investigate, as Commissioner Ramsey testified, "would make a tremendous difference and make people think twice before they" engaged in witness intimidation. He explained it this way—

I just think the whole environment or atmosphere when you go into a Federal court versus a local court is just somewhat different, and they [defendants] haven't been exposed to it that often. I just think it has an impact in the feedback I've gotten from people on both sides, whether it's another law enforcement agency or from a person who's been in the criminal justice system. They do not want to go into Federal court. (Tr. At 16).

The bill, which tracks the language of 18 U.S.C. §§1512 and 1513, provides the same penalties as now provided in federal court for witness tampering in state court proceedings. For state court proceedings, the bill makes it a federal offense to kill, physically harm, threaten to physically harm, harass, or intimidate, or offer anything of value to, a state court witness or victim if done—

with the intent to influence another person's testimony;

with the intent to induce another to withhold testimony or records, alter or destroy evidence, evade legal process, or be absent from a state proceeding if that person has been summoned by legal process;

with the intent to hinder or prevent a person from providing information to law enforcement; or

with the intent to retaliate against anyone for being a witness or providing testimony or information to law enforcement.

Federal jurisdiction is established by prosecuting only cases where there are communications in furtherance of the offense by mail, interstate or foreign commerce by any means, including computer, interstate or foreign travel in furtherance of the commission of the offense, or the use of weapons which have been shipped or transported across state lines. Any attempt or conspiracy to commit these same offenses is also illegal and subject to the same penalties. And finally, the bill provides for specific guideline enhancements for all obstruction offenses.

The message must be sent loud and clear that serious penalties will be imposed on those who dare to attempt to obstruct justice in our country. The "State Witness Protection Act of 2010" is a strong means of delivering that necessary message.

S. 3017

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "State Witness Protection Act of 2010".

#### SEC. 2. PROTECTION OF STATE AND LOCAL WITNESSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

#### "§ 1522. State and local witness tampering and retaliation

"(a) DEFINITIONS.—In this section—

"(1) the term 'State official proceeding' means a proceeding before a judge or court of a State or political subdivision thereof; and

"(2) the term 'physical force' has the meaning given the term in section 1515.

"(b) TAMPERING AND RETALIATION.—It shall be unlawful, in a circumstance described in subsection (c), for a person to kill, attempt to kill, use physical force or the threat of physical force against, harass, intimidate or attempt to intimidate, or offer anything of value to, another individual, with the intent to—

"(1) influence, delay, or prevent the testimony or attendance of any person in a State official proceeding;

"(2) prevent the production of a record, document, or other object, in a State official proceeding;

"(3) cause or induce any person to—

"(A) withhold testimony, or withhold a record, document, or other object from a State official proceeding;

"(B) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in a State official proceeding;

"(C) evade legal process summoning that person to appear as a witness, or to produce a record, document or other object in a State official proceeding; or

"(D) be absent from a State official proceeding to which that person has been summoned by legal process;

"(4) hinder, delay, or prevent the communication by any person to a law enforcement officer or judge of a State, or political subdivision thereof, of information relating to the violation or possible violation of a law of a State or political subdivision thereof, or a violation of conditions of probation, parole, or release pending judicial proceedings; or

"(5) retaliate against any person for—

"(A) the attendance of a witness or party at a State official proceeding, or any testimony given or any record, document, or other object produced by a witness in a State official proceeding; or

"(B) providing to a law enforcement officer any information relating to the violation or possible violation of a law of a State or political subdivision thereof, or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings.

"(c) CIRCUMSTANCES.—A circumstance described in this subsection is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any person travels or is transported in interstate or foreign commerce in the course of the commission of or in furtherance of the commission of the offense; or

"(3) any weapon, including a firearm, shipped or transported across State lines or in interstate or foreign commerce is used in committing or in furtherance of the commission of the offense.

"(d) PENALTIES.—

"(1) IN GENERAL.—Any person that violates this section—

"(A) in the case of a killing, shall be punished as provided under sections 1111 and 1112;

“(B) in the case of an attempt to murder, or the use or attempted use of physical force against any person, shall be fined under this title, or imprisoned for not more than 30 years, or both; and

“(C) in the case of any other violation of this section, shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) EXCEPTION.—If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment that may be imposed for the offense shall be the higher of—

“(A) the penalty described in paragraph (1); or

“(B) the maximum term that could have been imposed for any offense charged in the criminal case.

“(3) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

“(e) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section, which the defendant shall prove by a preponderance of the evidence, that the conduct committed by the defendant—

“(1) consisted solely of lawful conduct; and

“(2) that the sole intention of the defendant was to encourage, induce, or cause the other person to testify truthfully.

“(f) PENDING PROCEEDING; EVIDENTIARY VALUE.—For the purposes of this section—

“(1) a State official proceeding need not be pending or about to be instituted at the time of the offense; and

“(2) the testimony, or the record, document, or other object obstructed, tampered, or retaliated against by the defendant need not be admissible in evidence or free of a claim of privilege.

“(g) INTENT.—In a prosecution for an offense under this section, the state of mind need not be proved with respect to—

“(1) a State official proceeding before a judge, court, magistrate judge, or grand jury being before a judge or court of a State or political subdivision thereof;

“(2) a judge being a judge of a State or political subdivision thereof; or

“(3) a law enforcement officer being an officer or employee of the State or political subdivision thereof.

“(h) VENUE.—A prosecution brought under this section may be brought—

“(1) in the district in which the State official proceeding (whether or not pending or about to be instituted) was intended to be affected; or

“(2) in the district which the conduct constituting the alleged offense occurred.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 73 of title 18, United States Code, is amended by adding at the end the following:

“1522. State and local witness tampering and retaliation.”.

### SEC. 3. SENTENCING GUIDELINES ENHANCEMENT.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to increase the guideline range for Obstruction of Justice, §2J1.2, as follows—

(1) by 2 levels if the defendant threatened or harmed 1 or more individuals on more than 1 occasion;

(2) by 2 levels if the defendant accepted or paid a bribe or payoff as part of a scheme to obstruct justice;

(3) by 2 levels if the defendant destroyed or caused the destruction of documents on a computer; and

(4) by 6 levels if the offense resulted in substantial interference with the administration of justice.

By Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3019. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

Mr. LIEBERMAN. Mr. President, I rise to speak about the Help Find the Missing Act, otherwise known as Billy's Law, which I am introducing today along with my colleagues, Senators SCHUMER, GILLIBRAND and MERKLEY.

I was introduced to the issues Billy's Law addresses by two of my constituents, Jan and Bill Smolinski, who have lived through a parent's worst nightmare: the disappearance of their son.

On the afternoon of August 24, 2004, then-31-year-old Billy Smolinski disappeared without a trace. He left behind a dog he loved and his brandnew house; a truck with his keys and wallet still inside; and parents who have spent every day since searching for him and praying for his return. One moment he was there, asking his neighbors to look after his dog for a few days, and the next he was gone without explanation.

Jan and Bill Smolinski have spent countless hours working with law enforcement to try to find Billy. Through that experience, they discovered that we do a poor job managing data about missing adults. The bill we are introducing today will help correct those shortcomings so that families in similar situations can focus only on their missing loved ones and not have to worry that their agony will be prolonged simply because we fail to keep track of—and share—critical identifying data.

Billy's Law does three things: It facilitates the sharing of data about missing people between agencies; it requires law enforcement to compile and track missing persons data that is not currently being collected consistently; and it provides funding to improve, monitor, and maintain that data.

It is my hope that no parent will ever have to experience what Jan and Bill Smolinski are going through, and, as a parent, my heart truly goes out to them. Passing Billy's Law will help give families of missing adults confidence that we are doing everything

we can to carefully track the information necessary to locate their loved ones.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BOND, and Mr. MERKLEY):

S. 3020. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, along with Senators LANDRIEU, BOND, and MERKLEY to introduce the Historically Underutilized Business Zone, HUBZone, Improvement Act of 2010. This vital piece of bipartisan legislation is similar to that which I introduced in the 110th Congress, S. 3699. The purpose of the bill is to help ensure that only eligible firms participate in the critical HUBZone program by requiring that the Small Business Administration, SBA, implement Government Accountability Office, GAO, recommendations for improving the management, oversight and evaluation of the program.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the HUBZone program, which provides Federal contracting opportunities to small firms located in economically distressed areas.

The program is devised to help stimulate economic development and job creation. In these troubled economic times, a properly functioning HUBZone program is essential for nation-wide economic recovery. According to the SBA, as of October 2009, 21,222 certified businesses have participated in the HUBZone program since its inception in 1997. In fiscal year 2008, HUBZone firms were awarded approximately \$10.1 billion in Federal contracts. And let there be no doubt—with the Federal Government contracting for over \$500 billion in goods and services in fiscal year 2009 alone—we must have a robust and trustworthy HUBZone program for small businesses to continue generating jobs in our nation's most economically distressed communities.

The GAO has issued multiple reports detailing fraud and abuses within the HUBZone program. Alarming, the GAO found that the mechanisms the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. The GAO specifically stated that the “SBA's control weaknesses exposed the government to fraud and abuse.” The GAO also had concerns that the SBA had no mechanisms to adequately assess program results.

The legislation I am introducing today would take immediate steps to

rectify the serious issues that GAO found. The bill requires the SBA to implement the GAO recommendations resulting from the study and audits. These include maintaining an accurate, correct and up-to-date map; implementing policies that ensure that only eligible firms participate in the program; employing appropriate technology to control costs and maximize other benefits, such as uniformity, completeness, simplification and efficiency; notifying the Congressional Small Business Committees of any backlogs in applications and recertifications with plans and timetables for eliminating the backlogs; and implementing plans to assess the effectiveness of the HUBZone program.

Moreover, the Federal Government must strive to continue to provide maximum practicable contracting opportunities to those who are legitimate HUBZone firms. I am dismayed by the myriad ways that government departments and agencies have time and again egregiously failed to meet most of their statutory small business contracting goals. I am alarmed that only one Federal small business contracting program—the Small Disadvantaged Business program—has met its statutory goal, and that the three other small business goaling programs have all fallen drastically short. In fiscal year 2008, the Federal Government met only 2.34 percent of its 3 percent government-wide goal for the HUBZone program. Even worse, the Federal Government missed meeting its overall goal for small business contracting by almost 2 percent, depriving small businesses of over \$10 billion.

I am confident that this legislation will require the changes necessary to eliminate fraud while paving the way for the Federal Government to maximize the use of this contracting vehicle. In turn, qualified HUBZone firms will provide the essential job creation and economic development necessary in their respective communities. The HUBZone program is a tremendous tool for replacing lost jobs across all industry sectors in distressed geographic areas, and clearly, this program should be better utilized.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3020

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “HUBZone Improvement Act of 2010”.

#### SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(3) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

#### SEC. 3. PURPOSE; FINDINGS.

(a) PURPOSE.—The purpose of this Act is to reform and improve the HUBZone program of the Administration.

(b) FINDINGS.—Congress finds that—

(1) the HUBZone program was established under the HUBZone Act of 1997 (Public Law 105-135; 111 Stat. 2627) to stimulate economic development through increased employment and capital investment by providing Federal contracting preferences to small business concerns in those areas, including inner cities and rural counties, that have low household incomes, high unemployment, and suffered from a lack of investment; and

(2) according to the Government Accountability Office, the weakness in the oversight of the HUBZone program by the Administration has exposed the Government to fraud and abuse.

#### SEC. 4. HUBZONE IMPROVEMENTS.

The Administrator shall—

(1) ensure the HUBZone map—

(A) is accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

#### SEC. 5. EMPLOYMENT PERCENTAGE.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small

business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

#### SEC. 6. REDESIGNATED AREAS.

Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3021. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing the Support Renewable Energy Act of 2010 with my colleague, Senator ENSIGN. This bill would modify the Renewable Electricity Standard currently drafted in the American Clean Energy Leadership Act to ensure that all forms of renewable energy qualify.

I am pleased that the Senate is again considering the implementation of a Renewable Electricity Standard that will encourage the development and deployment of new and existing renewable energy technologies. However, as the proposed Renewable Electricity Standard is currently drafted, only electricity-producing renewable technologies would qualify. This would exclude direct use renewable energy technologies that displace the need for electricity, rather than produce electricity.

Our legislation would modify the definition of renewable energy as it applies to the draft Renewable Electricity Standard to include customer-sited renewable energy equipment. Specific examples of these direct use

technologies are solar water heating, solar space heating and cooling, solar daylight and light-pipe technology, biogas, and ground source geothermal heat pumps. These technologies can be used in homes and businesses to provide light, heating, and cooling directly—without the need for electricity from the grid. This legislation will allow utilities to generate renewable energy credits equal to the electricity or thermal energy displaced by direct use renewable energy technologies in order to meet a Renewable Electricity Standard.

In addition to the reduced stress on our overburdened electricity transmission grid, the incentivized production and installation of these renewable technologies would spur the growth of green, sustainable jobs. One example of the potential for job creation was provided to me by Orion Energy Systems in my home State of Wisconsin. Orion manufactures light-pipes, which captures natural light on a roof and transfers that light through a pipe to a ceiling, where it is diffused to light a room, like a traditional light bulb. Because light pipes uses solar energy directly to produce light, rather than generate electricity, this innovative technology would not qualify as renewable energy under the draft Renewable Electricity Standard.

Orion has already retrofitted approximately 5,000 facilities with improved lighting technology nationwide. With about 400 lighting fixtures on average, if these same facilities decided to upgrade to the light-pipe technology it would take between 6 million and 10 million man-hours to install. These would be jobs for roofers and carpenters at a time when the construction industry is badly in need of work.

Direct use renewable energy technologies have significant environmental benefits. The energy savings from retrofitting these facilities with the light-pipe would amount to a savings of between 915 and 1,934 gigawatts of electricity per year, which amounts to the energy equivalent of 343 to 725 million tons of coal that would not have to be burned, avoiding the release of between 0.6 and 1.28 million tons of carbon dioxide from entering the atmosphere. In addition, the users of this technology will save money on their electric bill, which could then be used for other things, like hiring new employees or increasing salaries.

This is just one company and one of the many technologies that would qualify for the expanded Renewable Electricity Standard under our legislation. This is clearly a win-win-win situation for jobs, the facilities that install the technologies and save on energy costs, and for the environment.

Direct use renewable energy technology is cost-effective, can be deployed locally, requires no new transmission infrastructure, and can be uti-

lized in areas throughout the country that cannot sustain a commercial-scale power generation facility from other renewable energy sources. Furthermore, it will create much needed American jobs in both manufacturing and construction. I encourage my colleagues to support the Support Renewable Energy Act of 2010.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWBACK, and Mr. LEVIN):

S. 3022. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCAIN. Mr. President, February 11, 2010, was the 31st anniversary of the Islamic Republic of Iran. For most Iranians, the Islamic Republic is the only government they have ever known, and unfortunately, it is a record that many would rather forget—31 years of economic potential lost and the resources of a great and proud nation stolen by a corrupt ruling elite; 31 years of a regime that puts its own selfish interests and those of foreign terrorist groups ahead of the needs of the Iranian people; 31 years of justice denied, freedom curtailed, and dignity trampled.

In recent months, the world has watched in awe as hundreds of thousands of Iranians have said “enough,” and demanded better for themselves. They have taken to the streets and the Internet, risking the violent reprisal of a regime without conscience, in order to insist on their universal human rights. In television news clips and YouTube videos, in Twitter updates and countless online exchanges, the world has seen the naked oppression of the Iranian regime and its masked agents.

We have watched as peaceful Iranian demonstrators for human rights have been beaten, and shot—even murdered—in the streets of cities across Iran.

We have watched as Iranian men and women—many not more than young boys and girls—have been rounded up in their homes and dormitories, and hauled away unlawfully to face torture and other abuses in the darkest corners of the country, where the eyes of the international community struggle to see.

Just a few months ago, we watched as a young woman named Neda was shot in broad daylight by agents of the Iranian government. And as that young woman bled to death in the street, it

became clear to me and many others that this was the beginning of the end of the Islamic Republic. After 31 years, that day cannot come soon enough, but how and when it does is up to the Iranian people.

This struggle continues in Iran. On February 11, many Iranians took to the streets again to demonstrate peacefully for freedom and justice. Again, many were beaten. Again, many were detained unlawfully. Again, many were no doubt tortured—and worse. The world has watched these abuses long enough. Now the world must act. It is long past time for democratic, law-abiding nations to stand up together, to speak with one voice, and to show these courageous Iranian human rights advocates that the free world is on their side. The recent statement between the U.S. and the European Union supporting human rights in Iran is a welcome development, and I hope to see more and more such joint actions.

It is also long past time for the U.N. Security Council to impose the crippling sanctions on the Iranian government that have been promised for so long. As that negotiation drags on, individual countries should not refrain from taking their own individual actions to impose pressure on the rulers of Iran for failing to abide by their own international agreements, both security agreements and human rights agreements. In that vein, I was pleased to see the White House recently announce a new set of sanctions against four Iranian entities and one individual active in Iran's nuclear program. I hope there is a lot more where that came from.

I do not wish, however, to confine our sanctions effort only to those persons in Iran who threaten our security and that of our allies, either through their support for terrorism or Iran's weapons programs. I also want to bring the full force of America's economic power to bear against those in Iran who threaten that country's peaceful human rights and democracy activists. That is why, just a few weeks ago, I sought to introduce an amendment to the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which would impose targeted sanctions on persons in Iran who violate the human rights of their fellow citizens.

Building on that earlier effort, today I am introducing, together with my good friend and colleague Senator JOE LIEBERMAN, the Iran Human Rights Sanctions Act, which is co-sponsored by a broad bipartisan group of U.S. Senators.

This bill has two parts.

First, it would require the President to compile a public list of individuals in Iran who, starting with the presidential election last June, are complicit in human rights violations against Iranian citizens and their families, no matter where in the world



those abuses occur. I want to stress: This would be a public list, posted for all the world to see on the websites of the State and Treasury Departments. We will shine a light on the names of Iran's human rights abusers, and we will make them famous for their crimes.

Second, this bill would then ban these Iranian individuals from receiving U.S. visas, and impose on them the full battery of sanctions under the International Emergency Economic Powers Act. That means, freezing any assets and blocking any property they hold under U.S. jurisdiction, and ending all their financial transactions with U.S. banks and other entities. If passed into law, this would be the first time the U.S. Government has ever imposed punitive measures against persons in Iran because of their human rights violations.

In short, under this bill, Iranian human rights abusers would be completely cut off from the global reach of the U.S. financial system, and that would send a powerful signal to every country, company, and bank in the world that they should think twice about doing business with the oppressors of the Iranian people.

Over the past year, the President has made every effort to extend a hand to the Iranian government—to seek to overcome 31 years of painful history, and to search for common ground on matters of common interest. Unfortunately, the President's generosity has been met defiantly, again and again, with the clenched fist of Iran's rulers—a fist that is increasingly stained with the blood of the Iranian people. It should now be clear that the Iranian regime has no desire to meet its international responsibilities and every desire to use all the tools of violence and repression at its disposal to crush the peaceful aspirations of Iran's citizens.

Faced with this disturbing reality, America must lead an international effort to support the human rights of the Iranian people, and to put that effort at the center of our policy toward Iran. We must encourage our international partners, especially our European allies, to do the same, and to impose their own targeted sanctions on Iran's human rights abusers. This is not about picking winners in an internal Iranian matter. It is about standing up for the universal values we hold dear, and championing the cause of all who seek to secure those values for themselves.

The Iran Human Rights Sanctions Act is an important start of this effort, and I encourage my colleagues in Congress to move quickly and pass it into law.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 3024. A bill to ensure that the creation of jobs by small businesses is

considered during the Federal legislative and rulemaking process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise today, with my colleague Senator PRYOR, to introduce the Job Impact Analysis Act of 2010, a bipartisan measure that will help ensure that the Federal Government—both Congress and agencies of the executive branch—fully considers small business job creation in the bills we pass here in Congress and in the rules and regulations that agencies promulgate.

As the former Chair and now Ranking member of the Senate Committee on Small Business and Entrepreneurship, I believe there is no more urgent imperative than job creation in our country. With 25,000 additional unemployed in my State of Maine alone, since the recession began in 2007, and twenty-three million Americans unemployed or underemployed, it is more paramount than ever that everything we do must focus like a laser on jumpstarting our economy. Furthermore, the fastest route to recovery runs through Main Street small businesses, which over the past 15 years have generated 64 percent of all net new jobs in this country, and so we must foster an entrepreneurial environment where small businesses can take risks and invest in the future to preserve and create more jobs.

The legislation we are introducing today would help make sure that in whatever measure we are debating—whether it be health care reform, a jobs bill, or financial services overhaul—that we strive to discern whether it contributes to creating a climate in which our smallest enterprises and entrepreneurs cannot only survive, but thrive. It would amend the Congressional Budget and Impoundment Control Act of 1974 to direct the Congressional Budget Office, CBO, to the extent practicable, to estimate in a “job impact statement” the potential job creation or job loss attributable to each bill or joint resolution reported by a congressional committee that exceeds \$5 billion in costs. For years we have had environmental impact statements, and so in 2010, I do not think it is too much to ask, where are the job impact statements?

As our Nation continues to reel from the worst set of economic circumstances since World War II, Congress must focus on job creation, and we must begin by ensuring all economic factors—including potential small business job creation and job loss—are fully considered in debate of every bill that we consider in the Senate. It is clear that Washington has ignored the will of the people for far too long. At a time when the Nation is struggling to dig out of the deepest recession since the Great Depression, we

must ensure that our country once again brings to bear the kind of ingenuity, creativity, and innovation that made America and our free-market economy the greatest and most powerful on earth. I believe that a job impact statement attached to every bill with costs over \$5 billion would provide a powerful incentive for Congress to focus its efforts where they belong and help Congress focus on what matters to the American people these days—job creation.

In addition, onerous regulations are crushing the entrepreneurial spirit of America's small businesses. In 2009, there were close to 70,000 pages in the Federal Register, which chronicles new regulations by the government. Furthermore, according to research by the Small Business Administration's, SBA's, Office of Advocacy, the annual cost of Federal regulations totals \$1.1 trillion, and small firms bear a disproportionate burden, paying approximately 45 percent more per employee in annual regulatory compliance costs than larger firms. Small firms also spend twice as much on tax compliance than their larger counterparts.

So our legislation includes several targeted regulatory reforms that would help to ensure that Federal agencies fully consider small business implications during the rulemaking process. The reforms in our bill are based on what we introduced in the Regulatory Flexibility Reform Act in the 109th Congress and the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008, from the 110th Congress. Most of these reforms have been supported by a host of small business stakeholders, including the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Small Business Association, the National Association for the Self-Employed, Women Impacting Public Policy, the National Black Chamber of Commerce, Small Business Legislative Council, and the U.S. Hispanic Chamber of Commerce.

Our measure would amend the Regulatory Flexibility Act, RFA, the seminal legislation, enacted in 1980, which requires agencies to consider the impact of their regulatory proposals on small businesses, to analyze effective alternatives that minimize small business impact, and to make their analyses available for public comment. The RFA requires federal agencies to conduct a small business analysis any time a proposed Federal rule would impose a “significant impact on a substantial number of small businesses.” Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens.

Our legislation would close loopholes in this process, while also ensuring that Federal agencies consider potential job creation and job loss during the



rulemaking process. In far too many cases, Federal agencies promulgate rules and regulations without adequately addressing the economic impact on small businesses. Under our legislation agencies must consider the "indirect" effects of an "economic impact." Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means that Federal agencies can avoid the various analyses required under the RFA by either requiring the states to regulate small entities or regulating an industry so rigorously that it has a negative trickle down impact on other industries. For example, rules can regulate a handful of large manufacturers in the same industry. Yet, a foreseeable, indirect effect of these rules—not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers.

The RFA has already saved billions of dollars for small businesses by forcing government regulators to be sensitive to their direct impact on small firms. If billions of dollars can be filtered out of direct regulatory mandates upon small business while improving workplace safety and environmental conditions, even more can be saved by filtering out unnecessary or duplicative costs to those small businesses indirectly impacted by regulation. Those dollars would be better spent by the businesses hiring more employees or providing existing employees with greater benefits, and would also help to prevent unintended job loss through regulatory requirements.

Our legislation also requires Federal agencies to consider comments provided by the SBA's Office of Advocacy, which has historically not received the public attention it deserves. In case after case, it has been the last, best hope for small businesses faced with burdensome, duplicative and nonsensical Federal regulations. Our legislation would also amend the RFA to include a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

In addition, our measure would also clarify the circumstances for when "periodic review" under the RFA is required. Many questions have arisen as a result of ambiguous language in the RFA that has caused some confusion as to what rules require periodic review, and when. Under our bill, periodic review, with a focus on potential job creation or job loss, would be required for

all final rules that would impose a significant impact on a substantial number of small businesses. Agencies would be required to review all 10-year-old rules every year to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years.

Finally, our bill would ensure the statutory and budgetary independence of the SBA Office of Advocacy, a key office that is intended to be the independent voice for small business within the Federal Government. It is charged with the duty of representing the views and interests of small businesses before other Federal agencies, and developing proposals for changing government policies to help small businesses. These roles can sometimes come into conflict.

Our bill would resolve such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the Executive Branch. The bill would help to reinforce a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken on critical issues by the administration. Funding for the Office of Advocacy currently comes from the "Salaries and Expense Account" of the SBA's budget. Staffing is allocated by the SBA Administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. Today, there are fewer than 50. The independence and effectiveness of the Office is potentially diminished when the Office of Advocacy staff is reduced, at the discretion of the administrator.

To address this problem, our legislation would build a firewall to minimize political intrusion into the management of day-to-day operations of the Office of Advocacy similar to the one that protects Inspectors General in other agencies. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from the General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA Administrator to hire staff for the Office of Advocacy.

Our bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief

Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

This non-controversial, bipartisan legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation's small businesses and their employees are provided with much needed relief.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3024

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Job Impact Analysis Act of 2010".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Job impact statement for reported bills and joint resolutions.

Sec. 4. Clarification and expansion of rules covered by the Regulatory Flexibility Act.

Sec. 5. Requirements providing for more detailed analyses.

Sec. 6. Periodic review of rules.

Sec. 7. Office of Advocacy.

Sec. 8. Clerical amendments.

#### **SEC. 2. FINDINGS.**

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or \$7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will

limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

### SEC. 3. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in the private sector as a result of the mandates.”.

### SEC. 4. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking “RECORDKEEPING REQUIREMENT.—The” and inserting “the”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) any direct economic effect of the rule on small entities; and

“(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.”.

### SEC. 5. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (1), by striking “succinct”;

(C) in paragraph (2)—

(i) by striking “summary” each place it appears and inserting “statement”; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(D) in paragraph (3), by striking “an explanation” and inserting “a detailed explanation”;

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.”.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

### “§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

### SEC. 6. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

### “§ 610. Periodic review of rules

“(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

“(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the

case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

“(d) In reviewing rules under such plan, the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the current impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small business jobs that will be lost or created by the rule; and

“(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”

#### SEC. 7. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94-305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

#### “SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”

#### SEC. 8. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”; and

(2) by striking the item relating to section 607 and inserting the following:

“607. Quantification requirements.”.

By Mr. MERKLEY:

S. 3025. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Environment and Public Works.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3025

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Columbia River Restoration Act of 2010”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The Columbia River is the largest river in the Pacific Northwest and the fourth largest river in the United States by volume. The river is 1,243 miles long, and its drainage basin includes 259,000 square miles, extending into 7 States and British Columbia, Canada, and including all or part of 5 national parks, the Columbia River Gorge National Scenic Area, and the Hells Canyon National Recreation Area.

(2) The Columbia River Basin and its tributaries provide significant ecological and economic benefits to the Pacific Northwest and

the entire United States. Traditionally, the Columbia River Basin and its tributaries were the largest salmon producing river system in the world, with annual returns peaking at as many as 30 million fish. The Columbia River drainage basin includes more than 6 million acres of irrigated agricultural land, and its 14 hydroelectric dams, combined with additional dams on its tributaries, produce more hydroelectric power than any other North American river.

(3) The Lower Columbia River Estuary stretches 146 miles from the Bonneville Dam to the mouth of the Pacific Ocean, and much of this area is degraded. Polychlorinated biphenyls (PCBs) in salmon tissue and polycyclic aromatic hydrocarbons (PAHs) in salmon prey exceed estimated thresholds for delayed mortality, increased disease susceptibility, and reduced growth. Legacy contaminants (DDT and PCBs) banned in the 1970s are still detected in river water, sediments, and juvenile Chinook salmon. Several pesticides have been detected, including atrazine and simazine, which can affect salmon behavior or act as hormone disruptors. Emerging contaminants, such as hormone disruptors from pharmaceutical and personal care products, have been found in river water and juvenile male salmon. These contaminants may impair salmon growth, health, and reproduction.

(4) The Middle and Upper Columbia River Basin includes 1,050 miles of the mainstem Columbia River upstream of the Bonneville Dam, including the 1,040 miles of its largest tributary, the Snake River, and all of the tributaries to both rivers. The Environmental Protection Agency’s (EPA’s) Columbia River Basin Fish Contaminant Survey detected the presence of 92 priority pollutants, including PCBs, dioxins, furans, arsenic, mercury, and DDE (a breakdown product of DDT), in fish that are consumed by the Confederated Tribes of the Warm Springs, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe, as well as by other people consuming fish throughout the Columbia River Basin. A fish consumption survey by the Columbia River Intertribal Fish Commission showed that tribal members were eating 6 to 11 times more fish than EPA’s estimated national average. The nuclear and toxic contamination at the Hanford Nuclear Reservation presents an ongoing risk of contamination in the Middle Columbia Basin. Sampling of sediments by the EPA in 2004 documented widespread presence of toxic flame retardants known as polyrominated diphenyl ethers.

(5) Contamination of the Middle and Upper Columbia River Basin has a direct impact on water quality and habitat quality in the Lower Columbia River Estuary. Investments in habitat restoration and toxics reduction in the Middle and Upper Columbia River Basin can have significant benefits for fish and wildlife throughout the entire basin.

(6) Together with the Governors of Oregon and Washington, the EPA created the Lower Columbia River Estuary Partnership (Estuary Partnership) in 1995 to provide regional coordination to focus on the lower river, to advance the science of the ecosystem, and to deliver environmental results. The Estuary Partnership was formed within the National Estuary Program and provides a structure for organization and collaboration to implement Federal priorities. The Estuary Partnership includes all key Federal agencies as part of its management and governing structure, including the EPA, the United States

Geological Survey (USGS), the National Oceanic and Atmospheric Administration (NOAA), the Army Corps of Engineers, the Forest Service, and tribal, State, and local governments.

(7) The Columbia River Basin was designated by the EPA as an “Estuary of National Significance” in 1995 and a “Large Aquatic Ecosystem” in 2006.

(8) The Estuary Partnership has developed an unparalleled 2-State, public and private partnership, including unprecedented collaborative efforts among key Federal partners, including the EPA, the NOAA, the USGS, and the Army Corps of Engineers to advance Federal goals, and the Estuary Partnership and its partners have gathered scientific information and compiled data, and have made significant gains in habitat protection and environmental education.

(9) Despite these advances, further degradation exists and contaminants persist in the Columbia River Basin and are impairing the health of fish, wildlife, and humans. Degraded conditions in the river exacerbate the challenges already faced by the 13 species of salmon and steelhead in the Columbia River Basin listed as threatened or endangered under the Endangered Species Act of 1973.

(10) The “Estuary Partnership Comprehensive Conservation and Management Plan” (1999), the “Northwest Power and Conservation Council Lower Columbia Province Plan” (2004, amended 2008), the draft “NOAA Columbia River Estuary Recovery Module for Salmon and Steelhead” (2010), the States of Oregon, Idaho, and Washington Recovery Plans, the “Biological Opinion for the Federal Columbia River Power System (FCRPS)” (2000, 2004, 2008), and the “EPA Columbia Basin State of the River Report for Toxics” (2009) consistently identify habitat loss and toxic contamination as threats to fish and wildlife.

### SEC. 3. COLUMBIA RIVER.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

#### “SEC. 123. COLUMBIA RIVER.

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ACTION PLAN.—The term ‘Action Plan’ means the ‘Columbia River Basin Toxics Reduction Action Plan’ developed by the Environmental Protection Agency and the Columbia River Toxics Reduction Working Group in 2010, including any amendments thereto.

“(2) COMPREHENSIVE PLAN.—The term ‘Comprehensive Plan’ means the ‘Estuary Partnership Comprehensive Conservation and Management Plan’ adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320, including any amendments thereto.

“(3) ESTUARY PARTNERSHIP.—The term ‘Estuary Partnership’ means the Lower Columbia River Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

“(4) LOWER COLUMBIA RIVER AND ESTUARY.—The term ‘Lower Columbia River and Estuary’ means the region consisting of the lower 146 miles of the Columbia River Basin from the Bonneville Dam to the Pacific Ocean.

“(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term ‘Middle and Upper Columbia River Basin’ means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam, including the Snake River (and its tributaries) and other tributaries of the Columbia River.

“(6) TEAM LEADER.—The term ‘Team Leader’ means the Team Leader appointed under subsection (b).

“(b) PROGRAM TEAM.—

“(1) ESTABLISHMENT.—The Administrator shall establish in the Environmental Protection Agency a Columbia River Program Team. The Team shall be located within the Oregon Operations Office for Region 10 of the Environmental Protection Agency.

“(2) APPOINTMENT OF TEAM LEADER.—The Administrator shall appoint a Team Leader, who, by reason of management experience and technical expertise relating to the Columbia River Basin, shall be highly qualified to support the development and implementation of projects, programs, and studies necessary to implement the Action Plan.

“(3) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Team Leader such authority and provide such additional staff as may be necessary to carry out this section.

“(c) DUTIES.—

“(1) IN GENERAL.—In carrying out this section, the Administrator, acting through the Team Leader, shall—

“(A) assist and support the implementation of the Action Plan and the Comprehensive Plan;

“(B) coordinate the implementation of the Action Plan and the Comprehensive Plan, and the development of any updates to those plans, with programs and projects in the Middle and Upper Columbia River Basin;

“(C) make such other updates to the Action Plan and the Comprehensive Plan as the Administrator, in consultation with appropriate Federal agencies, the States of Oregon, Washington, and Idaho, tribal governments, local governments, and other public and private interests in the Columbia River Basin, considers appropriate;

“(D) provide funding and make grants for implementation of the Action Plan and the Comprehensive Plan and projects, programs, and studies consistent with the priorities of the Action Plan and the Comprehensive Plan;

“(E) promote innovative methodologies and technologies that are cost effective and consistent with the identified goals and objectives of the Action Plan and the Comprehensive Plan and the permitting processes of the Environmental Protection Agency;

“(F) coordinate the major functions of the Federal Government related to the implementation of the Action Plan and the Comprehensive Plan, including projects, programs, and studies for—

“(i) water quality improvements;

“(ii) toxics reduction and monitoring;

“(iii) wetland, riverine, and estuary restoration and protection;

“(iv) nearshore and endangered species recovery; and

“(v) stewardship and environmental education;

“(G) coordinate the research and planning projects authorized under this section with Federal agencies, State agencies, tribal governments, universities, and the Estuary Partnership, including conducting or commissioning studies considered necessary for strengthened implementation of the Action Plan and the Comprehensive Plan;

“(H) track progress toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan by—

“(i) implementing and supporting a project, program, and monitoring system consistent with performance-based ecosystem standards and management; and

“(ii) coordinating, managing, and reporting environmental data related to the Action Plan and the Comprehensive Plan in a manner consistent with methodologies utilized by the Estuary Partnership, including making such data and reports on such data available to the public, including on the Internet, in a timely fashion; and

“(I) collect and make available to the public, including on the Internet, publications and other forms of information relating to the environmental quality of the Lower Columbia River and Estuary.

“(2) IMPLEMENTATION METHODS.—The Administrator, acting through the Team Leader, may enter into interagency agreements, make intergovernmental personnel appointments, provide funding, make grants, and utilize other available methods in carrying out the duties under this subsection.

“(d) REPORT.—Not later than one year after the date of enactment of this section, and biennially thereafter, the Administrator shall submit to Congress a report that—

“(1) summarizes the progress made in implementing the Action Plan and the Comprehensive Plan and the progress made toward achieving the identified goals and objectives described in such plans;

“(2) summarizes any modifications to the Action Plan and the Comprehensive Plan made in the period immediately preceding the report;

“(3) incorporates specific recommendations concerning the implementation of the Action Plan and the Comprehensive Plan; and

“(4) summarizes the roles and progress of each Federal agency that has jurisdiction in the Columbia River Basin toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan.

“(e) IMPLEMENTATION OF ACTION PLAN AND COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—The Administrator, acting through the Team Leader and in consultation with the Estuary Partnership, shall carry out projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

“(2) PRIORITY PROJECTS, PROGRAMS, AND STUDIES.—The Administrator may give special emphasis to projects, programs, and studies that are identified as priorities by the Estuary Partnership in the Action Plan and the Comprehensive Plan.

“(3) GRANTS.—

“(A) IN GENERAL.—The Administrator, acting through the Team Leader, is authorized to make grants for projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

“(B) ALLOCATIONS.—In making grants using funds appropriated to carry out this paragraph for a fiscal year, the Administrator, acting through the Team Leader, shall use—

“(i) not less than 40 percent of the funds to make a comprehensive grant to the Estuary Partnership to manage implementation of the Comprehensive Plan;

“(ii) not less than 50 percent of the funds to make grants, as allocated by the Team Leader, for projects, programs and studies prioritized in the Action Plan throughout the Columbia River Basin, and for other coordinated projects, programs, and studies in the Middle and Upper Columbia River Basin; and

“(iii) not more than 5 percent of the funds for project management, administration, and reporting.

“(4) FEDERAL SHARE.—The Federal share of the costs for which a grant is made under this section shall be 75 percent, except that

the Administrator may increase the Federal share in such circumstances as the Administrator determines appropriate.

“(f) ANNUAL BUDGET PLAN.—The President, as part of the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including—

“(1) an interagency crosscut budget that displays for each Federal agency—

“(A) the amounts obligated in the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

“(B) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

“(C) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

“(2) a description and assessment of the Federal role in the development and implementation of the Action Plan and the Comprehensive Plan and the specific role of each Federal agency involved in protection and restoration of the Columbia River Basin, including specific projects, programs, and studies conducted or planned to achieve the identified goals and objectives of the Action Plan and the Comprehensive Plan.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$40,000,000 for each of fiscal years 2011 through 2016. Such sums shall remain available until expended.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 419—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL GUARD YOUTH CHALLENGE DAY”

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. RES. 419

Whereas “National Guard Youth Challenge Day” will be celebrated on February 24, 2010; Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than \$335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about \$19,000 each year, compared to approximately \$28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over \$17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of leadership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of “National Guard Youth Challenge Day”; and

(2) calls upon the people of the United States to observe “National Guard Youth Challenge Day” on February 24, 2010, with appropriate ceremonies and respect.

Ms. LANDRIEU. Mr. President, on behalf of myself and my colleagues Senator LINCOLN, Senator CHAMBLISS, Senator SHAHEEN, Senator MURKOWSKI, Senator BARRASSO and Senator BYRD, I rise today to submit a resolution in support of the goals and ideals of National Guard Youth Challenge Day and in support of the Youth Challenge program.

Few programs have been as effective in combating the high rate of high school dropouts as the Youth Challenge program.

Established by the National Guard in 1993 to help at-risk youth aged 16–18 who have dropped out or been expelled from school, the National Guard Youth Challenge program includes a 5-month residential program and 12-month mentoring program where participants learn life-skills, gain real-life work experience, receive on-the-job training, participate in community service and have the opportunity to earn a high school diploma or GED.

Everyone knows that high school dropouts face much greater challenges than their peers who finish school. Dropouts have an unemployment rate of 40 percent, as compared to the national average of 10 percent. Fifty-four percent of high school dropouts were jobless in an average month during 2008 alone.

One in every three teen mothers is a dropout and one in four babies is born to a high school dropout. Dropouts have a life expectancy that is nine years less than a high school graduate.

While looking for programs that keep students in school, we must also focus on programs that offer our high school dropouts a road back, and the National Guard Youth Challenge Program is one such program.

The National Guard Youth Challenge program has graduated more than 92,850 former high school dropouts from the program to date, with 99 percent of them going on to pursue higher education, a career in the military or employment, according to a recent audit.

The annual cost of graduating one child from the Youth Challenge program is \$14,000. Contrasted with the \$40,000 it costs to incarcerate that same youth, it is no surprise the program has earned the enthusiastic bipartisan support of governors nationwide.

The program currently operates only 32 programs across 27 states and Puerto Rico. Last year alone, of the 18,701 dropouts who applied to this voluntary program, more than 40 percent were turned away due to lack of funding.

Unfortunately, America has one of the highest dropout rates in the world among developed nations. Nationally, an estimated one-third of high school freshmen do not graduate from high school in four years; in the 50 largest U.S. cities, the dropout rate may be closer to 50 percent. That totals 1.2 million high school dropouts each year.

The soaring dropout rate is a national crisis that costs our economy billions of dollars each year to support dropouts who are more likely to be unemployed or underemployed, incarcerated, on public welfare, or teen parents.

The median income of a high school dropout is \$18,000, versus \$25,000 for a high school graduate, and the annual unemployment rate for dropouts is 40 percent compared with the nationwide rate of 10 percent.

This means that each dropout, over the course of his or her lifetime, contributes \$60,000 less in taxes than an individual with a high school degree.

Each class of dropouts costs States \$17 billion in publicly subsidized health care costs over the course of their lives.

Individuals lacking a high school education also make up 90 percent of our nation’s prison population accounting for \$45 billion of the \$50 billion spent annually on incarceration.

The economic cost in lost productivity and earnings over the course of a high school dropout’s lifetime is \$329 billion, according to the Alliance for Excellent Education.

Over the next decade, if current dropout rates persist, the economic loss to

our nation will total more than \$3 trillion.

Eleven States have requested funding to start a program. Unlike most programs, the Youth ChalleNGe program requires States to match 25 percent of the program's cost with the Federal Government providing 75 percent, and three States with existing programs are seeking funding for additional programs.

The National Guard Youth ChalleNGe Program changes more than just the cadet; it transforms entire families and communities.

According to the parent of a recent ChalleNGe graduate in Louisiana: "I had struggled for several years trying to give [my son] what he needed in the way of direction. He had no ambition, no direction, no goals for the future, no interest whatsoever in school, and appeared to have no grasp of how poorly his future looked if he continued on the road he was on. The successes the Youth ChalleNGe program provided gave him a self-confidence I've never seen in him before. He realizes he can achieve anything he wants in life if he is willing to put forth the effort. Thank you for giving me my son back."

Our nation can no longer afford to lose ground educationally if we are to compete in a global, knowledge-based society. As President Obama noted in his speech, "In this country, the success of our children cannot depend more on where they live than on their potential." In order to make that sentiment a reality, we must not only address needed reforms to put our failing schools back on track, but also expand programs that reach out to those youth who dropped out of high school to ensure that they have every chance to succeed. The future of our youth—and our economy—depends on it.

Do not just take my word for it. Tomorrow morning I am hosting a panel and discussion about the Youth ChalleNGe Program in the Russell Building, Room 485 from 10:30 to 11:45. I invite all of my colleagues to meet some of these remarkable young men and women who have made the choice to turn their lives around.

Again, I ask my colleagues to join with me to pass this resolution which shines a much needed light on a program that is truly making a difference in the lives of our greatest natural resource—our children.

This is a happy subject, and one for which I think the Presiding Officer shares my enthusiasm, and that is our support of the National Guard Youth ChalleNGe Program. Tonight we are celebrating at the fifth gala that supports this program, and tomorrow I will be hosting, along with many of our colleagues, a panel about the success of the National Guard Youth ChalleNGe Program.

The Presiding Officer was a Governor before she became a Senator, so she

knows very well the challenges of workforce development, moving our young people through high school so they graduate on time with the requisite skills to allow them to be ready to go to college or ready to go to work. Unfortunately, that is not the case in America today with too many of our young people. So we are struggling here in Congress; Governors are looking for programs all over the country; educators are searching for what works.

I am here to tell my colleagues that there is a program that works, and I thank the Presiding Officer for her support. I also wish to thank Senator LINCOLN, Senator CHAMBLISS, Senator SHAHEEN, Senator MURKOWSKI, Senator BARRASSO and Senator BYRD for cosponsoring this resolution and for calling attention to the fact that tomorrow is National Guard Youth ChalleNGe Day. But more than joining in this resolution, I hope this Congress, as this appropriations process starts for this year, when looking to find a wise way to spend a dollar, will look to the National Guard Youth ChalleNGe Program.

This program reaches out in 27 States and Puerto Rico with over 32 programs to kids between the ages of 16 and 18 who have given up on themselves and whose families have given up on them. They haven't been arrested yet. They haven't been incarcerated yet. They haven't gotten into trouble with drugs yet, but they are on the road in that dangerous direction. This program offers them an opportunity to take a different road. It offers them an opportunity to change. I am proud to say that since this program was started here in Congress and in partnership with Governors and non-profits around the country, we have graduated thousands of children from this program with an almost 95-percent success rate, which with this group is almost unheard of. This is a 17-month program including 5 months of residential schooling followed by 12 months of mentorship. So in 17 months, kids who were headed in the wrong direction are literally turned around and headed in the right direction. That is because it is a combination of all of the best practices: getting them out of their environment and introducing them to a new set of disciplines and rules and regulations. It is not a boot camp. There are not wires around these facilities. These young people can leave any day. It is completely voluntary. But they stay because they know they need the discipline. They know they need the focus. They know our men and women of the National Guard care not just about our country as a whole but about the individual citizens who make up the country. Through our National Guard, men and women give of their time in terms of teaching and training. It is a phenomenal program.

I don't know if the Presiding Officer has attended some of the graduations, but I have, and I think perhaps she has, and many of our colleagues have. They share with me their stories. They say, Senator, I have given speeches at many of my college graduations and at many wonderful, prominent, large high schools, but the graduations that have touched me the most have been the graduations of the Youth ChalleNGe cadets. Sometimes a program will graduate 100 cadets; sometimes smaller programs will graduate 50; but there are always lots of tears of joy in those auditoriums around the country when these cadets graduate.

I will never, ever forget standing in Alexandria, actually Camp Beauregard, right outside of Alexandria, a central Louisiana city. I had given my speech. I thought it was pretty good, but it wasn't spectacular. It was very good. I heard a grown man behind me sobbing. I thought to myself, I hope I haven't said anything inappropriate in my remarks. He came up to me with these huge arms and hugged me from the back and said, Senator, I have never known my government to do anything good for me—I don't know if I agree with that—but, he said, Today, you have given me my son back. I will never forget that as long as I live. That is what this program means to parents. It is giving them their children back, which is the greatest gift a parent, as the Presiding Officer knows, having four children, can have. These kids are floundering in the regular high schools, not making any sense to them, because we haven't done I think what we should be doing in all cases with them in high school. This program works. Not only does it work for the individual, but it works for our economy.

I wish to read into the RECORD a few of the statistics about what it means to our country when we save one person from dropping out of high school. These are the statistics. One in every three teen mothers is a dropout from high school. One in four babies born is born to a high school dropout. The National Guard program has graduated more than 92,850 former high school dropouts with 99 percent of them going on to either pursue higher education, a career in the military, or employment, according to a recent audit. The annual cost of graduating one child from this program is \$14,000. Contrast that with the \$40,000 it costs annually for incarceration of someone who failed to graduate, got on the wrong road, got involved in drugs or in a life of crime. For a \$14,000 investment, leveraging the strength of the National Guard, leveraging the hopes and prayers of parents who want so much for their children to turn around, leveraging the power of the individual child knowing something is wrong and wanting to make it right, I couldn't think of a better program than this.



I have spoken personally to Secretary Arne Duncan about this. I have spoken personally on every occasion I can to members of the White House leadership team and the education team and the members of the Defense Appropriations team. So I am hoping we recognize the soaring dropout rate as a national crisis that costs our economy billions of dollars. There are programs that work. Not every program that government invents or frames fails. So for people who say we can't spend any more money, let's spend it on programs such as this. Let's move the money from some programs that aren't working as well to programs such as this and leverage the investments our country is making, whether it is through the National Guard or through other programs.

The median income of a high school dropout is \$18,000 versus \$25,000 for a high school graduate. Over a lifetime, that amounts to literally millions of dollars in lost employment opportunities.

There are any number of reasons. I think I have explained them fairly well. I will submit a longer statement for the RECORD. But again, today, we wish to recognize our National Guard Youth Challenge Program. We wish to thank the National Guard. Not only are they on the front lines in Iraq and in Afghanistan and everywhere around the world, but they are on the front lines right here, helping us educate future military members, future executives, future workforce leaders, and we are very proud of the leadership of the National Guard.

I wish to thank the Presiding Officer again for her support and for the support of many of our colleagues for this very worthwhile and meritorious program.

**SENATE RESOLUTION 420—HONORING THE MEMBERS OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE STATE OF OKLAHOMA FOR THEIR SERVICE AND SACRIFICE ON BEHALF OF THE UNITED STATES SINCE SEPTEMBER 11, 2001**

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 420

Whereas members of the Army National Guard and Air National Guard of the State of Oklahoma reside throughout the State and come from various communities, backgrounds, and professions;

Whereas the Army National Guard and Air National Guard of the State of Oklahoma are composed of several units, including the Joint Forces Headquarters, the 45th Infantry Brigade Combat Team, the 45th Fires Brigade, the 90th Troop Command, the 189th Regional Training Institute, Camp Gruber Joint Maneuver Training Center, the 137th

Air Refueling Wing, the 138th Fighter Wing, the 205th Engineering Installation Squadron, and the 219th Engineering Installation Squadron;

Whereas, since September 11, 2001, units and members of the Army National Guard and the Air National Guard of the State of Oklahoma have been deployed, and are continuously being deployed, in support of United States military operations at home and abroad;

Whereas the 45th Infantry Brigade mobilized in 2003 for Operation Enduring Freedom and deployed more than 700 soldiers to Afghanistan to provide training to Afghan Security Forces;

Whereas the 45th Infantry Brigade Combat Team mobilized in 2007 for Operation Iraqi Freedom and deployed more than 2,700 soldiers to provide command and control and conduct security force and detainee operations, representing the largest single deployment for the Oklahoma Army National Guard since the Korean War;

Whereas the 45th Fires Brigade mobilized in 2008 for Operation Iraqi Freedom and deployed more than 1,000 soldiers to provide command and control and conduct security force operations;

Whereas 90th Troop Command units mobilized for Operation Iraqi Freedom and Operation Enduring Freedom and deployed more than 2,600 soldiers to conduct combat support and combat service support missions;

Whereas the 189th Regional Training Institute and Camp Gruber Joint Maneuver Training Center have provided professional training to military and nonmilitary personnel to enhance domestic security and prepare units for deployments abroad;

Whereas the Oklahoma Army National Guard mobilized in 2005 and deployed more than 2,500 soldiers to support relief operations in response to Hurricanes Katrina and Rita, including assisting law enforcement agencies with traffic control and security, transporting and distributing food, water, and ice, conducting search and rescue and ground and air evacuations, providing generator support, and performing other missions to protect life and property;

Whereas the 137th Airlift Wing mobilized in 2003 for Operation Iraqi Freedom and deployed to the Kingdom of Saudi Arabia as part of the largest C-130 wing assembled in history, transporting troops, food, supplies, and equipment to United States forces in Iraq;

Whereas the 137th Airlift Wing mobilized in 2003 for Operation Enduring Freedom and deployed to Uzbekistan, providing critical airlift and logistical support for United States forces in Afghanistan;

Whereas between 2003 and 2006, the 137th Airlift Wing transported 39,368 troops and 11,170 tons of critical cargo to United States forces in Iraq and Afghanistan;

Whereas the 137th Airlift Wing mobilized in 2005 and deployed one of the first C-130 units to support relief operations in response to Hurricane Katrina, including evacuating hospital and nursing home residents to safety by air, providing critical logistical support, and airlifting 2,500 members of the Oklahoma Army National Guard to population centers to provide aid to hurricane victims;

Whereas the 138th Fighter Wing mobilized in 2005, 2007, and 2008 for Operation Iraqi Freedom and deployed to Iraq to provide close air support and engage in combat missions, during which the 138th Fighter Wing expended 109,000 pounds of combat ordnance and successfully destroyed numerous targets; and

Whereas, since September 11, 2001, the 138th Fighter Wing has flown numerous Air Sovereignty Alert missions in the United States, protecting high value domestic targets against attack and contributing to homeland defense, and in 2008 the 138th Fighter Wing was recognized as the most active alert facility in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Oklahoma and their families for their service and sacrifice on behalf of the United States since September 11, 2001; and

(2) recognizes the citizen-soldiers and airmen of the Oklahoma National Guard as invaluable to the national security of the United States, vital to defending against threats both foreign and domestic, and essential for responding to State and national emergencies.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3324. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 3325. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

**TEXT OF AMENDMENTS**

**SA 3324.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.**

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

**SEC. \_\_\_\_ . EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

**SA 3325.** Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; as follows:



On page 3, beginning with line 23, strike through line 7 on page 4.

On page 8, between lines 17 and 18, insert the following:

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

On page 8, line 18, strike “(7)” and insert “(8)”.

On page 9, line 18, strike “(8)” and insert “(9)”.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting scheduled before Committee on Energy and Natural Resources, previously announced for February 10th, has been rescheduled and will now be held on Wednesday, March 3, 2010, at 10 a.m., immediately preceding the full committee hearing, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 23, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 23, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 23, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet during the session of the Senate on February 23, 2010, at 10 a.m., in room 215 of the Dirksen Office Building, to conduct a hearing entitled “Trade and Tax Issues Relating to Small Business Job Creation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 23, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Are Foreign Libel Lawsuits Chilling Americans’ First Amendment Rights?”

The PRESIDING OFFICER. Without objection, it is so ordered.

### AFRICAN AFFAIRS SUBCOMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 23, 2010, at 10:15 a.m., to hold a African Affairs subcommittee hearing entitled “Exploring the Nigeria-U.S. Bilateral Relationship.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on February 23, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 23, 2010, at 10 a.m., in room 253 of the Russell Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on February 23, 2010 at 2:30 p.m. to conduct a hearing entitled, “Countdown to Census Day: Progress Report on the Census Bureau’s Preparedness for the Enumeration.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN’S ISSUES AND SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 23, 2010, at 3 p.m., to hold a joint International Operations and Organizations, Democracy and Human Rights and Near Eastern and South and Central Asian Affairs subcommittee hearing entitled “Afghan Women and Girls: Building the Future of Afghanistan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRUTH IN CALLER ID ACT OF 2009

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 30.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 30) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Rockefeller amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3325) was agreed to, as follows:

(Purpose: To revise the provision relating to the effect of the new subsection on other laws)

On page 3, beginning with line 23, strike through line 7 on page 4.

On page 8, between lines 17 and 18, insert the following:

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

On page 8, line 18, strike “(7)” and insert “(8)”.

On page 9, line 18, strike “(8)” and insert “(9)”.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 30

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth in Caller ID Act of 2009”.

### SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

“(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

“(3) REGULATIONS.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

“(B) CONTENT OF REGULATIONS.—

“(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

“(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

“(I) any authorized activity of a law enforcement agency; or

“(II) a court order that specifically authorizes the use of caller identification manipulation.

“(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

“(5) PENALTIES.—

“(A) CIVIL FORFEITURE.—

“(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.

“(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

“(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

“(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if

the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice of apparent liability.

“(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

“(6) ENFORCEMENT BY STATES.—

“(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

“(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

“(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

“(i) to intervene in the action;

“(ii) upon so intervening, to be heard on all matters arising therein; and

“(iii) to file petitions for appeal.

“(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(E) VENUE; SERVICE OR PROCESS.—

“(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

“(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

“(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

“(8) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification infor-

mation’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

“(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

“(C) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given that term by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

“(9) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.”.

## EARLY CANCER DETECTION MONTH

Mr. REID. I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of H. Con. Res. 158 and the Senate proceed to the consideration of that matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 158) expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HAGAN. Mr. President, I rise in support of Senate passage of H. Con. Res. 158, the House companion to a resolution I introduced last August to highlight greater awareness of breast and other cancers by designating an early cancer detection month. This House resolution is sponsored by my good friend and colleague from North Carolina, Congressman BOB ETHERIDGE.

Almost every person has been touched by cancer, either personally or through a family member or friend who has suffered from some form of the disease. Sadly, every year, more than 2 million new cases of cancer are diagnosed in the United States.

The most common forms of cancer diagnosed in Americans are skin cancer, breast cancer in women, prostate cancer in men, lung cancer, and colorectal cancers. And it is estimated that in 2009, over half a million Americans died from all types of cancer.

Last year, in North Carolina, there were an estimated 42,270 new cases of cancer and more than 18,000 deaths due to cancer. Of those lost, 1,300 deaths were from breast cancer in women and 860 deaths from prostate cancer.

Current cancer treatments include surgery, radiation, chemotherapy, hormone therapy, biological therapy, and targeted therapy; however, there is no cure. Many oncologists and breast cancer researchers believe that a cure for breast cancer will not be discovered until well into the future.

However, we cannot sit idly by while we wait for a cure. Instead, we must continue to support organizations, health care providers, and even our friends who work so hard to raise awareness about cancer, particularly cancer prevention and early detection. Fortunately, many forms of cancer can be prevented altogether, such as skin cancer and lung cancer. In addition, at least half of all new cancer cases can be prevented or detected earlier by screening, and if detected early enough, more than 75 percent of all people could be saved when cancer is most treatable.

For breast cancer, early detection has been proven to reduce mortality. This is encouraging, due to the fact that 1 in 8 women in the United States will develop breast cancer in her lifetime.

In 2008 alone, the overall cost of cancer in the United States was estimated at \$228.1 billion. Greater awareness and early detection of all cancers will not only save tens of thousands of lives, but also greatly reduce the financial strain on the government and private health care services by detecting cancer before it requires very expensive treatment.

Cancer has taken an enormous toll on our society's health and economy. But this disease, in all its forms, is often detectable at early stages. By designating a month to focus on early detection for breast cancer and all other forms of cancer, we will address some of the principle challenges that inhibit screening and prolong detection. Enhanced awareness and screening are the keys to reducing morbidity and mortality from cancer and reducing the financial and emotional stress that this disease places on Americans.

I want to thank Senator RICHARD DURBIN for joining me in cosponsoring the Senate resolution. I also would like to thank Representative ETHERIDGE for sponsoring the House companion, which passed on January 21. I am extremely pleased that both Chambers have been supportive of this issue and that the Senate is adopting this concurrent resolution today.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 158) was agreed to.

The preamble was agreed to.

#### RECOGNIZING THE AMERICAN KENNEL CLUB

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 393, and we now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 393) recognizing the contributions of the American Kennel Club.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 393

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4,000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners, and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine genome map, and clinical studies, and has donated over \$22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards \$170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

*Resolved*, That the Senate honors the American Kennel Club for its service to dog owners and the United States public.

#### SUPPORTING THE GOALS OF NATIONAL ENGINEERS WEEK

Mr. REID. I ask unanimous consent that the Commerce Committee be discharged from consideration of S. Res. 417 and we now move to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 417) supporting the goals and ideals of National Engineers Week, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 417

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill the needs of society;

Whereas engineers have helped to address the major technological and infrastructural challenges of our time, including providing water, defending the Nation, and developing clean energy technologies that are needed to power the American people into the future;

Whereas engineers are a crucial link in research, development, and the transformation of scientific discoveries into useful products and jobs, as the people of the United States look more than ever to engineers and their imagination, knowledge, and analytical skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that promote global collaboration and support reliable infrastructures;

Whereas the sponsors of National Engineers Week are working together to transform the engineering workforce through greater inclusion of women and underrepresented minorities;

Whereas the 2009 National Academy of Engineering and National Research Council report entitled "Engineering in K-12 Education" highlighted the potential role for engineering in primary and secondary education as a method to improve learning and achievement in science and mathematics, increase awareness of engineering and the work of engineers, help students understand and engage in engineering design, build interest in pursuing engineering as a career, and increase technological literacy;

Whereas an increasing number of the approximately 1,500,000 engineers in the United States are nearing retirement;

Whereas National Engineers Week has developed into a formal coalition of more than 100 professional societies, major corporations, and government agencies that are dedicated to ensuring a diverse and well-educated engineering workforce, promoting literacy in science, technology, engineering, and math, and raising public awareness and appreciation of the contributions of engineers to society;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that the first President, who was both a military engineer and a land surveyor, made to engineering; and

Whereas, February 14, 2010, to February 20, 2010, has been designated as National Engineers Week by the National Engineers Week Foundation and its coalition members: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Engineers Week to increase understanding of and interest in engineering careers and to promote technological literacy and engineering education; and

(2) continues to work with the engineering community to ensure that the creativity and contributions made by engineers can be expressed through research, development, standardization, and innovation.

#### ORDERS FOR WEDNESDAY, FEBRUARY 24, 2010

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 24; that following the prayer and

pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 2847, with the time until 9:55 a.m. equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. REID. Mr. President, at 9:55 a.m. tomorrow, the Senate will proceed to a series of two rollcall votes. The first vote will be on the motion to waive the Gregg budget point of order with respect to the Reid jobs amendment. If the motion is successful, there will be another vote on the motion to concur with respect to H.R. 2847.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Wednesday, February 24, 2010, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, February 23, 2010

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. TONKO).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 23, 2010.

I hereby appoint the Honorable PAUL TONKO to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### HONORING SYLVIA UNZUETA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, in just a few weeks we will be celebrating Women's History Month; and to kick that off, I would like to recognize an individual who is a shining example of the difference that one person can make.

Sylvia Unzueta's life is a testament to how adversity can motivate one to not only better oneself but also to serve the greater sisterhood.

Born in Cuba, Sylvia came to the United States in 1961 at the age of 13 through the Peter Pan program. Not only did she leave behind all that she knew, but Sylvia did not see her parents again until she was 26 years old. The experience of arriving in the United States alone at such a young age instilled in Sylvia a sense of duty to others in need.

Acknowledging the sacrifice that her parents had made in order to send her to the United States to escape Castro's tyranny, Sylvia pursued a higher education here in the United States. She attained a master's degree in public ad-

ministration from the Kennedy School at Harvard University.

After completing her education, Sylvia poured herself into serving her community, especially helping young and vulnerable women and children be able to reach their full potential. During the Mariel boatlift, she helped those Cubans who, just like her so many years before, had come to escape tyranny and build a new life here in America.

Sylvia has worked with the Federal Government and with the University of Miami on issues facing unaccompanied children who come to our great country. She served as an assistant city manager for the City of Miami and later as acting director for Miami-Dade Parks.

One of Sylvia's greatest passions is her belief in citizenship diplomacy as a key to closer and even more meaningful relationships among people, nations, and cultures. To that end, Sylvia has chaired the Miami-Dade County's sister-city relationship with the city of Santa Cruz de Tenerife in Spain.

Furthering her efforts to support women, she helped create the annual In the Company of Women awards ceremony during her tenure with Miami-Dade County. This ceremony has helped to recognize the accomplishments of so many inspirational women from my South Florida community. Her service was profiled in a book entitled "A Woman's Place is Everywhere," which was co-written by Olympic champion Jackie Joyner-Kersey.

One would think that, with so much accomplished, Sylvia would take some time off for herself, but she has soldiered on, offering her help where it is needed most. After Haiti was devastated by this most recent terrible earthquake, Sylvia has devoted her time to help. Her work with Haiti began years ago, actually, when she became involved in the welfare of displaced Haitian children who were living in the Dominican Republic.

Sylvia's life has been and will continue to be a source of inspiration for South Florida, for our Nation, and, indeed, for women throughout the world. Our community is a better place because of Sylvia Unzueta. Felicidades, mi amiga. Congratulations, my friend.

### DIGGING OUT FROM THE RECESSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, as the mid-Atlantic region continues to dig out from historic winter snowstorms, it reminds us of our efforts to continue to dig out of the Great Recession. The snow finally stopped falling, yet it has taken us a long time to get back to normal. Thousands of people waited in subfreezing temperatures for days for their power to be restored; thousands more waited days for their streets to be plowed. Despite best efforts, the recovery has taken time. Our economic recovery also takes time.

The Great Recession of 2007 has officially lasted for 19 months. It was the longest recession since the Great Depression. Seven hundred forty-one thousand Americans lost their jobs in January of 2008. In the first quarter of 2009, GDP tumbled an astonishing 5.4 percent. By March, the Dow Jones Industrial Average had plummeted more than 53 percent. Unemployment rose to 10.2 percent, a 26-year high.

Without immediate action, Mr. Speaker, the economy was on the brink of falling into a devastating depression. With more than 700,000 Americans losing their jobs every month when we took office, we had to act immediately, and we did.

The Great Recession lasted 2 years, and a full recovery will take time. But we made significant improvements in all areas of the economy, and we are in recovery now. Second quarter GDP in 2009 slipped 0.7 percent. The following quarter saw a return to economic growth of 2.2 percent. And in the fourth quarter of 2009, GDP exceeded expectations and registered an outstanding 5.7 percent growth, a swing of more than 11 percent in just 9 months.

The manufacturing industry grew in January 2010 for the sixth consecutive month and, according to the Institute for Supply Management, is at its highest level since August of 2004. Retail spending, a critical component of recovery, increased 0.5 percent in January. The stock market has increased almost 60 percent since its March low, beginning to restore 401(k)s and college funds.

Mark Zandi, a Republican economist from Moody's and former economic adviser to Senator JOHN MCCAIN during his presidential campaign, said, "I don't think it's an accident that the economy has gone out of recession and into recovery at the same time that the stimulus is providing its maximum economic impact."

Mr. Speaker, our job is not finished, but our efforts have saved the economy

from complete collapse and half-restored growth.

A full jobs recovery will also take time. Monthly job growth during the economic boom in the late 1990s was 231,000. The 2000s saw much worse job conditions. Through the 8 years of the Bush administration, annual job growth was the worst since World War II, averaging just 0.2 percent, less than half of the next lowest administration. We had our work cut out for us from the start, but we acted decisively and created the conditions for job growth. Job losses that were 741,000 when we started here, by November of 2009, we had in fact created 64,000 jobs net. As a consequence of declining job losses, the unemployment rate has begun to fall from 10.2 percent to 9.7 percent today.

It will take time to fully dig out of this economic morass. Therefore, it is critical we maintain the course and allow our efforts to continue their positive effect.

Mr. Speaker, the mid-Atlantic region suffered a second serious winter storm within the same week. For those who hadn't fully dug out from the first record blizzard, the additional snowfall was a daunting and dangerous challenge. The same holds true for our economy. But, unlike the weather, we can have an impact. Americans have always been persevering. If we stay the careful course that has led to the beginnings of our recovery, we can avoid the dangers of a double-dip recession. We can and will maintain our economic recovery until every American has a chance to return to work.

#### RECOGNIZING THE 1-YEAR ANNIVERSARY OF THE AMERICAN RECOVERY AND REINVESTMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, as we have said many times recently, we are acknowledging and recognizing the 1-year anniversary of the American Recovery and Reinvestment Act. It is interesting on these anniversaries that we have considerable discussions about whether the act, or any other act, was successful or not.

Just watching Sunday morning's national talk shows was a very interesting experience, because we had on one show Governor Granholm from Michigan and Governor Barbour from Mississippi, and you would have believed that the two of them came from different planets or at least that they were talking about two very different pieces of legislation.

Jennifer Granholm talked about tens of thousands of jobs being created in Michigan, beginning the foundation, setting the foundation for a new explosion of battery technologies and energy

technologies. Governor Barbour on the other hand said, "Well, we got a few jobs, we've paved a few roads, but it really wasn't that good of a program."

My own Senator and my constituent, Senator McCONNELL, was on another talk show saying, "Yeah, the governors like it. It funds a lot of government jobs." Well, I am going to get to that in a minute, because those government jobs are not just government jobs. Those are not bureaucrats. Those are teachers, those are firefighters, those are police officers. Those are people who are providing critical public services to our constituents. But let's talk about where we were a year ago.

My colleague from Virginia just talked about a lot of the data reflecting what the situation was in the economy several years ago and last year when the Recovery Act went into effect. But let's talk about what we were trying to do then, because this wasn't just about creating jobs. As all the economists have said, we faced a considerable gap in demand in the economy, as much as \$1 trillion a year. That is the capacity of the economy versus the demand for goods and services. And when you have that kind of gap, if you have too many people working and too little demand, people get laid off. That is what has happened in our economy. Nobody else was filling that gap, so economists across the spectrum said government has to be the spender of last resort. We have to fill that gap because consumers aren't spending.

So what did we do? We not only put in programs that would create jobs through infrastructure spending and investment, but we also said we need to make sure that people have their unemployment benefits, because unemployment benefits are spent; they go directly into the economy as quickly as possible.

We wanted to give tax cuts. Many of our Republican colleagues asked us to do that, so 95 percent of the American people have received a tax cut. Now, a lot of them don't know it. As a matter of fact, I understand there is a poll now of Tea Party supporters in which only 2 percent say they actually think the taxes have decreased in the last year; 95 percent don't. But, in fact, virtually 95 percent of those people have received a tax cut.

But let's talk about just the experience in my own congressional district in my own State. As Senator McCONNELL said, it is only helping support a few government jobs. Well, in fact, in my district, because of the first-time homebuyers credit, sales of homes in Louisville have had four successive months of gains, substantial gains. Because of stimulus fund investment, GE's Appliance Park is bringing 400 jobs back from China to help build a new energy-efficient water heater in Louisville, Kentucky. Those aren't

government jobs, but private sector jobs.

□ 1045

The stimulus moneys helped retain 600 teachers in Jefferson County Public Schools. We have a new maintenance facility being built at our public transit company; 80 new construction jobs building this energy-efficient facility. Stimulus funds provided a billion dollars to shore up our KCHIP program. That is health insurance for children. We had funding for career training for 500 at-risk young people. We had \$26 million for remodeling and renovating schools.

Now, Senator McCONNELL may think those aren't jobs, but I don't think those schools are renovating themselves. There are people working to renovate those schools, as well as building a new Beechmont Fire Station, \$2.2 million. Those are human beings working because of the Recovery Act.

In all just in my district we have served more than 4,000 people. According to local government, which is tracking the funds very carefully, we have created 1,800 jobs just in Louisville, Kentucky, and we have, again, provided numerous public services both in Louisville and throughout the State.

Now, we have a long way to go. The Recovery Act was not a cure-all. We can have our doubts and our differences about whether it has succeeded as well as it might have, but the fact is there has been true progress made, and we expect more progress to be made.

#### CREATING JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Thank you very much, Mr. Speaker, for recognizing me and giving me this time to speak on a very important subject.

I want to associate myself with the comments of my friend from Kentucky (Mr. YARMUTH) who spoke just a minute ago. He is absolutely correct, there is no more important discussion that we can have on this House floor than the subject of jobs, jobs, and jobs.

I was delighted yesterday to see the action of the United States Senate. The Senate passed, by a majority of 62 Senators voting, to invoke cloture and to begin discussing and debating the long-awaited jobs bill. I am very pleased that the Senate is taking this matter very seriously. We are working to stimulate job growth in this country. And we must ensure that the bill puts people back to work. That is what it is all about, putting people back to work. Our bill also assists the unemployed and struggling who are trying to make ends meet with their family. So the vote of the Senate yesterday

was quite encouraging, and I want to commend our colleagues in the other body for doing so.

Mr. Speaker, one of the advantages that we had in being snowed out of Washington for the last 2½ weeks was that we had an opportunity to go back to our districts and to visit the various counties and to talk with people who are suffering from job loss. And it is profound. In December, the House passed a strong jobs bill that included provisions that extended unemployment insurance benefits. That is very important. We also voted to extend COBRA health benefits.

We must work in a bipartisan manner, Mr. Speaker, to make sure that this critical safety net stays in place. We can do it, Mr. Speaker. We can do it if we put our hands to the plow, work together as Democrats and Republicans. We can do it. The American people are expecting us to do it.

Mr. Speaker, as you know, I represent North Carolina, the eastern part of our State, 23 counties. Nineteen of the 23 counties that I represent are suffering unemployment rates above 10 percent, including Edgecombe County, which has the State's second highest unemployment rate, at 16.7 percent. That is one out of eight citizens who are unemployed. North Carolina is suffering its highest rate of unemployment, Mr. Speaker, in 34 years.

Thousands of North Carolinians are facing the prospect of losing their unemployment benefits over the next 60 days. Across our great country, about 2.7 million jobless people will lose their benefits by the end of April unless we act. We must act.

People are facing similar dim prospects with COBRA. North Carolina's already record high number of people without health insurance is expected to continue to surge when the subsidies for the Federal Government's COBRA coverage expires, putting yet another strain on our health care system.

Mr. Speaker, thank you for this time. I urge swift and strong action on a jobs bill that puts people back to work and helps those people who are most in need. Not only do we need tax cuts for small businesses. We say that all the time. Yes, we need tax cuts for small businesses. But we also need jobs for the chronically unemployed, and we need it now.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 51 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

#### PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God, we extol Your great name, for You alone deserve our worship and unwavering allegiance. We thank You for the gifts of meaningful labor, loving families and freedom to worship. We thank You as well for Your ultimate sacrifice which brings us hope for bright tomorrows.

Father, we humbly commend to Your abiding care those among us who are facing the challenges of age, health, and the loss of loved ones. May Your presence illumine the hearts of all who seek to bring You glory and long for Your loving presence.

We pray as well that You will empower our legislators and their staffs with the wisdom and tenacity needed to solve seemingly intractable issues facing our country and our world. Give them the strength to endure long hours of labor with a positive sense of accomplishment.

Finally, we pray for all those in harm's way and their families. May You watch over them and protect them with Your abiding presence. In Your mighty name, I pray. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. DANIEL E. LUNGREN) come forward and lead the House in the Pledge of Allegiance.

Mr. DANIEL E. LUNGREN of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4532. An act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to pro-

vide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

#### RESIGNATION AS MEMBER OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Energy and Commerce:

FEBRUARY 23, 2010.

Hon. NANCY PELOSI,  
*Speaker of the House, House of Representatives,  
The Capitol, Washington, DC.*

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Energy and Commerce, effective today.

Sincerely,

GREG WALDEN,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

#### ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1095

*Resolved*, That the following Member be, and he is hereby, elected to the following standing committee:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Griffith.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### HEALTH CARE RELIEF IS NEEDED

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, last Friday, the U.S. Department of Labor issued its updated numbers regarding inflation, and what it showed was some good news: that in fact prices were flat; they fell 0.1 percent. Producer prices the day before was reported only went up 1.2 percent.

But not every sector of the U.S. economy is so lucky. If you are a self-employed individual, if you are a small business, the Department of Health and Human Services issued another report that showed that health insurance premium costs are going up at a frightening rate: in the State of Connecticut, where I come from, a 21 percent increase; in California, 35 percent.

Across the country we are still seeing a broken health insurance marketplace that lands the hardest on the self-employed and the individuals who are trying to go out and get coverage for themselves and their families.



We need reform which will spread coverage, create large purchasing pools, and give Americans the same benefit that every Member of Congress has who participates in the Federal employee health plan.

This Thursday we have a summit where both parties need to come together and give people the same relief that Members of Congress receive every day through their health insurance plan.

#### WHERE ARE THE JOBS?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, when I travel around my district, I run into a lot of people who are looking for work, hanging on by their fingertips, and they want to know, When's Washington going to wake up? They're asking, Where are the jobs?

I have run a small business, and one of the things a small business needs in order to grow is they need some certainty, certainty about what the future is going to look like. With all of this talk about raising taxes here in Washington, D.C., imposing mandates on employers in the health care bill or a new national energy tax, all they're doing is creating more uncertainty that is causing employers to be frozen in their job creation.

The Congressional Budget Office has made clear that the mandate that was in the Senate- and House-passed bills, the Senate bill, \$750 per person for an employer who doesn't offer health care to their employees, each employer may have to pay that fee. Now what we see is the President offering that that penalty should be \$2,000 per employee. This is going to raise the cost of employment and, according to the Congressional Budget Office, costs tens of thousands of jobs across our country.

It's time to scrap this bill, to get back to commonsense ideas that will help improve the cost of health care in America and widen access and bring some certainty to employers across this country who want to hire more people but won't with all of the uncertainty that is out there.

#### HEALTH CARE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I rise today to speak to you about health care reform. This past month, Anthem Blue Cross in California decided to raise their insurance premiums by 39 percent. This is simply unacceptable. My constituents cannot be expected to swallow this price while they struggle to keep food on the table.

I have long been a supporter of comprehensive health care reform because

of the unfairness and inadequacy of our current health care system. I applaud the President's leadership in convening this week's health care summit. Though health care reform continues to be a long and arduous process, the American people cannot wait any longer. We must come to a compromise and pass a health care reform bill that will cover as many people as possible with coverage that is affordable. We must prohibit discriminatory practices such as pre-existing conditions and do away with unfair practices such as caps on coverage. Any reform bill must also control costs so that everyone can afford to get the treatment they need. Let's do what is right.

#### WHERE ARE THE JOBS?

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it's been 1 year since the Democrats passed their so-called stimulus bill, and 1 year later, one thing is clear: the stimulus bill has failed. This has even been tacitly acknowledged by the leadership of the Democratic Party here in Congress and at the White House.

We were told before the State of the Union address that the President and House Democrats were going to "pivot to an emphasis on fiscal discipline and jobs." But as the American people are struggling, with unemployment about 10 percent and an estimated 14.8 million Americans looking for work, Americans are asking, Where is the pivot, and more importantly, Where are the jobs?

After a year of borrowing and spending and bailouts and takeovers, met this week by the latest version of a government takeover of health care, millions of Americans are asking, When will Washington get the message? When will Washington, D.C., from this well to the White House itself, start to put Americans back to work with the time-honored principles of fiscal discipline in Washington, D.C., and across-the-board fast-acting tax relief for working families, small businesses, and family farms?

Let's put the emphasis on jobs, Mr. Speaker.

#### CARD ACT

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, on Monday, we saw a tough new law go into effect. The CARD Act cracks down on the abusive practices of some credit card companies and contains strict protections for consumers long overdue, including banning unfair interest rate increases and outlawing abusive fees and penalties by credit card companies.

Putting this law into effect marks a new day for consumers and families in my district in south Florida. We finally have put in place some commonsense provisions to ensure that hardworking people aren't unfairly taken advantage of by credit card companies.

Too many of us have seen the tricks used by credit card companies—whether it is changing the date the bill is due or doubling or tripling the interest rates with no notice at all. I am glad to say those days are long gone.

This bill lives up to its name as a true Credit Card Holders' Bill of Rights. I look forward to working with my constituents to continue to make sure that we put the needs of local consumers first.

#### NEW HEALTH CARE BILL IS A MIDDLE CLASS TAX HIKE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the White House has a new health care bill, but this new bill is essentially the same as the old one. It is still a hugely expensive package full of harmful tax increases for working Americans that will destroy even more jobs than Democratic policies have already destroyed.

During his campaign, the President said, "Under my plan, no family making less than \$250,000 a year will see any form of tax increase; not your income tax, not your payroll tax, not your capital gains tax, not any of your taxes."

That's interesting because this new health care bill includes about \$136 billion in new taxes on the very group that wasn't supposed to see "any form of tax increase."

Mr. Speaker, the American people don't want a government takeover of health care with billions of new taxes on hardworking Americans who are struggling to make ends meet.

#### SUCCESS FOR SECOND AMENDMENT RIGHTS

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, this week Arizonans are celebrating our latest success in the fight to preserve our second amendment rights.

Yesterday, a new law took effect allowing law-abiding citizens to bring guns into national parks and wildlife refuges. I was proud to join members from both parties to pass this law which ensures we can now move freely throughout State and Federal land with our firearms.

Greater Arizona is home to the most beautiful sites in the country, including thousands of miles of parkland. National parks are not just places we

visit on vacation. We live and work in and around them. It was unacceptable to leave our rights behind each time we left home.

Now folks can become confident that their freedoms are protected wherever they travel in Arizona. I look forward to working with my colleagues to continue fighting to protect our constitutional right to bear and keep arms with measures like this.

#### HEALTH CARE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, yesterday the President unveiled his \$1 trillion health care bill which is nearly the same as the two previous bills which have already been rejected by the American people. The American people have rejected those bills because they raise taxes, kill jobs, and increase costs to fund a government takeover of health care virtually.

The new taxes and regulations on small businesses alone will kill jobs at a time when nearly 1 in 10 Americans are already out of work. The plan unveiled yesterday still lacks fiscal responsibility and still levels mandates on individuals and employers and still puts Federal bureaucrats in control of private citizens' personal health care decisions. However, it does nothing to bring about true reform such as ending junk lawsuits or allowing individuals to purchase affordable health insurance across State lines.

This new plan is simply more of the same as what we have seen before—a series of half-measures moving in a proven wrong direction.

□ 1215

#### AMERICAN RECOVERY AND REINVESTMENT ACT

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, in January of 2009, the United States economy had lost more than 750,000 jobs in just 1 month. A year later, in January 2010, the United States economy gained a few thousand jobs. This remarkable shift in the economy's performance is mainly due to the American Recovery and Reinvestment Act passed by this Congress and signed by our President.

In one year, the Recovery Act has provided \$120 billion in tax cuts for 95 percent of working families as well as businesses across this country; loaned nearly \$20 billion to small businesses to expand and create jobs; funded more than 12,500 transportation projects nationwide and kept teachers, police officers, and firefighters working on the job.

Now we are seeing growth in our economy. On February 20, 2009, the Dow Jones was trading at 7,365. Yesterday, the market closed at 10,383.

The Recovery Act has worked and will continue to work throughout the course of this year. After all, it was designed to be a 2-year program.

#### WHERE ARE THE JOBS?

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, last week, the President and his administration were out in force bragging to anyone who would listen about how successful last year's trillion dollar stimulus bill has been. Vice President BIDEN left no doubt in anyone's mind when he said, "I am absolutely certain of one thing. The Recovery Act is working." Well, forgive me, Mr. Vice President, if I and millions of other Americans are a bit skeptical.

The American people continue to ask: Where are the jobs that this trillion dollar budget buster promised? Let me tell you, I would have a hard time going to my district in Monroe County, which has gone from 6 percent unemployment when the Democrats took control of the Congress in January 2007 to, last month, over 20 percent unemployment. Sadly, this is a story that is being repeated all across America.

So while the President and his Democratic colleagues in Congress are trying to remember the words to "Happy Days Are Here Again," the American people are left wondering, where are the jobs, and does anyone in Washington care about us?

#### TOMMY DOUGLAS FROM WEYBURN, SASKATCHEWAN

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, like everyone last night, I was watching the Olympics and I was wondering who was the most famous person in Canada. Fame is a rather fleeting thing; 60 seconds down a hill or on an ice rink.

The most famous person in Canada, by a vote on the CBC, was a politician, a Baptist minister, from Weyburn, Saskatchewan. His name is Tommy Douglas. Tommy Douglas, in 1947, brought universal health care to Saskatchewan.

Nobody remembers the people who said that they would never have health insurance in Canada. Nobody remembers all the people that fought him. He was elected five times premier of Saskatchewan because the people remembered who brought them health care. Maybe that is why former Speaker Gingrich said, "We can't let Mrs. Clin-

ton succeed or the Democrats will be in forever." Well, that is what we are seeing again, folks. Maybe the Republicans are afraid that they will never get back in.

Nobody remembers who didn't say "yes."

#### BIG GOVERNMENT DOES NOT WORK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week marked the first year of the trillion dollar spending bill claimed to produce jobs, but The Island Packet at Hilton Head Island reports the fact that more than 4 million jobs have been lost.

With 7.5 million jobs lost since Speaker PELOSI took over, I toured the district I represent on a "Joe Means Jobs" tour, where I found people want change from Big Government failed policies. They supported the concepts of the proven tax cuts of John F. Kennedy and Ronald Reagan as presented today in H.R. 470 to create jobs.

Sadly, the administration obsessively pushes a health care takeover, which the National Federation of Independent Business confirms will kill 1.6 million jobs.

Both parties should be working together to promote small business, the backbone of America, to create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Welcome Marc Conner Westbrook, the newborn son of Thad and Christy Westbrook, born February 19 at Lexington Medical Center of West Columbia, South Carolina.

My sympathy to the family of Wayne Dell of Ridgeland, the father of Chief of Staff Eric Dell of the Second District.

#### TODA AMERICA MANUFACTURING

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. I rise to tell the story of an American Recovery and Reinvestment Act project that is set to create new high-tech manufacturing jobs in my hometown of Battle Creek.

Last week, Toda America finalized a \$35 million grant through the Department of Energy's Electric Drive Battery and Component Manufacturing Initiative. Without the Recovery Act, this Japanese firm wouldn't be investing \$70 million to build a new hybrid battery plant in my district. They wouldn't be hiring 50 to 60 new workers at an average weekly wage of \$900, plus an additional 91 indirect jobs.

In Michigan, with an unemployment rate of over 14 percent, we need every job we can get. 150 people will have jobs

in my district because of Toda's innovation, the Recovery Act's commitment to battery development, and a never-give-up attitude. This is how we turn our economy around one job at a time.

### THREE DIFFERENT BRANCHES OF GOVERNMENT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I returned from my district here just a couple of days ago after hearing from my constituents at several town hall meetings. One of the things they made absolutely crystal clear was they wanted us to start over on health care. They weren't arguing for the status quo. They are arguing for a new start.

So what do we have on Thursday? The President inviting Members from both Houses, both Democrat and Republican, for what? For what? A session in which it appears that the ground rules are going to be we are going to start with the House and the Senate bills.

I don't know. I am proud to be in this House, in part because of my love of the Constitution. I look at the Constitution, and it says we have three different branches of government and we are responsible for legislation. I don't see where there is a monarchy, where you are supposed to go and have an audience with the monarch surrounded by his court jesters.

### HEALTH CARE

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, last week I, too, had a chance to be out in my local district. I was on Main Street in St. Peter, Minnesota. We had great conversations about how small businesses can continue to create and revitalize our economy. But do you know what they talked about most? Health care. They shared stories about double-digit increases in premiums. They shared stories about a difficult time hiring new employees because of the cost of health insurance. But one story in particular stuck with me.

I walked into Julee's Jewelry Store in St. Peter, Minnesota. Julee is a woman who has poured her life into making her business work, but she also shared a story with me.

Her son Trevor was recently diagnosed with a brain tumor. So as she and Trevor fight for his life, they are also fighting their insurance company to pay for the chemotherapy that their doctor ordered. She also told me she fears her son will never be able to

change jobs because of a preexisting condition. Our current health system is limiting our ability to innovate and grow our economy.

As you know, Mr. Speaker, I represent the Mayo Clinic in Rochester, Minnesota. I am proud to do so because of the high quality, low cost care that they provide.

I would like to leave you with a quote last week from the Mayo Clinic: "Reforming health care in America is absolutely essential. The status quo is not sustainable."

### HEALTH CARE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I went online and got the President's proposal here, and it is 11 pages, and it is a summary. And then I got the summary of the summary, and it looks like it is about 19 pages summarizing the 11 pages. So I guess we are creating jobs by trying to do summaries of the summaries of the summaries. That is not good enough. People are out of work.

We heard last year, a year ago that if we did not pass the stimulus bill, the porkulus bill, if that didn't pass, unemployment might go as high as 8.5 percent. God, would that we would be there instead of where we are today.

This is not going to create jobs. It is going to suck more money out of the economy that government uses that the businesses will not have to create jobs. Let's help America. Let's put people back to work so they can afford their own health care.

### HEALTH CARE AND JOBS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. When we were fighting in the civil rights movement, you could always count on the naysayers to stand aside and say America could not tolerate the equality of so many new people. Here we are today with the same crowd complaining about the good.

Let me tell you about the Investment Act that has generated opportunities for jobs. Before I tell you that, we do have a health care plan, one that will provide the largest middle class tax cuts in American history for affordable health care, one that will provide you with a competitive marketplace to go in and buy your insurance. No pre-existing condition can ever keep you from health insurance. As far as I am concerned, the people in the 18th Congressional District understand the good, and they know that health care in this form is good for them.

Then, as we stood with Speaker PELOSI at the Port of Houston on Monday and were able to announce \$45 mil-

lion to fix one of the most dangerous bridges in the Nation, investment, and to acknowledge 2,000 jobs and 3,000 extra jobs, the good is on the way.

### WE HAVE A LONG WAY TO GO ON JOB CREATION

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I recently held a job fair in my district, and despite one of the snowiest travel days of the entire winter, more than 2,000 people showed up. The overwhelming turnout makes one thing clear: We have a long, long way to go to create real jobs.

But instead, Congress has embraced record borrowing and record spending while unemployment now hovers at about 10 percent. Millions of Americans are scraping by wondering why hundreds of billions of dollars of their tax money is being wasted, with millions of lost jobs to show for it.

An economic recovery without jobs is not a recovery. We need to strengthen small business and create the private sector jobs. If we want to boost our economy and put people back to work, we have got to get our priorities straight to help the entrepreneurs, the risk-takers, the innovators, the dreamers, instead of growing government.

### HEALTH CARE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, the news that private health insurance companies earned a record \$12.2 billion in profits last year is a stark reminder of the need for enacting health reform now. Their profits are up 56 percent from the previous year, yet more and more Americans can't afford health insurance and are being dropped when they get sick.

As we have seen with Anthem Blue Cross in California, insurance companies are raising their premiums on individuals by as much as 40 percent. This is ridiculous. Fortunately, we have a plan to address this huge problem.

Our colleagues on the other side of the aisle may think the status quo is fine. I certainly don't. We must enact health reform legislation, holding insurance companies accountable, ensuring that patients have access to affordable care, improving the quality of health care for everyone.

I welcome the release of the President's proposal to achieve these important goals. I look forward to the outcome of Thursday's summit. As these outrageous premium increases show, we have an urgent need to move forward on health care reform.

## STIMULUS MISTAKE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week marked 1 year since the passage of the \$862 billion so-called stimulus bill, a bill that was supposed to keep unemployment below 8 percent, a bill that was supposed to boost the economy and private sector job creation, a bill completely paid for with borrowed money in a time of ballooning deficits. We have not seen the broad benefits promised by the stimulus bill, but we will soon have to pay the price for this borrowing and spending.

I would encourage all of my colleagues to turn to page A19 in today's Wall Street Journal and read about the true economic cost of the stimulus bill. According to Harvard economist Robert Barro, over 5 years the stimulus package creates an extra \$600 billion in public spending, but at the cost of \$900 billion in private expenditures. We spent money that we didn't have, and for each dollar spent, we will have to pay back \$1.50 in higher taxes. Mr. Barro sums it up by saying, "The 2009 stimulus bill was a mistake."

We need to focus on private sector job growth, not borrowing for more government spending.

□ 1230

## WORKING TOGETHER FOR JOBS IN AMERICA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, indeed, it's been 1 year since the American Recovery and Reinvestment Act passed without a Republican vote in this House and maybe only one in the Senate, and we've heard a lot of vitriol here today about it. The fact is almost every economist, including Mark Zandy who advised the Republican candidate for President, have said it helped. It helped in a major way our country from falling off a precipice into another Great Depression. A difficult vote, but a needed vote. And 95 percent of Americans received tax breaks, things that the other side of the aisle normally is much in favor of, but for 95 percent of America they didn't care and they didn't vote for it.

The fact is there were three-quarters of a million jobs lost in the last quarter of President Bush's administration; in the last quarter of President Obama, there were just 35,000. The stock market has gone up by 50 percent since President Obama came into office and the jobs stimulus program was passed. There has been improvement.

We had a great crisis, and we were in a ditch, and we are digging our way out, but we are only doing it in one

part of the House. We need to work together in a bipartisan measure for jobs.

## POLITICAL SCHIZOPHRENIA IN WASHINGTON

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, we have a problem here in Washington since the Democrats took control: It's called insanity, specifically, political schizophrenia.

Yesterday, the Senate voted to spend another \$15 billion in taxpayer money to create a hoped-for 250,000 jobs. Yesterday, President Obama introduced a health care proposal that is estimated to cost 600,000 jobs by his own supporters and up to 5.2 million jobs by business groups. So in 1 day Democrats pushed two proposals—one to create jobs and one to cut jobs—that combined will result in a net job loss of between 350,000 and 4.8 million jobs. The madness has to stop before maybe the President starts claiming he's George Washington.

## BUFFALO SOLDIERS

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, in Bob Marley's iconic anthem he describes the plight of the Buffalo Soldiers as "fighting on arrival, fighting for survival." No troops in American history have given more and received less in return than the African American regiments known as the Buffalo Soldiers.

They also played a pivotal role in the creation of our national parks. Each spring, these sons of slaves hiked hundreds of miles from San Francisco and Monterey to Yosemite, Sequoia, and Kings Canyon, serving, in effect, as our country's first park rangers.

Regrettably, I have lived my entire life within walking distance of the Buffalo Soldiers Trail and until recently never knew this part of our history. I urge my colleagues to support H.R. 4491, which directs the National Park Service to study and promote the Buffalo Soldiers.

## NASA BUDGET

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, since NASA's inception, the challenges that American scientists and engineers overcame to put men in space and on the Moon has brought forth a slew of cutting-edge technologies that made their way into our daily lives. Now the administration is willing to throw

away 50 years of progress on a sub-orbital taxicab that places the U.S. firmly behind China and other nations who are willing to make the investments we used to because they understand the importance of human space exploration.

On the campaign trail in Florida the President said, We cannot cede our leadership in space. That's why I will help close the gap by speeding the development of the Shuttle's successor. His proposed budget kills that successor, the Constellation program, thereby directly contradicting his commitment. It is a path to second place for the United States.

The President has a voice in the Federal budget process, but not the final word. I intend to fight to maintain hundreds of thousands of high-technology jobs in America and America's global leadership in human space exploration.

## AMERICAN RECOVERY AND REINVESTMENT ACT

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the American Recovery and Reinvestment Act was created in the first month of President Obama's term after what was reported to be the worst recession since the Great Depression. Just 1 year ago, our Nation was headed towards an economic collapse with the loss of about 600,000 jobs a month. State and local budget cutbacks were putting teachers' jobs and students' educations in jeopardy. There was no doubt that our economy was in grave need to immediately begin to save and create jobs and lay a foundation for the long-term economic recovery.

This month marks the 1-year anniversary of the passage of the Recovery Act which has jump-started our economy by saving and creating as many as 2.4 million jobs and providing \$120 billion in tax cuts for 95 percent of working families as well as businesses across the country. The act has loaned nearly \$20 billion to small businesses to expand and create jobs, funded more than 12,500 transportation projects nationwide and kept police officers and firefighters on the job. It has funded more than 300,000 educational jobs, keeping teachers in their classrooms.

Mr. Speaker, I say let's continue the work.

## PUT AMERICANS TO WORK

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Mr. Speaker, Americans are hurting. One year ago, this Congress passed a \$787 billion stimulus bill which was supposed to keep unemployment under 8 percent, but since its

enactment more than 3.5 million jobs have been lost.

The national unemployment rate remains around 10 percent, and in Ohio it is worse. Our unemployment rate is nearly 11 percent, and the real unemployment rate in some areas in my district is over 20. By all measures, this stimulus bill has failed to create jobs.

Congress needs to act to provide the environment for private-sector job creation. Instead, this Congress continues to seek solutions that tax too much, spend too much, and borrow too much, creating massive debts for our children and our grandchildren. Let's focus on getting Americans back to work. More government borrowing and spending is only heaping more and more debt on our children and grandchildren and disincentivizing the job creators from creating the jobs.

Let's work with solutions that put Americans to work, not take them from them.

#### CAP CARBON POLLUTION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I visited a couple of fascinating companies. Applied Materials in Santa Clara, California, makes the world's largest photovoltaic cell because they figured out a way to do it and reduce manufacturing costs. I then drove up the road to Bloom Energy, which has developed a fuel cell that actually can convert natural gas to electricity right on site at your home or your office.

These two companies are typical of the companies that can lead to the creation of millions of new clean-energy jobs for a new clean-energy economy in the United States, but they are waiting on the other Chamber to pass a bill that will put a limit on carbon pollution. Once we put a limit on carbon pollution, companies like Applied Materials and Bloom Energy will in fact bloom and blossom because they will be on a level playing field. Let's get a cap on carbon pollution. Let's build a new clean energy economy for this country.

#### DEMOCRATIC POLICIES ARE HURTING OUR ECONOMY

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCLINTOCK. Mr. Speaker, 2 weeks ago, Congress and the President added \$1.9 trillion to the national debt limit. That translates to more than \$6,000 for every man, woman, and child in this country, more than \$24,000 for an average family of four. Now, your family is required to repay that debt through future taxes just as surely as if

it appeared on your credit card statement. Now, \$24,000 is the price of a new car. Only you don't get a new car, just the payments for a new car. What you get instead is another 14 months of deficit spending.

Two-thirds of economic growth is consumer driven, and yet we have just cost every family in America an average of \$24,000 from its future purchasing power. These policies are not helping our economy; they are hurting it. The American people are coming to understand this. Let's hope it's in time to change this Congress, change this administration, and save this country.

#### COMPREHENSIVE IMMIGRATION REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to praise President Obama for taking on the very difficult and challenging issue of entitlement reform and dealing with the tens of trillions of dollars of unfunded liabilities that are structured within the current system.

The traditional ways of dealing with unfunded liabilities and entitlements include cutting spending and increasing revenues, and I applaud President Obama for proposing a budget freeze on the nondefense portions of the budget. I urge my colleagues to consider supporting that as well as supporting a freeze extending across the defense component of the budget.

I would like to propose, however, a third area in addition to spending cuts and revenues that we can use to address this entitlement crisis, and that is comprehensive immigration reform. By adding 10 or 20 million new taxpayers, we can have a major impact on the unfunded liabilities facing our country. By encouraging engineers and physicists who graduate from American universities to stay here rather than move to other countries to practice their trades, we cannot only make America more competitive and create jobs, but we can also address the looming entitlement crisis by creating more taxpayers here at home.

I encourage my colleagues to support comprehensive immigration reform.

#### JOBS BILL

(Mr. LANCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCE. Mr. Speaker, the American people are frustrated with the ideas coming out of Washington by the Democratic majority to fix our broken economy: higher taxes, more spending, record debt, more regulations, and government-run health care. That is not a plan to create jobs and jump-start our ailing economy.

I am proud to be a sponsor of a 5-point jobs plan introduced by my colleague from Florida (Mr. BUCHANAN) that provides meaningful tax relief for individuals and businesses, assistance for those struggling to find employment, real reforms to curb frivolous lawsuits, and a plan to reduce Federal spending and lower our national debt.

Tax relief, debt reduction, and legal reform to help create jobs—that is a fiscally responsible plan to get our economy moving again. I urge the American people to visit [lance.house.gov/jobs](http://lance.house.gov/jobs) to learn more about this important job creation proposal.

#### LONDONDERRY HIGH SCHOOL "LOCKS FOR LOVE"

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Mr. Speaker, I rise today to recognize the selfless efforts of 182 students and faculty members at Londonderry High School in New Hampshire. These students and faculty members at Londonderry High School recently organized an event at school to donate their hair for wigs for cancer patients.

Losing one's hair to chemotherapy is an incredibly heart-wrenching experience, and these students and faculty members wanted to ease the pain. Londonderry High School has seen the pain of cancer. A former student who cut her own hair has now suffered a relapse with leukemia. Two young women who donated their hair recently lost their mother to brain cancer.

The school's ability to experience and to help others who are suffering is really a tribute to the school, to the volunteers, and to the students and faculty, and I congratulate them for their generous spirit.

#### WHERE, OH WHERE, HAVE THE JOBS GONE?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, where, oh where, have the jobs gone?

Where, oh where, can they be?

With the people so mad and the economy so bad

Where, oh where, can the jobs be?

Well, the administration is planning on killing the Constellation space program at NASA. This will cost about 7,000 scientists and engineers their jobs at NASA in Houston. About 30,000 people nationwide in related work will be looking for jobs.

NASA has led the United States into being the world's greatest exploration country, and now the shuttle program is also ending. So in the future, if Americans wish to travel in space, they

will need to hitch a ride with the Russians because we won't have the vehicles to travel in space. And of course China intends on being the number one space exploration country in the future as well. It looks like we are giving away our leadership and our dominance in space.

So where, oh where, have the jobs gone?

Where, oh where, can they be?

They are going overseas to the Russians and Chinese

That's where they shall be.

And that's just the way it is.

□ 1245

#### A REFLECTION OF AMERICAN CONTRIBUTIONS OF ASIAN AMERICANS AND PACIFIC ISLANDERS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, February 14 marked the start of the Lunar New Year, a holiday celebrated by Asian and Asian Americans around the world. I would like to take this opportunity to reflect on the rich history and contributions that Asian Americans and Pacific Islanders have made to our country.

For the last 13 years, I've had the pleasure of representing the largest Vietnamese population in the world out of Vietnam, which is right in Orange County, California. Every year, the Union of Vietnamese Student Associations of Southern California organizes the Orange County Tet Festival, which celebrates the Lunar New Year with an array of traditional foods, ceremonies and customs.

This year, we celebrate the Year of the Tiger, known for their courage and optimism and fearless leadership. Those are the qualities of the tiger, and all of my constituents have demonstrated them in overcoming the enormous challenges that are facing our economy.

Again, it is a great honor to represent the Vietnamese community in Orange County, and I look forward to wishing them a great new year.

Chuc ma na moi!

#### JOBS

(Mr. FLEMING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLEMING. Mr. Speaker, in the midst of the worst recession in over a generation, this administration continues to advance its job-killing climate agendas. For instance, the recent EPA endangerment finding is particularly disturbing.

This reckless regulation lays the groundwork for a type of unlegislated,

administrative cap-and-trade, which, without an effective tailoring rule limiting its application, could destroy nearly 3 million manufacturing jobs and could result in lost economic activity of \$7 trillion.

During the State of the Union we heard President Obama proclaim that job creation should be this country's main focus. Then why does he insist on attacking and destroying energy, finance and the health care sectors, killing jobs in the process?

I urge the President to stay true to his word and to work with Republicans in order to advance commonsense ideas which will rein in government spending, which will cut our deficits and will restore the three top things this country wants the most—jobs, jobs, jobs.

#### REBUILD MAIN STREET AND RESCUE BACK STREET

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, civil rights' leaders and economists from the Leadership Conference on Civil and Human Rights, from the AFL-CIO, from the Center for Community Change, from the Economic Policy Institute, from the NAACP, and from the National Council of La Raza called for us to develop legislation to mitigate the job crisis facing millions of Americans. They outline what we believe is a very robust jobs program and bill:

First, the fast-track creation of jobs in the public sector that serve community-level needs.

Second, immediate investment in the infrastructure of schools and public transit.

Third, the prevention of the foreclosure crisis.

It is very important to recognize and understand what these leaders are saying with regard to the entire country in this economic recession. The diversity of American communities clearly dictates that one size does not fit all, according to Ben Jealous of the NAACP.

We have to rebuild Main Street and rescue Back Street. We just can't go back to the economy of 3 to 4 years ago when African Americans suffered perennial unemployment rates.

#### KANSANS NEED JOBS, NOT MORE BROKEN PROMISES

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, last year when President Obama signed into law the so-called "stimulus package," we were told that it would cost \$787 billion and that it would create 33,000 Kansas jobs. Unfortunately, the facts paint a

different picture. Since the stimulus became law, the cost has increased to \$862 billion, and over 47,000 Kansans have lost jobs.

The same rings true: Making promises builds hope. Keeping promises builds trust. That's why I will keep my promise to Kansas by supporting a no-cost jobs plan to put Kansans back to work, to keep taxes low for small businesses, to increase international markets for American products, to practice fiscal restraint, and to restore confidence in the Federal Government.

Kansans need jobs, not more broken promises.

#### JOBS, WALL STREET AND HEALTH CARE REFORM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I represent the most unique city on the planet, the City of Las Vegas. It's a great place with great people, but we are hurting, and my constituents are angry.

I've got the second highest unemployment rate in the country, the highest mortgage foreclosure rate in the country, and 460,000 Nevadans have no health insurance. The stimulus bill saved our State—money for education and Medicaid, unemployment compensation, job creation, infrastructure improvements—but we need to do more. We need to pass a jobs bill to get more people back to work. We need to pass health care reform to provide medical care for those who can't afford it on their own.

Finally, for the financial industry, whose reckless behavior put this Nation and the rest of the world in a deep recession, Congress must pass meaningful Wall Street reform and consumer protection. I know we talk all the time about Wall Street's being a casino. Coming from Las Vegas and representing Las Vegas, let me assure you no casino on the planet behaves as irresponsibly and as recklessly as Wall Street does. Wall Street ought to be ashamed and should take a lesson from the casino industry.

#### IT'S ABOUT JOBS

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Where are the jobs? That's what the folks in East Alabama and around the country want to know.

A year ago, when the President came in, we thought he was going to do something about it. Unfortunately, his idea of remedying the problem was passing the stimulus bill, which I like to think of as the Obama slush fund/political slush fund because that's what

it really is. If it, in fact, had been a stimulus bill, it would have been spent in the first year, at a minimum, instead of over 5 years. Instead, he didn't.

Last month, I was encouraged when the President said he was going to focus like a laser on jobs this year. To that end, he has called for a health care summit this week. The President has got to get off his drive to push universal, government-run health insurance on the American people, and has to start talking about and working on the things that we really care about, one of which is getting our people back to work.

What the President needs to do is to drop his push for government-run health care and to start working with his Treasury Department to get them and our banks lending again. Start working with our small business people to find out what kind of relief they need to start hiring again. It's about jobs, Mr. President.

#### BIPARTISANSHIP

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, I am happy to say that, on occasion, we do work in a bipartisan fashion and that the President works with members of both parties.

In fact, I was a cosponsor of a bill that took effect as law yesterday—the Credit Card Bill of Rights, as it is commonly called. There was an accountability act, which was originally sponsored by Congresswoman MALONEY of New York. It passed this House by 357 “aye” votes, if I remember correctly, and it passed the Senate with 90 “aye” votes. That's a pretty strong statement of bipartisanship to protect the American consumer from the same banks, the same financial institutions that were bailed out by the taxpayers, which then turned around and jacked up interest rates for people with credit cards, interest rates as high as 29.9 percent.

I know. I was one of those people who got a notice. I read the fine print, and I said, I pay on time. I've paid more than the minimum payment. How can this be done especially when money/credit is so cheap from the Fed?

So I am proud of the fact that we worked to keep children from being exploited and students from being sent credit card offers, that we worked to protect families against these unexplained increases in interest rates, and that we worked together across the aisle.

#### WHERE ARE THE JOBS?

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, as we mark the anniversary of the so-called “stimulus plan,” Americans want to know: Where are the jobs?

In my home State of West Virginia, the White House predicted that their \$800 billion stimulus package would create 20,000 jobs. Sadly, we have actually lost over 10,000 jobs. That's bad news for many families. If that's not bad enough that the so-called “stimulus” isn't living up to its promises of new jobs, it's even worse that the policies of this administration are actually contributing to job loss in States like mine. Cap-and-trade puts an economic target on the backs of States like mine, which results in job loss.

Meanwhile, the President's EPA has continued to hold up mining permits across Appalachia, creating an unprecedented sense of uncertainty that is already costing mining jobs and is threatening thousands more. Further, the EPA is threatening to or is pushing to regulate greenhouse gas emissions, which will undoubtedly cost more thousands of jobs in our State.

Mr. Speaker, my constituents may have thought their tax dollars were going to be used to fund the stimulus to result in jobs, but I join them in asking: Where are the jobs?

#### PUT ASIDE THE PARTISAN AGENDA

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, the masters of information, which I call my colleagues on the other side of the aisle here, can't disagree with the fact that jobs, homes and insurance have been lost by Americans due to the failed Bush policies of trickle-down economics.

I want to talk about health care. A few people came up to me during our last district work period, and said, I've lost my job. I've lost my home to foreclosure, but take care of health care.

We can do it together if we stop the obstruction on the other side of the aisle. This is very important for the American people. Instead of being masters of misinformation, I think my colleagues on the other side should put aside their partisan agenda and work towards what is best for the American people.

#### WHERE ARE THE JOBS?

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to ask the same question which Americans are asking all over our great country, which is: Where are the jobs?

We still face almost 10 percent unemployment at the national level and a totally unacceptable 11.8 percent unemployment rate in my home State of Florida. It is truly astounding that even the administration's latest budget estimates project that the national unemployment rate will still be near 10 percent for yet another year.

It is time that Americans of all backgrounds and parties say, yes, we can do better than this. It is time for the President and Congress to take a proven approach for tax relief for working families and small businesses while doing everything that we can to reduce the growing Federal debt, which is holding up further economic growth. We must do better so we no longer have to ask “Where are the jobs?” for yet another year.

#### A NEW DIRECTION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. To hear our Republican colleagues, you'd think they have an idea or a plan on how to put people back to work.

Remember, it was the failed deregulatory policies of the Bush administration and of the Republican majority that ultimately led to the collapse of Wall Street, to the emptying out of people's savings accounts and to the destroying of businesses across America. It was also their failed free trade policies that exported 3 million manufacturing jobs during the Bush-Republican era.

But, yeah, they always say tax cuts will cure everything. I would say that the worst part of the stimulus bill they are criticizing—and I voted against that bill—was the \$340 billion in tax cuts insisted upon by three Republican Senators. How many jobs have they produced?

What did you do with your tax cuts? last week I asked my constituents.

They said, I didn't get a tax cut.

I said, Oh, yeah, you did. You got \$8 less withholding.

They said, Well, that's not going to do anything. That's not going to put my neighbor back to work. That's not going to create any jobs.

Their nostrum is more tax cuts, more deficits, more debt, more deregulation, more failed free trade. We need a new direction. Yes, this administration hasn't done everything I've wanted, but it's a heck of a lot better than the disasters they've visited upon us.

#### WHERE ARE THE JOBS?

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, last week, I spent a lot of time back in



the district, talking to my constituents, and they asked one simple question:

Where are the jobs?

Folks in Macon, Kirksville, Kahoka, and throughout the district remember all too well the promises of the so-called "stimulus plan." They realize now they were empty promises. People back home were eager to hear about Republican plans to reduce taxes and to cut spending. Folks are mad at this Congress for spending more than they take in and for proposing more job-killing taxes and regulations. The small business people I talk to understand you can't spend more than you can afford, and you can't exist with increased tax burdens and more harmful regulations and expect the economy to turn around.

I've heard the voices of the people of the Ninth District, and I am going to work hard to try and find a way to provide more jobs, more jobs, more jobs. The people of the "show me" State are waiting for us to show them the jobs.

□ 1300

#### IT'S TIME TO LIVE WITHIN OUR MEANS

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, during this last week, I traveled all across northeast Wisconsin listening to people in their kitchens, in their living rooms, and at the plants, shaking hands with people that had come out of work, people who are happy to have a job, because today no job is a bad job.

But lest we forget, we should never forget how we got into this mess. We got into this mess because we had an administration that didn't live within its means. And without spending a single dime for it, we had two wars at the same time, two tax cuts to the rich, a gigantic handout to the drug companies, and then at the tail end of their administration, a bailout of Wall Street, nearly a trillion dollars, again without paying a single dime.

It's time to live within our means. Moreover, it's time to pass a very simple piece of legislation that's three pages long, that guarantees transparency in all health care pricing so that any individual or business that offers health care products and services for sale to the public must at all times openly disclose all of their prices.

#### JOBS AND INTERNATIONAL TRADE

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, with employment close to 10 percent nationwide, it's time to promote stable private sector jobs.

The people of my home State of New Jersey have long depended on international trade to drive economic growth and put people to work. The United States is the world's largest exporter with \$1.29 trillion in revenue last year, a symbol of America's global leadership. As the world becomes more integrated, our economy and employment are increasingly driven by trade.

Unfortunately, the House majority leadership has chosen to indefinitely postpone consideration of all major trade agreements with Colombia, South Korea, and Panama. American businesses, large and small, are deprived of more and more economic opportunities each and every day Congress delays their implementation. Countries in Europe and Asia have already completed or are poised to complete trade agreements with these nations. This will put our American exporters at a distinct disadvantage.

Mr. Speaker, we need these trade agreements. Our international competitors are eating our economic lunch.

#### HOPE AND PROMISE

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, when President Barack Obama came to town, he brought hope and promise: hope that our best days were still ahead of us and that we would work together; promise that if we invested in our country and in our people, we could overcome any challenge in our country.

However, my friends on the other side have come with hope and promise as well. They hoped that the President would fail and they promised to vote against every piece of legislation that he offered and that we offered in this House.

My friends, when President Clinton left office, there was a \$5.6 trillion projected surplus. What we have been left with is a \$13 trillion debt. Our economy was in free-fall: two undeclared, unfunded wars; a banking system in chaos and greed on Wall Street.

Now, if you don't stand with the stimulus that's going to invest in our country, in our people, and you voted against us, what did you stand for?

Well, we don't know what they are standing for but we certainly know what they are against: a cost of living adjustment for seniors on Social Security, extensions of unemployment for out-of-place workers, extensions of COBRA insurance so that folks who lost their jobs can have insurance, and the largest tax cut in America's history.

The world is changed not by critics but by leaders, Mr. Speaker.

#### WE NEED JOBS FOR AMERICANS

(Mr. POSEY asked and was given permission to address the House for 1 minute.)

Mr. POSEY. Mr. Speaker, where are the jobs?

I am reading verbatim from portions in an article printed in one of our local papers:

"NASA plans more outreach to Muslim countries," by Mark Matthews, February 16.

"NASA Administrator Charlie Bolden said Tuesday that President Barack Obama has asked him to 'find ways to reach out to dominantly Muslim countries' as the White House pushes the space agency to become a tool of international diplomacy now.

"Specifically, he talked about connecting with countries that do not have an established space program and helping them conduct science missions. He mentioned new opportunities with Indonesia, including an educational program that examines global climate change. 'We really like Indonesia because the State Department, the Department of Education, and other agencies in the U.S. are reaching out to Indonesia as the largest Muslim nation in the world. We would love to establish partners there,' Bolden said."

It looks to me like the administration is looking out for everyone except our own space workers. Am I the only one who thinks there's something wrong with this picture?

We need jobs for Americans.

#### AMERICAN RECOVERY AND REINVESTMENT ACT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, my colleagues on the other side have been asking where are the jobs?

Well, I just came back from 2 weeks in Pennsylvania in my district, the Third District of Pennsylvania, and I can tell you there are jobs coming to my district, and I'm excited. I'm excited for the reinvestment part of the American Recovery and Reinvestment Act: \$130 million in broadband Internet expansion in Pennsylvania, which will bring hundreds and hundreds of jobs to my State. But beyond that, reinvestment for the future for our businesses, for our students, and for our residents of Pennsylvania.

I also went to Meadville and saw a biomass project that's going to go forward which will create great energy savings for the school district, for the recreational facility, and for the career and technical institute there. That will create 25 jobs this summer, but reinvestment so that energy costs for those three facilities will be much decreased over the year and they can reinvest in our students. Shriners Hospital for

Children, \$250,000 for energy savings; \$63,000 a year they're going to save on their energy bills, money that can be used for children's care, free children's care.

The jobs are out there.

#### AMERICAN AUTO SUPPLIERS DESERVE BETTER FROM THEIR GOVERNMENT

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, as the administration begins to finally focus on job creation, they should look to the auto industry. Last year, the Federal Government, at the insistence of the administration, provided a \$30 billion bailout to General Motors to create, according to administration officials, "a leaner and more efficient company."

Recently, in House hearings, I questioned Assistant Treasury Secretary Allison about taxpayer dollars subsidizing GM expansion and investment overseas. This taxpayer bailout appears to have cost additional U.S. jobs and is jeopardizing automotive supplier companies. Harco Manufacturing, from my congressional district, is an example of a supplier being impacted by the bailout of General Motors. After receiving bailout funds, General Motors has selected suppliers from overseas, making it nearly impossible for domestic companies to fairly compete for business.

Harco has requested that auto czar Ed Montgomery visit their facility to talk about these issues during his trip to Ohio tomorrow. It is my hope that Mr. Montgomery will work with them to help grow jobs here and not overseas.

Mr. Speaker, American auto suppliers deserve better from their government.

#### SMALL BUSINESSES AND THE HIGH COST OF HEALTH INSURANCE

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, in the last few weeks, I have been going around my district visiting main streets and talking to small businesses, and they have been appreciative of the efforts we have made with the American Recovery and Reinvestment Act.

But they recognize something else, and that is, even if the economy begins to come back, and we hope that that's happening, they understand that as small businesses, they're still grappling with the high cost of purchasing health insurance coverage. In fact, if you look at the 45 million Americans who currently lack insurance coverage

in this country, about 28 million of them are employed by small businesses or are the proprietors of small businesses.

That's why I'm glad that the President's health care proposal building on the ideas in this Chamber addresses this important grievance that small businesses have and is designed to give them more access to an affordable health insurance market. That is absolutely critical for their long-term economic stability.

#### TESTIMONY ON THE UNITED WE FISH RALLY

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to recognize fishermen from South Carolina who are traveling to Washington to participate in the United We Fish rally tomorrow. They will join thousands of fishermen from across the east coast to protest against the recent red snapper and shallow-water grouper ban and the proposed closing of nearly 10,000 square miles in the South Atlantic.

The current ban not only threatens the jobs of recreation and commercial fishermen, but also small business owners that rely on the recreational fishing industry in coastal communities. Extending the ban would create further economic hardships in South Carolina as we currently suffer from one of the top five unemployment rates in the Nation.

As a representative of 75 percent of the coastline of South Carolina, I will join my constituents at the United We Fish rally and push Congress to pass the Transparency in Job Loss from Fishery Closures Act of 2010, a comprehensive bill that instructs NOAA to reverse the harmful fisheries closures.

#### HEALTH CARE REFORM

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. This Thursday, something exciting is going to happen right down the street, Pennsylvania Avenue. The White House door is open. The leadership of both the Senate and the House, Democrat and Republican leadership, come together to talk about what Americans want to have happen: reform to health care.

Now, everyone knows that our health care system is failing, and it's failing for Democrats and Republicans and Independents and children and young and old and for people all across this country. And I'm excited that we're going to sit down and try to work things out in a compromise, because people need to have access to health care.

There are some principles that I've heard from the people that I represent back home. We must cover as many people as possible with affordable coverage. We must do away with discriminatory practices such as preexisting conditions and unfair practices such as caps and rescission. But most of all, people in Minnesota want a system that rewards quality and value. That's the best thing for taxpayers, the best thing for patients, and the best thing for America.

#### BLACK HISTORY MONTH

(Mr. CAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAO. Mr. Speaker, I rise today in honor of Black History Month and to recognize three leaders who have advanced the Nation's Historically Black Colleges, bringing opportunity and hope to many students, especially in the aftermath of Hurricane Katrina.

First, Xavier University president, Dr. Norman Francis. Dr. Francis is known for his effective leadership and his commitment to community. He has led the regeneration of the university and the surrounding neighborhood after Hurricane Katrina. Dr. Francis continues to be a voice in our recovery and an example of hope.

Dillard University president, Dr. Marvalene Hughes. In 2005, Dr. Hughes took the helm as Hurricane Katrina came ashore and nearly destroyed the school. Many would have left, but she took on the challenge of rebuilding and recovery, living in a hotel with her students for nearly a year. Under her leadership, Dillard's campus and the neighborhood have been revived and are thriving, and hope for a generation of students has been restored.

Finally, interim president of the Southern University System, Dr. Kassie Freeman. Dr. Freeman is an internationally recognized scholar in her own right. At the helm of the Nation's only Historically Black University System, she made Southern University's transition out of FEMA trailers and into permanent facilities a priority, insisting upon those students' continued education.

It is my honor to recognize these individuals' contributions to our Nation's history and to support them in their efforts in Orleans and Jefferson Parishes.

#### JOBS AND THE ECONOMY

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, during the State of the Union message last month, the President reminded us that he inherited a true economic mess and that job losses have

been reduced dramatically due to actions by the Democrats in this Congress and his administration.

At the end of the Bush years in January 2009, 800,000 Americans lost their jobs. But by contrast, after just 1 year of economic recovery policies from Democrats in this Congress and President Obama, 20,000 people lost their jobs in January 2010.

Make no mistake, any jobs lost are important to the people who have lost them. But we're on the road to recovery.

The philosophy that "a rising tide lifts all boats," though, does have its limitations. So we need an economic and industrial policy in this country that creates jobs for the future for the long term and to put those who are newly unemployed and the chronically unemployed back to work. In short, we need to embrace our clean energy future for sustained job creation, economic growth and innovation, and let's use our taxpayer dollars to buy American, to build American.

□ 1315

#### JOBS AND PRODUCTIVITY

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Arizona. You know, sometimes, Mr. Speaker, those of us in government in our erudite debate forget that all economy is effectively productivity. That is what it is about. And the foundation of productivity in this country is jobs.

Since Democrats took control of this Chamber, almost 7 million jobs have been lost. A year ago, Mr. Obama and the Democrats passed a trillion-dollar stimulus which was supposed to solve the problem, but instead has left us with nearly a 10 percent unemployment rate.

Mr. Speaker, this left-wing Democrat notion that we can borrow, tax, and spend our way into economic prosperity should now be disproven thoroughly in the minds of any reasonable person. Yet we learn today that inexplicably this administration still plans to shove the monstrosity of government-controlled health care down the throats of the American people. This will raise costs, decrease quality, rob the American people of their God-given freedom, rob our children of their future, and it will cost America many, many more jobs, Mr. Speaker. Where will the madness end?

#### THE BENEFITS OF THE RECOVERY ACT

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. One year ago the economy was declining by 6 percent. Over 600,000 Americans month after month after month were losing their jobs, with no relief. The American Recovery and Reinvestment Act that this Democratic Congress ensured that we brought forward was enacted to ensure that President Obama and his commitment as well would jump-start our economy, that we would create and save 3.5 million jobs, that we would give 95 percent of Americans who needed assistance a tax cut that we would deliver, and finally, that we would rebuild America through our roads, our rail, and our water infrastructure.

When we look at America today, we are doing better than what we were doing a year ago, but we have more to do. The American Recovery Act helped us to create new infrastructure, to train teachers, hire educators, and to improve health care. But we are ready to do more.

#### FIRST DO NO HARM

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. The Hippocratic oath is well known for the phrase, "First do no harm." Unfortunately, we have continued to come down on this floor and ask a simple question. Where are the jobs? What business and industry needs is some certainty. What this Congress and administration continues to offer is more uncertainty, which translates into higher risks, which increases borrowing rates.

We should first do no harm. We should stop the government takeover of health care, which will raise rates and cost jobs. We should oppose a cap-and-trade scheme which will raise energy costs and destroy jobs. Shelving these two major Democratic proposals would do the most to return some certainty to the economy so business can work on maintaining and creating jobs.

#### AMERICA IS GOING IN THE RIGHT DIRECTION

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, if you would listen to the party opposite, you would not know that America is actually on a real trajectory for positive change in the area of jobs. When President Bush left office, for the last 3 months of his administration America was hemorrhaging jobs at the rate of 750,000 on average. And now, in January, only 22,000 jobs lost. Now we are going in the right direction.

You can't overturn and change over 8 years of Republican rule in simply a finger snap. But the Democratic Cau-

cus is on its way to restoring this country to economic health. We have seen increases in GDP. We have seen increases in manufacturing. We have seen increases in significant indicators. And this country needs more help, but we are going in the right direction, which is something we were not doing when President Obama took office a year ago.

All the American people need to do is just look at the numbers. Things are getting better. And the message of doom and gloom can never match up to one of hope.

#### FOCUS ON JOBS

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, earlier this week President Obama released his latest version of a government takeover of health care. And as you look at the details of his latest plan, it is not much different than the previous plans that the American people have continued to reject.

And while the American people are saying where are the jobs, and they want Congress to be focused on creating jobs, all that they get from this tone deaf liberal leadership is more government takeover, more taxes, and more policies that are running millions of jobs out of this country.

It is time that this liberal leadership start listening to the American people and work with those of us who have for months and months been saying we need to reduce the cost of health care, we need to address preexisting conditions, and we need to do common sense medical liability reform, and we need a focus on jobs instead of more taxes, more runaway spending, and more policies that are running jobs out of this country.

#### JOB CREATION AND HEALTH CARE

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, we hear the question, should Congress be dealing with job creation or with health care, as if these are unrelated. The American Recovery and Reinvestment Act, passed this past year, is already funding around this country an expansion of community health centers. It is funding already implementation and use of information technology in the health care fields. This is doctors' offices and hospitals, and in training the workers to use it. This provides, yes, jobs, as well as better health care for Americans.

In the health care legislation that is taking shape, based on the common principles of the House-passed and Senate-passed legislation, that too will

lead to economic growth and jobs. In particular, not only will there be medical innovation, but it will assist small businesses and large with these large expenses they have in covering the health care of their employees. And less money will be wasted in exorbitant salaries and profits, and will actually go to providing health care.

#### OBAMACARE 2.0

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today to express disappointment with Obamacare 2.0. Apparently President Obama did not get the message Americans don't want a big government takeover of health care. This \$1 trillion health care bill is just more of the same: more spending, more taxes, and more government mandates. The American people want us to start over on health care, wipe the slate clean, and consider commonsense reforms that won't bankrupt our country.

But what Americans want the most of all are jobs. Where are the jobs? Government doesn't create jobs, but we can do things to allow the private sector to create jobs. We could do these three things: across the board tax cuts, increase domestic energy production, and stop the overregulation of business. Those three simple things would create jobs. If the President really wants to, this is where he should start.

#### CRITICIZING PROGRESS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. If this wasn't so serious, it would be laughable. Eight years they had a chance, the other side here, to get this economy right. Eight years. And they are the ones that drove it into the ground and dares criticize when someone is turning it around so we are going in the right direction. Eight years. This didn't happen overnight when we started losing jobs. When President Bush left office we were losing 750,000 jobs a month. What did they do? Nothing.

Then you have President Obama come on board, started turning things around, and what do they do? Criticize. Criticize progress of creating jobs again. Criticize trying to create an opportunity for America to have good health care again. Criticize the fact that we are able to improve bridges and roads. Criticize the fact that we are going to be able to approve the money to help the unemployed. Eight years of driving the economy into the ground.

One year. President Obama had 1 year to make sure that we begin to restore America to the prosperity that we had 8 years prior to the Bush ad-

ministration. Let's continue to move in the right direction.

#### ORLANDO ZAPATA TAMAYO

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. I rise today to inform my colleagues that a great Cuban hero, Orlando Zapata Tamayo, who is a prisoner of conscience in the gulag of the Castro brothers, is in critical condition and near death.

Forty-two years old, Orlando Zapata has been active in the Cuban pro-democracy movement for many years. Already a political prisoner in 2003, he was released by Castro for 14 days before being imprisoned once again and sentenced to 25 years in the gulag, in March 2003.

A colleague and partner in the struggle for freedom of Dr. Oscar Elias Biscet, Orlando Zapata personifies the best of mankind. And the fact that he is near death at this moment in the Castros' gulag points to the profoundly criminal nature of that grotesque totalitarian criminal regime. His condition and fate are the Castro brothers' doing. If he dies, his blood will be on Castro's hands.

#### CURRENT HEALTH CARE SYSTEM CANNOT BE SUSTAINED

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, the current system with reference to health care cannot be sustained. We are currently spending \$2.5 trillion per year. That is a large number, difficult to get your mind around it. However, \$79,000 a second is something that we all can understand. And by 2018 it will become \$4.4 trillion per year. That would be \$139,000 per second.

For those who say, this is not my fight, I have good insurance, it may be that you have not utilized your insurance and you don't really know how good it isn't. For those who say I have insurance, I am okay, remember that 14,000 people per day lose their insurance. But for the grace of God, you may be one of the 14,000 people without insurance tomorrow. So please understand this is everybody's fight, because the economy of this country is dependent upon how we impact health care.

Finally, this. In my State of Texas, 6 million are uninsured, 1.4 million children uninsured. This is inexcusable. There is a difference between something being unsustainable and being inexcusable. It is inexcusable.

#### TOO MUCH GOVERNMENT SPENDING

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, the other side of the aisle has been calling for even more misguided government spending despite the fact that they have controlled this House for the last 3 years, with massive spending in the past. Hasn't the American public spoken loud and clear that the Federal Government is just spending too much and trying to do too much, and that they want us to start cutting spending here?

You know, the consequences of governments spending too much money are apparent around the world. Over in Greece, with potential default, they are only the tip of the iceberg. You have Italy and Spain also showing serious concerns as well. But here at home over the last 3 years we now see, because of the Democrat leadership of the House, \$1.6 trillion deficits without any serious commitment whatsoever about trying to cut spending.

And what is the result of that? Well, Moody's is now saying that there is a real possibility that the U.S. may lose its AAA rating. Think about that for a moment. Serious people are beginning to whisper that if things don't change here, the U.S. may actually default on its debts in the coming years and do serious damage to our economy and weaken it and cause higher interest rates.

You know, throughout the last year we have talked a lot about spotting systemic risk in our economy. Well, there is one major risk in it right now, our mammoth Federal deficit and ever-increasing debt. Washington and the Democrat majority leadership must get serious about addressing this fast.

#### WE NEED A JOBS BILL

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. One has to congratulate the other side for chutzpah. After racking up most of what is now the deficit, they have gotten religion on the deficit in the middle of a recession. When conservative and progressive economists say when the only body that has any money is the government, you better spend it for jobs.

I wonder if in this House we would at least do what they did in the other body yesterday, when five Republicans crossed over to actually be for a modest jobs bill. It certainly is not the bill that I would have wanted, but what is noteworthy is that the majority of Republicans actually voted against the jobs bill yesterday that spent only \$15 billion.

Were you afraid that that would contribute to the deficit? How much are

you willing to help the American people get out of the deficit that you left us and get out of the economic morass that you have bequeathed us? One begins to wonder if we could even get unemployment insurance passed. We have sent over a bill to the other body which is far larger. Let's hope that we can get more such bills passed.

□ 1330

#### THERE'S A BETTER WAY FORWARD

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, small businesses want, need, and deserve policies that will encourage, not punish economic growth. And yet, due to the Democrats' tax-and-spend agenda, job creators in my district are either cutting their payrolls or holding back on hiring. That's why we have a record 16 million Americans unemployed.

There's a better way forward, and that way forward is with pro-growth, small business tax cuts that will help get this economy moving again. Mr. Speaker, small business owners know how to run their company better than a Washington bureaucrat. It's time for the government to get out of the business of running small business.

#### THE RECOVERY ACT

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Mr. Speaker, I'm here to report that the Recovery Act is working in my hometown of Tampa, Florida. Yesterday, I attended a groundbreaking for a new community health center that is desperately needed in a part of town where they don't have anywhere else to go other than the emergency room, where we all end up paying for their health care.

But in attendance at the groundbreaking were some of the construction workers, contractors, the architects, the real estate agents that will be put to work constructing this new community health center.

And just a couple of weeks ago I visited another community health center up the road, run by Tampa Family Health Centers, and met doctors, nurses, medical professionals, a new receptionist that were hired because of the Recovery Act. It's these dollars that are investing in our hometowns, putting people back to work in the short term constructing these new facilities, but in the long term providing better health care at affordable rates for our families.

#### OUR ECONOMIC FUTURE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Many in this Chamber think jobs come from the benevolence of the Federal Government. But last week I visited businesses in four Montana towns to hear what small business owners who actually create jobs had to say. They told me the Federal Government has created a lot of paralyzing uncertainty.

Small businesses like Printing for Less in Livingston are eager to expand and hire, but Federal policies hold them back. Andrew Field, the owner, cited concerns such as uncertainty about health care, cap-and-trade, and expiring tax cuts. He said, for example, that he needs the threat of health care mandates defeated.

I've never met someone who would buy a car made by Congress. That's because we've seen how Congress works. But after touring those small businesses and seeing firsthand the ingenuity of American entrepreneurs, I can think of no better hands in which to trust our economic future.

#### HEALTH CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I'm very pleased that on Thursday we're going to have this health care summit because I do think there's an opportunity for us to work together on a bipartisan basis to achieve health care reform.

I think we need to achieve three things. First of all, we need to lower prices, or at least prevent the type of price increases we've seen in insurance premiums. We're hearing 20, 30 percent increases in many parts of the country.

Secondly, we have to try to cover as many Americans as possible. There are at least 30, 40 million Americans that have no health insurance right now.

And lastly, we have to get rid of discriminatory practices where people pay more or can't even get health insurance because of preexisting conditions or because of gender differences.

If we can accomplish the goal of all three of these items on a bipartisan basis, we can come up with a bill that can pass here and go to the President.

I believe that all of us would like to see health care reform on both sides of the aisle. We just need to sit down and work on it and get it done this year because the American people need health care reform.

#### WHERE ARE THE JOBS?

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. For months now my constituents in western New York have been asking, Where are the jobs?

It's very simple. The only city in the entire country that actually saw significant job growth is right here in good old Washington, D.C. The Federal Government is adding jobs at a rate of nearly 10,000 a month, the fastest pace since the 1960s when Medicare and Medicaid were created. There is definitely no recession going on in this city, while everybody else in this country is fighting to keep their jobs.

Instead of providing the right kind of incentives to grow the private sector and small business, the administration continues to bury this country further into debt.

Let's start working together to implement responsible solutions to the serious challenges facing our Nation. We have to stop this Federal takeover which is truly bankrupting our country.

#### NEW JOBS IN LOUISVILLE, KENTUCKY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we've heard one after another of our colleagues from the other side come today and ask, where are the jobs? Well, I invite them all to visit my district because in Louisville, Kentucky, the American Recovery and Reinvestment Act has created hundreds and hundreds of jobs and will create hundreds more. Already, 1,800 certified jobs, doing things like building additions to two new schools, building a new facility at our TARC system, our bus system, a new maintenance facility, a new fire station in Louisville, paving miles and miles of interstate, all of these things are bringing people to work, creating jobs, not to speak of the 600 jobs in our school system that have been saved because of the stimulus funding.

No, anybody who wants to see jobs created can come to Louisville, Kentucky. And as I said, they're not finished because, due to stimulus funding, General Electric's Appliance Park is about to bring 400 new jobs to our community to build an energy efficient water heater.

And lest anybody think these are jobs that are moving from one place to another, they're right. They're coming from China to the United States.

#### THE ECONOMY

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, at a town hall meeting in Faribault, Minnesota, just this past Friday night,

a small business owner shared his frustrations that I am certain every Member of Congress is hearing from their constituents. And certainly, we heard the gentleman from Montana (Mr. REHBERG) describe the frustrations he heard from small business owners in his great State.

Whether it's the stimulus that failed to create jobs, or the job-killing national energy tax, or this massive government takeover of health care, small business owners are worried.

My constituent said, "I've had small businesses most of my life, so I understand when you would feel like hiring more people. Businesses want to know the rules, and they want a consistent future where they can project and plan."

"What's going on in the White House, with all these different bills and health care, it's a big unknown out there. Businesses are scared, and they have no idea what the future is. They don't want to invest, they don't want to hire. The economy's not going to rebound if they badger businesses the way they are right now."

I say "Amen" to that, Mr. Speaker. Let's push these job-killing bills off the table and get together and work in a bipartisan way.

#### WHAT ABOUT THE FREE TRADE AGREEMENTS?

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Mr. Speaker, a couple of weeks ago President Obama came and he addressed the House Republicans in our retreat in Baltimore, and I posed a question to him. And, in a nutshell, I asked, how about the free trade agreements?

This is an opportunity where we can come together, both sides of the aisle, frankly, at a no-cost job creation initiative. And we've heard a lot of consternation and a lot of hand-wringing today, and we've seen it on the House floor, where Democrats are very, very concerned about a debt that they've inherited, they claim. Republicans have pointed out the national debt has tripled under their watch.

And yet here is an opportunity to put together and to advance legislation that will open markets overseas in Panama, in Colombia, and in South Korea.

And in a moment of candor, President Obama acknowledged that the lion's share of the problem was on his side of the aisle, that in fact it was politics in the Democratic Caucus that was preventing that from coming to the floor.

And I think, Mr. Speaker, this is an opportunity for us to transcend those problems and do a no-cost job creator, and that is pass these free trade agreements.

#### RECENT EVENTS

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I want to join all my colleagues in calling for jobs legislation that will get our people back to work and asking for a health care reform bill that will be affordable and accessible to all Americans.

But, Mr. Speaker, I rise also to ask my colleagues, as they think about recent events involving the Texas Federal building, where the IRS building was exploded by an airplane, and one of our colleagues has now called the act of terrorism a noble act.

The fact of the matter is, the gentleman that lost his life in that building, Vernon Hunter, is from, or was from, Orangeburg, South Carolina, which I proudly represent in this body. He spent two tours in Vietnam and was about the business of carrying out his duties and responsibilities to this great country of ours. If anybody is a hero, it is this victim. And I find it appalling that a Member of this body would call his death a noble happening.

#### DOMESTIC ENERGY PRODUCTION

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Mr. Speaker, Americans are asking, where are the jobs?

Now, to create jobs there must be affordable energy. As it turns out, creating energy creates jobs.

First, let me compliment the President. Last week, he announced a commitment to developing new power plants in the United States. It's a great step in the right direction because domestic energy production means more jobs, with good benefits, lower energy prices, and greater energy security.

Now, although moving forward with nuclear energy, the administration has effectively banned, through delays, new natural gas and oil production. The National Association of Utility Commissioners recently reported that the administration's current delay on natural gas and oil production eliminates 13 million jobs, \$2.35 trillion in lower energy costs, and \$2.36 trillion in economic growth. By the way, it also eliminates royalty payments and billions of dollars to cash-strapped States.

Now I applaud the President for advancing nuclear energy. Let's do the same with domestic oil and gas. We know where the jobs could be. They're in oil and gas. Mr. President, allow their creation.

#### JOBS

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute.)

Mrs. HALVORSON. Mr. Speaker, it's critical that we get people back to work across this country. Nothing is more important to the American people at this time than jobs. That's why I was proud to announce \$22 million in stimulus funds for my district's multimodal transportation center located in the city of Normal, Illinois.

There are those who have said, and continue to say, that projects like this will not put people back to work; who still say that the stimulus isn't working. But here's the reality: The construction of this center is going to put 300 people to work and give access to good transportation options to countless more residents of central Illinois. This project would not have been possible without the American Recovery and Reinvestment Act.

I'm proud that the Recovery Act is helping those individuals get back to work. We must continue to invest in American infrastructure, build upon the work that the Recovery Act is doing, and continue to work to create jobs.

#### HELPING THE PEOPLE

(Mr. MCCAUL asked and was given permission to address the House for 1 minute.)

Mr. MCCAUL. You cannot help the poor by destroying the rich. You cannot strengthen the weak by weakening the strong. You cannot bring about prosperity by discouraging thrift. You cannot lift the wage earner up by pulling the wage payer down. You cannot further the brotherhood of man by inciting class hatred. You cannot build character and courage by taking away people's initiative and independence. And you cannot help people permanently by doing for them what they could and should do for themselves.

That was a quote from President Abraham Lincoln.

#### TRANSFORMING THE AMERICAN ECONOMY

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, the economy in America did not transform overnight. Over a period of the last 40 years that I can account as an adult, or working person, many significant changes have taken place in this great country. It is obvious that there were Democrats and Republicans in the United States Congress during that 40 years, and that either party had control of either the House, or the Senate, or the White House, or all of the above, at some point.

In my view, it is a bit of hyperbole for someone to suggest that Barack Obama, once he became President of the United States, was to cure that 40-year transformation in our economy

that led to joblessness and an almost clear financial disaster for this country and this globe. To expect this President to cure that problem in 1 year is just plain ridiculous.

We need a direct-hire job creation program, and we need it now.

□ 1345

#### WHERE ARE THE JOBS?

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, as we left church yesterday, our pastor ended his sermon with a prayer for all of those in our church that were unemployed. With this on my mind as I walked out into the foyer, I saw one of the largest employers in our area and walked up to him and said, "Sir, what will it take for you to begin hiring again?"

He did not hesitate. He looked me right in the eye and said, "Washington has injected too much uncertainty about what my health care expenses are going to be and what the health care that I have to provide my employees will have to be." He said, "There is also a great deal of uncertainty about my tax rates and about what taxes I am going to have to pay." He said, "Before I can begin to hire people again, Washington needs to clarify and remove that uncertainty."

This is what's keeping us from having jobs today in the United States.

#### THE JOBS ARE HERE THANKS TO THE STIMULUS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, many times we come up here and we hear my Republican colleagues say, "Where are the jobs?" Well, I am going to tell you where the jobs are at.

In Houston, Texas, yesterday, we did an event with the Port of Houston and the industries along that channel—whether they be refineries or chemical plants or stevedoring companies or shippers. The jobs that we have through the American Recovery and Reinvestment Act are at the Port of Houston to the point of \$98 million that came through that act to create and to expand the jobs at the Port of Houston, to make sure we can bring in those ships, make sure we can get that dredging done so they can be competitive not only with our own country's ports but also worldwide.

The jobs are in our district that were awarded money to benefit Early Head Start in Houston areas Head Start; the Department of Education; Early Head Start in the Galena Park School District received funds; expanding Head

Start programs in our district, hiring more teachers, but also expanding it so parents can have a child go to Head Start, and they can go to work and earn some money—including new centers, one in Channelview, Texas, we hope to open. Expanded federally qualified health clinics in our district are serving more people because of the Recovery Act.

#### WHERE ARE THE JOBS?

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. I want to join the chorus asking, Where are the jobs?

When the stimulus was passed a year ago, we were promised—promised—that jobs would be saved. Instead, we've seen 3½ million people lose their jobs. We were promised unemployment wouldn't go above 8 percent, and yet it's hovering at 10 percent.

Defenders of the stimulus bill argue that the situation would be much worse if the stimulus had never taken effect. But many economists are starting to ask a different question: Could it be that the stimulus itself is adding to job losses?

Today's Wall Street Journal features an op-ed by Robert Barro, who is a professor of economics at Harvard University. He argues that the forgotten element in the stimulus debate is whether the government's spending reduced or enhanced private spending and whether public sector hiring lowered or raised private hiring. He argues that opening the spigots of government spending has actually had a negative impact on our economy.

To quote Mr. Barro: "Viewed over 5 years, the stimulus package is a way to get an extra \$600 billion of public spending at the cost of \$900 billion in private expenditure."

This is a bad deal.

#### UP TO THE CHALLENGE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, over the past week, the Olympics have been a reminder of how supportive and impressive our country truly is and what it can do when we come together for a common goal. But I know that feeling doesn't always translate to the issues that are weighing heavy on people across our country.

Every day, my constituents tell me that they need jobs and job security, as well as loans for small businesses and home mortgages, and they worry about excessive government spending, our debt to foreign nations, and unconscionable Wall Street payments.

We have saved our economy from the brink, but we cannot ignore the challenges still before us. We need to continue to pair fiscal responsibility with thoughtful job creation by encouraging small business growth and supporting needed infrastructure projects. And we have to keep holding Wall Street accountable by cracking down on big bonuses and making sure that taxpayers never have to bail it out again.

After spending time with my constituents in San Diego, I know what the American people want us to focus on. We need jobs, Mr. Speaker. We need to think about the future, we need to focus on our kids and their education.

This body, Mr. Speaker, is up to the challenge, and we need to move forward.

#### IT ISN'T WORKING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I've had six town meetings in the last couple of weeks, and if I were talking to the President, I would like to tell him what those people have been saying.

Number one, they don't want a government-controlled health care plan. They just don't want it. And second, they want jobs.

What we ought to be doing is cutting spending and doing what Ronald Reagan did, and that is cutting taxes across the board. People said that was the wrong thing to do then, but it created 20 years of prosperity because we knew that if people had more disposable income, they would spend it and it would create jobs and a sound economy.

Instead, what have we got? Since the Democrats have taken control of Congress 3 years ago, we've got 7½ million jobs that have been lost. And since the President signed the stimulus bill—the jobs bill—we've lost 3.3 million jobs.

"It isn't working," if I were talking to the President I would tell him. It isn't working. We should focus on what's important now—not the health care bill. We need to solve that problem. But the first thing we need to do is cut spending, cut taxes, and that will create a sound economy.

#### THE STIMULUS BILL HAS WORKED

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, I thought I would never hear such foolishness in all my life. In fact, in California, the stimulus bill has worked. We have thousands of teachers that are in the classroom teaching. In my own district, we have a \$970 million stimulus program that is going to provide



6,000 jobs directly to drill a tunnel through the Caldecott Hills so that we can deal with the transportation program.

Thousands of people are working. It was David Stockman on national TV last week who said he no longer believes that you can move this economy forward by cutting taxes. And he was, as I recall, Mr. Reagan's budget director.

The fact of the matter is times have changed, and this call of cutting taxes and ending the stimulus is a lot of foolishness. We need jobs. We need to put people to work. That's the role of the Federal Government. And I would remind my colleagues on the other side that every industrialized nation of the world has done more to stimulate their economy than has ours, and they've been more successful.

We need a new jobs bill. We need those jobs now. And we also need to pay attention to what Mr. Stockman said.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### RECOGNIZING THE BRAVERY AND EFFORTS OF THE MEMBERS OF OPERATION UNIFIED RESPONSE

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1066) recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-au-Prince and surrounding cities on January 12, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1066

Whereas the recent crisis in Haiti was caused by a magnitude 7.0 earthquake, the worst the nation has experienced in over two centuries;

Whereas the disaster wrought by this earthquake has been catastrophic, destroying ports, infrastructure, hospitals, schools, homes, and businesses, making many roads impassable and incapacitating air travel, and severely hampering the efforts of disaster relief organizations;

Whereas one week after the earthquake hit, electricity was still down, running water was not available, and food supplies were quickly dwindling;

Whereas the cities of Port-Au-Prince, Jacmel, Gonaïves, Petionville, and surrounding areas have been devastated, affecting an estimated 3,000,000 Haitians;

Whereas the United States Coast Guard was the first to represent the United States in Haiti after the catastrophic earthquake and was an integral part of the initial relief efforts;

Whereas the ability of the Coast Guard to act quickly and efficiently set the foundation for the quickly escalating international response;

Whereas within the first 10 days, 24 United States Navy and Coast Guard vessels, thousands of international United States Army Reserve rescue workers, over 14,000 members of the United States Armed Forces, 71 United States helicopters, and 26 Department of Health and Human Services personnel arrived or were en route to provide logistical support, secure aid distribution, and set up temporary housing;

Whereas after just one week, Joint Task Force Haiti (JTF-Haiti) had established multiple forward operating bases throughout Haiti and immediately started passing out thousands of meals and bottled water;

Whereas in just one day, JTF-Haiti was able to deliver 396,808 water bottles, 238,585 meals, and 4,900 lbs. of medical supplies to Haitian survivors;

Whereas the United States Southern Command (SOUTHCOM) and the United States Coast Guard have managed the safe arrival and departure of military and humanitarian flights at Port-Au-Prince Airport;

Whereas within the first 10 days, more than 11,000 United States citizens were evacuated;

Whereas the USNS Comfort hospital ship arrived in less than a week providing 600 medical personnel and the ability to treat more than a 1,000 patients;

Whereas the USNS Comfort has already treated 1,427 patients from 10 different hospitals;

Whereas within the first two weeks, Department of Defense personnel distributed 1,820,463 bottles of water, 1,465,569 meals, and 57,083 lbs. of medical equipment;

Whereas these operations delivered life sustaining food, water, and medical supply packages to Haiti's displaced;

Whereas during coordinated relief efforts by the United States Agency for International Development (USAID), members of the United States Armed Forces, including members of the Army Reserves, the Federal Emergency Management Agency (FEMA), the Department of Defense, the Department of State, and the United Nations, personnel and equipment to manage 8 hospitals were delivered to provide crucial emergency medical services, and 6 field hospitals were set up, resulting in thousands of lives saved;

Whereas the first responders teams that readily responded to the call for assistance for the Haitian people within the first 24 hours after the disaster include the Miami-Dade Search and Rescue Team of Miami-Dade County, Florida, Fairfax County Search and Rescue Team of Fairfax County, Virginia, U.S. Urban Search and Rescue Teams (US&R) of Los Angeles County, New York City Firefighters, the BATAAN Amphibious Readiness Group (ARG)/Marine Expeditionary Unit (MEU), and the NASSAU ARG/MEU;

Whereas the coordinated relief efforts of the United States, international agencies, and the United Nations Stabilization Mission in Haiti (MINUSTAH) in the first week resulted in 122 courageous rescues of Haitians

trapped beneath rubble, including a 2-year-old girl who had been trapped for 6 days;

Whereas during the ongoing relief efforts, USAID, members of the United States Armed Forces, including members of the Army Reserves, FEMA, the Department of Defense, the Department of State, and the United Nations coordinated teams that delivered 1,910 short tons of humanitarian aid in the first week; and

Whereas additionally, 954 Department of Defense, private, and commercial airlift sorties have been successfully conducted: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift, compassionate, and courageous action to meet the needs of Haiti's citizens and government and facilitate the evacuation, safety, and medical attention for United States citizens impacted by the earthquake in Haiti;

(2) recognizes the remarkable response by the men and women in the United States Armed Forces for their ability to deploy such a sizeable force in such a short amount of time while also engaged in two separate conflicts; and

(3) recognizes the dedication and sacrifice put forward by United States public servants to procure and deliver the enormous amounts of food, water, medical and hygienic supplies, and shelter and for their tireless effort to repair and rebuild critical infrastructure for the benefit of all Haitians.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Louisiana (Mr. FLEMING) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

##### GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in support of House Resolution 1066, recognizing the bravery and efforts of the United States Armed Forces, local first responders, and all of those involved in Operation Unified Response. I want to thank my colleagues for bringing this important measure before the House.

On January 12, a massive earthquake struck the nation of Haiti that was followed by a series of very powerful aftershocks that left catastrophic damage in and around the city of Port-au-Prince. The devastation resulted in an estimated 100,000 to 200,000 deaths, including over a hundred Americans reported dead and 3 million Haitians directly affected by the earthquake.

Within 2 weeks, the United States had deployed 25 Navy and Coast Guard ships, 79 helicopters, 290 vehicles, and 21,493 Armed Forces personnel. Medical

military assets had treated over 4,000 patients, of which 2,000 were treated aboard the hospital ship *USS Comfort*. The United States had distributed 1.9 million bottles of water, 1.7 million meals, and over 74,000 pounds of medical supplies.

The United States acted immediately, setting up a whole-of-government response with the U.S. Agency for International Development in the lead and the Armed Forces playing a leading role. Within 24 hours, the U.S. had deployed Air Force special operations forces to secure the Port-au-Prince airport and reestablish airport operations, deployed the aircraft carrier *USS Carl Vinson*, and started preparing both Army and Marine units for immediate deployment to that region.

This critical contribution to the Haiti relief effort comes at a time when the men and women of our military are already being stretched by two wars. Our troops have once again demonstrated their capability to respond quickly and effectively when disaster strikes.

U.S. military servicemembers and their families make tremendous sacrifices both for our Nation and in working to help people in times of need all over the world.

On behalf of Congress, I want to thank our heroes in uniform and all of those involved in Operation Unified Response for the extraordinary contributions to the Haitian people. I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. FLEMING. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would like to first of all thank Mr. SKELTON, chairman of the Armed Services Committee, and also Mr. MCKEON, the ranking member, and other Members who have supported this resolution.

I rise today in recognition of the men and women of the Armed Forces who have played such an important role in easing the suffering in Haiti after the January 12 earthquake that left thousands dead, thousands injured, and the country in ruins. Our military's swift, dedicated, and selfless action provided much-needed rescue, recovery, logistics and security capability in the immediate aftermath, and our service men and women who have done so much to put Haiti back on the road to recovery.

We Americans can understand the impacts of disasters, such as Hurricane Katrina, Hurricane Andrew, the Northridge earthquake to name just a few. So our hearts go out to those in Haiti whose lives have been shattered by this earthquake.

Even so, the extent of the devastation was shocking. In over 200 years, Haiti has not felt as powerful an earthquake as was experienced that day in January. Over 3 million Haitians, a third of the country's entire popu-

lation, were affected by the disaster. To put the scale of this earthquake's impact into perspective, imagine an event affecting more than 100 million Americans in an instant.

For a country whose infrastructure and services were already insufficient, the effects of the 7.0 earthquake were exacerbated. Buildings throughout Port-au-Prince and the surrounding countryside collapsed like card houses—trapping, injuring, and killing many. The United Nation's peace-keeping force in Haiti to aid in stabilizing that struggling nation was unable to fully respond as it had lost its headquarters and a number of peacekeepers during the quake.

The presidential palace, city hospital, and the World Bank building were all severely damaged. Roads, highways, power lines and basic services were all impacted, making immediate life-saving efforts all the more important and difficult. The images coming from Haiti revealed an apocalyptic scene.

Our military's response was immediate, focusing on life saving and assessment, humanitarian assistance, and disaster relief and evacuation operations. U.S. Southern Command was charged with coordinating and executing all military support and by chance found the Deputy Commander, Lieutenant General P.K. (Ken) Keen, already on the ground as he happened to be in Haiti on an official visit when the earthquake hit.

□ 1400

In these initial moments of confusion, our Armed Forces displayed the focus, determination, and steadiness that we all expect from such a well-trained force.

Under the direction of the U.S. Southern Command, the members of Operation Unified Response worked closely with the U.S. Embassy personnel, the U.S. Agency for International Development, the United Nations, and the many nations and the U.S. States who had sent rescue teams and aid personnel to quickly and effectively assess the damage, begin immediate rescue operations, and open logistical lines so that aid and recovery efforts could begin. All those involved in Operation Unified Response deserve our utmost thanks and praise for their efforts to save lives and restore hope in Haiti.

An estimated 230,000 lives were lost—76 American citizens are among the confirmed dead—and almost 200,000 injured in the earthquake. These already shocking numbers could have been all the worse had our response been any less. Instead, lives have been saved, the injured are receiving treatment, food and water are flowing, and recovery has started.

Mr. Speaker, Operation Unified Response is a reminder that America

stands ready to aid a neighbor and friend in need. Once again, our military men and women have been a shining example of the American spirit. Today, we recognize and honor their efforts in Haiti and wish them, and all those helping Haiti recover, Godspeed in their work. And for Haiti and its people, we remind them that we, America, are with them in this time of need.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to my friend, my colleague, and the sponsor of this resolution, the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I want to thank the chairman, the ranking member, and all of the Members that are cosponsors on House Resolution 1066.

I can't tell you how important this resolution is going to be for our men and women in uniform, not only those in the armed services, Mr. Speaker, but those that are serving as urban rescue personnel throughout this great country of ours.

I can tell you, being a Member of Congress that got to Port-au-Prince shortly after the event took place, seeing some of the loss of life that took place; seeing some of the people that were in desperation because they were without shelter and under blankets that they were using for tents; seeing a number of nongovernmental organizations trying to check their personnel, making sure that they are secure and rescue their personnel and help the Haitian people at the same time; but seeing our military stand up in a way, moving very fast, expeditiously to Haiti under the command of Southern Command, and also seeing a number including our Coast Guard that was one of the first on the scene; the urban rescue teams that came from not only L.A. County, but Fairfax County in Virginia, Miami-Dade County, New York City, and a number of other areas throughout this great country of ours responded to the needs of the Haitian people, and I can tell you that it was an outpouring of love and outstanding work on behalf of our men and women.

Madam Speaker, I just want to say that I had a chance to go out with the urban rescue team from Miami-Dade County. There were some 40 individuals. They came recently and presented me with this helmet with all of their signatures on it, just to tell them how much we appreciate the fact that we appreciate them for the work that they were able to do. But I have watched these men and women from the south Florida area work 20 hours saving lives, save not only a 2-year-old little girl and reunited her with her father, but there are a number of those kinds of stories that are scattered, and the work that our men and women in uniform have done as relates to saving lives throughout Haiti, but also as it

relates to our first responders that are our urban rescue teams, one of the best units on the face of this Earth.

I am glad Chairman SKELTON and the ranking member took the time to allow us to bring this bill to the floor, 1066, to let those individuals know how much we appreciate them, those that are in the armed services, those that are our first responders, those in the recovery process in Haiti right now.

Being from Florida, Madam Speaker, I can tell you that the international response to Haiti is key. It was kicked off by many of our men and women in uniform and those that are first responders. It is an international response now, and it is very important that we continue in that spirit.

With that, I want to thank, Madam Speaker, the ranking member, and all of the Members that signed on to this bill to let these men and women know how much we truly appreciate their help and also their families' sacrifices for allowing them to serve our country and be goodwill ambassadors at a time when the poorest country in the Western Hemisphere needed us most.

Mr. FLEMING. Madam Speaker, I yield 3 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman for yielding.

I rise today as a proud original cosponsor of House Resolution 1066, recognizing the bravery and the efforts of the United States Armed Forces, the local first responders, and other members of Operation Unified Response.

Six weeks ago today, Haiti was struck by the largest earthquake to reach its shores in over two centuries. And while many of us were trying to grasp the tremendous impact of this disaster, the United States Armed Forces were mobilized. They were engaged in what turned out to be one of, if not the most key operation in Haiti's recovery.

Operation Unified Response was assembled almost immediately following the January 12 earthquake, and it was headed by the largest joint task force in the history of the U.S. Southern Command, SOUTHCOM.

At the height of the emergency relief efforts, there were more than 20,000 U.S. military personnel afloat and ashore working to facilitate search and rescue operations, delivering supplies, providing security in support of humanitarian assistance and disaster relief efforts.

In addition, the men and women of the U.S. military did a remarkable job in quickly standing up the airport in Port-au-Prince and in helping to repair and increase the capacity of many of the destroyed ports in that city. Before the earthquake, Port-au-Prince airport was averaging about 20 flights a day. In the days following the disaster, the airport was processing roughly 120 flights a day and really operating around the

clock, 24 hours a day, thereby enabling countless shipments of vital supplies and resources to reach the citizens of Haiti during this most dire time of need.

Under the leadership of General Douglas Fraser, SOUTHCOM commander, and General Ken Keen, commander of the Joint Task Force-Haiti, Operation Unified Response has delivered, to date, and these are amazing numbers, over 2.5 million bottles of water, 2.2 million food rations, 14.1 million pounds of bulk food, and 125,000 pounds of medical supplies to Haiti's earthquake survivors.

In addition, our medical teams from the military have seen over 28,000 patients. They have performed more than 800 surgeries.

As the representative of Florida's 18th Congressional District, I take special pride in the instrumental role that SOUTHCOM has played in these vital relief efforts. I would like to again recognize the bravery of the efforts of all who were involved in Operation Unified Response. Thank you for your service.

And I thank my good friend and fellow Floridian, Congressman KENDRICK MEEK, for introducing this important measure. I encourage all of our colleagues to support it.

I thank the gentleman for the time.

Mr. SKELTON. Madam Speaker, before I yield to my friend, the gentlelady from California, let me acknowledge the cooperation of my friend and my colleague, the chairman of the Foreign Affairs Committee, Mr. BERMAN, for expediting consideration of this resolution. I extend these thanks to the committee's ranking member as well, the gentlelady from Florida (Ms. ROS-LEHTINEN).

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, February 4, 2010.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning House Resolution 1066, "Recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-Au-Prince and surrounding cities on January 12, 2010." As you know, this measure was referred to the Committee on Armed Services and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

This resolution contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important resolution, I am willing to waive this Committee's right to mark up this resolution. I do so with the understanding that by waiving consideration of the resolution, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters

contained in the resolution which fall within its Rule X jurisdiction.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, February 5, 2010.

Hon. HOWARD L. BERMAN,  
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding House Resolution 1066, "Recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-Au-Prince and surrounding cities on January 12, 2010." This measure was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Foreign Affairs has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1066 in the interest of expediting consideration of this important measure. I agree that by agreeing to waive further consideration, the Committee on Foreign Affairs is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Very truly yours,

IKE SKELTON,  
Chairman.

Mr. SKELTON. I yield 3 minutes to my friend, the gentlelady from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, let me first thank Chairman SKELTON for his leadership, for bringing this resolution to the floor today, and for his support and his love for the men and women in uniform.

I rise in support today of this resolution, which recognizes the honorable efforts of our United States Armed Forces and our local first responders to meet the needs of Haitians following the tragic earthquake of January 12, 2010. We thank them for their service, we thank them for making us very proud, and we thank them for their compassion and their professionalism as they conducted their work.

As Chair of the Congressional Black Caucus, I would like to extend our thanks also to Congressman MEEK for his work on this bipartisan resolution as well as for his leadership on issues related to Haiti, which he has demonstrated for so many years, long before this devastating earthquake struck. I actually spoke with Congressman MEEK when he was in Haiti recently, and I will tell you that his

work and his insights and his commitment to help those suffering was deep and real.

The CBC has a long history of working with the Haitian and Haitian American communities, and during the current crisis, we have and will continue to work closely with the Obama administration to provide whatever assistance it can to the relief, recovery, and reconstruction efforts.

I would also like to take a moment and thank Congressman McMAHON and Congressman TIM MURPHY for their work on two more Haiti-related resolutions coming to the floor today. H. Res. 1059, honoring the heroism of the USAID urban search and rescue teams, one of which is from my home State of California; and H. Res. 1048, commending the work of the men and women of the USNS *Comfort* and the United States Navy.

As our President recently said, America has no greater resource than the strength and the compassion of the American people. During the current crisis, we have seen the strength and compassion firsthand. Our Armed Forces, our urban rescue teams, our first responders have certainly shown us this firsthand and, as I said earlier, they have made us extremely proud.

While all of our eyes are on Haiti, we must determine the best way to help Haiti move forward, to empower Haitians to rebuild in a much more sustainable manner, one that can withstand natural disasters and economic recessions alike. What an even greater tragedy it would be if just a few years down the line another disaster strikes and again we look to ourselves to ask the same questions: What went wrong? What do we do now?

So now is the time to garner the support of the international community. Now is the time to develop a strategy to promote the long-term reconstruction and development of one of the poorest countries in the world yet one we call our neighbor, one whose people are strong and resilient. We have not only the resources; we have the compassion of the American people.

So I ask my colleagues to join me in supporting this measure and to express our deep appreciation to our Armed Forces, to our first responders, to the urban rescue teams.

The SPEAKER pro tempore (Ms. TITUS). The time of the gentlewoman has expired.

Mr. SKELTON. I yield the gentlewoman an additional 30 seconds.

Ms. LEE of California. I just want to make sure that we recognize and understand that this resolution is so important today, because we don't have many opportunities to thank our Armed Forces and our first responders and the urban rescue teams who were the face of America, who are the face of America, as they rose to the occasion to help the people of Haiti in the wake of this ongoing tragedy.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 1066—to honor the extreme bravery, responsiveness and effectiveness demonstrated by our United States Armed Services, local first responders and other members in support of Operation Unified Response led by USAID.

As you know, on Tuesday, January 12, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction but the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds of thousands.

Within hours of the earthquake, the United States sent world-class teams of first responders and search and rescue teams to help search for survivors. These teams, from all across the country, comprised roughly one-third of the entire international search and rescue effort in Haiti. In total, the United States sent over 511 rescue workers. These rescue workers worked tirelessly to search for survivors, and found and rescued more than 130 people from under the rubble. Without these search and rescue units, it is possible that these people would not have been located in time to save their lives.

In the following days, U.S. Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of one of the largest natural disasters in the western hemisphere. The team included U.S. Coast Guard, U.S. military engineers, operational planners, and a command and control group and communication specialists arriving on two C-130 Hercules aircraft.

Shortly thereafter, U.S. Southern Command had established Joint Task Force-Haiti to oversee U.S. military relief efforts in which was commanded by U.S. Army Lt. Gen. Ken Keen. From the initial response forward more than 13,000 U.S. military personnel, 19 ships and more than 60 aircraft are supporting operations to provide relief and care to more than three million Haitians who were affected by the January 12 earthquake.

U.S. military forces are currently supporting efforts to provide shelter, establish settlements, and conduct debris removal as well as ensuring the delivery of aid to the Haitian people. They are also assisting the World Food Program's food distribution surge while continuing to work with the U.N. Stabilization Mission in Haiti, MINUSTAH, the international community and local responders to alleviate human suffering and support humanitarian relief efforts.

The hospital ship USNS *Comfort*, embarked with nearly 1,000 medical personnel, is treating a steady stream of Haitian patients. *Comfort's* hospital capabilities include fully-equipped operating rooms, digital radiological services, a medical laboratory, a pharmacy, an optometry lab, a CAT-scan and two oxygen-producing plants. *Comfort's* bed capacity is about 1,000.

Members supporting Operation Unified Response are also helping move thousands of pounds of medical aid to various distribution points and are working with local officials to address long-term rehabilitation of the Haitian public health system.

As of February 21 the incredible members of Operation Unified Response had delivered

more than 2.6 million bottles of water, 2.2 million food rations, 17 million pounds of bulk food and 147,000 pounds of medical supplies into Haiti. Additionally, water production continues as U.S. military and international water purification units produce thousands of gallons of drinkable water daily.

I would like to personally thank the professional team of Sailors, Soldiers, Airmen, Marines and Coast Guardsmen of U.S. Southern Command for their role in providing guidance and securing passage for a Texas-based initial response medical team. These military professionals played a key role in arranging for the doctors and medical personnel from the Forest Park Medical Center to obtain the necessary clearance from the State and Defense Departments to fly jets carrying supplies, seven doctors, six nurses, two techs, and two search and rescue volunteers to Haiti.

The medical team, led by Dr. Richard Tous-saint, flew from Dallas Love Field Airport and arrived in Haiti where they treated about 600 patients, including 70 amputations, and 150 surgeries. The team also provided medical and supplies to Haiti's Hospital Sacre Coeur.

America is committed to deliver her support to our neighbor who is still in dire need of our continued and immediate humanitarian assistance. This effort will be a monumental task that will take years to complete but we must be resolute to help the people of this struggling island nation rebuild their livelihoods.

To date the United States Government has contributed over \$400 million in earthquake response funding for Haiti. It has also deployed approximately 19,000 military personnel in support of the relief effort. Subsequently, as part of the new Government of Haiti-lead effort, the U.N. World Food Program will provide commodities, non-governmental organizations will manage distributions, and U.S. military will provide security escorts.

America and her allies have delivered a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked vigorously to ensure critical resources were positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

Once again I am proud of our Armed Services, the first responders and all the members of Operation Unified Relief that deliver an overwhelming successful initial response. We all owe you a debt of gratitude and our undying support.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to voice my support for H. Res. 1066 to recognize the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their coordinated response to the January 12, 2010 Haitian earthquake. I am remarkably proud of the work we have done to assist with the recovery efforts in Haiti after this earthquake devastated Port-au-Prince and surrounding areas.

With this in mind, many citizens from my home city of Dallas answered the call to service and went to Haiti to help with relief efforts. I am particularly moved by the work of Dr. Craig Hobar who is the founder of Life Enhancement Association for People, LEAP, a

non-profit organization dedicated to enhancing and enriching the lives of people around the world by providing specialized medical services. Shortly after the earthquake in Haiti, Dr. Hobar was in the country with Dr. Ale Mitchell to help assist with amputations and trauma surgeries. In addition to this, Dr. Hobar has pledged to help bring volunteer medical teams to Haiti from around the world for the next year through the LEAP Foundation.

Madam Speaker, I encourage my fellow colleagues to join me today in honoring all the first responders in Haiti by supporting this important resolution.

□ 1415

Mr. FLEMING. Madam Speaker, I yield back the balance of my time.

Mr. SKELTON. Madam Speaker, having no further requests for time, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 1066.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SKELTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE HEROISM OF THE SEVEN URBAN SEARCH AND RESCUE TEAMS DEPLOYED TO HAITI

Mr. McMAHON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1059) honoring the heroism of the seven United States Agency for International Development and Office of U.S. Foreign Disaster Assistance supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010, Haitian earthquake, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1059

Whereas a catastrophic earthquake measuring 7.0 on the Richter scale struck the nation of Haiti at 4:53 p.m. (local time) on January 12, 2010;

Whereas the January 12, 2010, earthquake was the largest earthquake to hit the island nation in over 200 years and has caused unconscionable loss of life, affected over 3,000,000 people, and caused widespread physical devastation to buildings and infrastructure;

Whereas United States urban search and rescue teams (US&R) were immediately activated and deployed from Fairfax County, Virginia, Los Angeles County, California, and Miami-Dade County, Florida, to assist the United States Agency for International Development (USAID) Disaster Assistance Response Team (DART);

Whereas each US&R task force is comprised of 70 members, who are multifaceted and cross trained in the major functional areas of search, rescue, medical, hazardous materials, logistics, and planning, and who are supported by trained canines able to conduct physical search and heavy rescue operations;

Whereas task forces have been activated for natural and man-made disasters and incidents both at home and abroad, including hurricanes, earthquakes, and the attacks of September 11, 2001;

Whereas New York City's first responders asked the Office of U.S. Foreign Disaster Assistance (OFDA) to activate a New York City US&R task force shortly after the disaster struck;

Whereas the 511 United States rescue workers comprised roughly one-third of the entire international US&R effort in Haiti;

Whereas more than 130 people have been rescued from under the rubble in Haiti by the US&R task forces, of whom at least 47 were rescued by United States US&R task forces;

Whereas United States US&R task forces deployed to Haiti also trained many of the other foreign search and rescue task forces in Haiti;

Whereas, on January 21, 2010, Assistant Secretary of State for the Bureau of International Narcotics and Law Enforcement Affairs David T. Johnson and New York City Police Commissioner Raymond W. Kelly signed a Memorandum of Understanding (MOU) to provide the Haitian national police, among other police forces, with training and technical assistance; and

Whereas the search and rescue effort in Haiti officially transitioned to a long-term humanitarian relief effort on January 23, 2010: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the bravery and dedication of the United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency supported urban search and rescue teams, the best trained of these teams in the world;

(2) congratulates the 511 United States urban search and rescue workers for the many lives they helped to save in Haiti;

(3) recognizes the contribution of these teams not only in the lives that they directly saved, but to the international teams that they trained and to the people of Haiti;

(4) expresses its gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System for their unyielding determination and work as first responders to victims of disasters from all hazards;

(5) welcomes home the brave first responders of the United States urban search and rescue teams; and

(6) views the work of such teams and volunteers as an important part of the Nation's contribution to the recovery of Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMAHON) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. McMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McMAHON. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, on January 12, 2010, the most devastating earthquake to strike Haiti in over 200 years ravaged the island nation and took with it hundreds of thousands of lives. The aftermath of this tragic earthquake will undoubtedly be felt for years to come, but through the tragedy over 50 Haitian and American families celebrated the moment when their loved ones were rescued from the rubble by the 511 brave volunteers of the USAID/OFDA-supported urban search and rescue teams deployed to Haiti.

These teams, which hail from New York City; Fairfax County, Virginia; Los Angeles County, California; Miami, Florida; Miami-Dade County, Florida; and Virginia Beach, Virginia, in most cases alerted their rescue team commanders that they were ready and willing to serve in Haiti even before their activation by OFDA. Their heroism is a true testament to the American spirit and the underlying concern of all Americans toward their neighbors and friends.

While highly skilled and experienced in this type of dangerous work, the challenges facing the search and rescue teams in the aftermath of this devastating earthquake were particularly daunting. One night, as New York's Task Force One team had already gone to base camp, the team rushed back to the streets of Port-au-Prince when they heard rumors that there were still children trapped in rubble nearby. That night, an 8-year-old boy was pulled by the team from the rubble and thanked his rescuers with a big hug and a big smile. The rescue team also saved a little girl buried in the same massive pile of rubble where the team recovered the bodies of three other children that day.

The U.S. task force teams arrived in Haiti completely self-reliant. They brought their own shelter, food, and equipment. New York City Fire Commissioner and Staten Island native Sal Cassano says the groups that were sent to Haiti were among the best trained in the world by, of course, his department and the police department led by Commissioner Ray Kelly. The teams assisted in all types of search and rescue operations, including concrete removal, void searches, and confined

space searches. They truly made a difference in the lives that they saved and in the other international search and rescue teams which they trained as well.

Altogether, the international search and rescue effort in Haiti resulted in over 130 lives saved. And although the search and rescue phase of the disaster relief effort in Haiti is over, many of the rescuers and members of the New York City Police Department have stayed on or will return to provide the Haitian national police, among other police forces, with training and technical assistance.

It is essential that immediate rescue and relief efforts be followed with a sustained commitment to Haiti's long-term reconstruction and development, and I commend President Obama, with the support of this Congress, and his able team for their leadership in this area.

I commend the great heroism of the seven United States search and rescue teams that served in Haiti and welcome them back to their homes and families in New York, California, Virginia, and Florida.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise today as a proud original cosponsor of the bill before us, House Resolution 1059.

In the days following this horrific disaster, many of us watched the endless news cycles with cautious hope as search and rescue efforts were streamed live around the world. With bated breath, we watched as time after time earthquake survivors miraculously appeared from the rubble, each rescue helping to reinforce the faith, the strength, and the determination of all who were and are involved in the relief efforts in Haiti.

More than 130 individuals were ultimately saved from the rubble in the weeks following the earthquake, more rescues of survivors over more days than ever before. This is a testament to both the survivors and the rescuers. The U.S. search and rescue units are the best trained in the world. Without hesitation, several of these teams deployed almost immediately following the earthquake. We ultimately sent seven of our best teams, roughly comprising one-third of the entire urban search and rescue effort in Haiti. My own district was proud to send one team from both the city of Miami and Miami-Dade County.

Importantly, however, this resolution also recognizes the entire urban search and rescue team system that we have operating in this great country of ours. Because the U.S. swiftly contributed seven courageous teams to the search and rescue efforts in Haiti, there were a number of additional

teams standing ready to deploy should they be called upon. It is this compassion and this courage which characterizes the spirit of the American people.

Helping to train and work with various international search and rescue teams on the ground, there is no doubt that the contributions of our urban search and rescue teams went far and beyond the many lives that they saved.

I had the honor to meet with Mr. Dave Downey, the team leader of the Miami-Dade County urban search and rescue unit, just a couple of weeks ago here in D.C. to thank and congratulate him for the heroic service not just of Mr. Downey, but of his entire team. And I extend my heartfelt gratitude to all our urban search and rescue workers who deployed in the aftermath of the Haiti earthquake.

I talked about the Miami-Dade part of this rescue effort, but I also commend Miami Fire Chief Maurice Kemp and the City of Miami Department of Fire-Rescue for their heroic service in these efforts. The word "team" comes up a lot in this resolution, and that is how they acted, as a team, not as one unit versus another, but how we can come together as a nation. They represented the best of what America has to offer.

I thank my good friend, the Congressman, for introducing this important measure. I encourage my colleagues to support it. And I am so glad that Mr. McMAHON put in there the contributions of Miami and Miami-Dade rescue units.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 1059—Honoring the heroism of the seven United States Agency for International Development and Office of U.S. Foreign Disaster Assistance supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010 Haitian earthquake.

As you know, on Tuesday, January 12th, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction but the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds of thousands.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, I believe it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

To date the United States Government has contributed over \$402 million in earthquake response funding for Haiti. It has also deployed approximately 17,000 military personnel in support of the relief effort. Subsequently, as

part of the new Government of Haiti-led effort, the U.N. World Food Program will provide commodities, non-governmental organizations will manage distributions, and U.S. Military will provide security escorts.

American and her allies have already initiated a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure critical resources were positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

Within days of last week's devastating earthquake, U.S. Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of one of the largest natural disasters in the western hemisphere. The team included U.S. military engineers, operational planners, and a command and control group and communication specialists arriving on two C-130 Hercules aircraft. Since, there has been a tremendous interagency response with support and partnering with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow on U.S. military support.

Within hours of the earthquake, the United States sent world-class teams of search and rescue to help search for survivors. These teams, from all across the country comprised roughly one-third of the entire international USAR effort in Haiti. In total, the United States sent over five hundred and eleven rescue workers. These rescue workers worked tirelessly to search for survivors, and found and rescued more than 130 people from under the rubble. Without these search and rescue units, it is possible that these people would not have been located in time to save their lives.

The search and rescue teams were, quite literally, our first responders. At a moment's notice these men and women packed their bags and left their homes to confront the aftermath of the largest natural disaster in recent memory. I commend them for their readiness and tireless commitment to saving lives. Madam Speaker, over a month has passed since the earthquake, the search and rescue missions have ended, and Haiti has transitioned to long term reconstruction and development.

Recently, I proposed a plan that would increase the ability of the U.S. to assist Haiti in its efforts toward reconstruction and stabilization to Dr. Rajiv Shah, the Administrator of the U.S. Agency for International Development.

This plan would create an oversight position within the USAID that would coordinate and regulate faith-based and non-profit organizations operating in the reconstruction efforts in Haiti. I also recommended the creation of a U.S. civilian corps, an extension of the American Peace Corps, that would be tasked the specific mission of assisting reconstruction efforts in Haiti. This civilian entity would serve as a supplemental contingent which could be incrementally dispatched as needed by U.S. Government agencies or Nongovernment Organization.

Once again I stand in solidarity with the people of Haiti and will do everything in my power to assist them with rebuilding their



country and livelihoods. I am proud of our first responders, and pledge that America's long term commitment to Haiti will live up to the standard that the first responders set.

Mr. WOLF. Madam Speaker, I rise today in support of H. Res. 1059, a resolution honoring the heroism of the seven urban search and rescue teams deployed to Haiti from New York City, New York; Fairfax County, Virginia; Los Angeles County, California; Miami, Florida; Miami-Dade County, Florida; and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the horrific January 12 Haitian earthquake.

I was pleased to be an original cosponsor of this resolution which congratulates the more than 500 rescue workers, some of whom are from my congressional district in Fairfax County, for the lives they helped save and for the work they undertook to train additional international teams working in Haiti.

The enormity of the destruction that Haiti has experienced is difficult to comprehend. But in the face of this devastation, selfless men and women from around our country have given of their time and talents to help a people and a nation in desperate need. I join my colleagues in recognizing and thanking them for their service.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to offer my support for H. Res. 1059, honoring the bravery and heroism of our local urban search and rescue teams for their lifesaving efforts in Haiti.

The earthquake of January 12, 2010 was a horrific event that wreaked untold devastation and tremendous loss of life on Port-au-Prince and its surrounding areas. In a matter of minutes, 200,000 people lost their lives. It was a sobering reminder of how fragile life is. The response, worldwide, to this awful tragedy has been a comforting reminder of our resilience and willingness to lend aid and hope to those in need.

The men and women of the Fairfax County, Virginia, New York City, Los Angeles, Miami, Miami-Dade and Virginia Beach urban search and rescue teams immediately left for Haiti, risking their own lives to save others. Day in and day out, these men and women serve their local communities, providing lifesaving care at home, but when there are people in great need, America's local urban search and rescue teams always rush to answer the call. During the initial days after the quake, these men and women brought relief to worried families and hope to an anxious nation with daily rescues from the rubble.

We should all be thankful for their efforts, and I am especially proud of Virginia Task Force 1 from Fairfax, which I represent. During its time in Haiti, Virginia Task Force 1 participated in the rescue of 16 people. While the untold loss of life was horrific, the efforts of all of our urban search and rescue teams made a difference.

I continue to offer my deepest sympathy to the people of Haiti as they cope with the aftermath of this terrible tragedy. I commend the heroic men and women of Virginia Task Force 1, and all our urban search and rescue teams, for so richly embodying the American spirit that says if you are in need, we will help. I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Mr. MCMAHON. I thank the ranking member of the committee for those remarks, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1059, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCMAHON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE LIFE OF MIEP GIES

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1074) honoring the life of Miep Gies, who aided Anne Frank's family while they were in hiding and preserved her diary for future generations.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1074

Whereas Hermine "Miep" Gies was born on February 15, 1909, in Vienna, Austria;

Whereas Miep Gies was sent to live with a host family in the Netherlands when she was 11 years old after the tumult of World War I led to food shortages in Austria;

Whereas in 1933, Miep Gies took a job as an office assistant to Otto Frank, owner of Opekta, a pectin manufacturing company, and father of Anne Frank;

Whereas Miep Gies agreed without hesitation to hide and assist the Frank family to avoid Jewish persecution at the hands of Nazi Germany;

Whereas Miep Gies helped hide and sustain the Frank family, along with Hermann and Auguste Van Pels, their son Peter, and later Fritz Pfeffer, for two years in a secret room above Opekta's offices, bringing them food, supplies, and writing supplies for Anne;

Whereas when the Gestapo captured the Frank family, the Van Pels family, and Mr. Pfeffer, on August 4, 1944, Miep Gies discovered the pages of Anne Frank's diary in the secret room and hid them for safekeeping;

Whereas after learning that Anne Frank and her sister Margot died of typhus at Bergen-Belsen, Miep Gies gave Anne Frank's diary to her father Otto, the only surviving member of the family;

Whereas "The Diary of a Young Girl" by Anne Frank, which has been translated into 70 languages, is both an inspirational story about hope in the face of senseless tragedy and an important testament for future generations to the horrors of the Holocaust;

Whereas Miep Gies shared her recollections to author Alison Leslie Gold for the book "Anne Frank Remembered", which was later made into a powerful documentary film;

Whereas Miep Gies, who would recount her extraordinary life with a self-effacing mod-

esty that betrayed her unfailing courage and integrity, serves as a powerful symbol of resistance against the forces of oppression and injustice;

Whereas Miep Gies represents the valor demonstrated by the countless ordinary individuals who stood up to and helped defeat Adolph Hitler's Nazi regime; and

Whereas Miep Gies passed away on January 11, 2010: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes Miep Gies's courage in risking her own life to hide and provide for the Frank family while they were in hiding;

(2) commends Miep Gies for retrieving and preserving the diary of Anne Frank, which has served as an inspiration to countless people the world over; and

(3) honors Miep Gies for her bravery during Nazi occupation of the Netherlands and her dedication to preserving the memory of Anne Frank and the Holocaust.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

##### GENERAL LEAVE

Mr. MCMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCMAHON. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Anne Frank and her family's struggle to survive the Holocaust is known to millions around the world, but few realize that the story of Anne and the Frank family would never have been known had it not been for the selfless acts of Miep Gies, who passed away on January 11.

The Frank family was ultimately captured by the Gestapo and deported to the Bergen-Belsen concentration camp, where Anne and her sister Margot died of typhus. Anne's diaries survived the war and continue to serve as an inspirational story of hope in the face of senseless tragedy and an important testament for future generations to the horrors of the Holocaust. Were it not for the selfless acts of Miep Gies, an employee of Anne's father, Otto, who aided the Frank family while they were in hiding and preserved Anne's diary, Anne's story would likely never have been known. Miep agreed without hesitation to hide and assist the Frank family to avoid persecution in the hands of the Nazis, and by doing so put her own life at risk.

After the Gestapo discovered the Frank family's hiding place, Miep hid the pages of Anne's diary for safekeeping and years later returned them



to Otto, the only surviving member of the Frank family. Miep Gies also shared her recollections to author Alison Leslie Gold for the book, "Anne Frank Remembered," which was later made into a powerful documentary film. She recounted her extraordinary life with a self-effacing modesty that betrayed her unfailing courage and integrity, serving as a powerful symbol of resistance against the forces of oppression and injustice.

□ 1430

We mourn the passing of this extraordinary woman, and honor her for her bravery and compassion.

I ask my colleagues to join me in recognizing Miep Gies' courage in risking her own life to hide and to provide for the Frank family and for preserving the memory of Anne Frank and the Holocaust.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, I am a proud cosponsor of this bill, and I rise in support of House Resolution 1074, which honors the life of Miep Gies, who helped Anne Frank's family while they were in hiding and who preserved Anne's famous diary for future generations.

With Miep's passing on January 11, the world has lost a true hero. Before German occupation, Miep worked as an office assistant in Amsterdam for Otto Frank, Anne Frank's father. After Nazi Germany occupied Holland and after Hitler began to accelerate his plan for total extermination of the Jews, Anne Frank's father began to make plans to hide his family from persecution.

As Miep later recalled in the spring of 1942, Otto Frank sat her down and told her that they were going to go into hiding, and he asked her if she would be willing to help out the family by bringing them food.

Miep simply answered, "Yes, of course."

For 2 years, Miep, her husband and a number of her friends helped the Frank family and four other Jews hide in a small attic apartment behind the office of the Frank Family business. They brought them food and other necessities while putting their own lives at risk every day.

During their years in hiding, Anne Frank, as we all know, kept a diary, which described her experiences. This diary would later become one of the most widely read books in the world, providing millions of people with a glimpse of the Holocaust through the eyes of a young, bright and ever hopeful Jewish girl.

In August of 1944, the Gestapo discovered their hiding place, and they arrested the Frank family. After the Frank family was captured, Miep discovered the pages of Anne Frank's

diary, and held them in safekeeping until after the war. She later gave the diary to Anne's father, who returned to Amsterdam after surviving Auschwitz. In fact, he was the only member of the Frank family who managed to survive. Anne's mother died in Auschwitz, and Anne and her sister perished in the Bergen-Belsen concentration camp.

Decades after the Holocaust, Miep stated the following about what she and her husband and a number of her friends did to help the Frank family and others:

"It seemed perfectly natural to me. I could help these people. They were powerless. They didn't know where to turn. I always emphasize that we were not heroes. We did our duty as human beings."

What Miep and others did during the Holocaust to save lives, while putting their own at risk, was nothing short of heroism. Miep has survived and has received many honors for her heroism, including being knighted by Queen Beatrix of the Netherlands and receiving a medal from Yad Vashem, the Holocaust Memorial in Jerusalem.

Though Miep passed away last month, her relentless courage, her compassion and her contribution to preserving one of the most unique and important documentations of the horrors of the Holocaust will not be forgotten.

I thank my distinguished colleague, Congresswoman KILROY, for introducing this measure which recognizes Miep's courage in risking her life to hide and to provide for the Frank family while they were in hiding. It commends Miep for retrieving and preserving the diary of Anne Frank. Further, it honors Miep for her bravery during the Nazi occupation of the Netherlands, and it honors her dedication to preserving the memory of Anne Frank so as to remember the terrible lessons of the Holocaust.

I support this important measure, Madam Speaker, and I urge my colleagues to do the same.

With that, I reserve the balance of my time.

Mr. MCMAHON. Madam Speaker, I yield 10 minutes to the prime sponsor of this resolution, the gentlewoman from Ohio (Ms. KILROY).

Ms. KILROY. Thank you, my colleagues.

Madam Speaker, I rise today in support of House Resolution 1074, legislation that I introduced to honor the life of Hermine "Miep" Gies, who aided Anne Frank's family while they were in hiding and who preserved her diary for future generations.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their support in bringing this resolution to the floor.

Why is it important to honor Miep Gies?

I recently visited Yad Vashem, the Holocaust Memorial in Jerusalem. It is

an overwhelming experience, and as we ponder the horror of Hitler's plan to eradicate the Jewish people, we ask ourselves: How could this have happened? How could so many stand by silently? How could so many actually participate?

So it is important, I think, to understand that there are some who spoke up, heroes like Miep Gies, and it is important to honor people like her, people who helped the Jews, who worked against the sea of hatred that had enveloped most of Europe at that time—people like Miep Gies, an ordinary woman, who did an extraordinary thing.

She was born to a German Catholic family in Austria on February 15, 1909. When she was 11, her family sent her to live with a foster family in the Netherlands to escape food shortages in post-war Austria. She worked as a servant, as a seamstress, as waitress. Then, in 1933, she took a job with an Amsterdam manufacturing company owned by Otto Frank, a German Jew, who left Frankfurt when Hitler became Chancellor of Germany and when the organized attacks on the Jews began, including the boycott on Jewish businesses.

Ms. Gies quickly became friends with the Frank family. On July 6, 1942, more than 2 years into the German occupation of the Netherlands, Otto Frank; his wife, Edith; and his daughters, Margot and Anne, went into hiding in a secret annex behind a bookshelf in Otto Frank's office. They were later joined by Hermann and Auguste Van Pels; their son, Peter; and Fritz Pfeffer.

For 2 more years, Miep Gies, along with her husband, Jan, and three other employees of Otto Frank, risked their lives to supply the eight people in hiding with food, clothing, with news from the outside, and with paper for Anne to write on.

As Anne noted in her diary, "Miep has so much to carry; she looks like a pack mule. She goes forth nearly every day, scrounging for vegetables, and then bicycles back with her purchases in large shopping bags."

Miep is also the one who brought five library books to Anne every Saturday. She did this during a time of war. It was a time of shortages, a time when getting food meant managing ration coupons. Despite their efforts, though, on August 4, 1944, the Gestapo raided the secret hiding place, and they captured the eight hideaways who were betrayed by an anonymous tip.

Miep Gies discovered the pages of the diary that Anne kept during her time in hiding, and Miep locked them in a desk drawer for safekeeping. When she learned that Margot and Anne had died of typhus at the Bergen-Belsen concentration camp, she returned Anne's diary to Otto Frank, the only one of the eight to have survived the Holocaust.

Later in her life, she testified against the Neo-Nazis, who denied the authenticity of the diary. She helped in the establishment of a museum in the small building where Anne and her family had hid.

As was noted, she passed away recently, on January 11, 2010, at the age of 100, but she kept alive a very important part of Holocaust history by preserving Anne's diary and by helping us to learn, to understand and to remember so it will not happen again.

The "Diary of a Young Girl," by Anne Frank, has been translated into 70 languages—an inspirational story about hope in the face of war and an important testament for future generations so that the horrors of the Holocaust will not be forgotten. Like so many others who read Anne's diary, as a young woman, I was deeply moved by her steadfast optimism even during a period of her life defined by the evil of that day.

Thanks to Miep Gies' bravery, Anne's recollections have been preserved for future generations. Miep later described her efforts to assist the eight people in hiding, saying, "Of course, it's nice to be appreciated, but I only did my duty to my fellow man. I helped people in need. Anyone can do that, can't they?"

This understated appraisal of her heroic acts is just one example of her modesty and her integrity. We can learn much from Miep Gies, an ordinary woman, who showed extraordinary courage in the face of unspeakable peril during Nazi occupation and the Holocaust. She is a powerful symbol of resistance against oppression and injustice. She is an example of our human capacity to rise even to the most daunting of challenges.

I urge my colleagues to join me in recognizing this incredible woman's life and legacy.

Ms. JACKSON LEE of Texas. Madam Speaker, I stand before you today in support of H. Res. 1074 "Honoring the life of Miep Gies, who aided Anne Frank's family while they were in hiding and preserved her diary for future generations."

I would like to begin by thanking my colleague Representative MARY JO KILROY for introducing this resolution in the House, as it is important that we honor and recognize those who helped and aided groups of people who were persecuted by the Nazis during World War II. Furthermore, we must never forget the horrible atrocities of the Holocaust and continue to fight against acts of genocide around the world as well as fight against bigotry and intolerance here at home in the U.S.

During the Second World War, Miep Gies helped and assisted Anne Frank and her family by hiding and protecting them from Nazi persecution. In fact, Miep Gies agreed to hide and assist the Frank family in avoiding Jewish persecution at the hands of the Nazis without hesitation.

Miep Gies initially met Anne Frank's father, Otto Frank, in 1933 and worked as a secretary

in his pectin manufacturing company, Opekta. After some time, she became well acquainted with the Frank family, as did her husband Jan Gies, whom she married on July 16, 1941.

In the early 1940s, the Nazis began targeting specific groups of people including Jews, ethnic Poles, Romani, Soviet civilians, Soviet prisoners of war, people with disabilities, homosexuals, Jehovah's Witnesses, and other political and religious groups. Between 1940 and 1945 during the Holocaust, more than 6 million Jews and other targeted groups were exterminated by the Nazis.

During this time, Miep Gies along with her husband and several colleagues helped hide the Frank family including Edith and Otto Frank, their daughters Margot and Anne, Hermann and Auguste van Pels, their son Peter, and Fritz Pfeffer, from Nazi persecution. Miep Gies' husband Jan Gies was a member of the Dutch Resistance who was dedicated to assisting Jews and other persecuted peoples escape by obtaining illegal ration cards for food and finding good hiding places. Miep Gies and her husband hid the Frank family in a secret upstairs room of the office building that was used by Mr. Frank's spice company from July 1942 to August 1944.

Every few days Miep Gies would come by the secret upstairs room of Mr. Frank's former office building and bring food supplies in addition to writing supplies for Anne Frank. Because of Miep Gies' genuine compassion and selflessness, her friends were able to evade the horrors of Nazi persecution for two years.

Sadly, on the morning of August 4, 1944, the Grüne Polizei arrested Anne Frank and her family who were hiding in the secret upstairs room of Mr. Frank's office building. Because of her genuine care and compassion for her friends however, Miep Gies attempted to petition and bribe the Austrian Nazi officer to release her friends for several days after their arrest. Unfortunately the officer would not allow for their release.

After being arrested, Anne Frank and her family were deported to the Auschwitz Nazi Concentration Camp where Anne stayed until being transferred to the Bergen-Belsen concentration camp. Sadly, Anne Frank later died there in March 1945 at the age of 15 though her father Otto Frank, from whom she was separated, survived the war.

Sometime after Anne Frank and her family were arrested and deported, Miep Gies found the diary Anne Frank had kept while hiding from the Nazis in the secret room and safeguarded it through the end of the war. It wasn't until after the end of World War II that Miep Gies released the pages of Anne Frank's diary to her father, Otto Frank.

The diary of Anne Frank was later published and entitled "The Diary of a Young Girl." The diary was also translated into 70 languages and remains as a testament for future generations on the horrors of the Holocaust and the importance of preventing genocide in all forms.

Sadly Miep Gies recently passed away on January 11, 2010 leaving behind a legacy of compassion and teaching. Today I stand in recognition of the courage that Miep Gies had in risking her own life to shelter and provide for the Frank family while they were in hiding from the Nazis. The love and selflessness that

Miep Gies showed in sheltering her friends from the hatred and persecution of Nazi Germany should be an example to us all.

I would also like to commend Miep Gies for recovering and preserving the diary of Anne Frank through the end of World War II. Because of the thoughtfulness of Miep Gies, the Diary of Anne Frank now serves as both an inspiration as well as an example to millions of people around the world.

It is important that we never forget the horrible actions that took place during the Holocaust. It is also important that we never forget the courageous and noble acts of people all across Europe in the fight against the Nazi regime as well as those who assisted persecuted groups during those terrible times.

Furthermore, I would also like to urge countries and leaders across the world to reassess their efforts in fighting racism, intolerance and anti-Semitism. Through providing education and instruction to adults and children alike, we can help to ensure that what happened in Europe during the Holocaust is never allowed to happen again.

I ask my colleagues for their support of this legislation as well as their support for those who protect defenseless people across the world. I strongly urge you to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Mr. MCMAHON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1074.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCMAHON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES ON RELIGIOUS MINORITIES IN IRAQ

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 944) expressing the sense of the House of Representatives on religious minorities in Iraq, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 944

Whereas threats against members of even the smallest religious and ethnic minority communities in Iraq could jeopardize the future of Iraq as a diverse, pluralistic, and free society;

Whereas according to the Department of State's International Religious Freedom Report, violent acts continue to pose a significant threat to members of the country's vulnerable non-Muslim religious minority communities, including documented attacks against Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, and Yazidis, and "very few of the perpetrators of violence committed against Christians and other religious minorities in the country have been punished";

Whereas according to the United States Commission on International Religious Freedom, there are grave threats to religious freedom in Iraq, particularly for members of the smallest, most vulnerable religious minority communities in Iraq, including Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, and Yazidis;

Whereas the February 2009 Country Report on Human Rights Practices issued by the Department of State identifies on-going "misappropriation of official authority by sectarian, criminal, and extremist groups" as among the significant and continuing human rights problems in Iraq;

Whereas in recent years, there have been alarming numbers of religiously motivated killings, abductions, beatings, rapes, threats, intimidation, forced conversions, marriages, and displacement from homes and businesses, and attacks on religious leaders, pilgrims, and holy sites, in Iraq, with the smallest, non-Muslim religious minorities in Iraq having been among the most vulnerable, although Iraqis from many religious communities, Muslim and non-Muslim alike, have suffered in this violence;

Whereas the Assyrian International News Agency reports that 59 churches were bombed in Iraq between June 2004 and July 2009;

Whereas persecution and violence in Iraq have extended to church leaders as well, such as the March 2008 kidnap for ransom and killing of 65-year-old Chaldean Catholic Archbishop Paulos Faraj Rahho;

Whereas many members of non-Muslim religious minority communities in Iraq reportedly do not receive adequate official protection, and are legally, politically, and economically marginalized;

Whereas because of several ethnically and religiously mixed areas, including the Nineveh and Tamim (Kirkuk) governorates, is disputed between the Kurdistan regional government and the Government of Iraq, and Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, Yazidis, and Muslim ethnic minorities Shabak and Turkomans are caught in the middle of this struggle for control and have been targeted for abuses and discrimination as a result;

Whereas many members of vulnerable non-Muslim religious minority communities in Iraq have fled to other areas in Iraq or to other countries;

Whereas the flight of such refugees has substantially diminished their numbers in Iraq;

Whereas approximately 1,400,000 Christians were estimated to have lived in Iraq as of 2003, including Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East, Syriac Catholics, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, Evangelicals, and others;

Whereas it is widely reported that only 500,000 to 700,000 indigenous Christians remained in Iraq as of 2009;

Whereas since 2003, the Sabean Mandaean community has found itself targeted by both Sunni and Shia Islamic extremists, and by

criminal gangs who use religion to justify their attacks;

Whereas the Sabean Mandaean community in Iraq reports that almost 90 percent of the members of that community either fled Iraq or have been killed, leaving only about 3,500 to 5,000 Mandeans in Iraq as of 2009;

Whereas in August 2007 a series of bombings targeted the Yazidi community of Iraq resulting in an estimated 200 deaths and more than 200 injuries;

Whereas at least 20 people were killed and 30 wounded in a double suicide bombing in August 2009 which targeted the Yazidi minority in northern Iraq;

Whereas the Yazidi community in Iraq reportedly now numbers about 500,000, a decrease from about 700,000 in 2005;

Whereas the Baha'i faith, estimated to have only 2,000 adherents in Iraq, remains prohibited in Iraq under a 1970 law;

Whereas the ancient and once-large Jewish community in Iraq now numbers fewer than 10, and they essentially live in hiding;

Whereas in 2008, the United Nations High Commissioner for Refugees (UNHCR) reported that approximately 221,000 Iraqis returned to their areas of origin in Iraq, the vast majority of whom settled into neighborhoods or governorates controlled by members of their own religious community;

Whereas many of these returnees reported returning because of difficult economic conditions in their countries of asylum, principally Syria, Jordan, Egypt, and Lebanon; and

Whereas many members of vulnerable religious and ethnic minority communities are not believed to be represented in more than negligible numbers among these returnees: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) the United States remains deeply concerned about the plight of members of the vulnerable religious and ethnic minority communities of Iraq;

(2) the Secretary of State should develop and report to Congress on a comprehensive strategy to encourage the protection of the rights of members of vulnerable religious and ethnic minority communities in Iraq;

(3) the United States Government should urge the Government of Iraq to enhance security at places of worship in Iraq, particularly where members of vulnerable religious minority communities are known to be at risk;

(4) the United States Government should continue to work with the Government of Iraq to integrate religious and ethnic minorities into the government in general, and the Iraqi Security Forces, in particular, with the goal of ensuring that members of such communities—

(A) suffer no discrimination in recruitment, employment, or advancement in government positions, in general, and the Iraqi police and security forces, in particular; and

(B) while employed in the Iraqi police and security forces, be initially assigned, in reasonable numbers, to their locations of origin, rather than being transferred to other areas;

(5) the Government of Iraq should, with the assistance of the United States Government—

(A) ensure that the upcoming national elections in Iraq are safe, fair, and free of intimidation and violence so that all Iraqis, including members of vulnerable religious and ethnic minority communities, can participate in the elections; and

(B) permit and facilitate election monitoring by experts from local and inter-

national nongovernmental organizations, the international community, and the United Nations, particularly in ethnic and religious minority areas;

(6) the United States Government should encourage the Government of Iraq to work with members of vulnerable religious and ethnic minority communities to develop and implement tangible, effective measures to protect their rights and measures to reverse the legal, political, and economic marginalization of religious minorities in Iraq;

(7) in providing assistance to Iraq, the United States Government should continue to take into account the needs of vulnerable members of religious and ethnic minority communities and expand upon efforts to work with local organizations that serve those communities;

(8) the United States Government should continue to fund capacity-building programs for the Iraqi Ministry of Human Rights, the independent national Human Rights Commission, and the newly-created independent minorities committee whose membership is selected by members of vulnerable religious and ethnic minority communities of Iraq;

(9) the United States Government should strongly encourage the Government of Iraq to direct the Iraqi Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of members of vulnerable religious and ethnic minority communities in Iraq and make recommendations to address such abuses; and

(10) the Government of Iraq should, with the assistance of the United States Government and international organizations, help ensure that displaced Iraqis considering return to Iraq have the proper information needed to make informed decisions regarding such return.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMAHON) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. McMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McMAHON. I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, H. Res. 944 expresses the sense of the House of Representatives on the status of religious minorities in Iraq.

When the Iraq war began in 2003, little thought was given to the impact on Iraq's religious minorities. Only 3 percent of the population in Iraq is non-Muslim. These populations include Christians, Yazidis, Sabian-Mandaeans, Baha'is, Shabaks, Kaka'is, and a very small number of Jews.

Although the new Iraqi Constitution recognizes Islam as the official religion of Iraq, it also states that no law may

be enacted that contradicts principles of democracy or the rights and basic freedoms stipulated in the constitution. The constitution also guarantees freedom of thought, conscience, and religious belief and practice for both Muslims and non-Muslims.

Although the Iraqi Government generally respects these rights, ongoing violence restricts the free exercise of religion, and this violence poses a significant threat to the country's vulnerable religious minorities. These minorities continue to suffer at the hands of terrorists, extremists, criminal gangs, and even at the hands of unsavory elements within the Iraqi Government. Sectarian violence, including attacks on religious leaders and religious places of worship, continues to hamper their ability to practice religion freely.

Many experts consider the situation for Iraqi Christians as especially dire. According to Chaldean Catholic Auxiliary Bishop Andreos Abouna of Baghdad, the number of Christians in Iraq may have been cut in half since 2003. As documented by the State Department, Christians have been threatened with violence if they do not leave their homes. They have been accosted on the streets and have even been assassinated. Their churches have been bombed and destroyed.

Reports indicate that other religious minorities face similarly treacherous situations. The Yazidis, who are considered heretical by many Muslims because of their beliefs, have suffered under a tremendous onslaught of violence. Another targeted group, the Sabian-Mandaeans, numbered about 60,000 in 2003. Today, only about 5,000 Sabian-Mandaeans remain in Iraq, meaning that more than 90 percent have left the country or have been killed.

That is why we are considering House Resolution 944 today, and that is why I am proud to say that I am an original cosponsor of that resolution.

This resolution urges the Government of Iraq to enhance security in places of worship in Iraq, particularly where religious minorities are known to be at risk. The resolution calls for the urgent training of an appropriate number of security forces to protect religious minorities. It also urges the Iraqi Government to take affirmative measures to reverse the legal, political and economic marginalization of religious minorities in Iraq. In addition, it asks the United States to consider implementing programs for religious minorities as part of its overall economic assistance to Iraq.

□ 1445

Madam Speaker, I urge all of my colleagues to support this resolution in an effort to make certain that all religions survive and have a chance to prosper in the new Iraq.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I also rise in support of House Resolution 944, and I want to thank the gentleman from Michigan (Mr. PETERS) and the gentleman from Virginia (Mr. WOLF) for bringing this important human rights issue before us today.

The protection of members of vulnerable religious and ethnic minorities, including the smallest minority groups, is integral to the future of Iraq as a free and stable country. Iraq is home to ancient and diverse Catholic, Orthodox, and other Christian groups, including Chaldean, Assyrian, Syriac, and Armenian Christians, among many others. They have been targeted for kidnapping and murder by radical Islamic extremists. Various credible sources estimate that more than half of Iraq's Christians have already fled the country during the last several years.

However, these dangers are certainly not confined to Christians. The Baha'i faith remains prohibited in Iraq, and Iraq's ancient and once-flourishing Jewish community has reportedly dwindled to fewer than a dozen people.

All of us understand that Iraq's young democracy faces many challenges, including its own threats from insurgents and other extremists. But the marginalization, the displacement, the violence that threatens Iraq's minority communities also endanger the vitality and the inclusiveness of Iraqi society as a whole.

We must strive to ensure that the work that we and our allies do helps to build Iraq's capacity and commitment to protect its minority citizens, and we must encourage the Government of Iraq to ensure that its forthcoming elections are an opportunity to reinforce the growth of democracy and freedom in that country. Those elections should be safe, should be fair, should be transparent so that all Iraqis, including members of these vulnerable religious and ethnic minority communities, can participate. And we must not let members of those minorities under siege think that they are alone or that they are forgotten.

For these reasons, Madam Speaker, I am grateful for this resolution, which deserves our unanimous support.

Madam Speaker, I reserve the balance of my time.

Mr. MCMAHON. Madam Speaker, at this time I yield 3 minutes to the prime sponsor of this resolution, the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Speaker, I thank the gentleman from New York for yielding the time.

While the majority of Iraqis are Muslim, there are many communities of religious and ethnic minorities whose history in Iraq goes back thousands of years. This includes Chaldeans, Syriacs, Assyrians, and other Chris-

tians, as well as Sabian Mandaeans and Yazidis.

Since 2003, approximately 2½ million refugees and asylum seekers have fled Iraq, and millions more have become displaced, forced to flee their homes and neighborhoods because of sectarian violence. In fact, there were approximately 1½ million Christians in Iraq in 2003, and today there is less than half of that amount.

Many of these Iraqis would like nothing more than to return home. According to the United Nations High Commissioner for Refugees, in 2008, approximately 221,000 Iraqis returned to their home village or neighborhood in Iraq and the vast majority settled into areas where members of their own religious community controlled the neighborhood or local government.

Unfortunately, Iraqi religious minorities do not have militia or tribal structures to defend themselves, and they do not receive adequate protection from the police or security forces. Not only does this make the possibility of return nearly impossible for Iraqi religious minorities, it also leaves them particularly vulnerable to violence.

Iraqi Christians and other religious minorities are often specifically targeted in gruesome and random acts of violence such as murder, rape, and abductions. This includes the Chaldean community, who this week is mourning the kidnapping and murder of Archbishop Paulos Faraj Rahho on February 29, 2008.

Archbishop Rahho spent almost his entire life living in Mosul and serving its Christian communities which are among the oldest and largest in Iraq. For years, the archbishop was threatened with violence because he spoke out against discrimination against Christians by Muslim extremists. Sadly, the archbishop was murdered because he refused to lend the support of his church to terrorists in their fight against U.S. forces in Iraq.

These stories continue to be tragically common, and more must be done by the United States Government and by the Government of Iraq to protect religious minorities.

This resolution calls upon the United States and the Iraqi Government to protect religious minorities by encouraging free and fair elections, training Iraqi security forces, and providing safe places to worship. It also seeks an investigation into human rights violations and calls for an end to the abuse of Iraqi religious minorities. Finally, the resolution calls for the United States to work with the Iraqi Government to ensure the physical and economic safety of those wishing to return to Iraq.

I would like to thank my colleagues, Mr. WOLF and Ms. ESHOO, who, as co-Chairs of the Religious Minorities in the Middle East Caucus, have shown great leadership on this issue and for

their support of this resolution. I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their support and for their staffs' work in helping me bring this resolution forward today.

It is no longer possible to stand by and watch as millions of religious minorities are subject to torture, abuse, and discrimination, which is why I ask my colleagues to support this important resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I am very pleased to yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the co-Chair of the Tom Lantos Congressional Human Rights Commission and the coauthor of this important measure.

Mr. WOLF. I thank the gentlewoman for yielding the time.

I want to support the comments that have been made by Members of both sides and let Members think about it for a moment. With the exception of Israel, the Bible, the Bible contains more references to the cities, the regions, and the nations of ancient Iraq than any other country. The patriarch Abraham came from the city of Ur. I actually visited the site, when the war began, of the location of Abraham's house. Isaac's bride, Rebekah, came from northwest Iraq. Jacob spent 20 years in Iraq, and his sons, the 12 tribes of Israel, were born in northwest Iraq. A remarkable spiritual revival as told in the Book of Jonah occurred in Nineveh. The events of the Book of Esther took place in Iraq, as did the account of Daniel in the lion's den.

So all of these religious things have taken place, and yet people have almost forgotten about Iraq. And the previous speaker in his comments has said the Christian community in these areas has been going through tremendous pressure.

I have appreciated Ambassador Chris Hill's commitment to this issue. In recent correspondence, he indicated that the security of the Christian community remains one of his paramount concerns, especially in light of attacks directed at Christian churches in Baghdad and Mosul over the past 5 months.

But there needs to be leadership from the highest levels within the State Department as well. We've long advocated both during the previous administration and the current one that the U.S. needs to adopt a comprehensive policy to address the unique situation of these defenseless minorities. This resolution, and I thank both sides for bringing it up, urges the Secretary of State to develop such a strategy.

In closing, let me just say it is time for this administration to start taking religious freedom seriously. The position of U.S. Ambassador for International Religious Freedom has been vacant, has been vacant for over a year. Did anyone hear? There is no ambassador for religious freedom that has

been appointed by this administration. The position has been vacant, vacant for 1 year. Yet we see the persecution of the Coptic Christians in Egypt, the Assyrian Christians in Iraq, the Catholic Church in China, the Catholic Church in Vietnam, on and on. So we want to see this administration have an ambassador who can advocate, as the resolution calls for, to help Chris Hill and helps others to speak out and advocate. But the very fact that there has been no ambassador appointed for over 13 months kind of tells the story. Personnel, personnel is policy, and if there's no personnel, it's not a good policy.

Let me just end. I want to thank the gentlemen on both sides and the gentlewoman for speaking. And I hope there's a rollcall vote on this. I hope we have to vote up and down so we can send a message to the Assyrian Christians and those who are going through tremendous persecution wondering whether anybody in the West cares.

Mr. McMAHON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I do have an additional speaker in case the gentleman would like to reserve his time.

Mr. McMAHON. Madam Speaker, I ask unanimous consent to reclaim the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I now would like to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN), a member of the Natural Resources, Oversight, and Transportation Committees, for his insight and the insight of his constituent who's very concerned about religious minorities in Iraq.

Mr. DUNCAN. I thank the gentlewoman from Florida for yielding me this time.

I also want to thank all of the previous speakers: the gentleman from Michigan, the original author of the resolution; the gentleman from New York; and especially the gentleman from Virginia, Congressman WOLF, who has been such a leader on these issues for many years now.

I rise in strong support of H. Res. 944, expressing the sense of the House of Representatives on religious minorities in Iraq.

While this bill calls attention to various religious minorities in Iraq that are victims of acts of violence and religious persecution, one group that is extremely vulnerable, especially vulnerable, is the Iraqi Christians. In the most recent series of attacks in Iraq's northern city of Mosul, five Iraqi Christians were attacked and killed just last week in various acts of violence. According to a February 17, 2010,

article from Reuters, "Bombings and shootings are recorded almost daily in the violent northern city of Mosul, where the situation has been described by one Christian priest as 'miserable.' Iraqi Christians are forced to hide in their homes in fear of being the next victim of what is being called a 'systematic campaign of violence against minorities.' And Sunni Islamist insurgent groups have labeled Christians and other Iraqi minorities as devil worshipers and infidels."

There is growing concern, Madam Speaker, of even more violence and killings in the wake of the upcoming elections in March. These attacks are being used as a means of intimidation to discourage Iraqi Christians from voting in the upcoming elections. There have also been threats of violence using military means to prevent the elections from happening at all.

I first spoke out about the violence against Christians in Iraq that last year when one of my constituents and a native of Iraq, Susan Dakak, brought to my attention the escalation of violence against this particular religious group. I also met recently, a few weeks ago, with a member of the Iraqi Parliament, Yonadam Kanna, recently to discuss the ongoing persecution of Iraqi Christians.

The horrendous human rights violations and acts against religious minorities must end. The United States should do as much as possible to help stop the discrimination against and persecution of the Christian community in Iraq, and this resolution will be a meaningful step in that direction.

I urge my colleagues to support this resolution.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H. Res. 944—"Expressing the sense of the House of Representatives on religious minorities in Iraq." As a cosponsor of this resolution, I join my colleagues in expressing my concern about the plight of vulnerable religious and ethnic minorities of Iraq, and we are particularly concerned for the Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, Yazidis, Baha'is, Jews, and Muslim ethnic minorities, the Shabak and Turkomen, and other religious and ethnic minorities of Iraq.

Political and religious freedom in Iraq is a vital concern with regards to the nation and region. When we envision the long-term peace and security of Iraq, we envision a country with a strong, functioning democracy that respects the rights of all citizens. That vision is not a product of the imperialism of Western ideas; the tradition of religious plurality has roots in the history and religious beliefs of the Iraqi people. But, although Iraq has a strong history of multiculturalism, it must not rest on this reputation. The rights of minorities in Iraq are not fully protected, and the Iraqi government can and must do more to protect the rights of its minorities.

The degree to which Iraq protects those rights is a reflection on our country. Because

of the United States' unfortunate detour from our struggle against terrorism into Iraq, the actions of the new government of Iraq directly reflect upon us. So far, I believe that the actions of the government of Iraq with respect to political and religious freedoms are problematic.

In no case is the Iraqi government's treatment of minorities more troubling than their treatment of the residents of Camp Ashraf. Although Camp Ashraf is halfway around the world, the conditions there affect Americans, including in my own district and throughout the state of Texas where some of my constituents have family members in Camp Ashraf. For example, my constituent, Mitra Sohrabi, has a brother who is currently detained in Camp Ashraf, and worries about his health on a daily basis. I also know many people in Houston and throughout the state of Texas who were affected directly by the July 2009 raid on Camp Ashraf.

Late last year, three months after U.S. forces turned over control of Camp Ashraf, Iraqi Security Forces violated the human rights of the People's Mujahideen of Iran (PMOI). Camp Ashraf detains over 3,400 exiled Iranian political dissidents, who are members of the PMOI, including over 1,000 women. The PMOI opposes the current Iranian regime, and for their political beliefs they have been exiled from Iran and sequestered in Camp Ashraf. Several women detained at Camp Ashraf have reported acts of intimidation and threats of physical and sexual violence by members of the Iraqi security forces.

On July 28, 2009, Iraqi Security Forces conducted a raid on the detainees at Camp Ashraf. The raid occurred fewer than three months after the U.S. passed control of Camp Ashraf to the government of Iraq. The raid began on Tuesday, July 28th when Iraqi armored vehicles began attacks against the Iranian prisoners. The attacks continued for two full days and resulted in the death of 11 exiles and the injury of over 400 more. As a result of the raid on Camp Ashraf, 36 men were arrested under allegations of violent behavior. The 36 arrested Camp Ashraf residents have since been freed, but the United States has a continuing interest in ensuring that the events of July 28th never occur again.

Although most of the residents of Camp Ashraf were not religious minorities, the Iraqi government's treatment of the camp's residents sets a dangerous example. In recent years, there have been alarming numbers of religiously motivated killings, abductions, beatings, rapes, threats, intimidation, forced conversions, marriages, and displacement from homes and businesses, and attacks on religious leaders, pilgrims, and holy sites, in Iraq, with the smallest religious minorities in Iraq having been among the most vulnerable, although Iraqis from many religious communities, Muslim and non-Muslim alike, have suffered in this violence. In summary, members of small religious minority communities in Iraq do not have militia or tribal structures to defend them, do not receive adequate official protection, and are legally, politically, and economically marginalized.

This resolution will remind the Iraqi government that minorities of any type—be it race, religion, political affiliation, or difference of

thought—are integral components of a robust civil society and a true democracy. I have faith that Iraq can and will achieve such a democracy, but we must remember that building democracy requires more than a constitution—it requires a commitment to democratic principles.

Ms. SCHAKOWSKY. Madam Speaker. I rise tonight in support of H. Res. 944, a resolution expressing concern about the situation facing religious minorities in Iraq. I'd like to thank my colleague, Congressman PETERS, for introducing this resolution, and for being a persistent champion on this important issue.

I am proud to cosponsor this resolution, which encourages the United States government, the Iraqi government, and the international community to take positive steps to protect Iraqi religious minorities.

Nearly seven years after the U.S.-led invasion, Iraq faces one of the largest displacement crises in the world. The country's religious minorities face a particularly desperate situation. Iraqi ethno-religious minorities, including Iraqi Jews as well as Assyrians, Chaldeans, and Syriac Christians, continue to face targeted killings, sexual assaults, abductions, and other forms of threats and violence. They comprise a disproportionately large percentage of the over 4 million Iraqis who have been displaced by the ongoing violence and instability.

Those who flee Iraq often encounter a life of crippling poverty. Many have great difficulty finding work in their new countries and often cannot support their families. They may bear physical and emotional scars as a result of years of trauma, tragedy, and abuse. Those who stay in Iraq, on the other hand, face a life of constant fear, intimidation, and outright violence.

I have a longstanding concern for Iraq's ethno-religious minorities. In particular, I have worked closely with Chicago's vibrant Assyrian community on efforts to protect Iraqi religious minorities and provide opportunities for refugees. In August of last year I wrote to Secretary Clinton, urging her to develop a comprehensive plan for protecting these groups. This critical issue is crying out for the attention it deserves.

That's why this resolution is so important. The protection of ethno-religious minorities must be a component of our overall strategy in Iraq, and the United States government must do more in partnership with the Iraqi government and the rest of the international community to ensure that all Iraqis, regardless of religious affiliation, can live free of fear and intimidation.

Ms. ESHOO. Madam Speaker, I rise today in support of House Resolution 944. I commend Representative PETERS for his valuable work with the Caucus on Religious Minorities in the Middle East, which, together with my colleague Representative FRANK WOLF, I am proud to co-chair. The second anniversary of the kidnapping and brutal murder of the Chaldean Archbishop of Mosul is a fitting time to remember our responsibility to these vulnerable groups both during and in the aftermath of the war.

As an Assyrian American, I am deeply disturbed by the ongoing struggle Iraq's minorities face each day. There have been dozens

of church burnings, kidnappings, and random acts of violence against Assyrians, Chaldeans, Syriacs, and numerous other minority groups and this Resolution calls on the Iraqi government to take meaningful action to address their plight.

Last year, we took an important step by appropriating \$10 million to assist Iraq's minorities in the Nineveh Plains region. I'm pleased that today's Resolution calls on the Iraqi government to protect the people in that area. Madam Speaker, for the sake of a free and pluralistic Iraq, I urge a "yes" vote on today's Resolution.

Mr. WOLF. Madam Speaker, I rise in support of H. Res. 944 and thank the Chair and Ranking Member for their efforts to bring this to the floor for consideration at such a pivotal time in Iraq.

A February 6 ABC News story opened with the following observation: "Across the Middle East, where Christianity was born and its followers once made up a sizable portion of the population, Christians are now tiny minorities."

This is perhaps no more true than in Iraq. With the exception of Israel, the Bible contains more references to the cities, regions and nations of ancient Iraq than any other country. The patriarch Abraham came from a city in Iraq called Ur. Isaac's bride, Rebekah, came from northwest Iraq. Jacob spent 20 years in Iraq and his sons (the 12 tribes of Israel) were born in northwest Iraq. A remarkable spiritual revival as told in the book of Jonah occurred in Nineveh. The events of the book of Esther took place in Iraq as did the account of Daniel in the Lion's Den.

Tragically Iraq's ancient Christian community is facing extinction. The U.N. High Commission for Refugees estimates that some 250,000 to 500,000 Christians have left the country since 2003, or about half the Christian population. According to the bipartisan U.S. Commission on International Religious Freedom (USCIRF), "while Christians and other religious minorities represented only approximately 3 percent of the pre-2003 Iraqi population, they constitute approximately 15 and 20 percent of registered Iraqi refugees in Jordan and Syria, respectively, and Christians account for 35 and 64 percent, respectively, of all registered Iraqi refugees in Lebanon and Turkey."

It is critical to note, as the figures above indicate, that the violence and intimidation that Iraq's Christians and other vulnerable ethno-religious communities have faced is targeted. In July 2008, the U.S. Conference of Catholic Bishops Migration & Refugee Services said this about the minority religious communities: "These groups, whose home has been what is now Iraq for many centuries, are literally being obliterated—not because they are fleeing generalized violence but because they are being specifically and viciously victimized by Islamic extremists and, in some cases, common criminals."

Reports indicate that since 2003, more than 200 Christians have been killed in Iraq, and since June 2004, 65 churches have been attacked or bombed. The situation facing these minority communities is not improving. In fact there has been a recent uptick in violence in the lead up to the elections in Iraq. A Reuters story last week reported that, "With Iraq's



March 7 parliamentary vote looming, a spike in attacks against Christians could be a sign of voter intimidation by factions in the bitter Kurd-Arab dispute, or another attempt by al Qaeda to derail the election."

I have appreciated Ambassador Chris Hill's commitment to this issue. In recent correspondence he indicated that "the security of the Christian community remains one of my paramount concerns, especially in light of attacks directed at Christian churches in Baghdad and Mosul over the past five months."

But there needs to be leadership from the highest levels within the State Department as well. I have long advocated, both during the previous administration and in the current administration, that the U.S. needs to adopt a comprehensive policy to address the unique situation of these defenseless minorities. This resolution includes language urging the Secretary of State to develop just such a strategy.

It is time for this administration to start taking religious freedom seriously. The position of U.S. ambassador for International Religious Freedom has been vacant for more than a year while other more junior posts have been filled. There's a saying in Washington that personnel is policy. When there isn't personnel, the policy inevitably suffers.

The ancient faith communities of Iraq and others enduring religious persecution worldwide deserve a voice. This resolution is a step in the right direction.

Mr. CONYERS. Madam Speaker, today I rise in strong support of H. Res. 944, expressing the sense of the House of Representatives on religious minorities in Iraq. Today's resolution highlights the struggles of Iraqi minorities since the invasion of Iraq in 2003 and offers solutions for peaceful reconciliation for the Iraqi people.

Madam Speaker, Southeast Michigan has one of the largest Arab-American populations outside the Middle East. It is estimated that there are well over 300,000 in Michigan, many of whom are Iraqi-American and are concerned on the future of Iraq. Specifically, the bill calls on the United States and United Nations to urge the Iraqi government to provide religious minorities with safe places of worship, guarantee protection of religious minorities, and ensure legal and political rights of this vulnerable population. This is vital because many of the more than 2.7 million Iraqi refugees are religious minorities.

Today's resolution will compliment President Obama's commendable plan to withdraw from Iraq in the summer of 2011. While withdrawal will do much to stabilize and empower the sovereign nation of Iraq, it is also important that the United States do its part to actively assist the Iraqi people in establishing policies that protect the civil rights and liberties of all Iraqi citizens.

Mrs. MILLER of Michigan. Madam Speaker, I rise today as a proud co-sponsor in strong support of H. Res. 944, expressing the sense of the House of Representatives on religious minorities in Iraq.

Freedom of religion is the beating heart of our American historical and political experience. After all, it was the search for a place to worship in liberty and dignity that led to the European settlement of this continent.

Our American founding fathers placed paramount importance on the right to worship free-

ly and securely, as clear from the first amendment to our Constitution, which enshrines the right to free exercise of religion.

We are grateful to live in a country where it is safe to worship according to the dictates of one's conscience. We cherish these rights and privileges because we know that in many parts of the world—including Iraq—not all religious minorities can worship as they wish.

Historically, Iraq is one of the richest and most diverse religious mosaics in the world. Its Christian traditions can be traced back to the Christian apostles. Yet Iraq today is in a moment of crisis, for many of its smallest and most vulnerable religious minorities are threatened by the ugly forces of intolerance and intimidation in Iraq.

In recent years, there has been an alarming surge in Iraq of physical and psychological violence against religious minorities, and we must do our part to encourage the emphatic rejection of such violence by the Iraqi state and society.

While all Iraqis have suffered greatly in past years, the suffering has been most acutely felt by its religious minorities, including Chaldeans, Syrians, Assyrians, and other Christians. Many hundreds of thousands of Iraqi Christians have already fled Iraq to escape religious turmoil, many of them settling in my own home state of Michigan. How this crisis is resolved will be an indicator of the future that awaits Iraq.

Iraq's development into a sovereign, stable, and secure country is of immense strategic importance and political responsibility to the United States. The world should know that the United States stands with the Iraqi people and its elected government against the forces of radicalism and intolerance.

H. Res. 944 advances Iraq's trajectory towards a future of diversity, pluralism, and freedom. It will help to internalize and institutionalize an environment where religious minorities are protected by the Iraqi government.

Informed by our own American experience, we in this House are obliged to encourage Iraq to value the rights and privileges of its religious minorities. There is too much at stake for Iraq to fail them. And neither can we.

Mr. LEVIN. Madam Speaker, I rise in support of H. Res. 944, which recognizes the persecution and displacement of ethnic and religious minorities in Iraq. This resolution calls on the Iraqi and United States governments to better protect the rights of persons of all ethnicities and religions.

This resolution comes as the Chaldean community mourns the two-year anniversary of the murder of Archbishop Paulos Faraj Rahho. Archbishop Rahho dedicated his life to the Chaldean Church in Mosul and sought to build interfaith relationships while advocating for the inclusion of Chaldeans and other vulnerable populations in the new Iraqi state.

These vulnerable populations include Chaldeans, Assyrians, Turkmen, Sabeen Mandeans, Yazidis, and Syrians. Their unique languages and histories are among the oldest of the Mesopotamian region. Together, they represent the richly diverse heritage of Iraq.

Since 2003, however, members of their communities have suffered marginalization, harassment, and violence. Many have been forced to seek safety away from their homes, often outside the country's borders. Ethno-reli-

gious minorities formerly comprised approximately five percent of Iraq's population; today, they comprise almost twenty percent of all Iraqi refugees registered with the United Nations Refugee Agency.

Minorities fear such rates of displacement threaten the very future of their communities. Continued sectarian violence prevents the free exercise of religion, cultural expression, and political participation that are fundamental to democracy. This resolution underscores the importance that Iraq's upcoming elections be free, fair, and safe, and that the rights of its minority populations be protected.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 944 and in urging meaningful support for Iraq's ethnic and religious minorities.

□ 1500

Ms. ROS-LEHTINEN. I have no further requests for time, and I yield back the balance of my time.

Mr. MCMAHON. Madam Speaker, I have no further requests for time, and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 944, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCMAHON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### COMMENDING THE U.S. NAVY FOR ITS WORK IN HAITI

Mr. MCMAHON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1048) commending the efforts and honoring the work of the men and women of USNS *Comfort* and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1048

Whereas, on January 12, 2010, a 7.0 magnitude earthquake struck the country of Haiti;

Whereas casualty estimates, upwards of 150,000, as well as damage to roads, ports, hospitals, and homes, make this earthquake one of the worst catastrophes to hit Haiti in over two centuries;

Whereas an estimated 3,000,000 people have been directly affected by the disaster in



Haiti, nearly one-third of the country's population, who are currently at risk of long-term displacement and vulnerability;

Whereas Haiti is the poorest, least developed country in the Western Hemisphere;

Whereas prior to the earthquake, Haiti was recovering from a terrible string of hurricanes and tropical storms, food shortages and rising commodity prices, and political instability, but was showing signs of improvement and resolve;

Whereas President Obama vowed the "unwavering support" of the United States and pledged a "swift, coordinated and aggressive effort to save lives and support the recovery in Haiti";

Whereas the people of Haiti have shown remarkable resilience and courage in the face of epic tragedy;

Whereas the United States Navy responded within hours of the earthquake to swiftly provide the Haitians with aid;

Whereas the USNS *Comfort* and its crew of more than 1,200 has provided 24-hour care for over 900 Haitians, ranging from newborns to critically ill patients;

Whereas the USNS *Comfort*'s over 550-person medical staff includes trauma surgeons, orthopedic surgeons, head and neck surgeons, eye surgeons, and obstetricians and gynecologists;

Whereas the medical staff of the USNS *Comfort*, as of February 18, 2010, had performed over 755 surgeries;

Whereas the extraordinary USNS *Comfort* medical staff has saved countless lives;

Whereas the people of the United States empathize with the medical staff of the USNS *Comfort* who must make agonizing decisions about the use of scarce resources for critically ill patients;

Whereas prior to the arrival of the USNS *Comfort*, the USS Carl Vinson dutifully provided initial triage of patients; and

Whereas the USNS *Comfort* and the USS Carl Vinson have been aided in their efforts by other Navy vessels, including the crews of the USS Higgins, the USS Underwood, the USS Normandy, the USS Bunker Hill, the USS Bataan, the USS Carter Hall, the USS Gunston Hall, the USS Fort McHenry, the USNS Grasp, the Navy Underwater Construction Team One, and the Navy Mobile Diving Salvage Unit Two: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its deepest condolences and sympathy for the horrific loss of life and the physical and psychological damage caused by the earthquake of January 12, 2010;

(2) expresses solidarity with Haitians, Haitian-Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy;

(3) commends the efforts of the people of the United States, including the Haitian-American community, to provide relief to families, friends, and unknown peoples suffering in the country; and

(4) commends the efforts and honors the work of the men and women of USNS *Comfort* and the United States Navy in the immediate response to those affected by this calamity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. MCMAHON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCMAHON. Madam Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

Madam Speaker, this resolution recognizes the tireless, selfless, and heroic efforts of the men and women of the USNS *Comfort* and the entire United States Navy in responding to the tragic earthquake that rocked Haiti, the poorest nation in the Western Hemisphere, on January 12, 2010.

While many have known about Haiti's long and trying history in the face of natural disaster, food shortage, volatile prices, and an unstable political system, this latest trial, a 7.0 magnitude earthquake has brought with it a sea of new challenges, directly affecting 3 million people, nearly one-third of the country's population.

Amid the catastrophic destruction of homes, roads, schools, hospitals, and infrastructure, and casualty estimates being measured in the hundreds of thousands, there is a deep need for immediate material aid and medical support for survivors. Within hours of the quake, the United States Navy was on the scene in Port-au-Prince to swiftly administer aid to the Haitian people.

The USNS *Comfort* and its 1,200 crew members have since offered around-the-clock medical services for up to 900 Haitians facing a wide range of health issues and maladies, many of them critical. They have saved the lives of 98 percent of the ship's patients, a testament to the USNS *Comfort*'s dedication and laudable medical capabilities.

The 550 medical personnel aboard the *Comfort* represent a wide array of specialties, including trauma surgeons, and have been working around the clock, since even before the *Comfort* reached Haiti, as patients began arriving by helicopter while they were en route. This vessel's brave crew has brought with it rays of hope, and is a symbol of the United States' and international outpouring of aid and sympathy.

In the wake of this terrible catastrophe, the Haitian people have once again called upon their reserves of courage and resilience, and the United States is proud to stand as a leader with them in their hour of need.

I believe it is fair to say that the USNS *Comfort* is aptly named. It has provided comfort in terms of health and saving lives to the victims of this terrible calamity. I therefore, Madam Speaker, urge my colleagues to strongly support this resolution.

HOUSE OF REPRESENTATIVES,  
HOUSE COMMITTEE ON ARMED SERVICES,  
Washington, DC, February 22, 2010.

Hon. HOWARD L. BERMAN,  
Chairman, House Committee on Foreign Affairs,  
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On January 27, 2010, the House Resolution 1048, "Commending the efforts and honoring the work of the men and women of USNS *Comfort* and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010" was introduced in the House. This measure was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Our Committee recognizes the importance of H. Res. 1048, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 1048. I do so with the understanding that by waiving further consideration of the resolution, the Committee does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, February 23, 2010.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding House Resolution 1048, "Commending the efforts and honoring the work of the men and women of USNS *Comfort* and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010." This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1048 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise today as a proud cosponsor of the bill before us, House Resolution

1048, commending the efforts and honoring the work of the men and women of the USNS *Comfort* and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010.

The tremendous impact of this natural disaster appeared almost insurmountable at one point. Six weeks later, however, we have seen remarkable achievements and great promise for the future. The swift and comprehensive response of the United States has helped to save countless lives. In particular, the men and women of the U.S. Navy, particularly those serving on the hospital ship *Comfort*, have provided vital medical and relief services.

Before it had even reached the shores of Haiti, the *Comfort* was receiving patients flown in from the USS *Carl Vinson*. They had nearly 100 new admissions on their first day on station. Within 2 weeks of arriving, the *Comfort* had performed over 500 surgeries and provided 24-hour care for countless others. And as of late last week, nearly 800 surgeries had been performed. I join my colleagues in commending this tremendous performance and recognizing the admirable service of the men and women of the U.S. Navy Ship *Comfort*, and the many other Navy vessels and crews who have contributed to the relief efforts in Haiti.

In addition, I would like to recognize the ongoing selfless acts of the people of the United States, including the Haitian American community, to provide relief to the people of Haiti. I have seen group after group from my own district in South Florida and across the country mobilize to provide medical assistance, humanitarian services, all kinds of goods to the Haitian people. I am confident, Madam Speaker, that with this type of ongoing support, Haiti will see a brighter future.

Again, I would like to commend and honor the work of the men and women of the United States Navy, and particularly those on the Navy Ship *Comfort* for the immediate response that they gave to the earthquake victims in Haiti. And I thank Congressman MURPHY for introducing this important measure.

Madam Speaker, if I may, I would like to yield such time as he may consume to the gentleman from Pennsylvania (Mr. TIM MURPHY), the author of this resolution, a member of the Committee on Energy and Commerce.

Mr. TIM MURPHY of Pennsylvania. Thank you, Ranking Member ILEANA ROS-LEHTINEN, for this opportunity to speak about this important issue of one of America's proud moments of how it helps when the world has need.

On January 12 of this year, we were shocked and saddened by the devastating earthquake in Haiti. More than 230,000 Haitians are dead, perhaps even more we will find, hundreds of

thousands injured, a million left homeless. The world responded immediately with food, donations, and rescue workers, but among the first to respond were our military, particularly the crew of the USNS *Comfort*. This 894-foot-long floating Naval hospital set sail from Baltimore Harbor soon after the earthquake.

Members of the ship's crew, most of whom hailed from the Navy's hospitals in Maryland and Virginia, were soon on board and underway. By the 17th of January, the *Comfort* was making full speed towards Port-au-Prince. Before its arrival, the USS *Carl Vinson* aircraft carrier provided immediate relief to injured Haitians. Today, the 1,200-person *Comfort* crew, made up of over 550 civilian and uniformed doctors, nurses, and others, is providing the best possible care under very challenging circumstances.

With limited supplies but limitless compassion and skill, surgeons and nurses and a host of other specialties, obstetricians, pharmacists, pediatricians, and Navy personnel from the medical corps, the medical service corps, nursing corps and so many others were there to treat Haitians who came on board with wounds, fractures, and infections. The crew's superb performance is a testament to our Navy and our Marines who are confronting these very, very difficult challenges.

Even before the devastating earthquake of January 12 that took so many lives, Haiti was a country enduring many difficult problems. Nearly four-fifths of its people live in absolute poverty. It has less than 50 hospitals, some of which are only staffed by a pair of nurses and medical interns. The country has fewer than three physicians for every 10,000 people. By comparison, our country has nearly 100 doctors for every 10,000 people.

The absence of a medical infrastructure made treating Haitians even more challenging, where doctors in the pediatric ward estimated that a fifth of the children in their care had untreated, and in many cases previously undiagnosed, medical conditions.

The USNS *Comfort* docked near Port-au-Prince on January 20 with 250 medical beds, but the crew quickly realized it would serve as the primary place of treatment for a country with hundreds of thousands of injured people. The *Comfort* transformed itself into a thousand-bed facility, with 880 ward beds, 80 intensive care units, 20 post-anesthesia care unit beds, 12 operating rooms.

On the second day of the *Comfort*'s mission, Lieutenant Commander Erika Beard-Irvine and Lieutenant Commander Shannon Lamb delivered a premature baby, a 4-pound, 5-ounce baby girl named Esther, whose mother during the earthquake, after a building collapsed upon her, had severe injuries. Her mother went without treatment, but surgeons couldn't repair her frac-

tures without threatening the baby's life, so on that day they delivered a healthy baby. She was seven weeks early, but right on time for a ship that had never before witnessed an onboard delivery in its 22 years of service.

The *Comfort* already had infants aboard, brought to the ship by mothers unable to find post-natal care in Haiti. One of the ship's youngest male patients is Vinson, named for the aircraft carrier USS *Carl Vinson*, where his mother gave birth to him.

At the end of its second day, the *Comfort* had seen 184 patients, a third of whom saw surgery. Said Lieutenant Commander Don D'Aurora, director of the ship's receiving ward and division officer of the emergency department at the National Naval Medical Center in Bethesda to the Baltimore Sun, quote, "I saw more patients in six hours today than I would normally see in 24 hours back home. This is what we train for. This is what it is about for all of us."

Even with the crew sleeping in shifts, helicopters dropping supplies from dawn until dusk, and the crew running around-the-clock operations at everything from the barber shop to the mess hall, wave after wave of critically injured patients pushed the limits of the *Comfort*'s capabilities. Some were stories about senses of helplessness, physical pain, or feelings of despair and the loss of loved ones, but some provide inspiration.

Due to the work of a Port-au-Prince native, fireman Jean Rabel, a Navy translator aboard the *Comfort*, and Joe Fiscus of Rochester, Pennsylvania, near Pittsburgh, Haitian national Antonio Jeanite was reunited with his 3-month-old daughter, Christ-Yarah, on February 2. He said, "I am very happy. It has been seven days since I sent my daughter to another hospital."

The *Comfort*'s crew knows that someday its mission will end, the ship will return to Baltimore Harbor, and the best medical care in the Caribbean Sea will depart with it. That is why the *Comfort* is making arrangements with a stateside hospital for continuing care to treat seriously burned patients who require months of medical attention.

The *Comfort* has cared for over 2,000 Haitians, and much work remains to be done. I know that the crew and its able commander, Captain Jim Ware, are up to the task. I commend them for their diligence, and call for us to honor their unbreakable spirit by passing this resolution.

I would also like to recognize the crews of the *Vinson* (CVN-70); the USS *Fort McHenry* (LSD 43), a dock landing ship; the USS *Bataan* (LHD 5), a Wasp-class amphibious assault ship; the USS *Carter Hall* (LSD 50), another dock landing ship; and several other ships, the *Higgins* (DDG-76), the *Underwood* (FFG-36), the *Normandy* (CG-60), the *Bunker Hill* (CG-52), the *Gunston Hall* (LSD-44), the *Grasp* (T-ARS-51), and so

many other Navy personnel and Marines who worked around the clock providing care to so many.

You know, when one of us feels overcome with doubt or confusion, let us think about those fatigued corpsmen and doctors and nurses aboard the *Comfort* who carefully and skillfully bring their patients back, sometimes from the brink of death, hours after hours of work with very little sleep, pushing themselves to the limits. Let's remember those sailors and Marines and Air Force personnel and Army soldiers who went to Haiti, establishing the logistics, rescuing patients, taking them out of broken buildings.

And one final story for us to remember. Rico Duprevil spent 13 days buried alive in the rubble of a collapsed house. His legs were crushed, his pelvis dislocated. He could not move.

□ 1515

He said, "There was darkness all around, all of the time. I could not move inside. I could hear distant voices, but they could not hear mine."

With only a few sips of water available, he stayed alive. Almost 2 weeks later he was discovered. He said, "I was never scared because God was on my side. I survived by thinking of Him and praying. I thought about my family."

He was taken to a local hospital for basic triage. A day later he arrived at Port-au-Prince for evaluation and possible transfer to the *Comfort*. Due to the quick collection of information by Captain Richard Sharpe, an on-site medical commander, he was transferred within just an hour to the proper ward care above the *Comfort*.

All of us are proud of the great work that so many do in their armed services. We oftentimes talk about them, but this is a great moment of pride for our Nation. In particular, I'd like to salute my colleagues in the Navy where I serve, also at the Bethesda National Naval Medical Center, but thank the Navy, the Marines, the Army, the Air Force, the Coast Guard and all the civilians who reached out and showed the compassion that is one of America's bright moments, and show the world what America is all about. When the world needs us, when tragedy strikes, Americans gather together and support them. And today, we salute those Americans who have helped so many of those in need in Haiti.

Mr. McMAHON. Madam Speaker, at this time I yield as much time as he shall consume to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Speaker, first, when it is not on one of its lifesaving missions, the USNS *Comfort*'s home is in the Port of Baltimore. The virtual floating hospital has provided humanitarian aid to hundreds of thousands of patients all over the world.

The *Comfort* was deployed after Hurricane Katrina in the Gulf Coast, and

has supported Operation Iraqi Freedom, and was activated on September 11, 2001, to provide meals, housing, medical, and psychological services to volunteer and relief workers at Ground Zero.

It was once again called into service after the devastating earthquake in Haiti in January that, at the most recent count, has claimed 150,000 lives.

As the representative of the Port of Baltimore, I have always been especially proud of the *Comfort* and its critical missions. I felt especially privileged to have the chance to board the *Comfort* to send off the men and women the night before they departed for Haiti.

It was a humbling experience to climb the steps aboard the *Comfort* and witness doctors and nurses training for what would help them on the shores of Haiti. I saw seamen practicing security drills, volunteers distributing blankets and pillows, and sterilizing medical equipment, and toured the operating rooms where so many lives would be saved by the military personnel of our U.S. Navy.

Huge cranes were loading truckloads of medical supplies onto its deck. In what should have been chaos, I saw the focus and precision perhaps capable only by our United States military.

Once in Haiti, these men and women faced choices unimaginable to those of us back here watching it all on TV. On their first day they felt tremendous frustration when the helicopter that would carry patients aboard had no place to land on shore.

They have delivered babies, treated patients who are paralyzed, missing limbs, and suffering from infections made worse by neglect. They have performed more than 600 surgeries in Haiti so far.

When the *Comfort* left, the Navy said they would be here as long as it took. One month later, these military personnel still remain in Haiti, away from their families, treating hundreds of patients each day. Because the ship is now over capacity, the workers are sleeping in shifts. And I know that most of them wouldn't want to be anywhere else.

Amid the horror, the USNS *Comfort*, a mile out into the bay, is a beacon of hope for those still injured and untreated.

My heart goes out to the people of Haiti and their relatives throughout the United States. We are proud of the men and women aboard Baltimore's own *Comfort* who are saving lives with the vigor and skill, again, perhaps only capable of the United States military.

I would also like to take this opportunity to recognize the teams for the world-renowned University of Maryland Shock Trauma who have also traveled to Haiti. My life was saved at Maryland Shock Trauma many years ago, and now the people of Haiti are

benefiting from the skills and expertise of the world's top medical professionals.

The teams at Shock Trauma set up operating rooms on open ground, under tents, and are committed to remaining there until they can deliver health care on an ongoing basis.

I've heard stories from the team, and I know the conditions take an emotional toll, but their determination in the face of what may be, or what could be, considered a hopeless situation is a testimony to the American spirit.

I wish to express my sincere gratitude for the commitment of both the men and women of the USNS *Comfort* and Maryland Shock Trauma, and wish them luck at their missions.

And I also would like to say, this is the United States putting out to people in need throughout the world. We are all Americans. We have debates here on the floor, health care, all issues involving jobs, but we still have to remember we're all Americans, and we all can say that we should be very proud of what the United States military is doing with the USNS *Comfort* and the United States Navy and all the men working in that regard.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 1048. This resolution commends the efforts and honors the work of the men and women of USNS *Comfort* and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010.

As you know, on Tuesday, January 12, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction but the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds of thousands.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, I believe it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

To date the United States Government has contributed over \$402 million in earthquake response funding for Haiti. It has also deployed approximately 17,000 military personnel in support of the relief effort. Subsequently, as part of the new Government of Haiti-led effort, the U.N. World Food Program will provide commodities, non-governmental organizations will manage distributions, and the U.S. military will provide security escorts.

American and her allies have already initiated a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure critical resources were positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

Within days of last week's devastating earthquake, U.S. Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of one of the largest natural disasters in the western hemisphere. The team included U.S. military engineers, operational planners, and a command and control group and communication specialists arriving on two C-130 Hercules aircraft. Since, there has been a tremendous inter-agency response with support and partnering with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow-on U.S. military support.

Within hours of the earthquake, the United States mobilized a multi-agency response that included our armed forces and civil service. With their hospitals reduced to rubble, Port-au-Prince was unable to treat the hundreds of thousands of injured people seeking help. In response, the U.S. efforts included the hospital ship USNS *Comfort* as well as naval helicopter ships such as the USS *Carl Vinson*. Arriving on station less than 72 hours after the quake, *Carl Vinson* immediately rendered assistance. Over two weeks, *Vinson* and its embarked 19 helicopters flew more than 2,200 sorties, delivering more than 166 tons of food, 89,000 gallons of water and 38,700 pounds of medical supplies to earthquake victims. Additionally, *Vinson's* helicopters conducted 476 medical evacuations, MEDEVACs, and the ship's doctors and corpsmen treated 60 patients in its medical ward.

The USNS *Comfort*, a floating hospital, brought to Haiti a 550-person medical staff that included trauma surgeons, orthopedic surgeons, head and neck surgeons, eye surgeons, and obstetricians and gynecologists. The USNS *Comfort* and its crew of 1,200 have provided 24-hour care for nearly 500 Haitians, ranging from newborns to critically ill patients. As of January 24, 2010, the medical staff of the USNS *Comfort* had performed over 100 surgeries.

The skill and perseverance displayed by these men and women are extraordinary. The USNS *Comfort* medical staff has saved the lives of 98 percent of the ship's patient population as of January 25, 2010.

Madam Speaker, over a month has passed since the earthquake, the search and rescue missions have ended, and Haiti has transitioned to long-term reconstruction and development. Because our Navy cannot remain off of Haiti's coast forever, we must work with the Haitian government to rebuild the capacity of Haiti's medical system. Although this mission will take time, I am confident that Haiti will build their health care system back to be more comprehensive and robust than before the earthquake. This will be an especially critical part of the Haitian government because the thousands injured by the earthquake will need long-term medical care.

Recently, I proposed a plan that would increase the ability of the U.S. to assist Haiti in its efforts toward reconstruction and stabilization to Dr. Rajiv Shah, the Administrator of the U.S. Agency for International Development.

This plan would create an oversight position within the USAID that would coordinate and regulate faith-based and non-profit organizations operating in the reconstruction efforts in

Haiti. I also recommended the creation of a U.S. civilian corps, an extension of the American Peace Corps, that would be tasked the specific mission of assisting reconstruction efforts in Haiti. This civilian entity would serve as a supplemental contingent which could be incrementally dispatched as needed by U.S. Government agencies or nongovernment organizations.

Once again I stand in solidarity with the people of Haiti and will do everything in my power to assist them with rebuilding their country and livelihoods. I am proud of our first responders, and pledge that America's long-term commitment to Haiti will live up to the standard that the first responders set.

Mr. JOHNSON of Georgia. Madam Speaker, I rise in support of House Resolution 1048, which would commend the efforts and honor the work of the men and women of the USNS *Comfort* and the United States Navy who assisted those affected by the earthquake that struck Haiti on January 12, 2010.

Madam Speaker, in the immediate aftermath of the earthquake that wrought devastation upon our friends and neighbors in impoverished Haiti, President Obama pledged the "unwavering support" of the United States and a "swift, coordinated and aggressive effort to save lives and support the recovery."

Today we recognize some of those who have worked tirelessly to fulfill that pledge.

The USNS *Comfort*, a *Mercy*-class hospital ship, has previously been deployed to support Operations Desert Shield and Desert Storm, Operation Sea Signal, Operation Uphold Democracy, Operation Noble Eagle, Operation Iraqi Freedom, Joint Task Force Katrina, Operation Continuing Promise, and now Operation Unified Response to support relief efforts in Haiti.

The *Comfort's* 550-person medical staff includes trauma surgeons, orthopedic surgeons, head and neck surgeons, eye surgeons, obstetricians and gynecologists. As of January 24, 2010, the medical staff had performed over 100 surgeries. By January 25, the ship's staff had saved the lives of 98 percent of the ship's patient population.

Madam Speaker, I urge my colleagues to support this resolution, which expresses our deepest condolences to the victims of the tragic earthquake; our solidarity with Haitians, Haitian-Americans, and all those who have been affected by this natural disaster; our commendation of all who have contributed to relief efforts; and, in particular, and our recognition of the invaluable efforts of those lifesavers on the USNS *Comfort* and in the United States Navy who have provided critical immediate assistance to those suffering as a result of the earthquake.

Mr. AL GREEN of Texas. Madam Speaker, I strongly support H. Res. 1048, a resolution commending the efforts and honoring the work of the men and women of USNS *Comfort* and the United States Navy in response to those affected by the earthquake that struck Haiti on January 12, 2010. I would also like to thank Representative TIM MURPHY for introducing this piece of legislation.

Before the earthquake hit Haiti, the country was already in recovery from a string of hurricanes and tropical storms, food shortages and rising commodity prices, and political insta-

bility. These problems were compounded when a 7.0 magnitude earthquake hit the country of Haiti, erasing any recovery efforts done prior to this catastrophe.

Estimated casualties were reported to be over 150,000 and Haiti withstood millions in damages to the country's infrastructure. It has been reported that 3,000,000 of Haiti's population were directly affected by the disaster, and as a result, one third of the existing population is displaced.

Immediately following this tragedy, President Barack Obama vowed the "unwavering support" of the United States and pledged a "swift, coordinated and aggressive effort to save lives and support the recovery in Haiti." Days after the earthquake, the United States Navy responded to President Obama's request and delivered aid. The crew of the USNS *Comfort* provided 24-hour service to hundreds of critically ill men, women and children patients. Our Navy medical personnel on USNS *Comfort* saved the lives of 98 percent of the ship's patient population, which holds a capacity of 1,000 patients, and successfully performed 100 surgeries as of January 24, 2010.

Due to the limited resources for critically ill patients, the USNS *Comfort* medical staff often find themselves making grave decisions in terms of the use of their existing resources. President Obama's pledged support of \$100 million in humanitarian aid will go a long way toward supporting their efforts.

I commit my full support to H. Res 1048 and urge my colleagues to vote in favor of this piece of legislation.

Mr. YOUNG of Florida. Madam Speaker, I rise in support of House Resolution 1048 which honors the work of the men and women of the USNS *Comfort* and the United States Navy in the immediate response to those affected by the devastating earthquake that struck Haiti on January 12, 2010.

The Navy's support is ongoing and to date, the *Comfort* has treated more than 900 Haitians and has performed more than 750 life saving surgeries. Together with her sister ship, the USNS *Mercy*, these vessels serve as ambassadors of good-will during periods of desperation all around the world. Their mission is always a benevolent one and their commitment to areas of strife and devastation highlight the best qualities of what it means to be an American—that we stand by always ready to assist and will never forsake those who are in need.

The earthquake that hit Haiti was the most devastating it has seen in 200 years. Words cannot adequately describe the destruction that took the lives of more than 200,000 people, leveled the capital city, and left thousands of survivors with an uncertain future coupled with worries about hunger, disease, and injuries. Into that morass of suffering we stepped in as a nation to assist the good Haitian people with the USNS *Comfort* and the Navy as part of the vanguard.

The USNS *Comfort* has a storied history. Among its most notable deployments were:

—In 2007 when it embarked on a four month humanitarian assistance mission throughout Latin America and the Caribbean that treated more than 98,000 people in 12 countries. This type of mission highlights the

diplomatic role our military plays as it works in concert with the State Department in being ambassadors of good-will.

—In 2005 when *Comfort* responded on our own shores after the devastation of Hurricanes Katrina and Rita, providing treatment to thousands in the Gulf Coast region. Despite regional devastation, the USNS *Comfort* was able to provide critical emergency hospital services for residents and first-responders before regular service was restored.

—In 2003, when *Comfort* deployed to war and served as an afloat trauma center for two months during the initial stages of Operation Iraqi Freedom.

—In 2001, immediately in the aftermath of the 9-11 attacks, when *Comfort* deployed in support of Operation Noble Eagle and provided meals, housing, medical and psychological services to volunteer and relief workers at New York's ground zero.

This is just a sampling of the ship and crew's operational history since *Comfort* was delivered to the Navy in 1987. Untold thousands have benefited from these missions.

Madam Speaker, while many know of *Comfort* and *Mercy*'s life-saving work, few realize that these ships almost did not come into the Navy's fleet. USNS *Comfort* and USNS *Mercy* began their lives as oil-tankers a decade before being delivered to the Navy as hospital ships. In fact, they were destined for the scrap yard, if not for the intervention of Congress and specifically the Appropriations Committee. It was a Congressional Initiative that was the catalyst for the birth of the *Mercy* Class Hospital Ships. My colleagues and I on the Appropriations Committee saw a need for this life-saving capability when others sought to scrap these ships. We saw the value in these *Mercy* Class Hospital Ships, to provide a unique capability of being some of the largest U.S. trauma centers with the distinction of having world-wide mobility. Even in the face of airfield closures, destroyed infrastructure, and interrupted communications, as long as the sea is navigable, the USNS *Comfort* and USNS *Mercy* can get there. Once on the scene, a fully crewed ship brings 1,000 medical professionals, a hospital with a full spectrum of surgical and medical services including four X-rays, a CAT scan unit, a dental suite, two oxygen-producing plants, and 5,000 units of blood. The ships have 12 operating rooms and a total bed capacity of up to 1,000. In short, they are fully functional floating hospitals able to give first-rate care where otherwise there would be no treatment options.

Madam Speaker, as we take the time today to honor the men and women who proudly serve this country aboard the USNS *Comfort*, let us also remember the broad scope of compassionate contributions that our servicemen and women are providing around the world in both non-hostile and hostile environments. Often times we forget that our military performs many humanitarian functions that other agencies and nations depend upon, be it logistical support or whole-scale nation-building. Their efforts and their sacrifice go beyond expressions of remorse and tangibly demonstrate our level of commitment to peace and prosperity for all.

Ms. ROS-LEHTINEN. Madam Speaker, we have no further requests for

time. I yield back the balance of our time.

Mr. McMAHON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1048, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### BILLY'S LAW

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3695) to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3695

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Help Find the Missing Act" or "Billy's Law".*

#### SEC. 2. AUTHORIZATION OF THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM.

(a) IN GENERAL.—The Attorney General, through the Director of the National Institute of Justice, is authorized to maintain public databases, known as the "National Missing and Unidentified Persons System" or "NamUs", to contain missing persons records and unidentified remains cases for purposes of assisting to identify missing people and solve cases of unidentified human remains. All functions, personnel, assets, liabilities, and administrative actions applicable to the National Missing and Unidentified Persons System carried out by the National Institute of Justice on the date before the date of the enactment of this Act shall be transferred to the National Missing and Unidentified Persons System authorized under this section as of the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,400,000 for each of the fiscal years 2011 through 2016.

#### SEC. 3. SHARING OF INFORMATION BETWEEN NCIC AND NAMUS.

(a) SHARING OF INFORMATION.—Not later than the end of the 30-day period beginning on the date the online data entry format is updated

under subsection (c), the Attorney General shall, in accordance with this section, provide for information on missing persons and unidentified human remains contained in the NCIC database (as defined in section 7) to be transmitted to, entered in, and otherwise shared with the NamUs databases (as defined in such section) and for such information contained in the NamUs databases to be transmitted to, entered in, and otherwise shared with the NCIC database.

#### (b) RULES ON CONFIDENTIALITY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation (in this Act referred to as the "FBI"), shall promulgate rules pursuant to notice and comment that specify the information the Attorney General may provide from the NCIC files to the NamUs databases for purposes of this Act. Such rules shall—

(A) provide for the protection of law enforcement sensitive, confidential, and private information contained in the NCIC files;

(B) be promulgated only after the Director approves recommendations by the Advisory Policy Board of the Criminal Justice Information Services Division of the FBI;

(C) specify the circumstances in which portions of information may be withheld from transfer, entry, or sharing from the NCIC database to the NamUs databases; and

(D) provide that once an authorized agency provides an authorization to permit the transmission, entering, or sharing of information (or portions of information) from the NCIC database to the NamUs databases, such authorization shall be deemed to apply to any updates made to such information, unless otherwise specified by the agency.

(2) SUBMISSIONS PRIOR TO ONLINE DATA ENTRY FORMAT UPDATE.—With respect to information submitted to the NCIC database before the end of the 30-day period specified in subsection (a), the Attorney General may solicit from appropriate authorized agencies authorization to transmit, enter, or share such information.

#### (c) UPDATES.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall update the online data entry format for the NCIC database and NamUs databases to provide State criminal justice agencies, offices of medical examiners, and offices of coroners with the option to authorize the submission of new information and data that is reported to and entered into the NCIC database to simultaneously be submitted to and entered into the NamUs databases.

#### (2) NCIC FORMAT.—

(A) IN GENERAL.—In the case of the NCIC database, an update described in paragraph (1) shall include—

(i) an update to the NCIC database online data entry format that States use in submitting missing persons and unidentified remains reports, including the addition of a new data field allowing States, on behalf of the authorized agency that originally submitted the data, to select whether or not to have the NCIC report, subject to the rules promulgated under subsection (b), shared with the NamUs databases; and

(ii) subject to subparagraph (B), a requirement that as a condition of participating in the NCIC database, States must update their missing persons and unidentified remains collection processes from local and tribal law enforcement, medical examiners, and coroners to enable the States to acquire information on whether or not the authorized agencies originally submitting data with respect to a missing person or unidentified remains have provided authorization to

share the information with the NamUs databases.

(B) **EXCEPTION.**—Subparagraph (A)(ii) shall not apply with respect to any State that has in effect a State law providing for a methodology to authorize the sharing of information between the NCIC database and NamUs databases.

(d) **AMENDMENTS TO TITLE XXXVII OF THE CRIME CONTROL ACT OF 1990 TO REQUIRE REPORTS OF MISSING CHILDREN TO NAMUS.**—

(1) **REPORTING REQUIREMENT.**—Section 3701(a) of title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking the period and inserting the following: “and, consistent with section 3 (including rules promulgated pursuant to section 3(b)) of the Help Find the Missing Act, shall also report such case, either directly or through authorization described in such section to transmit, enter, or share information on such case, to the NamUs databases (as defined in section 7 of such Act).”.

(2) **STATE REQUIREMENTS.**—Section 3702 of title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(A) in paragraph (2), by striking “or the National Crime Information Center computer database” and inserting “, the National Crime Information Center computer database, or the NamUs databases (as defined in section 7 of the Help Find the Missing Act)”;

(B) in paragraph (3), by striking “and the National Crime Information Center computer networks” and inserting “, the National Crime Information Center computer networks, and the NamUs databases (as so defined)”;

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting “or the NamUs databases” after “National Crime Information Center”;

(ii) in subparagraph (A), by striking “and National Crime Information Center computer networks” and inserting “, National Crime Information Center computer networks, and the NamUs databases”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to reports made before, on, or after the date of the enactment of this Act beginning on the last day of the 30-day period described in subsection (a).

#### SEC. 4. INCENTIVE GRANTS PROGRAM.

(a) **ESTABLISHMENT.**—Not later than one year after the date of enactment of this Act, the Attorney General shall establish a program to provide grants to qualifying law enforcement agencies (as defined in subsection (j)), offices of coroners, offices of medical examiners, and other authorized agencies to facilitate the process of reporting information regarding missing persons and unidentified remains to the NCIC database and NamUs databases for purposes of assisting in locating such missing persons and identifying such remains.

(b) **REQUIREMENTS.**—As a condition of a grant under this section, a grant recipient shall, with respect to each case reported to the agency or office of the recipient relating to a missing person described in a category under subsection (e) or relating to unidentified remains—

(1) not later than 72 hours after such case is reported to the agency or office and consistent with subsection (c), submit to the NCIC database and NamUs databases—

(A) in the case of a missing person described in a category under subsection (e), at least the minimum information described in subsection (f)(1); and

(B) in the case of unidentified remains, at least the minimum information described in subsection (f)(2); and

(2) not later than 60 days after the original entry of the report, verify and update any original report entered into the State law enforcement system, the NCIC database, or NamUs databases after receipt of the grant with any

additional information, including, to the greatest extent possible—

(A) information on the extent to which DNA samples are available, including the availability of such samples submitted to the National DNA Index System under subsection (b)(3);

(B) fingerprints, medical and dental records, and photographs of any distinguishing characteristics such as scars, marks, tattoos, piercings, and other unique physical characteristics;

(C) in the case of unidentified remains, photographs or digital images that may assist in identifying the decedent, including fingerprint cards, radiographs, palmprints, and distinctive features of the decedent's personal effects; and

(D) any other information determined to be appropriate by the Attorney General; and

(3) not later than 60 days after the original entry of the report, to the greatest extent possible, submit to the National DNA Index System of the Federal Bureau of Investigation, established pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994, (either directly or through use of NamUs victims assistance resources and DNA collection services) DNA samples and information relating to such case.

For purposes of paragraph (2), in the case of information a grant recipient authorizes to be transferred, entered, or shared under section 3 between the NCIC database and NamUs databases, any update to such information shall be simultaneously made with respect to both databases unless specified otherwise by the recipient.

(c) **SUBMISSION OF REPORTS.**—To satisfy subsection (b)(1), a recipient of a grant under this section shall submit information required under such subsection—

(1) separately to the NCIC database and NamUs databases; or

(2) in accordance with section 3, simultaneously to the NamUs databases when reporting to the NCIC database or to the NCIC database when reporting to the NamUs databases.

(d) **PERMISSIBLE USE OF FUNDS.**—

(1) **IN GENERAL.**—The permissible uses of grants awarded under this section include the use of funds—

(A) to hire additional personnel, to acquire technology to facilitate timely data entry into the relevant databases;

(B) to conduct contracting activities relevant to outsourcing the processing of unidentified remains and the reporting of the resulting information to the NCIC database and NamUs databases;

(C) to train local law enforcement personnel, medical examiners, and coroners to use the NCIC database and NamUs databases;

(D) to assist States' transition into the new system under which information is shared between the NCIC database and NamUs databases; and

(E) for other purposes consistent with the goals of this section.

(2) **CLARIFICATION.**—In no case may a recipient of a grant under this section use funds to enter or help facilitate the entrance of any false or misleading information about missing persons or unidentified remains.

(e) **CATEGORIES OF MISSING PERSONS.**—The categories of missing persons described in this subsection are the following:

(1) A missing person age 21 or older who—

(A) is senile or is suffering from a proven mental or physical disability, as documented by a source deemed credible to an appropriate law enforcement entity; or

(B) is missing under circumstances that indicate, as determined by an appropriate law enforcement entity—

(i) that the person's physical safety may be endangered;

(ii) that the disappearance may not have been voluntary, such as abduction or kidnapping; or

(iii) that the disappearance may have been caused by a natural disaster or catastrophe (such as an airplane crash or terrorist attack).

(2) A missing person who does not meet the criteria described in paragraph (1) but who meets one of the following criteria:

(A) There is a reasonable concern, as determined by an appropriate law enforcement entity, for the safety of the missing person.

(B) The person is under age 21 and emancipated under the laws of the person's State of residence.

(f) **MINIMUM INFORMATION REQUIRED.**—

(1) **CONTENT FOR MISSING PERSONS.**—The minimum information described in this section, with respect to a missing person, is the following:

(A) The name, date of birth, city and State of residence, gender, race, height, weight, eye color, and hair color of the missing person.

(B) The date and location of the last known contact with the missing person.

(C) The category described in subsection (e) in which the missing person is classified.

(2) **CONTENT FOR UNIDENTIFIED HUMAN REMAINS.**—The minimum information described in this section, with respect to unidentified human remains, is the following:

(A) The estimated age, gender, race, height, weight, hair color, and eye color.

(B) Any distinguishing characteristics such as scars, marks, tattoos, piercings, and other unique physical characteristics.

(C) A description of clothing found on the decedent.

(D) City and State where the unidentified human remains were found.

(E) Information on how to contact the law enforcement agency handling the investigation and the unidentified human remains.

(F) Information on the extent to which DNA samples are available, including the availability of such samples submitted to the National DNA Index System under subsection (b)(3).

(g) **ADMINISTRATION.**—The Attorney General shall prescribe requirements, including with respect to applications, for grants awarded under this section and shall determine the amount of each such grant.

(h) **CONFIDENTIALITY.**—As a condition of a grant under this section, the recipient of the grant shall ensure that information reported under the grant meets the requirements promulgated by the Attorney General under section 3(b)(1).

(i) **ANNUAL SUMMARY.**—For each of the fiscal years 2012 through 2015, the Attorney General shall publish an annual statistical summary of the reports required by subsection (c).

(j) **QUALIFYING LAW ENFORCEMENT AGENCY DEFINED.**—For purposes of this Act, the term “qualifying law enforcement agency” means a State, local, or tribal law enforcement agency.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each of the fiscal years 2011 through 2015.

#### SEC. 5. REPORT ON BEST PRACTICES.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall issue a report to offices of medical examiners, offices of coroners, and Federal, State, local, and tribal law enforcement agencies describing the best practices for the collection, reporting, and analysis of data and information on missing persons and unidentified human remains. Such best practices shall—

(1) provide an overview of the NCIC database and NamUs databases;

(2) describe how local law enforcement agencies, offices of medical examiners, and offices of coroners should access and use the NCIC database and NamUs databases;

(3) describe the appropriate and inappropriate uses of the NCIC database and NamUs databases; and



(4) describe the standards and protocols for the collection, reporting, and analysis of data and information on missing persons and unidentified human remains.

#### SEC. 6. REPORT TO CONGRESS.

(a) *IN GENERAL.*—Not later than 1 year after the date of the enactment of this Act and biennially thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report describing the status of the NCIC database and NamUs databases.

(b) *CONTENTS.*—The report required by subsection (a) shall describe, to the extent available, information on—

(1) the process of information sharing between the NCIC database and NamUs databases; and

(2) the programs funded by grants awarded under section 4.

#### SEC. 7. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(a) *AUTHORIZED AGENCY.*—The term “authorized agency” means a government agency with an originating agency identification (ORI) number and that is a criminal justice agency, as defined for purposes of subpart A of part 20 of title 28, Code of Federal Regulations.

(b) *NAMUS DATABASES.*—The term “NamUs databases” means the National Missing and Unidentified Persons System Missing Persons database and National Missing and Unidentified Persons System Unidentified Decedents database maintained by the National Institute of Justice of the Department of Justice.

(c) *NCIC DATABASE.*—The term “NCIC database” means the National Crime Information Center Missing Person File and National Crime Information Center Unidentified Person File of the National Crime Information Center database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.

(d) *STATE.*—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Madam Speaker, the Help Find the Missing Act, or Billy's Law, will help families of missing persons find their loved ones by strengthening Federal databases about missing persons and unidentified remains.

Every year, tens of thousands of Americans go missing and are never found. In the subcommittee we heard moving testimony from Ms. Janice

Smolinski, whose son, Billy, went missing in 2004. While she has not found her son, she has dedicated her life to improving the system for others, including highlighting the need to strengthen and expand access to our missing persons databases. I thank her for her dedication to this worthy cause.

Billy's Law will facilitate the sharing of information between the FBI's NCIC databases and the NamUs databases recently established by the National Institute of Justice. Facilitating information-sharing between those two databases will assist the public, medical examiners, and coroners in looking for missing persons and identifying remains.

Billy's Law also authorizes grants for personnel, technology, and training to help States submit data to NCIC and NamUs. These grants will strengthen the system by providing an incentive for States to provide critical information to the databases shortly after missing person cases are reported.

This bill is strongly supported by the Department of Justice. And I would like to commend our colleagues, the gentleman from Connecticut (Mr. MURPHY) and the gentleman from Texas (Mr. POE), for their hard work on this piece of legislation.

I strongly urge my colleagues to support H.R. 3695.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I'm proud to join my colleague, Mr. MURPHY, in supporting and sponsoring H.R. 3695, the “Help Find the Missing Act” or “Billy's Law,” as we call it.

It's my pleasure today to speak in support of a commonsense piece of legislation that probably should have been passed years ago. I would like to thank my colleague, Congressman MURPHY, for taking this worthy cause and asking me to work with him on it.

I'd also like to thank a citizen of our Nation, Janice Smolinski, the mother of Billy Smolinski, for whom this bill is named. Without her devotion and the time that she spent on this issue, Billy's Law never would have happened. Her work, along with the response of her representative, Congressman MURPHY, to create this legislation is an example of Congress working the way our Founders intended it to.

Janice Smolinski talked to her congressman, Mr. MURPHY. He listened. He responded. He moved quickly, and thus this piece of legislation is brought to the House to solve this problem.

In the years since her son's disappearance, Janice Smolinski has worked to improve our Nation's reporting system for the missing so that other families do not have to suffer as she did. As we vote today on Billy's Law, it is imperative for us to remember how important this bill is to people

like Janice Smolinski all over the country.

There is a great need to improve our Nation's tracking of missing persons and identification of unknown and unidentified remains. This bill is a big step in fulfilling both of these goals.

Every year, tens of thousands of Americans disappear. They go missing, never to be seen by their loved ones again. In 2009, there were more than 100,000 missing persons records active in the FBI's National Crime Information Center.

Simultaneously, medical examiners and coroners across the country are holding tens of thousands of unidentified remains. There are an estimated 40,000 sets of unidentified remains being held by coroners throughout the country.

But as of January 2009, the NCIC database contains only 7,000 records of unidentified remains. This means that medical examiners and coroners offices are not recording in the NCIC database many of the unidentified remains they hold. Consequently, it is likely that many missing person cases remain open for failure to connect missing person profiles with unidentified remains that are being held.

There are many Federal, State, local, and nonprofit databases designed to help, but these databases are not sufficiently accessible to the public, and they do not do a good job of sharing information with each other.

Billy's Law addresses all of these concerns by increasing funding for a national, online repository and reporting system called NamUs, the National Missing and Unidentified Persons System. Billy's Law provides that the FBI's NCIC database share information on missing and unidentified persons with the NamUs database system.

The goal is to have corners, medical examiners, law enforcement agents, and the public all reporting information to and getting information from one centralized Web site, NamUs.

Billy's Law also requires the Attorney General to establish a program to provide grants to qualifying medical examiners, coroners and law enforcement agencies for the purpose of facilitating better reporting of missing persons and unidentified remains to the NCIC and NamUs databases.

Having served as a prosecutor in Texas for over 8 years and a felony court judge for 22 years, I know firsthand the toll that violent crime puts on communities, but specifically on families. This pain is made even worse when a family of a victim is not able to determine what exactly happened to their missing loved one. Often, families have to wait for months or years until they can find closure. Some families, like the Smolinskis, never find out what happened to their loved one.

Shortly after I was elected to Congress, I started the Victims' Rights



Caucus. This Caucus is a bipartisan group of Members of Congress, co-chaired by myself and Mr. COSTA from California, that supports legislation and advocates for policies that will help victims of crime in the United States and the families of victims. H.R. 3695 is one of these bills.

Billy's Law is supported by the National Center for Missing and Exploited Children, the National Organization of Police Associations, and the National Association of Medical Examiners.

I urge all my colleagues to support this bill.

I reserve the balance of my time.

□ 1530

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as he may consume to the sponsor of Billy's Law, the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. First of all, let me extend my sincerest thanks to the chairman of the subcommittee, Mr. SCOTT, for bringing this bill to the floor with such speed, and then let me extend additional thanks to the chairman of the full committee, Mr. CONYERS, and Ranking Members GOHMERT and SMITH for their assistance in bringing this bill to the floor today.

Madam Speaker, when I was home over the break, I told a lot of people that I saw that for all of the attention on the news about the things that Republicans and Democrats disagree with, this legislation, Billy's Law, is an example of the vast legislative underbrush that happens here that changes lives but don't necessarily get the big headlines, places where both parties work together to make this government work better and to make it more compassionate.

I'd like to thank Representative POE for sponsoring this bill with me. This House has no stronger advocate for the rights of victims and their families, and it has been my pleasure to work with him to move this legislation forward.

But above all, I'd like to extend my personal thanks to Jan Smolinski and her husband Bill, the parents of Billy Smolinski, for whom this legislation is named. Their story is tragic, but Jan's pursuit of justice, her desire to do something with her situation, to change it for all of the other families who have gone through the same thing, that is nothing less than heroic.

Madam Speaker, Billy Smolinski of Waterbury, Connecticut, went missing on August 24, 2004, at the age of 31. In their search for their son, Jan and her husband Bill encountered a national missing persons system that is simply broken. They were met with law enforcement that didn't understand how to handle an adult missing persons case, and then they ran into a national system of disconnected and inacces-

sible databases that didn't allow them to be true partners in the search for justice. To this day, they haven't found Billy.

Sadly, their story is not a unique one. Every year, thousands of Americans go missing, often never to be seen by their loved ones again. In fact, according to the Bureau of Justice Statistics, there are over 100,000 missing persons cases open at any time and approximately 4,400 unidentified human remains are found every single year. Now, those numbers are too high, but just as intolerable are the roadblocks that family members face when they're trying to help law enforcement find a missing loved one.

That is why I am here to urge my friends to join us in supporting Billy's Law, legislation that will begin correcting these problems that plague our Nation's missing persons system.

My colleagues have really gone over the basics of the law so I won't belabor the point. But this legislation for the first time provides statutory authorization for NamUs, which is the Web-based database created in 2007 by the Department of Justice. It's the only federally funded database of missing persons and unidentified remains information that is open and accessible to the public. But currently it's not a congressionally authorized program.

Second, the bill connects NamUs with the other major Federal database housed at the FBI, which is now only accessible to law enforcement. We protect information that needs to stay private, but this new connected database, which will also work with protocols that build in other information from State and local nonprofit databases, creates a complete and powerful national powerful database that families can use along with law enforcement.

And third, as has been stated, it sets up a competitive grants program to make sure that all the information that a coroner may have in California is posted onto a national database so a family searching for their missing loved one in Connecticut has that information in real time.

On January 21, Madam Speaker, Jan Smolinski testified at a hearing on the bill that Subcommittee Chairman SCOTT so graciously held. During her testimony, she poignantly remarked, "Uncertainty is a cancer that crushes the spirit of loved ones left behind, destroys marriages, and tears at the tissue of family bonds."

By creating a robust, user-friendly national missing persons and unidentified remains database, Billy's law will help heal these wounds by finally giving parents and family members like the Smolinskis the ability to be true partners with law enforcement in the search for their loved ones.

I urge my colleagues to support this bipartisan bill. We owe it to the Smolinskis and to thousands of fami-

lies like them across the country to make sure their personal nightmares are not repeated.

Mr. POE of Texas. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) who is a cosponsor of this legislation and who has also worked in the past on similar legislation.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of Billy's Law. I want to thank the many tireless advocates of missing children everywhere, and I certainly want to commend Representative MURPHY for sponsoring this very important piece of legislation.

Every day thousands of people are reported missing. The good news is that many of them are quickly located by our heroes in the local law enforcement agencies. What happens to those who are not found in the first few very critical days after they're reported missing? In the past, the names were noted in files of local police agencies, but without any leads, investigators were left with few options and their names lingered on this list.

Madam Speaker, in 2005, a group of people that included Federal, State, and local law enforcement agencies, medical examiners, forensic scientists, and other experts gathered in Philadelphia to discuss ways to solve missing persons cases. The National Missing and Unidentified Persons System is a result of that effort.

Local and State law enforcement agencies need a central database to which they can turn, and that is why I believe NamUs is so important. NamUs has also launched a DNA initiative, which is an effort to make sure we are using DNA technology in every way possible to track down missing persons. Billy's Law provides grants to local law enforcement agencies to improve their access to DNA technology and to NamUs.

In my district, Milton and Evelyn Nerenberg have spent years trying to find out what happened to their missing daughter, Audrey. Frustrated that their daughter, too, remains missing, the Nerenbergs came to me for help. They were concerned that the Federal Government was not doing enough to make sure that information gathered in central Florida, for example, where they lived, was being shared with the right people in other parts of the country. They also wanted to make sure that the DNA technology be made available to law enforcement agencies throughout our Nation as well as in Florida. Billy's Law will make it happen. It is very similar to the legislation I previously introduced and that was named after Audrey Nerenberg.

Important progress has been made in the past 5 years, but more must be done. Forty thousand missing persons, including Audrey Nerenberg from my district, their families will certainly benefit from this legislation.

I have worked in previous Congresses to improve the Federal Government's ability to locate missing persons, and as a cosponsor, I am very pleased to see Billy's Law come to the floor, and I will be proud to vote in favor of its passage.

I urge my colleagues to support this bipartisan bill.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

I want to thank the chairman, Chairman SCOTT, for bringing this legislation to the House floor as quickly as he has done, and, of course, Mr. MURPHY from Connecticut, the excellent job he has done to bring this legislation to our attention and make sure that this House creates a system where people can find their loved ones.

As a parent, the worst thing that any parent could hear is the fact that their child has disappeared. That would bring terror and fear into any parent. As a parent of four kids, I know that. I think about that constantly.

When Janice Smolinski learned that her son, Billy, had disappeared, she, like every mother would do, was relentless in finding out as much as she could about his disappearance. Unfortunately, she met a lot of stone walls in the criminal justice system. She had put posters up all over her neighborhood. She called everybody she knew. She called the police, and she got on the Internet trying to find out ways she could locate Billy. She was relentless in that pursuit.

And then she came in contact with her Congressman. The old statement "call your Congressman," it worked, and it should have worked in this case and it worked well.

I commend her and other people like her who work to find their loved ones but also to make our system better. So when people that disappear, we are able to find out as much as we can about their disappearance and where they are because we're all in this together.

My grandmother used to say that there is nothing more powerful than a woman who has made up her mind. This is a perfect example of that. Janice Smolinski, a mother, a lady, has done everything she can to find Billy, and now it's time for Congress to do what it can to make sure that all of these different organizations that have information are connected through the Internet, through sophisticated technology, so that we can keep up with all of these children who turn up missing.

I yield back the balance of my time.

Ms. DELAURO. Madam Speaker, I rise to voice my support of H.R. 3695, the Help Find the Missing Act, a.k.a. "Billy's Law."

Named after Billy Smolinski, a 31-year-old Connecticut man who went missing in 2004, this Act revamps our national systems for finding and identifying missing persons for the

21st century, and provides families with the updated tools and technology they need to find loved ones who have disappeared.

Right now, we have two databases for missing persons and unidentified remains in America—the National Missing and Unidentified Persons System (NamUS) and the FBI's National Crime Information Center, NCIC. And yet, neither share data with the other, and thus too much information slips through the bureaucratic cracks.

"Billy's Law" rectifies this glaring error by combining these two systems into one comprehensive database and funding it appropriately, one that families can use and even update with additional information on loved ones who have disappeared. This bill is an outgrowth of recommendations made in the wake of Connecticut's 2007 Law Enforcement and Missing Persons Act, and it is an easy fix that will redound to the benefit of families all across America in search of a missing loved one.

No one should have to deal with all the bureaucratic frustrations and red tape experienced by Billy's family as they searched for him. Put simply, "Billy's Law" removes a needless barrier between two stovepiped databases and brings our missing persons systems up-to-date with 21st century technology. I urge my colleagues to support this bill, and to give thousands of American families the tools and the peace of mind they deserve.

Mr. SCOTT of Virginia. I want to thank the gentleman from Connecticut and the gentleman from Texas for their work on this bill. I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3695, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NATIONAL URBAN CRIMES AWARENESS WEEK

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 227) supporting the goals and ideals of National Urban Crimes Awareness Week, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 227

Whereas National Urban Crimes Awareness Week will be celebrated the second week in February 2010;

Whereas 48,430 violent crimes occurred in New York City in 2008, compared to 28,941 in non-New York City counties in the State of New York;

Whereas an estimated 1,382,012 violent crimes occurred nationwide in 2008;

Whereas over 6,000,000 people were victims of crime in 2008;

Whereas according to the 2008 National Crime Victimization Survey, African-Americans experienced higher rates than Whites of every violent crime except simple assault;

Whereas acts of violence and crime cause pain and disruption that can have lasting effects;

Whereas the number of crimes can be reduced if community members are taught crime prevention techniques and become more involved in crime prevention activities;

Whereas neighborhood crime contributes to community neglect and disintegration; and

Whereas numerous studies demonstrate that evidence-based prevention and intervention programs can reduce delinquency and serious juvenile crime: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That—*

(1) it is the sense of Congress that—

(A) National Urban Crimes Awareness Week provides a special opportunity to educate the people of the United States about urban violence and to take steps to encourage the prevention of urban violence, provide assistance, and support to crime victims;

(B) it is appropriate to properly acknowledge the more than 209,000 men and women who have been victims of urban violence in the United States each year, and to commend the efforts of survivors, volunteers, and professionals who work to prevent urban violence;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about urban violent crimes, providing information and treatment to victims, families, and survivors, and increasing the number of successful prosecutions of its perpetrators;

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of violent urban crime cases that result in the prosecution and incarceration of the offenders; and

(E) victim advocates and criminal justice professionals should be recognized, applauded, and encouraged for their work to establish effective programs as alternatives to incarceration, re-entry interventions for offenders who are completing sentences, and rehabilitation programs for offenders and victims alike; and

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media—

(A) promote, through education and prevention measures, awareness of violent urban crimes and strategies to decrease the incidence of these crimes; and

(B) support the goals and ideals of National Urban Crimes Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

##### GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Madam Speaker, this resolution recognizes the important efforts to reduce crime in our Nation's urban areas and to support crime victims. We observed National Urban Crimes Awareness week during the second week of this month.

This resolution particularly recognizes the critical role of education and prevention programs in decreasing crime. It also highlights the need for redoubling our commitment to finding alternatives for incarceration, to engaging in reentry programs for those completing their programs, and for rehabilitation programs that will help prevent crime from happening in the first place. It is important that we in Congress emphasize our commitment to reducing crime all across this country and to supporting the victims of crimes.

I want to thank the gentleman from New York (Mr. TOWNS) for introducing this resolution. I urge my colleague to support it, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Madam Speaker, I am proud to join my colleague, Mr. TOWNS, in supporting House Concurrent Resolution 227.

More than 6 million people were victims of crimes in 2008; and more than 1 million violent crimes were committed in 2008. Violent crimes are especially frequent in cities and among gangs. Neighborhood crime harms persons and families and it degrades communities.

Studies show that crime can be reduced and communities saved if leaders in the communities are taught crime prevention techniques and become active in crime prevention programs. Crime prevention programs also help reduce domestic violence and aid victims and their families in recovery.

National Urban Crime Awareness Week promotes the work of organizations and individuals throughout the country who combat urban crime and treat victims. Law enforcement, victim advocates, health professionals, school teachers, and many others should be recognized and applauded for their work in helping victims and bringing criminals to justice.

Throughout my work on the Victims Rights Caucus, I have had the pleasure of working with some amazing people who advocate for victims of crime every day. They deserve to be commended for their work—such as the National Center for Victims of Crime, the Stalking Resource Center—which celebrates its 10-year anniversary this year—the Rape, Abuse and Incest National Network, the End Abuse and the

National Network to End Domestic Violence—to name just a few. But there are hundreds more across the country, all of these groups working together on behalf of victims of crime.

□ 1545

I support the goals and ideals of National Urban Crime Awareness Week. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as he may consume to the Chair of the Government Oversight and Reform Committee and sponsor of this resolution, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I thank Chairman SCOTT, Ranking Member POE, the full committee Chair, and the ranking member as well for moving this legislation forward.

Madam Speaker, I rise today to urge my colleagues to support H. Con. Res. 227, as amended, a concurrent resolution that designates the second week of February as National Urban Crime Awareness Week. This occasion provides an opportunity to shed light on the volatile issues affecting people within urban communities.

In September 2009, 133 metropolitan areas reported jobless rates above the national average. As a result of the economic downturn, many of our Nation's urban communities are experiencing a substantial growth in crime, which has been directly linked to increased unemployment rates. In other words, there is a definite correlation between unemployment and crime.

Madam Speaker, in 2008, there were an estimated 1,382,000 violent crimes that occurred nationwide. In New York, approximately 48,430 violent crimes took place, compared to 28,941 reported cases in non-New York City counties.

Over 60 percent of the Nation's youth have been exposed to violence in the past year. This exposure adversely affects their physical and mental health and long-term functioning into adulthood, and can force youth into gangs where they are more likely to perpetuate additional acts of violence.

This resolution seeks to properly acknowledge the men, women, and children who have been victims of violence in urban communities. It will also commend the tireless efforts of survivors, volunteers, and professionals who work to prevent urban violence, and will recognize them as well as law enforcement and health professionals for their hard work and innovative preventative strategies.

National Urban Crime Awareness Week is a time for us to advocate for people affected by urban violence. I urge all of my colleagues here in the House of Representatives to join me in support of this awareness campaign.

Again, I want to thank the ranking member of the committee, Mr. POE,

and also thank the Chair of the committee, Mr. SCOTT, for their assistance in moving this legislation forward. I think it is so important that we do everything that we can to recognize and let people become aware of how important it is to come together to fight crime. I think it is just so important to deal with our young people at an early age and let them know that we are concerned about crime, and that we recognize that there is a correlation between unemployment and crime and we have to create jobs and should be working on that. I am hoping that we can pull together as a body here and work on creating jobs.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 227, brought forth by my esteemed colleague, Representative EDOLPHUS TOWNS, New York, which articulates support for the ultimate goal that the National Urban Crimes Awareness Week stands to convey. This message is not for a specific neighborhood, race or ethnicity, but is for all nationalities and communities. Through reaching out to various organizations, businesses, colleges and universities, crime awareness will spread through like "wild fire."

This resolution states that Congress realizes the importance of National Crime Awareness Week and acknowledges and welcomes the opportunity to educate the public about urban violence and take steps to prevent violence and provide support to victims.

I cannot stress enough the significance of Congress supporting the concept of the resolution; not only for actual crime prevention, but also for the victims of crime. By joining in a consensus, we are informing Americans that we empathize and sympathize with their issues, concerns and safety. We are also declaring that we support both in theory and implementation any approach necessary to increase support for victims, increase successful and fair prosecutions and applaud the courage of individuals who pick up the shattered pieces of their lives and triumph in the midst of adversity! This resolution also acknowledges more comprehensive rehabilitation programs for offenders.

This is especially important in my city, Houston, TX, where the population is the fourth largest in the United States. It is imperative to spread crime awareness, not only in this month, but every day, to maintain order and a safe living environment for all.

So in conclusion, I immensely support H. Con. Res. 227 and I encourage my colleagues to follow my lead.

Mr. POE of Texas. We have no other speakers. I strongly support this legislation.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman from New York for introducing the resolution and urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the

rules and agree to the concurrent resolution, H. Con. Res. 227, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### NATIONAL NUTRITION MONTH

Ms. CASTOR of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 274) expressing support for designation of March as National Nutrition Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 274

Whereas according to the American Dietetic Association good nutrition is vital to a healthy and long life;

Whereas according to the American Dietetic Association the National Nutrition Month campaign focuses attention on the importance of making informed food choices and developing sound eating and physical activity habits;

Whereas the first Nutrition Campaign was launched with a presidential proclamation in 1973 as National Nutrition Week;

Whereas National Nutrition Week became National Nutrition Month in 1980;

Whereas poor nutrition and sedentary lifestyles are linked to obesity and health problems;

Whereas 17 percent of children between the ages of 6 and 11 are overweight;

Whereas 17.6 percent of adolescents between the ages of 12 and 19 are overweight;

Whereas 33.3 percent of adult men are obese and 35.3 percent of adult women are obese in the United States;

Whereas according to the Centers for Disease Control, since 1980 obesity rates for adults have doubled and rates for children have tripled;

Whereas dietary factors are associated with 4 of the 10 leading causes of death, including heart disease, cancer, stroke, and diabetes;

Whereas these health conditions are estimated to cost the United States over \$600,000,000,000 each year in medical expenses and lost productivity;

Whereas access to proper nutrition helps fight off illness and disease and is vital to children's cognitive development;

Whereas poor nutrition, inactivity, and weight problems in school age children may cause low academic performance or behavioral problems resulting in additional costs; and

Whereas March would be an appropriate month to designate as National Nutrition Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Nutrition Month;

(2) supports the goals and ideals of National Nutrition Month;

(3) encourages local communities to raise awareness surrounding nutritional health;

(4) encourages awareness about diseases and death caused by lack of nutrition; and

(5) recognizes and salutes health care professionals such as registered dietitians, that spread the knowledge and importance of nutrition each day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CASTOR) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. CASTOR of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR of Florida. Madam Speaker, I yield myself such time as I may consume.

We are going to continue to work for a healthier America, and this year marks the 30th year that March is celebrated as National Nutrition Month. The National Nutrition Month campaign focuses attention on the importance of making informed food choices, developing sound eating habits, and promoting exercise in our daily lives.

The first nutrition campaign was launched in 1973, with the Presidential proclamation as National Nutrition Week, and became National Nutrition Month in 1980. I am especially proud to support National Nutrition Month, as First Lady Michelle Obama has just recently launched the Let's Move campaign to target childhood obesity.

This initiative has four components: One, making healthy choices; two, putting healthy foods in schools; three, increasing access and affordability of healthy foods; and, four, increasing physical education.

Good nutrition and healthy eating habits play a fundamental role in the overall health of both children and adults. The Children's Health Care Caucus, which I am proud to co-Chair with my Republican colleague Congressman DAVE REICHERT of Washington, is helping to raise awareness regarding good nutrition and healthy eating habits and how they improve the lives of all Americans. Poor nutrition and sedentary lifestyles are linked to obesity and countless health problems.

Today, one-third of adults in the United States are obese. Can you believe that? And childhood obesity rates have tripled since 1980. In my home State of Florida, one-third of children

in our State are overweight or obese, and that is a statistic that replays itself in every State across America.

In my Tampa Bay area community, in Hillsborough County, more than 80 percent of children are not getting the recommended daily serving of fruits and vegetables. So we have a lot of work to do.

Dietary factors are associated with four of the 10 leading causes of death in the United States, including heart disease, cancer, stroke, and diabetes. These health conditions are estimated to cost the United States over \$6 billion annually in medical expenses and lost productivity. We can do better.

Parents, you must focus on healthy choices for your children. You must become good role models for your kids.

For children, poor nutrition, inactivity, and weight issues can often lead to low academic performance or behavioral problems resulting in additional costs. Proper nutrition helps to fight illnesses, and it is vital to our children's cognitive development.

House Resolution 274 designates March as National Nutrition Month and encourages communities all across America to increase awareness about nutritional health.

Additionally, this resolution recognizes the hard work of registered dietitians and health care professionals that help to educate communities about good nutrition.

I reserve the balance of my time.

Mr. TERRY. Madam Speaker, I yield myself such time as I may consume.

On behalf of the ranking member and the Energy and Commerce Committee, I rise in support of H. Res. 274, supporting the designation of March as National Nutrition Month.

Over the last 20 years, obesity rates have been steadily increasing in the United States. According to the CDC, in 2008, 32 States had a prevalence of obesity equal to or greater than 25 percent. Six of these States—Alabama, Mississippi, Oklahoma, South Carolina, Tennessee, and West Virginia—had a prevalence of obesity equal or greater than 30 percent. I am glad that my home State of Nebraska is not on this, but we have been shoveling enough snow that our children are getting some exercise.

Obesity rates among children and adolescents are especially staggering and have led to increasing health problems such as diabetes and heart disease among this population. Poor nutrition habits and sedentary lifestyle both have been linked with many of the obesity and health problems that afflict Americans today. Many dietary factors have led to conditions such as heart disease, cancer, stroke, and diabetes. But through proper nutrition, regular exercise, and controlling weight problems, these threats to our health are far less likely to occur.

It is important for Americans to recognize the significance of monitoring

their own eating habits and that of their family. Proper nutrition, exercise, and healthy living could help lead to lower obesity rates, fewer medical expenses, and increased productivity.

I stand in support of this resolution and hope that my colleagues will join me.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR of Florida. Madam Speaker, I am pleased to yield 2 minutes to a champion for children from the Education and Labor Committee and the State of California, Congresswoman WOOLSEY.

Ms. WOOLSEY. Madam Speaker, I thank Madam CASTOR for her good leadership.

It is our job as adults to help children make the right decisions about everything, particularly about eating healthy and nutritious foods, because what they eat has a powerful impact on how they learn, how they grow, and how they thrive.

Children who have nutritious meals at home and in schools are more likely to get the most out of their education and to stay on a path toward a healthy lifestyle. We here in this Congress, we as adults, we as parents and grandparents have a responsibility to support good nutrition for all children, for teenagers, for adults, which is why I am proud to rise today as a cosponsor of H. Res. 274, which expresses strong support for designating March as National Nutrition Month.

Today, 23 million children and adolescents are obese or overweight. Obesity rates for children between 6 and 11 years old have more than quadrupled over the last 40 years. Throughout their lives, these children are at a much greater risk for heart disease, type 2 diabetes, stroke, cancer, and social and psychological problems. Enabling children to make healthy choices is a smart down payment on supporting healthy future generations.

I commend the President, and I commend the First Lady and USDA Secretary Tom Vilsack for continuing to champion a strong investment in our children's nutrition programs and working with me to ensure that the only foods in schools will be healthy foods based on current nutrition science, and that only healthy foods are sold in the schools throughout the day.

Madam Speaker, it is time to update our nutrition standards for food sold in vending machines—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. CASTOR of Florida. I yield the gentlewoman an additional 1 minute.

Ms. WOOLSEY. Because those standards haven't changed for the last 30 years, standards for a la carte lines for school snacks and for outside vending machines.

□ 1600

All of this has to do with meeting obesity head on.

Recognizing the month of March as National Nutrition Month will shine a light on the problems of obesity and poor nutrition in this country. So I thank my colleague, Congresswoman CASTOR, for introducing this important resolution, and I urge my colleagues to join me in passing it today.

Mr. TERRY. I continue to reserve.

Ms. CASTOR of Florida. Madam Speaker, at this time, I am pleased to yield 2 minutes to one of the experts on nutrition in the Congress, Congresswoman DAHLKEMPER from Pennsylvania.

Mrs. DAHLKEMPER. Madam Speaker, I rise in support of House Resolution 274, supporting March as National Nutrition Month.

Madam Speaker, for over 25 years I served as a clinical dietitian helping hospitals, schools, and other organizations prepare healthy menus and emphasizing good nutrition, good diet and long-term wellness.

National Nutrition Month is an important tool for health and wellness advocates across the country. Every year, we as dietitians and those in the health care field use this designation to promote nutritious diets and to educate people about healthy eating habits. Proper nutrition and healthy eating are essential to improving our Nation's long-term health and to lowering the rate of chronic diseases such as heart disease, diabetes and cancer.

Madam Speaker, I call upon my colleagues to support House Resolution 274 to help make healthy living a national priority.

Mr. TERRY. Madam Speaker, I yield back the balance of my time.

Ms. CASTOR of Florida. Madam Speaker, I would like to thank my colleague, Congressman TERRY from the Energy and Commerce Committee, and urge my colleagues to support this House resolution designating March as National Nutrition Month.

Ms. JACKSON LEE of Texas. Madam Speaker, I stand before you today in support of H. Res. 274 "Expressing support for designation of March as National Nutrition Month."

I would like to begin by thanking my colleague Representative KATHY CASTOR for introducing this resolution in the House of Representatives, as it is important that we acknowledge and recognize the importance of good nutrition toward maintaining a healthy and productive nation.

Furthermore, it is important that we continue to educate and encourage our local communities to raise their awareness of nutritional health and encourage an expanded knowledge within the community regarding the benefits of proper nutrition. By improving nutrition standards within our communities we can help support people in their efforts toward living a long, healthy and productive life.

Unfortunately, obesity and poor nutrition among citizens is especially prevalent in my

home city of Houston, Texas. For years Houston has been consistently rated as the "fattest city in America." Currently, 58 percent of adults and 39 percent of children are classified as overweight or obese in the Greater Houston community. This resolution would also seek to help the people of my district in Houston by raising the awareness of nutritional health issues.

It is estimated that since 1980, obesity rates for adults have doubled and obesity rates for children have nearly tripled due to poor nutrition and sedentary lifestyles in the United States. Furthermore, four of the top ten causes of death including heart disease, cancer, stroke and diabetes have been attributed to factors surrounding a person's nutrition and diet. These four health conditions are estimated to cost the United States over \$600 billion each year in medical expenses and lost productivity.

These are several of the major factors highlighting the importance of good nutrition in our nation. It also shows the importance of making informed food choices and developing sound eating and physical activity habits. In conjunction with good nutrition, it is also important that citizens take on healthy physical activity on a regular basis to maintain good health.

These health and nutrition factors take an even greater level of importance when we discuss the effects of nutrition on our nation's children. Poor nutrition and lack of exercise in school-age children has been shown to cause a decrease in academic performance in addition to behavioral problems. In younger children, poor nutrition can manifest itself in more severe ways. Lack of proper nutrition also makes young children more prone to illness and disease and inhibits children's cognitive development.

Furthermore it is important that we recognize the gaps in school lunch programs at public schools. The National School Lunch Program was designed to provide low cost or free school lunch meals to qualified students through subsidies given to schools. In many school districts however, this poses a problem as children are only in school around 180 days out of the year. How is this federally mandated program supposed to adequately provide for and supplement children's diets when it is only available to them for half of the year?

It is vitally important that we work together as a nation to improve nutrition standards across the board; particularly for children and the elderly. It is appalling to me that children still go hungry in this great nation and it is our duty to ensure that all children receive proper nutrition in addition to great physical education in schools.

Officially establishing the month of March as "National Nutrition Month" would seek to improve the lives of our citizens as well as increase our citizen's awareness of the importance of good nutrition in living a healthy and productive life. Furthermore, by providing education and instruction to adults and children alike, we can help to ensure that the United States continues to serve as a model of balanced nutrition to the world.

I ask my colleagues for their support of this legislation as well as their support for the improving nutrition across our country. I strongly urge you to support this resolution.

Ms. CASTOR of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 274.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# HONORING THE CONTRIBUTIONS OF AFRICAN AMERICANS TO THE TRANSPORTATION AND INFRASTRUCTURE OF THE UNITED STATES

Ms. CORRINE BROWN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1085) honoring and celebrating the contributions of African-Americans to the transportation and infrastructure of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1085

Whereas African-Americans have played an instrumental role in developing and improving the transportation and infrastructure of the United States through leadership, design, and innovation;

Whereas the contributions of African-Americans have had significant and far-reaching impacts on modern transportation systems, including airways, highways, and railways, and have led to momentous improvements to transportation safety and security;

Whereas, in aviation, for example, Elizabeth "Bessie" Coleman, a daring stunt pilot known as "Queen Bess", was the first African-American woman to become a licensed airplane pilot in 1921 and the first United States citizen of any race or gender to hold an international aviation license from the Federation Aeronautique Internationale;

Whereas Eugene Jaques Bullard was the first African-American military pilot in history, serving as a United States volunteer in the French army during World War I;

Whereas Cornelius R. Coffey established the Coffey School of Aeronautics at Harlem Airport in Chicago, where more than 1,500 African-American students trained as pilots and mechanics from 1938 to 1945, including many who would later become Tuskegee Airmen;

Whereas Willa Beatrice Brown, the first African-American woman to receive a United States private pilot license in 1938, helped found the National Airmen's Association of America in 1939, later became the coordinator of war-training service for the Civil Aeronautics Authority, and served as the first African-American female officer in the Civil Air Patrol;

Whereas Neil V. Loving helped form an all African-American Civil Air Patrol Squadron in Detroit, established the Wayne School of Aeronautics in 1946, designed and built several experimental aircraft, and performed critical research as an aerospace engineer for the United States Air Force;

Whereas Marlon Green became the first African-American pilot for a major airline in 1965 after winning a landmark racial discrimination employment case in the Supreme Court of the United States, and served earlier in his career as a Captain in the United States Air Force for 9 years;

Whereas the Tuskegee Airmen were the first African-American airmen, aircraft and engine mechanics, armament specialists, radio repairmen, parachute riggers, control tower operators, policemen, and administrative clerks during World War II, and whose service and performance were instrumental in ending segregation in the United States military;

Whereas Dr. Lewis A. Jackson, an aviation pioneer and educator, was the director of training at the Army Air Force 66th Flight Training Detachment at Moton Field, the primary flight training site for the Tuskegee Airmen, and also pursued designing an experimental aircraft called a roadable airplane;

Whereas Elinor Williams became the first African-American woman to be an air traffic controller in 1968 and the first African-American woman to manage an Air Route Traffic Control Center, who then went on to become the regional administrator of the Great Lakes Region for the Federal Aviation Administration;

Whereas LeRoy Wilton Homer, Jr., courageously served as the first officer of United Airlines Flight 93, which was overtaken by terrorists on September 11, 2001, and previously served in the United States Air Force in the Persian Gulf War;

Whereas Barrington Irving became the first African-American and youngest individual at 23 to fly solo around-the-world in his custom-built Columbia 400 named Inspiration in June 2007, and founded the non-profit organization Experience Aviation, Inc. to introduce youth to aviation and aerospace and to address the shortage of young people pursuing careers in those fields;

Whereas African-Americans have also played important roles in shaping the Nation's highways, bridges, and transit and rail systems throughout the country's history through innovation, pioneering new technologies, and building the infrastructure that connects the Nation and enables economic growth and prosperity;

Whereas Garrett A. Morgan invented the Automatic Traffic Signal, a precursor to the modern traffic light;

Whereas Horace King became known as "The Bridge Builder" for his work rebuilding bridges throughout Georgia, Mississippi, South Carolina, Alabama, New York, and many other States and passed on his legacy to his children through the family business, the Bridge Company;

Whereas Archibald Alexander placed his mark on the Nation's capital by designing the Tidal Basin Bridge and the Whitehurst Freeway in Washington, DC;

Whereas the all African-American 93rd, 95th, and 97th Army Engineer General Service Regiments overcame harsh environmental conditions and racial discrimination to help build the most difficult and hazardous portion of the Alaska Highway;

Whereas Frederick M. Jones patented the air-conditioning controlling device to enable the transportation of perishable food using trucks and rail cars, and also patented the gas engine starter and a control device for internal combustion engines;

Whereas Richard Spikes is credited with the invention of such advancements as the automatic car washer, automobile directional signs, the automatic gear shift and

transmission, and the automatic safety brake system;

Whereas M.A. Cherry invented a device known as the Velocipede, a precursor to the bicycle, and the streetcar fender, designed to prevent collisions with debris on streetcar tracks;

Whereas Issac R. Johnson invented the bicycle frame in 1899;

Whereas Humphrey Reynolds invented the safety gate for bridges to prevent cars and pedestrians from entering the tracks at the same time a train is approaching;

Whereas Benjamin Banneker, an astronomer, surveyor, almanac author, and farmer, helped survey the boundaries of what became the District of Columbia;

Whereas Walter McClellan invented the automatic railway car door in 1920;

Whereas Elijah McCoy, a fireman and oiler for the Michigan Central Railroad, developed a "lubricating cup" in 1872 to automatically oil steam engines on trains, which dramatically improved efficiency by eliminating the frequent stopping necessary for lubrication of the engine;

Whereas other inventors attempted to sell their own versions of the "lubricating cup" but most companies wanted the authentic device for their trains, requesting "the Real McCoy";

Whereas according to Booker T. Washington, McCoy had produced more patents than any other African-American inventor of his time, many of which contributed to the railroad industry;

Whereas McCoy was inducted into the National Inventors Hall of Fame in Akron, Ohio, in 2001;

Whereas Granville T. Woods invented over a dozen devices to improve the railroad system including his most notable invention in 1887, the Synchronous Multiplex Railway Telegraph, which enabled communications between moving and stationary trains creating a system that enabled a railroad engineer to determine the distance between trains to help improve accidents and collisions;

Whereas Woods also founded the Woods Railway Telegraph Company and is credited with the development of a system for overhead electrified railroads, patented several overhead wire and third rail transmissions systems, and made improvements to the steam-boiler furnace;

Whereas Andrew Beard, an ex-railroad worker who lost his leg in a car coupling accident, invented a device in 1897 that automatically performs the dangerous job of linking rail cars together, commonly called the Jenny Coupler, the device served as the precursor for the modern system;

Whereas Lewis Howard Latimer, who drafted the patent drawings for Alexander Graham Bell's patent application for the telephone and established public lighting systems for entire cities like New York City, Montreal, Paris, and London, invented a flushing water closet for trains in 1874;

Whereas, A.B. Blackburn patented a railway signal in 1888 designed to be operated by the wheels of a train;

Whereas W.F. Burr invented a railway switching device in 1899;

Whereas Elbert R. Robinson invented the electric railway trolley in 1893;

Whereas the work of many influential African-Americans through the civil rights movement and other social and political movements in the United States led to desegregation in transportation as well as significant improvements to the working conditions and rights of transportation workers throughout the United States;



Whereas Rosa Parks, Homer Plessy, and many other civil rights activists insisted on equitable access to public transportation;

Whereas Pullman Porters, which provided service to and attended to the needs of passengers on board trains, became leaders in the civil rights movement and formed the Brotherhood of Sleeping Car Porters in 1925, under the leadership of civil rights leader A. Philip Randolph, who fought tirelessly to improve the working conditions and pay for the Pullman Porters;

Whereas the Brotherhood of Sleeping Car Porters was the first African-American labor union to sign a collective bargaining agreement with a major United States corporation on August 25, 1937; and

Whereas National African American History Month is celebrated in February 2010: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of National African American History Month;

(2) honors and celebrates the important contributions that African-Americans have made throughout history to the transportation and infrastructure of the United States; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government to recognize the substantial contributions that African-Americans have made and continue to make to the Nation's transportation and infrastructure systems.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include additional materials on House Resolution 1085.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a privilege to offer this resolution during Black History Month honoring African Americans' contributions to transportation and infrastructure in America.

African Americans have played an instrumental role in developing and improving the transportation and infrastructure of the United States. African Americans have had significant and far-reaching influence on all modes of transportation, leading to major improvements in operations, safety, and security on our railways, airways, and highways.

Because of the contributions of these pioneering African Americans, thousands of young people have been inspired to a higher calling. Without their contributions, we wouldn't have the bicycle, safety gates on bridges,

turning signals, automatic traffic signals, air-conditioned trucks and rail cars, automatic transmissions, and hundreds of other inventions that make transportation safer and more efficient for everyone.

Transportation also has a storied history in the civil rights movement. Everyone knows that Rosa Park's refusal to move to the back of the bus was one of the defining moments in the fight for equal rights for people of color.

When I was elected to Congress in 1992, I, along with Congressman ALCEE HASTINGS and Congresswoman CARRIE MEEK, were the first African Americans to serve in the House of Representatives from Florida since Reconstruction. From the moment I was elected, I fought for a seat on the Transportation and Infrastructure Committee, and I am honored to serve as Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

Serving on the Transportation and Infrastructure Committee has allowed me to provide good jobs and expand economic development and new transportation options for the people of my district, my State, and throughout the United States.

Today on the Transportation and Infrastructure Committee, African Americans serve four Chairs in six subcommittees, and along with Chairman OBERSTAR and other Members, we are working to restore fairness for minorities and women in all aspects of our Nation's transportation system. We all do our part to support the Nation's transportation system, and we all deserve a seat at the table so we can build and design the systems of the future. I often compare it to my grandmother's delicious sweet potato pie: We all pay for the ingredients, and we all deserve a slice of the pie. I believe it is our duty to ensure that minorities and women-owned businesses are able to compete for contracts as we spend billions of Federal dollars on transportation projects.

The tragedies in Haiti and the Gulf Coast show just how critical our transportation systems are to protecting our citizens; without it, we are often helpless. Too often we take our infrastructure for granted, but it is truly what separates a superpower from a Third World country.

Lastly, I would like to talk about the importance of transportation to our economy. Transportation projects put people to work, create economic development, and provide a better community. Nothing creates jobs better than infrastructure projects. In fact, the \$34.3 billion in the Recovery Act for transportation projects created 250,000 direct jobs and 760,000 indirect jobs.

Today we are standing on the shoulders of those pioneering giants that came before us. As we make bigger strides each day to improve transportation, we must not forget the "never

give up" attitude that made these inventions and milestones possible. I would encourage all Members to vote "yes" on this resolution and show their support for the brave men and women who against all odds made America a better place to live.

Madam Speaker, I reserve the balance of my time.

Mr. CAO. Madam Speaker, I rise today in support of H. Res. 1085 and yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 1085, a resolution to honor and celebrate the contributions of African Americans to the transportation infrastructure of the United States. Our transportation systems are an everyday part of both our business and our social lives. We take advantage of transportation infrastructure every day and think little about what it has taken over history to put these modern systems in place.

Today, as we celebrate African American History Month, it is fitting that this House should pay special honor to those African Americans who have contributed to the creation of the modern transportation system on which our economy depends.

African Americans have been instrumental in the development of transportation infrastructure in many ways. They have been pioneers of aviation; they were dedicated railroad Pullman Porters who saw to the safety and comfort of passengers; they have been bridge architects and engineers; and they have been inventors, developers, and manufacturers of such transportation innovations as devices to make refrigerated trucks and railcars possible, automatic traffic signals, automatic coupling devices for railcars, the electric railway trolley, railway switching devices, automatic transmissions, and safety gates for bridges. In addition, while making these achievements, these men and women had to overcome the racial discrimination of their day. I am pleased to rise today in recognition of their remarkable achievements and urge all Members to support the resolution.

Madam Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H. Res. 1085, introduced by the gentlewoman from Florida (Ms. BROWN), which honors and celebrates the numerous contributions of African-Americans to the transportation and infrastructure of the United States.

As we celebrate National African American History Month this February, we recognize the contributions that African-Americans have made to American history through art, politics, business, and science. Today, we are taking time to recognize the significant and extensive contributions African-Americans have made to the transportation systems that connect our nation, bringing communities together and enabling economic growth and prosperity across the country.



Whether we are talking about the development of our world class aviation system, or our highways or railways, African-Americans have played an important role in the development of our nation's transportation systems throughout history.

In aviation, as a result of the leadership of Cornelius R. Coffey in establishing the Coffey School of Aeronautics at Harlem Airport in Chicago, more than 1,500 African-American students were trained as pilots and mechanics from 1938 and 1945. Many of the students of the Coffey School of Aeronautics went on to become Tuskegee Airmen. The Tuskegee Airmen were the first African-American airmen, aircraft and engine mechanics, armament specialists, radio repairmen, parachute riggers, control tower operators, policemen and administrative clerks during World War II. The service and performance of the Tuskegee Airmen was instrumental in ending segregation in the United States military.

Benjamin Banneker, a self-educated scientist, astronomer, surveyor, almanac author, writer and farmer, is known for many things including helping to survey the boundaries of what is now the District of Columbia. In addition, the precursor to the modern day traffic light was invented by Garret A. Morgan, who is credited with the design of the Automatic Traffic Signal.

Through innovation and invention, African-Americans have had a profound impact on the development of our world class railway system. One of the most notable inventors, Granville T. Woods, patented dozens of devices during his life to improve the railroad system, including one very notable invention that has improved railway safety by reducing accidents and collisions. In 1887, Mr. Woods invented the Synchronous Multiplex Railway Telegraph that enabled communications between moving and stationary trains, helping railroad engineers to determine the distance between trains for the first time, and thereby substantially enhancing safety.

Through the Civil Rights movement, many influential African-Americans, such as Rosa Parks and Homer Plessy, were leaders in social and political movements to desegregate transportation, while other African-American leaders worked to make significant improvements to the working conditions and rights of transportation workers throughout the nation.

I note the significant contributions of the Pullman Porters, who worked on board passenger trains and who became leaders in the civil rights and labor movements when they formed the Brotherhood of Sleeping Car Porters in 1925, under the leadership of civil rights leader A. Philip Randolph. The Brotherhood of Sleeping Car Porters was the first African-American labor union to sign a collective bargaining agreement with a major U.S. corporation. The Brotherhood literally paved the way for union labor throughout this country, and fought tirelessly to improve the often harsh working conditions and low pay that Pullman Porters and others received.

I urge my colleagues to join me in celebrating and honoring these African Americans and their important contributions to our nation's transportation and infrastructure systems by supporting H. Res. 1085.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1085, which sup-

ports the goals and ideals of National African American History Month, celebrates the contributions that African Americans have made to the transportation and infrastructure of the United States, and urges the American people to join the House of Representatives in celebrating these vital contributions. H. Res. 1085 is an important measure that pays tribute to African Americans' crucial role in building our nation, innovating new technologies, and helping create long-lasting economic growth and prosperity.

I thank Chairman OBERSTAR for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congresswoman CORRINE BROWN, for chronicling the crucial, and often overlooked contributions of African Americans to our nation's growth and progress.

Madam Speaker, African Americans have made significant and far-reaching contributions to our nation's transportation systems and critical infrastructure. Thousands of African Americans overcame racial discrimination, harsh environmental conditions, and frequently physical danger, to build critical portions of our nation's highways, bridges, and transit systems. Many African Americans founded aeronautics schools that trained pilots who went on to serve in the military or fly commercial airliners. Further, African Americans were the source of innovative designs that helped make our transportation and infrastructure systems modern, efficient, and safe. For example, Garrett A. Morgan developed the traffic signal, which has proven indispensable to our transportation system. Elijah McCoy's "lubricating cup" automatically oiled steam engines, making the railroad system dramatically more efficient. Elbert R. Robinson invented the electric railway trolley, which was adopted by cities across the country. Humphrey Reynolds produced the safety gate on bridges, a development that has made transportation significantly safer. These are only a few examples of the vital contributions of African Americans to transportation and infrastructure in the United States.

It is perhaps even less well known that during the Civil Rights Movement, countless African Americans devoted themselves to tireless activism that led to the desegregation of our nation's transportation systems and improved working conditions for transportation workers of all races across the country. These invaluable efforts not only improved our roads, bridges, and transit systems, but also led to significant national progress in achieving racial equality and reconciliation. It is entirely fitting that we take this opportunity to honor African Americans' contributions to our transportation and infrastructure and appreciate the innumerable benefits that these efforts yielded for our nation.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1085.

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1085.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. CORRINE BROWN of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-94)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2010.

BARACK OBAMA.

THE WHITE HOUSE, February 23, 2010.

#### PROVIDING FOR CONSIDERATION OF H.R. 2314, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1083 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1083

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. All points of order against consideration of the bill are

waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative ABERCROMBIE of Hawaii or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; (3) the amendments to the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, each of which may be offered only by a Member designed in the report, shall be in order without intervention of any point of order except those arising under clause 10 of rule XXI, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. During consideration of an amendment printed in part B of the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

□ 1615

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

#### GENERAL LEAVE

Mr. POLIS. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1083.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, House Resolution 1083 provides for consideration of H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009, under a structured rule. The rule provides for 1 hour of debate in the House, controlled by the Committee on Natural Resources. The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI. The rule makes in order an amendment in the nature of a substitute by Representative ABERCROMBIE, which is debatable for 30 minutes. The rule also makes in order two second-degree amendments to the substitute. The amendments are to be offered by Representative HASTINGS of

Washington and by Representative FLAKE of Arizona. The amendments are each debatable for 10 minutes. Finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, I want to thank Chairman RAHALL and the hardworking staff of the Natural Resources Committee for their dedication to the health and welfare of the many native peoples of this country and particularly for their work on this important legislation.

I also want to thank my colleagues from Hawaii, Congressman ABERCROMBIE and Congresswoman HIRONO, for bringing this legislation forward in the House, as well as the bill's original author, Senator AKAKA, for his tireless work on behalf of the people of Hawaii in the Senate.

Our diversity is not only what makes us great but also what makes us American. My home State of Colorado is a beautiful land with awe-inspiring mountains and rugged landscapes, but the people are who make it truly beautiful. Colorado's rich history and diverse culture is interwoven with the Apache, Arapaho, Cheyenne, Pueblo, Shoshone, and Ute peoples, who helped found our State and who continue to play such an important role in our vibrant diversity today.

While Hawaiians celebrate the sun and while Coloradans treasure the snow, the same connection between land and people can be found in the unique beauty of Hawaii.

As we have seen in Colorado, with the Southern Ute and Ute Mountain Ute and across the country, the U.S. has a longstanding policy of providing its indigenous people—those who exercised sovereignty until the United States expanded its borders into their homeland—with an opportunity to organize, to protect and to perpetuate their cultures and traditions and to look out for their interests. It is only right that all indigenous people should have a right to determine how they should interact with our government. This bill merely brings about parity in the U.S. treatment of its indigenous people—American Indians, Alaska natives and Native Hawaiians.

H.R. 2314 would establish a Native Hawaiian interim governing council to develop elements of the organic governing documents and other criteria for the Native Hawaiian governing entity. These documents would detail the powers and authorities of the governing entity, but they would also include membership criteria as well as requirements for the election of government officials.

The Secretary of the Interior would be required to certify that the organic documents meet specified criteria and are consistent with applicable Federal law and our Constitution. After this certification, the government-to-government relationship with the Native Hawaiians should be reaffirmed.

It is also worth mentioning that these were the conditions set forward by the United States and that Hawaii agreed to in Statehood. These conditions of Statehood were set forth in the Admissions Act, signed August 21, 1959, which posed that the State of Hawaii would assume administration of the congressionally established Hawaiian Homes Commission Act trust, as well as ensure that former Hawaiian Government public lands held in trust would be utilized for one of five purposes, including the betterment of the conditions of Native Hawaiians.

Like American Indians, Native Hawaiians have no other homeland to keep their culture alive. Like American Indians, disenfranchisement has left Native Hawaiians at the bottom of national health, education and economic rankings. Through all of this, however, Native Hawaiians continue to maintain their cultural identity and dignity as a distinct native community.

This bill would reaffirm the Federal delegation of authority to the State of Hawaii, found in the State's Admissions Act, and would provide Native Hawaiians with the tools and status needed to preserve their vibrant culture and unique heritage for future generations.

Last year, Madam Speaker, Hawaii celebrated the 50th anniversary of its Statehood. It is long past time that Congress grants the same opportunity for self-determination to Native Hawaiians.

In 2000, the Hawaii Congressional Delegation offered the first Native Hawaiian Government Reorganization Act. Since then, Congress has held six joint hearings of the Senate Committee on Indian Affairs and of the House Natural Resources Committee, five of which were in Hawaii, with a total of 12 congressional hearings within the last 9 years on the issue. The House has passed this legislation twice, in the 106th and 110th Congresses.

While the bill has evolved over the years and has received input from many stakeholders, it has maintained true to its intent to extend the Federal policy of self-governance and self-determination to Native Hawaiians for the purposes of a federally recognized government-to-government relationship. This has received broad support from organizations and people across the ideological spectrum and the State of Hawaii.

As a Representative of Native Americans who live in Colorado's Second Congressional District, I urge my colleagues in Congress to join me in passing this rule to honor and respect, not just this generation, but future generations of Native Hawaiians and to promote the diversity of cultures everywhere that make our country so great.

I ask you to end half a century of neglect and to provide the Native Hawaiians with the same representation provided to other native peoples across the country.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentleman from Colorado (Mr. POLIS) for the time, and I yield myself such time as I may consume.

Last week, the Department of Labor, Madam Speaker, reported that Americans filed 473,000 jobless claims in the week ending February 13. That is an increase of 31,000 more claims than the previous week. It is truly unfortunate that the number of jobless claims continues to rise 1 year after the passage of the massive so-called "stimulus bill." Take, for example, the district that I am honored to represent. According to Recovery.gov, the administration's stimulus Web site, the stimulus bill spent \$185 million to create 310 jobs. That was at a cost of \$600,000 per job.

Now, Madam Speaker, what worries me even more than the \$1 trillion so-called "stimulus bill" is the fact that it continues the process of adding to our national debt at a time when we can least afford it. It is expected that the deficit, in large part due to the waste of money in the stimulus bill, is set to hit a record \$1.6 trillion. The U.S. economy is dangerously close to the catastrophic precipice of uncontrollable debt. We must urgently alter Washington's fiscal course before the American middle class, as we know it, is relegated to the history books.

Why do I mention the stimulus and the state of our economy? To point out that, while our economy continues to stumble and to stutter and as jobless claims rise, the majority has decided to pass legislation that would recognize Native Hawaiians as a sovereign governing entity. Now, just 2 months ago, the distinguished Speaker declared that her party should be judged on the issue of "jobs, jobs, jobs."

How does the bill before us today have anything to do with job creation?

I understand that this is the last week in Congress for my good friend, one of the most respected Members of this House, Representative ABERCROMBIE. I know I join all Members of the House in thanking him for his great work as a Member of this House and also for his friendship. As I say, I have great respect for him.

Last night, he testified before the Rules Committee about his work on the underlying legislation. He told us that he first began working on this issue when he was in the Hawaii legislature in 1974. It was very clear from his testimony that this is a very important issue for him, and I congratulate him for his hard work.

Yet there is an undeniable issue here that I have made reference to that was

pointed out in terms of its importance to the American people by a recent opinion research poll which found that 84 percent of Americans think that Congress has not done enough for the creation of jobs. I think what the majority is doing today will simply reinforce that belief by the American people.

Madam Speaker, I thank the majority for their uncharacteristic generosity in allowing the House to debate both of the Republican amendments submitted to the Rules Committee for consideration. Unfortunately, over a year into this Congress, the purportedly most open and bipartisan Congress in history, the majority has yet to allow even one open rule. That's quite unfortunate, but yet it is business as usual for the majority to continue to claim bipartisanship while working to block full and open debate.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, again, I would like to establish that there were exactly two amendments proposed to this piece of legislation, both by members of the Republican Party, and both will be allowed for floor consideration under this rule.

With that, I yield 3 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Thank you very much.

Madam Speaker, I rise today in support of the rule for H.R. 2314, the Native Hawaiian Government Reorganization Act.

I appreciate the leadership of Chairwoman SLAUGHTER, of Congressman POLIS and of the work of the Rules Committee in crafting a fair rule. All amendments submitted to the Rules Committee were made in order, including two amendments from the minority.

As coauthor of this bill, I am concerned about the impact and intent of the Hastings and Flake amendments. However, the openness and fairness of the rule is consistent with a bill that has been more than 10 years in the making.

There have been 12 congressional hearings on this bill, five of which were held in Hawaii. It has been marked up by committees in both Chambers. The House passed the bill twice—first in 2000 and again in 2007.

The rule also makes in order the Abercrombie substitute amendment, which reflects a compromise between the Hawaii Congressional Delegation, the State of Hawaii, the Obama administration, Indian Country, and the Native Hawaiian community.

There have been many falsehoods and inaccurate statements made about this bill over the years. One of the many misrepresentations is that this bill is race-based legislation. Native Hawaiians are the native indigenous people of Hawaii. They were in Hawaii as long ago as 300 B.C., long before Captain

Cook's so-called "discovery" of the Sandwich Isles, as he named this chain of islands.

The U.S. Supreme Court has repeatedly held that legislation enacted to address the special needs and conditions of the native people of the United States does not constitute discrimination on the basis of race or ethnicity.

The sovereign status of Indian tribes recognized by the Constitution was later extended to Alaska natives as indigenous people. On this same basis, Congress has enacted legislation for the aboriginal, indigenous people of Hawaii. The Constitution, including the Indian affairs powers, extends to the original and all subsequently acquired territory of the United States.

For example, in the Louisiana Purchase Treaty of 1803, President Thomas Jefferson bound the United States to honor the treaties between Spain, which held Louisiana prior to France, and Indian tribes until such time as the United States entered into its own treaties with the tribes.

In 1867, in the Treaty of Cession with Russia for what is now the State of Alaska, the United States agreed to pass laws for the benefit of Alaska natives just as it does for natives in the lower 48 States. The Supreme Court ruled in *Sandoval v. United States* that the Indian affairs power extends to all distinctly native communities within the borders of the United States.

While Congress' authority is not without limit, it clearly can act on behalf of "distinctly Indian"—which means "native"—communities. Congress, so long as it is not arbitrary, may rationally act to benefit the native people. Native Hawaiians are distinctly native. They have their own sovereign nation. They have their own language, culture, religion, traditional economy. They are the aboriginal, indigenous people of Hawaii.

I urge my colleagues to support the passage of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

□ 1630

Mr. POLIS. Madam Speaker, for more than 200 years, Congress, the executive branch, and the Supreme Court have recognized certain legal rights and protections for America's indigenous people. It's the moral and legal responsibility of Congress to reaffirm a political relationship with the native peoples of Hawaii, and H.R. 2314 will achieve this purpose.

Madam Speaker, I ask my colleagues to pass this very fair rule that includes both Republican amendments that were filed and to allow for the further consideration of this bill on the floor of the House of Representatives.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 1083 will be followed by 5-minute votes on motions to suspend the rules with regard to:

House Resolution 1066;

House Resolution 1059;

House Resolution 1039; and

House Resolution 1046.

The vote was taken by electronic device, and there were—yeas 238, nays 165, not voting 29, as follows:

[Roll No. 51]

YEAS—238

Abercrombie	Edwards (MD)	Lowey
Ackerman	Edwards (TX)	Luján
Adler (NJ)	Ellison	Lynch
Altmire	Ellsworth	Maffei
Arcuri	Engel	Maloney
Baca	Eshoo	Markey (CO)
Baird	Etheridge	Markey (MA)
Baldwin	Farr	Marshall
Barrow	Fattah	Massa
Bean	Filner	Matheson
Becerra	Foster	Matsui
Berkley	Frank (MA)	McCarthy (NY)
Berman	Fudge	McCollum
Berry	Giffords	McDermott
Bishop (GA)	Gonzalez	McGovern
Bishop (NY)	Gordon (TN)	McIntyre
Blumenauer	Grayson	McMahon
Boccieri	Green, Al	McNerney
Boren	Green, Gene	Meek (FL)
Boswell	Gutierrez	Meeks (NY)
Boucher	Hall (NY)	Melancon
Boyd	Halvorson	Michaud
Brady (PA)	Hare	Miller (NC)
Braley (IA)	Harman	Miller, George
Bright	Hastings (FL)	Mitchell
Brown, Corrine	Heinrich	Mollohan
Butterfield	Hereth Sandlin	Moore (KS)
Cao	Higgins	Moran (VA)
Capuano	Hill	Murphy (CT)
Cardoza	Hinchey	Murphy (NY)
Carney	Hirono	Nadler (NY)
Carson (IN)	Holden	Napolitano
Castor (FL)	Holt	Neal (MA)
Chandler	Honda	Nye
Childers	Hoyer	Oberstar
Chu	Inslee	Obey
Clarke	Israel	Oliver
Clay	Jackson (IL)	Ortiz
Cleaver	Jackson Lee	Owens
Clyburn	(TX)	Pallone
Cohen	Johnson, E. B.	Pascarell
Connolly (VA)	Kagen	Pastor (AZ)
Conyers	Kanjorski	Perlmutter
Cooper	Kaptur	Perrillo
Costa	Kennedy	Peters
Courtney	Kildee	Peterson
Crowley	Kirkpatrick (MI)	Pingree (ME)
Cuellar	Kilroy	Polis (CO)
Cummings	Kind	Pomeroy
Dahlkemper	Kirkpatrick (AZ)	Price (NC)
Davis (AL)	Kissell	Quigley
Davis (CA)	Klein (FL)	Rahall
Davis (IL)	Kosmas	Rangel
Davis (TN)	Kratovil	Reyes
DeFazio	Kucinich	Richardson
DeGette	Langevin	Rodriguez
Delahunt	Larsen (WA)	Ross
DeLauro	Larson (CT)	Rothman (NJ)
Dicks	Lee (CA)	Roybal-Allard
Dingell	Levin	Rubensberger
Doggett	Lewis (GA)	Rush
Donnelly (IN)	Lipinski	Salazar
Doyle	Loebach	
Drieaus	Lofgren, Zoe	

Sánchez, Linda T.	Smith (WA)	Velázquez
Sanchez, Loretta	Snyder	Visclosky
Sarbanes	Space	Walz
Schakowsky	Spratt	Wasserman
Schauer	Stupak	Schultz
Schiff	Sutton	Waters
Schrader	Tanner	Watson
Schwartz	Taylor	Watt
Scott (GA)	Teague	Waxman
Scott (VA)	Thompson (CA)	Weiner
Serrano	Thompson (MS)	Welch
Sestak	Tierney	Whitfield
Shea-Porter	Titus	Woolsey
Sherman	Tonko	Wu
Skelton	Towns	Yarmuth
Slaughter	Tsongas	Young (AK)
	Van Hollen	

NAYS—165

Aderholt	Gallegly	Miller (MI)
Akin	Garrett (NJ)	Miller, Gary
Alexander	Gerlach	Minnick
Austria	Gingrey (GA)	Murphy, Tim
Bachmann	Gohmert	Myrick
Bachus	Goodlatte	Neugebauer
Bartlett	Granger	Nunes
Barton (TX)	Graves	Olson
Biggert	Griffith	Paul
Bilbray	Guthrie	Paulsen
Bilirakis	Hall (TX)	Pence
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Boehner	Heller	Platts
Bonner	Hensarling	Poe (TX)
Boozman	Herger	Posey
Boustany	Himes	Putnam
Brady (TX)	Hunter	Rehberg
Broun (GA)	Inglis	Roe (TN)
Brown (SC)	Issa	Rogers (AL)
Brown-Waite,	Jenkins	Rogers (KY)
Ginny	Johnson (IL)	Rogers (MI)
Buchanan	Johnson, Sam	Rohrabacher
Burgess	Jones	Rooney
Burton (IN)	Jordan (OH)	Roskam
Buyer	King (IA)	Royce
Calvert	King (NY)	Ryan (WI)
Camp	Kingston	Scalise
Campbell	Kirk	Schmidt
Capito	Kline (MN)	Schock
Carter	Lamborn	Sensenbrenner
Cassidy	Lance	Sessions
Castle	Latham	Shadegg
Chaffetz	LaTourette	Shimkus
Coble	Latta	Shuler
Coffman (CO)	Lee (NY)	Shuster
Cole	Lewis (CA)	Simpson
Conaway	Linder	Smith (NE)
Crenshaw	LoBiondo	Smith (NJ)
Deal (KY)	Lucas	Smith (TX)
Deal (GA)	Luetkemeyer	Souder
Dent	Lummis	Stearns
Diaz-Balart, L.	Lungren, Daniel E.	Sullivan
Diaz-Balart, M.	Manzullo	Terry
Dreier	Marchant	Thompson (PA)
Duncan	McCarthy (CA)	Thornberry
Ehlers	McCaul	Tiahrt
Emerson	McClintock	Tiberi
Fallin	McCotter	Turner
Flake	McHenry	Upton
Fleming	McKeon	Walden
Forbes	McMorris	Westmoreland
Fortenberry	Rodgers	Wilson (SC)
Fox	Mica	Wittman
Franks (AZ)	Miller (FL)	Wolf
Frelinghuysen		Young (FL)

NOT VOTING—29

Andrews	Grijalva	Radanovich
Barrett (SC)	Hinojosa	Reichert
Blunt	Hodes	Ros-Lehtinen
Bono Mack	Hoekstra	Ryan (OH)
Cantor	Johnson (GA)	Sires
Capps	Mack	Speier
Carnahan	Moore (WI)	Stark
Costello	Moran (KS)	Wamp
Culberson	Payne	Wilson (OH)
Garamendi	Price (GA)	

□ 1657

Messrs. WILSON of South Carolina, SMITH of Nebraska, and NUNES changed their vote from “yea” to “nay.”

Mr. HEINRICH changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING THE BRAVERY AND EFFORTS OF THE MEMBERS OF OPERATION UNIFIED RESPONSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1066, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 1066.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 52]

YEAS—406

Abercrombie	Campbell	Edwards (MD)
Ackerman	Cantor	Edwards (TX)
Aderholt	Cao	Ehlers
Adler (NJ)	Capito	Ellison
Akin	Capuano	Ellsworth
Alexander	Cardoza	Emerson
Altmire	Carney	Engel
Arcuri	Carson (IN)	Eshoo
Austria	Carter	Etheridge
Baca	Cassidy	Fallin
Bachmann	Castle	Farr
Bachus	Castor (FL)	Fattah
Baird	Chaffetz	Filner
Baldwin	Chandler	Flake
Barrow	Childers	Fleming
Bartlett	Chu	Forbes
Barton (TX)	Clarke	Fortenberry
Bean	Clay	Foster
Becerra	Cleaver	Fox
Berkley	Clyburn	Frank (MA)
Berman	Coble	Franks (AZ)
Berry	Coffman (CO)	Frelinghuysen
Biggert	Cohen	Fudge
Bilbray	Cole	Gallegly
Bilirakis	Conaway	Garrett (NJ)
Bishop (GA)	Connolly (VA)	Gerlach
Bishop (NY)	Conyers	Giffords
Bishop (UT)	Cooper	Gingrey (GA)
Blackburn	Costa	Gohmert
Blumenauer	Courtney	Gonzalez
Boccieri	Crenshaw	Goodlatte
Boehner	Crowley	Gordon (TN)
Bonner	Cuellar	Granger
Boozman	Cummings	Graves
Boren	Dahlkemper	Grayson
Boswell	Davis (AL)	Green, Al
Boucher	Davis (IL)	Green, Gene
Boustany	Davis (KY)	Griffith
Boyd	Davis (TN)	Grijalva
Brady (PA)	Deal (GA)	Guthrie
Brady (TX)	DeFazio	Gutierrez
Braley (IA)	DeGette	Hall (NY)
Bright	Delahunt	Hall (TX)
Broun (GA)	DeLauro	Halvorson
Brown (SC)	Dent	Hare
Brown, Corrine	Diaz-Balart, L.	Harman
Brown-Waite,	Diaz-Balart, M.	Harper
Ginny	Dicks	Hastings (FL)
Buchanan	Dingell	Hastings (WA)
Burgess	Doggett	Heinrich
Burton (IN)	Donnelly (IN)	Heller
Butterfield	Doyle	Hensarling
Buyer	Dreier	Herger
Calvert	Drieaus	Hereth Sandlin
Camp	Duncan	Higgins

Hill  
Himes  
Hinchey  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum

McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)

## NOT VOTING—26

Andrews  
Barrett (SC)  
Blunt  
Bono Mack  
Capps  
Carnahan  
Costello  
Culberson  
Davis (CA)

Garamendi  
Hinojosa  
Hodes  
Hoekstra  
Mack  
Moran (KS)  
Owens  
Paul  
Payne

Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. COHEN) (during the vote). There are 2 minutes remaining in this vote.

□ 1706

Mr. BACHUS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### HONORING THE HEROISM OF THE SEVEN URBAN SEARCH AND RESCUE TEAMS DEPLOYED TO HAITI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1059, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1059, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 53]

YEAS—406

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Clay  
Boccieri  
Boehner  
Bonner  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)

Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Caputo  
Cardoza  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney

Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes

Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski

LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—26

Andrews	Garamendi	Price (GA)
Barrett (SC)	Hinojosa	Radanovich
Blunt	Hodes	Reichert
Bono Mack	Hoekstra	Ryan (OH)
Capps	Mack	Sires
Carnahan	Moore (KS)	Stark
Chaffetz	Moran (KS)	Wamp
Costello	Paul	Wilson (OH)
Culberson	Payne	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1714

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Honoring the heroism of the seven United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, the City of Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010, Haitian earthquake."

A motion to reconsider was laid on the table.

Stated for:

Mr. CHAFFETZ. Mr. Speaker, on rollcall No. 53 I was unavoidably detained. Had I been present, I would have voted "yea."

### AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1039.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1039.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

## [Roll No. 54]

## YEAS—408

Abercrombie	Davis (KY)	Johnson, Sam
Ackerman	Davis (TN)	Jones
Aderholt	Deal (GA)	Jordan (OH)
Adler (NJ)	DeFazio	Kagen
Akin	DeGette	Kanjorski
Alexander	Delahunt	Kaptur
Altmire	DeLauro	Kennedy
Arcuri	Dent	Kildee
Austria	Diaz-Balart, L.	Kilpatrick (MI)
Baca	Diaz-Balart, M.	Kilroy
Bachmann	Dicks	Kind
Bachus	Dingell	King (IA)
Baird	Doggett	King (NY)
Baldwin	Donnelly (IN)	Kingston
Barrow	Doyle	Kirk
Bartlett	Dreier	Kirkpatrick (AZ)
Barton (TX)	Driehaus	Kissell
Bean	Duncan	Klein (FL)
Becerra	Edwards (MD)	Kline (MN)
Berkley	Edwards (TX)	Kosmas
Berman	Ehlers	Kratovil
Berry	Ellison	Kucinich
Biggert	Ellsworth	Lamborn
Bilbray	Emerson	Lance
Bilirakis	Engel	Langevin
Bishop (GA)	Eshoo	Larsen (WA)
Bishop (NY)	Etheridge	Larson (CT)
Bishop (UT)	Fallon	Latham
Blackburn	Farr	LaTourette
Blumenauer	Fattah	Latta
Boccieri	Finler	Lee (CA)
Boehner	Flake	Lee (NY)
Bonner	Fleming	Levin
Boozman	Forbes	Lewis (CA)
Boren	Fortenberry	Lewis (GA)
Boswell	Foster	Linder
Boucher	Fox	Lipinski
Boustany	Frank (MA)	LoBiondo
Boyd	Franks (AZ)	Loeb
Brady (PA)	Frelinghuysen	Loebsack
Brady (TX)	Fudge	Lofgren, Zoe
Braley (IA)	Gallegly	Lowey
Bright	Garrett (NJ)	Lucas
Broun (GA)	Gerlach	Luetkemeyer
Brown (SC)	Giffords	Lujan
Brown, Corrine	Gingrey (GA)	Lummis
Brown-Waite,	Gohmert	Lungren, Daniel
Ginny	Gonzalez	E.
Buchanan	Goodlatte	Lynch
Burgess	Gordon (TN)	Maffei
Burton (IN)	Granger	Maloney
Butterfield	Graves	Manzullo
Buyer	Grayson	Marchant
Calvert	Green, Al	Markey (CO)
Camp	Green, Gene	Markey (MA)
Campbell	Griffith	Marshall
Cantor	Grijalva	Massa
Cao	Guthrie	Matheson
Capito	Gutierrez	Matsui
Capuano	Hall (NY)	McCarthy (CA)
Cardoza	Hall (TX)	McCarthy (NY)
Carney	Halvorson	McCaul
Carson (IN)	Hare	McClintock
Carter	Harman	McCollum
Cassidy	Harper	McCotter
Castle	Hastings (FL)	McDermott
Castor (FL)	Hastings (WA)	McGovern
Chaffetz	Heinrich	McHenry
Chandler	Heller	McIntyre
Childers	Hensarling	McKeon
Chu	Herger	McMahon
Clarke	Herseth Sandlin	McMorris
Clay	Higgins	Rodgers
Cleaver	Hill	McNerney
Clyburn	Himes	Meek (FL)
Coble	Hinche	Meeks (NY)
Coffman (CO)	Hirono	Melancon
Cohen	Holden	Mica
Cole	Holt	Michaud
Conaway	Honda	Miller (FL)
Connolly (VA)	Hoyer	Miller (MI)
Conyers	Hunter	Miller (NC)
Cooper	Inglis	Miller, Gary
Costa	Inslee	Miller, George
Courtney	Israel	Minnick
Crenshaw	Issa	Mitchell
Crowley	Jackson (IL)	Mollohan
Cuellar	Jackson Lee	Moore (KS)
Cummings	(TX)	Moore (WI)
Dahlkemper	Jenkins	Moran (VA)
Davis (AL)	Johnson (GA)	Murphy (CT)
Davis (CA)	Johnson (IL)	Murphy (NY)
Davis (IL)	Johnson, E. B.	Murphy, Patrick
		Murphy, Tim

Myrick	Ros-Lehtinen	Spratt
Nadler (NY)	Roskam	Stearns
Napolitano	Ross	Stupak
Neal (MA)	Rothman (NJ)	Sullivan
Neugebauer	Roybal-Allard	Sutton
Nunes	Royce	Tanner
Nye	Ruppersberger	Taylor
Oberstar	Rush	Teague
Obey	Ryan (WI)	Terry
Olson	Salazar	Thompson (CA)
Oliver	Sánchez, Linda	Thompson (MS)
Ortiz	T.	Thompson (PA)
Owens	Sanchez, Loretta	Thornberry
Pallone	Sarbanes	Tiahrt
Pascarella	Scalise	Tiberi
Pastor (AZ)	Schakowsky	Tierney
Paulsen	Schauer	Titus
Pence	Schiff	Tonko
Perlmutter	Schmidt	Towns
Perriello	Schock	Tsongas
Peters	Schrader	Turner
Peterson	Schwartz	Upton
Petri	Scott (GA)	Van Hollen
Pingree (ME)	Scott (VA)	Velázquez
Pitts	Sensenbrenner	Visclosky
Platts	Serrano	Walden
Poe (TX)	Sessions	Walz
Polis (CO)	Sestak	Wasserman
Pomeroy	Shadegg	Schultz
Posey	Shea-Porter	Waters
Price (NC)	Sherman	Watson
Putnam	Shimkus	Watt
Quigley	Shuler	Waxman
Rahall	Shuster	Weiner
Rangel	Simpson	Welch
Rehberg	Skelton	Westmoreland
Reyes	Slaughter	Whitfield
Richardson	Smith (NE)	Wilson (SC)
Rodriguez	Smith (NJ)	Wittman
Roe (TN)	Smith (TX)	Wolf
Rogers (AL)	Smith (WA)	Woolsey
Rogers (KY)	Snyder	Wu
Rogers (MI)	Souder	Yarmuth
Rohrabacher	Space	Young (AK)
Rooney	Speler	Young (FL)

## NOT VOTING—24

Andrews	Garamendi	Price (GA)
Barrett (SC)	Hinojosa	Radanovich
Blunt	Hodes	Reichert
Bono Mack	Hoekstra	Ryan (OH)
Capps	Mack	Sires
Carnahan	Moran (KS)	Stark
Costello	Paul	Wamp
Culberson	Payne	Wilson (OH)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1723

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## KILDEE CASTS HISTORIC VOTE

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen of the House, there are times when we have the opportunity to witness a particular historical event. We are about to do that now. The gentleman from Michigan, my dear friend, DALE KILDEE, is the epitome of gentleman. I don't think there is a person in this House that doesn't think that DALE KILDEE is a thoughtful, considerate, compassionate gentleman, a person who cares deeply about his country, cares deeply about the Page program

to which he has devoted so much of his talents, and cares about each one of us.

None of us are objective in talking about DALE KILDEE because he is such a decent, wonderful, good human being. He is also an extraordinarily faithful Member of this House.

I am going to yield to Mr. DINGELL, the Dean of the House, at this point as we are about to witness Mr. KILDEE casting his 20,000th vote in the House of Representatives.

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the distinguished majority leader, for yielding, and I am delighted to join him and my other colleagues in this tribute to a great citizen of the State of Michigan.

He is our friend, our distinguished colleague from Michigan's Fifth District, DALE KILDEE, who has just cast his 19,999th vote, and his next vote will be 20,000. He is in his 34th year in this institution. And after he replaced our friend Don Riegle—who made the curious career choice of running for the Senate—he has been a matter of good fortune to all of us in Michigan and to this body because he's been a rock-solid member of this institution. In his whole 34 years, he's only missed 27 votes. That's a 99.9 percent voting record. He once made 8,141 consecutive votes. I have to say, a fellow should avoid that; the pressure of that situation is very bad.

But we all agree, his accomplishments are not just about numbers. He's been an important figure on legislation that has bettered the life of our families, particularly our youngest citizens. No one here can find anyone who has done more to protect American children than has our friend, DALE KILDEE. From his place on the House Education and Labor Committee, he's been a leader on Head Start, school modernization, school safety, college access and affordability. He's been a great champion of our Great Lakes which he loves and which he has protected.

He's also a hero to our citizens of Michigan who consider the lakes a treasure. He has protected jobs and workers' rights, and to do so, he started the Auto Caucus together with our other good friend from Michigan.

□ 1730

As founder of the House Native American caucus, he has helped give a voice on the Hill to the concerns of our Native American constituents across the country.

Flint, from where he comes, loves this man, and all of us are proud to call him our friend. He is the iron man of the House. And I know, if my good friend would yield to the distinguished gentlewoman from Michigan, she would like to have a word to say, too.

Mr. HOYER. I certainly yield to the gentlelady from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, when I first came to the Con-

gress in 2003, one of my new colleagues DALE KILDEE shared with me what he called the three C's of service, and I am sure he has shared it with many of our other colleagues as well. But those three C's are conscience, constituents, and caucus.

First of all, of course, conscience. That comes first because, as we all know, DALE KILDEE, our good friend, has a very deep and abiding faith in God, and he has never and will never take any action that he believes violates the tenets of his beliefs.

Constituents, second, because those are the people that we are all here to represent. And DALE KILDEE's constituents, as our colleague from Michigan has said, from Flint, Michigan, are probably some of the most hard-working and patriotic Americans in our entire great Nation.

And caucus comes last in the three C's, because while we all certainly want to be loyal to our team, it is far more important that we are, first of all, loyal to our beliefs and to the people who send us here.

Today DALE KILDEE reaches an incredible milestone, 20,000 votes and a 99.9 percent voting record, because he understands that it is our primary responsibility to make sure that our constituents who we come here to represent are heard on the issues that we consider here in the people's House.

Mr. Speaker, everyone in this Chamber is addressed as "The Honorable," but I think it is most fitting that this title be given to our good friend DALE KILDEE because he is first and foremost a very honorable man.

I have never, ever heard a bad or negative comment about DALE KILDEE in the time that I have been in this Chamber, and even before that when I was the Secretary of State in Michigan. All throughout our great State, people have always thought of him in those terms, as honorable.

And I just want to be here today, DALE, to congratulate you sincerely. I am very proud to call you friend.

Mr. HOYER. I thank the gentlelady for her comments.

I am pleased to yield to my good friend, the minority leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank the majority leader for yielding and rise to congratulate my friend DALE KILDEE.

The gentleman from Michigan and I served for many years on the Education and Labor Committee. We had many debates, but there were dozens and dozens of issues that Mr. KILDEE and I had the chance to work on together, and I do refer to him as Mr. KILDEE. But, as has been mentioned, there is no kinder, more decent person in this House than DALE KILDEE.

So, DALE, on the occasion of your 20,000th vote cast here, I rise today to say congratulations.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members

have the right to revise and extend their remarks to make such comments as they might deem appropriate on our colleague, Mr. KILDEE.

The SPEAKER pro tempore (Mr. PETERS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOYER. I thank the dean.

And now, DALE, we will cease and desist as you cast your 20,000th vote. God bless you. You have served our country, your district, and all the Members as well as our pages, so well over those 34 years. Thank you. Godspeed.

Mr. CAMP. Mr. Speaker, today I would like to congratulate my colleague, the distinguished gentleman from Michigan, Congressman DALE KILDEE, on casting 20,000 votes in the United States House of Representatives—the people's House.

Twenty thousand votes is quite an achievement, and to some, it may seem like a miraculous number. But the true measure of DALE's accomplishment is a much smaller number—he has only missed 27 votes in his entire career. That's right, DALE cast 20,000 votes out of 20,027—a batting average of .999 over a 33-year career. That certainly qualifies the man from Flint for the Congressional Hall of Fame.

But it isn't the statistic that counts, it is what that statistic represents: DALE's work ethic and his dedication to the state of Michigan, his district, which neighbors mine, and the people he serves.

DALE has been a leader on the Congressional Auto Caucus he helped to form. This caucus has been a valuable asset for the American auto industry and has helped serve as a platform to protect Michigan auto jobs. We have worked together on many local economic development projects, most recently, the development of the new MBS International Airport, which is a valuable asset for our region's economy.

Today, I join my colleagues in congratulating and commending Congressman DALE KILDEE for not only reaching 20,000 votes, but for his career of service to the families of mid-Michigan.

Mr. PETERS. Mr. Speaker, I rise here today to honor Congressman DALE KILDEE on the occasion of his twenty thousandth vote.

Congressman KILDEE has proudly represented Flint area residents in Michigan's State House, State Senate and U.S. Congress for over 46 years.

Only missing twenty seven votes during his thirty three years in Congress, with a large portion of those during a hospital stay, Congressman KILDEE has been nicknamed the "Cal Ripken of Congress". His strong work ethic demonstrated in his exceptional voting record has also translated into many legislative victories.

Throughout his career, Congressman KILDEE has been a champion for children, from serving as a local high school teacher, to Chairman of the House Page Program, to working to establish child protection measures and additional development programs for children as a Member of Congress.

As a senior member of the Education and Labor Committee, and as the Democratic



Chairman of the Congressional Auto Caucus, Congressman KILDEE has been a tireless supporter of auto workers in Michigan and around the nation, helping to establish worker retraining programs and new job opportunities. Through these efforts, Dale was able to establish a Job Corps Center in Flint to provide vocational and academic training for young people with the goal of helping them to improve their own quality of life.

I am proud to serve alongside my good friend DALE KILDEE, who has been a fighter for the people of Michigan; from his avid protection of our Great Lakes, to his support for worker protection laws and support of children's education. DALE has served as a mentor to me throughout my career in Michigan public office and I am proud to call him a friend, and happy to be able to congratulate him on the occasion of his 20,000th vote here in the House of Representatives.

Mr. PETRI. Mr. Speaker, I want to acknowledge one of our most devoted and respected colleagues, Representative DALE KILDEE, and congratulate him on the casting of his historic 20,000th vote in the U.S. House of Representatives. For those of us in this chamber who have been fortunate enough to work with the gentleman from Michigan, such a remarkable achievement comes as no surprise.

As my colleagues have justly pointed out, it is not only the quantity of votes that makes this feat remarkable, but it is the consistency with which he has cast them that proves to be especially noteworthy. Missing only 27 votes since 1977 is a reflection of the pride and seriousness he takes in representing the people of Michigan's Fifth District.

Since entering Congress, I have had the honor of serving with Mr. KILDEE on the Education and Labor Committee. He brings the same work ethic to the committee as he has on the floor of the House.

Representative KILDEE has set a standard here in Congress that most will not replicate, but it will indeed continue to inspire and serve as an example for me and his other colleagues in the House. Once again, I send my congratulations on this historic achievement and thank Representative KILDEE for his service to his district in Michigan and to this institution.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

#### RECOGNIZING BLACK HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1046.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1046.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

#### RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 402, noes 0, not voting 30, as follows:

[Roll No. 55]

#### AYES—402

Abercrombie	Coble	Grijalva
Ackerman	Coffman (CO)	Guthrie
Aderholt	Cohen	Gutierrez
Adler (NJ)	Cole	Hall (NY)
Akin	Conaway	Hall (TX)
Alexander	Connolly (VA)	Halvorson
Altmire	Conyers	Hare
Arcuri	Cooper	Harman
Austria	Costa	Harper
Baca	Courtney	Hastings (FL)
Bachmann	Crenshaw	Hastings (WA)
Bachus	Crowley	Heinrich
Baird	Cuellar	Heller
Baldwin	Cummings	Hensarling
Barrow	Dahlkemper	Hergert
Bartlett	Davis (AL)	Hersteth Sandlin
Barton (TX)	Davis (CA)	Higgins
Bean	Davis (IL)	Hill
Becerra	Davis (KY)	Himes
Berkley	Davis (TN)	Hinchee
Berman	Deal (GA)	Hirono
Berry	DeFazio	Holden
Biggert	DeGette	Holt
Bilbray	DeLaHunt	Honda
Bilirakis	DeLauro	Hoyer
Bishop (GA)	Dent	Hunter
Bishop (NY)	Diaz-Balart, L.	Inglis
Bishop (UT)	Diaz-Balart, M.	Inslee
Blackburn	Dicks	Israel
Blumenauer	Dingell	Issa
Boccieri	Doggett	Jackson (IL)
Boehner	Donnelly (IN)	Jackson Lee
Bonner	Doyle	(TX)
Boozman	Dreier	Jenkins
Boren	Driehaus	Johnson (GA)
Boswell	Duncan	Johnson (IL)
Boucher	Edwards (MD)	Johnson, E. B.
Boustany	Edwards (TX)	Johnson, Sam
Boyd	Ehlers	Jones
Brady (PA)	Ellison	Jordan (OH)
Brady (TX)	Ellsworth	Kagen
Braley (IA)	Emerson	Kanjorski
Bright	Engel	Kaptur
Brown (GA)	Eshoo	Kennedy
Brown (SC)	Etheridge	Kildee
Brown, Corrine	Fallin	Kilpatrick (MI)
Brown-Waite,	Farr	Kilroy
Ginny	Fattah	Kind
Buchanan	Flner	King (IA)
Burgess	Flake	King (NY)
Burton (IN)	Fleming	Kingston
Butterfield	Forbes	Kirk
Buyer	Fortenberry	Kirkpatrick (AZ)
Calvert	Foster	Kissell
Camp	Fox	Klein (FL)
Campbell	Frank (MA)	Kline (MN)
Cantor	Franks (AZ)	Kosmas
Cao	Frelinghuysen	Kratovil
Capito	Fudge	Kucinich
Capuano	Gallegly	Lamborn
Cardoza	Garamendi	Lance
Carney	Garrett (NJ)	Langevin
Carson (IN)	Gerlach	Larsen (WA)
Carter	Giffords	Larson (CT)
Cassidy	Gingrey (GA)	Latham
Castle	Gohmert	LaTourette
Castor (FL)	Gonzalez	Latta
Chaffetz	Goodlatte	Lee (CA)
Chandler	Gordon (TN)	Lee (NY)
Childers	Granger	Levin
Chu	Graves	Lewis (CA)
Clarke	Grayson	Lewis (GA)
Clay	Green, Al	Lipinski
Cleaver	Green, Gene	LoBiondo
Clyburn	Griffith	Loeback

Lofgren, Zoe	Ortiz	Sessions
Lowe	Owens	Sestak
Lucas	Pallone	Shadegg
Luetkemeyer	Pascarell	Shea-Porter
Lujan	Pastor (AZ)	Sherman
Lummis	Paul	Shimkus
Lungren, Daniel	Paulsen	Shuler
E.	Pence	Shuster
Lynch	Perlmutter	Simpson
Maffei	Perriello	Skelton
Maloney	Peters	Slaughter
Manzullo	Peterson	Smith (NE)
Marchant	Petri	Smith (NJ)
Markey (CO)	Pingree (ME)	Smith (TX)
Markey (MA)	Pitts	Smith (WA)
Marshall	Platts	Snyder
Massa	Poe (TX)	Souder
Matheson	Polis (CO)	Speier
Matsui	Pomeroy	Spratt
McCarthy (CA)	Posey	Stearns
McCarthy (NY)	Price (NC)	Stupak
McCaul	Putnam	Sullivan
McClintock	Quigley	Sutton
McCollum	Rahall	Tanner
McCotter	Rangel	Taylor
McDermott	Rehberg	Teague
McGovern	Reyes	Terry
McHenry	Richardson	Thompson (CA)
McIntyre	Rodriguez	Thompson (MS)
McKeon	Roe (TN)	Thompson (PA)
McMahon	Rogers (AL)	Thornberry
McMorris	Rogers (KY)	Tiberi
McRogers	Rogers (MI)	Tierney
McNerney	Rohrabacher	Titus
Meeks (NY)	Rooney	Tonko
Melancon	Ros-Lehtinen	Towns
Mica	Roskam	Tsongas
Micaud	Ross	Turner
Miller (FL)	Rothman (NJ)	Upton
Miller (MI)	Roybal-Allard	Van Hollen
Miller (NC)	Royce	Velázquez
Miller, Gary	Ruppersberger	Visclosky
Mitchell	Rush	Walden
Mollohan	Ryan (WI)	Walz
Moore (KS)	Salazar	Wasserman
Moore (WI)	Sánchez, Linda	Schultz
Moran (VA)	T.	Waters
Murphy (CT)	Sanchez, Loretta	Watson
Murphy (NY)	Sarbanes	Watt
Murphy, Patrick	Scalise	Weiner
Murphy, Tim	Schakowsky	Welch
Myrick	Schauer	Westmoreland
Napolitano	Schiff	Whitfield
Neal (MA)	Schmidt	Wilson (SC)
Neugebauer	Schock	Wittman
Nunes	Schrader	Wolf
Nye	Schwartz	Woolsey
Oberstar	Scott (GA)	Wu
Obey	Scott (VA)	Yarmuth
Olson	Sensenbrenner	Young (AK)
Olver	Serrano	Young (FL)

#### NOT VOTING—30

Andrews	Hoekstra	Radanovich
Barrett (SC)	Linder	Reichert
Blunt	Mack	Ryan (OH)
Bono Mack	Meek (FL)	Sires
Capps	Miller, George	Space
Carnahan	Minnick	Stark
Costello	Moran (KS)	Tiahrt
Culberson	Nadler (NY)	Wamp
Hinojosa	Payne	Waxman
Hodes	Price (GA)	Wilson (OH)

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes remaining on this vote.

□ 1740

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H. RES. 648

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H. Res. 648.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

NATIVE HAWAIIAN GOVERNMENT  
REORGANIZATION ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1083, I call up the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1083, the bill is considered read.

The text of the bill is as follows:

H.R. 2314

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Native Hawaiian Government Reorganization Act of 2009”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal relationship to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands

and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the “ceded lands trust”), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the “Apology Resolution”) was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the Government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children’s services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master’s degree programs in native language immersion instruction; and

(xii) traditional justice programs; and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term “aboriginal, indigenous, native people” means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) **ADULT MEMBER.**—The term “adult member” means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) **APOLOGY RESOLUTION.**—The term “Apology Resolution” means Public Law 103–150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(4) **COMMISSION.**—The term “commission” means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in paragraph (10).

(5) **COUNCIL.**—The term “council” means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) **INDIAN PROGRAM OR SERVICE.**—

(A) **IN GENERAL.**—The term “Indian program or service” means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) **INCLUSIONS.**—The term “Indian program or service” includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(7) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) **INDIGENOUS, NATIVE PEOPLE.**—The term “indigenous, native people” means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(9) **INTERAGENCY COORDINATING GROUP.**—The term “Interagency Coordinating Group” means the Native Hawaiian Interagency Coordinating Group established under section 6.

(10) **NATIVE HAWAIIAN.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), for the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the special political and

legal relationship between the United States and the Native Hawaiian governing entity, the term “Native Hawaiian” means—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(B) **NO EFFECT ON OTHER DEFINITIONS.**—Nothing in this paragraph affects the definition of the term “Native Hawaiian” under any other Federal or State law (including a regulation).

(11) **NATIVE HAWAIIAN GOVERNING ENTITY.**—The term “Native Hawaiian Governing Entity” means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(12) **NATIVE HAWAIIAN PROGRAM OR SERVICE.**—The term “Native Hawaiian program or service” means any program or service provided to Native Hawaiians because of their status as Native Hawaiians.

(13) **OFFICE.**—The term “Office” means the United States Office for Native Hawaiian Relations established by section 5(a).

(14) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(15) **SPECIAL POLITICAL AND LEGAL RELATIONSHIP.**—The term “special political and legal relationship” shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

### SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) **POLICY.**—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and polit-

ical relations with the Native Hawaiian people.

(b) **PURPOSE.**—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

### SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) **ESTABLISHMENT.**—There is established within the Office of the Secretary, the United States Office for Native Hawaiian Relations.

(b) **DUTIES.**—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the special political and legal relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) **APPLICABILITY TO DEPARTMENT OF DEFENSE.**—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

### SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) **ESTABLISHMENT.**—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the “Native Hawaiian Interagency Coordinating Group”.

(b) **COMPOSITION.**—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) **LEAD AGENCY.**—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in section 6(d)(1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 7(c)(6); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

**SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.**

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the single Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(10).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) CONSIDERATION.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian organization.

(B) REQUIREMENTS.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy; and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, in-

cluding per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(10) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(10).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission

that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(10);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(10) to the Secretary within 2 years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(10), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(10) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal; and

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(10) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

**(B) POWERS.—**

**(i) IN GENERAL.—**The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) **FUNDING.—**The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

**(iii) ACTIVITIES.—**

(I) **IN GENERAL.—**The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) **DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—**Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) **DISTRIBUTION.—**The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) **ELECTIONS.—**The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) **SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—**Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

**(4) CERTIFICATIONS.—**

(A) **IN GENERAL.—**Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the 3 governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103-454, 25 U.S.C. 479a, shall not apply.

**(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—**

(i) **RESUBMISSION BY THE SECRETARY.—**If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) **AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—**If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) **CERTIFICATIONS DEEMED MADE.—**The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) **ELECTIONS.—**On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) **REAFFIRMATION.—**Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the special political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

**SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.**

(a) **REAFFIRMATION.—**The delegation by the United States of authority to the State of

Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3, 73 Stat. 4), is reaffirmed.

**(b) NEGOTIATIONS.—**

(1) **IN GENERAL.—**Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) **AMENDMENTS TO EXISTING LAWS.—**Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties are authorized to submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the 3 governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the 3 governments.

(3) **GOVERNMENTAL AUTHORITY AND POWER.—**Any governmental authority or power to be exercised by the Native Hawaiian governing entity which is currently exercised by the State or Federal Governments shall be exercised by the Native Hawaiian governing entity only as agreed to in negotiations pursuant to section 8(b)(1) of this Act and beginning on the date on which legislation to implement such agreement has been enacted by the United States Congress, when applicable, and by the State of Hawaii, when applicable. This includes any required modifications to the Hawaii State Constitution in accordance with the Hawaii Revised Statutes.

**(c) CLAIMS.—**

**(1) DISCLAIMERS.—**Nothing in this Act—

(A) creates a cause of action against the United States or any other entity or person;

(B) alters existing law, including existing case law, regarding obligations on the part of the United States or the State of Hawaii with regard to Native Hawaiians or any Native Hawaiian entity;

(C) creates obligations that did not exist in any source of Federal law prior to the date of enactment of this Act; or

(D) establishes authority for the recognition of Native Hawaiian groups other than the single Native Hawaiian Governing Entity.

**(2) FEDERAL SOVEREIGN IMMUNITY.—**

(A) SPECIFIC PURPOSE.—Nothing in this Act is intended to create or allow to be maintained in any court any potential breach-of-trust actions, land claims, resource-protection or resource-management claims, or similar types of claims brought by or on behalf of Native Hawaiians or the Native Hawaiian governing entity for equitable, monetary, or Administrative Procedure Act-based relief against the United States or the State of Hawaii, whether or not such claims specifically assert an alleged breach of trust, call for an accounting, seek declaratory relief, or seek the recovery of or compensation for lands once held by Native Hawaiians.

(B) ESTABLISHMENT AND RETENTION OF SOVEREIGN IMMUNITY.—To effectuate the ends expressed in section 8(c)(1) and 8(c)(2)(A), and notwithstanding any other provision of Federal law, the United States retains its sovereign immunity to any claim that existed prior to the enactment of this Act (including, but not limited to, any claim based in whole or in part on past events), and which could be brought by Native Hawaiians or any Native Hawaiian governing entity. Nor shall any preexisting waiver of sovereign immunity (including, but not limited to, waivers set forth in chapter 7 of part 1 of title 5, United States Code, and sections 1505 and 2409a of title 28, United States Code) be applicable to any such claims. This complete retention or reclaiming of sovereign immunity also applies to every claim that might attempt to rely on this Act for support, without regard to the source of law under which any such claim might be asserted.

(C) EFFECT.—It is the general effect of section 8(c)(2)(B) that any claims that may already have accrued and might be brought against the United States, including any claims of the types specifically referred to in section 8(c)(2)(A), along with both claims of a similar nature and claims arising out of the same nucleus of operative facts as could give rise to claims of the specific types referred to in section 8(c)(2)(A), be rendered nonjusticiable in suits brought by plaintiffs other than the Federal Government.

### (3) STATE SOVEREIGNTY IMMUNITY.—

(A) Notwithstanding any other provision of Federal law, the State retains its sovereign immunity, unless waived in accord with State law, to any claim, established under any source of law, regarding Native Hawaiians, that existed prior to the enactment of this Act.

(B) Nothing in this Act shall be construed to constitute an override pursuant to section 5 of the Fourteenth Amendment of State sovereign immunity held under the Eleventh Amendment.

## SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

### (a) INDIAN GAMING REGULATORY ACT.—

(1) The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) The foregoing prohibition in section 9(a)(1) on the use of Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or Territory of the United States.

(b) TAKING LAND INTO TRUST.—Notwithstanding any other provision of law, includ-

ing but not limited to part 151 of title 25, Code of Federal Regulations, the Secretary shall not take land into trust on behalf of individuals or groups claiming to be Native Hawaiian or on behalf of the native Hawaiian governing entity.

(c) REAL PROPERTY TRANSFERS.—The Indian Trade and Intercourse Act (25 U.S.C. 177), does not, has never, and will not apply after enactment to lands or lands transfers present, past, or future, in the State of Hawaii. If despite the expression of this intent herein, a court were to construe the Trade and Intercourse Act to apply to lands or land transfers in Hawaii before the date of enactment of this Act, then any transfer of land or natural resources located within the State of Hawaii prior to the date of enactment of this Act, by or on behalf of the Native Hawaiian people, or individual Native Hawaiians, shall be deemed to have been made in accordance with the Indian Trade and Intercourse Act and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, Native Hawaiians, or Native Hawaiian entities.

(d) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25 of the Code of Federal Regulations or any other administrative acknowledgment or recognition process.

(e) JURISDICTION.—Nothing in this Act alters the civil or criminal jurisdiction of the United States or the State of Hawaii over lands and persons within the State of Hawaii. The status quo of Federal and State jurisdiction can change only as a result of further legislation, if any, enacted after the conclusion, in relevant part, of the negotiation process established in section 8(b).

(f) INDIAN PROGRAMS AND SERVICES.—Notwithstanding section 7(c)(6), because of the eligibility of the Native Hawaiian governing entity and its citizens for Native Hawaiian programs and services in accordance with subsection (g), nothing in this Act provides an authorization for eligibility to participate in any Indian program or service to any individual or entity not otherwise eligible for the program or service under applicable Federal law.

(g) NATIVE HAWAIIAN PROGRAMS AND SERVICES.—The Native Hawaiian governing entity and its citizens shall be eligible for Native Hawaiian programs and services to the extent and in the manner provided by other applicable laws.

## SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

## SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in part A of House Report 111-413, if offered by the gentleman from Hawaii (Mr. ABERCROMBIE) or his designee, which shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

The amendments to the amendment in the nature of a substitute printed in part B of House Report 111-413, each of which may be offered only by a Member designated in the report, shall be considered as read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 1745

## GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2134.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, the history of these United States is replete with glory. From the moment we broke the bonds of tyranny and declared independence to the severe tests we endured to maintain our union of States during the Civil War, to developments in science, medicine, and technology, we as a Nation advanced for the benefit of the entire world. But throughout much of this history, our treatment of indigenous populations has been found wanting. The very policy that the United States advanced toward Native Americans from destruction to assimilation to reservation were conflicting and did not usually produce favorable results, at least from the perspective of the Native American.

Today, we are considering a measure which seeks to rectify a wrong that occurred 117 years ago. On January 17, 1893, the legitimate Kingdom of Hawaii was overthrown by American speculators with the active participation of the U.S. military. Five years after this overthrow, Hawaii was annexed to the United States and the lands of the indigenous population were lost to sugar plantations. Their health, education, and economic standing diminished greatly, a saga that has been repeated again and again with respect to Native Americans throughout our country.

The measure we are considering today is not a restitution measure, nor is it an outright recognition measure. What it would do is create a process by which the Native Hawaiian governing body would be reorganized, and the political and legal relationship with the United States would be reaffirmed.

I think it is important to note what this bill does not do: It does not allow for gaming; it does not provide for the transfer of any lands; it does not change civil or criminal jurisdiction by the State or Federal Governments; and

it does not provide for any new eligibility into Indian programs.

Following reorganization of a governing body, the bill authorizes negotiation among the Federal, State, and Native Hawaiian governing entities to address certain powers and authorities. Any changes in these areas would require enactment of additional Federal and possibly State legislation.

Beginning in 1920, Congress began passing legislation specifically for the benefit of Native Hawaiians. To date, over 160 laws have been enacted to provide the Native Hawaiian community with everything from housing to repatriation of Hawaiian human remains from the Nation's museums. In each case, Congress understood its right and responsibility to enact laws affecting the native peoples of Hawaii similar to natives of the other 49 States. This is not a matter of race; it is a matter of Congress properly dealing with the indigenous populations as expressly sanctioned by the Constitution of the United States.

To allege that the Congress cannot engage in legislation of the pending nature regarding Native Hawaiians is to ignore the fact that there are 564 Federally recognized Indian tribes in this country. The bill before us today is similar legislation that has passed the House in previous Congresses. During the 106th Congress, we passed a similar bill under suspension of the rules when the Republicans held the majority. That was under Tom DeLay's watch, but what a different tune we will hear today from the other side. Similar legislation also passed during last Congress by a large majority.

So I urge my colleagues to vote to fulfill our constitutional responsibility toward indigenous people residing in the United States and vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 2314 and the substitute text that will be offered by my good friend from Hawaii (Mr. ABERCROMBIE).

Mr. Speaker, at the outset of this debate, it is important for all Members to understand that the substitute text that they will ultimately be voting on today is fundamentally changed from the original underlying bill that the House voted on in 2007. This rewritten text, the Abercrombie substitute, was drafted behind closed doors away from public view. It was unveiled less than 48 hours before we in the House were to be debating and voting on that substitute. Regrettably, Mr. Speaker, this lack of transparency has become the standard operating procedure for this Democratic-controlled House.

Mr. Speaker, I am certain we will hear appeals from the bill's advocates that the vote on this bill should not be

a partisan matter. I would agree. This is not a partisan matter; rather, it is a question of what is right and constitutional. But appeals to nonpartisanship ring hollow when the bill was rewritten in secret by just one party and then rushed to the floor with little time for scrutiny by the minority, but more importantly, Mr. Speaker, little time for scrutiny by the American people or the citizens of Hawaii.

There is nothing more troubling about the House voting on a fundamentally rewritten bill than the position made public by the Governor of Hawaii. Something is very wrong when that Governor, a longtime vocal advocate of Native Hawaiian recognition, feels compelled to issue a statement last night that she can't support this rewritten bill.

Now, the Governor and I disagree on the fundamental question of recognition. I want to make that clear, just as I fundamentally disagree with my good friend from Hawaii (Mr. ABERCROMBIE) but I also strongly disagree with the House acting to impose a changed bill on one of the 50 States over their Governor's objections, especially when this Governor has long supported, as I mentioned, the concept of Native Hawaiian recognition and the original text of the bill.

Let me explain the difference between the underlying bill, which is basically what the House passed in the 110th Congress, and the Abercrombie amendment in the nature of a substitute. This is very important, Mr. Speaker. The original bill extended recognition to the Native Hawaiian entity but withheld any tribal powers and privileges, such as immunity from lawsuit and State jurisdiction, until after negotiations with—and the consent of—the State of Hawaii and this Congress. Though this does not resolve my fundamental objection to the bill, it was an arrangement that drew the strong support of Governor Lingle of Hawaii.

In contrast, the substitute alters this fundamental nature of the bill. Let me quote the words that the Governor of Hawaii, Governor Linda Lingle, used to describe this rewrite: "The current bill establishes that the Native Hawaiian governing entity would start with broad governmental powers and authorities, with negotiations to follow." Again, the original bill starts with negotiations, followed by a grant of powers and authorities that are subject to the consent of the State. But the substitute starts with the grant of powers and authorities without the consent of the State, followed by negotiations for yet more benefits and powers.

Let me be specific, Mr. Speaker, in two instances. First, section 9 of the substitute clearly spells out the powers granted to the Native American governing entity before negotiations without the consent of the State; it is im-

munity from any lawsuit in any Federal or State court, with only minor exceptions. Second, it is that "governmental" activities pursued by the entity or its officers and employees shall not be subject to State regulatory or taxation authority. The wording of this section suggests that the State criminal authority will not even apply to officers and employees of the Native Hawaiian governing entity as long as they are acting within the scope of their duties.

To once again quote from the Governor of Hawaii's statement from last night, "I do not believe such a structure, of two completely different sets of rules—one for 'governmental' activities of the Native Hawaiian governing entity and its officers and employees, and one for everyone else—makes sense for Hawaii."

Quoting further, "In addition, under the current bill, the Native Hawaiian governing entity has almost complete sovereign immunity from lawsuits, including from ordinary tort and contract lawsuits, and I do not believe this makes sense for the people of Hawaii." And I am quoting from Governor Lingle.

Without question, this rewritten bill strikes at the heart of the State of Hawaii's authority to enforce health and environmental regulations, taxes, and criminal law enforcement equally among its citizens. Congress should not be party to imposing this upon this State, or for that matter any State. Yet, despite the State of Hawaii's concerns with the rewritten bill, here we are tonight debating it on the floor of the House of Representatives. This legislation violates also, in my view, the United States Constitution because it establishes a separate, race-based government of Native Hawaiians.

The authors and advocates of this bill have argued that Native Hawaiian recognition is no different than Congress recognizing an Indian tribe, and yet, Mr. Speaker, there are very important and real differences. Native Hawaiians are not and never have been members of an Indian tribe. Native Hawaiians do not share the same political and legal history as Federally recognized Indian tribes. The historical record on this point is very, very clear. For example, in the Hawaii Organic Act of 1900, section 4 states that all persons who were citizens of the Republic of Hawaii in 1898 were declared citizens of the United States and citizens of the Territory of Hawaii.

Mr. Speaker, if Congress then believed it was recognizing the existence of a separate Native Hawaiian community, the Organic Act would have expressly reflected this; instead, all Hawaiians were recognized as full citizens. Mr. Speaker, this is in stark contrast to our Nation's history of less than equal treatment of individual Indians and Indian tribes.



But try as we might, Congress cannot revise historical and political facts. H.R. 2314 attempts to do just this, to rewrite legal history. Mr. Speaker, this observation is shared by constitutional and civil rights experts. For example, in its 7-2 decision, the Supreme Court in *Rice v. Cayetano* commented on the proposition of Native Hawaiian recognition, saying that it, and I quote from that case, "would raise questions of considerable moment and difficulty. It is a matter of some dispute whether Congress may treat the Native Hawaiians as it does the Indian tribes."

Just yesterday, the U.S. Commission on Civil Rights reiterated its standing opposition to any legislation, and I quote from the commission, "that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups according to varying degrees of privilege."

Mr. Speaker, in 1959 a vote was taken in Hawaii on the question of becoming a State. Over 94 percent voted in favor of statehood. In other words, citizens of Hawaii voted overwhelmingly to join our Union as one unified State.

□ 1800

Today, under this bill, Congress will vote on dividing the State of Hawaii through the creation of a separate governing entity based solely on race. If Congress is going to impose this division on Hawaii over the objections of its Governor, then I believe the citizens of Hawaii themselves deserve to have a vote on this matter.

In a Zogby poll from December 2009, a couple of months ago, only 34 percent of Hawaiians supported the concept of the Federal Government's imposing a new racially based subpopulation of citizens on the islands. Like their fellow Hawaiians who voted overwhelmingly for Statehood in 1959, Hawaiians today want a say in the future of their archipelago. The same poll found that 58 percent want a Statewide vote on this issue.

So, Mr. Speaker, I have an amendment that will be offered which would require just such a Statewide vote, and I hope all Members will join me in adopting that amendment.

As I noted at the outset of my remarks, the House last voted on Native Hawaiian recognition in 2007. I want to reiterate today, Mr. Speaker, that we will be voting on a different bill today. The 2007 legislation was rewritten. I believe the changes today are so fundamentally different that those Members who voted "yes" in 2007 should take the time to reconsider their votes.

There is another compelling reason for reconsideration when the Governor of Hawaii, the State that is impacted, has gone from an enthusiastic supporter of the 2007 bill to not supporting the rewritten bill. I hope many of my colleagues will recognize this dramatic

change from just 3 years ago. The Governor remains a committed supporter of Native Hawaiian recognition. Her position has not changed. It is the bill that has been fundamentally changed and rewritten. Like the Governor, who supported the 2007 bill, they, too, have good reason to oppose this rewritten version today.

Now, Mr. Speaker, before concluding my opening statement, I want to take a moment to publicly state that I have a great deal of respect and affection for my colleague from Hawaii, NEIL ABERCROMBIE. He is departing the House at the end of this week, and I do regret that I am leading the opposition to his bill in his final days here in the House. To be very honest, Mr. Speaker, I would much rather be on the floor supporting his bipartisan legislation to write into law a 5-year plan to develop America's offshore oil and gas reserves. Regrettably, such reasonable legislation stands no chance of making it to the floor in this Congress, and I do regret that.

So I hope that my good friend knows that my opposition to this recognition bill is based on my view of the matter and is not a reflection of the high regard for which I hold him as my friend. I want to wish him well in his future endeavors—well, maybe not real, real well.

Mr. ABERCROMBIE. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. I am deeply touched by your remarks. Your friendship is something I treasure and value. I am so taken by it, as a matter of fact, that I wonder if you would allow me to present you with a token of my esteem and my regard for you. These chocolate-covered macadamia nuts from Hawaii, I think, are just what you need right now. If you would allow me to come over and present them to you, that will give you an opportunity to contemplate as to whether or not, out of regard for our friendship and affection for each other, you will actually support the bill.

Mr. HASTINGS of Washington. Reclaiming my time, I hope the gentleman has checked with the Ethics Committee; but having been a longtime member, I gladly accept that from my good friend.

Mr. ABERCROMBIE. Mr. Speaker, I can assure you that the Ethics Committee, the Parliamentarian and the Speaker of the House of Representatives have assured me that, if you can consume it on the premises, it's okay.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, before I yield to the author of the pending legislation, I would like to make a couple of comments and praise him for his hard work and for his determination,

persistence and patience on the pending matter.

For 20 years, NEIL ABERCROMBIE and I have served together on our Natural Resources Committee. We have fought many battles together, and I have always been proud to call him my friend—a unique friend, I might add at that—and I'm not even getting any chocolate-covered macadamia nuts this evening.

He has always been able to work together with Members of differing views and backgrounds. He has always remained decent, fair-minded, able to reach across the aisle both politically and philosophically, and I find that a truly commendable feature of this gentleman.

As we have already heard from the minority side, he will be leaving the Congress at the end of this week, but I can tell him that his mark on this institution will live on much longer after he has returned to his beloved Hawaii and to his other pursuits. He has been a champion of all Native Americans during his time in this Congress. It is a testament to NEIL that he will spend his last days in this body fighting for the rights of Native Hawaiians.

It is now, indeed, my honor to yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Thank you, Mr. Chairman. Thank you, Doc. My regard for you and for all of the Members is, of course, something that, I trust, is understood by all. I see my good friend DON YOUNG there as well.

Mr. Speaker, this bill is an enabling bill. It establishes a process. The core of this bill assures that a Native Hawaiian Government has the same powers and sovereign immunity as other native governments, and this is consistent with the history of the legal discussions and court cases that have taken place over such a long period of time.

Since the passage of the bill in the Resources Committee, we have had 2 months of discussions with the Hawaii State Attorney General. As a result, we have made numerous changes in the substitute amendment, and have added several pages of new text to make the State more comfortable with how a native government interacts with the State government.

This is, in fact, my amendment, and I wanted to assure the minority on the floor—I don't think there is a minority here. Doc is quite right. It's not a question of Republican versus Democrat or majority versus minority. It is a question of perspective as to what is appropriate with regard to Native Hawaiians and other native people and how they establish relationships both with local governments and State governments in the United States of America.

So this has not been something behind closed doors. Quite the opposite. It has been a full and complete discussion with the Governor and with the

Attorney General, and I think that is reflected in the Governor's statement.

In conversation with Governor Lingle today, we concluded that we would agree to disagree. As Representative HASTINGS has indicated, she continues to support the legislative object of the bill, and I want to assure the House that her administration will not be disadvantaged in any way in any negotiations undertaken upon the passage and signing of this bill.

As a candidate for Governor myself, I am completely comfortable with the language of the substitute, and believe that no Governor, regardless of who it may be, will be disadvantaged. The substitute amendment treats a Native Hawaiian entity as any other native government, and it follows literally centuries of existing Native American law.

Native Hawaiians are not a race. They are a native indigenous people of the United States. The United States Supreme Court has repeatedly held that legislation enacted to address the special concerns and conditions of native people of the United States does not constitute discrimination on the basis of race or ethnicity. The sovereign status of Indian tribes, recognized by the Constitution, was later extended to Alaska natives as indigenous people, and Representative YOUNG can attest to that in his remarks. On this same basis then, Congress has enacted legislation on multiple occasions for the aboriginal, indigenous people of Hawaii.

Absent the substitute, H.R. 2314 would unduly limit the power of the Native Hawaiian governing entity, upon recognition, to accomplish the ordinary and customary activities of any other native organization, such as providing for the welfare of their children or for the health care of its members. The substitute amendment then will ensure that the Native Hawaiian governing entity will have the same powers and authorities that other tribal governments exercise today.

The Native Hawaiian Government will have sovereign immunity, as I indicated, the same as other native governments—no more, no less. This is not a new provision. Under the bill passed by the House in the last Congress, the Native Hawaiian governing entity would also have had sovereign immunity once it had been federally recognized.

In support of this bill are the Congressional Delegation of Hawaii, the National Congress of American Indians, the Alaska Federation of Natives, et cetera, et cetera. The Native American Caucus, under Representatives KILDEE and COLE, as caucus Chairs, are supportive as are the Native Hawaiian organizations, such as the Sovereign Council of Hawaiian Homestead Organizations, the Council for Native Hawaiian Advancement and the Office of

Hawaiian Affairs. Local political leaders in both houses of the legislature and numerous resolutions from both of those bodies are in support.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 2 additional minutes.

Mr. ABERCROMBIE. I could not take leave of the floor, Mr. Speaker, without mentioning the following:

It is one thing for Representative HASTINGS or YOUNG or RAHALL or myself and others to take to the floor, but without staff support, it simply couldn't be done.

Our friend, an institutional giant of the Resources Committee, Marie Howard, is retiring from the Natural Resources Committee. I want to commend her, not just for the work on this bill, but for all of the devotion that she has had to the House.

Janet Erickson is taking her place as staff director for Indian Affairs.

In addition to Marie and Janet, Rick Healy and Jim Zoia have been heavily involved in bringing this bill to the floor. Their efforts are deeply appreciated by everyone.

Countless hours of staff time in the administration—both departmental and within the White House—have been put forward.

As has been indicated, Mr. Speaker, this bill has passed out of the House Natural Resources Committee four times already. It has passed from the House floor twice under the leadership of as diverse a group of Chairs as Jim Hansen, DON YOUNG, GEORGE MILLER, and NICK RAHALL. I note as well that the bill has passed under the leadership of Speaker Dennis Hastert and under the leadership of my good friend Tom DeLay. It is not ideological. It is non-partisan. It is the culmination of a legislative lifetime for me, and it is the last occasion I will have to address the House as I take my leave.

Mr. Speaker, I love this House. I admire and respect every Member. It has been a privilege for me to be first sworn in as the last person to be sworn in by Speaker Tip O'Neill. I take my leave today with profound respect, admiration and affection for every Member of this House of Representatives. This is the people's House. You can only enter it upon the fact of having been elected by your constituents. They have placed their faith and trust in us, and I extend my faith and trust that this House will continue the great tradition of democracy.

I want to say to one and all that I love you, and I love this House.

Mr. Speaker, I rise today in support of H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009 and a substitute amendment that I will offer on the House floor. This is legislation that the Hawaii Congressional delegation has been working on for more than 10 years and it is a privilege to see this progress through the legislative process as my time in Congress comes to an end.

The purpose of the bill is to provide a process for the reorganization of the Native Hawaiian governing entity for the purposes of a federally recognized government-to-government relationship. The Native Hawaiian Government Reorganization Act would provide Native Hawaiians the same right of self-governance and self-determination that are afforded to other indigenous peoples.

Since Hawaii was annexed as a territory, the United States has treated Native Hawaiians in a manner similar to that of American Indians and Alaska Natives. This bill would formalize that relationship and establish parity in federal policies towards all of our indigenous peoples.

I would also like to provide supporting documentation on the sections of H.R. 2314 primarily affected by the amendment in the nature of a substitute that I am offering on the House floor today. The following is additional language on Sections 3, 9 and 10.

#### SEC 3. DEFINITIONS

The definition of "Native Hawaiian Membership Organization" identifies organizations through which Native Hawaiians have sought to preserve their culture, native traditions, and self-governance. These organizations are an important (though not the exclusive) means through which Native Hawaiians have succeeded in maintaining their native traditions and culture, and given expression to their rights to self-determination and self-governance. Indeed, Congress has relied on such organizations to function as official representatives of the Native Hawaiian community in other statutory contexts. In the Native American Graves Protection and Repatriation Act, for example, Native Hawaiian organizations function as representatives of the Native Hawaiian community with respect to Native Hawaiian remains and funerary objects, just as federally-recognized Indian tribes represent their communities with respect to Indian remains and objects. See 25 U.S.C. §3001 et seq.

The definition of "qualified Native Hawaiian constituent" identifies adult U.S. citizens who, subject to the procedures and provisions of Section 8 of the Act, will be eligible to participate in the initial reorganization of the Native Hawaiian governing entity. The definition of "qualified Native Hawaiian constituent" differs from similar definitions in prior versions of this legislation in that it requires not only descent from the aboriginal, indigenous, native inhabitants of Hawaii, but also maintenance of "a significant cultural, social, or civic connection to the Native Hawaiian community." An individual must demonstrate this connection by satisfying at least two of the ten listed criteria, which include residence in Hawaii, residence on Hawaiian Homes Commission Act (HHCA) lands (or status as the child or grandchild of such a resident), eligibility to be a beneficiary of Hawaiian Homes Commission Act programs, status as the child or grandchild of a person with such eligibility, residence or ownership interest in "kuleana land" that is owned in whole or in part by a verified lineal descendant of the person who received original title to such land (or status as a child or grandchild of a person with such a residence or ownership interest), attendance for at least one school year at a school or program taught through the medium of the Hawaiian language or at a school founded and operated primarily or exclusively for the benefit of Native Hawaiians (or status as the child or grandchild of a person who attended such a program), membership in a Native Hawaiian organization, or recognition

as Native Hawaiian and as the son or daughter of a person recognized as Native Hawaiian by other members of the Native Hawaiian community.

The inclusion of these criteria will ensure that the persons who participate in the reorganization of the Native Hawaiian governing entity are persons with Native Hawaiian ancestry who have established ties to the Native Hawaiian community, as evidenced through, for example, connection to Native Hawaiian traditional lands, whether HHCA lands or kuleana lands, or a combination of residence in Hawaii and connections with Hawaiian-language schools or Native Hawaiian associations and organizations—both of which are means through which the Native Hawaiian community has sought to preserve and give expression to its culture and traditions. There is precedent for using associative factors such as kinship, land, and participation in native organizations in determining tribal membership. See, e.g., 25 CFR §83.7(b)(1)(vii) & (2)(iv) (including “language” and “kinship organization[s]” among the criteria the Department of the Interior considers in determining whether petitioning tribes can establish that they are a distinct native community). The last criterion, recognition as Native Hawaiian by the Native Hawaiian community, is also akin to criteria used to define membership in a native community in other contexts. See, e.g., 43 U.S.C. §1602(b) (Alaska Native Claims Settlement Act (“ANCSA”). The definition of “qualified Native Hawaiian constituent” will ensure that the persons who participate in that reorganization are appropriately connected to the Native Hawaiian community.

Once the Native Hawaiian governing entity is reorganized, the United States will recognize and affirm the entity’s inherent power and authority (akin to the inherent power and authority of any Indian tribe) to determine its own membership criteria, to determine its own membership, and to grant, deny, revoke, or qualify membership without regard to whether any person was or was not deemed to be a “qualified Native Hawaiian constituent” under this Act. Membership criteria set forth in the Native Hawaiian governing entity’s organic governing documents should provide that membership is voluntary and can be relinquished, as is typically the case with Indian tribes.

#### SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS; CLAIMS

Section 9 affirms the inherent powers and privileges that will vest with the Native Hawaiian governing entity upon federal recognition, and clarifies the respective powers and immunities that this entity, the State of Hawaii, and United States will have during the interim period immediately following recognition but before the three sovereigns have negotiated a long-term agreement or agreements and enacted any implementing legislation.

The demarcations of authority between the State, the new Native Hawaiian sovereign, and the United States are most appropriately determined by agreement between those three sovereigns, as provided for by section 9(c). Recognition of the Native Hawaiian sovereign is a necessary precondition to the development of such an agreement. Thus, it is necessary for Congress to provide, not only for the inherent authorities of the Native Hawaiian sovereign, but also for an interim set of rules to demarcate its authority from that of the State. Those interim

rules will cease to have any effect once the three sovereigns have negotiated, and their legislatures have adopted, an agreed set of superseding rules.

#### SEC. 9(B) & (C) GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS

This section affirms the inherent authority of the Native Hawaiian government, consistent with existing federal law. Historically, when Congress has enacted legislation allowing for the reorganization of native governments, it has recognized that those governments are vested with inherent tribal authority under existing federal law. See Indian Reorganization Act of 1934, 25 U.S.C. §476(e)-(h); Amendment to Indian Reorganization Act for Alaska (1936), 25 U.S.C. §473a. Congress retains the ability to modify the contours of inherent tribal sovereignty. *United States v. Lara*, 541 U.S. 193 (2004); *United States v. John*, 437 U.S. 634 (1978). The inherent power of the Native Hawaiian governing entity may be modified by agreement between the Native Hawaiian governing entity, the United States, and the State of Hawaii pursuant to the negotiations authorized in paragraph (1) of section 9(c), and subject to the enactment of implementing legislation.

The inherent powers and privileges of self-government that vest in the Native Hawaiian governing entity include Native Hawaiians’ inherent right to autonomy in their internal affairs, and the inherent right to self-determination and self-governance. The powers with which the Native Hawaiian governing entity would be vested at the time of its federal recognition would be inherent, internal powers of self-government, such as the power to operate under a form of government of the Native Hawaiians’ choosing; the power to define conditions of membership, see *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 55 (1978); the authority to regulate domestic relations of members, see *Fisher v. District Court of Sixteenth Judicial Dist. of Mont.*, 424 U.S. 382, 38–39 (1976) (per curiam); and the power to provide governmental programs and services to members.

In addition, upon federal recognition, the Native Hawaiian governing entity would be entitled to sovereign immunity from suit. See *Kiowa Tribe of Oklahoma v. Manufacturing Technologies, Inc.*, 523 U.S. 751 (1997); *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58 (1978). In upholding tribal sovereign immunity, courts have recognized Congress’s desire, expressed through legislation, to promote the “goal of Indian self-government, including its ‘overriding goal’ of encouraging tribal self-sufficiency and economic development.” *Oklahoma Tax Comm’n v. Citizen Band Potawatomi Indian Tribe of Okla.*, 498 U.S. 505, 510 (1991) (quoting *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 216 (1987)).

The common-law sovereign immunity possessed by tribes is a corollary to Indian sovereignty and self-governance. Three Affiliated Tribes of Fort Berthold Reservation v. *Wold Engineering*, 476 U.S. 877, 890 (1986) (citing *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978)). Immunities have a range of functions, including preventing “distraction of officials from their governmental duties, inhibition of discretionary action, and deterrence of able people from public service.” *Harlow v. Fitzgerald*, 457 U.S. 800, 816 (1982). Accordingly, the Native Hawaiian sovereign should enjoy the same immunity from lawsuits in federal and state courts as sovereign Indian tribes in the continental United States enjoy. (Under the Indian Civil Rights Act, 25 U.S.C. §1303, this immunity does not

extend to federal habeas petitions brought by persons alleging that they have been detained in violation of their federal civil rights. See *Santa Clara Pueblo*, 436 U.S. at 58–59.)

Likewise, the officers and employees of the Native Hawaiian governing entity should enjoy the same common-law immunities as the officers and employees of any Indian tribe. As with Indian tribal officers, officers of the Native Hawaiian governing entity might be sued for declaratory or injunctive relief under principles akin to the doctrine of *Ex parte Young*, 209 U.S. 123 (1908). As is also the case with Indian tribal officers, an official of the Native Hawaiian sovereign that acts outside the scope of his or her authority may be liable to a suit for money damages. Notably, there will not be Indian country in Hawaii in the initial period after the Native Hawaiian governing entity is organized, which will limit the scope of authority and associated immunity that such officials may assert. There will certainly be immunity in some instances: for example, a Native Hawaiian legislator could not be sued for libel based on statements made in the course of the deliberations of the sovereign’s legislative body, as the immunity of the Native Hawaiian sovereign would encompass such conduct. But if an official of the Native Hawaiian governing entity were to defraud a state agency for personal profit in violation of state law, he or she would not have individual immunity for such conduct.

Membership in the Native Hawaiian governing entity will be voluntary, paralleling the applicable rule for tribes. Accordingly, no person could be involuntarily subject to the governing entity’s inherent powers and privileges.

Moreover, because there is currently no “Indian country” in Hawaii and because this legislation neither creates “Indian country” or authorizes the United States to take land into trust for the benefit of the Native Hawaiian governing entity or its members, the Native Hawaiian governing entity, at the time of its recognition by the United States, would be able to exercise jurisdiction based on membership, but not based on territory. The “inherent powers and privileges” exercised by the Native Hawaiian government thus would not generally extend to non-natives.

In the absence of Indian country, a court established by the Native Hawaiian governing entity would have no civil jurisdiction over non-natives unless they expressly submitted to the court’s jurisdiction. Absent such consent, the governing entity’s civil adjudicative jurisdiction could not exceed its civil legislative jurisdiction, which would not extend to regulating the behavior of non-natives.

Nothing in this Act would alter or preempt the State of Hawaii’s existing legislative, regulatory, or taxation authority over individuals who are members of the Native Hawaiian governing entity or their property. And state and federal courts, again in the absence of Indian country in Hawaii, would continue to exercise criminal and civil jurisdiction as they currently do. If the Native Hawaiian governing entity established a court, its criminal and civil jurisdiction over members of the Native Hawaiian governing entity would therefore be concurrent, not exclusive.

At some point after the United States’ initial recognition of the newly reorganized Native Hawaiian governing entity, negotiations among the three sovereigns—the United States, the State of Hawaii, and the Native

Hawaiian governing entity—could alter many of these ground rules. For example, if the three sovereigns eventually agreed to the creation of Indian country within the State of Hawaii (and legislation was then enacted to implement that agreement), then it is possible that the Native Hawaiian governing entity could then exercise certain types of authority or jurisdiction over nonmembers (even without their express consent).

#### SEC. 9(D) CLAIMS

The language in this provision is intended to ensure that this legislation does not extinguish, revive, or alter any claim. Similarly, this legislation does not affect existing defenses to claims, nor does it provide a new basis to bring otherwise time-barred claims.

This legislation does not provide the basis for the Native Hawaiian governing entity or other Native Hawaiian groups to re-litigate claims that have already been resolved by the courts or to retroactively impose new obligations on the federal government or the State of Hawaii. These provisions are necessary because Native Hawaiians are differently situated than other entities that have been federally recognized. Native Hawaiian claims—in contrast to those of most newly recognized tribes—have been extensively litigated over the past 100 years. There has been extensive litigation relating to land claims, claims for money damages, and other types of claims, dating back at least to 1910. Issues concerning asserted historic or moral claims may be the subject of negotiations among the new Native Hawaiian governing entity, the State of Hawaii, and the United States, together with the other issues encompassed within the process set forth in section 9(c) of this Act, and that such negotiations will provide an appropriate forum in which to address these claims questions.

The language will not limit claims by the Native Hawaiian governing entity that first arise after recognition of the Native Hawaiian governing entity.

#### SEC. 10(C)(3) INDIAN CIVIL RIGHTS ACT

This provision expressly makes the Indian Civil Rights Act of 1968, 25 U.S.C. §§1301–1303, applicable to the Council and the Native Hawaiian governing entity. The Indian Civil Rights Act (ICRA) provides certain civil-rights protections similar to those under the Bill of Rights and the Fourteenth Amendment, including the rights to a speedy trial, to a jury trial (in certain criminal cases), to confront witnesses, and to avoid double jeopardy. See 25 U.S.C. §1302. Importantly, because this provision makes ICRA expressly applicable to the Native Hawaiian governing entity, a person would be able to file a habeas corpus petition in federal court to challenge the legality of his detention by an order of the Native Hawaiian governing entity. *Id.* 1303. Without express application of ICRA's habeas corpus provision to the Native Hawaiian governing entity, it would be unclear whether a person could challenge in federal court a detention ordered by a Native Hawaiian court. While ICRA allows a person to bring a habeas action, and thus serves as a limited waiver of the Native Hawaiian governing entity's sovereign immunity, it is not a general waiver of the entity's sovereign immunity as to ICRA claims. See *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58–59 (1978).

One provision of ICRA operates to reaffirm the authority of tribal courts “to exercise jurisdiction over all Indians.” It is anticipated, upon recognition, the Native Hawaiian sovereign will have jurisdiction only

over its own members, for reasons explained in the discussion of sections 9(b) and (c). It is not intended, in providing for the applicability of ICRA, that the courts of the Native Hawaiian sovereign thereby acquire jurisdiction over nonmembers.

#### SEC. 10(C)(1) & (2) STATUTES AND REGULATIONS REFERENCING “INDIANS” AND “TRIBES”

This language is intended to avoid uncertainty, and potential litigation, as to whether Native Hawaiians are properly considered “Indians,” or the Native Hawaiian sovereign is properly considered an “Indian tribe” under every existing statute involving Indians and Indian tribes. These terms occur throughout the United States Code and associated implementing regulations. Such references to “Indians” and “tribes” do not generally encompass Native Hawaiians. When Congress wishes to reference Native Hawaiians, it has done so expressly. There is an extensive body of federal Indian statutes and regulations specifically addressing Native Hawaiians, often in conjunction with other Native Americans. E.g., American Indian Religious Freedom Act, 42 U.S.C. §1996; Native American Graves Protection and Repatriation Act, 25 U.S.C. §§3001–3013; Native American Programs Act of 1974, 42 U.S.C. §2991–2992.

By incorporating only those statutes that expressly reference Native Hawaiians, section 10(c)(2) provides clear direction to federal agencies regarding which programs and statutes are available to Native Hawaiians and avoids statute-by-statute litigation over the scope of these statutes. It is anticipated that a body of law addressing Native Hawaiians will develop over time, based on currently existing statutory and regulatory provisions and new legislation and court decisions.

#### SEC. 10(D) REAL PROPERTY TRANSFERS

The Trade and Intercourse Act, first enacted in 1790, requires congressional assent to transfers of Indian land title to third parties. The Trade and Intercourse Act has never been thought to apply to the alienation of Native Hawaiian lands. As a result, parties have not sought congressional ratification pursuant to 25 U.S.C. §177 prior to the transfer of these lands. To apply the Trade and Intercourse Act retroactively could impose significant liabilities on land owners in Hawaii, as well as on the State of Hawaii. The language in section 10(d) clarifies that Congress approves all prior land transactions in Hawaii, which eliminates the possibility of a cloud on title issuing from the Trade and Intercourse Act.

Section 10(d) is primarily directed to the State and private parties, but the language is written to include all transactions, including those involving the federal government, to avoid future uncertainty and litigation.

After recognition of the Native Hawaiian governing entity pursuant to this legislation, it is not Congress's intent that the Trade and Intercourse Act would apply to future land transactions by individual Native Hawaiians. See *United States v. Dann*, 873 F.2d 1189 (9th Cir.), cert. denied 493 U.S. 890 (1989).

I would like to thank Chairman RAHALL and the House Leadership for their assistance and support on this legislation. I ask my colleagues to advance the reconciliation process for the State of Hawaii by supporting my substitute amendment and final passage of H.R. 2314.

Mr. HASTINGS of Washington. Mr. Speaker, as I said in my remarks, the gentleman from Hawaii certainly will be missed.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I can only say I am losing a good friend who will go to better and greater places.

You have been an ally to myself and to the feeling of working bipartisan work with the chairman on both sides of the aisle. We have always talked to one another, and we have recognized the importance of being “the” Congressman and of listening to the Congressman from that district. I have sponsored this bill every time it has come out of the committee—while I was chairman, before I was chairman, after I was chairman—and I will continue to do that.

I understand minority Member DOC HASTINGS and his position and why he opposes it; but as we talk about this politically, we have to think about the people whom we are affecting by our words. They have been patient, patient, patient, and it is time for us to take the step forward.

Is this bill perfect? No. I think it's better after the amendment is adopted. I think it does solve the problems. There is no Indian Country in Hawaii. Land cannot be taken into trusts. A Native Hawaiian governing entity may not exercise jurisdiction over non-Native Hawaiians. The State of Hawaii shall retain regulatory and taxation authority over Native Hawaiians.

Yet these are Native Hawaiians, and I can speak with a great deal of pride as to what happened in Alaska. In 1971, we passed the Alaska Native Lands Act where we recognized the natives of Alaska, Alaska natives—distinct and different from those natives in the lower 48—but Alaska natives.

□ 1815

And the progress they have made and the contribution they have made to the State is amazing. They are the number one, I would say, economic driving force in the State today. From a large group of people, 13 basic different tribes, regions, they are from a group that wasn't recognized other than the fact that they were natives, that they really did not fit well. But they were part of this State before we long came there, my State, and their contribution, because they were recognized, is just awesome. And I'm hoping this happens in the State of Hawaii.

For those in Hawaii that may oppose this, open your hearts. Open your minds. Maybe do a little something a little different in Hawaii, as we did in Alaska, and see the benefit to the individual, not only the natives but everybody else. This legislation is a step forward. Is it perfect? The Governor says no. I think it's open for debate. But if we don't do something, if we don't move forward, those people will be neglected again.

So I ask my colleagues on my side and on the other side to consider moving on something that is humanely the right thing to do for a group of people that are Americans. They are aboriginals to the State of Hawaii. They are brothers to Alaska. We've worked together. We will continue to do that.

So I compliment, again, my good friend NEIL for his work and his dedication to this House, representing his people. That's what we're here for. And thank God we do have people like that left.

I will miss you, NEIL.

Mr. RAHALL. Mr. Speaker, I am very proud at this moment to yield 6 minutes to the gentlewoman from Hawaii (Ms. HIRONO), who has been instrumental as well in passing this legislation and bringing it, that is, to the point that we are now experiencing.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 2314, the Native Hawaiian Government Reorganization Act, and I thank my good friend Congressman YOUNG from Alaska for his remarks.

Long denied the recognition and rights accorded to America's other indigenous people, this bill will finally enable Native Hawaiians to embark on their long-awaited process of achieving self-determination. I would like to thank Chairman RAHALL for his leadership and general support of this important bill. And, of course, I want to recognize and thank my friend Congressman ABERCROMBIE, the bill's chief sponsor, for his years of advocacy for this bill and for his dedicated service to our State and to our country. It is fitting that one of his last legislative actions before his departure from this body will be on the Native Hawaiian Government Reorganization Act, a bill that we both care deeply about.

How we treat our native indigenous people reflects our values and who we are as a country. Clearly there is much in the history of our interactions with the native people of what is now the United States that makes us less than proud. The American Indians, Alaska Natives, and Native Hawaiians, all indigenous people, have suffered at the hands of our government. But one of the great attributes of America has always been the ability to look objectively at our history, learn from it, and, when possible, to make amends.

H.R. 2314 has been more than 10 years in the making. It has been a deliberative and open legislative process. There have been 12 congressional hearings on this bill, five of which were held in Hawaii. It has been marked up by committees in both Chambers. The House has passed this bill twice, in 2000 and again in 2007. We have a bill now that is constitutional and one that the House should again pass.

The goals and purposes of this bill are consistent with the history of the

Native Hawaiian people and the record of the United States' involvement in Hawaii. The bill is also consistent with the over 160 existing Federal laws that promote the welfare of the Native Hawaiian people by, among other things, helping them to preserve their culture and return to their lands. Building on that history, H.R. 2314 will formalize the special political and legal relationship between the United States and the Native Hawaiians by providing a process through which the Native Hawaiian community can reorganize its governing entity within this relationship.

The Kingdom of Hawaii was overthrown in 1893. Hawaii's last monarch, Queen Liliuokalani, was deposed by an armed group of businessmen and sugar planters, who were American by birth or heritage, with the critical support of the U.S. troops. The queen agreed to relinquish her thrown under protest to avoid bloodshed. She believed the United States, with which Hawaii had diplomatic relations, would do the right thing and restore her to the thrown.

It's important to note that the sovereign nation of Hawaii had treaties with other nations besides the United States, including Great Britain, France, Germany, Italy, Japan, and Russia. As we now know, despite the objections of U.S. President Grover Cleveland, the injustice of the overthrow of an independent sovereign nation was allowed to stand and the Republic of Hawaii was established.

In 1898, the United States annexed Hawaii. Prior to annexation, a petition drive organized by Native Hawaiians secured signatures of almost two-thirds of the Native Hawaiian population who opposed annexation. The total was 29,000 signatures out of an estimated Native Hawaiian population of 40,000. As a further historical note, the Native Hawaiian population prior to Western contact numbered between a conservative estimate of 300,000 to as many as 1 million Native Hawaiians.

The siege of Native Hawaiian culture continued after annexation. The Republic of Hawaii prohibited the use of the Hawaiian language in schools. Everyday use of the Hawaiian language diminished greatly and was in danger of dying out. Hula dancing, which had been suppressed by the missionaries and then restored by King Kalakaua, who preceded Queen Liliuokalani, survived but did not flourish. Hawaiians were pressured to assimilate and much of their vibrant culture was lost or went underground.

In 1903, Prince Jonah Kuhio Kalaniana'ole was elected to serve as Hawaii's delegate to Congress. And one of his most notable achievements was the passage of the Hawaiian Homes Commission Act of 1920, which set aside some 200,000 acres of land for Native Hawaiians. The reason for the legislation was the landless status of so

many Native Hawaiians who were displaced by newcomers to the islands and who became the most disadvantaged population in their native land. Congress passed the Hawaiian Homes Commission Act, which is still in force, in recognition of its responsibility toward Native Hawaiians.

As with other indigenous people, Native Hawaiian views on land tenure were different from that of the newcomers, resulting in loss of much of the land that had been traditionally occupied and cultivated by Native Hawaiians. They lost these lands to these newcomers.

Hawaii became a State in 1959. Beginning in the late 1960s and early 1970s, a Native Hawaiian cultural rediscovery began in music, hula, language, and other aspects of the culture. This cultural renaissance was inspired by hula masters or kumu hula who helped bring back ancient and traditional hula, musicians and vocalists who brought back traditional music and sang in the Hawaiian language, and political leaders who sought to protect Hawaii's sacred places and natural beauty.

This flourishing of Hawaiian culture was not met with fear in Hawaii but with joy and celebration and an increased connection with each other. People of all ethnicities in Hawaii respect and honor the Native Hawaiian culture. The idea of self-determination by Native Hawaiians is regarded by most of our residents as just because we understand Hawaii's history and the importance of our host culture.

The SPEAKER pro tempore (Mr. YARMUTH). The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlewoman an additional 1 minute.

Ms. HIRONO. In closing, it is well established that the United States Constitution grants Congress broad general powers to legislate and respect the native people, and these are powers that the U.S. Supreme Court has consistently described as "plenary and exclusive." Congress's plenary authority over Indian affairs includes the power to authorize and prescribe the process by which Indian tribes and aboriginal people organize or reorganize for purposes of carrying out a government-to-government relationship with the United States.

The State of Hawaii motto, which was also the motto of the Kingdom of Hawaii, is "Ua mau ke ea o ka aina i ka pono," which translates to "the life of the land is perpetuated in righteousness." Native Hawaiians, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, aboriginal people. I urge your support of H.R. 2314.

Mahalo nui loa. Thank you.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. McCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, it pains me to rise in opposition to the valedictory measure of the gentleman from Hawaii, but there's no blinking at the fact that this bill strikes at the very foundation of a Nation that's dedicated to the concept of equality under law.

It establishes a different set of laws, a different set of rights, and a different government for one group of Americans based solely upon their race. Two American families living next door to each other would be afforded two different sets of rights enforced by two separate sovereignties all based entirely upon accident of birth.

Ever since *Brown v. Board of Education* buried the "separate but equal" doctrine of *Plessy v. Ferguson*, the Supreme Court has consistently ruled that such an arrangement is fundamentally incompatible with the American Constitution.

Ten years ago in the case of *Rice v. Cayetano*, the Supreme Court, in a 7-2 decision, struck down identical race-based voting qualifications for the Office of Hawaiian Affairs. The State argued that it could impose race-based voting qualifications based upon the precedent of Indian tribes that we've just heard today. Here's how the Court responded. They said:

"Even were we to take the substantial step of finding authority in Congress, delegated to the State, to treat Hawaiians or Native Hawaiians as tribes, Congress may not authorize a State to create a voting scheme of this sort."

That's exactly what this bill does. This bill establishes a precedent that will allow any distinct group within our Nation to demand its own separate organic rights and government. Were we to pass this bill, there would be no grounds to deny any other racial group with historic grievances their own separatist government and exclusive rights.

Having enacted this law, on what basis do we deny every other demand to tear our country apart? This is a precedent that is enormously damaging to a multiracial Nation founded upon the principles of *e pluribus unum* and equal justice under the law.

How exactly do we establish two separate governing systems and two separate populations with two separate sets of civil and legal rights all within the same territory? Under whose law are competing claims to be settled?

This bill explicitly provides that the new Native Hawaiian Government and its official acts cannot be challenged in an American court. And how exactly can Congress cede by statute the very essence of its constitutional authority, requiring civil and criminal jurisdictions and property rights to be negotiated away to this new governing entity that's defined solely by the race of its members?

The analogy with American Indian tribes is absurd both historically and legally. Historically, American Indian tribes never voted to join the Union. They were conquered by force and extended by treaty certain lands in which they could exercise sovereignty, and they maintained continuous self-government.

Whatever the circumstances involved in the revolution of 1893 and the annexation of 1898, those circumstances became irrelevant in 1959 when the people of Hawaii voted by a 17-1 margin, nearly 95 percent, to join the Union and to become an integral and indivisible part of the American Nation.

The Admissions Act never contemplated the establishment of a separatist government. The provision the proponents cite merely provided an option of land for homes and small farms for a very small number of Hawaiians with 50 percent native ancestry. The Admissions Act did not contemplate establishment of a separatist government. It did contemplate assuming the full provisions of the American Constitution and the Constitution's prohibition against race-based separatism and race-based rights.

□ 1830

Legally, a tribe exists only when it has a government that has exercised substantial authority over its members from before western contact continuously until the present, and when its members mostly live separate and apart from surrounding populations. The sovereignty of that government is limited to the trust lands of the tribe. These long-established criteria are entirely inapplicable to American citizens of Hawaiian descent, 40 percent of whom don't even live in Hawaii according to the 2000 census.

Mr. Speaker, there is no more effective way to destroy a nation than to divide its people by race and accord them different rates and different government based upon their race. That is exactly what this bill does.

Mr. RAHALL. Mr. Speaker, I am very pleased at this time to yield 5 minutes to another valued member of our Natural Resources Committee, the gentleman from American Samoa, Mr. Eni Faleomavaega.

Mr. FALEOMAVAEGA. I thank the chairman for yielding.

Mr. Speaker, I rise in strong support of the Native Hawaiian Government Reorganization Act of 2009. This important piece of legislation is to reaffirm the special political and legal relationship between the United States and the indigenous Native Hawaiians for purposes of continuing a government-to-government relationship.

I certainly want to thank Chairman NICK RAHALL and the members of our Natural Resources Committee for their support. I especially want to thank and recognize my good friend and col-

league, the gentleman from the State of Hawaii (Mr. ABERCROMBIE) for his leadership and tireless efforts in bringing this legislation to the floor for consideration.

For some 20 years I have had the privilege and honor of working closely with Mr. ABERCROMBIE on legislation that have benefited not only my constituents, but certainly the great State of Hawaii. I also want to thank my colleague and my dear friend, Ms. HIRONO, and other Members for cosponsoring this important legislation.

Mr. Speaker, the legislation before us is very important for many reasons, but none more critically important than for Congress to extend proper and appropriate recognition for some 400,000 indigenous Native Hawaiians in the State of Hawaii and those living outside of Hawaii. Constitutionally, Congress has the authority to address the conditions of the native people of the United States. And the indigenous people of the Hawaiian Islands are a distinctively native community that for many years existed as a sovereign entity.

History shows us from 1826 until 1893, the United States Government recognized the Kingdom of Hawaii as a sovereign and independent nation. It was accorded full diplomatic recognition. The kingdom entered into treaties and conventions of peace, friendship, and commerce with the Kingdom of Hawaii, governing trade, commerce, and even navigation in the years 1826, 1842, 1849, 1875, 1887. Mr. Speaker, yes, even our government, the United States of America, was party to these treaties and conventions with the sovereign Kingdom of Hawaii.

Mr. Speaker, more than 100 years ago ambitious descendants of U.S. missionaries and sugar planters, aided by an unauthorized and illegal use of U.S. military forces, overthrew the sovereign Kingdom of Hawaii, which at that time was ruled by Queen Lili'uokalani. In 1993, Congress reaffirmed such a travesty on the Kingdom of Hawaii when they passed a joint resolution to acknowledge and apologize on behalf of the United States for the illegal and unlawful overthrow of the Hawaiian kingdom in 1893, and for the deprivation of the rights and privileges of the indigenous Native Hawaiians to self-determination.

To this day, Mr. Speaker, the status of indigenous Native Hawaiians was never properly addressed by the United States Congress. And it is within Congress's constitutional authority to do so. Congress and the U.S. Supreme Court decisions properly determined that American Indians of the lower 48 States are an indigenous people. In fact, recognition of the Native Alaskans as indigenous people of the U.S. demonstrates this constitutional authority. And even the U.S. Supreme Court has recognized this constitutional authority and has accepted a



broader conceptualization of indigenous peoples, allowing Congress to recognize indigenous groups, even those who are culturally and genealogically distinct from the narrow concept of being an Indian or as a tribe.

In the Hawaiian Homes Commission Act of 1921, Congress expressed and reaffirmed the special and trust relationship between the United States and the Native Hawaiians. In addition, the act also recognized the Native Hawaiians as a distinct and unique indigenous people. Native Hawaiians are in fact indigenous, aboriginal people living within what is now the borders of the United States and those living in the State of Hawaii, and it is unfortunate that even today the status of some 400,000 indigenous Native Hawaiians have yet to be afforded the same recognition as our first Americans.

Mr. Speaker, over the years the treatment of indigenous Native Hawaiians by the U.S. Government has been piecemeal at best. There is estimated over 150 laws that have been passed by the Congress related to the social, educational, economic, and cultural needs of the indigenous Native Hawaiians. This proposed bill sets the institutional framework for the establishment of a relationship between the United States and the indigenous Native Hawaiians, just as Congress has done for the indigenous American Indians and indigenous Native Alaskans.

I submit, Mr. Speaker, there are only three distinct indigenous groups under the U.S. sovereignty: American Indians within the continental United States, Native Alaskans, and Native Hawaiians.

Mr. Speaker, the bill we have before us today will continue the long but necessary road towards full recognition by the Congress of the rights of the indigenous Native Hawaiians.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 30 additional seconds.

Mr. FALEOMAVAEGA. The underlying issue in this piece of legislation is not about the existence of Native Hawaiians. That much has been already determined. This bill is to establish a process giving the indigenous Native Hawaiians the same status that we have done for the indigenous American Indians and the indigenous Native Alaskans. Nothing to do with race. It is about giving proper recognition, and also as a moral imperative on the part of our government, give proper recognition to the Native Hawaiians. They deserve this. They are not begging for anything. Just give them proper recognition. I ask my colleagues to support this bill.

Mr. Speaker, I rise in strong support of the "Native Hawaiian Government Reorganization Act of 2009." This important piece of legislation is to reaffirm the special political and legal relationship between the United States and

the indigenous Native Hawaiians for purposes of continuing a government-to-government relationship. I want to thank Chairman NICK RAHALL and members of the Committee on Natural Resources for their support. I especially want to commend and recognize my good friend and colleague, the gentleman from Hawaii, Mr. ABERCROMBIE, for his leadership and tireless efforts in bringing this legislation to the floor for consideration. For some 20 years, I've had the privilege of working closely with Mr. ABERCROMBIE on legislation that has benefited both constituents and the great State of Hawaii. I also want to commend my good friend, Ms. HIRONO, and other Members for their cosponsoring this legislation.

The legislation before us is very important for many reasons, but none more critical than for Congress to extend full recognition to some 400,000 indigenous Native Hawaiians in the State of Hawaii. Constitutionally, Congress has the authority to address the conditions of the native people of the United States and the indigenous people of the Hawaiian Islands are a distinctly native community that for many years existed as a sovereign entity. History shows that from 1826 until 1893, the United States government recognized the Kingdom of Hawaii as a sovereign and independent nation; accorded full diplomatic recognition to the Kingdom of Hawaii; and entered into treaties and conventions of peace, friendship and commerce with the Kingdom of Hawaii to govern trade, commerce, and navigation in 1826, 1842, 1849, 1875 and 1887. Yes, even our government, the United States of America was a party to these treaties and conventions with the Sovereign Kingdom of Hawaii.

Mr. Speaker, more than 100 years ago, ambitious descendants of U.S. missionaries and sugar planters, aided by the unauthorized and illegal use of U.S. military forces, overthrew the sovereign Kingdom of Hawaii which at that time was ruled by Queen Lili'uokalani. In 1993, Congress reaffirmed such a travesty on the Kingdom of Hawaii when they passed a joint resolution to acknowledge and apologize on behalf of the United States for the illegal and unlawful overthrow of the Hawaiian Kingdom in 1893, and for the deprivation of the rights of the indigenous Native Hawaiians to self-determination.

To this day, the status of the indigenous Native Hawaiians was never properly addressed by the United States Congress. And it is within Congress' constitutional authority to do so. Congress and U.S. Supreme Court decisions have properly determined that American Indians of the lower 48 States are an indigenous people. In fact, recognition of the Native Alaskans as indigenous people of the U.S. demonstrates this constitutional power. And even the U.S. Supreme Court has recognized this constitutional authority and has accepted a broader conceptualization of indigenous people, allowing Congress to recognize indigenous groups, even those who are culturally and genealogically distinct from the narrow concept of being an "Indian" and "tribe."

In 1971, Congress enacted the Alaska Native Claims Settlement Act (ANCSA), adopting special legislation to deal with Native Alaskans' land claims and creating a governing structure (corporations) through which to manage the federal relationship with the indige-

nous group even though the Alaska Natives differed culturally, historically, and genealogically from American Indians. In the ANCSA, "Native" is defined to mean "a citizen of the U.S. who is a person of one-fourth degree or more Alaska Indian, Eskimo, Aleut blood, or combination thereof" and "Native Group" to mean "any tribe, band, clan, village, community, or village of Natives in Alaska." The indigenous Native Hawaiians also meet these definitions.

In the Hawaiian Homes Commission Act of 1921, Congress expressed and reaffirmed the "special" and "trust" relationship between the United States and the Native Hawaiians. In addition, the Act also recognized Native Hawaiians as "a distinct and unique indigenous people." Native Hawaiians are, in fact, indigenous, aboriginal people living within what are now the borders of the U.S. and it is unfortunate that even today the status of some 400,000 indigenous Native Hawaiians have yet to be afforded this same recognition as our First Americans.

Although *Rice vs. Cayetano* has no bearing on this legislation, I should note that the Supreme Court's decision states, "Congress . . . has determined that native Hawaiians have a status like that of organized Indian tribes." Even the author of the State's brief, now Chief Justice John Roberts of the U.S. Supreme Court, clearly explained that the Congress has plenary authority that is not limited to only American Indians by stating the following:

Congress is constitutionally empowered to deal with Hawaiians, has recognized such a "special relationship," and—"in recognition of that special relationship"—"has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities." Congress has established with Hawaiians the same type of "unique legal relationship" that exists with respect to the Indian tribes who enjoy the "same rights and privileges" accorded Hawaiians under these laws.

Over the years, the treatment of indigenous Native Hawaiians by the U.S. government has been piecemeal at best. There is estimated over 160 laws that have been passed by the Congress related to the social, educational, economic, and cultural needs of the indigenous Native Hawaiians. This proposed bill sets the institutional framework for the establishment of a relationship between the U.S. and the indigenous Native Hawaiians just as Congress has done for the indigenous American Indians and indigenous Native Alaskans. I submit, there are only three, distinct indigenous peoples, under U.S. sovereignty—American Indians within the continental United States, Native Alaskans and Native Hawaiians.

Mr. Speaker, the proposed bill that we have before us today will continue the long but necessary road towards full recognition by Congress of the indigenous Native Hawaiians. The underlying issue in this piece of legislation is not about the existence of the Native Hawaiians. That much has already been determined. This bill however is to establish a process by giving the indigenous Native Hawaiians the same status as we have done for the indigenous American Indians and the indigenous Native Alaskans.



I respectfully urge my fellow colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I want to begin by thanking my good friend Mr. ABERCROMBIE for his distinguished career and our good friendship. And the fact that I am rising in support of this bill and my good friend Mr. YOUNG has risen in support of this bill is certainly an indication it is not a partisan measure. Frankly, our side did not decide to whip this. So this really is a non-partisan question before the Congress. It is not an issue of race, as some would argue. It is not an issue of States' rights, as some would argue.

It is actually, in the end, a question of Federal authority and how the Federal Government chooses to treat indigenous peoples. And frankly, if we want to look at that, we ought to be guided by our own Constitution, our own legal traditions, and our own actions as a Congress. Over 200 years of American history has taught us from the very beginning, from the foundation of the Constitution, that we had decided we will treat native peoples as individual subordinate sovereign units, and we will negotiate our relationships with them.

Now, we haven't always lived up to that idea, no question about it. Over the course of our history there has been efforts to destroy native nations. There has been efforts to remove them from their homeland. There has been efforts at forced assimilation. But when we have adhered to our constitutional traditions, and negotiated and dealt with native peoples on a government to government basis, the relationship has been a good and productive one.

The facts of this case are very clear. From the very beginning, we recognized Native Hawaiians as a distinct and separate group. We have passed over 160 statutes in the Congress of the United States. And frankly, this measure before us is not going to reshape Hawaii. It will regularize the relationship between Native Hawaiians and their State and Federal Government and allow a negotiation to take place.

Now, I make no bones about the fact that I favored the original 2007 bill. I did that not because it was necessarily a superior bill, but because it allowed a negotiated process that I thought would actually ease this transition. But at the end of the day, the question is one of constitutional propriety and sovereign rights and appropriate procedure. And this bill meets all of those tests.

So I look forward to its passage, and I look forward to the fact that it will have broad bipartisanship support, and

I look forward, Mr. Speaker, to once again reflecting on our own remarkable traditions as a country and as a people. We don't always do the right thing, but eventually we do the just thing. And in this situation, recognizing Native Hawaiians is the just thing to do. I urge support for this legislation.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. I want to thank the chairman for this opportunity.

For those who are in this debate, I think this is what Congress is all about, where we talk about very substantive issues. And this is one of those most important issues because it affects our relationship with other countries, other States, and other indigenous people. And in this case, indigenous people who are considered sovereign entities. And this is what we are trying to accomplish for the Native Hawaiians in Hawaii.

This is not about race. I think when we use race and other things it sort of muddies up the issues. And I think that our colleague, Congressman COLE, explains it very clearly. And as a teacher, and I am not a lawyer, but as a teacher and as a very simple person not understanding all the laws and all the terminologies in law, how he explains it is very clear.

I think the people of this country understand clear talk. When they hear clear talk they understand that when we are talking about justice and equality and recognizing indigenous people, it becomes very, very evident which way we should go.

This is, like Congressman COLE said, this is about Federal authority under the Constitution. And the 48 States had already done this with indigenous people. Some people call them Indian tribes, but nonetheless, they were indigenous people. Mr. YOUNG, from the 49th State, indicates the same sentiment. And that when they became the 49th State, their considerations to indigenous people, or Indian tribes, they accorded them the same kind of consideration of self-determination. Hawaii is trying to do the same thing, the 50th State.

And so it seems like if the previous 49 States are able to do this, this is one of replication, and there is a lot of things being established. And Chairman RAHALL had indicated what this bill is not about. And that should just clearly set aside any kinds of arguments against this kind of an effort.

I appreciate the work of both Mr. ABERCROMBIE and Ms. HIRONO. And I think that under the Constitution and under the eyes of justice, and for those who are clear thinkers in the Congress, this should be a no brainer. We should approve this bill and make it into law and finally recognize the people of Hawaii, the indigenous people of Hawaii as who they are, a self-determining indigenous group.

The Federal courts did not talk about when it was brought up about the moneys being used for the native tribes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HONDA. If I could have 30 seconds.

Mr. RAHALL. I yield the gentleman 5 seconds.

Mr. HONDA. In 5 seconds, Federal moneys cannot be used for State elections. State elections cannot be used for private kinds of elections. That is what they were saying. It is not about race.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Washington for yielding some time on this subject matter.

Mr. Speaker, I rise in opposition to this bill, the Native Hawaiian Government Reorganization Act, whether it is amended or whether it is not amended. And I do so, Mr. Speaker, because first of all, the United States of America was founded upon the principle of equality, the principle of equality before the law. And we have further built upon the principle of equality of opportunity.

As I have listened to each of the speakers address this tonight, there seems to be a continuing theme that there are specific groups of people that deserve a certain kind of specific consideration before the law and before the appropriations of the United States Congress, and specific access to assets that might be utilized for their specific use, as opposed to other Hawaiians that aren't defined as Native Hawaiians.

I recall the debate back in 1959 when Hawaii and Alaska were both brought into the union, and I recall the discussions that were there then about the success that Hawaii had had by assimilating peoples into the broader society of Hawaii, and about how we didn't have to worry about the expression—then it wasn't Balkanization—but we didn't have to worry about the Hawaiians dividing themselves into separate and competing ethnic groups, that they were assimilated.

□ 1845

Assimilation was the watchword of the day, the code of the day, and that was the message and the promise and the commitment that Hawaiians made to the United States Congress when they were brought into the Union as a State.

Well, today we see a piece of legislation that comes before us that defies the very concept that was a principle that was clearly understood here on this floor of this Congress when Hawaii was brought into the Union.

And when I look at what this does, the broad definition of Native Hawaiians that might mean Native Hawaiians anywhere where they are in the United States that could be brought under this umbrella of beneficiaries of assets that could be as great as 40 percent of the land mass of the State of the Hawaii to be governed and regulated by self-described, self-defined Native Hawaiians at the expense of everyone else, and I wonder how good these promises might be, the promises that we wouldn't set up gaming institutions, we wouldn't set up toll roads or roadblocks; this would just be a very compatible, logical pro-tourism industry. It might be. In fact, it probably will be, Mr. Speaker.

But I am so concerned about the broader fundamental principle that applies here. And I would argue that the gentleman that has spoken on behalf of those Native Americans that actually are real tribes by definition that exists within statute and within the tradition of law, have no solution for the reservation system that we have. They envision it the same 100 years from now as it is today. And so we see the replication of pathologies from reservation to reservation and not the opportunities.

I would have supported the Dawes Act however many years ago.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. KING of Iowa. I thank the gentleman, and I'd just make this point. When I read the material on this coming back up again, and I so appreciate Mr. ABERCROMBIE's work, and I know his heart and his head are in this. This is in a verbatim email that I wrote up to my staff, and it goes this way.

This bill makes a resounding statement that even Native Hawaiians can't be assimilated into a Western society. I disagree. It is a fundamental statement that goes to the heart of what it means to be an American. If, after all these years, Native Hawaiians have to be tribalized in order to function in a modern society, all Americans then must, by the identical logic, be Balkanized.

Mr. Speaker, the philosophy is wrong underneath this. However good the thoughts are, Americans should be assimilated, not subdivided. We should not be pitted against each other, and Americans should not have certain assets designated to them because of the ancestry that they claim. We should be all Americans under one flag.

Mr. RAHALL. Mr. Speaker, we're ready to close when the other side is. Is the gentleman from Washington ready to close?

Mr. HASTINGS of Washington. If the gentleman's the last speaker, then I am the last speaker on my side. I yield

myself the balance of the time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 1 minute.

Mr. HASTINGS of Washington. Mr. Speaker, just let me kind of summarize some of the overreaching debate that we've had here today.

This issue has been around this Congress for over 10 years, and this issue has had broad support within the State of Hawaii, Mr. Speaker, for over 10 years. And the underlying bill, before we will vote on the substitute, the underlying bill has broad support in the State of Hawaii.

But now we are going to have an amendment that was not written in public, and, in fact, as I mentioned in my earlier remarks, Governor Lingle is opposed to this approach on this bill, even though she agrees wholeheartedly with the issue of recognition for Native Hawaiians.

So, Mr. Speaker, I take everybody's word that's involved in this that it will be worked out to everybody's satisfaction. But, Mr. Speaker, why should we, on the floor of the House—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. With that, Mr. Speaker, I just urge my colleagues to vote against the substitute. I'll talk about that later.

Mr. RAHALL. Mr. Speaker, I'm very happy to yield the balance of our time to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I want to thank all my colleagues here today, and I want to thank those especially who have risen in opposition. This is what our democracy is all about. My only regret in extending my aloha to those who may not feel able to vote for the bill today is that you have not had an opportunity, perhaps, to visit with, to understand, and to comprehend what it means to be a Native Hawaiian.

It is, of course, very easy for someone to say well, how can you do that; you came from somewhere else.

I was born and raised just outside Buffalo, New York. I came to Hawaii some 50 years ago, with statehood, given the opportunity to go to the University of Hawaii as a graduate teaching assistant. And the first thing that happened to me as I came that great distance, across the continent and across the ocean, then in a Pan American Clipper, it took 10 hours just to get from the coast to Hawaii. And when I took that first breath of Hawaiian air and saw the gorgeous curves of the island of Oahu, Diamondhead, Waikiki, and the first evening, taken to Manoa Valley, where I now reside, it was as if destiny had called.

And the first contact that I had was with my Chinese Hawaiian friend, Solomon Lu, God rest his soul, whose fam-

ily took me in and treated me as one of their own. And that's what Hawaii is all about.

Mr. Speaker, this is not about race. This is about the aloha spirit. This is about the rainbow State of Hawaii. This is about Native Hawaiians who give us the host culture and the fundamental sense of who we are as human beings. And the diversity that defines us in Hawaii that does not divide us is the kind of diversity and definition we need in this House of Representatives, that we need in the United States of America.

This is Hawaii's gift to the United States. It is its gift to the world, the spirit of aloha. And in that same spirit of aloha, I ask for a vote favorably on behalf of the Native Hawaiian recognition bill.

Mr. KILDEE. Mr. Speaker, today I rise in strong support of H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009.

I want to thank my dear friend and colleague Congressman NEIL ABERCROMBIE of Hawaii who introduced this legislation. As co-chair of the Native American Caucus, I have had the privilege of working alongside him over the years to fight for a strong agenda for our Native communities.

I applaud him for his work on this legislation that will finally reaffirm the inherent sovereignty of the Native Hawaiian people. His dedication over the years should be commended and his service and friendship will be greatly missed.

Mr. Speaker, this legislation will once and for all clarify the relationship between Native Hawaiians and the United States Government.

Congress has passed over 150 statutes addressing the needs of Native Hawaiians. In 1993, Congress passed an apology bill acknowledging the role of the United States Government in the overthrow of the Hawaiian Nation in 1893. That bill recognized that the Native Hawaiians never directly relinquished their inherent sovereignty.

Mr. Speaker, H.R. 2314, will finally provide for the reorganization of a Native Hawaiian Government and provides for Federal recognition of the Native Hawaiians.

It is long past time that we clarify that status of Native Hawaiians in this country. I strongly urge my colleagues to support this important legislation for Native Hawaiians.

Ms. BORDALLO. Mr. Speaker, I rise in strong support of H.R. 2314, legislation that has been championed by the Senators from the State of Hawaii in the other body and our colleagues in the House of Representatives representing the Aloha State. Those of us who are privileged to serve on the Committee on Natural Resources with our colleague, the distinguished gentleman from Hawaii, Mr. ABERCROMBIE, have witnessed his tireless efforts on behalf of preserving Native Hawaiian culture and in improving the federal relationship with the Native Hawaiian people. His passion and deep resolve on the issues important to his State and our country, as well as working class families, is revered and respected. It is fitting that the House take up this legislation during his final days of service in this Congress, and I want to emphasize on behalf of

the people of Guam, who I represent, my support for its swift passage and enactment.

This is an indigenous peoples issue, and the indigenous peoples of the offshore territories are especially sensitive to the situation at-hand with regard to Native Hawaiians. Our governance system must be devised and shaped to respect their culture and to allow for their needs to be adequately addressed. I ask Members to recall the history of the annexation of their islands under the U.S. Flag and the overthrow of their Kingdom, for which Congress has previously recognized and extended an apology. There are unique historical circumstances which give rise to this debate and to this legislation. We have heard today the passionate and thoughtfully expressed appeals for our favorable action on the question of passage before us. We should be moved not only by the gravity of this debate, but also by the impartial review of the facts before us and because of what this means for our country and our obligations as legislators.

The native people of the Hawaiian Islands deserve no less than our resolve to accord them due legal rights and protections consistent with our national trust and obligation to native peoples of the lands for which the U.S. Flag now flies. Through passage of H.R. 2314 we will affirm a political relationship between our national Government directly with the native people of these beautiful islands. It is a relationship whose formation in the construct proposed by the legislation is entirely fitting and appropriate in the context of case law and precedent. It is merely because of historical circumstances that we are called to action now, 50 years after statehood. I support the substitute amendment, and the purpose of the underlying bill. I wish our colleague, Mr. ABERCROMBIE, the best in all of his future endeavors and thank him for his service in this institution and commend him for his work on this important legislation. I urge passage of H.R. 2314.

Mr. HONDA. Mr. Speaker, I rise today to express my support for H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009. Passage of this legislation is a top priority of the Congressional Asian Pacific American Caucus, which I currently chair.

I commend Representative NEIL ABERCROMBIE, sponsor of the bill, and the House Committee on Natural Resources for recognizing the importance of self-determination to the Native Hawaiian people.

In 1893, the monarchy of the Kingdom of Hawai'i was overthrown by agents of the United States. This has created wounds and issues that have never been addressed or resolved. The United States took an important first step in reconciling this part of history by passing a resolution which acknowledged the overthrow of the Kingdom of Hawai'i and offered an apology to Native Hawaiians.

While these are laudable efforts, H.R. 2314 would continue the reconciliation and healing process by providing Native Hawaiians the same right of self governance and self determination that is afforded to other indigenous peoples. Since Hawaii was annexed as a territory, the United States has treated Native Hawaiians in a manner similar to that of American Indians and Alaska Natives. This bill would formalize that relationship and establish

parity in federal policies towards all of our indigenous peoples.

I urge all of my colleagues to support H.R. 2314 and afford Native Hawaiians the opportunity for self determination and self governance.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to show further support for H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009 and would like to submit for the RECORD a letter of support from the Honorable Calvin Say, Speaker for the House of Representatives in the Hawaii State Legislature.

STATE OF HAWAII,  
HOUSE OF REPRESENTATIVES,  
Honolulu, HI, February 19, 2010.

Aloha,

I write to express my support for you, the Hawaii Congressional Delegation, in your efforts to pass the Native Hawaiian Government Reorganization Act.

The Native Hawaiian people have sought passage of this bill for ten years. The Hawaii State Legislature, which serves as the representative voice of Hawaii's people, has demonstrated continued commitment to Native Hawaiian self-governance and self-determination by unanimously affirming three separate resolutions supporting federal recognition of Native Hawaiians.

Thank you for creating an atmosphere of dialogue with the various stakeholders. I appreciate your diligence and openness in working with the state administration and community constituencies to address the best approaches offered. I trust your judgment in this matter, and am confident that through your careful and thoughtful deliberations, we will have a measure that is worthy of the goals to which we have all aspired over the last ten years.

I believe that the people of Hawaii recognize it is time to deliver a fair process for Native Hawaiians to resolve longstanding concerns in their community as other Native peoples have done. Federal recognition is an essential component in advancing the social and economic condition of Native peoples. To deny Native Hawaiians the rights of self-determination and self-governance as accorded to other Native peoples goes against the very principles of justice and fairness on which our country was founded.

The Native Hawaiian Government Reorganization Act provides an empowering and stable structure on which Native Hawaiians can build a prosperous future for themselves and for our state. Both our identity and the economic well-being of our state are very much intertwined with the well-being of the indigenous peoples of our island home. Effectuating a balanced process that will bring clarity to this issue is the right thing to do for our state, Native Hawaiians and all of the citizens of Hawaii.

Sincerely,

CALVIN K.Y. SAY,  
Speaker of the House.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus, I rise today in strong support of H.R. 2314, the Native Hawaiian Government Reorganization Act, which will formally extend the federal policy of self-determination and self-governance to Native Hawaiians.

I would like to acknowledge Speaker PELOSI, Majority Leader REID, and Chairman RAHALL for their leadership in bringing this milestone bill to the floor. I would also like to thank my colleague Congressman AKAKA, the

author of this legislation, who worked so hard for so many years to give Native Hawaiians the opportunity for self governance.

Mr. Speaker, the Native Hawaiian Government Reorganization Act provides Native Hawaiians with an opportunity for self determination and cultural preservation, while empowering them to be an equal partner with the state and federal government. They will finally be on equal footing in federal policies toward American Indians, Alaska Natives, and Native Hawaiians.

I am pleased to champion H.R. 2314, which provides the self governing opportunities that have been denied to this community for so long. Native Hawaiians should have the same opportunity for cultural preservation and self-determination as indigenous people on the mainland U.S. Just to be clear, this bill does not recognize a Native Hawaiian government upon passage, nor exempt a Native Hawaiian government from any provision of the U.S. Constitution, Federal law, or taxation.

Mr. Speaker, I support this bill because it will finally extend the federal policy of recognition to Native Hawaiians. This legislation is yet another example of how Congress is responding to calls for change in America.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2314.

Ms. HIRONO. Mr. Speaker, I rise today to provide additional remarks on H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009, a bill the House passed with a clear majority vote of 245–164 on February 23, 2010.

At the end of the 18th century, King Kamehameha I united the separate island chiefdoms under one Hawaiian monarchy, which was recognized by the United States. This unified Native Hawaiian self-rule continued through most of the 19th century, with Native Hawaiians “constitut[ing] the overwhelming majority of the political community that participated in decisionmaking in the Kingdom,” (Jon M. Van Dyke, *Population, Voting, and Citizenship in the Kingdom of Hawai'i*, 28 U. Haw. L. Rev. 81, 81 (2005)), and came to an end only when, in 1893, commercial interests overthrew the Hawaiian monarchy with the support of the U.S. government.

Even after the overthrow of the Hawaiian monarchy, Native Hawaiians have continued to maintain their separate identity as a single distinctly political community through cultural, social, and political institutions, and through efforts to develop programs to provide governmental services to native Hawaiians. For example, the Hawaiian Protective Association—a political organization with by-laws and a constitution that sought to maintain unity among Native Hawaiians, protect Native Hawaiian interests (including by lobbying the legislature), and promote the education, health, and economic development of Native Hawaiians—was “organized [in 1914] . . . for the sole purpose of protecting the Hawaiian people and of conserving and promoting the best things of their tradition” (Hearing on H.R. 13500 Before the Committee on Territories, 66th Cong., 3d Sess. 44 (Dec. 14, 1920) (Rev. Akaioka)).

To this end, the Association established twelve standing committees, published a newspaper, and also developed the framework

that became the Hawaiian Homes Commission Act (HHCA) in 1921. In 1918, Prince Jonah Kūhio Kalanianaʻole, a U.S. delegate to Congress, founded the Hawaiian Civic Clubs, the goal of which was to perpetuate the language, history, traditions, music, dances and other cultural traditions of Hawaii. The clubs' first project was to secure enactment of HHCA and the clubs remain in existence today.

Efforts to maintain a distinct political community have continued into the present day. Examples include the 1988 Native Hawaiian Sovereignty Conference; the Kau Inoa organization, which registers Native Hawaiians for a movement toward a Native Hawaiian governing entity; the efforts to protect the North Western Hawaiian Islands because of their cultural and traditional significance; the creation in the Hawaii State Constitution of the Office of Hawaiian Affairs, which serves as an entity to protect Native Hawaiian interests; and the development of traditional justice programs, including a traditional method of alternative dispute resolution, "ho'oponopono," which has been endorsed by the Native Hawaiian Bar Association.

Moreover, as the findings of H.R. 2314 explain, the Native Hawaiian people have actively maintained native traditions and customary usages throughout the Native Hawaiian community and the Federal and State courts have continuously recognized the right of the Native Hawaiian people to engage in certain customary practices and usages on public lands.

For example, traditional Native Hawaiian fishing and water rights are protected by state law (Haw. Rev. Stat. §174C-101(c) & (d) (2008) (stating that certain traditional and customary water rights "shall not be abridged or denied," or "diminished or extinguished," by provision of the State Water Code)); id. §187A-23 (1985) (providing for recognition of certain "vested fishing rights" linked to "ancient regulations").

Hawaii courts have also recognized and upheld traditional gathering and access rights, (See, e.g., *Public Access Shoreline Hawaii v. Hawaii County Planning Comm'n*, 903 P.2d 1246 (Haw. 1995); *State v. Hanapi*, 970 P.2d 485 (Haw. 1998); *Kalipi v. Hawaiian Trust Co.*, 656 P.2d 745 (Haw. 1982)). Further, Native Hawaiian traditional practices are often permitted on federal parks land (See, e.g., 16 U.S.C. §396d (KalokoHonokohau National Historical Park)). These practices and legal protections further reinforce the Native Hawaiian community's continuing status as a distinctly native community.

Congress has recognized the distinct status of the Native Hawaiians by "extend[ing] services to [them]" on the basis of that status, recognizing that they are "the native people of a prior-sovereign nation with whom the United States has a special political and legal relationship." (See, e.g., *Brief of United States* at 4-5 & nn.2-4, *Rice v. Cayetano*, 528 U.S. 495 (2000) (noting that Congress has "established special Native Hawaiian programs in the areas of health care, education, employment, and loans," "has enacted statutes to preserve Native Hawaiian culture, language, and historical sites, and "by classifying Native Hawaiians as 'Native Americans' under numerous federal statutes, . . . has extended to Native Hawai-

ians many of 'the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities'" and collecting examples of these congressional acts)).

Other specific examples of Congress' recognition of the distinct status of the Native Hawaiians include the Native American Language Act of 1990, which recognized and clarified the language rights of American Indians, Alaskan Natives, Native Hawaiians, and Pacific Islanders and explicitly allowed exceptions to teacher certification requirements for instruction in Native American languages; the Native Hawaiian Education Act of 1988 (Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988) which awarded \$30 million annually in competitive education grants to programs benefitting native Hawaiian students; the Native Hawaiian Assessment Project of 1983; and special education programs specifically targeting Native Hawaiian students.

As the 1993 Apology Resolution and other recent federal statutes extending educational and health benefits to Native Hawaiians make clear, Congress has found that: (1) Native Hawaiians are "a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago," 42 U.S.C. 11701(1); 20 U.S.C. 7902(1); (2) Native Hawaiians exercised sovereignty over the Hawaiian Islands, 20 U.S.C. 80q-14(11); (3) the overthrow of the Kingdom of Hawaii was "illegal" and deprived Native Hawaiians of their right to "self-determination," 107 Stat. 1513; (4) the government installed after the overthrow ceded 1.8 million acres of land to the United States "without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government," id. at 1512; (5) "the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States," *ibid.*; and (6) "the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions," id. at 1512-1513.

Those findings demonstrate that indigenous Hawaiians, like numerous tribes in the continental United States, share historical and current bonds within their community. Also like tribes in the continental United States, Native Hawaiians, pursuant to Acts of Congress, have substantial lands set aside for their benefit: 200,000 acres of Homestead Act land on which there are thousands of leases to Native Hawaiians that furnish homes to tens of thousands of Hawaiians, and a 20 percent interest in the income generated by 1.2 million acres of public trust lands under the Admission Act.

The fact that the indigenous Hawaiian community does not presently have a central operating tribal government recognized by the U.S. Department of the Interior does not remove that community from the scope of Congress's Indian affairs power. Initially, the Constitution does not limit Congress's Indian affairs power to groups with a particular government structure. "[S]ome bands of Indians, for example,

had little or no tribal organization, while others were highly organized." (*Fishing Vessel Ass'n*, 443 U.S. at 664). Nor does the Constitution limit Congress's power to groups that continue to exercise all aspects of sovereignty. European "discovery" and the establishment of the United States necessarily diminished certain aspects of Indian sovereignty (*Johnson*, 21 U.S. (8 Wheat.) at 574; *Cherokee Nation*, 30 U.S. (5 Pet.) at 45). Thus, under the Constitution, "[f]ederal regulation of Indian tribes . . . is governance of once-sovereign political communities" (*Antelope*, 430 U.S. at 646).

Moreover, the United States' authority over Indian affairs does not emanate simply from the Commerce Clause's reference to "Indian Tribes." Rather, the Constitution implicitly gives Congress power to manage Indian affairs more generally (*Seber*, 318 U.S. at 715; *Sandoval*, 231 U.S. at 45-46; *Kagama*, 118 U.S. at 383-384). That power does not disintegrate when an indigenous people loses its formal government structure. In the first place, the loss of a particular form of government is not tantamount to termination of all sovereignty or of the prospect that sovereignty might be given expression in the future through governmental or other structures. In the case of Native Hawaiians, a variety of Native Hawaiian organizations are active in a broad range of Native political, cultural, religious, legal, and land-related matters, and furnish vehicles for the expression of self-determination over important aspects of Hawaiian affairs, and thus confirms that Native Hawaiians constitute a present-day "political" community (Cf. 25 C.F.R. 83.7(c)).

Further, the Supreme Court has made clear that a central operating tribal government is not a predicate for legislation on behalf of indigenous people. For example, in *John*, 437 U.S. at 634, the Court upheld the power of Congress to provide for a group of Mississippi Choctaw Indians that did not have a federally recognized tribal government. The United States had entered into a treaty under which the Choctaw Indians would leave Mississippi by 1833. In the 1890s, however, the United States became aware that a group of Choctaws had not left Mississippi. Even though the United States did not regard that remaining group as members of a federally recognized tribe, it began to provide services and land to individual Choctaws in Mississippi.

In 1939, Congress declared that the lands that had been purchased for individual Choctaws would be held in trust for Choctaw Indians of one-half or more Indian blood, resident in Mississippi, and in 1944, Congress made those lands a reservation. Finally, in 1945, Mississippi Choctaws of one-half or more Indian blood adopted a constitution and bylaws, which were then approved by the appropriate federal officials.

Against that background, Mississippi argued that Congress lacked constitutional authority to establish federal criminal jurisdiction in the Choctaw Reservation (*John*, 437 U.S. at 652). The U.S. Supreme Court rejected that argument, explaining: "[I]n view of the elaborate history of relations between the Mississippi Choctaws and the United States, we do not agree that Congress and the Executive Branch have less power to deal with the affairs of the Mississippi Choctaws than with the

affairs of other Indian groups. Neither the fact that the Choctaws in Mississippi are merely a remnant of a larger group of Indians, long ago removed from Mississippi, nor the fact that federal supervision over them has not been continuous, destroys the federal power to deal with them."

I would like to take this opportunity to provide clarification on the legislative intent of H.R. 2314, particularly for Sections 2, 3, 4, 5, 7, 8, and 9. My remarks for Sections 3 and 9 are supplementary to the remarks previously made by Congressman Abercrombie.

#### SEC. 2. FINDINGS

Section 2 sets forth Congressional findings that support this legislation. These findings, among other things, identify some of the key respects in which Congress has previously legislated for the benefit of the Native Hawaiian people—thereby recognizing them as a distinctly native community and thus within Congress's power to legislate in respect of Indian tribes—and discusses some of the past and current ways in which the Native Hawaiian peoples have preserved their culture, traditions, and identity as a distinctly native people, and given expression to their rights as native peoples to self-determination and self-governance.

#### SEC. 3. DEFINITIONS

Congressman Abercrombie, the bill's chief sponsor, has extensively discussed this section of the bill. To supplement his remarks, I would like to clarify that Kuleana lands are parcels of land granted to Native Hawaiian tenant farmers between 1850 and 1855. In 1848, in what is known as the Great Mahele, King Kamehameha III divided up land among the Kingdom, high-ranking chiefs, and the territorial government, "subject to the rights of the native tenants (2 Rev. Laws Haw. 2152 (1925)).

The Kuleana Act of August 6, 1850, provided a process by which native tenants who had occupied and improved the land could apply to the Land Commission for a royal patent and obtain fee title to those parcels of land (Jon J. Chinen, *The Great Mahele: Hawaii's Land Division at 29, 31* (1958)). Approximately 28,600 acres of land were awarded under the Kuleana Act (U.S. Departments of Interior and Justice, *From Mauka to Makai: The River of Justice Must Flow Freely*, at 24 (2000)).

Also, it should be noted that in its tribal acknowledgment process, the U.S. Department of the Interior has repeatedly relied on participation in community organizations as an important indicator of the existence of a distinct community. Community activities that the Department has cited in support of the existence of a community include churches, organizations devoted to management of group cemeteries, the existence of organized social functions or collective economic activity, and organized participation in political activities and debate (Branch of Acknowledgment and Research, *Acknowledgment Precedent Manual at 26–32* (2002)).

For example, in concluding that it was appropriate to acknowledge the Jena Band of Choctaw Indians as a sovereign Tribe, the Department cited, among other considerations, the Tribe's collective maintenance of a cemetery and associated traditional practices, and the existence of a Tribal organization that

"conducts Choctaw language and history classes at the tribal center after school hours and during the summer" (Proposed Finding for Federal Acknowledgment of the Jena Band of Choctaw Indians, 59 Fed. Reg. 54,496 (Oct. 31, 1994); see also 60 Fed. Reg. 28,480 (May 31, 1995) (final acknowledgment)). Likewise, the ability of leaders to organize a community to address a particular issue has been cited as evidence of the existence of internal political organization, another criterion for acknowledgment. For example, the Acknowledgment Precedent Manual cites the ability of a Narragansett leader to organize opposition to the draining of a cedar swamp as evidence supporting acknowledgment of that group ((Branch of Acknowledgment and Research, *Acknowledgment Precedent Manual at 40* (2002)).

#### SEC. 4. UNITED STATES POLICY AND PURPOSE

In Section 4, the United States reaffirms its political and legal relationship with the Native Hawaiian people, and the distinct nature of the Native Hawaiian community. Section 4 also explains that Congress is exercising its ability to enact legislation directed to Native Hawaiians, and reaffirms that Native Hawaiians have an inherent right to autonomy in their internal affairs and an inherent right to self-determination and self-governance.

In acting to promote Native Hawaiian autonomy and self-government, Congress is acting in accord with the United States' policy over the last several decades toward Indian tribes generally (See, e.g., Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93–638, 88 Stat. 2203 (codified as amended at 25 U.S.C. §§ 450–458bbb–2 (2007) (recognizing the obligation of the United States to advance Indian "self-determination by assuring maximum Indian participation in the direction of . . . Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities"); Indian Financing Act of 1974, as amended, 25 U.S.C. § 1451 (2007) (expressing Congress's policy ". . . to help develop and utilize Indian resources . . . to a point where the Indians will fully exercise responsibility and management of their own resources"). See also Executive Order 13175, 59 Fed. Reg. 22951 (Nov. 9, 2000) ("The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.")).

#### SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS

The United States Office for Native Hawaiian Relations, established by section 5, and the Native Hawaiian Interagency Working Group, established by section 6, are required to consult with the Native Hawaiian governing entity on federal programs or policies that may affect Native Hawaiian rights, resources, or lands. The nature and form of this consultation is expected to parallel the consultation process for Indian tribes, which is guided presently by the requirements of Executive Order 13175 and by the President's November 5, 2009 memorandum on the implementation of that Order. Executive Order 13175 requires that federal agencies have in place a process to allow meaningful input from tribes in the development of regulations and policies that have

significant implications for tribes. The Hawaii Congressional Delegation anticipates that the consultation envisioned by this section will proceed in a similar manner.

#### SEC. 7. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE

This section provides for the U.S. Department of Justice to designate an official to assist the Office of Native Hawaiian Relations in carrying out its functions. The Department of Justice already has an office that performs a similar function with respect to the Department's relationship with Indian tribes, the Office of Tribal Justice. The Hawaii Congressional Delegation anticipates that the official designated under this section will carry out his or her functions in a similar manner.

#### SEC. 8. PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY AND REAFFIRMATION OF SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND NATIVE HAWAIIAN GOVERNING ENTITY.

Federal recognition of a Native Hawaiian governing entity does not occur immediately upon enactment of the bill. Only after the certification requirements described in section 8(c)(4) are met would the United States reaffirm its special political and legal relationship with the Native Hawaiian governing entity, and extend federal recognition to the Native Hawaiian governing entity. Sec. 8(c)(6).

Section 8 sets out the process for the reorganization of the single Native Hawaiian governing entity. As previously discussed, Congress has a long history of enacting such legislation under its Indian affairs power. The process in H.R. 2314 for recognizing a Native Hawaiian self-governing entity is analogous to the process established by prior tribal reorganization legislation, and also to the process by which the United States recognizes Indian tribes.

For example, H.R. 2314 would establish a "roll of Native Hawaiian constituents" that would define initial membership in the Native Hawaiian self-governing community based on lineal descent and continued connection to the Native Hawaiian community and Native Hawaiian lands. Prior tribal restoration acts have similarly relied on an initial roll in determining eligibility to participate in tribal reorganization elections (See, e.g., 25 U.S.C. § 711b(a) & (b)).

Current federal regulations similarly require newly recognized tribes to submit a "base roll" of members, and these rolls can be based in part on rolls prepared by the Department of the Interior for purposes of federal allotments (See 25 CFR §§ 83.7(e)(1)(i), 83.12(b); see also 25 U.S.C. § 476(a) ("Indian Reorganization Act of 1934") (providing that Indian Tribes "shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe . . . at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe")).

Section 8 goes on to provide for verification of eligibility by a Commission established by the Secretary of the Interior, and an initial election for members of a Native Hawaiian Interim Governing Council through a series of meetings organized by the Commission in

consultation with the Secretary. It also provides that the Council, after developing organic governing documents, shall submit them to the Secretary for certification. These procedures closely track the procedures set forth in previous reorganization legislation enacted with respect to Indian tribes (See, e.g., 25 U.S.C. § 711a et seq.).

In general, Section 8 calls for the federal government to play a relatively minor role in setting the rules for the election of officers of the Native Hawaiian governing entity. In particular, while the federally created Commission will call an initial meeting for persons on the roll, it is these roll members who will determine the criteria for candidates to serve on the Council, determine the structure of the Council, and elect its members. The degree of federal involvement contemplated by H.R. 2314 is thus consistent with the historical role Congress has played in assisting Indian tribes in reorganizing politically (See 25 U.S.C. § 476(a) (noting that special elections for ratifying tribal constitutions and bylaws may be "authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe"); 25 U.S.C. § 711a et seq.).

#### SECTION 8(B). COMMISSION.

Section 8(b) provides for the creation of a Commission to oversee the preparation of a roll of qualified Native Hawaiian constituents. As specified in section 8(b)(2), the Commission is expected to be an expert body, with particular expertise in Native Hawaiian genealogy and culture. The Hawaii Congressional Delegation recognizes that the task of compiling a roll of qualified Native Hawaiian constituents is likely to be complex, and may require technical decisions as to which individuals have a sufficient connection to the Native Hawaiian community, based on the criteria set forth in this legislation.

Relevant types of determinations will include decisions as to which types of documentation are sufficient under section 8(c)(1)(C), and as to how the definition of "qualified Native Hawaiian constituent" that appears in section 3(12) will be interpreted and applied. The Commission, as the expert body with authority to compile the roll, is charged with resolving these questions. The Hawaii Congressional Delegation expects that courts and government agencies will accord significant deference to the Commission's expert decisions, and will allow the Commission to make eligibility decisions in the first instance. There is a provision in section 8(c) for an administrative appeal for any person whose name is excluded from the roll.

Moreover, the Hawaii Congressional Delegation emphasizes that the Commission is expected to complete a roll of qualified Native Hawaiian constituents without delay, in order to allow the organizing process set forth in section 8 to proceed on schedule. The Delegation anticipates that the Commission will establish appropriate deadlines, rules of procedure, and other requirements to allow the timetables set forth in this legislation to be met while giving due consideration to the claims of those seeking to be included on the roll.

#### SEC. 8(C). PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.

Sec. 8(c)(1) Roll: The sole purpose of the roll established by the Commission is to com-

pile a list of those qualified Native Hawaiian constituents who can take part in the initial reorganization of a Native Hawaiian government.

Sec. 8(c)(1)(C)(III): Permits elderly Native Hawaiians and other qualified Native Hawaiian participants lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from two or more qualified Native Hawaiian participants. This provision was included to address cases of hardship, and is not expected to be applied routinely. The Hawaii Congressional Delegation anticipates that the Commission will establish specific prerequisites allowing individuals to demonstrate that they are unable to obtain a birth certificate.

Sec. 8(c)(1)(I): Directs the Commission to publish the notice of the certification of the roll "regardless of whether appeals are pending." This provision is meant to ensure that challenges to the roll do not delay organization of the Native Hawaiian governing entity. The Hawaii Congressional Delegation emphasizes the importance of the deadlines established by this legislation. Barring unusual circumstances, the existence of pending disputes as to the inclusion of particular individuals on the roll should not be allowed to delay the reorganization process set forth in this section.

#### SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS; CLAIMS

Congressman Abercrombie has also extensively discussed Section 9 of H.R. 2314. To supplement his remarks, I would like to add that "Indian country" is a term codified by federal statute (18 U.S.C. 1151). Although section 1151 defines "Indian country" for the purpose of delineating the scope of federal criminal jurisdiction over Indians, the Supreme Court has applied the definition to determine the scope of tribal territorial jurisdiction, as well (*Alaska v. Native Village of Venetie*, 522 U.S. 520, 527 (1998); *DeCoteau v. District County*, 420 U.S. 425, 427, n.2 (1975)).

Because section 1151 expressly refers to "Indian country," "Indian reservation[s]," "dependent Indian communities," and "Indian allotments"—but never refers expressly to "Native Hawaiians" or to the "Native Hawaiian governing entity"—the bill neither creates nor recognizes any "Indian country" within the State of Hawaii (See Sec. 10(c)(2)). The scope of the Native Hawaiian governing entity's jurisdiction could be changed by further legislation, including legislation enacted to implement an agreement negotiated under paragraphs (1) and (2) of section 9(c).

Likewise, the Secretary of Interior lacks statutory authority to take land into trust on behalf of the Native Hawaiian sovereign. Such authority will only exist if Congress specifically provides for it in future legislation. Nor would such territorial jurisdiction arise by another method, absent express Congressional direction.

There has been extensive litigation relating to land claims, claims for money damages, and other types of claims, dating back at least to 1910 (E.g., *Hawaii v. OHA*, 129 S. Ct. 1436 (2009); *Han v. Department of Justice*, 824 F. Supp. 1480, 1486 (D. Haw. 1993), *affd*, 45 F.3d 333 (9th Cir. 1995); *Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes*

*Comm'n*, 588 F.2d 1216, 1224 n. 7 (9th Cir. 1979); *Naiwiona Kupuna O mokapu v. Dalton*, 894 F. Supp. 1397 (D. Haw. 1995); *Liliuokalani v. United States*, 45 Ct. Cl. 418 (1910). See also *Burgert v. Lokelani Bernice Pauahi Bishop Trust*, 200 F.3d 661 (9th Cir. 2000); *Ohana v. United States*, 76 F.3d 280 (9th Cir. 1996); *Price v. Akaka*, 3 F.3d 1220 (9th Cir. 1995); *Ulaleo v. Paty*, 902 F.2d 1395 (9th Cir. 1990); *Territory v. Kapiolani*, 18 Haw. 640, 645–46 (1908); *Territory v. Puahi*, 18 Haw. 649 (1908); *Bush v. Watson*, 918 P.2d 1130 (Haw. 1996); *Aged Hawaiians v. Hawaiian Homes Comm'n*, 891 P.2d 279 (Haw. 1995); *Bush v. Hawaiian Homes Comm'n*, 870 P.2d 1272 (Haw. 1994); *Pele Defense Fund v. Paty*, 837 P.2d 1247 (Haw. 1992)).

The Hawaii Congressional Delegation envisions that issues concerning asserted historic or moral claims may be the subject of negotiations among the new Native Hawaiian governing entity, the State of Hawaii, and the United States, together with the other issues encompassed within the process set forth in section 9(c) of this Act, and that such negotiations will provide an appropriate forum in which to address these claims questions. H.R. 2314 will not limit claims by the Native Hawaiian governing entity that first arise after recognition of the Native Hawaiian governing entity.

In closing, I thank my colleagues for their votes in support of Native Hawaiians, who, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, aboriginal people. Mahalo nui loa (thank you very much).

The SPEAKER pro tempore. All time for debate on the bill has expired.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4626, HEALTH INSURANCE INDUSTRY FAIR COMPETITION ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–418) on the resolution (H. Res. 1098) providing for consideration of the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers, which was referred to the House Calendar and ordered to be printed.

#### NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009—CONTINUED

##### PART A AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ABERCROMBIE

Mr. ABERCROMBIE. Mr. Speaker, I have an amendment in the nature of a substitute made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute printed in part A of House Report 111–413 offered by Mr. ABERCROMBIE:



Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Native Hawaiian Government Reorganization Act of 2010”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States and the Supreme Court has held that under the Indian Commerce, Treaty, Supremacy, and Property Clauses, and the War Powers, Congress may exercise that power to rationally promote the welfare of the native peoples of the United States so long as the native people are a “distinctly native community”;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are 1 of the indigenous, native peoples of the United States, and the Native Hawaiian people are a distinctly native community;

(3) the United States has a special political and legal relationship with, and has long enacted legislation to promote the welfare of, the native peoples of the United States, including the Native Hawaiian people;

(4) under the authority of the Constitution, the United States concluded a number of treaties with the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii as a nation;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions of peace, friendship and commerce with the Kingdom of Hawaii to govern trade, commerce, and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land in trust to better address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii and in enacting the Hawaiian Homes Commission Act, 1920, Congress acknowledged the Native Hawaiian people as a native people of the United States, as evidenced by the Committee Report, which notes that Congress relied on the Indian affairs power and the War Powers, including the power to make peace;

(6) by setting aside 203,500 acres of land in trust for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act, 1920, assists the members of the Native Hawaiian community in maintaining distinctly native communities throughout the State of Hawaii;

(7) approximately 9,800 Native Hawaiian families reside on the Hawaiian Home Lands, and approximately 25,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress delegated the authority and responsibility to administer the Hawaiian Homes Commission Act, 1920, lands in trust for Native Hawaiians and established a new public trust (commonly known as the “ceded lands trust”), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians, and Congress thereby reaffirmed its recognition of the Native Hawaiians as a distinctly native community with a direct lineal and historical succession to the aboriginal, indigenous people of Hawaii;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide important native land reserves and resources for the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the continuity, survival, and economic self-sufficiency of the Native Hawaiian people as a distinctly native political community;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii, including native lands that date back to the aliʻi and kuleana lands reserved under the Kingdom of Hawaii;

(12) through the Sovereign Council of Hawaiian Homelands Assembly and Native Hawaiian homestead associations, Native Hawaiian civic associations, charitable trusts established by the Native Hawaiian aliʻi, nonprofit native service providers and other community associations, the Native Hawaiian people have actively maintained native traditions and customary usages throughout the Native Hawaiian community and the Federal and State courts have continuously recognized the right of the Native Hawaiian people to engage in certain customary practices and usages on public lands;

(13) on November 23, 1993, public law 103-150 (107 Stat. 1510) (commonly known as the “Apology Resolution”) was enacted into law, extending an apology to Native Hawaiians on behalf of the people of the United States for the United States’ role in the overthrow of the Kingdom of Hawaii;

(14) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States, and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(15)(A) the Apology Resolution expresses the commitment of Congress and the President—

(i) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii; and

(ii) to support reconciliation efforts between the United States and Native Hawaiians;

(B) Congress established the Office of Hawaiian Relations within the Department of the Interior with 1 of its purposes being to consult with Native Hawaiians on the reconciliation process; and

(C) the United States has the duty to reconcile and reaffirm its friendship with the Native Hawaiian people because, among other things, the United States Minister and United States naval forces participated in the overthrow of the Kingdom of Hawaii;

(16)(A) despite the overthrow of the Government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinctly native political community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency; and

(B) there is clear continuity between the aboriginal, indigenous, native people of the Kingdom of Hawaii and their successors, the Native Hawaiian people today;

(17) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

- (i) health care services;
- (ii) educational programs;
- (iii) employment and training programs;
- (iv) economic development assistance programs;
- (v) children’s services;
- (vi) conservation programs;
- (vii) fish and wildlife protection;
- (viii) agricultural programs;
- (ix) native language immersion programs;
- (x) native language immersion schools from kindergarten through high school;
- (xi) college and master’s degree programs in native language immersion instruction; and
- (xii) traditional justice programs; and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(18) Native Hawaiian people are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(19) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(20) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single unified Native Hawaiian governing entity for the purpose of giving expression to their rights as a native people to self-determination and self-governance;

(21) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as an indigenous, distinctly native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States’ responsibilities as they relate to the Native Hawaiian people and their lands;

(22) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of



which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(23) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a direct genealogical, cultural, historic, and land-based connection to their forebears, the aboriginal, indigenous, native people who exercised original sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the native people of a prior-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(24) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States, as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term “aboriginal, indigenous, native people” means a people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) **APOLOGY RESOLUTION.**—The term “Apology Resolution” means Public Law 103–150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(3) **COMMISSION.**—The term “Commission” means the Commission established under section 8(b).

(4) **COUNCIL.**—The term “Council” means the Native Hawaiian Interim Governing Council established under section 8(c)(2).

(5) **INDIAN PROGRAM OR SERVICE.**—

(A) **IN GENERAL.**—The term “Indian program or service” means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) **INCLUSIONS.**—The term “Indian program or service” includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(6) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4

of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) **INDIGENOUS, NATIVE PEOPLE.**—The term “indigenous, native people” means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(8) **INTERAGENCY COORDINATING GROUP.**—The term “Interagency Coordinating Group” means the Native Hawaiian Interagency Coordinating Group established under section 6.

(9) **NATIVE HAWAIIAN GOVERNING ENTITY.**—The term “Native Hawaiian governing entity” means the governing entity organized pursuant to this Act by the qualified Native Hawaiian constituents.

(10) **NATIVE HAWAIIAN MEMBERSHIP ORGANIZATION.**—The term “Native Hawaiian membership organization” means an organization that—

(A) serves and represents the interests of Native Hawaiians, has as a primary and stated purpose the provision of services to Native Hawaiians, and has expertise in Native Hawaiian affairs;

(B) has leaders who are elected democratically, or selected through traditional Native leadership practices, by members of the Native Hawaiian community;

(C) advances the cause of Native Hawaiians culturally, socially, economically, or politically;

(D) is a membership organization or association; and

(E) has an accurate and reliable list of Native Hawaiian members.

(11) **OFFICE.**—The term “Office” means the United States Office of Hawaiian Relations established by section 5(a).

(12) **QUALIFIED NATIVE HAWAIIAN CONSTITUENT.**—For the purposes of establishing the roll authorized under section 8, and prior to the recognition by the United States of the Native Hawaiian governing entity, the term “qualified Native Hawaiian constituent” means an individual who the Commission determines has satisfied the following criteria and who makes a written statement certifying that he or she

(A) is—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), or a direct lineal descendant of that individual;

(B) wishes to participate in the reorganization of the Native Hawaiian governing entity;

(C) is 18 years of age or older;

(D) is a citizen of the United States; and

(E) maintains a significant cultural, social, or civic connection to the Native Hawaiian community, as evidenced by satisfying 2 or more of the following 10 criteria:

(i) Resides in the State of Hawaii.

(ii) Resides outside the State of Hawaii and—

(I)(aa) currently serves or served as (or has a parent or spouse who currently serves or served as) a member of the Armed Forces or as an employee of the Federal Government; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse)

left the State of Hawaii to serve as a member of the Armed Forces or as an employee of the Federal Government; or

(II)(aa) currently is or was enrolled (or has a parent or spouse who currently is or was enrolled) in an accredited institution of higher education outside the State of Hawaii; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to attend such institution.

(iii)(I) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), and resides or resided on land set aside as “Hawaiian home lands”, as defined in such Act; or

(II) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by such Act and who resides or resided on land set aside as “Hawaiian home lands”, as defined in such Act.

(iv) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(v) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(vi) Resides on or has an ownership interest in, or has a parent or grandparent who resides on or has an ownership interest in, “kuleana land” that is owned in whole or in part by a person who, according to a genealogy verification by the Office of Hawaiian Affairs or by court order, is a lineal descendant of the person or persons who received the original title to such “kuleana land”, defined as lands granted to native tenants pursuant to Haw. L. 1850, p. 202, entitled “An Act Confirming Certain Resolutions of the King and Privy Council Passed on the 21st day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges”, as amended by Haw. L. 1851, p. 98, entitled “An Act to Amend An Act Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges” and as further amended by any subsequent legislation.

(vii) Is, or is the child or grandchild of, an individual who has been or was a student for at least 1 school year at a school or program taught through the medium of the Hawaiian language under section 302H–6, Hawaii Revised Statutes, or at a school founded and operated primarily or exclusively for the benefit of Native Hawaiians.

(viii) Has been a member since September 30, 2009, of at least 1 Native Hawaiian membership organization.

(ix) Has been a member since September 30, 2009, of at least 2 Native Hawaiian membership organizations.

(x) Is regarded as Native Hawaiian and whose mother or father is (or if deceased, was) regarded as Native Hawaiian by the Native Hawaiian community, as evidenced by sworn affidavits from two or more qualified Native Hawaiian constituents certified by the Commission as possessing expertise in the social, cultural, and civic affairs of the Native Hawaiian community.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(14) **SPECIAL POLITICAL AND LEGAL RELATIONSHIP.**—The term “special political and legal relationship” shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature

of relationship the United States has with the several federally recognized Indian tribes.

#### SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) **POLICY.**—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people, which includes promoting the welfare of Native Hawaiians;

(3)(A) Congress possesses and hereby exercises the authority under the Constitution, including but not limited to Article I, Section 8, Clause 3, to enact legislation to better the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(i) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(ii) the Act entitled “an Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(iii) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(B) other sources of authority under the Constitution for legislation on behalf of the indigenous, native peoples of the United States, including Native Hawaiians, include but are not limited to the Property, Treaty, and Supremacy Clauses, War Powers, and the Fourteenth Amendment, and Congress hereby relies on those powers in enacting this legislation; and

(C) the Constitution’s original Apportionment Clause and the 14th Amendment Citizenship and amended Apportionment Clauses also acknowledge the propriety of legislation on behalf of the native peoples of the United States, including Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) **PURPOSE.**—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

#### SEC. 5. UNITED STATES OFFICE OF HAWAIIAN RELATIONS.

(a) **ESTABLISHMENT.**—There is established within the Office of the Secretary the United States Office of Hawaiian Relations.

(b) **DUTIES.**—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the government-to-government relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) provide timely notice to, and consult with, the Native Hawaiian governing entity

before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) work with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and may provide recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) **APPLICABILITY TO DEPARTMENT OF DEFENSE.**—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

#### SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) **ESTABLISHMENT.**—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group, to be known as the “Native Hawaiian Interagency Coordinating Group”.

(b) **COMPOSITION.**—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency whose actions may significantly or uniquely impact Native Hawaiian programs, resources, rights, or lands; and

(2) the Office.

(c) **LEAD AGENCY.**—

(1) **IN GENERAL.**—The Department of the Interior and the White House Office of Intergovernmental Affairs shall serve as the leaders of the Interagency Coordinating Group.

(2) **MEETINGS.**—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) **DUTIES.**—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in paragraph (1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 8(c)(8); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) **APPLICABILITY TO DEPARTMENT OF DEFENSE.**—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

#### SEC. 7. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department

of Justice to assist the Office in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing entity as provided for in section 8, in the implementation and protection of the rights of the Native Hawaiian governing entity and its political and legal relationship with the United States.

#### SEC. 8. PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY AND REAFFIRMATION OF SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN UNITED STATES AND NATIVE HAWAIIAN GOVERNING ENTITY.

(a) **RECOGNITION OF NATIVE HAWAIIAN GOVERNING ENTITY.**—The right of the qualified Native Hawaiian constituents to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) **COMMISSION.**—

(1) **IN GENERAL.**—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of qualified Native Hawaiian constituents; and

(B) certifying that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of qualified Native Hawaiian constituent set forth in section 3.

(2) **MEMBERSHIP.**—

(A) **APPOINTMENT.**—

(i) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) **CONSIDERATION.**—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian membership organization or other entity with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(B) **REQUIREMENTS.**—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy (traditional cultural experience shall be given due consideration); and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(c) **VACANCIES.**—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) **EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) **DUTIES.**—The Commission shall—

(A) prepare and maintain a roll of qualified Native Hawaiian constituents as set forth in subsection (c); and

(B) certify that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of that term as set forth in section 3.

(5) **STAFF.**—

(A) **IN GENERAL.**—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate

an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(C) PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the qualified Native Hawaiian constituents who are certified by the Commission to be qualified Native Hawaiian constituents, as defined in section 3.

(B) FORMATION OF ROLL.—Each individual claiming to be a qualified Native Hawaiian constituent shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition set forth in section 3; provided that an individual presenting evidence that he or she satisfies the definition in Section 2 of Public Law 103-150 shall be presumed to meet the requirement of section 3(12)(A)(i).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of qualified Native Hawaiian constituent set forth in section 3.

(ii) recognize an individual's identification of lineal ancestors on the 1890 Census by the Kingdom of Hawaii as a reliable indicia of lineal descent from the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(iii) permit elderly Native Hawaiians and other qualified Native Hawaiian constituents lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from 2 or more qualified Native Hawaiian constituents;

(ii) establish a standard format for the submission of documentation and a process to ensure veracity; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each individual proposed for inclusion on the roll of qualified Native Hawaiian constituents meets the definition of qualified Native Hawaiian constituent in section 3, the Commission may consult with bona fide Native Hawaiian membership organizations, agencies of the State of Hawaii, including but not limited to, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descent.

(E) NOTIFICATION.—The Commission shall—

(i) inform an individual whether they have been deemed by the Commission a qualified Native Hawaiian constituent; and

(ii) inform an individual of a right to appeal the decision if deemed not to be a qualified Native Hawaiian constituent.

(F) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of those individuals who meet the definition of qualified Native Hawaiian constituent in section 3 to the Secretary within 2 years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the qualified Native Hawaiian constituents proposed for inclusion on the roll meets the definition set forth in section 3.

(G) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of qualified Native Hawaiian constituent set forth in section 3, the Commission shall publish the notice of the certification of the roll in the Federal Register, notwithstanding pending appeals pursuant to subparagraph (H).

(H) APPEAL.—The Secretary, in consultation with the Commission, shall establish a mechanism for an administrative appeal for any person whose name is excluded from the roll who claims to meet the definition of qualified Native Hawaiian constituent in section 3.

(I) PUBLICATION; UPDATE.—The Commission shall—

(i) publish the notice of the certification of the roll regardless of whether appeals are pending;

(ii) update the roll and provide notice of the updated roll on the final disposition of any appeal;

(iii) update the roll to include any person who has been certified by the Commission as meeting the definition of qualified Native Hawaiian constituent in section 3 after the initial publication of the roll or after any subsequent publications of the roll; and

(iv) provide a copy of the roll and any updated rolls to the Council.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of qualified Native Hawaiian constituents whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF COUNCIL.—

(A) ORGANIZATION.—The Commission, in consultation with the Secretary, shall hold a minimum of 3 meetings, and each meeting shall be at least 2 working days, of the qualified Native Hawaiian constituents listed on the roll established under this section—

(i) to develop criteria for candidates to be elected to serve on the Council;

(ii) to determine the structure of the Council, including the number of Council members; and

(iii) to elect members from individuals listed on the roll established under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) shall represent those listed on the roll established under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council shall conduct, among the qualified Native Hawaiian constituents listed on the roll established under this subsection, a referendum for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to

(aa) the proposed criteria for future membership in the Native Hawaiian governing entity, provided that membership is voluntary and can be relinquished;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity, including the rights protected under section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302);

(dd) the protection and preservation of the rights vested on the date of enactment of this Act of those Native Hawaiians who are eligible to reside on the Hawaiian homelands under the authority of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42); and

(ee) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council shall develop proposed organic governing documents for the Native Hawaiian governing entity and may seek technical assistance from the Secretary on the draft organic governing documents to ensure that the draft organic governing documents comply with this Act and other Federal law.

(III) DISTRIBUTION.—The Council shall publish to all qualified Native Hawaiian constituents of the Native Hawaiian governing entity listed on the roll published under this subsection notice of the availability of—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—

(aa) IN GENERAL.—Not sooner than 180 days after the proposed organic governing documents are drafted and distributed, the Council, with the assistance of the Secretary, shall hold elections for the purpose of ratifying the proposed organic governing documents.

(bb) PURPOSE.—The Council, with the assistance of the Secretary, shall hold the election for the purpose of ratifying the proposed

organic governing documents 60 days after publishing notice of an election.

(cc) OFFICERS.—On certification of the organic governing documents by the Secretary in accordance with paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 9(c)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 180 days, which may be extended an additional 90 days if the Secretary deems necessary, after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify or decline to certify that the organic governing documents—

(i) establish the criteria for membership in the Native Hawaiian governing entity and provide that membership is voluntary and can be relinquished;

(ii) were adopted by a majority vote of those qualified Native Hawaiian constituents whose names are listed on the roll published by the Secretary and who voted in the election;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of inherent and other appropriate governmental authorities by the Native Hawaiian governing entity;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity, including the rights protected under section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302);

(vii) provide for the protection and preservation of the rights vested on the date of enactment of this Act of those Native Hawaiians who are eligible to reside on the Hawaiian homelands under the authority of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42); and

(viii) are consistent with applicable Federal law.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under this paragraph shall be deemed to have been made if the Secretary has not acted within 180 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity.

(6) PROVISION OF ROLL.—The Council shall provide a copy of the roll of qualified Native Hawaiian constituents to the governing body of the Native Hawaiian governing entity.

(7) TERMINATION.—The Council shall cease to exist and shall have no power or authority under this Act after the officers of the governing body who are elected as provided in paragraph (5) are installed.

(8) REAFFIRMATION.—Notwithstanding any other provision of law, the special political and legal relationship between the United States and the Native Hawaiian people is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative sovereign governing body of the Native Hawaiian people after—

(A) the approval of the organic governing documents by the Secretary under subparagraph (A) or (C) of paragraph (4); and

(B) the officers of the Native Hawaiian governing entity elected under paragraph (5) have been installed.

#### **SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS; CLAIMS.**

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), is reaffirmed.

(b) GOVERNMENTAL AUTHORITY AND POWER.—

(1) IN GENERAL.—Consistent with the policies of the United States set forth in section 4(a)(4), the Native Hawaiian governing entity shall be vested with the inherent powers and privileges of self-government of a native government under existing law, except as set forth in this Act. Said powers and privileges may be modified by agreement between the Native Hawaiian governing entity, the United States, and the State of Hawaii pursuant to the negotiations authorized in subsection (c)(1), and subject to the enactment of implementing legislation and to the limit described by section 10(a).

(2) MEMBERSHIP.—Once the United States extends Federal recognition to the Native Hawaiian governing entity, the United States will recognize and affirm the Native Hawaiian governing entity's inherent power and authority to determine its own membership criteria, to determine its own membership, and to grant, deny, revoke, or qualify membership without regard to whether any person was or was not deemed to be a qualified Native Hawaiian constituent under this Act. The Native Hawaiian governing entity must provide that membership in the Native

Hawaiian governing entity is voluntary and can be relinquished.

(c) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement or agreements addressing such matters as—

(A) the transfer of State of Hawaii lands and surplus Federal lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the exercise of the authority to tax and other powers and authorities that are recognized by the United States as powers and authorities typically exercised by governments representing indigenous, native people of the United States;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States or the State of Hawaii, and the Native Hawaiian governing entity, the parties may submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the governments.

(3) During the period between the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, and the subsequent enactment of legislation to implement the agreement or agreements negotiated under paragraph (1):

(A) There shall be no Indian country within the State of Hawaii.

(B) The United States shall not take land in trust for the benefit of the Native Hawaiian governing entity or for the benefit of members of the Native Hawaiian governing entity.

(C) The United States shall not restrict the alienability of land owned by the Native Hawaiian governing entity.

(D) Members of the Native Hawaiian governing entity shall continue to be subject to the civil and criminal jurisdiction of Federal and State courts.

(E) Nothing in this Act alters or preempts the existing legislative, regulatory, or taxation authority of the State of Hawaii over individuals who are members of the Native Hawaiian governing entity or over property owned by those individuals.

(F) The Native Hawaiian governing entity shall not exercise criminal, civil, adjudicative, legislative, regulatory, or taxation authority or jurisdiction over individuals who are not members of the Native Hawaiian governing entity without their express consent.

(G) The Native Hawaiian governing entity shall not exercise criminal, civil, adjudicative, legislative, regulatory, or taxation authority or jurisdiction over corporations or other associations or entities that are owned wholly or in majority part by persons who are not members of the Native Hawaiian governing entity without their express consent.

(H) The Native Hawaiian governing entity shall be immune from any lawsuit in any Federal or State court, with the exception described in section 10(c)(3) and the exceptions set forth in clauses (i) through (iii) of this subparagraph.

(i) The Native Hawaiian governing entity may waive its sovereign immunity, provided that it does so clearly and unequivocally.

(ii) The Native Hawaiian governing entity shall not be immune from any lawsuit brought by the United States in any Federal court.

(iii) Real property owned in fee simple by the Native Hawaiian governing entity shall not be immune from any in rem action filed by the State of Hawaii.

(I) Governmental, nonbusiness, non-commercial activities undertaken by the Native Hawaiian governing entity, or by a corporation or other association or entity wholly owned by the Native Hawaiian governing entity, shall not be subject to the regulatory or taxation authority of the State of Hawaii, provided that nothing in this subparagraph shall exempt any natural person (except an officer or employee of the Native Hawaiian governing entity, acting within the scope of his or her authority), from the regulatory, taxation, or other authority of the State of Hawaii. In determining whether an activity is covered by this subparagraph, due consideration shall be given to the constraints described in subparagraphs (A), (F), and (G).

(J) Commercial or business activities undertaken by the Native Hawaiian governing entity, or by a corporation or other association or entity owned, operated, or sponsored by the Native Hawaiian governing entity, shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as commercial or business activities undertaken by others.

(K) Subject to subparagraph (I), activities conducted on real property owned by, leased by, or subject to the control of the Native Hawaiian governing entity shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as activities conducted on real property owned by, leased by, or subject to the control of others.

(L) Subject to subparagraph (O), real property owned by, leased by, or subject to the control of the Native Hawaiian governing entity, and development of such property, shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as real property owned by, leased by, or subject to the control of others.

(M) Any commercial or business corporation or other commercial or business association or entity owned, operated, or sponsored by the Native Hawaiian governing entity shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as commercial and business corporations and other commercial and business associations and entities owned, operated, or sponsored by others.

(N) Any specific power, authority, or restriction set forth in this paragraph shall expire upon enactment of legislation that implements an agreement or agreements negotiated under paragraph (1) and that expressly replaces or alters such power, authority, or restriction.

(O) Nothing in this paragraph diminishes any right or immunity (including any immunity from State or local taxation) granted to Native Hawaiians or their property by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), or sections 10001 through 10004 of the Department of Defense Appropriations Act, 1994 (sections 10001 through 1004 of Public Law 103-139; 107 Stat. 1418, 1480 (1993)).

(4) Nothing in paragraph (3) should be interpreted as establishing any presumption about the powers or authorities that could properly be exercised by the United States, the State of Hawaii, or the Native Hawaiian governing entity after further legislation, including legislation enacted to implement any agreement negotiated under this subsection.

(d) CLAIMS.—Nothing in this Act—

(1) alters existing law, including case law, regarding obligations of the United States or the State of Hawaii relating to events or actions that occurred prior to recognition of the Native Hawaiian governing entity;

(2) creates, enlarges, revives, modifies, diminishes, extinguishes, waives, or otherwise alters any Federal or State claim or cause of action against the United States or its officers or the State of Hawaii or its officers or any other person or entity, or any defense (including the defense of statute of limitations) to any such claim or cause of action, except in the case of claims or causes of action challenging the constitutionality or legality of programs benefitting Native Hawaiians to the extent that this Act creates or enlarges any defense to any such claim or cause of action;

(3) amends section 2409a of title 28, United States Code (commonly known as the "Quiet Title Act"), chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), section 1491 of title 28, United States Code (commonly known as the "Tucker Act"), section 1505 of title 28, United States Code (commonly known as the "Indian Tucker Act"), the Hawaii Organic Act (31 Stat. 141), or any other Federal statute, except as expressly amended by this Act; or

(4) alters the sovereign immunity of the United States or of the State of Hawaii.

#### SEC. 10. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—

(1) IN GENERAL.—The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) APPLICABILITY.—The prohibition contained in paragraph (1) regarding the use of Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and inherent authority to game applies regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or territory of the United States.

(b) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25, Code of Federal Regula-

tions, or any other administrative acknowledgment or recognition process.

(c) INDIAN PROGRAMS, SERVICES, AND LAWS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, nothing in this Act extends eligibility for any Indian program or service to the Native Hawaiian governing entity or its members unless a statute governing such a program or service expressly provides that Native Hawaiians or the Native Hawaiian governing entity is eligible for such program or service. Nothing in this Act affects the eligibility of any person for any program or service under any statute or law in effect before the date of enactment of this Act.

(2) APPLICABILITY OF OTHER TERMS.—Subject to paragraph (3), in Federal statutes or regulations in force prior to the United States recognition of the Native Hawaiian governing entity, the terms "Indian" and "Native American", and references to Indian tribes, bands, nations, pueblos, villages, or other organized groups or communities, shall not apply to the Native Hawaiian governing entity or its members, unless the Federal statute or regulation expressly applies to Native Hawaiians or the Native Hawaiian governing entity.

(3) INDIAN CIVIL RIGHTS ACT OF 1968.—The Council and the Native Hawaiian governing entity shall be subject to sections 201 through 203 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301-1303). Nothing in such Act, and nothing in this paragraph, shall be interpreted to expand the powers and authorities of the Council or the Native Hawaiian governing entity that are described elsewhere in this Act.

(d) REAL PROPERTY TRANSFERS.—Section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") (25 U.S.C. 177) does not apply to any purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from Native Hawaiians, Native Hawaiian entities, or the Kingdom of Hawaii that occurred prior to the date of the United States' recognition of the Native Hawaiian governing entity.

#### SEC. 11. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore, Pursuant to House Resolution 1083, the gentleman from Hawaii (Mr. ABERCROMBIE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, in support of our substitute amendment, the amendment ensures that the Native Hawaiian governing entity will have the same governmental authorities and sovereign immunity of other native governments.

The Abercrombie amendment, the substitute amendment, follows centuries of well-established Federal law. The amendment is supported by the National Congress of American Indians, the Alaska Federation of Natives and other tribal organizations. President Obama supports the substitute

amendment, and I quote, “as it adds important clarifications to craft a durable pathway forward.”

Mr. Speaker, the amendment in the nature of a substitute further clarifies that pending negotiations and subsequent implementation legislation with that, the following will occur: There will be no Indian Country within Hawaii. The United States will not take land into trust nor restrict alien ability of land owned by the Native Hawaiian governing entity. The governing entity may not exercise certain powers and authorities such as jurisdiction over non-Native Hawaiian individuals without their consent. And the State of Hawaii will retain regulatory and taxation authority over Native Hawaiians and the Native Hawaiian governing entity.

Mr. Speaker, the Native Hawaiian government reorganization does as follows: Establishes a process for the recognition of a single Native Hawaiian governing entity; establishes a U.S. office for Native Hawaiian relations in the Department of the Interior to consult with other Federal agencies and the State of Hawaii; establishes a Native Hawaiian interagency coordinating group; authorizes United States-State of Hawaii Native Hawaiian governing entity negotiations based on the following: the transfer of lands, natural resources and other assets; the exercise of governmental authority over any lands or resources; the exercise of civil and criminal jurisdiction; and grievances regarding assertions of historical wrongs committed against the Native Hawaiians by the United States or the State of Hawaii. It prohibits gaming by Native Hawaiian governing entities and Native Hawaiians. It prohibits the Native Hawaiian governing entity from being eligible for any new Indian programs to which they are not already included.

Let me say then, in conclusion, what the Native Hawaiian Government Reorganization Act does not do. It does not recognize the Native Hawaiian government upon passage of this bill. It does not exempt the Native Hawaiian government from any provision of the U.S. Constitution. It does not exempt the Native Hawaiian government from any provision of Federal law. It does not exempt the Native Hawaiian governing entity from taxation. It does not authorize a Native Hawaiian government entity to secede. It does not alter the civil or criminal jurisdiction of the United States or the State of Hawaii. And finally, it does not allow for the transfer of land or any authority of land to a Native Hawaiian governing entity.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 15 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Speaker, I rise in opposition to this amendment. As I said in my opening statement, this amendment was crafted in a manner that has become the hallmark of this Democrat-led House, this behind closed doors, with very little time for the American people or the people of Hawaii to review it. It has been available for public review, Mr. Speaker, for less than 48 hours.

Just last night, Hawaii's Governor, Linda Lingle, a strong supporter of Native Hawaiian recognition, announced her opposition to this substitute.

As introduced, the basic bill, H.R. 2314, provides that matters such as transferring lands and preempting Federal and State civil, criminal, and tax jurisdiction must be subject to negotiation with and the consent of the State of Hawaii and the U.S. Congress.

But this substitute short circuits that public process. It immediately preempts the State of Hawaii's jurisdiction over civil, tax, and possibly criminal matters. All the Native Hawaiian entity would have to do is undertake any activity in the name of an official government action and immunity from the State authority applies.

The substitute makes a number of major revisions, all written in secret, away from public view. And let me, Mr. Speaker, just highlight a few:

It creates a new membership criteria that is six pages in length. They do not require one to reside in Hawaii to be a member of this newly created entity.

Second, these six pages of membership criteria are ultimately meaningless. Once the governing entity is formally recognized, it may discard these criteria and grant, deny, or revoke membership for any reason.

In the substitute, section 6C-1 establishes the White House as the lead agency to implement this act.

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Mr. Speaker, this unreasonably injects the political operatives of the White House into the formation of the governing entity.

A new section 7 also requires the Attorney General to assign a Department of Justice attorney to assist and protect the government entity. This will wrongfully color the objectivity of the Justice Department when a challenge of the constitutionality of this act is inevitably made. And, Mr. Speaker, I am convinced there will be one made.

Mr. Speaker, there are fundamental changes from the original bill that deserve more scrutiny than we can provide on the House floor today because we've only had, as I mentioned, 48 hours to look at it.

But let me repeat that perhaps the most objectionable provisions are the ones in which the race-based entity is immunized from lawsuits in any Fed-

eral or State court, and shielded from State civil, tax, and possibly criminal jurisdiction.

Now, I realize this debate has been going on. I realize the gentleman from Hawaii (Mr. ABERCROMBIE) has attempted to accommodate the objections of Governor Lingle and the Attorney General of Hawaii, and he should really be commended for that effort. But the accommodations, at least thus far, do not resolve their fundamental problems with this bill, which is the preemption of State civil, taxation, and possibly criminal jurisdiction without the consent of the State.

Governor Lingle, as I mentioned, last night formally announced her opposition to this substitute. In referring to the changes made by the substitute, the Governor said, “I do not believe such a structure, of two completely different sets of rules—one for ‘governmental’ activities of the Native Hawaiian governing entity and its officers and employees, and one for everyone else—makes sense for Hawaii.”

Mr. Speaker, perhaps this impasse could have been avoided if the Governor and the Attorney General had been privy to those negotiations, at least to the details where they could or could not agree. But, again, those decisions were kept from these people apparently because they did not agree with this substitute.

Mr. Speaker, then what will be the practical result of this substitute if it becomes law? Does it mean the native entity can construct a government building for its officers and employees in violation of State zoning laws? Does it permit the entity to discharge waste material in violation of State law? Will it prevent anyone from enforcing contracts made with the entity?

Mr. Speaker, if this bill becomes law, those questions are left unanswered. And so perhaps we will learn the answers to these questions after it's too late. The State will be unable to enforce its laws and regulations over the entity because of the new provisions in this substitute.

Mr. Speaker, I just want to emphasize this point. It is not reasonable to roll over the sovereign rights of a State. And it is especially not reasonable when the Governor of that State, in this case Governor Lingle—who has long been a proponent of the principles embodied in this issue—disagrees and cannot support the amendment in the nature of a substitute that we are discussing here tonight.

For these reasons, Mr. Speaker, I urge and ask my colleagues to vote “no” on this substitute.

STATEMENT BY GOVERNOR LINDA LINGLE ON THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

“For more than seven years, my administration and I have strongly supported recognition for Native Hawaiians and supported the Akaka Bill.



"We have supported a bill that would set up a process of recognition first, followed by negotiations between the Native Hawaiian governing entity, the State of Hawai'i, and the United States. Once that was completed, it would be followed by the Native Hawaiian governing entity's exercise of governmental powers and authorities.

"Amendments made to the bill in December 2009 turned that process around. The current bill establishes that the Native Hawaiian governing entity would start with broad governmental powers and authorities, with negotiations to follow.

"Although I believe the original plan to negotiate first makes more sense, my administration has tried to work with the Hawai'i Congressional delegation on the new structure to establish governing powers first, with negotiations to follow.

"Ultimately, although we had good and productive discussions, the current draft of the bill is not one I can support.

"The basic problem as I see it, is that in the current version of the bill, the 'governmental' (non-commercial) activities of the Native Hawaiian governing entity, its employees, and its officers, will be almost completely free from State and County regulation, including free from those laws and rules that protect the health and safety of Hawai'i's people, and protect the environment. 'Governmental' activity is a broad undefined term that can encompass almost any non-commercial activity.

"This structure will, in my opinion, promote divisiveness and litigation, rather than negotiation and resolution.

"I do not believe such a structure, of two completely different sets of rules—one for 'governmental' activities of the Native Hawaiian governing entity and its officers and employees, and one for everyone else—makes sense for Hawai'i.

"In addition, under the current bill, the Native Hawaiian governing entity has almost complete sovereign immunity from lawsuits, including from ordinary tort and contract lawsuits, and I do not believe this makes sense for the people of Hawai'i.

"My decision to not support the current version of the Akaka Bill is done with a heavy heart, because I so strongly believe in recognition for Native Hawaiians.

"If the bill in its current form passes the House of Representatives, I would hope it can be amended in the United States Senate."

I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to say that I fully support the gentleman's substitute amendment, and I want to ask if we could do a little colloquy in the process.

I note with interest there has been several references made by our friends on the opposite side concerning the Hawaii Admissions Act suggesting there was nothing whatsoever that Congress at will, as part of the provisions of the Hawaii Admissions Act, taking care of Native Hawaiians. And I believe this is something that I think our colleagues need to understand a little better, that after the Hawaii Admissions Act, it didn't mean that we just completely forget anything and everything to do with the needs of Native Hawaiians.

Am I correct on that?

Mr. ABERCROMBIE. That is correct.

Mr. FALEOMAVAEGA. I also want to ask my good friend, as you had indicated and our friends have indicated Governor Lingle's opposition to the proposed substitute, am I to perceive that certainly Governor Lingle, with all due respect, is entitled to her opinion and some of the issues affecting the proposed legislation which she has supported for the past 7 years.

Do you see anything that cannot be done in a way that by accepting this proposed substitute we can still take corrective action, whatever it might be, the concerns that she might have later on?

Mr. ABERCROMBIE. Yes. Not everyone may have been on the floor or listening at the time that I indicated that I had a conversation with the Governor this afternoon, and I indicated to her that I would say specifically on the floor that we have agreed to disagree, that she supports the object of the bill—as has been indicated by Representative HASTINGS quite accurately—but that in this disagreement over how to proceed legislatively, I commented both to her and I've commented on the floor and in conversations private and elsewhere that legislation is a process and that this is not theology. And as a result of it being a legislative process, it may not be perfect in every regard, but I am content and comfortable with the idea that whoever is Governor, including the present Governor for the remainder of her term, that she will not be disadvantaged nor will any other Governor be disadvantaged in any negotiations that take place with the native governing agency.

Mr. FALEOMAVAEGA. There's also been a reference made, I ask my colleague, that the idea of comparing Native Hawaiians to American Indians is somewhat absurd.

I would like to ask the gentleman if such a description, as our friends on the other side have suggested, is totally irrelevant. The fact of the matter is, there are only three truly indigenous aboriginal groupings under the sovereignty of the United States. The American Indians in the 48 continental States that we lived in with some 565 tribes fully recognized; there were some 100 other tribes not recognized, by the way.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ABERCROMBIE. I yield the gentleman 30 additional seconds.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding.

I just want to say 565 tribes are recognized by the Federal Government. Does it stand a chance to suggest that Native Hawaiians cannot be recognized in the same way giving some sense of self-esteem and dignity to the people who are Native Hawaiians to the State of Hawaii?

Mr. ABERCROMBIE. I think the answer from the most practical point of view is the passage of the Hawaiian Homes Act of 1921. The Congress obviously recognized that there was a distinctive entity in the category of Native Hawaiians as a logical extension of the previous constitutional history regarding native people.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire how much time on both sides remains.

The SPEAKER pro tempore. The gentleman from Washington has 8½ minutes, and the gentleman from Hawaii has 8½ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I will yield myself 3 minutes.

Mr. Speaker, in the exchange between my friend from American Samoa and my friend from Hawaii, the issue was brought up that Governor Lingle was contacted today and that there would be a way to try to satisfy her concerns, and I don't doubt at all that that effort will be tried. Hopefully it will be successful. But let me just review where we were.

When we started the process, when we started this Congress, the original text of H.R. 2314 was something that Governor Lingle endorsed. The Senate bill, which I think was identical or very close, she also endorsed that. But now with the action of the other body, with the Senate in passing what is commonly referred to as the Akaka amendment, which is similar to what we are debating here today, the Governor does not support that.

Now we have the base bill here which the Governor does support, and we're debating now a substitute—which I hope doesn't pass but I am a realist. And it may pass. And now we will have a bill in both Houses or two bills, one in each House, in which the Governor disagrees with.

Now, if you're negotiating in good faith, it would seem to me that you should at least start with the position where the Governor of the affected State is in agreement with what you're trying to do and that's not the case today if the substitute were to pass.

Now, again, I am going to say that I take my good friend from Hawaii at his word that he is going to negotiate. Maybe if he was the only negotiator it could be worked out. I don't know because I don't know what is going on behind those doors. Nobody knows, unfortunately.

Mr. ABERCROMBIE. Will the gentleman yield?

Mr. HASTINGS of Washington. I would be happy to yield to my friend.

Mr. ABERCROMBIE. Perhaps you want to put that in as an amendment, that I should be the negotiator.

Mr. HASTINGS of Washington. Well, reclaiming my time, maybe we could



work together on that right now if that would be the case.

Mr. Speaker, I am simply pointing this out because this is evolving into a process, and who is being left out of this process happens to be the elected Governor of the State of Hawaii. And to me that is regretful.

With that, I will reserve my time.

Mr. ABERCROMBIE. Mr. Speaker, I would like to yield 3 minutes to my colleague and good friend from Hawaii, MAZIE HIRONO.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of the Abercrombie substitute amendment.

This amendment reflects a compromise between the Hawaii delegation—who I might add are also duly elected by the people of Hawaii—the State of Hawaii, the Obama administration, Indian Country, and the Native Hawaiian community.

Much has been made of remarks and statements by Hawaii's Governor and Attorney General on the substitute amendment. Let me say that the Hawaii delegation took their concerns, which were first raised in December, very seriously and many of their recommendations are reflected in the Abercrombie substitute before you today.

Under this bill, the Native Hawaiian governing entity will have the same inherent powers—no more, no less—as other native governments possess, namely, American Indians and Alaska Natives. Hawaiians historically have been the object of unjust and unfair treatment at the hands of our government. Why should we perpetuate such treatment?

In seeking to have Native Hawaiians' inherent powers be treated differently from how American Indians and Native Alaskans were treated, the Governor and Attorney General's position opens the door to challenging such powers as exercised by the American Indians and Alaska natives. This is problematic for all native peoples.

While the substitute amendment makes changes to this version of the bill, it has in no way changed the intent of the legislation. This bill remains a path for Native Hawaiians to achieve self-determination as it has been provided to American Indians and Alaska Natives. This has remained a consistent and constant goal of the Hawaiian delegation. After all of the years of work and compromise on this bill, this should be the year that Congress finally seizes the opportunity to provide long-awaited justice to Native Hawaiians.

We all know the previous administration did not support the Akaka bill, and a Presidential veto was likely. But now we have the support of a President who understands and supports the indigenous people of our State.

It is disappointing that when we are on the cusp of reaching a historic mile-

stone in the history of our State and our country, our Governor and Attorney General have withdrawn their support of this bill. But Congress can and should do the right thing by passing this bill. In spite of all of the race-based, technical, and other rhetoric you will hear against this measure, it is high time that Native Hawaiians through this bill can once again embark on a journey of historic proportions.

I urge support of the Abercrombie substitute amendment.

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Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes. Reference was made to how this would affect the laws of Hawaii.

Let me read from the Abercrombie substitute, page 51, line 1H: The Native American governing entity shall be immune from any lawsuit in any Federal or State court, with some exceptions as I had noted earlier.

On the same page, page 51 of the Abercrombie substitute, line 18: Governmental nonbusiness, noncommercial activities undertaken by the Native Hawaiian government entity shall not be subject to the regulatory or taxation authority of the State of Hawaii.

Now, Mr. Speaker, I am just pointing out this is what the substitute says, and these are the concerns that the Attorney General of the State of Hawaii and the Governor of Hawaii have, because we all know when we are writing laws here that the word "shall" as opposed to "may" has very, very strong meaning, and in both cases it says "shall."

With that, Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, can you tell us the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Hawaii has 6 minutes remaining. The gentleman from Washington has 4½ minutes remaining.

Mr. ABERCROMBIE. And the gentleman from Washington has the privilege of closing, does he not?

The SPEAKER pro tempore. That is correct.

Mr. ABERCROMBIE. Mr. Speaker, I yield 1 minute to the Speaker of the House, the Honorable NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

I am pleased to have this opportunity to come to the floor today to support Mr. ABERCROMBIE's initiative on behalf of Native Hawaiians. It is a pursuit that he has followed in all of his years in the Congress of the United States.

Aside from the considerable merit of his important legislation, which I fully support his amendment and his substitute and salute the work of Congresswoman HIRONO, too, on behalf of Native Hawaiians and our colleagues gathered here, it is with mixed emo-

tions that I come. I know you will be successful, as you always have been, in looking out for Native Hawaiians.

For over 200 years, my colleagues, Congress, the executive branch, and the Supreme Court have recognized certain legal rights and protections for America's indigenous people. Congress' constitutional authority over indigenous affairs is premised upon their status as the original inhabitants of this Nation. It is the most moral and legal responsibility of Congress to reaffirm a political relationship with the native people of Hawaii. H.R. 2314 will achieve this purpose. The Native American interim governing congress will be established to develop elements of the organic documents and other criteria for the Native Hawaiian governing entity.

You all know, the debate has been going on, what this legislation is about in its specifics, but what it is about in its vision and its values for our country is something that I wanted to join in recognizing.

I also come here to salute Mr. ABERCROMBIE. This is probably—but you never know, Mr. ABERCROMBIE—the last bill he will be part of managing on the floor of the House.

Thank you, Chairman RAHALL, for bringing this important legislation to the floor before Mr. ABERCROMBIE left us. As if we had a choice.

His persistence, his determination, his courage on behalf of the people of Hawaii is well known to us, but the recognition that I want to give him goes beyond the State of Hawaii, the State he proudly represents, because his service to our country is about our entire country.

Whether it is the national security of our country, which he serves to strengthen on the Armed Services Committee, whether it is the beautiful natural patrimony, the beautiful gift that God has given our country in our natural resources that he serves on the Natural Resources Committee, or the rights of indigenous people that he serves on the Natural Resources Committee, NEIL ABERCROMBIE is a true patriot looking out for the people, the values, the beautiful land, and the security of America.

His service in Congress has been marked with great passion for ideas, but also with great intellect, always passionate about his beliefs, always dispassionate about the solutions that make sense for the American people. And what we are talking about here tonight is common sense for the Native Hawaiian people.

So, Mr. ABERCROMBIE, it is bitter-sweet, quite frankly, to come to the floor to commend you on your leadership on this, probably your last week in the Congress. I wish you well in your pursuits in Hawaii. Perhaps next time we will be calling you Governor Abercrombie, we hope, but also the gratitude of all who served here proud to

call you colleague, privileged to call you friend, grateful for your leadership to our country. And I know you are very proud of your service to the great State of Hawaii.

Mr. HASTINGS of Washington. Mr. Speaker, I wonder if I could inquire of my friend from Hawaii if there are any more speakers on their side of the aisle.

Mr. ABERCROMBIE. No. I want to speak one more time, and I will be the final speaker.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I would like to enter into the RECORD a letter favoring the legislation, the substitute, from the National Congress of American Indians; the Alaska Federation of Natives; the Council for Native Hawaiian Advancement; the Sovereign Councils of the Hawaiian Homelands Assembly; the President of the Hawaii State Senate, the Honorable Colleen Hanabusa; and the Osage Nation from the Office of the Principal Chief.

NATIONAL CONGRESS OF  
AMERICAN INDIANS,  
February 23, 2010.

Hon. NEIL ABERCROMBIE,  
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. Senator DANIEL AKAKA,  
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. MAZIE HIRONO,  
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. DANIEL INOUE,  
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR HONORABLE MEMBERS: The National Congress of American Indians fully supports the Native Hawaiian people in their quest for self-determination and self-governance, and has for many years. (See NCAI Resolution PHX-03-004.) This week, the Native Hawaiian Reorganization Act of 2009 (H.R. 2314) is expected to be amended on the floor of the House of Representatives and subsequently passed through Congress.

NCAI supports the amendment as a way to ensure that Congress has a strong basis for treating Native Hawaiians as a distinct native community, and that the Act is constitutionally sound. Through the deliberative process with the Department of Justice, the Senate Committee on Indian Affairs and with legal scholars with expertise in federal Indian policy, Representative Abercrombie's amendment has addressed these concerns.

NCAI has demonstrated repeated commitment to Native Hawaiian self-governance and sovereignty. Over the past ten years, we have passed resolutions and steadfastly supported legislation encouraging the formation of a Native Hawaiian governing entity. NCAI supports Representative Abercrombie's proposed amendment to grant Native Hawaiians the self-determination and self-government they justly deserve.

Sincerely,

JACQUELINE JOHNSON PATA,  
Executive Director.

ALASKA FEDERATION OF NATIVES,  
Anchorage, AK, February 18, 2010.  
Re Letter of support on the substitute amendment to H.R. 2314.

Hon. NEIL ABERCROMBIE,  
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. MAZIE K. HIRONO,  
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE ABERCROMBIE AND REPRESENTATIVE HIRONO: On behalf of the membership of the Alaska Federation of Natives (AFN), the oldest and largest statewide Native organization in Alaska, I am writing to express AFN's support for the passage of H.R. 2314, the Native Hawaiian Government Reorganization Act by the United States House of Representatives as soon as possible. It is our understanding that Representative Abercrombie will offer an amendment to H.R. 2314 in the form of a substitute when the U.S. House considers this bill on the floor. The substitute amendment is a product of collaboration between the Obama Administration and Hawaii's Congressional Delegation and will lead to the equitable treatment of Native Hawaiians on an equal footing with Alaska Natives and American Indians. Native Hawaiians are just as indigenous and just as aboriginal as any other Native American group.

We hope that the U.S. House of Representatives will give favorable consideration to H.R. 2314 as it represents more than 20 years of efforts by Native Hawaiians to achieve the status under Federal law that now applies only to the other two groups of indigenous people in our country.

Thank you for your consideration. If you have questions regarding this letter, please call me.

Sincerely,

JULIE KITKA,  
President.

COUNCIL FOR NATIVE  
HAWAIIAN ADVANCEMENT,  
Honolulu, Hawaii, February 22, 2010.

Hon. Senator DANIEL INOUE,  
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. Senator DANIEL AKAKA,  
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. NEIL ABERCROMBIE,  
House of Representatives, Longworth House Office Bldg., Washington, DC.

Hon. MAZIE HIRONO,  
House of Representatives, Longworth House Office Bldg., Washington, DC.

ALOHA HONORABLE MEMBERS: The Council for Native Hawaiian Advancement (CNHA) unites 106 Native Hawaiian organizations to enhance the cultural, economic and community development of Native Hawaiians. We are an important and engaged policy voice focused entirely on our Native Hawaiian community. The Native Hawaiian Government Reorganization Act has remained one of our top policy issues over the last ten years, since 2000, when we participated in the original working group created by the Hawaii Congressional delegation and chaired by Senator Akaka.

We have conducted over 150 community sessions and convenings on the measure just in the last five years, and we have reviewed and submitted our input on this legislation each and every year over the past ten years. In December of 2009, CNHA strongly supported the substitute amendment passed by the Senate Committee on Indian Affairs. In January 2010 the Office of Hawaiian Affairs

and the Attorney General's office requested further review of the substitute amendment and jointly submitted thirty changes for consideration by the Hawaii delegation. While the legislation is intended to express the policy of the federal government as it exists for Native peoples, to Native Hawaiians, we appreciate your deference and work to review and address the input by the state of Hawaii agencies.

We support the substitute amendment to be brought before the full House of Representatives and the Senate. This legislation is ten years in the making, and is presented to our Congress with tremendous inclusion of a diverse constituency in Hawaii and nationally. Thank you for your hard work to accomplish that which is not new in federal-Native relations, the reaffirmation of Native Hawaiians as Native people to Hawaii, and the inclusion of Native Hawaiians in the federal policy of self-governance granted to American Indians and Alaska Natives.

Sincerely,

ROBIN PUANANI DANNER,  
President and CEO.

SOVEREIGN COUNCILS OF THE  
HAWAIIAN HOMELANDS ASSEMBLY,  
Honolulu, HI, February 22, 2010.

Hon. Senator DANIEL INOUE,  
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. Senator DANIEL AKAKA,  
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. NEIL ABERCROMBIE,  
House of Representatives, Longworth House Office Bldg., Washington, DC.

Hon. MAZIE HIRONO,  
House of Representatives, Longworth House Office Bldg., Washington, DC.

HONORABLE MEMBERS: The Sovereign Councils of the Hawaiian Homeland Assembly (SCHHA), submits its strong support for the amendment to the Native Hawaiian Government Reorganization Act, as drafted by our Hawaii Congressional delegation. The content of the legislation is the result of input from broad constituencies, including state government officials, Tribal leaders, Native Hawaiian leaders and legal experts in the specialized area of federal Native law.

This measure is the work of ten years, done with extraordinary transparency, bipartisanship and a diligence that is reflected in the amendment drafted. It is time to give this measure an up or down vote in the House of Representatives and the Senate of the United States. Mahalo for your work to express a fair and just measure that extends the policy of self-determination and self-governance to the Native Hawaiian people.

Malama pono,

KAMAKI KANAHELE,  
SCHHA Chairman.

STATE OF HAWAII,  
STATE CAPITOL,  
Honolulu, Hawaii, February 22, 2010.

Hon. Senator DANIEL INOUE,  
Hart Senate Office Building, Washington, DC.

Hon. Senator DANIEL AKAKA,  
Hart Senate Office Building, Washington, DC.

Hon. Congressman NEIL ABERCROMBIE,  
Longworth House Office Building, Washington, DC.

Hon. Congresswoman MAZIE HIRONO,  
Longworth House Office Building, Washington, DC.

ALOHA MEMBERS OF THE HAWAII DELEGATION: For twelve years, I have served as a State Senator in Hawaii's 21st district and for the last three, as Senate President. I am

writing to express my full support for Congressman Abercrombie's proposed amendment to the Native Hawaiian Government Reorganization Act of 2009.

Native Hawaiians are our host culture; they are the indigenous people of Hawai'i and are what defines our state and makes Hawai'i what it is today. Native Hawaiian self-governance and self-determination is critical to the vitality of the Native community and to the character and fabric of the State of Hawai'i.

While I fully support the bill as passed by the Senate Committee on Indian Affairs in December 2009, I understand that the delegation has been working to address changes requested by the Hawai'i State Attorney General and the state Office of Hawaiian Affairs. I have reviewed Congressman Abercrombie's proposed amendment and am satisfied that it addresses any legitimate changes that maintain the purpose, integrity and spirit of the reorganization process.

I have followed the issue of federal recognition for Native Hawaiians for ten years, and I believe the proposed substitute amendment expected to be heard before the full House of Representatives is a strong and balanced measure that creates a fair and meaningful process for Native Hawaiians and for the State of Hawai'i.

It is time to pass this measure for our state, that we might reach for a future that does not repeat a difficult past. I'd like to express my sincere thanks to each member of the Hawai'i Congressional Delegation for working tirelessly to advance federal recognition for Native Hawaiians. The balanced measure that is currently before the House and the Senate speaks volumes about your dedication to the State of Hawai'i and Native Hawaiians, as well as your commitment to the notion of justice.

Sincerely,

COLLEEN HANABUSA,  
*President,*  
*Hawai'i State Senate.*

OSAGE NATION,  
*Pawhuska, OK, February 22, 2010.*

Hon. JOHN SULLIVAN,  
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN SULLIVAN: The Osage Nation stands firmly with the Native Hawaiian people in their quest for self-determination and we support the Native Hawaiian Government Reorganization Act of 2009 (H.R. 2314). It is a just and balanced bill that brings parity to Native Hawaiians, granting them rights that have been extended to native governments across the country.

As Oklahoma and other states have shown, when Native peoples are provided with the means to exercise self-determination, not only do they rightfully advance the welfare of their own peoples, but they also function as an important economic and job-creating engine for the entire state. We believe that H.R. 2314 provides an empowering and stable structure on which Native Hawaiians can build a prosperous future for their people and for the state of Hawaii.

The Native Hawaiian people have sought passage of this bill for 10 years. It has bipartisan support, including Republican co-sponsors Congressman Tom Cole of Oklahoma and Congressman Don Young of Alaska, who recognize it is time to deliver a fair process for Native Hawaiians to resolve longstanding concerns in their community as we have done in ours. As the Osage Nation can attest, federal recognition is a vital component in advancing the social and economic rights of native peoples.

We ask that you provide Native Hawaiians with an opportunity to exercise the principles of liberty and justice our nation was founded upon—principles which our tribe has been afforded—and support the passage of H.R. 2314.

Sincerely,

JIM GRAY,  
*Principal Chief.*

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Hawaii State Attorney General argues that granting the Native Hawaiian governing entity inherent powers could have an adverse impact on Hawaii, and I think that is the thrust, essentially, of the critique that has been made about the legislation this afternoon and this early evening.

In response, Mr. Speaker, I would like to say to the Members, and to yourself, of course, that the current bill language gives the Native Hawaiian governing entity no powers that are currently exercised by other government entities until negotiated. This would prevent the entity from providing general assistance to its members or caring for a needy child, absent the amendment as a substitute.

The substitute amendment resolves this by acknowledging certain inherent powers of the governing entity upon recognition, the same inherent powers that other native governments possess today; no more, no less. This is not, therefore, a radical notion. By definition, this is what Federal recognition does: It acknowledges that an entity is a quasi-sovereign tribal government. The acknowledged inherent powers of the entity are limited by language in the amendment, in the substitute amendment that states, and I quote: "Nothing in this act shall preempt Federal or State authority over Native Hawaiians or their property under existing law."

Upon recognition, the entity will have no land akin to Indian country over which it could exercise jurisdiction. Since some inherent powers are tied to having such land, like certain regulatory authorities, the entity will not be able to exercise those powers.

Finally, the negotiations process will further modify the powers and authority of the governing entity by virtue of the negotiation themselves.

Therefore, Mr. Speaker, I request that those Members who have some trepidation about voting for the amendment in the nature of a substitute reflect that we believe, those of us who support it—and it was certainly my intention in offering the amendment to address those concerns in a positive way and in a legislatively viable way.

I would ask at this time in closing, Mr. Speaker, that those Members who come to the floor to vote tonight consider voting for it, and I earnestly solicit the favorable attention of all

members in voting for the amendment in the nature of a substitute.

I yield back the balance of my time. Mr. KUCINICH. Mr. Speaker, I rise today in support of H.R. 2314, the Native Hawaiian Government Reorganization Act, as well as the Abercrombie Amendment, and I thank my good friend Mr. ABERCROMBIE for his diligent work on this bill.

H.R. 2314 is long overdue. Since 1959, when Hawaii was admitted to the Union as our 50th state, Hawaiian home lands—lands to which native Hawaiians are legally entitled—have been administered by the state government of Hawaii in trust with the federal government.

H.R. 2314 simply provides a process for establishing a Native Hawaiian governing entity that would represent the interests of Native Hawaiians in negotiations with the federal and state governments. It would also grant the Native Hawaiian governing entity sovereign immunity—the same authority granted to other native Indian governments.

This bill is about empowerment. Native Hawaiians deserve to be able to advocate for their self-interest in negotiations with the state and federal government.

This bill is about self-determination. Native Hawaiians deserve a say in the welfare and future of their community.

I have visited Hawaii many times, and the people of Hawaii are near and dear to my heart. They have a rich culture and a beautiful heritage that they carry on to this day. They deserve a say in their future, and they deserve an equitable remedy to their past treatment.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, once again, I want to congratulate and commend my good friend from Hawaii, because I know he has been working on this all the time that he has been here and probably before. But I just fundamentally disagree with the approaches taken with his substitute simply because, at least in the broadest sense, this is the only State that is affected by this legislation, the State of Hawaii.

Why should we push forward when the Governor of this State does not agree with the substitute and when the chief legal officer has some question, apparently—in fact, it is not apparent, it is pretty obvious—with some of the remarks I think that my friend just made as it relates to laws and regulations to the State of Hawaii?

Since this legislation only affects one State, wouldn't it be prudent for this body and representatives of the other 49 States to suggest to the State of Hawaii and all their elected officials, Why don't you come up with something that you can fundamentally agree on? But that has not been the case. It has not been the case in the other body, and, if this substitute passes, it will not be the case in this body. And that disturbs me. That disturbs me that we completely apparently don't want to take into consideration their concerns on issues that affect the citizens of the State of Hawaii.

So it is for those reasons, Mr. Speaker, that I urge my colleagues to vote against the Abercrombie substitute; because if the Abercrombie substitute is defeated, we will now have a bill that the Governor of Hawaii can support. That is a good starting point in future negotiations if the House or the Senate, the other body, were to pass this legislation.

With that, Mr. Speaker, I urge my colleagues to vote "no" on the Abercrombie amendment.

I yield back the balance of my time.

The SPEAKER pro tempore. It is now in order to consider the amendments printed in part B of House Report 111-413.

PART B AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I have an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. HASTINGS of Washington:

Strike subparagraphs (A) and (B) of section 8(c)(8), and insert the following:

(A) the approval of the organic governing documents by a statewide popular vote in which all registered voters in the State of Hawaii are eligible to participate;

(B) the approval of the organic governing documents by the Secretary under subparagraph (A) or (C) of paragraph (4); and

(C) the officers of the Native Hawaiian governing entity elected under paragraph (5) have been installed.

The SPEAKER pro tempore. Pursuant to House Resolution 1083, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, my amendment simply requires a statewide vote of approval in Hawaii before the Federal recognition is extended to the Native Hawaiian entity.

The use of a statewide vote in Hawaii is not uncommon. For example, it has been used to establish staggered terms for the State Senate, to modify the term length for the State Tax Commission, to issue bonds for private schools, and to establish residency requirements for candidates seeking higher office.

My amendment merely proposes that before Congress changes the civil rights of all Hawaiians and establishes a two-tiered government in Hawaii, one of which is based on an individual's ancestry and race, a vote of all Hawaiians should be held to approve these changes.

The most important statewide vote held in Hawaii occurred in 1959, when 94.3 percent of Hawaiians voted in favor of the Hawaiian Admissions Act in

joining the Union as one unified State. When the outcome of the statewide vote was published, there was no footnote indicating that Native Hawaiians would be separated from their neighbors as a distinct political unit.

□ 1930

In fact, there is ample testimony and statements from public officials describing the racial harmony in the melting pot that was and still is Hawaiian culture. This is not to say Native Hawaiians should not have a distinct culture and history though, Mr. Speaker. We all honor and respect their culture and its contributions to all Americans, but this does not mean that there must be a separate legal and political status for them just as there must not be a separate legal and political status for anyone else based on their race and ancestry. It would be a grave mistake for Congress to impose this new separate government affecting the citizens of Hawaii without their consent, as H.R. 2314 proposes to do.

I must point out that even if my amendment is adopted, Mr. Speaker, it will not relieve the serious concerns that many of my colleagues and constitutional experts outside of Congress have with the underlying subject of this legislation, but what this amendment does do is that it puts the question to the people this legislation affects most, the citizens of Hawaii. In 1959, as I said, 94-plus percent of Hawaiians voted for statehood. Today, Hawaiians should be afforded a statewide vote on the question of creating a separate government based on race.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, the Hastings amendment would require a referendum by all the registered voters of Hawaii for approval of the Native Hawaiian governing entity's organic governing documents.

The Hastings amendment is inconsistent with State law as the State of Hawaii has no mechanism for a statewide referendum, thereby forcing the State of Hawaii to change its laws to comply with the Hastings amendment. This raises the question of it being an unfunded mandate on the State.

The Abercrombie substitute proposes to treat the Native Hawaiian governing entity the same as other native governments. Neither the States nor non-native citizens have the authority to approve the organic governing documents of other Native governments. So I oppose the amendment.

Mr. Speaker, I yield 1½ minutes to the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise in strong opposition to the Hastings

amendment, which is unnecessary and, frankly, insulting to Native Hawaiians.

We can no longer treat Native Hawaiians as any less deserving of Federal recognition than other indigenous people. Citizens of one State don't get to approve or disapprove the laws of another State or proposed amendments to another State's constitution. This is also true of native governments in the United States. Citizens of States that include Indian nations or tribes are not able to approve or disapprove governing documents of these native governments unless they are also citizens of the native government in question.

This bill provides a process of self-determination for Native Hawaiians by Native Hawaiians. The idea that everyone else in Hawaii should vote on whether they should be allowed to do so is completely contrary to the intent of this bill.

The Hastings amendment undercuts a basic principle in our constitutional principle of government, that citizens have a right to determine their own laws and be governed by those laws. It would set a precedent that could have negative consequences on other native and even State governments.

Put more bluntly, unless you believe that citizens of other States should be able to vote to approve or amend the organic governing documents of your own State, you should oppose the Hastings amendment. I urge my colleagues to do so.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, just in response, the State of Hawaii can and does hold statewide votes during general elections. Article 17 of the Hawaii Constitution describes the process for holding such votes, and it takes the action of the legislature. This is consistent with Hawaii's political culture.

Since 1994, for example, the State of Hawaii has considered 25 different statewide votes. They include a number of things, and I talked about that in my opening remarks. But Mr. Speaker, I am convinced that if we were to pass this bill, article 17 would come into play, because I believe in all likelihood, because of recent polling, the legislature of Hawaii would say, you know, we have the ability to put this to a vote; maybe we ought to do this since we are creating another governmental entity that has different rules and regulations than the State of Hawaii. That seems self-evident to me. My amendment simply facilitates that by saying that that should happen and it can happen under article 17 of the Hawaiian Constitution.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 3 minutes remaining. The gentleman from Washington has 1 minute remaining.

Mr. RAHALL. I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I thank the gentleman for yielding.

I have the utmost respect for my good friend, Mr. HASTINGS, for proposing his amendment, but I do have some very serious concerns about the amendment. In the first place, when we talk about the event that took place in 1959, it was a referendum of whether or not the voters or the people of Hawaii would accept statehood. What we are establishing here is a very dangerous precedent, in my humble opinion, so that for everything now we are going to be referring to referendums to State governments to tell us the will of the people of the State, when in fact this should be done that the Congress expresses that will for collectively all, on behalf of our Federal Government.

So I do oppose the gentleman's amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. HASTINGS of Washington. Let me just make reference to the 1959 vote. The vote was not whether you accept statehood—because if they had voted no, they could not have been a State—the question is whether they wanted statehood. Over 94 percent said yes, they want statehood. So that is a little bit of semantics there, but it is very important.

This issue to me is equally as important because the vote there said we want to become part of the United States as a unified State. This action that we are debating here today could divide the State of Hawaii. They ought to have the opportunity to vote. So I urge my colleagues to vote for the Hastings amendment.

With that, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, with all due respect to my good colleague and friend, Mr. HASTINGS from Washington State, I have to oppose this amendment because it has no precedent—or indeed any place I believe in Federal law that has been in place for well over 150 years as that law relates to Native governments.

Under our Constitution, the citizens of the United States are the only citizens who are authorized and recognized as having a right to have a say in the laws which govern our Nation, be they Federal statutes or amendments to our Constitution. In a similar manner, the citizens of one State in our Union do not get to weigh in on the laws of another State or any proposed amendments to another State's constitution.

Put simply, they cannot vote for changes in the law of a State for which they are not citizens. It goes without saying that foreign governments have no role to play in the formulation of the laws of the United States or the U.S. Constitution.

All of these fundamental principles have in their foundation the fact that each government is a separate sovereign, and only the citizens of that sovereign government may determine what governmental powers and authorities that sovereign government may exercise. It is no different for native governments in the United States.

The largest native government in the United States is the Navajo Nation. It is situated in four States. Because they are not citizens of the Navajo Nation, the non-Navajo citizens of the States of Arizona, New Mexico, Utah and Colorado do not, under our constitutional principles, formulate, amend, or approve the governing documents either of the constitution or the laws of the Navajo Nation.

In like manner, under our Federal statutory and constitutional framework, the non-Indian citizens of Washington State do not have the right to approve the constitution or the laws of the 28 Indian tribal governments in the State of Washington, nor do the citizens of any other State have the right, under our Federal Constitution or Federal laws, to approve the governing documents, the constitutions, of the native governments in their States if they are not citizens of the native government.

I would suggest to my colleagues that they vote down the Hastings amendment on the basis that it is an inherent conflict of interest.

If the gentleman's premise is that without regard to citizenship in a sovereign government, any citizen of the United States should have a right to vote to approve the organic governing documents of another sovereign government, then every American would have a right to determine the laws of every State in the Union. The citizens of Vermont could vote to amend the constitution of the State of California. The citizens of Utah could vote to legalize gaming in another State, even though the laws of Utah criminally prohibit all forms of gaming.

This is counter to our constitutional family of governments in which each sovereign government and its citizens has the right to determine its own laws and be governed by those laws.

I would suggest to my colleagues that to even take a step in this direction would create constitutional chaos in our Federal system as well as in the laws which govern each State and each Native government. This is not one of the fundamental principles on which this country was founded, nor does it have a place in our constitutional system of governments.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

The question is on the amendment by the gentleman from Washington (Mr.

HASTINGS) to the amendment in the nature of a substitute offered by the gentleman from Hawaii (Mr. ABERCROMBIE).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1083, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

PART B AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have an amendment at the desk that has been made in order.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 2 offered by Mr. FLAKE:

At the end of the bill, add the following:

**SEC. \_\_\_\_ APPLICATION OF 14TH AMENDMENT.**

Nothing in the Act shall relieve a Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution.

The SPEAKER pro tempore. Pursuant to House Resolution 1083, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment, I would hope, would not be controversial. It has nothing to do with earmarks either, I'll let everybody know. But it would simply ensure that the equal protection clause, the 14th Amendment of the Constitution, applies to the Native Hawaiian governing authority established by this legislation.

I just want to say how much I admire the gentleman from Hawaii (Mr. ABERCROMBIE). I have worked with him for a number of years on a number of issues and I know that he brings to this debate a lot of hard work and a lot of care. I just want to commend him for that and for all that he does.

I think that this amendment simply clarifies, I would hope, that this does not violate any portion of the Constitution. Now, it has been said here many times by the proponents of the legislation that it does not, but there are still a lot of questions out there. As has been noted, the Governor of Hawaii and the Attorney General do not support this substitute amendment to the bill, and they have repeatedly expressed concerns fearing that it would apply different rules to those under their jurisdiction. I think that if there is any question, that we ought to ensure, at least at a minimum, that we

are complying with the 14th Amendment.

The 14th Amendment states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

I should note that on August 28, 2009, the United States Commission on Civil Rights voiced its opposition in a letter to Members of the Congress stating, The Commission recommends against passage of the Native Hawaiian Government Reorganization Act, or any other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups according to varying degrees of privilege.

And you can have arguments on either side. Proponents will say that this complies with the Constitution. Some question that it may not. And no less authority than the U.S. Commission on Civil Rights has those worries.

So what we are saying here is, why not adopt language that says that it simply complies, or no language in this legislation shall be contrary to the 14th Amendment?

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise to claim the time in opposition.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, this amendment proposes to require the Native Hawaiian governing authority to comply with the equal protection clause of the 14th Amendment. The Abercrombie substitute will correctly treat the Native Hawaiian governing entity the same as any other Native American government is treated.

Specifically, the Abercrombie substitute mandates that the Native Hawaiian government's organic governing documents must provide for the protection of the civil rights of Native Hawaiian citizens. It requires that the Native Hawaiian government's organic governing documents must provide for the protection of the civil rights of all persons affected by an exercise of Native Hawaiian governmental powers and authorities. And the Abercrombie substitute subjects the Native Hawaiian governing entity to the Indian Civil Rights Act of 1968, which prohibits, among other things, a denial of the equal protection of any person.

There is no reason for this amendment, and I would urge its defeat.

I reserve the balance of my time.

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Mr. FLAKE. I thank the gentleman. I guess the gentleman is arguing that it is simply redundant.

I would suggest that, if the Governor of the State of Hawaii and the Attorney General of the State of Hawaii both have concerns about it and if the U.S. Commission on Civil Rights recommends against its passage for these very concerns, there is at least some question about whether or not it complies with the 14th Amendment.

So why not adopt this amendment? If we are saying straight out that this complies with the 14th Amendment, why not simply adopt this amendment? There is definitely a question out there. If it were unanimous and if everyone were saying, Let's pass this legislation as it is, as there is no constitutional question, that would be one thing, but we certainly don't have that today.

Let me just say that something was sent around to Members that was urging opposition to the Flake amendment, saying, "H.R. 2314 already applies ICRA," or the Indian Civil Rights Act, "to the entity, and requires the Secretary of the Interior to certify that the Native Hawaiian governing entity is in compliance with Federal law and that its governing documents provide for the protection of the civil rights of the citizens of the Native Hawaiian governing authority or entity."

I would argue that we are talking apples and oranges here. What ICRA stipulates is that civil rights are applied equally to those within the governing authority, and so it simply stipulates that those within the Native Hawaiian governing act will comply with Federal law. In other words, there will be no discrimination among them. It doesn't address the core question here that we are seeking to address. It doesn't address whether or not there is a constitutional question about whether or not individuals outside of the governing entity here might be discriminated against.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLAKE. I urge adoption of the amendment.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I will take the first few seconds of it, Mr. Speaker, because I believe this will be the last discussion of both the amendments and of the bill prior to voting, to thank Mr. FLAKE for his friendship over these years and to say to him that I admire his independent spirit; I admire his devotion to this House; I admire his steadfast sense of responsibility in the various amendments that he offers. I wish I could support it on the basis of that friendship and in my admiration for him.

Yet I would like to say in that context—and I hope I am stating the purpose of the amendment correctly—that Mr. FLAKE wants to require any native governing entity to comply with the Equal Protection Clause of the 14th Amendment of the United States Constitution. If I had to summarize it in a sentence, that's the way I would put it.

In the course of his remarks, he asked, Why not make sure? I think that's a perfectly reasonable request, but my contention would be, in asking that the amendment not be voted favorably upon, that precisely what he seeks to succeed in with his amendment is exactly what is in the bill, itself, which is in the amendment as a substitute. Mr. FLAKE's amendment then is duplicative of current Federal law.

Only after a thoughtful and deliberate process did Congress impose most of the provisions on the Bill of Rights on tribes through the Indian Civil Rights Act of 1968. The Equal Protection and Due Process provisions of the Bill of Rights were included verbatim in the Indian Civil Rights Act.

The Indian Civil Rights Act specifically states, "No Indian tribe in exercising the powers of self-government shall deny any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law."

In section 1302, Constitutional Rights, again quoting, "No Indian tribe in exercising powers of self-government shall:

"No. 8: deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law."

The Flake amendment essentially then ignores the provision of H.R. 2314, as amended, should we pass the substitute.

The bill applies the Indian Civil Rights Act to the entity, the Native Hawaiian entity, and it requires the Secretary of the Interior to certify that the Native Hawaiian governing entity is in compliance with Federal law and that its governing documents provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity as well.

Thus, the Flake amendment, as I indicated, I believe, is a duplication, and would actually create a double standard for the Native Hawaiian governing entity, not treating them as other federally recognized tribal governments are today.

Finally, I believe the amendment could be subject to broad interpretation, the scope of which is unclear. As a result, litigation would likely flourish in the Federal courts, which might take years to resolve as the courts would have to examine the U.S. Constitution, Federal law and numerous Federal court decisions upholding the current law, which already imposes the



same equal protection guarantees on tribes that Mr. FLAKE's amendment seeks to impose.

Therefore, I ask, in the context of my admiration and respect for Mr. FLAKE, that his amendment, however, be defeated.

With that, Mr. Speaker, if I have time remaining, I would like to take the occasion then to thank Mr. HASTINGS, Mr. FLAKE and all of those on the Resources Committee—Republican and Democratic alike—who have been my colleagues and friends all these years. I think the Resources Committee is one of the most unappreciated committees, unappreciated in the sense of comprehension by, perhaps, even Members of Congress and by the public at large. No committee deals with as detailed and as difficult a set of circumstances as the Resources Committee does. My respect and admiration for all its members abides with me as I take leave of the House.

Mr. Speaker, "aloha" to you. "Aloha" to the House of Representatives. "Aloha" to all Members here tonight.

Ms. HIRONO. Mr. Speaker, I rise in strong opposition to the amendment introduced by Congressman FLAKE.

Congressman FLAKE has personal ties to the State of Hawaii and I appreciate his interest in the underlying bill. However, his amendment duplicates existing legal guarantees in the Indian Civil Rights Act of 1968.

Contrary to what opponents of the bill have stated, everyone in Hawaii, Native Hawaiians and non-Native Hawaiians, will continue to be citizens of the United States upon passage of the bill, and therefore, afforded all the protections of the U.S. Constitution.

The Abercrombie Substitute Amendment further clarifies that upon recognition by the United States, the Native Hawaiian governing entity would have no authority over nonmembers, unless those nonmembers expressly consented to the jurisdiction of the governing entity.

Section 10 of the Substitute would make the governing entity adhere to the Indian Civil Rights Act, which guarantees protections for both members of the governing entity and nonmembers alike.

This bill provides for a careful balance of the interests of the federal government, the State of Hawaii, and the Native Hawaiian governing entity. I urge my colleagues to oppose the Flake Amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE) to the amendment in the nature of a substitute offered by the gentleman from Hawaii (Mr. ABERCROMBIE).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution

1083, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1083, proceedings will now resume on the amendments printed in House Report 111-413 on which further proceedings were postponed, in the following order:

Amendment printed in part B by Mr. HASTINGS of Washington;

Amendment printed in part B by Mr. FLAKE of Arizona;

Amendment printed in part A by Mr. ABERCROMBIE of Hawaii.

Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PART B AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The SPEAKER pro tempore. The unfinished business is the question on adoption of the amendment printed in part B of House Report 111-413 by the gentleman from Washington (Mr. HASTINGS) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment.

The vote was taken by electronic device, and there were—yeas 163, nays 241, not voting 28, as follows:

[Roll No. 56]

YEAS—163

Aderholt	Diaz-Balart, L.	Lamborn
Akin	Diaz-Balart, M.	Lance
Alexander	Dreier	Latham
Austria	Duncan	LaTourette
Bachmann	Ehlers	Latta
Bachus	Emerson	Lee (NY)
Bartlett	Fallin	Lewis (CA)
Barton (TX)	Flake	Linder
Biggert	Fleming	LoBiondo
Bilbray	Forbes	Lucas
Bilirakis	Fortenberry	Luetkemeyer
Bishop (UT)	Fox	Lummis
Blackburn	Franks (AZ)	Lungren, Daniel E.
Boehner	Frelinghuysen	Manzullo
Bonner	Gallegly	Marchant
Boozman	Garrett (NJ)	McCarthy (CA)
Boustany	Gerlach	McCaul
Brady (TX)	Gingrey (GA)	McClintock
Bright	Gohmert	McCotter
Broun (GA)	Goodlatte	McHenry
Brown (SC)	Granger	McKeon
Brown-Waite,	Graves	McMorris
Ginny	Griffith	Rodgers
Buchanan	Guthrie	Mica
Burgess	Hall (TX)	Miller (FL)
Burton (IN)	Harper	Miller (MI)
Buyer	Hastings (WA)	Miller, Gary
Calvert	Heller	Moran (KS)
Camp	Hensarling	Murphy, Tim
Campbell	Herger	Myrick
Cantor	Hunter	Neugebauer
Capito	Inglis	Nunes
Carter	Issa	Olson
Cassidy	Jenkins	Paul
Chaffetz	Johnson (IL)	Paulsen
Coble	Johnson, Sam	Pence
Coffman (CO)	Jordan (OH)	Petri
Conaway	King (IA)	Pitts
Crenshaw	King (NY)	Platts
Davis (KY)	Kingston	Poe (TX)
Deal (GA)	Kirk	Posey
Dent	Kline (MN)	

Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt

Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry

NAYS—241

Abercrombie	Gonzalez	Murphy (CT)
Ackerman	Grayson	Murphy (NY)
Adler (NJ)	Green, Al	Murphy, Patrick
Altmire	Green, Gene	Nadler (NY)
Arcuri	Grijalva	Napolitano
Baca	Gutierrez	Neal (MA)
Baird	Hall (NY)	Nye
Baldwin	Halvorson	Oberstar
Barrow	Hare	Obey
Bean	Harman	Oliver
Becerra	Hastings (FL)	Ortiz
Berkley	Heinrich	Owens
Berry	Herseth Sandlin	Pallone
Bishop (GA)	Higgins	Pascarell
Bishop (NY)	Hill	Pastor (AZ)
Blumenauer	Himes	Perriello
Boccieri	Hinchey	Peters
Boren	Hirono	Peterson
Boswell	Hodes	Pingree (ME)
Boucher	Holden	Polis (CO)
Boyd	Holt	Pomeroy
Brady (PA)	Honda	Price (NC)
Braley (IA)	Hoyer	Quigley
Brown, Corrine	Inslee	Rahall
Butterfield	Israel	Rangel
Cao	Jackson (IL)	Reyes
Capps	Jackson Lee	Rodriguez
Capuano	(TX)	Ross
Cardoza	Johnson, E. B.	Rothman (NJ)
Carnahan	Jones	Roybal-Allard
Carney	Kagen	Ruppersberger
Carson (IN)	Kanjorski	Rush
Castle	Kaptur	Ryan (OH)
Castor (FL)	Kennedy	Salazar
Chandler	Kildee	Sanchez, Linda T.
Childers	Kilpatrick (MI)	Sanchez, Loretta
Chu	Kilroy	Sarbanes
Clarke	Kind	Schakowsky
Clay	Kirkpatrick (AZ)	Schauer
Cleaver	Kissell	Schiff
Clyburn	Klein (FL)	Schrader
Cohen	Kosmas	Schwartz
Cole	Kratovil	Scott (GA)
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Serrano
Cooper	Larsen (WA)	Sestak
Costa	Larson (CT)	Shea-Porter
Courtney	Lee (CA)	Sherman
Crowley	Levin	Shuler
Cuellar	Lewis (GA)	Skelton
Cummings	Lipinski	Slaughter
Dahlkemper	Loebach	Smith (WA)
Davis (AL)	Lofgren, Zoe	Snyder
Davis (CA)	Lujan	Space
Davis (IL)	Lynch	Speier
Davis (TN)	Maffei	Spratt
DeFazio	Maloney	Stupak
DeGette	Markey (MA)	Sutton
DeLauro	Marshall	Tanner
Dicks	Massa	Taylor
Doggett	Matheson	Teague
Donnelly (IN)	Matsui	Thompson (CA)
Doyle	McCarthy (NY)	Thompson (MS)
Driehaus	McCollum	Tierney
Edwards (MD)	McDermott	Titus
Edwards (TX)	McGovern	Tonko
Ellison	McIntyre	Towns
Ellsworth	McNerney	Tsongas
Engel	Meek (FL)	Van Hollen
Eshoo	Meeks (NY)	Velázquez
Etheridge	Melancon	Visclosky
Farr	Michaud	Walz
Fattah	Miller (NC)	Wasserman
Filner	Miller, George	Schultz
Foster	Minnick	Waters
Frank (MA)	Mitchell	Watson
Fudge	Mollohan	Watt
Garamendi	Moore (KS)	Waxman
Giffords	Moran (VA)	



Weiner Woolsey Young (AK)  
Welch Wu  
Wilson (OH) Yarmuth

## NOT VOTING—28

Andrews Hinojosa Radanovich  
Barrett (SC) Hoekstra Reichert  
Berman Johnson (GA) Richardson  
Blunt Lowey Ros-Lehtinen  
Bono Mack Sires  
Costello Markey (CO) Stark  
Culberson McMahon Turner  
Delahunt Moore (WI) Wamp  
Dingell Payne  
Gordon (TN) Perlmutter

□ 2017

Messrs. BOSWELL, BUTTERFIELD, DICKS, RANGEL, SCOTT of Georgia, KRATOVL, WALZ, HEINRICH, CARSON of Indiana, WATT, Ms. SLAUGHTER, Mr. ARCURI, Ms. EDWARDS of Maryland, Ms. PINGREE of Maine, Messrs. HONDA, DOGGETT, MCINTYRE, CLEAVER, PASTOR of Arizona, and Ms. VELÁZQUEZ changed their vote from “yea” to “nay.”

Messrs. ADERHOLT, SHUSTER, SOUDER, and KING of Iowa changed their vote from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

(By unanimous consent, Mr. DREIER was allowed to speak out of order.)

## MOMENT OF SILENCE IN MEMORY OF ETHIE RADANOVICH

Mr. DREIER. Mr. Speaker, I think all of our colleagues are aware of the fact that a week-and-a-half ago, after a more than 3½-year battle against ovarian cancer, Ethie Radanovich, the wife of our California colleague, GEORGE, tragically passed away. She was a wonderful, wonderful human being.

I would like to ask our colleagues to join in a moment of silence in memory of Ethie Radanovich, and to extend, Mr. Speaker, our thoughts and prayers to GEORGE and their 11-year-old son, King.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## PART B AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The SPEAKER pro tempore. The unfinished business is the question on adoption of the amendment printed in part B of House Report 111-413 by the gentleman from Arizona (Mr. FLAKE) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 177, nays 233, not voting 22, as follows:

[Roll No. 57]

## YEAS—177

Aderholt Gallegly Miller (MI)  
Adler (NJ) Garrett (NJ) Miller, Gary  
Akin Gerlach Minnick  
Alexander Giffords Moran (KS)  
Arcuri Gingrey (GA) Myrick  
Austria Gohmert Neugebauer  
Bachmann Goodlatte Nunes  
Bachus Granger Olson  
Bartlett Graves Paulsen  
Barton (TX) Griffith Pence  
Bean Guthrie Perlmutter  
Biggett Hall (TX) Petri  
Bilbray Halvorson Pitts  
Bilirakis Harper Platts  
Bishop (UT) Hastings (WA) Poe (TX)  
Blackburn Heller Polis (CO)  
Boehner Hensarling Posey  
Bonner Herger Price (GA)  
Boozman Himes Putnam  
Boustany Hunter Rehberg  
Brady (TX) Inglis Roe (TN)  
Bright Issa Rogers (AL)  
Broun (GA) Jenkins Rogers (KY)  
Brown (SC) Johnson (IL) Rogers (MI)  
Brown-Waite, Johnson, Sam Rohrabacher  
Ginny Jordan (OH) Rooney  
Buchanan King (IA) Roskam  
Burgess King (NY) Royce  
Burton (IN) Kingston Ryan (WI)  
Buyer Kirk Scalise  
Calvert Kosmas Schmidt  
Camp Kratovil Schock  
Campbell Lamborn Sensenbrenner  
Cantor Lance Sessions  
Capito Latham Shadegg  
Carter LaTourette Shimkus  
Cassidy Latta Shuster  
Chaffetz Lee (NY) Simpson  
Coble Lewis (CA) Smith (NE)  
Coffman (CO) Linder Smith (NJ)  
Conaway LoBiondo Smith (TX)  
Crenshaw Lucas Smith (WA)  
Davis (KY) Luetkemeyer Souder  
Deal (GA) Lummis Stearns  
Dent Lungren, Daniel Sullivan  
Diaz-Balart, L. E. Taylor  
Diaz-Balart, M. Terry  
Dreier Manzullo Thompson (PA)  
Duncan Marchant Thornberry  
Ehlers Marshall Tiahrt  
Emerson McCaul Tiberi  
Fallin McClintock Upton  
Flake McCotter Walden  
Fleming McHenry Westmoreland  
Forbes McKeon Whitfield  
Fortenberry McMahon Wilson (SC)  
Foster McMorris Wittman  
Foxy Rodgers Wolf  
Franks (AZ) Mica Wu  
Frelinghuysen Miller (FL) Young (FL)

## NAYS—233

Abercrombie Driehaus  
Ackerman Edwards (MD)  
Altmire Edwards (TX)  
Baca Ellison  
Baird Ellsworth  
Baldwin Engel  
Barrow Eshoo  
Becerra Etheridge  
Berkley Farr  
Berry Fattah  
Bishop (GA) Filner  
Bishop (NY) Frank (MA)  
Blumenauer Fudge  
Bocchieri Garamendi  
Boren Gonzalez  
Boswell Grayson  
Boucher Cuellar  
Boyd Cummings  
Brady (PA) Dahlkemper  
Brady (IA) Davis (AL)  
Braley (CA) Davis (CA)  
Brown, Corrine Davis (IL)  
Butterfield Davis (TN)  
Cao DeFazio  
Capps DeGette  
Capuano DeLauro  
Cardoza Dicks  
Carnahan Doggett  
Carney Donnelly (IN)  
Carson (IN) Doyle  
Castle

Hodes McIntyre Sánchez, Linda  
Holden McNerney T.  
Holt Meek (FL) Sanchez, Loretta  
Honda Meeks (NY) Sarbanes  
Hoyer Melancon Schakowsky  
Inslee Michaud Schauer  
Israel Miller (NC) Schiff  
Jackson (IL) Miller, George Schrader  
Jackson Lee Mitchell Schwartz  
(TX) Mollohan Scott (GA)  
Johnson (GA) Moore (KS) Scott (VA)  
Johnson, E. B. Moore (WI) Serrano  
Jones Moran (VA) Sestak  
Kagen Murphy (CT) Sherman  
Kanjorski Murphy (NY) Shuler  
Kaptur Murphy, Patrick Skelton  
Kennedy Murphy, Tim Slaughter  
Kildee Nadler (NY) Snyder  
Kilpatrick (MI) Napolitano  
Kilroy Neal (MA) Space  
Kind Nye Speier  
Kirkpatrick (AZ) Oberstar Spratt  
Kissell Obey Stupak  
Klein (FL) Olver Sutton  
Kline (MN) Ortiz Tanner  
Kucinich Owens Teague  
Langevin Pallone Thompson (CA)  
Larsen (WA) Pascrell Thompson (MS)  
Larson (CT) Pastor (AZ) Tierney  
Lee (CA) Paul Titus  
Levin Perriello Tonko  
Lewis (GA) Peters Towns  
Lipinski Peterson Tsongas  
Loeb sack Pingree (ME) Van Hollen  
Lofgren, Zoe Pomeroy Velázquez  
Lowey Price (NC) Visclosky  
Luján Quigley Walz  
Lynch Rahall Wasserman  
Maffei Rangel Schultz  
Maloney Reyes Waters  
Markey (CO) Richardson Watson  
Markey (MA) Rodriguez Watt  
Massa Ross Waxman  
Matheson Rothman (NJ) Weiner  
Matsui Roybal-Allard Welch  
McCarthy (NY) Ruppelberger Wilson (OH)  
McCollum Rush Woolsey  
McDermott Ryan (OH) Yarmuth  
McGovern Salazar Young (AK)

## NOT VOTING—22

Andrews Dingell Ros-Lehtinen  
Barrett (SC) Gordon (TN) Shea-Porter  
Berman Hinojosa Sires  
Blunt Hoekstra Stark  
Bono Mack Turner  
Costello Payne Wamp  
Culberson Radanovich  
Delahunt Reichert

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 2027

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PART A AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ABERCROMBIE

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute by the gentleman from Hawaii (Mr. ABERCROMBIE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 164, not voting 23, as follows:

[Roll No. 58]

YEAS—245

Abercrombie	Grijalva	Nye
Ackerman	Gutierrez	Oberstar
Adler (NJ)	Hall (NY)	Obey
Altmire	Halvorson	Olver
Arcuri	Hare	Ortiz
Baca	Harman	Owens
Baird	Hastings (FL)	Pallone
Baldwin	Heinrich	Pascarell
Barrow	Herseth Sandlin	Pastor (AZ)
Bean	Higgins	Perlmutter
Becerra	Hill	Perriello
Berkley	Hinchey	Peters
Berry	Hirono	Peterson
Bishop (GA)	Hodes	Pingree (ME)
Bishop (NY)	Holden	Polis (CO)
Blumenauer	Holt	Pomeroy
Bocchieri	Honda	Price (NC)
Boren	Hoyer	Quigley
Boswell	Inslee	Rahall
Boucher	Israel	Rangel
Boyd	Jackson (IL)	Reyes
Brady (PA)	Jackson Lee	Richardson
Braley (IA)	(TX)	Rodriguez
Brown, Corrine	Johnson (GA)	Ross
Butterfield	Johnson, E. B.	Rothman (NJ)
Cao	Kagen	Roybal-Allard
Capps	Kanjorski	Ruppersberger
Capuano	Kaptur	Rush
Cardoza	Kennedy	Ryan (OH)
Carnahan	Kildee	Salazar
Carney	Kilpatrick (MI)	Sánchez, Linda
Carson (IN)	Kilroy	T.
Castor (FL)	Kind	Sanchez, Loretta
Chandler	Kirkpatrick (AZ)	Sarbanes
Childers	Kissell	Schakowsky
Chu	Klein (FL)	Schauer
Clarke	Kosmas	Schiff
Clay	Kratovil	Schrader
Cleaver	Kucinich	Schwartz
Clyburn	Langevin	Scott (GA)
Cohen	Larsen (WA)	Scott (VA)
Cole	Larson (CT)	Serrano
Connolly (VA)	Lee (CA)	Sestak
Conyers	Levin	Shea-Porter
Cooper	Lewis (GA)	Sherman
Costa	Lipinski	Shuler
Courtney	Loeb sack	Skelton
Crowley	Lofgren, Zoe	Slaughter
Cuellar	Lowey	Smith (WA)
Cummings	Luján	Snyder
Dahlkemper	Lynch	Space
Davis (AL)	Maffei	Speier
Davis (CA)	Maloney	Spratt
Davis (IL)	Markey (CO)	Stupak
Davis (TN)	Markey (MA)	Sutton
DeFazio	Massa	Tanner
DeGette	Matheson	Taylor
DeLauro	Matsui	Teague
Dicks	McCarthy (NY)	Thompson (CA)
Doggett	McCollum	Thompson (MS)
Donnelly (IN)	McDermott	Tierney
Doyle	McGovern	Titus
Driehaus	McIntyre	Tonko
Edwards (MD)	McNerney	Towns
Edwards (TX)	Meek (FL)	Tsongas
Ehlers	Meeks (NY)	Van Hollen
Ellison	Melancon	Velázquez
Ellsworth	Michaud	Visclosky
Engel	Miller (NC)	Walz
Eshoo	Miller, George	Waters
Etheridge	Minnick	Watson
Farr	Mitchell	Watt
Fattah	Mollohan	Waxman
Filner	Moore (KS)	Weiner
Foster	Moore (WI)	Welch
Frank (MA)	Moran (VA)	Whitfield
Fudge	Murphy (CT)	Wilson (OH)
Garamendi	Murphy (NY)	Woolsey
Giffords	Murphy, Patrick	Wu
Gonzalez	Murphy, Tim	Yarmuth
Grayson	Nadler (NY)	Young (AK)
Green, Al	Napolitano	
Green, Gene	Neal (MA)	

NAYS—164

Aderholt	Austria	Bartlett
Akin	Bachmann	Barton (TX)
Alexander	Bachus	Biggert

Bilbray	Granger	Miller, Gary
Bilirakis	Graves	Myrick
Bishop (UT)	Griffith	Neugebauer
Blackburn	Guthrie	Nunes
Boehner	Hall (TX)	Olson
Bonner	Harper	Paul
Boozman	Hastings (WA)	Paulsen
Boustany	Heller	Pence
Brady (TX)	Hensarling	Petri
Bright	Herger	Pitts
Broun (GA)	Himes	Platts
Brown (SC)	Hunter	Poe (TX)
Brown-Waite,	Inglis	Posey
Ginny	Issa	Price (GA)
Buchanan	Jenkins	Putnam
Burgess	Johnson (IL)	Rehberg
Burton (IN)	Johnson, Sam	Roe (TN)
Buyer	Jones	Rogers (AL)
Calvert	Jordan (OH)	Rogers (KY)
Camp	King (IA)	Rogers (MI)
Campbell	King (NY)	Rohrabacher
Cantor	Kingston	Rooney
Capito	Kirk	Roskam
Carter	Kline (MN)	Royce
Cassidy	Lamborn	Ryan (WI)
Castle	Lance	Scalise
Chaffetz	Latham	Schmidt
Coble	LaTourette	Schock
Coffman (CO)	Latta	Sensenbrenner
Conaway	Lee (NY)	Sessions
Crenshaw	Lewis (CA)	Shadeegg
Davis (KY)	Linder	Shimkus
Deal (GA)	LoBlundo	Shuster
Dent	Lucas	Simpson
Diaz-Balart, L.	Luetkemeyer	Smith (NE)
Diaz-Balart, M.	Lummis	Smith (NJ)
Dreier	Lungren, Daniel	Smith (TX)
Duncan	E.	Souder
Emerson	Manzullo	Stearns
Fallin	Marchant	Sullivan
Flake	Marshall	Terry
Fleming	McCarthy (CA)	Thompson (PA)
Forbes	McCauly	Thornberry
Fortenberry	McClintock	Tiahrt
Fox	McCotter	Tiberi
Franks (AZ)	McHenry	Upton
Frelinghuysen	McKeon	Walden
Galleghy	McMahon	Westmoreland
Garrett (NJ)	McMorris	Wilson (SC)
Gerlach	Rodgers	Wittman
Gingrey (GA)	Mica	Wolf
Gohmert	Miller (FL)	Young (FL)
Goodlatte	Miller (MI)	

NOT VOTING—23

Andrews	Dingell	Reichert
Barrett (SC)	Gordon (TN)	Ros-Lehtinen
Berman	Hinojosa	Sires
Blunt	Hoekstra	Stark
Bono Mack	Mack	Turner
Costello	Moran (KS)	Wamp
Culberson	Payne	Wasserman
Delahunt	Radanovich	Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining.

□ 2034

So the amendment was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 1083, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 164, not voting 23, as follows:

[Roll No. 59]

YEAS—245

Abercrombie	Green, Gene	Murphy, Tim
Ackerman	Grijalva	Nadler (NY)
Adler (NJ)	Gutierrez	Napolitano
Altmire	Hall (NY)	Neal (MA)
Arcuri	Halvorson	Nye
Baca	Hare	Oberstar
Baird	Harman	Obey
Baldwin	Hastings (FL)	Olver
Barrow	Heinrich	Ortiz
Bean	Herseth Sandlin	Owens
Becerra	Higgins	Pallone
Berkley	Hill	Pascarell
Berry	Hinchey	Pastor (AZ)
Bishop (GA)	Hirono	Perlmutter
Bishop (NY)	Hodes	Perriello
Blumenauer	Holden	Peters
Bocchieri	Holt	Peterson
Boren	Honda	Pingree (ME)
Boswell	Hoyer	Polis (CO)
Boucher	Inslee	Pomeroy
Boyd	Israel	Price (NC)
Brady (PA)	Jackson (IL)	Quigley
Braley (IA)	Jackson Lee	Rahall
Brown, Corrine	(TX)	Rangel
Butterfield	Johnson (GA)	Reyes
Cao	Johnson, E. B.	Richardson
Capps	Jones	Rodriguez
Capuano	Kagen	Ross
Cardoza	Kanjorski	Rothman (NJ)
Carnahan	Kaptur	Roybal-Allard
Carney	Kennedy	Ruppersberger
Carson (IN)	Kildee	Rush
Castor (FL)	Kilpatrick (MI)	Ryan (OH)
Chandler	Kilroy	Salazar
Childers	Kind	Sánchez, Linda
Chu	Kirkpatrick (AZ)	T.
Clarke	Kissell	Sanchez, Loretta
Clay	Klein (FL)	Sarbanes
Cleaver	Kosmas	Schakowsky
Clyburn	Kratovil	Schauer
Cohen	Kucinich	Schiff
Cole	Langevin	Schrader
Connolly (VA)	Larsen (WA)	Schwartz
Conyers	Larson (CT)	Scott (GA)
Cooper	Lee (CA)	Scott (VA)
Costa	Levin	Serrano
Courtney	Lewis (GA)	Sestak
Crowley	Lipinski	Shea-Porter
Cuellar	Loeb sack	Sherman
Cummings	Lofgren, Zoe	Shuler
Dahlkemper	Lowey	Skelton
Davis (AL)	Luján	Slaughter
Davis (CA)	Lynch	Smith (WA)
Davis (IL)	Maffei	Snyder
Davis (TN)	Maloney	Space
DeFazio	Markey (CO)	Speier
DeGette	Markey (MA)	Spratt
DeLauro	Marshall	Stupak
Dicks	Massa	Sutton
Doggett	Matheson	Tanner
Donnelly (IN)	Matsui	Taylor
Doyle	McCarthy (NY)	Teague
Driehaus	McCollum	Thompson (CA)
Edwards (MD)	McDermott	Thompson (MS)
Edwards (TX)	McGovern	Tierney
Ehlers	McIntyre	Titus
Ellison	McNerney	Tonko
Ellsworth	Meek (FL)	Towns
Engel	Meeks (NY)	Tsongas
Eshoo	Melancon	Van Hollen
Etheridge	Michaud	Velázquez
Farr	Miller, George	Visclosky
Fattah	Minnick	Walz
Filner	Mitchell	Wasserman
Foster	Mollohan	Schultz
Frank (MA)	Moore (KS)	Waters
Fudge	Moore (WI)	Watson
Garamendi	Moran (VA)	Watt
Gonzalez	Murphy (CT)	Waxman
Grayson	Murphy (NY)	Weiner
Green, Al	Murphy, Patrick	

Welch  
Wilson (OH)

Woolsey  
Wu

Yarmuth  
Young (AK)

#### NAYS—164

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Billray  
Bilirakis  
Blackburn  
Boehner  
Bonner  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Crenshaw  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxo  
Franks (AZ)  
Frelinghuysen  
Gallegly

Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Himes  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMahon  
McMorris  
Rodgers  
Mica  
Miller (FL)

member opened fire on a crowded city bus. Blair jumped in front of another student to shield her.

When the child of two public servants gives his life to save another child from the scourge of gun violence, I have to ask, What are we prepared to do for these kids?

Over 500 Chicago public school students were involved in gun incidents over the last 2 years. That is two students for every Member of this House who signed a brief urging the Supreme Court to put even more guns in Chicago's streets and schools.

This Congress has allowed unlicensed gun dealers to sell guns at gun shows to people on terrorist watch lists and refuses to reauthorize the assault weapon ban. Congress has failed to hold the middle ground on guns.

Blair Holt was willing to take a bullet to protect a stranger. Is it too much to ask this House to take a tough vote to protect our kids?

#### HEALTH CARE REFORM

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. Mr. Speaker, I am a physician. I still see uninsured patients at the public hospital where I've worked for 20 years. Now, to give uninsured patients access to private health care, we've got to lower costs. But lowering health costs is more than just access; it's also about a stronger economy.

According to the White House Council on Economic Advisers, they had a study that explained that lowering health care costs lowers unemployment, raises the standard of living, and prevents disastrous budgetary consequences. Unfortunately, neither the House nor Senate bill lowers costs. The Congressional Budget Office says that each will more than double costs over the next decade.

Yesterday, the President released a new proposal combining the House and the Senate bill. But combining two bills that don't lower costs results in a third bill which certainly doesn't lower costs. If you don't lower costs, access and quality suffer, our economy suffers, people lose their jobs.

The American people—Republicans, Democrats, and Independents—want health care reform but they want reform which controls costs in reality, not just in rhetoric. They know that their health care, economy, and jobs depend upon it.

#### REAUTHORIZE SURFACE TRANSPORTATION BILL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as a result of

the Senate invoking cloture on what is being called a jobs bill. I believe we should be calling this bill what it really is. It's a cash infusion to keep the highway trust fund solvent.

Mr. Speaker, the Senate majority leader has said that a full reauthorization of surface transportation will be on the table by the end of the year. I ask, why not now? I ask, why not last February when we were debating the stimulus bill? Of the total stimulus spending in 2009, only 4 percent went to roads and bridges.

And while it is widely acknowledged that government spending does not end recessions, the money that has been otherwise squandered on portions of the stimulus that have been highly contested could have been used to promote maintaining or expanding our infrastructure. In turn, this would lead to safety enhancement, and above all, a more productive country.

The American people deserve some certainty—whether it's looming health care mandates, cap-and-trade legislation, or planners just wondering if the highway dollars are going to be there.

If we want real stimulus, Congress will do its work and reauthorize surface transportation legislation immediately.

#### NETWORKS BOOST SO-CALLED STIMULUS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, network news coverage of the administration's so-called stimulus package has been overwhelmingly one-sided, according to a recent analysis by the Business and Media Institute. Since the President signed it into law a year ago, ABC, CBS, and NBC have featured supporters of the stimulus over those who oppose it by a margin of 2 to 1. Incredibly, about half of the network news reports have shown no opposing opinions about the stimulus bill.

Americans are not buying the media's spin. Three out of four say the stimulus money has been wasted, and only 6 percent think it has created jobs, according to a CBS/New York Times poll. In fact, 3.3 million jobs have been lost since the stimulus was signed.

The national media should give Americans the facts about jobs; not tell them what to think.

#### THE STIMULUS IS WORKING

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker, if Americans are believing that the stimulus isn't working, then the media must be telling them that. So I am

#### NOT VOTING—23

Andrews  
Barrett (SC)  
Berman  
Bishop (UT)  
Blunt  
Bono Mack  
Costello  
Culberson  
Delahunt  
Dingell  
Gordon (TN)  
Hinojosa  
Hoekstra  
Mack  
Miller (NC)  
Payne  
Radanovich  
Reichert  
Ros-Lehtinen  
Sires  
Stark  
Turner  
Wamp

□ 2051

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### WHEN WILL CONGRESS TAKE A STAND ON GUN CONTROL?

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, today I had the honor of speaking with Chicago Firefighter Annette Nance-Holt and Chicago Police Officer Ronald Holt.

On May 10, 2007, their 16-year-old son Blair was shot and killed when a gang

kind of curious about the previous argument.

The facts are that the stimulus in my district in California is in fact working, and without it, there would be even more layoffs. It's not that this whole thing started in January of 2009. The Great Recession started the previous 2 years, so we've been trying to catch up.

The stimulus is actually working. Thousands of teachers are working in California as a result of the stimulus. Thousands of jobs have been created. And in my own district, schools are being repaired and major transportation projects are going forward.

So I know in my district that the stimulus is working regardless of what the media may be saying. It is working. Without it, there would be even greater layoffs.

□ 2100

FRITZ CUBIN

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute.)

Mrs. LUMMIS. Mr. Speaker, I rise today in memory of my friend, Dr. Frederick "Fritz" Cubin, husband of former Wyoming Congresswoman Barbara Cubin who served the Cowboy State for 14 years in this U.S. House.

After a lengthy illness, Fritz passed away this past Monday. Our condolences go out to Barbara, sons Bill and Eric, and their family and friends.

Fritz had many passions: his family always first, hunting and politics taking the silver and bronze.

Dr. Cubin served his country in the United States Air Force. He served his family as a confidante to his wife, a devoted father to his sons. A family doctor for many, he also served his community, making his appointed rounds to Casper's retirement homes to the very end.

Fritz Cubin was a fierce patriot, with apologies to no one. He will be missed.

#### HONORING PETTY OFFICER SECOND CLASS LARRY ALLEN STONE AND PETTY OFFICER SECOND CLASS MARIO MAESTAS FOR THEIR SERVICE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the distinguished careers of Navy SEALs Petty Officer Second Class Larry Allen Stone and Petty Officer Second Class Mario Maestas. These officers were accomplished SEALs who selflessly dedicated themselves to serving our country and gave the ultimate sacrifice.

Stone was a member of the United States Navy SEAL Team Two, Little

Creek Amphibious Base, where he was a lead communications instructor for the team. His superior skill with communications and equipment earned him a job instructing new SEALs, and his athletic prowess earned him the title of Outstanding Athlete in his unit.

Maestas served 5 years in the Navy before becoming a Navy SEAL in 2000. As a SEAL, he participated in combat missions in Kosovo, including deployments in support of Task Force Falcon, Kosovo, from which he earned the Navy Commendation Medal, the National Defense Service Medal, the Good Conduct Medal, and a Flag Letter of Commendation.

We are honoring these fallen SEALs during a memorial and building dedication for the Naval Special Warfare facilities at Fort Chaffee, Arkansas, Saturday, February 27, 2010.

Stone and Maestas devoted their lives to our country. They are truly American heroes who will be remembered for their service and sacrifice.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### MEMBERS HAVE AN OBLIGATION TO DEAL WITH OUR ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SPACE) is recognized for 5 minutes.

Mr. SPACE. Mr. Speaker, I rise today to discuss our economy. I do not rise, however, to cast blame, engage in political posturing, or cast aspersions against my colleagues on the other side of the aisle. I rise to speak to what I believe all of us who have been blessed with the right of representation for our constituents have an obligation to do; that is, to deal with our economy.

Our constituents don't really care how we got here; they don't care who is to blame; they, frankly, don't care who comes up with the solutions, but they deserve and need resolution to these economic problems that we are facing right now. What our constituents on both sides of the aisle deserve is vision: vision of the future, vision of a new economy.

Back in Ohio's 18th Congressional District, Mr. Speaker, things are especially difficult. It is the area known as Appalachian Ohio, consisting of 16 of the poorest counties in the State of Ohio with the highest unemployment rates, the highest poverty rates. And with those high poverty rates come the manifestations of poverty, including hunger, homelessness, the breakdown of the traditional family unit, a lack of access to health care, a lack of access to education. The list goes on and on.

What I have been attempting to do in southeastern Ohio and what I urge my colleagues to consider doing around the country is to look forward to a future of economic prosperity, one where we know that things will be better.

For example, in the area of energy, I have organized an effort called Renew Ohio that is designed to focus on the jobs of the future. One of those fields that we know is an emerging sector is the field of energy. Not only will developments in technology and investments in energy sectors ultimately bring down the cost of energy, ridding ourselves of this dangerous and cancerous dependence on foreign oil, it will also create millions of jobs. It is obvious and it is promising.

Another sector, health care. Because of the aging nature of our society, we know that there will be future prospects for employment in the field of health care.

Another sector, technology. By bringing broadband, for example, to unserved and underserved areas of America, we are going to be advancing opportunities for economic growth and bridging the divide that exists right now in rural America when it comes to access to health care and education.

And, finally, agriculture. Agricultural jobs of tomorrow are quite different from the ones we know of today and the jobs of yesterday. It is a field that shows promise when it comes to trade, a field that shows promise with its relationship to energy, and one that, if we position ourselves correctly in, will create jobs for tomorrow.

This crisis that we are dealing with in this country, which has become very personal to every American, is one that we must address without regard to partisan politics. Our constituents clearly are ahead of Congress on that issue. They don't want blame. They don't want aspersions. They don't want excuses. They want answers and they want vision and they want leadership.

I urge Members on both sides of the aisle in this hallowed Hall to work together to find consensus and to move forward for a brighter tomorrow.

#### CONCERN AFTER IRAN "WARHEAD" REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the biggest problems facing the Middle East and the entire world is the nuclear development program that Iran is involved in right now.

The International Atomic Energy Agency in just the last few days has said that Iran is probably developing a nuclear warhead that they could use at some point in the future as their nuclear development program continues to expand. They have 3,000 or 4,000 centrifuges over there refining weapons-grade nuclear material right now.

The reason this is important is because it not only affects the United States and our capability to provide energy for this country that will be very important for our economy down the road, but our biggest ally and friend in the entire Middle East is Israel, and Israel right now does not yet have the capability to hit a major underground nuclear development site that may be developing a nuclear warhead that could destroy Tel-Aviv, could destroy much of Israel and kill millions of Israelis who are friends of ours and great allies.

It is extremely important that this administration do everything they can to support the Government of Israel in order to make sure that they have the capability and the ability to stop Iran's nuclear development program when it starts to imperil and jeopardize the entire Middle East.

Our energy sources that come from there, maybe 35 percent of our entire energy is dependent on the Middle East. If we have a conflagration over there, it is really going to hurt us, but it will hurt our great ally Israel even more. That is why we need to tell Prime Minister Benjamin Netanyahu that we support him, and we are going to give him the material and the equipment necessary to deal with Iran should they continue down this path, and that means the bunker busting bombs that will be able to go down 50, 75, 100 feet underground or maybe 150 feet into a mountainside to knock out a nuclear development program if it imperils the existence of Israel or threatens the entire Middle East.

I can't stress how important this is. The leader of Iran, Mr. Ahmadinejad, has said numerous times that he wants to see Israel wiped off the face of the Earth. They are developing a nuclear weapons program, and now the IAEA is saying that they are developing a nuclear warhead that will be able to strike should they be able to use their missile program. So we have to pay real attention to what is going on over there and give Israel the ability to do what is necessary, and we should support them in every way possible. If we don't do that, we are going to rue the day that they finish that nuclear development program in Iran.

Bibi Netanyahu is going to be here before too long speaking here in the United States. I hope that the President will reach out to him and say, We are going to give you all the tools necessary to be able to stop the nuclear risk that Iran poses over there if we have to do it. The United States and President Obama should work with Mr. Netanyahu to make sure that we get that job done. We certainly don't need a terrorist state like Iran developing a nuclear weapons program with a delivery system that could deliver a nuclear warhead.

□ 2115

#### CORPORAL DUSTIN LEE MEMORIAL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I have introduced H.R. 4631. The text is "to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog." This act may be cited as the "Corporal Dustin Lee Memorial Act."

Mr. Speaker, 2 years ago, it was brought to my attention that a family in Mississippi, Rachel and Jerome Lee, their son, Dustin, a marine, was killed in Iraq for this Nation. Also with Dustin was his dog, Lex, who was wounded. In fact, the Marine Corps brought the dog, Lex, to Dustin's funeral.

Mr. and Mrs. Lee gave their son for this country, and all they asked of this Nation was to please let them have Lex, the dog that their son, Dustin, loved so much. Well, we all live here in Washington in a bureaucratic world, and there is some reason I guess for that, but the Marine Corps said to the family that Lex has 2 more years of service before he can be retired.

I heard about this story, and I called Mr. and Mrs. Lee in Mississippi. They told me, Congressman, we understand that this dog is very important to the cause of our Nation, but this dog meant so much to our son that that's all we would like to have. Well, I want to thank General Mike Regner, who I called and asked General Regner, is there any way we can expedite the retirement of Lex? And he said we will do our best to make this happen.

Well, these dogs that are trained work magnificently for this country. In fact, they give their lives many times to save a service person by seeking out these IEDs and other explosives. Well, it took about 3 weeks—that is not a whole lot of time, it really is not, but I think in the situation of these dogs, when the handler is killed for this country or seriously wounded, that we should be able to expedite this small gift to the family.

I will say to my colleagues, I am going to send a "Dear Colleague" around in the next few days that the Department of Defense has worked with us on. They support this legislation, so I hope that my colleagues will join me, and let's move this legislation through the House I hope expediently.

Mr. Speaker, this is a photograph taken by the family. When they got Lex home, they let Lex remember Dustin by having his clothes and his boots that had been returned from Iraq, and they let Lex remember the

fragrance of their son. Then they took Lex to the cemetery—this is a rather large cemetery—and they said to Lex, Find Dustin, find Dustin. And the dog ran around the cemetery and then came up to the headstone. This is the headstone. It is a picture of their son Dustin with Lex. Dustin is kneeling and Lex is sitting there beside him. Lex came up to this headstone and laid down beside the headstone.

So with that, Mr. Speaker, I will ask my colleagues, please join us in H.R. 4639. This is the least we can do for the family or the wounded individual.

Mr. Speaker, as I always do, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families—like the Lee family—who gave a child dying for freedom in Afghanistan and Iraq. And Mr. Speaker, I will ask three times from the bottom of my heart: God please, God please, God please continue to bless America.

#### KEEP CLASSICAL MUSIC ALIVE IN ST. LOUIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I come to the floor today joining with my friend and colleague, Congressman LACY CLAY, to speak out on an issue that is very important to both of us and our constituents, the continued existence of an over-the-air classical music station.

The sale of KFUE-FM by the Lutheran Church-Missouri Synod is currently pending before the Media Bureau at the FCC, and both myself and Congressman CLAY have been contacted by our constituents concerned that the purchaser of the station may cease the classical programming, which so many residents of the St. Louis and Metro East communities have benefited from over the years.

KFUE-FM has been a proud partner with almost every cultural organization in the St. Louis area. It is also heard internationally through live streaming on the Internet. Classic 99, as KFUE is also known, features a large amount of programming for the fine arts institutions of St. Louis, including the St. Louis Symphony Orchestra, the Opera Theater of St. Louis, the Repertory Theater of St. Louis, the St. Louis Art Museum, the Missouri History Museum and Historical Society, the Missouri Botanical Garden, the Touhill Performing Arts Center of the University of Missouri-St. Louis, the Metropolitan Opera, the Bach Society of St. Louis, the St. Louis Chamber Chorus, the American Kantorei, the St. Louis Public Library, the St. Louis Children's Choir, along with many others.

KFUO is in a virtual partnership with these institutions, as many hours are given to these and other organizations for live broadcasting, education, and information programming, as well as for promotion. The loss of Classic 99 and its limitless contribution to the area's community may have a negative impact on many, and to the quality of life in the Metro East.

As many of my colleagues know, I am married to a classical musician. I met Karen while she was working as the director of Christian Education and Music at Bethlehem Lutheran Church in Monterey, California. When I started my life with Karen, I also began my life with classical music. Karen has worked as a youth minister, church music director, elementary music teacher, and private music instructor of many different instruments. She has also guided each of our children musically. All three of our boys are Suzuki-trained violinists. My sons, David and Josh, have sung with the prestigious St. Louis Children's Chorus. I credit their musical talents not only with my wife's teaching, but also with exposure to classical music from an early age. KFUE provides that critical early exposure to families all over the St. Louis area that may not have a family member with a music background.

To remove that sphere of influence I feel would be detrimental to many children in our communities. Without Classic 99, I don't know if many of the music institutions in the St. Louis area that rely on this station would be able to get their music heard. Even our local high school students have a chance to play on KFUE, an experience I'm sure that is a highlight of their musical education.

Mr. Speaker, I felt this issue was especially important for me to weigh in on today because, as a devoted Lutheran, I am concerned that the Lutheran Church-Missouri Synod does not realize how important these classical broadcasts are to the Christian faithful in the St. Louis area.

In most cases, Christian broadcasting and classical broadcasting are synonymous. The loss of this classical programming eliminates the witness to the Gospel through the broadcast of the words and music of Bach, such as broadcast of "Bach at the Sem." Also, the St. Louis area would no longer be able to hear other Lutheran and Christian composers as well through programs devoted specifically to the Christian musical heritage, such as "Joy" and broadcasts of St. Louis Bach Society programs and overt Lutheran Christian programming such as "Sing for Joy" and the Sunday morning service from Chapel of the Cross in North County, St. Louis.

Music is an important part of Christianity and was an integral part in the start of the Lutheran church. One of my favorite Martin Luther quotes

deals with the importance of music in the church, and I quote, "Beautiful music is the art of the prophets that can calm the agitations of the soul; it is one of the most magnificent and delightful presents God has given us."

From Bach to Mendelssohn, these talented musicians helped form the Lutheran church that we know today. I cannot imagine a church service without music, just as I cannot imagine St. Louis without KFUE-FM. It is just as important part to the St. Louis and Metro East residents as music is to Sunday mornings spent in worship. It is my sincere hope that the Lutheran church will realize this before this station changes its programming. It would be a loss to both the Christian community and the music community, a loss which I hope will be prevented.

Let us remember the words from Psalm 27:5-6 "For in the day of trouble he will keep me safe in his dwelling; he will hide me in the shelter of His tabernacle and set me high upon a rock. Then my head will be exalted above the enemies who surround me; at His tabernacle will I sacrifice with shouts of joy; I will sing and make music to the Lord."

Mr. Speaker, I am not here to say that the FCC should be dictating programming choice when considering a sale of a station. Rather, I would argue that the impact on cultural organizations and the impact on local jobs should be considered when deciding on these sales. I would like to enter for the RECORD a petition to the LCMS Board of Directors, which both myself and former Senator Conrad Burns has signed, in addition to letters from musicians from all over the country that have enjoyed Classic 99's live internet broadcasts.

GERALD KIESCHNICK,  
*President, Lutheran Church Missouri Synod, St. Louis, MO.*

DEAR PRESIDENT KIESCHNICK: The Musicians' Association of St. Louis, Local 2-197 AFM, is opposed to the sale of KFUE-FM, the only classical music radio station in the St. Louis metropolitan area, into a different format. This valuable resource is one of the main venues for arts organizations and has been a great tool in audience-building through live broadcasts and advertising.

The loss of our beloved radio station will have a huge impact on the arts in St. Louis:

Bach at the Sem, St. Louis Symphony Orchestra, and At The Garden, Live!, will lose their broadcasts, which are heard nationally through live streaming.

SLSO will lose a major advertising venue, which may hinder ticket sales and fundraising efforts. They are now moving forward after years of paycuts and freezes. Losing KFUE makes recovery more difficult.

Many arts organizations in the greater metropolitan area of St. Louis will lose a central advertising location in KFUE-FM. The loss of KFUE makes advertising much more difficult especially in these economic times.

President Kieschnick, Local 2-197 respectfully asks that you reconsider and direct your Board to stop the sale now.

Respectfully,

VICKY SMOLIK, President,  
*Musicians' Association of St. Louis,  
Local 2-197, AFM.*

CLEVELAND FEDERATION OF MUSICIANS, LOCAL 4 OF THE AMERICAN FEDERATION OF MUSICIANS

*Cleveland, OH, January 29, 2010.*

U.S. Congressman JOHN SHIMKUS,  
*Springfield, IL.*

DEAR CONGRESSMAN SHIMKUS, I am writing in support of the effort to prevent the sale of KFUE 99.1 FM.

One of the oldest radio stations west of the Mississippi River, and the longest continually-owned FM station in the Saint Louis area, KFUE not only programs classical, opera and jazz music, it is also a strong partner with the area's cultural institutions. The sale of KFUE, from the Lutheran Church-Missouri Synod (LC-MS) to Gateway Creative Broadcasting, Inc., would negatively impact those musical genres in the Saint Louis local and regional community.

In addition, KFUE programming targets school-aged children, and this sale would eliminate regular programming that allows high school orchestral musicians and choral singers the opportunity to perform for a radio audience, certainly a unique chance for these young musicians.

I understand a petition has been filed with the Federal Communications Commission alleging LC-MS did not properly open up a competitive bidding process to the public. An FCC investigation of this proposed transaction may deny the sale, or subject the LC-MS to further conditions including an open selection process.

In the wake of these allegations, and the potential loss of the crown jewel of cultural radio programming in the Saint Louis region, I sincerely urge you to join me in the fight to save KFUE 99.1 FM.

Very Truly Yours,

LEONARD DICOSIMO.

APPROVED KFUE LETTERS FOR RELEASE TO PRESS

NOTE: THE MUSICIANS COUNCIL HAS LETTERS REPRESENTING ORCHESTRAL MUSICIANS FROM CALIFORNIA, OHIO, MISSOURI, NORTH CAROLINA, ILLINOIS, TEXAS, TENNESSEE, WISCONSIN, AND NEVADA.

To: The Trustees and Management of KFUE FM

From: Paul R. Frankenfeld, President, Local 1, AF of M

Subject: The Preservation of Classical Music on KFUE

DEAR LADIES AND GENTLEMEN: In an age when arts organizations are struggling for survival, the continuation of classical music on a radio station is vital to maintain the ongoing community interest in symphony orchestras, chamber music, and opera. The long and proud tradition of service of this station to the broadcast of St. Louis Symphony concerts is to be applauded. I strongly urge you to continue this relationship by retaining the classical music format of KFUE FM so that current and future generations will have this resource to experience great art music.

Sincerely yours,

PAUL R. FRANKENFELD,  
*President, Local 1,  
American Federation  
of Musicians, Acting  
Principal Viola, Cincinnati Symphony  
Orchestra.*

DECEMBER 31, 1969.

TO WHOM IT CONCERNS: Sometimes you don't realize how important something is until it isn't there any more.

Milwaukee has been without a classical station since WFMJ abruptly changed 106.9

from classical to “cool jazz” (I think) over two years ago—and every day since I’ve heard at least one person mourn its loss.

It is not just the loss of hearing classical music on the air-waves, though that is a great loss in itself—it is the loss of announcers who were keenly interested in the musical scene in Milwaukee, who brought Symphony and other musicians in for interviews, who did feature stories about concerts coming up, and who raised awareness about classical music in greater Milwaukee.

My husband and I lived in St. Louis for a few months in 1990-91, and greatly enjoyed (among other things) our opportunity to perform with David Halen on “From the Garden Live.” We were amazed at how much excitement about local music was generated by that program, and have spoken enviously of it since, wishing that such an opportunity were available to us here.

I am awed by KFUFM’s long-standing commitment to sharing the fine arts and music which supports and enriches the significant cultural community of the St. Louis area. I earnestly hope that this honorable tradition will continue—that the citizens of St. Louis will not be bereft of a classical station, as we are, and that your great city will continue to have the fine classical station that it deserves.

Respectfully,

STEFANIE JACOB,  
Pianist, Prometheus  
Trio Piano faculty,  
Wisconsin Conservatory of Music, Milwaukee, WI.

JANUARY 11, 2010.

TO WHOM IT MAY CONCERN: I have been a member of the Pittsburgh Symphony Orchestra for 29 years. Our local classical music station, WQED-FM, went on the air for the first time in 1973. It has been informing and enriching the city of Pittsburgh and a large extended community on radio, and the entire world streaming on the internet. In addition to their extensive programming, our PSO concerts are regularly broadcast on WQED as are over 100 local concerts by other artists each year. It would be a great loss both to Pittsburgh and the greater Pittsburgh area if we were to lose our station. (By the way, WQED-TV was this country’s first community supported TV station).

I would like to see KFUFM maintained as a classical music radio station for St. Louis, and through live streaming, the entire United States. I applaud KFUFM’s long-standing commitment to sharing the fine arts and music which supports and enriches the significant cultural community of the St. Louis area. KFUFM has not only been responsible for promoting arts events in Missouri and Illinois, but is also steward of the countless contributors and listeners who have made KFUFM possible for the past 62 years. Please continue that trust by preserving KFUFM as a classical station.

You have a wonderful symphony orchestra and not only would they be affected by this, St. Louis would be diminished in the eyes of the educated public, and children will certainly miss out on the joy of discovering classical music on the radio.

Sincerely,

CYNTHIA BUSCH,  
Violist, Pittsburgh Symphony Orchestra.

AUSTIN FEDERATION OF MUSICIANS,  
Austin, TX.

TO WHOM IT CONCERNS: KFUFM has been partnering with the cultural community in

St. Louis for over 60 years. KFUFM’s participation in the fine arts enriches the greater metropolitan area, including Eastern Missouri and parts of Illinois. Through live streaming, KFUFM-FM is also heard throughout the United States and the world, proclaiming St. Louis as a major cultural community. Losing KFUFM-FM adversely impacts all cultural institutions in the St. Louis area.

Please stop this sale. Thank you for your assistance.

In solidarity,

TERRY HALE,  
President AFM33, Austin, TX.

Note: this petition is comprised of 41 prominent Lutheran Church-Missourians, including a United States Senator, who are opposed to the sale of KFUFM-FM because of the adverse impact on the cultural community in the Greater St. Louis Metropolitan Area, especially the many world-class fine arts institutions.

#### KFUFM/LCMS PETITION TO THE LCMS BOARD OF DIRECTORS

MAY 8, 2009.

(List of names augmented June 29, 2009)

DEAR MEMBERS OF THE LUTHERAN CHURCH-MISSOURI SYNOD BOARD OF DIRECTORS, Not unmindful of your responsibilities, and aware of the challenges presented Synod by current economic conditions, we ask you, nevertheless, to reconsider your decision on behalf of our Synod that authorized the sale of KFUFM-FM. A sale, in our view and that of many others, would be very unfortunate. We are convinced that:

A vital mission of proclamation, nurture, outreach, and community relations is being conducted by KFUFM-FM and these missions can be expanded and enhanced in the future;

A sale would damage the good name and reputation of The Lutheran Church-Missouri Synod in its headquarters city and around the world;

A sale would disenfranchise and severely disappoint many thousands of individuals and organizations that have provided virtually all the financial and volunteer support for the station throughout its history;

KFUFM-FM is the source sustaining KFUFM-AM. Its sale would surely be followed by AM’s demise.

There are attractive alternatives for retaining KFUFM-FM, thereby also ensuring the future of KFUFM-AM. These should be explored with time and opportunity being given for their advancement.

Respectfully yours in Christ,

Dr. Andrew H. Bartelt (Executive Vice President for Academic Affairs, Concordia Seminary).

Dr. Karl L. Barth (President Emeritus, Concordia Seminary, St. Louis).

Dr. Robert Bergt (Director, The American Cantorei and “Bach at the Sem” concert series).

The Rev. Keith Boheim (The Marvin M. Schwan Charitable Foundation).

Dr. Ralph A. Bohlmann (President Emeritus, The Lutheran Church-Missouri Synod).

The Rev. Larry Burgdorf (The Marvin M. Schwan Charitable Foundation).

Senator Conrad Burns (United States Senator, Retired).

Dr. Paul W. Devantier (Senior Vice President, Advancement, Concordia Seminary, St. Louis).

Richard W. Duesenberg (Attorney at Law; co-founder, “Bach at the Sem” concert series).

Robert H. Duesenberg (Attorney at Law; co-founder, “Bach at the Sem” concert series).

Dr. Charles W. Dull (Former Director, Hong Kong International School).

The Rev. Alan Erdman (President, Lutheran Family and Children’s Services of Missouri).

Dr. Jean Garton (Former member Board of Directors, Lutheran Church-Missouri Synod).

Oscar H. Hanson (Former member Board of Directors, Lutheran Church-Missouri Synod).

Dr. John F. Johnson (Former President, Concordia Seminary, St. Louis).

Dr. James W. Kalthoff (President Emeritus, The Lutheran Church-Missouri Synod).

Dr. Robert H. King (Former Vice President, The Lutheran Church-Missouri Synod).

The Rev. Jerry Klug (President, Clara and Spencer Werner Foundation).

Ruth M. Koch (Chair, Concordia Publishing House Board of Directors).

Thomas Kopatz (Managing Partner, Thrivent Financial for Lutherans).

Dr. Jonathan Laabs (Executive Director, Lutheran Education Association).

Michael Louis (Senior Vice President, Financial Planning and Administration, Concordia Seminary, St. Louis).

Laurence Lumpe (Executive Director, Lutheran Hour Ministries).

Dr. Paul L. Maier (Second Vice President, The Lutheran Church-Missouri Synod).

Dr. Walter A. Maier, II (Former Second Vice President, The Lutheran Church-Missouri Synod).

The Rev. Ulmer Marshall (Former member Board of Directors, Lutheran Church-Missouri Synod).

Dr. Dale A. Meyer (President, Concordia Seminary, St. Louis).

Dr. Judith W. Meyer (President, Lutheran High School Association of St. Louis).

Michael Onnen (President, International Lutheran Laymen’s League).

Gerald Perschbacher (Editor, “The Lutheran Layman,” International Lutheran Laymen’s League).

Dr. Richard D. Peters (Former member Board of Directors, Lutheran Church-Missouri Synod).

James F. Ralls (Chair, Board of Regents, Concordia Seminary, St. Louis).

Dr. Walter Rosin (Secretary Emeritus, The Lutheran Church-Missouri Synod).

Representative John Shimkus (United States Congressman, Illinois).

Dr. Uwe Siemon-Netto (Former Religion Editor, United Press International).

The Rev. Jonathan P. Stein (Regular Pastor on KFUFM-FM for more than 20 years).

Dr. Richard L. Thompson (Former Chair, Board of Directors, Lutheran Church-Missouri Synod).

Edwin A. Trapp, Jr. (Former member Board of Directors, Lutheran Church-Missouri Synod).

Dr. James Voelz (Dean of the Faculty, Concordia Seminary, St. Louis).

Phyllis Wallace (“Woman to Woman,” Lutheran Hour Ministries).

John D. Wittenmyer (Vice-Chair, Board of Regents, Concordia Seminary, St. Louis).

#### HEALTH CARE BILL NEEDS EXPERT OPINION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, when the White House summit occurs at Blair House to talk



about health care, I am disappointed that not a single Member of the House of Representatives who has a background in health care has been invited, despite the fact that Medicare and Medicaid alone spend several hundred billion dollars. It would be nice if someone who has actually diagnosed a patient, prescribed medication, or treated a patient would be there, but so be it, it's not.

But also, as the discussions are coming forth, there are great differences between what one is looking at and the other party may be looking at for interventions here. We cannot have a system that simply is based upon raising taxes to pay for a broken system. There are 31-some taxes that my friends on the other side of the aisle have proposed, such as taxing employers for providing health insurance, taxing them if they don't provide it, tax you if you own insurance, tax you if you don't. If you spend money on health care, charitable contributions, alcohol, mortgage interest, pollution, oil, prescription drugs, payroll, capital gains, smoking, health care, and now a tanning bed tax. This does not change the system. In fact, it is something that is akin to just saying "take two taxes and call me in the morning." That is not real health care.

Now, Republicans have talked about a number of things, such as allowing people to choose plans across the country, to join groups. I also believe people should be allowed to choose a basic plan, that is, choose a plan that is what you need instead of the government telling you what you need. But most important of all is the number of quality reforms which are not being addressed yet. In a \$2.5 trillion system, we waste from inefficiency, we waste from changes, perhaps between \$800 billion and \$1 trillion.

An article published by Wennberg, et al., in *Health Affairs* a couple of years ago described it well. Wennberg, Fisher, Skinner, and Bronner, all from Dartmouth University and Medical School, they said that part of the nature of the problem is the present value of projected lifetime Medicare costs for a 65-year-old in Los Angeles is \$84,000 greater than for a 65-year-old in Seattle. The difference between Portland and Miami is \$125,000 in a lifetime.

"Much of the health policy is based on the assumption that geographic variation and utilization is driven primarily by the local prevalence and severity of illness. In reality, prevalence of illness doesn't drive spending; only about 4 percent of the variation in Medicare spending among groups is associated with the regional variation in the prevalence of severe chronic illness.

"When we look at utilization," they go on to say, "among academic medical centers which care for the sickest of the sick, we see the same pattern;

equally sick patients receive different care depending upon which academic medical center they routinely use for care."

I read on here: "Higher spending might be justified if more intensive use of in-patient care resulted in better quality of care or better health outcomes, but it does not appear to do so. At the population level, research has shown that patients with severe chronic illness who live in communities where more intensive use of in-patient care is the norm do not have improved survival, quality of life, or access to life. Indeed, outcomes appear to be worse."

They go on to propose a few changes here which are the things I have talked about at some length over time—that we need to make sure we are doing disease management. They say such things as, "We recommend that the Federal Government fund a program of clinical research designed to transform the management of chronic illness to a system where care is based primarily on illness level, valid science, and patient preference."

Detailed specification of the clinical pathways for caring for the chronically ill—for instance, when hospitalizing a patient with congestive heart failure, which patients with chronic obstructive pulmonary disease will benefit from steroids, when to schedule patients for a revisit, or when to refer to a specialist for additional diagnostic testing are all important. Unfortunately, in the bills proposed by the House and Senate, they cut the funding for the very things that could do that, Medicare Advantage, cutting out \$500 billion from Medicare from the very programs that invest money in disease management where we can save money.

They go on to say as another strategy that the transition for Pay for Performance should be based upon cost-effective care. The endgame is the establishment of prospectively managed, cost-effective and coordinated care. The enrollment of patients and the cohorts for prospective care management requires risk adjustment methods that account not only for illness level, but also socioeconomic status, adherence patterns, and social supports. This care would be supported by adequate infrastructure, information technology systems, electronic medical records to provide clinical guidance through care coordination, and a program for monitoring quality and efficiency.

□ 2130

Mr. Speaker and my friends, we cannot continue to pay for a broken system. There is a lot of great health care in this country, but as long as we have a system that continues to say we will pay doctors for procedures, whatever that might be, as opposed to paying doctors or hospitals, which are helping to treat patients to get better, then we will continue to see costs spiral.

I hope that the House and Senate work on really reforming health care, on really reforming health care and pushing for coordinated care. That, my friends, is the answer of how we lower health care costs.

#### THE PRESIDENT'S EXTREME AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, this past week was the 1-year anniversary of the so-called "stimulus bill"—\$862 billion—every dime of it borrowed from the future and from our grandchildren.

When that bill was rushed through the House with almost no time to study it, we were promised as a country that it would jump-start the economy, that it would stabilize unemployment and that it would restore consumer confidence.

The fact of the matter is that we have lost 4 million jobs since the stimulus was passed. Unemployment has risen dramatically. It continues to hover around 10 percent. Only 6 percent of Americans in the latest poll believe that the stimulus actually created jobs in America. Most of them feel that that extra debt has actually hampered the economy. Six percent. By comparison, I should say 7 percent of Americans still believe Elvis is alive, so you sort of know what range this credibility has for the stimulus.

The fact of the matter is that stimulus wasn't designed to create jobs. It was designed to bail out government workers at the State and local levels. The truth is, if you are a government worker or if you belong to a teachers' union, you probably got a pay raise from the stimulus. If you work in construction or in manufacturing, you probably got a pink slip.

The fact of the matter is the government has grown since the stimulus has passed. The jobs in the private sector—small businesses and medium-sized businesses—are disappearing and continue to disappear, and that's because it wasn't designed to create small business jobs. In fact, more money in the stimulus was set aside to buy public art in America than to help small businesses to create jobs. It shows.

Too much of it was wasted. Too much of it was exaggerated claims where the White House announced jobs created in fake congressional districts. You heard about some of the waste, the fraud and the abuse in the stimulus: the \$3 million turtle crossing in Florida, the \$50,000 hand puppet grant in one of our States, the \$4 million bike trail to Taco Bell in Massachusetts. By the way, I love Taco Bell, but that's not how our tax dollars should be spent. I'll end with this one, but this is one of

those which is too hard to believe. \$390,000 of your tax dollars was spent at the University of New York, in Buffalo, in a study to compare the relationship between drinking malt liquor beer and smoking marijuana.

So American taxpayers have given to 100 people for 3 weeks \$45 a day. To do what? According to published reports, to drink malt liquor beer and to smoke marijuana. Those types of abuses are spread, unfortunately, throughout the stimulus. It's one of the reasons there is no public confidence in it.

Today, they are looking at a second stimulus. They call it a "jobs bill," but it's much like the first one, just smaller.

Over the district work period, I met with small- and medium-sized businesses in Orange, in Lumberton, in Lake Conner, and in the Woodlands. I asked them what they would do to create jobs, and they turned thumbs down on all this new stimulus spending. What they said is that the government is in the way.

In Orange County, at a roundtable, Keith Wallace, who owns a dry cleaners there and is on the port commission said, We need to get rid of the fear—the fear of higher health care mandates and taxes, the fear of cap-and-trade, the fear of new tax increases.

Marjorie Claybar, who runs a cafe in Orange County, said, We need certainty from our government. We need certainty.

Sue Cleveland, over in Lumberton, Hardin County, said, There is so much fear about what is going to happen in Congress with all of these tax increases, health care, and cap-and-trade.

Lori, from State Farms, said, People are simply too scared to invest.

The truth is that is it. Businesses are not willing to risk their hard-earned capital. They are not going to bring back workers that they had to let go. They are not going to hire new ones or make that expansion plan as long as government continues a job-killing agenda in Washington and as long as it proposes a job-killing budget. The President's budget, in my estimation, has killed more jobs than any budget in American history—new tax increases on small businesses, on energy companies, on local real estate companies, on families, on professionals all across the board, U.S. companies that compete overseas. All of those kill jobs in America.

The truth of the matter is we are not going to get out of this recession by government spending. Private enterprise, when those small businesses and medium-sized businesses start hiring again, is what will sustain an economic recovery in America. America hates being in a recession. They hate even more being in a depression. They are naturally prone to pull themselves out, but now the government is clearly the obstacle in the way of it.

We see this President and Congress pursue a more extreme agenda, a bigger health care bill—the President actually announced a bigger health care bill than the Senate one—more spending, more subsidies, more tax increases. They are not listening to the American public. They are not listening to our small business community. We are in trouble. It is time to get back on track.

#### THE SUCCESS OF STIMULUS I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, I keep hearing this discussion that the stimulus didn't work. I don't know what people are looking at, because, in my district in California and in the State of California, the stimulus has been of utmost importance in maintaining at least a base.

California received some \$63 billion from the stimulus. Where did the money go? Well, \$9 billion went to the school systems in California so we didn't have to lay off teachers and janitors and bus drivers. Those people continue to be employed, and they continue to do an extremely important piece of work. That is investing in our children.

Along the way, we also invested in those schools. In my district, some nearly \$100 million went into repairing schools—painting, fixing, improving their energy efficiency.

\$197 million backfilled money that the State of California couldn't put up to build a tunnel through the Caldecott mountains. Six thousand jobs will be underway now and into the years ahead as people work on building the tunnel, and we are going to eliminate one of the great traffic jams in the Bay Area. It goes on and on and on.

The University of California and the State university system, instead of laying people off, received stimulus money, so they were able to continue to provide classes.

I don't know where all of this talk that the stimulus doesn't work comes from. It certainly doesn't come from the reality of what is taking place in California.

I've also noticed on television many of my Republican colleagues, who come here on the floor and say the stimulus does no good, who then go home and show some huge checks, taking credit for the stimulus money's providing jobs in their districts. So perhaps there is a speech on the floor, and then there is the reality out in the country.

Yes, we do need a second stimulus, and we need it to be a big one. People want to work. They don't want to take unemployment insurance. They don't want to have to be tax takers. They

want to be taxpayers. The first stimulus did that. A second stimulus should do that.

I would also point out that, around the world, every industrialized Nation in the world, including China and India, did the same thing that we did in America, and they did far more. They actually put up a larger percentage of their GDP. Most of them borrowing as we did here in America. It is required that we put people to work. Otherwise, you are going to have tax takers. You are going to have greater unemployment. Let's give people a chance to have a job. Yes, it is deficit financing, but the second stimulus is going to be paid for fully by taking back the money that was given to the Wall Street rip-off.

So, Mr. Speaker, I think we need to understand that the stimulus, which is 1-year- and 1-week-old, actually worked. The second one is desperately needed because there is a world of hurt out there. If you are listening to your constituents, you know that they want to work. That is what the stimulus I did, and jobs for Main Street will do the same, using Wall Street money for Main Street jobs.

#### WORK TO SOLVE PROBLEMS RATHER THAN TO REWRITE HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. Mr. Speaker, I am a little bit tired of hearing "we inherited." We were on the floor today, and we were trying to have some dialogue about jobs and about the economy, and all I heard from the other side of the aisle all-day long was, You guys are the Party of No. You guys don't have any ideas. You guys yadda, yadda, yadda. You guys put us in debt.

I left the floor after that a little bit dismayed. When I got to committee, what did I hear in committee the whole time? You guys are the Party of No. You guys left us all this debt. You guys "this" and you guys "that." It's a little bit hard to take. You turn your cheek the other way seven times, and then it's seven more times.

Sooner or later, somebody ought to set the record straight because, if my colleagues here can be so misinformed—and I'm a freshman. I mean I'm new here, but I know that final budgets do not come from the White House. They come from Congress. The party that has controlled Congress since January 2007 has been the Democratic Party. I mean it's not rocket science. It's a fact of life.

You know, one more time, just a brief civics lesson for anybody who doesn't understand that. I hope there's nobody in this Chamber who doesn't understand that.

Final budgets, binding budgets, do not come from the White House. They come from Congress. The party that has controlled Congress since January 2007 has been the Democratic Party. They controlled the budget process for fiscal year 2008, 2009, as well as 2010 and 2011.

In that first year, they had to contend with George Bush, which caused them to compromise on spending when Bush, somewhat belatedly, got tough on spending increases.

For fiscal year 2009, though, the Democratic-controlled House and Senate bypassed the President entirely, passing continuing resolutions to keep the government running until Barack Obama could take office. At that time, they passed a massive omnibus spending bill to complete the fiscal year 2009 budget. Where was Barack Obama during this time? He was a member of that very Congress that passed all of the massive spending bills, and he signed the omnibus bill, as the President, to complete fiscal year 2009.

Let's remember what the deficit looked like during that period. If the Democrats inherited any deficit, it was in 2007, the last of the Republican budgets. That deficit was the lowest in 5 years, and the fourth straight decline in deficit spending. After the Democrats in Congress took control of spending—and that includes then-Senator Obama who voted for the budgets—if the President inherited anything, he inherited it from himself.

In a nutshell, what my colleagues across the aisle are saying is that they inherited a deficit that they voted for, and then they voted to expand that deficit four-fold since January 20.

As Paul Harvey would say, "That's the rest of the story." Now can we get together working to solve the problems instead of trying to rewrite history?

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Georgia. Thank you, Mr. Speaker.

I am a medical doctor. I have practiced medicine in Georgia for almost four decades. As a medical doctor with all of that clinical experience—I'm a family doc, a primary care provider.

I've examined the proposal that the White House put forward just 2 days ago. Frankly, I've got a diagnosis. I cannot give ObamaCare 2.0 a clean bill of health. What I can diagnose for the American people, though, is this:

It's going to make the American people sick—sick in their wallets because it's going to cost more. Health care costs in this country are going to skyrocket because of this ObamaCare pro-

posal that the White House recently put out.

As The Wall Street Journal just very aptly said in an editorial this morning: The White House has accomplished a great thing. They took the most onerous pieces of the House bill and the Senate bill and combined them to make the current proposal of ObamaCare that the White House is putting forward even worse than either of those bills.

The quality of health care in this country is going to go down. It's going to go down because doctors and patients will no longer be able to make health care decisions. It is going to be made by a Federal bureaucrat here in Washington, D.C.—one that doesn't, in all probability, have any medical training whatsoever.

As a health care provider, as a medical doctor today, I see Federal bureaucrats who have no medical experience telling me and my colleagues whether we can put a patient in the hospital or not, whether we can give them a certain medication or not, how long they can stay in the hospital, what kind of care we can give. So there is already control, particularly with the Medicare patients of health care.

The problems that Medicare has today are going to be exacerbated, or made worse, by what this administration is doing and by what the leadership in this House and in the Senate are doing. It's not only going to destroy the quality of health care, but it's going to destroy the budgets of States, of local communities and, most especially, of small business and of people who are working class Americans.

The reason it is going to do that is that the cost of health care is going up. It's going to go up for everybody. It doesn't contain costs at all. We've been told by the President that this—and in fact, they claim on the White House Web site that this is going to help the Federal deficit by \$100 billion. Well, the reason for that is they are going to markedly raise taxes—over half a trillion dollars in increased taxes. Those taxes are going to be on everybody.

We hear from the President that he doesn't want to tax anybody but the upper 5 percent of the population, 5 percent of the income, but that's not factual. Everybody is going to be taxed because of the mandates. We have been told over and over again that, if you like your health insurance, you can keep it. Nothing can be further from the truth.

Folks, Mr. Speaker, if you like your health insurance, you can't keep it, because even this new ObamaCare 2.0, the second version, has so many mandates and requirements on private health insurance that it appears to me that what our administration is doing is they are putting up a system that is going to force everybody onto the public exchange.

Well, the President told us a couple of months ago that he sees the public option—or in the Senate, it's the public option lite. They call it a public exchange. That is what is in the President's current proposal. It's just the first step towards Federal bureaucrats' controlling every health care decision in this country. Federal bureaucrats are going to run the health care system for everybody.

The playing field has been laid, in this latest proposal by the President, that it is going to put the squeeze on everybody in this country, not only on the insurance companies—and I'm not a friend of the health insurance companies. I fight them all the time as a health care provider, as a medical doctor—but it's going to put the squeeze on everybody to force them off of private insurance into a public exchange or into a public option.

The President told us just a few months ago that his game plan, his purpose of all this, is to try to force everybody into a government-controlled health care system, and that's exactly the direction that he is going.

□ 2145

Now, frankly, I think this proposal of a bipartisan meeting on Thursday, the 25th of February, is nothing but a ruse. It's nothing but a dog and pony show either to try to make the Republican Party and Republicans to be a party that has no ideas, which the Democrats over and over claim, or to be an obstructionist party, that just want to be the party of "no."

Mr. Speaker, the American public needs to understand the Republican Party is the party of k-n-o-w. We are the party of "know" because we know how to lower the cost of health care. We know how to lower the cost of energy, to seek energy exploration here in America so that we're less dependent upon energy sources from countries that hate us and want to destroy us. We are the party of k-n-o-w, "know," because we know how to create jobs. And we do that through stimulating small business, by giving them tax breaks to leave dollars in the hands of small business men and women so that they can hire new employees, so that they can expand their business, so that they can buy new inventory. We're the party of k-n-o-w because we know how to give individuals money in their pockets so they can be good consumers again.

Mr. BRADY of, Texas in his 5-minute speech, talked about the folks that he talked to just recently there in Texas, and these are small business men and women that said that we need to get the fear out of the system. We need to give assurance.

Mr. Speaker, I am here tonight as a medical doctor to try to give some assurance to the American people that there are people here on the Republican side that are fighting against this

government takeover of the health care system.

Mr. Speaker, the American people have spoken very loudly. A recent poll showed that 70 percent of Americans either want us to scrap the ObamaCare plans, the House plan and the Senate plan, and it would include his new plan because it's the two plans put together, or do nothing. Well, frankly, as a medical doctor, I don't want to do nothing. I have introduced my own health care finance overhaul plan, H.R. 3889, which is a comprehensive overhaul of the health care system. It's a little over 100 pages. It would put patients in charge of health care decisions, along with their doctors. And even Medicare patients. It would stop this government control of health care dollars and would put those decisions back in the hands of the patients and the families where they should be. So Republicans are the party of k-n-o-w, "know." We've tried real hard.

But the President has proposed this bipartisan summit. But a senior White House official said Thursday the Democrat negotiators, talking about this summit that is going to occur this Thursday, the Democratic negotiators are resolving final differences in House and Senate health bills. That's what we saw just this week in the Obama administration's proposal that's on the White House Web site right now, 11 pages, no bill, no legislative language. We do not have a bill. All we have are bullet points and ideas that they have now resolved the differences and have one bill that passed last year with virtually no Republican help.

Our leadership went over to the White House and said, We'll be glad to come. We'll be glad to try to solve this problem for the American people. Our leadership, our Republican leadership, has offered a hand out to the White House and said to the White House, We want to find some commonsense solutions. It's good for patients, good for small business, good for America. We need to start all over again. Let's find some areas of mutual agreement. Let's find where we can agree on issues, where we can pass something to lower the cost of health care for all Americans. Let's try to find some solutions to help those who are struggling to pay their bills and can't buy health insurance by making it more affordable. Let's find solutions to those who are uninsurable because of preexisting conditions.

What was the answer from the White House? The White House's answer was, No, we will not do that. You have to accept our plan. We're going to start there. We will talk about our plan and we will see where we go from there. We're not going to start over. We're not going to try to find some common ground. You have to accept things that you do not like. That was the answer from the White House.

Our leadership said, Well, at least do this: Let's take the ramrod out. The ramrod has to do with the rule over on the Senate side that's called "budget reconciliation," and it's a way of trying to ram things through the Senate.

The White House says, No, we won't do that. We're going to ram it down the throats of the American people whether they like it or not, and we will do it without your help. We will do it solely with Democrats doing this. And we don't care what you say. We don't care what you believe. We don't care what you bring to the table. We're not going to consider your proposals. We're not going to consider anything that you're offering. We're going to do it our way, like it or lump it. That's what the White House told our leadership.

Is that what the American people want? I don't think so. I don't think so at all. That's what the White House said. Now, that was in a private meeting.

They've suggested that we have this open bipartisan meeting televised, and, frankly, I think it's just nothing but political theater to try to force down the throats of the American people a government takeover of health care so that government bureaucrats here in Washington, D.C., make your health care decision if you're out there in America; that's going to tell doctors, patients, and families whether they can get care or not, whether they can have a medication that may be even a lifesaving medication or not. And the cost is going to go up. What's that going to do? Because the costs are going to go up, it's going to hurt small business. It's going to hurt workers. It's going to hurt the middle class. We're told one thing by the President, but the President says one thing and does something else.

It's a sad day. It's really a sad day. It's a sad day for my patients. It's a sad day for working men and women in America. It's a sad day for those people who are struggling to make ends meet. It's a sad day for those people who are on government assistance today. It's a sad day for America because I think this dog and pony show, this charade, this ruse that the White House has put together for Thursday is nothing but something to try to pull the wool over Americans' eyes.

The good news is, though, America, I don't think, is going to buy it because the American people get it.

The President recently said he's just not articulated well enough about ObamaCare to allow the American people to understand how they need this government takeover of the health care system. He didn't call it a government takeover of the health care system. He said "my plans." "My," "I"—all his focus is on himself. But the American people do get it. They understand very firmly that this is not what they want. This is not the change that

they thought they were getting. This is not the hope and change that was promised.

I have been joined tonight by several of our Doctors Caucus members, a couple freshmen and then a longstanding Member of the House that have come tonight to talk to the American people, Mr. Speaker, through this Special Order about ObamaCare to let people know that Republicans are the party of "know."

To begin with, I would like to welcome and yield to a freshman, another family doctor from the State of Louisiana, from Shreveport, Louisiana, Dr. JOHN FLEMING.

Mr. FLEMING. I thank the gentleman from Georgia, PAUL BROWN, a fellow family physician, a fellow conservative who has been a great inspiration for me, a great Member, and under whose leadership many of these issues have been very valuable to me.

Mr. Speaker, what I'm going to do is just touch very lightly, just highlights, on where we started with this and where we are today and certainly yield back for others to weigh in on this.

It's been slightly less than a year ago that we began to see a strong movement towards the passage of health care reform in Congress. Quite frankly, I ran on health care reform as a physician, and I'm sure Dr. BROWN sees many of the things that can be fixed in our system that are problems. Having said that, we have the best health care system in the world. How do I know this? Well, just one of many empiric facts is a gentleman—I believe his name is Mr. Williams—who is Premier of Newfoundland, who needed heart surgery, and the type of heart surgery he needed was simply not available in Canada. So he came to the U.S. of A., the good old U.S. of A., to have that heart surgery because that's where the cutting edge is for health care. If you really need health care, the best of health care, and you have the resources, the U.S. of A. is the place to get it, but we need to be sure that good health care is available to all.

Less than a year ago, there was launched, by both the House and the Senate, efforts to pass health care reform, which really turned out to be, in my view, nothing more than a government takeover of health care.

□ 2200

Both bills are very similar. Both passed, of course, each House. The one or two major differences would include the House bill has a government option. The taxation is heavy in both. The financing is heavy in both, but very similar.

But, to cut to the chase, it cuts out a half-trillion dollars from Medicare. It taxes people \$800 billion, and it does not bend the cost curve down. Even the CBO says that.

Now, we have a situation, despite the fact that all of us here who are speaking tonight have been working very

hard for many months, day after day, night after night, attempting to drive a wooden stake in the heart of this vampire, the government takeover of health care. And it seems, even when it's dead, it seems to be rising again.

Now, you know, it started out with a slight approval rating in the early days. I mean, who wouldn't be for health care reform? It sounds like a wonderful idea. But as people began to learn about it, and certainly when we got to the August recess where there were town hall meetings, we saw situations where people became so angry they were almost, I would say, out of control at times, very angry at many of their representatives across the country who would dare want the government to take over the most intimate part of our society, and that is health care.

And so, little by little, and maybe not so little by little, but perhaps even rapidly, we saw the approval rating of the government takeover of health care drop. And today, 2 to 1 Americans are against this. And those of us who were against it, it doesn't matter what party you're in—it doesn't matter. I mean, the only thing bipartisan about these bills we can actually say is that there are people on both sides of the aisle who are against it. But the bottom line here is that Americans do not want this.

I perceive us today, at this point in time, to be two touchdowns ahead, and 2 minutes left in the fourth quarter. The debate is over among the American people.

Yet and still, we have the President and Members of the House and the Senate, Democrat Party, who still want to find a way to cram it through. And one of the things they've come out with is just the release, less than 24 hours ago perhaps, maybe a little more than 24 hours ago, of a compiled version of the two bills. And here is what we have. The bill is most like the Senate bill, that is, the Obama 2.0 that Dr. BROUN refers to is most like the Senate bill, but it increases spending by \$100 billion. It increases premiums that are already going to increase by \$2,100 per family per year. And it does something unbelievable, unprecedented. It actually begins to tax, by a factor of 2.9 percent, unearned income. That's the capital gains tax, interest income. These are all things that come to people who, in many cases, have fixed incomes. And of course, yes, it is the people who make over \$200,000 a year.

But you know what? Where are we today with the AMT tax? It was never indexed for inflation, and now we have middle class people paying it. This is not indexed either, so sooner or later, middle class taxpayers will be paying those taxes.

Mr. BROUN of Georgia. Will the gentleman yield a second?

Mr. FLEMING. Yeah, sure.

Mr. BROUN of Georgia. I want to point out something too so that we understand. We keep hearing from the President, we want to tax the rich. Most small businesses in this country file their income taxes individually because they're sub S corporations, which means that their income taxes are filed individually, as a person or as a couple. And over half of those people that make over \$200,000, which is in the President's current proposal, are small businessmen and women, and it's taxes on their business. So, by taxing folks making over \$200,000 or over \$250,000, what it's going to do is it's going to take money out of small businesses so that they can't expand, so that they cannot give their employees the kind of salary that their employees deserve.

And I've talked to a lot of small businessmen and -women in Georgia who are going to have to let people go. So this is going to cost a lot of jobs. In fact, millions of jobs all over this country are going to be lost because of this tax, so-called tax on the rich, because it's really a small business tax. It's a tax on small business that's going to cost millions of people their jobs in this country. They're going to be out of work, and so we're going to have more joblessness in this country if this monstrosity gets passed into law. I thank you. I yield back.

Mr. FLEMING. Yes. I appreciate the gentleman, Dr. BROUN. Absolutely, that's the working capital for small businesses. You add to that that there will be as much as an 8 percent payroll tax for businesses that heretofore could not afford health care insurance, and they'll have to pay the insurance without getting that. And then their employees, who will not be able to afford to buy insurance, will be—instead of paying \$750 per person under the Senate version, it'll be \$2,000. So we have many things that are going to be job-killers out of this bill.

And last but not least, just when we thought all of those bad deals that really got this thing in trouble to begin with were going away, we find the Louisiana Purchase, the \$300 million for Medicaid to Louisiana, which—Louisiana needs money to offset a FMAP problem, no doubt about it. But the problem is, if this bill goes to signature, that \$300 million will be swallowed by a billion dollars of additional cost down the road that Medicaid is going to cost. So no real benefit to the State of Louisiana.

The Yukon deal—Senator DODD added \$100 million for a hospital that he liked for his State.

Gatorade—Ben Nelson secured extra benefits for Medicare Advantage beneficiaries. The handout, the Montana, the North Dakota Senators deal, Hawaii got a special exemption for higher Medicaid DSH, or "Dish" payments. On and on and on, there are all sorts of deals still in this bill that have not been cut out.

And so I agree with the gentleman. As we go into this summit, health care summit on Thursday, there's no doubt about it. The American people need to understand that this is not about a true negotiation. The Republicans have been locked out of negotiations. We've been locked out of amendments.

Despite what I hear my Democrat colleagues say, we do not agree with 80 percent of this bill, not by any stretch of the imagination.

And so why now would we have this summit in front of the cameras? The reason is, as I said, is because this bill is nearly dead. It's trying to be revived, and now this is time for the Hail Mary. The President's going to jump in there and try to revive this somehow at the last minute.

And so I submit, Mr. Speaker, that it's time to kill this once and for all. Let's go on to true health care reform, stand-alone bills, starting with the low-hanging fruit, one at a time, attacking the things that we know we can all agree on: Preexisting illnesses, aggregating employees into large buying pools, purchase of insurance across State lines, tort reform—these things are straightforward. We could improve health care and lower the cost overnight by doing these things. And then get back to the people's work, and that is creating jobs for this country. I thank you and I yield back.

Mr. BROUN of Georgia. Thank you, Dr. FLEMING. I appreciate it. Now want to yield some time to another great member of our Doctors Caucus, Dr. JOHN BOOZMAN from Arkansas. And Dr. BOOZMAN, before you start, I want to say that just to kind of tag on to what Dr. FLEMING just said about the Louisiana purchase. He's from Louisiana. But this new proposal that President Obama has put forward is going to extend the Louisiana Purchase to every State. Now, the governors are going to love that, and the State legislatures are going to love that, because what it's going to do is it's going to take some of the financial burden off them for health care costs that are skyrocketing because of the Federal Government. But what it's going to also do is it's going to put a heavy burden on all the taxpayers in this country. So the taxpayers are going to hate the Louisiana Purchase. And it's just a cost shifting, basically, from a State level to a Federal level, and again, it's a Federal takeover of the health care system, and to get the States, as well as private insurance, out of the health care system, so—Louisiana Purchase. So I appreciate Dr. FLEMING bringing up the Louisiana Purchase.

Dr. BOOZMAN, I yield to you whatever time you may consume.

□ 2210

Mr. BOOZMAN. Thank you very much.

I agree. That sounds good in the sense of taking an additional role by

the Federal Government paying for these things. The problem is, we've got a proposed budget by the administration of \$3.8 trillion. Almost half of that money is borrowed from people like Saudi Arabia, China—people that don't like us very much. And the American public knows it just doesn't work. These things sound good but at some point, you have got to pay your bills, and we've got to start paying our bills.

The President outlined his plan, and the reality is he's not hearing the concerns of the American people. He is not hearing the concerns of the people of Arkansas. What he is doing is he is telling us what health care coverage we can have as opposed to what the American people want.

The American people now in overwhelming majority have said, "No. This is not the bill we want." Right now, we're spending more than any other country in the world by far with our health care system. The proposal that we have will spend almost another trillion dollars and yet costs will continue to rise.

So, again, instead of trying to do something in the free market way to lower costs, what the bill actually does is basically say we're going to do that by setting price controls. And price controls don't work. What we're going to do is have rationing, and we will have decreased quality of care.

Another real concern I've got is the abortion coverage. The Hyde amendment has always said that we're not going to pay for abortions with taxpayer funding, and yet this bill leaves that wide open.

The Medicare payroll tax. The administration is talking about putting a 2.9 percent tax on non-wage income, and I don't think the American public understands yet that that is in there or being talked about, the ramifications about that. But when you start taxing dividends, when you start taxing interest, capital gains, things like that, those are the kinds of things that are creating jobs.

My frustration is instead of coming out with things that are job creators in this economy, we continue to have these things thrust upon us that are really job killers.

The group that he is not talking about—and we were discussing this earlier, and I will yield to my colleague here—are the health care providers.

Tomorrow, Thursday, there is going to be the meeting, and there is probably 17, 18, 19, 20 Members of Congress that are health care providers, and none of those are over there actually talking about what's going on.

Mr. BROWN of Georgia. Let me reclaim my time here.

Let's say that again so we understand. The American people say, "What? You're not including doctors who are taking care of patients? How are you going to form a health care system?"

Dr. BOOZMAN, please say that again very clearly so the Speaker and anybody watching tonight can understand.

Mr. BOOZMAN. Again, and this is not a Republican or Democrat thing. I am just saying health care providers amongst all of us. When you add the experience up, the years of practice and things, you would think that this is the group that you would call on first to get over and give you good advice.

Mr. BROWN of Georgia. Reclaiming my time, I agree with you. In fact, I introduced H.R. 3889, a comprehensive bill, a little over a hundred pages, that totally would change health care financing in America and it would give patients the power to make the decisions along with their doctor.

I wrote the President. He said, If you have any ideas, my door is always open. But I've been knocking on that door over and over again, and it is slammed shut, locked, and I've been trying to open that door that he said was open and it's not been opened.

I know other members on our side, Dr. PRICE from Georgia, another physician, orthopedic surgeon, has introduced the Republican Study Committee Bill, H.R. 3400. Dr. PRICE has offered to talk with the administration. The door is locked. Bolted. Closed shut. Republicans Go Away is the sign on the door. And we're not being included in this so-called summit, bipartisan summit, on Thursday.

Why don't they want us there? Because we know about health care. They're not interested in what we, as physicians, know. They're not interested in our ideas. They're not interested in any Republican ideas.

This is a ruse. It's a show. Nothing but a dog-and-pony show to try to boost the President's approval ratings or try to make him look as if he is reaching out a hand of bipartisanship trying to find solutions for the American people. Actually, it's a fist that he is showing us, and it's a closed fist. It's a closed, locked door, and it's nothing but a show or a charade to try to look to be something different than it is.

Thank you, Dr. BOOZMAN.

We are also joined tonight with another colleague. Louisiana is blessed by having three physician members of the Republican delegation here. We heard from Dr. JOHN FLEMING just a moment ago. We have Dr. CHARLEY BOUSTANY from Lafayette, Louisiana. Lafayette is one of my favorite towns. I've got some great Cajun buddies that I duck-hunt with down there. In fact, I talked to one today about he's coming to Georgia and wants to go turkey hunting. Shelly Deshotels from Lafayette, Louisiana is a good friend and a turkey hunting buddy. And Shelly Deshotels told me today, "Keep fighting." He doesn't want to see this health care bill passed anyway.

We've got another physician, Dr. BILL CASSIDY, who's joined us today.

Louisiana is like Georgia. We have three physicians from Georgia in the Republican delegation, and we have three physicians from Louisiana in their delegation.

I want to welcome and yield to Dr. BILL CASSIDY for such time as he may consume.

Mr. CASSIDY. Dr. BOUSTANY will be at the summit meeting.

Mr. BROWN of Georgia. Oh, really? That is news. Hallelujah. Praise the Lord.

Mr. CASSIDY. Clearly, I think we can all agree on what are the goals of health care reform. We want access to quality care at an affordable price. And it kind of gives us a nice way to judge each of these.

I am struck. Medicare is going bankrupt in 7 years. Medicaid is bankrupting States, and we're about to create a third entitlement to rescue the first two. And a third entitlement that is going to be based upon the House bill and the Senate bill. The Congressional Budget Office has said of both the House bill and Senate bill that they more than double costs within 10 years.

So we're going to go from a status quo which may double costs in 10 years, to a reform which more than doubles costs in 10 years.

Folks ask me how do I like my first year in Washington, D.C. I say, it's a crazy place. We pass a reform to control costs which is more expensive than the status quo—and that is important because the American people since August have been saying, Mr. Speaker, that we need to control costs. They understand that you can give everyone access, but soon our costs are out of control and access is gone. You can give everybody the highest quality, but unless you control costs, again you break the bank.

So the American people since August, and with the Senate election in Massachusetts putting an exclamation mark behind the sentence, are saying, Control costs.

Now as it turns out, the proposals before the President, the Senate bill, again, according to Congressional Budget Office, more than doubles costs in 10 years, and the President's proposal will be a hundred billion dollars more expensive than that.

Now, the President is billing this as a tax cut to the American people, but really it's a shell game. Some folks will have their taxes simultaneously raised and their subsidies increased. Now, that's a crazy thing, but on the other hand, if you're going to subsidize here, you must tax there. And because some of the things being taxed are insurance policies—insurance policies owned by union folks, for example, who negotiated this through their wages—there will be a tax on folks who most consider middle income.

What are the alternatives? You mentioned something earlier, Dr. BROWN. I

said, man, you can tell the guy's a family physician. You talked about empowering patients. I think the fundamental difference between the Republican proposal and the Democratic proposal is that the Democratic proposal is a top-down, control costs from Washington, D.C., type approach.

Mr. BROWN of Georgia. That doesn't control costs.

Mr. CASSIDY. Dr. BOOZMAN just pointed out that the price controls upon insurance policies is the ultimate in a top-down, bureaucratic, doesn't matter what the market says, we're going to control your costs from Washington. It never has worked.

On the other hand, the Republican approach is patient-centered. You and I know as physicians—and I am still seeing patients. I see them about once every 2 weeks in my practice. I work in a public hospital treating the uninsured. If you involve the patient in her care, she typically is healthier, she saves money, and the system saves money.

□ 2220

Health savings accounts, Dr. BROWN, I know you know this, but for the audience, a patient will put, with pretax dollars, before you are taxed on it, will fund a bank account, and that bank account is used to pay for medical care.

As it turns out, with traditional insurance, say a family of four puts up \$12,000, and then a year later they put up another \$12,000, and then a year later they put up another \$12,000. With a health savings account, if you don't use the money, it rolls over to the next year. And some families will continue to accumulate until the amount they have to put in is zero because they have been so wise with how they spend their money.

A good example of this, I am sorry Dr. FLEMING left, because he talks about how his medical practice went to HSAs for all the employees. And he has an employee who was smoking. And she complained, because before the insurance paid for inhalers—the smoking had given her asthma—and now she had to pay for it out of her own pocket. So before she was cost-insensitive, and now, because it is out of her bank account so to speak, she is aware of it.

And Dr. FLEMING said to her, Well, you know, if you stopped smoking, you wouldn't need that inhaler.

And she goes, Really?

He goes, Yes.

She stopped smoking, her health is better, she no longer pays for inhalers, and we are controlling costs overall. So by involving somebody in her care, her health is better, the system saves money, and she has more money in her pocket.

And, by the way, one last thing before I yield back, the Kaiser Family Foundation has a study. They found that a family of four with a health sav-

ings account, that that policy is 30 percent less expensive than a traditional insurance policy for a family of four; that the family with the health savings account and the catastrophic policy on top, not only is that policy 30 percent cheaper, but they use preventive services as frequently as a family with a traditional insurance policy.

Now, if our goal is to give high quality care to all at an affordable cost, well, what we just found out is with the HSA you lower the cost by 30 percent. Okay. That is one of your goals. And they are using preventive services as frequently. So they have access to quality care. As it turns out, because it is lower cost, 27 percent of people in this study who had a health savings account with a catastrophic policy were previously uninsured. About 50 percent had a family income of \$50,000 or less, and about 60 percent had a family income of \$70,000 or less.

So again, by lowering costs 30 percent, people who were formerly uninsured now have access to quality care. That is a patient-centered approach, far different from the bureaucratic approach that is being offered by the Senate and House bills. But from our experience as practicing health care providers, I think we can say it is the right approach.

I yield back.

Mr. BROWN of Georgia. Thank you, Dr. CASSIDY.

One other thing that I want to add, too; not only is it less expensive, people can afford to buy insurance where before they had not been able to. They use more preventative services, but they take care of themselves better. So they are healthier. Diabetics control their blood sugar better. People who have high blood pressure control that better. Folks with high cholesterol tend to get their cholesterol lowered. They have less heart attacks, strokes. So they are healthier. They live longer. They are more productive. They are happier. They feel better, have more energy. So it actually promotes wellness.

If you really think about it, in the health care system today, we are not taking care of healthy folks, for the most part. We take care of sick people. That is what doctors do. That is what hospitals do, take care of sick people. Some people say we have a sick care system. Well, the system is sick because of the government.

Before I go back to Dr. BOOZMAN, I want to tell a couple of stories about my practice and how government intrusion in the health care system has driven the cost of health care up for everybody. Back several years ago, I was practicing medicine down in rural southwest Georgia. Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act, and what this did is it shut down every single doctor's lab in this country.

Prior to CLIA, I had a fully automated, quality controlled lab in my office. And when patients came in to see me with a red, sore throat, running a fever, coughing, runny nose, I would do a CBC, or complete blood count, to see if they had bacterial infection and, thus, needed antibiotics, needed that expense, needed the exposure to the antibiotics and problems that may come from that, or whether they had a viral infection that is not helped by antibiotics at all. They don't need to spend that money. They don't need the exposure to the antibiotics. Less chance of having anybody have allergic reactions, less chance of developing the superinfections in this country.

I do that test, a CBC in my office, in 5 minutes. It costs \$12. That is what I charged. That is what I charged Medicare and Medicaid as well as the patients. So this was a tool that I could use in my office, fully quality controlled. But Congress, in its supposedly infinite wisdom, in fact, Mr. WAXMAN, who is right in the middle of trying to push forward this government control of health care, was the one who pushed through CLIA—one of the ones.

After CLIA shut down my lab and every lab in doctors' offices across the country, to do that same test I had to send my patients across the way to the hospital. So they had to leave my office, go over there, spend 2 to 3 hours doing what I could do in 5 minutes, \$75 for one test. Twelve dollars to \$75. Five minutes to 2 to 3 hours for the patient.

Now, what do you think that did to the cost of everybody's health insurance in this country? What do you think it did to the cost that Medicare has to pay for lab services? It rose the cost of health care markedly all across this country. And that is with one government intrusion, CLIA. We have hundreds.

Not long ago Congress passed HIPAA. HIPAA has cost the health care industry billions of dollars. It is totally unnecessary regulation. It has cost the health care industry billions of dollars and has not paid for the first aspirin to treat the headaches it has created. What does that do to my insurance costs and the American people's insurance costs? It drives it up markedly. Somebody has to pay that billions of dollars for that one government regulation that was put in place by Congress and the President signed into law. It has cost the health care industry. It costs all of us a tremendous amount of money.

So it is government regulation, government intrusion in the health care system that has raised the costs for me and for my patients. And here we go with another government bill, another government takeover that is going to put cost controls, that is going to put taxes out the wazoo for everybody in



this country. So it is going to cost everybody. And I believe it is totally designed, to go back to what the President said just a couple of months ago, that he wants to go to a government-controlled, centrally run health care system, socialized medicine run from Washington, D.C.

Before, Dr. BOOZMAN, I go to you, I just want to point out a couple things on this chart. What is in the new bill? It is just more of the same. It is the worst of the House bill, worst of the Senate bill put together. It is more of the same. It is a government takeover of health care. There is no question about it. There are price controls, as Dr. BOOZMAN was talking about. There are a lot of individual and employer mandates.

So if you have health insurance and you like it today, it is going to go away, because the Federal Government and the Federal bureaucracy in Washington, D.C., is going to put mandates on your health insurance to the point that it is going to go away.

□ 2230

In fact, I believe it is geared up to try to put all health insurance companies out of business so that there is only one health insurer in America, and that is the U.S. Federal Government.

There is no medical liability reform. The President talked about he wanted to have medical liability reform. It is not in any of the Democrat bills, the House bill, the Senate bill, nor is it in ObamaCare II. It still puts Washington bureaucrats in charge of defining what is quality health care. In fact, in the stimulus bill, the nonstimulus bill—the failed stimulus bill—the Democrats put in something that's called—what was it called? I'm having a brain freeze here. It's called an Effectiveness Research Council, or Comparative Effectiveness Research is what it's called. What that is geared to do is physicians look at the comparative effectiveness of different treatments, whether if you have cancer, whether surgery, or chemotherapy, or radiation therapy—or a combination of all three is better. That's what we do in medicine.

The comparative effectiveness that the Democrats have put in place actually is geared towards how to spend dollars. It is the comparative effectiveness of spending \$1 on a 40-year-old versus a 65- or 70-year-old. And so the way the whole system is set up, it means that the Medicare recipients are going to get thrown in the stick. Senior citizens, under the comparative effectiveness, are not going to get the care; they are going to be denied it by the Federal Government.

Cuts Medicare Advantage. It still raises taxes. There is over a half of a trillion dollars of increase in taxes, and this is the only way that they can even get it anywhere close to the kind of numbers that the President promised.

And he and his administration have used what I call "voodoo economics." The reason I call it voodoo economics is because you have to be a dead man walking around with no soul to believe the economic parameters of the economic issues that they've put in place. But this Obamacare raises taxes and will raise taxes on virtually everybody.

And it still gives the government-run plan a beachhead to eliminate private insurance. And I think this is the bottom line. This is the purpose that HENRY WAXMAN and CHARLIE RANGEL and Ted Kennedy and NANCY PELOSI and GEORGE MILLER and a lot of people have been pushing, the government takeover. They're very open and frank about it, and I congratulate them for being at least halfway honest. But the whole purpose of the Pelosi bill in the House, the Reid bill in the Senate, both ObamaCare and now the proposals that the President put forth yesterday morning, is a government takeover of health care, to tell the American people the kind of care that they can get.

Whether they can get it or not, it is going to take the decisionmaking process out of the hands of patients and families, out of the doctor's hands, and it is going to put it in—all those decisions are going to be made by government bureaucrats here in Washington, D.C.

So with that, I yield to Dr. BOOZMAN.

Mr. BOOZMAN. Well, again, I would add that I was a health care provider, but I was also a small business person in the sense that we had about 85 employees that we had to meet payroll with. And always our biggest cost of doing business, our biggest expense was health care insurance for our employees. Every year the guys would come along and they would say, well, your premium is going up 10, 15, 20 percent, whatever it is. The major problem that we have going on right now is increased cost. And as was discussed earlier by my colleague, you know, things like health savings accounts, those are free market reforms. It is a free market reform that lowers cost. Associated health plans, allowing my barber with his two or three employees to team with maybe thousands of barbers to get a much lower rate. And then lastly, controlling the nuisance lawsuits. Those are free market reforms that would lower costs, which we desperately need. The problem is—and again, I don't know who the President is listening to—but those types of things are not included in the bill that we see.

The only thing I would say though is, instead, there is no control of cost, and what we have is in the fine-print wage and price controls that they're just saying, well, we are going to dictate the cost. And again, as my colleague said earlier, that just doesn't work. That has been proven with several administrations in the past that it is

going to lead to rationing and decreased quality of care.

I yield to you.

Mr. CASSIDY. You know, it is interesting because we can see from the Republican administration of Richard Nixon, the Democratic administration of Jimmy Carter on oil and gas, that when you try to artificially control price with regulation, it doesn't work. You have to address the fundamentals.

So let me give an alternative between this top-down bureaucratic means of control and a patient-centered approach. I was speaking about HSAs and patient-centered approaches with a constituent, and he says, you know, doc, I take a pill for my ulcer. Now, I have an HSA. My physician wrote a prescription and I said, physician, I know from experience that this pill is going to cost me \$159—he didn't say \$160, he said \$159. He said, I have an HSA, I pay for this out of pocket, can you do me something different? And the physician said, oh, you have an HSA? Tore it up and wrote a prescription for generic and it cost him \$20. The system just saved \$139.

I have another patient who called me—I am a liver specialist—called me up, and she says, Dr. CASSIDY, I have a bad heart. My doctor over here said I needed this test because of my bad liver, not my heart, but rather my liver. And I said, from a liver perspective, you don't need it. She said, well, I will pay for it if I need it, I have an HSA, but I will pay for it if I need it. I said, no, ma'am, you do not need it. The system saved \$1,000. Because she had an HSA, she was motivated, she was motivated to find out how much it cost and then to see if she really needed it.

Mr. BOOZMAN. Will the gentleman yield?

Mr. CASSIDY. I will.

Mr. BOOZMAN. Under these plans, the generic is not covered in the HSA; is that not correct? Can you comment on that?

Mr. CASSIDY. That is correct. It is kind of a crazy thing where if an HSA is used for a generic price on an over-the-counter drug, which is what we are describing here—

Mr. BOOZMAN. Which lowers cost.

Mr. CASSIDY. Which lowers cost, it's not available for an over-the-counter medicine. And so that \$20 prescription is actually over-the-counter medicine, and we're talking about ulcer medicine. So in this way, the patient reacts so as to take care of her health and to lower her cost. And in millions of those interactions across the Nation, not from Washington, D.C., but rather from the exam rooms themselves is how the system saves costs.

You recall, Dr. BROWN and Mr. Speaker, how we spoke of the HSAs being 30 percent cheaper. Well, that's why they're 30 percent cheaper because patients are incentivized to control their cost.

One last thing I will say. When you ask a crowded room who is most responsible for each person's health, we all know that it is that person in particular. So what the Health Savings Account does, the patient-centered approach does, it says that the patient is most responsible for his or her care, and in so doing, we trust that the patient, with her physician, will make the right decisions. And the story of Health Savings Accounts is that that is true, that is a well placed trust.

Mr. BROUN of Georgia. Well, I will reclaim my time, and I thank you, Dr. CASSIDY.

In fact, my health care overhaul bill, H.R. 3889, expands health savings accounts, creates Medicare health savings accounts. So it puts Medicare patients in charge of their own dollars, and they own those dollars. And those dollars, if they're not expended, would roll into their estates so that their heirs would get them.

We pay our Medicare taxes to the Federal Government, and we should get it back. I am an original intent constitutionalist, and I understand that some people would say, well, Dr. BROUN, an HSA is not constitutional under Medicare, but we've got to fix Medicare. And it is a bridge to help Medicare patients start controlling their own costs and controlling their own money and controlling their own health care decisions. That is exactly what my bill, H.R. 3889, would do.

But I wanted to go back to this summit just in the last few minutes that we have. Actually, the mainstream media has written some articles that just came out today, and I wanted to read a couple of things from the mainstream media. The President has talked about he wants to reach out in a bipartisan way. The Wall Street Journal wrote today, Democrats have decided to give the voters what they don't want anyway. A San Francisco Examiner editorial said, Republicans publicly wondered if Obama's proposal represented a refreshing new attempt by the Chief Executive to display genuine bipartisanship and whether they should trust him to come to the summit with a truly open mind. And that is what we had hoped.

Going on with what they said: We now know the answer to both questions is a resounding "no."

The Washington Post said, President Obama's opening bid on health reform is not designed to entice Republicans to join the game.

And as we said earlier, I don't believe the President wants Republicans to join the game, he doesn't want the Governors to join the game. He doesn't want anyone to join the game because he has set the game rules himself, tilted towards just what he wants and what nobody else wants. It is just the leadership meeting in secret behind closed doors, with no input actually

from our Democratic colleagues nor our Republican colleagues, nor Governors, nor health care providers, anybody except just the leadership has brought forth ObamaCare II.

And even in his hometown newspaper, The Chicago Tribune—not known to be a conservative newspaper—said this: Obama wants Republicans to approach the summit in a spirit of compromise. Too bad he's not leading by example.

So, Mr. Speaker, we've spent an hour with my colleagues talking about health care. Republicans are the party of k-n-o-w, know. We can lower the cost of health care. We can empower patients and doctors to make the decisions and start health care reform, health care financing reform, that makes sense economically, that will cover those that are uninsured, that will cover those who have preexisting conditions that can't get insurance today. We can do those things if the President and the leadership of this House and the leadership of the Senate would just listen to some of the proposals that we have put forward. Doctors have not been enjoined in this process. The American people have not been in this process. And the American people need to say no to ObamaCare.

□ 2240

#### EXPRESSING APPRECIATION FOR REPRESENTATIVE DALE KILDEE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, today on the floor, we had a rare occasion when we were able to congratulate one of our colleagues, Mr. KILDEE from Michigan, for casting his 20,000th vote.

It was a great opportunity for us to show our appreciation and affection for a Member who is extraordinarily well respected and, I would say, even loved by his colleagues.

It is unfortunate that so much emphasis in the media is placed on the partisanship that occurs here in the House. We do have strong philosophical differences, but on a personal level, we respect each other, and have genuine affection for each other. That extends even to our staff.

A few weeks ago, we had a similar situation when we had the unfortunate passing of Congressman BOEHNER's chief of staff. She was eulogized here on the floor by both Democrats and Republicans, and I am so pleased that we have been able to show, again, that we do care for each other personally in this House, because that is not the image that people have of us.

I want to go back to speaking some more about DALE KILDEE. There is nobody in this House, or very few people

in this House, who feel any stronger about my philosophy than I do. I have the greatest respect and admiration for Mr. KILDEE. As Mr. JOHN BOEHNER said today on the floor, that is what he calls him, and that is what I have always called him. I have had the great pleasure to serve with him on the Education Committee as well as on the Page Board.

I want to say that I have learned a great deal from serving with Mr. KILDEE. He is a fabulous role model for us all. As was said today, he is always a gentleman. He is always very calm. He always gives the impression—and I believe it is a true impression—that he cares a great deal about the people he is dealing with and about the people he is serving. He loves the House, and he does his job with great thoughtfulness and diligence.

I want to say that he is, I think, a great role model for all of us. It has been my pleasure to be able to serve with him, again, on the Education Committee, on the Page Board and here in the House.

I think the comments that were made about Mr. KILDEE today were comments that we all agreed with. There was great applause after each one of the sets of comments that were made, and I think that it was, again, a terrific example of how we may differ philosophically on issues but of how we care for each other on a personal level and of how we respect each other despite our philosophical differences.

I want to pay my tribute to Mr. KILDEE for the wonderful service that he has given to the people of his district and to his steadfastness in coming to this floor day, after day, after day and for voting and for missing only 27 votes in 33 years and for being in a very elite group of people who has served in the House of Representatives and has cast 20,000 votes.

Mr. KILDEE, we love you and respect you, and we hope you are going to be around to cast many more thousands of votes.

#### HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. PERRIELLO) is recognized for 60 minutes as the designee of the majority leader.

Mr. PERRIELLO. Thank you, Mr. Speaker, for giving us this time tonight to talk about the important issue of health care reform and, specifically, about a simple idea on which we believe folks across the political spectrum should be able to agree, which is that the health insurance companies should have to compete like every business in my district and like every business around the country. So we come together on a two-page bill—front and back, only 24-lines' long—that does something very simple:

It removes the monopoly protections that our health insurance companies have enjoyed for 65 years. Enjoyed because of free market principles? No. Enjoyed because of the amount of money spent lobbying both political parties to protect that insurance monopoly.

One thing we should be able to agree on, which costs the government nothing, is that health insurance companies should not be protected as monopolies. The Consumer Federation of America estimates that this could save consumers \$10 billion. This is a simple American principle of competition, of the ending of health insurance monopolies.

I have been joined by several of my freshman colleagues tonight, who have not been stuck in Washington where the logic of protecting monopolies may make sense. We are coming from Main Street where people still believe in competition and accountability and in the kind of principles that will ensure consumers get a better deal. When they are forced to compete, prices come down, and quality goes up. It is a very simple principle.

My coauthor on this bill, BETSY MARKEY from Colorado, has been a great champion of good, commonsense, pragmatic solutions to our Nation's problems.

With that, I recognize the gentlelady from Colorado.

Ms. MARKEY of Colorado. Thank you very much, TOM.

You know, for years, I operated two small businesses. One was a small Internet company, and the other one was a coffee shop. I remember years ago, before I sold one of my businesses, a national coffee chain came into town.

□ 2250

And we weren't given any special Federal protection. When you're faced with competition, you do what any small business does. You know what you need to do. You know how to compete and lower price or serve a better product. And I don't know why the insurance industry for over 60 years has been afforded this special exemption from antitrust laws.

There are only two industries in the United States that enjoy this exemption: It's the insurance industry and Major League Baseball. Okay, I can understand Major League Baseball. It is our national pastime. But why they have been able to have no competition in the industry, it also affords no innovation in the industry because there is no competition.

Over the past 14 years, there have been over 400 mergers in the insurance industry so that now 95 percent of the insurance market is considered highly concentrated. There are States that have one or two insurance companies that are serving them.

Again, when we had a small computer business, we had several employ-

ees who were across State lines, and we had the availability of one insurance company. The prices were expensive. It wasn't necessarily what my employees wanted to do, but there was no competition in the industry.

This is commonsense regulation. It's, as Congressman PERRIELLO noted, two pages long, easy to understand, and, again, it does what we want to do with health insurance reform, which is, number one, bring competition to lower prices and still maintain affordable health care in this country.

With that, I would like to turn it over to my colleague Representative TONKO.

Mr. TONKO. Thank you, Representative MARKEY.

It is so important for us to underscore the value of competition that drives the American economy. We've seen it in so many industries and where competition provides choice for consumers. I think it's very interesting to note that over the last decade, as average households have stayed flatlined and as insurance premium costs have more than doubled, the consumers have had no choice in some situations. They have had to tolerate price fixing or insurance groups dividing up territories amongst themselves or certainly just subterfuging any of their competition out there.

I think that it's time for us to make certain that there is the competition. Certainly by moving with this reform to McCarran-Ferguson, we now can hope for a better day for America's insured. It is so important for us to make certain that this 65-year-old prohibition is undone. And as Representative PERRIELLO said, this costs government nothing. It is the sort of reform that I believe can drive wonderful benefits for the people of this country as they have looked at these exorbitant prices where we've seen huge increases, where there's a need for a stronger bed of oversight, of regulation, making certain that the double-digit percentage increases are not tolerated, are not just rubber-stamped in a way that really engages the price fixing, that engages the efforts out there of greed that with that monopoly power have enabled them to really sock it to our health care consumers. We need reforms. We need them now. And I think this is a wonderful effort.

I want to applaud Representative PERRIELLO and you, Representative MARKEY, for putting forth this initiative. I think it's going to be something that meets with success in this Chamber, and then we're hopeful that we can continue to march forward for that progress to be struck.

Mr. PERRIELLO. Before I turn it over to the gentleman from California, I just want to say I'm new to Washington and I understand that it's a city where a lot of things are gray rather than black and white, but this is a bill

that really seems to me like it's a clear situation of black and white. A two-page bill, 24 lines long that does one thing: removes the monopoly protection of the health insurance companies. There are no carve-outs. There are no exceptions. There are no loopholes. It is a clean bill.

And it's interesting to go back as voters have rightly been frustrated at all of the special deals that have been cut on the other side of this building to understand this is not a new thing. Sixty-five years ago the reason we were stuck with this problem was the insurance lobby came in in 1945 and was able to get this carve-out of monopoly protections that no other industry enjoyed. And it was supposed to be a 3-year phaseout. And what happened at the last second? A special deal was cut that removed that 3-year phaseout. Since then, the insurance industry has spent billions and billions of dollars buying their monopoly protection in this town of Washington. They spent \$400 million last year while they were jacking up rates, premium rates, and out-of-pocket expenses for consumers, for patients around this country. They spent \$400 million lobbying to protect their monopoly protections.

Sometimes there's a very clear choice. Do you stand with patients or do you stand with the profiteering of the health insurance companies? This is that clear choice. Do you stand for competition and accountability or do you stand for protecting special interest groups?

We have a chance tomorrow, hopefully on a bipartisan basis, to come together and do this one thing. While we can agree or disagree on the overall health care approach, can't we agree that removing the monopoly protections that make no sense to ensure competition and accountability is a good thing we can all agree on, we can all read over a single cup of coffee, and we can all move forward with the American sense of competition and accountability?

With that, I yield to a gentleman who spent much of his career understanding the insurance industry in his State and around the country. I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Thank you, my colleague. I look forward to your continued pushing of this issue.

It was a century ago that Teddy Roosevelt established an effort, the progressive effort, to push back against the rapacious greed of Wall Street and those who were raping the American environment and began the progressive movement. Competition was at the heart of that effort to bring about justice and an opportunity for the small guy to actually make it.

Right now here in Washington, those of us who care about individuals, who care about small business, who care

about the future of this economy are pushing back against those very same forces who over the last 65 years have been able to embed themselves firmly in the American system in a way that has created greater profits for them at the expense of people. The health insurance industry has clearly put profits before people, and it's time for us to end that.

With this bill, we force that industry into the same competitive market that we want all of American industry to be in, that is, in the free market competitive system, and to no longer be able to monopolize the health insurance marketplace.

Let me give you an example of what happens in California where WellPoint, Blue Cross of California, has 80 percent of the individual market. Last year, in 2009, they raised their rates an average of 30 percent in that individual market. The result of that was that their fourth quarter profit year to year, 2008 to 2009, increased some 700-fold from 300-plus million dollars to over \$2.7 billion. How did they do that? They did that by controlling the marketplace, having a virtual monopoly on the market.

Now, that wasn't enough for them. Because of their market control, they have been able to institute, although it's been delayed, a 39 percent, up to 39 percent and a 30 percent average increase in this same marketplace. It is time, it's absolutely essential, that this two-page, 24-line bill that establishes the antitrust law in this field of health insurance be enacted.

Later, when we come back around with another comment, I will tell you how it worked in California in 1991 when we instituted proposition 103 that eliminated the ability of the property casualty market, automobiles, homeowners, similar products, limited their ability to monopolize and to take advantage of being outside of the antitrust laws.

Let me congratulate you and our colleague from Colorado for putting forth this bill. It is essential.

Mr. PERRIELLO. Not to jump to the end of that story, but before we go on, I do believe when you instituted those reforms in your State, the premium rates increased at one-fifth, one-tenth of the rate of the rest of the country; is that correct?

Mr. GARAMENDI. Well, what happened in proposition 103—and I was the newly elected Insurance Commissioner in 1991 responsible for implementing the law. The insurance industry had the ability to work together to set rates and to monopolize the market in a way that was in a pattern to be able to have a uniform rate system using what was called rating bureaus. We simply outlawed rating bureaus and forced each company to use its own statistical analysis to set rates. The result was, over a 10-year period, a \$30 billion reduction in costs to home-

owners and automobile insurance consumers in the State of California.

□ 2300

I will tell you this, when you force these companies to compete, when you eliminate their protection from the antitrust laws, you will see a significant rate decrease. And when you have a company such as Blue Cross, that dominates a segment of the market, that is what is outlawed under the normal antitrust laws of this Nation.

Ms. MARKEY of Colorado. Thank you. And you're right. The rate increases that families are experiencing right now are absolutely unsustainable.

I was home in Colorado last weekend. I spoke to one woman, she had gotten an increase in her premiums for next year of 35 percent.

Another small business owner in Greeley told me he got a rate increase of 39 percent. How can you afford that?

And this is at the same time we're hearing on the news that the insurance industry, as a whole, has realized an over 50 percent increase in their profit in 2009 and 2008. And yet insurance premiums are going through the roof.

Now, this is not anything new. We have seen the Ford Commission, antitrust commission, recommend that Congress take action on eliminating this exemption. President Bush's Antitrust Modernization Commission, just a couple of years ago, recommended that Congress take action.

And in 2007, Republican Senator Trent Lott and Democrat Pat Leahy got together and proposed legislation that was actually more sweeping than this that affected more parts of the insurance industry. And at that time, Senator Lott said, I cannot, for the life of me, understand why we have allowed this exemption to stay in place for so long. He testified in 2007 in front of the Judiciary Committee for that, with that statement.

This has broad appeal with many organizations as well. The repeal of this exemption is supported by the American Hospital Association, the American Dental Association, and the National Association of Attorney Generals. They met 2 years ago, because right now the States are responsible for monitoring this, and they just don't have the resources to do this. Forty-seven out of 50 of our Attorney Generals around this country have said Congress needs to take action to repeal the antitrust exemption from insurance companies. The other three were not in attendance, but they voted no. Not a single State Attorney General supports having this exemption for the insurance industry. It's high time.

Now, I don't like to demonize one particular industry. There's nothing wrong with the notion of profit in this country. We are a capitalist Nation. But the fact is that we also, here in

Congress, need to be guided by the fundamental notion of fairness. And the simple fact is that, one, one industry in this country has had an unfair competitive advantage, and that needs to end.

Mr. PERRIELLO. This is a year when there's a lot of demand for bipartisanship. And bipartisanship is a wonderful thing. We already have bipartisan support for this bill. Now, bipartisanship can't be defined by those who want to hold Congress hostage and prevent us from getting anything done. We already have the unanimous support of the Attorneys General in 2007 as you mentioned, not a single dissenting voice in saying this needed to be repealed. This is not a Federal takeover. The Attorney Generals both want the resources to fight this, and they want the expanded jurisdiction.

We have 95 percent of our health care markets highly concentrated. President Bush called a bipartisan blue ribbon commission together to look at the issue of antitrust exemptions, and they came back and said there is no justification for these antitrust exemptions to exist. Any arguments that are being made are anachronistic, or are simply ones that only make sense inside the Washington Beltway.

This is something where we need Main Street values, not Washington collusion, to go and challenge these monopolies and get competition back in the market. I yield back.

Mr. TONKO. Representative PERRIELLO, you know, I earlier heard Representative MARKEY speaking of the 400 mergers, and you talked about that resulting in 95 percent of the markets being concentrated. That simply states, no choice, no choice for the consumer. That means a runaway with costs that are going to be so inflated.

When you look at some of the stats out there, the large five, the big five insurance companies, you know, we look at that profit column, at some \$12-plus billion, a 56 percent increase from calendar year 2008 to 2009. \$12-plus billion. You know, those are benefits that could be shared.

As you said, you know, we understand it's a capitalist society. There are efforts out there, obviously, to be productive and be profitable. But 12 billion, a 56 percent growth, when average household incomes are flatlined, is very difficult to absorb for our constituents, for consumers out there.

And then to even look at the track record over the last decade from 2000 to 2009, to know that 250 percent increase was the outcome for profits. The time is more than past.

And as all these commissions had indicated, the Association of Attorneys General, all speaking out in defense of this. It's no wonder everyone is promoting this reform.

And I, again, want to congratulate the two of you for putting this measure

out there, bringing it to the floor so that we can now make a statement, in a bipartisan fashion. We hope that tomorrow when this vote is taken there will be this effort to speak in defense of consumers who have taken it on the chin. These profit margins are cutting away at their own doability as a household. We can stretch that household budget by reducing those insurance premium costs, and that's what this effort is about: Accountability, affordability, accessibility, quality of care.

This is a major cornerstone of reform that is outside that package that we have been trying to assemble, but this is something we can do immediately, and as has been stated so many times over, without any cost to government. So this is a win for the consuming public out there. And they deserve this sort of effort because they've gone far too long where this injustice has been allowed to occur time and time again because of that exemption for an industry, when all other industries out there are covered by the forces of the antitrust legislation from McCarran-Ferguson's Act of 65 years ago. So it's time for change. It's time for reform, and I believe this brings balance to the equation and is the rightful thing to do.

Mr. PERRIELLO. As my coauthor from Colorado mentions, this isn't about being anti-insurance. This is being pro-competition and pro-consumer. It is well past time to put the patient first in the health care system.

We heard during the last hour some of our colleagues from the other side of the aisle talking about the need to protect the doctor-patient relationship. What decade are they living in? The doctor-patient relationship has been invaded for decades now. My sister who is a pediatrician many days spends more time on the phone with the insurance company than she spends with patients, insurance companies whose profit motive is based on denying people care, not providing people with care.

In a good, competitive market, the insurance companies will profit based on providing quality insurance and coverage to patients, not by highly concentrated markets. This is about putting that doctor back in control of care, instead of that insurance company back in control of care, because through the free market, we can ensure that consumers are moving towards the insurance companies that provide that kind of quality care. So this is about being pro-consumer and about being pro-patient and pro-competition. With that I yield.

Mr. GARAMENDI. Well, there is absolutely no doubt that it's an axiom of American business, and the American economic system, that competition leads to good things, lower prices and better product. But in the case of health insurance, as we've seen over these last decades, we've seen an in-

creasing concentration and less and less competition. This bill will put competition back into the health insurance sector, and it is desperately needed.

Right now, in California, with Blue Cross of California, where they have 80 percent of the market, they don't need to compete for the customers. The customers are desperate to get coverage, and they've got to take whatever is being offered by a company that has 80 percent of the market. So let's get some competition back in there.

This is also an issue that affects individuals. I know a 23-year-old girl who's no longer on her parents' health insurance, cannot get health insurance, even though she's applied to Blue Cross, because she had acne. And the list of pre-existing conditions is three pages long. So if we have competition, by eliminating this antitrust exemption and forcing and ending the monopoly, then I think companies are going to have to go out and search for customers, and that would help us all.

And let us also be very, very aware. I've spent 8 years of my life regulating the insurance industry, and I know this about that industry: It's about profit. It's not about people.

Now, in the property casualty business, it's important to pay attention to people. But it's not life or death, in most cases. In the case of health insurance, it is about a human being's life. It's about the young lady that I saw at a town hall meeting this last week, a 12-year old girl, born with a heart condition, whose father cannot leave the job, cannot go to a better job for fear of losing his health care, knowing that if he lost his health insurance, this young lady would not survive. She would lose her life. That's wrong, and that's got to end.

This bill is one small piece of the larger puzzle that we're working on to put in place in America a health care bill where people come before profit. We can do that. We can do that with this bill, and it'll be very clear in this House tomorrow where we stand.

□ 2310

Do we stand with families who need health care? Do we stand with individuals? Do we stand with young Gloria and her parents and say: End the monopoly. Put the antitrust laws in place so that the health insurance industry has to compete? That's our choice. And we'll see tomorrow where we stand.

Do we follow the tradition of Teddy Roosevelt, a Republican who went after the big corporations and said that in America, competition must be there, who fought back and pushed back against Wall Street? Or do we stand with the health insurance industry? That's our choice tomorrow, and it's there because two Members of this House have put forth a bill: my colleague from Virginia and my colleague

from Colorado. I thank you for bringing this before us so that we can identify with the individuals who need health care or, on the other hand, with the insurance industry.

Mr. TONKO. This dynamic of competition, as the gentleman from California makes mention, competition is what drives the benefit for the consumer. Competition is stymied by the fact in my home State of New York three companies, three insurers, have asked for or have sent dividends to corporate parents out of State that fell just shy of a billion dollars last year. Just three groups. Now, would they have the luxury to do this if they were pressured to compete, to hold on to their market? I don't think so.

This year, those same three companies are looking to send \$1.2 billion outside of the State to corporate parents. This is the sort of action that takes hold where you're not encouraging anybody to compete to hold on to their market and we're exporting these billions of dollars. My State, I am certain, is not alone in that phenomenon, and it is hurting the consumers of New York State simply because there is this mass exodus of dividends that are being paid out to the corporate parent firm.

So you look at the record in New York and what has happened over a 10-year stretch from 1999 to 2009, and that amassed to some \$5 billion worth. This is a pattern that is becoming more and more pronounced, that is again not putting pressure on the system to respond in competitive measure. And that dynamic being pulled out of the equation then causes hardship for the very people that we need to hold down costs for health care insurance; \$1.2 billion requested this year from just three groups to send those dividends out of the State.

These are reports that are disturbing, these are the forces that are driving this thinking to bring about the reform that is introduced in the Perriello-Markey legislation.

Again, to our Representatives here who have thought in such progressive terms, I say "thank you" because this will be a major piece of reform that brings instant benefit, that induces competition into the process, and it doesn't cost government a dime.

I am very happy that this effort is being made in this House, and I applaud the sponsors. I applaud all who are working to make this happen.

Mr. GARAMENDI. If I might, Mr. TONKO just reminded me of two cases. One, a New York case last year in which the New York Attorney General brought action against 11 insurance companies in your State of New York who had conspired not only against consumers but against doctors and hospitals to artificially lower their rate of reimbursement to those hospitals.

Now, that followed on the heels of another national case in which insurance companies, the largest insurance companies in this Nation, also conspired against doctors in reducing their rates in a conspiracy. Those kinds of conspiracies are specifically outlawed by the antitrust laws of this Nation and this bill. I thank you so very much, Mr. PERRIELLO and Ms. MARKEY, for bringing this to our attention, bringing this bill here, because the kind of conspiracy that we have evidence that exists in America today will be outlawed at the Federal level.

These other cases were brought in State courts where there are antitrust laws that prohibit these kinds of conspiracies to harm the consumers or the providers of services.

Ms. MARKEY of Colorado. I want to thank my colleague from California who has unique experience with the industry and in this field for your perspective on this.

My colleague from New York has talked about competition. And it has been competition that has made this country great. I want to expand on that a little bit as well to talk about innovation. We have always been a country of entrepreneurs and innovators, and when you have an industry, an entire industry that can set prices, can collude with their partners, you have no innovation in the industry.

Some of our Republican colleagues were talking just a short while ago, and one of them was talking about health savings accounts. I am a supporter of health savings accounts as well. My sister and her husband wanted to get a health savings account with catastrophic health care, but because of their age and because of where they live, they could not find an insurance company that would offer that type of product for them, which would help them to save money and to really bring transparency to the system to know what they were spending their health care dollars on; and many people want that option. They weren't able to get it because it was not available in their part of the country.

Why? Because there is no need to. There is absolutely no incentive for our insurance industry to innovate, to change the system, to offer new products, to compete on prices. This is what the heart of this bill gets to. It gets to competition and innovation in the system, which again is going to lower prices and, as we have all noted, doesn't cost the government a dime.

We should be able to get bipartisan support on this legislation tomorrow.

Mr. PERRIELLO. The gentlelady from Colorado spoke about the issue of fairness as a basic principle. One of the things I hear so often back home is why should there be one set of rules for the people who write checks to politicians and another set of rules for our

businesses back home who are working so hard just to keep people employed?

The fact is there shouldn't be a different set of rules for the insurance companies just because they've been lobbying for 65 years in this town. Competition should apply. Monopoly protection should apply. People will hear this week, as this debate plays out, fancy words about safe harbor and this exemption and that exemption. They're sick of Washington providing safe harbors for those who have contributed the most to political parties.

Four hundred million dollars in lobbying just last year alone. Now that \$400 million in lobbying from the health insurance industry didn't come because they said, You know, those politicians are on tough times. They just aren't getting enough money. There's not enough money in Washington. We feel like we should offer them \$400 million. They were doing it because they want to protect their monopolies.

I just got back from a week in South Side, Virginia where we've seen job loss after job loss. One of the things that I heard from workers so often was—I was talking to a guy who just got laid off from Stanley. He was saying, I nearly made \$40,000 back 20 years ago. Then I was down to \$30 an hour and then down to \$20 an hour. And now I just got fired from a job or laid off from a job for \$11 an hour.

Now, there are many things. We need to look at our trade policy. We need to see "Buy America" not to be a bad word or a bad phrase in this country anymore. But I also hear from workers all the time with this issue saying, you know, I remember when I used to go in at the end of the year and ask for a raise. Now I don't even ask for a raise. I just ask to hold on to my health care benefits. That's not because these business owners are bad people; they're great people. They're bending over backwards to try to ensure that they're able to keep their workers on the payroll and keep them with health care.

The reason they haven't offered a raise to their workers in so many years is because that money that would have gone to a raise is going to the increased premiums for their health insurance just to keep people insured. There is a direct correlation where people aren't seeing that increase. Not only are they seeing their out-of-pocket health expenses go up, but that amount they don't see that their employer is paying has been going through the roof as well.

□ 2320

So we are crushing the competitiveness of American business because we aren't forcing the health insurance companies to compete. This is a basic principle that gets back to that purchasing power of working class and middle class Americans who are so

often coming up to me and saying, Who is looking out for us? It seems like everything is going to the big guys. Who is still fighting for working class and middle class Americans?

Well, here is a two-page bill, 24 lines long, that stands up for working class and middle class Americans by saying we are going to force the biggest health insurance companies in this country to compete for your business. And that competition is going to mean lower costs and higher quality. We need to put working and middle class folks ahead of the health insurance lobbyists and the health insurance companies.

And with that, I yield to the gentleman from New York.

Mr. TONKO. Thank you, Representative PERRIELLO.

When we start talking about this competition, we wonder about the benefits that are so drastically needed because we see now that some companies are looking at charging a 39 percent increase for the premium; 39 percent. That is a gross, gross, difficult outcome for consumers in this country.

What is driving it? Well, yeah, there is lack of competition, but that lack of competition, that allows for a rather comfortable zone to increase CEO salaries. And when we look at the big five again, the largest insurers, the data shows that the CEOs were compensated up to \$24 million in 2008. That is, I think, an outcome driven by a lack of competition. That pressure isn't there to respond, and so you just easily pass it over to the consumer. And without any sort of reform here, this will continue to grow.

I know that there had been many suggesting from studies that are very much respected that the average family plan will be increased by about \$1,800 per year. Today, that is an average of \$13,000, I believe, for a family plan. Well, in a short decade, we are just going to transpose those numbers, so 13 grows to 31. 31,000 is a train wreck waiting to happen. It is unsustainable. It is the sort of outcome we get when we don't take the bull by the horns and say, look, there is a simple reform. It is straightforward. It is basic. It calls for the all-American sense of competition, the all-American quality of competition, a good thing.

If you are a strong business, you welcome competition. It is good for the soul. It is good for the consumer. And so let's open this process to competition. Let's avoid some of these hefty increases in CEO salaries, or profit margins that are record breaking, and all sorts of insensitivities, gross insensitivities to the quality of care and the affordability of care for individuals and families out there.

The time has more than come. It is an important measure that we take before us tomorrow in this House. It will be a moment in history, I am convinced, so as to move forward and respond in compassionate measure, in

reasonable terms, to bring those scales of justice back into a balance that speaks to a favorable outcome, a progressive path that we will follow.

Mr. GARAMENDI. My colleague from New York, thank you for bringing to our attention, did you say \$24 billion for the executives of the five largest?

Mr. TONKO. Million.

Mr. GARAMENDI. Five biggest.

Mr. TONKO. The five largest insurers being compensated \$24 million.

Mr. GARAMENDI. That ought to be enough. In fact, that ought to be about a hundred times too much. Competition.

You also brought out the word "progressive." It was Teddy Roosevelt, in the early part of the last century, that really created the early progressive movement and the trust busters, recognizing that companies like Standard Oil and others had dominated the market and were squeezing, driving down and harming small businesses and individuals, and tried to set about a better balance. And they did.

That long tradition of standing up for families, working men and women, is a tradition that we now hold on the Democratic side of this House. It is what we are trying to do in so many different ways here with this bill, ending a 65-year opportunity that the health insurance industry has had to monopolize, to engage in conspiracies to set prices, and to harm the public not just in their economics and in their family income, but in their ability to sustain their life.

We have a chance tomorrow to follow a long tradition of righting the balance, of pushing back against those forces that would dominate us economically, socially, and, in this case, in our very health. So tomorrow is a very, very important day. But it is also a day when we can continue the process that we have seen this last year in this Chamber, where the Democratic Party is pushing back against those forces.

In December, we put forth a health care bill that would move us towards accessibility, towards accountability from the health insurance industry, and to affordability. We pushed back. Here is one more push that we are making tomorrow.

We also pushed forward on regulating Wall Street. There are those over here I heard earlier this evening that said that this thing began in 2009. It didn't. It began because the previous administration refused to push back against the rapacious greed of Wall Street, and we wound up with the collapse of the financial industry. We need to right that.

We are doing that with the bill that we put out here in December on regulating Wall Street, and now following up with taking money back from Wall Street that was put out there by the TARP and sending it to Main Street in

our jobs bill; righting the balance in America so that young families, hard-working Americans have a chance, in this case, to get health care, to get a job in the case of Jobs for Main Street. And for Wall Street, the days of unbridled opportunity for greed are over. And it is time for them to also hew to the lines of correct American competition, not greed—greed has never been good—but, rather, to provide the financial services that this economy needs.

We have a choice tomorrow. One more step along a policy of righting the ship of this Nation's economy, pushing back against the greed, pushing back against the rapacious attitudes that have dominated the American economy for the last decade.

Ms. MARKEY of Colorado. We, as Members of Congress, we come here to look at all sides of an issue. That is our responsibility, to look at the pros and cons of legislation. Most of the issues that we deal with are very, very complex. Oftentimes, we are voting on a bill. We may like some parts of the bill, we may not like other parts of the bill, but you can't say, I will vote "yea," but let's change this. You have to vote "yes" or "no."

And I have looked—I think we all have—on all sides of this piece. We have talked to people in the industry. This seems pretty straightforward to me. The only argument that I have heard against this antitrust exemption is from the insurance industry themselves, who have said, well, the States can do it. The States have been doing it for 60 years. That is sufficient. Let the States do it. But yet the States are saying we can't do this. This is unfair to put this burden on us, as the State attorney generals have noted. And this is a Federal issue.

And why, why have we singled out just one industry in all of the United States except for Major League Baseball, which pays a luxury tax, some of the more successful teams, to keep some of the smaller teams going when they are not having a good season? I get that. I cannot understand why for 60 years we have singled out one industry in the United States for this exemption from antitrust laws. It is wrong. It is simple to fix, and we are going to do that tomorrow when we pass this legislation. This is not a Democratic bill or a Republican bill. This is for the American consumer.

Mr. PERRIELLO. I think one of the reasons why Ms. MARKEY and I have enjoyed working on this bill together so much is that we both are home in our districts every weekend. We have done a lot of town hall meetings. We have done a lot of roundtables with doctors and nurses and patients. We both come from districts that have a lot of Republicans, Democrats, and a whole lot of Independents as well. And I think we heard a lot of things. We hear a lot of things over and over again.

One is, What happened to common sense? Well, this bill is a simple, pro-competition, get rid of the monopoly protections, make them play by the same rules bill. It is common sense. People say, Why the partisanship? Why can't we get together? As you said, the attorneys general from all of the States, not a single dissenting vote, said they want this. They want this increased power to go after the monopoly. And they know that they need some of the resources and support to get this done.

□ 2330

President Bush's bipartisan commission came back and said there is no longer any reason why this should exist if ever such a reason existed. So this is a bipartisan idea. You mentioned former Senator Trent Lott as well. People said, what about a bill we can read and understand? Two pages, front and back, 24 lines, simple English. Lots of attempts to water this down, to add lots of legalese. No, this is a commonsense bill.

People say to us, why is it that the special interests seem to win out over working and middle class families? Why can't we get a victory for working and middle class families over the special interests? Well, that \$400 million the insurance lobby spent last year was to protect this monopoly, and we are saying no to that lobbying influence, we are saying we are going to put working and middle class people ahead.

Finally, we have a simple choice, not one of these gray-area D.C. decisions. Tomorrow there will be a simple choice: Do you stand with patients and do you stand with competition, or do you stand with the profiteering and monopolies of insurance companies? It's a simple choice. Sometimes in this city it can get as muddled up as bad as the traffic, the logic and the morality, but it's a simple choice: Do you stand with patients, or do you want to protect the monopoly profiteering of the insurance companies?

Now, not all insurance companies are bad. There are lots of great companies out there. If you are not engaged in monopolistic practices, you have nothing to worry about. But if you are sticking it to consumers and colluding, beware, because common sense is going to win out here with a simple two-page bill that is going to repeal those monopoly protections and put patients and consumers first.

Mr. TONKO. I think the special interests are so glaringly obvious, my colleagues; the fact that they can escape these Federal investigation and enforcement measures, measures of antitrust laws that make them subject to Federal prohibitions against bid rigging or price fixing or dividing up market territories.

These are tools in the tool kit that don't serve consumers well. And as if



the escaping isn't egregious enough, they can then move to prejudice against by not insuring because of pre-existing conditions. We have talked about some of those more easily recognized or imagined conditions—heart disease, diabetes, high blood pressure, cancer—but it gets into the realm of the very loosely defined preexisting conditions—acne, domestic violence, overweight for toddlers, or what have you, obesity in toddlers. It is all set up in their favor. And I believe that there needs to be balance. And as Representative PERRIELLO said, there are undeniably sound players, good, good behaviors out there that respond well. But for those who are taking advantage of this exemption that has allowed to continue for far too long, the time has come to put up the stop sign and say it's over, it's a new set of rules come your way.

And the Attorneys General of this country obviously know something, they see it front and center, they see it in cases that they have to defend for the people in their respective States. And so they're advising us, in bipartisan fashion, they are advising us that a better day can be had, and here is the opportunity. A simple vote—hopefully a bipartisan vote—on a very succinct measure, one easily understood. It is time to end a 65-year stretch of what is I think a special response to an industry.

We talk about the deep pockets, we talk about the special interests, we talk about the force that they have had on this process as an industry. Well, when I think about the recent Supreme Court decision to allow for open-spigot season and pour more dollars into the process to influence legislative outcomes, to have more pressure on the process, to perhaps deny progress, I get very worried about this measure hanging around for far too long. I think the time has more than passed to get this done. Let's get it done in the sort of way that acknowledges that we have tough work to do here. We have people hurting across this country, not being able to afford health care coverage, not being able to sustain what are these ever-spiraling increases for health care premiums. Let's do them the big, big benefit of changing this law and voting "yes" tomorrow in the activities that will take place in the House.

Mr. GARAMENDI. Mr. TONKO, as I was listening to you, several thoughts came to mind. You were listing a series of activities that are clearly contrary to the normal competitive marketplace, price fixing and the like. There is also an issue in this health insurance sector called vertical integration, in which these large companies not only monopolize the market, but they have now reached into the various other aspects and vertically integrated, owning consulting companies, actuarial companies that provide them with the

basic data where they can more easily manipulate that data, now moving into the pharmacy benefit programs and gaining control over the entire marketplace. That is one of the activities that would be able to be attacked by the Federal Attorney General if this law were to go into place.

The monopolization of the market, as I described in California where Blue Cross has 80 percent of the individual market, leads to a terrible situation. And I would just like to bring us back to why we are doing all of this, why we are doing the health care reform that is now going to be taken up in the summit on Thursday of this week, why we are doing this particular bill. It is really about Gloria, that 12-year-old girl that I talked about who was born with a heart condition and also has diabetes. Her father is desperate to hang on to his job and the insurance policy that comes with it because they know—the mother, the father, and Gloria—know that should he lose that job, that family is uninsurable. And that young girl who has had to fight for every treatment in her 12 years to sustain her life is an opera singer, a Class A student, and has a future ahead of her. But if they have no health insurance, she is going to die because she needs constant care.

I can talk about a carpenter who retired because he couldn't continue to work who I saw on his deathbed saying, I just want to live long enough so that my wife can turn 65 and get Medicare, because if I die before that, she has no insurance, and she has a preexisting condition.

There is hurt upon this land. People are suffering for lack of a job, and they know that if they lose that job, they will lose their health care and they will lose their wealth and they may very well join the 40,000-plus Americans that lose their lives for lack of health insurance.

This side of the aisle, the Democrats, are pushing back against these situations. And tomorrow, one step, one more step, one more pushback and saying, in America, the present system is wrong, and tomorrow there will be an end to the ability of these insurance companies to monopolize the market, to engage in anticompetitive activities, price setting, vertical integration, and the rest.

I want to congratulate, I want to thank Mr. PERRIELLO and Ms. MARKEY for what you are doing tomorrow in your legislation.

Ms. MARKEY of Colorado. And I would like to thank my colleague from California for sharing those personal stories of people that you know who are unable to switch jobs because they will not be able to get health insurance, people who can't afford health insurance or get health insurance because of a preexisting condition. We have all heard the stories about the

auto industry—the most important part of making a car is the health insurance for the workers who put that vehicle together, that the most important line item expense for companies like Starbucks is not coffee, but it is health insurance. I saw that in my own business as well. My husband and I, every year it was double-digit increases. And every year we, as small business owners, had to cut back on how much we could afford to pay. We started out paying 80 percent of our employees' health insurance. We went down to 70 percent. Now it is 60–40, because we just cannot afford to keep up. We cannot be competitive, particularly in a global economy where you are doing business overseas, your partners overseas don't have that enormous cost of health care that they are paying for their employees.

□ 2340

It's a real business decision to decide, Well, gee, can I afford to hire somebody new? Can it maybe be a contractor, and I won't be paying health insurance for him because I can't afford that extra, you know, \$16,000–\$17,000? So it is a difficult issue for everyone, and the competition is not there.

As I mentioned, when you've got employees in one or more States, it is virtually impossible to find more than one company. That's all we could find—one company across the United States which would offer insurance to people in several different States. That is just wrong.

We have all talked a little bit about the State attorneys general, and I want to read to you a quote from one of those attorneys general at their meeting when they all voted unanimously, really, for a repeal of this antitrust exemption. One of the assistant attorneys general noted:

"The most egregiously anticompetitive claims, such as naked agreements, fixing prices or reducing coverage, are virtually always found immune from prosecution under the law. They are always found immune."

We have a very simple choice tomorrow: Do we stand for the insurance industry or do we stand for the American consumer?

It is not an issue of what is good for one industry. It is what is good for competition and innovation. What they have is wrong and unfair, and we have a chance to undo that tomorrow.

Mr. TONKO. I know that we are coming close to the end of our hour. I just want to state that perhaps, if this unfairness were not being levied upon, thrust upon American families, maybe this moment of reform wouldn't be happening, but because there is that unfairness, the propensity to push for this reform has now reached a very solid height.

I think that, as we go forward, as we are waxing anecdotally, what comes to

mind for me is a couple whom I know who was hit with a catastrophic illness—a husband and wife team. Their premiums increased by 37 percent over the course of 2 years, and they are left now with one wage earner in the family. Both had been working. As the wife of this couple was impacted by catastrophic illness, they are now left with one wage earner and with a pile of debt that is \$18,000 worth of uncovered medical expenses.

So that's what this is about. That's what feeds the passion of this debate.

I have to commend the leadership of this House. Speaker PELOSI has been vigilant about pushing the reforms, along with our respective Chairs from Education and Labor, from Ways and Means, from Energy and Commerce, and about really making it happen, about moving forward to make certain that the people's voices are heard here in this debate.

When we talk about some of the unfairness, about some of the imbalance in the outcomes, what about the medical loss ratio? Fewer and fewer premiums collected, percentage-wise, are returned to direct care for consumers. It was 95 percent a decade-and-a-half ago. Today, it's below 80 percent. So there is a reason for a number of these issues to come forward. There are a number of reforms to be advanced.

This bill, the Perriello-Markey bill, hopefully, will be approved tomorrow in a bipartisan vote. I am pleased to stand here in support of this measure. I want to thank all of my colleagues for the input that they are providing for this historic moment to happen.

I thank you very much.

Mr. PERRIELLO. We can make a difference tomorrow. We can make a difference in forcing competition in the health care market. We can also make a difference in starting to restore some of the trust in this body and in Washington. People across this country do not trust Congress, and that's for good reason. They always hear about the special interests coming out ahead. Here is a simple, simple thing:

Two pages, 24 lines long, which simply say that health insurance companies, which are some of the biggest companies in the world, should have to play by the same rules.

If the plumbers in my district got together and started to set prices, they'd go to jail. Why is it that the health insurance companies should be able to play by a different set of rules? People are always saying there are these commonsense reforms out there. Why can't we get them done?

Well, Ms. MARKEY and I have come together and have taken that idea. It's not our idea. It came from the people in our districts, from conservatives and liberals alike, who agree that restoring competition and removing monopoly protections make sense. When we have seen premiums double in the last 10

years, crushing the purchasing power of working and middle class Americans, that's real for people. When you don't have to compete, the consumer loses.

So people ask, Why can't you get these basic things done? Well, this is a chance not just to do something good in the health insurance market but to show the American people we can come together. We already know this is a bipartisan bill. All of the attorneys general, without a single dissenting vote, have said this is something we support. We want to be able to go after these monopolies.

Jury after jury, juries of the American people, have found this has been going on only to be overturned by the judges who say, Sorry. Because of McCarran-Ferguson, those basic monopoly rules do not apply. The anti-trust rules do not apply.

This is a chance for us to do a simple two-page bill that puts patients ahead of the profiteering of the insurance companies. It doesn't say the insurance companies can't continue to make lots of money. They can. We're just saying you can't do it by colluding, by price-fixing and by doing the sorts of things that, since Teddy Roosevelt, we've put our foot down in this country and have said are anticompetitive behaviors.

It should be a great chance for everyone in this body to show the people back in their districts: I'm here to represent you, not to represent the lobbyists who write the checks, not the \$400 million that the insurance lobby spent last year in this city. It's a chance to say, I'm going to stand up for patients.

This is not going to fix the entire health care problem, but why wouldn't we start with this? We know it has bipartisan support from the attorneys general. We know it has that bipartisan support from the President Bush commission that came out and said this needs to be done. It moves us in the right direction to put patients and doctors back in the driver's seat. It allows us to restore the basic sense of competition in this country. It says, for once, working and middle class families are going to come out ahead of the special interests. Consumers are going to come out ahead of the greed mentality that you talked about before.

We can do this. The American people sent us here to do this—to listen and to find ideas which are not Republican or Democrat but which are fundamentally American ideas and to institute them. We will need to continue to have a debate about health care reform beyond tomorrow, but let's show the American people tomorrow, on the eve of this health care summit, that there are ideas we can come together on. We have that chance.

So I come in to tomorrow with a great hope, with a great hope not only that we will get this bill passed but

that it will restore a basic sense of competition and that it will put patients first. Maybe this could be the first step towards coming together in the health care debate to get things done, because people are in pain out there right now. We have lost millions of jobs. Yes, we took bold action a year ago to help stabilize the economy, but that's not enough. I'm not satisfied. We need economic growth.

So I appreciate the work that Ms. MARKEY has put into this, that Chairwoman SLAUGHTER and that Congressman DEFAZIO have put into this, and I thank the others who have fought this good progressive fight for so long. I look forward to seeing this through to completion tomorrow, and I thank you all for being part of this important, important fight.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SPACE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.  
Ms. WOOLSEY, for 5 minutes, today.  
Mr. SPACE, for 5 minutes, today.  
Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.  
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 2.

Mr. JONES, for 5 minutes, March 2.

Mr. MORAN of Kansas, for 5 minutes, March 2.

Mr. TURNER, for 5 minutes, February 26.

Mr. BOOZMAN, for 5 minutes, today.  
Mr. POSEY, for 5 minutes, today.  
Ms. FOX, for 5 minutes, today.  
Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GARAMENDI, for 5 minutes, today.

#### ADJOURNMENT

Mr. PERRIELLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 24, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6129. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of the Republic of Korea With Regard to Foot-and-Mouth Disease and Rinderpest [Docket No.: APHIS-2008-0147] received January 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6130. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the National Geospatial-Intelligence Agency, Case Number 08-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6131. A letter from the Secretary, Navy, Department of Defense, transmitting notification of both an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach for the enclosed program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6132. A letter from the Principal Military Deputy, Department of Defense, transmitting notification that the Department proposes to donate the battleship ex-WISCONSIN (BB 64) to the City of Norfolk, Virginia; to the Committee on Armed Services.

6133. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No.: 1379] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6134. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OCC-2009-0019] (RIN: 1557-AD29) received January 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6135. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to a transaction involving U.S. exports to Federative Republic of Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6136. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to a transaction involving U.S. exports to Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6137. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Filing Accommodation for Static Pool Information in Filings with Respect to Asset-Backed Securities [Release No. 33-9087; File No. S7-23-09] (RIN: 3235-AK44) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6138. A letter from the Secretary, Department of Health and Human Services, trans-

mitting renewal of the October 1, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009 — H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

6139. A letter from the Secretary, Department of Energy, transmitting a report entitled "The Effect of Private Wire Laws on Development of Combined Heat and Power Facilities"; to the Committee on Energy and Commerce.

6140. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Certification, Compliance, and Enforcement Requirements for Certain Consumer Products and Commercial and Industrial Equipment [Docket Nos.: EE-RM/TP-99-450 and EE-RM/TP-05-500] (RIN: 1904-AA96 and 1904-AB53) received January 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0787; FRL-9096-4] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [EPA-R07-OAR-2008-0895; FRL-9096] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mississippi; Update to Materials Incorporated by Reference [MS-200923; FRL-9088-6] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to the State Implementation Plan [EPA-R04-OAR-2007-0500-200927; FRL-9102-6] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Promulgating Designations for the 2008 Ozone National Ambient Air Quality Standards [EPA-HQ-OAR-2009-0476; FRL-9102-2] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0492; FRL-9096-9] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6147. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0024; FRL-9097-2] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6148. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0474; FRL-9100-1] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6149. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Puerto Rico; Guaynabo PM10 Limited Maintenance Plan and Redesignation Request [Docket: EPA-R02-OAR-2009-0508; FRL-9091-4] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6150. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) devices in the 5 GHz band [ET Docket No.: 03-122] received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6151. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (High Point, North Carolina) [MB Docket No.: 09-196] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6152. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Cincinnati, Ohio) [MD Docket No.: 09-178] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6153. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Columbus, Ohio) [MB Docket No.: 09-124] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6154. A letter from the Acting Division Chief, Telecommunications Access Policy Division Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — High-Cost Universal Service Support Federal-State Joint Board on Universal Service Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment [WC Docket No.: 05-337] [CC Docket No.: 96-45] received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6155. A letter from the General Counsel, Federal Energy Regulatory Commission,

transmitting the Commission's final rule — Revised Mandatory Reliability Standards for Interchange Scheduling and Coordination [Docket No.: RM09-8-000; Order No. 730] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6156. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6157. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Singapore (Transmittal No. 09-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6158. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User: Amendment to Existing Validated End-User Authorizations in the People's Republic of China (PRC) and India [Docket No.: 0911051394-91397-01] (RIN: 0694-AE77) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6159. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

6160. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

6161. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

6162. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "District's Earmark Process Needs Improvement", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6163. A letter from the Administrator, Environmental Protection Agency, transmitting semiannual report to Congress for the six month period prior to September 30, 2009;

to the Committee on Oversight and Government Reform.

6164. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting the Inspector General's semiannual report to Congress for the period ending September 30, 2009; to the Committee on Oversight and Government Reform.

6165. A letter from the Chairman, National Credit Union Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009; to the Committee on Oversight and Government Reform.

6166. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for fiscal year 2009, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

6167. A letter from the Director, Peace Corps, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6168. A letter from the Director, Peace Corps, transmitting the Corps' Performance and Accountability report for fiscal year 2009; to the Committee on Oversight and Government Reform.

6169. A letter from the Executive Director, Securities and Exchange Commission, transmitting the Commission's fiscal year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

6170. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6171. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's fiscal year 2009 financial report; to the Committee on Oversight and Government Reform.

6172. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-307, "Pre-k Acceleration and Clarification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

6173. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-308, "Old Morgan School Place, N.W. Renaming Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

6174. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-306, "Department of Small and Local Business Development Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

6175. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Inflation Adjustment of Civil Monetary Penalties (RIN: 1990-AA32) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6176. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers

from the Metals and Controls Corporation in Attleboro, Massachusetts to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6177. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Oak Ridge Hospital in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6178. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Piqua Organic Moderated Reactor in Piqua, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6179. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Hanford site in Richland, Washington, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6180. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Brookhaven National Laboratory in Upton, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6181. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's response to the GAO-10-4 report and recommendations; to the Committee on Science and Technology.

6182. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities [USCBP-2006-0122] (RIN 1651-AA58) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6183. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Obligations under Section 956(c) [Notice 2010-12] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6184. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and Determination Letters (Rev. Proc. 2010-3) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6185. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Use of Controlled Corporations to Avoid the Application of Section 304 [TD 9477] (RIN: 1545-BI14) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6186. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Temporary Suspension of AHYDO

Rules [Notice 2010-11] received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6187. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax-Exempt Bonds in Certain Disaster Areas [Notice 2010-10] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6188. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Distributions under sections 368(a)(1)(D) and 354(b)(1)(B) [TD 9475] (RIN: 1545-BF83) received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6189. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction in Taxable Income for Housing Hurricane Katrina Displaced Individuals [TD 9497] (RIN: 1545-BF14) received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6190. A letter from the Commissioner, Social Security Administration, transmitting a report on Hearings Backlog Reduction Update; to the Committee on Ways and Means.

6191. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "National Coverage Determinations", pursuant to Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000; jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 4247. A bill to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; with an amendment (Rept. 111-417). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1098. Resolution providing for consideration of the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers (Rept. 111-418). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETERSON (for himself, Mr. MORAN of Kansas, Ms. DELAURO, Mrs. EMERSON, Mr. DELAHUNT, Mr. FLAKE, Mr. MCGOVERN, Mr. BERMAN, Mr. BERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CHILDERS, Mr. MINNICK, Mr. BOSWELL, Ms. HERSETH SANDLIN, Mr. SCOTT of Georgia, Mr. MASSA, Mr. BRIGHT, Mr. ELLSWORTH, Mr. HOLDEN, Mr. KAGEN, Mr. SNYDER, Mr. POMEROY, Mr. KIND, Mr. DAVIS of Tennessee, Mr. BOUSTANY, Mr. COSTA, Mr. BISHOP of Georgia, Mr. ROSS, Mr. TANNER, Mr. JOHNSON of Illinois, Mr. RYAN of Ohio, Mr. HINCHEY, Ms. LEE of California, and Mr. BOUCHER):

H.R. 4645. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end travel restrictions on all Americans to Cuba; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4646. A bill to establish a fee on transactions which would eliminate the national debt and replace the income tax on individuals; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself, Ms. BERKLEY, Mr. KLEIN of Florida, Mr. WEINER, and Ms. JACKSON LEE of Texas):

H.R. 4647. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. HOEKSTRA, Mr. MCCOTTER, and Mr. FORTENBERRY):

H.R. 4648. A bill to prohibit the release or parole of certain unprivileged enemy belligerents into the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. MARSHALL, and Mr. ROYCE):

H.R. 4649. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, political processes in Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HINCHEY, Mr. GRIJALVA, Mr. MCGOVERN, Mr. STARK, Ms. BALDWIN, Ms. MOORE of Wisconsin, Ms. LEE of California, Ms. WOOLSEY, Mr. GONZALEZ, Mr. FILNER, Mr. ELLISON, Mr. HALL of New York, Mrs. MALONEY, Mr. POLIS of Colorado, Mr. HOLT, Ms. SHEA-POR-TER, and Mr. GUTIERREZ):

H.R. 4650. A bill to phase out the use of private military contractors; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 4651. A bill to prohibit the further extension or establishment of national monuments in Utah except by express authoriza-

tion of Congress; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. WU, Mr. BAIRD, Mr. McDERMOTT, and Mr. INSLEE):

H.R. 4652. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. BACHUS, Mr. QUIGLEY, Mr. HENSARLING, Mr. COLE, Mrs. CAPITO, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. LUTKEMEYER, Mr. ROYCE, Mr. GINGREY of Georgia, Mr. ROONEY, Mr. PITTS, Mr. MARCHANT, Mr. ROE of Tennessee, Mr. McHENRY, Mr. BARTLETT, Mr. POSEY, Mr. FLEMING, Mr. LEE of New York, Mrs. SCHMIDT, Mr. LAMBORN, Ms. GRANGER, Ms. FALLIN, Mr. LANCE, Mr. KING of Iowa, Mr. CHAFFETZ, Mr. BILBRAY, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. HERGER, Mr. FORTENBERRY, Mrs. McMORRIS RODGERS, Mr. ALEXANDER, and Mr. JONES):

H.R. 4653. A bill to provide on-budget status to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. BOSWELL, and Mr. LOEBACK):

H.R. 4654. A bill to amend the Public Health Service Act to designate certain medical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 4655. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the increased expensing of certain depreciable business assets and the special depreciation allowance for certain business property; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 4656. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a child-care center for children of veterans receiving treatment and other individuals; to the Committee on Veterans' Affairs.

By Mr. CARSON of Indiana:

H.R. 4657. A bill to amend the Older Americans Act of 1965 to include information relating to the human immunodeficiency virus (HIV) in the disease prevention and health promotion services authorized by such Act; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 4658. A bill to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes; to the Committee on Agriculture.

By Mr. HODES:

H.R. 4659. A bill to amend the Truth in Lending Act to require disclosures to all co-signers and guarantors with respect to any consumer credit transaction or consumer lease that are required to be made to the consumer in connection with such transaction or lease, and for other purposes; to the Committee on Financial Services.

By Mr. HODES:

H.R. 4660. A bill to direct the Comptroller General of the United States to conduct a study on the performance of Federal Government in meeting certain small business procurement contracting goals, and for other purposes; to the Committee on Small Business.

By Mr. HODES:

H.R. 4661. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on expensing certain depreciable assets and to extend the deduction for an additional year; to the Committee on Ways and Means.

By Mr. KISSELL:

H.R. 4662. A bill to amend title XVIII of the Social Security Act to improve the diagnosis and treatment of lymphedema under the Medicare Program and to reduce costs under such program related to the treatment of complications of lymphedema, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KOSMAS:

H.R. 4663. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent exclusion of all gain on certain small business stock; to the Committee on Ways and Means.

By Mr. KRATOVIL:

H.R. 4664. A bill to amend the Servicemembers Civil Relief Act to provide for a one-year moratorium on the sale or foreclosure of property owned by surviving spouses of servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Veterans' Affairs.

By Mr. MASSA (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. WEINER, Mr. TOWNS, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HALL of New York, Mr. MURPHY of New York, Mr. TONKO, Mr. HINCHAY, Mr. OWENS, Mr. ARCURI, Mr. MAFFEI, Mr. LEE of New York, and Mr. HIGGINS):

H.R. 4665. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. OWENS (for himself, Mr. WELCH, and Mr. MCINTYRE):

H.R. 4666. A bill to amend the Public Works and Economic Development Act of 1965 to establish a grant program to support cluster-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions

as fall within the jurisdiction of the committee concerned.

By Mr. PERRIELLO (for himself, Mr. FILNER, Mr. HALL of New York, Mrs. HALVORSON, Mrs. KIRKPATRICK of Arizona, Mr. DONNELLY of Indiana, Mr. RODRIGUEZ, and Mr. TEAGUE):

H.R. 4667. A bill to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PIERLUISI (for himself, Ms. BORDALLO, Mr. SABLAN, Mr. SIRES, and Ms. WASSERMAN SCHULTZ):

H.R. 4668. A bill to amend the Elementary and Secondary Education Act of 1965 to increase the maximum amount that may be allotted to Puerto Rico under part A of title III; to the Committee on Education and Labor.

By Mr. PIERLUISI (for himself, Mr. SABLAN, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SERRANO, and Mrs. CHRISTENSEN):

H.R. 4669. A bill to amend title XVIII of the Social Security Act to provide that hospitals located in territories are eligible for electronic health record incentive payments under Medicare in the same manner as hospitals located in one of the 50 States are eligible for such incentive payments; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 4670. A bill to establish a program through which each State may provide a bust to be displayed in one of the House Office Buildings; to the Committee on House Administration.

By Mr. SARBANES (for himself and Mr. FORTENBERRY):

H.R. 4671. A bill to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 4672. A bill to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL (for himself, Mr. FILNER, Ms. CORRINE BROWN of Florida, and Mr. BUYER):

H. Con. Res. 238. Concurrent resolution recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation; to the Committee on Veterans' Affairs.

By Mr. PENCE:

H. Res. 1095. A resolution electing a Minority member to a standing committee; considered and agreed to.

By Mr. REYES (for himself, Mr. ORTIZ, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Mr. BACA, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. LINDA T.

SÁNCHEZ of California, Mr. SIRES, Ms. ROS-LEHTINEN, Mr. BUTTERFIELD, Mr. CLEAVER, Ms. CLARKE, Ms. JACKSON LEE of Texas, Mr. CLAY, Mr. HINOJOSA, Ms. BORDALLO, Mr. SALAZAR, Mr. CUELLAR, Mrs. CHRISTENSEN, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. RICHARDSON, Ms. BERKLEY, Mr. HINCHAY, Mr. CHAFFETZ, Ms. WATSON, Mrs. MALONEY, Mr. THOMPSON of California, Mr. HONDA, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. NORTON, Ms. MCCOLLUM, Mr. MCHENRY, Ms. MATSUI, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. BISHOP of Georgia, Ms. CHU, Mr. MEEK of Florida, Mrs. DAVIS of California, Mr. ELLISON, Mr. MCGOVERN, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. LOWEY, Mr. RODRIGUEZ, Mr. PALLONE, Mr. CAO, and Ms. WOOLSEY):

H. Res. 1096. A resolution encouraging individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and expressing support for designation of March 2010 as Census Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. LIPINSKI (for himself, Mr.

EHLERS, Mr. INGLIS, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Ms. KOSMAS, Ms. MATSUI, Mr. AKIN, Mr. BARTON of Texas, Mr. HOLT, Mr. MCNERNEY, Ms. BORDALLO, Mr. KILDEE, Mr. HONDA, Mr. HARE, Mr. ROHRBACHER, Mrs. CHRISTENSEN, Mr. TONKO, Mr. CARNAHAN, Mr. MANZULLO, Ms. SUTTON, Mr. OLSON, Mr. BAIRD, Ms. MARKEY of Colorado, Ms. FUDGE, and Ms. ESHOO):

H. Res. 1097. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. BRALEY of Iowa (for himself,

Mr. KLINE of Minnesota, Mr. SNYDER, Mr. HUNTER, Mr. BROUN of Georgia, Mr. BOSWELL, Mr. KING of Iowa, Mr. LOEBACK, Mr. LATHAM, Mr. JONES, and Mr. ISSA):

H. Res. 1099. A resolution recognizing the 65th anniversary of the Battle of Iwo Jima; to the Committee on Armed Services.

By Mr. CARSON of Indiana:

H. Res. 1100. A resolution expressing the sense of the House of Representatives that the National Institutes of Health and the Centers for Disease Control and Prevention should expand and intensify programs of research and related activities regarding the population of older individuals living with or at risk for HIV; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H. Res. 1101. A resolution establishing an earmark moratorium for fiscal year 2011; to the Committee on Rules.

By Mr. HASTINGS of Florida (for him-

self, Mr. BERMAN, Mr. RANGEL, Mr. ACKERMAN, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONYERS, Mr. CRENSHAW, Mr. CROWLEY, Mr. CUMMINGS, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HONDA, Mr. INGLIS, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr.



McGOVERN, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Mr. POLIS of Colorado, Ms. RICHARDSON, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Ms. WATSON):

H. Res. 1102. A resolution commemorating the 20th anniversary of the release of Nelson Rolihlahla Mandela, recognizing the significance of his contribution to democracy and racial equality in South Africa, and honoring his life-long dedication to building a more equitable and united world; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR of Arizona introduced a bill (H.R. 4673) for the relief of Martha Palmillas de Morales; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 119: Mr. ADLER of New Jersey.  
H.R. 204: Ms. CHU.  
H.R. 211: Mr. VISCLOSKEY.  
H.R. 213: Mr. CARTER.  
H.R. 303: Mr. BARROW.  
H.R. 444: Mr. CUMMINGS.  
H.R. 456: Mr. SULLIVAN.  
H.R. 510: Mr. LINDER.  
H.R. 536: Mr. HINCHEY.  
H.R. 537: Mr. ALTMIRE.  
H.R. 564: Ms. NORTON.  
H.R. 635: Ms. NORTON.  
H.R. 649: Mr. CHAFFETZ, Mr. BARRETT of South Carolina, Mr. GRIFFITH, and Mr. CARTER.  
H.R. 669: Mrs. MALONEY.  
H.R. 678: Mr. FORBES, Mr. BAIRD, Mr. TURNER, Mr. ELLISON, and Ms. CHU.  
H.R. 712: Mr. SCHOCK.  
H.R. 716: Ms. WOOLSEY.  
H.R. 758: Mr. McDERMOTT.  
H.R. 832: Ms. ZOE LOFGREN of California and Mr. HODES.  
H.R. 836: Mr. SHERMAN.  
H.R. 878: Mr. COFFMAN of Colorado.  
H.R. 930: Mr. BISHOP of New York.  
H.R. 953: Mr. SESTAK.  
H.R. 1067: Mr. LIPINSKI.  
H.R. 1087: Mr. GERLACH.  
H.R. 1175: Mr. SCHIFF, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARNAHAN, Ms. KILPATRICK of Michigan, and Mr. SCHOCK.  
H.R. 1177: Mr. ROTHMAN of New Jersey.  
H.R. 1220: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.  
H.R. 1240: Ms. PINGREE of Maine and Mrs. MCCARTHY of New York.  
H.R. 1250: Mr. YOUNG of Alaska and Mr. TURNER.  
H.R. 1311: Ms. GRANGER.  
H.R. 1346: Mr. PERLMUTTER.  
H.R. 1351: Mr. WELCH.  
H.R. 1352: Mr. GRIFFITH and Mr. ANDREWS.  
H.R. 1392: Ms. LINDA T. SANCHEZ of California.  
H.R. 1507: Ms. PINGREE of Maine.  
H.R. 1526: Mr. YARMUTH.  
H.R. 1552: Mr. HOLT.  
H.R. 1584: Mr. PUTNAM and Mr. POSEY.  
H.R. 1585: Mr. ROGERS of Kentucky.  
H.R. 1587: Mr. BOYD, Mr. DAVIS of Tennessee, and Mr. ROSS.

H.R. 1628: Ms. GRANGER.  
H.R. 1744: Mr. TANNER and Mr. DAVIS of Kentucky.  
H.R. 1799: Mr. MILLER of Florida.  
H.R. 1806: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. COHEN.  
H.R. 1829: Mr. MARKEY of Massachusetts, Mr. PRICE of North Carolina, and Mr. HUNTER.  
H.R. 1897: Ms. KILROY.  
H.R. 1956: Ms. GIFFORDS.  
H.R. 1961: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1990: Mr. DOGGETT.  
H.R. 2006: Ms. ESHOO.  
H.R. 2054: Mr. LOEBSACK and Ms. CHU.  
H.R. 2124: Mr. FORBES.  
H.R. 2138: Mr. WEINER.  
H.R. 2254: Ms. RICHARDSON, Mrs. DAVIS of California, and Mr. TURNER.  
H.R. 2277: Mr. EHLERS.  
H.R. 2280: Mr. MCCARTHY of California.  
H.R. 2287: Ms. JENKINS, Mr. SOUDER, and Mr. POE of Texas.  
H.R. 2299: Ms. NORTON.  
H.R. 2331: Ms. GRANGER.  
H.R. 2378: Mr. COFFMAN of Colorado.  
H.R. 2443: Mr. SCHAUER and Mr. SABLAN.  
H.R. 2521: Mr. CONYERS.  
H.R. 2547: Mr. REHBERG.  
H.R. 2584: Mr. BURTON of Indiana and Mr. SMITH of Nebraska.  
H.R. 2608: Mr. CARTER.  
H.R. 2697: Mr. SCHAUER.  
H.R. 2840: Mr. QUIGLEY.  
H.R. 2941: Mr. PASTOR of Arizona.  
H.R. 2980: Mr. COURTNEY.  
H.R. 3024: Ms. NORTON, Mr. BARTLETT, Mr. WELCH, and Mr. WESTMORELAND.  
H.R. 3054: Mr. POLIS of Colorado.  
H.R. 3068: Mr. WELCH.  
H.R. 3077: Mrs. MALONEY.  
H.R. 3116: Mr. OWENS.  
H.R. 3149: Ms. CHU and Mr. BLUMENAUER.  
H.R. 3189: Mr. BURTON of Indiana.  
H.R. 3212: Mr. SNYDER.  
H.R. 3271: Mr. PETERS.  
H.R. 3315: Mr. MAFFEI.  
H.R. 3343: Ms. HIRONO and Mr. KENNEDY.  
H.R. 3351: Mr. GRAYSON.  
H.R. 3421: Mr. KANJORSKI.  
H.R. 3430: Ms. NORTON, Mr. MICHAUD, Mr. MARKEY of Massachusetts, Ms. CHU, and Mr. HOLT.  
H.R. 3467: Mr. WELCH.  
H.R. 3526: Mr. SCOTT of Virginia.  
H.R. 3553: Ms. RICHARDSON.  
H.R. 3578: Mr. CAPUANO, Mr. ELLISON, and Ms. ESHOO.  
H.R. 3589: Mrs. LOWEY.  
H.R. 3668: Ms. MARKEY of Colorado, Mr. ELLSWORTH, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, and Mr. HARPER.  
H.R. 3712: Mr. SESSIONS, Ms. GIFFORDS, Mr. BOOZMAN, Mrs. McMORRIS RODGERS, Mr. WALZ, Mr. SHULER, Ms. KILPATRICK of Michigan, and Mr. LUETKEMEYER.  
H.R. 3745: Ms. PINGREE of Maine and Mr. BLUMENAUER.  
H.R. 3764: Mr. CUMMINGS, Ms. NORTON, Mr. SESTAK, Mr. WEINER, and Ms. PINGREE of Maine.  
H.R. 3766: Mr. WELCH.  
H.R. 3787: Mr. KIND.  
H.R. 3789: Mr. YOUNG of Alaska.  
H.R. 3936: Mr. PENCE and Mr. FRANK of Massachusetts.  
H.R. 3943: Mr. SESTAK, Mr. SOUDER, Mr. RUSH, Mr. KRATOVIL, and Mr. PATRICK J. MURPHY of Pennsylvania.  
H.R. 3955: Ms. NORTON and Mr. CAO.  
H.R. 4001: Ms. WOOLSEY.  
H.R. 4021: Mr. COHEN and Mr. KIND.  
H.R. 4053: Mr. DOGGETT.

H.R. 4070: Mr. THOMPSON of Mississippi, Mr. SESTAK, and Mr. SKELTON.  
H.R. 4109: Mr. DAVIS of Alabama.  
H.R. 4114: Mr. BERMAN.  
H.R. 4163: Mr. HASTINGS of Florida.  
H.R. 4186: Mr. SKELTON.  
H.R. 4199: Mr. BISHOP of New York.  
H.R. 4241: Mr. TIAHRT, Mr. ACKERMAN, Mr. CAO, Mr. MASSA, Mr. WELCH, Ms. HIRONO, and Mr. SIMPSON.  
H.R. 4268: Mr. RANGEL, Mr. SCOTT of Virginia, Mrs. LOWEY, Mr. CAPUANO, Mr. RUSH, Ms. NORTON, and Mr. STARK.  
H.R. 4274: Mr. ROTHMAN of New Jersey and Mr. STARK.  
H.R. 4278: Mr. WELCH.  
H.R. 4296: Mr. HALL of New York.  
H.R. 4306: Ms. FOX and Ms. KOSMAS.  
H.R. 4311: Mr. WELCH.  
H.R. 4322: Ms. LORETTA SANCHEZ of California and Mr. RUPPERSBERGER.  
H.R. 4324: Ms. JACKSON LEE of Texas.  
H.R. 4329: Mr. PERRIELLO and Mr. CANTOR.  
H.R. 4330: Mr. PIERLUISI.  
H.R. 4343: Mr. JOHNSON of Georgia and Ms. EDWARDS of Maryland.  
H.R. 4347: Mr. HEINRICH.  
H.R. 4353: Mr. CULBERSON.  
H.R. 4360: Ms. PELOSI.  
H.R. 4371: Mr. CHILDERS, Mr. McHENRY, Mr. CARSON of Indiana, Mr. LANCE, Mr. GOHMERT, Mrs. BONO MACK, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. LAMBORN, Mr. SESSIONS, and Ms. SLAUGHTER.  
H.R. 4375: Mr. VISCLOSKEY.  
H.R. 4386: Ms. RICHARDSON.  
H.R. 4391: Mr. ELLISON.  
H.R. 4396: Mr. HOLDEN, Mr. CUELLAR, Mr. BERRY, Mr. SALAZAR, Mr. BISHOP of Utah, Mr. DAVIS of Tennessee, Mr. MELANCON, and Mrs. LUMMIS.  
H.R. 4399: Mr. BARTLETT.  
H.R. 4453: Ms. JENKINS, Mr. AKIN, Mr. GOHMERT, Mr. TIBERI, and Mr. UPTON.  
H.R. 4466: Ms. ROS-LEHTINEN, Mr. DENT, Mr. AUSTRIA, and Mr. BLUNT.  
H.R. 4470: Ms. WOOLSEY.  
H.R. 4486: Mr. FRANK of Massachusetts and Mr. KUCINICH.  
H.R. 4490: Mr. SMITH of Nebraska, Mr. DEAL of Georgia, and Mr. DUNCAN.  
H.R. 4496: Mr. SENSENBRENNER.  
H.R. 4513: Mr. LANCE.  
H.R. 4517: Mr. GRAYSON.  
H.R. 4522: Mr. POLIS of Colorado and Mr. GRAYSON.  
H.R. 4526: Mr. SERRANO.  
H.R. 4527: Mr. POLIS of Colorado.  
H.R. 4529: Mr. FLAKE.  
H.R. 4530: Mr. SABLAN.  
H.R. 4537: Ms. WATSON, Mr. COHEN, and Mr. DRIEHAUS.  
H.R. 4538: Mr. MORAN of Virginia and Mr. GEORGE MILLER of California.  
H.R. 4541: Ms. CHU, Mr. BURTON of Indiana, Ms. JACKSON LEE of Texas, Mr. CUMMINGS, and Ms. WATSON.  
H.R. 4549: Mr. CARNAHAN.  
H.R. 4550: Ms. EDWARDS of Maryland and Mr. GRAYSON.  
H.R. 4551: Mr. FILNER.  
H.R. 4555: Mr. BARROW, Mrs. CAPPS, Mr. SCOTT of Virginia, Mr. MICHAUD, Ms. SHEAPORTER, and Mr. TIERNEY.  
H.R. 4556: Mr. CANTOR, Mr. SOUDER, Mr. REHBERG, Mr. KIRK, Mr. DUNCAN, Mr. PLATTS, Mr. TIAHRT, Mr. McCOTTER, Mr. GOODLATTE, and Mr. BACHUS.  
H.R. 4564: Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. ELLISON, Mrs. CAPPS, and Mr. LEVIN.  
H.R. 4566: Mr. BACHUS.  
H.R. 4576: Mr. THORNBERRY.  
H.R. 4581: Mr. ROYCE and Mr. JONES.



H.R. 4582: Ms. BEAN.  
 H.R. 4586: Mr. GALLEGLY and Mr. MCCOTTER.  
 H.R. 4588: Mr. ROHRBACHER.  
 H.R. 4598: Mr. HOLDEN, Mr. FATTAH, Mrs. MALONEY, Mr. KAGEN, Mr. PLATTS, and Ms. PINGREE of Maine.  
 H.R. 4599: Mr. LEVIN.  
 H.R. 4614: Mr. KAGEN.  
 H.R. 4621: Mr. HASTINGS of Florida, Mr. GONZALEZ, Mr. POLIS of Colorado, and Mr. HARE.  
 H.R. 4624: Mr. BUYER.  
 H.R. 4626: Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. LOEBACK, Mr. MURPHY of New York, Mr. ROTHMAN of New Jersey, and Mr. SALAZAR.  
 H.R. 4630: Mr. POLIS of Colorado.  
 H.R. 4634: Ms. ROS-LEHTINEN.  
 H.J. Res. 13: Mr. GRAYSON.  
 H.J. Res. 14: Mr. POSEY.  
 H.J. Res. 50: Mr. MCINTYRE.  
 H. Con. Res. 16: Mr. MCCAUL and Mr. CAMPBELL.  
 H. Con. Res. 49: Mr. MCMAHON.  
 H. Con. Res. 230: Mr. LOEBACK.  
 H. Res. 93: Mr. SCHIFF.  
 H. Res. 213: Mr. GONZALEZ, Mr. FARR, Ms. CHU, and Ms. WOOLSEY.  
 H. Res. 267: Mr. WAXMAN.  
 H. Res. 311: Mr. FALCONE and Mr. BROWN of South Carolina.  
 H. Res. 577: Mr. SCHOCK.  
 H. Res. 615: Mr. WAMP.  
 H. Res. 704: Mr. WU, Mrs. MCMORRIS RODGERS, Mr. PALLONE, Mr. KLINE of Minnesota, Mr. DRIEHAUS, and Mr. ALTMIRE.  
 H. Res. 764: Mr. DANIEL E. LUNGREN of California.  
 H. Res. 873: Mr. SHADEGG.  
 H. Res. 913: Mr. CUMMINGS.  
 H. Res. 925: Ms. SUTTON, Mr. MCGOVERN, and Mr. BOREN.  
 H. Res. 949: Mr. SOUDER.

H. Res. 989: Mr. SCHRADER, Ms. PINGREE of Maine, and Mr. PRICE of North Carolina.  
 H. Res. 1006: Mr. FORBES.  
 H. Res. 1016: Mr. LEWIS of Georgia.  
 H. Res. 1032: Ms. ZOE LOFGREN of California.  
 H. Res. 1033: Mr. LANCE, Mr. YOUNG of Alaska, Mr. BLUNT, Ms. BERKLEY, and Mr. TERRY.  
 H. Res. 1034: Mr. HINCHEY and Mr. DAVIS of Illinois.  
 H. Res. 1059: Mr. CALVERT.  
 H. Res. 1064: Mr. HODES, Mr. WEINER, Mr. FILNER, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Mr. HARE, Mr. OLVER, Mr. FARR, Mr. GUTIERREZ, Mr. QUIGLEY, and Ms. NORTON.  
 H. Res. 1067: Mr. MILLER of Florida, Mr. ARCURI, Mr. MOORE of Kansas, Mr. MCINTYRE, Mr. SNYDER, Mr. PAUL, Mr. BARTLETT, Mr. MOLLOHAN, Mr. MARCHANT, Mr. KENNEDY, Mr. ISRAEL, Mr. MCKEON, Mr. COOPER, Mr. JOHNSON of Georgia, Mr. MARSHALL, Mr. SESTAK, Mr. OWENS, Mr. ANDREWS, Ms. CORRINE BROWN of Florida, Mr. MILLER of North Carolina, Mr. HILL, Mr. SCOTT of Virginia, Mr. PRICE of North Carolina, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. WAMP, Mr. MICHAUD, Ms. GIFFORDS, Mr. KINGSTON, Mr. MASSA, Mr. LAMBORN, and Mr. BACHUS.  
 H. Res. 1069: Mr. FOSTER and Mr. ROTHMAN of New Jersey.  
 H. Res. 1073: Mr. BURTON of Indiana.  
 H. Res. 1075: Mr. BRADY of Pennsylvania, Mr. BARTLETT, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Alabama, Mr. SNYDER, Mr. PLATTS, and Mr. INGLIS.  
 H. Res. 1078: Ms. BORDALLO, Ms. SUTTON, Mr. NUNES, Mr. CAO, Mr. MCGOVERN, and Mrs. MYRICK.  
 H. Res. 1080: Mr. MCCARTHY of California, Mr. NUNES, Ms. WATSON, Mr. HALL of Texas, Mr. HENSARLING, Mr. HARPER, Mr. RADANOVICH, Mr. DAVIS of Kentucky, Mr. KINGSTON,

Mr. OLSON, Mr. JORDAN of Ohio, Mr. GARRETT of New Jersey, Mr. CAMP, Ms. RICHARDSON, Mr. UPTON, Mr. SHULER, Mr. CASTLE, Ms. HIRONO, Mr. LOBIONDO, Mr. INGLIS, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. SHUSTER, Mr. WALDEN, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. GOHMERT, Mr. LANCE, Mrs. SCHMIDT, Mr. REHBERG, Mr. PITTS, and Mrs. LUMMIS.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FLAKE, or a designee, to H.R. 2314 the Native Hawaiian Government Reorganization Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Chairman SILVESTRE REYES to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9 of rule XXI.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. ROGERS of Kentucky.

## EXTENSIONS OF REMARKS

IN HONOR OF WALTER  
SHORENSTEIN'S 95TH BIRTHDAY

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to Walter Shorenstein—a prominent San Franciscan, a great American and a dear friend. He is a man of extraordinary vision and leadership, of generosity and wise counsel. And today, it is my distinct honor and privilege to mark his 95th birthday on the floor of the House of Representatives.

Along with his late wife, Phyllis, Walter used the tools of philanthropy and civic activism to build a better San Francisco. Their gifts to the Bay Area's academic and cultural institutions have been an example to all who wish to leave a mark on our city's future. Their willingness to give—to donate their time, hospitality, and passion to others—has touched and influenced many lives.

One of San Francisco's most distinguished business leaders, Walter Shorenstein is a true pioneer, a visionary who helped shape our city's magnificent skyline and who worked to make San Francisco into the global economic and commercial center it is today. His leadership has been recognized by presidents and other world leaders, as well as the people of San Francisco.

After serving in World War II, Walter arrived in San Francisco in 1946 and began work in commercial real estate with the brokerage firm Milton Meyer & Company. By 1960, he had become President and sole owner of Milton Meyer, renamed it the Shorenstein Company, and transformed it into the largest owner and operator of commercial real estate in San Francisco and one of the largest privately owned real estate firms in the nation.

As firm believers in the power and promise of a strong education—and in memory of their beloved daughter Joan—Walter and Phyllis founded the Joan Shorenstein Center on Press, Politics and Public Policy at Harvard's Kennedy School of Government. He also sponsors the Shorenstein Initiative at Stanford University's Asia/Pacific Research Center, as well as programs at UC Berkeley's Institute of East Asian Studies. He is the single largest donor in the U.S. to the United Way.

For Giants fans, Walter was a leader in keeping our beloved baseball team in San Francisco, galvanizing investors, local businesses, and the team's faithful fans to take action and preserve our national pastime in our city.

Walter and Phyllis proudly and lovingly raised three children: Joan, Carole and Doug. Doug Shorenstein became Chairman and CEO of the Shorenstein Company in 1995. Carole Shorenstein Hays is a Tony Award-winning Broadway producer and President of

SHN, a theatrical entertainment company in San Francisco. Joan, a political journalist and producer at CBS News, died in 1985.

I join Walter's children Doug and Carole, his grandchildren Brandon, Sandra, Danielle, Wally, and Grace, and family, friends and colleagues in wishing Walter a happy 95th birthday.

### PERSONAL EXPLANATION

**HON. STEVE KING**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. KING of Iowa. Madam Speaker, on roll-call No. 19 I was unable to vote because my arrival in Washington from Iowa was delayed by severe winter weather.

Had I been present, I would have voted "yes."

### SUPPORTING THE HAWAII FESTIVAL OF RELIGIOUS FREEDOM

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. ABERCROMBIE. Madam Speaker, I rise today to commend the Hawaii Festival of Religious Freedom.

This festival, which shared with the community many presentations on religious liberty by experts from various faiths, aimed to build public awareness and support for religious liberty; bring civic, political, and faith leaders together to foster greater mutual understanding, respect, and cooperation; and promote the aloha spirit of religious freedom internationally.

In anticipation of the festival, the Hawaii State Legislature proposed legislation including H.R. No. 74 and H.C.R. No. 92 to recognize July as Religious Freedom Month in Hawaii.

Organized by Alan Reinach, held by the Hawaii Conference of Seventh-Day Adventists, and cosponsored by Liberty Magazine, North American Religious Liberty Association, and the International Religious Liberty Association, I would like to commend Earl Stuckey, Jr., Hawaii Conference President of the Hawaii Festival of Religious Freedom, for his great work to coordinate the festival's musical program. In "orchestrating" this festival, I am pleased to know that people of all religious faiths gathered in Hawaii to share their inspiration and music, individually and collectively. It reflects the Aloha State's reputation as the "melting pot of the Pacific."

HONORING MR. MICHAEL DOVE

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Michael Dove. Mr. Dove served his constituency faithfully and justly during his tenure as a member of the Carroll Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter, but only a few are able to reach the end. Mr. Dove served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Dove is one of those people and that is why, Madam Speaker, I rise to pay tribute to him today.

IN HONOR OF CAPTAIN DANIEL P.  
MACK

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. SESTAK. Madam Speaker, I would like to honor a man who has dedicated his life to courageous and exemplary service to our Nation, Captain Daniel P. Mack of the United States Navy.

Through his 27-year career, Captain Mack consistently demonstrated his dedication, diligence, and commitment to our great Nation. The son of John Francis Mack, a World War II veteran, and Helen Marie Conboy Mack, he was born February 18, 1960. He graduated from the Naval Academy in 1982. After being commissioned, Captain Mack attended Nuclear Power School and Naval Submarine School and reported aboard the USS *John Adams*. After completing six deterrent patrols over a period of three years, he joined the staff of the Naval Academy, serving as 24th Company Officer and Executive Assistant to the Commandant of Midshipmen. In 1990, he reported to the USS *Puffer*, which completed Pacific and Arctic patrols during his time aboard, and he was awarded the Meritorious Unit Commendation.

In 1995, Captain Mack graduated with the highest distinction from the College of Command and Staff at the Naval War College. After earning his Master's Degree in International Relations and National Security Affairs, he was assigned to Executive Officer

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

duty aboard the USS *Phoenix*. He completed *Phoenix's* final deployment, during which she earned the 1996 Fleet Silver Anchor Award and a Meritorious Unit Commendation. Captain Mack then returned to the Naval Submarine School, where he served as Prospective Executive Officer instructor.

In January 2000, Captain Mack assumed command of USS *Houston*. Under his guidance, the boat earned the CINCPACFLT Retention Award, for outstanding personnel development and the highest retention rate in the Pacific.

After completing his tour as Commanding Officer, Captain Mack served as Deputy Commander of Submarine Squadron 11. He then served on the Joint Staff in the Strategic Plans and Policy Division. Captain Mack also served as Nuclear Policy Division Chief and as the Nuclear Weapons Council advisor to the Vice Chairman of the Joint Chiefs of Staff. He also reported to the Navy Staff where he held several vital positions.

In 2007, Captain Mack assumed command of Submarine Squadrons Sixteen and Twenty where he oversaw the development and training of sixteen separate submarine crews.

Even by the military's high standards, Captain Mack's record of achievement stands out. His personal awards include the Defense Superior Service Medal, awarded for "superior meritorious service in a position of significant responsibility", the Legion of Merit, awarded for "exceptionally meritorious conduct in the performance of outstanding services," as well as multiple awards of the Meritorious Service Medal, Navy and Marine Corps Commendation Medal, and Navy and Marine Corps Achievement Medal.

While the Navy is losing one of its finest officers after his retirement this month, Captain Mack's legacy will continue to benefit the United States Navy for years to come. Whether as a Company Officer at the Naval Academy, Prospective Executive Officer instructor at Naval Submarine School, or as Commander of Submarine Squadrons Sixteen and Twenty, Captain Mack's career has deeply and positively affected the lives of countless Shipmates—improving their futures as Sailors and citizens.

I salute his committed service to our Nation. Moreover, I wish him and his three magnificent children Maggie, Daniel and Timothy great happiness as they embark on this new chapter in their lives. I am certain that Captain Mack will remain successful and productive in every future endeavor.

#### CELEBRATING THE 100TH ANNIVERSARY OF THE RICHMOND BRANCH OF THE FREE LIBRARY OF PHILADELPHIA

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Richmond Branch of the Free Library of Philadelphia on its momentous 100th Anniversary. The Richmond Branch is located in the Port Richmond

section of Northeast Philadelphia which was once home to the busiest port along the Atlantic seaboard.

While the Richmond Library officially opened on March 15, 1910, the library's inception dates back to 1897 when a "Traveling Library" that was open two nights each week was established in a flour and feed store located in the heart of the Port Richmond neighborhood. In that same year a group of Protestant ministers rallied the community to establish a neighborhood library which featured expanded hours. The library was moved to the Mutual Hall Association at Richmond Street and Neff Street, which is now Indiana Avenue. This neighborhood library was named the Port Richmond Branch and housed 3000 books.

In 1908, the cornerstone of the current branch was laid through the generosity of both Andrew Carnegie, who endowed the Free Library of Philadelphia with a financial gift to construct library buildings, and Anne W. Penfield, who was considered the wealthiest woman in America at the time, who donated the land at 2987 Almond Street for the library. The building was renovated in 1994 as part of the city's "Changing Lives" campaign, which brought Internet service to this library as well as other libraries across Philadelphia.

Madam Speaker, I ask that my colleagues join me in celebrating the Richmond Library's 100th anniversary milestone and wish the friends, staff, and patrons many more years of community enrichment and service.

#### NATIONAL JOB CRISIS

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. LEE of California. Madam Speaker, I submit the following letter:

FEBRUARY 19, 2010.

Hon. NANCY PELOSI,

*Speaker of the House, House of Representatives, Washington, DC.*

Hon. HARRY REID,

*Majority Leader, U.S. Senate, Washington, DC.*

DEAR SPEAKER PELOSI AND MAJORITY LEADER REID: We write on behalf of the broad civil rights and human rights communities to urge swift action on a national crisis that is affecting us all. Unless we resolve our national job crisis, all of our other priorities—from reforming health care and fixing our broken immigration system to expanding economic opportunity for all Americans—are in real jeopardy. In our neighborhoods and communities, people are calling for bold action to rebuild the economy.

A recovery plan is needed that rescues Americans from job losses and foreclosures, and that lays the foundation for a more prosperous future for all. The lack of decent jobs, the fear of losing the family home to foreclosure, and the particular impact of both of these problems on minority, tribal, and poor neighborhoods are pushing people to the breaking point. In addition, people with disabilities, who have had historic high levels of unemployment, need relief. The economic and health care crises are inextricably linked as job loss causes the loss of health insurance coverage, leaving families one medical crisis away from bankruptcy and foreclosure.

Wall Street received the helping hand it needed, but the American people are still waiting. It is time to require Wall Street to do its fair share to rescue, restore and rebuild our cities and neighborhoods. Main Street is hurting, and the banks and the federal government must do their part to help turn the economy around in ways that all families can see and feel.

The House has passed a jobs bill that is awaiting action in the Senate. In his State of the Union address, President Obama urged the Senate to act quickly on it. We join the President's call to Congress, and strongly urge the House and Senate to enact bold legislation that provides immediate relief to people who are out of work and employers that are unable to maintain their workforces. As included in the House legislation, it is critical that substantial fiscal relief be made available to help stabilize State and local governments, and to preserve essential services and safety net programs in our communities and the jobs of tens of thousands of workers around the country. Similarly, and again as included in the House legislation, the extension and improvements to our Unemployment Insurance program and help with COBRA premiums as enacted in the ARRA must be extended at least through the end of 2010.

Of equal importance, and as urged by the Congressional Black Caucus, among others, the final legislation must provide tools for ensuring that stimulus funds go to the places and people most in need, especially those regions where homeowners were targeted by unscrupulous mortgage lenders and where job loss has been higher than average. Accordingly, we urge Congress to adopt legislation that provides for:

(1) FAST TRACK CREATION OF JOBS IN THE PUBLIC SECTOR THAT SERVE COMMUNITY-LEVEL NEEDS

Appropriate \$40 billion a year for two years to create employment opportunities for unemployed and underemployed residents of distressed communities. Under this proposal, the Department of Labor would administer grants to states, local governments, and Indian tribes. Five percent of funds would be reserved for Indian tribes and discretionary grants, 30 percent would be allocated to states to be re-granted to small localities, and the remaining funds allocated to metropolitan cities and counties under the Community Block Grant formula. Implementation would occur in two phases. The first phase would fast-track job creation for nine months in public service-oriented work projects. The second would provide job creation on projects that serve areas with the greatest economic need, integrate education and job training, coordinate with apprenticeship and pre-apprenticeship programs, and provide job opportunities in sectors that offer high growth and the prospect of long term employment. These initiatives must be designed so that they maintain existing wage and benefit standards and do not displace existing jobs or simply exchange one group of unemployed workers for another. A number of models for public employment have been proposed, including H.R. 4268, the Put America to Work Act of 2009, sponsored by Rep. Keith Ellison (D-MN).

Invest \$1 billion to hire workers to maintain and rehabilitate abandoned and foreclosed properties in neighborhoods by appropriating a second round of funds for the Neighborhood Stabilization Program (NSP). Under this proposal, at least 30 percent of new NSP jobs would be required to go to economically disadvantaged job-seekers,

prioritizing hiring workers with low-income and low levels of education, and those not currently receiving UI. At least 30 percent of hires would be required to be low-income residents from the areas in which projects are funded.

Provide a work sharing tax credit, as proposed by Rep. John Conyers (D-MI) in H.R. 4179, the "Shortening Hours and Retaining Employees (SHARE) Credit Act of 2009," which would minimize layoffs and incentivize new hiring. The tax credits would be used to pay firms to shorten the typical workweek or work year, while keeping pay constant. This would lead employers to hire additional workers to make up for the fewer hours worked by their incumbent work force. A rough estimate is that this tax credit would create a net total of 1.3 to 2.7 million jobs. Funding work sharing would be cost-effective and efficient, and would very quickly make a big dent in the unemployment rate.

Extend through FY2011 the time during which states and localities are allowed to use existing TANF Emergency Contingency Funds, which can be used to create subsidized jobs, as well as to improve access to cash assistance and other one-time assistance for low-income families. These funds were authorized in the ARRA, and under current law, all funds must be spent by the end of FY2010. In addition, as proposed in the President's budget, additional funds, at least \$2.5 billion, should be made available in FY2011.

(2) IMMEDIATE INVESTMENT IN THE INFRASTRUCTURE OF SCHOOLS AND PUBLIC TRANSIT

Provide \$20 billion for school maintenance and repair, with funds allocated in accordance with the ESEA Title I formulas. According to the Economic Policy Institute, this could generate 250,000 skilled maintenance and repair jobs. In addition, provide \$50 billion in capital funds for the lowest-income school districts.

Prioritize investments in public transportation, including regional systems that connect housing, jobs, and local services to improve access to healthy foods, medical care, and other basic services. Create clear guidelines to ensure that communities with high unemployment and poverty rates are served, and expand on language in the ARRA by creating strong accountability and enforcement measures tied to achieving equitable economic benefits.

Both programs should include safeguards to ensure that job creation results in widespread impact for all workers. For example, contractors receiving federal dollars should ensure that at least 15-30 percent of project work-hours are worked by local residents who are lower income, people of color, women, or who are otherwise underrepresented in the construction industry. Where joint apprenticeship programs are located near a project, contractors should have to maximize the use of registered apprentices who receive quality training. One percent of all dollars for infrastructure investment should be dedicated to creating a pipeline of workers ready to step into apprenticeship programs and construction careers. The Secretary of Labor should be authorized to ensure that public agencies and contractors receiving federal funds utilize Community Workforce Agreements.

(3) PREVENTION OF FORECLOSURES

Allocate \$10 billion of appropriated TARP funds to HUD to provide fixed-rate, low-interest loans to unemployed people facing foreclosure who don't qualify for other assistance. This program would be modeled on

a successful effort by the Pennsylvania-based Homeowners' Emergency Mortgage Assistance Program (HEMAP). If a homeowner provided verification of their unemployment compensation to his loan servicer, he would be automatically approved for a loan that would pay any mortgage above 31 percent of family income. Loans would be repayable with interest, but interest would not accrue and repayments would not begin until the homeowner's income was sufficient to allow payment.

Allow homeowners to rent back their homes at market rates for up to ten years following foreclosure. The program would be modeled after the Fannie Mae "Deed for Lease" program that gives former owners the option to lease their recently-foreclosed properties and that targets neighborhoods with above-average foreclosure rates.

Support "cram down" provisions to allow bankruptcy court judges to approve changes to mortgage contracts for homeowners in bankruptcy, such as extending repayment periods, reducing interest rates and fees, and adjusting the principal balance of mortgages.

Implementing our proposals would swiftly stabilize neighborhoods and stem the human suffering in the most distressed parts of the country. While these are temporary investments, all would leave the kind of lasting benefits for homeowners, workers, and students, which would generate long term benefits to the economy and nation. By ensuring that recovery and reinvestment programs reach all Americans, we ensure strong economic growth for the nation overall. We stand ready to support you and our President in efforts to build an economy based on shared prosperity for all Americans.

Sincerely,

AFL-CIO; American Federation of State, County and Municipal Employees; Asian American Justice Center; American Association of People with Disabilities; Campaign for Community Change; Center for Responsible Lending; Coalition on Human Needs; Communications Workers of America; Demos; Economic Policy Institute; Half in Ten; Japanese American Citizens League; Lawyers' Committee for Civil Rights Under Law; National Association for the Advancement of Colored People; National Congress of American Indians; National Council of La Raza; National Partnership for Women and Families; Policy Link; Service Employees International Union; The Leadership Conference on Civil and Human Rights; United Methodist Church, General Board of Church and Society; United Methodist Episcopal Churches; United States Student Association; United Steelworkers; USAction.

HONORING WILLIE BROWN, SR.,  
M.D.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Willie Brown, Sr., M.D. upon being honored with the "Trail Blazers Award" by the African American Museum. Dr. Brown will be honored at the African American History Month Celebration and Banquet on Saturday, February 6, 2010 in Fresno, California.

Dr. Willie Brown was born on January 4, 1932 in rural Mississippi. His father worked as

a sharecropper and educator and his mother raised 12 children. Against all odds, he attended the University of California, Berkeley and Meharry Medical College in Nashville, Tennessee during the 1950s. After completing the program with a medical degree, Dr. Brown was accepted as an intern at Fresno County Hospital, and moved toward becoming an obstetrician gynecologist. In 1962, he began a private practice. Dr. Brown was the first African American specialty board certified physician in Fresno County and the 51st African American Board Certified obstetrician gynecologist in the United States.

During Dr. Brown's 47 year career, he spent 22 of those years in practice with his son, Dr. Willie Brown, Jr. Together they delivered well over 22,000 babies in Fresno County. Dr. Brown's passion for education never ended, he was an instructor to many OB/Gyn physicians in the area and was recognized as an associate clinical professor in the department of OB/Gyn at the University of California, San Francisco in Fresno.

Dr. Brown also served as a Flight Surgeon and Clinic Commander of the U.S. Air Force 144th Dispensary in the California Air National Guard. He was honorably discharged as a Major by the Air Force and is a recipient of the Service Commendation Medal. Dr. Brown served as the director of the Office of Family Planning at the Fresno Economic Opportunities Commission. He was the founding president of the John Hale Medical Forum and co-founder of the John Hale Medical Center in West Fresno. Dr. Brown was also a member of the Board of Governors in the Fresno Medical Society, a Paul Harris Fellow of Rotary International and was a lifetime member of the National Association for the Advancement of Colored People, NAACP.

Dr. Brown was also an entrepreneur. Along with a few colleagues, Dr. Brown started and funded the first African American privately owned supermarket in West Fresno. He was a real estate developer, a music producer, a co-owner of Robert's Collision Repair business, a co-owner of Just Julia's Jewelry business and had his own record label, Gimini Twins and Brownstone Entertainment. Dr. Brown was a benefactor for Second Baptist Church, Northwest Church, Youth for Christ, Meharry Medical College, Edison High School, Fresno Westside Seventh Day Adventist Church and Family Community Church, where he served as deacon and deacon emeritus. For his enormous contributions to the community, Dr. Brown has been recognized by a number of organizations; including West Fresno Health Care Coalition and the local NBC affiliate, KSEE Channel 24.

Dr. Brown and his wife, Julia, were married for 54 years. Together they raised three children and had six grandchildren.

Madam Speaker, I rise today to posthumously honor Dr. Willie Brown, Sr. I invite my colleagues to join me in honoring his life and wishing the best for his family.

HONORING LEMARC HUMPHREY'S  
ACT OF HEROISM IN JACKSON  
STATE SHOOTING

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to honor Mr. LeMarc Humphrey for his heroic actions on Monday February 1, 2010 at Jackson State University. The 21-year-old computer engineer major rushed to the aid of a wounded and stumbling research chemist student, Andrea Scott, after hearing shots behind the John A. People's Science Building Monday night. The gunman fired two shots striking Mrs. Scott in the back of the head, after allegedly trying to rob her. Mr. Humphrey heroically picked Mrs. Scott up out of the pouring rain and rushed her to the hospital to receive needed medical attention.

Madam Speaker, if it were not for the valiant effort of Mr. Humphrey, Andrea may have never had the chance to tell her story. The victim's husband, Bill Scott stated, "Our country is in desperate need of repair, and when you find a man like LeMarc, you see he was an American and he did something above and beyond the call of duty". Mr. Scott would like to see Mr. Humphrey nominated for the Presidential Medal of Freedom.

Madam Speaker, Mr. LeMarc Humphrey was raised in Jackson, MS. He is currently in the Air Force ROTC and played trombone for the Jackson State University "Sonic Boom of the South" Band his freshmen year. After his freshman year, he chose to leave the band to devote more time to the ROTC.

Madam Speaker, this is truly an act of bravery and courage on the behalf of this young man. I salute him for his tremendous act of selflessness and I wish Mrs. Scott a full recovery.

HONORING MICHAEL BAIRD

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I take this time to honor one of Northwest Indiana's most respected business and community leaders, Mr. Michael Baird, from Valparaiso, Indiana. On January 21, 2010, Mike was honored by the Northwest Indiana Forum in appreciation for his many years of service as a dedicated executive and for his numerous contributions to the community of Northwest Indiana. The celebration took place at the Avalon Manor in Merrillville, Indiana.

Mike Baird's professional and academic career led him to become a prominent leader in the banking industry for thirty-seven years. In 1970, Mike earned a Bachelor's degree in Marketing from Indiana University. Prior to graduate school, he worked as a representative for Hallmark Cards and also served in the United States Naval Reserve. In 1975, Mike went on to earn his Master's of Business Ad-

ministration degree in Finance from Indiana University. Mike then began his career managing a middle-market lending division for Continental Bank in Chicago, covering both the Michigan and Indiana markets. In 1988, Mike joined Mercantile Bank as Senior Vice President, Chief Lending Officer, a position he held until 2004 when he assumed the position of Chief Credit Officer. In addition, Mike also served on the board of directors at Mercantile Bank from 1999 to 2004. In December 2004, Harris Bank completed the acquisition of the Hammond, Indiana-based Mercantile Bancorp Incorporated. On January 1, 2005, Mike joined Harris Bank as Senior Vice President and Chief Credit Officer for the Northwest Indiana region. Mike continued to advance in the company and on January 1, 2008, he became the Northwest Indiana Region President for Harris Bank. After many years of devotion to the banking industry, Mike retired from his remarkable career in January 2010.

In addition to his impressive professional career, Mike passionately serves the people of Northwest Indiana through his involvement in many community organizations. Among his many contributions to the community, Mike currently serves as Chairman of the Board of the Northwest Indiana Forum, Vice Chairman of the Board for the Center for Workforce Innovations, Board Member for the Valparaiso Economic Development Corporation, Board Member for the Boys & Girls Clubs of Northwest Indiana, Advisory Board Member for the Northwest Indiana Small Business Development Center, and Advisory Board Member for the Porter County Vocational Career Center.

Mike's dedication to his community is exceeded only by his devotion to his wonderful family. He has been married to his loving wife, Jeanne, for almost 29 years. They have one son, Eric, who is married to Tricia, and three beloved grandchildren: Nick, Russ, and Molly Baird.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in commending Mr. Michael Baird as he is honored for his lifetime of service and dedication to the Northwest Indiana community. Mike continues to touch the lives of countless people, and for his unselfish, lifelong commitment, he is worthy of the highest praise.

TRIBUTE TO THE DEKALB YOUTH  
POPS ORCHESTRA AND STILL  
WATERS YOUTH SINFO-NIA OR-  
CHESTRA

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. JOHNSON of Georgia. Madam Speaker, Whereas, the DeKalb Youth Pops Orchestra and Still Waters Youth Sinfo-Nia Orchestra are unique tools for service and inspiration for citizens around the world; and

Whereas, over the past twenty plus years members of these stellar organizations have continuously given to our community by giving of themselves, their talent and their time; and

Whereas, the DeKalb Youth Pops Orchestra and the Still Waters Youth Sinf-Nia Orchestra

have instructed thousands of youth in the arts of music, performance, showmanship and civic responsibilities; and

Whereas, these orchestras have performed locally, nationally and internationally enlightening the lives of people from all walks of life; and

Whereas, Presidents, Governors, Legislators and citizens of the world have been touched and moved by the performances of these remarkable orchestras; and

Whereas, the U.S. Representative of the Fourth District of Georgia wishes to honor and recognize the DeKalb Youth Pops Orchestra and the Still Waters Youth Sinfo-Nia Orchestra for its outstanding service to our Community and wish them well on their 1st Reunion Concert;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim Saturday, February 20, 2010 as DeKalb Youth Pops Orchestra and Still Waters Youth Sinfo-Nia Orchestra Day in the Fourth Congressional District.

Proclaimed, this 20th day of February, 2010.

HONORING SHANI DAVIS

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize and congratulate Chicago-native Shani Davis on his two speed skating medals at this year's Winter Olympics. Shani defended his 2006 gold medal in the 1000m and skated to a silver medal in the 1500m. He became the first man ever to win consecutive golds in the 1000m.

Born on Chicago's South Side, Shani overcame long odds to become the first African American to win an individual Winter Olympics medal. His unique and historic story has inspired millions of Americans across the country and led to the founding of D.C. Inner City Excitement, a program that introduces Washington, D.C. youth to the sport of speed skating. It is an honor to recognize his remarkable road to glory and honor his groundbreaking career.

HONORING MRS. LYDIA YEH

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. ROS-LEHTINEN. Madam Speaker, it gives me great pleasure to honor the accomplishments and ongoing work of Mrs. Lydia Yeh and The Cultural and Educational Scholarship Foundation of the Chinese Women's Club of Greater Miami/South Florida.

My Congressional district is blessed to enjoy the best of diversity in our melting pot of languages, races and cultures; and among them is The Chinese Women's Club of Greater Miami/South Florida, striving to fundraise and promote cultural activities.

Their scholarship foundation's primary mission for the past 20 years has been to acknowledge talented young scholars of Chinese descent in the greater Miami area.

Under the leadership of their founding President, Mrs. Lydia Yeh, and a group of dedicated members of the Chinese Women's Club, over two hundred outstanding high school, college and graduate students have received scholarship awards.

On Sunday, December 27, 2009 they celebrated their 20th anniversary at Miami's Dadeland Marriott Hotel, where their scholarship recipients gave remarks to inspire the younger generations to come.

Let us honor Lydia and the Chinese Women's Club's Scholarship Foundation, who seek to empower our youth and give them the tools to succeed in life.

#### EARMARK DECLARATION

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding member requests I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 3326

Account: RDTE Air Force, Line 75, PE 0604706F Life Support Systems

Legal Name of the Requesting Entity: Goodrich Corporation

Legal Address of the Requesting Entity: 1275 N. Newport Road, Colorado Springs, CO 80916

Description of the Request: \$1.92 million is included in this bill to continue development and testing of the Advanced Common Ejection Seat (ACES 5) modular ejection-seat for the Air Force variant F-35 LRIP as well as its application to the F-22, F-15, F-16, F-117, A-10, B-1 and B-2.

Requesting Member: Representative DOUG LAMBORN, CO-05

Bill Number: H.R. 3326

Account: RDTE Army, Line 28 PE 0602787A Medical Technology

Legal Name of the Requesting Entity: University of Colorado at Colorado Springs, Trauma Health and Hazards Center

Legal Address of the Requesting Entity: 1420 Austin Bluffs Parkway, Colorado Springs, CO 80933

Description of the Request: \$2.4 million is included in this bill to fund SupportNet, a program through the Trauma, Health, & Hazards Center at The University of Colorado at Colorado Springs (UCCS) providing comprehensive support for the critical treatment of Army service personnel who are treating mental health problems (e.g., Posttraumatic Stress Disorder, Depression, Alcohol and Drug Addiction, etc.) at Fort Carson in Colorado Springs.

### HONORING THE LIFE AND SERVICE OF SPECIAL WARFARE OPERATOR 2ND CLASS RONALD TYLER WOODLE OF WAYNESVILLE, NORTH CAROLINA

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. SHULER. Madam Speaker, I rise today to honor the life of Ronald Tyler Woodle of Waynesville, North Carolina. Tyler was a proud Navy SEAL, and an exemplary member of our community. His life, while short, sets an example of patriotism and dedication for future generations.

Tyler grew up in the mountains of Western North Carolina. He was home schooled until high school, when he transferred to Asheville Christian Academy. A star high school soccer career led to a two year scholarship to Mars Hill College. After a brief time in the construction industry, he enlisted in the United States Navy in June of 2007, and graduated from boot camp in August of the same year. Always pushing himself to excel, he completed his advanced SEAL qualification training and was transferred to an East coast SEAL team in October of 2009. Since October, Tyler had been training for an overseas deployment.

Tyler was taking part in an intensive training in Key West, Florida, when he passed away on February 18th. He was only 26 years old. He was buried with full military honors.

Madam Speaker, I ask my colleagues to join me in expressing remorse at the passing of Ronald Tyler Woodle. Tyler's life was an example of service and passion for us all to follow. We owe all of our veterans a debt of gratitude that can never be fully repaid. It is an honor to represent people like Tyler who are prepared to give their lives protecting our everyday freedoms.

### COMMENDING THE PUBLIC SERVICE OF NCIS SPECIAL AGENT GREGORY A. SCOVEL

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. WOLF. Madam Speaker, I rise today to pay tribute to Special Agent Gregory A. Scovel, Deputy Director for Operations of the Naval Criminal Investigative Service (NCIS), who retired from that organization on February 19 after 31 years of highly distinguished public service. I am pleased to say that Special Agent Scovel is one of my constituents from Leesburg, Virginia.

He began his NCIS career in 1978 following his graduation from the University of San Diego. Among his first field assignments was his participation in Operation "Red Blanket" following the Red Brigade kidnapping of U.S. Army General James Dozier when he was detailed in Beirut at the time of the 1983 bombing of the USMC barracks.

Special Agent Scovel was selected in 1986 to be the Assistant Special Agent in Charge

(ASAC) for Counterintelligence at the Norfolk Resident Agency and moved in 1988 to serve as the Special Agent in Charge (SAC) of the Little Creek Resident Agency. He completed a "trifecta" of assignments in the Norfolk region with his posting as the Operations Officer for the NCIS Atlantic Command.

Special Agent Scovel was promoted in 1992 and assigned as the SAC of the Naples Resident Agency. Following the reorganization of the NCIS in 1994, he was designated as the ASAC for Counterintelligence of the Europe Field Office. For his performance in Europe, he was recognized with the Department of the Navy Meritorious Civilian Service Award as well as a 1996 promotion and transfer to headquarters as the Deputy Assistant Director (DAD) for Technical Services. Following that tour, he was selected to serve as the SAC of the Washington Field Office.

In 2000, Special Agent Scovel attended the National Security Management Program at Syracuse University's prestigious Maxwell School of Citizenship and Public Affairs. Following the October 2000 bombing in Yemen, he was detailed to service on the USS Cole Commission and authored the CI and Force Protection Chapters for its final report, after which he was recognized with the Defense Exceptional Civilian Service Award, the highest level career civilian honor given by the Office of the Secretary of Defense.

He joined the NCIS Executive Staff in 2001 as the Executive Assistant Director (EAD) for Criminal Investigations and following the tragic events of 9/11 assumed leadership in shaping the NCIS response including the development of the Counterterrorism Task Force and its ultimate successor, the Combating Terrorism Directorate.

He was later reassigned as the EAD for Counterintelligence and in 2007 was promoted as the Deputy Director for Operations and later concurrently served as the Acting Director of the NCIS until a new director was selected this month.

Following his retirement, Special Agent Scovel will begin a second career within the private sector. I would like to take this opportunity to thank Mr. Scovel for his 31 years of outstanding public service and to wish him "fair winds and following seas" as he begins the next chapter of his life.

### MONTFORD POINT MARINE ASSOCIATION

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and tremendous respect that I stand to recognize the Montford Point Marine Association and to join them in honoring the brave individuals who, by enlisting in the United States Marine Corps, became the first African American Marines. In doing so, these Marines made one of the most significant strides in our Nation's fine military history. For their courage and for their willingness to serve their country, these American heroes were honored at an event in Hammond, Indiana, on Sunday, February 21, 2010.

On June 25, 1941, President Franklin D. Roosevelt issued Executive Order 8802, which prohibited discrimination in the defense industry. This historical order was followed in 1942 by a directive that gave African Americans the opportunity to join the United States Marine Corps, a directive that would become one of America's most important advances, not only in terms of our military, but in society as a whole.

Between 1942 and 1949, approximately twenty-thousand African Americans from across the United States were recruited into the Marine Corps. Instead of being sent to traditional Marine training locations, such as San Diego, California, and Parris Island, South Carolina, they were segregated and sent for basic training to Montford Point Camp at Camp Lejeune, North Carolina. Montford Point remained active until 1949, following President Harry S. Truman's issuance of Executive Order 9981, which ended the practice of segregation in the United States Military.

As the war progressed, the military could no longer deny that these dedicated and skilled Marines were equally as capable of performing their duties and serving their country as any other members of the military. The Marines of Montford Point sought to serve the United States through their military service, and in doing so, their impact spanned far beyond the military and into American society.

While many of the Marines were recognized for their military achievements, one of the highest honors was bestowed on April 19, 1974, when Montford Point Camp was renamed in honor of one of the most outstanding Marines of the camp, Sergeant Major Gilbert H. "Hashmark" Johnson. One of the first African American enlistees to join the Marine Corps, Johnson was a distinguished drill instructor and a veteran of both World War II and the Korean War. To date, Camp Johnson remains the only Marine Corps installation named in honor of an African American.

Madam Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring these fine individuals. Let us never forget their service and the sacrifices they made in defense of the United States of America.

#### HONORING CECIL HINTON

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Cecil Hinton upon being honored with the "Trail Blazers Award" by the African American Museum. Mr. Hinton will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Mr. Cecil Clarence Hinton was born in 1902. He was a native of Tennessee and spent his early life in Indiana, Ohio and Michigan. Mr. Hinton graduated from Howard University in Washington, D.C. and completed some graduate work at Columbia University in New York.

Mr. Hinton moved to Fresno in 1944, and worked as a United Service Organization cen-

ter director. He served for nineteen years as a director of the B Street Community Center in Fresno. The center was largely established through his efforts. Under his leadership the center served forty-eight youth groups and fifty-three adult groups through social and recreational programs. The center was rededicated in 1968 and renamed to the Cecil C. Hinton Community Center in his honor.

Mr. Hinton was a member of the National Conference of Social Welfare, the California Conference of Social Welfare, the California Federation of Settlements and Neighborhood Centers and Kappa Alpha Psi Fraternity. For his efforts and community leadership Mr. Hinton was honored in 1976 by the California State Senate. In 1980, he was recognized and honored by the California State University, Fresno Black Gospel Choir and in 1985 was named a "Fabulous Fresnan."

Mr. Hinton was married to Martha Galliard; they raised one daughter, Lois Juantia. They have three grandchildren; Lisa, Jean and Jenan all living in Atlanta, Georgia. Mr. Hinton passed away on August 23, 1987 at the age of eighty-five.

Madam Speaker, I rise today to posthumously honor Cecil Hinton. I invite my colleagues to join me in honoring his life and wishing the best for his family.

#### PERSONAL EXPLANATION

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. POE of Texas. Madam Speaker, on rollcall Nos. 49 and 50 I was prevented from voting due to official business in the district. Had I been present, I would have voted "yea" on both.

#### 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

#### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commemorate the 100th anniversary of the Boy Scouts of America. Established on February 8, 1910, the Boy Scouts have provided a positive influence for millions of young men throughout the country and have instilled in them the twelve key pillars contained in the Scout Law, which reads: A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. Over the past 100 years, we've all known family, friends, and neighbors involved in the Boy Scouts who took these building blocks of leadership to heart and made their communities a safer and better place. The Boy Scout program has reminded the American people of the higher notions of patriotism and good citizenship. With a range of former Boy Scouts such as Buzz Aldrin, Bill Gates, Tommy Lasorda, and Gerald Ford, this program has served to structure the lives of some of our greatest countrymen.

I want to personally congratulate the two Boy Scout Councils in my district, the Northern New Jersey Council and the Patriots Path Council, on this very special anniversary. The dedicated Scout leaders who are involved in these programs have introduced Scouts in New Jersey to exciting explorations and taught them new skills that they will use throughout their life. They have recounted stories of Native American folklore around campfires, taught Scouts the uses of a taut-line hitch and bowline knot, and have provided the Scouts with an opportunity to take on responsibilities and duties to further their maturity into adulthood. There are few greater chances for aiding our country than to help these young men in their efforts to make themselves physically strong, mentally awake, and morally straight.

The Boy Scouts of America owes its tremendous history and over two million Eagle Scouts to an unknown English Scout who helped an American newspaper publisher cross a street in London. That newspaper publisher was so impressed by the Scout's willingness to help that he would later go on to found the Boy Scouts of America. Today, the Boy Scouts of America embrace the social and personal virtues needed in mankind and provide countless opportunities for their Scouts to better our world as a whole. With their example in mind, I hope all Americans will use this opportunity to help a neighbor, volunteer in his or her community, explore nature, or learn more about our great Nation.

#### PERSONAL EXPLANATION

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night I was unable to cast my votes on H.R. 4425 and H.R. 4238 and wish to reflect my intentions had I been able to vote.

Last night, I met with constituents of mine in a town hall forum at the Champaign County Nursing Home and I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall No. 49 on suspending the rules and passing H.R. 4425, to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office," I would have voted "yea."

Had I been present on rollcall No. 50 on suspending the rules and passing H.R. 4238, to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building," I would have voted "yea."

#### PERSONAL EXPLANATION

#### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. GIFFORDS. Madam Speaker, yesterday I was absent and missed rollcall votes 49 and 50.



Had I been present, I would have voted "aye" on rollcall 49 and "aye" on rollcall 50.

IN RECOGNITION OF PHILIP  
BRUNELLE RECEIVING THE 2010  
LOCAL LEGEND AWARD

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. MCCOLLUM. Madam Speaker, today I rise in recognition of Philip Brunelle who received the Minnesota Martin Luther King, Jr. Breakfast Committee's 2010 Local Legend Award.

Philip Brunelle is a renowned conductor, organist and choral scholar. In 1969, with his partners, Brunelle founded the non-profit choral music organization Plymouth Music Series now known as VocalEssence.

VocalEssence presents concerts which feature the 130 voice VocalEssence Chorus and its core group, a 32-voice professional mixed chorus called the Ensemble Singers, along with guest singers and instrumentalists. VocalEssence stands apart from other choral groups because of its range, variety and quality of performance.

Mr. Brunelle has been awarded the 2010 Local Legend Award for his work with the WITNESS Collection. WITNESS is an initiative that began in 1991. It seeks to bear witness to the musical contributions of African American artists through concerts, recordings and educational programs.

This initiative has grown to include; an annual concert, a 4-volume collection showcasing 100 years of classical compositions by African American composers, educational outreach programs that strive to teach students about African American contributions, and the Teachers Guide that enhances educational outreach initiatives.

It is a privilege to recognize this valued leader before the United States House of Representatives. I salute Mr. Brunelle on behalf of his selfless dedication to music and the history of African American Artists.

Madam Speaker, in honor of Philip Brunelle, I am pleased to submit this statement for the CONGRESSIONAL RECORD.

BLACK HISTORY MONTH

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. TERRY. Madam Speaker, I rise today during Black History Month to recognize the many important contributions African Americans have made to our nation. We especially honor the extraordinary people who continue to help shape our community and our great nation. I have the privilege of representing thousands of successful and talented African Americans here in the second congressional district of Nebraska. Today I would like to recognize four individuals: Frank Hayes, Phyllis Hicks, Dr. Mary J. Clinkscale and Dr. Herb Rhodes.

Frank Hayes is a CPA who owns his own business. He is also a founding member and first president of the 100 Black Men organization, which is dedicated to improving the lives of youth. He has worked tirelessly to help minorities start their own businesses.

Since 1967 Phyllis Hicks has run the Salem Stepping Drill Team and continues to be a volunteer and chief fundraiser for this youth group. Through her outreach she has helped many youth overcome obstacles such as discrimination.

Dr. Mary J. Clinkscale, or "Dr. C" as she is commonly referred to, is the administrator of the Greater Beth-el Temple where she has planned, produced and directed more than 250 theatrical productions and presentations, including a performance to prelude the Tuskegee Airman receiving their Congressional Gold Medal.

Dr. Herb Rhodes has been a life-long member of the Omaha Business Community. He was featured in a 1975 issue of Ebony Magazine, which highlighted successful African Americans leading the way in the business industry. He not only has had success in the business community, but continues to be a role model in our city.

CONGRATULATING LEE COLLEGE  
ON THEIR 75TH ANNIVERSARY

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor Lee College in Baytown, Texas for their 75 years of dedication to our community and commitment to excellence in education.

Since 1934, Lee College has established a legacy of leadership and learning in our community by providing learning opportunities and experiences that have allowed students to excel in an ever changing environment. As a result, Lee College is one of the fastest growing community colleges in the country and has a nationally recognized Honors Program. It has furthered its accomplishments by being the first community college in the country to receive the Kresge Foundation Grant, reflecting the foundation's support for Lee College's critical role in providing access to higher education for minority and low-income students.

Americans turn to community colleges to provide the education that leads to greater economic opportunity and improved quality of life. Lee College has never let our constituents down in this respect. Graduates of Lee College have become leaders in our community, in business, healthcare, education and many walks of life. I am proud to support Lee College in its continued efforts to develop first-rate affordable education in our area and know that they will continue to help build our workforce and community.

I congratulate the administration, faculty, staff, and students at Lee College for all of their hard work and dedication to academic excellence.

PERSONAL EXPLANATION

**HON. BILL PASCARELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. PASCARELL. Madam Speaker, I want to state for the RECORD that yesterday I missed the two rollcall votes of the day. Unfortunately I missed these votes because I was detained in my district.

Had I been present I would have voted "yea" on rollcall vote No. 49, On Motion to Suspend the Rules and Pass—H.R. 4425—To designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the Martin G. Marty Mahar Post Office.

Lastly, had I been present I would have voted "yea" on rollcall vote No. 50, On Motion to Suspend the Rules and Pass—H.R. 4238—To designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the W.D. Farr Post Office Building.

HONORING SHIRLEY ANN WILEY

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Shirley Ann Wiley upon being honored with the "Trail Blazers Award" by the African American Museum. Mrs. Wiley will be honored at the African American History Month Celebration and Banquet on Saturday, February 6, 2010 in Fresno, California.

Shirley Ann was born to Albert and Faye Jones in Sweetwater, Texas; she was one of nine children. She attended Booker T. Washington High School in Sweetwater, and was honored as a salutatorian of her graduating class. She graduated from Wiley College in 1960 with a Bachelors degree in music and a minor in history.

After completing college, Mrs. Wiley moved to California and worked as a social case worker for the Red Cross in San Bernardino County. While in San Bernardino, she began substitute teaching and discovered her passion for education. In 1965 she received a full time teaching position with the Earlimart School District. After marriage, she and her husband moved to Lancaster, where she taught for one year before moving to Fresno.

Mrs. Wiley earned a teaching position with the Fresno Unified School District and began working towards a Masters Degree in education from California State University, Fresno. She completed the program in 1975, and in 1986 she earned a Doctorate from the University of La Verne. During her forty-year career, Mrs. Wiley was a classroom teacher, resource specialist, and served as Vice Principal in the Fresno Unified School District. Later in her career, Mrs. Wiley began working for the West Fresno School District and served as the Principal and Assistant Superintendent. In 1987, Mrs. Wiley returned to the Fresno Unified

School District, where she completed her career and retired in June 2003.

During her forty-three years in Fresno, Mrs. Wiley has been involved with the Alpha Kappa Alpha Sorority, the Iota Phi Lambda Sorority, the Black Political Council and is a founding board member of the African American Historical and Cultural Museum. Mrs. Wiley and her husband have raised two highly successful daughters.

Madam Speaker, I rise today to commend and congratulate Shirley Wiley for her years of dedicated service to education in Fresno. I invite my colleagues to join me in wishing Mrs. Wiley many years of continued success.

#### HONORING DORIS MURPHY

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with pleasure today to honor Doris Bailey Murphy of Occidental, CA, who marks her 100th birthday on March 11, 2010.

Doris, who lives in her mountain-top home surrounded by redwood trees and rhododendron bushes, was born in Portland, Oregon on March 11, 1910. At 100 she retains the spirit of adventure and independence she first demonstrated when she hitchhiked from Oregon to Arizona as a teenager.

She was married for four decades to San Francisco labor organizer Joe Murphy, head of Hod Carriers Local 36 and organizer for the Industrial Workers of the World. She wrote about their life in a memoir "Love and Labor." Published by Doris when she was 96, her book is peppered with smoke-filled rooms, night clubs and political drama, covering a rough and tumble time in California labor history and the colorful years in San Francisco during World War II and concluding in the coastal mountains of Sonoma County where she and Joe made their home for more than half a century.

Doris graduated from Reed College in 1938 with a psychology-sociology degree, followed by a graduate degree in social work from the University of California, Berkeley in 1956.

In San Francisco she was a welfare worker with the Traveler's Aid Society during the Depression and then with the Red Cross after World War II helping veterans, their families and other refugees of the era.

In Sonoma County she helped create the Sonoma County Council for Community Services which spawned various agencies concentrating on families and children. She worked as a therapist until she was age 90, explaining, "It was satisfying so why would I quit?"

In her adopted community of Occidental, where she has lived for more than 50 years, she has been a vital community leader, helping to establish a senior lunch and rides program, a community health center, and the Occidental Community Council.

In recent years she has been a tireless champion and leader of efforts to create a home for the growing arts community in western Sonoma County and will celebrate her 100th birthday at the newly opened Occidental Center for the Arts.

A formidable woman with a keen wit, zest for politics and a passion for dogs, horses, the arts and social justice, Doris opens her house regularly for community meetings and social gatherings. She has continued to host the annual Labor Day picnic begun by her and her late husband. Last year she helped launch a writing workshop in her living room.

Doris is a woman who likes California white wine but prefers a good scotch. When her house isn't filled with friends and admirers, you can find her throwing logs into her stone fireplace to settle in with the evening news, her dog Matilda and her cat, Rebel.

Madam Speaker, here's to Doris Murphy and her 100 years of community leadership and good living. In the words of her friend Bob Klose, she's a pretty classy dame!

#### PERSONAL EXPLANATION

#### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. KING of Iowa. Madam Speaker, on roll-call No. 17 I was unable to vote because my arrival in Washington from Iowa was delayed by severe winter weather.

Had I been present, I would have voted "yes."

#### HONORING THE UNI-CAPITOL INTERNSHIP PROGRAM

#### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, the United States and Australia share a longstanding relationship that has allowed the two nations to cooperate on many international issues. Due to the strength and depth of this relationship, the United States has relied on the support of our ally Australia in many of our mutual international objectives. This relationship continues to be strengthened through the cooperation of our two governments and through the cultural exchanges that occur between our nations.

Developed by Erik Federling in 1999, the Uni-Capitol Internship Program enables a select group of young Australian students to experience the work of the United States Congress. It is through Mr. Federling's tireless efforts that this year, twelve exceptional Australian students are participating in internships in different Congressional offices. I have had the opportunity to work with three Australian students during the past five years and their professionalism and work ethic has been extraordinary.

This year my office worked with another student from the Uni-Capitol Internship Program, Matthew Robertson. Matthew is a third year law student at Deakin University in Melbourne, Australia. He applied to the program with the hope to learn more about the American government. Matthew's extensive knowledge of the Australian government and legal system

enhances his understanding of the American legislative process. During his time at my office he had the opportunity to attend Committee hearings, briefings, perform legislative research, and prepare memos for my staff and myself. His professionalism in the office and willingness to handle any task that was assigned to him were outstanding. It has truly been a pleasure to have Matthew in the office.

I am certain that my colleagues were similarly impressed with the work done by the eleven other Australian students in the program. I rise to commend the Uni-Capitol Internship Program for its work to strengthen the relationship between the United States and Australia; and offer Matthew my thanks for a job well done.

#### A TRIBUTE TO T.J. PATTERSON

#### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. NEUGEBAUER. Madam Speaker, in celebration of Black History Month, I would like to recognize Thomas James "T.J." Patterson for his dedication to the 19th Congressional District of Texas, as well as his leadership in honoring Black History Month in Lubbock, Texas.

Born in Waxahachie, Texas on June 29, 1937, T.J. was raised in Wichita Falls and graduated from Booker T. Washington High School in 1954. He then went on to attend Bishop College and in 1958 received a degree in Physical Education. After graduation, T.J. came to Lubbock where he met and married his bride of over 50 years, Bobbie Gean.

In 1961, T.J. was drafted into the U.S. Army where he valiantly served his country. After an honorable discharge, T.J. spent several years teaching at the Texas Tech University. In 1977, T.J. co-founded the Southwest Digest, a newspaper that has served as a strong voice for Lubbock's African American community for over 30 years.

In 1984, T.J. was elected as the first African American to serve on the Lubbock City Council, breaking down barriers for others to serve in public offices throughout the community, and I had the honor of serving with T.J. on the City Council. After 20 years of serving as the representative for District 2, T.J. retired from the Lubbock City Council in 2004 as the longest serving council member in Lubbock's history. In addition to this service, T.J. was elected president of the Texas Municipal League in 1998, becoming the first African American president in that organization's history.

T.J. is an active member of the Bethel African Methodist Episcopal Church. He is a legend in Lubbock's fight against illegal drugs. Over the past several years, T.J. has organized and participated in countless marches against drugs and violence. T.J. is an incredible role model for not only African American children, but all youth.

T.J. and his wife have a branch of the Lubbock Public Library named after them, the Bobbie Gean and T.J. Patterson Library, and the library hosts annual events in honor of Black History Month. They are pillars of the

community and can be found visiting inmates in the local jail on Christmas Day offering messages of encouragement.

I am honored to know T.J. His message to us is that Black History is every day, not just one month out of the year. He is a hero, a public servant and a dreamer; a man of character and a faithful man of God. On behalf of the 19th Congressional District, including myself, I thank T.J. for all he has given and continues to give our community.

#### PERSONAL EXPLANATION

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House floor during Monday's two rollcall votes.

Had I been present, I would have voted in favor of H.R. 4425 and H.R. 4238.

HONORING GEORGE CROUSE FOR BEING NAMED THE UNITED STATES TENNIS ASSOCIATION'S NEW ENGLAND HIGH SCHOOL COACH OF THE YEAR

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. COURTNEY. Madam Speaker, I rise to congratulate George Crouse for being named the New England High School Coach of the Year by the United States Tennis Association (USTA). This is a fitting title for a man who has served as a tennis coach at Stonington High School for 37 years and has amassed more than 600 wins in the process.

George Crouse is a consummate professional and enthusiastic coach whose achievements continue to amaze his colleagues both in Connecticut and around the country. His commitment to the academic success of his student athletes in the classroom, exceed only his record on the court. Since 1973 he has coached boys and girls teams at Stonington High, with the girls team having achieved a 341-96 record while reaching four consecutive Class S state championships. He was named the Connecticut Coach of the Year for both boys and girls tennis in 1998 and 2008, respectively.

The dedication he shows to his athletes is matched only by his passion for the sport of tennis. He is a member of the USTA Connecticut board of directors and operates the Stonington-Eastern Connecticut Community Tennis Association. In addition to coaching the teams of Stonington High, George coaches squads on the USTA Jr. Teams, leading them to state and sectional championships. George is also a public servant, serving in numerous volunteer roles and also as a member of the Stonington Board of Selectman.

I am grateful for Mr. Crouse's service and dedication to the town of Stonington. I am proud to call him a constituent and a friend.

The years of hard work that he has dedicated to improving the lives of countless athletes and members of his community will continue to define his life and his work.

INTRODUCING A RESOLUTION TO CELEBRATE THE 20TH ANNIVERSARY OF THE RELEASE OF NELSON MANDELA AND HONOR HIS LIFELONG DEDICATION TO BUILDING A MORE EQUITABLE AND UNITED WORLD

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that celebrates the 20th anniversary of Nelson Rolihlahla Mandela's release from prison and honors his lifelong dedication to building a more equitable and united world.

On February 11, 1990, Nelson Mandela exited Victor Verster Prison in Paarl, South Africa, after 27 years of imprisonment. Years of international pressure from activists, artists and politicians in South Africa and the international community had finally convinced the South African government to reinstate the African National Congress (ANC) as a legitimate political party, and release Nelson Mandela.

In the hours following his release, tens of millions around the world watched as Mandela stood at the City Hall in Cape Town and proclaimed his commitment to abolish apartheid and institute a system of government that protected the rights and freedoms of all people. For over 40 years, racial segregation was enforced under the law of apartheid, and severely restricted black South Africans and other people of color from basic human rights and social and economic equality.

Madam Speaker, Nelson Mandela never wavered from his commitment to combat apartheid and create a free and democratic country whether he was rallying support for the ANC as a young lawyer and activist, or serving as an inmate at the infamous prison on Robben Island. Decades of menial work and degrading conditions in South Africa's prisons did not make Nelson Mandela's drive to achieve a more just and equal society any less potent. Once released, 71-year-old Nelson Mandela and his ANC colleagues continued their efforts to dismantle apartheid until it finally ended in 1994.

More than four years after his release, 20,000,000 South Africans of all colors lined the streets to vote in South Africa's first election that was held under a law of universal suffrage. The people of South Africa elected Nelson Mandela as the first President of the fully representative democratic state, a man whose resilience, humility and eloquence symbolized a new era in which South Africa strove to achieve equality, communication and cooperation within its government and communities. The newly elected President Mandela addressed the world and pledged to lead a "united, democratic, non-racial and non-sexist government" for all people of South Africa.

Madam Speaker, 20 years after his release, Nelson Mandela's wisdom, strength and work

continues to inspire people of all walks of life. I urge my colleagues to support this resolution that commemorates the 20th anniversary of an important moment in world history and recognizes an extraordinary man's dedication to equality, peace and reconciliation.

RECOGNIZING HOUSE RESOLUTIONS IN SUPPORT OF HAITI

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. RANGEL. Madam Speaker, I stand before you to express my support for the three House Resolutions on today's legislative calendar honoring the Americans who responded courageously and humanely after the devastating earthquake in Haiti on January 12th.

We all remember the startling and sobering televised images of the aftermath of the earthquake. The men and women being honored today, in the military and amongst our first responders, ran to the epicenter of this tragedy to help save lives. I am proud to join my colleagues in recognizing these individuals with House Resolutions H. Res. 1066, H. Res. 1059, and H. Res. 1048. I would especially like to recognize New York Task Force One, the FEMA-sponsored urban search and rescue team, made up of 80 members of the New York Police Department and the Fire Department of New York, who were successful in freeing six individuals from the rubble.

The immediate response from our citizens to the tragedy in Haiti has been heartwarming, demonstrating the decency and compassion we all have for our fellow mankind during difficult times. Even those who have not been formally recognized in the resolutions noted above are partners in this shared effort to overcome such a disaster. Within 24 hours following the quake, we saw Americans from a cross section of society—from elected officials in Washington to everyday residents all over New York City—reach out and offer assistance. Even today, the statistics are hard to believe, almost 50 percent of Americans have donated to the Haitian relief efforts and there are still thousands waiting in line for their turn to assist on the grounds.

As a nation, it has warmed my heart to see us dedicate our efforts, and commit ourselves to supporting, the long-suffering Haitian people, now and into the future.

Madam Speaker, I join my colleagues in recognizing those who offered their time and effort to assist those in Haiti and challenge them to stay the course until Haiti is made whole again.

HONORING THE CITY OF ZEPHYRHILLS, FLORIDA

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, 100 years ago Zephyrhills,

FL was founded as a colony paradise by Howard B. Jeffries for his fellow Union civil war veterans. Originally named Abbot after the owner of the town's first drug store, Zephyrhills is now home to 11,000 proud residents.

Tradition holds that the town of Abbot's name was changed to Zephyrhills because of the cool, gentle, zephyr breezes from neighboring Greer and LeHeup Hill. The name officially changed to "Zephyrhills" on March 10, 1911; with it, the town of Abbott officially moved from an A to Z in the alphabet.

Zephyrhills residents are proud of the many accomplished men and women who have brought notoriety to their hometown. Zephyrhills High School coach John Clements has the distinguished record of being one of only five coaches in the United States with over 400 recorded wins; "The Bulldogs" baseball team now plays on the John F. Clements field in his honor. Having played professional baseball prior to coaching for ZHS, John, along with Yankees pitching coach Dave Eiland, Green Bay Packers defensive tackle Ryan Pickett, and NASCAR driver David Reutimann, is among the list of athletes that call Zephyrhills their hometown.

Zephyrhills is also proud of its local beauties. Begun in 1956, the Lions' Club's "Miss Zephyrhills" pageant is a favorite feature during the annual Founders Days. It has become a launching ground for the statewide "Miss Florida" competition. Many former "Miss Zs" love their hometown as much as any other resident, 1978's winner, Diana Kennedy, summed up her experience saying, "I was very proud to represent Zephyrhills and I know the experience made me feel like Miss America. I remember being involved in the community; throwing out the first baseball and attending parades. Of all the titles I held, representing my hometown was the most rewarding."

One hundred years ago Howard B. Jeffries founded a town. Zephyrhills has become a community based around family, neighborhoods, small businesses and longstanding traditions. I congratulate Zephyrhills on this momentous occasion and wish them continued prosperity and lasting memories throughout the next one hundred years.

#### A TRIBUTE TO WAYNE C. DELL

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. WILSON of South Carolina. Madam Speaker, "Semper Fi," always faithful.

Like the strong foundation upon which this great Capitol has been erected, so to is America's foundation created by outstanding American citizens who quietly and humbly go about their daily life, devoting themselves to their God, Nation, family, friends and life's calling.

One such individual was Wayne Clair Dell. Born in Duncansville, Pennsylvania, to Helen and Charles Dell on June 29, 1946, Wayne worked with his father during middle school and high school in the construction industry.

Like most Americans, he comes from a very simple family background and had two loving and devoted sisters and one brother.

He attended Penn State University and served this great Nation during one of its most trying hours as a Nation, as a United States Marine from 1966–69, having been discharged honorably to return home, fall in love, and marry Ouida Cleland Dell in Ridgeland, South Carolina, in June of 1969.

Upon leaving the Marines, Wayne went to work in the construction and architectural industry on Hilton Head Island, long before anyone had ever heard of Hilton Head Island, and began as a draftsman with a firm in Savannah, Georgia, eventually taking that great American plunge into self-investment and small business by opening his own architectural firm out of the Dell homestead: Wayne C. Dell, Architect.

Working from home allowed Wayne to become very involved in his family's life, and he never missed an event in which his children participated. For many years, he served as a little league baseball announcer and was an avid and excellent tennis player, having won many community tournaments—to the great pride of his family, I might add, who loved cheering him on! Likewise, Wayne's hobbies were supporting his children and family in all their endeavors.

In addition to these pursuits, he enjoyed woodworking and carving and took great pride in the handmade high quality gifts he made for his family members, yet another enduring legacy. An active athlete his entire life, Wayne also played for many years in the church volleyball league, enjoyed playing all sports and staying in top condition; a quality that he learned as a Marine.

Incredibly, Wayne, as many of our forefathers, taught himself a profession, architecture, and passed the state licensure exam the last time that you could legally take the exam without having a college degree; an impressive feat, indeed.

Wayne eventually became known as a respected architect and specialized in high-end residential homes in communities in Hilton Head Island and Beaufort County, in addition to commercial architectural work. He prided himself on the art of architecture, which, to this day, stands as monument to his life's work.

Wayne had two natural born children, Eric (age 37) and Melissa (age 39). Possessing a strong desire to spread their love, they adopted their daughter's child Bethany, who is now 13 years old, when her mother was stricken with Huntington's disease, as did Wayne, and as did his mother.

Wayne and his loving wife of 40 years, Ouida, have cared for their daughter, Melissa, who has had to live with them for the past dozen years due to her health, quite literally serving as caregiver to her, and as proxy father to their daughter's daughter for the past 13 years. Wayne represents the perfect American father figure.

A strong man of Christian faith, Wayne attended and was married in St. Pauls United Methodist Church in Ridgeland, SC (1969). He was a certified Lay Minister within the United Methodist Church.

It is a sad calling, as I stand here today, to inform my friends and this Nation, that a dear

friend, and father of a most trusted friend, Wayne C. Dell, passed away yesterday morning.

But as all architects know, with each great stone that is laid, another rests atop it to make the building stand stronger, and Wayne can be very proud of the son he raised, my Chief of Staff, Eric Dell of the Second Congressional District. In Eric, Wayne raised a son who many in both political parties have come to know, love and trust—no easy task on Capitol Hill, I know.

Like his father, Eric is a man of his word, a rare commodity today, and a devoted servant of the people whom I represent, as well as this great Nation. As with all great champions, the torch must eventually be passed. I can assure Eric's father, my friend, that his torch shall be strongly, honorably and steadfastly carried forward into the future by Eric and his family.

There is a time in each man's life when the sun must set, and when his Creator calls, once again, Wayne has answered that final call, with great distinction, honor, and love as his foundation.

May God bless you, Wayne Clair Dell, and this great Nation which you have helped create.

Semper Fi.

Always faithful.

#### PERSONAL EXPLANATION

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. CUELLAR. Madam Speaker, due to a death in the family, I missed the following recorded votes on the House floor on Monday, February 22, 2010.

Had I been present I would have voted "yea" on H.R. 4425—To designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the Martin G. "Marty" Mahar Post Office, and "yea" on H.R. 4238—To designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the W.D. Farr Post Office Building.

#### PERSONAL EXPLANATION

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on February 22, 2010. Had I been present, I would have voted "yea" on rollcall 49 and "yea" on rollcall 50.

IN RECOGNITION OF CONGRESS-  
MAN KILDEE'S 20,000TH VOTE

**HON. VERNON J. EHLERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. EHLERS. Madam Speaker, I rise today to offer my thanks to Congressman DALE KILDEE for his honorable service to the State of Michigan over the last 33 years. It has been a privilege to serve with him for half of that time.

Congressman KILDEE's diligence and commitment to voting is unrivaled, having missed only 27 votes in his entire career.

His consecutive vote streak of 8,141 votes is admirable, not only for its unprecedented nature, but because it shows his commitment to taking a stand on the issues.

Of the votes that Congressman KILDEE has cast, many have been in support of important education reforms and our auto and manufacturing industries. I have enjoyed working with him on the Education and Labor Committee and, as a fellow educator, I have always appreciated his approach and commitment to improving our nation's schools.

On a personal note, Congressman KILDEE has been a great friend and a good example to me and every Member of Congress.

The State of Michigan has been well represented by Congressman KILDEE, and I hope he will be able to cast another 20,000 votes!

IN MEMORY OF SGT. JEREMY  
MCQUEARY

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. PENCE. Madam Speaker, I rise to pay tribute to the life of a fallen American hero, Marine Sergeant Jeremy McQueary of Columbus, Indiana.

Sgt. McQueary served multiple tours in Iraq and Afghanistan, and he gave his life in service to a grateful nation on Thursday, February 18th while serving with the 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force in Helmand Province, Afghanistan.

Sgt. McQueary enlisted in the United States Marine Corps in January 2002 after graduating from Columbus East High School. According to his mother, Jeremy always had an interest in becoming a Marine and continuing the proud tradition of service in his family by donning the uniform of our nation.

Though Sgt. McQueary did not speak often of his experiences overseas, his dedication and bravery were quite evident by his actions and decorations. In June of 2008, he survived a roadside bombing attack and volunteered to continue serving in Iraq. His awards include a Combat Action Ribbon and Purple Heart, among others.

Sgt. McQueary was a compassionate man who cared especially for children. A father himself, Sgt. McQueary expressed a desire to work with children in Iraq and Afghanistan.

Our condolences go out to Jeremy's wife Rae and young son Hadley, as well as his mother and stepfather, Deborah and David Kleinschmidt, and sister Rebecca.

We will never be able to pay the debt of honor owed to Sergeant Jeremy McQueary and his family. Heroes like him are our nation's most cherished citizens without whom freedom and democracy would not be possible. His passing is a profound loss for his family, this community and this nation.

**OUR UNCONSCIONABLE NATIONAL  
DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,403,027,179,655.21.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,764,601,433,361.41 so far this Congress. The debt has increased \$972,344,066.53 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

**HONORING DR. JOHN R. GRAY**

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. SHUSTER. Madam Speaker, I rise today to honor Dr. John R. Gray, Deputy Commander of Letterkenny Army Depot, on his commendable career upon his retirement after thirty-two years of distinguished service.

Dr. Gray joined Letterkenny Army Depot in 1985 and founded a branch for the U.S. Army Materiel Command Management Engineering Activity. Since 1988, he has held a number of positions at the depot working his way up to Deputy Commander. After two years of service as the Supervisory Budget Analyst with the Defense Information Systems Agency, the Army Depot appointed Dr. Gray as Deputy Commander at Letterkenny. As the senior civilian at the depot, Dr. Gray managed a \$500 million operation and an 18,000 acre installation, that employs many of my constituents in Franklin County.

Deputy Commander Gray began his federal career in 1978 in Rock Island, Illinois, with the U.S. Army Corps of Engineers. During his time there, he was an instructor with the Army Management Engineering College providing training to students on financial management and productivity measurement. In addition, Dr. Gray performed cost analyses on hydropower, flood control, and water supply projects.

Dr. Gray graduated from The Pennsylvania State University with a Bachelor of Science degree in 1975 and Master of Business Administration in 1978. Twenty years later, he

earned his Master of Public Administration from the University of Southern California where he later received his Doctorate in Public Administration. In 1990, Dr. Gray became a graduate of the Secretary of Defense Executive Leadership Development program.

Dr. John Gray's service is a brilliant example of how dedication to personal and professional development in life can lead to success. He has been a leader throughout his entire career and a valuable resource to all whom have had the pleasure of knowing him. He is a man of outstanding character and we will remain grateful for his unwavering dedication and service to our community and our nation. I wish Dr. Gray and his family continued success and my best wishes upon his retirement.

**HONORING WESTERN MICHIGAN  
UNIVERSITY TEAM ON WINNING:  
iOMe CHALLENGE**

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. UPTON. Madam Speaker, I rise today to recognize the student team at Western Michigan University on winning the national iOMe Challenge competition, which focused on solutions to make the U.S. retirement system solvent for future generations.

WMU's proposal was the collaborative effort of four students from the University's Lee Honors College—Sam Demorest, Lauren Hearit, Ashley Horvat, and Brad Kent—with the guidance and encouragement of WMU Professor Susan Hoffmann. The proposal submitted by the WMU team was one of 41 entries submitted by schools in 17 states for the opportunity to travel to Washington and present their ideas before Members of Congress. The iOMe Challenge asked college students across the country to think, analyze, and propose a solution addressing the issue of retirement for future generations. The WMU team analyzed every potential aspect of what life in retirement could be four decades from now and collaboratively put together a proposal that directly meets the challenges that lie ahead. The Western Michigan University team's project was selected by an independent blue-ribbon panel who judged based on content, style, economic soundness, and accessibility to young Americans.

Certainly there are a number of proposals for going about preserving the retirement system, and I have been deeply impressed by the recommendations of the team at Western Michigan. Their objective analysis of our current system and common retirement preparation practices, including each aspect's strengths and weaknesses, is sound and pragmatic. The adaptability within our current system allowed these students to provide cost cutting solutions that actually raised benefits for all Americans, while ensuring the system's long-term viability.

With a steadily aging population, significant reforms will need to be made to ensure the retirement system remains viable not only for today's retirees but generations to follow. To simply continue to kick this issue further down

the road will only compound the problem for future American retirees. That is why this issue deserves constant attention from all Americans, especially younger generations who will be most greatly impacted. I commend these four students at Western Michigan University for their leadership in taking up this difficult issue, in order to show that our nation's future leaders will not be ignored when we discuss possible solutions regarding our future retirement problems.

Once again, congratulations to the team at Western Michigan University. You make your university, state, and nation very proud.

#### EARMARK DECLARATION

### HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—the Defense Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3326—the Defense Appropriations Act, 2010, provides for funding for the National World War II Museum Expansion in the amount of \$10,000,000. This funding would be used to design and construct the U.S. Freedom Pavilion and its exhibitions which teach the importance of service to the nation, including the importance of service in the United States Armed Forces.

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 3326—the Defense Appropriations Act, 2010, for Tulane University for Biosensors for Defense Application in the amount of \$2,500,000. This funding will leverage Tulane and Xavier Universities biosensor and risk assessment technologies (which provide real-time information about threats from bioterrorism and environmental pollutants) program to develop biologically derived sensors for detecting pollutants and contaminants.

#### INTRODUCTION OF COLUMBIA RIVER RESTORATION ACT

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. BLUMENAUER. Madam Speaker, today I am pleased to introduce the Columbia River Restoration Act. The Columbia River is the largest river in the Pacific Northwest, supplying fishermen with jobs, serving as a recreational resource, and providing power to the Northwest. The river and its tributaries provide significant ecological and economic benefits to the Pacific Northwest and the entire country. Approximately 8 million people, including my constituents, inhabit the basin and depend on its resources for their health and survival. The 14 hydropower dams in the Columbia Basin provide over 75% of the power for the Northwest. Half of the 7.3 million acres of income

producing farm and ranch land in Idaho, Oregon, and Washington are irrigated with the Columbia River; sales from these exceed \$10 billion annually. Traditionally, the Columbia and its tributaries have been the largest salmon-producing river system in the world, with annual returns peaking at up to 30 million fish. Recognizing the river's importance, the Environmental Protection Agency, EPA, designated the Columbia River as an Estuary of National Significance in 1995 and a Large Aquatic Ecosystem in 2006.

Sadly, after years of treating this great river like a machine, we know that the Columbia River is plagued by habitat loss and degraded with dangerous PCBs and other chemical pollutants that are detrimental to fish and wildlife, including thirteen species of salmon and steelhead listed under the Endangered Species Act as threatened or endangered. Legacy contaminants such as DDT that were banned in the 1970s are still detected in juvenile Chinook salmon. According to EPA and tribal surveys, these contaminated fish are consumed in large quantities by tribal populations, putting them at risk. Other pesticides and contaminants, such as hormone disruptors from pharmaceutical and personal care products, have been found in the river and salmon and may impair salmon growth, health, and reproduction. These contaminants threaten not only the health of fish and wildlife, but the humans who depend on them.

I am proud that stakeholders in the Columbia Basin have come together in a partnership including states, tribal governments, public and private entities, and key federal partners to look with a hundred-year vision toward the future of the river, and to clean it up and make it a sustainable resource for generations. The Lower Columbia River Partnership (LCREP), for example, works to protect the estuary's ecosystem and its species, reduce pollution, and provide information about the river to the public. The partnership has restored 2,600 acres of habitat, opened 41.7 miles of stream habitat, completed toxic and conventional pollutant water quality monitoring, and engaged in innovative public involvement and restoration efforts in the region. LCREP has worked with the EPA to complete a Comprehensive Conservation and Management Plan to guide recovery efforts in the lower basin. EPA has also worked with stakeholders to develop a Toxics Reduction Action Plan to reduce toxics throughout the Basin. While there have been numerous studies and projects for toxics reduction and habitat restoration on the river, it is time for a broader, more comprehensive, and better funded effort.

The bill I am introducing today would authorize the EPA to work with LCREP, the States of Oregon, Washington, and Idaho, Columbia Basin tribal governments, local governments, citizen groups, industry, and other Federal agencies to develop and implement a collaborative and comprehensive strategy to increase monitoring and reduce pollution in the basin. Through a new Columbia River Program Team located in EPA's Region 10 Oregon Operations Office, EPA will assist and support the implementation of the Toxics Action and Comprehensive Plans to reduce toxics, coordinate the major functions of the Federal government related to the plans, track

progress toward meeting the goals and objectives of the plans, and share this information with the public. The legislation authorizes \$40 million a year for this effort.

Restoration projects, toxic monitoring and other activities associated with the restoration effort will create between 700 and 900 jobs a year in the region for biologists, construction workers, and others. It will also enable the river to continue supporting jobs in the farming, hydropower, recreation and transportation industries.

I am pleased to be joined by some of my colleagues in Oregon and Washington in introducing this legislation. I look forward to working with stakeholders in the Pacific Northwest to move it quickly.

#### A TRIBUTE TO CLAUDIE C. ROYAL

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. NEUGEBAUER. Madam Speaker, in celebration of Black History Month, I want to recognize Claudie C. Royal for his dedication to the 19th Congressional District of Texas, as well as his leadership in honoring Black History Month in Abilene, Texas. Although Claudie passed away in 2008, the Abilene community continues to carry on his memory and the initiatives he started.

Claudie was born on February 15, 1945 in Marlin, Texas, and raised in Abilene where he graduated from Woodson High School. After high school, Claudie married his high school sweetheart, Lula, on April 13, 1964. He also attended Cisco Jr. College and was an active member of Plum Street United Methodist Church. For over 18 years, Claudie was employed by the Keebler Cookie Company.

Abilene remembers Claudie for planning many community activities and for his boldness in executing these plans. He dedicated his life to the youth, the elderly, the truly disadvantaged and those in the community who were not being treated fairly. He encouraged others to become involved in the community.

In 1980, Claudie organized an annual march honoring the late Dr. Martin Luther King, Jr. Today that annual march and associated activities are widely acknowledged and participated in by the citizens of Abilene. In 1981, Claudie was the driving force behind the development of a park constructed in the community of Pasadena Heights in Abilene. Through Claudie's influence, the park was named to honor Mr. Nelson Wilson, Sr., a community leader and long time resident of the city. In 1989, Claudie established H.O.P.E., a successful organization devoted to stopping and preventing youth drug use. In 1995, he was honored with the Dr. Martin Luther King, Jr. Human Services Award. After his death, the Abilene City Council permanently named February 15 as Claudie C. Royal Day to honor him.

Claudie was a strong Christian and family man. Claudie and Lula had 5 children: Michael, Cedric, deceased, Michelle, Mitchell and Matthias Royal, and five grandchildren: Mylles, Michael Ryan, BriAnna, Myller, and Mylliah.

During Black History Month, we pay tribute to generations of African Americans who struggled with adversity and made great contributions to shaping our Nation. We should keep in mind those who made a difference in their communities, and Claudie Royal truly made a difference in Abilene, Texas. The 19th Congressional District thanks Claudie for the imprint he left on his community. Even though he is no longer with us, we remember his devoted service to Abilene.

#### PERSONAL EXPLANATION

##### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. KING of Iowa. Madam Speaker, on roll-call No. 18, I was unable to vote because my arrival in Washington from Iowa was delayed by severe winter weather. Had I been present, I would have voted "yea."

#### HONORING PAUL WHITE

##### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Paul White upon being honored with the "Trail Blazers Award" by the African American Museum. Mr. White will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Mr. Paul White was born on March 23, 1947 in Oklahoma City, Oklahoma. At age eleven his mother passed away and he, along with his five siblings, moved to Fresno, California to be raised by their grandparents. He graduated from Edison High School in 1962 and attended Fresno City College where he played basketball. He graduated from California State University, Fresno with a Bachelors of Arts degree and a Masters degree in Public Administration.

Mr. White served the Fresno community for over thirty years with distinguished careers in health care administration, human resources and social services. He was the first African American Assistant Administrator at Saint Agnes Hospital, Valley Medical Center and the Fresno County Health Department. Mr. White served as the Assistant Executive Director of Fresno County Economics Opportunity Commission for many years.

Outside of work, Mr. White was heavily involved with various community organizations including: the Black Infant Health Project, Babies First, the Marjaree Mason Center, March of Dimes, the California Transplant Donor Network, United Network of Organ Sharing, Minority Affairs Committee, Boy Scouts of America and he served on the Board of Directors for West Fresno Health Care Coalition, Inc. For his dedicated service, Mr. White has also been recognized and awarded by many organizations including: Fresno Metro Ministries, the California Transplant Donor Network, the

United Black Men of Fresno, former California Lieutenant Governor Cruz Bustamante and the California State Senate and Assembly. Mr. White passed away on March 17, 2005. He and his wife, Sheila, had been married for forty years. Together they raised six children and had nine grandchildren.

Madam Speaker, I rise today to posthumously honor Paul White. I invite my colleagues to join me in honoring his life and wishing the best for his family.

#### HONORING EVAN LYSACEK

##### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to congratulate Evan Lysacek on winning an Olympic gold medal in men's figure skating. Evan skated a breathtaking routine in both the short program and free skate to reach the pinnacle of his sport on its greatest stage. All of us in the Chicago area are proud not only of what he has accomplished but also the way he has represented himself, his family, the state of Illinois and all of the United States.

Born in Chicago and raised in Naperville, Evan attended Neuqua Valley High School, where he graduated with honors. In Vancouver, he became the first American man to win gold in figure skating since Brian Boitano in 1988. Evan was the U.S. Champion in 2007 and 2008 and World Champion in 2009, but did not skate his best at the 2006 Olympics in Torino, finishing fourth. His story of triumph and redemption is one we can all learn from. I wish Evan the best of luck in his figure skating career and beyond, and am so proud to recognize him today.

#### PERSONAL EXPLANATION

##### HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. DENT. Madam Speaker, I regret that I was unavoidably absent on Monday, February 22, 2010, due to a death in my family. Had I been present for the two votes which occurred, I would have voted "aye" on H.R. 4425, rollcall No. 49 and H.R. 4238, rollcall No. 50.

#### EARMARK DECLARATION

##### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. BLUNT. Madam Speaker, I submit the following:

Priority Name: Thunder Radar Pod (TRP)

Appropriated Amount: \$1.6 million

Account: Air Force—RDT&E

Legal Name of Requesting Entity: Mid-American Precision Products

Address of Requesting Entity: 1927 West 4th Street, Joplin, MO 64801

Description of Request: The use of taxpayer funds is justified because the Air National Guard (ANG) has an essential requirement to provide its F-16 fighter forces with all-weather, day & night strike and situational awareness capability that will complement its current EO/IR capability with the Advanced Targeting Pods. This capability can only be provided with an airborne Synthetic Aperture Radar (SAR) that is capable of seeing through cloud cover, inclement weather, and smoke obscured targets or areas of interest. Lack of an all weather targeting capability will continue to limit the USAF's ability to effectively fulfill its Destruction of Enemy Air Defense (DEAD) tasking regardless of weather and allow the enemy to operate unfettered in poor metrological conditions. This all-weather DEAD capability will not be realized until approximately 2018 with the fielding of a like capability in the F-35, making the procurement of the TRP in the near-term time frame critical.

#### RETIREMENT OF MARIE RICHARD

##### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. POE of Texas. Madam Speaker, after more than fifty years of working for The Beaumont Enterprise newspaper, Marie Richard has decided to retire. She is the longtime assistant to the editor and very well known throughout the company and the community.

She began her newspaper career in 1959. At the age of twenty, she started working for the Beaumont Enterprise newspaper, and now at the age of seventy, she is ending her wonderful career.

She is recognized for fortifying relationships with the newspaper's customers; an aspect of her job she has enjoyed the most. She is also recognized for her work with the newspaper's annual holiday fund drive. Her dedication to the people of the Second District of Texas is truly heartfelt.

Madam Speaker, the Second District of Texas is proud to have such a wonderful individual in its community. We have no doubt that the newspaper will miss Marie Richard and her dedication to the people of Beaumont, Texas.

#### IN HONOR OF WILLIAM D. MONTAGUE

##### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of William D. Montague, Director of the Cleveland, Ohio Veterans Administration Medical Center (Cleveland VAMC), and in celebration of his retirement. For nearly twenty years he provided excellence, leadership and expertise in support of United States Veterans from northeast Ohio.



Thanks in part to his hard work and dedication, the Cleveland VAMC has consistently provided superior and innovative clinical care, outreach services and numerous programs for veterans and their families. Throughout his tenure at the Department of Veterans Affairs (VA), Mr. Montague has served as CEO or acting CEO at six VA facilities, and has been actively involved in 13 major construction projects which enhanced and expanded services and programs for veterans.

Mr. Montague's effective leadership and professional accomplishments have not gone unnoticed. He has been recognized numerous times with local, state and national awards and honors, including the 2009 American College of Healthcare Executives Federal Excellence in Healthcare Leadership Award; the Presidential Meritorious Award (twice); and the AMVETS Civil Servant Award. Mr. Montague was a key contact in working with my Congressional staff to assist veterans who reside in the 10th Congressional District. His response and support was consistently timely and thorough.

Madam Speaker and colleagues, please join me in honor of William D. Montague, retiring Director of the Cleveland VAMC, who served with integrity, dedication, diligence, compassion and expertise. I thank Mr. Montague for all of his assistance to United States Veterans of the 10th Congressional District and the region. I wish him and his family peace, health and happiness as he journeys onward.

**NATIONAL DISCOVERY TRAILS  
ACT OF 2010**

**HON. JOHN P. SARBANES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. SARBANES. Madam Speaker, I rise today to introduce the bipartisan National Discovery Trails Act of 2010. This legislation seeks to connect existing trails, greenways, and country roads to form the American Discovery Trail a unique coast-to-coast, non-motorized, multi-use trail accessible to urban and rural areas alike all across the country.

Americans have utilized our nation's trail system for more than 40 years for outdoor recreation, exercise, historic study, and general enjoyment of the natural beauty this country has to offer. The American Discovery Trail will connect people to small towns, historic sites and natural wonders along a coast-to-coast route. It will provide millions of people greater access to a trail system that can be utilized for two hours, two days, two weeks, two months or longer giving users the flexibility to explore the trail for as much or as little time as they want. Numerous studies have shown that the presence of trails and greenway corridors positively impact quality of life, but also real estate property values, small businesses, tourism, and even some corporate relocations.

The National Trails System currently has two categories of significant long-distance trails. The first category is the National Historic Trail, which are famous historic routes, such as the Santa Fe Trail, Pony Express Trail, and

the Lewis & Clark Trail. The second category is the National Scenic Trail, which are classic wilderness-only routes meant for hiking far from civilization, such as the Appalachian Trail, Pacific Crest Trail, and Continental Divide Trail.

The National Discovery Trails Act of 2010 would add a third long-distance national trails category called National Discovery Trails. National Discovery Trails would tie together historic and scenic trails and connect them with population centers from small towns to big cities in a way that will increase access to and awareness of our national trail system.

The legislation would also designate the American Discovery Trail as the first National Discovery Trail. The American Discovery Trail route—the first non-motorized way to cross the entire country—would utilize already existing right-of-ways on public land. It would be a patchwork quilt of the country's east-west pathways, including National Park hiking trails, National Forest logging roads, sections of historic routes, historic canal towpaths, rails-to-trails conversions, state and county park trails, country roads, small town sidewalks, and big city greenways—all stitched together to form one trail from the Atlantic to the Pacific. The National Park Service supported creation of the National Discovery Trail designation in a comprehensive feasibility study in 1996.

Madam Speaker, it is time to expand the national trails system and establish American Discovery Trails, linking community to community and providing trail users the opportunity to journey into the heart of all that is uniquely American—its culture, heritage, landscape, and spirit. I hope my colleagues will join me in supporting of this legislation.

**IN RECOGNITION OF JUDGE J.  
AUGUSTUS ACCURSO**

**HON. DENNIS A. CARDOZA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. CARDOZA. Madam Speaker, it is with the greatest respect and admiration that I rise today to honor the late Judge J. Augustus "Augie" Accurso. Augie was not only an engaged member of our community in Stanislaus County, California, but he was a beloved father and grandfather. He was a very special and well respected man to many people, known for his gift of conversation, sense of humor and positive approach to life. At the age of 79, Augie Accurso passed away on Sunday, February 7, 2010.

The Queens Village, N.Y., native had several other jobs before settling into law. He went to barber school and worked as a pharmacist, which his colleagues said ensured he would carefully scrutinize chemical evidence. Judge Accurso started out in the Stanislaus County district attorney's office in 1969, then after a little more than a year went into private practice. He was then selected by the county Board of Supervisors to become a Justice Court judge in Turlock. In 1977, the Board of Supervisors abolished the Justice Court, the board appointed him to the Municipal Court bench.

Judge Accurso served on the bench for two decades, and during his 20-year career as a judge, he served at every judicial level in the state shy of the Supreme Court. He served on the Justice Court, the Municipal Court, the Superior Court and the Court of Appeal. During his tenure, he also served as dean of the Judges College, an ongoing curriculum to help judges keep abreast of judicial procedures and rules.

Judge Accurso was also an active alumnus of the Theta Chi Fraternity. Judge Accurso pledged, and was initiated, Theta Chi while attending San Jose State. This was a relationship that he held proudly throughout his life as he encouraged and nurtured the chapter that formed at CSU Stanislaus in the late 70s. Judge Accurso was very influential in the lives of the members of the Eta Tau Chapter of Theta Chi at California State University Stanislaus, and was like a father to many of them.

Madam Speaker, it is my distinct honor and privilege to join my community in honoring the memory of Augie Accurso. He will be greatly missed by all.

**RECOGNIZING WEST VIRGINIA  
NATIONAL GUARD AND LOCAL  
RESPONDERS FOR HEROIC WORK**

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. RAHALL. Madam Speaker, I rise today to recognize the heroic efforts of my fellow West Virginians, who safely and successfully rescued 17 individuals from a downed military helicopter in Pocahontas County, WV, last week. The Navy helicopter was participating in the Operation Southbound Trooper X annual military exercise, when it went down in a deep snow-covered and rugged site, which lies in northwestern Pocahontas County.

A West Virginia Army National Guard HH-60 Blackhawk helicopter—piloted by Bluefield, WV, native Major Kevin Hazuka—located the downed aircraft. Two medics were lowered to the landing site to assess the situation and provide assistance to the injured. A C-130 Hercules aircraft from the 130th Airlift Wing in Charleston was dispatched and orbited the site to maintain communications with the downed aircraft, while emergency response and rescue teams worked through the night and into the next morning to make their way to the survivors.

A February 20th editorial in the Beckley, WV, Register-Herald newspaper titled, "Our Nature," perhaps tells this story best:

When a crisis strikes, West Virginia responds. Time and time again. We've seen it this winter during all the snowstorms that have paralyzed different regions of the state. We've seen it during all the major floods. We've seen it in the aftermath of major accidents. We've seen it beyond our borders, like helping with the relief effort following Hurricane Katrina, like battling western forest fires.

West Virginians are ready to help in a moment's notice, often without being asked. Paid responders. Volunteer responders.

Neighbors. Even those who may not be physically able to provide aid will show up with food, drink and supplies for those who are.

And now we've seen it again with what are being described as "heroic" efforts on the part of many who rescued 17 military personnel aboard a Virginia-based Navy helicopter that crashed during a training exercise Thursday on a rugged, snow-covered mountain on the Pocahontas-Randolph county line.

"I'd like to thank the West Virginia National Guard and the local responders for their heroic work," Navy Capt. Steve Schreiber said. "Their efforts were extraordinary and took place under the most difficult of situations. The rescuers had to traverse more than three miles from the nearest road through heavily wooded and mountainous terrain to reach the crash site."

"A special thanks to the Snowshoe Mountain Ski Resort for providing Snowcats that enabled first responders to reach the site."

The West Virginia National Guard and first responders around the state have a way of turning the extraordinary into the ordinary. In other words, we've seen it enough times to still marvel but not be surprised by what they do, even as they take rescue efforts to another level.

And this one reached another level, literally and figuratively. "... we've never had anything quite this big," said Shannon Boehmer, chief of the Shavers Fork Volunteer Fire Department.

After rescuers went as far as they could with special equipment along a railroad grade, Boehmer said, "it was still about a 45-minute hike in five feet of snow, straight up the side of a mountain . . . It was probably a 50-degree pitch or so. The guys described it as like climbing a 'snow ladder.'"

Have you ever tried to walk in 5 feet of snow? Even on flat ground, just a few steps can wear you out.

Sometimes we may not realize what we have here in West Virginia. We have the finest National Guard unit in the country, first responders to match and a general willingness by everyone to help.

One thing is for sure: The US. Navy now knows.

And, now Madam Speaker, as I share this with our colleagues, the world now knows the courage, ability, incredible determination, and willingness to lend a neighborly hand of West Virginians—from those who serve in and lead our West Virginia National Guard, to our local fire, rescue and first responder units, and the countless volunteers, families and neighbors nearby.

MELANIE SHOUSE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. CARNAHAN. Madam Speaker, I rise today to offer my sincere condolences to the family and friends of an individual I was just beginning to get to know last year during the height of the intense debate over health insurance reform—Melanie Shouse. It is with sadness that I inform you that we have lost Melanie earlier this month entirely too soon.

Melanie was diagnosed with breast cancer years ago and was unable to afford a doctor. After being diagnosed she became one of the

St. Louis area's strongest advocates for health care reform, but sadly wasn't able to see her hard work come to fruition.

Last year, she was kind enough to share her story with those for and against health insurance reform at one of my town hall meetings. Melanie handled herself with great poise and distinction as she had throughout her time advocating for reform and I could not thank her enough. She so successfully made the case for reform. Despite our loss, she continues to give us hope that health insurance reform can become a reality.

My thoughts are with Melanie's partner Steve, her parents, sisters and grandmother. Melanie served as an inspiration for so many and will be sorely missed.

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF ROBERT BOWMAN

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. NUNES. Madam Speaker, I rise today to recognize the life and public service of Mr. Robert F. Bowman, a life-long farmer and agricultural leader, well known throughout the San Joaquin Valley, California and the nation.

Robert served in the U.S. Army as a second lieutenant, stationed in Okinawa, Japan during WWII. He later graduated from California Polytechnic State University, San Luis Obispo in 1950 with a B.S. in Animal Sciences.

From very meager beginnings, at age 15, Robert and his parents formed a farming partnership that would grow from Kern to Tulare County. With a legacy that began in the depths of the Great Depression, Robert ran a successful farming operation for nearly 70 years.

While Robert's impact on the agricultural industry is immeasurable, perhaps his greatest contribution was to the student-leadership organization, Future Farmers of America, FFA, where he was elected as the first national president from California in 1941. His dedication to vocational agriculture was exemplified by his continual support of the organization through his help in establishing the first California FFA center in 2005 in Galt, California.

First and foremost, Robert was a husband and father; patriarch to a family devoted to serving the agricultural industry. He believed in family and education and was known to tell people; "that his six girls were his greatest investments". Today, Robert's wife Gloria Bowman, his six daughters, sixteen grandchildren, and ten great grandchildren, continue to live out his legacy.

Robert Bowman was someone whom I knew personally. I valued his judgment and guidance. At heart, he was always a farmer, with an undeniable belief in the agricultural industry, inspiring all those who knew him. Robert's impact will not end today. His life's values, devotion to the agricultural industry, and commitment to education will live on through his family, friends, and community.

IN HONOR OF MRS. MINNIE L. JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mrs. Minnie L. Jones in celebration of her 90th birthday.

Mrs. Jones has been blessed over her lifetime with faith, family and friends. She is known for her positive outlook and for seeing the good in others. She lives every day with a grateful heart and warm smile.

Mrs. Jones' abiding faith continues to be a source of strength and joy. She is a life-long member of and missionary with the African Methodist Episcopal Church of Cleveland, Ohio, where she volunteers her time. Aside from her time at the church, Mrs. Jones' greatest joy in life is spending time with her family and friends. She remains close with her grown children—Billy, Patricia, Mabel, Kenneth, Stafford, Sandra, Larry and Cindy. She is also a doting grandmother and great-grandmother. Mrs. Jones loves to cook and share memorable holiday and Sunday meals with family and friends, and welcomes everyone with hospitality and friendship.

Madam Speaker and colleagues, please join me in honor of Mrs. Minnie L. Jones upon the joyous occasion of her 90th birthday. Her love of family, love of life, service to others and youthful spirit have all served as an inspirational example for all of us to follow. I wish Mrs. Jones abundance of peace, health and happiness today, and throughout the years to come.

HONORING BILLY DILWORTH FOR HIS FIFTY YEAR CAREER IN BROADCASTING AND JOURNALISM

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. BROWN of Georgia. Madam Speaker, I rise today to honor Billy Dilworth, a legend in Georgia broadcasting, and an award winning journalist who is known by thousands in northeast Georgia for his newspaper articles as well as his television and radio shows.

Just after graduating from the University of Georgia, his career got off to a great start. His first interview was with a rising star in the music world named Elvis. His second interview was with a well-known politician, Harry Truman. In fact, during his time as a journalist and radio personality, Billy would interview five presidents and several country music stars. But most importantly, he always made time for folks in the community.

Over the past twenty years, Billy has hosted "The Billy Dilworth Show" on WNEG-TV. During the show, he and co-host Michelle Austin have entertained viewers with their great humor, music selections, and updates from political, civic, and religious leaders. One of their regular segments that I can certainly relate to was named "Doctor's House Calls" and allowed live call-in questions.

I ask my colleagues to join me in honoring this Georgia legend. Though he is stepping away from the limelight, he can never be replaced. I, along with the rest of his viewers, will miss him. His talent and work will not be forgotten.

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PERSONAL EXPLANATION

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. ETHERIDGE. Madam Speaker, I regret that yesterday a prior engagement prevented my timely return to Washington. I was, therefore, unable to cast a vote on a number of roll-call votes.

Had I been present, I would have voted "yes" on H.R. 4425, designating the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office." I also would have voted "yes" on H.R. 4238, designating the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building."

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TRIBUTE TO VERNON HUNTER

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an American hero. Vernon Hunter was an unsung hero who was thrust into the national spotlight when his life was tragically cut short last week in the senseless attack on his office in Austin, Texas.

Mr. Hunter was a model citizen who spent his life in the service of his country. He served in the Army for 22 years, including two combat

tours in Vietnam. After his service ended, Mr. Hunter spent several years in the private sector before starting work at the IRS where he was employed for 27 years.

Friends and family indicate that Mr. Hunter was a loving father and husband who remained fiercely committed to public service and those around him for all his days. They report that Mr. Hunter was considering retiring from the IRS to start a new career as a special education teacher.

Mr. Hunter was born and raised in Orangeburg, South Carolina, a city I am proud to represent. He grew up there and graduated from Wilkinson High School in 1959.

He is survived by his wife Valerie and their six children. The citizens of South Carolina, Texas and Americans everywhere mourn his tragic loss.

Madam Speaker, I ask you and my colleagues to join me in expressing our sincere condolences to Vernon Hunter's family and to recognize his heroic contributions to his country. Mr. Hunter represents the unsung American heroes who dedicate themselves every day to serving their country and their fellow men and women. We owe them all a debt of gratitude.

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HONORING REVEREND RANDOLPH BRACY, JR.'S SERVICE TO THE FLORIDA COMMUNITY

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to honor Reverend Randolph Bracy, Jr. for his dedicated service to his church, our central Florida community, and our great State of Florida. Born on November 4, 1944, Reverend Bracy, Jr. is a native of Jacksonville, Florida and has since given a great deal back to our community.

Reverend Bracy, Jr. graduated from Bethune-Cookman College, Daytona Beach, Flor-

ida in 1967 with a Bachelor of Science Degree in Biology. In 1970, he pursued graduate studies in Guidance and Counseling, and graduated from Florida A&M University with a Master's of Education Degree. Later in 1974, he earned the Doctor of Education Degree from the University of Florida in Higher Education Administration. In 1982, he received the Master of Divinity Degree from Colgate-Rochester Divinity School in Rochester, New York. In 1999, he earned a certificate at the Center for the Study of Values in Public Life at the Harvard Divinity School in Cambridge, Massachusetts with the Summer Leadership Institute. In 2004, he presented a paper at the Oxford Round Table on Religion, Education and the Role of Government at the University of Oxford in England. Reverend Bracy's educational accomplishments are only surpassed by his commitment and work in the community.

In 1991, he joined the Shiloh Missionary Baptist Church of Orlando, Florida. In August 1992, he and his wife, Dr. LaVon Wright Bracy, led the organization of the New Covenant Baptist Church of Orlando. The New Covenant Church has grown to a membership of more than 2,000. The New Covenant Church has created a charter school to educate and mentor hundreds of youth. They have created a community development corporation that has rehabbed neighborhoods, created safe havens for after-school and community activities, and provided financial and housing counseling.

As President of the local NAACP, he has worked tirelessly for human and civil rights for all people. He has inspired and mentored a generation of new leaders and for that I am proud to call him my friend and ally for justice.

Madam Speaker, as Black History Month comes to a close, it is with great honor that I recognize Reverend Bracy, Jr.'s incredible work and his leadership in the African American community and in our Florida community as a whole. He provides inspiration for the people in his community and is a great activist.

## SENATE—Wednesday, February 24, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, in whom we trust, put Your hands upon the Members of this body to guide and strengthen them. Bless them in moments of stress and tension, renewing their strength so that they mount up on wings like eagles. Lord, give them the moral and spiritual stamina to do what is right as You give them the life to understand Your will. May they fulfill their high calling to serve You and this Nation and exemplify to all the oneness of a shared commitment. Make their lives an expression of Your truth, righteousness and justice.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 24, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the time until 9:55 will

be equally divided and controlled between the two leaders or their designees. At 9:55, the Senate will proceed to a series of up to two rollcall votes. The first vote will be on the motion to waive the applicable budget points of order with respect to the Reid amendment No. 3310.

If the points of order are waived, we will immediately proceed to vote on the motion to concur in the House amendment to the Senate amendment to the bill, H.R. 2947, with the Reid substitute amendment.

Following the votes, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

It is my hope we are able to reach an agreement to pass the short-term tax extenders legislation today. The next item of business will be the bipartisan travel promotion legislation.

Following the remarks of the Senator from Kentucky, I would yield 4 minutes to the Senator from New York, Mr. SCHUMER.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE SUMMIT

Mr. McCONNELL. Mr. President, earlier this week, the White House unveiled its latest iteration of the Democrat plan for health care reform, and, to put it quite simply, it was a major disappointment.

It was our hope that when the administration called for a health care summit at the White House, it would be an opportunity for both sides to come together and start over. Now it is perfectly clear the administration had something else in mind entirely.

The plan we saw Monday is hardly a starting off point for a bipartisan discussion on commonsense reforms. It is really just more of the same: a massive government scheme with all the flaws of the previous proposals that the American people have already seen and rejected. Changing the name and increasing the cost is not what Americans have been asking for, and it is certainly not reform.

To make matters worse, even as lawmakers head down to the White House for this health care summit tomorrow, Democrats on Capitol Hill are working behind the scenes on a plan aimed at jamming this massive health spending bill through Congress against the clear

wishes of an unsuspecting public. What they have in mind is a last ditch legislative sleight of hand called reconciliation that would enable them to impose government-run health care for all on the American people, whether Americans want it or not. And we know that Americans do not, in fact, want it.

Americans have seen these proposals before. They do not want them. So this is the height of legislative arrogance. If you did not like the Cornhusker Kickback, get ready. This is the Cornhusker Kickback on steroids.

In light of all these behind the scenes efforts to get around the will of the people, it is hard to imagine what the purpose of Thursday's summit is. If the White House wants real bipartisanship, then it needs to drop the proposal it posted Monday, which is no different in its essentials than anything we have seen before, and start over. And they need to take this last-ditch reconciliation effort off the table once and for all.

Then we can work on the kind of reform Americans really want, step by step proposals that will actually get at the problem, which is cost. That is what the American people have been asking us to do for a year. If ever there were a time for the administration to show it is listening, it is now. Reform is too important. We cannot let this opportunity pass.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

A House message to accompany H.R. 2847, an Act making appropriations for the Departments of Commerce and Justice and Science, and Related Agencies for the Fiscal Year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 3310 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 3311 (to amendment No. 3310), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the

time until 9:55 will be equally divided and controlled between the two leaders or their designees.

Mr. GREGG. I ask unanimous consent that upon the completion of the remarks from the Senator from New York, I be recognized.

Mr. SCHUMER. Mr. President, the time will be equally divided, I presume?

Mr. GREGG. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, on a more bipartisan note than the speech from the minority leader, we are now moving toward some legislation that has two bits of good news for the American people; one, it will help create jobs and employ those who have been out of work for too long a time; second, it is bipartisan. For the first time in a long time, we have a bill that is supported by both Democrats and Republicans. I would like to salute the five Republicans from the other side who joined us in moving the bill forward. I am very hopeful there will be a large number of those from the other side of the aisle who will join in this bipartisan measure that will show the American people that, at least when it comes to jobs, we can—and must for their good—work together.

First, let me discuss the proposal, the part of the proposal authored by Senator HATCH and myself. It is very simple. It is a holiday from the payroll tax for any employer that hires a worker who has been out of work for 60 days.

Let me discuss why I think it will work. First, it is immediate. Most businesses, particularly small businesses, if you tell them they will get some kind of tax credit if they hire someone, but they will get that credit a year from April, are not very interested. This occurs immediately, the minute the worker is hired.

Second, it is simple. Again, you tell a businessperson, particularly a small businessperson, they have to fill out 30 pages, maybe hire an accountant to get a tax credit for a new worker, that is not life. They are going to tell you to forget it.

But here all the new employee has to show is that he or she was out of work for 60 days. It is very easy to show 60 days of unemployment compensation, and it immediately takes effect.

Third, it goes right to small business. So this is not a large government program. The money goes right to small business and is cost effective, which is the fourth point. If 3 million people are hired by this tax credit, it will cost \$15 billion. That is a lot of money. But compared to the stimulus of \$880 billion, it is much smaller. The money is cost effective. It goes right to where it should.

Finally, my last point is, it is bipartisan. The country is asking us to come and work together. Obviously, there are diverse views, both within the parties and certainly between the parties. But that does not mean, on areas that are getting close to emergencies, we cannot work together.

This proposal, let it be the start. But let this proposal be the start of a coming together on issues we can agree on. There are some job proposals my colleagues on this side of the aisle would support and my colleagues on the other side would not and vice versa. There are some they would support and we would not.

But there are a large number we can all agree on. We ought to endeavor to do them because what the American people want is not us just talking at one another and accomplishing nothing but us getting something done.

Finally, going back to the merits of this proposal, it should not be sold as a panacea. This is not a magic wand that is going to be waved and all our joblessness will decline.

But what it does do is harness the economic growth we have seen in the last quarter, 5.7 percent, and translates it into the creation of jobs. Let me explain. In the last quarter, there was economic growth, 5.7 percent, but hardly a job was created. You cannot sustain an economy and get an economy moving upward unless jobs are created.

But the growth gives us an opportunity—not every employer but a significant number of employers are getting new orders. They are thinking to themselves: Should I hire that new worker or should I just extend overtime or cut back somewhere else?

This job provision, a payroll tax holiday, says to the employer—to some, not all but to many—I am going to take that gamble and hire that worker and hire them now so it will help jumpstart our economy. It will work for businesses, not those that see declining sales or flat sales but those that are beginning to see sales go up and will translate those increased sales into increased jobs, which will then, hopefully, create the virtuous cycle of more jobs, more money in the economy, more jobs still, more money in the economy still, and we can get out of this awful recession.

In conclusion, I wish to save enough time for my friend from New Hampshire. I traveled around my State this last Presidents week break. In every corner of my State, I sat with the unemployed. It was heartbreaking. Think of those people and those faces, what they had to say late at night.

A woman from Rochester had worked for 20 years for Xerox, lost her position in human services up in Rochester. She has been looking for 2 years, close to 2 years, for a job. She made a very good salary. She did not have a family. Her job was her life. She has turned things

inside out to try and find comparable work. She cannot.

I met a man who was a blue-collar worker. He had risen to the top of his craft, tool and die. He thought he had a great life—worked hard, had six children, a good marriage. A year ago he lost his job and is still paying the mortgage. His wife cannot work to support him because of the six kids, one of whom was 2 years old, as I recall.

What is he going to do? You meet people like this again and again. Young college students get out of college, bright-eyed and bushy-tailed, and cannot find work. How disillusioning at the beginning of their career.

So we have an imperative to do something. We have an imperative not to say: It has to be my way or no way. We have to put those people back to work.

That is what Senator HATCH and I attempted to do with our proposal. To our leader, I wish to pay him a tremendous tribute. He was focused on getting this done. He took brickbats left and right. But the ultimate wisdom of what he did is now being seen as we move this bill on the floor today.

Hopefully, it will go through the House and be on the President's desk shortly. I thank Senator HATCH and all my colleagues who, hopefully, in a few minutes, will come together in a bipartisan way and tell the workers who are unemployed: Yes, there is some hope. Tell the voters from Massachusetts: Yes, we have heard you. We are focusing on jobs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I believe the first obligation of a government—or one of the obligations, especially of Congress—is to live by its own words and live by its own rules. With great fanfare a couple weeks ago, the Democratic leadership and its membership passed a pay-go piece of legislation which says that when you bring spending legislation to the floor, it should be paid for. There was great breast-beating on the other side of the aisle about how this would discipline the government and make us fiscally responsible.

Now we see, as the first piece of legislation to come forward since the pay-go resolution passed, a bill which violates that pay-go resolution. This bill spends \$12 billion that is not paid for under the pay-go rules over the next 5 years. It is in violation of the concepts and the rules which were put forward by the other side as the way we would discipline spending.

I understand—and I think most of us understand—the issue of the economy is critical, getting people back to work is critical, but I don't think we get people back to work by loading more and more debt onto the next generation. Probably we create an atmosphere where folks who are willing to go out

and invest and create jobs are a little reticent to do so because they don't know how all that debt the Federal Government is putting on the books will be paid for. I presume that is one of the reasons the pay-go legislation was brought forward a couple of weeks ago, to try to give some certainty to the markets and to the American people who were upset with all the deficit and debt, that we would discipline ourselves.

Now the first bill that comes forward violates the rules of the Senate by adding \$12 billion of spending which is not paid for, which will be deficit spending, and which will be added to the debt. I am not sure how you vote for this bill when it violates that rule which you just voted for 2 weeks ago. It seems a bit of inconsistency that is hard even for a political institution to justify.

On top of that, this bill has massive gamesmanship in the outyears. It is a bill of \$15 to \$18 billion in spending, but actually, because of the games played in the highway accounts, it adds \$140 billion of spending that is not paid for which will be added to the debt if this bill is passed. That is a hard number. That is a big number. That is a real number.

The simple fact is, this bill, in the classic gamesmanship we see from the highway committee, spends money we don't have and then claims we have the money. In the end, all that money has to be borrowed because there are no revenues to cover it.

If this bill is passed, there will be \$140 billion in new debt put on our kids' backs as a result of this alleged small number. I forgot what the number is they claim is actually in the bill. How does that happen? This bit of gamesmanship ought to be explained because it keeps being undertaken by the highway committee in the most egregious way relative to proper fiscal management. In fact, if this were done in an accounting cycle that was subject to accounting rules, the people who claim this sort of sleight of hand would go to jail. It is that simple. They would go to jail because this is such a fraud on the American taxpayer.

What they are claiming is that the highway fund, on which they have committed to spend much more money than is coming in, and they knew they would spend more money than was coming in because they wanted to spend more money than was coming in, what they are claiming is that highway fund lent the general fund money 10 years ago and that money should have had interest paid on it. Of course, at the time, they actually waived the interest, assuming interest should have been paid on that. That interest has been recouped a couple of times now, allegedly, even if it were owed. But what they claim is that because the money is coming out of the general fund to fund the highway fund, they

are calling that an offset so it won't score.

Unfortunately, under the present rules with which we budget around here, it doesn't score because it is built into the baseline. It adds up to \$140 billion over the next 10 years, approximately, that is going to come out of the general fund to fund the highway fund because the people who run the highway fund don't have the courage to fund what they want to spend. So they are going to take it out of the general fund. Where does the general fund get its money? It borrows it from our children and grandchildren. It runs up debt. That is why, under any scenario, no matter what gamesmanship you play around here on naming this event, it turns out to be the same thing: debt added to our children's burden.

Our children already have a fair amount of debt coming at them as a result of this Congress's profligacy. Under the President's budget, the deficit will double in the next 5 years and triple in the next 10 years. We will add \$11 trillion of new debt to the backs of our children over the next 10 years under the President's initiatives, every year for the next 10 years. We will average deficits of \$1 trillion.

The American people intuitively understand that cannot continue; it can't keep up. We are on an unsustainable course. We are running this Nation into a ditch on the fiscal side of the ledger. We are putting this Nation into financial bankruptcy because of the fact that we are running up deficits and debt far beyond our capacity to repay. In fact, if you look at these deficits and debt just in the context of what other industrialized nations do—for example, the European Union—they don't allow their states to exceed deficits of 3 percent or a public debt to GDP ratio of 60 percent. The way this works out, we are going to run deficits of about 5 percent every year for the next 10 years, we will have a public debt situation of well over 60 percent next year, and we will get to 80 percent before the next 10 years are up. Those are numbers which lead to one conclusion—that we are in deep trouble. We are in deep, deep trouble. Yet we come here today with a bill which aggravates that situation relative to the pay-go rules by \$12 billion and relative to the highway fund by \$140 billion.

Mr. INHOFE. Mr. President, I have a unanimous consent request.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. GREGG. I will yield for the purpose of a unanimous consent request.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of the Senator from New Hampshire, I be recognized for up to 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. GREGG. What we have before us today is a bill which, first, violates the pay-go rules which we just passed a couple of weeks ago to the tune of \$12 billion and, second, puts in place a glidepath, which should be called a nosedive, toward \$140 billion of new debt being put on the backs of our children, with the alleged justification that it is offset when, in fact, the offset is superficial, Pyrrhic, and nonexistent.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GREGG. We can not keep doing this. We cannot keep doing this to our children. We cannot keep coming out here and claiming we are being fiscally disciplined when we are doing just the opposite: spending money we don't have and passing the bill on to our kids.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, when the Senator from New Hampshire talks about what we can and can't do to our children, I remind my fellow Senators, I happen to be blessed with 20 kids and grandkids. I am probably more concerned than anyone else here about future generations. Let me say, to redeem myself in advance, I am a conservative. I have been ranked No. 1 by the ACU, Man of the Year by Human Events. Yet I think we are supposed to be doing something when we come here to Washington. I have always said, when I run for office, that the two main things we are supposed to do are defend America and infrastructure. Yes, I am the ranking member on the Environment and Public Works Committee. I was the sponsor of the bill in 2005, and I am proud of it because we had to do something about infrastructure. I don't know, maybe there aren't any roads in New Hampshire, but I can tell you, don't buy into the argument that this is all debt. We are talking about \$12 billion.

This bill actually does two things. It has some very good reductions in taxes. I remember so well that John Kennedy, when he was President, said we have to raise more revenue. The best way is to reduce marginal rates. From 1961 to 1968, it went from \$94 billion to \$153 billion. That is in this thing. But the main thing here I am concerned about is we keep doing nothing about roads and highways and infrastructure. That is what we are supposed to do.

I know the Senator is sincere when he comes up with this, but where was his concern back when he voted to give an unelected bureaucrat \$700 billion? That wasn't offset. We can say that was a loan, but we all know better.

There are some things we are supposed to be doing in America, and the second most important thing, in my view—I know others don't share this

view—is to do something about infrastructure. This bill does it. This carries it on to the end of the fiscal year, about 11 more months. If we don't do it, it is costing about \$1 billion a month by inaction. If we try to do this by extending it month by month, each one of us in this body is going to lose a lot of money that goes to roads and highways and infrastructure.

Last week had a crumbling bridge in Oklahoma where no one was killed, but it came very close to that. We saw what happened up in Minnesota. We have to do something, instead of spending all of our money, as this adminis-

tration is doing, on social engineering. We need to start building bridges and roads and repairing them.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation document entitled "Estimated Revenue Effects of the Revenue Provisions Contained in Senate Amendment 3310, The 'Hiring Incentives to Restore Employment Act,' under consideration by the Senate" be printed in the RECORD.

In addition, the RECORD should reflect that the document entitled "Technical Explanation of the Revenue Provisions Contained in Senate

Amendment 3310, The 'Hiring Incentives to Restore Employment Act,' under consideration by the Senate" can be found on the Joint Committee on Taxation website at <http://jct.gov/publications.html?func=startdown&id=3648>. This document is a contemporary explanation of the legislation that reflects the intentions of the Senate and its understanding of the legislative text.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



[illegible]

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
B. Delay Implementation of Worldwide Interest Allocation Until 2020.....	tyba 12/31/17	—	—	—	—	—	12	97	131	1,897	3,811	2,013	12	7,961
Total of Offset Provisions.....		343	448	710	769	804	852	975	1,048	2,855	4,812	3,059	3,926	16,675
NET TOTAL .....		-4,453	-5,891	-1,954	60	378	578	820	1,007	2,812	4,773	3,030	-11,281	1,162

## Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

**bia = bonds issued after**

DOE = date of enactment

tyba = taxable years beginning after

**wpa = wages paid after**

[[1]] The proposal also appropriates a transfer from the General Fund to the Social Security Trust Fund to keep the trust fund whole. Thus, the reported estimate is all on-budget.

[2] Estimate includes the following increase

in outlays...

[3] Estimates for the rest of this title will be provided by the Congressional Budget Office.

[illegible]

Mr. HATCH. Mr. President, I rise today to discuss the so-called jobs legislation that is before the Senate this afternoon and to express my grave concerns with the direction this bill has taken over the past few weeks.

Several of my Finance Committee colleagues on both sides of the aisle put a lot of time and effort into creating a compromise jobs bill that Chairman BAUCUS and Senator GRASSLEY were trying to move forward. Indeed, I had high hopes that we might help thaw the partisan freeze that has gridlocked this chamber for far too long. Unfortunately, our efforts and hopes have been dashed by the majority leader's inexplicable decision to gut our bill and replace it with a piece of legislation that replaces cooperation with contention.

Further exacerbating matters, the Democratic leadership has filled the amendment tree, thus preventing anyone from being able to offer amendments that would improve the underlying bill. So much for compromise.

As a longtime public servant of this great deliberative body, I can't recall a decision that exhibited as much raw political gamesmanship as this one does. The Democratic leadership is stifling the first genuine attempt at cooperation on a major issue—a move that bodes ill for bipartisanship for the remainder of this Congress.

Given what is happening with this jobs bill, how can we in the minority have faith that we won't be excluded from debate on future legislation such as health care and energy legislation? It is easy to label the Republicans as the "Party of No" when you completely exclude them from the legislative process. Unfortunately, the majority leaves us with little other option than to say "no."

But what puzzles me the most is what the majority has to gain from this partisan maneuver. In my experience, the Senate operates best when there is trust that agreements will be honored, but regrettably now even that is in question.

Just a few weeks ago, I sat in the House Chamber while the President gave his State of the Union Address in which he raised the importance of bipartisan cooperation, especially in the area of job creation. The fact that the President hit a nerve with this plea is evident by the effort to build such a bipartisan bill in the Finance Committee in the weeks that followed. However, it is obvious that many on the other side cannot stand the thought of working with our side when there might be political points to be scored by trying to embarrass us.

Here are a few of the things the President said about the need for bipartisanship in his State of the Union Address:

And what the American people hope—what they deserve—is for all of us, Democrats and

Republicans, to work through our differences.

[Americans] are tired of the partisanship and the shouting and the pettiness.

These aren't Republican values or Democratic values that they're living by; business values or labor values. They're American values.

The President went on to address the need to promote job growth by saying:

Now, the true engine of job creation in this country will always be America's businesses.

We should start where most new jobs do—in small businesses, companies that begin when an entrepreneur takes a chance on a dream, or a worker decides it's time she became her own boss.

And finally:

[We should] Provide a tax incentive for all large businesses and all small businesses to invest in new plants and equipment.

While these challenges and standards were set by the President, the leader of the Democratic Party, I believe most Republicans would agree with him. The American people are suffering. Our unemployment rate is near double digits. We owe it to the unemployed and underemployed to put aside partisan politics so that we can create jobs and make our economy stronger.

Soon after President Obama addressed the Nation, Senate Democratic and Republican leaders went to work on a bipartisan solution to create a jobs-growth bill. I worked with Senator SCHUMER to come up with a payroll tax holiday for companies that hired more employees. Under this incentive, the sooner a company hired an unemployed worker the more tax incentive the company would receive. I believe that this initiative is a perfect example of the kind of bipartisanship the President talked about during his State of the Union Address.

In addition, Senators BAUCUS and GRASSLEY joined in this effort by including several other provisions aimed at job growth and to address the symptoms of a failing economy. This was a compromise that included an extension of unemployment insurance, Build America Bonds, and expired tax provisions.

Let me be clear. There is no doubt in my mind and in the mind of many of my colleagues that passing a jobs bill is crucial. We have seen our unemployment rate remain at about 10 percent since September. The American people sent us here to do a job, and it is way past time we did it.

This is why it was so disheartening on February 11, when the Senate majority leader announced that he would scrap the compromise proposal only hours after its unveiling and proceed instead with a stripped-down bill that would not extend any of the expiring tax proposals that are so vitally important to job growth. This decision not only pulled the rug out from Republicans, but it floored those Democrats who had been working for weeks on a bipartisan solution.

Regrettably, because of this decision, it looks as though President Obama's hope for a bipartisan solution to job creation only lasted 2 weeks. What a shame!

To illustrate the abruptness of and surprise caused by the majority leader's unexpected action, just look at the next-day's headlines:

"Key Dem: Reid scrapped jobs bill because he did not trust Republicans"—The Hill

"Reid kills Baucus-Grassley jobs bill"—The Politico

"Senate leader slashes jobs bill; Despite new support"—LA Times

But it doesn't end there. The majority leader sent a pretty strong message when he said that he—and I quote—"dared Republicans to vote against his bill."

Many Democratic Senators were quick to stand behind the majority leader's reversal, just seconds after supporting the bipartisan jobs bill. Some even stated that we Republicans were not interested in a bipartisan deal because we were more inclined to "play rope-a-dope again." They went on to characterize the tax extenders as only "going to people who are making money, and they generally keep it." They even went so far as to say that what the Democratic Caucus is taking to the floor is something that is more focused on job creation than on tax breaks.

What most surprised me is just how quickly many Democratic Senators were to abandon these tax extenders, even though most of them support extending these very expiring tax provisions. In fact, the Democratic leadership has erroneously labeled the tax extenders as solely a Republican-supported initiative. This is hardly the case, considering the Democratic-led House has already passed nearly all of these tax extenders and the President called for them to be passed in his speech before Congress.

There is an array of expiring tax provisions contained in the tax extenders package. Here are a few that are included:

Also, many Democrats, including the majority leader, are cosponsors of legislation that would extend many of the expiring tax provisions. Look at the bill to extend the research tax credit, or the alternative fuels vehicle credit, or even the new markets tax credit. These are by no means solely Republican initiatives.

In fact, there are many business tax incentives included in the tax extenders package that are primarily supported by some of the Senators who have been the most vocal against including the expired provisions in the jobs bill. These Democratic-supported business incentives include a mine rescue team training credit and special expensing rules for certain film and television productions.

Therefore, to label the support of extending these expiring tax provisions

as part of a solely Republican agenda is misleading, unfair, and unwarranted. I believe that these statements were made only to support the majority leader, who appeared to have made a hasty and ill-considered decision.

Some have questioned how extending these expired tax provisions relate to job creation. It is a fair question, but one with easy answers. The extension of these expired tax provisions would support proven growth of companies that are slowly beginning to see the light at the end of the tunnel. Conversely, government funding would only provide a false sense of job growth because once the government funding is gone so will the jobs.

If we need proof that government spending isn't as effective as tax relief, we only have to look to what the Congressional Budget Office said last year about the effects of the year-old economic stimulus package:

The legislation would increase employment by 0.8 million to 2.3 million by the fourth quarter of 2009, by 1.2 million to 3.6 million by the fourth quarter of 2010, by 0.6 million to 1.9 million by the fourth quarter of 2011, and by declining numbers in later years.

The reason for this drop in employment is because government spending does not create permanent jobs; only the private sector can. In contrast to government spending, tax incentives would give the private sector a much-needed boost. If we had included more tax incentives for businesses in last year's stimulus bill, we would have created jobs that will last far longer than the ones government spending has created.

Originally projected to cost \$787 billion, the stimulus bill is now expected to total \$862 billion over 10 years, according to the Congressional Budget Office. This does not include interest owed, which would put the total cost in the trillions of dollars.

Thus far, only a third of the \$862 billion stimulus package has been spent. Another third is expected to be spent in 2010, and the remaining third after this year. Whatever happened to spending money on projects deemed to be "shovel ready?"

The administration has claimed the stimulus bill is responsible for creating or saving 1 million jobs—a very misleading claim.

For example, it was reported that a construction company in Nevada created 20 jobs on a project that has yet to receive money. A school district reported saving 665 jobs, even though it only employs roughly 600 people. A town in Oregon reported creating eight jobs on a contract for "rattlesnake stewardship."

In January 2009, President Obama's economic advisors predicted in a report that with an \$800 billion stimulus, the unemployment rate would never go above 8 percent. As I stated previously,

unemployment has been near 10 percent since last September.

Moreover, the stimulus package was sold to the American people as an immediate fix—a "jolt" to the economy. The President's chief economic advisor, Larry Summers, said: "You'll see effects immediately." Christina Romer, the President's chair of Economic Advisers, said: "We'll start adding jobs rather than losing them." And House Majority Leader STENY HOYER said, "This will begin creating jobs immediately."

When pitching the stimulus bill, then-President-elect Obama said "90 percent of these jobs will be created in the private sector—the remaining 10 percent are mainly public sector jobs." However, the Wall Street Journal reported in a February 17 article that government data indicate most jobs supported by stimulus dollars belonged to government employees at the State and local level. In fact, only 2 percent of the entire stimulus bill was dedicated toward tax relief for businesses.

We need to provide a foundation to allow the private sector to nourish and create better paying jobs. That is why many support including these tax extenders in a jobs bill.

For instance, it is estimated that that approximately 70 percent or more of the research tax credit benefits are attributable to salaries of performing U.S.-based research. How can some Senators disregard the effectiveness of some of these tax extenders on job growth? And keep in mind that the research credit has traditionally received more Democratic than Republican support in this body. In fact, there is a bill to extend the expiring research tax credit. Of the 18 cosponsors of this bill, 11 are Democrats. Furthermore, this bill was introduced by the Democratic chairman of the Senate Finance Committee.

As I stated earlier, the President set the tone at the beginning of the year by calling on Congress to put forth a bipartisan solution to create jobs. In response, both Democrats and Republicans brought innovative ideas to the table. Then, in a sudden change of events, many Republican ideas were excluded from the jobs bill the majority leader has brought to the floor. Finally, the majority leader is not allowing our side to offer any amendments.

If this is not an arrogance of power, then I do not know what is. I only hope the majority leader heeds President Obama's plea for a bipartisan solution.

I think one Democrat, learning of the majority leader's action, said it best:

Most Americans don't honestly believe that a single political party has all the good ideas. I hope the majority leader will reconsider."

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to engage in a col-

loquy with the Senator from Oklahoma for 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SCHUMER. Mr. President, I have to object because the vote was set for 9:55.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, we have had so much partisan gridlock. Today we have a real opportunity to show that this new legislative year can break through that with something meaningful to the American people, a jobs bill. I am hopeful that many colleagues on the other side of the aisle will join us. There has been great input from Senator INHOFE and Senator HATCH. These are people who are conservative, have different voting records than I, but they say we have to do something. I thank the new Senator from Massachusetts for leading the way and breaking through the miasma. This is a good, focused bill. It is a modest bill, but it will do some good for the hundreds of thousands and perhaps millions who are looking desperately for work. When they find jobs, our economy begins to move forward. That is long overdue.

Both sides of the aisle can show the American people we have heard them by overwhelmingly passing this well-crafted, well-honed, modest piece of legislation aimed at issue No. 1: jobs and the economy.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the motion offered by the Senator from Maryland, Mr. CARDIN, to waive the Budget Act and budget resolutions with respect to the motion offered by the Senator from Nevada, Mr. REID, to concur with an amendment in the House amendment to the Senate amendment to H.R. 2847.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 34, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—62

Akaka	Bingaman	Burr
Baucus	Bond	Byrd
Bayh	Boxer	Cantwell
Beahm	Brown (MA)	Cardin
Bennet	Brown (OH)	Carper

Casey  
Collins  
Conrad  
Dodd  
Dorgan  
Durbin  
Feingold  
Feinstein  
Franken  
Gillibrand  
Hagan  
Harkin  
Inhofe  
Inouye  
Johnson  
Kaufman

Kerry  
Klobuchar  
Kohl  
Landrieu  
Leahy  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Merkley  
Mikulski  
Murray  
Nelson (FL)  
Pryor  
Reed  
Reid

Rockefeller  
Sanders  
Schumer  
Shaheen  
Snowe  
Specter  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Voinovich  
Warner  
Webb  
Whitehouse  
Wyden

Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Barrasso  
Bennett  
Brownback  
Bunning  
Chambliss  
Coburn  
Corker  
Cornyn  
Crapo  
DeMint

Voinovich  
Warner  
Webb  
Whitehouse

Wicker  
Wyden

#### NAYS—28

Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Isakson  
Johanns  
Kyl  
Lugar  
McCain

McConnell  
Nelson (NE)  
Risch  
Roberts  
Sessions  
Shelby  
Thune  
Vitter

#### NAYS—34

Alexander  
Barrasso  
Bennett  
Brownback  
Bunning  
Burr  
Chambliss  
Coburn  
Cochran  
Corker  
Cornyn  
Crapo

DeMint  
Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Hatch  
Isakson  
Johanns  
Kyl  
LeMieux  
Lugar

McConnell  
Murkowski  
Nelson (NE)  
Risch  
Roberts  
Sessions  
Shelby  
Thune  
Vitter  
Wicker

Hutchison

#### NOT VOTING—2

Lautenberg

Hutchison  
Lautenberg

Levin  
McCain

The ACTING PRESIDENT pro tempore. On this vote the yeas are 62, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, amendment No. 3311 is withdrawn.

The question is on agreeing to the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 25 Leg.]

#### YEAS—70

Akaka  
Alexander  
Baucus  
Bayh  
Begich  
Bennet  
Bingaman  
Bond  
Boxer  
Brown (MA)  
Brown (OH)  
Burr  
Burris  
Byrd  
Cantwell  
Cardin  
Carper  
Casey  
Cochran  
Collins

Conrad  
Dodd  
Dorgan  
Durbin  
Feingold  
Feinstein  
Franken  
Gillibrand  
Hagan  
Harkin  
Hatch  
Inhofe  
Inouye  
Johnson  
Kaufman  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Leahy

LeMieux  
Levin  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Merkley  
Mikulski  
Murkowski  
Murray  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Snowe  
Specter

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois is recognized.

### BLACK HISTORY MONTH

Mr. BURRIS. Mr. President, this Monday, I was honored to stand before this Chamber and read George Washington's Farewell Address. This annual tradition invites Members of the Senate, as well as the American people, to pause and reflect on the wisdom of our first President.

In this historic text, the father of our country lays out a unique view of the Nation he helped to create. It is a testament to the American spirit and a tribute to the American people that this country has come such a long way since the days of our ancestors.

Washington's vision was especially poignant to me, having traced my personal ancestry back to the days of slavery.

As I looked out over this Chamber on Monday, I thought about the reasons we celebrate each February as Black History Month. This year, as Black History Month draws to a close, I cannot help but reflect that Washington's address reminds us that Black history and American history are inseparable from one another; that the American story cannot be distilled into the Black experience and the White experience but that both are essential components of the American experience.

The story of this country is a story of expanding equality and opportunity, of people and institutions grappling with

social change and striving to live up to the promise of a single line in the Declaration of Independence which laid out the creed that came to define this Nation:

We hold these truths to be self-evident, that all men are created equal. . . .

With these simple words, a slave owner named Thomas Jefferson laid the cornerstone of the free America we know today, even if the noble sentiment was not realized for all Americans until more than a century later. Although we have seen such injustice—though our journey toward freedom and equality is far from over—we can draw great strength from the promise that was woven into the fabric of our Nation on the day we declared our independence.

Black History Month is a time to remember those who have taken part in every step of that ongoing journey and to celebrate the legacy they have left behind for each of us.

At every moment in our past, African Americans have stood shoulder to shoulder with their countrymen from all races, backgrounds, and walks of life to help chart our course and define who we are to become: from the slaves who laid the very foundation of this Capitol Building to the businessmen and entrepreneurs who helped build our modern economy; from the "King" who dared to dream of an America he would never live to see to the President who reached the mountaintop; from the man who was born into the bonds of slavery to his great grandson who stands today before his peers in the Senate.

Each of these stories, however ordinary or remarkable, illustrates how Black history is woven deeply into the broad canvas of American history and why the two are inseparable from one another.

For me, this reality was brought to life the moment I stood at the front of this Chamber and began to read the words that our first President wrote to his countrymen more than two centuries ago. Yet it was the visionary leadership and high ideals of men such as Washington and Jefferson which transcended the prejudice of their times and made it possible for later generations to tear those inequalities to the ground.

All Americans have benefited from this profound legacy. We all have an interest in preserving the history we share.

In the closing days of this Black History Month, I urge my colleagues to reflect not only on the ways African Americans have contributed to American history but also on the ways we can move forward together as one Nation, just as Washington calls us to do in his Farewell Address.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

# UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1299, the U.S. Capitol Police administrative authorities.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 1299) entitled "An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes," with a House amendment to the Senate amendment.

## CLOTURE MOTION

Mr. REID. I move to concur in the House amendment to the Senate amendment, and I have a cloture motion at the desk on the motion to concur.

The PRESIDING OFFICER (Mrs. HAGAN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act.

Harry Reid, Byron L. Dorgan, Russell D. Feingold, Patrick J. Leahy, Daniel K. Inouye, Kay R. Hagan, Jeff Bingaman, Robert Menendez, Richard J. Durbin, Jack Reed, Mark Begich, Patty Murray, Bernard Sanders, Robert P. Casey, Jr., Barbara Boxer, Jon Tester, John D. Rockefeller IV.

Mr. REID. Madam President, I thought it was important that the clerk read those names. Sometimes they are hard to read.

## AMENDMENT NO. 3326

I move to concur in the House amendment with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment with an amendment numbered 3326.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

Mr. REID. I now ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3327 TO AMENDMENT NO. 3326

Mr. REID. Madam President, I have a second-degree amendment now at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3327 to amendment No. 3326.

The amendment is as follows:

In the amendment, strike "5" and insert "4".

## MOTION TO REFER WITH AMENDMENT NO. 3328

Mr. REID. Madam President, I move to refer with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Rules with instructions to report back forthwith, with an amendment numbered 3328.

The amendment is as follows:

At the end, insert the following:

The Senate Rules Committee is requested to study the benefit of enacting a travel promotion measure, and the impact on job creation by its enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3329

Mr. REID. Madam President, I have an amendment to my instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3329 to the instructions of the motion to refer.

The amendment is as follows:

At the end, insert the following:

"and include reasonable statistics of job creation."

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3330 TO AMENDMENT NO. 3329

Mr. REID. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3330 to amendment No. 3329.

The amendment is as follows:

At the end, insert the following:

"including specific data on the types of jobs created."

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived with respect to the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I say for the benefit of Members, under the rules, this cloture motion will ripen Friday morning. I do not think there is going to be a lot of talk during the next 2 days on this matter, and I would certainly be happy to move up this time and have the vote earlier. But we will wait until we hear from the Republicans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we have today taken a very strong, positive step forward in terms of responding to the No. 1 crisis in our economy, and that is jobs for all of our people. Under Leader REID's leadership, we were able to get a bill through, with a huge majority, and it signals, I hope, not only attention to jobs but also the willingness and the ability to find common ground to serve the people of our country.

We are now on the travel promotion bill, which is another piece of legislation designed to encourage job creation in the travel industry. All of this is good news. The legislation we propose this morning combines elements of tax breaks for small businesses so they can expense their items, increase their cashflow, and hire more people with credits for hiring people. There is a huge investment in our infrastructure, which will put people to work in the building industry and in industries that supply all these infrastructure projects, and there is also a significant commitment to Build America Bonds. These are good programs, and they are fully paid for.

We are now taking up the challenge to put people to work, to do it in a responsible way, and to do so in a way that we can attract bipartisan support. But there is much more to do. There is the recognition that we have to not only create jobs but for the foreseeable future deal with those people who have been looking unsuccessfully for jobs and who are unemployed. In my home State of Rhode Island, the unemployment rate is 12.9 percent. That is the

official rate. Unofficially, it is much higher, as many people have dropped out of the workforce. If you look at sectors in terms of ethnicity or age, the numbers are even more startling. The bill we passed this morning is a good first step forward, but we have to do much more.

I think one of the first jobs we have to address is the extension of unemployment benefits. They will expire this Sunday. We have to recognize that, despite many efforts here, there are millions of Americans who are looking every day and not finding work. They need support.

All of the economists who have looked at these programs indicated that not only do they support individuals and families, they provide a tremendous multiplier of economic activity for every dollar we commit to the program. There is, as they say, a big bang for the buck. People who are without a job will take their benefits and invariably they will have to support themselves in terms of going to the grocery store—doing the things you have to do just to get by day by day. They are not typically saving this money. That helps in the sense of increasing demand in the economy overall, increasing our economic growth.

If Congress fails to act swiftly, 1,200 Rhode Islanders will start losing their benefits each week. It is a small State and that is a big number. We have never before in our history, at least postwar history, ever terminated extended unemployment and emergency unemployment benefits until unemployment was at least 7.4 percent. At that point it appears, in most cases, that there is a self-sustaining economic growth that will itself begin to continue to lower the unemployment rate. We are far from 7.4 percent. As I said, in my State it is 12.9. The national average is hovering around 10.

We have to do this. Congress has acted eight times—1958, 1961, 1971, 1974, 1982, 1991, 2002, 2008—to establish temporary federal unemployment benefit programs beyond regular unemployment compensation and extended benefits. Not to extend these benefits would essentially reject the consistent record of this Congress of helping Americans when the unemployment rate has reached such extraordinary proportions as it is today, whether the majority is Republican or Democrat. Last November, we did approve, without opposition, an expansion of up to 20 weeks, but now we need to pass a further extension.

As I said before, this is not just about helping families and individuals, it is also about helping the economy. For every \$1 we invest in our unemployment benefits, we see \$1.90 in economic activity overall throughout the economy.

One of the reasons I heard to oppose this morning's legislation: There is not

enough demand to justify these tax incentives; they will not be used.

One of the things that does generate demand, consumer demand particularly, is the unemployment compensation program. It is not the way we want to do it. What we would like to see is a productive economy with jobs where the demand comes not only from people working but their being compensated and also being able, with discretionary income, to make consumption choices that today they cannot.

As I said before, we have to think about an agenda for jobs. We passed one piece of legislation today. We are discussing the travel legislation at this moment. We have to then move to the legislation with respect to unemployment compensation. We also have to think about supporting the States with additional FMAP, that is, the funds for Medicaid, because, again, not only will that help our States, but without it you are going to see a contraction in our health care industry in terms of hospitals being able to hire or willing to hire. So we have many steps to go forward.

One aspect of this issue, which I would like to mention is that many of these programs we have talked about—for example, the tax credits for hiring—are nationwide and they miss the point that there are some areas that are much more affected by unemployment than other areas. We have States—and their good fortune is something we should be proud of—that have rates as low as 4.7 percent for unemployment. Yet they will qualify for these general, generic programs.

As we go forward and start thinking about additional steps, I think we also have to think about how we can target those programs to areas that have critical unemployment situations. Rhode Island, at 12.9 percent, is one, but there are many others. If you look within States, there are regions that have significant unemployment problems. Again, we have taken steps to extend our benefits, but as we go forward, as we consider additional legislation, let's also think seriously about how to make it more effective, more efficient, more targeted.

I again urge all my colleagues to continue the effort and spirit which resulted today in an overwhelming vote for a program that will help Americans and move our country and our economy forward.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the legislation on the floor of the Senate at this point includes legislation that I have worked on with my colleagues for about 3 years. It is a bipartisan piece of legislation called the Travel Promotion Act. I wish to talk just a bit about it today, but before I do, let me describe the reasons for its importance.

When we began to put this together—as I said, 3 years ago last month, working with a good number of sectors in our economy to try to evaluate how do we promote international tourism to the United States—we were not in a very deep recession. We were in a period of economic growth. In the intervening period, our country has fallen into a very significant and deep recession. It makes the urgency all that much greater to create new jobs and to do so as soon as possible.

Somewhere around 15 million to 17 million people, according to official estimates, woke up this morning in this country of ours without a job. They want a job. They want work. They have looked for work, but they can't find a job in the United States of America.

Now, that number of 15 million to 17 million is ominous enough. Just think of one person this morning who woke up not able to work because they can't find a job, and then think of 15 million or 17 million, and then fast-forward and think of perhaps 25 million to 26 million, which is what is estimated to be the total population of people who are unemployed in America, many of whom have stopped looking for work because they couldn't find work at all. This is a very big problem, and it affects our country in many ways. It affects the economy in a devastating way. It is very hard on American families when they are not able to find work to be able to take care of themselves. It results in more Federal spending for unemployment insurance and the other things. So we are trying to find ways to put people back to work.

Earlier this week we passed, with the leadership of Senator REID and many others—work that I and Senator DURBIN, Senator SCHUMER, and many others have done—a jobs bill that will begin putting people back to work when it is signed by the President. The legislation that Senator REID brought to the floor today includes the Travel Promotion Act, which will also put people back to work. I wish to talk through this and explain why this is important.

Let me begin by saying that on 9/11/2001, we were the victims of a devastating terrorist attack on our country. Thousands of Americans were killed that day. As a result, since that period of time we have been engaged in an effort to prevent terrorism, to track down the terrorists and destroy the terrorist networks that would visit that kind of tragedy upon our country. But also during that period and following, it became clear to the rest of



the world that our country was clamping down on visitation to our country. Many people believed: The United States doesn't want us to visit them anymore. It is harder to get a visa to come to the United States. We are not welcome in the United States. So what happened was, there was a dramatic reduction in visitation to our country by overseas travelers.

Why is that important? When you have millions of people who are traveling around the world to go experience and see the sights and take vacations and so on, they are spending a fair amount of money on those trips. They are creating jobs in many areas, not just hotels and cars and restaurants and so on but in many other areas as well. Our country, for the last 6 to 8 years, has had the experience in which the rest of the world has said: We are going to visit Italy, France, Japan, and India. But fewer of us are going to visit the United States of America.

In fact, we have seen a circumstance where after 9/11, we had fewer and fewer visitors coming to our country; that is, fewer than came before, and last year, in 2009, we had 2.4 million fewer people visit our country than visited our country in the year 2000. Let me say that again because I think it is important. We had 2.4 million fewer people come to the United States of America to visit as overseas travelers than visited in the year 2000.

The Presiding Officer is from the State of New Mexico. It is a wonderful State, and I know it is a State that attracts a lot of visitation not only from people in our country but from people who come from outside of America to see the wonders of New Mexico. But it doesn't matter whether it is the wonders of New Mexico or Old Faithful in Yellowstone or Niagara Falls or you name it—the cities or the wonders of our country, the great national parks—2.4 million fewer people showed up last year to visit our country.

Let me explain why that has happened. Here are some headlines. The Sydney Morning Herald, Sydney, Australia, headline: "Coming to America Isn't Easy." It describes the difficulty of getting visas and coming to America.

The Guardian in England says: "America: More Hassle Than it's Worth?" Again, difficulty coming to America.

The Sunday Times in London: "Travel to America? No Thanks," says the headline.

The newspaper says:

It is already a nightmare, but now they want to make entry into the U.S. tougher, so let's not go.

Well, let me describe what is happening in other countries at the same time we are taking leave on this issue. Other countries are very busy advertising to the world to say: Are you traveling? Are you taking a vacation?

Are you seeing the world? Come to our country. Come to see what is happening.

The poster says: Looking for an experience to remember? Be part of an adventure you will never forget. Come and see Australia. See the wonders. It is true what they say: To find yourself sometimes you need to lose yourself. In Australia they call this "going walkabout." So a big campaign: If you are traveling, come to Australia. Come and see what we have to offer.

A campaign for the Emerald Isle: Go where Ireland takes you. If you are taking a trip, be sure and visit Ireland. Come to Ireland, it says. It is an international campaign.

Japan says: Sweet secrets from Japan. With its many unique culinary arts, they entice travelers; a stunning array of specialties, and on and on. Come to Japan. Thinking of traveling? Show up in Japan.

Are you taking a trip with your family? How about coming to the Eiffel Tower. Come to France in 2009. Vive la France. So France and Japan and India and Ireland say: Come and see us.

Belgium's national campaign says: If you are traveling with your family, come to Belgium where fun is always in fashion.

Brussels, sophisticated simplicity, the capital of cool.

I think you get the point. This one says:

One special reason to visit India in 2009. Any time is a good time to visit the land of Taj, but there is no time like now.

So we have millions of people traveling around the world. On average, overseas travelers spend over \$4,000. All of these countries are saying to those overseas travelers: Come to our country. See our country and the wonders of what we have to offer the world.

In the United States of America, we have not done that. That is why, in my judgment, at least in part, we had 2.4 million fewer visitors last year than we had in 2000. That is pretty unbelievable.

This proposition is simple. There is a problem. The number of people between the years 2000 and 2009 visiting other countries—overseas travel—has increased by 31 percent. During the same period the number of overseas travelers coming to the United States has decreased nearly 10 percent. So overseas travel is up, but travel to America is down.

There is another important point here. There has been a lot of polling done, and it is clear that to visit America is to have great respect for and love for this country. There is almost no one who comes to this country and tours and travels and visits our country who doesn't leave America with a special understanding of the wonders of this great place. At a time when we want people to understand more about our country, we ought to be inviting

them here and saying: Come to America, see what we have to offer.

We ought to be engaged in this process, but we are not. This legislation we are bringing to the floor of the Senate is legislation that will actually increase jobs, we think, by close to 40,000 jobs, according to the estimates. So you will increase 40,000 jobs and, in addition to that, the CBO says this will reduce the Federal budget deficit by nearly \$½ billion. How many pieces of legislation come to the floor of the Senate that will both create jobs and reduce the budget deficit and also give us the opportunity to tell the rest of the world what a wonderful and great place this country is?

That is the reason for this legislation. As we build, one step at a time, opportunities to create additional jobs, this is part of it. The Congressional Budget Office has said that enacting S. 1023 would reduce the budget deficit. I think it will do that and help our country.

The specifics of this legislation will encourage international travel to all parts of this country. I think it will provide economic growth to all parts of our country. This creates a corporation for travel promotion. That is what we create—an independent, nonprofit corporation to be governed by an 11-member board of directors appointed by the Secretary of Commerce, and it creates the Office of Travel Promotion in the Department of Commerce—one that used to exist but no longer does, and it hasn't for a long while.

The purpose of this is to engage in the kind of campaign that exists in most other countries in the world and to say to those traveling around the world: Come here. You are welcome here. We want you here. Come and understand and experience this country called the United States of America.

Let me pay special attention to the work Senator REID has done, and Senator ENSIGN who is a cosponsor and worked on this in the Commerce Committee with me, Senator INOUE, Senator VITTER, and Senator KLOBUCHAR. Let me say that Senator KLOBUCHAR, in the Commerce Committee working on tourism following my chairmanship of the tourism subcommittee, has taken on this issue with gusto and is a very important part of getting this done. My hope is that when we finish this, when the President signs this bill, all of us will understand that at a time when there is so much partisanship, and when it appears to the American people that so little can be agreed upon and that so little gets done—there is all that notion out there—the fact is, this is bipartisan, good for the country, will reduce the budget deficit, and it will increase jobs and put people back to work.

If ever something had all of the things that are necessary to have merit and to be worthy, this legislation surely does that.

My colleague from Minnesota, Senator KLOBUCHAR, as I indicated, has done yeoman's work with me and others to put this together. We hope, of course, those who would come to our country would especially visit North Dakota and Minnesota and stay for a very long period of time—yes, we all have parochial interests—and perhaps North Dakota even more than Minnesota, I might say from my own perspective. I do think it is seldom that we can come to the floor and say here is a piece of legislation that Republicans and Democrats support.

We had one vote on it already. It had 79 votes in support in the Senate. Seldom can we say here is a bill that is bipartisan that does a lot of good things for our country.

Thanks to the majority leader for putting this back on the floor. I congratulate him for his work on it and my colleague Senator KLOBUCHAR as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I thank Senator DORGAN for his great leadership. For so long, he has been working on this. I have a feeling this is finally going to get done. It is true and we invite the Presiding Officer to visit North Dakota and Minnesota. I think he thinks the State of New Mexico is pretty cool, but he has never been to Teddy Roosevelt Park in North Dakota.

So often marketing campaigns for our country are done by specific cities such as Las Vegas and New York, which is important. But when you look at this country, marketing our country as a whole is going to mean something. We are competing against countries the world over that do this all the time. That is why we have seen a 20-percent decrease in international visitors.

When I held a hearing on this issue, along with former Senator Martinez, this past year, there was a story in the Washington Post, in good humor, about all the Senators hawking their own States and the deals you could get—whether it was Senator BEGICH's \$99 cruise in Alaska or the stuff I talked about with Duluth, MN. We were doing that because people need to know about the opportunities in America. Doing it at a Commerce Committee hearing is not going to be anything compared to what France, Indonesia, and other countries are doing. They are bringing in visitors. They spend thousands and thousands of dollars.

We are doing this jobs bill this week, and an important part of that is the

travel industry because it employs one out of eight Americans.

What will this bill do? One, as Senator DORGAN mentioned, it will give us the ability to market our country. Second, it will give us the funds we need to better process the visas because it is expected to bring in—and this is the estimate of the nonpartisan organization—1.6 million new international visitors each year. They spend \$4,500 on average when they come here. You can do the math—1.6 million new visitors times \$4,500 every single year. There is some expectation that the bill could generate \$4 billion in new spending and \$321 million in Federal tax revenue. In addition, the bill is estimated to create 41,000 new jobs.

What is the cost to the taxpayer? I have been pushing on deficit reduction, but what is the cost to the taxpayer? Zero. I think that is a great thing about this bill. We are doing something to create jobs. We are doing it at zero cost. As you know, there is a small fee on foreign visitors to our country, like other countries do to our people when they visit—with Canada exempted.

What I found out is that the people who care about this bill are not just in the Halls of Congress and in our major cities. When I was in Grand Marais, International Falls, Bemidji, and the Brainerd Lakes area—home of the statue of Paul Bunion and Babe the Blue Ox—they were excited about this because they have seen a decrease in visitors from Canada. They want to be able to market our country.

We have gotten so far behind. A lot of people living in, say, France are deciding where to go on their summer vacation. They are thinking: Am I going to go to America, where maybe it will take months to process my visa, or am I going to spend my vacation in England, just across the channel or maybe I will go to Mexico. That is what is happening. That is where we have lost 20 percent of the overseas travel.

Look at this chart. There were 48 million more global overseas travelers in 2008 than in 2000. More people are traveling. We have seen the marketing power across this world. There were 633,000 fewer who have visited the United States than in 2000. So world travel is going up. You can see the big increase globally. But the number of people coming to the United States has gone down. That means less jobs in this country.

Mr. President, I believe we need to be on an equal playing field with the rest of the world. If we want to compete in our goods that we want to produce and send overseas, we also have to compete in the tourism market. In Duluth, MN, it was hard times in the 1980s. It was so bad that they put up a billboard that said:

Will the last person to leave turn off the lights.

They rebuilt because they were smart; the businesses were smart about

tourism. They have beautiful Lake Superior right there. When we did a tourism hearing—a field hearing there—they were talking about, obviously, how in many areas of the country, with the recession, business in convention centers had gone down nationally, and someone whispered, "Ours has gone up." People are looking for different things, and maybe we will have our convention in Duluth, which is a little less expensive. They can look at Lake Superior instead of looking at the Pacific Ocean.

We are proud of this country, and we want other people to visit. We want them to spend their money in America and help create 41,000 new jobs. That is what this bill is about. I am very hopeful that we are going to finally get this bill passed and support the tourism part of our economy, which employs one in eight Americans. Let's keep it strong and going.

I see that Senator DORGAN is back. I thank him so much for his tremendous leadership. I am proud that I got the opportunity to take over the subcommittee that deals with tourism. A lot of the work had been done on this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I mentioned that there are incremental ways to create jobs, which is important. Senator REID has taken the lead to bring bills to the floor to do that with, earlier this week, the jobs bill that was passed and, in addition, the Travel Promotion Act.

I want to mention as well that the majority leader indicated he intends to bring the FAA Preauthorization Act to the floor of the Senate, probably during this work period. It is also going to be job creating. I chaired the Aviation Subcommittee in the Senate. It is very important that we reauthorize the FAA and pass the legislation called NextGen, to do the next generation of air traffic control systems. We have an archaic system of ground-based radar that controls the airplanes in the American skies.

Most people are walking around with cell phones that have a much more sophisticated way of tracking anything—a GPS. Most kids have the opportunity to be able to track—if their friends want them to—the location of their friends at any moment. They can track up to 20 friends.

Teenage kids can track their friends, but we cannot track an airplane in the sky with a GPS. More commercial airliners are not equipped. We don't have the NextGen system that would modernize our air traffic control system and allow them to fly more direct routes from place to place, with less spacing, using less fuel, better for the environment. All of those things will

be capable when we modernize the air traffic control system and go from a ground-based system to a GPS system for aviation flights.

That is so very important. It is very job creating.

I appreciate the majority leader saying that needs to be a priority to bring to the floor, get to a conference with the House, and get a bill passed and signed by the President.

There are also safety issues we have to deal with in the FAA Reauthorization Act. Tomorrow I will be chairing a hearing in the Commerce Subcommittee on Aviation on the Colgan crash in Buffalo, NY, the tragedy that occurred on that winter icy evening, in which the Dash 8 crashed and took the lives of so many wonderful people and took the life of the pilot and copilot as well.

There are so many questions about that flight and the circumstances that led to the crash. The National Transportation Safety Board will be testifying tomorrow at my subcommittee. I will not go into all of the issues, but the issue of pilot fatigue, the issue of training—so many different issues—the icing issue that occurred that evening. It will be a very important hearing tomorrow.

The reason I raise it is the safety issue is so important. Yes, we have a system in which we fly people all over this country and the world. We have not had fatal accidents, by and large, in commercial aviation. It has been enormously safe. The most recent accidents have been accidents that have been very substantially investigated. The Colgan crash in Buffalo, NY, has been investigated now at great length, and we will have the results of that and a discussion of that at our subcommittee hearing tomorrow. That will also give us a roadmap of what we might need to address in the FAA reauthorization bill on the safety issues.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I wish to speak just briefly about today's vote. Today, this body, in a rare but very welcome moment of at least partial bipartisanship, voted to pass Leader REID's jobs bill. While that bill does not include every provision I would like to see, it is certainly an important step, and I commend my colleagues from both parties for supporting these provisions to put people back to work.

As a Senator from Rhode Island, which currently faces one of the high-

est unemployment rates in the Nation, at near 13 percent—I know the help contained in this bill, which builds on the programs we passed last year in the Recovery Act, cannot come soon enough. I hope the vote is a watershed.

Over the past few months, I have heard from hundreds of Rhode Islanders who are struggling just to find work. I have heard from Carole in North Providence, RI, who had worked all her life but was laid off 2 years ago from her position as a construction project manager. Carole has a bachelor's degree in business administration and an associate's degree in architecture and she has plenty of experience as a construction project manager. But for 2 years, she has been unable to find any work—talented, hard working, and unemployed.

I also heard from Nathaniel in Coventry, RI, who recently graduated from law school. That is a wonderful achievement and is ordinarily a benchmark that kids pass through on the way to success—certainly to employment. But Nathaniel is carrying \$100,000 in student loans and cannot find a job.

I heard from Brian in Saunderstown, an unemployed construction worker who has been unable to find a job for more than a year. He has been receiving unemployment benefits, but he is justifiably concerned that those, too, might soon run out. He loves to work. He doesn't want to be on unemployment. But right now, in this economy, there is no other option for Brian and for his family.

Leader REID's jobs bill—the HIRE Act—will help put Rhode Islanders back to work. The bill provides a payroll tax holiday for businesses to encourage hiring, increased cashflow for small businesses that can be used for investments and payroll expansion, and an expansion of the Build America Bonds program to subsidize and encourage local infrastructure projects. In addition, the HIRE Act extends Federal highway funding through the end of the year, which will make a \$225 million difference for Rhode Island alone in 2010.

This legislation will be a big help for my home State, but it is only a first step toward restoring economic growth. It is certainly not the last step we need to take in this work session. As I said, I hope the vote yesterday and today is a watershed. Outside in Washington, the heavy snows of February are melting away. Perhaps—just perhaps—the blockade that has stifled the Senate is melting away a little also.

We must now act to extend unemployment insurance and COBRA subsidies to make sure unemployed workers, such as Brian, and their families continue to be able to pay their bills and to maintain their family health insurance coverage. I hope we will soon thereafter turn to new investments in

our failing transportation, water, and school infrastructure.

We had a hearing in the Budget Committee this morning with Transportation Secretary LaHood, and he agreed very strongly that where you have decrepit infrastructure—and everyone knows the United States of America has an enormous deficit of decrepit infrastructure—we are going to need to repair that sooner or later.

If we need to repair it sooner or later, why not do it now, while we need the jobs? If we need to repair it sooner or later, repairing it now does not add anything to our Nation's long-term liabilities. Indeed, under the old Yankee principle that a stitch in time saves nine, under the commonsense principle that when you get to maintenance and repair earlier rather than later, it costs less to do the maintenance and repair, there is actually a very strong case to be made that there are net savings from moving the repair of our decrepit infrastructure forward. So it is really a win-win, as Secretary LaHood acknowledged.

I look forward to continuing to work with my colleagues as we go forward past today's watershed votes and into the following votes to help restore our economy and meet the needs of Carole and Nathaniel and Brian and millions of Americans who are unemployed and need help now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICA

Mr. DURBIN. Last week I joined my colleague Senator SHERROD BROWN of Ohio on a trip to East Africa. It was an important trip that took us to Tanzania, the Democratic Republic of Congo, Ethiopia, and Sudan. We went in to observe American development assistance, to look at programs that help the victims of HIV and AIDS, tuberculosis, malaria, child and maternal mortality, victims of sexual violence, clean water, sanitation issues, democracy, governments, refugees.

In a matter of 6 days of traveling on the continent of Africa, Senator BROWN and I did not have much time to ourselves, but we were not planning any. We spent a lot of time meeting with people, meeting with government officials, meeting with individuals who are part of the current political environment of Africa, but also many of their

lives are touched by programs in which the United States is involved.

I could not help but notice as I traveled the extraordinarily dedicated Americans who are in our Foreign Service. Many of them are posted in places around the world that are not glamorous by any means. Their jobs are hard and sometimes dangerous, and they go to work every day without complaint. We need to tip our hats to them as Americans. Let me add in there Peace Corps volunteers, many who work for the nongovernment organizations, the NGOs. Many Americans serve our best interests around the world every day without fanfare or praise.

We went to Tanzania. In Mwanza in Tanzania, we encountered a group of young Baylor University doctors who are doing part of their residency at a regional hospital, one that serves a population of several million people. Can you imagine one hospital serving that many people? That is what the people are up against in Africa.

We met a representative from Abbot Labs from my home State of Illinois who was there helping to build a modern laboratory and train local staff for the hospital.

In a small rural village several hours down a dusty, bumpy road from the nearest city, we witnessed a program by the nongovernmental organization CARE that helped build a rudimentary but critically important health clinic.

It is hard to describe this to an American, what an African would call a health clinic. It is, in fact, a building without windows but with openings for air to flow through. It is a building that is so basic it does not have running water or electricity. But it is, in fact, a building where 168 babies were born last year.

When you see this and meet the people who are delivering the babies, you realize that in many parts of Africa health care is very basic. The man who runs this clinic has about a year or two of education beyond high school. The woman who serves him is one who is gifted with not only personal skills but a lot of human experience in delivering babies.

What happens if there is a complication in the middle of this village in the middle of nowhere with no means of communication? Well, they try to get the message to the man who runs the ambulance. The ambulance in Mwanza is a tricycle, a tricycle with a flat bed on the back. They take a woman who is needing a Caesarean section, for example, put her on the back of this tricycle and take her off for a 4-hour trip to the closest hospital. That is maternal and childcare in Africa, in Tanzania. We are trying to help through the organization CARE that I mentioned earlier.

With their help, they have not only brought them the money necessary for their ambulance, this tricycle, they

have helped the local residents develop a savings and loan where their modest earnings they make by selling agricultural produce are banked away for a better day. They are allowed to borrow small units of money for buying sewing machines, which can dramatically change a life in these poor villages, or livestock or to help to pay for their kids to go to school.

In Tanzania as a whole, the PEPFAR program, which is the United States bilateral program for HIV/AIDS, tuberculosis and malaria, and the Global Fund Program, a much larger undertaking from many other countries, have made real progress in HIV, TB, and malaria.

We also visited Ethiopia, a country I have been looking forward to seeing. It has the distinction in Africa of being the only country in Africa that was never colonized. There was a period, a short period of occupation by the Italians. But they have been a kingdom under their own control, except for that period of time since the early parts of the third and fourth century and maybe even before that. They are very proud of their own language, their own customs, their own history. They have tremendous international efforts underway to help the Ethiopian people, who are basically poor, struggling people. They are struggling against the economics of a poor nation, as well as HIV, AIDS, tuberculosis. They are resettling refugees from the war-torn neighboring state of Somalia. They are trying to build a health system.

One program, in particular, was provided by a nongovernmental organization called AMREF in the Kechene slum area of the capital of Addis Ababa. Senator BROWN and I went to this area. It is a slum with 380 people living there, that has basically had to carry in water for years because there was no running water. But because of an AMREF project, they were able to build 22 water kiosks in the country and one in this slum area. It seems like something so simple, but it has changed their lives. They now have a source of safe drinking water. Very near the small little lean-tos they live in, they have two showers for 380 people that they share and can use where they had none before. They have basic sanitation and toilet facilities, which they did not have at all.

We were greeted by two beautiful little girls who gave us flowers and invited us to a coffee ceremony.

They couldn't help but beam with pride as we took a look at the source of water and sanitation that did not exist before. So many thousands of people in Africa spend hours every day carrying water back and forth. Young girls are often denied the opportunity to go to school because they have work to do. They have to carry water. Something as basic as water that we take for granted becomes a centerpiece in their

lives every single day. Improvements are being made in Ethiopia and other places. I returned to Goma in the Democratic Republic of Congo. It is in the eastern section of that country. The capital, Kinshasa, is far west and removed not only physically but politically from many of the things happening in eastern Congo.

I try to describe Goma to those who haven't been there. It is almost impossible. Imagine one of the poorest places on Earth, where people are literally starving, where they are facing the scourge of disease, where malaria is the biggest killer of children. Imagine HIV/AIDS and the problems they face with that. Then superimpose over that the misfortune of an ongoing war that has been taking place in the eastern part of the Democratic Republic of Congo for years. There is an ongoing debate about how many people have been killed in this war. The debate ranges from the low number of about 2½ million to the high number of 6 million, and they debate very violently about whether it is 6 or 2½ million. Regardless of which number, it is an outrage. It is a genocide which is occurring in this section of Africa with little or no attention from anyone.

What has caused this? Their neighbor is Rwanda. If you recall, in Rwanda, I believe the year was 1994, a terrible genocide killed 800,000 people in the span of a matter of days. Those who were accused of the genocidal acts, many of them escaped into the neighboring country of Congo and set up their armed militias. They continued their violence. Not only is Goma an area the surrounding towns and villages fought over, it also happens to be an area that is dominated by a volcano which erupted in 2002 and killed hundreds of people and destroyed thousands of basic shelters. It is also an area filled with minerals and timber, gold, diamonds, basic minerals needed for the cell phones we take for granted every single day. There is money to be made, even if you just take out your shovel and dig into the hillside and find some of these for sale. It is a rich area in mineral resources.

It is also rich in other resources. Dian Fossey has her operation there for the silverback gorillas, which many of us have seen on television. They are caught in the middle of the crossfire of the civil war. I came back to Goma. I had been there several years ago. I was surprised at how many people said they remembered I had been there and never thought I would return because few people do; it is such a hard, difficult place. We visited a hospital there called Heal Africa. We were greeted by a lady with a British accent. As I came in, she said: Welcome back. I thought she made a mistake. She thinks I am somebody else. It turns out that, in fact, I had visited her hospital 5 years ago. It had changed so much, I didn't recognize it, but she was still there.

Her name is Lynne Lucy. Her husband Joe is a Congolese surgeon and they married years ago and decided to start a hospital for the poorest people in that part of Congo. They focus on children with club feet and cleft palates. They focus on trauma victims, setting fractures, victims of fires, and other accidents that occur. Their major area of focus is on the women who are the victims of the civil war. One of the most horrible things about this war isn't only that people die, but they have now built in hideous torture techniques as part of this civil war. Women are raped and gang raped and children are mutilated in hideous, awful ways. They bring them into this hospital and try to rebuild their bodies and rebuild their lives. God bless them for doing it, Joe and Lynne Lucy.

When I was there last, I worried because they only had a handful of doctors. This time I walked into a classroom filled with doctors. Standing in front of them was a doctor from the University of Wisconsin, right smack-dab in a part of the Midwest of which I am proud to be a part, training these doctors on how to treat these poor people. There is evidence of the caring and compassionate people of the United States all around the world. In this sad situation in Goma, certainly it is needed.

We have a 20,000-member U.N. peacekeeping force known as MONUC that has been in the area for more than 10 years trying to bring peace. Unfortunately, rebel groups continue campaigns of brutal violence. Known war criminals such as Jean Bosco Ntaganda continue to play a role in the violence, despite being wanted for awful war crimes. The Congolese military has tried to root out several groups but has embraced others. It is hard to figure out the good and bad people in this conflict. But you can certainly figure out the victims because you see them everywhere.

We went to what is known as an internally displaced persons camp just south of Goma. I find it hard to imagine how people live there. There are 1,800 people living there. Imagine that they are living on volcanic rock. It is hard to walk on it even with shoes because it is jagged and hurts your feet. They live on it. They pitch tents on it. They walk their kids to school on it. We went to a little health clinic there and a baby was handed to me that was a heartbreaking situation, clearly malnourished, who had just been brought in for a few days. They were trying to rescue its life. Many of the children there struggle with basic health needs. They have a school which is better than most would find in their home villages and some security. But each of them told me: We don't have enough food. You look at their sources of water, they are limited. It is a tough situation. These people are there be-

cause they were caught in the crossfire of a war that continues. They didn't do anything wrong. Some of them are trying to rebuild their lives and stay safe in a very difficult situation.

Finally, we had a chance to visit Sudan. I wished to go there because I have stood on the floor so many times and given speeches about Darfur and the genocide that occurred there. In addition to that troubled part of Sudan, there has been an ongoing battle between north and south Sudan which appears to have resolved itself peacefully with an election that will be held in the near future for the national legislature and then early next year to decide if south Sudan will be a separate country. There are about 8 million people living in south Sudan. We traveled on the only road in south Sudan. We met with the man who is Vice President of Sudan now and would be President, I believe, of the new south Sudan, Mr. Salva Kiir. He is a former rebel who fought in the bush for years, surrounded by Governors in south Sudan who went through the same experience. In just a few months, they may need to build a nation. It is a daunting task.

I worry about it because when there is a power vacuum and a failed state in Africa, people move in on it and use it for exploitive and terrorist purposes.

We then went to Khartoum, which is a legendary city in Africa, and met with representatives of the government there, talking about many of the issues they face and the status of Darfur today which, thank God, is more peaceful than in years gone by. One of the more interesting conversations we had in Khartoum was with one of the Ministers. I brought up the issue of global warming, wondering if this man in the middle of Africa, near the Equator, felt there was a need for us to be concerned about global warming.

He said: I can take you 300 meters from where we are meeting now. I will show you the Nile River, and I will show you the impact of global warming. We could walk out into stretches of land that used to be islands in the middle of the river. You can walk there now because the river is so low. Many people in that part of Africa depend on the Nile for irrigation. We believe in global warming.

If you want to know one of the causes of the genocide in Darfur, it was because that area is becoming a desert, and people are fighting over what is left of land that can be cultivated. I think about debates we have had on the floor of the Senate. In fact, there are Senators who proudly say there is no such thing as global warming. I wish they could have been with me in Khartoum and spoken to this man about evidence he is seeing in that far-away place about changing climate and changes in lifestyle, genocide, and war that have followed global warming. It is not just an environmental issue. It is a security issue.

There are frequent debates about the value of U.S. foreign assistance. When Americans are asked, how much do we spend in foreign aid, the most common response is, about 25 percent of the Federal budget. The fact is, it is just over 1 percent in foreign aid around the world. We spend far less as a percentage of our gross domestic product than many nations. But the work we do is so absolutely essential for maintaining life, fighting disease, for making certain that young people have a fighting chance.

President Obama recognizes that. I hope we can have bipartisan support to continue our help with foreign aid, even in this difficult time.

The last issue I will discuss on this trip Senator BROWN and I took is one I will save for a separate presentation. But without fail, in every African nation, I would ask them the same question: What is the presence of China in your nation? Without fail, they would say: It is interesting you would ask.

The Chinese are moving into Africa in a way we should not ignore. They are providing capital assistance and loans to countries all over Africa, which can provide them with minerals and resources for their economy and, ultimately, with markets for their products. Leaders in Africa, such as the President of Ethiopia, say to me: When the West walked away from Africa, China stepped in.

The Chinese have a strategy and a goal. If we don't become sensitive to it and what it will mean to the next generation of people living in each of those countries, we will pay a heavy price. We have to understand that these people now may be in underdeveloped countries and struggling, but tomorrow they will have a middle class, and they will be purchasing goods and services. They will remember that their highways and stadiums and schools were built with loans from the Chinese. Incidentally, those loans come with strings attached. When the Chinese loan money to a country such as Ethiopia, it is so a Chinese construction company can build the project using Chinese engineers, technicians, and workers. So they are providing work projects with the money they are loaning to each country and being repaid in local resources such as oil and minerals.

We can't ignore this reality. It is happening all over the world. The Chinese have a plan. I am not sure America has a plan. We should.

#### HANDLING OF TERRORIST SUSPECTS

Mr. President, in recent weeks, my Republican colleagues have directed a barrage of criticism at President Obama for his handling of terrorist cases, and I wish to respond.

Let's start with the recent case of Umar Faruk Abdulmutallab, the man who tried to explode a bomb on a plane around Christmas when it was landing

in Detroit. My colleagues on the other side have been very critical of the FBI's decision to give Miranda warnings to Abdulmutallab.

The Republican minority leader recently said, referring to Abdulmutallab:

He was given a 50 minute interrogation, probably Larry King has interrogated people longer and better than that. After which he was assigned a lawyer who told him to shut up.

That is what the minority leader said. But here are the facts. Experienced counterterrorism agents from the FBI interrogated Abdulmutallab when he arrived in Detroit. According to the Justice Department, during this initial interrogation, the FBI "obtained intelligence that has already proved useful in the fight against Al Qaeda." After the interrogation, Abdulmutallab refused to cooperate further with the FBI. Only then, after his refusal, did the FBI give him a Miranda warning. What the FBI did in this case was nothing new. During the Bush administration, the FBI also gave Miranda warnings to terrorists detained in the United States.

I respect Senator McConnell, but I say, respectfully, that he got his facts wrong as stated on the floor of the Senate. Frankly, this unfounded criticism of the FBI and their techniques should be corrected. That is why I stand here today.

Attorney General Eric Holder recently sent a detailed, 5-page letter to Senator McConnell explaining what actually happened in this case.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, DC, February 3, 2010.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: I am writing in reply to your letter of January 26, 2010, inquiring about the decision to charge Umar Farouk Abdulmutallab with federal crimes in connection with the attempted bombing of Northwest Airlines Flight 253 near Detroit on December 25, 2009, rather than detaining him under the law of war. An identical response is being sent to the other Senators who joined in your letter.

The decision to charge Mr. Abdulmutallab in federal court, and the methods used to interrogate him, are fully consistent with the long-established and publicly known policies and practices of the Department of Justice, the FBI, and the United States Government as a whole, as implemented for many years by Administrations of both parties. Those policies and practices, which were not criticized when employed by previous Administrations, have been and remain extremely effective in protecting national security. They are among the many powerful weapons this country can and should use to win the war against al-Qaeda.

I am confident that, as a result of the hard work of the FBI and our career federal prosecutors, we will be able to successfully prose-

ecute Mr. Abdulmutallab under the federal criminal law. I am equally confident that the decision to address Mr. Abdulmutallab's actions through our criminal justice system has not, and will not, compromise our ability to obtain information needed to detect and prevent future attacks. There are many examples of successful terrorism investigations and prosecutions, both before and after September 11, 2001, in which both of these important objectives have been achieved—all in a manner consistent with our law and our national security interests. Mr. Abdulmutallab was questioned by experienced counterterrorism agents from the FBI in the hours immediately after the failed bombing attempt and provided intelligence, and more recently, he has provided additional intelligence to the FBI that we are actively using to help protect our country. We will continue to share the information we develop with others in the intelligence community and actively follow up on that information around the world.

1. Detention. I made the decision to charge Mr. Abdulmutallab with federal crimes, and to seek his detention in connection with those charges, with the knowledge of, and with no objection from, all other relevant departments of the government. On the evening of December 25 and again on the morning of December 26, the FBI informed its partners in the Intelligence Community that Abdulmutallab would be charged criminally, and no agency objected to this course of action. In the days following December 25—including during a meeting with the President and other senior members of his national security team on January 5—high-level discussions ensued within the Administration in which the possibility of detaining Mr. Abdulmutallab under the law of war was explicitly discussed. No agency supported the use of law of war detention for Abdulmutallab, and no agency has since advised the Department of Justice that an alternative course of action should have been, or should now be, pursued.

Since the September 11, 2001 attacks, the practice of the U.S. government, followed by prior and current Administrations without a single exception, has been to arrest and detain under federal criminal law all terrorist suspects who are apprehended inside the United States. The prior Administration adopted policies expressly endorsing this approach. Under a policy directive issued by President Bush in 2003, for example, "the Attorney General has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, where such acts are within the Federal criminal jurisdiction or the United States, as well as for related intelligence collection activities within the United States." Homeland Security Presidential Directive 5 (HSPD-5, February 28, 2003). The directive goes on to provide that "[f]ollowing a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice."

In keeping with this policy, the Bush Administration used the criminal justice system to convict more than 300 individuals on terrorism-related charges. For example, Richard Reid, a British citizen, was arrested

in December 2001 for attempting to ignite a shoe bomb while on a flight from Paris to Miami carrying 184 passengers and 14 crewmembers. He was advised of his right to remain silent and to consult with an attorney within five minutes of being removed from the aircraft (and was read or reminded of these rights a total of four times within 48 hours), pled guilty in October 2002, and is now serving a life sentence in federal prison. In 2003, Iyman Faris, a U.S. citizen from Pakistan, pled guilty to conspiracy and providing material support to al-Qaeda for providing the terrorist organization with information about possible U.S. targets for attack. Among other things, he was tasked by al-Qaeda operatives overseas to assess the Brooklyn Bridge in New York City as a possible post-9/11 target of destruction. After initially providing significant information and assistance to law enforcement personnel, he was sentenced to 20 years in prison. In 2002, the "Lackawanna Six" were charged with conspiring, providing, and attempting to provide material support to al-Qaeda based upon their pre-9/11 travel to Afghanistan to train in the Al Farooq camp operated by al-Qaeda. They pled guilty, agreed to cooperate, and were sentenced to terms ranging from seven to ten years in prison. There are many other examples of successful terrorism prosecutions—ranging from Zacarias Moussaoui (convicted in 2006 in connection with the 9/11 attacks and sentenced to life in prison) to Ahmed Omar Abu Ali (convicted in 2005 of conspiracy to assassinate the President and other charges and sentenced to life in prison) to Ahmed Ressam (convicted in 2001 for the Millennium plot to bomb the Los Angeles airport and sentenced to 22 years, a sentence recently reversed as too lenient and remanded for resentencing)—which I am happy to provide upon request.

In fact, two (and only two) persons apprehended in this country in recent times have been held under the law of war. Jose Padilla was arrested on a federal material witness warrant in 2002, and was transferred to law of war custody approximately one month later, after his court-appointed counsel moved to vacate the warrant. Ali Saleh Kahlah Al-Marri was also initially arrested on a material witness warrant in 2001, was indicted on federal criminal charges (unrelated to terrorism) in 2002, and then transferred to law of war custody approximately eighteen months later. In both of these cases, the transfer to law of war custody raised serious statutory and constitutional questions in the courts concerning the lawfulness of the government's actions and spawned lengthy litigation. In Mr. Padilla's case, the United States Court of Appeals for the Second Circuit found that the President did not have the authority to detain him under the law of war. In Mr. Al-Marri's case, the United States Court of Appeals for the Fourth Circuit reversed a prior panel decision and found in a fractured en banc opinion that the President did have authority to detain Mr. Al-Marri, but that he had not been afforded sufficient process to challenge his designation as an enemy combatant. Ultimately, both Al-Marri (in 2009) and Padilla (in 2006) were returned to law enforcement custody, convicted of terrorism charges and sentenced to prison.

When Flight 253 landed in Detroit, the men and women of the FBI and the Department of Justice did precisely what they are trained to do, what their policies require them to do, and what this nation expects them to do. In the face of the emergency, they acted quickly and decisively to ensure the detention and



incapacitation of the individual identified as the would-be bomber. They did so by following the established practice and policy of prior and current Administrations, and detained Mr. Abdulmutallab for violations of federal criminal law.

2. Interrogation. The interrogation of Abdulmutallab was handled in accordance with FBI policy that has governed interrogation of every suspected terrorist apprehended in the United States for many years. Across many Administrations, both before and after 9/11, the consistent, well-known, lawful, and publicly-stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the United States. The FBI's current Miranda policy, adopted during the prior Administration, provides explicitly that "[w]ithin the United States, Miranda warnings are required to be given prior to custodial interviews. . . ." In both terrorism and non-terrorism cases, the widespread experience of law enforcement agencies, including the FBI, is that many defendants will talk and cooperate with law enforcement agents after being informed of their right to remain silent and to consult with an attorney. Examples include L'Houssaine Kherchtou, who was advised of his Miranda rights, cooperated with the government and provided critical intelligence on al-Qaeda, including their interest in using piloted planes as suicide bombers, and Nuradin Abdi, who provided significant information after being repeatedly advised of his Miranda rights over a two-week period. During an international terrorism investigation regarding Operation Crevice, law enforcement agents gained valuable intelligence regarding al-Qaeda military commanders and suspects involved in bombing plots in the U.K. from a defendant who agreed to cooperate after being advised of, and waiving his Miranda rights. Other terrorism subjects cooperate voluntarily with law enforcement without the need to provide Miranda warnings because of the non-custodial nature of the interview or cooperate after their arrest and agree to debriefings in the presence of their attorneys. Many of these subjects have provided vital intelligence on al-Qaeda, including several members of the Lackawanna Six, described above, who were arrested and provided information about the Al Farooq training camp in Afghanistan; and Mohammad Warsame, who voluntarily submitted to interviews with the FBI and provided intelligence on his contacts with al-Qaeda in Afghanistan. There are other examples which I am happy to provide upon request. There are currently other terrorism suspects who have cooperated and are providing valuable intelligence information whose identities cannot be publicly disclosed.

The initial questioning of Abdulmutallab was conducted without Miranda warnings under a public safety exception that has been recognized by the courts. Subsequent questioning was conducted with Miranda warnings, as required by FBI policy, after consultation between FBI agents in the field and at FBI Headquarters, and career prosecutors in the U.S. Attorney's Office and at the Department of Justice. Neither advising Abdulmutallab of his Miranda rights nor granting him access to counsel prevents us from obtaining intelligence from him, however. On the contrary, history shows that the federal justice system is an extremely effective tool for gathering intelligence. The Department of Justice has a long track record of using the prosecution and sentencing process as a lever to obtain valuable intel-

ligence, and we are actively deploying those tools in this case as well.

Some have argued that had Abdulmutallab been declared an enemy combatant, the government could have held him indefinitely without providing him access to an attorney. But the government's legal authority to do so is far from clear. In fact, when the Bush administration attempted to deny Jose Padilla access to an attorney, a federal judge in New York rejected that position, ruling that Padilla must be allowed to meet with his lawyer. Notably, the judge in that case was Michael Mukasey, my predecessor as Attorney General. In fact, there is no court-approved system currently in place in which suspected terrorists captured inside the United States can be detained and held without access to an attorney; nor is there any known mechanism to persuade an uncooperative individual to talk to the government that has been proven more effective than the criminal justice system. Moreover, while in some cases defense counsel may advise their clients to remain silent, there are situations in which they properly and wisely encourage cooperation because it is in their client's best interest, given the substantial sentences they might face.

3. The Criminal Justice System as a National Security Tool. As President Obama has made clear repeatedly, we are at war against a dangerous, intelligent, and adaptable enemy. Our goal in this war, as in all others, is to win. Victory means defeating the enemy without damaging the fundamental principles on which our nation was founded. To do that, we must use every weapon at our disposal. Those weapons include direct military action, military justice, intelligence, diplomacy, and civilian law enforcement. Each of these weapons has virtues and strengths, and we use each of them in the appropriate situations.

Over the past year, we have used the criminal justice system to disrupt a number of plots, including one in New York and Colorado that might have been the deadliest attack on our country since September 11, 2001, had it been successful. The backbone of that effort is the combined work of thousands of FBI agents, state and local police officers, career prosecutors, and intelligence officials around the world who go to work every day to help prevent terrorist attacks. I am immensely proud of their efforts. At the same time, we have worked in concert with our partners in the military and the Intelligence Community to support their tremendous work to defeat the terrorists and with our partners overseas who have great faith in our criminal justice system.

The criminal justice system has proven to be one of the most effective weapons available to our government for both incapacitating terrorists and collecting intelligence from them. Removing this highly effective weapon from our arsenal would be as foolish as taking our military and intelligence options off the table against al-Qaeda, and as dangerous. In fact, only by using all of our instruments of national power in concert can we be truly effective. As Attorney General, I am guided not by partisanship or political considerations, but by a commitment to using the most effective course of action in each case, depending on the facts of each case, to protect the American people, defeat our enemies, and ensure the rule of law.

Sincerely,

ERIC H. HOLDER, Jr.

Mr. DURBIN. Here is what General Holder said:

Across many administrations, both before and after 9/11, the consistent, well-known,

lawful, and publicly stated policy of the FBI has been to provide Miranda warnings prior to any custodial interrogation conducted inside the United States.

In fact, the Bush administration adopted new policies for the FBI that said "Within the United States, Miranda warnings are required to be given prior to custodial interviews." That was a requirement from the Bush administration. Senator McCONNELL and others have tried to politicize this issue when the facts tell us otherwise.

Let's take one example from the Bush administration. Richard Reid, the shoe bomber, tried to detonate an explosive in his shoe on a flight from Paris to Miami in December 2001.

This was very similar to the attempted attack by Abdulmutallab, another foreign terrorist who also tried to detonate a bomb on a plane. So how does the Bush administration's handling of the shoe bomber, Mr. Reid, compare with the Obama administration's handling of Abdulmutallab? The Bush administration detained and charged Reid as a criminal. They gave Reid a Miranda warning within 5 minutes of being removed from the airplane and they reminded him of his Miranda rights four times within the first 48 hours he was detained.

Has America heard that side of the story, as we have heard all these criticisms about Miranda warnings for Abdulmutallab?

The Republicans have been very critical of the Obama administration for giving a Miranda warning to this Detroit, attempted, would-be bomber 9 hours after he was first detained, after a 50-minute interrogation. But they did not criticize their own Republican President when his administration gave a Miranda warning to the shoe bomber 5 minutes after he was detained, and before he was interrogated at all.

How do they square this? How can they be so critical of President Obama when a similar parallel case was treated so differently under the Republican President?

In mid-January, Abdulmutallab began talking again to FBI interrogators and providing valuable intelligence—after the Miranda warnings. FBI Director Robert Mueller described it this way:

. . . over a period of time, we have been successful in obtaining intelligence, not just on day one, but on day two, day three, day four, and day five, down the road.

According to another law enforcement official:

The information has been active, useful, and we have been following up. The intelligence is not stale.

How did this happen? The Obama administration convinced Abdulmutallab's family to come to the United States. Then he started talking. And his family persuaded him to cooperate.

This is a very different approach than we saw in the previous administration, when detainees who refused to



talk were subjected to torture techniques such as waterboarding.

Real life is not like the TV show "24." On TV, when Jack Bauer tortures someone, the suspect immediately admits everything he knows. Here is what we learned during the Bush administration. In real life, when people are tortured, they will say anything to make the pain stop. So they often provide false information, not valuable intelligence.

Richard Clarke was the senior counterterrorism adviser to President Clinton and President George W. Bush. Here is what he said recently about the Obama administration's approach:

The FBI is good at getting people to talk . . . they have been much more successful than the previous attempts of torturing people and trying to convince them to give information that way.

Would Abdulmutallab's family have traveled to the United States and persuaded him to cooperate if they thought he was being tortured here? I do not think so. A senior Obama administration official said:

One of the principal reasons why his family came back is that they had complete trust in the U.S. system of justice and believed that [their son] would be treated fairly and appropriately.

You do not hear that much. There is a belief that if you do not waterboard a person or torture them, you are not going to get information. Exactly the opposite happened here. This man was treated respectfully through our system of justice. He was not given special favors. He was treated like the criminal who I believe he is, and yet he was treated in such a manner that his family was willing to come to the United States and beg him to cooperate with our government, which he did at the end of the day.

So how do my Republican colleagues respond to this development? Did they commend the Obama administration for successfully bringing his family over and getting more information? No. They now claim the intelligence from him was worthless. They have no basis for saying that, but they do anyway.

During the previous administration, Republicans argued that detainees held at Guantanamo were still providing valuable intelligence for years after they were arrested. Now they are saying that days and weeks after Abdulmutallab was arrested his intelligence was worthless. They cannot have it both ways.

My colleagues on the other side of the aisle argue that Abdulmutallab should be held in military detention as an enemy combatant. But terrorists arrested in the United States have always been held under our criminal laws. Here is what Attorney General Eric Holder said in his letter to Senator McConnell:

Since the September 11, 2001 attacks, the practice of the U.S. government, followed by

prior and current Administrations without a single exception, has been to arrest and detain under federal criminal law all terrorist suspects who are apprehended inside the United States.

Without exception. That was the standard under the Bush administration.

The Bush administration did move two terror suspects out of the criminal justice system after they were arrested. One of them was Jose Padilla. He was designated as an enemy combatant and transferred to military detention. But then what happened? In a court filing, the Bush administration admitted that Padilla had not talked to his interrogators for 7 months. They said:

There are numerous examples of situations where interrogators have been unable to obtain valuable intelligence from a subject until months—or even years, after the interrogation process began.

Two important points about the Padilla case: My Republican colleagues criticize the Obama administration for holding Abdulmutallab under our criminal laws. But Padilla was held in military detention and the Bush administration acknowledged that he did not talk to his interrogators for at least 7 months. Second, Republicans argue that intelligence from Abdulmutallab, after several weeks in detention, was stale and worthless, but the Bush administration argued that information gathered from Padilla after months—or even years—was still valuable.

There is no consistency in the position they have taken on the other side of the aisle.

In the end, the Bush administration changed course on Padilla. They transferred him back to the criminal justice system for prosecution. He was convicted. He is now serving a long sentence in a Federal supermax prison—convicted in our criminal courts.

What about the shoe bomber? Richard Reid was also prosecuted and convicted in the criminal justice system. He is now serving a life sentence without parole in a Federal supermax prison, where he will never again threaten an American life.

My Republican colleagues did not complain when the Bush administration prosecuted Reid and Padilla in criminal courts. But now they argue terrorists such as Abdulmutallab and Khalid Shaikh Mohammed should be tried in military commissions only because Federal courts are not well suited to prosecute terrorists.

Well, let's look at the numbers. Since 9/11, 195 terrorists have successfully been prosecuted and convicted in our Federal court system. Besides Reid and Padilla, here are just a few of the terrorists who have been convicted in our Federal court system and are now serving long prison sentences: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar

Abdel Rahman, the so-called Blind Sheikh; and the 20th 9/11 hijacker, Zacarias Moussaoui, who was tried across the river in Virginia and now sits in a prison cell in Florence, CO.

Compare this with the track record of military commissions. Some would have us believe that military commissions have been so much more effective in going after terrorists. So let's look at the record. Mr. President, 195 terrorists have been successfully prosecuted and convicted in our criminal courts. How about military commissions? Since 9/11, only three individuals have been convicted by military commissions—that is 195 to 3—and two of those individuals spent less than a year in prison and are now living freely in their home countries of Australia and Yemen.

GEN Colin Powell, the former head of the Joint Chiefs of Staff and Secretary of State under President Bush, supports prosecuting terrorists in Federal courts. Here is what he said about military commissions last week:

The suggestion that somehow a military commission is the way to go isn't borne out by the history of the military commissions.

What would GEN Colin Powell know about the history of military commissions? A heck of a lot, having given his life to the U.S. military in dedication to his country. His opinion means a lot to me.

Military commissions are unproven venues, which ultimately may serve us well in some circumstances, but to say they are all good and courts are all bad is to ignore the obvious and ignore the evidence.

Just 2 days ago, there was more compelling evidence about the effectiveness of Federal courts. Attorney General Holder announced that Najibullah Zazi has pleaded guilty to plotting to bomb the New York subway system. Zazi, who planned the bombing with al-Qaida while he was in Pakistan, could be sentenced to life in prison without parole—convicted in the Federal criminal courts.

Here is what Attorney General Holder said about the subway bombing plot:

This is one of the most serious terrorist threats to our nation since September 11th, 2001 . . . This attempted attack on our homeland was real, it was in motion, and it would have been deadly. . . . In this case as in so many others, the criminal justice system has proved to be an invaluable weapon for disrupting plots and incapacitating terrorists.

I hope all my colleagues—Democrats and Republicans—will join me in commending the Obama administration for their success in disrupting this dangerous plot and bringing Zazi to justice. I sincerely hope this case will cause some of the critics of trying terrorists in Federal courts pause to at least reflect on the obvious. This was a successful prosecution—another one, 195 of them since 9/11.

There is a great irony here. For 8 long years, during the Bush-Cheney administration, Republicans used to

argue that we should not criticize the administration's national security policies. Time and again, they told us it was inappropriate—maybe even un-American, some of them said—for Congress to ask basic questions about the Bush administration's policies on issues like Iraq, Guantanamo, torture, warrantless wiretapping. Time and again, we were reminded there is only one Commander-in-Chief. But now Republicans feel it is fair game to second-guess every decision President Obama makes in the area of combating terrorism.

I think we have a right, an obligation, as Senators, to ask questions of all Presidents regardless of party. But I think we also have an obligation for fairness and balance, as one of the notorious networks says. In this case, I think if you look at the evidence in a fair and balanced fashion, you can see we are in a situation where the approach of using Federal criminal courts has worked. It has worked because we know we have the very best in the FBI and the Department of Justice, and they have a track record of success. We have an obligation to get the facts right when we either defend or criticize the President.

I am also concerned about the tone of some of the criticism we have heard. We can surely disagree with this administration, but when I hear the President's critics suggest that he is soft on terrorism and he does not care about defending our country, that goes over the line, as far as I am concerned.

Recently, Senator MCCONNELL gave a speech to the Heritage Foundation, a conservative think tank on Capitol Hill, and he said the Obama administration "has a pre-9/11 mindset" and "has a blind spot when it comes to prosecuting this war." I think those statements go too far.

GEN Colin Powell has a different opinion, different than Senator MCCONNELL. Here is what he said last week-end:

To suggest that somehow we have become much less safe because of the actions of the administration, I don't think that's borne out by the facts.

What is the motivation for this criticism of the President? Well, as Senator MCCONNELL said to the Heritage Foundation:

You can campaign on these issues anywhere in America.

I guess he is right. I guess there is always room for fear, and peddling fear is something that is going to appeal to a lot of people. It is right that we be mindful of the threat of terrorism and we do everything in our power to stop it from ever occurring again. But living and quivering in fear, is that what America should be all about?

Richard Clarke, the senior counter-terrorism adviser to Presidents Clinton and Bush, said:

Recent months have seen the party out of power picking fights over the conduct of our

efforts against Al Qaeda, often with total disregard to the facts and frequently blowing issues totally out of proportion, while ignoring the more important challenges we face in defeating terrorists.

Mr. President, 9 years after 9/11, al-Qaida still is a serious threat to America. We know that terrorists are plotting to attack us even as we speak. President Obama knows it as well. He understands as Commander in Chief that he has a special commitment to the American people to keep us safe. Congress is a political body and this is an election year, but this issue is too important to become a political football. Democrats and Republicans should be united in supporting all of the efforts of all of the good men and women, including the President, in trying to fight terrorism and keep America safe.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— H.R. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 36, H.R. 1586, and that the Reid substitute amendment, which is at the desk, be considered read; that the Republican leader, or his designee, be recognized to offer a substitute amendment, and that there be 60 minutes for debate with respect to that amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on a motion to waive the point of order; that if the waiver is successful, the amendment be agreed to and the Reid substitute, as amended, be agreed to; that if the waiver fails, the amendment be withdrawn; further, that there be 30 minutes for debate with respect to the Reid substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the Senate proceed to vote on adoption of the Reid substitute amendment; further, that no further amendments or debate be in

order; that upon disposition of the Reid substitute amendment, the bill, as amended, be read the third time; and following the reading by the clerk of the budgetary effects of pay-go legislation with respect to H.R. 1586, the Senate proceed to vote on passage of the bill, as amended; that upon passage the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, as usual, prior to coming to call off the quorum, I had a visit with my friend from Kentucky, who is someone for whom I have the greatest respect. I am going to miss him so much, as I have said publicly and privately. In the days of my youth, I, of course, wanted to be the baseball player that he turned out to be. But that is another story. I didn't want to pitch. I wanted to be something else—a catcher or a shortstop.

Mr. President, I regret that my friend has objected to this modest request. Earlier today, I was advised by the Republican leadership that they needed to have an amendment to be offered on this bill. As noted above, we agreed to that request. The items that we are proposing to extend in my substitute amendment include unemployment insurance, COBRA, flood insurance, highway funding, small business loans, and small business provisions of the American Recovery Act, the Satellite Home View Act, SGR—the so-called doctor fix—and poverty guidelines. All of these provisions will expire on Sunday, February 28. That is this coming Sunday.

Agencies have been already sending out notices to unemployed workers—agencies such as a number of transportation departments around the country have sent out notices that their work had come to a stop, so they would not be getting benefits.

It is critical that these programs continue so that Americans who are already struggling can continue to get this modest relief. Therefore, I regret the objection of my friend from Kentucky. I hope we can work through this objection and continue these important programs.

Mr. President, we have been told by the Congressional Budget Office that the No. 1 stimulative to our struggling economy is to give people who are out of work, and have been out of work for a long time, unemployment benefits. That money goes right into the economy—whether it is in Anchorage, Las Vegas, or Louisville.

COBRA—there are people who are losing their jobs and they need the ability to buy insurance. Statutorily now they can do that, but this is going to expire. Highway funding—I have already talked about that. It is just a

real shame, and I am sorry that we can't get this done by February 28. But we can't. This month would give us the time we need to complete our work.

As far as unemployment benefits, notices have already gone out to thousands of Americans that their benefits are going to be terminated—these unemployed workers. They are already crushed with all the problems they have, and now they are not going to have unemployment benefits. That is simply not right.

I say to my friend again, I regret that we weren't able to work this out today. I hope there is something we can do to work through this objection. We need to continue these important programs.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 36, H.R. 1586; that the amendment at the desk, which is the text of the Reid substitute, with an offset, be agreed to; the bill, as amended, be read the third time and passed; and the motion to reconsider be laid on the table.

Mr. REID. Mr. President, reserving the right to object, with the provisions that we are seeking to be extended, there are some of them that cost money.

They all cost a little bit, but there are three items here that cost more than any of the others; that is, unemployment compensation, COBRA, and the SGR. If there were ever an emergency—ever—in this body, certainly it would be unemployment compensation and COBRA moneys.

I came to the floor earlier this year—it could have been late last year; time flies—to try to get a permanent fix, as we call it, for the SGR for 10 years. That did not get enough votes. That is unfortunate. And this is really unfortunate. This SGR, the Medicare payments that will be allowed to doctors, is for more than doctors; it is for doctors who will take Medicare patients. Many doctors in America today will not take Medicare patients. If we do not get this extended, a lot more will not take Medicare patients.

Our Medicaid programs throughout America are in deep trouble. I met Monday with 12 Governors. Everyone said they were in desperate shape for a lot of reasons, but one of the reasons is what has happened to Medicaid. Not only is it important to the doctors—and that is important—it is more important to the patients, and many programs to reimburse medical professionals—doctors—are based on what we have for Medicare reimbursement. If we do not get Medicare reimbursement, it is a cyclical thing that winds up tearing down the whole system.

I say to my friend that I hope someone can come up with an idea during the night that would allow us to get

this done. We are going to take up this bill, all these items permanently next week or at least most of it is for a year or so. That will give us time to complete all this business. Even though we passed the so-called jobs bill which extended the highway bill for a year, the House cannot get it done that quickly. They can move more quickly than we can, but they cannot move that quickly.

Again, I hope we can work something out in the next 12 hours or so. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. REID. Mr. President, I was going to propound a unanimous consent request.

Mr. BUNNING. Go ahead.

#### MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 252, H.R. 3961.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, there is a substitute amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to and that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3331) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, as amended, was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (H.R. 3961), as amended, was passed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the title amendment, which is at the desk, be considered and agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3332) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.”

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to go back past the original bill we just passed for the extension for a year and explain what my amendment did to the original text the leader was propounding. I paid for it, and I paid for it out of stimulus money.

We passed in this body just last week a pay-go that is extended to all the bills that come through this body. We passed a bill earlier this week on which we did not do pay-go. We did not pay for it—at least \$10 billion of it. The cost of these extensions is another \$10 billion. That means that \$20 billion goes directly to the debt of this country.

We just extended the debt limit to over \$14 trillion. The reason I offered the offset that the leader objected to was so that my 40 grandkids don't have to pay the bill. We cannot keep shifting our spending to our kids and our grandkids.

Believe me, I want to extend those provisions just as badly as the leader does, but we need to pay for them. That is the reason I offered my substitute to his original text.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, let me say this: The bill we passed today is fully paid for. There is no deficit spending whatsoever. In fact, everything was paid for. Every part of that was paid for. In passing that bill, there is not a cent of red ink.

It is my understanding that with this short extension we have tried to get done today, my friend from Kentucky believes it should be paid for by taking money out of the stimulus funds—

Mr. BUNNING. Unspent stimulus funds.

Mr. REID. Yes—and pay for it that way. It is my understanding that we

are willing to have a vote on that. I say to my friend, I am pretty sure that is what your leader and I spoke about. I would be happy to have a vote on that.

Mr. BUNNING. Mr. President, I ask for time to speak.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. I have been here 24 years, I say to the Senator from Nevada.

Mr. REID. We came together.

Mr. BUNNING. And I have been fooled by some things and some things have gone past me and I woke up after it had already passed me. This is not one of those things that was going to do that. Of course, we can have a vote on it, and, of course, it can be defeated, and then, of course, we can pass the bill without the money. I am not willing to risk that \$10 billion being added to the deficit. I was not ready to risk voting on a bill I knew would not get the amount of votes necessary to pay for it. If the majority leader would have included it in his UC, I would have had no problems. But he did not include it in his UC. So that was the reason I asked to pay for it.

Mr. REID. Mr. President, I don't want to delay this any longer than necessary. I don't know how we could be more fair. I have not talked with my Democratic Senators, but I think there may be some Senators on this side of the aisle who agree with Senator BUNNING. That is why we are here.

Right now, we are in a very difficult predicament. I think it would be too bad if people whose unemployment insurance is being terminated—all we are asking for is a few weeks, and then after the extension it will give us time to have this body and the other body make a decision by voting on it. We are asking for a short extension. My personal belief is that the extension of unemployment insurance is truly an emergency, as I indicated earlier, as I feel about COBRA.

I understand where my friend is coming from. I have never been a part of trying to fool him in any way intentionally. As I understand it, we are willing to vote on this legislation. If we are not able to work that out, I don't know what can be more democratic than that. We are all elected to make our choices here. I would be happy, as I told the distinguished Senator from Kentucky, if he came up with some way we could proceed on this issue, to give every consideration to any proposal he would make.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. DURBIN. Mr. President, the last item of business considered on the Senate floor was an effort to extend several provisions of law that will expire either late Saturday night or Sunday. One of these provisions is the extension of unemployment benefits. It is well known across America that we have many people out of work. A lot of them have reached the point where their unemployment benefits are about to expire. I have met with many of those people in my State—in Springfield, in Chicago—and heard their stories, and they are sadly very similar. Many of them have exhausted whatever savings they had to try to keep their homes and their families together. They are literally living on unemployment insurance benefits.

Come Saturday or Sunday, thousands of people in my State and literally more than 1 million Americans will see their unemployment benefits stop; 65,000 people in Illinois will lose their unemployment insurance benefits if we do not extend this; 1.2 million Americans nationwide will lose their unemployment benefits.

It is all right for us to debate. It is certainly our job to offer amendments if we believe something should be amended. But at the end of the day I think we have to be sensitive and conscious of the fact that a lot of people will start to suffer in ways that most of us cannot imagine. When they lose their unemployment benefits and their savings are exhausted, they are about to lose their homes. I have seen that happen, and it is going to continue to happen.

Let's do the right thing. Let's find a way through this difficulty. Let's try to find a reasonable way to resolve it. Let's not leave here and go to the comfort and happiness of our families with these people disadvantaged.

#### IRANIAN INFLUENCE IN IRAQ

Mr. KYL. Mr. President, last week, Clifford May, the president of the Foundation for the Defense of Democracies, wrote in the *National Review* that the U.S. should renew its focus on the Iranian regime's influence in Iraq. He warned that the success of the surge in Iraq, which both the President and Vice President opposed when they served in this body, could be transformed into a "bipartisan failure" if we

don't increase pressure on the Iranian regime.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the article to which I just referred.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *National Review*]

WHO'S LOSING IRAQ?

AND COULD IRAN BE WINNING?

(By Clifford D. May)

"I am very optimistic about—about Iraq. I mean, this could be one of the great achievements of this administration."

Vice President Joseph Biden's comments to CNN's Larry King sparked a brouhaha for an obvious reason: When they were senators, Biden and Barack Obama opposed the "surge" that averted America's defeat in Iraq. It takeschutzpah for them to now claim credit for the fruits of that strategy.

But a less obvious and more significant point is being missed: Iraq may, in the end, turn out to be nobody's achievement. It may turn out to be a military success transformed by politicians and diplomats into a bipartisan failure. Recent developments in Iraq are ominous. The Obama administration is not addressing them effectively. And conservative critics of the Obama administration are strangely silent.

Robert Dreyfus is a journalist of the left with whom I seldom agree; he writes for *The Nation*, a publication of the far left that usually makes my eyes roll. But in his *Nation* blog, Dreyfus correctly notes that as the campaign gets underway for Iraq's March 7 elections, close to 500 candidates have been banned for alleged ties to the Baath Party by the Justice and Accountability Council, "an unelected panel headed by an Iran-linked terrorist, Ali al-Lami."

Among those barred are "the No. 2 and No. 3 candidates in the main opposition bloc, the Iraqi Nationalist Movement, which is led by former Prime Minister Iyad Allawi [a secular Shia]. Already, two members of Allawi's party have been assassinated while campaigning. . . . Allawi, who many observers say had a credible chance of winning enough votes to lead a governing coalition after the election, has suspended his campaign. . . . Many Sunni leaders are talking about a boycott."

The most serious concern here is not that Iraqi democracy is fledgling and flawed—we knew that. What's troubling is the fact that Iran's militant jihadi rulers are apparently manipulating the process—with impunity.

Most Iraqis do not want their country to be controlled by Iran. Most do not want it to become an Iranian satrapy like Syria, Iraq's neighbor to the west. Most Iraqis do not want to live as Iranians have been living—under the thumb of oppressive theocrats and thuggish Revolutionary Guards.

But Iraqis know that American troops—the "strongest tribe"—are leaving. The bullies in Tehran, by contrast, may be staying right where they are. Iran's rulers can give you money and weapons. Or they and their treacherous agents in Iraq can have you eliminated.

The fact that Ali al-Lami is playing a central role in determining who can and who cannot run for election is—or should be—alarming. In 2008, he was detained by American forces in connection with an Iranian-backed "Special Groups" militia believed to have bombed a municipal building, killing two State Department employees along with

six Iraqis. A "senior U.S. military intelligence official" told the Associated Press there were "multiple and corroborating reports" pointing to al-Lami's involvement.

Abdul Rahman al-Rashed, the general manager of al-Arabiya television, writing in the international Arabic daily *Asharq Alawsat*, recently called al-Lami "the man to fear in Iraq. . . . He shows his claws at anyone who dares oppose him and he accuses his opponents of Baathism," including even Gen. David Petraeus "who has fought the Baathists the most and if it weren't for him, al-Lami would not be able to reach his home in one piece. Al-Lami accused Petraeus of Baathism (nobody has ever spoken such nonsense) and said that if General Petraeus was Iraqi he would have been charged under the Debaathification law."

In an interview with the *Times* (U.K.), Petraeus pointedly noted that al-Lami's panel has been linked with Iran's Revolutionary Guard. And on Tuesday, Gen. Ray Odierno, the senior U.S. commander in Iraq, identified al-Lami as one of two Iraqi politicians "clearly . . . influenced by Iran."

The "surge" implemented by Petraeus, Odierno, and their troops was largely responsible for the defeat of al-Qaeda in Iraq—the battlefield Osama bin Laden considered more consequential than any other. But Iran's proxy militias fought U.S. troops, too. And many Americans were killed by explosive devices manufactured in Iran and sent to Iraq for that purpose.

Yet Iran's contribution to the bloodshed in Iraq was consistently downplayed. To highlight it would have led to the question: "So what are you going to do about it?" And the Bush administration did not want to do anything about it—just as the Clinton administration did not want to do anything about Iran's role in the slaughter of American servicemen at Khobar Towers in 1996, just as the Reagan administration did not want to do anything about Iran's dispatching of Hezbollah suicide-bombers to kill Americans in Beirut in 1983, and just as the Carter administration did not want to do anything about the seizure of the American Embassy in Tehran in 1979.

Ayatollah Ruhollah Khomeini, the father of Iran's 1979 Islamic Revolution, concluded: "America cannot do a damn thing!" The phrase has been repeated by Iranian rulers ever since.

President Obama ought to break with this pattern of fecklessness. He should show Iran that there are consequences for facilitating the deaths of Americans, for sponsoring terrorism, for building nuclear weapons, for ruthlessly oppressing Iranians at home, and for undermining the election process in Iraq. At the very least, Obama should slow down the pace of American troop withdrawals in Iraq and impose serious sanctions—the kind envisioned by the legislation recently passed by both the House and the Senate.

But Biden said nothing about sanctions to Larry King. Instead he told him (and any Iranians who might be listening): "You're going to see 90,000 American troops come marching home by the end of the summer." The vice president added: "You're going to see a stable government in Iraq that is actually moving toward a representative government. I spent—I've been there 17 times now. I go about every two months—three months. I know every one of the major players in all the segments of that society. It's impressed me. I've been impressed how they have been deciding to use the political process rather than guns to settle their differences."

True: Biden has been a frequent flier to Iraq, where he has argued against the ban-

ning of candidates who displease Tehran. Also true: He might as well have been talking to a wall.

Iraq remains what it has been: a pivotal nation in the heart of the Middle East. Biden may think he and his administration have achieved something there. Obama may see Iraq as a distraction from the war against "the real enemy" in Afghanistan. Conservatives may view Iraq as a success Obama inherited from the Bush administration—and therefore no longer their problem.

All these views are wrong. It would be a cruel irony—not to mention a terrible defeat—if the sacrifices Americans have made were, in the end, to produce an Iraq dominated by Iranian Supreme Leader Ali Khamenei and President Mahmoud Ahmadinijad, enemies of Iraq, freedom, and democracy—enemies sworn to bringing about a "world without America."

Why don't Biden and Obama recognize that? And why are their critics not more vocal about the fact that they do not?

#### VOTE EXPLANATION

Mr. MCCAIN. Mr. President, today I missed rollcall vote No. 24, the motion to waive the Budget Act with respect to the motion to concur in the House amendment to the Senate amendment to H.R. 2847, with the Reid amendment No. 3310. I was regrettably detained due to the fact that I was serving as the ranking member at a Senate Armed Services Committee hearing. If I had been present, I would have voted to sustain the point of order.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING BULL MOOSE MUSIC

• Ms. SNOWE. Mr. President, each day we read too many stories of small businesses unable to weather the current economic storm. Countless small firms both in Maine and across the Nation have been unable to compete with large chain stores and have been literally priced out of the market. Thankfully, today I wish to tell an inspirational success story and recognize a local retailer in my home State of Maine that has met the challenges of this difficult economic climate head on and continues to grow and thrive.

Bull Moose is a small retail chain originally founded in Brunswick, ME. The company initially focused on providing its customers solely with music but has now branched out into many forms of entertainment and media, including movies, games, and books. Its founder and president, Brett Wickard, characterizes Bull Moose as selling "inexpensive fun stuff." Twenty years ago, when Mr. Wickard was a college student at Brunswick's Bowdoin College, the local record store closed down. Now many of us would have just found another place to buy cassettes or records, but this young Bowdoin entrepreneur had a different idea. With just \$7,000 of his own money and a small

loan, Brett Wickard launched Bull Moose Music in the summer of 1989, and a truly homegrown business success story began. Mr. Wickard arranged his course schedule around his new store hours and had friends work in the store while he was in class.

The Bull Moose business plan began by looking up record distributors in the Yellow Pages and ordering one album by every artist and band that had released at least two albums. The thought process was if you made a second album, you must be a good band. In the first summer, Bull Moose Music had sales of barely \$100 a day, and Brett was forced to use his credit card as a tool to survive. But with dedication and perseverance, Bull Moose has grown from these humble beginnings in Brunswick to include 10 stores in both Maine and New Hampshire with over 100 employees. To keep up with the added demand, the company has now produced its own software to analyze which albums and artists it should carry based on the purchasing history of each of the store's customers. Mr. Wickard actually designed the Bull Moose purchasing software as his senior project while still a Bowdoin student—quite an upgrade from scouring the Yellow Pages!

Bull Moose recently celebrated its 20th anniversary and is on track to have its best year ever despite the current recession. Nevertheless, it continues to face the challenges confronting many small businesses. Beyond the severity of the economic downturn, large chain stores make it increasingly difficult to compete, and digital downloads of music have reduced the number of customers buying music in stores. As a result of these overwhelming roadblocks, many small businesses have been forced to cut staff and eliminate bonuses. In contrast, Bull Moose has tripled Christmas bonuses and continues to hire more staff, including a location in Bangor, ME, that has tripled in size. Mr. Wickard credits Bull Moose's commitment to customer service and convenience to their unprecedented success and growth.

It is indeed refreshing to see a superb small business overcome the many obstacles it faces in today's market. Stories such as this should renew our focus to help small entrepreneurs succeed because as small businesses like Bull Moose continue to grow, they provide a substantial positive impact on the health of the local community and our overall economy. My home State of Maine has benefited greatly from Bull Moose's success, and I wish Mr. Wickard and everyone at Bull Moose continued success for years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 9:37 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2314. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

#### ENROLLED BILL SIGNED

At 2:35 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

4532. An act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4796. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Laminarin; Exemption from the Requirement of a Tolerance" (FRL No. 8812-1) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4797. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma gamsii strain ICC 080; Exemption from the Requirement of a Tolerance" (FRL No. 8799-4) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4798. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nicosulfuron; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8812-5) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4799. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program; Access to Pasture (Livestock)" (Docket No. AMS-TM-06-0198)(RIN0581-AC57) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4800. A communication from the Administrator of the Research and Promotion Branch, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Processed Raspberry Promotion, Research, and Information Order; Referendum Procedures" (Docket Nos. AMS-FV-07-0077; FV-07-705-FR)(RIN0581-AC79) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4801. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods" (Docket Nos. AMS-FV-06-0184; FV03-925-1 FIR) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2003-2006: Report to Congress"; to the Committee on Finance.

EC-4803. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2010 Prevailing State Assumed Interest Rates" (Rev. Rul. 2010-7) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4804. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—March 2010" (Rev. Rul. 2010-8) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4805. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Correction to Composite Loss Discount Factor for Nonproportional Assumed Property Reinsurance in Revenue Procedure 2009-55" (Ann. 2010-11) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4806. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Qualified Zone Academy Bond Allocations for 2010" (Notice 2010-22) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4807. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Whistleblower Protections for Contractor Employees" (DFARS Case 2008-D012) received in the Office of the President of the Senate on February 22, 2010; to the Committee on Armed Services.

EC-4808. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Emerson N. Gardner, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4809. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report relative to Taiwan's Air Defense Force; to the Committee on Armed Services.

EC-4810. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Fiscal Year 2009 Competitive Sourcing Activity Report; to the Committee on Energy and Natural Resources.

EC-4811. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filing Fees" (RIN1902-AD90) received in the Office of the President of the Senate on February 22, 2010; to the Committee on Energy and Natural Resources.

EC-4812. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues" (RIN1557-AD26) received during adjournment of the Senate in the Office of the President of the



Senate on February 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a report entitled "Final Clarification for Chemical Identification Describing Activated Phosphors for TSCA Inventory Purposes"; to the Committee on Environment and Public Works.

EC-4814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Emission Control Measures for Lake and Porter Counties in Indiana" (FRL No. 9107-2) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4815. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia Revisions to the Definition of Volatile Organic Compound and Other Terms" (FRL No. 9116-1) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4816. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Source Surveillance Methods" (FRL No. 9115-9) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4817. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" (FRL No. 9115-7) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2010; to the Committee on Environment and Public Works.

EC-4818. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "National Airspace System Capital Investment Plan FY 2011 through 2015"; to the Committee on Commerce, Science, and Transportation.

EC-4819. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Guidelines and Requirements for Mandatory Recall Notices" (16 CFR Part 1115) received during adjournment of the Senate in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4820. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 18-306, "Department of Small and Local Business Development Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4821. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-307, "Pre-k Acceleration and Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-308, "Old Morgan School Place, N.W. Renaming Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4823. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4824. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, Federal Emergency Management Agency, received in the Office of the President of the Senate on February 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4825. A communication from the Secretary of the Department of the Interior, transmitting, a report relative to the management of individual Indian trust accounts; to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 404. A resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

S. Res. 414. A resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

\*Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Donald Ernest Booth.

Post: Ambassador to Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Anita S. Booth: None.

3. Children and Spouses: Alison L. Booth, none; Peter R. Booth, none; David I. Booth, none.

4. Parents: John E. Booth (deceased), none; Eileen R. Booth (deceased), none.

5. Grandparents: Ernest Ford (deceased), none; Lena Ford (deceased), none, Edward Booth (deceased), none; Margaret Booth (deceased), none.

6. Brothers and Spouses: John L. Booth, none; Tibby Booth, none.

7. Sisters and Spouses: Camilla Noyes, none; George Noyes, none.

\*Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Nepal.

Nominee: Scott H. DeLisi.

Post: Kathmandu, Nepal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: \$112.58, Oct. '08, Obama Presidential Campaign 2008.

Spouse: Leija C. DeLisi: \$80.00, Oct. '08, Obama Presidential Campaign 2008.

Children and spouses: Daughter/Son-in-law. Tjama & Joe Saitta, \$75.00, Oct. '08, Obama Presidential Campaign 2008; Son: Anthony DeLisi, \$120.00; Son: Joe DeLisi, None.

Parents: Glorie A. DeLisi, \$75.00, Oct. '08, Obama Presidential Campaign 2008; Joseph DeLisi (deceased).

Grandparents: Agostino and Antonella DeLisi (deceased), none; Elmer and Katherine Minea (deceased).

Brothers and spouses: Andrew and Ida DeLisi, none; Daniel (deceased) and Jill DeLisi.

Sisters and Spouses: Sister: Deborah Hannigan, \$2,200.00, Oct. '08, Obama Presidential Campaign 2008; Brother-in-law: James Hannigan, \$500.00; Christine and Edmond Perz, none; Martha and David Bogie, none.

\*Beatrice Wilkinson Welters, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

Nominee: Beatrice Welters.

Post: Trinidad and Tobago.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Name, amount, date, and campaign:

1. Beatrice Welters: \$1,900, Nov 2009, People for Carl Andrews; \$2,300, 1/7/09, Hillary For President Debt Relief; \$4,600, 11/12/08, Reelect Ed Towns—Primary/General 2010; \$5,000, 9/17/08, Committee for Change; \$5,000, 9/16/08, Committee for Change; \$3,000, 8/25/08, Friends of Byron Dorgan; \$5,000, 7/8/08, Democratic Congressional Campaign Committee; \$28,500,



6/30/08, Democrat for White House Victory Fund; \$1,000, 2/29/08, Judy Feder for Congress; \$2,000, 12/25/07, Loesback for Congress; \$2,000, 11/16/07, Ken Salazar for Senate; \$2,300, 8/24/07, Barack Obama for America; \$2,000, 7/18/07, Citizens for Arlen Specter; \$2,300, 6/25/07, Barack Obama for America; \$2,100, 10/26/06, Steele for Maryland; \$2,100, 10/20/06, Harold Ford Jr. for Tennessee; \$4,000, 8/30/06, People for Carl Andrews; \$4,000, 8/29/06, Rangel for Congress; \$2,000, 7/5/06, Committee to Re-Elect Ed Towns; \$2,000, 3/22/06, Chris Owens for Congress; \$5,000, 9/27/05, Hope Fund; \$2,500, 2/14/05, ROYB Fund.

2. Anthony Welters: \$1,900, Nov 2009, People for Carl Andrews; \$2,300, 1/7/09, Hillary For President Debt Relief; \$5,000, Jan-Dec/2008, United for Health PAC; \$4,300, 11/13/08, Relect Ed Towns—Primary/General 2010; \$5,000, 11/13/08, Effective Leadership PAC; \$2,300, 10/31/08, Pat Murphy for Congress; \$2,300, 10/23/08, Citizens for Bobby Rush; \$2,300, 9/19/08, Sanford Bishop of Congress; \$5,000, 9/16/08, Committee for Change; \$4,600, 9/8/08, Friends of Byron Dorgan; \$1,000, 7/9/08, Nelson for Senate; \$28,500, 6/30/08, Democrat for White House Victory Fund; \$2,300, 5/14/08, Committee to Re-Elect Ed Towns; \$2,300, 3/8/08, Myers for Congress Committee; \$2,300, 2/26/08, Rudy Giuliani Presidential Campaign; \$5,000, Jan-Dec/2007, United for Health PAC; \$2,300, 8/24/07, Barack Obama for America; \$2,300, 8/16/07, Thompson for President; \$2,000, 7/18/07, Citizens for Arlen Specter; \$2,300, 6/25/07, Barack Obama for America; \$1,000, 5/28/07, Committee to Re-Elect Ed Towns; \$4,200, 4/23/07, Giffords For Congress; \$4,600, 4/18/07, Thompson for President; \$4,600, 4/12/07, Rudy Giuliani Presidential Campaign; \$5,000, Jan-Dec/2006, United for Health PAC; \$2,100, 10/26/06, Steele for Maryland; \$4,200, 10/23/06, Harold Ford Jr. for Tennessee; \$2,100, 10/20/06, Harold Ford Jr. for Tennessee; \$3,000, 10/17/06, MIKER Fund; \$175, 10/5/06, Kean for Senate; \$4,000, 8/29/06, Rangel for Congress; \$4,000, 8/29/06, People for Carl Andrews; \$1,000, 7/7/06, Committee to Re-Elect Ed Towns; \$2,000, 3/22/06, Chris Owens for Congress; \$5,000, Jan-Dec/2005, United for Health PAC; \$2,500, 12/22/05, Reynolds for Congress; \$2,000, 12/21/05, Snowe for Senate; \$5,000, 9/27/05, Hope Fund; \$2,000, 3/12/05, Committee to Re-Elect Ed Towns; \$2,000, 7/12/05, Reynolds for Congress; \$1,000, 7/12/05, Sweeny for Congress; \$4,000, 6/30/05, Citizens for Bobby Rush; \$4,200, 4/18/05, Mark Kennedy for Senate; \$2,500, 3/7/05, ROYB Fund.

3. Andrew Welters: \$2,500, 4/29/09, Friends of Byron Dorgan; \$5,000, 9/24/08, Committee for Change; \$2,300, 8/28/08, Hillary Clinton for President; \$2,300, 6/30/08, Barack Obama for America; \$28,500, 6/18/08, Democrat for White House Victory Fund; \$4,600, 10/17/07, Hillary Clinton for President; \$2,300, 9/12/07, Barack Obama for America.

4. Bryant Welters: \$2,500, 4/29/09, Friends of Byron Dorgan; \$5,000, 9/24/08, Committee for Change; \$2,300, 8/28/08, Hillary Clinton for President; \$2,300, 6/30/08, Barack Obama for America; \$28,500, 6/18/08, Democrat for White House Victory Fund; \$4,600, 10/17/07, Hillary Clinton for President; \$2,300, 9/12/07, Barack Obama for America; \$2,100, 10/24/06, Harold Ford for Tennessee.

\*David Adelman, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Nominee: David I. Adelman.

Post:

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. David I. Adelman, \$250, 2/29/08, Friends of John Barrow; \$2,300, 3/18/07, Obama for America; \$250, 7/14/08, John Lewis/Congress; \$500, 9/4/08, Martin for Senate Inc.; \$2,300, 10/13/08, Obama Victory Fund; \$250, 12/6/05, Friends of John Barrow; \$500, 2/9/06, Forward Together PAC (Sen. Mark Warner); \$250, 7/20/06, Committee to Elect Hank Johnson; \$250, 5/3/06, Evan Bayh Committee.

2. Spouse: Caroline A. Aronovitz: None.

3. Oscar Adelman, Minor: None; Leah Adelman, Minor: None; Avery Adelman, Minor: None.

4. Parents: Nelson Adelman (Father), None; Donna Adelman (Mother), None.

5. Grandparents: Sue Dahab, None.

6. Brother: Mark Adelman, None; Sister-in-Law: Becky Adelman, None.

7. Sisters and Spouses: NA.

\*Harry K. Thomas, Jr., of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: Harry K. Thomas Jr.

Post: Manila.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 150, 10/08, Obama for America.

2. Spouse: None.

3. Children and Spouses: Ericka Smith-Thomas (spouse); Casey Thomas (daughter).

4. Parents: Harry K. Thomas Sr. (deceased) Hildonia M. Thomas, None.

5. Grandparents: Charles McClary, Merie McClary, Frank Thomas, Mary Thomas (all deceased), None.

6. Sisters and Spouses: Nelda Canada, Daniel Canada: 200, 7/08, Obama for America; 50, 6/8, DNC.

\*Allan J. Katz, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.

Nominee: Allan J. Katz.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2,300, 12/17/07, Obama for America; \$1,274, 3/3/08, A Lot of People for Dave Obey; \$500, 8/22/08, Linda Ketner for Congress; \$500, 10/30/08, Joe Garcia for Congress; \$2,000, 12/23/05, Bill Nelson for US Senate; \$300, 6/11/04, Akerman Senterfitt PAC; \$300, 6/24/04, Akerman Senterfitt PAC; \$300, 7/15/04, Akerman Senterfitt PAC; \$250, 3/20/08, Suzanne Kosms for Congress; \$500, 12/25/07, David Loebback for Congress; \$53.83, 7/31/08, Obama for America; (53.83), 9/30/08, returned—Obama for America; \$2,246, 7/31/08, Obama for America; (\$2,246), 12/31/08, returned—Obama for America; \$2,300, 7/31/08, Obama for America; \$1,000, 9/5/02, Florida Leadership PAC; \$350, 5/9/01, Grassley Committee Inc.; \$250, 3/31/00, Patsy Kurth for con-

gress; \$1,000, 2/12/02, Friends of Max Cleland; \$500, 7/11/03, Bob Graham for President; \$250, 6/27/01, Citizens for Mark Shriver; \$500, 12/23/03, Wasserman-Schultz for Congress; \$250, 9/30/03, Dean for President; \$873, 3/8/01, A Lot of People for Dave Obey; \$1,000, 10/1/99, Bill Nelson for US Senate; \$500, 4/26/06, Friends of Hillary; \$2,000, 4/19/04, John Kerry for President; \$1,000, 3/16/00, Carnahan for Senate Committee; \$1,000, 3/16/98, Friends of Bob Graham Committee; \$250, 4/11/03, Harold Ford Jr for Tennessee; \$300, 8/29/00, DNC Services Corporation; \$250, 3/17/06, McCaskill for Missouri; \$1,000, 11/1/99, Bill Bradley for President; \$500, 10/21/98, Victory in New York; \$500, 10/20/98, Schumer '98.

Spouse: Nancy E. Cohn: \$500, 4/22/05 Ron Klein for Congress; \$1,000, 6/30/08, Suzanne Kosmas for Congress; \$2,300, 3/31/07, Obama for America; \$2,300, 7/31/08, Obama for America; \$250, 1/18/04, Campaign for Florida's Future; \$1,000, 10/27/04, Campaign for Florida's Future; \$1,200, 12/19/03, Howard Dean for America; \$1,000, 3/28/02, Katy Sorenson for Congress (\$826.00 was returned); \$1,000, 12/29/99, Bill Bradley for President.

3. Children and Spouses: Ethan Katz, Son: Several small contributions, all of which were less than \$100 for which he did not keep records: Bradley for President, 1999; McCain for President, 2000; Dean for America, 2003-04; Obama for America, 2007-2008. Hagit Katz, Daughter-in-law: no contributions. Matthew Katz, Son: no contributions.

4. Parents: Deceased: no contributions.

5. Grandparents: Deceased: no contributions.

Brothers and Spouses: N/A: no contributions.

7. Sisters and Spouses: Joanne Katz: \$250, 10/14/04, DNC Services Corporation; \$382, 8/21/04, America Coming Together. In addition, several small contributions, all of which were less than \$100 for which she did not keep records: Obama for America, 2007-08; Democratic National Committee, 2008; Carnahan for Senate, 2009. Michelle Bartlett: no contributions.

\*Ian C. Kelly, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Nominee: Ian C. Kelly.

The following is a list of all members of my immediate family and their spouses. I have each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Annalisa, William, John, and Joseph: none.

4. Parents: Stella Kelly and William Kelly: \$25, 5/16/09, IL RNC; \$50, 9/22/08, RNC; \$15, 7/18/09, RNC; \$50, 7/30/08, RNC; \$11, 10/06/07, RNC; \$25, 6/11/08, RNC; \$25, 2/12/08, McCain for Pres; \$25, 1/1/08, McCain; \$25, 10/31/07, McCain; \$25, 9/1/07, RNC; \$20, 5/14/07, Rep. Maj. Fund; \$25, 7/16/06, RNC; \$25, 4/18/06, RNC.

5. Grandparents: (Deceased): n/a.

6. Brothers and Spouses: n/a.

7. Sisters and Spouses: Kathryn Rutherford and Abigail Holman: none.

\*Walter Crawford Jones, of Maryland, to be United States Director of the African Development Bank for a term of five years.

\*Ian Hoddy Solomon, of Maryland, to be United States Executive Director of the

International Bank for Reconstruction and Development for a term of two years.

\*Leocadia Irine Zak, of the District of Columbia, to be Director of the Trade and Development Agency.

\*Brooke D. Anderson, of California, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

\*Brooke D. Anderson, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

\*Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

\*Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations.

\*Douglas A. Rediker, of Massachusetts, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

\*Judith Ann Stewart Stock, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*Foreign Service nomination of Earl W. Gast.

\*Foreign Service nominations beginning with Suzanne E. Heinen and ending with Bernadette Borris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 17, 2009.

\*Foreign Service nominations beginning with Sean J. McIntosh and ending with William Qian Yu, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 11, 2009.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Ms. SNOWE):

S. 3028. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 3029. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 3030. A bill to amend the Public Works and Economic Development Act of 1965 to eliminate cost-sharing requirements in connection with economic adjustment grants made to assist communities that have suffered economic injury as a result of military base closures and realignments, defense contractor reductions in force, and Department of Energy defense-related funding reductions; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3031. A bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises; to the Committee on the Judiciary.

By Mr. BARRASSO:

S. 3032. A bill to prohibit the enforcement of a climate change interpretive guidance issued by the Securities and Exchange Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mr. BROWN of Ohio, Mr. HARKIN, and Mr. FRANKEN):

S. 3033. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. WARNER):

S. 3034. A bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3035. A bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAYH (for himself, Ms. COLLINS, and Mr. LEMIEUX):

S. 3036. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself, Mr. FEINGOLD, and Mr. LEAHY):

S. 3037. A bill to increase oversight of private security contractors and establish the proper ratio of United States Government security personnel to private security contractors at United States missions where the armed forces are engaged in combat operations; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. UDALL of New Mexico):

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, Mr. ISAKSON, and Mr. BENNETT):

S. Res. 421. A resolution supporting the goals and ideals of "National Guard Youth Challenge Day"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 315

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 315, a bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes.

S. 369

At the request of Mr. KOHL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 408

At the request of Mr. INOUE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 493

At the request of Mr. CASEY, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 504

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 504, a bill to redesignate

the Department of the Navy as the Department of the Navy and Marine Corps.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1504

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1504, a bill to provide that Federal courts shall not dismiss complaints under rule 12(b)(6) or (e) of the Federal Rules of Civil Procedure, except under the standards set forth by the Supreme Court of the United States in *Conley v. Gibson*, 355 U.S. 41 (1957).

S. 1603

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1603, a bill to amend section 484B of the Higher Education Act of 1965 to provide for tuition reimbursement and loan forgiveness to students who withdraw from an institution of higher education to serve in the uniformed services, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2776

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2776, a bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development.

S. 2796

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2986

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2986, a bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike.

S. 2995

At the request of Mr. CARPER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2995, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. SNOWE):

S. 3028. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

Mr. KERRY. Mr. President, our country has recently taken great steps forward to support the principles of mental health parity. In 2008, Congress has enacted two important pieces of legislation to end discrimination against people suffering from mental illnesses.

Congress passed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, MHPAEA, to prohibit the establishment of discriminatory benefit caps or cost-sharing requirements for mental health and substance use disorders. That same year Congress also passed the Medicare Improvements for Patients and Protections Act, MIPPA, which included legislation introduced by Senator SNOWE, and myself, the Medicare Mental Health Copayment Equity Act. This legislation prevented Medicare beneficiaries from being charged higher copayments for outpatient mental health services than for all other outpatient physician services.

Unfortunately, even with the passage of MIPPA, a serious mental health inequity remains in Medicare. Medicare beneficiaries are currently limited to only 190-days of inpatient psychiatric hospital care in their lifetime. This lifetime limit directly impacts Medicare beneficiaries' access to psychiatric hospitals, although it does not apply to psychiatric units in general hospitals. This arbitrary cap on benefits is discriminatory to the mentally ill as there is no such lifetime limit for any other Medicare specialty inpatient hospital service. The 190-day lifetime limit is problematic for patients being treated in psychiatric hospitals as they may easily exceed the 190-days if they have a chronic mental illness.

That is why Senator SNOWE and I are working together once again to address the last remaining mental health parity issue in Medicare. Today, we are introducing the Medicare Mental Health Inpatient Equity Act. Our legislation would eliminate the Medicare 190-day lifetime limit for inpatient psychiatric hospital care. It would equalize Medicare mental health coverage with private health insurance coverage, expand beneficiary choice of inpatient psychiatric care providers, increase access for the seriously ill, and improve continuity of care.

This legislation is supported by 46 national organizations that represent hospital associations, seniors' organizations and the mental health community. I would like to thank a number of organizations who have been integral to the development of the Medicare Mental Health Inpatient Equity Act and who have endorsed our legislation today, including the AARP, the American Hospital Association, the National Association of Psychiatric Health Systems, and the American Psychological Association.

Congress has now acted to address mental health parity issues for group health plans and for outpatient Medicare services. It is time to end this outmoded law and ensure that beneficiaries with mental illnesses have access to a range of appropriate settings for their care. I look forward to working with my colleagues in the Senate to achieve mental health parity in Medicare.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 3031. A bill to authorize Drug Free Communities enhancement grants to address major emerging drug issues or local drug crises; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to join with Senator GRASSLEY to introduce the Drug Free Communities Enhancement Act of 2010, a bill to authorize additional Drug Free Communities grants to help address major emerging drug issues and local drug crises. It is crucial that communities around the country have the leadership and resources needed to respond to serious drug problems in a comprehensive and coordinated manner. Drug Free Community, DFC, coalitions have been proven to significantly lower substance abuse rates in our communities nationwide.

This legislation will allow current and former DFCs to apply for grants of up to \$75,000 per year to implement comprehensive, community-wide strategies to address emerging local drug issues or drug crises. The funds may also be used for DFC members to obtain specialized training and technical assistance to improve the operation of their coalitions. These grants, which must be matched dollar for dollar,

would be available to DFCs for up to 4 years.

The DFC program encourages local citizens to become directly involved in solving their community's drug issues through grassroots community organizing and data-driven planning and implementation. Research shows that effective prevention hinges on the extent to which the entire community works comprehensively and collaboratively to implement education, prevention, enforcement, treatment, and recovery initiatives. The DFC program strategically invests Federal anti-drug resources at the community level with those who have the most power to reduce the demand for drugs—namely parents, teachers, business leaders, the media, religious leaders, law enforcement officials, youth, and others. Drug Free Communities grantees execute collaborative strategies to address their communities' unique substance use and abuse issues. This is the optimal way to ensure that the entire community benefits from prevention.

In Vermont, we have felt the presence of drug abuse and drug-related crime in our communities. The myth persists that drug abuse and drug-related crime are only big-city problems, but rural America is also coping with these issues. I have twice brought the Judiciary Committee to Vermont to examine these problems and gain perspectives to help shape solutions, and I hope to hold another field hearing in Vermont soon. I know well that law enforcement alone is not the solution for our communities. I have long advocated an approach with equal attention to law enforcement, prevention and education, and treatment.

Perhaps the most important component in dealing with this crucial problem is collaboration. Community anti-drug coalitions have a unique ability to build on pre-existing relationships among parents, teachers, students, and law enforcement, which make them a critical component in reducing drug use. I have consistently supported funding for these coalitions and was pleased that last year 14 Vermont coalitions were awarded Drug Free Community grants totaling \$1.2 million.

Last week, I spoke with a number of Vermonters representing these community partnerships and heard about the innovative frameworks they have implemented to combat drug abuse in their communities, thanks in large part to DFC grants. This bill will enable many of them to secure supplemental funding to continue the important work they do every day. Indeed, communities nationwide who are facing serious drug issues will benefit from these enhancement grants.

The community coalition model has proven extremely effective, and has achieved impressive outcomes. We see significant results when we have people working together at the local, state,

and Federal levels, and in the law enforcement, prevention, and treatment fields. We have seen that success in Vermont and throughout the country, but there is more work to be done. Drug abuse and drug-related crime is a persistent problem in America, in major metropolitan areas and rural communities alike. I hope all Senators will support this bipartisan bill so that communities nationwide can sustain effective community coalitions to reduce youth drug use.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3031

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Free Communities Enhancement Act of 2010".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The epidemiology of drug use indicates that emerging drug trends increase over a short period of time and tend to cluster in discrete geographic areas. Historical evidence shows that emerging local drug issues and crises can be stopped or mitigated before they spread to other areas, if they are identified quickly and addressed in a comprehensive multi-sector manner.

(2) Federal investments in drug prevention should not be solely based on national data and trends, but must be flexible enough to address emerging local problems and local drug crises before they become national trends.

(3) Successful drug prevention must be based on local data and involve multiple community sectors in planning and implementing specifically targeted strategies that respond to the unique drug problems of the community.

(4) Data and outcomes show that effective community coalitions can markedly reduce local drug use rates for drugs such as marijuana and inhalants among school-aged youth.

(5) Community coalitions are singularly situated to deal with emerging drug issues and local drug crises, such as methamphetamine, cheese (a mixture of black tar heroin and Tylenol PM), and prescription and non-prescription drug abuse because the community coalitions are organized, data driven, and take a comprehensive, multi-sector approach to solving and addressing locally identified drug problems.

(6) Providing enhancement grants to coalitions to address emerging local drug issues or local drug crises is a cost effective way to deal with these drug issues. This approach builds on existing infrastructures with proven results that include all of the relevant community sectors needed to comprehensively address specific emerging drug issues and crises, and guards against using Federal funding to create duplicative community based infrastructures for substance abuse prevention.

#### SEC. 3. COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO ADDRESS EMERGING DRUG ISSUES OR LOCAL DRUG CRISES.

(a) DEFINITIONS.—In this section—

(1) the term "Director" means the Director of the Office of National Drug Control Policy;

(2) the term "drug" means—

(A) a substance listed on schedule I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812(c));

(B) inhalants;

(C) if used in a manner that is illegal, a prescription or over the counter drug or medicine; and

(D) another mind altering substance with the potential for abuse, as determined by the Director, not listed on a schedule of section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c));

(3) the term "emerging local drug issue" means, with respect to the area served by an eligible entity, a sudden increase in the use or abuse of a particular drug in the community, as documented by local data;

(4) the term "local drug crisis" means, with respect to the area served by an eligible entity, the use of a specific drug in the area at levels that are significantly higher than the national average, over a sustained period of time, as documented by local data;

(5) the term "eligible entity" means an organization that—

(A) is receiving or has received a grant under chapter 2 of title I of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.) (commonly known as the Drug-Free Communities Act of 1997); and

(B) has documented, using local data—

(i) for an emerging local drug issue—

(I) rates of drug use and abuse above the national average, as determined by the Director (including appropriate consideration of the Monitoring of the Future Survey published by the Department of Health and Human Services), for comparable time periods; or

(II) if national data is not available, at the discretion of the Director, high rates of drug use or abuse based solely on valid local data; or

(ii) for a local drug crisis—

(I) rates of use and abuse for a specific drug at levels that are significantly higher than the national average, as determined by the Director (including appropriate consideration of the Monitoring of the Future Survey published by the Department of Health and Human Services and the National Survey on Drug Use and Health by the Substance Abuse and Mental Health Service Administration); and

(II) rates of use and abuse for a specific drug that continue over a sustained period of time, as determined by the Director.

(b) **AUTHORIZATION OF PROGRAM.**—The Director may make enhancement grants to eligible entities to implement comprehensive community-wide strategies that address emerging local drug issues or local drug crises within the area served by the eligible entity.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—An eligible entity desiring an enhancement grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(2) **CRITERIA.**—As part of an application for a grant under this section, the Director shall require an eligible entity to submit a detailed, comprehensive, multi-sector plan for addressing the emerging local drug issue or local drug crises within the area served by the eligible entity.

(d) **USES OF FUNDS.**—A grant under this section shall be used to—

(1) implement comprehensive, community-wide prevention strategies to address an emerging local drug issue or drug crises in the area served by an eligible entity, in accordance with the plan submitted under subsection (c)(2); and

(2) obtain specialized training and technical assistance from the entity receiving a grant under section 4 of Public Law 107-82 (21 U.S.C. 1521 note).

(e) **GRANT AMOUNTS.**—

(1) **IN GENERAL.**—The total amount of grant funds awarded to an eligible entity for a fiscal year may not exceed the amount of non-Federal funds raised by the eligible entity, including in-kind contributions, for that fiscal year.

(2) **GRANT AWARDS.**—A grant under this section shall—

(A) be made for a period of not more than 4 years; and

(B) be for not more than \$75,000 per year.

(f) **SUPPLEMENT NOT SUPPLANT.**—Grant funds provided under this section shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this section.

(g) **EVALUATION.**—A grant under this section shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipient of a grant under chapter 2 of title I of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.) (commonly known as the Drug-Free Communities Act of 1997).

(h) **ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of the amount appropriated to carry out this section for any fiscal year may be used by the Director for administrative expenses.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2011 through 2015 to carry out this section.

Mr. GRASSLEY. Mr. President, in 1997 then-Senator BIDEN and I sponsored legislation to create the Drug Free Communities, DFC, grant program. At the time, I believed, as I still do today, that one of the most effective ways the Federal Government can prevent drug abuse from flourishing is by supporting local community efforts to identify, prevent and eradicate the sources of abuse. Since the passage of the Drug Free Communities Act, hundreds of community anti-drug coalitions have received Federal grants to further their efforts to halt the spread of drug abuse in their communities.

Despite the successes of the DFC program, drug abuse continues to challenge our communities. More often than not, a community can rise up to meet this challenge head on and confront the abuse before it spreads. However, drug abuse is one challenge that can emerge in rapid fashion. In difficult economic times when States and communities struggle to stay within their budgets without eliminating vital services, it is important that community anti-drug coalitions do not suffer from a lack of resources. This is why I am pleased to join my colleague, Senator LEAHY, in introducing the Drug Free Communities Enhancement Act, DFCEA, of 2010.

This legislation builds off the successful DFC grant program by allowing

community coalitions to form a strategy that best fits their community to confront a sudden or emerging drug threat without Federal interference. The DFCEA authorizes \$5 million to the Office of National Drug Control Policy to award supplemental grants of up to \$75,000 to current and past DFC grantees to address an emerging drug issue or crisis. The grantee would be eligible to receive these supplemental grants for up to a 4 year period if they document, using local data, rates of drug abuse higher than the national average.

In my home State of Iowa, communities face unique challenges in confronting drug abuse. In Polk County, the home of the State capitol of Des Moines, 37 percent of 11th graders admitted to using marijuana in the 2008 Iowa Youth Survey. This is significantly higher than the statewide average of 27 percent from the same survey. This number is also 4 percent higher than the national average according to the 2009 Monitoring the Future survey of 12th graders. In Black Hawk County, the home of Waterloo and Cedar Falls, 8 percent of 11th graders admitted to using over-the-counter cold medicines to get high according to the Iowa Youth Survey. This is higher than the 6 percent of the Nation's 12th graders who admitted to cold medicine abuse in the Monitoring the Future survey. Communities like these would benefit under the DFCEA, because they would be able to apply for a supplemental grant to put a strategy into action to reduce these use rates.

Community coalitions represent the front lines in the fight against drug abuse. The DFCEA will help to ensure that community coalitions will remain strong and vibrant no matter the economic or drug trend situation in the community. Drug abuse flourishes when the problem is ignored. If we are to overcome the challenges of drug abuse we must stand untied in the effort. I urge my colleagues to join us as we continue this fight to keep our communities drug free.

By Mr. DURBIN (for himself, Mr. BROWN of Ohio, Mr. HARKIN, and Mr. FRANKEN):

S. 3033. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3033

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Protecting Employees and Retirees in Business Bankruptcies Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.  
Sec. 2. Findings.

#### TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

- Sec. 101. Increased wage priority.  
Sec. 102. Claim for stock value losses in defined contribution plans.  
Sec. 103. Priority for severance pay.  
Sec. 104. Financial returns for employees and retirees.  
Sec. 105. Priority for WARN Act damages.

#### TITLE II—REDUCING EMPLOYEES' AND RETIREES' LOSSES

- Sec. 201. Rejection of collective bargaining agreements.  
Sec. 202. Payment of insurance benefits to retired employees.  
Sec. 203. Protection of employee benefits in a sale of assets.  
Sec. 204. Claim for pension losses.  
Sec. 205. Payments by secured lender.  
Sec. 206. Preservation of jobs and benefits.  
Sec. 207. Termination of exclusivity.

#### TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

- Sec. 301. Executive compensation upon exit from bankruptcy.  
Sec. 302. Limitations on executive compensation enhancements.  
Sec. 303. Assumption of executive benefit plans.  
Sec. 304. Recovery of executive compensation.  
Sec. 305. Preferential compensation transfer.

#### TITLE IV—OTHER PROVISIONS

- Sec. 401. Union proof of claim.  
Sec. 402. Exception from automatic stay.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Business bankruptcies have increased sharply over the past year and remain at high levels. These bankruptcies include several of the largest business bankruptcy filings in history. As the use of bankruptcy has expanded, job preservation and retirement security are placed at greater risk.

(2) Laws enacted to improve recoveries for employees and retirees and limit their losses in bankruptcy cases have not kept pace with the increasing and broader use of bankruptcy by businesses in all sectors of the economy. However, while protections for employees and retirees in bankruptcy cases have eroded, management compensation plans devised for those in charge of troubled businesses have become more prevalent and are escaping adequate scrutiny.

(3) Changes in the law regarding these matters are urgently needed as bankruptcy is used to address increasingly more complex and diverse conditions affecting troubled businesses and industries.

#### TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

##### SEC. 101. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

- (1) in paragraph (4)—  
(A) by striking “\$10,000” and inserting “\$20,000”;  
(B) by striking “within 180 days”; and  
(C) by striking “or the date of the cessation of the debtor’s business, whichever occurs first,”;  
(2) in paragraph (5)(A), by striking—  
(A) “within 180 days”; and  
(B) “or the date of the cessation of the debtor’s business, whichever occurs first”; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

“(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by \$20,000.”.

##### SEC. 102. CLAIM FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

Section 101(5) of title 11, United States Code, is amended—

- (1) in subparagraph (A), by striking “or” at the end;  
(2) in subparagraph (B), by inserting “or” after the semicolon; and  
(3) by adding at the end the following:  
“(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))) for the benefit of an individual who is not an insider, a senior executive officer, or any of the 20 next most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to either employer contributions by the debtor or an affiliate of the debtor, or elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon, if an employer or plan sponsor who has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.”.

##### SEC. 103. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

- (1) in paragraph (8), by striking “and” at the end;  
(2) in paragraph (9), by striking the period and inserting “; and”; and  
(3) by adding at the end the following:  
“(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor (but not under an individual contract of employment), or owed pursuant to a collective bargaining agreement, for layoff or termination on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment.”.

##### SEC. 104. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code is amended—

- (1) by adding at the end the following:  
“(17) The plan provides for recovery of damages payable for the rejection of a collective bargaining agreement, or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 (to the extent that such returns are paid under, rather than outside of, a plan).”; and  
(2) by striking paragraph (13) and inserting the following:  
“(13) With respect to retiree benefits, as that term is defined in section 1114(a), the plan—  
“(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time before the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or if no modifications are made before confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part

by the debtor before the date of the filing of the petition; and

“(B) provides for recovery of claims arising from the modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).”.

##### SEC. 105. PRIORITY FOR WARN ACT DAMAGES.

Section 503(b)(1)(A)(ii) of title 11, United States Code is amended to read as follows:

“(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay or damages attributable to any period of time occurring after the date of commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which the award is based or to whether any services were rendered on or after the commencement of the case, including an award by a court under section 2901 of title 29, United States Code, of up to 60 days’ pay and benefits following a layoff that occurred or commenced at a time when such award period includes a period on or after the commencement of the case, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case under this title.”.

#### TITLE II—REDUCING EMPLOYEES' AND RETIREES' LOSSES

##### SEC. 201. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

“(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with this section. Hereinafter in this section, a reference to the trustee includes a reference to the debtor in possession.

“(b) No provision of this title shall be construed to permit the trustee to unilaterally terminate or alter any provision of a collective bargaining agreement before complying with this section. The trustee shall timely pay all monetary obligations arising under the terms of the collective bargaining agreement. Any such payment required to be made before a plan confirmed under section 1129 is effective has the status of an allowed administrative expense under section 503.

“(c)(1) If the trustee seeks modification of a collective bargaining agreement, then the trustee shall provide notice to the labor organization representing the employees covered by the agreement that modifications are being proposed under this section, and shall promptly provide an initial proposal for modifications to the agreement. Thereafter, the trustee shall confer in good faith with the labor organization, at reasonable times and for a reasonable period in light of the complexity of the case, in attempting to reach mutually acceptable modifications of such agreement.

“(2) The initial proposal and subsequent proposals by the trustee for modification of a collective bargaining agreement shall be based upon a business plan for the reorganization of the debtor, and shall reflect the most complete and reliable information available. The trustee shall provide to the labor organization all information that is



relevant for negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the labor organization to evaluate the trustee's proposals and any application for rejection of the agreement or for interim relief pursuant to this section.

"(3) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, modifications proposed by the trustee—

"(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

"(B) shall be limited to modifications designed to achieve a specified aggregate financial contribution for the employees covered by the agreement (taking into consideration any labor cost savings negotiated within the 12-month period before the filing of the petition), and shall be not more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

"(C) shall not be disproportionate or overly burden the employees covered by the agreement, either in the amount of the cost savings sought from such employees or the nature of the modifications.

"(d)(1) If, after a period of negotiations, the trustee and the labor organization have not reached an agreement over mutually satisfactory modifications, and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the labor organization representing the employees covered by the agreement. Only the debtor and the labor organization may appear and be heard at such hearing. An application for rejection shall seek rejection effective upon the entry of an order granting the relief.

"(2) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, the court may grant a motion seeking rejection of a collective bargaining agreement only if, based on clear and convincing evidence —

"(A) the court finds that the trustee has complied with the requirements of subsection (c);

"(B) the court has considered alternative proposals by the labor organization and has concluded that such proposals do not meet the requirements of paragraph (3)(B) of subsection (c);

"(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the labor organization are not likely to produce an agreement;

"(D) the court finds that implementation of the trustee's proposal shall not—

"(i) cause a material diminution in the purchasing power of the employees covered by the agreement;

"(ii) adversely affect the ability of the debtor to retain an experienced and qualified workforce; or

"(iii) impair the debtor's labor relations such that the ability to achieve a feasible reorganization would be compromised; and

"(E) the court concludes that rejection of the agreement and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term.

"(3) If the trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subsection (c)(3)(C).

"(4) In no case shall the court enter an order rejecting a collective bargaining agreement that would result in modifications to a level lower than the level proposed by the trustee in the proposal found by the court to have complied with the requirements of this section.

"(5) At any time after the date on which an order rejecting a collective bargaining agreement is entered, or in the case of an agreement entered into between the trustee and the labor organization providing mutually satisfactory modifications, at any time after such agreement has been entered into, the labor organization may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request only if the increase or other relief is not inconsistent with the standard set forth in paragraph (2)(E).

"(e) During a period in which a collective bargaining agreement at issue under this section continues in effect, and if essential to the continuation of the debtor's business or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by the collective bargaining agreement. Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee. The implementation of such interim changes shall not render the application for rejection moot.

"(f) Rejection of a collective bargaining agreement constitutes a breach of the agreement, and shall be effective no earlier than the entry of an order granting such relief. Notwithstanding the foregoing, solely for purposes of determining and allowing a claim arising from the rejection of a collective bargaining agreement, rejection shall be treated as rejection of an executory contract under section 365(g) and shall be allowed or disallowed in accordance with section 502(g)(1). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by a labor organization shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (d) or pursuant to subsection (e), and no provision of this title or of any other provision of Federal or State law may be construed to the contrary.

"(g) The trustee shall provide for the reasonable fees and costs incurred by a labor or-

ganization under this section, upon request and after notice and a hearing.

"(h) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365."

#### SEC. 202. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting ", whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program" before the period at the end;

(2) in subsection (b)(2), by inserting after "section" the following: ", and a labor organization serving as the authorized representative under subsection (c)(1).";

(3) in subsection (f), by striking "(f)" and all that follows through paragraph (2) and inserting the following:

"(f)(1) If a trustee seeks modification of retiree benefits, then the trustee shall provide a notice to the authorized representative that modifications are being proposed pursuant to this section, and shall promptly provide an initial proposal. Thereafter, the trustee shall confer in good faith with the authorized representative at reasonable times and for a reasonable period in light of the complexity of the case in attempting to reach mutually satisfactory modifications.

"(2) The initial proposal and subsequent proposals by the trustee shall be based upon a business plan for the reorganization of the debtor and shall reflect the most complete and reliable information available. The trustee shall provide to the authorized representative all information that is relevant for the negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the authorized representative to evaluate the trustee's proposals and an application pursuant to subsection (g) or (h).

"(3) Modifications proposed by the trustee—

"(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

"(B) shall be limited to modifications that are designed to achieve a specified aggregate financial contribution for the retiree group represented by the authorized representative (taking into consideration any cost savings implemented within the 12-month period before the date of filing of the petition with respect to the retiree group), and shall be no more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

"(C) shall not be disproportionate or overly burden the retiree group, either in the amount of the cost savings sought from such group or the nature of the modifications.";

(4) in subsection (g)—

(A) by striking "(g)" and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

"(g)(1) If, after a period of negotiations, the trustee and the authorized representative have not reached agreement over mutually satisfactory modifications and further negotiations are not likely to produce mutually satisfactory modifications, then the trustee may file a motion seeking modifications in the payment of retiree benefits after



notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the authorized representative. Only the debtor and the authorized representative may appear and be heard at such hearing.

“(2) The court may grant a motion to modify the payment of retiree benefits only if, based on clear and convincing evidence—

“(A) the court finds that the trustee has complied with the requirements of subsection (f);

“(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subsection (f)(3)(B);

“(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the authorized representative are not likely to produce a mutually satisfactory agreement;

“(D) the court finds that implementation of the proposal shall not cause irreparable harm to the affected retirees; and

“(E) the court concludes that an order granting the motion and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or a successor to the debtor) in the short term.

“(3) If a trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly-compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subparagraph (f)(3)(C).”; and

(B) by striking “except that in no case” and inserting the following:

“(4) In no case”; and

(5) by striking subsection (k) and redesignating subsections (l) and (m) as subsections (k) and (l), respectively.

#### **SEC. 203. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.**

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.”.

#### **SEC. 204. CLAIM FOR PENSION LOSSES.**

Section 502 of title 11, United States Code, is amended by adding at the end the following:

“(1) The court shall allow a claim asserted by an active or retired participant, or by a labor organization representing such participants, in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.

“(m) The court shall allow a claim of a kind described in section 101(5)(C) by an active or retired participant in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)), or by a labor organization representing such participants. The amount of such claim shall be measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case.”.

#### **SEC. 205. PAYMENTS BY SECURED LENDER.**

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: “If employees have not received wages, accrued vacation, severance, or other benefits owed under the policies and practices of the debtor, or pursuant to the terms of a collective bargaining agreement, for services rendered on and after the date of the commencement of the case, then such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or a successor or predecessor in interest.”.

#### **SEC. 206. PRESERVATION OF JOBS AND BENEFITS.**

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

#### **“SEC. 1100. STATEMENT OF PURPOSE.**

“A debtor commencing a case under this chapter shall have as its principal purpose the reorganization of its business to preserve going concern value to the maximum extent possible through the productive use of its assets and the preservation of jobs that will sustain productive economic activity.”;

(2) in section 1129(a), as amended by section 104, by adding at the end the following:

“(18) The debtor has demonstrated that the reorganization preserves going concern value to the maximum extent possible through the productive use of the debtor's assets and preserves jobs that sustain productive economic activity.”;

(3) in section 1129(c), by striking the last sentence and inserting the following: “If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm—

“(1) consider the extent to which each plan would preserve going concern value through the productive use of the debtor's assets and the preservation of jobs that sustain productive economic activity; and

“(2) confirm the plan that better serves such interests.

A plan that incorporates the terms of a settlement with a labor organization representing employees of the debtor shall presumptively constitute the plan that satisfies this subsection.”; and

(4) in the table of sections for chapter 11, by inserting the following before the item relating to section 1101:

“1100. Statement of purpose.”.

#### **SEC. 207. TERMINATION OF EXCLUSIVITY.**

Section 1121(d) of title 11, United States Code, is amended by adding at the end the following:

“(3) For purposes of this subsection, cause for reducing the 120-day period or the 180-day period includes the following:

“(A) The filing of a motion pursuant to section 1113 seeking rejection of a collective bargaining agreement if a plan based upon

an alternative proposal by the labor organization is reasonably likely to be confirmed within a reasonable time.

“(B) The proposed filing of a plan by a proponent other than the debtor, which incorporates the terms of a settlement with a labor organization if such plan is reasonably likely to be confirmed within a reasonable time.”.

### **TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS**

#### **SEC. 301. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.**

Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following: “Except for compensation subject to review under paragraph (5), payments or other distributions under the plan to or for the benefit of insiders, senior executive officers, and any of the 20 next most highly compensated employees or consultants providing services to the debtor, shall not be approved except as part of a program of payments or distributions generally applicable to employees of the debtor, and only to the extent that the court determines that such payments are not excessive or disproportionate compared to distributions to the debtor's nonmanagement workforce.”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking “and” at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting the following: “; and

“(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court as reasonable when compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.”.

#### **SEC. 302. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.**

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “, a senior executive officer, or any of the 20 next most highly compensated employees or consultants” after “an insider”; and

(B) by inserting “or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,” after “remain with the debtor's business.”; and

(C) by inserting “clear and convincing” before “evidence in the record”; and

(2) by amending paragraph (3) to read as follows:

“(3) other transfers or obligations, to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the debtor's request for such payments, that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable

companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case."

#### SEC. 303. ASSUMPTION OF EXECUTIVE BENEFIT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "and (d)" and inserting "(d), (q), and (r)"; and

(2) by adding at the end the following:

"(q) No deferred compensation arrangement for the benefit of insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days before the date of the commencement of the case.

"(r) No plan, fund, program, or contract to provide retiree benefits for insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if the debtor has obtained relief under subsection (g) or (h) of section 1114 to impose reductions in retiree benefits or under subsection (d) or (e) of section 1113 to impose reductions in the health benefits of active employees of the debtor, or reduced or eliminated health benefits for active or retired employees within 180 days before the date of the commencement of the case."

#### SEC. 304. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

##### "SEC. 563. RECOVERY OF EXECUTIVE COMPENSATION.

"(a) If a debtor has obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, by which the debtor reduces the cost of its obligations under a collective bargaining agreement or a plan, fund, or program for retiree benefits as defined in section 1114(a), the court, in granting relief, shall determine the percentage diminution in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement, or with respect to retiree benefits, as of the date of the commencement of the case under this title before granting such relief. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under of such Act as a result of any such termination.

"(b) If a defined benefit pension plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, then the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities before such termination. The court shall not take into account pension benefits

paid or payable under title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

"(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a non-qualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman or lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 or, if no such relief has been granted, the termination of the defined benefit plan.

"(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

"(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section."

#### SEC. 305. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate."

#### TITLE IV—OTHER PROVISIONS

##### SEC. 401. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting ", including a labor organization," after "A creditor".

##### SEC. 402. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding."

By Mr. DODD (for himself and Mr. UDALL, of New Mexico):

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I rise to discuss a constitutional amendment I am introducing today, along with my colleague Senator TOM UDALL, in the wake of the U.S. Supreme Court's recent *Citizens United v. Federal Election Commission* decision. This proposed amendment would simply authorize Congress to regulate the raising and spending of money for Federal political campaigns—including independent expenditures—and allow States to regulate such spending at their level. It would also provide for implementation and enforcement of the amendment through appropriate legislation. I invite my colleagues on both sides of the aisle to join us by cosponsoring the amendment.

Let me begin by noting that I am a firm believer in the sanctity of the First Amendment. I believe we must continue to do all we can to protect the free speech rights of all Americans. I do not suggest changing the language of the First Amendment, which I revere. But I do not believe that money is speech, nor do I believe that corporations should be treated exactly the same as individual Americans when it comes to protected, fundamental speech rights. That is what the Supreme Court has effectively now held.

I recognize that amending the Constitution is a long-term undertaking, and that this effort will not likely bear fruit during my remaining time in this body. Reinhold Niebuhr said that nothing worth doing is completed in our lifetime; I would add much less during a Senate term. I hope that in the wake of this court decision we can begin that comprehensive reform effort; I know that it would be worth doing. The Constitution itself establishes a long and complex process for its own amendment, including approval by Congress and the States, and I am proposing to use that process to save our democratic system of government, and ultimately our republic, from the continued corrosion of special interest influence.

I am introducing the amendment because I believe that constitutional

questions deserve constitutional answers. While I intend to support interim legislative steps to address urgently those issues that can be addressed in the wake of this decision, including increased disclosure requirements, further limitations to prevent foreign corporations' influence on our elections, and other measures, I think the scope of such efforts is limited by the court's sweeping, even radical conclusions in this case.

Make no mistake, as much of the commentary surrounding it suggests, the *Citizens United* case is one of the most radical decisions in the court's long history of campaign finance reform jurisprudence. It overturns 100 years of precedents to come to the unjustified conclusion that corporations deserve the same free speech protections as individual Americans. It opens the door to corporations spending vast amounts of money directly from their treasuries to influence Federal elections, and thereby influence Federal officeholders and policy decisions, in ways much more direct and concentrated than is the case now through corporate and union political action committees. If you are concerned now about the undue special interest influence of big banks, energy companies, health insurance firms, pharmaceutical firms and other special interests on our political process, just wait until these entities can spend millions of dollars directly to elect or defeat officeholders. If you are concerned about the special interest-generated paralysis of our legislative process, wait until you see the results of this decision. As one distinguished Republican election lawyer who opposes the decision recently said, it will be the "wild, wild west."

Perhaps most radical is the court's conclusion that corporations are legal "persons" seemingly deserving of the exact same free speech protections as all Americans. This decision notwithstanding, corporations are not people. A first-year law student will note that corporations are basically a legal fiction, entities created with certain limited legal rights designed to enable them to operate in the business world: to enter into and enforce contracts, to conduct transactions, and the like. They can't vote or think or speak or run for office. They only make political and policy decisions through their officers and shareholders, informed by their lobbyists and others. They should not enjoy the same fundamental free speech protections that individual Americans enjoy in our political discourse, or the ability to spend unlimited funds directly from large corporate treasuries for that purpose. As others have observed, the framers could not have imagined, and would not have wanted, a system in which corporations could pour literally billions of dollars into elections and thereby exercise grossly outsized influ-

ence over the fate of our elected representatives. Such a system does not promote free speech; it mocks it.

I have worked for decades to reform our campaign finance laws, with colleagues and former colleagues like Senators Boren, Mitchell, BYRD, Daschle, FEINGOLD, KERRY, McCain, Dole, COCHRAN, and others. Time and again we have developed comprehensive bipartisan efforts, only to have them frustrated by a small minority of Senators, or in one case by a veto exercised by the first President Bush. I have served my party as head of the Democratic National Committee, and so I have seen the problems of our current campaign finance system from a variety of perspectives.

In previous debates I have rehearsed the problems with our current system. They include the exponentially increasing costs of campaigns. The endless time we must spend to travel and make calls to raise money, which is then spent mostly on expensive and increasingly negative TV ads in our states. The ways in which special interests buy access and influence, and how such influence erodes the trust and confidence of Americans in our democracy. These problems are systemic, pervasive and fundamental. They require comprehensive, fundamental reforms. A constitutional amendment would create the conditions for the possibility of real statutory reform that could then be adjusted as we go along, to address new abuses and problems as they arise.

I attended the Supreme Court's oral arguments in this case, and I heard in the pointed questions of the Justices who composed this 5-4 majority the portents of this radical decision. But even then I did not anticipate fully how breathtakingly far the court would reach.

That extended reach was not only unwise and unjustified, it was also unnecessary. This court majority, whose members have so forcefully decried judicial activism, might have taken a less radical approach, and resolved the legal issue before them without drawing such sweeping conclusions. Instead, they chose to ride roughshod over decades of the court's own legal precedents and the principle of *stare decisis*. That is why I believe it is fair to say, as Justice Stevens did in his stinging dissent in this case, that this case was brought by the Justices themselves. I urge my colleagues to read Justice Stevens' detailed, powerful and carefully reasoned dissent. In it, among other things, he observes that the only thing that has really changed since the Supreme Court made its rulings in the *Austin*, 1990, and *McConnell*, 2003, decisions, upholding the corporate campaign spending ban, is the composition of the Supreme Court. Instead of deciding the case based on the narrow issues before them, in a raw display of activ-

ist judicial power the majority in this sharply divided court took the rare step of asking for the case to be broadened and re-argued, and then issued this sweeping decision.

With this decision, I believe the court has seriously jeopardized its own integrity, already damaged by its hugely controversial decision in *Bush v. Gore*, and done enormous harm to our democracy—harm which will only become clearer to Americans in the next few years as close Congressional and state races are decided by the spending of corporate interests.

The public reaction to this court decision has been swift and strong, I think because Americans intuitively recognize that it represents an enormous transfer of power away from citizens to wealthy corporations. I saw a poll recently which showed broad opposition to the decision among all Americans—Democrats, Republicans and Independents alike. The poll showed that it was opposed by 66 percent of Democrats, 63 percent of Republicans, and 72 percent of Independents. Americans intuitively recognize the dangers of a decision to allow corporations to spend unlimited funds against candidates. They see this decision's potential to worsen the problem of special interest influence, and to further erode trust and confidence in that process. Though this hasn't been commented on too broadly in the media reports following this decision, I also believe Americans recognize that the next logical step the Supreme Court could take in the wake of this decision is to go beyond this decision which overturns the ban on corporate independent expenditures in campaigns to allow direct corporate contributions to candidates.

This constitutional amendment is a version of one passionately championed for years by Senator Hollings, and updated by Senator SCHUMER in the last Congress. I have decided to reintroduce it at this point in our debate to emphasize that even though I support efforts to do what we can in the interim to reform our campaign finance laws, ultimately we must cut through the underbrush and go directly to the heart of the problem: the Supreme Court's decision in *Buckley vs. Valeo* and other subsequent decisions which conflate money with speech, and this most recent decision in *Citizens United* which lifts the long-time ban on direct corporate spending in campaigns.

In these decisions, the Supreme Court has basically made it impossible for Americans to have what they have repeatedly said they want: reasonable regulations of campaign contributions and expenditures which do not either directly or indirectly limit the ideas that may be expressed in the public realm. I submit that such regulations would actually broaden the public debate on a number of issues by freeing it

from the narrow confines dictated by special interest money. With its decisions, the Supreme Court has effectively neutered comprehensive efforts to control the ever-spiraling money chase, and has forced legislation intended to control the cancerous effects of money in politics to be more complicated and convoluted than necessary. The complications we are forced to resort to, in turn, create new opportunities for abuse.

Even without a constitutional amendment, we can try to make some progress. For example, I think we made some decent progress on the McCain-Feingold legislation, even despite the Court's decisions since 2002 narrowing the reach of that law. But we cannot enact truly comprehensive legislation that will get to the heart of the problem under current court rulings. I wish we could. I have long supported a clean elections system of public financing for Congressional campaigns which would integrate spending limits, citizen financing, and other basic reforms. That is the way I think we should go. There are other approaches. But the fact is—and I am sorry for this—that unless the Supreme Court again reverses itself, we cannot get the comprehensive legislation we really need unless we first adopt an amendment to the Constitution.

This amendment is neutral on what kind of regulation of campaigns would be allowed. It simply authorizes such regulation, and leaves it to Congress and state legislatures to determine what might be appropriate. That is where such decisions should be made on these issues: by the people's representatives in Congress and in state legislatures. That is why I think amending the Constitution and enabling Congress to make those decisions is the first step if we are to make real progress on this front.

Others will argue for a narrower constitutional amendment to focus primarily on the issue of corporate expenditures. That is another way to address the issue, though I believe it would still leave many unanswered questions about Congress' ability to regulate broadly in this area. We should have a full and robust debate about all of the options.

Someday we may adopt this idea, if the situation continues to run out of hand. And we may look back to this court decision in 2010 and mark it as an historic watershed, a catalyst for major change. I sincerely hope that will be true, for the sake of this institution and our democratic process, and for the sake of our country. I commend the amendment to my colleagues' attention, and urge them to consider co-sponsoring it.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:*

"ARTICLE—

"SECTION 1. Congress shall have power to regulate the raising and spending of money with respect to Federal elections, including through setting limits on—

"(1) the amount of contributions to candidates for nomination for election to, or for election to, Federal office; and

"(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

"SECTION 2. A State shall have power to regulate the raising and spending of money with respect to State elections, including through setting limits on—

"(1) the amount of contributions to candidates for nomination for election to, or for election to, State office; and

"(2) the amount of expenditures that may be made by, in support of, or in opposition to such candidates.

"SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation."

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 421—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL GUARD YOUTH CHALLENGE DAY"

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, Mr. ISAKSON, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas "National Guard Youth Challenge Day" will be celebrated on February 24, 2010;

Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than \$335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about \$19,000 each year, compared to approximately \$28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over \$17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of leadership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of "National Guard Youth Challenge Day"; and

(2) calls upon the people of the United States to observe "National Guard Youth Challenge Day" on February 24, 2010, with appropriate ceremonies and respect.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3326. Mr. REID proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

SA 3327. Mr. REID proposed an amendment to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, *supra*.

SA 3328. Mr. REID proposed an amendment to the bill H.R. 1299, *supra*.

SA 3329. Mr. REID proposed an amendment to the bill H.R. 1299, *supra*.

SA 3330. Mr. REID proposed an amendment to amendment SA 3329 proposed by Mr. REID to the bill H.R. 1299, *supra*.

SA 3331. Mr. REID proposed an amendment to the bill H.R. 3961, to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

SA 3332. Mr. REID proposed an amendment to the bill H.R. 3961, *supra*.

## TEXT OF AMENDMENTS

SA 3326. Mr. REID proposed an amendment to the bill H.R. 1299, to

make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this act shall become effective 5 days after enactment

**SA 3327.** Mr. REID proposed an amendment to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

In the amendment, strike "5" and insert "4".

**SA 3328.** Mr. REID proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end, insert the following:

The Senate Rules Committee is requested to study the benefit of enacting a travel promotion measure, and the impact of job creation by its enactment.

**SA 3329.** Mr. REID proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end, insert the following:

"and include regional statistics of job creation"

**SA 3330.** Mr. REID proposed an amendment to amendment SA 3329 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

At the end, insert the following:

"including specific data on the types of jobs created".

**SA 3331.** Mr. REID proposed an amendment to the bill H.R. 3961, to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "February 28, 2010" and inserting "February 28, 2011".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1)

of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking "February 28, 2010" and inserting "February 28, 2011".

**SA 3332.** Mr. REID proposed an amendment to the bill H.R. 3961, to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration; as follows:

Amend the title so as to read: "An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011."

#### NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 1299, including germaneness requirements:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROHIBITION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN CERTAIN AREAS.

(a) IN GENERAL.—Notwithstanding the Act of June 8, 1906 (commonly known as the "Antiquities Act of 1906") (16 U.S.C. 431 et seq.), or any other provision of law, no further extension or establishment of national monuments in areas described in subsection (b) may be undertaken.

(b) APPLICABLE AREAS.—Subsection (a) shall apply to—

- (1) the Northwest Sonoran Desert, Arizona;
- (2) the Berryessa Snow Mountains, California;
- (3) the Bodie Hills, California;
- (4) the expansion of the Cascade-Siskiyou National Monument, California;
- (5) the Modoc Plateau, California;
- (6) the Vermillion Basin, Colorado;
- (7) the Northern Montana Prairie, Montana;
- (8) the Heart of the Great Basin, Nevada;
- (9) the Lesser Prairie Chicken Preserve, New Mexico;
- (10) the Otero Mesa, New Mexico;
- (11) the Owyhee Desert, Oregon and Nevada;
- (12) the Cedar Mesa region, Utah;
- (13) the San Rafael Swell, Utah; and
- (14) the San Juan Islands, Washington.

#### NOTICE OF HEARING

##### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, March 10, 2010, at 2:30 p.m., in

room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes; S. 2907, to establish a coordinated avalanche protection program, and for other purposes; S. 2966 and H.R. 4474, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; and S. 2791 and H.R. 3759, to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by email to allison\_seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on February 24, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Water and Wildlife

be authorized to meet during the session of the Senate on February 24 at 9:30 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "A Stronger Workforce Investment System for a Stronger Economy" on February 24, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 24, 2010, at 10:30 a.m. to conduct a hearing entitled "The Homeland Security Department's Budget Submission for Fiscal Year 2011."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 24, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 24, 2010, at 2:30 p.m., to hold a hearing entitled "Foreign Policy Priorities in the FY11 International Affairs Budget."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on February 24, 2010, at 9 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee

on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 24, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GUARD YOUTH  
CHALLENGE DAY

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 421, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 421) supporting the goals and ideals of "National Guard Youth Challenge Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas "National Guard Youth Challenge Day" will be celebrated on February 24, 2010;

Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than \$335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about \$19,000 each year, compared to approximately \$28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over \$17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of lead-

ership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of "National Guard Youth Challenge Day"; and

(2) calls upon the people of the United States to observe "National Guard Youth Challenge Day" on February 24, 2010, with appropriate ceremonies and respect.

ORDERS FOR THURSDAY,  
FEBRUARY 25, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 10 a.m. on Thursday, February 25; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 1299.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tomorrow several Senators will be participating in the bipartisan, bicameral health care summit with President Barack Obama. I am honored to be one of those Senators. As a result, though, there will be no rollcall votes prior to 4 p.m. tomorrow. We will continue to work on an agreement to consider the 30-day tax extenders legislation, which I just referred to in an earlier statement.

As a reminder, Senator REID also filed cloture on the motion to concur with respect to H.R. 1299, which is the legislative vehicle for the Travel Promotion Act. We hope to reach an agreement to have that vote tomorrow.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Executive



Order No. 13531, appointments of the following to the National Commission on Fiscal Responsibility and Reform: the Honorable RICHARD J. DURBIN of Illinois, the Honorable MAX BAUCUS of Montana, the Honorable KENT CONRAD of North Dakota.

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Thursday, February 25, 2010, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

ROBERT NEIL CHATIGNY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GUIDO CALABRESI, RETIRED.

GOODWIN LIU, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 110-177, APPROVED JANUARY 7, 2008.

WILLIAM JOSEPH MARTINEZ, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE EDWARD W. NOTTINGHAM, RESIGNED.

GARY SCOTT FEINERMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE ROBERT W. GETTLEMAN, RETIRED.

SHARON JOHNSON COLEMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MARK R. FILIP, RESIGNED.

#### DEPARTMENT OF JUSTICE

WIFREDO A. FERRER, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE R. ALEXANDER ACOSTA.

LAURA E. DUFFY, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS, VICE CAROL CHIEN-HUA LAM.

ALICIA ANNE GARRIDO LIMTIACO, OF GUAM, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES ATTORNEY FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE LEONARDO M. RAPADAS.

JOHN B. STEVENS, JR., OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE REBECCA A. GREGORY.

JOHN DALE FOSTER, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JAMES DUANE DAWSON.

GARY MICHAEL GASKINS, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE J. C. RAFFETY, RESIGNED.

PAUL WARD, OF NORTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE DAVID SCOTT CARPENTER.

#### FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBIN J. BRINKLEY HADDEN, OF MARYLAND  
SHARON THAMS CARTER, OF FLORIDA  
HAVEN G. CRUZ-HUBBARD, OF CALIFORNIA  
MARY PAMELA FOSTER, OF MARYLAND  
BRUCE GELBAND, OF VIRGINIA  
MIKAELA SAWTELLE MEREDITH, OF VIRGINIA  
LESLIE ANN PERRY, OF COLORADO  
ROY PLUCKNETT, OF VIRGINIA  
GARY ROBBINS, OF COLORADO  
SARAH WRIGHT, OF THE DISTRICT OF COLUMBIA

#### DEPARTMENT OF STATE

JOSEPH AMBROSE KENNY, JR., OF MARYLAND

#### ERIC KHANT, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

CANDACE HARRING BUZZARD, OF WASHINGTON  
JOHN JOSEPH CARDENAS, OF CALIFORNIA  
HOLLY FLUTY DEMPSEY, OF WEST VIRGINIA  
PETER WILLIAM DUFFY, OF MASSACHUSETTS  
MUSTAPHA EL HAMZAOU, OF NEW HAMPSHIRE  
REBEKAH R. EUBANKS, OF ILLINOIS  
CHRISTIAN WILLIAM HOUGEN, OF VIRGINIA  
SHERI-NOUANE BERNADETTE JOHNSON, OF NEW YORK  
JONATHAN T. KAMIN, OF MARYLAND  
KARIN A. KOLSTROM, OF FLORIDA  
WILLIAM C. MACLAREN, OF VIRGINIA  
VEENA REDDY, OF CALIFORNIA

#### DEPARTMENT OF STATE

DANIEL G. BROWN, OF MISSOURI  
KEVIN A. WEISHAR, OF MISSOURI

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

RANDOLPH HENRI AUGUSTIN, OF GEORGIA  
SHIRLEY L. BALDWIN, OF VIRGINIA  
MICHELLE M. BARRETT, OF MICHIGAN  
JAMES A. BERSCHETT, OF WYOMING  
DAVID M. BOGRAN SCHREWE, OF TEXAS  
AARON S. BROWNELL, OF TEXAS  
LESLIE-ANN A. BURNETTE, OF CALIFORNIA  
MATTHEW ANDREW BURTON, OF NEW HAMPSHIRE  
TAMIKA CAMERON, OF TEXAS  
STANLEY A. CANTON, OF MARYLAND  
JAMES CHRISTOPHER CARLSON, OF COLORADO  
CHRISTINA EVE CHAPPELL, OF PENNSYLVANIA  
RANDY CHESTER, OF NEVADA  
BLAKE A. CHRYSAL, OF OREGON  
MARY R. COBB, OF OHIO  
BARRY COLLINS, OF NEW HAMPSHIRE  
ANANTA HANS COOK, OF CALIFORNIA  
BRADLEY CRONK, OF FLORIDA  
WALTER DOETSCH, OF TEXAS  
MYRA YUMIKO EMATA-STOKES, OF CALIFORNIA  
LALARUKH FAIZ, OF VIRGINIA  
STEPHEN FITZPATRICK, OF NEW HAMPSHIRE  
KARLA INEZ FOSSAND, OF MINNESOTA  
MELISSA M. FRANCIS, OF FLORIDA  
STEPHANIE JAMES GARVEY, OF TEXAS  
MICHAEL GLEES, OF CALIFORNIA  
GARRET JOHN HARRIES, OF MINNESOTA  
ANGELA DAWN HOGG, OF CALIFORNIA  
HUSSAIN WAHEED IMAM, OF VIRGINIA  
CORY B. JOHNSTON, OF MAINE  
TAISHA MUMTAZI JONES, OF THE DISTRICT OF COLUMBIA

MICHAEL G. JUNG, OF WASHINGTON  
KAREN D. KLIMOWSKI, OF CALIFORNIA  
PATRICK J. KOLLARS, OF SOUTH DAKOTA  
THOMAS J. KRESS, OF NEW YORK  
RONALD JAY KRYK, OF TEXAS  
CHRISTOPHER JAMES LA FARGUE, OF LOUISIANA  
PHILIP LAMADE, OF MISSOURI  
DWAINE ERIQ LEE, OF CALIFORNIA  
ALYSSA WILSON LEGGOE, OF NEW JERSEY  
JESSE ADAM LEGGOE, OF NEW JERSEY  
GINGER EDWARDS LONGWORTH, OF SOUTH CAROLINA  
LESLIE MARBURY, OF GEORGIA  
BRUCE FREEMAN MCFARLAND, OF WASHINGTON  
ANDREW MCKIM, OF CALIFORNIA  
AMY B. MEYER, OF CALIFORNIA  
A. AURELIA MICKO, OF FLORIDA  
TRACY JEANNE MILLER, OF OREGON  
KERRY MONAGHAN, OF TEXAS  
DIANE B. MOORE, OF NEW YORK  
MONIQUE MOSOLF, OF FLORIDA  
JUNIPER M. NEILL, OF ALASKA  
CHRISTOPHER D. O'DONNELL, OF FLORIDA  
MIRIAM ONIVOGUI, OF GEORGIA  
SEAN JOSEPH OSNER, OF TEXAS  
GEOFFREY BROOKS PARISH, OF TEXAS  
JONATHAN CLAYTON RICHTER, OF FLORIDA  
MICHAEL ALLAN RONNING, OF MINNESOTA  
MICHAEL A. RUSSELL, OF VIRGINIA  
CARL ANDREW SEAGRAVE, OF THE DISTRICT OF COLUMBIA

LORRAINE SHERMAN, OF FLORIDA  
CYBILL SIGLER, OF TEXAS  
ROBERT J. SIMMONS, OF THE DISTRICT OF COLUMBIA  
R. CHRISTIAN SMITH, OF NEVADA  
POONAM SMITH-SREEN, OF FLORIDA  
FRANCISCO RICARDO SOMARRIBA, OF FLORIDA  
SANDRA ANNA STAJKA, OF VIRGINIA  
JENNIFER J. TIKKA, OF WASHINGTON  
DOANH Q. VAN, OF WASHINGTON  
CARROLL L. VASQUEZ, OF VIRGINIA  
JORGE E. VELASCO, OF MARYLAND  
STEPHANIE ANN WILCOCK, OF WASHINGTON  
GEORGE ZARYCKY, OF VIRGINIA

#### DEPARTMENT OF STATE

ANTHONY P. KUJAWA, OF MARYLAND  
KRISTI J. MIETZNER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN

THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

#### DEPARTMENT OF STATE

JEFFREY R. ALLEN, OF THE DISTRICT OF COLUMBIA  
TODD ANDERSON, OF KENTUCKY  
JAMES D. APPEGATE, OF MICHIGAN  
MAHA ANGELINA ARMUSH, OF TEXAS  
CHUKA ASIKE, OF TEXAS  
WILLIAM D. BAKER, OF TEXAS  
RICHARD C. BLACKWOOD, OF VIRGINIA  
STEPHANIE ELIZABETH BOSCAINO, OF TEXAS  
THOMAS S. BROWN, OF WASHINGTON  
CHRISTIANNE CARROLL, OF CALIFORNIA  
JEFFREY JOHN CARY, OF THE DISTRICT OF COLUMBIA  
MICHAEL G. CATHEY, OF CALIFORNIA  
PERRY YANG CHEN, OF VIRGINIA  
CHRISTINA M. CHESHER, OF ARIZONA  
MARTHA ANN CRUNKLETON, OF FLORIDA  
CHRISTOPHER P. CURRAN, OF NEW HAMPSHIRE  
ROBERTO CUSTODIO, OF FLORIDA  
GREGORY D'ALESSANDRO, OF MARYLAND  
JOYE L. DAVIS-KIRCHNER, OF MISSOURI  
ANNE B. DEBEVOISE, OF CALIFORNIA  
JAFAR A. DIAB, OF MASSACHUSETTS  
CHRISTOPHER R. DILWORTH, OF VIRGINIA  
DAVID JOSEPH DRINKARD, OF MISSOURI  
MARIALICE BURFORD EPERIAM, OF ILLINOIS  
JASON D. EVANS, OF WASHINGTON  
KATHLEEN FOX, OF CALIFORNIA  
KATHEY-LEE GALVIN, OF OREGON  
COREY MATTHEW GONZALEZ, OF THE DISTRICT OF COLUMBIA  
GRANT S. GUTHRIE, OF CALIFORNIA  
ANANDA K. HAAS, OF ALASKA  
ADAM J. HANTMAN, OF MARYLAND  
SARA RUTH HARRIGER, OF ALASKA  
JAMES HOLTSNIDER, OF IOWA  
AARON D. HONN, OF TEXAS  
LUDOVIC L. HOOD, OF THE DISTRICT OF COLUMBIA  
ERIKA LOREL HOSKING, OF VIRGINIA  
CHARLES L. JARRETT III, OF TENNESSEE  
HORMAZD J. KANGA, OF KENTUCKY  
DAVID KRISTIAN KVOLS, OF FLORIDA  
FELICIA D. LYNCH, OF FLORIDA  
MIKA MCBRIDE, OF TEXAS  
MATTHEW C. MCNEIL, OF VIRGINIA  
KAREN N. MIMS, OF PENNSYLVANIA  
JUDITH H. MONSON, OF NEW YORK  
ROSHNI MONA NIRODY, OF ALASKA  
SHEILA SOPHIA O'DONNELL, OF ILLINOIS  
JUAN CARLOS OSPINA, OF FLORIDA  
BENJAMIN NELSON REAMES, OF TEXAS  
CHARLES WILSON RUARK III, OF GEORGIA  
SARAH A. SCHMIDT, OF MAINE  
HEIDI E. SMITH, OF MICHIGAN  
MARC ALAN SNIDER, OF ILLINOIS  
VIRGIL B. STROHMMEYER, OF CALIFORNIA  
ADRIENNE BECK TAYLOR, OF VIRGINIA  
REBECCA S. PHELPS THURMOND, OF MICHIGAN  
ANDRES VALDES, OF FLORIDA  
SOVANDARA YIN, OF OREGON  
MADELINA M. YOUNG, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

VINCE H. SUNEJA, OF VIRGINIA

#### DEPARTMENT OF STATE

KRISTEN E. AANSTOOS, OF MISSISSIPPI  
KATHLEEN ELIZABETH ABNER, OF MARYLAND  
HATIM NELSON AHMED, OF VIRGINIA  
ZIA AHMED, OF MASSACHUSETTS  
ANDREW R. ALBERTS, OF VIRGINIA  
SYED MUJTABA ANDRABI, OF WASHINGTON  
ALISON MARIE ASHWELL, OF VIRGINIA  
MARK DAVID AUBRECHT, OF WASHINGTON  
MICHELLE E. AZEVEDO, OF THE DISTRICT OF COLUMBIA  
JARI D. BARNETT, OF OKLAHOMA  
JACOB BARRETT, OF VIRGINIA  
JONATHAN M. BARROW, OF MARYLAND  
CARRIE LYNN BASNIGHT, OF KENTUCKY  
AMANDA K. BECK, OF CALIFORNIA  
MICHELLE NICOLE BENNETT, OF CALIFORNIA  
ANDREW BERDY, OF NEW JERSEY  
DUSTIN REEVE BICKEL, OF GEORGIA  
ASHWIN E. BIJANKI, OF VIRGINIA  
NATALIE IRENE BONJOC, OF CALIFORNIA  
STEVEN R. BONSALE, OF VIRGINIA  
KATHLEEN E. BORGESS, OF VIRGINIA  
ARIELA BORGIA, OF VIRGINIA  
MICHAEL D. BOVEN, OF MICHIGAN  
BENJAMIN KIRK BOWMAN, OF COLORADO  
RYAN G. BRADEEN, OF MAINE  
DIEDRE T. BRADSHAW, OF VIRGINIA  
KATIE C. BRASIC, OF VIRGINIA  
STEVEN ARTHUR CONNETT BREMNER, OF MINNESOTA  
MARY K. BREZIN, OF COLORADO  
MATTHEW MCMAHON BRIGGS, OF THE DISTRICT OF COLUMBIA  
CHRISTOPHER M. BRITTON, OF MARYLAND  
SARAH A. BUDDS, OF SOUTH CAROLINA  
EVAN J. BURNS, OF PENNSYLVANIA  
JOHN PATRICK CALLAN, OF WASHINGTON  
JOSEPH CHRISTOPHER CARNES, OF OHIO  
MELANIE ROSE CARTER, OF ILLINOIS  
CHRISTOPHER P. CASAS, OF VIRGINIA  
CHRIS M. CELESTINO, OF THE DISTRICT OF COLUMBIA



BRIAN M. CHARMATZ, OF MARYLAND  
 CHRISTOPHER A. CHAUNCEY, OF VIRGINIA  
 DAVID R. CHEE, OF VIRGINIA  
 GEOFFREY KAMEN CHOY, OF VIRGINIA  
 MARJORIE CHRISTIAN, OF VIRGINIA  
 HEATHER L. CHURCHILL, OF VIRGINIA  
 MELANIE L. CLARK, OF VIRGINIA  
 AMY LAURENCE CONROY, OF THE DISTRICT OF COLUMBIA  
 JASON A. COOK, OF VIRGINIA  
 WILLIAM R. COOK, OF CALIFORNIA  
 WILLIAM T. COOMBS, OF MARYLAND  
 EMILIO CORTES, OF VIRGINIA  
 GREGORY ROY COWAN, OF TEXAS  
 CHRISTEN LANE DECKER, OF NEW HAMPSHIRE  
 JONATHAN MORRIS DENNEHY, OF MASSACHUSETTS  
 PHILLIP ANTHONY DE SOUZA, OF MARYLAND  
 JILL WISNIEWSKI DIETRICH, OF THE DISTRICT OF COLUMBIA  
 JULIA SAMPSON DILLARD, OF CALIFORNIA  
 NOAH A. DONADIEU, OF PENNSYLVANIA  
 MELISSA ANN DORSEY, OF ILLINOIS  
 JAMES E. DUCKETT, OF VIRGINIA  
 RUTH LILLIAN DOWE, OF NEW YORK  
 WILLIAM ECHOLS, OF WASHINGTON  
 JESSICA D. EICHER, OF COLORADO  
 JEFFREY GORDON EISEN, OF WISCONSIN  
 HOWARD E. ENNACO, OF VIRGINIA  
 RONALD L. ETTER, OF VIRGINIA  
 KATHRYN LINDSAY FISHER, OF VIRGINIA  
 HOWARD A. FREY, OF VIRGINIA  
 MARC BRANDON GARTNER, OF CALIFORNIA  
 CASEY THOMAS GETZ, OF VIRGINIA  
 RICHARD D. GOPAUL, OF MARYLAND  
 MARK OSTAPOVYCH GUL, OF VIRGINIA  
 AMANDA GUNTON, OF NEW YORK  
 JAMES J. HAMBLIN, OF VIRGINIA  
 ZENNIA D. HANCOCK, OF NEW YORK  
 CHRISTINE L. HARPER, OF ALABAMA  
 TARA L. HARRISON, OF UTAH  
 JENNIFER M. HEATH, OF VIRGINIA  
 ANNALIESE J. HEILIGENSTEIN, OF TEXAS  
 LAURA HELMANN, OF VIRGINIA  
 JAMES MICHAEL HENRY, OF MASSACHUSETTS  
 BENJAMIN E. HETTINGA, OF VIRGINIA  
 MICHAEL D. HIGHT, OF VIRGINIA  
 SIRLI HILL, OF VIRGINIA  
 DUANE MARTIN HILLEGAS, OF MARYLAND  
 THOMAS MARTIN HOCHSTETLER, OF VIRGINIA  
 ELLEN M. HOFFMAN, OF VIRGINIA  
 JENNIFER HOLMES, OF UTAH  
 JACQUELINE PHILYAW HOSKINS, OF VIRGINIA  
 MARGO MARIE HUENNEKENS, OF CALIFORNIA  
 CHRISTIAN BRIAN HUMMEL, OF VIRGINIA  
 WILLIAM HUNT, JR., OF MARYLAND  
 CASEY IORG, OF CALIFORNIA  
 JENNIFER J. ISAKOFF, OF VIRGINIA  
 CHARLES L. JEWELL, JR., OF VIRGINIA  
 MICHAEL D. JOHNSSTONE, OF VIRGINIA  
 ALEX JONES, OF WISCONSIN  
 JOHN BOYCE JONES, OF VIRGINIA  
 LEON V. JONES II, OF VIRGINIA  
 LISA KALAJIAN, OF NEW JERSEY  
 MARJON E. KAMRANI, OF OHIO  
 JI HONG KANG, OF VIRGINIA  
 KATHERINE A. KEEGAN, OF VIRGINIA  
 KATHRYN KANE KEELLEY, OF THE DISTRICT OF COLUMBIA  
 ALISHIA KONTOR, OF VIRGINIA  
 MARC N. KROEGER, OF VIRGINIA  
 KLAUDIA G. KRUEGER, OF FLORIDA  
 CORINNE M. KUJAR, OF VIRGINIA  
 TAMMY L. LAKE, OF FLORIDA  
 KRISTINA LAW, OF VIRGINIA  
 PUI-YUNG LAW, OF VIRGINIA  
 MICHAEL A. LEON, OF VIRGINIA  
 STEVEN HOWARD LERDA, OF VIRGINIA  
 JOHN T. LEWIS, OF VIRGINIA

PIERRE ANTOINE LOUIS, OF FLORIDA  
 MIKE LURIE, OF VIRGINIA  
 MATTHEW K. MAGGARD, OF VIRGINIA  
 ANDREW J. MALANDRINO, OF VIRGINIA  
 JEFFREY M. MARTIN, OF RHODE ISLAND  
 LEONARD FREDERICK MARTIN, OF MARYLAND  
 TRACY L. MASUDA, OF VIRGINIA  
 BILLY F. MCALLISTER, JR., OF VIRGINIA  
 BRADLEY THOMAS MCGUIRE, OF VIRGINIA  
 WILLIAM H. MCHENRY II, OF VIRGINIA  
 CHARLOTTE I. MCWILLIAMS, OF TEXAS  
 CANDICE R. MEANS, OF VIRGINIA  
 HENRY WYATT MEASELLS IV, OF VIRGINIA  
 MICHAEL A. MIDDLETON, OF VIRGINIA  
 AMY J. MILLS, OF VIRGINIA  
 KYLE G. MILLS, OF VIRGINIA  
 ERIC K. MONTAGUE, OF VIRGINIA  
 GRANT HANLEY MORROW, OF PENNSYLVANIA  
 DAVID JEFFREY MOURITSEN, OF UTAH  
 PETER D. MUCHA, OF VIRGINIA  
 AMY P. MULLIN, OF VIRGINIA  
 PAUL W. NEVILLE, OF THE DISTRICT OF COLUMBIA  
 ALBERT FRANCISCO OPRECIO, OF CALIFORNIA  
 JUNG OH, OF VIRGINIA  
 STEPHANIE NICOLE PADGETT, OF VIRGINIA  
 BENJAMIN PARSELL, OF THE DISTRICT OF COLUMBIA  
 VIKAS C. PARUCHURI, OF PENNSYLVANIA  
 MICHAEL PENNELL, OF TENNESSEE  
 SEVERIN J. PEREZ, OF VIRGINIA  
 ROBERT A. PERLS, OF NEW MEXICO  
 ANDREA LYN PETERSON, OF THE DISTRICT OF COLUMBIA  
 CHARLES SAUNDERS PORT, OF VIRGINIA  
 KERRI R. PROVENCIO, OF VIRGINIA  
 MICHAEL JOSEPH PRYOR, OF CALIFORNIA  
 MICHAEL G. RAMSEY, OF VIRGINIA  
 CHARLES ANTHONY RAYMOND, OF VIRGINIA  
 AMY NICOLE REICHERT, OF COLORADO  
 ANTHONY S. RIDGEWAY, OF VIRGINIA  
 EDWARD LEWIS ROBINSON III, OF MARYLAND  
 SETH R. ROGERS, OF SOUTH CAROLINA  
 JARED D. ROSS, OF MARYLAND  
 ALISON ROTH, OF VIRGINIA  
 CRAIG ANTHONY RYCHEL, OF THE DISTRICT OF COLUMBIA  
 ANNE G. SAUNDERS, OF VIRGINIA  
 TAMARA L. SCOTT, OF MARYLAND  
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 ELIZABETH SELLEN, OF THE DISTRICT OF COLUMBIA  
 MICHAEL R. SHAW, OF VIRGINIA  
 ROGER LANIER SHIELDS, OF VIRGINIA  
 CRAIG M. SINGLETON, OF FLORIDA  
 THOMAS MICHAEL SLAYTON, OF THE DISTRICT OF COLUMBIA  
 JOHN THOMAS WOODRUFF SLOVER, OF COLORADO  
 PAULETTE C. SMALL, OF NORTH CAROLINA  
 BARRY DANIEL SMITH, OF OREGON  
 DON J. SMITH, OF VIRGINIA  
 JASON A. SMITH, OF VIRGINIA  
 SCOTT M. SMITH, OF VIRGINIA  
 WILLIAM CATLETT SOLLEY, OF VIRGINIA  
 MICHELLE SOSA, OF CALIFORNIA  
 JUDITH C. SPANBERGER, OF MARYLAND  
 KENNETH STURROCK, OF FLORIDA  
 RUDRANATH SUDAMA, OF MARYLAND  
 JANEL LYNN SUTTON, OF COLORADO  
 PETER J. SWEENEY, OF NEW JERSEY  
 DREW TANZMAN, OF CALIFORNIA  
 ALPER A. TUNCA, OF THE DISTRICT OF COLUMBIA  
 TOMMY VARGAS, OF VIRGINIA  
 GARETH JOHN VAUGHAN, OF THE DISTRICT OF COLUMBIA  
 ERIC VELA, OF VIRGINIA  
 CHRISTOPHER VOLPICELLI, OF VIRGINIA  
 JOHN PHILIPS WATERMAN, OF MASSACHUSETTS  
 MARK A. WILKINS, OF VIRGINIA  
 CHRISTAL G. WINFORD, OF VIRGINIA

JOANNA K. WOJCIK, OF VIRGINIA  
 HSUEH-TING WU, OF CALIFORNIA  
 HEATHER LOUISE YORKSTON, OF MARYLAND

#### NATIONAL BOARD FOR EDUCATION SCIENCES

ADAM GAMORAN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE RICHARD JAMES MILGRAM, TERM EXPIRED.

DEBORAH LOEWENBERG BALL, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE CAROLINE M. HOXBLY, TERM EXPIRED.

#### DEPARTMENT OF EDUCATION

EDUARDO M. OCHOA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE DIANE AUER JONES, RESIGNED.

#### NATIONAL BOARD FOR EDUCATION SCIENCES

MARGARET R. MCLEOD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE ELIZABETH ANN BRYAN, TERM EXPIRED.

BRIDGET TERRY LONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE JOSEPH K. TORGESEN, TERM EXPIRED.

#### CONGRESS OF THE UNITED STATES

STEPHEN T. AYERS, OF MARYLAND, TO BE ARCHITECT OF THE CAPITOL FOR THE TERM OF TEN YEARS, VICE ALAN M. HANTMAN, RESIGNED.

#### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADES INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

#### *To be lieutenant commander*

JOANN F. BURDIAN  
 KELLY K. DENNING

#### *To be lieutenant*

TORREY H. BERTHEAU  
 LAUREN U. FULLAM  
 KENNETH R. MORTON  
 DAWN N. PREBULA

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

LT. GEN. JAMES D. THURMAN

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS THE CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

#### *To be lieutenant general*

LT. GEN. JACK C. STULTZ, JR.

## HOUSE OF REPRESENTATIVES—Wednesday, February 24, 2010

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: With the psalmist who sang through turbulent times, let us pray for our military and the Nation.

"I love You, Lord, my strength, my rock, my fortress, my savior. My God is a cave where I take refuge; my shield, my protection, my stronghold. The Lord is worthy of all praise, as I call out to be saved from all enemies.

"The Lord came to me because I stood aright. My hands were clean in his sight. You proved loving to those who love you. You show Yourself righteous with the righteous. With the sincere You show Yourself sincere, but the cunning You outdo in cunning; for You save a humble people, but humiliate the self-righteous.

"You, O Lord, are like a lamp. My God enlightens my darkness. With You, I can break through any barrier; with my God, I can scale any wall."

Both now and forever. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 158. Concurrent resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

The message also announced that the Senate has passed a bill of the fol-

lowing title in which the concurrence of the House is requested:

S. 30. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minutes on each side of the aisle.

### PHILADELPHIA TRANSPORTATION GRANT WILL CREATE JOBS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. One year after its enactment, the American Recovery and Reinvestment Act is creating jobs, about 2 million nationally, and making smart investments in communities across the Nation.

Last week, the City of Philadelphia received a \$17.2 million grant to develop an integrated, multicounty bicycle and pedestrian network. This network will be a unique asset to the Philadelphia region and will transform biking and pedestrian greenways in our region.

Residents will benefit greatly from this network of trails and street improvements, using them to commute to work, to go to school, to the local grocery store, and it will create new opportunities along the North Delaware Riverfront in my district for recreation as well as for residential and economic development. The fact that this project was one of just 61 projects funded out of 1,380 applications demonstrates the substantial need for such infrastructure investments nationally.

My Democratic colleagues and I are working for innovative solutions to create jobs, to promote clean and safe communities in which we live and work and raise our families.

### ANNIVERSARY OF BROTHERS TO THE RESCUE SHOOTDOWN

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the cause for freedom suffered a deep loss yesterday with the death of political prisoner Orlando Zapata Tamayo, the latest victim of the Cuban tyranny.

And today we sadly commemorate the 1996 murder by the Cuban regime of

Carlos Costa, Armando Alejandro, Mario de la Pena, and Pablo Morales. As they searched for those who were risking their lives in the Atlantic in pursuit of freedom in the United States, Cuban military jets mercilessly shot them down in international airspace.

Some choose to ignore the brutality of the Cuban dictatorship, introducing a bill this week to lift parts of the embargo that would reward the regime.

Instead, I ask that we honor the memory of those lost to the cause of liberty in Cuba and redouble our efforts to turn their dream of a free Cuba into a reality.

### HEALTH CARE REFORM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we were so hopeful as this Congress opened and seemed on track to enact comprehensive health care reform to provide access to health care for every American.

Today, I am extremely disappointed to stand here to voice my consternation and frustration over the unequal, unjust, and inexcusable treatment of the millions of Americans living in the U.S. territories that we see in the President's proposal on health care reform.

Rather than working to provide quality, affordable care to all Americans, it would leave roughly 4.5 million, a disproportionate number who would desperately want and need health care coverage, leave them out in the cold without access to the health care exchange; without the same consumer benefits that other Americans would receive; without adequate Medicaid funding; and, thus, without the same comfort and security that comes with knowing that you and your family will have the quality health care when you need it, every time you need it.

The men and women in the U.S. territories are the same as those from California to Vermont, from Florida to Wyoming who love this Nation, who bravely serve in war to defend it, and who deserve to be treated as first class citizens in every aspect of our democracy.

This proposal fails them and, by extension, fails every American who believes in equality and fairness. I call on my colleagues, as we move forward, to honor the worth and the dignity of every American.

### INSULT SPEECH IS A CRIME IN THE NETHERLANDS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in the Netherlands, it's against the law now to hurt somebody's feelings. Don't dare offend anyone or the speech police will cart you off to the courthouse and try you for the violation of the insensitivity laws.

Dutch lawmaker Geert Wilders made a documentary movie of real terrorist acts, real radical Islamic clerics encouraging violence in the name of hate; now, Wilders is on trial for insulting Islam. He is charged with discrimination and incitement to hatred.

The Dutch Ministry of Justice has stated, "It is irrelevant whether Wilders might prove his observations to be correct. What's relevant is his observations are illegal."

In Amsterdam, truthful insult speech is a crime. What kind of free society says truthful speech can be illegal?

Freedom of speech is a universal human right granted by God, especially if the speech is political or religious or truthful. All who believe in the human right of free speech should be offended and insulted by the insensitive words of the Amsterdam courts.

And that's just the way it is.

□ 1015

### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, American families in my district are struggling to make ends meet and pay for health care services. Unemployment is 16 percent. Foreclosure is the fourth in the Nation.

The proposal released by President Obama this week is a step towards a healthier future for families and small businesses. Health cost coverage should be a right, not a privilege for the few. That means no loss of coverage when you get sick; coverage for as many people as possible that is affordable; do away with unfair practices like discrimination of preexisting conditions and caps on coverage; lower drug costs for seniors and lower premiums for early retirement; and better access and stronger protection for women. Health care reform will create jobs and bring down the deficit.

In my State of California, Anthem Blue Cross proposed to raise their premiums with double-digit percentages. This must stop.

I urge my colleagues to work to achieve health care reform. Let's not work with piecemeal solutions that will go nowhere, but solve the problems once and for all.

### WHITE HOUSE SUMMIT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, instead of inviting Republicans to a conference table with a blank sheet of paper, the President's decided to introduce the same trillion-dollar Washington takeover of health care the public has already rejected. In Texas, we call that paying for the same real estate twice, and the American people aren't buying it.

They have been trying to tell the President in every way possible to stop the backroom decisions and secret deals. This week's so-called "bipartisan" summit is just more of the same.

Instead of pressing the reset button, the President's hosting a photo op. Using the illusion of bipartisanship as a political tool is wrong. It's not fooling anyone. If the President and Democrat leadership are serious about coming together on health care reform, then let's get out the of corral and start from scratch.

### HEALTH CARE INSURANCE INDUSTRY FAIR COMPETITION ACT

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, today the House is going to consider the Health Insurance Fair Competition Act. This bill will level the playing field by repealing the health insurance industry's unfair advantage and helping encourage competition by bringing down costs for families and businesses.

Everyone knows that competition drives our economy. Fair competition is what encourages innovation, ensures quality service, and drives costs down, and that applies to health insurance, too. Unfortunately, health insurance companies are exempt from these fair competition rules. This is like your neighborhood pharmacy calling up its competitor down the street and deciding to set all of their prices at the exact same amount. You can't do that. It's not fair to consumers, and no other business in the United States is allowed to act that way. What's fair for every other business in this country is certainly fair for the health insurance industry.

Today's bill makes commonsense changes, and I look forward to voting for it to make sure health insurance companies can no longer get away with price-fixing and other anti-competitive practices. Let's level the playing field.

### HYDRAULIC FRACTURING

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the same team that brought America the job-killing, tax-hiking cap-and-tax legislation appears to be at it again. Just last week Representatives WAXMAN and MARKEY began committee action aimed towards giving the EPA unprecedented power to enact oppressive regulations on hydraulic fracturing—the technology that allows producers to reach natural gas, which has been proven safe for over 60 years.

This action would have a far-reaching negative impact on energy producers and consumers alike, particularly in formations such as the Haynesville Shale in my district which depends on hydraulic fracturing. In 2008, the Haynesville Shale pumped \$4.5 billion into Louisiana's economy and created over 32,000 jobs.

Adding additional layers of regulations to hydraulic fracturing would not only result in sharp increases in costs to small and independent producers, it would dramatically decrease output and job creation. Production could grind to a halt and billions of dollars in Federal and State revenue would be at risk.

We need to get away, again, from this crazy scheme.

### MEMPHIS, TENNESSEE, IS A GREAT CITY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, recently Forbes magazine ranked what they called the most miserable cities in the country. Memphis, Tennessee, was third on that list. They considered certain issues but they didn't consider others.

They didn't consider the best barbecue in the United States of America; some of the greatest music; Beale Street; the great tourist center; gorgeous sunsets on the Mississippi River. They didn't consider the people of Memphis and the creativity that's emanated from there; Fred Smith and the greatest delivery of goods in the world, a system of freight delivery unrivaled; St. Jude's Children's Hospital that provides the gift of life and research into cancer and Nobel prize winners.

Opportunities for innovation are prevalent in Memphis. In music, Sam Phillips and Elvis Presley created rock-and-roll. And Willie Mitchell and Isaac Hayes and David Porter, and Stacks and Soulful.

I invite Chris Buckley, my friend, and Forbes magazine to come to Memphis and visit for themselves. Memphis has also got a great optometry school. Beauty is in the eye of the beholder. Maybe they'll leave with 20/20 vision.

### NEW ORLEANS' ZULU SOCIAL AID AND PLEASURE CLUB

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, today I continue to honor Black History Month by paying tribute to New Orleans' Zulu Social Aid and Pleasure Club. The Zulus were founded in 1909 and have been an integral part of the social organization of African American communities for 100 years. They are a foundation of New Orleans' cultural framework through their participation in Mardi Gras and their community service activities.

The Zulus' Mardi Gras parade is one of the largest attractions for the tribal costumes, the singing and dancing, and the famous, ornate hand-painted cocoanuts they distribute to onlookers. In 1949, the King of the Zulu parade was none other than New Orleans' own Louis Armstrong, one of the greatest contributors to African American history and culture.

In addition, the Zulus have contributed to the fibers and spirit of our community through their scholarship funds, Adopt a School programs, health fairs, Positive Male Models program, and other activities.

The Zulus are the "everyman's club," and I am proud to recognize them and their contributions to Louisiana's culture and history.

### NATIONAL EATING DISORDERS AWARENESS WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I take this opportunity to acknowledge National Eating Disorders Awareness Week.

Millions of Americans struggle with an eating disorder. We must do more to increase public awareness about diagnosis, prevention, and treatment. One critical step we can take is to promote positive body image.

As we all know, the media has a significant influence on girls' and young women's perception of the ideal body size and shape. Sixty percent of girls say they compare their bodies to fashion models, and a staggering 90 percent say they feel pressured to be thin from the fashion industry.

Just as we witnessed with cigarette advertisements targeted at young women, fashion advertising often portrays a twisted ideal of beauty.

I urge my colleagues to take this opportunity during National Eating Disorders Awareness Week to work together to promote positive body image to the girls and women in your lives and in your congressional district. Our support on this issue is vital to ensure the physical, emotional, and social health of all our girls.

### START OVER ON HEALTH CARE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, while I was flattered that the President chose to include seven parts of my bill, the Medical Rights and Reform Act, in his latest health care proposal, he left out nearly every major reform in our centrist health care legislation, including the Medical Rights Act guaranteeing decisions made with your doctor will be made without government interference, lawsuit reform, and granting the right of every American to buy insurance from any State in the Union if you find a plan that is less expensive for your family or your small business.

The White House proposal is based on a very expensive Senate bill with half a dozen major new taxes levied in the teeth of the Great Recession. The new proposal would tax retirement savings, cut Medicare for seniors, and adds to our long-term deficit.

I urge the President to start over, to invite key congressional leaders to Camp David—there we could find reforms that we all support, like covering Americans with preexisting conditions—and present a more modest set of reforms that we all could support.

### DON'T ASK DON'T TELL

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I rise today to respond to Army Secretary McHugh and to share the substance of an email from an active duty soldier in Afghanistan. In response to an inquiry from his commanding officer related to the military's review of the Don't Ask Don't Tell policy, the soldier shared how he and his partner of 10 years have managed multiple deployments to Iraq and Afghanistan.

He explained that they survived like any couple does, except, because of the Don't Ask Don't Tell policy, his partner would not be informed in the event of his death and could not make any emergency decisions that would normally fall to a spouse. This situation is typical, even within his unit.

He learned that a fellow soldier was also gay only after he was killed by an IED in Iraq. The partner of the deceased's soldier wrote the unit to say how much the victim had loved the military, how they were his family.

As Admiral Mullen said, this issue is a matter of integrity. This immutable human trait—sexual orientation—like the color of one's skin, does not affect one's integrity, their honor, or their commitment to their country. Soldiers serving their country in combat should not have their sacrifices compounded

by having to struggle with an antiquated Don't Ask Don't Tell policy.

Let's do the right and honorable thing and repeal this policy.

### ANTHEM BLUE CROSS SHOULD BE ASHAMED OF ITSELF

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, Anthem Blue Cross should be ashamed of itself for raising premiums in California by 39 percent. People in my district have complained of increases as much as \$2,400 a year. How can anyone afford that kind of an increase? This at a time when the insurance lobby has spent millions of dollars to defeat health care reform in America. This at a time when Anthem passed \$4.2 billion to the parent company, WellPoint, in profits alone. It's beyond my comprehension how any Members of the people's House can continue to defend this behavior.

It's time to demand an answer to a question asked many years ago by Pete Seeger, "Whose side are you on?" You're either with the American people or you're with the insurance lobby. You either stand up for those who want affordable health insurance, or you lay down with the corporate titans who continue to care less about the American people.

Whose side are you on?

### WHITE HOUSE SUMMIT MEDIA EVENT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Well, tomorrow the White House will convene a so-called summit on health care reform. It's supposedly an effort to find bipartisan agreement and consensus on reform. And frankly, if the administration and Democrats in Congress were willing to scrap the bill and start over with a clean sheet of paper, I would be all for it.

The American people long for health care reform that will lower the cost of health care insurance without growing the size of government. But that is not what's happening here. Instead of scrapping the bill, the President's actually produced his own bigger, worse version of the bills that passed the House and Senate and then were summarily rejected by the American people: more spending, more taxes, more government, and coverage for abortion.

Instead of starting over, Democrats in Congress continue to threaten to abuse the very rules of this institution by passing some version of their health care reform bill by a simple majority in the Senate—known as reconciliation.

Tomorrow's summit is looking more and more like a taxpayer-funded media event designed to set up passage of ObamaCare 2.0. The American people deserve to know it.

□ 1030

#### THE PRESIDENT'S PROPOSAL ON HEALTH CARE REFORM

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I support health care reform, but I do not support the proposal put forward by the White House, because it mistreats 4.4 million Americans living in Puerto Rico and the other U.S. territories. They are treated like second-class citizens.

My loyalty to my party and to our President is beyond question, but my principles and my people come first. This proposal violates my principles, and it mistreats my people.

In Puerto Rico, the Federal Government pays less than 25 percent of the cost of providing Medicaid services. That is a national travesty. The House took important steps to mitigate this disparity in funding. Yet the White House proposal does not make a good-faith effort to address this inequality. Moreover, the proposal excludes Puerto Rico from the exchange but allows non-citizen residents of the States to participate. This is discrimination, and it is no way to treat one's fellow Americans.

I do not believe this proposal reflects the President's thinking, and I cannot believe my colleagues will allow it to stand. The people of Puerto Rico and the other territories fight proudly for their country. Their country should fight for them, too.

#### WHERE ARE THE JOBS?

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, this administration and Democrats in Congress don't seem to have an answer to the single most important question workers across the country are asking: "Where are the jobs?" The American people don't want more political pandering on the economy and health care; they want action now that will control runaway Federal spending and create jobs.

The third time is not the charm, Mr. President. When government-controlled health care was introduced in the House, the American people rejected it. Strike one. When government-controlled health care was introduced in the Senate, the American people rejected it. Strike two. And when the President puts his government con-

trol of health care on the table before a bipartisan handful on Thursday, the American people will reject that, too. Strike three.

The Democrats need to scrap their job-killing policies, like a government takeover of health care and national energy tax, and begin working with Republicans on commonsense solutions to create jobs and reduce out-of-control spending. It's time we work together to get this economy moving again and to help put people back to work.

#### RECOVERY ACT IS WORKING

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, let me tell you, here are the jobs. I believe if you polled across America you would understand that the investment that this Democratic Congress made, along with its President, created or saved 3.5 million jobs, gave 95 percent of American workers a tax cut, and began to build our crumbling rail and water and a variety of infrastructure.

Where are the jobs? I will tell you, 2.4 million jobs were created according to the Congressional Budget Office, non-partisan, \$120 billion in tax cuts to 95 percent of our working families and to businesses, loaned nearly \$20 billion to our small businesses creating or saving a job.

What I like most of all is the 300,000 jobs in education and the 400,000 jobs in corrections officers and public health personnel. Let's ask all the firefighters and police officers across America whether or not there were jobs.

Mr. Speaker, I will tell you that we have invested in America. We had an economy that wasn't growing when we came in, down some 6 percent. Now it's up. We have the jobs, and we are going to do health care reform this morning as well.

We are working for the American people.

#### ENACT TORT REFORM NOW

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the administration's health care bill fails to include a Republican solution that could actually achieve savings for patients—lawsuit abuse reform.

Forty percent of medical malpractice suits against doctors and hospitals are without merit, according to a study by the Harvard School of Public Health. And excess damages add \$70 billion to \$126 billion annually to health care costs, the Department of Health and Human Services has found. These costs, of course, are passed on to patients.

The administration has only suggested a pilot program for tort reform. But some States, including my home State of Texas, have already enacted tort reform. These States have seen insurance premiums fall and access to medical care expand.

We don't need a pilot program. We need to enact medical malpractice lawsuit abuse reform.

#### HIGH-SPEED RAIL

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HALVORSON. Where are the jobs? I think we can answer that every time we speak. In my district it is happening quite literally.

Recently I was very proud to announce \$1.2 billion in Recovery Act funding being invested in Illinois for high-speed rail lines from Chicago to St. Louis. Two of the towns in my district happen to be stops along the rail line—Joliet and Normal.

There are those who have said, and continue to say, that projects like these will not put people to work, that the stimulus isn't working. But here is the reality: These high-speed rail lines in Illinois alone are going to put 6,000 people to work. This wouldn't have been possible without the investment in the American Recovery and Reinvestment Act.

I am proud that the Recovery Act is putting these people to work and putting our communities back on the track to recovery. We must continue to invest in American infrastructure, build upon the work of the Recovery Act is doing, and continue working to create jobs. The future of our districts depends on it.

#### HEALTH CARE REFORM

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the President is opening the doors of the White House to host a bipartisan effort on health care reform, and the reason is for hope and optimism. Some think it's the other way around.

It's been a long and tough process, but we always knew that tackling this problem wouldn't be easy. Remember, this has been tried many times over the course of many years. This is the furthest we have reached. Everyone has to have an open mind for this summit. We have to leave divisive partisanship behind. The need is too great. It transcends day-to-day politicking.

Everyone believes we need reform. Everyone recognizes the problems in health care. They are too great to ignore.

Postponing, putting this off, holding it over is just tactics to destroy what

we have come forth with. Join us, please, and let's see that we can insure all Americans.

#### HONORING THE LIFE OF U.S. MARINE SERGEANT JEREMY MCQUEARY

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, on Thursday, February 18, 2010, Indiana lost one of its brave sons. Marine Sergeant Jeremy McQueary was killed in the Helmand Province, Afghanistan, by an IED while on foot patrol supporting Operation Enduring Freedom. Sergeant McQueary, a Columbus, Indiana, native, had survived two prior IED attacks while in Afghanistan.

Jeremy, a model Hoosier, enjoyed fishing, four wheeling and giving back to his community by mentoring troubled high school students. He married his high school sweetheart, Rae, and together they had a baby boy, Hadley. He was only a month old when Jeremy shipped out for his third tour, this time to Afghanistan, having already served two previous tours in Iraq.

Eager to join the Marine Corps, Jeremy graduated from high school early and enlisted in 2002. Jeremy's passion for the Corps was so strong that he completed basic training on a broken foot, informing his superiors of his injury only after he had finished basic training. This level of commitment shown by Jeremy to the Corps and our country is an example to us all.

Jeremy McQueary was a devoted father and family man who paid the ultimate sacrifice serving his country. I mourn the loss of Jeremy. I want to thank Jeremy and his family for his service to our country. He and his loved ones are in my prayers.

#### HIRING ACT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, America needs jobs, and we need them now. My constituents tell me they want Congress to quit the bickering and partisan posturing and get to working on fixing the economy. Wall Street may be doing well enough for the bankers to reward themselves with big bonuses, but folks on Main Street and on country roads are hurting.

North Carolina's unemployment rate hit its high for 2009 in December, an incredible 11.2 percent. Our top priorities must be: jobs, jobs, jobs. My HIRING Act will provide the incentive for companies to put people to work today, giving employers up to \$7,500 per new worker they hire.

Congress needs to take action on this bill today and put people to work.

Passing the HIRING Act would be like CPR for our economy, and I hope my colleagues will join me in supporting that legislation.

#### RECOGNIZING THE MAPS AIR MUSEUM

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, I rise today in recognition of the Military Aviation Preservation Society Air Museum, located in my congressional district at the Akron-Canton Airport. I recently visited this nonprofit museum devoted to preserving our Nation's rich aviation history and the great volunteers who make that museum a reality.

When the Wright Brothers first built their airplane in Ohio, it was an example of American innovation. When U.S. Airborne divisions cleared the way for the Normandy invasion, it was an example of American leadership.

When the Air National Guard recently dispatched to Haiti to help the relief effort, it was an example of American charity. The MAPS Air Museum captures the unique connection between aviation history and our American culture. Our spirit to persevere and succeed parallels our innovative spirit and desire to be leaders in the world and in aviation.

I commend the MAPS Air Museum for its continued inspiration and its dedication to aviation history and the American spirit. Thank you to the soldiers, sailors and airmen who volunteer there every day to keep our history alive.

#### PROVIDING FOR CONSIDERATION OF H.R. 4626, HEALTH INSURANCE INDUSTRY FAIR COMPETITION ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1098 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1098

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. DRIEHAUS). The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I am pleased to yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of this rule is for debate only.

##### GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, like all of my colleagues, I have spent a lot of time talking with people in my district about health care and what is happening to them. They were in no way prepared for the influx of incredible rate increases that seemed to come out of nowhere and fall like rain upon them, to the extent that most of them really are not sure they can even stay insured.

Invariably, the conversation turns to health premium increases. I hear about insurers that deny coverage. I heard from a father who had just had a child who was born with a condition that would make him uninsurable for the rest of his life. I listened to someone tell me that her husband's new insurance policy won't cover her because she has preexisting conditions or simply because it doesn't cover her.

But now this Congress is on the brink of some commonsense changes to the health insurance industry that will help to level the playing field a bit between ordinary Americans and the giant corporations that exert such power over our day-to-day lives.

□ 1045

And I say "our" because I personally am caught in the same trap as most of my constituents. I don't have any kind of special coverage because I'm a Member of Congress. I have always been on my husband's policy at home from Eastman Kodak that has covered us since he retired, but it no longer will cover spouses. We are halfway through dropping spouses, and all the benefits that we got as spouses were taken away about 4 years ago. So it's not the worst plan, but it's not the best either.

Under the health care bill endorsed by House Democrats, the insurance companies will no longer be able to deny insurance coverage based on preexisting conditions or just premiums based on gender, which they do—you may not know that single women are charged 48 percent more for health insurance—or for their occupation.

They wouldn't be able to drop coverage if you get sick. I was talking to a man just this morning who talked about all the money he had paid into

health insurance, and when he made his first claim at the age of 30, they decided already he was going to be trouble and denied his claim. They cannot anymore tell you that it costs too much to take care of your child. Insurance companies would have to publicize their rates and no longer can charge older Americans twice as much as the younger ones.

For my money, though, there is one part of our reform package that is simple to explain, easy to justify, and 60 years overdue, and that part is to repeal the antitrust exemption given to the health insurance industry in 1945 by Congress. That is why we are here today. There is no reason any industry in the United States, including baseball, which was exempt as well, should be exempt from the one consumer protection the Federal Government gives everybody against chicanery, collusion, and rate setting.

Even though the broader effort to pass the final health care bill is underway, we have an opportunity today to make a simple, straightforward statement about how we think health insurance should operate in this country. By repealing this unjustifiable exemption, we will enable—this is very important. People do not understand that during the last 60 years the Justice Department has not been able to enforce anything against them because they were exempt. This will enable the Justice Department to begin aggressively enforcing the laws that protect the consumers against the cartel of health insurance who wield such outsized influence in the health care industry.

As it stands now, the insurance industry is allowed to fix prices and engage in other anticompetitive behavior. Because these companies are allowed to pool and share data and to jointly establish premiums and types of coverage, there is very little prospect for an average family to price shop. It is almost too tempting for big insurers not to cheat a little bit. Moreover, regulating the insurance industry is left up to individual States—most of them will tell you that they really are not up to it—which often suffer from a lack of resources to effectively crack down on abuses.

Each of the 50 States and the District of Columbia has its own regulatory framework, traditions, and intentions, which leads to a spotty patchwork of enforcement. In fact, according to a report from the Center for American Progress, there has been only extremely limited and sporadic State enforcement by State insurance commissioners throughout the 60 years. In the void, insurance companies have been free to engage in anticompetitive and anticonsumer behavior, resulting, as we said just recently, in some insurance premiums costing as much as 70 percent.

As a result, this exemption thwarts free market pricing and is impossible

to defend today or at any other time. What we will be doing by removing this exemption is to tell the health insurance companies that they need to start behaving like every other industry. We tell them that colluding and conspiring to set prices at a certain level to harm consumers is not going to work in America anymore.

As I said, the history of this provision dates back to 1944, when some insurance companies went to court to challenge the notion that the Federal Government could enforce antitrust laws. Despite their best efforts, the Supreme Court ruled that the insurance business was subject to antitrust laws just like everybody else. Unhappy with that decision, the insurers effectively got Congress to invalidate the ruling of the top court. It was an amazing piece of legislation, Mr. Speaker. Both Houses, Senate and the House, passed legislation giving the insurance industry a 3-year transition period while they moved to be covered by what everybody else is covered by, antitrust. Both bills had passed, and when it came out of conference, the exemption was made permanent.

Over the years, opponents of McCarran-Ferguson—and I have been one of them for about 30—have been stymied. The last serious effort was led by Representative Jack Brooks in 1991, who tried and failed to change the law.

Last year, when we again started in a serious effort to change the law, the industry geared up for a big fight. We heard from the American Insurance Association and the American Academy of Actuaries, among others, who argued that changing this law would somehow cost consumers more money. Other interest groups claimed the provision was poorly written, too broad, or a solution in search of a problem.

Interestingly, some lobbyists have quietly begun to whisper that this provision will not have impact on their rates. They say it is too narrow in scope. Frankly, I would much have preferred to lift this exemption from the entire insurance industry instead of just health. But they are firmly opposed, make no doubt about that, and are lobbying to prevent it, which makes we wonder if they are sort of whistling past the graveyard.

Now, let's look back for a minute at the last major investigation of the health industry. Two years ago, the attorney general for the State of New York, Andrew Cuomo, investigated the collusion of health insurers. Those companies were using Ingenix, a billing data clearinghouse, to set rates even though the company was owned by one of them. The evidence showed the insurers were conspiring together to artificially depress a level of reasonable and customary charges they would reimburse to health care providers, which shifted additional costs onto the policyholder. In the face of a threat

from Cuomo, the clearinghouse agreed to disband, and the insurance companies paid a sizable sum to resolve the charges.

As recently as this week, there were fresh news reports out of California about abuses by a major insurer there. It is important to remember that many people assume that conspiring to set rates is illegal in our country. I assume most people believe that. Every high school student in America is taught about the Sherman Antitrust Act and the how the creation of the Federal Trade Commission came about to level the playing field. Part of the motivation was to make sure that small businesses, who make up the backbone of our economy and fuel small towns from coast to coast, would have a chance against the big corporate interests. These creative new entrepreneurs needed to have confidence they would not be frozen out of the market by the big boys. Sadly, that is exactly what happened. In many States and regions across the country, there are often just a couple of health insurance companies operating. In New York, two companies control half the market. Many States have it even worse, including our neighbor Vermont, where two companies have 90 percent of the market share.

Of course, some people will continue to insist that government should just stay out of this whole business. My colleagues on the other side often say no government is the best government and free market works best if there is no attempt to regulate it. But I would argue that any of that is far outweighed by the benefit we gain by having more competition, less concentration, and the assistance of a powerful watchdog.

I strongly encourage all of my colleagues to join me today in supporting the repeal of the McCarran-Ferguson Act.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create the "most honest, most open, and most ethical Congress in history"; however, this rule and this bill are the antithesis of that statement.

The bill we consider today, H.R. 4626, the Health Insurance Industry Fair Competition Act, is not the language that passed the House Judiciary Committee in November of 2009 as H.R. 3596. In fact, the bill we have before us today was not considered by any committee and was introduced only 2 days ago, on Monday, February 22, 2010.



It is hard to understand what is the sudden rush. Yesterday, the gentlewoman from New York said we have waited 60 years to get this bill; today, she says this is long overdue. But she doesn't point out that in all that period of time, the Democrats have been in charge of Congress except for 2 years in the fifties during the Eisenhower administration and the years 1995 to 2006. So why didn't they get it passed when they were in control before? Why have they been waiting 60 years to get it done?

The language in H.R. 4626 is substantially different from the bill the Judiciary Committee passed. That bill dealt with both health insurance and medical liability insurance, but medical liability insurance has since been stricken from the language. In addition, my colleague, Mr. LUNGREN from California, offered an amendment that was accepted with bipartisan support by the House Judiciary Committee during markup. That amendment was stricken from the language of the current bill that we see in H.R. 4626. During the Rules Committee debate yesterday, Mr. LUNGREN offered that same amendment; however, it was not made in order. Instead, we have yet another closed rule where Members are shut out from offering any amendments to a bill that did not see the proper vetting process. It is high time that we open this process up and that we hold the majority to their promise to make this an open Congress and allow amendments to be offered on the floor and fully debated.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Maine (Ms. PINGREE) control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentlewoman from Maine for yielding the time. I also want to salute the chairwoman of the Rules Committee, Ms. SLAUGHTER, who has been a champion for American families when it comes to standing up for their needs, especially in health care.

Mr. Speaker, I rise in strong support of H.R. 4626, the Health Insurance Industry Fair Competition Act, and the underlying rule. It is time for policymakers in Washington to determine whose side are they on; are they on the side of the health insurance companies or are they on the side of American families and small businesses?

I urge my colleagues to stand up for hardworking families across America and pass this Health Insurance Industry Fair Competition Act today be-

cause the state of the current law is unfair. Health insurance companies currently enjoy an exemption from antitrust laws with no good justification. Meanwhile, American families are held hostage to rising health care costs and a nagging insecurity that even though they pay their premiums and they pay their copays, they could be canceled at any time, even when they get sick, or they're going to have to fight through the red tape to get the benefits they're entitled to.

Last year, the five largest health insurance companies made a record \$12.2 billion profit, a 56 percent jump, while dropping coverage for 2.7 million Americans. Health insurers appear to be cherry-picking who they will cover in order to make a huge profit.

In my home State of Florida, from 2000 to 2007, health care premiums for families rose on average by 72 percent; meanwhile, their paychecks only went up 20 percent during the same time. So our action in removing the antitrust exemption will spur fair prices and real competition.

Again, it's time to choose; whose side are you on? Who will we protect, American families or the health insurance companies? The answer is clear: No more favors to private insurance companies.

I urge a "yes" vote on the rule and on the underlying bill.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to my distinguished colleague from California, the former attorney general of California, Mr. DANIEL E. LUNGREN.

□ 1100

Mr. DANIEL E. LUNGREN of California. I thank my colleague from North Carolina for the time.

Mr. Speaker, I might say this is an interesting point. I don't think I've ever been on the floor in 16 years and have faced this kind of a rule. It is a closed rule. I've been here before with closed rules, but the effect of the closed rule is to prohibit me from providing or from presenting my amendment. Now, that is not unusual. Usually, you come to the floor, and you present an amendment to try and amend the bill to change it from the way it was reported out of the committee that did the work on it. But in this case, I am being prohibited from offering an amendment to change the bill back to the way it was as reported out of the committee on a bipartisan basis.

For whatever reason, the majority on the Rules Committee decided that an amendment that was cited by the Democratic chairman of the Judiciary Committee, Mr. CONYERS, as an excellent clarifying amendment is not going to be here.

When one of the chief cosponsors of the bill, or coauthors of the bill, being presented on the floor today announced the bill last week, she said publicly

that this was similar to the bill that was passed out of the Judiciary Committee with the bipartisan support of Congressman LUNGREN from California. So, naturally, I was interested to look at the bill that they were presenting to see how it was the same as the bill we presented. I found out that they'd left out my amendment which allowed for the sharing of historical data by insurers so that they might look at the experience evidence and utilize that in making their decisions with respect to how they conducted their business going forward.

I had been assured that my amendment was not necessary because committee staff on the Judiciary Committee had researched it. Nobody believed that the Justice Department of any administration going forward would find the compiling of historical data among the insurers to be non-competitive and violative of the antitrust laws. I was further assured that they did not believe that that would be the case with any of the attorneys general of the States.

Now, I had the privilege of serving as attorney general of my State for 8 years, being a member of the National Association of Attorneys General—an organization which does support legislation of this type—and of course, attorneys general of the various States have independent authority under their State laws to enforce antitrust laws, which I did during my 8 years. Sometimes we went beyond what the Federal Government did because we understood better the unique circumstances of our State.

I remember, one time, we were dealing with a merger between two large banks. They were national banks, and they had branches in the State of California. We were working in conjunction with the antitrust division of the Justice Department, and we were moving in the same direction, but I remember getting a phone call from one of the attorneys at the Justice Department in Washington, DC, who asked this question: Well, how close is San Jose to San Diego? About 400 miles, but they thought they were next to one another.

Why was that relevant? That would be relevant as to whether you had competition among the bank branches that were then going to be merged. Would that then give increased and illegal concentration of power in those areas?

The point I am making is that attorneys general of the States may know a little bit more about their States than attorneys working as hard as they can here in Washington, DC. So the idea that attorneys general are somehow impotent, from a legal standpoint, such that they cannot bring forward antitrust cases, is just not true.

At the same time, I voted for the bill coming out of committee because I thought it had, in fact, reached an appropriate balance. Interestingly

enough, the gentlelady from New York, the chairperson of the Rules Committee, stated in her support for this rule and in support for the underlying bill that this is really a tribute to Jack Brooks, who attempted to do this for years.

I was privileged to serve with Jack Brooks, an interesting Texan Member, someone who was the Chair of the Judiciary Committee for some time. When the bill in the Judiciary Committee was originally introduced this time around, the distinguished chairman of the committee, Mr. CONYERS, cited Jack Brooks, and said, This was the Jack Brooks bill. So I went back, and I looked at it. I found out that my amendment, or the language that I had then put in in amendment form, was in the Jack Brooks bill but not in the bill before us. So I brought it forward.

So you might say, if we are doing this in homage to Jack Brooks, you would do him further homage by allowing the language of his bill to be put into this bill, and that's all I ask for. It's all I ask for.

Now, the other part of the bill that came out of the Judiciary Committee, which is not in this bill, is to remove the antitrust exemption that currently exists for medical malpractice insurance providers, but somehow that has been taken out of this bill with no explanation whatsoever.

So we have cherry-picked from the bill that came out of the Judiciary Committee with bipartisan support, and yet we acclaim the bill as being, essentially, the bipartisan bill that came out of committee.

As I said before the Rules Committee yesterday, sometimes you just have to learn to take "yes" for an answer. I support the underlying bill. I support this effort. I am trying to make it better. It was accepted on a bipartisan basis. Yet, in the Rules Committee, there wasn't one, in my judgment, credible argument about why you wouldn't have it.

On the one hand, I've heard from the staff of the Judiciary Committee that it is not necessary because no single administration will have a Justice Department that finds this to be anti-competitive. On the other hand, I hear from the chairperson of the committee, Well, we don't want to give this power to the insurance companies. We want the Justice Department to investigate it. Well, if that's the case, you can't have your cake and you can't eat it, too. It's either one or the other.

If it is, as I was told, unnecessary, redundant because nobody looking at it will find this to be noncompetitive because it is essential information—and by the way, the absence of this information will not hurt the big guys as much as it will hurt the little guys. Why? Because if you are a large carrier, you have a far greater experience database than if you are a small car-

rier. You understand the market better in terms of information that is at your fingertips. If you are a smaller provider, you need the information to understand the universe that you might be attempting to present your product to.

So we have, on the one side, being told that no reasonable antitrust division of any Justice Department of any administration will find this to be anti-competitive. Then you have the chairperson of the Rules Committee saying, No, no, we have to keep this in here because we want to make sure that the Justice Department will be able to determine whether or not it is.

So what does that give the market? What does it give the smaller insurers? It gives them uncertainty.

So the very thing that you are saying you want to do you are prohibiting from being accomplished by not allowing this amendment to be considered. This amendment, as I might say, was described by the chairman of the committee as an excellent clarifying amendment. We are therefore removing clarification, and we are replacing it with uncertainty.

Look, I can go down on the floor and bash the insurance companies as well as anybody here. Let's just knock them all around here. The point is we are making an adjustment in law, which is what is good for the people. So why not do it in an intelligent way, in a way that will actually assist in the marketplace and allow for greater competition? Outside studies have said, if, in fact, this information is not allowed to be collected together and shared among those in the industry, it might—they said "might"—might have the impact of harming the smaller insurance carriers.

So I don't know why you're doing this. I don't know if there is a political reason for it. I don't know if it's because I happen to be a Republican. I'll give it up. Any Democrat who wants to put his name on it can add his name to Jack Brooks' and present it on the floor. But this kind of silliness on this floor has got to stop. You ask for bipartisanship, and you throw it away. We have complete bipartisanship in the committee, and you ignore it.

As one member of the committee, a Republican member who voted with me in support of this bill on a bipartisan basis, said afterwards when he found out that that bill wasn't going to be presented on the floor, Why do we need committees and subcommittees? What are we holding hearings for? Why are we having the experts testify before us if, in fact, somehow in the—I don't know where it is. There are closed doors somewhere that decided that this bill was going to come out instead of the bill we worked on in committee and then give no good answer.

It's such a shame you don't have TV cameras in the Rules Committee. If

people could have seen the argument yesterday, if the public could have understood what we were talking about, I mean they would have shaken their heads and said, Do the people's business. Please do the people's business. Don't get involved in partisanship.

Again, I would say I give up my name on this amendment. I will gladly dedicate it to Jack Brooks in his memory. I'm glad to give it to any Member of the Democratic side. Let's do the people's business and get rid of this silliness of unstated partisanship, without any rationale, that undercuts the impact of the bill.

Once again, this is unique. I've spent 16 years in this place. This is the first time I've ever come to the floor and have been denied an amendment that would put back in something we voted on on a bipartisan basis in committee that has been removed at the direction of somebody, including the Rules Committee, so that we can't have the chance to work on the product that came out of a bipartisan effort in the committee.

Ms. PINGREE of Maine. Thank you to the gentleman from California (Mr. LUNGREN). I will not give you all of the answers I am sure you are looking for, and I feel confident that, when this bill is debated on the floor, there will be many more questions raised from the members of the committee who sat through this debate.

I can only say, as a member of the Rules Committee, I, too, sat there while this conversation was going on. I am not an expert in this particular area. I am very pleased, and I want to talk a little bit about how pleased I am that we are taking on this exemption of the insurance companies.

I did hear people say, and the reason that I voted the way I did yesterday, is that I heard that the Lungren safe harbor amendment was a loophole in the McCarran repeal. I heard that consumer groups had said that this was anti-consumer. A safe harbor isn't needed because the bill does not prohibit information sharing. On the other hand, putting in a safe harbor statute would automatically immunize the insurance companies, and it would not permit a case-by-case review of companies that go too far.

Honestly, I am not in a position to argue this amendment, but I know it will be discussed when the bill is discussed.

I want to go back to the original issue, because that is why I am standing here today.

Mr. Speaker, I am a proud cosponsor of H.R. 4626, the Health Insurance Industry Fair Competition Act.

I have seen firsthand how health insurance companies have used their exemption from antitrust regulation to profit off the backs of hardworking individuals and small business owners in my home State of Maine. If you want

to buy an individual insurance policy in my State, it doesn't seem like you have much choice. Anthem Blue Cross Blue Shield of Maine became so big and swallowed up so much of the market that, at one point, nearly 8 out of 10 people buying an individual policy ended up with them as their insurance provider.

How did Anthem reward them? With skyrocketing rate increases that are impossible to keep up with.

In Maine, Anthem's rates have gone up 250 percent in the last decade—10 times the rate of inflation. Last year, they asked for a 19 percent rate increase. People in Maine were shocked. Anthem, apparently, was just getting started. This year, Anthem is demanding a 23 percent increase in their rates.

Mr. Speaker, the only thing rising as fast as the premiums big insurance companies charge is their profit margin. Last year, profits for the five biggest insurance companies rose by 56 percent over the year before. I don't know about you, but I don't know anyone else in this economy who got a 56 percent rate increase last year or a raise.

Anthem has turned a deaf ear to the concerns of Mainers who are struggling to pay premiums. Last year, when they asked for a 19 percent increase, our insurance superintendent, Mila Kofman, denied the request, allowing them 11 percent instead, which seemed reasonable. So what did Anthem do? They immediately turned around and sued the State of Maine. As our attorney general, Janet Mill, said, "In this economy, it's hard to believe the greed of it."

Also last year, I learned that Anthem had suddenly and quietly changed a policy that allowed them to deny claims at our State's VA hospital. The VA staff caught the switch, but very quickly, the hospital was out \$500,000. You might ask yourself, How can a company get away with that? How can a company get away with denying claims for veterans and with demanding outrageous rate increases while pocketing record profits?

The answer is pretty simple. They don't have any real competition.

I say enough is enough, Mr. Speaker. Anthem clearly demonstrated that their monopoly on the individual insurance market in Maine leaves consumers with little choice but to either pay escalating premiums or to go without coverage. You will hear this more than once today, and we already did from the Chair. Unbelievably, health insurance companies and Major League Baseball are the only two entities exempt from antitrust laws, and it is high time we gave the insurance companies a little competition.

I know it's not what Anthem wants. It is why they have lobbied so hard against health care reform that would lower health care costs overall. It's

what the American people want. The American people believe in fair play, a level playing field, and in free and open competition, not a system where one massive corporation can run roughshod over consumers.

We need to put families before insurance companies and people before profits. H.R. 4626 is an essential step in achieving meaningful health reform and in giving Americans choice. I urge my colleagues to join me in voting "yes" on this rule, this unamended rule, and "yes" on the underlying bill.

I reserve the balance of my time, Mr. Speaker.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding, and I want to congratulate her on her superb management of this as well as of other rules that she has brought to the floor.

□ 1115

I just don't get it, Mr. Speaker. My very good friend, my Rules Committee colleague, would not yield to the author of the Brooks-Conyers-Johnson-Lungren amendment, the bipartisan, agreed-to amendment out of the committee, because she said she wasn't an expert on this and didn't want to engage in a discussion with Mr. LUNGREN on the issue.

All we're asking is, let's not force you to have this discussion. Let's allow Members of this House to debate it. That's the only request that we were making.

Mr. Speaker, the American people get it. I've been on the Rules Committee for many years, and many of my colleagues on both sides of the aisle say, Don't talk about process, don't talk about the ins and outs of the Rules Committee. People's eyes glaze over when you start doing that.

But last June 24, that changed. It changed dramatically, when, at 3 o'clock in the morning, we were dealing with the cap-and-trade bill and a special rule was being reported out at that moment, and a 300-page amendment, still warm off the copying machine, was dropped in our laps as we sat there.

And what happened after that, Mr. Speaker? What happened was the mantra "Read the Bill" became a household term. People around the country, for the first time, began to focus on process and what has happened in this institution, and they were sick and tired of it.

The next day, our distinguished Republican leader, Mr. BOEHNER, proceeded to take his 1-minute that is granted to the Speaker, the majority leader and the minority leader, and he utilized much more than that 1 minute. Why? Because we had been presented

this 300-page amendment in the middle of the night; no one had seen it; and he, fortunately, took time to go through that 300-page amendment.

Mr. Speaker, what we are having here today is a continuation of that. Mr. Lungren said he had a discussion with one of his committee colleagues. The bottom line that we're seeing here is, the committee process be damned. The committee process be damned is what has really come about. To me, it's a sad commentary, not for Republicans or Democrats, but for the American people.

I am happy to yield to my friend if she'd like me to yield.

Ms. PINGREE of Maine. Well, thank you very much. I didn't even have to ask and I appreciate your offering.

Mr. DREIER. When I saw you get to your feet, I suspected you might.

Ms. PINGREE of Maine. Thank you.

I knew you wanted to hear my very brief answer on this, and I just want to clarify. I appreciate your desire to discuss the process, and I hope you take as much time as you choose to do so. But I just want to clarify—

Mr. DREIER. Well, if I could reclaim my time, we would simply like a chance to offer the amendment, and my friend could vote against it, the bipartisan amendment that had, in fact, full unanimous consent from Democrats and Republicans, to make sure that small insurance companies will not have their future jeopardized. That's all we're asking for.

I am happy to further yield to my friend.

Ms. PINGREE of Maine. And I will just be brief. I want to have plenty of time for my colleagues who want to talk more about the substance of this issue. But I would say, I felt there was plenty of time for the process in the Rules Committee. There was a lively conversation with some of my colleagues and your colleagues, bipartisan, back and forth. But I disagreed. I did not think that we needed to change this exemption about data in the rule, in this particular amendment. I am happy to allow the Justice Department to have a decision about this later.

Mr. DREIER. If I could reclaim my time, Mr. Speaker.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. DREIER. I am happy to yield.

Mr. DANIEL E. LUNGREN of California. That's the most interesting thing. You did change it. You changed the bill from the bill that came out of committee. So don't tell me you didn't want it changed. You did change it. That's the whole point we're making.

The bill that we produced out of committee on a bipartisan basis that was called a clarifying amendment was taken out. So you're the folks that changed it. I didn't change it.

My God, is this 1984 doublespeak around this place?

I thank the gentleman for yielding.

Mr. DREIER. I thank my friend.

I think the point is very clear. We have the author of a bipartisan amendment who enjoyed the support of the committee chairman and others, which was focused on small insurance companies. Small insurance companies. The big guys aren't going to be affected by this, Mr. Speaker. The idea here is to ensure that we don't see an increase in premiums or, as Mr. LUNGREN said in testimony before the Rules Committee yesterday, potentially these small insurance companies going out of existence.

Now we heard Democrats and Republicans alike in the Rules Committee argue on behalf of the free market process, and we believe that we should do everything that we can to ensure that there is a wider range of competition, greater competition. And so what is happening is that when this rule passes, it prevents an opportunity to have any chance to discuss this bipartisan amendment. It's a very, very sad day that we continue with a process that is so closed.

Last year, we set a record. For the first time in the 220-, almost 221-year history of the Republic, we went through a year without a single rule that allowed for an open debate. In fact, since my California colleague, Ms. PELOSI, has been Speaker of the House, we've gone through now a 3-year period. In that 3-year period of time, save the appropriations process, we have had a grand total of one bill considered under an open rule.

Again, this is not a partisan issue. This is to do with the American people having their voices heard in this institution. And so while we are supportive of the underlying legislation, this change is absolutely outrageous. I urge my colleagues to vote "no" on this rule so that we can bring back some kind of positive recognition of what the Framers of our Constitution wanted, and that is, a viable committee structure.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair.

Ms. PINGREE of Maine. Mr. Speaker, I do appreciate the clarification on the issue of a change.

I will just clarify my own remarks, that I agreed with the sentiment that came out in this final rule that we did not need to make this exemption for the data.

I would like to yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in support of the Health Insurance Industry Fair Competition Act.

Mr. Speaker, I would like to thank Chairwoman SLAUGHTER for allowing me to speak today, along with Representative PINGREE.

Each month we hear of record profits for insurance companies and their

CEOs, while we see health care costs rise for middle class families. One reason for this unjust discrepancy is the antitrust exemption status afforded to big insurance allowing them to create their own market and set their own prices.

A middle class family that has to choose between paying doctor bills and feeding their children is not a Democratic or Republican issue, and neither is extending quality care to those who do not have it.

I have 27 years of experience in the health care industry, and I can tell you there is no rational, legal, or moral reason to grant these companies this status. In Congress, our top priority should be job creation, and taking away insurance companies' legal trust status will improve our system in the right way by lowering insurance costs for small business owners, and encourage them to create quality jobs.

Health care reform is a matter of fiscal responsibility. Without it, our nation is on track to spend 20 cents of every dollar we earn on health care. This current path is unsustainable and unacceptable.

Mr. Speaker, I would like to thank Representatives PERRIELLO and MARKEY for introducing the Health Insurance Industry Fair Competition Act. The bill is an important step toward creating jobs and strengthening our economy, and I urge support for the rule and for the underlying bill.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

The debate that we've been having on this rule has brought up issues that we have been bringing up this entire session. Two major questions: No. 1, where are the jobs?—we keep asking that question—and, No. 2, what is the other side afraid of?

As Mr. LUNGREN pointed out, the bill that passed the committee passed with a bipartisan vote. People were very happy with it. They were very happy with his amendment.

And yet somewhere between that committee and here, the bill was changed substantially. We assume it was changed in the Speaker's office. But we don't understand what our colleagues are afraid of. Why are they afraid of debating this amendment? They can't even allow debate on something that they don't want in a bill.

And yet that's what the American people want from us. They are sick and tired of things being done behind closed doors. They want to see us debating things. They know we're going to have disagreements occasionally on philosophy, and that's fine. That's what this country's about. But people should be able to see the debate, instead of one or two people in this House making all the decisions for the 435 Members of the House.

Let me say a word also about, again, the underlying bill that this rule is dealing with. The bill is not going to accomplish what our colleagues across

the aisle are saying. They're saying it's going to bring down the cost of health insurance and add more competition to the marketplace. In fact, the bill will probably do just the opposite.

Let me say what the Congressional Budget Office said when they reviewed H.R. 3596. They said, the bill could "affect the costs of and premiums charged by private health insurance companies; whether premiums would increase or decrease as a result is difficult to determine, but in either case the magnitude of the effects is likely to be quite small. That effect is likely to be small because State laws already bar the activities that would be prohibited under Federal law if this bill was enacted."

However, with the new language in the underlying bill and no CBO score, there's no telling what the effect will be.

And the reason we don't have a CBO score is because the bill was introduced, as I said, 2 days ago and brought directly to the floor under a closed rule. This is a pattern of the ruling party here. And "ruling party" is really the appropriate term, because that's how they act; that's how the party acts, as a ruling party.

We see this same thing happening with the new health care proposal from President Obama. Here we have from him what's basically a 10-page proposal which melds elements of the House and Senate-passed health care bills, along with a few new provisions. But both of those bills were written behind closed doors, no committee involvement, or very little committee involvement; none in the Senate, some in the House; but basically the bills written in the Speaker's office and in the Majority Leader's office.

However, the White House hasn't revealed any legislative text, and no CBO score is available. We can't pass a proposal in here. We must have exact legislative language.

Let me mention again the CBO and its reaction to the proposal put forth by President Obama. An article in the Washington Times entitled CBO: Obama Health Bill Too Sketchy published yesterday states:

"The administration did not post the bill's text on the White House Web site, but outlined what the legislation would do. It said the measure would cost \$950 billion over 10 years." That's fine for the White House to say that, but we don't know that's what it's going to cost.

"The information wasn't enough for the nonpartisan Congressional Budget Office, the official keeper of budget costs, to even venture an estimate of the bill's price tag."

"Although the proposal reflects many elements that were included in the health care bills passed by the House and Senate last year, it modifies

many of those elements and also includes new ones,' CBO Director Douglas Elmendorf said in a blog post."

□ 1130

The CBO goes on, "Preparing a cost estimate requires very detailed specifications of numerous provisions. The materials that were released this morning do not provide sufficient detail on all of the provisions." So we don't have the information that we need in the Obama health care proposal either. This is the way this administration and this Democrat-controlled Congress is doing things.

I now would like to yield 3 minutes to my colleague from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I believe in enforcing our Nation's antitrust laws. And this bill has been improved since Judiciary Committee consideration. However, this legislation is still flawed, and in my opinion is meant to distract attention away from the fact that the majority is not working on the real issues the American people want us to address. Americans want policies that will reduce premiums and increase the quality of health care services in the U.S. Unfortunately, it is questionable whether this bill will accomplish these goals.

I am also very disappointed in the rule for this bill, which was closed from the beginning, and blocks well-intentioned amendments offered by Republicans to make the bill better. Specifically, an amendment was offered by Representative DAN LUNGREN, a fellow member of the Judiciary Committee, to allow small health insurance companies to continue to be able to share historic loss data so that they can compete with big insurance companies. Under the text of the current bill, this type of sharing would be illegal, which would hinder new and smaller companies from entering the market, competing with the big guys, and offering lower premiums.

The shocking thing is that this amendment was actually adopted in the Judiciary Committee on a bipartisan basis. The provision was then stripped by the majority in this new bill. So stifling this amendment today represents the second time the majority has blocked Representative LUNGREN's amendment, which had bipartisan support, and which would have likely reduced health care premiums for citizens.

Instead of bringing flawed legislation to the floor, we should be working together to pass real reforms, like legislation to allow citizens to take their health insurance across State lines if they move, legislation to help those with preexisting conditions find affordable coverage, and legislation to curb

frivolous lawsuits against doctors, which drive up health insurance premiums and provide increased costs due to defensive medicine.

The American medical liability system is broken. According to one study, 40 percent of claims are meritless: either no injury or no error occurred. Attorneys' fees and administrative costs amount to 54 percent of the compensation paid to plaintiffs. The study found that completely meritless claims, which are nonetheless successful approximately one in four times, account for nearly a quarter of total administrative costs.

Defensive medicine is widely practiced and costly. Skyrocketing medical liability insurance rates have distorted the practice of medicine. Costly but unnecessary tests have become routine, as doctors try to protect themselves from lawsuits. According to a 2008 survey conducted by the Massachusetts Medical Society, 83 percent of physicians reported that they practiced defensive medicine. Another study in Pennsylvania put the figure at 93 percent. While estimates vary, the Pacific Research Institute has put the cost of defensive medicine at \$124 billion. Others have arrived at even higher figures. I urge my colleagues to oppose this rule.

We should be working to eliminate these hundreds of billions of dollars of waste from our medical system in order to drive down premiums to make health care more affordable. We should be working to help those with pre-existing conditions get affordable coverage. Unfortunately, we are doing neither today. We can do better.

Mr. Speaker, while I may vote for this bill it could have been made better by an open rule and the allowance of the Lungren amendment. But this bill is hardly a cure all and there is so much more we could do if the majority would open up the health insurance process to good proposals that the American people support.

Ms. PINGREE of Maine. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlelady for yielding.

Mr. Speaker, during this health care debate over the last 6 months, we have heard we should listen to our constituents. And you know, I did. I did 14 town halls in August, and they were attended by over 8,000 people. And there was one item of agreement between the extremes in the debate, between the folks representing the tea party and those representing single payer, and that was consensus that this industry, the health insurance industry, should not enjoy a special exemption under the law. They should not be able to collude to drive up prices, limit competition, price gouge consumers. They should play by the same rules as every other industry in America. And this archaic exemption from antitrust law passed in the 1940s should go to the dustbin of history. There was consensus on that.

Now come the Republicans, oh, wait a minute, we are not protecting the industry, we don't want to allow them to still have antitrust exemption, it is about the little guys. It is always about the little guys, isn't it? So let's give the little guys a loophole. And oops, wait a minute, the big guys can use the same loophole.

Now, the other thing I have heard is let's be bipartisan. Well, there is nothing much more bipartisan than the report of the Antitrust Modernization Commission from April 2007. This was a commission created by the Republican Congress when they controlled both the House and the Senate and the White House, with the members named by President George Bush and the Republican leadership of Congress. They came to the conclusion that this loophole that they are advocating here today should not exist.

I will quote briefly from the conclusions of the bipartisan Republican-created commission. They said, "A proposed exemption should be recognized as a decision to sacrifice competition"—oops, I thought they were for competition—"and consumer welfare"—I thought they were for the consumers—"and should be allowed only if Congress determines that a substantial and significant countervailing societal value outweighs the presumption in favor of competition and the widespread benefits it provides."

They go on to address their arguments and they say there are those who will argue the small companies that need aggregate data and all this, they will need the safe harbor. They say, no, actually not. This again is the Republican-created commission. "Like all potentially beneficial competitor collaboration generally, however, such data sharing would be assessed by antitrust enforcers and the courts under a rule of reason analysis that would fully consider the potential procompetitive effects of such conduct and condemn it only if, on balance, it was anticompetitive. Insurance companies would bear no greater risk than companies in other industries engaged in data sharing and other collaborative undertakings. To the extent that insurance companies engage in anticompetitive collusion, however, they would then be appropriately subject to antitrust liability."

They want to give a safe harbor that is so big that the Justice Department could never review it. They are objecting to the fact that the Justice Department might look at, investigate, the activities surrounding data sharing and potential collusion by the industry that continues to price-gouge consumers and benefit unreasonably and profit unreasonably. They want to create that loophole. That loophole is unnecessary.

If you adopt that loophole, we might as well just not pretend that we care

about consumers, consumer welfare, and that we are going to meaningfully address this industry playing by the same rules as every other industry. This industry should play by the same rules as all others, plain and simple. Americans get that. They are not happy with seeing their health insurance double every 10 years, or now it is more on a doubling rate of 3 to 5 years. They know that they are being taken to the cleaners. They know the industry is trying to cherry-pick. They know there is anticompetitive activity going on. It is time for that to change. No loopholes.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, for 65 years health insurance companies have enjoyed a special interest exemption from laws prohibiting price fixing, bid rigging, and carving up the insurance market. Consumers' health insurance premiums go up, while coverage gets worse and worse. In the past six years, health insurance premiums have increased at a rate four times the increase in the average American worker's wages.

Twenty-seven years ago, as a young Texas State Senator, I authored the Texas Free Enterprise and Antitrust Act. But one industry, one industry among all others, was exempted because of this Federal law. So no action could be taken against the anticompetitive practices of one industry, the insurance industry. And we see the results. In the last decade, health insurance premiums in Texas have gone up over 100 percent.

Protecting consumers and fostering competition are American values. Families and small businesses will benefit when the health care industry has to compete like other industries. With this reform and a newly reinvigorated Department of Justice, which forgot about antitrust enforcement under the Bush administration, together we can now have the oversight that was overlooked for eight years under that administration.

Hopefully, President Obama will correct a major omission in the health care legislation that he proposed by including this vital reform—repeal of the antitrust loophole for the health insurance industry. It is time for competition. It is time for open markets. And it is time to block the closed-door collusion that Americans are paying for in higher and higher premiums by letting competition work.

Ms. FOXX. Mr. Speaker, I continue to reserve my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, members of the House, we have before

us a very simple but extremely important proposal by our Republican colleagues to provide the insurance industry with the opportunity to continue to collude, to set prices, and to harm the consumers. Call it a safe harbor. It is indeed a very safe harbor to do what is illegal in every other portion of the American economy except for baseball.

So why should we approve what the Republicans want here? No good reason at all. Competition is necessary. A safe harbor is specifically designed to allow the insurance companies to continue to gather specific information that they then use to set prices and to collude and to harm the consumers as well as the providers.

There are two cases out there over the last decade in which the industry has clearly colluded and harmed providers, a case in New York and another case that was put against the insurance companies by the doctors. This proposed amendment by Congressman LUNGREN would harm both the providers as well as the consumers, and provide a safe harbor to do what is illegal in every other part of the American economy, that is to set prices. We ought not to do it. We ought to put this aside.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Could I just ask my friend from California, isn't it true that if there was collusion utilizing this information, that would still be prosecutable under the amendment that I suggest because it is prosecutable at the present time under State action theory and has been pursued by various States?

Mr. GARAMENDI. The proposed amendment opens the door for collusion. It gives the tools for collusion to the companies. We ought not to do that. And there is no other part of the American economy that such collusion and such an open door and invitation to collusion is provided.

Ms. FOXX. I yield 30 seconds to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Well, I know we have had people on this floor who say they have no expertise but they say this amendment does certain things. I did spend 8 years as the Attorney General of California. We had the most active antitrust public law office in the country other than the U.S. Justice Department.

I might just say, this is the first time I have ever heard that Jack Brooks was presenting legislation on the floor of the House or in Judiciary that was to protect insurance companies or allow collusion. The language I used is taken from the Jack Brooks bill. The language I use is specifically the language that was adopted on a bipartisan basis

and said by the chairman of the Judiciary Committee was an excellent clarifying amendment.

□ 1145

Ms. PINGREE of Maine. I yield 30 seconds to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. When my colleague from California was attorney general, I was insurance commissioner, and we had a grand fight over this very issue, the very issue of whether the State of California would allow the insurance companies to continue to use rating bureaus to get their price information and to continue to set prices in what could be a collusion. We put that aside. The regulations that I put into effect were adopted, and the end result was, when they could no longer use a rating bureau, which this proposal would allow, the prices began to drop in homeowners and auto insurance in California.

Ms. FOXX. Mr. Speaker, I yield 30 seconds to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. The fact of the matter is that under the law under this bill, the State action still applies, State action principles still apply. States can still do what they will, including what the gentleman talked about before. So this is a red herring.

This is so silly that you would take something that got bipartisan support, unless you're suddenly suggesting that the chairman of the Judiciary Committee has a secret plan to somehow allow the insurance companies to gouge people and that Jack Brooks had that secret plan. This is total nonsense, to bring a bill to the floor and take out an essential element from committee and then suggest, when you want to put it back in committee for revision, you're trying to protect somebody.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I thank the gentlewoman from Maine (Ms. PINGREE). I appreciate her courtesy in allowing me to speak.

Mr. Speaker, this is an important, important issue. It is at the crucible of this entire debate on health care. And the crucible is this: We must bring down the cost of health care. And in a free economy, the surest way of bringing down the cost of a product or a service is through competition.

The antitrust laws were put on the books during Standard Oil with John D. Rockefeller to break that up so we could bring competition. Here we have now, almost a hundred years later, the only industry that is exempted from antitrust is the insurance industry, the health insurance industry. Surely we can agree on this.

Mr. Speaker, let me just say one other thing, too, to my friends on the

other side of the aisle. It was a great Republican who said a house divided against itself shall surely fall. Well, this Nation is tired of seeing us divided. They want to see us find something, one or two things, that we can agree on. America is yearning for Republicans and Democrats to come together on something that will help bring down the cost of health care insurance, and nothing will more surely do that than to remove this exemption from antitrust that is beholden to the insurance companies. As long as they have it, they are free to do the monopoly. They are free to price fix.

We can agree on both sides of the aisle here today to bring down the cost of health care insurance by removing this exemption.

Ms. PINGREE of Maine. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, Mr. SCOTT just made Mr. LUNGREN's case for him as far as I'm concerned. He just said we want to work together on issues. Mr. LUNGREN said that's what we've done. A bipartisan amendment passed. The Democrats took the bipartisan amendment out of the bill.

We want to work together. Many Republicans are going to vote for this bill. I hope they won't vote for the rule, because it's a bad rule, but they will vote for the bill.

The Democrats, time and again, tout their plan will increase competition and lower premiums. We don't think that's true.

I want to urge the American people to read the summary the White House has put out on their bill and see the increased Federal control of health care in this country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. PINGREE of Maine. Mr. Speaker, I thank my colleague on the other side of the aisle.

We've heard a variety of reasons and excuses today about why this bill shouldn't pass, whether it was about the committee process or a loophole, debating it back and forth. But the fact is we cannot have meaningful health care reform in this country until we finally decide to put an end to insurance company greed and insurance company monopolies. We must stop companies like Anthem who demand rate increases that are many times the rate of inflation, which puts health care insurance out of reach for many, many Americans.

I urge a "yes" vote on the previous question and on the rule.

Mrs. BIGGERT. Mr. Speaker, I rise today in opposition to this closed rule for H.R. 4626, the Health Insurance Industry Fair Competition Act. Last night, I offered an amendment to crack down on fraud in Medicare, which costs taxpayers as much as \$50 billion a year. My language, an update of my bill, the Medicare Fraud Prevention and Enforcement Act of

2009, was actually endorsed by President Obama in the White House blueprint that was released early Monday. It was most recently included in the Medical Rights and Reform Act, introduced by my good friend Mr. KIRK.

This amendment would have reduced waste, fraud and abuse by strengthening the Medicare enrollment process, expanding certain standards of participation, and reducing erroneous payments. The amendment also provides additional tools to pursue fraudulent healthcare providers, suppliers and billing agencies. These are bipartisan goals, and my language has true bipartisan support. Unfortunately, Democrats on the Rules Committee refused to even allow an up-or-down vote on the House floor that would have added this important, cost-cutting measure to a bill that is otherwise lacking in substance.

I expect more political healthcare votes in the coming weeks, and I am prepared to offer my piece of the Obama healthcare plan as an amendment each time. If Democrats are serious about reducing costs and passing stand-alone bipartisan solutions, then I ask them to accept my language. The billions in waste that we save could go a long way toward providing health insurance for the millions of Americans who cannot afford it.

I urge my colleagues to oppose this closed rule.

Ms. PINGREE of Maine. I yield back the balance of my time.

Ms. FOXX. The gentlewoman from Maine did not yield time to me so that I could explain that I did not urge opposition to the underlying bill but only the rule.

Ms. PINGREE of Maine. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 1098 will be followed by 5-minute votes on motions to suspend the rules on:

House Resolution 1074; and

House Resolution 944, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 181, not voting 13, as follows:

[Roll No. 60]

YEAS—238

Abercrombie  
Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)

Bishop (NY)  
Blumenauer  
Bocieri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cortney  
Carnahan  
Carney

Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar

Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Hereth Sandlin  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Brown (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Calvert

Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Perlmuter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)

NAYS—181

Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Dahlkemper  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hunter  
Inglis  
Issa



Jenkins	McMorris	Ryan (WI)	Boren	Foster	Linder	Rangel	Sensenbrenner	Tiahrt
Johnson (IL)	Rodgers	Scalise	Boswell	Fox	Lipinski	Rehberg	Serrano	Tiberi
Johnson, Sam	Mica	Schmidt	Boucher	Frank (MA)	LoBiondo	Reyes	Sessions	Tierney
Jones	Miller (FL)	Schock	Boustany	Franks (AZ)	Loeb	Richardson	Sestak	Titus
Jordan (OH)	Miller (MI)	Sensenbrenner	Boyd	Frelinghuysen	Lofgren, Zoe	Rodriguez	Shadegg	Tonko
King (IA)	Miller, Gary	Sessions	Brady (PA)	Fudge	Lowey	Roe (TN)	Shea-Porter	Towns
King (NY)	Minnick	Shadegg	Brady (TX)	Gallegly	Lucas	Rogers (AL)	Sherman	Tsongas
Kingston	Mitchell	Shimkus	Braley (IA)	Garamendi	Luetkemeyer	Rogers (KY)	Shimkus	Turner
Kirk	Moran (KS)	Shuler	Bright	Garrett (NJ)	Lujan	Rogers (MI)	Shuster	Upton
Kline (MN)	Murphy (NY)	Shuster	Broun (GA)	Gerlach	Lummis	Rohrabacher	Simpson	Van Hollen
Lamborn	Murphy, Tim	Simpson	Brown (SC)	Giffords	Lungren, Daniel	Rooney	Sires	Velázquez
Lance	Myrick	Smith (NE)	Brown, Corrine	Gingrey (GA)	E.	Ros-Lehtinen	Skelton	Visclosky
Latham	Neugebauer	Smith (NJ)	Brown-Waite,	Gohmert	Lynch	Roskam	Slaughter	Walden
LaTourette	Nunes	Smith (TX)	Ginny	Gonzalez	Mack	Ross	Smith (NE)	Walz
Latta	Olson	Souder	Buchanan	Goodlatte	Maffei	Roybal-Allard	Smith (NJ)	Wamp
Lee (NY)	Paul	Stearns	Burgess	Gordon (TN)	Maloney	Royce	Smith (TX)	Wasserman
Lewis (CA)	Paulsen	Sullivan	Burton (IN)	Granger	Manzullo	Ruppersberger	Smith (WA)	Schultz
Linder	Pence	Terry	Butterfield	Graves	Marchant	Rush	Snyder	Waters
LoBiondo	Petri	Thompson (PA)	Buyer	Grayson	Markey (CO)	Ryan (OH)	Souder	Watson
Lucas	Platts	Thornberry	Calvert	Green, Al	Markey (MA)	Ryan (WI)	Space	Watt
Luetkemeyer	Poe (TX)		Camp	Green, Gene	Marshall	Salazar	Speier	Waxman
Lummis	Posey		Campbell	Griffith	Massa	Sánchez, Linda	Spratt	Weiner
Lungren, Daniel	Price (GA)		Cantor	Grijalva	Matheson	T.	Stearns	Westmoreland
E.	Putnam		Cao	Guthrie	Matsui	Sanchez, Loretta	Stupak	Whitfield
Mack	Rehberg		Capito	Gutierrez	McCarthy (CA)	Sarbanes	Sullivan	Wilson (OH)
Manzullo	Roe (TN)		Capps	Hall (NY)	McCarthy (NY)	Scalise	Sutton	Wilson (SC)
Marchant	Rogers (AL)		Capuano	Hall (TX)	McCauley	Schakowsky	Tanner	Wittman
McCarthy (CA)	Rogers (KY)		Cardoza	Halvorson	McClintock	Schauer	Taylor	Wolf
McCauley	Rogers (MI)		Carnahan	Hare	McCollum	Schiff	Teague	Woolsey
McClintock	Rohrabacher		Carney	Harman	McCotter	Schmidt	Terry	Wu
McCotter	Rooney		Carson (IN)	Harper	McDermott	Schock	Thompson (CA)	Yarmuth
McHenry	Ros-Lehtinen		Carter	Hastings (FL)	McGovern	Schrader	Thompson (MS)	Young (AK)
McKeon	Roskam		Cassidy	Hastings (WA)	McHenry	Schwartz	Thompson (PA)	Young (FL)
	Royce		Castle	Heinrich	McIntyre	Scott (GA)	Thornberry	
			Castor (FL)	Heller	McKeon	Scott (VA)		
			Chaffetz	Hensarling	McMahon			
			Chandler	Hesler	McMorris			
			Childers	Herseth Sandlin	Rodgers			
			Chu	Higgins	McNerney			
			Clarke	Hill	Meek (FL)			
			Cleaver	Himes	Meeks (NY)			
			Clyburn	Hinchee	Melancon			
			Coble	Hinojosa	Mica			
			Coffman (CO)	Hirono	Michaud			
			Cohen	Hodes	Miller (FL)			
			Cole	Holden	Miller (MI)			
			Conaway	Holt	Miller (NC)			
			Connolly (VA)	Honda	Miller, Gary			
			Conyers	Hoyer	Miller, George			
			Cooper	Hunter	Minnick			
			Costa	Inglis	Mitchell			
			Costello	Inslee	Mollohan			
			Courtney	Israel	Moore (KS)			
			Crenshaw	Issa	Moore (WI)			
			Crowley	Jackson (IL)	Moran (KS)			
			Cuellar	Jackson Lee	Moran (VA)			
			Culberson	(TX)	Murphy (CT)			
			Cummings	Jenkins	Murphy (NY)			
			Dahlkemper	Johnson (GA)	Murphy, Patrick			
				Davis (AL)	Murphy, Tim			
				Davis (CA)	Myrick			
				Davis (IL)	Nadler (NY)			
				Davis (KY)	Napolitano			
				Davis (TN)	Neal (MA)			
				Deal (GA)	Neugebauer			
				DeFazio	Nunes			
				DeGette	Nye			
				Delahunt	Oberstar			
				DeLauro	Obey			
				Dent	Olson			
				Diaz-Balart, L.	Olver			
				Diaz-Balart, M.	Ortiz			
				Dicks	Owens			
				Doggett	Pallone			
				Donnelly (IN)	Pascarella			
				Doyle	Pastor (AZ)			
				Dreier	Paul			
				Driehaus	Paulsen			
				Duncan	Payne			
				Edwards (MD)	Pence			
				Edwards (TX)	Perlmutter			
				Ehlers	Perriello			
				Ellison	Peters			
				Ellsworth	Peterson			
				Emerson	Petri			
				Engel	Pingree (ME)			
				Eshoo	Platts			
				Etheridge	Poe (TX)			
				Fallin	Polis (CO)			
				Farr	Pomeroy			
				Fattah	Posey			
				Filner	Price (GA)			
				Flake	Price (NC)			
				Fleming	Putnam			
				Forbes	Quigley			
				Fortenberry	Rahall			

## NOT VOTING—13

## NOT VOTING—11

Barrett (SC)	Higgins	Reichert
Blunt	Hoekstra	Spratt
Buyer	Moore (WI)	Stark
Clay	Pitts	
Dingell	Radanovich	

## □ 1215

Messrs. KIRK and SIMPSON changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING THE LIFE OF MIEP GIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1074, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and agree to the resolution, H. Res. 1074.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 61]

YEAS—421

Abercrombie	Bachus	Bilbray
Ackerman	Baird	Bilirakis
Aderholt	Baldwin	Bishop (GA)
Adler (NJ)	Barrow	Bishop (NY)
Akin	Bartlett	Bishop (UT)
Alexander	Barton (TX)	Blackburn
Altmire	Bean	Blumenauer
Andrews	Becerra	Bocciari
Arcuri	Berkley	Boehner
Austria	Berman	Bonner
Baca	Berry	Bono Mack
Bachmann	Biggart	Boozman

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

## □ 1224

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES ON RELIGIOUS MINORITIES IN IRAQ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 944, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and agree to the resolution, H. Res. 944, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

## RECORDED VOTE

Ms. PINGREE of Maine. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—aye 415, noes 3, not voting 14, as follows:

[Roll No. 62]

AYES—415

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Boccheri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings

Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
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Murphy, Patrick  
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Napolitano  
Neal (MA)  
Neugebauer  
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NOES—3

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Rodgers  
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Murphy (CT)  
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Welch  
Westmoreland

NOT VOTING—14

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. McCOLLUM) (during the vote). Members are reminded there is less than 1 minute left in this vote.

□ 1232

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Expressing the sense of the House of Representatives on the protection of members of vulnerable religious and ethnic minority communities in Iraq."

A motion to reconsider was laid on the table.

#### HEALTH INSURANCE INDUSTRY FAIR COMPETITION ACT

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 1098, I call up the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to

protect competition and consumers, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4626

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Industry Fair Competition Act".

#### SEC. 2. RESTORING THE APPLICATION OF ANTI-TRUST LAWS TO HEALTH SECTOR INSURERS.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

"(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition."

(b) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of "Corporation" contained in section 4 of the Federal Trade Commission Act.

The SPEAKER pro tempore. Pursuant to House Resolution 1098, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 60 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4626.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker and my colleagues, the bill before us will allow, for the first time, competition to take hold in the health insurance marketplace, an important and vital step in the road to fixing our broken health insurance system and containing costs. I want to commend, in particular, my colleagues TOM PERRIELLO of Virginia and BETSY MARKEY of Colorado for working with our committee on this important effort.

Experience has shown that Congress—and we hate to admit having made mistakes in the past, but we did

make an error in 1945 in adding an antitrust exemption into the McCarran-Ferguson Act at the last minute during the debate. Not many of you were here at that time, and neither was I, but leading consumer groups and senior citizen groups, State attorneys general and others for years have been urging that we in the legislature fix this error that has been made so long ago.

The bipartisan Antitrust Modernization Commission established by this body and President Bush in 2002 echoed this call in its 2007 report. And now, as we work to fix what everyone mostly agrees is a broken health insurance market, it is about time to bring into that market what is an essential ingredient of any well-functioning market—competition. And the way we make sure that happens here is the same way we made sure it happens in every other industry—to have the antitrust laws apply. These laws are the principal protector of free market competition and the prosperity it provides, the principal guarantee that businesses who want to offer choice and value to consumers can do so.

The blanket antitrust exemption in the McCarran-Ferguson Act shields health insurance companies from legal accountability for fixing prices, dividing up markets and customers they serve so as to deny meaningful choice, and using monopoly power to sabotage anyone who seeks to offer meaningful competitive choice to consumers. This, ladies and gentlemen, must end.

Antitrust court actions alleging each of these practices, and more, have been blocked routinely in the courts by invoking the McCarran-Ferguson antitrust exemption, and that is what we are here to repair today.

Now, an antitrust expert attorney, David Balto, with antitrust enforcement experience acquired both at the United States Justice Department and the Federal Trade Commission, has found that State insurance commissioners have not brought any actions in any State against health insurers for anticompetitive conduct during at least the last 5 years.

Health insurance premiums continue to spiral ever-upward each year, and copayments and deductibles keep taking further bites out of tight family budgets. Those families have a right to know that they are not being victimized by insurers any longer who should be competing to offer them choice and value but, instead, are, unfortunately, conspiring against them.

In its famous *Topco* ruling, the United States Supreme Court refers to the antitrust laws as the Magna Carta of free enterprise. The health insurance industry should not be exempt from them.

The Judiciary Committee has been working to remove this harmful exemption for a number of years. We

made a lot of headway under the distinguished chairman, our former colleague, Jack Brooks of Texas, who headed the committee after Peter Rodino and after Emanuel “Manny” Celler, and it is time to complete this effort in the area of health insurance since this is the number one subject, legislatively, before us being watched carefully by everyone in the Nation.

Last fall, our Judiciary Committee reported a similar bill which was incorporated into the comprehensive health care bill passed by the House. And so I commend my colleagues, Representatives PERRIELLO and MARKEY, for their leadership in bringing this effort back to the House floor today as a free-standing measure.

With more and more people having to choose between having health insurance or food on the table, isn't it about time the health insurance companies' cozy antitrust exemption be taken off the books?

So I urge all my colleagues to support this long-overdue, pro-consumer legislation that will affect citizens and families in every State.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4626, the Health Insurance Industry Fair Competition Act, unfortunately doesn't do much. In fact, it has all the substance of a soup made by boiling the shadow of a chicken.

In his State of the Union address on January 27, President Obama challenged Congress to create a plan that “will bring down premiums, bring down the deficit, cover the uninsured, strengthen Medicare for seniors, and stop insurance company abuses.” The administration's health care plan does just the opposite. It increases premiums, increases taxes, and reduces Medicare benefits for seniors.

Will today's McCarran-Ferguson repeal bring down insurance premiums? No. The Congressional Budget Office says that “whether premiums would increase or decrease as a result of this legislation is difficult to determine, but in either case the magnitude of the effects is likely to be quite small.”

□ 1245

So what's the point of the bill?

The CBO goes on to say that premium reductions from this bill are likely to be small because “State laws already bar the activities that would be prohibited under Federal law if this bill was enacted.”

So what's the point of the bill?

The National Association of Insurance Commissioners pointed out that bid-rigging, price-fixing, and market allocation “are not permitted under the McCarran-Ferguson Act, and are not tolerated under State law. Indeed,

State insurance regulators actively enforce prohibitions in these areas.”

So, again, what's the point of the bill?

The McCarran-Ferguson Act's Federal antitrust exemption simply allows small and medium-sized insurers to aggregate information for underwriting purposes so they can compete effectively against larger companies. In other words, McCarran-Ferguson helps to promote competition by making small and medium-sized underwriters viable.

Eliminating the exchange of data provision that was included in earlier versions of this bill likely will impede new entry into the health insurance markets. This means that there could be less competition among health insurers.

That said, I believe, as does the Antitrust Modernization Commission, that antitrust exemptions should be rarely granted or created. Yet, if they are necessary, they should be written in as limited a way as necessary to meet a compelling public policy goal.

I can understand why some of my colleagues may want to support this bill, and given that it will have no meaningful impact, I don't oppose it. However, when repealing an existing antitrust exemption, we should be careful of the unintended consequences of our actions.

The majority has avoided one unintended consequence of this legislation by limiting its application solely to health insurers. Eliminating malpractice insurers goes a long way toward making this bill more reasonable. However, the majority should adopt further changes to this bill to demonstrate that they are more interested in legislating than in targeting an unpopular industry for no real policy reason.

Specifically, this legislation should be amended to define the term “business of health insurance.” Second, we should reinsert the exchange of data provision that was added to the bill in committee. Finally, we should clarify that this bill will not impinge upon State insurance regulations. None of these concepts are revolutionary. They were all included in earlier versions of this legislation that were passed by the House.

That said, if the majority really wants to help consumers, we should consider a measure that could actually achieve savings for patients: medical malpractice tort reform.

According to a study by the Harvard School of Public Health, 40 percent of all medical malpractice suits against doctors and hospitals are “without merit.” So every doctor must purchase malpractice insurance at great expense to protect themselves from frivolous lawsuits.

A Department of Health and Human Services study found that unlimited

excessive damages add \$70 billion to \$126 billion annually to health care costs. Doctors are so concerned about frivolous lawsuits that they have to practice defensive medicine and order unnecessary tests and procedures. HHS estimates the national cost of defensive medicine is now more than \$60 billion.

All of these expenses are then passed on to patients in the costs of health care. That is why some States, including my home State of Texas, have enacted tort reform, which limits the amount of excessive damages awarded in frivolous lawsuits. The result? Insurance premiums have fallen, and the availability of medical care has expanded. But this bill will do nothing to reduce the costs of health care.

Congress should set aside this bill, and it should take up lawsuit abuse reform, which could reduce health care costs for our constituents.

Madam Speaker, I reluctantly support this, unfortunately, ineffective bill.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, before I yield to SHEILA JACKSON LEE, I yield myself 1 minute because my dear friend, the ranking member, asked, What is the point of this legislation?

We have made a long list of points of this legislation. To begin with, it is to increase competition in the health care industry. It also is to shine a light on industry practices that are currently unavailable and undetectable because of the exemption. That's why we are on the floor today.

I yield 3 minutes to a distinguished member of the committee, the gentlewoman from Houston, Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the distinguished chairman.

Madam Speaker, I rise to announce to the American public and to this body that, as we stand here today, over a year's time, 45,000 Americans die because they don't have health insurance. They don't have health insurance because the premiums have literally spiraled beyond any imagination. So, today, we are rising to create an opportunity for Americans to live and for lives to be saved because competition is the engine, not only of the economy, but it is the engine of better health care for all Americans.

Here is an example that shows how increased premiums are the complete opposite of commitment and service to our constituency: When the State of California passed a law in 1988 that eliminated the State antitrust exemption for the auto insurance industry, auto premiums for consumers in California rose 9.8 percent when the rest of the premiums in the Nation were going down. The Consumer Federation of America said that consumers would save over \$50 billion in insurance premiums by repealing the 1945 McCarran-Ferguson Act.

I thank the distinguished colleague from our Judiciary Committee, Mr. PERRIELLO, for his leadership, along with many others.

Removing the antitrust exemption will not only enable appropriate enforcement against these unjust practices when they are uncovered, but it will also give all health insurance companies healthy competitive incentives so you as a family of four, as a grandmother, as a single parent can get the insurance possible as we move forward in health insurance.

The attorney general of New York, in his investigation, found that insurance companies engage in collusion. That's why we need this. We want to break the rules so we can help doctors with lower premiums and medical malpractice and with shielding our constituency from these Godforsaken prices.

Let me tell you that we have seen this in action in the Ocean State Physicians Health Plan v. Blue Cross and Blue Shield. Citing this act, this antitrust prevention act, the First Circuit overturned a jury verdict against the dominant health insurer for using its monopoly power to put financial pressure on area employers to refuse to do business with a competing HMO. The First Circuit, because of the exemption, blocked any opportunity for competition. We need to change this, and we have found that this collusion is hurting us.

So, Madam Speaker, I would say to you that, in order to save lives, like the lives in my 18th Congressional District, where Texas is the poster child for the most uninsured, 1.1 million—it has the dubious honor of being the largest uninsured State in the Nation. My county, Harris County, as we fight over and over for health insurance, does not have people who are insured. So this will help bring, along with the health reform that we will pass in the next couple of weeks, the idea of saving lives and of providing for our children and our families.

Chairman CONYERS had the single-payer bill. That was the initiative that should have gone forward, but now we have a way of saving lives. This is fiscally secure, and it provides security to those who are in need. I ask that you support this legislation to, again, save lives.

Madam Speaker, I rise in support of H.R. 4626, Health Insurance Industry Fair Competition Act, a bill designed to restore competition and transparency to the health insurance market—by repealing the blanket antitrust exemption afforded to health insurance companies by the McCarran-Ferguson Act of 1945. Today 45,000 people a year die without health insurance and they die because they do not have health insurance! This is a matter of life and death.

Madam Speaker, competition is the engine that drives our economy, spurs innovation, and ensures that the American consumer re-

ceives a fair deal on goods and services. There is significant evidence that removing the antitrust exemption will increase competition in the insurance industry and will result in lower prices and other benefits for consumers. In fact, experience has shown time and time again the benefits of increased competition in the form of lower prices, increased choice, and greater innovation.

A healthy and competitive health insurance market will drive prices down in the health insurance industry, just as we have seen it do in so many other industries where competition is allowed to take hold. For example, since the state of California passed a law in 1988 that eliminated the state antitrust exemption for the auto insurance industry, auto premiums for consumers in California have risen by only 9.8% while the rest of the country has seen auto premiums rise by over 48 percent. The Consumer Federation of America has said that consumers would save over \$50 billion in insurance premiums by repealing the 1945 McCarran-Ferguson Act for all lines of insurance. Further, it is estimated that subjecting health insurance companies to federal antitrust laws would lower premiums by 10% or more.

Removing this antitrust exemption will not only enable appropriate enforcement against these unjust practices when they are uncovered; it will also give all health insurance companies healthy competitive incentives that will promote better affordability, improved quality, increased innovation, and greater consumer choice, as the antitrust laws have done throughout the rest of the economy for over a century.

The antitrust exemption was enacted in 1945, as part of legislation whose main purpose was simply to reaffirm the authority of States to regulate insurance for the protection of their citizens. The antitrust exemption was quietly inserted at the end of the legislative process, in conference committee. As a result, insurance companies have been shielded from legal accountability for price fixing, dividing up territories among themselves, sabotaging their competitors in the marketplace in order to gain monopoly power, and other practices that unjustly harm consumers. Moreover, antitrust court actions alleging each of these practices, and more, have been blocked by invoking the McCarran-Ferguson antitrust exemption.

For far too long, the health insurance industry has played by a different set of rules. Shielding health and medical malpractice insurance companies from federal antitrust laws is a practice that must end.

Madam Speaker, the American public agrees that the special treatment the anti-trust exemption affords insurance companies must come to an end. A recent Rasmussen poll found that 65% of Americans favored removing the anti-trust exemption for health insurance companies. Of those polled, Democrats supported subjecting insurance companies to antitrust laws by a seven-to-one margin. Sixty-four percent (64%) of independent voters and 58% of Republicans also believe insurers should abide by antitrust laws. This data demonstrates that there is bi-partisan public support for demanding that health insurance companies play by the same rules as other companies in America.

Madam Speaker, I agree with the majority of the American public that shielding health and

medical malpractice insurance companies from federal antitrust laws is a practice that must end. Eliminating the anti-trust exemption for the health care industry is a vital step toward reforming health care, lowering prices for consumers and doctors, and leveling the playing field for American businesses.

The Consumer Federation of America has said that consumers would save over \$50 billion in insurance premiums by repealing the 1945 McCarran-Ferguson Act for all lines of insurance. Further, it is estimated that subjecting health insurance companies to federal antitrust laws would lower premiums by 10% or more. Moreover, in addition to bi-partisan support amongst the American public, repealing anti-trust exemptions for all health insurance is supported by conservative political leaders as well such as Governor Bobby Jindal of Louisiana, Senator JOSEPH LIEBERMAN, and former Majority Leader Trent Lott.

This bill is also necessary because, over the years, health insurers have been able to use this antitrust exemption to block court actions regarding anti-competitive behavior. For example, in *Ocean State Physicians Health Plan, Inc. v. Blue Cross & Blue Shield of Rhode Island*, the First Circuit Court—citing the McCarran-Ferguson antitrust exemption—overturned a jury verdict against the dominant health insurer for using its monopoly power to put financial pressure on area employers to refuse to do business with a competing HMO.

Removing this antitrust exemption is supported by key law enforcement groups, including the National Association of Attorneys General. In 2007, the National Association of Attorneys General—representing both Democratic and Republican State Attorneys General—overwhelmingly adopted a resolution calling for repealing this exemption. As the resolution pointed out, “the National Association of Attorneys General consistently has opposed legislation that weakens antitrust standards for specific industries because there is no evidence that such exemptions promote competition or serve the public interest.”

In addition, in a recent letter to Congress, nine State Attorneys General pointed out, “Since 1977, and most recently in 2007, antitrust experts and enforcers have concluded that repealing the McCarran-Ferguson exemption would result in enhancing competition while allowing standard industry practices necessary for the proper functioning of these markets, such as sharing loss and other insured risk information.”

Removing this antitrust exemption is also supported by leading consumer groups. Numerous consumer groups—including the Consumers Union, Consumer Federation of America, U.S. PIRG, Center for Justice and Democracy, and Public Citizen—strongly support removing this antitrust exemption. In a joint letter to Congress, consumer groups pointed out that, under this legislation, health insurance companies “would be required to play by the same rules of competition as virtually all other commercial enterprises operating in America’s economy.”

In closing, I want to also take this time to reiterate my support for a public health care plan that covers every one of the 47 million people who live in our great nation without health insurance. Madam Speaker, my state of Texas

has the dubious honor of being the uninsured capital of the nation. Further, with more than 1.1 million of the nation’s uninsured living in my own county, Harris County, I represent what some have labeled as ground zero of the health care debate. Thus, the issue of universal health care coverage—something that would have been achieved by Chairman CONYERS’ Single Payer bill, which I supported, is more than an empty slogan; it’s a matter of fiscal and physical life and death to the people of the 18th Congressional District. Therefore, no matter how the pending debate over the details of the health reform bill winds up, my constituents can count on me to continue fighting and continue working together with my colleagues of both parties, to ensure that everyone in my district, in Houston, in Texas, and in America has access to affordable and quality health care.

Mr. SMITH of Texas. I yield myself 1 minute.

Madam Speaker, let me say that I always appreciate what my colleagues state on the House floor, and I appreciate their good comments during debate. To the extent that they want to increase competition among insurance companies and want to reduce insurance premiums, I completely agree with them, but we should not think that any of those comments or any of those desires or any of those goals have anything to do with the bill that we are considering here today.

Once again, in case some of my colleagues missed it, let me read what the Congressional Budget Office said about this legislation. They said, “Whether premiums would increase or decrease as a result (of this legislation) is difficult to determine, but in either case, the magnitude of the effects is likely to be quite small.” So this bill has no point.

Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin, the former chairman of the Judiciary Committee, Mr. SENSENBRENNER.

Mr. SENSENBRENNER. Madam Speaker, listening to the arguments that have been advanced by the proponents of the bill, all I can say is what you hear is not what you are going to get if this bill is enacted into law.

There is a reason this antitrust exemption has survived now for 65 years, which is that it actually has encouraged competition because it allows smaller insurers to use the actuarial data that larger insurers are able to amass. If the smaller insurers can’t get this actuarial data, which is what will happen if this bill is enacted into law, then they will either be gobbled up by the larger insurers, which get the data in-house, or they will go out of business. As a result, there will be less competition rather than more. So what you hear today about competition is not what you are going to get if this exemption is repealed.

Now, repealing the limited exemption that health insurance carriers have under the McCarran-Ferguson Act

is, at best, going to change little and, at worst, is going to be counterproductive. As the CBO concluded in October, repealing the exemption would have little or no effect on insurance premiums because State laws already bar the activities that would be prohibited under Federal law should the bill be enacted. Instead, additional regulatory burdens on insurers will likely be passed on to the policyholders in the form of higher premiums.

This, my friends, is the majority’s higher health insurance premium bill in the name of competition. It’s not going to happen. The bill would subject to new Federal enforcement a variety of ongoing collaborative practices among health insurers which are currently permitted by the States because they allow the small insurers to compete.

Now, shouldn’t we be for small insurers? Shouldn’t we be for having new companies enter the market? This bill will prohibit that.

Small insurance companies rely on the data collected from their larger competitors, and share it industrywide in order to accurately set their rates. However, this would be forbidden under the bill. If small insurers can’t get the data, further consolidation is likely. Small insurance will either merge to gain a competitive edge or get swallowed up by the big insurance giants. Again, the majority is putting together an insurance company consolidation bill—less competition rather than more. Worse, a repeal could result in the small insurers’ going out of business altogether. Meanwhile, for the big insurance companies, the big, bad insurance companies with the means to collect and analyze this data in-house, it would simply be business as usual.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 2 minutes.

Mr. SENSENBRENNER. This legislation attempts to solve a problem that doesn’t exist.

First, there is no evidence that the exemption has increased health insurance prices or profits or that it has contributed to higher market concentration. Second, the effort to repeal McCarran-Ferguson is based on the belief that it allows individual insurers to collude on prices and policy coverage.

State laws prohibit insurers from bid-rigging, price-fixing and market allocation to restrain competition. State insurance regulators actively enforce the prohibition in these areas, and this legislation would only add another layer of Federal regulation and litigation to an industry that operates under a robust and well-established State regulatory regime.

There are ways, however, to promote competition in the health insurance market. One change Congress should

consider is permitting individuals and businesses to buy their health insurance policies from any willing provider in any State. Under current law, an insurance firm registered in one State may not cover individuals in another without registering in the second State and being subject to all its taxes and laws. This raises the cost of doing business across State lines, and it prevents many smaller or mid-sized companies from entering the markets to compete. Simply put, this is not the type of reform that is needed, and it is not the type of reform that Americans were promised.

□ 1300

I challenge my colleagues on the other side of the aisle, Madam Speaker, to come up with commonsense reforms, one that will do in fact what appears in speech. This bill fails on both counts.

Mr. CONYERS. Madam Speaker, the former chairman emeritus has raised a number of points that amount to verbal jujitsu that I will be addressing very shortly, but for now I yield 3 minutes to the distinguished chairman of the Judiciary Subcommittee on Courts and Antitrusts, a former magistrate in the courts of Georgia himself, Subcommittee Chair HANK JOHNSON.

Mr. JOHNSON of Georgia. I thank the chairman for yielding.

Madam Speaker, last week I was shocked to learn that in the middle of the great recession, which was caused by the deregulation, hands-off policies of the prior administration, and during this time when families across my district and across the Nation are struggling with rising unemployment and while health insurance companies have recently announced that last year was their best year on record as far as profits are concerned, \$12 billion last year in profits for the insurance industry, and while that's the case, they are announcing plans to raise insurance premiums by 40 percent in some markets. During this time of hurt and pain and also making money by the insurance industry off these people who are hurting and in pain, we are considering today removing the antitrust exemption that insurance companies have enjoyed for over 60 years. And it's time for this protection and immunity from antitrust law and this anticompetitive behavior, it's time for it to come to an end.

This insurance industry which delivers health care to the people has been broken for a long time. We all know it, and it's time to change it. And this is a good place to change it. It will help with competition if we pass this law today. That will happen only if we start applying anticompetitive, antitrust legislation to the insurance industry. There's simply no reason why they should continue to benefit from it.

Don't listen as the health insurance industry tries to tell you that they

can't live under the antitrust laws. Every other industry does. It's high time that they do too. Consumers will benefit, the economy will benefit, and health insurance insurers who want to compete honestly will too.

Let's give struggling American families an honest health insurance market by enacting this important bill.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the ranking member for the time.

Let me say at the outset, I do not believe that health insurance companies should be exempt from our Nation's antitrust laws. As one of those who believes and hopes that those applauding would join me in supporting the idea of buying health insurance across State lines, when we reach that accomplishment, I think it is appropriate for us not to have a Federal antitrust exemption.

When health care has been primarily and in a very real sense exclusively the province of the States, under their jurisdiction, the attorney generals of the States have retained the ability to enforce the antitrust laws of those States. So we're entering a new era, I would hope, where we would be able to, if, in fact, this one Republican idea finds its way into legislative enactment, find an opportunity to extend the universe of decisions that might be accessed by individuals or their employers by way of insurance policies that may be available in other States.

My intention is to vote in favor of this bill. However, my concern is that the bill before us is not nearly as good as it should be because normal bipartisan committee process has been circumvented.

As has been noted by some in advancing this bill, I did vote in favor of the Health Insurance Industry Antitrust Enforcement Act of 2009 when it marked up in the Judiciary Committee. At that time, I offered an amendment to the bill to allow the sharing of historical data and the performance of actuarial services by insurance companies. Not future trending data but rather looking-backward historical data. At that time, it was adopted unanimously by the committee, therefore, on a bipartisan basis. Our distinguished chairman of the committee supported my amendment, which he described at the time as "a helpful clarification."

If there's one thing that we ought to understand when we have this downturn in the economy, if you want to make sure things don't happen in the private economy, insert uncertainty. If you want to make sure that things cost more than they otherwise would, insert uncertainty. And that's what we are

doing by not allowing that in the bill before us.

In fact, I should point out to my friends on the other side, section 262 of your health care bill, your health care bill, adopted on this floor, allowed for the sharing of such information. It contained the language of my amendment. Unfortunately, for whatever reason, it has been held out of the bill before us.

Unless anyone thinks I have risen to speak because of sour grapes because my amendment with my name on it was not included in this bill, let me clarify the case. I can give you assurance that is not the case for the simple reason that I cannot take personal credit for the guts or the contents of this amendment.

The truth of the matter is that the hard work done to repeal the McCarran-Ferguson Act began with the efforts of then Chairman Jack Brooks, Democratic chairman, in the 101st, 102d, and 103d Congresses. Ironically, at the beginning of our committee markup, our chairman described the repeal of McCarran-Ferguson "as a tribute to Jack Brooks." So if we really wish to pay tribute to Jack Brooks, and I believe we should, perhaps a good place to start would have been to allow an amendment to include Chairman Brooks's language in any legislation before us. I'm hopeful that the motion to recommit might contain that language, and I would hope that people would set aside partisan differences and support it.

So aside from the issue of the denigration of the committee process—and I think that's an important thing we ought to take into consideration. The subcommittee, committee, you act on this bill. You debate it. You consider amendments. You vote out the amendment on a unanimous bipartisan vote. Then you have bipartisan support for the bill as it comes out of committee. And then what happens? It's changed before it comes to the floor. And we had one of the members of the Rules Committee say she wasn't going to engage me in debate because, she said, I don't have the expertise on this issue. So I presume that means if you have expertise, and that's what committees are supposed to have, you ignore that so you can come to the floor and not allow debate utilizing that expertise because you prohibit that amendment from being considered on the floor.

H.R. 4626 will have precisely the opposite effect of its stated intention if, in fact, the notion of sharing historical data is not considered appropriate and legal. The economics of the insurance industry are such that companies depend on information. Why? In order to enable them to price their products. They have to base it on something.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Madam Speaker, I yield the gentleman 2 additional minutes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

It is better if they have actual data upon which to make their decisions.

And here's the rub: As was mentioned by the gentleman from Wisconsin, it is the small companies which depend on the availability of information the most. Smaller companies simply do not have a sufficiently large volume of information to price their products efficiently. So it's for this reason that it is of the utmost importance that insurers have the ability to share historical data.

Now, am I just saying this? No. In this record, a Congressional Research Service report raises the possibility that were such data not available to small insurance companies, we might see the ironic outcome of further concentration in the insurance industry. Again, not my conclusion; the conclusion of the Congressional Research report done most recently.

So, yesterday I did approach the Rules Committee to ask my amendment, the Brooks amendment, as I call it, be restored to the health insurance antitrust bill. And even though it was approved unanimously by my colleagues on the Judiciary Committee, my request was inexplicably rejected by the Rules Committee.

This is not the way, I would say, Madam Speaker, that this body should do business. Let's respect the integrity of the institution and the work that has been done in the duly established committee process.

I would hope that when this part of the recommittal motion is discussed, we'll discuss it in light of the history of this bill—the language taken from the Jack Brooks bill; the language taken from the majority's health care bill passed just this year.

Mr. CONYERS. Madam Speaker, I yield myself 2 minutes.

I want to respond to the senior member of the Judiciary Committee, a former attorney general of California and a friend of all of us on the committee, an effective member, and all I want him to know is that we approved his provision in the Judiciary Committee because we thought it was a good provision. It was unanimous. I don't recall that anyone voted against it or spoke against it. The problem, though, is that when we got to the Rules Committee, our leadership on both sides of the aisle, I hope, had come up with another bill and that bill omitted it. We were not able to get that put back in.

We think that their reasoning is not altogether strange or out of order or violating any procedure, but here's what it was. This is what they told me: They said, if there are no antitrust exemptions in this measure, then you don't need to specifically retain a part of the antitrust exemption relating to the safe harbors provision, because if it

isn't an antitrust provision, they aren't going to be affected anyway.

So it's in that spirit that I appreciate the comments of the gentleman from California, and I hope that we can continue to work together as much as we can, and perhaps the final vote here will be more bipartisan than many thought that it would.

Madam Speaker, I now would like to yield 2 minutes to a senior member of the Congress from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the chairman for this opportunity. I appreciate it.

Madam Speaker, I rise today in support of the Health Insurance Industry Fair Competition Act.

An original cosponsor of this legislation, I believe that our health insurance companies need to be held to the competitive standard our free market demands.

For too long, these companies have told our constituents what they will insure and what they will be paid. Just recently, 80,000 Iowans were told that their insurance rates would jump by an average of 18 percent, with many facing increases of as much as 25 percent. These same individuals have seen their rates increase by 10½ percent each year since 2005.

I insist that light be shed on the pricing of health care costs and that consumers have access to how their premiums and copays are determined. I would particularly like this information for my constituents whose premium increase is twice what it was in 2009.

Iowans in the Third District are struggling to make ends meet. They deserve to know how a company can spend as much as perhaps \$200 million on a new headquarters and turn around and double their premium increases from 2009 to 2010 and then claim these two things have nothing to do with one another.

□ 1315

Our support for this legislation will make it illegal for companies to price fix, practice bid rigging, and market allocation simply to drive up costs on American consumers.

Mr. SMITH of Texas. Madam Speaker, first of all, I just want to say that I appreciated what the chairman of the Judiciary Committee just said a minute ago to Mr. LUNGREN. I understood him to make very positive comments about the so-called Brooks-Lungren amendment. And I hope that that augurs well for the majority's accepting our motion to recommit at the end of this debate. At least I would expect that.

At this point, Madam Speaker, I will yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Budget Committee and the Financial Services Committee.

Mr. GARRETT of New Jersey. Madam Speaker, I rise in opposition to

the bill for a number of substantive reasons. But also, quite honestly, after hearing the comment from the gentleman from California, I also was about to say I rise with concerns as to the process as well.

I appreciate the ranking member's comment as far as potentially moving forward on this. I too have been there in the past, where we do things in committee, in the relevant committees I serve on, serve on Financial Services Committee and have agreements with the other side of the aisle and with the chairman specifically of Financial Services, with Chairman FRANK, and then things go to the Rules Committee, and I don't know whether it was a bipartisan obstacle in this case, but be it as it may, problems happen with Rules Committee. And I can tell you with my working with Chairman FRANK, he was able to actually get things done then on the floor as far as the substantive amendments done here to get it done. So I hope that we see similar action with regard to this as well that we have seen in other committees.

But I do rise in opposition or concern about this bill with regard to the repeal of the McCarran-Ferguson aspect. And I do so for three points. One has been touched upon, but I want to go into a little bit more detail with regard to the CBO. CBO, Congressional Budget Office, nonpartisan entity, has noted the States already have the laws on the books to prevent what we are really trying to deal with here, price fixing and bid rigging, et cetera.

Furthermore, State insurance commissioners already typically review the rates charged by insurance companies. So what does this basically mean in a nutshell? Basically, States are working in this direction already, and that the passage of this legislation will have a minimal positive impact.

Just a side note. When we talk about State insurance regulation in general, you have to remember when we are talking about the financial situation that we are in right now, it was not the fault of the State regulators of the financial marketplaces that brought us to where we are, it is the fault largely to errors and omissions in the Federal regulators. So if we are trying to cast blame or aspersion on any regulators out there, it should not be on the State regulators, because in essence they have done their jobs, and we should not be throwing other impediments to that getting done.

Second point, someone already mentioned about a report out of the CBO. Let me go into a little bit more specifics about what the CBO said with regard to costs. CBO said, and I quote, "To the extent that insurers would become subject to additional litigation, their costs and thus their premiums might increase." Let me repeat that. Their premiums might increase. So to all the points of the other side of the



aisle saying that we are doing this with the good intention of trying to get premiums to come down, what do the experts, the nonpartisan CBO, say? Just the opposite, premiums might go up. So the conclusion there is here is a case where increased litigation costs would actually drive up the cost of insurance, and not bring it down.

Third and final point, touched upon a little bit, and let me go in more detail. This legislation could have the effect of shutting out new entrants, not folks already there, but shutting out new entrants into the marketplace.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Madam Speaker, I yield the gentleman 2 additional minutes.

Mr. GARRETT of New Jersey. Thank you.

This legislation would have the effect of shutting out new entrants into the marketplace. The other side of the aisle has already talked about the fact that they want to have greater competition in this area of health insurance, and I am assuming insurance across the board. But what this will do, as the gentleman and others have already said on the floor, is basically say to the new entrants, to the small companies who want to get into this marketplace, to be able to compete against the large entrenched companies that are already there, you are pushed out, you are locked out. So is that what we want to do with this legislation? That will be the impact.

Let me conclude then. In a letter to Speaker PELOSI, the National Association of State Insurance Commissioners says the following: "The business of insurance, while exempted from Federal antitrust law, is still subject to State antitrust enforcement actions." That is important. "In fact, even if the McCarran-Ferguson antitrust exemptions were repealed, the State action doctrine exempting them would continue to apply. The most likely result of this repeal would therefore not be increased competition, but a series of lawsuits testing the limits of the State action doctrine, with associated litigation costs being passed along to the consumers in the form of higher premiums."

The conclusion, Madam Speaker, is more litigation, more harmful consolidation, and more increase to the cost to the consumer, all things that we should be working to oppose. And that is why I do not support the underlying legislation.

Mr. CONYERS. Madam Speaker, no one has worked harder on this measure that is not a member of the Judiciary Committee than PETER DEFAZIO of Oregon. And I yield to him 3 minutes.

Mr. DEFAZIO. I thank the distinguished chairman for bringing this issue before us.

We have heard on the Republican side this is just about the little guys. They

only want to help the little guys. Except that the loopholes that they would create with the Lungren provisions could be used by the big guys. So if you like the status quo, if you like the fact that some of the largest insurance companies in America saw their profits go up by 56 percent last year, if you like the fact that in many States we are seeing huge, double-digit increases, over 50 percent in Michigan, 40 percent in California, 20 percent in my State, if you think the system's working today, then you should support Mr. LUNGREN's idea, preserve the status quo. That is what they are saying. Keep the loopholes. Allow them to continue to collude and price fix.

Now, there are a few other people who disagree with them. In fact, we had a bipartisan commission created by the Republican Congress when they controlled the House and the Senate and signed into law by President George Bush. The members were appointed by George Bush, the Republican heads of the House and the Senate. And their conclusions considered Mr. LUNGREN's arguments and they rejected them.

A bipartisan, professional commission created by the Republicans and George Bush said, after saying, yes, there are these arguments being made, but they say, "Like all potentially beneficial competitor collaboration generally, however, such data sharing would be assessed by antitrust enforcers and the courts under a rule of reason analysis that would fully consider the potential procompetitive effects of such conduct and condemn it only if, on balance, it was anticompetitive." They don't want the Justice Department to have that capability. They don't want any additional levels of review.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. DEFAZIO. There are many States that are totally incapable of dealing with these issues, particularly with multistate, multinational companies that operate outside their borders, set rates outside their borders, and then import those rates into the State saying, well, that was our experience. We operate in 27 States after all, and you are part of our system.

So if you like the status quo, if you like the double-digit rate increases, if you like the limits on market competition, if you like the concentration that has been going on in the industry, then you would support the status quo, which is essentially what Mr. LUNGREN has offered. And I don't. And I don't think the American people do either. I think we have tremendous consensus around the country that it is time for this abusive industry to play by the same rules as every other. And the small companies will still be able to obtain the data as long as they don't use it in a collusive manner. But it is

always just about the small companies, except that the exceptions they want to provide are for the big companies also.

We have expert testimony from the director of the Center for Health Law Studies, St. Louis University, saying that is not the case, it will not disadvantage small companies. We have Mr. David Balto, an antitrust expert, saying it will not disadvantage the small companies. But the Republicans are purporting that it would.

Finally, on the CBO report that it won't lower premiums, that was based on the Lungren language. Without the Lungren language, it will save money, \$10 billion for consumers.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

#### PARLIAMENTARY INQUIRY

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would like to make an inquiry of the Chair.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DANIEL E. LUNGREN of California. Is it not correct that Members are supposed to address the Chair?

The SPEAKER pro tempore. The gentleman is correct.

Mr. DANIEL E. LUNGREN of California. Thank you.

Since the gentleman refused to yield when I asked him to, despite the fact he was using my name and attributing motivations to me that are questionable under the rules of the House, I might say this. The gentleman is absolutely incorrect in his analysis. The report said that it would harm the small insurance companies if they were not able to get this historical data, number one.

Number two, the gentleman conflates two completely different things: one is historical data and the other is trending data. And they are two different things. My amendment does nothing about allowing insurance companies to work together and compare trending data, which is data going forward, despite the fact that some in the insurance industry wish that is the case. The dirty little secret is that some in the insurance industry don't want to have my amendment, they want it to be silent so that in addition to historical data, they can also have trending data. But the gentleman hasn't looked at the data in that way, hasn't examined or, I presume the gentleman would not have examined the reports to know the difference that was in that and my specific decision not to include trending data in my amendment.

Secondly, I find it interesting that the gentleman suggests that I am trying to do something other than what I say that I am doing. This is an interesting argument made on this floor, that if you disagree with someone you

suggest that what they say can't possibly be true. The fact of the matter is I have quoted outside reports to support my position, number one. The fact of the matter is I have used the language from the Jack Brooks legislation, I have used language from the gentleman's party's health care bill, and I have used the language that was adopted on a bipartisan basis in Judiciary Committee unanimously.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Madam Speaker, I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGREN of California. Perhaps the gentleman is suggesting that all the Members on his side of the aisle who supported this amendment share in his description of the motivation of those of us who have presented it. I thought maybe we were above that. I thought maybe we were engaged in civil discourse here. But rather, if the gentleman or any gentleman wishes to talk about the motivations of others, I will tell you any idea about bipartisanship is lost in this House. The suggestion that all you have to do is shout louder than somebody else and accuse them of motivations other than what they articulated is just absolute nonsense.

The fact of the matter is, properly done, the sharing of historical data is not anticompetitive. The fact of the matter is the underlying bill, with my amendment, would still allow actions taken by the Justice Department and the various States Attorney General if there was bid rigging, if there was price setting, if there was determination before the hand of which markets you would act in and which markets you would not act in.

And so this is a lot of sound and fury signifying nothing, essentially. I have never seen such an attack on an amendment that was adopted on a bipartisan basis in the committee. Now, I realize it is only the committee of jurisdiction that has expertise in this area. I understand that those of us who have done antitrust law ought not to be listened to because those who have said on this floor that they have no expertise in this and they don't understand it, therefore, they don't want to debate it, should have the upper hand in the Rules Committee.

But frankly, I will say once again at some point in time you have to accept yes for an answer. I support the bill. I am trying to help the bill. I am trying to get it back to where it was when Jack Brooks introduced it. And in response to that, rather than saying hurray for bipartisanship, I hear from other people, well, we got to question your motivations. Hardly a high point in this Chamber.

□ 1330

Mr. CONYERS. Madam Speaker, I am inclined to yield to the gentleman from Oregon (Mr. DEFAZIO) 1½ minutes.

Mr. DEFAZIO. Madam Speaker, you know, the law has evolved over time, and the law has evolved significantly since the era of Jack Brooks in terms of decisions regarding antitrust, antitrust immunity.

And as the current Assistant Attorney General of the Antitrust Division says, it says, moreover, the application of antitrust law's potentially to pro-competitive collective activity has become far more sophisticated in the 62 years since the industry was exempted from the law. And some forms of joint activity that might have been prohibited under earlier, more restrictive doctrines are now clearly permissible, or at least, very least, analyzed under a rule of reason that takes appropriate account of the circumstances.

So what we're saying is, let's, you know—you're saying, oh, the States can take care of it. Let's say, the State of Montana can oversee an industry, a multistate, multinational, you know, conglomerate, and they can get into their books and they can examine and see that the rates that were imported from outside the State were set fairly. No. We need the help of the Federal Antitrust Division. They should not have their hands tied only in respect to the industry of insurance. Every other industry in America has learned to live with truly free markets with antitrust law. This industry can do the same, and it will benefit consumers. This is a false argument that somehow they need this special privilege, this special exemption, and that somehow this will hurt only little companies, not the big guys.

We've seen tremendous consolidation already under the existing total exemption. And if we continue a partial exemption, we'll only see more.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, once again I know I run the risk of trying to introduce some expertise into this debate. For that, I apologize. But the American Bar Association appeared before the subcommittee of Judiciary dealing with the underlying bill, or the bill that was presented before our committee, and in there, they voice support, as they have for decades, for removal of the McCarran-Ferguson antitrust exemption for the health care insurance industry.

However, they said, as point number one of the five major points they made, insurers should be authorized to cooperate in the collection and dissemination of past loss-experience data so long as these activities do not unreasonably restrain competition, but insurers should not be authorized to cooperate in the construction of advisory rates or the projection of loss experience in the future in such a manner as

to interfere with competitive pricing. That second part deals with trending data. I do not allow that under my amendment.

And as I presented my effort to have my amendment considered in the Rules Committee, I was told by the representative of the American Bar Association, they did support my position, they supported my amendment, and they supported the arguments that I made before the committee.

Now, maybe they're wrong because they have some expertise in this area, but perhaps this is one time we might look to them. The ABA has not been known as a Republican, conservative, pro-insurance company operation. Last time I looked, they have a major element of the bar association that's involved with antitrust law.

Mr. CONYERS. Madam Speaker, I am pleased to recognize a senior member of the House Judiciary Committee from Los Angeles, Ms. MAXINE WATERS, for 3 minutes.

Ms. WATERS. Madam Speaker, the consumers of this country are finally getting the attention they deserve. For far too long, consumers have been ripped off by collusion and concentration of the health insurance industry. For far too long, public policymakers have turned a blind eye to the special antitrust exemption that health insurers have enjoyed, to the detriment of the American people.

We must pass this legislation, the Health Insurance Industry Fair Competition Act. This bill finally, after 65 years, amends the McCarran-Ferguson Act. Health insurers will be investigated and held accountable for price fixes, dividing up territories among themselves, sabotaging their competitors in order to gain monopoly power, and all anticompetitive practices. The Justice Department will have a mandate to prosecute this criminal activity.

And finally, the health insurance industry will have to compete. No more legally protected collusion. Let the marketplace work. No more protection for health insurance companies from the very people who have been elected to protect the best interests of the people. That's us.

The health insurance industry has gouged us long enough. They have increased premiums, higher copayments, higher deductibles. The health insurance industry, to add insult to injury, have thumbed their noses at both the consumers and legislators and left too many families at risk. In the middle of our debate about health insurance reform, health insurers are raising the premiums. They're denying lifesaving procedures. They're dropping too many of the insured who have been paying premiums for years if they deem the cost of their health care too costly. The CEOs of some of the biggest insurance companies are paying themselves

unreasonably high salaries. Most of them are earning \$10 million or more per year.

Ladies and gentlemen, it is time to put an end to the practices of the health insurance companies. That time is now. Let us stand up for the consumers. Let us do what the consumers elected us to do—come here and give some protection from these kinds of practices. Sixty-five years is too much, too long. The time is now. Let's get the job done. Let's pass this legislation.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bipartisan and very credible Congressional Budget Office has said that this bill will have little or no effect on insurance premiums. It further says that if there is any effect, it will be "quite small."

So I do appreciate all the comments that Members are making today, and I agree with a lot of them. But we should not think that any of them pertain to this bill, or that this bill is going to have any kind of a major impact on premiums.

However, I would like to discuss one subject that will have a major impact on insurance premiums, and that is health care tort reform.

The American medical liability system, quite frankly, is broken. According to one study, 40 percent of claims are meritless; either no injury or no error occurred. Attorneys' fees and administrative costs amount to 54 percent of the compensation paid to plaintiffs. The study found that completely meritless claims account for nearly a quarter of total administrative costs.

The American civil litigation system is the most expensive in the world, more than twice as expensive as nearly any other country.

Defensive medicine is widely practiced and it is very costly. Skyrocketing medical liability insurance rates have distorted the practice of medicine. Costly but unnecessary tests have become routine as doctors try to protect themselves from lawsuits.

According to a 2008 survey conducted by the Massachusetts Medical Society, 83 percent of Massachusetts physicians reported that they practiced defensive medicine. Another study in Pennsylvania put that figure at an astounding 93 percent.

While estimates vary, the Pacific Research Institute has put the cost of defensive medicine at \$124 billion. Others have arrived at even higher figures. A new study by the Pacific Research Institute estimates that defensive medicine costs \$191 billion a year, while a separate study by PricewaterhouseCoopers puts the number even higher, \$239 billion every year.

Lawsuit abuse drives doctors out of practice. There is a well-documented record of doctors leaving the practice of medicine and hospitals shutting

down, particularly practices that have high liability exposure. This problem has been particularly acute in several fields as well as in the rural areas of our country.

The absence of doctors in vital practice areas is, at best, an inconvenience; at worst, it can have deadly consequences. Hundreds or even thousands of patients may die annually due to a lack of doctors.

According to the Massachusetts study, 38 percent of physicians have reduced the number of higher risk procedures they provide, and 28 percent have reduced the number of higher risk patients they serve out of fear of liability. The American College of Obstetricians and Gynecologists have concluded that the "current medico-legal environment continues to deprive women of all ages, especially pregnant women, of their most educated and experienced women's health care providers."

Excessive litigation damages the doctor-patient relationship and impairs care. Beyond the dollars and cents, when doctors begin to see their clients as potential litigants, the quality of care patients receive is seriously compromised. In a recent survey, 76 percent of doctors said that their concern about being sued has hurt their ability to provide quality patient care. Nearly half of nurses say they are prohibited or discouraged from providing needed care by rules set up to avoid lawsuits.

The States have proven that legal reform works. While some in Washington talk about the need to study the problem, States have actually acted to address it. Several States have limited noneconomic damages such as those for pain and suffering and dramatically lessened the burden of lawsuits. In States with such limits, premiums are 17 percent lower than they are in States without them.

Madam Speaker, I'll reserve the balance of my time.

Mr. CONYERS. Madam Speaker, no one comes before the Judiciary Committee that I can think of offhand more frequently than BILL PASCRELL of New Jersey. He's worked with us on a number of other issues besides this one, and we welcome his counsel. We yield him 2 minutes.

Mr. PASCRELL. Thank you, Mr. Chairman, and thank you for your leadership and persistence on this critical matter.

"Mischaracterization," I think, is the word of the day. When you look back at the beginning of the discussions of health care, there's been more mischaracterizations of what was in the bill.

But this bill that is before us, H.R. 4626, is only two pages—not 2,000, not 2 million—two pages, very clear and to the point. So what this bill seems to do—if I had my way, I would have brought this bill up when we discussed

the beginning, back last summer. But I'm one person. To call them out, to call out the other side, and to call out the other end of the building.

I mean, we've passed 290 pieces of legislation that they haven't even looked at yet. And this is critical. This is to end the anticompetitive, antitrust exemption. Now we have a new administration. Talk is cheap about how we're going to bolster antitrust laws. I haven't seen anything yet so far, but I'm hopeful.

In all the industries in America, there are only two that have antitrust exemptions—baseball, America's pastime; and the health insurance industry, America's nightmare—and I think it's long past time we get rid of their exemption.

Now, I've heard so many terms since the parties last summer, through the fall, through the winter, about uncompetitiveness. We want open markets.

Now we look at the system, and it's price fixing and collusion over and over and over again. Ninety-four percent of the health insurance markets are concentrated.

Here's what that means, Mr. Chairman. In every State of the Union, maybe, through the Chair, there's three or four companies that are selling insurance, that are writing insurance. This is why we are where we are today. No other reason. Because there is a lack of insurance. We have been accused of socialism. That is the biggest joke.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman another 30 seconds.

Mr. PASCRELL. We're talking about the biggest profits ever, just like Wall Street declared the biggest profit year they've ever had in 2009. That's interesting.

We talk about we want to save the smaller insurance companies. We've saved nobody. In the last 60 years, all that we've done is concentrate power, and the result of it is higher cost to the average citizen that lives in my district and every district here on the floor.

I thank you, Mr. Chairman. Be persistent. Call the other folks out at the other end of the building and we'll see who really cares about the policyholders in this country.

□ 1345

Mr. SMITH of Texas. Madam Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 27 minutes, and the gentleman from Michigan has 33½ minutes.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on October 9, the Congressional Budget Office pronounced that a tort reform or civil justice reform package would reduce the Federal budget deficit by an estimated \$54 billion over 10 years.

CBO recognizes that civil justice reforms also have an impact on the practice of defensive medicine. Defensive medicine is when doctors order more tests or procedures than are necessary just to protect themselves from frivolous lawsuits. Studies show that defensive medicine does not advance patients' care or enhance a physician's capabilities, that billions of dollars in savings from tort reform could be used to provide health insurance for the uninsured without raising taxes on those who already have insurance policies.

As the administration rushes to enact a massive government takeover of health care, Congress must remember that there is the option of saving between \$54 billion and more than \$200 billion by embracing tort reform, but it will take the leadership to stand up to personal injury lawyers instead of taxing Americans and cutting Medicare benefits.

According to CBO, under the HEALTH Act, which includes tort reform, premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law.

Also, the Government Accountability Office, GAO, found that rising litigation awards are responsible for skyrocketing medical professional liability premiums. The report stated that GAO found that losses on medical malpractice claims—which make up the largest part of insurers' costs—appear to be the primary driver of rate increases in the long run.

The GAO also concluded that insurer profits are not increasing, indicating that insurers are not charging and profiting from excessively high premium rates, and that in most States insurance regulators have the authority to deny premium rate increases they deem excessive.

The reason the administration continues to refuse to add serious medical lawsuit reform to their health care legislation remains purely political, as was recently revealed by former Democratic National Committee Chair Howard Dean. At a recent health care town hall meeting, Mr. Dean responded to an angry constituent who wondered why a supposedly comprehensive reform of the health care system doesn't include tort reform to lower costs of malpractice insurance and reduce defensive medicine.

Mr. Dean responded, being remarkably candid, as follows: "This is the answer from a doctor and a politician. Here is why tort reform is not in the bill. When you go to pass a really enormous bill like that, the more stuff you

put in, the more enemies you make, right? And the reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth."

Medical malpractice premiums have risen more than 80 percent each year in some parts of the country and can cost almost half a million dollars a year in some specialties.

Regarding the offer of HHS demonstration projects—and this is what the administration has proposed—that offer rings hollow given that the Cabinet Secretary tasked with implementing this proposal for demonstration projects is Kathleen Sebelius. Before she was Governor of Kansas and the Insurance Commissioner of Kansas, she spent 8 years as the head of the Kansas Trial Lawyers Association, now the Kansas Association for Justice. And she is also the State executive who, according to *The New York Times*, "failed to make significant improvement in health coverage or costs during her two terms as Governor."

The top contributor to President Obama's Presidential campaign was the legal industry, whose donations came to more than \$43 million. More than 80 percent of the money given to Congress by lawyers, mostly from the plaintiff's bar, went to the Democrats—almost \$22 million.

More recently, when President Obama spoke to the American Medical Association in June of this year, he told the audience, "I'm not advocating caps on malpractice awards."

But the American people are demanding legal reform. A recent survey found that 83 percent of Americans believe that reforming the legal system needs to be part of any health care reform plan. As the Associated Press recently reported, most Americans want Congress to deal with malpractice lawsuits driving up the costs of medical care. Yet, Democrats are reluctant to press forward on an issue that would upset a valuable political constituency, trial lawyers, even if President Barack Obama says he's open to changes. The AP poll found that 54 percent of Americans favor making it harder to sue doctors and hospitals for mistakes made while taking care of patients.

Support for limits on malpractice lawsuits cuts across political lines, with 58 percent of Independents and 61 percent of Republicans in favor. Democrats are more divided. Still, 47 percent said they favor making it harder to sue. The survey was conducted by Stanford University with the nonprofit Robert Wood Johnson Foundation. In the poll, 59 percent said they thought at least half the tests doctors order are unnecessary and ordered only because of fear of lawsuits.

That is the end of the AP story.

Madam Speaker, the USA Today editorial board also came out in support

of tort reform, and USA Today wrote, A study last month by the Massachusetts Medical Society found that 83 percent of its doctors practice defensive medicine at a cost of at least \$1.4 billion a year. Nationally, the cost is \$60 billion-plus every year, according to the Health and Human Services Department—and that's the HHS of this administration. And a 2005 study in *The Journal of the American Medical Association* found that 93 percent of Pennsylvania doctors practice defensive medicine.

The liability system is too often a lottery; excessive compensation is awarded to some patients and little or none to others. As much as 60 percent of awards are spent on attorneys, expert witnesses, and administrative expenses. The current system is arbitrary, inefficient, and results in years of delay.

Madam Speaker, discussing the need for tort reform, the president of the American Medical Association said, If the health care bill doesn't have medical liability reform in it, then we don't see how it is going to be successful in controlling costs.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased now to recognize DAVID SCOTT, the gentleman from Georgia, who has been waiting patiently to get time here on this. I yield him 2 minutes at the point.

Mr. SCOTT of Georgia. Thank you, Mr. Chairman. Let me commend you for the excellent leadership that you have provided on this issue.

In this debate today, the one point that has been missing is this: What about the American people? That's what this debate should be about.

As we speak, 14,000 American citizens and families are losing their health care insurance every single day. And the number one reason they're losing it is because of the high costs of health care insurance. And one of the major reasons why we have the high cost of health care insurance is because the insurance companies do not have competition. And the biggest reason they don't have competition is because they have this shield. They are exempt from competition. That's why we passed the antitrust laws in the very beginning. Go back to John D. Rockefeller and the American Standard Oil companies. That's what it was all about. It was so we could have that competition.

Now, there has been much argument on the other side about the sharing of this information. Madam Speaker, I call to your point and the point of this Congress what the Supreme Court said about the sharing of the information in the 1925 case of *Maple Flooring Manufacturers' Association v. The United States*. It said the pooling of statistics does not violate the antitrust laws. As a matter of fact, it's there, and it helps

both small and large businesses. He said it's legitimate. But they said the collusive joint coordination of future pricing, of output, of marketing decisions to take meaningful choice away from customers, to rob the American people of the benefits they would receive from competition, must not be allowed.

That's what the antitrust provision prohibits. That's why it's important to us to remove it today for the American people.

Mr. SMITH of Texas. Madam Speaker, I will reserve my time.

Mr. CONYERS. Madam Speaker, I am pleased now to recognize the gentleman from Rhode Island, JIM LANGEVIN, a former Secretary of State, for 2 minutes.

Mr. LANGEVIN. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of H.R. 4626, the Health Insurance Industry Fair Competition Act, which will finally require the health insurance industry to comply with the same Federal antitrust laws as virtually every other industry in the United States.

The recent economic recession dealt a crushing blow to Rhode Islanders. Many are out of work and simply don't have insurance coverage. The ones who do are struggling to afford the perpetual rate increases year after year. Although Rhode Island is a State with strong health insurance consumer protections, this fact provides little comfort to the thousands of people who will lose their coverage because it's simply too expensive.

Madam Speaker, we must do everything in our power to hold down the rising costs of insurance premiums, which includes ensuring healthy market competition. After all, competition is the driving force of economic prosperity. And even in the time of FDR and numerous Supreme Court decisions, it established the fact that there is a legitimate public policy interest in ensuring competition.

But for over 65 years, the health insurance industry has played by a different set of rules, allowing them to engage in anticompetitive practices which drive up the costs of premiums.

Well, this bill before us today will outlaw existing health insurance practices like price-fixing, bid-rigging, and market allocations that drive up costs for all Americans. It will protect honest competition from collusion and other destructive practices within the health insurance industry so we can achieve greater affordability, improve quality, increase innovation, and more consumer choice, just as the antitrust laws have done for the rest of the economy for over a century.

Madam Speaker, Americans can no longer afford to give insurance companies special treatment. I urge my colleagues to vote in favor of the Health

Insurance Industry Fair Competition Act so that we can finally break the vise grip that the insurance companies have on the lives of the American people and their health care.

Mr. SMITH of Texas. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 20 minutes. The gentleman from Michigan has 29½ minutes.

Mr. SMITH of Texas. I will reserve my time.

Mr. CONYERS. Madam Speaker, I am very pleased to recognize the most experienced member of the civil rights struggle in the 20th century, the gentleman from Georgia, JOHN LEWIS, a strong advocate of universal health care, and I yield him 2 minutes.

□ 1400

Mr. LEWIS of Georgia. Thank you, Mr. Chairman, for yielding.

Madam Speaker, I still believe that health care is a right and not a privilege, and this Congress must not rest until we make health care a reality for all Americans. I know we will get the job done for the American people, but until that day comes, we must do what we can to make health insurance work for people who depend on it.

This bill, this piece of legislation is long overdue. The health insurance industry has been treated differently for over 60 years, and they have abused that privilege. In too many States there is no competition and no choice for consumers.

Insurance companies are raising rates, denying care, and dropping people when they get sick, all the while making record profits. We need to put people first and not profits.

For too long, insurance companies have had the upper hand. It is not fair, it is not just, and it is not right. Today, at this hour, we said, "No more." It is time to repeal the antitrust exemption and put the American people first.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, President Obama's own doctor of over two decades also supports medical tort reform. David Scheiner was Mr. Obama's doctor from 1987 until he entered the White House. He vouched for the then-candidate's excellent health in a letter last year. This was recently reported in *Forbes Magazine*. Dr. Scheiner worries about whether the health care legislation currently making its way through Congress will actually do any good, particularly for doctors like himself who practice general medicine. "I am not sure Obama really understands what we face in primary care," Dr. Scheiner says.

One of the Nation's top surgeons, with credibility and acclaim the world

over for the pioneering surgeries he has and his personal story of overcoming hardship, recently severely criticized the health care legislation before Congress. Benjamin Carson, Director of Pediatric Neurosurgery at the Johns Hopkins Children's Center in Baltimore, Maryland, and recipient of numerous awards, including the Presidential Medal of Freedom, criticized, in a recent interview, the current bill's lack of malpractice liability reform.

He pointed to excessive litigation, pointing out how much malpractice insurance and other forms of defensive medicine to protect against lawsuits add to medical costs. In an interview with a local television station, Carson insisted that tort reform must go hand in hand as part of any true health care reform.

"We have to bring a rational approach to medical litigation. We're the only nation in the world that really has this problem. Why is it that everybody else has been able to solve this problem but us? Simple. Special interest groups like the trial lawyers association. They don't want a solution."

As Stanley Goldfarb, MD, and Associate Dean of Clinical Education at the Pennsylvania School of Medicine has written: "The President points to for-profit insurance companies, but for-profit insurance companies only make up 25 percent of the system, and they are not that profitable, ranking 85th among all U.S. industries. 'Reform' will redistribute the money, not reduce the overall costs. There is much that can be done to make our system more efficient. Tort reform is a great place to start."

Even prominent Democrat strategist Bob Beckel has conceded medical tort reform is essential, recently writing that CBO has reviewed the few credible reports that do exist and concluded: "A number of those studies have found that State-level tort reforms have decreased the number of lawsuits filed, lowered the value of claims and damage awards . . . thereby reducing general insurance premiums. Indeed, premiums fell by 40 percent for some commercial policies."

From a CBO report in June 2004, one irrefutable fact remains: Between 1997 and 2007, medical tort costs, including insurance premiums, have risen from \$15 billion to \$30 billion a year. That fact alone should ensure that yearly savings in the billions for medical tort reform would pass the credibility test."

As Kimberley Strassel has written in *The Wall Street Journal*: Tort reform is a policy no-brainer. Experts on left and right agree that defensive medicine—ordering tests and procedures solely to protect against Joe Lawyer—adds enormously to health costs. The estimated dollar benefits of reform range from a conservative \$65 billion a year to perhaps \$200 billion a year. In context, Mr. Obama's plan would cost

about \$100 billion annually. That the President won't embrace even modest change that would do so much, so quickly, to lower costs has left Americans suspicious of his real ambitions.

It's also a political no-brainer. Americans are on board. Polls routinely show that between 70 percent and 80 percent of Americans believe the country suffers from excess litigation. The entire health community is on board. Republicans and swing-State Democrats are on board. State and local governments, which have struggled to clean up their own civil justice systems, are also on board.

Mr. Speaker, Republican-sponsored legislation would make Federal law the same legal reforms California implemented over 30 years ago. That legislation, called the HEALTH Act, remains the gold standard for health care legal reform, and it continues to be supported by every major medical association.

The HEALTH Act does not limit in any way an award of "economic damages" from anyone responsible for harm. Economic damages include anything whose value can be quantified, including lost wages or home services, including lost services provided by stay-at-home mothers, medical costs, the cost of pain-reducing drugs, therapy and lifetime rehabilitation care, and anything else to which a receipt can be attached.

Only economic damages, which the Federal legislation does not limit, can be used to pay for drugs and services that actually reduce pain. So, nothing in the HEALTH Act prevents juries from awarding very large amounts to victims of medical malpractice, including stay-at-home mothers and children. California's legal reforms, just like the HEALTH Act, cap noneconomic damages at \$250,000 but do not cap quantifiable economic damages.

The administration's health care bill not only fails to contain any of the tort reforms that CBO concluded would save at least \$54 billion in health care costs, but it also contains a provision that actually deters States from enacting such reforms in the future by explicitly prohibiting tort reform "demonstration project" funds to States that enact limits on damages or attorneys' fees.

One section of an earlier bill states that "the Secretary of HHS shall make an incentive payment . . . to each State that has an alternative medical liability law in compliance with this section," but then goes on to say a State can take advantage of such funds only if "the law does not limit attorneys' fees or impose caps on damages," which are precisely the tort reforms the CBO concluded yield real health care cost savings.

Mr. Speaker, so not only does the administration's bill fail to contain any of the tort reforms we know bring

health care costs down from decades of experience, but it even prohibits States that want to try such reforms from taking part in the government-funded tort reform demonstration projects. This is not only a blow to State reform efforts, it is a federally funded bribe discouraging States from enacting real reform, and, of course, it is a giant bailout for trial lawyers.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The Chair will note that the gentleman from Texas has 13 minutes remaining and the gentleman from Michigan has 28 minutes remaining.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished Member of the House who has had insurance experience as a State commissioner, EARL POMEROY of North Dakota, for 2 minutes.

Mr. POMEROY. I thank the chairman for yielding for the purpose of a colloquy.

I would like to thank Chairman CONYERS, Congressman TOM PERRIELLO of Virginia, Congresswoman BETSY MARKEY of Colorado, and others for their leadership in bringing to the floor this important bill aimed at creating greater competition in the health insurance marketplace in order to promote greater affordability, improve quality, and greater consumer choice.

In particular, I appreciate that the bill is narrowly tailored to repeal the McCarran-Ferguson antitrust exemption only for the business of health insurance. But despite the clear wording of the bill, I have heard concerns from some that courts might somehow interpret the bill broadly to include non-health lines of insurance such as life insurance, long-term care insurance, disability income insurance, even property/casualty insurance.

As one of only two former State insurance commissioners in the U.S. House of Representatives, I know health insurance is different than these other insurance lines. I would appreciate, Mr. Chairman, your confirmation of my understanding that the bill we are now debating does not apply to any insurance except for health insurance, and your expectation that courts will interpret it properly to not include nonhealth lines of insurance.

Is the gentleman's understanding of my expectation correct?

Mr. CONYERS. If the gentleman will yield, I want to commend him for clearing up something that perhaps in more reasonable circumstances should not need to be cleared up.

I still have confidence in the courts that they can read the simple understanding that when we say "health insurance," we don't mean life insurance. I mean, this is getting pretty fundamental here. But, of course, you are correct, Mr. POMEROY. It's health insurance only; no disability income in-

surance, no long-term care insurance, no property insurance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 1 minute.

Mr. POMEROY. I yield to the chairman.

Mr. CONYERS. No casualty insurance, no other kind of insurance but the one plainly listed in a two-page bill. So my confidence in the courts is unrestricted that they can get this right.

The lack of a statutory definition is intended solely to give the courts the ability to ensure that all forms of health insurance are appropriately included so that unreasonable and artificial distinctions do not arise between two essentially equivalent kinds of insurance products and how they are treated under antitrust laws.

I am glad that the gentleman raised this issue in the hearings.

Mr. POMEROY. I thank the chairman.

Reclaiming the time, I believe the chairman's words are very clear and will make a very clear part of the legislative record on this bill.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia who has done so much in working with the committee on this bill, Mr. PERRIELLO, who has been great.

Mr. PERRIELLO. Thank you, Mr. Chairman, thank you to Chairwoman SLAUGHTER, as well, for their great leadership on this bill. This is a great day.

It's a great day for consumers, it's a great day for competition, and it's a great day for common sense. I am new to Washington, and I know this is a town full of grays, but sometimes things are as simple as black and white. This is a chance for people to decide whether they stand for patients or whether they stand for the profiteering of health insurance monopolies, whether they stand for competition or for collusion.

This is a victory for common sense in the midst of the health care reform debate. Only inside the beltway would those people argue that the best way to protect competition is to protect monopolies. Only inside the beltway would people try to argue that the best way to help the little guy is to make sure that we protect monopolies.

The status quo is not working for the small insurers. There are those with very good intentions who want to talk about safe harbors, but I have not had constituents come up to me and say, Congress, please have more carve-outs. Congress, please have more exemptions and exceptions, please make the bills even longer. Here we have a two-page bill, 24 lines long—one that is supported by conservatives and liberals

alike in my district—that makes a simple rule that health insurance companies should have to play by the same rules as everyone else.

If two plumbers in my district get together and start to collude and set prices, they will go to jail. Why should the biggest health insurance companies in the country not have to play by the same rules? People say to us, How about a shorter bill? Two pages. People say to us, What about bipartisanship? Well, in 2007, all of the attorneys general across the country, without a single dissenting vote across party lines, said we want this bill. We want more Federal power for us to be able to go after these monopolies that are sticking it to consumers.

□ 1415

This will not solve every problem in the health care debate, but if we can't come together and agree on something this simple—pro-competition, pro-consumer, two pages long—how will we ever come together on anything?

It is estimated to save consumers \$10 billion. In States that have removed such protections before, premiums have risen at one-fifth the rate of other folks. This means real money in the pockets of working and middle class Americans. Voters say, who is standing up for us—working and middle class Americans who play by the rules—instead of for the interest groups? Here is a chance for a victory for common sense and for consumers.

If you are a health insurance company and you are not engaged in monopolistic practices, you're not colluding, you have nothing to worry about. But if you are, be afraid, be very afraid, because you are no longer going to enjoy the monopoly protections you have enjoyed for 65 years.

We are going to stand up for patients today with no loopholes and no monopolies to ensure a basic sense of accountability, competition, and Main Street values, and maybe take one step forward towards bipartisanship and common sense in this health care reform debate.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would like to yield to PAUL KANJORSKI of Pennsylvania for a unanimous consent request.

Mr. KANJORSKI. Mr. Speaker, I rise in support of H.R. 4626.

Mr. Speaker, as the Chairman of the House Financial Services Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises and on behalf of the Financial Services Committee and its Chairman (the gentleman from Massachusetts, Mr. FRANK), I would like to thank the Chairman of the Judiciary Committee (the gentleman from Michigan, Mr. CONYERS), the gentleman from Virginia (Mr. PERRIELLO), the gentlewoman from Colorado (Ms. MARKEY), and others for their leadership in bringing this important legislation to

the floor. I also appreciate their cooperation with the Financial Services Committee—which has primary jurisdiction over most insurance regulatory issues, except for health insurance matters—in developing this bill. In particular, I appreciate that the legislation before us is narrowly tailored to repeal the McCarran-Ferguson antitrust exemption only for the business of health insurance.

Today, Congress is engaged in robust debate on reforming the health insurance marketplace for the nation. There are also many additional types of insurance that impact citizens' lives on a daily basis. When looking broader at insurance regulatory reform and allowing insurers to cross state lines, Congress should look at these matters comprehensively across all lines of insurance. I look forward to working together with House leadership and multiple committees on these important matters in the future.

Mr. CONYERS. Mr. Speaker, I recognize the distinguished Member who allowed us to testify in his subcommittee on universal single-payer legislation, ROB ANDREWS of New Jersey, and I yield him 2 minutes.

Mr. ANDREWS. Mr. Chairman, thank you for your leadership on this bill. I would like to thank and congratulate Mr. PERRIELLO, Ms. MARKEY and Ms. SLAUGHTER for their leadership.

Members of the House have a choice to make this afternoon: If you believe that the Members of the two parties can work together to solve a problem in our health care system, then the correct vote is "yes"; if you believe that there can be simple and clear solutions that do not involve thousands of pages of legislative language, then the correct vote is "yes"; if you believe that health insurance companies should be held to the same standard that car dealers, supermarkets, television networks, candy stores, all kinds of people are held to in this country, then the correct vote is "yes."

The choice here is competition versus crony capitalism. Competition means the best competitors get the market share and get the business. It means that health insurance companies cannot meet behind closed doors and fix the prices of their product. We've seen enough of crony capitalism on Wall Street, we have seen enough of crony capitalism in our banking industry, and I think we've seen more than enough of crony capitalism in health insurance.

This is the chance for the Members to come together and say we want the health insurance industry to compete for the business of the American people the same way everybody else does. It is pro-consumer, it is pro-competition. It should be profound evidence that the two parties can work together and start to solve the health care problem.

I congratulate the authors. I would urge my friends on both sides to vote "yes" in favor of this bill.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am now pleased to recognize BETSY MARKEY of Colorado. She has done yeoman's work on this measure in her first term, and I will yield her 3 minutes.

Ms. MARKEY of Colorado. Thank you, Mr. Chairman, for your work on this very important bill.

A few years ago, before I ever even decided to run for Congress, I owned a small coffee shop in Old Town, Fort Collins. As a business owner, I knew that my success or failure depended on my business plan and my ability to compete. None of the other shopowners needed the government to offer them some sort of special protection in order to survive. Capitalism is the basis of our democracy, and a competitive marketplace is at the heart of capitalism.

Since 1945, just two industries have enjoyed special protection from antitrust laws by the United States Government: Major League Baseball and the health insurance industry. Since Americans don't rely on baseball tickets to vaccinate their children or get cancer screenings, the gentleman from Virginia and I felt it important that we tackle the special protections offered to the health insurance industry today.

I consider myself a pragmatic person. I think companies should be left alone to succeed or fail based on the fitness of their business plan and on the quality of the products they offer to consumers, not because they got a special deal from Washington.

I believe that consumer protection laws keep our markets competitive and are crucial to our democracy and economy, and that the exceptions offered to the insurance industry for over half a century leave the doors wide open to price-fixing that can't be regulated.

If any Member of this body were to come and suggest that the United States Government give one industry immunity from protection and from price-fixing, the outrage from the American public would be swift and heartfelt. It is not fair that small business owners across America—many of them struggling to survive in today's economy—have to play by a separate set of rules.

The underlying premise of this bill is not a partisan issue. Prominent Members of both parties have advocated removal of McCarran-Ferguson for 2 years. In 2007, Senator Trent Lott co-sponsored legislation with PATRICK LEAHY that would have repealed an even broader swath of antitrust exemptions benefiting the entire insurance industry. At the same time, Senator Lott made the astute point that if the industry were not engaging in price-fixing, it wouldn't have to worry about losing its antitrust exemption.

When Lott testified before the Judiciary Committee in 2007, he said, "I cannot for the life of me understand why we have allowed this exemption to stay in place so long." Perhaps even



more telling, the National Association of Attorneys General strongly supports the repeal of McCarran-Ferguson. One assistant attorney general noted, "The most egregiously anticompetitive claims, such as naked agreements, fixing price, or reducing coverage, are virtually always found immune" from prosecution under the law.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. CONYERS. I yield the gentlewoman an additional 30 seconds.

Ms. MARKEY of Colorado. For years, one industry has enjoyed an unfair advantage over every other business in the United States. I don't think this has anything to do with being a Republican or a Democrat, I think it has to do with being fair.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have heard several speakers in the last few minutes say that there are only two industries exempted from the antitrust laws, insurance and baseball. This, of course, is not true. There are more than 20 such exemptions. If the majority is intent on eliminating simple exemptions, perhaps they would be willing to eliminate the labor union's antitrust exemption as well.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, MARY JO KILROY of Ohio has worked hard on this legislation, and I would like to recognize her for 2 minutes.

Ms. KILROY. Thank you, Chairman CONYERS, for allowing me this opportunity. Also, I want to give thanks to the work of my freshman colleagues, TOM PERRIELLO and BETSY MARKEY, for their work on this important piece of legislation that I am very proud to be a cosponsor of.

I have been listening to this debate this afternoon, and it is very surprising—and actually highly ironic—to hear the opposition from the Republican side of the aisle to a bill that would simply make the health insurance industry operate fairly in a competitive marketplace. After all, it was a great Republican President, Teddy Roosevelt, who was the great trust buster, the one who brought antitrust principles into American jurisprudence and legislation. And as we have heard this afternoon from others, versions of this bill have had bipartisan support over the course of the years when there have been attempts to introduce antitrust legislation addressing this issue with respect to the health insurance industry. After all, competition is the engine that drives our economy, spurs innovation, and ensures that the American consumer would receive a fair deal. But for far too long the insurance industry has been able to avoid accountability by dividing up the territories among themselves like the robber barons once did on the backs of ordinary Americans.

I also serve with several of my colleagues on the Competitiveness Task Force, and I know that for our economy to regain its footing, we need central Ohio and American business to be competitive, something this bill will help to ensure.

This bill is needed because the health insurance industry is sick, and we need to fix it. We know that we have an unhealthy insurance system because we see that the signs and symptoms are there. Ninety-six percent of all health insurance markets are highly concentrated, meaning consumers have little or no choice between insurers, and it is too easy for insurance industries to conspire on practices.

I urge my colleagues to support passage of the Health Insurance Industry Fair Competition Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California, the former Attorney General of that State, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, as I've said repeatedly—and perhaps the gentlelady from Ohio who just spoke didn't hear—I support the bill. I think she also heard—well, maybe she wasn't here to hear the ranking Republican say he is not going to oppose the bill, so let's be clear about what we're talking about here.

While I do support this bill and while I do think it could be perfected and while I hope that the motion to recommend will be adopted to actually make it a better bill, I would say, however, this is not the first bill we should have on the floor dealing with the overall issue of health care. The first one should be the one the American people have asked us to look at, and that is reform of the medical malpractice system.

The interesting thing is, as the gentleman from Texas pointed out, that in the bill that we have in the Senate and the House, there is reference, as the President of the United States said, to medical malpractice litigation alternatives. That bill does give incentives, financial incentives, Federal moneys from the Federal Government to the States if they will engage in alternatives to the litigation system in areas of medical malpractice. But as the gentleman from Texas pointed out, there is a kicker in there, and it says that if your State dares to in any way put any limitations on attorneys fees or on any part of the recovery in medical malpractice cases, that State will be ineligible for the funds; in other words, you will be punished relative to other States.

Now, the gentleman from Texas referred to the landmark legislation we had in California called MICRA, which was adopted in the mid-1970s at a time when we had a crisis in medical malpractice premiums. We actually had an exodus of doctors, particularly in the

specialties. Neurosurgeons, I remember anesthesiologists, other high specialties with high-risk practices were actually leaving the State of California because of the significant increase in premiums on a yearly basis as a result of the true historical data of what was happening in the courts.

□ 1430

I recall at this time, because I actually did some representation in the courts of doctors and hospitals and of even a couple of plaintiff cases—but primarily defense cases—that it was becoming a crisis.

So, in California, it came together on a bipartisan basis, and we passed legislation better known as MICRA. In there, we have a limitation on a sliding scale on the amount of money that can go to the attorneys, and it's a slightly higher percentage at the lower recoveries. As the recovery gets larger and larger, the percentage of return to the attorneys, percentage-wise for that segment of the recovery, is less.

While putting no limitation whatsoever on recovery for loss of income and for all medical costs, there was a cap put on noneconomic damages. As one who has been in the courtroom and has seen what happens, that is logical because the one area in which you saw extraordinary amounts of money that really were not truly indicative of approvable damage—I'm not saying there isn't pain and suffering, but trying to quantify it is extremely difficult, and it proved to be impossible, and it proved to be the area in which you had the outrageous jury verdicts that had the impact of distorting the system. So California adopted both of those.

In other words, the bill that has been presented by the President and Democrats in the House and the Senate not only does not really deal with reform of the medical malpractice system, but it takes us back more than 30 years to the position in which we were then when we had not an academic exercise about the possibility of a crisis but a true crisis. We literally had a crisis in medical care in the State of California until we enacted this change.

So that is why it is at least as strange to ask and to see why we don't have some litigation reform moving through our Judiciary Committee and through the other committees that may have jurisdiction in the House of Representatives and placed on the floor. That's why it was very important for the gentleman from Texas to make reference to the California system, because that is one that has worked, and it specifically is the one that is singled out in the legislation that the President supports to be punished. Now, if that is not irony, I don't know what is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. DANIEL E. LUNGREN of California. So I would just hope that people would understand, as important as this bill is, that we should be at least listening to the American people, who have said number one on their issue list in dealing with this problem, as they see it, as they understand it, as they are affected by it, is the reform of the medical malpractice litigation system as it currently exists.

So it is somewhat disappointing that we don't have that even on the horizon. I think the gentleman, the ranking member on the committee, would agree we haven't seen anything on this subject that has been scheduled for our committee.

While I support this legislation—and let me repeat that—I support this legislation. I think it is good legislation. I think it may have a slightly bigger impact than, maybe, my ranking member thinks it will have, although not as large an impact as suggested by the other side. I would hope that the other side would look with open eyes and would listen with open ears to our motion to recommit because I think it will make a better bill, will clear up some definitions that are not defined in this bill and will help us move in the right direction.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the leader of the Progressive Caucus in the House for so many years, the gentlewoman from California, LYNN WOOLSEY.

Ms. WOOLSEY. Thank you, Congressman CONYERS, for your great leadership.

Mr. Speaker, can you imagine the health care industry being exempt from the McCarran-Ferguson antitrust rules right now, particularly after Anthem raised their rates 39 percent a couple of weeks ago when their parent company had just announced that they had had—I believe it was 2.9—around a \$2 billion profit last quarter, and when one of their subsidiaries has to raise their rates 39 to 40 percent?

H.R. 4626 will lift the antitrust exemptions that health insurance companies have enjoyed for far too long. It will protect us from the Anthems of the world. These exemptions have given the companies a near monopoly control of health insurance markets—preventing meaningful competition, competition that would bring down the cost of premiums and competition that would make health care affordable for all Americans, which we know is not right now. Through the lifting of the insurance companies' antitrust exemptions and through the creation of an exchange, we will increase competition. The insurance industry will then have to control their costs, control their premiums and control their copays because they will have competition.

Another important way to increase competition is to give the American

people a choice, a choice of a public health insurance option—an option that will compete with private health insurance companies and will bring down the costs of premiums and the costs of coverage.

The CBO, the Congressional Budget Office, has stated that a public option would save at least \$25 billion if we included that right now in our health care bill. That \$25 billion could be used for subsidies to ensure the affordability of all health insurance plans.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time on this side, and I am prepared to close at the appropriate time.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Chairman CONYERS, thank you so very much.

Mr. Speaker, I keep thinking about that movie "Casablanca." The guy says, I am shocked to learn that the Republican Party that has championed itself with the free market economy would oppose a measure that would, in fact, allow for competition.

Now, a lot has been said on the floor today, but the fact of the matter is—and I spent 8 years of my life as the insurance commissioner in California, and I am here to tell you that the insurance companies, using the exemption from the antitrust laws, are able to conspire to fix prices on premiums and on payments to doctors. That has been proved in cases, national cases, brought by States and by private attorneys as well as by the attorney general of New York.

Similarly, they are able to vertically integrate. In a case that took place in New York, where UnitedHealthcare owns a company called Ingenix, which actually sets the reimbursement rates, they are able to have a serious conflict of interest. The lower the normal reimbursement rates, the more the copay to consumers.

So there are varieties of practices that take place in the insurance industry, practices which are anticompetitive and anticonsumer. What we are doing here is very simple and very, very straightforward. It is this:

Under the antitrust laws that have been in place since Teddy Roosevelt is a long history of people pushing back against the powerful interest groups—in this case, the powerful interest groups of the insurance industry. It is time for us to simply say, You must compete as every other part of the American economy must. Vertical integration to the detriment of consumers: not allowed. Price-fixing on selling the products: not allowed. Not able to use that market power to set prices on the payment to doctors and hospitals. All of those things have taken place. The proof is there.

With regard to the States' ability to do this, yes, many States do have antitrust laws, and we are thankful for that, but the Federal Government, the Federal Attorney General, is precluded from involving in the matter of competition in this industry.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to a former member of the House Judiciary Committee, the gentlewoman from Ohio, BETTY SUTTON.

Ms. SUTTON. Thank you, Mr. Chairman, for the time.

Mr. Speaker, I rise in strong support of this bill, to repeal the antitrust exemption for health insurance companies.

For far too long, the health insurance industry has been exempted from playing by the rules that most other American businesses must live by. Since 1945, they have been operating beyond the reach of these important consumer protection laws. The result has been excessive consolidation in the health insurance industry and the insurance companies taking advantage of honest, ordinary Americans. This legislation will finally put an end to insurance company collusion, and it will bring much needed competition to the industry.

According to the Consumer Federation of America, repealing these antitrust exemptions will save consumers more than \$40 billion in insurance premiums. I, for one, want consumers to save that money. The families that I proudly represent have the right to be confident that the cost of their insurance and the actions of their health insurance providers are reflective of competitive market conditions, not of collusion.

This bill is a historic step to ensure competition in the insurance industry and to provide access to quality, affordable health care for all Americans. Now, who would be against that?

The choice is clear and easy. It is a two-page bill, easily understood, hard to mischaracterize. A vote for the bill is a vote for our constituents. A vote against the bill is doing exactly what the insurance industry wants. Let's think about that. For our constituents versus for the health insurance industry. It's an easy choice. Because the American people need all of us to be on their side, I urge people on both sides of the aisle to vote for this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Canton, Ohio, JOHN BOCCIERI.

Mr. BOCCIERI. Thank you, Mr. Chairman.

Mr. Speaker, the American people have asked for common sense in their government, but all too often it is just not that common.

You see, our friends on the other side have asked for simplicity, for substance, and for competition in the health care debate, but only in Washington will we argue that competition

doesn't reduce costs. Only in Washington will we argue that we haven't had time to read a two-page bill. Only in Washington will we argue process over results for consumers.

What does it mean for consumers in Ohio?

Well, let me tell you, small businesses in Ohio, their premiums have risen about 129 percent. There are 7.4 million people in Ohio who get their insurance on the job, averaging about \$13,000. Small businesses make up 72 percent of all business in Ohio, while only 47 percent of them can afford to offer health insurance for their people.

We have seen 400 mergers in the health care industry over the last 14 years, so 95 percent. According to the Department of Justice, health insurance markets are highly concentrated. It means there is collusion. It is simple economics. We increase competition. We lower prices.

On this matter, we have to know who we will stand with at this hour. Are we going to stand for families or are we going to stand for monopolies? Are we going to stand for competition or are we going to stand for price-fixing and collusion? Are we going to be Congress men and women who stand for consumers and for open markets or are we going to be Congress men and women who stand for collusion and corruption in the industry? There are not all bad actors out there, but on this day, at this hour, we need to stand with consumers.

Mr. CONYERS. Mr. Speaker, this has been an important debate, and I would like to take this opportunity to commend the leader of the Republicans in the House, and especially one Member on the Judiciary Committee, LAMAR SMITH.

We have had a very civil debate. I think, in the course of the incredible amount of time that we have been allotted for this bill, that we have reached closure on some issues. There are now more things that we agree to on both sides of the aisle than there are things that we may have differences about.

□ 1445

I attribute it to the goodwill and the cooperation of my Republican colleagues on the House Judiciary Committee. I also solicit their vote, but I will respect any way that they may choose to dispose of this matter and our friendship will not be diminished or impaired in any way whatsoever.

Now, LAMAR SMITH mentioned the fact that there were other exemptions, and to be perfectly candid, I did not know that there were more than two exemptions, and it turned out that there are. As a matter of fact, there are 27. But many of them—and I haven't researched this yet. Many of them are partial exemptions. Many of them are very small exemptions that are very

limited in terms of the economic scope of our reach in the United States. But they, nevertheless, exist.

Mr. SMITH may remember that the baseball antitrust exemption was given very close scrutiny only 2 or 3 years ago, and it reminded them of the fact that their conduct hadn't always been such that deserved a continuation of the exemption, and I'm hopeful that baseball will still deserve it.

But here in the field of health care, I think it's hard to defend any argument that the health insurance industry deserves or requires or needs an exemption, and for that reason I am urging all of my colleagues to examine this two-page bill and scrutinize it. Let's see if we can get a refreshingly large bipartisan vote that could lead the American people to reflect on the fact that we can be liberals and conservatives without rancor or animosity or personalizing our philosophical differences, and that's the appeal that I offer to my colleagues on the other side.

There are those that wonder if this would create some kind of a chill or curtailment of creativity if this exemption were removed, and I don't think that that is very logical. We think that the antitrust laws are fairly elementary. They don't conspire against competition. They don't try to reserve creativity. We want competition, and it is the exemption from antitrust liability that this becomes very, very critical.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me thank Chairman CONYERS for his comments. He is always gracious in making those. He is right. We have had a good discussion today about this particular piece of legislation. And I also want to say that he and I have a very good working relationship on the Judiciary Committee as well.

In regard to this bill, Mr. Speaker, I have to say that as much as some might hope that it did something or hope that it accomplished something or might wish that the bill did something or might pretend that the bill did something, in point of fact, the Congressional Budget Office disagrees. Members are free to wish upon a star, but this bill is a dim bulb.

Mr. Speaker, the Congressional Budget Office says that "whether premiums would increase or decrease as a result of this legislation is difficult to determine, but in either case, the magnitude of the effects is likely to be quite small." "Quite small."

So, Mr. Speaker, what's the point of this bill? CBO goes on to say that premium reductions from this bill are likely to be small because "State laws already bar the activities that would be prohibited under Federal law if this bill was enacted."

So again, Mr. Speaker, what's the point of this bill?

I could list all the reasons why this bill is ineffective, useless, unproductive, pointless, futile, and meaningless. Instead, I would like to highlight something we could do to actually drive down health care costs.

Last October, the CBO concluded that a tort reform package consisting of reasonable limits on frivolous lawsuits would reduce the Federal budget deficit by an estimated \$54 billion over the next 10 years. That \$54 billion in savings from tort reform could be used to provide health insurance for many of the uninsured without raising taxes on those who already have health insurance policies.

Also, according to the CBO, under a Republican-sponsored health care tort reform bill called the HEALTH Act, "premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law."

And a GAO report stated that "losses on medical malpractice claims, which make up the largest part of insurers' costs, appear to be the primary driver of rate increases in the long run."

Mr. Speaker, rather than spend time on a bill that the CBO said would yield a "quite small," if any, change in health care premiums, we should instead take up a bill the CBO concluded would save us \$54 billion. The American people deserve real health care reform, not a feeble and feckless substitute.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland, Mr. FRANK KRATOVIL.

Mr. KRATOVIL. Mr. Speaker, for months we have been debating how to improve the health care system. We have focused on two major goals: One is increasing the number of those who have coverage, and the second major goal is doing what we can to reduce the costs for those that do. One way, obviously, to accomplish these goals is to increase competition. In fact, it's one of the few areas where, in this debate, we have seen bipartisanship. There have been recommendations, various recommendations, on how to do that. One is the bill that we have today. There have been other suggestions, allowing for competition across State lines.

The point is we all know that one of the ways to accomplish the major goals that we seek to accomplish is to create competition, and that is what this bill does. We need to ask the question: Why would we allow this exemption to continue when we do not do that for other industries? Why would we do that when no public interest is served by doing so?

Now, this may not be the silver bullet, but certainly everyone agrees that

in order to improve our health care system, we must increase competition. That's not a partisan issue. That's what this bill does. And for that reason, I ask my colleagues to support it.

Mr. CONYERS. Mr. Speaker, NANCY PELOSI is the first female Speaker of the House in American history. She is the third ranking person in our Federal Government. And we are all honored to recognize her for 1 minute at this time.

Ms. PELOSI. I thank the chairman for his generous remarks and for his tremendous leadership in bringing this important legislation to the floor. Mr. CONYERS is well known as a champion of the people, and today he demonstrates that once again.

This House of Representatives, Mr. Chairman, is called the people's House, and you are a leader in the people's House. Today we live up to that name by passing legislation that increases leverage for people. By changing the playing field, a playing field that has been dominated by the insurance industry for over 65 years. And now it's the people's turn. The insurance companies will now be playing on the people's field.

Mr. CONYERS, thank you for your ongoing leadership, for fairness, for competition, for a better deal for the American people.

I also want to commend chairwoman of the Rules Committee, LOUISE SLAUGHTER, for her ongoing and persistent insistence that this legislation come to the floor. When she served in the State legislature in New York, she was fighting this fight.

This antitrust exemption was passed, again, over 60 years ago and it was supposed to last 3 years. Sixty-five years later we are on the floor of the House to finally repeal the special exemption that insurance companies have that no other industry, except Major League Baseball, has in our country.

I also want to commend Mr. DEFazio, who has been a champion on this issue, Congressman DEFazio from Oregon. He has worked with our new Members of Congress, and they have been a source of energy to move this legislation: Congresswoman BETSY MARKEY of Colorado; Congressman TOM PERRIELLO of Virginia, the author of this bill. We're grateful to them for their courage and their leadership, because the insurance companies don't want this bill but the American people do, and I commend those who have worked so hard.

Another new Member of Congress, Congressman GARAMENDI, a former insurance commissioner of the State of California, played a role effective from the start as soon as he arrived to get this legislation to the floor. And, again, I believe that the legislation has many Republican supporters as well. So that, of course, is really a source of confidence to us as we go forward into the health care debate.

One year ago, we began this debate on health care, quality, affordable

health care for all Americans. We got a running start on it in the recovery package with big investments in basic biomedical research and health information technology, so we were on the cutting edge of science and technology for this. We had a running start on it by passing the SCHIP in a bipartisan way, State Children's Health Insurance Program, insuring 11 million children in America. And then the debate has gone on from the summit the President had a year ago in a bipartisan way to a summit he will have tomorrow as well. But in the meantime, this very important piece of legislation is before us today.

I have always said that any health care reform had to make the AAA test. It had to have affordability for the middle class, accessibility for many more people, and accountability for the insurance companies. Accountability for the insurance companies. No longer would they have it all their way. And that's what this legislation does.

We had this on the agenda, and then the snows came and we had to put it off. And in between the time when we all got snowed out or snowed in, Anthem in California announced that it was going to raise its rates 39 percent: 39 percent, Anthem Insurance Company; 39 percent for health insurance.

□ 1500

Over the past decade, insurance rates have gone up over 150 percent. And this continues in Michigan, Kansas, other places in the country these insurance rates have gone up because the insurance companies simply have not been accountable. And this has worked to the disadvantage of the American people.

So again, I commend all of those who played a part in bringing this to the floor, to the bipartisan discussion that took place in committee that has been mentioned, and for hopefully the strong bipartisan support we will see today.

But again I want to come back to Chairman CONYERS, because he is the person when it comes to speaking out for the people, chairman of the Judiciary Committee, a very prestigious position, one with a great deal of responsibility to make sure that the pledge we take each day, with liberty and justice for all, is lived up to. And today we are providing much more competition, much more freedom for the American people by expanding their choices with this important legislation.

I urge our colleagues to support the legislation, once again salute all those who made it possible to bring this before the people's House today. Thank you, Mr. Chairman.

Mr. VAN HOLLEN. Mr. Speaker, as an original cosponsor, I rise in strong support of legislation that will end the unfair advantages that health insurance companies currently enjoy today. I want to commend my colleagues Rep-

resentatives PERRIELLO and BETSY MARKEY for their leadership and advocacy on this very important issue.

I hope most of us would agree that health insurance companies should play by the same rules as every other industry in America. For far too long, the health insurance industry has been exempt from the Federal antitrust laws that govern other businesses. As a result, they are not subject to Federal laws banning price fixing, market manipulation, collusion, or other anticompetitive business practices.

It is apparent that there is no real competition in parts of the health insurance market. In the last few weeks, we have seen health insurance companies impose huge premium increases on consumers. Anthem Blue Cross of California announced a 39 percent price hike in premiums for their consumers. The Department of Health and Human Services has reported that several large health insurance companies across the country have requested premium increases of anywhere between 16 percent and 56 percent. These huge premium increases come after a year of record profits for the top five health insurance companies in America. Last year, as Americans struggled to pay their health insurance costs, insurance companies' profits jumped by 56 percent.

Quite simply, the legislation we are considering today will repeal the blanket antitrust exemption afforded to health insurance companies under the McCarran-Ferguson Act. We must hold health insurers accountable when they engage in anti-competitive behaviors that benefit their profit margins at the expense of American families.

Mr. Speaker, we are taking a small but very critical step towards health insurance reform and fixing a part of our broken health care system while Congress continues to work on comprehensive health care reform to bring more affordable and accessible care for all Americans. I urge my colleagues to support this much-needed bill.

Mr. HOLT. Mr. Speaker, I rise in strong support of the Health Insurance Industry Fair Competition Act, H.R. 4626, legislation that would remove the health insurance industry's antitrust exemption. As a cosponsor of this important legislation, I urge my colleagues to join me in supporting this bill to expand competition, improve the affordability of health insurance, and give families more choices.

I have heard from many hard-working New Jerseyans, who are struggling under the current insurance system. The system is too expensive and leaves too many people without good, secure coverage. Families are paying higher and higher premiums for less coverage. Our businesses are struggling to afford health care for their employees and find themselves at a competitive disadvantage compared to companies in other countries. Those problems have not gone away and must be addressed.

The legislation we are considering today would lower costs and provide new insurance options for families by repealing the insurance special exemption to antitrust law. This exemption was created by the 1945 McCarran-Ferguson Act with the intention of helping new small insurance companies by allowing them to access historical insurance data for setting their premiums and left all antitrust regulation to the states.

Instead of encouraging new small insurance companies, this antitrust exemption has stifled competition. A single insurance company controls more than half the insurance market in 16 states, while in New Jersey the top two companies control almost 60 percent of the market. Lack of competition has led to growing insurer profits, increased costs and reduced coverage for patients, and an epidemic of deceptive and fraudulent conduct.

By repealing the special antitrust exemption for health insurance companies, health insurers would be held accountable for fixing prices, dividing up market territories, using predatory pricing, or rigging bids. This bill makes the federal government a partner with states who lack the resources to go after insurance companies that have violated the law.

This bill is one part of reform needed to improve the health care that all Americans receive by holding health insurance companies to the same good-competition rules that other industries face. I encourage my colleagues to vote in favor of this bill to lower costs and provide new options for patients.

Mr. LOEBSACK. Mr. Speaker, I am submitting the following statement for the record in support of the Health Insurance Industry Fair Competition Act, which would end the antitrust exemption that currently gives special privileges to health insurance companies.

If we do not pass this legislation, American consumers will continue to pay more for health insurance, if they can afford it at all, because of a lack of competition in the insurance market.

According to the AFL-CIO, profits at 10 of the country's largest publicly traded health insurance companies rose 428 percent from 2000 to 2007. At the same time, consumers paid more for less coverage. At the root of this problem is the growing lack of competition in the private health insurance industry that has led to near monopoly conditions in many markets.

There is no reason why health insurance companies should continue to receive this favored treatment from the federal government while millions of Americans pay the price.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today as an original cosponsor and strong supporter of H.R. 4626 the Health Insurance Industry Fair Competition Act.

Since 1940s, the McCarran-Ferguson Act has exempted the insurance industry from all federal antitrust laws giving health insurers freedom to raise premium prices, deny coverage for preexisting conditions, and change their reimbursement rates.

Right now millions of Americans are at the mercy of the health insurance companies with premium increases going up in the double digit percentage points across the country. These premium increases are not to enhance insurance plans, but to add to the extremely large profit margins of insurance companies.

Seemingly, there is no end in sight to this business practice because there is little competition in the health insurance market that benefits the consumer. If this continues health insurance premiums will continue to rise as long as we allow the insurance companies to control markets.

We know that competition in the marketplace leads to lower prices and more options

that benefit the consumer. There is no reason why the health insurance industry, with their outrageous spending on lavish retreats and executive salaries at the expense of the consumer, should not be forced to compete for business on a level playing field and control their costs and spending on non-health care related items.

Right now, health insurance costs are out of control and if individuals cannot afford health insurance they end up in emergency rooms forcing the health care system and the taxpayer to pay for their expenses. Yet, the insurance companies continue to see increased profits while making it nearly impossible for individuals to gain access to or afford a policy.

H.R. 4626 is one way we can fix the monopolies the health insurance industry has over the consumer and will make insurance coverage more affordable for individuals and small businesses.

This is a step in the right direction, but we desperately need health reform in this country. All individuals should have access to quality and affordable health insurance and we will not accomplish that without reforms throughout our health care system.

I strongly support H.R. 4626 because insurance anti-trust reform is one piece of the pie as we move forward.

Ms. DELAURO. Mr. Speaker, this past summer, in my home state of Connecticut, Anthem tried to raise health insurance premiums by up to 32 percent. Right now, in California, the same company is trying to pull the same trick—trying to increase their rates by as much as 39 percent.

Unfortunately, we now know that the top five insurers in America saw record-breaking profits in 2009. We have seen increases in profits of 91 percent at WellPoint, and a whopping 346 percent at Cigna.

How is this happening, in the midst of an historic recession? A lot of reasons, and central among them the fact that, according to long-established antitrust standards, there is no real competition in the insurance market today. In fact, there have been more than 400 mergers among health insurers in the past 14 years. So, insurers get away with price-gouging mainly because they can.

We have coddled this industry far too long. It is time to remove insurers' special antitrust exemption and to make them play on the same level playing field as every other business in America. I hope that all my colleagues who consistently espouse the virtues of a free market will join us in passing this bill today.

Mr. STUPAK. Mr. Speaker, the insurance industry and Major League Baseball are the last industries in our country not subject to Federal anti-trust laws.

The insurance industry can collude to set rates, resulting in higher premiums than true competition would achieve.

Because of the exemption, rate increases are not reviewed by the Federal Government.

Today I held a hearing of the Energy and Commerce Subcommittee on Oversight and Investigations evaluating the most recent and egregious example of this. In California, WellPoint's Anthem Blue Cross plan recently raised premiums by an astounding 39 percent.

One of the most effective actions Congress can take to lower health care costs is to re-

move the health insurance industry's anti-trust exemption.

This legislation would create competition in the health insurance market and lower the overall cost of health insurance for consumers.

According to the American Medical Association, 94 percent of insurance markets in the United States are now highly concentrated. In my state of Michigan, one company controls 63 of the health insurance market.

Insurers are thriving in the anti-competitive marketplace, raking in enormous profits and paying out huge salaries to top executives.

Meanwhile, American families are struggling to pay their mortgages, credit card bills and medical expenses. Many are losing their health insurance altogether with the loss of their jobs.

Yet health insurance companies continue to thrive, at the expense of struggling Americans.

It is about time that insurance companies play by the same rules as every other American industry.

I urge Members to support this legislation, to establish a fair insurance market that encourages competition and lower costs.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 4626, Health Insurance Industry Fair Competition Act. This legislation is another step in Congress' work to reform health care to bring down costs and expand choices for all Americans. Last year, we worked to make sure seniors could keep their doctors by reforming the Medicare payment system. This bill cracks down on insurance companies that are taking advantage of obsolete laws to manipulate premiums. The next step will be to protect North Carolina families from additional insurance company abuses, bring down health care costs and turn around the crushing effects of skyrocketing health care costs on our national debt.

H.R. 4626 will restore competition and transparency to the health insurance market. Competition is the engine that drives our economy, spurs innovation, and ensures that the American consumer receives a fair deal on goods and services. But for far too long, the health insurance industry has played by a different set of rules. Since 1945, the McCarran-Ferguson Act has exempted the business of insurance from federal antitrust laws. This bill repeals that blanket antitrust exemption afforded to health insurance companies. Under H.R. 4926, health insurers will no longer be shielded from legal accountability for price fixing, dividing up territories among themselves, sabotaging their competitors in order to gain monopoly power, and other such anti-competitive practices.

When NC families are hurting, doing nothing really isn't an option for me. I've heard from thousands of neighbors in my district who are suffering under the current system. I receive calls, letters and emails on health care literally every day.

Sheila is a woman from Raleigh who fears she will suffer the same fate as her sister who died from asthma because she couldn't get coverage. Linda from Sanford is a nurse who's tired of insurance industry bureaucrats interfering with patient care. Nancy from Louisburg says she's not looking for a handout, just a fair playing field because everyone should be able to get insurance. Dan is a young man

from Raleigh whose fiancé's coverage was denied when she got sick. Peggy from Rocky Mount wants affordable coverage for small business workers and the self-employed who pleads, "please don't let the insurance companies win this time." These are the voices of regular folks on North Carolina's Main Streets and country roads.

Mr. Speaker, making sure every American has access to affordable health insurance and high-quality health care is one of the most important challenges of our time. The health reform debate is about saving money and saving lives. At its core, health reform is all about ensuring that American families and businesses have more choices, benefit from more competition, and have greater control over their own health care. Repealing this exemption is an important part of that effort. I urge my colleagues to join me in taking a stand for the American people.

Ms. ESHOO. Mr. Speaker, I rise today in support of the Health Insurance Industry Fair Competition Act.

The McCarran-Ferguson Act, passed in 1945, exempted insurance companies from antitrust legislation that applies to most other business. The Health Insurance Industry Fair Competition Act removes the antitrust exemption for health insurance companies, requiring them to compete fairly and adhere to the same antitrust laws as others. No longer will health insurers be allowed to price-fix, divide up territories among themselves, or sabotage their competitors in order to gain a monopoly in the marketplace. Such practices have been outlawed in other industries for decades.

The Health Insurance Industry Fair Competition Act will bring much needed reform to the health insurance industry by allowing true competition between health insurers. Competition is what drives our economy, spurs innovation, and ensures that the American consumer gets a fair deal. More competition means lower health insurance costs for higher quality healthcare.

For too long, the health insurance exemption has led to higher premiums for consumers and contributed to the unsustainable increases in health care costs. As a result, 94% of all health insurance markets are "highly concentrated"—meaning consumers have little or no choice between insurance providers. There are only two industries in our country that are exempt from antitrust laws—the health insurance industry and major league baseball.

The American people deserve better than this and I'm proud to cast my vote in support of the Health Insurance Industry Fair Competition Act.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 1098, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. SMITH of Texas. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill (H.R. 4626) to the Committee on the Judiciary, with instructions to report the bill back to the House forthwith with the following amendments:

Strike subsection (a) of section 2 of the bill and insert the following (and make such technical and conforming changes as may be appropriate):

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

"(c)(1) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) Paragraph (1) shall apply only to health insurance issuer (as that term is defined in section 2791 of the Public Health Service Act (42 U.S.C. § 300gg-91) to the extent that the issuer engages in the business of health insurance.

"(3)(A) Paragraph (1) shall not apply to—

"(i) collecting, compiling, classifying, or disseminating historical loss data;

"(ii) determining a loss development factor applicable to historical loss data;

"(iii) performing actuarial services if doing so does not involve a restraint of trade, or

"(iv) information gathering and rate setting activities of a State insurance commission or other State regulatory entity with authority to set insurance rates.

"(B) The term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance.

"(C) The term 'loss development factor' means an adjustment to be made to the aggregate of losses incurred during a prior period of time that have been paid, or for which claims have been received and reserves are being held, in order to estimate the aggregate of the losses incurred during such period that will ultimately be paid."

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

#### SEC. 3. GAO REPORT.

Three years after date of enactment of this Act, the Government Accountability Office shall submit, to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report on whether this Act has reduced unfair competition in the health insurance market in each of the 50 States. Such report shall specify whether, as a result of this Act, the reduction in unfair competition, if any, has resulted in increased price competition in the business of health insurance.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DEFAZIO. Mr. Speaker, reserving the right to object, is this the one previously noticed and delivered a couple hours ago? Is that the motion to recommit? I just want to make sure it is exactly the same language.

The SPEAKER pro tempore. The pending motion is at the desk.

Mr. DEFAZIO. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of the motion.

Mr. SMITH of Texas. Mr. Speaker, I support this motion to recommit on H.R. 4626, the Health Insurance Industry Fair Competition Act. As I stated in my earlier comments, this legislation does little, if anything. However, if you are going to do nothing, you might as well do it better.

This motion corrects three drafting errors that create problems with the bill. First, it adds a definition for health insurers that was absent from the base bill. If we are going to eliminate McCarran-Ferguson for a limited subset of insurers, then we should clarify who those insurers are.

Second, this motion to recommit includes the exchange of data provision that Mr. LUNGREN added at the Judiciary Committee markup of a similar bill. It is necessary to ensure that small and medium health insurers can in fact compete in the marketplace.

Third, the motion to recommit includes language that protects the rate gathering and rate setting activities of State insurance commissions. The majority assumes this will be protected by the State action doctrine. But if Congress is going to repeal a 65-year-old law, shouldn't we make clear that we do not want this to undermine State insurance commissions?

Finally, the motion to recommit includes a GAO study on the impact of this legislation on competition in the health insurance market. Specifically, the GAO must report on whether or not this legislation has enhanced competition, resulting in lower prices and new competitors in the market. Let's put political rhetoric aside and see what the bill really does. We shouldn't be afraid of the truth.

In short, this motion to recommit includes definitions and clarifications that the majority has already included in earlier versions of this legislation that either were reported favorably by the Judiciary Committee or were passed by the full House. This isn't much of a bill, but let's try to improve what little there is.

I yield to the gentleman from California, a senior member of the Judiciary Committee.



Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would like to refer to that part of the motion to recommit that deals with the amendment that I offered and that was contained in the bill that passed out of the Judiciary Committee. It simply allows historical data to be utilized by insurance companies large and small. This is something that is requested by the small insurance companies, this is something supported by the American Bar Association. Their representative who testified before our subcommittee on behalf of or in support of the underlying legislation supported this amendment so that in fact small insurers would not be disadvantaged.

Let's get this right. There are some who have told me on the other side that, well, we don't need this because it will be allowed by the U.S. Justice Department or by the courts. We ought not to wait for that. We ought to give some real solid certainty to insurance companies, particularly the small insurance carriers. So if we wish to permit the collection of historical data, let's make it clear what we intend. Just because we haven't brought forward on this floor some answer to the medical malpractice litigation issue is no reason for us to commit legislative malpractice here. We ought to do our job. We ought to not pass it on.

Now, there are a few people who don't think that historical data should even be allowed. If that is the way they feel, I understand it. Most Members I have spoken to believe it ought to be allowed. They understand the absolute essence of it in terms of the continued existence of small insurers across the country.

Let's get it right. I have the language virtually the same that was contained in the majority's health care bill that passed just a couple of months ago. It is the same as contained in the bipartisan bill that came out of our committee. And most importantly, it is the same language contained in the various bills presented to this House by the late great Jack Brooks, chairman at that time of the House Judiciary Committee, about whom Members on the other side have waxed eloquently. And in tribute to him, I would hope they would support the gentleman's motion to recommit that contains my amendment.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. DEFAZIO. I thank the Speaker.

Simple question before the House today. Should the health insurance industry live under the same antitrust rules and have the same consumer protections as are provided for every other major industry in America without special exception, without carve-outs,

without loopholes? No more collusion to get together, to conspire to limit markets, coverage, and drive up rates. The American people want and they need this protection.

Now, they say there is a study throughout that says this won't save money. That study was actually based on the language they are offering. Yes, if we provide these loopholes it will may not bring down rates. But if we don't vote for their loopholes, we will bring down rates. The Consumer Federation of America says we will save \$10 billion in ratepayer premiums next year if we adopt this amendment straight up without their loopholes.

With that, I yield to the gentleman from California.

Mr. GARAMENDI. Thank you.

Mr. Speaker, directly to Mr. LUNGREN's proposed amendments, actually there are three major elements. If you look at those major elements, they do in fact give the insurance industry the opportunity to collude, because that is the data that sets future prices for consumers as well as payments for doctors.

I know this business. I was the Insurance Commissioner in California for 8 years. And I know that if an insurance company is able to collude in collecting, compiling, classifying, or disseminating historic data and determining a loss development factor, and finally, using actuarial services, they have the power to collude. This is an incredible loophole. It should never be allowed.

And the final point having to do with the insurance commissioners collecting data, nowhere in any antitrust laws are States precluded from any collection of data. This ought not be put forth. I ask for a "no" vote.

Mr. DEFAZIO. I yield to the gentleman from New York.

Mr. WEINER. You know, you got to love these Republicans. I mean, you guys have chutzpah. The Republican Party is . . . That is the fact. They say that, well, this isn't going to do enough, but when we propose an alternative to provide competition, they are against it. They say that, well, we want to strengthen State insurance commissioners, and they will do the job. But when we did that in our national health care bill, they said we are against it. They said they want to have competition, and when we proposed requiring competition, the Republicans are against it. They are . . . That is the fact.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from New York will be seated.

The Clerk will report the words.

Mr. WEINER. Mr. Speaker, I ask unanimous consent to address the House for the purpose of amending my remarks.

The SPEAKER pro tempore. Does the gentleman seek unanimous consent to withdraw his words?

Mr. WEINER. I would request unanimous consent to substitute other words.

The SPEAKER pro tempore. That would require a withdrawal.

Mr. WEINER. I ask unanimous consent to withdraw my words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 3 minutes remaining.

The gentleman from New York is recognized.

Mr. WEINER. Make no mistake about it: . . .

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask the gentleman's words be taken down once more.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from New York will be seated.

The Clerk will report the words.

Mr. WEINER. Mr. Speaker, I ask unanimous consent to withdraw the offending comments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DANIEL E. LUNGREN of California. Reserving the right to object, has the Chair ruled as to whether the gentleman's words are inappropriate under the rules of the House and the precedents of the House?

The SPEAKER pro tempore. There has been no ruling at this time. The gentleman has offered to withdraw the words.

Mr. DANIEL E. LUNGREN of California. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEFAZIO. May I inquire as to the time now that is left?

The SPEAKER pro tempore. The gentleman from Oregon has 2 minutes and 50 seconds remaining.

Mr. DEFAZIO. I yield to the gentleman from New York.

Mr. WEINER. I thank you very much. But the point is very simple. There are inequities in the present way we distribute insurance, the way we distribute health care. There are winners, and there are losers. The winners are the insurance industry. And our efforts to reel in the insurance profits, not just because they shouldn't make profits—they're doing what they're supposed to. But what they're doing is driving up taxes, they're driving our economy into the ground, and we need competition and choice to deal with that. That's what this legislation does, and the motion to recommit undermines it.



I've heard a couple of times today, well, we have an effort for bipartisan-ship here. No, there is not bipartisan-ship on this fundamental issue; and that is, the people who sit on this side, at the risk of offending anyone, generally support the idea of standing up for the American people in their daily battles against high insurance. And the people, generally speaking, who sit on this side of the Chamber, and specifically speaking as well, in a lot of cases, simply won't permit that to happen and haven't for a generation.

That's going to end now. That is going to end because we are going to have competition. We are going to make sure that there are regulations, and we're going to make sure that the American people aren't gouged. That's what the American people stand for. And time and time again people say, well, I don't really want to undermine this bill, I just want to weaken it to the point that it's meaningless.

And then I've heard my good friend from Texas say, well, this doesn't do anything. But every single time we've tried to do something, like a tiny sliver of competition called the public option, they've said, no; we can't withstand competition. We can't have that.

Enough of the phoniness. We are going to solve this problem because for years our Republican friends have been unable to and unwilling to. Deal with it.

Mr. DEFAZIO. I thank the gentleman for those remarks.

The SPEAKER pro tempore. The gentleman from Oregon has 1½ minutes remaining.

Mr. DEFAZIO. We have before us a simple question: Will we repeal a 62-year old artifact that is a special favor for the insurance industry, an exemption from the laws of the land of anti-trust, which are designed to promote competition, to protect consumers, and for a free market economy.

You can't have a free market economy when people can collude, when they can get together to limit markets and competition, when companies become so huge they dominate urban areas and entire States; one company. Consumers have virtually no choice in much of America. They have to eat those huge rate increases or not. We can take a meaningful step here today to bring down the cost of health insurance for all Americans. The Consumer Federation of America says this will save consumers \$10 billion next year, and they say that's nothing. Well, say that to your consumers at home if you vote against this bill.

Creating these loopholes undermines the entire effort here today. We do not need these loopholes. We need this industry to play by the same rules as every other industry in America.

Vote against the motion to recommit, and vote for competition and consumer protection for all Americans in health insurance.

With that, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would like to ask unanimous consent if I might revise my remarks. I referred to Jack Brooks as the late great. I didn't mean to suggest that he is no longer with us. He is great but he is not late.

The SPEAKER pro tempore. Without objection.

There was no objection.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 4626, if ordered; and suspension of the rules with regard to House Resolution 1085.

The vote was taken by electronic device, and there were—yeas 170, nays 249, not voting 13, as follows:

[Roll No. 63]

YEAS—170

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Brown (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Deal (GA)  
Dent  
Diaz-Balart, L.

Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallely  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Henger  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
Kilroy  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette

Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy (CA)  
McCaul  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster

Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt

Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wittman  
Wolf  
Young (AK)  
Young (FL)

NAYS—249

Abercrombie  
Ackerman  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocchieri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Giffords  
Gonzalez

Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Markey (CO)  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McClintock  
McColum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)

Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perlmutter  
Perrillo  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauber  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stupak  
Sutton  
Tanner  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velazquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters

Watson  
Watt  
Waxman

Weiner  
Welch  
Wilson (OH)

Woolsey  
Wu  
Yarmuth

## NOT VOTING—13

Barrett (SC)  
Blunt  
Buyer  
Davis (KY)  
Dingell

Hoekstra  
Maloney  
Pitts  
Radanovich  
Reichert

Schock  
Stark  
Wilson (SC)

□ 1545

Ms. ESHOO, Messrs. BERRY, BOWEN, GONZALEZ, BUTTERFIELD, Ms. BERKLEY, Messrs. CLEAVER, GEORGE MILLER of California, ORTIZ, WALZ, GUTIERREZ, Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, Mr. CROWLEY, Ms. SUTTON, and Mr. CHILDERS changed their vote from “yea” to “nay.”

Messrs. GINGREY of Georgia and COLE changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 19, not voting 8, as follows:

[Roll No. 64]

## YEAS—406

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Bocieri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Braley (IA)  
Bright

Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Finer  
Flake  
Fleming

Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe

Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Paulsen  
Payne  
Pelosi  
Pence  
Perlmutter  
Perriello  
Petters  
Peterson  
Petri  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Bocieri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Braley (IA)  
Bright

## NAYS—19

Akin  
Boehner  
Brady (TX)  
Broun (GA)  
Buyer  
Franks (AZ)  
Garrett (NJ)

Jenkins  
Jordan (OH)  
King (IA)  
Lamborn  
Linder  
Moran (KS)  
Paul

Price (GA)  
Ryan (WI)  
Sensenbrenner  
Tiahrt  
Westmoreland

## NOT VOTING—8

Barrett (SC)  
Blunt  
Dingell

Hoekstra  
Pitts  
Radanovich

Reichert  
Stark

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1555

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# HONORING THE CONTRIBUTIONS OF AFRICAN AMERICANS TO THE TRANSPORTATION AND INFRASTRUCTURE OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1085, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1085.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 65]

## YEAS—419

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Bocieri  
Boehner

Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)

Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)

DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Hersteth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen

Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye

Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry

Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton

Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner

Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—13

Barrett (SC)  
Blunt  
Cardoza  
Culberson  
Davis (AL)

Dingell  
Hoekstra  
Linder  
Miller, George  
Pitts

Radanovich  
Reichert  
Stark

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1605

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. McMAHON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## RECOGNIZING THE DIFFICULT CHALLENGES AND HEROISM OF BLACK VETERANS

Mr. **FILNER**. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

## H. CON. RES. 238

Whereas there has been no war fought by or within the United States in which Blacks did not participate, including the Revolutionary War, the Civil War, the War of 1812, the Spanish American War, World Wars I and II, the Korean War, the Vietnam War, the Gulf War, Operation Enduring Freedom, and Operation Iraqi Freedom;

Whereas Frederick Douglass voiced his opinion in one of his autobiographies, "Life and Times of Frederick Douglass", writing, "I . . . urged every man who could, to enlist; to get an eagle on his button, a musket on

his shoulder, the star-spangled banner over his head," later remarking that "there is no power on Earth which can deny that he has earned the right to citizenship in the United States.";

Whereas during the Civil War, Black soldiers, commonly referred to as the United States Colored Troops, were treated as second-class citizens, the health care and hospitals available to them were substandard, and they often died from neglect of services that was supposed to be administered by medical personnel;

Whereas Dr. W.E.B. DuBois and William Monroe Trotter, members of the first generation of freedom's children, founded the Niagara Movement in 1905;

Whereas in his book, "Black Reconstruction in America", published in 1935, DuBois wrote that "[n]othing else made Negro citizenship conceivable, but the record of the Negro soldier as a fighter.";

Whereas the 369th Infantry, known as the Harlem Hell-fighters, fought the Germans during World War I as part of the French Army and served the longest stretch in combat—191 days without replacement—without losing a foot of ground or a man as prisoner;

Whereas at the end of the service of the 369th Infantry, the entire regiment received the Croix de Guerre, which was France's highest military honor, from a grateful French nation;

Whereas Alain Locke, the first black Rhodes Scholar, wrote in 1925 about a "New Negro" who had returned from battle with a bold new spirit that helped spark a new mood in the Black community;

Whereas in 1917, Charles Hamilton Houston encountered racism after entering World War I as a commissioned first lieutenant in the segregated 17th Provisional Training Regiment, later writing that "I made up my mind that if I got through this war I would study law and use my time fighting for men who could not strike back.";

Whereas Dorie Miller, a messman attendant in the Navy, was catapulted to national hero status and an icon to generations, after displaying heroism on board the USS West Virginia during the Japanese attack on Pearl Harbor on December 7, 1941;

Whereas before becoming a famous baseball player, Jackie Robinson was court-martialed in the Army for refusing to sit in the back of the bus in 1944, and when he was later acquitted, he wrote that "[i]t was a small victory, for I had learned that I was in two wars, one against the foreign enemy, the other against prejudice at home.";

Whereas the famed Tuskegee Airmen, a group of Black pilots, flew with distinction during World War II under the command of Captain Benjamin O. Davis, Jr., the highly decorated officer who served for more than 35 years and became the first Black general in the Air Force;

Whereas during World War II, the 6888 (known as the "Six Triple Eights"), the first all-woman Black Postal Battalion who served in England and then France, were given the daunting task of clearing out a two-year backlog of over 90,000 pieces of mail, succeeded in their mission, completed it in three months, and went on to make a positive impact on racial integration in the military;

Whereas during World War II, the Army's 92nd Infantry Division, better known as the "Buffalo Soldiers", which traces its direct lineage back to the 9th and 10th Cavalry units from 1866 to the early 1890s, was the only Black segregated unit to experience combat during the Italian campaign of 1944—

45 with several members later earning Medals of Honor for bravery;

Whereas Reverend Benjamin Hooks, who served in the 92nd Division, found himself in the humiliating position of guarding Italian prisoners of war who were allowed to eat in restaurants that were off-limits to him;

Whereas even after President Truman issued Executive Order 9981 desegregating the military on July 26, 1948, discrimination continued;

Whereas in 1946, when Charles and Medgar Evers tried to register to vote, they were turned away at the polling station;

Whereas after serving overseas in the Army, Charles and Medgar Evers returned home to Mississippi where, in 1952, they began to organize voter registration drives for the National Association for the Advancement of Colored People (NAACP);

Whereas Oliver L. Brown, a World War II Army veteran from Kansas, and Harry Briggs, a World War II sailor from South Carolina, were the fathers of two of the five named plaintiffs in *Brown v. Board of Education of Topeka* and *Briggs v. Elliott*, the historic school desegregation cases of 1954;

Whereas the Black heroes and heroines of World War II and the Korean War, such as Private Sarah Keys and Women's Army Corps (WAC) officer Dovey Roundtree, won significant victories against discrimination in interstate transportation in landmark civil rights cases, including *Keys v. Carolina Coach Company*, which was decided in 1955, six days before Rosa Parks' historic protest of Alabama's Jim Crow laws in Montgomery;

Whereas in his address at Riverside Church on April 4, 1967, Dr. Martin Luther King, Jr., commented on the irony of Blacks fighting in Vietnam to guarantee liberties in Southeast Asia while not enjoying the same rights at home;

Whereas Black veterans who were in the forefront of the leadership of the Civil Rights Movement, with their strong resolve to address the paradox of military service abroad and the denial of basic rights at home, brought deeper meaning to the word "democracy", and through their example, transformed the face of the United States;

Whereas the Black veterans of the Nation's wars sowed the seeds for today's bountiful harvest through the Niagara Movement, the NAACP, and the latter-day Civil Rights Movement, all of which share a common ancestry in the Civil War, without which there would be no Civil Rights Movement and no equal rights for all Americans; and

Whereas today, Black veterans suffer at a disproportionate rate from chronic illnesses and homelessness and are plagued by health disparities: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress recognizes—*

(1) the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation; and

(2) the need for the Department of Veterans Affairs to continue to work to eliminate any health and benefit disparities for our Nation's minority veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 238, the critical and essential role of black veterans in the civil rights movement, sponsored by the gentleman from North Carolina (Mr. KISSELL). I want to thank my colleagues in the House and especially on the Committee on Veterans' Affairs, Ms. CORRINE BROWN from Florida particularly, for being original cosponsors and bringing this to the House floor as quickly as we did. I want to also recognize the National Association for Black Veterans, the NAACP, and other civil rights organizations for their continued hard work to ensure equality of rights for all persons.

The proposed resolution honors the heroic sacrifices of black veterans and recognizes the fundamental role that those veterans played in the evolution of the civil rights movement. It recognizes, also, the difficult challenges that black veterans face when returning home after serving in the Armed Forces and encourages the Department of Veterans Affairs to continue working to eliminate any health and benefit disparities for minority veterans. I note that this resolution derived from a similar unabridged resolution approved by the NAACP during its centennial convention in July of 2009, which I had the privilege to attend and participate.

This resolution represents a small token of gratitude that Congress can provide for these veterans who have sacrificed so much for our country, often in the face of tremendous challenges, and serves also as a reminder that we have a long way to go.

I will yield for as much time as he may consume to Mr. KISSELL of North Carolina.

Mr. KISSELL. Thank you, Mr. Chairman.

Mr. Speaker, I also rise in full support of House Concurrent Resolution 238. I would like to thank Chairman FILNER and Representative BROWN and others that made this bill possible.

As a son of a World War II veteran and coming from a part of North Carolina that has a high proportion of veterans and as a student of history, we take full honor and pride in any opportunity to talk about our veterans and what they've done for our Nation throughout history. It is with great pride that, during this Black History Month, we have the opportunity to recognize the contributions of African American veterans and what they have done for our Nation.

Throughout history, they have answered the call, from the Revolutionary War on. African Americans have fought for this Nation often as second-class citizens and often coming home as veterans and not enjoying the full benefits and the rights of our Nation. Throughout the years, African

Americans have answered the call of Frederick Douglass, who said, every man that could to enlist, to get an eagle on their button, a musket on their shoulder, and a star-spangled banner over their head.

Throughout the years, we have seen great heroic acts from African Americans, whether individually or as part of a unit. And to recognize some of these today, I would like to bring forth the 369th Infantry, the Harlem Hellfighters, who, during World War I, went to Europe and were loaned to the French to fight with them. They fought for 191 straight days without replacements, without giving up any grounds, and without losing any of their members as prisoners. The French so appreciated the 369th, they gave them the Croix de Guerre, the highest honor the French can give any unit of the military.

Individuals such as Dorie Miller, who won great fame while he worked in the mess in the Battleship West Virginia, on December 7, 1941, he rose to the decks and he fought back in the great epic battle of Pearl Harbor and became a national hero.

Jackie Robinson. He fought for his Nation and he fought against the segregation of the military long before he took on the battle of integrating professional baseball.

The famous Tuskegee Airmen, led by Captain Benjamin Davis, the Tuskegee Airmen, who fought in the airplane designated the P-51, the Mustang. They had the famous red tail. The red tails became famous in the air over Europe during World War II. Our bomber crews always looked for the red tails, because there was not a single bomber lost to enemy fighters while the red tails were protecting them.

In the 92d Infantry, the only all-black infantry to fight in Italy, many members of which won the Congressional Medal of Honor, a military unit that was the direct descendant of the Buffalo Soldiers of the 9th and 10th Cavalry that was active from 1866 into the early 1890s.

But all too often these veterans, once again, had to come home and be treated as second-class citizens. Even after Harry Truman issued the Executive order to integrate the military, it was not until many years that we saw equity even begin to be approached.

□ 1615

So many of these veterans came home and took prominent roles in the civil rights movement, and it meant so much to their communities and to this Nation as we move forward.

Mr. Speaker, so often as we look at the big picture of our legislation and of our resolutions, we always know that it comes back to individuals. I would like to take a moment of personal privilege to talk about a family from my hometown in Biscoe, North Carolina. It is a family with a mother who

was a lady extraordinaire, Ms. Kagel, with many sons and daughters and grandsons and granddaughters who contributed so much to our community and still do. She had four sons who served our Nation—Pete, Jimmy, Lee, and Dan—who are my friends.

Jimmy and I are members of the same church.

Let me talk about Dan for just a second. He is a veteran of the Korean war. He was in the Air Force, and he worked at the school that I attended when I was in elementary school. He had the patience to answer many questions from my friends and me about his service. While I grew to know Dan as a friend, as a man, and as many things, I thought of him, first and foremost, as a veteran because he represented, as we are honoring here today, the African Americans who went and served our Nation and who then came back and served our communities.

This resolution recognizes the accomplishments of these veterans. It also recognizes the inequities that have been in the VA system for too long. It calls upon the VA to always try to make sure that the inequities in terms of benefits and in terms of how illnesses are treated are ironed out and are made equal as we move forward.

Mr. CAO. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 238, a resolution in honor of black veterans—their patriotism and their heroic military service and sacrifices on behalf of our Nation.

It is appropriate in this last week of Black History Month that we honor and recognize the contributions of black Americans who fought in the Armed Forces for our Nation's freedom from the time of the American Revolution through today's fighting force. This resolution only lists a few of the countless deeds and individuals who fought for freedom despite racial prejudices they faced during their service and following their return from combat.

Clearly, these brave warriors' love for our Nation is rooted in the love of freedom itself. They fought to help the United States of America become and remain that which our Founding Fathers envisioned—the shining city on the hill and the beacon of freedom and hope for all people.

I would like to thank the sponsor of this legislation, Mr. KISSELL of North Carolina, as well as Chairman FILNER, Ranking Member BUYER, and Ms. BROWN for their work in bringing this legislation to the floor so quickly.

African Americans have contributed greatly to our Nation and also to the State of Louisiana, in particular, for centuries by defending our freedoms in the Armed Forces, even at a time when they, themselves, were not free. Had it not been for the service of African

Americans in 1814–1815 in the Battle of New Orleans, which was really the battle for New Orleans from British control, the United States would not have the New Orleans we know and love today.

Today, there are more military veterans who are African American than any other minority group. I am proud to represent Orleans and Jefferson Parishes, which have large populations of African American veterans and members of the Armed Forces.

Mr. Speaker, I urge all of my colleagues to support House Concurrent Resolution 238.

I yield back the balance of my time. Mr. FILNER. I thank the gentleman from North Carolina for his personal story.

Mr. Speaker, we have heard that black citizens of our country have made incredible sacrifices for our Nation. Yet, even with those sacrifices, many black veterans face tremendous challenges in the fight for civil liberties both at home and while they are serving.

I want to recognize, Mr. Speaker, because he is in the gallery, Joe Wynn of the Black Veterans of America, who has brought us this resolution. We thank him for all of his work on behalf of equality for all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GARAMENDI). Members are reminded not to refer to people in the gallery.

Mr. FILNER. This resolution recognizes the soldiers and patriots who had to fight in both types of wars, and it helps to memorialize and to serve as a testament to their great spirit and determination.

We've heard about Jackie Robinson, but as a member of the Army before becoming the famous baseball player who broke the color barrier, he once suggested that he was in two wars—one against the foreign enemy, the other against prejudice at home.

Charles Hamilton Houston, who served as a commissioned 1st lieutenant in the 17th Provisional Training Regiment during World War I, boldly stated after encountering racism, "I made up my mind that if I got through this war I would study law and use my time fighting for men who could not strike back." As we know, he became a famed civil rights lawyer and was the chief legal strategist behind *Brown v. Board of Education*.

In seeing this paradox of fighting for the promise of liberty and freedom abroad and experiencing the denial of basic rights at home, black veterans were often in the forefront of the leadership of the civil rights movement. For instance, Civil War veterans later became champions for equal pay in the military, and many World War II and Korean war veterans came home and organized voter registration drives.

Mr. Speaker, by their heroic deeds, black Americans brought deeper mean-

ing to the word "democracy." Their exemplary actions and activism on behalf of civil rights emboldened many others to participate in the NAACP, in the Southern Christian Leadership Conference, and in other civil rights organizations and activities. Ultimately, of course, they transformed the face of democracy in America.

Even though we have made great progress, black Americans, who were once denied the right to serve side by side in battle with other Americans, have achieved some of the highest ranks in our military and government: Benjamin O. Davis, Sr., the first black general in the Army; Benjamin O. Davis, Jr., the first black four-star general in the Air Force, who led the Tuskegee Airmen during World War II; and General Colin Powell, the first black Joint Chief of Staff. These men are just to name a few.

Unfortunately today, Mr. Speaker, black veterans are more likely to be homeless, are more likely to receive less than honorable discharges, and are more likely to suffer from disparities in treatment and access for many chronic illnesses, such as hypertension, kidney dysfunction, respiratory disease, substance abuse, diabetes, cancer, as well as post-traumatic stress disorder.

So I wholeheartedly urge the passage of this resolution in the hope that we will not only recognize those who blazed the trail for us but that we will increase awareness of the need to continue the advancement of civil rights and liberties for all Americans.

I urge the VA specifically to recognize the unique struggle of many minority veterans and to, accordingly, ensure that they receive all of the benefits and care that they have earned and that they deserve. Passing this resolution is the least we can do for these veterans who have done so much for our country.

I urge the passage of this legislation.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RANGEL. Mr. Speaker, I rise today to recognize the challenges and difficulties that our Black veterans encounter as they embark on reintegrating to civilian life. I would also like to commend the Honorable LARRY KISSELL for introducing H. Con. Res. 238, and his conviction on recognizing the importance of their military sacrifices and patriotism.

The story of the African American soldier is one of extraordinary faith, hope and determination in the face of bitter disappointment over denial of their well-earned rights to full citizenship. It is a story of inspiration, leadership and a refusal to accept "no" for an answer. Ultimately, it is a story of their victory

over legal segregation and discrimination. Their story speaks of their long struggle for equality and willingness, in each instance, to forsake violence in their struggle for justice.

Black Americans have fought for their country going back to the Revolutionary War when 5,000 Black men risked their lives in the cause of independence. Serving in the Continental Army, mostly as infantry and artillerymen, they fought in the first battles at Lexington and Concord, and crossed the Delaware with George Washington. Overwhelmingly, they resisted the enticements of the British enemy, who offered promises of freedom if they would join the Redcoats. Yet, after the victory, the first of Black America's military heroes were met, not with parades or accolades, but with whips and chains as they as they surrendered their weapons for bondage on the plantation.

African Americans also served in the War of 1812 when the Battalion of Free Men of Color helped to save New Orleans in a counter-attack against the British invaders. The nation reneged on the rhetoric of General and later president Andrew Jackson who told the Black fighters, "You surprised my hopes. The nation will applaud your valor."

Fifty years later, in the Civil War, 200,000 Black men took up arms and manned military vessels, one out of ten of the entire Union army. Among the most famous was the 54th Massachusetts Infantry Regiment, which gained its modern-day fame in "Glory," a movie depiction of their heroic attack in the first wave of the assault on the beaches of Charleston. The regiment was wiped out.

Black soldiers not only had fought well, they provided the margin for victory when finally called upon as reinforcements by President Lincoln to bolster the devastated Union army. But even following this victory in the Civil War, when they fought not just to preserve the Union but to end slavery in the existing states, the nation went back on its promises. While Emancipation had ended the evil practice of legal slavery and allowed a short breathing space of freedom and political participation, less than two decades later Black Americans were bound by the new set of legal shackles of Reconstruction and Jim Crow.

Regardless of these negative circumstances, Black troops broke the societal constraints. One such group, the 369th Harlem Hellfighters, was the first African American Regiment during World War I. Faced with surmounting discrimination and rabid racism in the U.S., they were sent to fight with the French troops against the Germans. Not only did these Black troops serve the longest stretch in battle without replacement, 191 days, they did not lose ground or men to enemy capture. This all Black unit earned the Croix de Guerre, France's highest military honor, yet upon returning to their homes in the U.S., they were vilified and discriminated against as they had been before the war.

Again, during World War II, our Black soldiers proved their loyalty and commitment to the United States. The Tuskegee Airmen, America's first Black military airmen, helped break through the constraints of a segregated military when, inspired by their bravery and achievements, President Truman promulgated Executive Order Number 9981 in 1948. Many of these Black veterans fueled the Civil Rights

movement through their courage and strength to change the status quo and fight for equality.

Black Veterans have time and time again proven their loyalty and patriotism to a country they were instrumental in building. They have led the charge in breaking the shackles of slavery and discrimination. We must stand in support of our brave men and women in the Armed Forces as they return in increasing numbers to find that their employment prospects are limited. Others are suffering the detrimental effect of multiple deployments and PTSD.

It is our duty as a nation to assist those who have so valiantly fought for our freedoms by providing the tools necessary for them to fairly compete in the job market whether it is psychological counseling for trauma experienced while in combat or job training to bolster the unique skill sets they have acquired during their time in the service.

Mr. KISSELL. Mr. Speaker, a constituent of mine, Michael Lawson, recently told me about the little known role the first all black fighting regiment had during WWI.

The 15th New York Infantry, "The Harlem Hellfighters," later federally designated as the 369th Regiment Army. They served valiantly, including 191 days without a replacement and never lost a prisoner or a foot of ground. He said there had been no formal American recognition of the dedication and sacrifice of these young men. The French did recognize them with the Croix de Guerre, their highest military honor as well as a monument dedicated by a grateful French government.

Michael knew all about the Harlem Hellfighters because his grandfather, MAJ Melville T. Miller, served more than 50 years in the U.S. Army through two World Wars and the Korean War. Major Miller began his service as a member of the unit when he was just 16 years old.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 238.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE LIFE OF SARAH MOORE GREENE ON HER 100TH BIRTHDAY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today is the 100th birthday of a great lady and Tennessee icon, Sarah Moore Greene.

Ms. Greene has been both a national leader and a leader in our hometown of Knoxville. By the way, she still attends many events, and is always dressed like a fashion model. She has served on the national board of directors for the NAACP, and has been a delegate to numerous Republican national conventions.

My father served as mayor of Knoxville for almost 6 years from early 1959 through the end of 1964. During that time, Knoxville received the All-American City award from Look magazine, primarily because it had the most peaceful integration of almost any major city. Sarah Moore Greene and my father led the effort to peacefully integrate our city.

Mrs. Greene has touched thousands of lives in good and positive ways through her years as a teacher and through her work in the community. She has helped countless numbers, young and old, but her special love is her children, both the hundreds she taught and the thousands who have attended the Sarah Moore Greene Elementary School.

Mr. Speaker, this Nation is a better place today because of my friend Sarah Moore Greene, a great American.

#### SORROW AND OUTRAGE AT THE DEATH OF CUBAN DISSIDENT ORLANDO ZAPATA TAMAYO

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I want to express my deepest sorrow and outrage at the death of Cuban dissident Orlando Zapata Tamayo. Imprisoned since 2003, he had been on a hunger strike for several weeks. He first heard he was seriously ill last week, and yesterday, he died at the prison clinic.

Zapata Tamayo paid the ultimate sacrifice for his commitment to changing Cuba's system. He commands our respect. No one has starved himself to death in a Cuban prison in over 40 years. Surely, the Cuban Government could have and should have intervened earlier to have prevented this tragedy. His death is on their conscience.

I have always felt and continue to believe that, if we are truly going to do a better job of standing with the Cuban people, then we need to be closer to them and in greater numbers. We need to travel freely to the island to meet and to learn from them and they from us. I hope that day comes soon so we can tell all of the Cuban people that we remember the sacrifice of Orlando Zapata Tamayo.

[From the Washington Post]

ACTIVISTS: CUBA DISSIDENT DIES AFTER HUNGER STRIKE

Havana—An opposition political activist imprisoned since 2003 died Tuesday after a lengthy hunger strike, members of Cuba's human rights community said.

Orlando Zapata Tamayo, who was jailed on charges including disrespecting authority, died at a clinic at Havana's Combinado del Este prison, according to Vladimiro Roca, a leading dissident who said he spoke to Zapata Tamayo's family.

Zapata Tamayo, 42, was not among the island's best-known dissidents. He was arrested in 2003 on charges of disrespecting authority, said Elizardo Sanchez, head of the Havana-based, independent Cuban Commission on Human Rights and National Reconciliation.

He was sentenced to three years in prison, which Sanchez said was lengthened to 25 years, in part because of his political activism while behind bars.

Sanchez said Zapata Tamayo staged a hunger strike for weeks before his death. His family first announced last week that prison doctors said he was gravely ill.

Relatives were transporting Zapata Tamayo's remains to his hometown in Holguin province, said Roca, a former fighter pilot and son of a legendary communist leader who served nearly five years in prison himself for his opposition political beliefs.

Word of Zapata Tamayo's death was first reported on Cuban exile radio stations in southern Florida, which broadcast an interview with his mother, Reina Luisa Tamayo.

Rep. Lincoln Diaz-Balart, a Republican from Florida—and the nephew of Fidel Castro's ex-wife, Mirta Diaz-Balart—said on the floor of the U.S. Congress on Tuesday that the dissident's "condition and fate are the Castro brothers' doing."

Hours later, as news of Zapata Tamayo's death spread, the congressman issued a second statement declaring that his "murder by the tyrant Fidel Castro and his cowardly jailers will never be forgotten."

U.S. Sen. Bill Nelson, of Florida, said in his own statement that "freedom-loving people everywhere should hold the Cuban regime responsible for the fate of Orlando Zapata Tamayo."

"His reported death today is a sad reminder of the tragic cost of oppression and a dictatorship that devalues human life," Nelson said.

Democratic U.S. Rep. Kendrick Meek, also of Florida, noted that Amnesty International declared Zapata Tamayo a "prisoner of conscience" in 2003.

"The Cuban government's stunning lack of respect for human rights was highlighted by Orlando as much in his life as in his death," Meek said in a statement.

#### EMPOWERMENT

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, just last week, I was traveling across my district to ask the people in the 19th Congressional District, How do we move America away from this entitlement mode, which we seem to be moving toward, and back to an empowerment mode so we can create jobs?

With 9.2 percent of the American people unemployed, people want to know what we are going to do about jobs. What they do know is that the government can't continue what it has been doing, which is taxing too much, spending too much, and borrowing too

much—mortgaging the future of our future generations.

I asked a number of businesspeople, Why aren't you hiring more people? Why aren't you expanding your plants?

The overriding answer was, Congressman, it's too uncertain right now. Congress is talking about raising our taxes, imposing insurance on us, talking about more regulation, raising the cost of energy in this country. If you continue down that road, we can't create new businesses. In fact, in many cases, we will have to lay off people if we move in that direction.

So, Mr. Speaker, what we have to do is quit doing what we have been doing and get back to making America the great Nation it is by empowering the people. That means taking less taxes and letting businesses do what they know how to do, which is to create jobs. Take away the uncertainty of the business environment in this country today, which is causing many businesses across the country either to lay off or not to hire people.

Mr. Speaker, we need to empower America. We need to quit entitling America.

#### MEDICAL MALPRACTICE REFORM

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Mr. Speaker, I am on the floor tonight to request that President Obama include in tomorrow's discussion at the health care summit the issue of medical malpractice reform and defensive medicine—the kind of reform that will relieve Kansan families and business owners from facing higher health insurance premiums. We have to reduce health care costs, and this is a commonsense way to do so. If we do not control those costs, then any reform effort will fail, as the cost of health care and, therefore, the cost of insurance will increase.

Defensive medicine, where doctors order every possible test under the sun for fear of being sued, costs us more than \$650 billion each year, or 26 percent of our annual health care spending. These costs increase insurance premiums for doctors, and health care expenses simply get shifted to the patients.

Mr. President, if you are serious about improving patient care and about reducing costs, add medical malpractice reform to the agenda at your health care summit tomorrow.

□ 1630

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### CORRUPTION IN AFGHANISTAN THREATENS OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the United States is reaching a bleak milestone in Afghanistan. The death toll for our troops is now 996, or it was when this paper was written. It is inevitable that we will reach the 1,000 mark. How much further are we going to go in this?

Under these circumstances the American people have the right to demand that the Afghan Government do everything it can to stop violent extremism in their country and to keep our troops safe. So far the Afghan Government has not lived up to its responsibilities.

Our Ambassador in Afghanistan, Karl Eikenberry, wrote a cable to the State Department in November in which he said that President Karzai "is not an adequate strategic partner" and "continues to shun responsibility for any sovereign burden, whether defense, governance, or development." He also wrote that when it comes to corruption, Karzai has a record of "inaction and grudging compliance."

This is outrageous, Mr. Speaker, because this government corruption undermines our very efforts in Afghanistan and puts our troops at risk.

When the Afghan people see the corruption in their government, they ask, and they should ask, Why should we help the Americans defeat the Taliban when our government isn't any better than the Taliban?

The Washington Post just recently, well, yesterday, I think, revealed a deplorable example of the Afghan Government's shady dealings. It was Monday that the article came out. It was written by Andrew Higgins and entitled "Kabul Bank's Sherkhan Farnood Feeds Crony Capitalism in Afghanistan." The article described the cozy relationship between the Afghan political elite and the Kabul Bank. The Afghan Government has poured tens of millions of dollars of public money into that bank. At the same time, the bank has made shady multimillion dollar loans to members of President Karzai's family, his government, and his supporters to buy luxury villas in Dubai. The article calls this "a crony capitalism that enriches politically connected insiders and dismays the Afghan people."

President Karzai's older brother and his former Vice President both have Dubai villas, but they're registered under the name of Sherkhan Farnood, the chairman of the bank. Presumably this is done to hide the goodies that the political big shots have gotten. The bank has plenty of money, including more than \$1 billion in deposits from Afghans. But "the vast majority of this money flows into the hands of a tiny



minority, some of it through kickbacks and insider deals"—that's from the article—for the country's political, security, and business elites.

The bank also helped pay for President Karzai's recent reelection campaign, which was filled with charges of fraud. The bank's support for Karzai wasn't surprising. Why should it be? The bank is partly owned by Karzai's older brother and the brother of his vice presidential running mate.

And at a time when most Afghans are desperately poor, the Kabul Bank is spending \$30 million to build a fancy new headquarters.

Mr. Speaker, the American people have a right to ask, Is this what our soldiers are dying for? Is this what we're spending tens of billions of our tax dollars for? So that well-connected elites in Afghanistan can enjoy luxury villas in Dubai?

We cannot allow this to continue. I have been demanding that we change our mission in Afghanistan to focus on SMART Security for a long time now. One of the cornerstones of SMART Security is an emphasis on better governance. Improving governance in Afghanistan is just as important, Mr. Speaker, as any military operation. Actually, it's more important.

That's why President Obama must insist that President Karzai and his cronies clean up their act and do it quickly. Without honest government, we will never defeat violent extremism in Afghanistan and the death toll for our troops will not stop.

#### RECOGNIZING KANSAS STATE UNIVERSITY'S PROUD CAMPAIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to recognize Kansas State University's Proud campaign. K-State Proud was founded in the fall of 2006 as an effort for students to help other students. This year's event will be celebrated this Saturday, February 27, during the Missouri-Kansas State men's basketball game. This is a great concept that reflects our Kansas values of family, community, and stewardship.

There are many people who take college experience for granted. Leaving home to pursue an education is not a given for many families. Certain amounts of financial, emotional, and spiritual support are needed to ensure a student's success. Sometimes bad things happen and students' families fall on hard times. And it's heart-breaking to see a student's dreams and hard work jeopardized by events beyond their control.

The K-State Proud campaign was started in an effort to keep these struggling students in school. It was started

by students, for students. Students continue to organize, plan, and execute K-State Proud's activities. This year's co-chairs are Anna Zeiger, Reed Pankratz, and Robert Swift. That is what makes this effort so unique. There are no benefactors or trust funds paying an annuity that funds the tuition or living expenses for a struggling student. This program allows these kids to collect money from their peers and to distribute to those most in need. As a society, we should take a step back and look at what K-State Proud has accomplished. They have had a genuine compassion for complete strangers. They do more than pay lip service to the concept of charity. They put their money where their mouth is.

For a \$10 donation, the donor receives a K-State Proud t-shirt to be worn for the designated K-State basketball game. Special thanks should be given to GTM for donating the t-shirts and Cox Communications for their generous support. A quarter of a million dollars raised by K-State Proud over the course of 3-plus years emphasizes the enormous impact this campaign has had on K-State's student body. The results are real and undeniable.

K-State Proud allowed a student whose hometown of Greensburg, Kansas, which was destroyed by a tornado, to stay in school despite the enormous loss of life and property. K-State Proud provided support to a cancer survivor that would otherwise have had a difficult time completing a college degree. K-State Proud provides these financial awards while also providing the recipients with an emotional boost to overcome their struggles. Money is a necessity, but knowing that someone recognizes your pain and is there to support you is very powerful as well. This sense of community, that we're all in this together, has made K-State Proud a huge success. Some people worry about the future of our country. When I see the K-State Proud movement at work, I realize that there is a new crop of compassionate, principled leaders preparing themselves to better our State and our Nation.

K-State Proud has become a model for other universities searching for a way to unite their student bodies and communities. People familiar with K-State know how special this university is. It is only fitting that the rest of this country learns how special it is as well. I urge you to tune in to the basketball game this Saturday and witness this student body's commitment to each other.

I have used the word "proud" many times in these remarks. I'm the proud father of two current K-State students. I'm proud to be associated with such great ambassadors for our State. And I'm proud to be a Kansan. In this case I'm proud to be a K-State Kansan.

#### WOMEN FARMERS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise in support of the Equality for Women Farmers Act, a bill Congresswoman ANNA ESHOO of California and I have introduced. It aims to close an ugly chapter in our history and end a systematic legacy of discrimination at the Department of Agriculture.

Our bill provides a process for women farmers who have experienced discrimination to make claims against a compensation fund appropriated by the Congress. It requires USDA to institute the much-needed reforms that will end this shameful gender discrimination in their loan system forever.

According to the U.S. Department of Agriculture, there are approximately 300,000 women farm operators across the United States, which is over 17 percent of the family farmer population. This is by far the largest group of minority farmers in the country, and their numbers are growing. And yet new census data recently revealed that women farmers have been consistently underreported by USDA over the past 15 years. Worse, it is estimated 43,000 women farmers have been discriminatorily denied more than \$4.6 billion in farm loans and loan services from the USDA over the years. In fact, by USDA's own reckoning, women have seen less than their fair share of loans in every single State in the country.

Like male farmers, tens of thousands of women have gone to local offices of the Farm Security Administration over the years to file loan applications and ask for this government's help in sustaining their family farms. But there the differences often end. Many women have been told that money or applications had run out even though men seem to be finding them with no trouble at all. Others were told to return to the loan office with their fathers or husbands or brothers so that the men could file the applications on their behalf. Still others were told that "farming is not for women" or saw their applications filed in the trash right before their eyes. Some were even subjected to crude and horrible advances by loan administrators who demanded a sexual quid pro quo in return for approving their loans. This is simply not right. It is beneath us and it must end.

To his credit, Secretary Vilsack has initiated a task force to look into these and similar civil rights issues at USDA, but we also need to move here in the Congress and quickly, if nothing else so that these women can get the resources that they now need to preserve their family farms in this troubling economy.

Unfortunately, this subject of discrimination by USDA loan and credit

officers is not a new one. In fact, only 2 years ago Congress was so moved by the lengthy history of discrimination and long-pending lawsuits brought by minority and socially disadvantaged farmers that we addressed the situation in the 2008 farm bill. That provision urged the Bush administration to settle those discrimination lawsuits brought by women and other minority farmers.

Just last week the Obama administration announced that it had reached an agreement to settle the remaining claims for African-American farmers who experienced similar discrimination. While I applaud the administration for recognizing the need to settle these important claims, I am dismayed that they did not come forth with a more comprehensive proposal to settle claims for women, Hispanic, and Native American farmers who have suffered similar prejudice.

It's time for us to own up to the mistreatment of women and other minority farmers as well. They have had to deal with needless, mindless discrimination as they have tried to preserve their family farms. This Congress should grant them the compensation and the damages they are due.

What would the bill do? It establishes a compensation fund of \$4.6 billion for these farmers. It sets up a Special Master in the Federal Mediation and Conciliation Service to process, review, and adjudicate their claims. The Special Master will award eligible claimants who were denied loan applications or whose applications were not acted upon \$5,000 in damages.

For eligible claimants who were denied farm loans, loan benefits, or loan servicing, whose damages are presumably greater than those denied applications, the Special Master may also award additional damages based upon the application of a formula described in the legislation.

□ 1645

For those who will seek to apply for loans and loan management in the future, the legislation will ensure that their requests are finally considered equally with all others. This is a matter of fundamental fairness. And action cannot come soon enough for these women who have suffered under these discriminatory practices. So please join me in being part of this solution. We can help make whole these women who have suffered so much, and we can make USDA a better resource for our nation's family farmers for generations to come, regardless of their gender, race or origin.

From our earliest days, the small family farm has been considered the bedrock of this nation, the font of its virtue and its citizenship. "Those who labor in the earth are the chosen people of God," wrote Thomas Jefferson, "if ever He had a chosen people." Our

Founding Fathers strongly believed our government should be there to help America's family farmers, not to undermine them at every turn.

As such, it is time to do right by all of these family farmers that have been discriminated against in our past and present. And I invite my colleagues to join with us to reach a solution to settle these discriminatory claims. It is time to live up to our founding principles, to do right by our family farmers no matter what their race or sex, and to legislate an end to this unfortunate and regrettable era.

#### THE ABSURDITY OF STIMULUS PROJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. We keep hearing about how great the trillion-dollar stimulus bill was and how well it has worked. It has been 1 year or so, so lest we forget, let's see where some of that stimulus money got spent.

In Buffalo, New York, the State university got about \$400,000 to study the effects of drinking malt liquor while smoking pot. For 3 weeks, 100 people are paid \$45 a day of taxpayer money to drink malt liquor and smoke a little marijuana—this party stupor paid for by Americans throughout the country.

Taxpayers are footing the bill for other parties, like the one in Boca Raton, Florida. But this one is not for people, this one is for lab mice. That is right, Atlantic University is getting about \$15,000 for two summer researchers to measure how alcohol affects a mouse's motor functions. I wonder where the PETA people are on this one. Now, do these drunk lab mice count as jobs saved or jobs created? We don't know.

We are not through. In Nebraska, we are funding another wasteful bridge project. First we had the Cornhusker Kickback, and now Americans are sending \$7 million to Thelford, Nebraska, to build a bridge. That doesn't sound so bad, but this \$7 million bridge is so 168 people don't have to wait so long to cross a railroad track. Sounds like we are wasting money. By the way, that is \$43,000 per person waiting for that train.

And the U.S. Forest Service is getting \$2.8 million in stimulus money to spend on wildfire management in Washington, D.C. But the problem is Washington, D.C. doesn't have a national forest. But that doesn't make any difference to the bureaucrats. In Washington, you don't need a forest to get wildfire management funds; you just need out-of-control spending.

The Florida Department of Transportation, and this is my favorite one of all, is spending \$3.4 million in stimulus funds to build a turtle tunnel in Talla-

hassee. A turtle tunnel in Tallahassee, Florida; \$3.4 million. That is about four times as much money as the average working American will earn in their entire life. But the stimulus slush fund is doling out \$3.4 million for the turtle tunnel for turtles to cross the highway. Before we had a stimulus bill, Mr. Speaker, how did the turtle cross the road? For that money we could get the turtles limos to cross that street.

The Picher Housing Authority in Oklahoma, here is another one, received \$135,000 in stimulus money to remodel homes and businesses at the Tar Creek Superfund site. The most obvious problem with that scenario is the Tar Creek Superfund site is scheduled to be destroyed. It is going to be remodeled and then destroyed. Only the Federal Government would spend taxpayer money to fix up a home and then a few years later pay to tear it down.

Mr. Speaker, this whole philosophy of the stimulus project and fiasco is a flawed premise. It is the idea that we can take taxpayer money and give it to the government, and then the government can decide how special folks, special projects will get that money and spend that money for government make-work programs. See, these aren't real jobs; these are jobs that the taxpayers have to pay for, jobs that aren't permanent, that will eventually go away.

Real jobs are not created by Uncle Sam. Real jobs are created by the private sector. We call those people small business communities. And they can make real jobs where other taxpayers don't have to pay for those jobs. And that is when more businesses have more of their own money, rather than paying taxes to the Federal Government so the government can decide which special friends throughout the government to get this stimulus money.

Mr. Speaker, the American people are fed up with this insanity. They are telling Washington stop the spending. They are saying no, stop the spending. Stop the wasteful projects. Stop the fraud, stop the abuse. Stop borrowing money. We don't have the money for all these projects, so we borrow it. And of course we borrow it from our friends, the Chinese. Sixty percent of our debt is owned by the Chinese. And of course someday there is going to be a day of reckoning. We are going to have to pay back that money. And that will be paid back in the form of taxes or it will be paid back by people yet to be born.

The White House seems to want to spend the people into the poor house, mortgage off their homes, the mineral rights, and then pay for this massive spending bill.

And that's just the way it is.

# PROBLEMS WITH THE REPUBLICAN HEALTH CARE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, after more than 70 years of false starts on fixing health care, the Congress is on the brink of passing sensible, comprehensive reform legislation. We are extremely close to giving all Americans access to quality, affordable health care, while reducing the deficit. After a year of trying to instill fear in the American public about the Democratic approach to fixing our broken health care system, my Republican colleagues have really entered the debate. I commend my colleague from Wisconsin for putting forward the Republican plan.

The sweeping Republican bill lets the public know where their party truly stands. Their bill would radically reorganize both the health care system and the Social Security system. Once again, they want to spend more time hating government than helping people.

The Republicans want to give the seniors a voucher. A voucher government. If you qualify, you get a little check and then you are on your own to deal with the insurance companies and Wall Street. The Republicans wish the American people the best of luck. If you aren't lucky enough to outsmart Wall Street and the insurance executives with the rules stacked against you, well, that's too bad.

Under the Republican plan, you will likely end up sick and poor, but they think you will love the free market choices you have had on the way down. Sadly, the Republican plan is filled with the same old policies to dismantle Medicare and Social Security that they have been putting forward for decades.

To understand the clear difference between the different approaches, let's look at health care. Health care is big, and a complex part of our economy, and it needs thoughtful and commonsense approaches. Instead, the Republicans have put forward a plan that would put more Americans at risk, drive millions into bankruptcy, lock in the skyrocketing costs, and enrich the insurance companies. In the Republican plan, insurance companies could get richer while Americans get poorer and sicker.

The Republican approach to health care has two parts. First, the Republicans would give American seniors a voucher for health care and do nothing to keep the insurance companies from taking them to the cleaners. The Republican plan would essentially do away with the Medicare program as we know it today, which many seniors rely on.

The hypocrisy of the Republican plan is maddening. They say one thing and

do another approach is really reprehensible. The Republicans not only want to dismantle Medicare, but at the same time they denounce the Democratic plans to stop wasteful spending in the program.

The second part of the Republican plan puts health savings accounts at the center of the program. Health savings accounts have existed for years. These accounts are small, and history shows that many Americans underfund them or can't use them. When illness strikes, any significant co-payment or deductible can wipe out a family's savings in a minute.

Finally, the Republican plan does more to take our health care system down the road to ruin. It goes another step and privatizes Social Security. After the Wall Street meltdown, the crazy lesson the Republicans learned was to trust Wall Street with the future of our seniors.

This week we learned that by 2019, national health care spending will be over 19 percent of our economy. That is \$4.5 trillion. If we don't act to control those costs now, people will no longer be able to afford the essentials like housing and food. When the public has to deal with the market to satisfy basic needs, the government has to make sure the system is fair and that all Americans have access. When it comes to health care and retirement, we have to have commonsense rules.

We must finish the job on health care, and we are going to do it beginning tomorrow at the White House. The Republicans have shown the public their plan, and it is not the solution. They are a rehash of old theories that make things much worse. Instead, we have to pass the commonsense health reform that is on the table and protect Social Security from crazy theories.

## AND NOW IT'S ASSASSINATIONS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Thank you, Mr. Speaker.

What have we allowed ourselves to become? Are we no longer a Nation of laws? Have we become instead a Nation of men who make secret arrests? Are secret prisons now simply another tool of Federal Government law enforcement? Is secret rendition of individuals now permitted, out of misplaced fear? Have we decided that the writ of habeas corpus is not worth defending? Is torture now an acceptable tool for making us safe? Unfortunately, the single answer to all of these questions from the leaders of our country and to many of our citizens appears to be "yes".

And now we are told that assassination of foreigners as well as American citizens is legitimate and necessary to provide security for our people. It is

my firm opinion that nothing could be further from the truth. Secret arrests, secret renditions, torture, and assassinations are illegal under both domestic and international law. These activities should be anathema to the citizens of a constitutional Republic.

The real threat doesn't arise from our failure to torture. Rather, desensitizing our Nation to the willful neglect and sacrifice of our civil liberties, fought and died for over the centuries, is the threat.

The concept of habeas corpus existed even before King John of England was forced in 1215 by his rebellious barons to sign the Magna Carta. This basic principle and expression of individual liberty, which has survived 800 years, greatly influenced the writing of our Constitution and our common law heritage.

Today we hardly hear a whimper, either from the American people or a stone silent U.S. Government as our cherished liberties are eradicated. Instead, we have a government that deliberately orchestrates needless fear and makes people insecure enough to ignore the reality of their lost liberties.

The latest outrage is the current administration's acknowledgment that we now have a policy that permits assassination not only of foreign suspects, but of American citizens as well. Of course the CIA has used secret assassinations in a limited fashion for decades, despite international, domestic, and moral law. When done secretly, as in the past, our government at least recognized that assassination was illegal and wrong. Frighteningly and astonishingly, however, the policy is now explicit.

National Intelligence Director Dennis Blair, in open testimony before the House Intelligence Committee on February 3 of this year, acknowledged that American citizens can indeed be assassinated at our government's discretion. The U.S. Government attempted to assassinate Anwar al-Awlaki in Yemen without even charging him with a crime. We are told this evidence is secret, that he does not deserve any constitutional rights, and that some unknown individual in the administration has the authority to declare him a threat, and therefore a legitimate target for assassination.

Yes, I know, he is probably a very bad person. Yes, I know that only a few Americans are on the assassination hit list.

□ 1700

Yes, I know that artificially generated fear makes a large number of Americans inclined to applaud this effort which supposedly will make us safe. But if this becomes standard operating procedure and a permanent precedent is established, let me assure you that this abuse of the law will spread.

It's time for Congress and the American people to wake up to the realities of the dangers we face. We must remember, as Members of Congress, that we have taken an oath to protect and defend the Constitution from all enemies, foreign and domestic. It should not be that difficult to distinguish the difference between the danger posed by the underwear bomber and the danger posed by a government that endorses secret prisons, torture, and assassinating American citizens.

#### HEALTH CARE SUMMIT

The SPEAKER pro tempore (Mr. TEAGUE). Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. Tomorrow is an extremely important day here in Washington, D.C., and across the Nation. Tomorrow's a day in which the President will hold a summit on health care. The outcome of that meeting is of extraordinary importance to individuals, to families, and to millions upon millions of Americans, indeed, the entire Nation. A successful outcome would be one in which we have bipartisan consensus on the critical issues of health care, on how we're going to provide coverage for all Americans, how we deal with the pernicious and all too common insurance company practice of terminating policies when a person becomes ill or denying coverage because of some preexisting condition.

Tomorrow's summit is extraordinarily important in that the outcome of that summit may very well give us insight into how we control the extraordinary increase of cost in health care, a cost that is not sustainable either for individuals or for this economy. We're currently spending somewhere in the range of 17 percent of our current GDP on health care. Compared to the rest of the industrialized nations, that's nearly 60 to 70 percent more than they spend of their wealth. Most every other industrialized nation spends 10 percent or less. We're giving away an extraordinary advantage to our competitors.

Now, if our health care system actually produced extraordinary outcomes for all the population, we might say it was worth it, but the fact of the matter is that our health care system does not. Our population statistics, which are the statistics on how well we are, how long we live, how well our children thrive, how many of them die at birth and in early childhood, all of those statistics would indicate that this Nation's health care system is very, very poor. In fact, we rank below Colombia and other emerging nations around the world.

So what are we going to do?

This House passed a very important piece of legislation that goes to address

many of these issues—the issue of how we contain our costs, how we improve our system, how we provide for wellness rather than just sick care—a very complex bill, but one that also provided a very, very important element, the element of a public option.

I'm from California, and 2 weeks ago the largest insurance company providing policies, more than 80 percent of the single-person policies, said, well, I think we're going to increase our rates by up to 39 percent, and that was on top of a similar rate increase in the previous year; some 60 percent increase for those individuals that are not in a group that have to go out and buy insurance on their own, a totally unaffordable situation. And they also announced that in the intervening year, or the year after these increases went into effect, they would willy-nilly, and at their own will and their own desire, increase the cost of those policies, an extraordinary and new event.

Those individuals, in fact, every individual in America needs a public option, a place to go to get a competitive health insurance policy that provides real benefits at an affordable cost. This House passed such a public option. Hopefully, at tomorrow's summit, that issue will be renewed. But the papers in this town say that that issue is dead. I think not, because in America we do have public options today—they're not readily available to all of us unless you happen to be 65—and that public option is Medicare. If you happen to be a Federal employee, like I and others in this room, you have a public option available to you. If you're in the military, you have a public option available to you, a military family.

Public options are widely available in America. We need to provide that option for every American. We need real competition. We need WellPoint Blue Cross of California to have a competitor. They have none today.

Fortunately, this House, today, took a step to end the monopoly, to end the antitrust exemption that the health insurance companies have. It will help, but it will not provide the solution that we need. We need that public option. We need the health care reform that this House passed. And hopefully tomorrow, at the President's summit, the outcome will say, follow the lead of the House; give us a public option, give us the controls on prices, give us the steps toward staying healthy, and let's finally put this Nation into a universally available health care system.

#### GREATER FLEXIBILITY FOR FLORIDA FISHERMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this week I met with commercial and

recreational fishermen from my Congressional district of the Florida Keys. These hardworking men and women have taken time out of their busy season to travel up here to Washington, D.C., to protest the latest round of onerous and unfair Federal fishing regulations and closures.

Florida's recreational fishing industry is the largest in the Nation. It's economic impact to our State exceeds \$5.3 billion, and more than 54,000 jobs are generated by this industry. Similarly, Florida's commercial fishing industry is nearly 13,000 strong and contributes a staggering \$1.2 billion to our economy.

Our fishermen understand that maintaining a robust, healthy fishery through appropriate regulation is the key to their economic success. However, the recent fishing bans on red snapper and shallow water grouper enacted by the South Atlantic Fisheries Council are devastating to our Florida fishing industry. The bans not only threaten the jobs of recreational and commercial fishermen, but also the small business owners that support and economically benefit from these industries.

Local restaurants will look to carry more cost-affordable fish from countries such as Mexico and the Dominican Republic, as opposed to featuring fresh, Florida-caught fish, crab, and lobster. Hotels, dive shops, and other tourist attractions will also continue to suffer as fishing enthusiasts decide to travel elsewhere.

The impact of this multibillion dollar industry on the State of Florida cannot be overstated. And yet, one by one, these fishermen are being regulated out of business.

I'm a cosponsor of a bill known as the Transparency in Job Loss from Fishery Closures Act, and this is a bill introduced by my colleague, Congressman HENRY BROWN. This bipartisan bill instructs NOAA to reverse the harmful fishing closures and calls for stricter policies before implementing further closings.

In particular, this bill requires that NOAA conduct a comprehensive review of recent fishery closures and provides sufficient updated research showing that a closure is the only option to maintain the fishery. In this review, NOAA must consider the impact of each closure on the coastal communities being regulated, including the impact on their small businesses and the losses of the jobs that would entail these closures.

I also support efforts to increase fisheries research to improve enforcement systems and to reform the flawed Magnuson-Stevens Fishery Act.

I'm a cosponsor of a bill introduced by Congressman FRANK PALLONE, which would amend Magnuson to provide greater flexibility to State regulators and fishery managers.

The process of collecting data utilized by Federal regulators in determining fishing closures also needs to be revisited.

The Scientific and Statistics Committees need to conduct their business in an open, transparent forum that also considers input from the fishing industry. What a concept. Opening up this committee to stakeholders' feedback and congressional oversight will go a long way in repairing the trust between regulators and local fishermen.

In this stagnant economy, Mr. Speaker, it is imperative that we do all that we can to protect a historic and much needed industry from economic disaster. Our Nation's fishermen deserve and require our immediate action.

#### IN MEMORY OF THE HONORABLE JOHN MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I rise this evening to speak to the memory of one of my close friends, one of my colleagues, my partner, and a man with whom I have spent so many hours, so many days and for so many years as we've worked together on the National Defense Appropriations bill, and I'm speaking of the late Chairman Jack Murtha.

In keeping with his legislative management style, I'll be brief because, as we presented our Defense Appropriations bills, the last meeting that we would have somewhere in the Chamber here would be, Hey, look, this is a good bill. It's not controversial. Let's pass it quick. We ought to be able to get it done in 8 or 10 minutes, which we normally did.

Jack was a good leader, a good chairman. When we had discussions on the hundreds and hundreds of issues in that bill, his concern always was what is best to keep America safe, what is best to keep Americans safe, and what is best to give our soldiers the tools that they need, the technology that they need to do their job, to carry out their mission, and to protect themselves while they're doing that.

I expressed my condolences and my sadness to his wife, Joyce, and their children. I know of the sadness that they experienced here a couple of weeks ago as Jack left the Congress, left the family, and left this life. I really was saddened and regretted and felt extremely bad that I was not able to attend his funeral, but Beverly and I had a tragic event of our own during that same period.

But I wanted to mention that Beverly, my wife, knew Jack Murtha very well because we would oftentimes be at the same military hospital with him visiting troops, wounded troops and

their families. And I remember the first day that my wife ever ran into Jack Murtha at Walter Reed Hospital, and she had been talking with the wife of a soldier who had serious physical problems, but the family had financial problems.

□ 1715

She said, Hey, Mr. Murtha, give me your wallet. And Jack Murtha took out his wallet and handed it to her, and she took out all of the money and handed it to the soldier's wife and then gave Jack back his empty wallet. And so she also had a special relationship.

But we were not able to attend Jack's funeral. During that same period of time, my son Billy and his wife, Ashley, had become pregnant some time ago, and everybody was excited about that. And then one day, they picked us up at the airport coming back from Washington, and we had lunch together. And they announced that they had just been to the doctor, and we were going to have twin granddaughters. You talk about being excited and cheers and tears. But that was not to be. Twenty weeks into the pregnancy, something happened. Things went wrong. The two little girls, Taylor Ann and Riley Grace, were born alive and lived only a couple of hours until their little hearts quit beating.

And so we were going through that same grief at about the same time that Joyce and her family were going through the grief of losing Jack Murtha.

I lost a friend. Congress lost a powerful legislator. He didn't speak on the floor very often. He was never boisterous. You never saw him—well, seldom—shouting and waving his arms, but he knew what was going on. And he affected what was happening in the legislation.

Some of our colleagues used to joke that he would sit back in this corner while I sat back in that corner so that between the two of us, we could watch everything that was happening in the House Chamber at any given time. Well, there might have been something to that, but it was a good relationship.

So I, again, I express my condolences. My own sadness of losing this friend, of losing this great American. And Mr. Speaker, I think Jack has left an emptiness that probably will not be filled for a long time, if ever. And I think those on the House floor, as we proceed with appropriations bills in the future, will recognize that without Jack Murtha here, things are a lot different.

So God bless the family.

#### REMEMBERING REPRESENTATIVE JACK P. MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I rise as a friend and mourn and share the loss not just to the Murtha family, the State of Pennsylvania, but to the entire Nation, and certainly every man and woman wearing a uniform.

I was proud to know Jack Murtha, proud to serve in the U.S. Congress with Jack Murtha. He was a bipartisan guy. He was a knowledgeable guy. He was a hardworking guy.

The military budget in appropriations is over \$500 billion. It is a very thick bill. You have to know airplanes from submarines, from tanks to battleships. Jack Murtha knew that, and he would study it very deeply.

Jack Murtha, though, beyond being a professional Congressman, taught this Chamber many things.

For one thing, I learned as a guy who came up through some partisan battles and some nonpartisan battles that the Murtha-McDade relationship almost cast a certain circle around the State of Pennsylvania that made it a special place, that the Pennsylvania delegation had something that the other States did not have, and that was two great leaders—Republican and Democrat—who kind of set the tone not just for the entire State but for the rest of us to see how things could be. And indeed, the Pennsylvania delegation has still had great fellowship because of that legacy.

It was also reflected in his relationship with BILL YOUNG. I can't tell you what a joy it has been for all Members of Congress who come and often see the battles that are so epitomized on the talk shows and the name calling and so forth, and you think that is Congress. And then you go into a committee room and you see BILL YOUNG and Jack Murtha working together, not always agreeing but always affectionate and always having great respect for what the other one had to say.

And indeed, I can tell you as somebody who served here 18 years, sometimes you couldn't tell who was chairman. They were that close and that united and that focused on what was best for the troops. What a great relationship. And again, what a great example for the rest of us.

Jack Murtha was an old-school guy. He liked to have his bill done in a hurry. In fact, the chairman, Mr. OBEY is there, and he knows while it was one of the largest bills, it was also one of the fastest bills to be passed so many times. He knew exactly where he wanted to go long before the hearing started.

I remember I had an amendment that had to do with electronic verification of social security numbers for people working on Federal contracts. The chairman didn't like it. And I remember Mr. Murtha—I submitted it, I worked the committee, the subcommittee very carefully, and he said, "Kingston, we're not going to do that."

That was it. That was my hearing. And when he said that, you knew that was it. The curtain was closed. The case was over.

And this same chairman could turn around and say to you, you've got a problem in Hinesville, Georgia, little old Hinesville, Georgia, a speck on the map, that because it's the home of Fort Stewart, the 3rd Infantry was expecting two more brigades, went out and built a lot of roads and schools and infrastructure in preparation for another brigade.

And then the Pentagon made a turn and decided not to send it to them. And who stood up for Hinesville, Georgia? Jack Murtha. Who did I go to and say, Look, if we're going to make this happen, we've got to do something to help these people because the Pentagon has done them wrong. They stood tall for the military but now the military has let them down. We're not going to let that happen. And Jack Murtha pulled through. Not just on that issue but time and time again.

Jack Murtha loved the United States of America. Jack Murtha loved the military. Jack Murtha loved the soldiers. He stood up not just for them, but for their families over and over again.

Congress has lost a great leader, as has the State and the United States of America. But the American soldiers have lost a true friend and a passionate guy who would do anything for the man and woman in uniform.

I say God bless Jack Murtha and his memory and everything he has done for the United States of America.

#### HONORING REPRESENTATIVE JOHN P. MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, I echo the sentiments of my colleagues here today and want to add my voice in tribute to Jack Murtha—our colleague, my chairman, and my friend.

For nearly his entire adult life, Jack Murtha selflessly served his beloved Nation—first in uniform as a decorated combat marine and later as an elected representative from my neighboring State of Pennsylvania.

We all know by now that he was the first Vietnam War combat veteran elected to Congress. And while many of us followed him to Congress, he rose to become chairman of the House Appropriations Committee's Subcommittee on Defense. I've had the honor of serving with him on the subcommittee for over 10 years.

In our dealings over the years, Jack and I did not always agree on policy decisions. But I always respected his undeniable dedication and his refreshing candor.

And there is no doubt that he cared most deeply about the men and women of America's military and their families. He understood their challenges and their anxieties. And what he did not understand, he actively sought to learn in trips to Defense Department facilities, forward operating bases, and military medical centers across the world.

He served our men and women in uniform diligently and daily in countless ways. He worked each week to improve their quality of life.

Mr. Speaker, Jack Murtha loved Congress. He loved Pennsylvania, he loved his constituents, he loved the military, and he loved all of these things with a passion that exceeded the most ardent enthusiast.

But fundamentally, Jack Murtha was a Marine—with all of the distinguishing attributes and characteristics that brings. As a former member of the United States Army, I recall the statement of one Army general, "There are only two kinds of people who understand Marines: Marines and the enemy. Everyone else has a secondhand opinion."

My secondhand opinion is that I am honored to have served with Jack Murtha. I will never forget his enduring friendship. May the tributes and prayers of so many of our colleagues this afternoon here today be a source of strength to his wife, Joyce, and to his family.

Semper Fi, Jack Murtha.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized for 60 minutes as the designee of the majority leader.

Mr. KANJORSKI. Mr. Speaker and colleagues, I rise today to honor our friend and one of the outstanding Members of this House, Jack Murtha, who represented Pennsylvania's 12th district, and to remember his devotion to his work in this Congress, his strength of character, and his hard-fought efforts for his district in Pennsylvania and our country.

Additionally, I feel privileged to have called Jack my friend, and I know that many other Members in this Chamber feel the same way.

As first votes were called this week and Members gathered on the House floor, it was very apparent to most of us that someone was missing. I walked in on Monday almost expecting to see Jack seated in the far chair in the Pennsylvania corner as I had seen since I had first joined Congress 25 years ago.

While Jack is no longer with us, his spirit will live in this Chamber and in the Halls of Congress. For now, the

chair will remain empty, as he could never be replaced.

Jack left us too soon. But his legacy will surely live as a symbol of the great work that one man can do and is something that we can all strive to achieve. He will be sorely missed by all of his fellow colleagues, his friends, and definitely, the Pennsylvania delegation.

Mr. Chairman, I'd like to yield to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I thank my friend from Pennsylvania for yielding.

Mr. Speaker, today we pay tribute to our departed friend and colleague, Jack Murtha. Over 17 years ago, I heard Jack say that his great-grandmother told him he was put on this Earth to make a difference—and boy did he make a difference.

He loved his country and served it with distinction at many levels. He served in the United States Marine Corps stateside during the Korean War. When the Vietnam War broke out, he volunteered to go back and served in Vietnam and received two Purple Hearts.

He was the first Vietnam veteran elected to the United States Congress. He was the longest-serving Member in the history of the Congress from Pennsylvania to serve in the House of Representatives, and as Mr. YOUNG mentioned during his remarks, he never forgot the men and women in uniform and made sure that they had the tools to do the job that they do so well. And our returning veterans as well, he was always at the forefront of making sure they had the proper care and treatment and visited them so many times at our military hospitals.

But he also cared so much about all of us. Everybody in this body has an example where Jack helped them. And he helped me so many times over the years, but there is just one that I want to share with everyone today.

After the redistricting of 2000 and after the 2002 election, I found myself serving in a district that was 60 percent new to me, and I inherited one of the best medical facilities in the Commonwealth of Pennsylvania—and actually in the entire country—the Penn State Milton Hershey Medical Center. And after meeting with the leaders at the Penn State Milton facility and seeing the quality of care that they provide, he said, There's one thing that we're missing. We're missing a cancer research and treatment institute.

□ 1730

People that we serve, when they are diagnosed, all too often have to go to Philadelphia or Pittsburgh or Baltimore for care. We need to have a facility for literally millions of central Pennsylvanians, and we, Penn State, are willing to put up more than our fair share or more than the majority of the cost, but we are about \$35 million short of getting there.

I went to see Jack. I brought him to Hershey. He looked around at the quality of care that was provided, made an agreement and said, it won't happen in 1 year or 2 years, but it will happen. We, the Federal Government, will be a partner and the people of central Pennsylvania no longer will have to travel to Philadelphia or Pittsburgh or Baltimore.

I am proud to say today that as a result of Jack's efforts and his desire to help me, we have the best quality cancer care in central Pennsylvania. All of us could cite incidents like that where Jack cared about Members and did things to affect the quality of life for their constituents.

Our thoughts and prayers continue to go to Joyce and Donna and Patrick and John and so many of Jack's former staffers and current staffers that are with us today.

Jack, we miss you dearly.

Mr. KANJORSKI. Mr. Speaker, I would like to introduce Mr. MIKE DOYLE. Before he speaks a word, he was commissioned as the jokester of the Pennsylvania Corner purposely to keep Jack in his good spirits during his presence there.

Mr. DOYLE. Thank you, Mr. Chairman.

I rise to honor the memory of my mentor and my dear friend, Congressman Jack Murtha. This is a tough day for all of us in the Pennsylvania delegation. Our State has lost its 800-pound gorilla and our dear, dear friend.

Jack Murtha personified the people of western Pennsylvania, tough, hard-working, salt of the Earth. He loved his family. They always came first, his beautiful wife, Joyce, to whom he was married for over 50 years, his three children, his grandchildren. Family always came first to Jack Murtha.

He loved his country, and he most especially loved the men and women who wore the uniform of the United States of America. He was their champion. There wasn't any Member in this body who fought harder for those troops than Jack Murtha did.

He loved this institution too. I remember he especially was helpful to new Members. When I got elected in 1994, Jack took me under his wing and one day he sat me right back there in the Pennsylvania Corner, right next to his chair, and he said, I am going to give you two pieces of advice. He says, number one, sit here on the floor and learn the rules and the procedure, because if you master the rules and the procedure of the House, someday you're going to get a chance to offer a bill, and the people that understand the rules will always win.

He said, secondly, find out what you are passionate about and be the best person you can be in that field. Be the person that other people come to and ask for advice on that issue.

I never forgot that advice. Sixteen years later, every day, we still come

over to that corner, and those of us who were smart enough would come over there to seek Jack's counsel. He didn't just do it for the members of the Pennsylvania delegation, he did it for anyone who was smart enough to come back there and introduce themselves to Jack and seek his counsel. It didn't matter what their party affiliation was either.

Much has been said about Jack's ability to work across the aisle. He truly did. When he chaired the Defense appropriations committee, it didn't matter to him what your party was. What mattered to him is that you had something that was going to be good for the troops and good for the country, and if you had a good idea, Jack was willing to help you turn that idea into reality.

When you think about the appropriation bills and how long it takes us sometimes to pass bills and how long that we go sometimes without passing bills and have to throw them in an omnibus at the end of the year, there was always one bill that we never had a problem passing. I can't remember in the 16 years that I have been here in the House of Representatives it ever taking more than 10 minutes to pass the Defense appropriations bill. Jack just had it all worked out from the beginning, and he worked it out with both sides. That was the beauty of it.

You know, it was said that when Jack wasn't in the majority anymore and not the chairman of the committee, it was hard to tell who was the chairman of the committee, because Jack and his good friend, BILL YOUNG, they worked together as a team. They were both the Chairs of the committee every year, regardless of what party was in control. It was his dear friend, and it was a pleasure to see those two work.

To sit on these opposite ends, we hear so much rancor in America today about the division in our country and the division here in the House of Representatives, how Democrats and Republicans can't work together. These two gentlemen worked together their entire careers. They were an example for the rest of us to follow.

Jack Murtha is not with us anymore. It's hard to imagine coming to the Pennsylvania Corner, and I think the toughest thing for all of us this week was to stand in that corner and see that chair empty and know that our friend wasn't coming in. It's going to take us a while for that to sink in that it's really happened, but one thing lives on. Jack would want us to move forward. Jack wouldn't want us to spend a lot of time dwelling about him or how we feel because he is gone.

Jack would want us to get back to work. He would want to make sure that we were working for this country and for our districts. He always told every Member that came over there, vote

your district first. Regardless of what anybody tells you on this floor, you vote your district. I watched Jack Murtha chase some of the leadership of our party back from Pennsylvania Corner when they were trying to make some of our members not vote their districts. Jack made sure that that didn't happen.

Jack, we're going to miss you. You've been a great teacher. To those of us in the Pennsylvania delegation, you were a great friend, to many of us a father figure. We stand here today to honor your memory and to pledge to you that we will continue to work hard in your memory and make sure that the people of western Pennsylvania and the great State of Pennsylvania continue the tradition that you set for all of us, the example that you set for this delegation.

To his family, our deepest sympathies. Jack Murtha, Godspeed, God bless.

Mr. KANJORSKI. Mr. Speaker, Jack's chairman as chairman of the Appropriations Committee, DAVID OBEY.

Mr. OBEY. Mr. Speaker, this is a very human institution, and it's affected very much by our personal relationships with one another. Very frankly, for the first 20 years that Jack and I served on the Appropriations Committee, we were often adversaries. There were some issues that we differed on. He was, as has already been said, very much old school, and I was more of a reformer.

In fact, when I ran for the chairmanship of the committee against a senior member of the committee, Jack managed the campaign of my opponent and, unfortunately, he did a pretty good job. After I was elected, we had pretty much an arm's-length relationship for a couple of years.

But if you care about your country, and you care about this institution, you swallow your differences and you learn to work with everybody. Jack and I soon had developed a solid working relationship, and we became allies on a host of issues. One of our most important was our view of the war in Iraq and how to get out of it; and another was our concern about the dubiousness of our continued involvement in Afghanistan if we didn't have a better ally in that government to rely upon.

We often talked together, and we traveled together. We went to the Middle East together. We shared something special as well in a different place on this globe. A few years ago, he and I and Dave Hobson and our staffs became concerned about the visitors center at Normandy. It was really pretty much of a cracker box affair, and it was not at all fitting to the history of that place. So we determined that there ought to be a new visitors' center at Normandy. With the three of us working together with our staffs, that visitors center was built.



Today, if you visit it—and it's truly beautiful—there is a little plaque behind that visitors center in front of a small tree with the names of Murtha, OBEY and Hobson on it. I know I am proud of that, and I know Jack was proud of that. I think it symbolizes what happens in this place. Two people who started out as adversaries became reasonably good friends, never fully agreeing, because no two people in this place ever agree on everything, but we had a solid working relationship.

I learned one thing about Jack a long time ago. He had the courage of his convictions, and he fought hard every way he knew how for those convictions, and he cared deeply about the welfare of the men and women who served in the Armed Forces and defend this country's freedom.

I am proud that at Normandy there is that little note of the three of us having gotten together, all for one purpose, to honor the people who did so much on those beaches to build and preserve America's freedom and the freedom of the world.

Mr. KANJORSKI. Mr. Speaker, I would now like to yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding.

I would like to take a bit different tack because I met Chairman Murtha for the first time in 1977 when I was an associate staff on Appropriations. My Member and my mentor, Adam Benjamin, Jr., was a member of the Appropriations Committee that year. Mr. Murtha, Mr. CARNEY, Mr. Benjamin and others were instrumental in that year, not only in that appropriations process, but in also establishing the Steel Caucus, because they were very concerned about people who worked in their district.

What I took away as a staffer from that relationship with Mr. Murtha is the fact that he always treated me and every other staff he came into contact with with respect. He always heard what I had to say and what other staff had to say, whether, as Mr. OBEY implied, he always agreed with you or not, and he always treated you very professionally.

I had no conception during those 6 years working as a staff member that the time would come that I would serve as a colleague on the committee with Mr. Murtha, would serve on the subcommittee, and would be blessed enough to call him a friend. He was a friend to every person he encountered. He was a good friend to the people he represented, because he was most concerned with those who worked hard, who needed a job or who needed a hand up.

Our country is much richer because of that attitude that Mr. Murtha carried with him every day, and the world is certainly a much better place than it would have been had he not walked among us.

The fact is, as far as his activities on the Defense subcommittee, and my Member was a former marine as well, I was always struck that while some people are very focused on weapons systems, Mr. Murtha, while never losing sight of the big picture, was most concerned about that individual man or woman who was in the field, who was risking their life and who was serving our country. As he would suggest, operation and maintenance, how you train, how you provide for their safety, how you equip that person and their family and those children was the most important thing for him.

He taught me many valuable life lessons. I am a better person, and we are all better people because of Mr. Murtha. He will be greatly missed, and I deeply appreciate the gentleman from Pennsylvania for this opportunity.

□ 1745

Mr. KANJORSKI. Mr. Speaker, I now yield time to the gentleman from western Pennsylvania, one of Jack's prodigies, JASON ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from Pennsylvania and I thank everyone who has spoken tonight.

I want to talk about western Pennsylvania and what Jack meant to western Pennsylvania, his home region and my home region.

A lot has been said over the past few weeks, and certainly tonight, about the impact that this "giant of the Congress" made on this institution, that he made on this country, and certainly the impact that he had on the American military, and there is nobody here that supported them more than Jack Murtha.

I wanted to talk about the impact he had on his home region. I am fortunate enough to represent a district that is intertwined, due to gerrymandering, with Mr. Murtha's district, the district that he represented for so many years. I was born in a hospital that is in the district that he represented. I grew up in a town that is in the district that he represented. And I can tell you that we have lost a giant in this Congress and we have lost a giant in this country, but we've lost a giant in western Pennsylvania. He will not be forgotten in his home region.

And it should not be forgotten that this is somebody—and we talk about the work that he did as a member of the Appropriations Committee. He put, over the course of his career, \$1.5 billion into breast cancer research. He put nearly \$1 billion into diabetes research as a member of the Appropriations Committee. I don't think that there is anybody in this Congress that has a record that can match what he has done in promoting health and promoting wellness—yes, in our military, but across all segments of society. And again, this is somebody, as Congressman DOYLE talked of earlier, that epit-

omizes the work ethic that represents western Pennsylvania and the constituency that we represent.

I am fortunate to have known Mr. Murtha. I count him as a true champion of the region that I grew up in and somebody who will never be forgotten. There will never be his like again in western Pennsylvania, in the Congress, or in the country.

I thank the gentleman from Pennsylvania for the time.

Mr. KANJORSKI. I would now like to yield to part of our leadership, Mr. LARSON.

Mr. LARSON of Connecticut. I want to thank the gentleman, the Dean of the Pennsylvania delegation, for having this opportunity for Members to speak about a great American and someone who was so near and dear to all of us.

I want to commend MIKE DOYLE, BOB BRADY, PAUL KANJORSKI, the entire delegation for last week making sure that, aside from the formal services held for Mr. Murtha in Johnstown, Pennsylvania, there was an opportunity for an Irish wake afterwards. Jack, I know, would have been very proud of that. I am sure he got quite a chuckle with Tip O'Neill up in a higher place at the coming together of so many Members and regaling with so many stories of Jack Murtha.

America has lost a great patriot. The Congress has lost one of its giants, one of the most knowledgeable Members on national defense ever to serve here, whose service spanned four decades and eight Presidents and Members from both Chambers and on both sides of the aisle.

Our hearts go out to Joyce and the family. We in this body have lost a person that makes the very essence and fabric of being here so rich and rewarding; it was evident in listening to our colleagues, listening to RODNEY and BILL and JACK KINGSTON talk about Mr. Murtha. His death is a reminder to us all that our time here and all that we hope to accomplish is fleeting. As he would say, make the most of it while you're here; become expert in a field; but most of all, stand up for what you believe.

Jack reminded me in so many ways of my grandfather, with that shock of white hair and piercing blue eyes and his way of questioning, but also his incredible Irish wit. He loved Congress. He was the epitome of what so often is talked about in terms of bipartisan cooperation and was so often demonstrated between him and BILL YOUNG or Dave Hobson. When he gave his word, he kept it.

He was a Member's Member, ever cognizant of what he could do to help you. And while he was a tough questioner and firm in his convictions, he had an incredible heart and a deep love of history. He loved to talk about Tip O'Neill and the good ol' days here.

I was fortunate to travel overseas with Mr. Murtha four times. Sometimes I thought I drew the short straw in the Pennsylvania corner because Jack, when he took a trip, it was all work; up at 6, he was in bed by 7. There were no PowerPoints, and he looked people dead in the eye. And he always made sure that he spoke to the enlisted men because he cared most about them. A decorated hero, two Purple Hearts and a Bronze Star in Vietnam, the first Member from that conflict and veteran elected to the United States Congress.

Personally, a young man from East Hartford, my hometown, was wounded in Fallujah. He was in bad shape. He was sent back here, and his brother who was fighting alongside him, a fellow marine, was back there. Jack Murtha got on the phone and made sure that those brothers were united at Bethesda along with their parents.

I remember him counseling a father and his teenage son over at Ramstein Hospital in Germany. They had just lost a son. I don't know where Jack got the strength or that reservoir of courage to comfort and console the father and son, but he did, in almost Father O'Malley quality.

He cared so deeply about the troops that serve this great Nation. And as BILL YOUNG pointed out, he and BILL made more trips out to Bethesda and Walter Reed with no publicity. They did it out of duty and honor and respect for those who serve.

He wrote a book, and on these flights I was privileged as he would go through it with me. His favorite book of all time was "War and Peace." He cared as deeply about peace as he did about making sure that we protected our troops when they're in the field and took care of them when they came home.

He will ever stand out in the minds of Americans for standing up and speaking out against the war in Iraq, an issue that he struggled deeply with. But as so many great Americans on this floor and in this Chamber and around this Nation, he found that profile in courage to stand up and speak out.

Democrats, I dare say, would not be in the majority if it were not for Jack Murtha leading the way and speaking out, because he is a soldier's soldier. And he was respected on both sides of the aisle, as you've heard this evening. But as one commentator said, when Jack Murtha speaks, he speaks for America, and he did.

How proud he was to receive the John Fitzgerald Kennedy Profile in Courage Award. But his life was not only about speaking out; it was about the day-to-day work, the belief that he had in the men and women who serve and the people that he was sworn to serve from his district, and about the men and women who work here. He loved this institu-

tion. God, how everyone liked to come over to the corner. It seemed as though people were going over there either to hear confessions, seek advice and, most often, to check in on how their projects were doing. But he did it with wit, determination, and guile, and a deep love and abiding respect for his country.

For me personally, one of the great honors of being a Member of the United States Congress will always be to say I had the opportunity to serve with Jack Murtha, a great American.

God bless you, Jack. God bless Joyce and your family.

Mr. KANJORSKI. Thank you very much, Mr. LARSON.

I now yield to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Thank you, Mr. KANJORSKI, the new dean. I know that is probably a hard title to accept now under these circumstances.

It's interesting, I was listening to Mr. LARSON speak, and I truly wish that every American had the opportunity to be in Johnstown on Monday night last to be part of the wake we had because it was truly a celebration of a man who deserves to be celebrated, but it was very striking in the bipartisanship that was displayed there. Friends on both sides of the aisle came to honor the man who was—and the word is not overused in this case—a giant, who knew how to fight for what he believed in, but also knew the art of the possible.

One thing Jack taught me a long time ago is that we are judged on this Earth not by what we don't do, but what we do. That is how I think we all have to proceed as Members of Congress in this body that we are privileged to be elected to serve. And here is a man who fought for everything he believed in.

Back in 2006, a number of us had the privilege of meeting Jack. He became our mentor when we came into power as the majority party again. And it was his leadership, his tutelage, and his guidance that got us here. And the fact of the matter is, when you came to Jack with a problem, especially one that dealt with the troops, he was going to take care of it.

Before my tenure here in Congress I was a professor at Penn State, and I had a student who was deployed to Iraq in the first wave of the invasion. He came back from Iraq and told me that, When we were there, we had to go through Iraqi junkyards to find scrap metal to lob onto our trucks for more protection. When I told Jack that story, that kind Irish face of his hardened, those blue eyes didn't twinkle quite as much, and that grin firmed up. He said, By God, we're going to fix that. And by God, he fixed that.

Jack, we are going to miss you. We are going to look back in that corner. We are going to know that we are not whole just yet, but we will remember

the lessons you taught us and the leadership you provided.

Godspeed, soldier.

□ 1800

Mr. KANJORSKI. Mr. Speaker, I recognize the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Pennsylvania and now the dean of the delegation.

I want to echo the comments of my classmate, Congressman CHRIS CARNEY, also from Pennsylvania. When we came in together, he was really our mentor, and he was a great man. I thought it was fitting, when we heard earlier Republicans talking about the honor to serve with a great patriot like Jack Murtha, the fact that he always reached across the aisle. The pallbearers at his service last week were both Democrats and Republicans. They were coming together to be those pallbearers in that final service.

In that service last week, we heard how Mrs. Bair told a young Jack Patrick Murtha that one person can make a difference, that one person can change the world. Whether it was in the Marine Corps, in the Congress of the United States, or within the Murtha Family, Jack Patrick Murtha certainly did make quite a difference.

In the military, he was proud of his over three decades in the Corps. He was proud that he was the first combat marine to serve in the United States Congress. He was proud when he had given a knife to a current commandant of the Marine Corps, General Conway. General Conway talked in the service last week about still having that knife. He was also proud to go down the street at the Walter Reed military hospital to see the men and women, our country's heroes, when they came back. When they gave it all on the battlefield and they came home, he was there for them.

As for his time in the Congress, he was proud of the family that made up "team Murtha"—the folks who served with great honor and distinction, not just to the constituents of the 12th Congressional District of Pennsylvania, but also to the citizens of the United States of America.

I am a person who often says that budgets are moral documents. If you want to see someone's priorities, you look at his budget, whether it's a family's budget or a country's budget. Well, the fact is that Jack Murtha made sure that our troops had everything that they needed. If our warfighters were going to put their lives on the line, if they were going to be willing to take a bullet to keep our families and our country safe, Jack Murtha did not want a fair fight. Jack Murtha wanted to make sure that our troops had a tactical and a technical advantage on that battlefield. Jack

Murtha also wanted to make sure that the Congress of the United States and our country's policymakers also had the right war policy for those troops.

As JOHN LARSON said earlier, when Jack Murtha spoke about calling for a timeline to bring our troops home from Iraq, it sent shock waves, not just across our country but around the world, that he was going to stand up for principle and do the right thing. That is the kind of marine, that is the kind of leader that Jack Murtha was. It was no surprise to many of us who had watched him throughout the years when he was awarded John Kennedy's Profile in Courage. He was so proud of that award because he knew what that award represented—the fact that he, a guy who had grown up in Johnstown, Pennsylvania, had finally made a difference.

Lastly, we all know Jack to be the family man that he was. The fact is he was most proud of his wife, Joyce, of his kids and of his grandchildren. He'd be here at the Capitol so early, by 6:00 in the morning at least. Then when we'd have late votes, at about 7:00 or 7:30, you could see him fidgeting. We used to joke with him.

You'd hear Bob Ray ask, What's the matter? Does Joyce have pork chops going on? You know, why do you want to rush out of here?

He'd say, I've got to get home.

He wanted to make sure that he was home so he could be there with his family to have a meal.

I believe that John Patrick Murtha and his service that he gave to our country as a marine, as the chairman, and as a family man is a testament to his life's work, which is that one man can make a difference.

God bless you, Jack Murtha.

Mr. KANJORSKI. Thank you, Mr. MURPHY.

Mr. Speaker, I yield to the last of the Pennsylvania delegation, Representative DAHLKEMPER of Erie.

Mrs. DAHLKEMPER. I thank the gentleman, our new dean of the delegation.

I join my fellow Pennsylvania members and all of those who are here tonight to honor Jack Murtha. I am deeply honored and equally saddened to stand here in tribute to our colleague and to my friend, the late Jack Murtha. I am the youngest—or the newest member, I should say. I am not the youngest. I am the newest member of the Pennsylvania delegation. I've been here just 14 months.

Yet, from the first day that I stepped onto this floor, Jack Murtha was a friend, was a mentor. He welcomed me into the corner, the famous Pennsylvania corner which I had heard so much about. He welcomed me graciously, sharing his wisdom, sharing his intellect, his wit, his humor.

He would say, Hey, kid. How ya doing?

Jack and I, I think, quickly developed a very special relationship. I saw him sort of as my father on the floor, the person I could turn to. He was a mentor, always offering me that advice. Jack Murtha made sure that, as a new Member, I knew my constituents had to come first, that you represent the people who brought you here in every vote.

He was enormously helpful to all of us here. Certainly, if I had a question or a concern or an issue in my district, I'd first turn to Jack Murtha and get his advice on how I should proceed.

In November, I am so grateful that I was given the privilege to travel with Jack Murtha to Afghanistan over the Thanksgiving work period. We went to visit our troops abroad. To be with him and to see how he interacted with our troops was just a wonderful experience to be a part of. In seeing his questioning of those in charge, I learned a lot from him over that trip—how to do a CODEL, how to do it right and how to come back with the information that you need. There was no better person to really take that journey with than Jack Murtha.

His mere presence in Afghanistan and everywhere we went on that trip commanded respect from everyone we encountered, and his keen insight and understandings of the needs of our troops, I think, was appreciated by everyone. All of those whom he touched there knew that he had one interest, and that was to take care of those who were there serving our country.

Jack Murtha was a true patriot. He loved his country, and he believed in the value of public service. His passing is a great loss for the United States of America. It is a great loss for the Commonwealth of Pennsylvania. It is a great loss to his district. It is a great loss to all of us who served with him in the House. I am grateful to have served with him.

God bless Jack Murtha. God bless his family—his wife, Joyce, his children and his grandchildren.

Mr. KANJORSKI. Thank you, Mrs. DAHLKEMPER.

Now we will hear from the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I, too, come to pay homage to a giant—to our leader, our chairman, the epitome of a public servant. All of us feel like he was our best friend.

As the newest member of the Defense Appropriations Committee, I was in awe as I watched the chairman yield, educate, speak, and do what he did so that all of the members on our subcommittee, on both sides of the aisle, could participate in the process.

Chairman Murtha held 32 hearings before we even got to the appropriations bill last year. I was at every one of them. To watch him and to watch the prestige and the honor that he re-

ceived as well as gave to those who came before our subcommittee was astounding. Chairman Murtha welcomed me into the group. It is a prestigious group. In my 32 years of public service, there has been none like it.

I honor you, Jack Murtha, for your wisdom, your courage. It has already been said—and I akin myself to all of my colleagues who have come before me, but the redundancy needs to be said over and over again—that our country has lost a giant. This institution will never be the same. We will strive to carry the torch and passion of Jack Murtha, those of us on the committee, on the full committee, and in this Congress on both sides of the aisle.

We love you, Jack Murtha. I pledge to you, as I do my work here in the United States House of Representatives, it is because of you and others like you who showed me and helped me to become that defense protégé, if you will, who will speak out, who will protect our men and women in uniform and our entire United States of America. So rest in peace, my great warrior.

To his family—to his children and grandchildren—know that you have a friend in all of us. We have adopted you into our family. Let us speak and serve and reach and grow and build a new United States of America as Jack Murtha has held us to do.

God bless you, Jack. We will never forget you.

Warrior. Statesman. Husband. Father. Legislator. Chairman John P. Murtha was the epitome of the best of what our nation's military and this Congress does. As one of the seven people in the history of our country selected to Chair the House Defense Appropriations Subcommittee, Chairman Murtha comes from a family with a long and stellar line of service to our country. Chairman Murtha's great-grandfather served in the Civil War. His father and three uncles served in World War II. Chairman Murtha, along with his brothers, served in our nation's military during the Vietnam War. His sons served in the military as well. Of course, we all know that Chairman Murtha went in as an enlisted man in the United States Marine Corps, serving as a drill sergeant at Parris Island, South Carolina, the home to many of our Marines. In 1966, Chairman Murtha volunteered for active duty in the Marine Corps, joining his brothers in combat. Chairman Murtha earned two Purple Hearts, a Bronze Star and the Vietnamese Cross for Gallantry in Vietnam. Chairman Murtha served in the Marine Corps in the reserves, and retired as a Colonel.

Chairman Murtha, after active duty in Vietnam, became active in politics and was elected to Pennsylvania's House of Representatives. When Chairman Murtha was elected to Congress in 1974, he was the first Vietnam era veteran elected to Congress. Chairman Murtha was a dedicated and devoted servant to the people of Pennsylvania's 12th Congressional District. We all know Chairman Murtha.

What many people do not know is how Chairman Jack Murtha fought for pay raises for all members of America's military. How

Chairman Murtha demanded accountability from all our Presidents on the number of contractors in Iraq and Afghanistan. What many people do not know is how Chairman Murtha took a young Member of Congress aside and taught her or him how to get things done. What many people do not know is that Chairman Murtha was feared, and also respected; Chairman Murtha was intimidating and also loved. There is a reason that just over my shoulder, on the House floor, a flag hangs in respect, love and admiration in the seat that Chairman Murtha called home for more than three decades.

Chairman Murtha's respect went far beyond the confines of the House Appropriations Committee on Defense. When our Nation's warriors go to fight for us, they deserve nothing but the best in return. That was Chairman Murtha's goal for the men and women of our Nation's military. Chairman Murtha, very simply, made things happen. You know what? Most of the things that Chairman Murtha made happen never made the pages of the newspaper. They were not in a sound bite on television or on radio. But each and every Member who walks these halls know that Congress is a lot emptier and things will not be done as quickly or as well since the loss of Chairman Murtha. I do not believe that it is an understatement when I say that the reason why our troops in Iraq are coming home today is because Chairman Murtha, warrior, statesman, and lover of his men and women in combat, said "enough."

Chairman Murtha knew defeat and victory. Chairman Murtha loved the institution of Congress, he loved his family, he loved his Marines, he loved his service members of our nation's military, and those individuals who volunteer to put themselves in harm's way to defend our Constitution. Chairman Murtha defended our Constitution as a Marine in combat in Vietnam. Chairman Murtha defended our Constitution as a Member of Congress. Chairman Murtha will continue to guide the spirits and souls of us all as we work to solve the problems of America. Because that is what Chairman Murtha did—solve problems.

Chairman John Patrick Murtha, rest in peace. To his wife and family, know that we will always honor and cherish his memory, and we thank you for sharing him with us for more than three decades. The heart of a lion that once roamed the halls of Congress is lost, and I will miss his kind heart, his vivacious spirit, and his intelligence forever.

Mr. KANJORSKI. Thank you very much, Ms. KILPATRICK.

Now we will hear from the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Well, thank you very much.

I just want to express my deep sense of sadness for the loss of a very dear friend, someone for whom I had a great deal of respect and admiration. I know that sense is not unique. It is shared and expressed by a great many of other people. Of course, the reasons for that are the interactions that he had with so many of the people. It is the involvement that he had and the way in which he provided leadership and direction for a great many. I knew him for a lit-

tle more than 17 years but not very closely until the last year and a half or so, and that was because I now serve on the subcommittee that he chaired, the Subcommittee on Defense.

I felt a great sense of admiration for him, for the focus that he had on the work that he had to do and for the way in which he did it so very, very effectively. I could understand why, because that was the simple nature of the man, and it was the kind of thing that he had done all his life.

He served in the military, and was a great exemplary of strength, and honor, and courage, and he had done the same thing during his tenure here in the House of Representatives. He served with strength, and honor, and courage. He did a great many things for the district that he represented, a great many things for Pennsylvania, but also a great many things for many places across this country. I know that he did a great many things in helping me.

So, again, I want to express my deep sense of gratitude for Jack Murtha, my deep respect for him and this deep, unexpected sadness in his leaving us. I had thought that he would be here for a long, long time. Nevertheless, we will continue to have the strength that we have had as a result of our interactions with him. We will be much more effective, much more knowledgeable, and there will be a continuation of positive things done here. A lot of those positive things will be as a direct result of the leadership and of the examples set by Jack Murtha.

Thank you, Jack, for everything that you've done.

Mr. KANJORSKI. Thank you very much, Mr. HINCHEY.

Now we will hear from the gentleman from Georgia.

Mr. BISHOP of Georgia. I thank the gentleman for yielding and for allowing me to participate in this tribute to our great friend.

The poet wrote that the lives of great men all remind us that we can make our lives sublime, and departing, leave behind footprints on the sands of time.

Jack Murtha was a great man, and he, indeed, left indelible footprints. He left footprints on his beloved district in Pennsylvania with all of the projects and all of the things that he did for his constituents there over the 36 years of service he gave.

He left footprints on the Department of Defense and on the men and women who served in our military and their families with all of the care and the concern that he put into making sure that they had everything that was needed to carry out their missions and that they got what they needed when they returned home.

□ 1815

He left a footprint on this institution with the leadership and the example

that he set for all of us as a bipartisan collegial representative. To watch the interaction between Mr. Murtha and Mr. YOUNG and to be able to feel and to see the genuine friendship and mutual respect that they had for each other was a lesson every day in the collegiality and the civility that Members of this institution should carry in the traditions of this institution.

Jack Murtha made and left indelible footprints on the United States of America. He made an impression on all of us, on his family, Joyce, who was a mentor to my wife in the Congressional Club as Jack was a mentor to me in this House. I can remember my very first trip to Murtha's Corner, seeking sage advice, and I can remember the last trip on his last day on the floor a thousand visits later.

Jack made a lasting impression on us. He was a friend. He was a mentor. He was a Members' Member. The world is better because Jack Murtha was here. This institution and our country are better because Jack Murtha was here.

Someone said you make your living by what you get; you make your life by what you give. Jack Murtha indeed made a life and he made our lives better for his service.

Thank you, Jack. Thank you to the Murtha family. Thank you, God, for allowing us to know, love, and share the life of this very exceptional and remarkable man.

Mr. KANJORSKI. Mr. Speaker, I yield now to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. We will miss Jack Murtha. Strong-willed plain spoken, fearless, dedicated, patriotic, honorable, and remarkably generous with his time, his wisdom, and his advice. We will not see the like of him.

The descendant of veterans of the American war of independence and the Civil War, he was the champion of the marine, the soldier, the sailor, the flyer. And to me personally he was magnanimous.

When the Speaker created the Select Intelligence Oversight panel as part of the Appropriations Committee and asked me to take the chair, Jack Murtha embraced the panel and gave it strength, even though it might have appeared to lessen his authority. Of course, nothing ever diminished the authority of Jack Murtha. He embodied authority. More than magnanimous, he was kind and sharing.

We express our sympathy to the family, friends, and all of those who Jack Murtha championed who don't know what he did for them and what he did for America. What a loss.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. We who worked with Jack Murtha day in and day out really appreciated his deep respect for this institution.

In a time when we see the demise of institutional respect and ritual, he enjoyed the ritual of this House, just as he enjoyed the ritual of serving his country as a marine. He enjoyed the ritual of marriage. He was honorable, he was devoted, and he was faithful; a faithful brother who served his country and asked nothing in return. Man, that is different in this city.

Jack and I 7 years ago came together in two different paths in order to respond to our soldiers, our brothers and sisters, our aunts and uncles and fathers and mothers who were coming back from Iraq and Afghanistan with the signature injury of those two wars: traumatic brain injury. No contusion, no blood, misdiagnosed, never diagnosed. And post-traumatic stress disorder. It was part of my official family. I knew it firsthand. And Jack said, Why don't we bring the civilian research and the military research together. So we set out. Can you imagine going into a war without having ready how we would help those soldiers coming back? Jack couldn't. And he did something about it.

When you go to Walter Reed Hospital, a hospital that was supposed to be closed, if you remember, 4 years ago, and you see the state of the art, he did not give up on those soldiers, many of whom would be dead if it were not for what he did in getting the resources so that the state-of-the-art treatment for our soldiers would be there.

To his friends on both sides of the aisle, let us remember when Jack would come to the microphone, and it wasn't often, but he came to the microphone during appropriations time, and he would say many times to me, BILLY, watch how quick I'm there and I'll be gone. And you would think the chairman would want to give a dissertation. But he had done his homework. There were no speeches that were necessary. He did not mention platitudes. It was honor, duty, and then a nonpretentious exit.

Good friend, you are not gone. We will remember you and we love you.

Mr. KANJORSKI. I yield to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the gentleman from Pennsylvania for yielding.

I know a lot of people have talked about Jack Murtha as a giant, and I really think that this institution probably will not see another man like Jack Murtha in many ways.

But I really think what stands out most to me and what has come through here is that Jack Murtha had a heart of gold. He really cared about people. He cared about the men and women in our Armed Forces. He cared about his colleagues. And he cared about his constituents greatly, especially in his hometown of Johnstown, Pennsylvania.

I really didn't get to meet Jack Murtha until I was elected in 2004, but I

feel like I really started to get to know him before that. In 2000 I started dating Judy, who is now my wife, and she is from Johnstown. Her family is still in Johnstown. So I would go to visit Judy's family in Johnstown and I would hear people talk about Jack Murtha. I would see what Jack Murtha did for his district. And I knew that his constituents, especially the people of Johnstown, loved Jack Murtha.

When I was elected, I would often go say hello to Jack over in the Pennsylvania Corner, just come over to say hello, and so many times he would give me that smile and he'd tap his colleague next to him on the shoulder and say, This guy married a gal from Johnstown. And I always felt a very close connection to Jack because of that.

I feel very blessed to have had the opportunity in these 5 years to get to know Jack Murtha and what he did for Johnstown. I certainly saw people suffer through floods, economic turmoil, and he really cared about the people, and doing all he could for them meant a lot to him.

I will really miss Jack and what he meant to so many of us. I really think that Jack loved his job because he knew it gave him a great opportunity to do what he really believed, and that is take care of people, to help people out. And this job gave him the opportunity to do that, and he did it throughout all of his life. And because of that I will greatly miss Jack Murtha.

God bless Jack Murtha, Joyce, and his entire family.

Mr. KANJORSKI. Madam Speaker, we have the Speaker who will be arriving and, as I understand it, we have additional Members who will make requests to speak for 5 minutes.

Ms. LEE of California. Madam Speaker I rise to remember my friend and our dear colleague Congressman John Murtha.

I was deeply saddened when I learned of Congressman Murtha's death. I share the sentiments of my colleagues on the floor today, and my heart goes out to the entire Murtha family for their loss.

The people of Pennsylvania and of this entire country have lost a good and faithful servant with the passing of Congressman John Murtha.

For nearly half a century, whether it was on the battlefield as a Marine, the Pennsylvania state legislature or on Capitol Hill, John Murtha always led with distinction and honor.

As a veteran of the Vietnam War, Congressman Murtha served this country courageously and was a staunch advocate for our men and women in uniform.

In the House of Representatives he was a true leader, and a man of conviction, who was always willing to share a word of wisdom.

He had the courage to call for a withdrawal of U.S. troops from Iraq long before it was popular to do so and I will always be grateful for his willingness to take such a difficult stand.

We have lost a friend and colleague, and our country has lost a great public servant and statesman. Congressman John Murtha will be deeply missed.

My thoughts and prayers are with his wife Joyce, his daughter Donna, his twin sons Pat and John and his three grandchildren: Jack, Anne and Clayton.

It is our charge to ensure that his memory and legacy lives on, and that we continue his fierce dedication, loyalty and love for the brave men and women of the Armed Forces.

Ms. MCCOLLUM. Madam Speaker, I and the following members rise in recognition of the late U.S. Representative John Murtha's lifelong dedication to members of our armed services: Representative BRUCE BRALEY, Representative TIM WALZ, Representative KEITH ELLISON, Representative JAMES OBERSTAR, Representative LEONARD BOSWELL, Representative DAVID LOEBSACK, Representative COLLIN PETERSON, and Representative TOM LATHAM.

Chairman John Murtha was a passionate legislator and decorated ex-Marine who never stopped fighting for our men and women in uniform. In 1974, Murtha, then an officer in the Marine Reserves, became the first Vietnam War combat veteran elected to the House of Representatives. As Chairman of the House Appropriations Subcommittee on Defense, Congressman Murtha was a tireless advocate for our troops, military families, and our veterans on Capitol Hill. At a time when we are mourning his passing, it is important to recognize Chairman Murtha's work to ensure that veterans receive support. The undersigned members would like to call attention to the work he did to secure the benefits promised and earned by 22,000 National Guard and Reserve personnel in our states.

In January of 2007, the Department of Defense authorized Post-Deployment Mobilization Respite Absence (PDMRA) program, which provides additional pay when a soldier deploys more frequently than DOD policy requires. For the two years since the authorization of PDMRA, the Pentagon's implementation of the program has been slow and incomplete. As result, thousands of National Guard and Reserve members who have served multiple and extended tours in Iraq and Afghanistan did not receive the pay to which they are entitled. This problem has affected National Guard and Reserve personnel in every state across the nation. Members organized to bring attention to this problem and to find a resolution. The undersigned members have sent letters to the Pentagon, organized events, and met with armed services personnel for years and asked for the Chairman's assistance and leadership.

Chairman Murtha heard our request and took action. He made phone calls directly to Defense Secretary Robert Gates and Army Secretary Pete Geren. He included language to remedy the delay in the FY10 Defense Appropriations bill, and in numerous letters to the Department of Defense since 2007 Congressman Murtha supported his colleagues in making it clear that further delay in resolving this issue was unacceptable to our members of the armed services. Because of the Chairman Murtha's support, the Department of Defense

issued Army policy guidance for cash reimbursements for PDMRA for Reserve and National Guard personnel, which represents a crucial step in finally resolving this issue.

The late Congressman John Murtha has shown throughout his time in the military and in Congress that he is a dedicated leader on fighting on behalf of military families.

Ms. HARMAN. Madam Speaker, Jack Murtha was a paradox: a big man with an impressive war record who never wavered from his commitment to the wounded, the disadvantaged, and always challenged those who, in his strong opinion, underestimated the economic and human costs of war. He was a politician who constantly spoke his mind, and never worried about ruffling feathers. That's rare in today's Washington. Jack reached out to his colleagues—not just those who sat near him in the “Pennsylvania corner” on the House floor, but to others whom he respected. The people of California's 36th District and I are lucky to have been one of those he looked out for. I remember his visit about a decade ago to the Los Angeles Air Force Base Space and Missile Systems Center, located in my Congressional district. Of course he cared about SMC's mission of development and acquisition of our nation's defense satellites, he also wanted to know about the people of SMC. He met with the generals and staff about how things were going, and whether funding was on track, but he also took the time to speak at a “town hall” style meeting with the workforce where he thanked them for their service and to check on their well-being. They will miss him. So will I. I hope Joyce and his family are comforted by how big the big man's impact was.

Mrs. LOWEY. Madam Speaker, I rise to pay tribute to the life of our dear friend and colleague, Chairman John Murtha. Jack was truly an all-American—a committed public servant, decorated veteran of war, small businessman, devoted husband and father.

Many have recalled in recent weeks his service on the front lines of combat. His experience in the military made him a lifelong advocate for our men and women in uniform and a compass for this body when it came to making some of the toughest issues we face—those related to the defense of the United States.

Jack Murtha exercised his power to protect the country he loved, taking seriously the trust of his constituents and his responsibility to the American people. As Chairwoman of the foreign aid subcommittee and a member of the Select Intelligence Panel, I witnessed firsthand and benefited from his expertise on military strategy, intelligence, and foreign policy.

His compassion and commitment to do what was right were equally impressive. On his broad shoulders, he carried a great burden to not only provide for our troops and our security, but to ensure that we have made this world better and safer, including for innocent civilians in warzones and vulnerable societies around the world. And, with a heavy heart, he regularly gave his time to lift the spirits of men and women recovering from injuries in battle, sharing with them the appreciation of a grateful nation.

Finally, I would like to note his dedication to a goal we shared—alleviating cancer, espe-

cially those unique to women. He not only worked to help adapt military technology to aid in the treatment of cancer, he and his loving wife Joyce have supported initiatives to directly assist breast cancer patients and survivors.

Chairman Murtha was a giant among men, and his lifelong service to our country will be missed.

Ms. HIRONO. Madam Speaker, I join with my colleagues in the House to express my deep sadness at the passing of one of the most extraordinary members to serve in the U.S. House of Representatives. Jack Murtha will be missed as a courageous statesman, a respected colleague, an effective legislator, a dedicated representative of his constituents in Pennsylvania, a true friend to those who wear the uniform of one of the U.S. Armed Services, a treasured friend, and most important as a beloved husband, father, and grandfather.

Many of you served with Jack Murtha for decades; as a sophomore member of Congress, I only had the privilege of serving with Jack for a little over three years. Despite the fact that he was one of the most senior and powerful members of our body, Jack was interested in the needs of my district and helped me to secure funding to clean up sites in Hawaii impacted by Department of Defense activities.

Congressman Murtha's decades of dedicated service in the U.S. Marine Corps and Reserve and his service in Vietnam gave him an appreciation of the sacrifices made by the men and women who serve in the Armed Forces. Nothing was more important to him than the wellbeing of service members and their families. And he and his beloved Joyce regularly went to visit the wounded at Walter Reed and other hospitals.

Despite his years of service in the military and his long-time record as an advocate for the military, Jack did not hesitate to speak his conscience. Despite his initial support for the War in Iraq, he became disillusioned with the conduct of the war and called for the withdrawal of our troops. This took great courage and, in my view, speaks to the inherent honor of this fine man.

It is still hard to believe that Jack is gone. He had such a dynamic presence that it feels as if he is still here with us—sitting in his corner holding court. In his book, *From Vietnam to 9/11*, Jack wrote, “Ever since I was a young boy, I had two goals in life—I wanted to be a colonel in the Marine Corps and a member of Congress.” He achieved those goals and so much more.

I send my deepest sympathy to Jack's partner of 55 years, Joyce Murtha; to his daughter Donna; his sons Pat and John; and his grandchildren. I join all my colleagues in giving thanks for Jack's life of service and accomplishment. Mahalo nui loa, Jack.

Mr. SKELTON. Madam Speaker, I rise today to pay tribute to my friend and colleague Congressman John Murtha of Pennsylvania. It is with a heavy heart that I say goodbye to a friend of more than 30 years.

Jack Murtha arrived in Washington to serve in this House in 1974, just a few years before I had the honor to join this distinguished body.

Jack Murtha and I had a lot in common, in our love for the troops and for our country. We

didn't always agree, but you always knew that his heart was in every fight he took on. People listened to his counsel. He had conviction. He inspired respect.

The kind of respect that Jack Murtha had in this House doesn't come automatically. No one has it when they take the oath of office for the first time. It has to be earned.

Jack Murtha was no nonsense. Like President Truman, he didn't suffer fools. You knew where he stood, and if you were lucky, you had him in your corner. He was a fighter, for his country and for the people of Pennsylvania.

Jack Murtha was a leader. He loved our country. He loved the men and women of the Armed Forces, and especially the United States Marine Corps, of which he wore the uniform and served with great distinction.

He also loved the Congress, and understood its indispensable role as a co-equal branch of our federal government. Anyone watching the House floor could see his leadership in action, as he held court with other members in the back corner. A master legislator, he built relationships, mentored other members, and conducted the business that runs this institution and plays a big part in running this country.

With the passing of Jack Murtha, we have lost one of the giants of the House. I salute his dedicated service to our country—as a Marine, as a businessman and community leader, and as a Member of Congress.

Jack Murtha will be deeply missed. My condolences go to his wife Joyce, his children Donna, Pat, and John, and also to the people of Pennsylvania he cared about so much and represented so well.

Ms. WASSERMAN SCHULTZ. Madam Speaker, first, let me thank Congressman KANJORSKI for reserving this Special Order today to honor the life, legacy and service of our friend and colleague John Murtha.

Our Nation has lost a gifted lawmaker, a devoted public servant and a true patriot. In 1974, Jack became the first Vietnam War combat veteran elected to Congress. His spirit emboldened and his resolve hardened by his service on the battlefield, he became a tireless advocate for the people of Pennsylvania and all Americans.

We all know so well that he never lost his courage and his dedication to our Nation's security, our troops, or their families. Even after his election, he continued to serve in the Marine Corps Reserves until 1990 as a Colonel, receiving the Navy's Distinguished Service Medal.

From my first day here, Jack was always a mentor and a friend. When I was first appointed as a Cardinal on the Appropriations Committee, Jack was right there with sage advice and a helping hand. His no-nonsense exterior contained a fiery soul and fierce intelligence the equal of which this body has seldom known. Our Nation is surely better for his service to it and a grateful country grieves its loss.

Our thoughts and prayers are with his wife Joyce, their children, and extended family during this time.

Mr. LEWIS of California. Madam Speaker, Jack Murtha and I served together in this institution for over 30 years. We disagreed at



times over policy and politics, but I am proud to say that Jack was my friend.

Throughout my time in Congress, I have never seen a more valiant defender of the men and women of our armed forces than Jack, nor a more steadfast advocate for our country's unequalled national defense.

Years ago, when I was convinced that we should push forward quickly with development of the Predator UAV, Jack listened to my reasons and helped me push through the funding that has produced one of our most valuable weapons in the War on Terror.

When I became chairman of the defense appropriations subcommittee, I counted on Jack Murtha to be a partner rather than an adversary when the welfare of our military was on the line. When we urged that the F-22 program be reined in to ensure it was thoroughly tested, Jack was by my side and helped win the day and make that a better airplane.

Just weeks ago, Jack and I traveled together to Afghanistan. We were under tight timelines that were influenced by the situation on the ground. Although the travel was hard and the schedule was arduous, Jack maintained the energy and dedication of a man half his age. His unwavering purpose was to learn as much as he could, gain as much insight from our commanders as possible, and see for himself the challenges our country faces in that region.

He was a true patriot, and his passing is a cause for great sadness. This Congress will be a much lesser place without him.

My wife Arlene and I offer our most sincere condolences to his family, and also to his second family—his Congressional staff and the Members and staff of the Appropriations Committee.

Mr. BACA. Madam Speaker, I rise today in recognition of a dear friend and colleague, loving father and grandfather, and a true American patriot, Rep. John Murtha.

John served proudly when called to action in the Vietnam War, and his valor was recognized with the Bronze Star, and not one—but two Purple Heart awards.

In all, John spent an astounding 37 years of his life in active and reserve duty service in the Marine Corps.

In 1974, John heeded another call to duty, and began a life of public service here in the House of Representatives.

John served his constituents in Western Pennsylvania for an impressive 19 terms.

In Congress, he was respected for his political prowess—and his tireless passion to support America's men and women serving in uniform.

John Murtha was a man who measured our nation's strength not only military might, but also in the well-being of our people; and I am proud to have served with him in this body.

The thoughts and prayers of my wife Barbara and I go out to Joyce and all of John's family during this difficult time.

Mr. QUIGLEY. Madam Speaker, I rise today in honor of Congressman John Murtha, who passed away on February 8th, 2010. Representative Murtha was an exemplary leader and an American patriot.

Born into an Irish-American family, John left college in 1952 to join the Marine Corps. Here he would begin his course in leadership, be-

coming a Marine Corps drill instructor. His military career not only led him to receive a degree from the University of Pittsburgh, but also placed him on the front lines of service in the Vietnam War. During this time, he was awarded the Bronze Star with Valor device, two Purple Hearts, and the Vietnamese Cross of Gallantry.

In 1974 John was elected to the U.S. House of Representatives and had an extraordinary 36 year career, obtaining the distinction of Pennsylvania's longest serving Congressman two days before he passed. A fiercely independent-minded public servant, John strived for bipartisan solutions to our nation's struggles. He had no fear of partisan attacks and as the Chairman of the House Appropriations Defense Subcommittee he courageously spoke out against the Iraq War. His fearless calls for the withdrawal of American forces in Iraq, in the face of strong partisan confrontations, earned him the John F. Kennedy Profile in Courage Award.

I thank John for his service to our nation. I extend my deepest sympathies to John's wife Joyce, his children Donna Sue, John, and Patrick, and his grandchildren in this difficult time. John was a tremendous public servant who exemplified the spirit of America. He will be greatly missed.

Ms. DELAURO. Madam Speaker, I rise today to pay my respects to a tireless champion for soldiers, veterans, and the middle class, a venerable lion of this body, and a treasured friend, Congressman Jack Murtha.

The first Vietnam veteran ever elected to the House of Representatives, Congressman Murtha dedicated his career to America's fighting men and women, and always worked to put our troops and their safety first. I consistently relied on his wisdom and his insights on matters of defense and national security.

From his position as Chairman of the Defense Appropriations Committee, Jack's extraordinary dedication to the well-being of our troops and their families was evident in his actions every day. He knew that keeping our soldiers out of harm's way meant providing them with state-of-the-art equipment, from submarines to helicopters. And with that in mind, he helped to maintain a defense-industrial base that brought high-paying, high-skilled manufacturing jobs both to his home state of Pennsylvania and my own state of Connecticut. His legacy will live on not only in his service to military men and women, but through the millions of jobs he helped to create in our region.

Jack was also concerned with the well-being of Americans waging another kind of battle, and he always supported critical funding for research on diseases such as cancer, AIDS, and diabetes. In short, he was a great ally to Connecticut, a great Pennsylvanian, and a great American, and he will be deeply missed. This House is smaller after his passing.

Mr. SHUSTER. Madam Speaker, I want to thank Representative KANJORSKI for organizing this afternoon's special order to honor the memory of our friend and colleague Jack Murtha.

Over the course of the hour many members of our delegation and the House will add their own personalized sentiments to memorialize Jack Murtha and I appreciate the opportunity to add my own remarks today.

Jack Murtha will always be remembered for his extraordinary service to his country, both in and out of uniform. He always put the interests of his country, his state, and his constituents first and he will be greatly missed by all who knew him.

Outside of Pennsylvania, Jack Murtha will be remembered—and rightly so—for his skills in navigating the ins and outs of House rules and procedures. He will be remembered as someone who could get things done in Washington.

As a former colonel in the Marine Corps, Jack never forgot Congress' primary responsibility to provide for our common defense. His unceasing commitment to our national security will go down as legend in Washington, as will the work he did on behalf of our men and women in the military through his chairmanship of the Subcommittee on Defense Appropriations.

For those of us from Pennsylvania, especially the western part of the state, Jack will always be remembered and greatly missed for the dogged determination he showed over his career to make sure the needs of the people he represented were met.

There is little doubt that Jack left an indelible mark on this House and his impact will still be felt long after he is gone.

Personally, I will always remember Jack as a friend to both my father and me over the 36 years he served the people of the 12th district of Pennsylvania.

Jack was an extraordinary person—a tireless advocate for his constituents, and a champion for our national security. We have lost a true patriot. I send my condolences to Jack's wife Joyce and their children. My thoughts and prayers continue to be with them and the people of the 12th District.

Mr. BRADY of Pennsylvania. Madam Speaker, thank you for allowing me to say a few words about our friend Jack Murtha. First, I would like to advise Mrs. Murtha that I am her adopted son. I don't know if Jack ever told you (Mom). But, he did adopt me.

He took me under his wing. It was warm in the winter and cool in the summer. He also taught me a few things. He taught me to be courteous to everyone and that everyone is special. He made us all feel special. He was more comfortable with the privates than with the generals. He made everyone feel important.

He would make the little people feel needed and appreciated. He had a great sense of humor and enjoyed telling his stories and jokes. He had a big heart and tremendous compassion for people.

Unfortunately, a whole lot of people—including our illustrious press—never knew that Jack Murtha.

With the exception of his family, I was more fortunate than all of you. Every Thursday or Friday before we broke for the week, I would say goodbye to him. Because of his knee problem, I would help him down from his seat—the only reserved seat in Congress. Then, I would shake his hand and give him a kiss goodbye. I did not know Wednesday January 27th would be the last time I would kiss my friend good bye.

Jack Murtha was your friend. Jack Murtha was the best friend of the men and women in



uniform. He will be deeply missed. We will never see another Jack Murtha.

Mr. MOLLOHAN. Madam Speaker, I join my colleagues today to express my deep sadness at the passing of our colleague, Jack Murtha.

As I look around the Floor of the House this evening, I see Democrats and I see Republicans. I see veteran members of the so-called "Pennsylvania corner" and I see freshmen members—from California, from the northeast, from the south. I see Jack's fellow appropriators, and I see members who, on other days perhaps, boast proudly of never seeking earmarks. Jack Murtha was one of the few members of this body who could draw together such an eclectic group.

That is not a surprise—for Jack Murtha was truly a man of the House. He was a Member's Member. He cared about his colleagues, and he respected his colleagues—even when he thought they were wrong. Being able to disagree civilly has—to the great detriment of our public life—become an uncommon quality in Washington. Jack practiced it better than anyone.

Jack was a legislator. His ability and willingness to work with almost anyone was one of the reasons Jack was so effective—if you're a Democrat and wanted something done, you wanted Jack on your side. If you're a Republican and wanted something done, you wanted Jack on your side.

Jack was a Representative. He loved his District, respected his constituents, and worked as hard for them as any Member ever has.

Jack was an institutionalist. He believed in this House of Representatives, he defended its prerogatives, and he protected them. It has been my great privilege to work closely with two of the greatest defenders Congress has ever seen—the senior Senator from my own state . . . and Jack Murtha.

Jack was a leader. His respect for his colleagues and his commitment to this House informed his role as Chairman. Jack recognized the importance of what we do here, and Jack was always—always—prepared. There was never a man more suited to the gavel than Jack Murtha.

Jack was a Marine. If he had not been a Marine, he could have played the part—the man radiated strength and purpose in every action he took. But Jack not only looked the part, he was the genuine article. And there is, of course, no such thing as a former Marine—once a Marine, always a Marine. As fiercely as Jack defended the prerogatives of Congress, his commitment to our House took a back seat to his commitment to men and women in uniform. The service member—an infantryman outside Fallujah, a Marine in Afghanistan, an airman in Bagram, a sailor in the Persian Gulf—has never had a better protector than Jack Murtha. Jack was one of them.

That is the chief reason he didn't hesitate when he came out so publicly against the War in Iraq—something that earned him the respect of many and the enmity of some. I don't know that he didn't care about either judgment, but I do know that neither applause nor condemnation guided his decision at all. His allegiance was to the men and women in the field.

To me, Jack was a friend and a mentor. In a sense that was a relationship I inherited. My father, who represented West Virginia's First District until he retired in 1982, worked closely with Jack. Shortly after I won election to his seat, Dad told me that I would never go wrong seeking Jack's counsel. He was right.

Finally, Jack was a family man, a loving husband and partner to his wife, Joyce, and parent to Donna, John, and Patrick. Their loss cannot be described by words. They have my deepest condolences.

Jack will be missed by all.

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to the life of our former colleague, Congressman John Murtha. He died on February 8, 2010, at age 77, following complications of surgery. John represented Pennsylvania's 12th Congressional District for 36 years in Congress, longer than any Pennsylvania lawmaker.

John Patrick Murtha was born June 17, 1932 in New Martinsville, West Virginia, and moved to Pennsylvania as a child. He graduated from the University of Pittsburgh in 1962 with a degree in economics and did graduate work in economics and political science at Indiana University of Pennsylvania.

Congressman Murtha dedicated his life to serving the nation he loved, first in the military. He entered the U.S. Marine Corps in 1952, during the Korean War period, and served until 1955, joining the Reserves. Then, during the Vietnam conflict, he volunteered for combat and served as an intelligence officer in 1966 and 1967. John received the Bronze Star and two Purple Hearts for this service, retiring from the Marine Corps Reserve as a colonel in 1990.

One of the first Vietnam veterans to sit in the House and a career reservist, John effectively applied this valuable insight to his work in Congress. As the Chairman of the House Appropriations Subcommittee on Defense, he worked tirelessly for the benefit of the nation's troops and their families. For his political courage in speaking out against the Iraq war, and his dedication to principled public service, John was awarded the 2006 John F. Kennedy Profile in Courage Award.

Congressman Murtha has earned a well-deserved place in history as a patriot, war hero and statesman. The nation will miss his dedication and vast experience in lawmaking, and we will miss him as a dear friend and generous mentor.

I express my condolences to John's wife Joyce and their three children, and I urge everyone to honor and remember our colleague, John Murtha.

Mrs. MALONEY. Madam Speaker, I rise to say goodbye to a friend.

New York City, and the rest of the world, lost a friend when Jack Murtha died.

Jack Murtha served his country in every possible way.

He served it in Vietnam as a Marine; he served in western Pennsylvania as a son, husband and father; and he served it for over 40 years in Harrisburg and in Washington, as a legislator's legislator.

He won respect for the honest, plainspoken, compassionate way he played all of these roles.

But to me, he played those roles like a brother.

He spoke often of the strong women in his family being essential to his success in life.

His great-grandmother, he once recalled, told him at age 6, "You're put on this Earth to make a difference."

Boy, did he ever.

He volunteered as a Marine, first in the 1950s during the Korean war.

He re-enlisted at age 34 and served in Vietnam—earning the Bronze Star, two Purple Hearts, and the Vietnamese Cross for Gallantry.

He became the first Vietnam veteran to be elected to Congress, in a February 1974 special election, starting a legendary Washington career as a member of the Appropriations Committee.

When I came to this chamber for the first time, the "Pennsylvania Corner" was in full flower. We grew close and even though we didn't agree on everything, we worked together often—on issues ranging from breast cancer research funding to the Intrepid Museum on the Hudson.

When he decided that the Iraq war was unwinnable in 2005, he earned his stripes all over again, providing leadership on this crucial issue. He visited my district, and so many others, explaining how he came to his decision.

Madam Speaker, as a Congressman, Jack Murtha won respect in these halls and on this floor . . . but as a man, he earned our love. We will miss him.

My thoughts and prayers are with his wife Joyce, and the entire Murtha family.

Mr. KILDEE. Madam Speaker, I rise today to honor the life and memory of my friend, John Murtha.

John was an extraordinary man, patriot and Congressman. He served with distinction as the Chairman of the House Appropriations Defense Subcommittee where his knowledge and expertise on military issues was unparalleled. Our troops and veterans had no greater advocate than John Murtha and the country that he loved so dearly is better for his years of service.

His personal commitment to our troops was extraordinary. He visited our war zones to learn firsthand about the need on the ground and always made time to visit with our soldiers. No matter how busy he was, he would always ask me about my two sons who served as captains in the U.S. Army, and I knew that he genuinely cared, from the bottom of his heart.

We all know that Jack was a proud marine, and their motto 'Semper Fidelis,' was indeed the motto of his life.

Madam Speaker, I am a better Member of Congress for knowing John Murtha and Congress as a whole is richer for his many years of service. I am honored to call him colleague and friend, and I will dearly miss his strength, dedication and friendship. God bless you John and Godspeed.

Mrs. MCCARTHY of New York. Madam Speaker, it is with great honor that I rise today to pay tribute to a dear friend and loyal public servant, the Honorable John Murtha. He was a strong voice for the constituents in the 12th District of Pennsylvania and honorably served as the Chairman of the House Appropriations Subcommittee on Defense.

I, like so many of my colleagues, am blessed to have known Mr. Murtha on a professional and personal level. It is no surprise

that Mr. Murtha will be remembered as such an effective legislator. Given his proud service in the Marine Corps and passionate devotion for the greater good of our nation, Mr. Murtha consistently served as a moral compass for the U.S. Congress.

About a year and a half after the Iraq War started, many wounded soldiers were transferred to Walter Reed Army Medical Center. Mr. Murtha visited these soldiers and witnessed the horrific wounds they were suffering with, such as losing a limb or losing complete eyesight. Mr. Murtha invited the veterans staying at Walter Reed, their families and members of Congress to a restaurant meal where he wanted the members to hear the stories of these courageous veterans. He wanted the veterans to express how they became wounded and what they believed Congress could do to help make sure our American soldiers were safe. Through legislation and appropriations funding, the stories from our veterans helped Congress push the military to improve their equipment. Humvee's and protective vests were improved to keep our soldiers safe from roadside bombs and other forms of hostility.

In all his years as an appropriator and legislator, he has always advocated for the safety of our military and has fought to improve the quality of life for American soldiers and their families. It was typical of Mr. Murtha to be modest about all of the care he showed the soldiers and veterans in times of war. After learning of the unacceptable conditions veterans were subjected to at Walter Reed Army Medical Center, Mr. Murtha immediately reached out to Members of Congress. He knew it was our country's responsibility to bring justice to our nation's wounded soldiers by ensuring that they received the proper medical care they deserved.

I extend my deepest condolences to his family, loved ones and friends. Mr. Murtha will be remembered as a man of honor, generosity and strength. His unfaltering dedication and care is what made him such an extraordinary person. It is with great sadness that I say goodbye to a great man and friend. I will miss him dearly. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his longtime service and leadership as a U.S. Representative.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to celebrate the life and honor the accomplishments of Congressman John Murtha who passed away on February 8, 2010.

America lost a great patriot with the passing of Congressman Murtha, and I join the people of Pennsylvania's 12th Congressional District and countless other Americans in mourning his death. As a veteran, he never forgot the needs of our military and through his leadership as Chairman of the House Appropriations Subcommittee on Defense, he made sure that our military had the tools it needed to secure America's future. A frequent visitor to injured troops at Walter Reed Army Medical Center and the National Naval Medical Center, Congressman Murtha deeply understood the sacrifices that these men and women made for our country. His ability to empathize with our servicemembers and veterans was absolutely remarkable, and I will deeply miss his leadership in Congress.

Madam Speaker, today I join my fellow colleagues in mourning the death of Congressman Murtha who spent his life serving our country in both the military and the halls of Congress.

Mr. LARSON of Connecticut. Madam Speaker, I rise today to honor my great friend and our dear colleague, John Murtha. America has lost a true hero and patriot and the United States Congress has lost a giant. Madam Speaker, I submit for the record Keith Burris' column from the *Journal Inquirer*. The *Journal Inquirer* is a newspaper serving my home district and is the hometown voice of northern central Connecticut. Keith's words capture the essence of John Murtha, and I ask my colleagues to join with me in honoring the life of this humble man, dear friend and great American.

[From the *Journal Inquirer*, Feb. 13, 2010]

MUCH MAN

(By Keith C. Burris)

In roughly 30 years in journalism I have met many politicians. In the beginning, this was exciting. But after a while, you realize that most of them are persons of exceptional ambition, not exceptional conviction, skill, or patriotism. Most people in politics are not very interesting.

But a couple years ago, U.S. Rep. John Larson, himself an exception to the rule, brought to the *Journal Inquirer* Rep. John Murtha, of Pennsylvania. Murtha's back and forth with editors and reporters here made for one of the most fascinating hours of conversation I can remember.

Murtha died this week at 77, of a medical mistake.

There aren't many like him in Congress. There never were.

First of all, Murtha, an ex-Marine officer, was not the sort of fellow who needed a "handler" or a "focus group" to calculate the political tides. Instead he used three ancient tools—study, his mind, and his conscience.

As a fine essay, reprinted from *Politico* on these pages, documented, Murtha was famous for the Washington rituals he did not observe. When asked a question, he answered it. He did not hang with lobbyists or flacks. He did not go to parties, but got up early and went to bed early. (According to *Politico*, he would sometimes go home in the afternoon to listen to the BBC to get a fresh slant on U.S. foreign policy.) He did not court TV people or the Washington Post, and didn't particularly know or care who those people were.

And he didn't back down.

He wasn't always right. And he knew that. He had the courage to change his mind.

But he was, as the saying goes, a "stand-up guy." You could not blow him down with a poll or a David Broder column.

Murtha had the understated self-confidence that the rare greats in politics have. I met Mike Mansfield, briefly, once, and you felt it from him. Ditto John Stennis. I am sure that Eisenhower had it. And maybe Ella Grasso. I know I have seen and felt it in the presence of Eugene McCarthy, Ernest Hollings, and John Glenn. Some public men seem to shed their vanity as the years accumulate and they settle into their work. They begin to internalize their love of country. Instead of politics being more and more about them, it becomes more and more about service. And they go about their work with concentration and power, but minimal fuss. You felt that with Murtha. There was no pos-

turing in the man. He looked you dead in the eye and he told you what he thought was true and needed doing.

Murtha was much in the news when he came to see us. He was known as the military's greatest friend in Congress and he had just come out for withdrawal from Iraq. I recall him as a big man in a dark blue suit. His hands were the hands of a working man. He might have been a machinist or a farmer instead of a soldier and statesman. Someone here snickered the other day that western Pennsylvania, from whence Murtha came, was "not really Pennsylvania, but Ohio." It's true in the sense that Murtha was from a hardscrabble world where people are still close to land and labor and where hard work and professionalism are what matter, not pretense, not birthright, not wealth or college degrees. It does not matter if you have a family name and an MBA from Harvard. If you want to invade Iraq, you better study the history of Iraq.

Yeah, Murtha was against abortion and for the Second Amendment and he was born in West Virginia and he owned a car wash before he got into politics. But that old Vietnam veteran could set Condoleezza Rice's head spinning and he took no guff from right-wing no-nothings. If we had 50 "Ohioans" like John Murtha in the House we would have health-insurance reform today.

Murtha liked fellow pros. But pros who were rooted in something. He got on well with the first George Bush and not at all with the second. He thought Donald Rumsfeld was nuts and Robert Gates a great man. He was a protégé of Tip O'Neill's and practiced O'Neill's adage that all politics is local (Murtha never got over the old and honorable idea that a congressman's first job is to provide for his constituents), but Murtha trusted Rahm Emanuel about as far as he could throw him.

Murtha spent his spare time visiting wounded soldiers at Bethesda Naval Hospital and Walter Reed. He did not take cameramen with him. When he traveled to Iraq, it was not a junket or a photo-op. He would tell the generals and ambassadors, "no PowerPoint," none of that stuff. Just talk to me, he would say, and tell me what is going on. And then he would go visit with the sergeants and the specialists. He took Larson under his wing, and to Iraq, early in Larson's congressional career because "he goes home at the end of the day and studies the CIA briefing books."

Murtha did not love the military as a concept, but as people. Public servants like himself. His work for them in Congress was like his work for the citizens of the 12th District of Pennsylvania. He had a job to do. He was supposed to take care of his people.

He was much man, John Murtha.

What a loss to the Congress and the country.

#### IN MEMORY OF JACK MURTHA

The SPEAKER pro tempore (Mrs. HALVORSON). Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR. I live in Carmel, California, and when the phone rang and I heard that Jack Murtha had died, I couldn't believe it. I broke into tears. I just couldn't believe it. It was like when I heard my father had died. And what I did at that moment was I did the same thing when my dad died. I sat

down and I wrote a letter to Jack Murtha. Here it is:

"Dear Jack, I can't believe you're gone. Gone from the Pennsylvania Corner, from your chair where we would all come to see you. Each checking in during floor sessions on your opinion on military issues and Pennsylvania politics. And we talked about our issues, about base closure progress, about programs that were working and programs that had problems. Always thanking you for your help. Thanking you for your earmarks. I'll never forget what you did with your earmark for breast cancer research, for child care centers at military bases, for military education. More than anything else, you were concerned about the welfare of our troops and especially their families.

"Remember when you got me to go to Walter Reed Hospital and Bethesda Naval Hospital to visit the war wounded and how we worked to get golf carts for disabled soldiers by insisting that each of the 177 golf courses operated by the services have carts for the disabled?

□ 1830

"You always asked me, 'How is that university that we got at Fort Ord doing?' I thanked you for the help in getting the \$65 million to get it started. Jack, Cal State University Monterey Bay is doing really well, with ever-growing enrollment and faculty. You can be proud of your role you played in converting swords to ploughshares.

"You got really excited when I showed you what I had done to bring all the military missions in Monterey County together to form Team Monterey, showing the brochure indicating that over \$1 billion was spent in Monterey County for the DOD efforts there. You were going to see if this team effort could be done for your district and for the State of Pennsylvania.

"Jack, you were quite the Zeus. Everyone came to you, loved you, loved your good nature, your loyalty, your friendship, your laugh, and your wisdom. Remember how you would bet on how long the debate would take on the Defense appropriations bills? You always won. I was shocked that the biggest appropriations account in the Federal Government could be enacted with the shortest debate. You laughed and said, 'All the problems were worked out in committee, we don't need floor debate.' At first I thought it was a fluke. But over the years, I learned you made it so.

"Jack, thanks for coming out to the Monterey Peninsula to visit the Naval Postgraduate School and the Defense Language Institute. You were a good listener, and always insisted no PowerPoints, no BS, just the problems. No one in Congress cuts to the issue faster than you.

"I remember your delight in hearing from an IED specialist just back from Iraq who asked you, 'Why don't we figure out what makes cultures set these things off in the first place?' You loved that thinking. Thanks again for allowing me to ride back to D.C. on Mil Air. We brought Paul Stockton along and had a wonderful discussion on Iraq and how we might exit. By the way, Jack, Paul is now the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs. I know how much you respected his insight.

"Thanks, Jack, for always asking me for copies of photos I took, not of you, but of your staff. I remember the photo of John Hugya when he was your district director taken with President Clinton. You insisted I give it to you for him. Remember the time you hung up on a President when he called you? You had guts.

"I remember going to your district and being in a meeting with the area economic development folks. You were giving them the Washington update. It was cold and wet, but full of people. I admired how devoted they were to you. And I took pictures, which you wanted to pass on to them. Seeing the countryside and the poverty of the area made me realize how lucky I was to represent my district. You really helped people in need. That is why you are loved in your district and here on the floor of the House of Representatives.

"The House Chamber has a lot of famous fixtures and paintings, statues, reliefs, but you are going to stand out as one of our greats. You showed your profile in courage in taking a nationally profiled lead against the war in Iraq that you originally supported. And you were attacked by everyone except the military. They knew that you knew it couldn't be sustained.

"When they attacked you with big campaign expenditures to defeat you, your friends responded without even being asked. The word was out Jack was in trouble, and we responded.

"Jack, you shouldn't have died. It is a real shock, not only to you, your friends, and this institution, but to your beloved family. You and Joyce had such a special partnership.

"I loved accompanying you both on the Appropriations Committee CODEL to California's National Parks, the joy you got in seeing how a former army base in San Francisco could be turned into the Golden Gate National Park, and even Alcatraz is now a tourist site. You loved being a tourist in San Francisco and Joyce was so appreciative of NANCY PELOSI's hospitality long before she sought leadership roles.

"While the Democratic Caucus was visiting Nemacolin Resort in your state you encouraged me to visit the two Frank Lloyd Wright homes there. Joyce led the tour. She was a model host and a good friend to all. I can't imagine her life without you, nor yours without her. This has to be as hard for your children as it was for me in losing my mom at an early

age. Time heals—unfortunately it is going to take a long time.

"Congress will miss you as a great member and, more importantly, as a caring, sensitive friend. We will try to fill in, but the credibility will be lacking and the outcome less successful.

"Just know you made a difference, a big difference—out here on the Central Coast of California—you helped launch a new university, upgrade the Naval Postgraduate School, and provided the programs that let our students learn foreign languages faster and better.

"You were the Captain of our ship, and Oh Captain, you will be sorely missed!"

I'd like to include the letters from the Naval Postgraduate School and the Defense Manpower Data Center in Monterey in sympathy.

NAVAL POSTGRADUATE SCHOOL,  
Monterey, CA.

Congressman Murtha was a true servant to the public, a throwback with few peers matching his length of service to the U.S. House of Representatives. Service to his nation was perhaps a constant throughout his life—not only is he one of our nation's longest serving representatives, he was also a retired Marine Corps colonel, joining the service in 1952 during the Korean War out of a deep sense of obligation to his country.

Congressman Murtha also served as Chairman of the Defense Appropriations Subcommittee—and was the ranking Democrat on the committee for nearly two decades—which put him in a position to impact so many communities far beyond Pennsylvania's 12th District.

That impact was felt here at the Naval Postgraduate School, where he was a friend to NPS. He believed in the value of graduate education for military officers and was consistently and particularly supportive of NPS over the years. Congressman Murtha recognized the value of the NPS MISSION in supporting our military forces and NPS unique contributions to national security.

LEONARD A. FERRARI,  
*Executive Vice President & Provost.*

DEPARTMENT OF DEFENSE, HUMAN  
RESOURCES ACTIVITY, DEFENSE  
MANPOWER DATA CENTER,

Seaside, CA.

Chairman Murtha was a great American and a steadfast friend of the members of the Armed Forces and their families. He exemplified the best of our Nation's values and was the iconic example of a patriot. As a decorated veteran he identified closely with Service members and his tireless efforts to see that they were adequately compensated, well-trained, well-led and provided with the best equipment were legendary. As a direct result of his four decades of leadership in the Congress our ability to support and defend our Nation remains unsurpassed. His unwavering support for Defense organizations in the Monterey area was of enormous value to the Nation.

Every American owes him a great, great debt.

#### IN MEMORY OF JACK MURTHA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Madam Speaker, I rise to join my colleagues to sing the praises of a great man, Jack Murtha.

Many of us had the honor of calling him colleague in this Chamber, and some of us here had the privilege of calling him friend. And when he was your friend, you had a true friend.

Last week, many of us traveled to Johnstown, Pennsylvania, to see Jack put to rest. It was wonderful to hear the stories of the thousands of people who showed up to pay their last respects to him in Johnstown, the people he knew so well, cared about so much, fought for in this Chamber. His family was gathered and surrounded by their loved ones and people. The former President of the United States, Bill Clinton, was there, the Secretary of Defense was there, the chairman of the National Security Council was there, representatives of the President's cabinet, and planeloads of his colleagues who came from Washington or drove from home.

At that time we laughed and we cried, and we tried to understand why this had happened. Jack's wife Joyce, who is very strong, said to me, "Jack would have wanted it this way. He went out at the top of his game." Joyce is very strong. We went there to console, and we came back consoled by Jack's strong family.

I told them in my remarks about Jack holding court in the Pennsylvania Corner in this Chamber. There isn't another corner that I know of that has its own name and its own presiding officer. But Jack held court there, and Members from across the country and across the aisle came to visit him, to ask his blessing on their endeavors, and to just be encouraged, and sometimes supported by him. The cluster around him were Pennsylvanians and others, but he was never alone. He was a magnet, a personal magnet. People were drawn to him. He had this wonderful smile and cheerful, twinkling eyes.

To see him operate in the Appropriations Committee, many of us served there, was to see a master at work. But really to understand his character, it was more important to see him with our troops, whether it was just off the battlefield or in a military hospital, Bethesda Naval Medical Center, Walter Reed, Germany, Afghanistan, Iraq, in the hospitals where our troops were taken.

From his own military experience, he would ask them questions very knowledgeably about their unit and what they had encountered and what they had seen. And they all loved seeing him. They knew he was their friend. And so to visit, on the occasions when I had the privilege of visiting with Jack Murtha, was to receive a special welcome from the troops and their families.

One time I remember in particular was we were visiting this young man, it was a second visit, and he managed somehow, when he knew Jack was com-

ing, to get out of his bed. And as we went in the door, there he was standing at attention saluting Jack Murtha in a Steelers jersey. Pennsylvania, how he loved that State, how he worked for it, how we will miss him here.

He had a special way about him, as I have said, by dint of his knowledge, his courage. Imagine the courage it took for Jack Murtha to come to our caucus, to come to the Leader's office and tell me that day, "We have to begin removing our troops from Iraq." He went alone to the press to tell them that. It was like an earthquake in terms of opinion. People who had questions about the war felt validated. People who respected Jack began to question.

One thing was for sure. He was respected by the military. And when he spoke, they knew it was with no agenda except the national security of our country and the safety of our men and women in uniform.

Force protection. He was always talking about that. When we would travel to the war zones, whether it was the seats in the trucks, or the better radios, or whatever, up-armored cars, body armor, you name it, as soon as he saw the need he came back and delivered. So when he did speak out against the war in Iraq, it was really quite a stunning thing for our country. I think it was really historic. It wasn't just that episode, it was that event of national significance, historic significance.

He received, as has been mentioned, the John F. Kennedy Profiles in Courage award. Can you imagine for people of our generation, someone to receive the John F. Kennedy Profiles in Courage award? I will never forget that night. The Kennedy Library, he and Joyce, black tie, beautiful Joyce, proud Jack standing tall like a Marine coming down those steps, being cheered by Democrats and Republicans alike. It wasn't about any partisanship. It was about patriotism.

He was a proud Marine, as we all know. *Semper fi* was their motto. *Semper fidelis*. Always faithful. And that was the motto of his life, faithful to God, faithful to country, faithful to his family, faithful to his district.

I can't talk about Jack, just one more moment, if I may, Madam Speaker, without talking about the funny stories he always told us about Tip O'Neill. Tip was his mentor. As he mentored so many of us, Tip was his mentor. And he loved Tip O'Neill. And he would tell us the stories of how it was to go to a baseball game with Tip, and this and that and the rest. I won't go into the stories now about peer review, Mr. OBEY, and those kind of appropriations matters. But Tip instilled in him, perhaps he had it innately, but still Tip strengthened in him a pride in this institution that he took very seriously. And he, in mentoring others, passed that pride on to others as well.

He loved this Congress, he loved this institution. He left us at the top of his game. We will miss you, Jack Murtha.

Next week we will gather in Statuary Hall with many more friends who can join in, not as we are on the floor of the House, to once again pay tribute to this man. It is hard to believe he is gone. But as he said, "Soldiers can't speak for themselves. We sent them to war, and, by God, we are the ones that have to speak out."

His wife Joyce wants us to have the music *God Bless America* at the closing of his ceremony next week. God truly blessed America with the life, leadership, and service of Jack Murtha. I hope it is a comfort to Joyce and to the children and grandchildren, of whom he was so proud, that so many people mourn their loss and are praying for them at this sad time.

#### PRINCIPLED LEADERSHIP OF JACK MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Madam Speaker, I rise today to talk about principled leadership that makes a difference. That best describes the Dean of the Pennsylvania delegation and its longest serving member, Jack Murtha. Yes, Jack Murtha was a Member's Member. He was a soldier's soldier. Always straight shooting, courageous, willing to defend this institution and all of us that work herein.

During my 33 years of service in this body and with Jack Murtha, very few individuals would I turn to for advice and counsel like I would Jack Murtha. Like so many of my colleagues, I have traveled to troubled spots in this world with Jack Murtha. I have read and learned from him not only on these hardworking, hard hitting CODELS, but also from his book, *From Vietnam to 9/11*. Words of wisdom for all of us here today and for the future.

Many of my strongest memories of Jack Murtha are from our congressional travels together. We traveled to Lebanon in the fall of 1982, following the deployment of U.S. forces as peacekeepers to that country. We stayed in the very same Marine barracks that 6 months later were blown to smithereens.

During our trip in June of 1987 to Angola, it was Chairman Murtha who was successful in securing the release of a downed U.S. pilot from his Congressional district. Later, in August of that same year, we traveled to the Persian Gulf during the U.S. reflagging operation of Kuwaiti ships. A few years later, in January of '93, we traveled on an inspection trip to Somalia, following President George Herbert Walker Bush's December of 1992 dispatch of

our U.S. troops there in order to establish order and ensure the success of our humanitarian relief efforts.

The bottom line in all of these travels, of course, as so many of my colleagues can attest, is that around this world our service men and women knew the true character of Jack Murtha.

□ 1845

They knew the backbone of Jack Murtha, a veteran, a dedicated public servant, an individual who was never too busy or never too selfish to take time to regularly visit our military installations, our military hospitals, to visit our brave, wounded service personnel.

From Chairman Murtha's station atop our Defense Appropriations Subcommittee, our soldiers knew, they were secure in the knowledge that their sacrifices and their dedications were in the best hands in the United States Congress.

I will miss you, Jack. I will miss our true leader. I will miss his courage and his dedication. Our courageous American troops will miss you, Jack Murtha. Our veterans will miss you, and all of America will miss you.

Your family, Joyce, and your children and your grandchildren, to them I extend my thoughts and prayers and know that the memories of Jack Murtha will always instill in his family the inspiration, the pride, the strength, and the love that will carry you on to carry on the brave torch of Jack Murtha.

God bless you, friend.

#### HONORING THE LIFE OF JOHN MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. I want to make note, Madam Speaker, of the fact that the Speaker of the House is here and the chairman of the Appropriations Committee has been here throughout the entire time of this tribute, out of respect. That's old school. Jack was old school. That's what would matter to him. You'd never see him with a BlackBerry. Can you imagine Jack Murtha with a BlackBerry? I am sure he's never used the Internet once in his life.

You know, when we learned of Jack's passing, NORM DICKS and I were on the phone and, between sobs, we, at the same time, we blurted out the same thing: He was like a father to me. He kind of was. He sort of taught us in his own ways, really, by his conduct, the way we should conduct ourselves in this institution. That's why he is here. He's here. He's left his mark on each one of us individually and collectively. He's done so much to shape this institution.

Family comes first. He would call his daughter, Donna, who's a teacher in Fairfax County schools, every night. Regardless of all the issues he was dealing with with Iraq and Afghanistan and so on, he'd want to know how her kids were doing in class.

And, of course, he adored Joyce. Joyce was the queen. Of course, Joyce would sometimes acknowledge that I know I have to share him with you, NANCY, as Speaker, but he had that kind of reverence that was so important to this institution for leadership and for individuals.

And he was also—he knew how to be a friend. Everyone who walked up to that corner, he welcomed. He knew their name. He made them feel welcome. If they had a letter that they wanted him to read, a little note or something, he'd take the time and read it. He'd say, Come on, sit down beside me.

He also was strong enough that he could afford to be gentle. We know how he reached out to all of the soldiers, the men and women in uniform, really cared about them. He'd go over to Walter Reed. He would go and stand with them, hold their hand at times.

He also did other things that, you know, if I didn't mention it, I doubt that anyone would know, and some people will think they seem a little silly perhaps.

Charlie Horner knows, his long time aide. He heard that Army Navy Country Club had a problem with the cats, that they had proliferated. They were all over the place. And so they decided, we've got too many cats; we're going to kill them all. Jack found that out. It's true, isn't it? But Jack found that out. He called a General and he says, Don't you go killing any of those kitty cats at Army Navy Country Club. And he didn't. They didn't. They all survived.

Just want to share an experience. 9/11, we were debating whether to put money into missile defense or into counterterrorism because Richard Clarke has told us that's the real threat. So it is the morning of 9/11 we were debating it, and Jack had decided the real threat is counterterrorism. And then NORM had seen the TV and the planes going into the World Trade Center, and we could hear this herd of people running down the corridor outside. The Capitol vacated immediately. But there wasn't a sign of anxiety, let alone fear, on Jack's face. I walked out with him.

We stood there in the driveway and all the police were trying to clear everyone. Jack didn't feel any need to move, and he told me this story. He says, JIM, when I was in Vietnam, I was in a foxhole and we were taking fire. And a young private jumped in the foxhole. There was only room for one person, so I had to get out. And I ran into the line of fire looking for a foxhole and found one. A few minutes later, a

grenade landed in that foxhole I had been in, blew the soldier up. Now, this is the soldier, of course, who forced him into the line of fire. And Jack said, I have always felt so bad for that young soldier. I wish I had stayed there and not seen him blown up.

That was the kind of guy he was. He was bigger than life, but his life was really about other people and about this institution and this country.

So Jack, thank you for being who you were and who you are to this institution.

#### MAN OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, man of the House. The passing from this life of legendary Pennsylvania Congressman and Defense Appropriation Chairman and Marine Colonel John P. "Jack" Murtha truly represents a seismic shift in this Congress and in our Nation's history. His acumen, brass-tacks style, and man-of-his-word reputation are so rare.

As the longest-serving woman in the current U.S. House, I came to know Jack Murtha well, serving with him for 28 years. In early February, he became the longest-serving member of the Pennsylvania delegation in U.S. history.

No one had his grasp of our Nation's defense or his dexterity at ushering the complicated Defense Appropriation bill, the largest in Congress, with nearly unanimous bipartisan support.

Jack put the soldier first. Each branch of the service, plus the Guard and Reserve, owe Jack great gratitude. He was indefatigable in their cause. Jack Murtha respected the awesome power of the U.S. military, but he also knew its limits.

I have never served in this Congress when Jack Murtha wasn't here. Properly, a U.S. flag flown over this Capitol has been placed on his chair in the Pennsylvania corner where he anchored his work on the floor of this House that he loved. His knowledge, leadership, measure, and tutelage remain timeless gifts to those who shared his path.

As the first Democratic woman to serve on the Defense Subcommittee of Appropriations, I can attest, it never would have happened but for his support and encouragement. For his faith in me, I shall always be in his debt as I try to emulate his acuity, his range, and his concern.

We, his subcommittee colleagues, who had the privilege of serving most closely with this giant of a man shall miss him greatly.

When my constituents ask me to describe him, here's what I try to say in his cadence: Man of the House. Marine.

Chairman. Colonel. Dean. Authentic. Patriotic. Semper fi. Fearless. Keen. Optimistic. Jovial. With an unforgettable glint in his eyes. Alive. Devoted husband to Joyce, and proud and caring father and grandfather.

To his family, we send our deepest sympathy and our abiding prayers and friendship.

Son of Johnstown. Rough hewn. Battle tested. Two Purple Hearts. A Bronze Star. Not blow dried nor cosmetic. Fiercely loyal to his district and Pennsylvania. In command. Extraordinarily hard working. Kept Marine hours, rising early, arriving early. Always building others. Trusted. Never gave a word he would break. If he said, I'll talk to you about it later, the subject was closed before you knew it. Acute judge of character. Revered counselor to dozens and dozens and dozens of Members and friends. In few golden but choice words, he advised, critiqued, led.

Don't mess with him. Absolutely loved politics. A ticket maker and analyzer. Lots of real friends. Some really cruel enemies. Always had a good word. An author. Well-traveled, too, often to war zones. Visited the wounded and bore that pain close to his heart.

New ideas and insights captivated him. Razor sharp mind. Don't tangle with him unless you know your subject. Memory that could recall votes 10 years ago, and who voted which way. Master of the rules. Wielded the gavel with authority and certitude. Attentive to the floor at all times, even when you thought he wasn't paying attention. Possessed all the attributes to be Speaker, except he came from the working class of people and didn't hail from a financial or government enclave.

Madam Speaker, he instinctively knew how to build a majority. He had lived war, and his heart was always with the soldier.

A giant tree has fallen in the forest. A lion is now at rest. How fortunate we are to cherish his friendship and service. America's defense is the best in the world because Chairman Jack Murtha lived to leave that legacy.

The passing from this life of legendary Pennsylvania Congressman and Defense Appropriations Chairman and Marine Colonel John P. "Jack" Murtha truly represents a seismic shift in our Nation's history. His acumen, brass-tacks style and man-of-his-word reputation are so rare.

As the longest-serving woman in the current U.S. House of Representatives, I came to know Jack Murtha well, serving with him 28 years. In early February he became the longest-serving Congressman in Pennsylvania history. He took it upon himself to guide young Members of Congress, particularly if their districts mimicked the hardscrabble nature of his own.

As representative of the Ninth Congressional District of Ohio, which extends along the Lake Erie shoreline from Toledo almost to

Cleveland, I had invited Jack to our job-challenged region many times. In fact, he was scheduled to open the national rifle matches at Camp Perry this spring.

Jack Murtha was legendary. He never forgot where he came from. He tirelessly served his district and his constituents. He grew to serve our Nation and his reach was global. No one had his grasp of our Nation's defense or his dexterity at ushering the complicated defense appropriations bill, the largest in Congress, with nearly unanimous bipartisan support.

Jack put the soldier first. His unheralded visits to military hospitals to visit the sick and wounded were not designed as photo ops but as heartfelt expressions of appreciation for those who served on the front lines and sacrificed for us. Every soldier knew he understood.

Each branch of the service, plus the Reserve and National Guard, owes Jack Murtha a debt of gratitude. He was indefatigable in their cause. In Toledo, our 180th F-16 Fighter Wing is genuinely the best in the world. Why? Because Jack Murtha helped to build its capability. I daresay he attended to all 435 congressional districts with the same diligence.

Our Guard and Reserve units were modernized with improved pay and benefits because he knew their importance: he advised America cannot conduct successful operations without them. America's blood supply is more robust and deliverable because he fought for it. New weapons, materiel, and technologies are underway in every service branch because Jack knew that some generals tend to fight the last war, so he purposely worked in the future.

Jack Murtha respected the awesome power of the U.S. military, but he also knew its limits.

I have never served in Congress when Jack Murtha wasn't here. Properly, a U.S. flag has been placed on his chair in the "Pennsylvania Corner," where he anchored his work on the floor of the House of Representatives and will remain unoccupied by those who held him in esteem. His knowledge, leadership, measure, and tutelage remain timeless gifts to those who shared his path.

As the first Democratic woman to serve on the defense subcommittee of Appropriations, I can attest it would never have happened but for his support and encouragement. For his faith in me, I shall always be in his debt as I try to emulate his acuity, range and concern.

We, his subcommittee colleagues, who had the privilege of serving most closely with this giant of a man, shall miss him greatly.

When my constituents ask me to describe him, here is what I say in his cadence: Jack. Authentic. Patriotic. Man of the House. Marine. Chairman. Colonel. Dean. Semper fi. Fearless. Keen. Optimistic. Jovial. With an unforgettable glint in his eyes. Alive. Devoted husband to Joyce and proud and caring father and grandfather. Son of Johnstown. Rough hewn. Battle Tested. 2 Purple Hearts. A Bronze Star. Not blow dried nor cosmetic. Fiercely loyal to his district and Pennsylvania. In command. Extraordinarily hard working. Kept Marine hours, rising early, arriving early. Always building others. Trusted. Never gave a word he would break. If he said, I'll talk to you about it later, the subject was closed before you knew it. Acute judge of character. Revered counselor to dozens and dozens of Members and

friends. In few golden but choice words, he advised, critiqued, led. Defended his subcommittee's prerogatives.

Don't mess with him. Absolutely loved politics. A ticket maker and analyzer. Lots of real friends. Some really cruel enemies. Always had a good word. Liked bright colors on others. Extraordinarily gifted. Well read. An author. Well traveled too, often to war zones. Visited the wounded and bore that pain close to his heart.

Quite curious. New ideas and insights captivated him. Capable of independent views. Razor sharp mind. Don't tangle with him unless you know your subject. Memory that could recall votes from 10 years ago, and who voted which way. Master of the Rules. Wielded the gavel with authority and certitude. Attentive to the Floor at all times even when you thought he wasn't paying attention. A coach. Possessed all the attributes to be Speaker, except he came from the working class of people and didn't hail from a financial or government enclave.

Not a trust fund baby nor into the cocktail circuit. Self made. Fair. Precise. Garrulous. Politically savvy. Strong. Unflinching. Always humorous, throwing his head back with a sincere laugh, and "is that so?" A brusque manner that didn't suffer fools gladly. Regularly reached across the aisle. Consistently passed his bills with nearly unanimous support. He instinctively knew how to build a majority.

Lived war. Heart always with the soldier. Loyal disciple of Speaker Tip O'Neill and the common man. Soul buddies with twinkles in their eyes. Cussing occasionally. But a good word always. A giant tree has fallen in the forest. A lion is now at rest. How fortunate are we who cherish his friendship and service. We loved him and will deeply miss him. America's defense is the best in the world because Chairman Jack Murtha lived to leave that legacy.

#### HONORING THE LIFE OF CHAIRMAN JOHN MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Madam Speaker, I rise to pay tribute to the life of our dear friend and colleague, Chairman Jack Murtha. Jack was truly an all-American, a committed public servant, decorated veteran of war, small businessman, devoted husband and father and grandfather.

Many have recalled tonight and in recent weeks his service on the front lines of combat. His experience in the military made him a lifelong advocate for our men and women in uniform and a compass for this body when it came to making some of the toughest issues we face, those related to the defense of the United States.

Jack Murtha exercised his power to protect the country he loved, taking seriously the trust of his constituents and his responsibility to the American people.



□ 1900

I learned so much from Jack Murtha. I witnessed firsthand and benefited from his expertise on military strategy, intelligence, and foreign policy. His compassion and commitment to do what was right were equally impressive. On his broad shoulders, he carried a great burden to not only provide for our troops and their security but to ensure that we have made this world a better place, a safer place, including for innocent civilians in war zones and vulnerable societies around the world. And with a heavy heart he regularly gave his time to lift the spirits of men and women recovering from injuries in battles, sharing with them the appreciation of a grateful Nation.

Finally, I would like to note his dedication to a goal we shared: Alleviating cancer, especially those unique to women. He not only worked to help adapt military technology to aid in the treatment of cancer, he and his loving wife, Joyce, have supported initiatives to directly support breast cancer patients and survivors.

Jack was a giant among men. He was tough, he was smart, he was committed to this great institution. His lifelong service to our country will be missed.

Rest in peace, my dear friend. I will miss him.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN of New Jersey. Madam Speaker, I've been in Congress now—this is my 14th year.

A lot of people don't know about the quality of some of the people who are here in the Congress. A lot of people in this country find it funny to ridicule elected officials in general—Members of Congress in particular.

I am going to talk to you about a great American, a great human being. But there are many others like him, in a sense, with the patriotism and grace and greatness that he possessed.

Grace, generosity, and greatness: Jack Murtha. This was my fourth year serving on Mr. Murtha's defense subcommittee, and I was wondering how this giant of a man—physical giant, powerful, legislatively powerful man, would accept this guy from Jersey on his subcommittee. But he had such grace. He welcomed me with great civility and gentility. He was tough. He was so generous to me. He was generous to everyone on the committee.

He believed in bipartisanship absolutely, completely and totally, especially when it came to the security of our beloved country, the United States of America. So he took the best ideas from wherever they came—Democrat,

Republican, liberal, or conservative. He just wanted what was best for America.

To talk about generosity, he even let me, a New Jersey guy, into the Pennsylvania corner. I was tickled by it. I was honored. For most of my years here when I was not on his subcommittee, I would see him over there in his corner, and I would see the people flocking around him from Pennsylvania and elsewhere, coming as if truly just to get an audience with just a great man, a great human being, to get advice, to get direction, to get support. He always made you feel as if he was interested in your point of view.

He asked me what books I read. When I told him, he said, I want to read that book, and he did. He made you feel like you were making a contribution.

The greatness of Jack Murtha—aside from being a great husband and father and war hero and devoted representative of the people of Johnstown and his congressional district—part of his greatness was his expectations, his expectations about what it meant to be an American, someone committed to equal justice, equal opportunity, and integrity. His integrity was unquestioned and unquestionable.

I just hope that we remember, Madam Speaker, when we think of this great, gracious, generous, gentle giant, Jack Murtha, we remember not only his expectations for himself, but we remember his expectations for each of us. He had it of his staff, he had it of his committee members, he had it of all of his colleagues of the House that we behave as true American patriots and leave America stronger, freer, more just, and a greater Nation—as great as he believed America to be. He demanded greatness from all of us and that we pass on that legacy for our country, our fellow countrymen and women, for generations to come.

Thank you, Mr. Murtha, for all you have done for us, and we hope to repay all that you have done for us by giving back to our country and creating the kind of country that you fought so hard to make.

We will never forget you, sir. Thank you. God bless you.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BRALEY) is recognized for 5 minutes.

Mr. BRALEY of Iowa. Madam Speaker, some people may wonder why I am standing here tonight, because almost everyone who's spoken before me knew Jack Murtha longer and better than I did.

But one of the things that I want to share with everyone who cares about Jack is my first meeting in his office, because Jack came to the door and

greeted me, and as we were walking in, I looked up on the wall of his office and I saw that famous photograph that Joe Rosenthal took of the flag-raising on Iwo Jima, and it was signed by Joe Rosenthal. And I stopped the chairman, and I pointed it out to him, and I told him that my father landed at Iwo Jima the same days that those flags were raised. And in that instant, Jack Murtha became my friend for life.

And we talked about the photograph, and I showed him that over the shoulder of those Marines on Mount Suribachi, you could see down on the shoreline on Green Beach LST-808, which was the landing ship tank that dropped my dad off on Iwo Jima 65 years ago yesterday.

And after that moment, any time I had a question or a concern or a problem that affected the men and women in my district or my State that served this country in uniform, I knew where to go, and I went to Jack Murtha.

And one of the amazing things about how all of this unfolded is Jack and I had talked about this year being the 65th anniversary of the invasion of Iwo Jima, and we talked about going there together. And unfortunately, because of his tragic loss of life, we never had that opportunity.

And I think about that because my dad died 29 years ago, and so many things about him were like Jack. He landed as an 18-year-old farm boy from Iowa, and he saw horrible things in war. Like Jack, he saw one of his good friends vaporized by a shell burst, and I have read the story of that account by the commanding officer of the core artillery that my dad served under, Colonel John Letcher.

One of the things that I did recently was I got a chance to tape the veteran's history interview of my cousin, Richard Braley, who, like my dad, was a Marine and served in Vietnam as an officer, just like Jack Murtha. And one of the things that is so special about people like my dad and my cousin and Jack Murtha is you never forget and you're always faithful.

So when my dad died 29 years ago, one of the most emotional things that happened was when my cousin flew all the way back from Hawaii so that someone would be at that small rural cemetery where he was buried to play taps, and he played it on his trumpet. And then he came up to me at the very end with tears in his eyes, and he said, I wonder if you could help. I brought this with me and I would like to put it in the casket. And I looked down and in his hand he had a small silver medallion with the words "Semper Fidelis" on it.

And when I heard these stories about Jack Murtha all afternoon long, one of the other things it reminded me of was how mad my mother used to get when my dad would stop and pick up hitchhikers, because she didn't think it was



safe for him to be doing that. And I think my dad and Jack Murtha realized after the hell that they had lived through on the battlefield, that the rest of their lives was gravy.

And as I was listening here to all of these amazing stories about Jack, I was thinking to myself, I wish my father had lived to meet Jack.

And then it suddenly dawned on me that he probably has.

#### IN TRIBUTE TO JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 5 minutes.

Ms. EDWARDS of Maryland. Madam Speaker, I rise today to express my condolences to the family of Jack Murtha and to pay tribute to him. As a relatively new Member of this body, I knew Jack Murtha only briefly, but I am so grateful even for that.

One day very early in my tenure here in Congress, I needed some guidance on a military issue, and everyone told me I needed to speak directly with Mr. Murtha. I have to admit I was just a little bit intimidated. It wasn't just his size and the boom of his voice and his upright carriage, but I knew he knew stuff and that he could guide me. But to my great surprise, Mr. Murtha was so wonderful to me. His advice was sage, his generosity was unlimited, his inquiry was precise, and his kindness and gentleness were truly genuine. And from that moment forward, I am honored to have been guided by his good counsel.

I can still see on occasion when I sit in the Speaker's chair a twinkle from his eye, and when it got a little rough, a little bit of a nod from that back corner.

On a personal note, Jack Murtha remembered that I grew up in a military family, and he asked me about my father's and my brother's service and my experiences growing up. And I talked to him about being a candy striper and reading to our service men and women at veterans' hospitals.

And I know that he cared deeply about our servicemembers and about their families and about the special obligation that we owe to them. He understood more than so many the call to service and the importance for political leaders to carry that at the forefront of all of our decisions on questions of war and peace. And his passion was so evident. And I know that my family and all of our servicemembers and their family members are so much better off because of Jack Murtha's service in this body, his service to our Nation, his commitment to them and to their service.

And so I am really grateful, Jack, to have even had just a moment in time with you, and I only hope that in my

service here in the United States Congress, I can carry myself forward with the kind of honor and duty and courage with which you served.

□ 1915

#### REMEMBERING CHAIRMAN JACK MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, my heart ached so much last week when I heard that the chairman, and that's what I called Jack Murtha, Mr. Chairman, that he had passed on. My father served in the Congress for 26 years. I have been here for 15 years. So that means for 41 years Jack Murtha, Mr. Chairman, has been part of our life, of the Walter Jones family.

I wanted to come to the floor tonight because I could not go to bed knowing that this tribute would be held to honor a great man. I have the privilege of having Camp Lejeune Marine Base and Cherry Point Marine Air Station in the Third District of North Carolina. To the chairman, the Marines were a part of his heart, because he was a marine.

The many times that I would go to that corner that so many people have made reference to, and I would stand in line because I am a Republican, and that didn't matter to him. What mattered to him was that I was a person, like the chairman, who cared. As has been said many times before me tonight, it didn't matter which party you were in. What was good for America, what was good for the military, that's what he stood for.

I would stand and wait my time, and he would say, Walter, what do you need? I would go up and take my turn and say, Mr. Chairman, our marines down in Camp Lejeune are having many problems with PTSD and TBI, and there are not enough psychiatrists to help. This was the last time I spoke to him. He said, Well, why don't we get together. Why don't we have a meeting.

So in the little room downstairs, I guess, on the first floor, the basement, in his room, we would go in, and I would talk to him about the needs of the marines, and the marines loved him. I had a couple in my room tonight when this started and they were saying, We've lost a great friend.

But tonight, for me personally, it was to come down here and say, Mr. Chairman, thank you. Thank you for having the time for a person that's no more than a foot soldier in the Congress. I am talking about myself. It didn't matter who you were, what position you held in the Republican Party or the Democratic Party, it was a matter of his heart. His heart was what can

I do to help you. What does your district need? What do your marines need? And he would always find time to talk to you.

So, tonight, I wanted to come down for just a few minutes to say to the family that are here tonight that he was a great man, he was a patriot, and he is the kind of man that America needs to remember with great respect and also to thank him for being a man of humility.

I have always said that Christ was a man of humility, and he got so much accomplished because he was a man of humility. Chairman Murtha was a man of humility. He had great power, but he did not flex the muscles of power. He walked and he worked with humility.

Tonight I close by saying, Mr. Chairman, thank you for taking the time for all of us. You were a man that probably slept well at night because you were overworked, but you are in a better place now, and I am sure God is listening to whatever advice you might have to make America a better country.

I thank you for giving me this time to say thank you and goodbye, and America will miss you, and the Jones family will miss you, also.

#### HONORING CONGRESSMAN JOHN "JACK" MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, to whom God has given much, much is expected. We are truly blessed that we have had the opportunity to work and serve with Mr. Murtha.

Now, I have my Mr. Murtha story. I was able to get Mr. Murtha to come to my district, Jacksonville, Florida, the Third Congressional District, which is a military district, but I knew that when he came that I would only have one shot. So I wanted to make sure I covered everything he needed to see in my district.

We started out at the marine base, we went to the port, we went to Cecil Field, we went to Shands Hospital where we had the proton beam. Well, they had tried to get a proton beam in his area. I took the doctor in my area, so he was very shocked when he came to Jacksonville and found out that not only did I have the proton beam in Jacksonville, I had his doctor from his area.

Then I had a reception scheduled for him, and, of course, he said, I don't work this hard. You have shown me everything that you want to develop in your district. Of course, the point is, he came, he saw, and we were able to get the services that the military people needed in my area.

I will never forget, when I went to Normandy, and we had a visitors center, and they had just opened the visitors center there. It was a tribute to

all of the people that had served and died in Normandy. And they had no place to go, it was all the crosses, but it was a center that Mr. Murtha and the chairman of Appropriations had gotten funded. Yes, it was an earmark, it was an earmark and a tribute to the people that had served this country. I will never forget how proud I was to go to that visitors center. That should be Mr. Murtha's name on that visitors center in Normandy because he did so much.

In closing, I want to say we always sing the song "God Bless America," and, yes, God blessed America because of Mr. Murtha. In closing, the scripture, Paul, he has fought a good fight and he has finished the course, but it is left up to us now to continue to work, to continue to work for our veterans, to continue to work for the military. This is the kind of tribute that we should pay to Mr. Murtha. The work is not finished.

God did bless America with giving us the example of Mr. Murtha.

I was extremely saddened to hear about the passing of my close colleague and dear friend, Congressman John Murtha, Chairman of the Defense Appropriations subcommittee. Elected to the House of Representatives in 1974, Rep. Murtha dedicated his life to serving his country, both in the military and in Congress. A former Marine, he was the first Vietnam combat Veteran elected to Congress.

Ever since I came to Washington, Congressman Murtha and I had always had a very close relationship; in part, because my district, Florida's third, has a strong military presence, and because of our joint efforts in the arena of veterans affairs. Considered by most to be one of the most influential Democrats in the House, he was an expert and a leader on issues concerning Defense, the military, and our nation's veterans. Deeply respected by Republicans and Democrats alike, Congressman Murtha's leadership and institutional knowledge of all aspects of our nation's security policy will be greatly missed, as will his charm and leadership within the Democratic party. My thoughts and prayers go out to the Congressman's wife, Joyce, and the entire Murtha family.

#### IN TRIBUTE TO REPRESENTATIVE JOHN MURTHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CAPUANO) is recognized for 5 minutes.

Mr. CAPUANO. Madam Speaker, out of respect for Jack, I will be very brief. Great American, great patriot, but for me he was a friend. He was my buddy.

The truth is, he was my buddy not because we shared a philosophical view—we probably disagreed on more than we agreed on—but because we respected each other. In my world, the best thing you can say about anybody is he didn't forget where he came from. Jack never forgot. He represented working men and women to the ut-

most. Even when we disagreed, his motivation was pure.

He was the epitome of a politician. He liked helping people. I disdain politicians who think that we won't or that we shouldn't help people. That's what we are here for. Jack knew that from the day he got here to the day he left. He was my friend. I'm going to miss him. I think America will miss him, but I will miss him.

Jack, I will tell you that I am not looking forward to it, but when my day comes I'm going to be looking you up. My hope is that you'll be up there with a whole bunch of the good old boys and hopefully you'll welcome me then as you welcomed me when I got here.

I'm going to miss you, Jack.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DRIEHAUS) is recognized for 5 minutes.

Mr. DRIEHAUS. Madam Speaker, I just wanted to join all of my colleagues as we give our thanks to Jack and Jack's family. I am a new Member of Congress, and I didn't get to know Jack Murtha until the fall of 2008 when I was running for Congress. Jack came down to Cincinnati and we visited the VA hospital. We sat down with some veterans and we sat down with the staff of the VA hospital and started talking about PTSD and the PTSD program that we had in Cincinnati.

Jack had such a sincere interest, and he exuded care for those veterans. He wanted to see that what we were doing in Cincinnati was replicated across the country.

Every time I went to Jack and asked for something, every time I approached him, he was open. As I talked to or as I listened to the Members here tonight, there seems to be an underlying theme: We didn't go and Jack asked us for things. Every time you approached Jack Murtha, he was asking what he could do for you. What a great Congressman. What a great dad.

Jack was the type of guy that in his district, he was always asking that question: What can I do for you? And that's the right question. We had perhaps the greatest challenge that we faced in Cincinnati this year, on a jobs program. It was the Joint Strike Fighter, the competitive engine program.

I happened to be the Congressman for the district for GE—Aviation where that engine is made. We were worried. We were worried that we were going to lose a thousand jobs. Now I know it to be a good program. I know it to be a cost-saving program, but the President, the administration, sometimes thinks a little differently about that program.

So I went to Jack, and I said, Jack, I'm really worried about this. This is a lot of jobs in Cincinnati. I believe this is the right thing to do for the country. Without hesitation, he just looked me in the eye and he said, Steve, don't worry about it, we'll take care of it.

I knew that it was taken care of, because I had Jack's word. He was that type of guy. He had that kind of strength and that kind of authority. Every time you approached him, he was always asking what he could do for you.

This House was a great place because of Jack Murtha, and we are a lesser body because of his loss. I lost my father a little over a year ago, and he was a lot like Jack. I hope the two of them have gotten to know each other since Jack's passing, because he reminded me a lot of my dad.

You will be greatly missed, Jack. I thank your family, and I thank your community for sharing you with us and the American people for so long.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, I will be brief. I have been tied up most of the afternoon and never thought I would have an opportunity to come down and join in this special order to our friend and our colleague, Jack Murtha. I am very pleased and heartened by all of the outpouring of Members who have come down here for the last few hours, and it has also given me an opportunity to say a few things about my friend, Jack Murtha.

Jack would be embarrassed about all of the attention being shown to him tonight, but for those of us who knew and love and respected Jack Murtha, it's been an especially hard week, especially those of us who hang out, as we say, in the Pennsylvania Corner. When we always look on the corner to see Jack there, we see a folded American flag. I guess it's appropriate for Jack's service to his country, not only as a soldier, but also as a Member of this House of Representatives.

If you want to know more about Jack Murtha, his courage, his love for this country, I would urge you to read the book that he wrote, "From Vietnam to 9/11: On the Front Lines of National Security." He really traced the history of this country, policy and military involvement of this country since Vietnam to September 11. It is written by a true patriot who lived it and urged all of us to also see the world and our commitment and our dedication to the men and women in uniform through the eyes of Jack Murtha in a book.

I said it's been a hard week, and I think everything that needs to be said

about Jack Murtha has probably been said. I am thankful for having known him, and I am thankful for the opportunity of being able to come down here tonight and just say a few words and to express our love and condolences for Joyce and the entire Murtha family.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. WELCH) is recognized for 5 minutes.

Mr. WELCH. Madam Speaker, one of the qualities, of, I think, a great person is that they don't see themselves as great. They really see themselves as ordinary.

If they value something about themselves, it's that being ordinary allows them to do generous and good things for other people. Jack Murtha was a huge figure for those of us who were in my class, the class of 2006. People may remember that the big debate that year was about the war in Iraq.

I ran as a person who was opposed to that war, and I remember during the campaign being very dispirited wondering where we were going. Then a voice rose out of Washington, and it was a Vietnam veteran, it was a combat decorated marine, it was the chair of the Defense Appropriations Subcommittee, it was a man who had the highest credentials as an advocate for the military. That voice, of course, was Jack Murtha.

□ 1930

And he stood up and he said that this war was wrong. He said that his vote was a mistake.

What attracted me, I think my classmates, and all of my colleagues who have been speaking to this man, Jack Murtha, was his generosity—he was always wondering what could he do for you today—his integrity, but he also had a quality of incredible strength. You gravitated to Jack because he was a strong man, strong in his convictions, strong in his will to carry on, and yet with the strength of a person who had the strength of mind and was willing to experience and analyze what was going on. When he came to his conclusion about Iraq, it was through the eyes of the soldier on the ground in assessing what was going on and why.

Even as he changed his policy position on Iraq, no one was a stronger supporter of the troops getting what they needed to be safe and getting what they needed to be taken care of when they got home. And what he understood and he began to teach this Congress and this country was that if we respect the valor of these men and women who are willing to subordinate their own judgment to take an oath of allegiance to the flag of the Com-

mander in Chief and to report for duty when and where ordered by the President, then Congress and he, Jack Murtha, had a solemn responsibility to do every single thing in his body, mind, heart, and soul to provide those soldiers with a policy that was worthy of the sacrifice they were willing to make.

Like I think everybody here in Congress, when Jack would ask what Jack could do for me, I oftentimes had an answer. But the first time he asked me that question was the first day of my experience here in Congress. I said to Jack, I understand that you go out and visit the troops often at Bethesda and at Walter Reed. And he told me he did. He usually went alone, almost always went alone, always quietly, never any press, never any entourage. I asked him if in the course of my 2 years in Congress sometime he would take me to go with him, and it turned out that the next day he did.

I will never forget going through the Bethesda Naval Hospital with Jack Murtha and seeing how, when he talked to our troops who suffered incredible injuries, he had that same directness, that same pride, that same confidence in engaging these soldiers—What happened? How did it happen? Was it an IED? Was it trip wire? Was it pressure activated?

He knew everything about the experience of these soldiers. And he wasn't sentimental. He was direct. He was blunt. And in that strength he was warm and encouraging and respectful to the service of those soldiers. It is something only a person with Jack's strength of character could do.

We all know that Jack was endlessly challenged by the press for the so-called earmarks. I remember that he took the criticism as though it was a grain of salt, and when asked, he would hold up a document saying, this is my power. It is in the Constitution, and I take care of my people.

We lost a great man.

#### IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Madam Speaker, many speakers have preceded me today in speaking about Mr. Murtha—and I will always call him Mr. Murtha because that's how I referred to him here in the House and that's how I will refer to him in memory.

I only had the opportunity to serve with him for 3 years, and I feel certainly inadequate in being the last person to speak, but this man was my friend. He was like a father figure to me.

When I was thinking about running for Congress, I came up here to view

Congress and think about it. I wasn't sure if I was going to run or not. I went up in that gallery and I sat on this left side of the aisle, Madam Speaker. I looked at the floor and all the people down here and I thought about whether or not I wanted to run. But coming up here, I was in Rayburn, and I walked up by the train that comes from Rayburn to the Capitol. And this man came up to me, this gentleman—I didn't know him—and he put his arm around me and we talked on the way up and walked all the way down the path. And he said, Young man, this is going to be like 1974. It's going to be a great year for Democrats.

We got up the elevator—and I was so proud to be in this building—and we got to the top and he went to the left where you enter the Speaker's lobby and come onto this floor and I went around the way to this gallery where visitors go. He said, Next time you come up here, I hope you can come in here with me. And it was the next time I got to come in here with him.

I was so proud every time I got to go over—I read about “Murtha's Corner” in The New York Times, and then I find myself over there with mostly folks from Pennsylvania, but also the different people that were fond of Mr. Murtha. I was standing there and I thought, I remember reading about Murtha's Corner, now I'm in Murtha's Corner. And I was in his corner and he was in mine. When I needed help for my community and learning about appropriations, defense appropriations and how they could benefit this country and my community and my universities, he helped me. He always helped me. And I helped him when he was in need in his last election.

I made the trip to Johnstown for his funeral, and I am so happy I did and I am happy to be here. I could not let this opportunity pass to speak about this great American. It has been talked about he was a marine and he was the first from Vietnam to be elected—he was part of that class—and he stood up and received the John F. Kennedy Profiles in Courage Award. All is true. But the bottom line is he was a good human being.

“Avuncular” is a word I learned when I was in high school, uncle-like figure, and I guess he was an uncle-like figure. He was just a grand, good human being. I will miss him. This House will miss him. And I am just fortunate that I passed this way at the same time he did and got to change time with him in life.

Thank you, Jack Murtha.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed

with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3961. An act to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

#### IN HONOR OF SERGEANT JEREMIAH WITTMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. ING-LIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, I am here to honor one of America's heroes. U.S. Army Sergeant Jeremiah Wittman, age 26, was killed in Afghanistan on Saturday, February 13, 2010. Sergeant Wittman was from Montana. His wife, Karyn, is from the Chesnee/Boiling Springs area of Spartanburg County, South Carolina.

Sergeant Wittman and Karyn have a beautiful 3-year-old daughter named Miah. I got to play in Miah's doll house when I visited her grandparents' home recently. More on that in a minute.

Sergeant Wittman was doing what Americans best do—he was protecting freedom, protecting us, when an improvised explosive device was detonated near him as he was on foot patrol in Zhari province in Afghanistan.

I wonder what it means to a 3-year-old, Madam Speaker, to hear that her daddy is one of our heroes. I said that to Miah the other night at her house. I know she heard it from others because we are very patriotic people in the upstate of South Carolina, Madam Speaker. Still, I wonder what it means to a 3-year-old.

Miah's mom, Karyn, knows what it means. She knew what it meant when representatives of the U.S. Army showed up at her parents' front door dressed in "Class A's." She knows that this Saturday an Army officer will kneel beside her and say that the President of the United States and a grateful Nation stand in appreciation of the honorable and faithful service of her husband, Jeremy.

Devoted spouses like Karyn and self-sacrificing parents like Sergeant Wittman's know that service means the possibility of not coming home safe and sound, the possibility that the last full measure of devotion will be given on a battlefield far from home.

The people of the upstate of South Carolina and Montana know what it means. It means that we must live our lives in gratitude to America's best; the ones who come home unscathed, the ones who come home with scars, and the ones who come home in solemn honor.

But what does it mean to Miah? Well, Madam Speaker, if you will indulge

me, I will try to say what it means in a letter to Miah.

Dear Miah, that's an awesome dollhouse you have in the living room at your grandma and grandpa's house. Thank you for letting me see the cool things you've got in there. I like the computer a lot, and the lights over the door to your doll tent are awesome. Thank you for showing me the pictures of you and your daddy.

I guess you've noticed by now that grown-ups like us cry sometimes when we hear you say that your daddy is in heaven. It's not that we're not happy for him. You know better than us grown-ups that your daddy can trust God to dry every tear. It's just that we're overwhelmed by the gift you've given. You and your mom and your grandparents have given the rest of us the gift of your dad's life.

He was in Afghanistan protecting you and your mom mostly, but he was also there protecting me and my family and all American families. So if you see a lot of people crying, it's the only way we know to show how much we care, how much your dad's sacrifice, how much your sacrifice means to us.

A sergeant like your dad told me recently, "When I see good things at risk, I'm inclined to fight for it. I guess that's why I'm in the Army." That's Sergeant Mennell from Texas. I don't know if Sergeant Mennell knew your dad, but I bet that's what your dad thought too. Your dad saw your future at risk, Miah, so he went to fight for you and for me and for all of us.

When I was leaving your house the other night, there was a beautiful moon hanging low in the west over the mountains you can see from the top of your driveway. It was glowing orange and looked like a bowl that could hold something. I thought of those pictures of you and your dad. I thought of God holding the moon up there, holding your dad, holding you and your mom, holding this whole big world. It seemed like the moon was doing something else, Miah. It seemed that it was holding the hope of a lot of tomorrows. You see, as the moon falls, the sun rises on a new day. When your dad fell, it was so that you could have many more tomorrows in peace and freedom.

When I see a waxing moon glowing orange and hanging low in the west, stretching its light from South Carolina to that farm your dad loved in Montana, I'll think of you, Miah, and I'll think of your dad, and I'll pray for many tomorrows for you and for the country your dad loved.

Thank you, Miah.

Your friend, Bob.

P.S. Keep an eye on those dinosaurs in your doll tent. You know they scare me.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-419) on the resolution (H. Res. 1105) providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### POLITICAL DRAMA AT THE WHITE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, this evening we stand just before a day—tomorrow—of great political drama.

I am trained as an engineer, and not much of an expert on drama or plays, but I have at least one theory about acting in plays and drama, and that is, usually it's very good or very bad.

□ 1945

As we take a look at the drama that faces people who will be watching tomorrow, the question tonight is: What drama are they liable to watch? Are they going to watch the Olympics, the last part of the Olympics, which will be very exciting, or the political drama of 6 hours of discussions or debate? I think there will be more drama that will take place tomorrow on the health care bill.

Now, we have been talking about this health care bill for more than a year, and the subject has had a tendency to get a little bit stale, but tomorrow is an attempt to revive that discussion. One of the things that is required in good drama is the theme, or the major topic, and the different parts of that drama have to be believable. I think that's one of the things that may make the drama tomorrow more difficult in terms of its success. Let's just talk about what really is believable.

The President claimed about a year or so ago—I guess it was in a State of

the Union message—that this new health care was going to save money and that it wouldn't cost us a dime. Well, I guess that's true. It's going to cost more like \$1 trillion. Is that believable?

The President repeatedly said that Republicans had no ideas. Yet, in Baltimore, just a month or two ago, he said, not that the Republicans had no ideas, but that he'd read a good number of the bills that had been introduced by the Republicans. Is that believable?

The President also pledged transparency and openness in the whole process of developing a health care bill. What we have seen has been that bills are developed behind closed doors, and for tomorrow, the bill that has been created behind closed doors is going to be revealed only for 24 hours. So is the transparency-openness pledge believable?

In Baltimore, the President talked about the fact that he has a lot of economic experts scoring the bill and taking a look at whether it works financially or not, whether or not the different component parts come together and whether or not it achieves the economic results that he wants. Yet, when the Congressional Budget Office, which is supposedly and to a large degree politically neutral, scored the bill, they said that the Republican bill actually reduces premiums by 10 percent while the Democrat bill makes them more expensive.

Then there is a question about whether or not the meeting tomorrow, which is attempting to be billed as bipartisan and bipartisanship—does that really make sense? Because, if you write a bill behind closed doors, unveiling it at the last minute, within 24 hours, and then demand that the Republicans agree to it, is that really bipartisanship? I wonder if that is believable.

The President promised us that the bill that he was going to present when he was in Baltimore would include tort reform. Yet the bill that we have seen did the exact opposite. The States that had already enacted tort reform were forbidden from using those tort reform laws. So, in effect, it would reverse tort reform and would go in the exact opposite direction. Is that believable?

We were told that the special deals have been taken out. Yet, in a few minutes, we will take a look at those special deals which remain in the bill.

Then last of all—and it is the one that I find most amazing—the Republicans are obstructionists. I find that hard to believe how anybody could even repeat that, let alone believe it. I wish it were true. I sorely wish it were true. The Republicans here in this Chamber, my Republican colleagues, are 40 votes short of a majority. There is nothing that we could obstruct if our lives depended on it. The Democrats could lose 20 voters and still pass any-

thing that they choose to pass. So how we could be, as Republicans, obstructionists, again, seems very hard to pass the old sniff test.

Now, it seems that the President, in setting up this great drama of 6 hours of televised discussion on health care, has made a major assumption, which is, if people just knew what was in his bill, they would really like it. Probably the opposite is true. What we have seen is our constituents, my constituents, have called in, and they have read portions of these bills. They know what is in the bill. Guess what? They don't like it. In fact, this bill that is being proposed is ugly. It's so ugly it has to sneak up on a glass of water just to get a drink. Well, let's take a look specifically at why it is that we are going to have this great health care political drama tomorrow, and yet we are not really passing the believable test. Let's just take a look to see if anything has really changed at all.

First of all, this bill imposes \$500 billion in Medicare cuts. That's a whole lot of money. Five hundred billion dollars is going to be taken out of Medicare. The old Democrat bill took \$500 billion out of Medicare. The President's new bill takes \$500 billion out of Medicare. The Republican alternative takes nothing out of Medicare. Well, nothing seems to have changed here.

This bill enacts job-killing tax hikes and government regulations, costing hundreds of billions of dollars. In the old Democrat bill, yes, that was true for it. The President's new plan, which is online, likewise enacts a lot of job-killing tax hikes and government regulations that cost billions of dollars. Yet the Republican alternative does not.

It spends \$1 trillion on a government takeover of the health care system. This is something that people are really conscious of. This is a government takeover of an entire sector of the U.S. economy—\$1 trillion. I think that number is short because it's not counting the unfunded mandates to States. The old Democrat bill does that. The President's new bill does it. The Republican bill does not. So what has changed here?

It benefits trial lawyers by failing to enact tort reform. Well, the old Democrat bill did not have any real tort reform in it. In fact, it went the opposite way. The President's new bill is not different. The Republican alternative is the opposite. It protects backroom deals with Washington special interests. We've been told these deals have been taken out, but they've not been taken out. The old bill had those special deals. The new bill does. The Republican bill does not.

It puts government bureaucrats in charge of personal health care decisions. This is something a lot of Americans are very concerned with. It's bad enough if some insurance company is getting between you and your doctor,

but it's even worse if a government bureaucrat does because, if you don't like the insurance company, you can change companies. You can't change governments. So, again, the new proposal is no different than the Democrat proposal, and the Republicans are not doing that.

It breaks President Obama's pledge not to raise taxes on those who make less than \$250,000. Well, certainly, the old Democrat bill did raise taxes on people making less than \$250,000. The new proposal still taxes people more who make less than \$250,000. The Republican proposal does not.

It forces individuals to purchase government-approved health insurance. That's something that people are pretty sensitive to—the government's telling you that you must buy health insurance. The old Democrat bill does that. The President's proposal still does it. Republicans reject that idea. It forces employers to choose government-approved health insurance or they are going to have to pay a new tax. So the government is going to tell you what kind of insurance you have got to purchase or you are going to have to pay a new kind of tax. The old Democrat bill did that. What the President is proposing continues to do it. The Republicans don't.

So is this great drama that is supposed to take place tomorrow really something new? I'm not so sure that it is in that it seems to follow the same pattern.

Now, if we take a look at the proposal, the proposal is still pretty much the same thing. Here is a picture of what this bill looks like. You have got a 2,000-page bill, and it is pretty complicated. To try and read 2,000 pages in 24 hours is quite an undertaking. The only advantage that some of us have is that it's so much like the other proposals that it is not really that different. You don't have to read all 2,000 pages of it to know what's in there.

As I mentioned, the President makes an assumption, which is that, if people just understood the bill better—now that's obviously something that he could talk about for 6 hours, I think, if it's that complicated. If people just understood the bill better, they would like it.

What I would propose is that the President is mistaken in that regard. What I would like to talk about for just a few minutes are the people who are not going to like this bill when they see what it has got in it, because there are a lot of these groups of Americans, various groups, and I will tell you which groups they are and why they're not going to like this bill. I think, the more that this bill is talked about and the more that people read it and see how it works, what's going to happen is that you're going to see these numbers change.

Right now, in the public opinion of health care, 58 percent of voters nationwide oppose the Obama health care reform plan; 58 percent oppose it; 50 percent of voters strongly oppose the plan, and 78 percent of voters expect the plan to cost more than projected. So it's not very popular now. The question is: If they see 6 more hours of drama, are they going to like the plan any more? I would suggest that there are all kinds of groups of people who are not going to like this plan. Let me talk to you about some of those groups of people.

The first is a category that I am increasingly putting myself in, and that's the group of people who are older. I just hit 62 years old, so I'm feeling a little bit older, and older people aren't going to like this plan for a couple of reasons:

The first reason they won't like it is because of something we mentioned just a minute ago, which is that this is going to take \$500 billion out of Medicare. Now, when I was first getting started in politics years ago, the Democrats always accused Republicans of taking money away from Medicare. Yet, ironically, this bill which is being proposed by the President is taking \$500 billion out of Medicare. So, if you're an older person, you probably won't like it for that reason.

If you are an older person, there is a bigger and more serious reason that you will not like this bill. If you are older, you will go to see the doctor more. If you go to see the doctor more, what this bill is going to do is it is going to harm the quality of American health care. It will harm the quality. This has been the experience of every nation that has had its government take over health care. It has also been the experience of two States—Massachusetts and Tennessee—which have had their State governments try to take over health care. In every one of those experiences, the quality of health care has gone down, and the cost of health care has gone up.

So, if you are an older person and if you see the doctor a little bit more, first of all, you're not going to like that great big cut to Medicare. Second of all, the quality of your health care is going to go down.

Now let's say, instead of being older, you're young. Certainly you would like the bill if the older people don't like it. No. Wrong. If you're young, you won't like the bill because this bill forces you to pay for government insurance which is written the way the government says you have to buy the insurance. If you don't buy that insurance, you're going to be penalized. You're going to have to pay a penalty.

If you are a young person, if you like freedom and if you don't want the government telling you what kind of insurance to buy or if you have to buy insurance, you won't like this bill for those reasons.

The next group of people that will probably not like this bill is the group of people who are married. What this bill does to married people is it says, if you're married, you're going to have to pay more money for your health insurance than if you're single. So there is a marriage penalty in this bill.

In other words, if you have two individuals who are both making the same amount of money—say you have two individuals making \$32,000 a year. If you take a look at what those two single individuals have to pay, because they get all the subsidies under this bill, they are going to have to pay a lot less than the two people, as husband and wife, who are making the same amount of money. Those people will have to pay \$2,000 more. So this bill contains, for that example, \$2,000 of penalties for people who are married. So, if you're married, you probably won't like this bill.

Now, if you happen to fall in the category of being pro-life, or at least if you fall in the category of not wanting government money, your tax money, to pay for abortions, you won't like this bill because the bill that's being proposed is the Senate bill, and it allows in these insurance policies, which are government funded, for people to get abortions through the policies.

□ 2000

So there is not a strict and clean line in the bill the way the House version of the bill was passed which says that there is absolutely no using these government policies to do abortions. So if you're pro-life, you will not like the Senate version of this bill, and you will hear people who are involved in the pro-life cause standing and arguing vigorously that the Senate version is unacceptable.

Now, if you own a small business, you're not going to like this bill. If you own a small business, this is going to cause you trouble in a number of different ways. First of all, you're going to be taxed a tremendous amount of money to help pay for this whole thing. If you think about small business in America as being people who have 500 employees or less, that is, 80 percent of the jobs in America are small business people, those companies are not going to like this bill, the people that run those companies, because of the fact that it requires those companies, first of all, to pay a great deal of increased taxes to help pay for the trillion-plus-dollar bill in this package, but also it requires those companies to buy the insurance that the government tells them they have to buy, and if even one employee doesn't like it, then there are going to be additional penalties. This is going to cost small businessmen a lot of taxes and a lot of regulations and red tape. If you're a small businessman, you're not going to like this bill.

If you're unemployed, you won't like this bill because this bill is going to

cost jobs. It will make it harder for you to get your next job. How is it that this bill will make it harder for you to get your job? We'll get into that in a little bit more detail later, but the basic elements of creating jobs in our economy is allowing the small businesses to create the jobs by creating an environment in the small business that makes jobs.

How does that happen? Well, one, you don't want to tax the guy that owns the business because you want him to put his money back into the business to expand it, to buy new equipment, to put a new wing on the building in order to create more jobs. This bill does the exact opposite. It buries the small business owner in taxes and red tape and a lot of unknown costs for health care. When you do that, it's going to make the small business less likely to hire people, and, therefore, if you're unemployed, it's going to make it a lot harder to get a job because this is a job-killing proposal. So if you are an unemployed person, this is not something that you want to see passing right away.

The people in America who own health insurance are not going to like this bill. If you own health insurance, what this bill is going to do is it's going to charge you more money for your health insurance to help pay for the people who haven't bought any health insurance. So this bill is going to cost you more for the health insurance if you own health insurance.

Let's just run through the list of who wouldn't like this bill. If you're older, you won't like the bill. If you're young, you won't like the bill. If you're married, you won't like the bill. If you're pro-life, you won't like the bill. If you're a small business owner, you won't like the bill. And if you're somebody looking to get a job from that small business owner, you still won't like the bill. Then also if you have health insurance, you're not going to like the bill either. So there's a whole lot of people that just naturally when they take a look at what all of this complicated maze means to them, those are all people who aren't going to like this proposal.

Is that all there are who won't like the proposal? Oh, no. There are a lot of other people who won't like the proposal as well. Let's take a look at some of the others.

If you are concerned about illegal immigration, you won't like the bill because this bill provides no guarantee that illegal immigrants cannot come in and get health care and get the subsidies to health care that will have to be paid for by the American public and all the people who are taxed to pay for this measure. So if you're concerned about illegal immigrants coming and getting a free ride in terms of government-paid-for health care, this bill does not contain the protections. If

you're worried about illegal immigrants coming into this country and getting subsidized health care, this bill does that and there is no protection against it.

If you're one of 36 States who do not want the Federal Government to mandate that everybody in your State has to buy government-certified health care, if you want the people in your State to have some sovereignty, if you care about State sovereignty and you want the people of your State to make their own decisions how they'll spend their money and you don't want the Federal Government to force the people in your State to pay for insurance, then this bill is something that you don't want. And there are 36 different States, out of 50, 36 States that have legislation that is in the process of moving in those States essentially banning the Federal Government from requiring citizens of those States to have to buy health insurance product. So if you're one of those 36 States where the legislators are saying we don't want the Federal Government butting into our business, telling our citizens that they have to buy insurance, then this is something that you certainly wouldn't want.

The other people that might not like this, and this probably goes almost without saying, are people who make a fair amount of money. People who make a fair amount of money are going to be taxed very heavily in a number of different regards to try to help subsidize this new health insurance plan. If you're well-to-do and you don't like huge taxes, then you certainly are not going to like this plan.

If you happen to be somebody that's concerned with doing things in a just way, that is, if you're concerned that every State gets the same deal, that there are no special deals in this legislation, you're not going to like it. We've been told that the special deals have been taken out. But, unfortunately, that's not true. Here are some of the special deals in this proposal that are still there:

One of them is what they call Louisiana Purchase No. 2. And that is something for, I believe, MARY LAN-DRIEU out in Louisiana. The cost is \$300 million, and it provides a special assignment for States recovering from a major disaster. It's written just to include this one State, and it's \$300 million to add to the State Medicaid program. So that's a \$300 million special deal for Louisiana.

How about for Connecticut? Yes, there is a special deal for a Connecticut hospital, \$100 million, which appears to apply only to some Connecticut hospitals.

There's millions of Medicaid dollars for Vermont and Massachusetts, that's \$1.1 billion total. It helps with the Medicaid program and gives about \$600 million to Vermont; Massachusetts \$500 million, for those States.

Cash for New Jersey drug companies. New Jersey's getting a deal. The cost is \$1 billion for special deals for New Jersey.

Extra cash for union health care plans. This is a deal of \$5 billion. It says that there's going to be a reinsurance program to defray the medical costs of union members. So that's \$5 billion for union member health care costs.

Are there other special deals? Yes, in fact, there are. We don't have to pay any Medicare Advantage. Remember how I said this bill is going to cut \$500 billion from Medicare. But it won't cut Medicare Advantage for people in Florida. So if you're in Florida, you won't get that Medicare Advantage cut; the other States will.

Special funding for coal miners in Montana. Yes, it does. The cost, we're not quite sure what that is, but it's Medicare coverage for workers exposed to environmental health hazards.

There is a fee exemption for politically connected insurers, in Michigan apparently. Higher Medicare payments for North Dakota providers. Hawaii hospitals are getting exempt from the cuts. And longshoremen are exempt from tax or health plans. There is a whole series of special deals. So if you don't like special deals for various States that your State doesn't get, you won't like this plan.

I think one of the groups, and this is probably not exactly small that doesn't like this plan, would be doctors. Why would that be? Well, what does a doctor do? Why does a doctor become a doctor? Many of them will say that they really wanted to take care of people and help them with their health care. Why, then, would a doctor dislike this plan other than its great complexity?

Well, one of the things that's extremely frustrating to doctors, as well as patients, is something that we don't like but has happened, and that is you allow an insurance company to come between a doctor and a patient. I think most people consider that doctor-patient relation—certainly my Republican colleagues would say if there's anything in health care that should be principally sacred, it would be the fact that the doctor and the patient need to make the final decisions on health care. That's something that we don't want to have disturbed, and if an insurance company is allowed to come between the doctor and the patient, we don't like that. We don't want somebody that's not a doctor getting involved in medical decisions.

Unfortunately, in versions of this plan, what you have is you have insurance companies who are allowed to make medical decisions and are not held legally accountable for the outcome of those decisions. That's bad enough, but a doctor particularly won't like this plan because, instead of an in-

surance company, which you can always change or at least you have some chance to change, you have no chance to change the Federal Government if the Federal Government is the one that is coming between you and your doctor. So if you're a doctor, a lot of doctors do not like this plan. In fact, there have been a dozen different Republican doctors on the floor over the period of the last year talking about the fact that they don't like this plan. They think it's terrible, and that should tell us something. There is another constituent group that does not like the plan.

There's another group of people who will not like this plan, I happen to fall into this group, and it's one that you might not think of off the top of your head, and that would be people who have cancer. Why would people who have cancer not like this plan? Well, one of the things that has been done is to take a look at the survival rate in people who have cancer in various countries. What you find in England is the survival rate is much, much lower than the survival rate in America. The survival rate of cancer patients in Canada is lower than the survival rate of cancer patients in America. So if America, then, changes our medical system to be more like England or Canada, we have to assume also that then the survival rate of cancer patients is going to be less. It's going to be harder to try to survive cancer when you have a State-run system doing cancer. So there's cancer patients.

The list does seem to be getting a little bit long. And is it really such a good idea on this great drama that's supposed to take place tomorrow, in competition, by the way, with the Olympics, this great political drama, is the assumption really true that if the American people see this bill more closely, they're going to love it more, or is it possible that in this drama, the real villain in the drama is this very bill itself? Is it possible that all of these different groups of Americans really do have it right?

□ 2015

Let's run through this again. This is a pretty significant list as I go through it. I would like you to ask yourself, do I fall into that group myself? Is this something that is going to affect me in a bad way? Certainly a great majority of Americans believe it will hurt them, and it is not a bill that they want. But let's take a look at who these people are that wouldn't like it.

First of all, if you're old. Then if you're young. If you're married. If you're pro-life. If you're a small business owner. If you're unemployed. If you have health insurance. If you're concerned about illegal immigration, and they are getting health insurance. If you are one of the many States who are concerned with a government mandate that every citizen has to purchase



government-certified health care. If you are well-to-do. If you are those who don't like the special deals that some States get and other ones don't get. If you are a doctor, you are not going to like this plan. And if you care about the doctor-patient relationship, you particularly won't like this plan. And if you happen to be a person with cancer, you're not going to like this plan. But then again, you may be dead, so you might not care as much.

And then you have other people, leaders who are in State government, governors, legislators, various senators or house members in State government. Why would they not like this plan? Well, here, this is another group that has a pretty good concern; and that is the trillion-dollar bill that has been attached to this plan, that trillion-dollar bill is not the full cost of the plan. A lot of cost is going to be passed down to the various States. So this plan contains unfunded mandates on the various States.

Now, a lot of States, because of the recession and the high level of unemployment, their State revenues are very tight. In fact, some of them are in the red. And if we, through this plan, produce something that first of all is going to create more unemployment and going to cost more money to the various States, people who have to manage the State budget, unlike the Federal budget, many States have a balanced budget requirement. And so if you keep adding more costs to those States, they are going to have to cut other things on the State budget in order to pay for this big government-run program. The exact numbers on what unfunded mandates this includes are not entirely known, particularly when a plan is being released and you have 24 hours for different economic experts to look at it.

Now, is it possible that the reason that this bill, after it has been put together behind closed doors, is trotted out for only 24 hours, that the reason for that is people really don't want a good economic look at what this is going to cost? I hope that is not the case, but it is very hard in 24 hours for the Congressional Budget Office to come up and say, well, here is what it is really going to cost.

And even if you take their best estimates, which I think they try, in the past their estimates of Medicare were way, way off by a factor of two or three or as much as seven times off. Those numbers tend to be much lower than what the real costs of the programs are. So there are a lot of people in various State leaderships that are not going to like this plan.

People who do not like red tape. I don't think we need explain that one very much. If you don't like red tape, you are not going to like this. This is a simplified version of a 2,000-page bill. And every one of these new boxes is

some government creation to try to make this thing work, because the government is taking over, you have to remember, almost a fifth of the U.S. economy. And when they do that, they have got to create a lot of bureaucrats and boxes and flow charts and all that kind of stuff. If you don't like red tape, you are not going to like this bill.

And then people who don't trust the government to run the economy. Well, I think there are a lot of people who think that the government is not proving to be very efficient in the way it runs a lot of things. Even the premise behind this bill is, well, we've got a problem with Medicare, so we're going to take the money out of Medicare, and Medicare isn't working quite right, so therefore what we need to do is to replace Medicare with the government taking everything over. There is something about that logic.

If you take a look at the overall finances of the U.S. Government, what you find is it is not a big problem with earmarks, the real big problem is with three entitlement programs which are growing because of the demographics in our country and because of the nature of those entitlement programs. The entitlement programs are Social Security, Medicare, and Medicaid. Two of those are medical entitlements, Medicare and Medicaid. Both of those are growing to the point that over time, and people disagree exactly what year it happens, but they bust the entire Federal budget. They grow so big, they balloon so large that you can't derive taxes any more, and they basically shut out all of the money that Congressmen are supposed to spend on different things like defense or all other kinds of government programs. So these things, like a cancer, are growing so big that they threaten to break the Federal budget and the Federal piggy bank. In fact, right now those three programs, Medicare, Medicaid, Social Security, have almost gotten to the point where they are taking half of the disposable budget of the country.

So now we have got Medicare and Medicaid out of control. And so what are we going to do? Oh, well, we're going to have the government take over all of health care. That doesn't seem to be a credible solution to that problem.

This is an article from the New York Times. "As a result," this is talking about this great meeting, this great political drama that is supposed to take place tomorrow, "Democrats now are considering a plan to use a parliamentary maneuver called budget reconciliation to attach changes to the Senate health care legislation as a budget measure which cannot be filibustered and requires only a simple majority for passage in the Senate."

Now, does this look like a bipartisan effort to cooperate on health care? I don't think so. What this is is a call by

the captain of the ship to go to ramming speed, to take the bill which a majority of Americans do not support and to try to jam it through. Now, there can be a nice political drama tomorrow, but is it really working in a cooperative spirit to go behind closed doors, put together a bill, pop it out within 24 hours, and then demand that the Republicans all go along with it? Is that really working in a bipartisan way or is it really just more of my way or the highway? I will leave that to your decision. But that is what the New York Times, not exactly a conservative oracle, is saying this is the plan, is to take the bill that went through the Senate, which a great majority of Americans do not support, and push it through anyway.

This is where the public is now. Fifty-eight percent of voters nationwide oppose this health care reform plan. Will 6 hours of drama tomorrow change that? Is this going to change? Is it really going to be drama, or does it lack credibility? I would suggest that when I take a good look at this, I think people may yawn and say, this sure looks like the same old same old, we haven't seen very much changing, and the Olympics is a whole lot more exciting.

As I started by saying, I have observed things about drama and plays. And the things that I have observed are that they tend to be either really good or really bad and boring. And so that is my concern about the high level of drama tomorrow.

Now, one of the connections that I think we need to make, and it is something that has been made, is the connection to something that I think is on the minds of Americans maybe more than a government-run health care program, and that is the problem of unemployment. I would like to connect these two because these two do connect together.

I see that I am joined by my good friend from Georgia. JACK, were you interested in joining our discussion?

Mr. KINGSTON. I certainly am. I wanted to ask the gentleman from Missouri something.

Mr. AKIN. I yield.

Mr. KINGSTON. As I understand it, this theater tomorrow, this summit at the White House about health care, I want to make sure I understand, is it health care only? Certainly they're going to talk about jobs. We had the stimulus program when the unemployment was less than 8 percent. It is now over 10 percent. The stimulus program, which was over \$800 billion, was spent over a year ago, it's deficit spending, it's borrowed money, and it was supposed to keep unemployment from going to 8 percent, now it's up to 10 percent. Certainly tomorrow at the White House the topic isn't going to be more spending for a government health care program. Certainly they do plan to talk about jobs.

Am I correct or incorrect?

Mr. AKIN. What you just said, Congressman KINGSTON, I would wish that that were true. I think the American public is concerned about unemployment. Somebody made the comment that unemployment is an important issue, but it really becomes critical when you are the one that is unemployed. Yet my understanding is that this drama, this political drama, is basically rehashing the same old play, which is, here we go again with this health care situation.

You made the comment that they had, I think it was a \$787 billion, some people called it a stimulus plan.

Mr. KINGSTON. If the gentleman would yield a second.

Mr. AKIN. I do yield.

Mr. KINGSTON. Actually, as price tags tend to expand after legislation is passed in Washington, the Obama stimulus plan was \$787 billion, but they revised it now another \$75 billion, so it is well over \$800 billion.

Mr. AKIN. Over \$800 billion?

Mr. KINGSTON. Yes.

Mr. AKIN. Some of us stood here and said, This is not going to work. I was standing on this floor a year ago and I said, This stimulus plan will not work. It wasn't because some of us were such geniuses. It is because we had learned from Henry Morgenthau back in the 1930s, who stood before the House Ways and Means Committee and said, we tried this idea of excessive government spending, money that we didn't have, and we tried to spend money like mad. This is the guy who was Little Lord Keynes's buddy, he was FDR's Secretary of the Treasury, and he said, it doesn't work.

Now, I don't think you had to be a rocket scientist to figure that when you and your family are in trouble economically that what you do is don't go spending money like mad. If spending money was going to give us a good economy, boy, we would have a great economy right now.

Mr. KINGSTON. I'm glad you brought that up. Because as you know, as Republicans we overspent.

Mr. AKIN. We did.

Mr. KINGSTON. We spent way too much money. Now, I will point out this year's deficit alone at \$1.4 trillion is more deficit than George Bush had in the entire 8 years. Let me repeat that. Eight years of Bush is still less debt than 1 year of President Obama.

Mr. AKIN. Let me just toss that number a different way. George Bush's worst debt year was with a Nancy Pelosi Congress, and that was about \$400-something billion. I agree with you that was too much debt. And that was '08. You go to '09 with President Obama, and his very first year was \$1.4 trillion, three times more than President Bush. And then they want to say, yeah, but it's Bush's fault. Wait a minute.

Mr. KINGSTON. Actually, also there might be something to it if the President had not been Senator Obama. Because Senator Obama voted for every single appropriations bill; and the Bush stimulus program in May of '08, about \$168 billion; July of '08, Fannie Mae, \$200 billion; Bear Stearns, \$29 billion; AIG, \$85 billion going to \$140 billion, done by the Federal Reserve.

Mr. AKIN. What you are saying, Congressman KINGSTON, a billion here and a billion there, that starts to add up, doesn't it?

Mr. KINGSTON. It absolutely does. But the thing I am saying on this Federal Reserve spending is that neither Senator nor President Obama has spoken out against that. He embraced the TARP bill, the Wall Street bailout, with both arms. That is \$700 billion. Then there was \$410 billion for the omnibus spending bill. And then, as you pointed out, \$800 billion for the stimulus bill. Now he is proposing \$950 billion for this government health care plan. And yet he still says that he wants to reduce spending.

I'm on the Agriculture Committee. We had a hearing today with the Secretary. I think the Secretary is a very decent Secretary. But the proposal of the administration is to freeze agricultural spending. Agricultural spending has gone up 26 percent since 2007. Yeah, you have a run on the bank—

Mr. AKIN. Wait a minute. This is one of these ones just like we are talking about in that health care plan. This doesn't compute, does it? We say we are going to freeze something that we just raised by over 25 percent in a year or two. That's incredible.

Mr. KINGSTON. There is no end to this. Today at the Business Roundtable the President said something like, I am a staunch capitalist, I believe in the capitalist system. And yet let's look at the last record. There is not a government regulation that this administration hasn't embraced and said, look, we need the government to do this.

Mr. AKIN. Government to do more and more things. You know, if we go back to that whole thing you are talking about on that supposedly stimulus bill, this is such basic stuff, and yet somehow the administration doesn't understand it. We have a lot of unemployment, we have a whole lot of Americans that would like to get jobs, and so the question is what can the government do to try to get those jobs going? And I have made a list of all the wrong things to do. These are the things that are job killers.

Now, if you take a look at what are the things that kill jobs, first thing off the bat, we score the stimulus bill you are talking about, the health care bill that is supposed to be the centerpiece of this great political drama tomorrow, and it is supposed to be something new, and they are going to open the box and it is going to be the same old ugly

thing that was there before. What is it that kills jobs? This stuff is not complicated. Anybody who ran a lemonade stand as a kid is going to understand what these things are.

The first thing is economic uncertainty. If a guy that owns a business, because you think all these jobs, most of them are in small businesses, 500 or less, that is 80 percent of the jobs in America, if you take a look at those guys and if you say, hey, I don't know what in the world the future is going to bring, you are going to go, boy, I don't want to take any risks because we just don't know what's going to happen. You've got this huge tax for the socialized medicine bill, you've got this global warming deal, which is a tax on energy, tons of red tape that go along with it, a lot of uncertainty.

Mr. KINGSTON. The gentleman is right. Investment money is going to sit on the sidelines until the government sets the rules and keeps them. Businesses can adjust. Even if the rules are a bit excessive and high and unreasonable, business will adjust to it. But if you keep changing it, they can't adjust. So of course investment capital is going to sit on the sidelines. That's just economic common sense.

Mr. AKIN. So the first thing is if you take a look at what we have been doing, we have injected a whole lot of uncertainty into the system to begin with.

Mr. KINGSTON. With more to come. More to come. As you said, cap-and-trade, but you did not mention the banking bill. This is another financial takeover. And you know, I haven't seen a lot of wisdom behind the government-knows-best mentality of the Pelosi House.

Mr. AKIN. Congressman KINGSTON, I am glad you mentioned that, because when I take a look at some of this uncertainty, I think of three nets that are being thrown over free enterprise. The first was a net on everything that has to do with energy. And as an engineer, energy is very pervasive in everything.

□ 2030

So, if the government is regulating energy all over, that's, as you say, a government takeover of a type.

The next net is over all of health care. But the third net most people don't know about, and I'm very thankful that you brought that up, and that is the net over all the financial transactions. Now, you put those three nets in place and you don't have very much of free enterprise anymore, because the government is tinkering and tampering and adjusting and fiddling around with the rules in all of those areas. And that really builds that economic uncertainty, and that's a job killer.

Mr. KINGSTON. Well, you know, it's interesting the way the Pelosi-Reid-Obama triumvirate always is coming

back to government and Washington solutions because, as I see it, looking at the government performance, Republican or Democrat, it hasn't been effective. Just think about Washington, D.C., two weeks ago, shut down because of snow. Now, you know it might be worth 48 hours, but this was a town where, essentially, everybody in the government took off for a week.

Now, it's interesting. My son works in Washington, D.C., in the private sector. Somehow, his roads were open. And I saw that over and over again, the private sector people could get to work 2 weeks ago in the snow. Not every day, not every hour, because it was a bad storm. But for government employees—

Mr. AKIN. My friend, you've mentioned that snow. I heard—I wish you could tell me if it's true. I heard that the snow was going to continue unless Al Gore said "uncle." Is that true?

Mr. KINGSTON. Well, let's just say the global warming campaign has been a great disappointment except for the Vice President's pocketbooks. He's done real well on this financially.

But, you know, you think about the government efficiency. Think about Katrina. What was that, \$120 billion to rebuild New Orleans? I would think Democrats and Republicans share the blame. Government did not do a very good job.

Think about the war in Afghanistan, now going into its eighth year. We have not executed the war very well.

Think about Social Security. It's going broke. I look at my 24-year-old son and your children. They are not going to get it. That's a mathematical reality. That's not political spin. It runs out of money in 2030, period. Now, we could tinker around the edges and postpone that maybe a year or two, but it needs working.

Mr. AKIN. Now, one of my favorites there is the Department of Energy. Did you know why the Department of Energy was originally created? Quiz time.

Mr. KINGSTON. I have a feeling it was Jimmy Carter trying to get us off Middle East oil. Is that—

Mr. AKIN. You go to the head of the class. The whole purpose of the Department of Energy was to make sure we're not dependent on foreign oil.

Mr. KINGSTON. And I think, at the time the export or the import amount from the Middle East was maybe 50 to 60 percent, or, no, excuse me. It was about 35 percent, and now it's up to the 50 or 60 level.

Mr. AKIN. Of course the Department has grown tremendously as we've become more dependent on Middle Eastern oil. What was it they said? The compassion of the IRS and the efficiency of the post office or whatever.

Mr. KINGSTON. Yes. But let's talk about the Department of Education. Boy, I tell you what. School systems have really done well, haven't they,

since the Department of Education. I mean, there's no way you could argue that.

Mr. AKIN. Did you know there was a report that was done on the Department of Education? I think it was during the days of Ronald Reagan. Their conclusion in the report was that if a foreign country had done to America what the Department of Education had done to education, we would consider it an act of war. I thought that was kind of an interesting report that we're paying money for a department that has done what would be considered an act of war.

Mr. KINGSTON. Well, you know, the old expression, I'm from the government, I'm here to help. I haven't found a school board or a school board member back home or a teacher in the classroom who can't spend the money more efficiently and more effectively because, you know, there's an old Loretta Lynn song about raising children. One needs a spanking, one needs a hugging, and one's on his way. And you know, that's the situation with education. It's the teacher in the classroom who knows how to teach Johnny, not some bureaucrat on the sixth floor three offices down at the Department of Education in Washington, D.C.

Well, you know, what about Medicare?

Now, Medicare's a very important health care program for our seniors—my mom's on it and I think your parents are—and yet it's going broke. \$36 trillion in unfunded assets? What are we doing to senior citizens? The program is going broke, and yet we have our head in the sand.

Mr. AKIN. What I was just talking about here on the floor a little bit with this great drama that's supposed to take place tomorrow, the question is, you know, drama, there's supposed to be some element of it being credible. A science fiction movie, it's a cheesy movie if it's unbelievable. And yet what's going on tomorrow is we're going to take \$500 billion out of Medicare.

Now, and then the idea is that after people watch this 6-hour great debate, that they're going to be happy and they're going to like the bill when they find that they've taken \$600 billion or \$500 billion out of Medicare. And I'm thinking, I'm not sure that people aren't going to just say that bill is ugly.

Mr. KINGSTON. You know, there's a joke about the guy asks his friend, he says, Why don't you ever read the Bible? And he says, Well, you know what? I just don't understand all that stuff that's in there. And the guy replies and says, Well, I don't think it's the part that you don't understand that is bothering you.

And the President says over and over again, I guess this is maybe his back-ground in, you know, Ivy League

schools or, you know, the circles that run around in the Northeast that, well, the American people, bless their heart, they just don't understand this health care bill. You know, what has he given, 50 speeches? I don't know. I know I had 19 town hall meetings. The people understand the health care bill. If there's one certainty in the whole debate it is that the American people understand the Obama-Pelosi health care bill.

Mr. AKIN. That's what I find is almost comical in this whole thing because, you know, you take a look at the American public—and this is my 10th year in the U.S. Congress, and I've got constituents that are reading this stuff, and they know the bill. And you can't tell me these people don't know what's in this bill. People know what's in it, and they don't like it. They think it's ugly.

Mr. KINGSTON. You know, the town meetings that you and I had, the town meetings where you did not have to have an invitation, the town meetings where you invited Democrats, Republicans, Tea Party members, independents, out-of-towners, nonregistered voters, the kind of town meeting where you had open mikes and anybody could stand up and say anything they wanted—

Mr. AKIN. Those meetings seemed to have been pretty exciting this last year.

Mr. KINGSTON. Well, you know what I found though? The people were reading the bill. And I've got to say this to the people who supported the bill, they found some good stuff in there and said to me, you ought to support that. And there were some things in there that I think are worthy of supporting.

But I still think it's very difficult to make a bad bill a better bill. I think it would be better to start all over, pick and choose some ideas from Republicans. You don't have to start at Ground Zero as if you've never heard of health care reform ideas, but you should start all over in this legislation.

What if this was the Pelosi-Boehner-Reid-McConnell bill? What a different thing. And I think that's what we want to do. We want to work with the Democrats.

We were shut out of the stimulus bill. We were shut out of the omnibus bill. We've been shut out of health care. Maybe tomorrow isn't just theater. Maybe it's the turning point. I hope that it is. You know, I'd like to see something get done. But a lot of times, you know, these things are just positioning.

Mr. AKIN. Let me just respond to what you're saying because maybe I'm being too pessimistic about this. But let's take a look at the format. The format is we're going to huddle behind closed doors. We're going to produce a bill. You get 24 hours to look at it, and then we want you to come and tell us how much you like it. That doesn't

seem to me to be sort of an open the kimono and let's work together as a team. It's more like, if you don't support me, then my way or the highway.

Mr. KINGSTON. Well, let me ask you this now. Who gets to look at it in 24 hours and when? Who is this group of people and when?

Mr. AKIN. Well, I'm not exactly sure of that. My understanding was the bill was supposed to be released 24 hours from the day that they're talking about it, and the only thing I'd seen earlier this morning was outlines, and the outlines, of course, the Congressional Budget Office can't score it. And it appears to be very much the same thing as the Senate health care bill is everything we can tell. We've been told that there aren't special deals in it, and yet as we take a look at it, we find that there are. Somebody managed to take a look at the ones that were there before and a lot of them are still there. The Louisiana Purchase is still in it, as I understand.

Mr. KINGSTON. I understand there's some special interests for Louisiana, Connecticut, Michigan, and those are the deals we know about because those were a little bit more visible. But you can imagine all the other oddball stuff in there, the hospital wings that will be built here and there.

Mr. AKIN. Hospital's in—my understanding is the hospital is in Connecticut; Medicaid dollars, Vermont, Massachusetts, New Jersey; drug companies; extra cash for union health care plans. I have a list of some of these. Montana coal miners. Florida seniors don't have to pay that Medicare Advantage. You know, Medicare's being cut, but you don't if you're a Florida senior. It's not cut there, but in other States it is. If you're a union guy, it's not. But if you aren't, you know. And then there's North Dakota Medicare payments. Hawaii hospitals are exempt from the cuts. And longshoremen. I didn't know about longshoremen. But there are, of course a bunch of these special deals in the program.

Mr. KINGSTON. So special interest groups have clearly been on the inside of this and their fingerprints are all over the health care bill.

Mr. AKIN. Yeah, exactly. That's the situation.

And I guess the other thing is, I think the American public is worried about this job thing. Excessive taxation is a big deal, because if you own a small business and you tax that guy really heavily, the small business owner is not going to have any money to invest in new equipment or new plants and things, so heavy taxation on a small business owner is going to be a job killer. And yet, this bill on medicine puts a heavy, heavy tax on small business owners. So, in that sense, it's a job-killing bill.

Mr. KINGSTON. And, you know, not to mention there will be a new tax on

individuals because, you know, when you're forced to buy something, that is a tax. And so there would be less money for customers of small businesses on a discretionary basis. Whether they're buying hamburgers or clothes or tires or whatever, they'll have less of it in their pocket.

Mr. AKIN. Did you know that there are supposedly 36—I know Missouri is one of them. That's my home State. There are 36 States that have legislation moving exempting the States from having to be required to purchase health care when the government demands that everybody has to buy federally approved health care? There are 36 separate States moving legislation to stop that. That doesn't say something's popular.

Mr. KINGSTON. Well, again, the American people do understand this Pelosi-Obama-Reid health care package. And, you know, I think one of the great examples of government efficiency we saw in August, Cash for Clunkers. It was a program, actually pretty simple program. You turn in your old gas guzzler, you trade it in for a more fuel-efficient car. We give you a tax credit. They take your old car, put it out to pasture and put it down. And, you know, it's kind of an easy thing to follow. Stimulates the car dealerships.

Well, that program was supposed to last from August to November. It was a \$1 billion program. I think they hired 100 employees, came back a week later and said they needed 1,100 employees and \$3 billion. And even doing that, Cash for Clunkers was dead and defunct within a matter of weeks.

So you now feel that that same government that brought us Cash for Clunkers, a \$3 billion program, is going to be able to run a \$2 trillion health care bill.

Mr. AKIN. Well, I thank you, gentleman, for joining me today. And the question at the beginning was is this going to be a credible theatrical performance tomorrow or are people just going to tune in to the Olympics. I guess we'll see tomorrow what's going to really happen, but I'm not sure there's much new, from what we can see about what's being proposed from the White House.

□ 2045

#### HEALTH CARE

The SPEAKER pro tempore (Mr. OWENS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor, and I appreciate the dialogue that came from my colleagues the previous hour discussing this health care issue that has so consumed this Nation.

And we are here now on the eve of the 6-hour meeting that is scheduled at Blair House that the President has invited both Democrats and Republican leadership to join. And Mr. Speaker, I came to the floor to talk about this issue and help to put it in a perspective so that as the American people watch what's going to happen tomorrow, they understand it in perhaps a better perspective than they might otherwise.

Now, I would lay it out this way. I think there are two points, Mr. Speaker, that need to be addressed by Democrats. And these are significant points of vulnerability where there has been a persistent criticism from the public. They have made the point that of all of the agonizing national debate that's taken place on health care, that the Democrats have first of all shut Republicans out. They shut Republican out of the room, shut them out of the negotiations, shut them out of the office.

And the second thing is, the Democrats haven't had transparency. They've been cooking up these health care deals in secret. And as this thing unfolded, some time in early September was the last time that I am aware of that a Republican senator or a House Member was sitting in a room talking with Democrat leadership about how to come about this health care policy.

From that time forward, it became secret back-door meetings, and it became secret deals and combinations of secret deals that brought about in the end the American people were repulsed by what they saw. They were repulsed by the special deals that came down. They were repulsed by the idea that if you live in Nebraska, if you live in Florida, if you live in Maine or Vermont, you've got a different deal a different cost.

I would interrupt what I am about to say and yield to the gentleman, Mr. KINGSTON.

Mr. KINGSTON. I appreciate the gentleman yielding.

I was looking at the Tea Party list of priorities, which they call a contract from America, which you know, this is a grassroots deal, just popped up. And there are even different Tea Party groups. But they have nationally been surveying their members on what their priorities are.

The number one priority is to cut the size of the Federal Government spending. The number two priority, would the gentleman from Iowa like to guess? The number two priority of all of these thousands of participants on a grassroots' basis is, do not put something in the bill that doesn't belong in the bill.

So as the gentleman talks about these secret deals to the senator in Nebraska, the senator from Florida, the senator from Louisiana, people don't like that at all. If it's such a great deal for the good people of Nebraska, maybe it ought to go for the rest of the 49

States and maybe it doesn't need to be brokered in some smoke-filled back room.

So what you're saying is very important. It can't be understated. If this bill is such a great deal, why do you need to have all of those special interest side deals in order to get the votes from Nebraska or from Florida or from Louisiana?

Mr. KING of Iowa. Reclaiming my time, of course that is what it takes to get the votes for a bad deal. That is what the American people know, that's what the Tea Party patriots know.

I would go further. When you start out and you have a good idea. Let's say it's a stand-alone idea. What about the idea of putting an end to the lawsuit abuse in America? We've passed that legislation out of this House, and Republicans were in charge, and we sent it over to the Senate, where it was blocked in the Senate. But it was a clear, concise idea that makes everybody whole that has been actually the victim, perhaps, of medical malpractice. Three hundred million people, some things are going to go wrong. It allows for them to cover all of their health care costs, allows for someone who is a victim to receive their loss and income. And actually it established pain and suffering and an additional \$250,000 on top of that. And in Texas, there's three different increments that go to three-quarters of a million, but that's it.

Trial lawyers don't walk away with pockets full of money. It's a very simple concept that can stand alone, that the American people can look at and see that it isn't a special deal.

But if you put an idea out for health care and then you have to patch something else to it, and something else to it, and when you get this whole toxic stew that I've talked about so many times, and you still can't sell that to get 218 votes in the House or 60 votes in the Senate, and you have to go out and get a special deal in Nebraska to get a vote from the Nebraska senator and a special deal in Florida to exempt Florida from Medicare Advantage cuts, or if you go up and you build a bunch of public health clinics in Vermont out of that deal, or Louisiana—the list goes on and on and on.

The American people know that when you're buying votes with their taxpayer dollars, they reject that concept, Mr. Speaker. The American people know that if you have a good idea, it should stand alone, it should be able to be passed on its merits and move through the House of Representatives on an up-or-down vote so everybody knows what's going on.

We're not at that point. This is a conglomeration of a bill, and this is frustrating to me that we can't put a good idea out in front of the American people and vote up or down and go on to the next idea.

Mr. AKIN. When you start talking about what you're saying, the American public does not like these special deals—and special deals a lot of times happen in the darkness, in little dark corners, like the kind of places where cockroaches breed. And these special deals, people aren't real proud of them. And so they're done behind closed doors. They're done when people can't see it. And when they get all put together in a great big piece of legislation, those special deals are rolled out in a big hurry. Hurry up and look at it so that we can pass it before anybody reads it too closely because sometimes they're disguised in little ways so you won't see them.

So the public, they're starting to get wise to this. The idea is that if the public sees more of this health care bill they'll like it. No. If you see something that's ugly, the more you look at it, the uglier it's going to get. And when you put all of these special deals in it, then people have a tendency to want to bring it out in a hurry and don't bother to look at it too closely.

If some used car salesman says, I want you to get this car but don't bother to look under the hood, you're kind of thinking, I wonder if there is an engine under there or not. And that is what's going on. And the public is wise, and they're sick of this special deal kind of stuff.

And we do this in a lot of different ways. We'll put two things together that would never pass, and then we pass it on a regular basis.

I don't mean to step on toes, but the farm bill is an example of that. You take the farm bill, and there is a farm piece and there is all of this food stamp stuff, and neither one could pass on their own. But you put the two together, and you can pass something. And I think the public is starting to stay, Time out. We're tired of this because we can't afford it any more.

Mr. KING of Iowa. Reclaiming my time, I will bring this back to that, that time they had 51 votes counted in the Senate on the health care bill. I went back to the Midwest, and I usually fly into Omaha. Well, Omaha, of course, is a central metropolitan area for the State of Nebraska.

And as I went in, I did a whole number of meetings around on both sides of the river, the Nebraska and the Iowa side, did a lot of media around there and took phone calls on a call-in radio show. And this was the day before the agreement was made for the Cornhusker kickback. And the senator from Nebraska was the linchpin that could put together, hold together the entire health care package up or down. If the senator from Nebraska decides to pull the pin, the whole thing falls apart.

So the day before, people were calling in and they understood that the Nebraska senator held the future of this

socialized medicine bill in his hand. They didn't know what was going to happen. In the middle of the night, there was some kind of agreement that got made. There were accommodations that were made. All of a sudden there was an announcement that HARRY REID had 60 votes and he could break the filibuster in the Senate and they could pass the socialized medicine bill. And what does it include?

First of all, it includes a provision that will allow for Federal funding of abortion, and it exempted Nebraska from the increased costs in Medicaid in perpetuity. Now, no one should ever sign a document or make a pledge for anything in perpetuity. Actually perpetuity probably lasts longer than forever.

I yield to the gentleman from Georgia.

Mr. KINGSTON. I can't imagine what the HARRY REID U.S. Senate was thinking. How stupid do they think the American people are? How callous can they be to the sense of fair play? What kind of almost thuggery is it when you do that to people? It just doesn't sound right for the taxpayers all over the country to have to float the bill for one State. And as the gentleman from Missouri pointed out, there was also a special interest deal for Florida.

And I think the presumption was people are Christmas shopping, they're getting ready to have their families in. They're not paying attention. Let's just push through whatever we can.

Well, a funny thing happened in Massachusetts. They were apparently paying attention, and I think that that has woke up a lot of people around here.

We have a group in the House called Blue Dog Democrats. I am not exactly sure what a Blue Dog is because they certainly vote like the yellow dog Democrats from what I can understand. But I don't think there is any distinction except there is a lot of Democrats right now who are saying, Hey, I saw what happened in Massachusetts, and if this bill comes back, I think I am going to vote "no" and maybe make up for my "yes" vote previously.

Mr. AKIN. I just have a question if I could jump in.

Tomorrow there is going to be this big drama, I guess, 6-hour—maybe it will be pretty boring. I don't know. But it's supposed to be dramatic. Six hours of people sitting around a table talking about this same old health care plan basically.

And there were different people that were chosen to go to participate in this. And I am just wondering if you know—I know there were a few Republicans invited, but were there any Democrats that voted "no" on the bill that were invited to participate? Do you know of any?

Mr. KING of Iowa. Reclaiming my time, I can't name a single one. I

haven't looked over the list of the Democrats but that would be quite unusual. It would be unusual to see Democrats in there negotiating a vote of "no" on the bill. I'd be very surprised if there was even a token Democrat that voted no.

Mr. KINGSTON. How many Democrats did vote "no" in the House, do you remember? It was 220. You need 218. So there were two votes over 218.

Mr. KING of Iowa. I would guess that was nearly 32 Democrats that voted "no." It would be in that neighborhood somewhere.

Mr. KINGSTON. You would think they would probably have something to say at the White House. They would be a little more moderate and have some good productive contribution to make.

Mr. KING of Iowa. Wouldn't you want to know what their objections are? I would think that would be important.

BART STUPAK on the pro-life amendment worked very closely with SMITH and Pennsylvania Representative JOE PITTS. They worked very hard to pass, and they received 64 votes on a pro-life amendment to that.

I understand that BART STUPAK is not on this negotiation either. And what we're seeing come out and what came out of the Senate, it looks to me like the package that's there—there's going to be a bill that still funds abortion and compels Americans to fund abortions through their premiums in one fashion or another, or brokers them through an exchange, and also one that funds illegals. And those are two things that are completely egregious to me, to think we compel taxpayers to do that.

Mr. AKIN. I got another question for you.

After tomorrow, after this 6 hours of drama, do you think people are going to say that you and I and my good friend Congressman KINGSTON, do you think they're going to say that we're obstructionists? I am trying to figure out—I wish it were true that we could be obstructionists, because if we were obstructionists, that meant if we vote "no," it would stop the bill. But they have got 40 more votes than we do, so how in the world could we be obstructionists?

I need some help on that because the logic seems to be very hard for me to grasp.

Mr. KING of Iowa. There are a lot of things that get spun around this thing, as you know in this town. It's been, Republicans are blocking the bill. We have no capability of doing that, obviously, not from a vote-count standpoint, when the Speaker of the House has 40 votes to burn, a 40-vote advantage, and they're sitting behind closed doors cooking up a closed-door deal. They can't get enough Democrats to pass 218 votes here. I don't think today they can bring a bill to the floor and get it passed.

This is about, though, the public criticism of shutting Republicans out and about this bill being negotiated in secret. Those are the two things that the President seeks to resolve tomorrow. Six hours of C-SPAN time, and then he'll say, Listen, we're doing what I promised we'd do. We're negotiating this bill out in public, and, by the way, we're doing it with Republicans, so who can complain?

Well, for me, it controls the entire format.

Here's the real centerpiece that I don't think anybody has articulated at this point yet.

The President of the United States, as Senator Obama and as candidate for President, said to the Iranians, If you just simply unclench your fist, we will offer our hand. We will negotiate with the people that we have been at odds with since 1979, the Iranians and Ahmadinejad—with no preconditions whatsoever—and offer an open hand to the guy with the clenched fist.

And yet the President of the United States refuses to come to the negotiating table with Republicans with a blank slate. The President has insisted and demanded upon preconditions. He has to have his conditions of his bill that has failed, his concepts that have failed. And he also puts out there the threat that they have been putting together behind closed doors, too, of reconciliation. Reconciliation is what President Obama and others called "the nuclear option" when it was Republicans looking at a 51-vote opportunity on the other side of the aisle.

□ 2100

In fact, this is posted today on the Web site, [biggovernment.com](http://biggovernment.com). This is a statement of our President, and we think about reconciliation. This is what blows things up in the Senate. This is the nuclear option. This is how they would circumvent the anticipated and very legitimate legislative process by taking a Senate version of the bill that sits over here on the calendar of the House, pass amendments to the Senate version of the bill in the Senate called a reconciliation package, then both bills would be here on our calendar.

Then the House, under the direction of Speaker PELOSI, would take up the fixes that the House Members have insisted on which is called the reconciliation package, pass it first, and then pass the Senate version of the bill, message them both to the White House where the President would sign them in the proper sequence, one bill amending the first bill. Then this would be, as far as I know, the first time in history that the White House has replaced a legitimate conference committee, which would be the Members of the House and the Senate, Democrats and Republicans, having an open dialogue about resolving the differences. And what did

President Obama say about this reconciliation nuclear option?

Here is what he said: Passing a bill with 51 Senate votes is an arrogant power grab against the Founders' intent. That's what President Obama said. The point is, he said that in 2005, not 2010.

Mr. KINGSTON. Well, I would say if the gentleman is saying it's an arrogant power grab, he certainly is accurate, and that's apparently the model that he wants to have. The gentleman may also have quotes from Senator JOE BIDEN, who denounced using this nuclear option, as well as HARRY REID.

When they were in the minority, I think they were right. When we were in the majority, I think we were wrong. I don't think you should do that. I think that it is a desperation thing. And if you can't get the requisite number of votes, maybe you need to start all over on the legislation. But you do have very strong, unequivocal statements by Senator Obama, candidate Obama, Senator REID, Senator BIDEN and yet total hypocrisy, that's what it is, is hypocrisy at this point.

The gentleman was talking about needing Republican votes. They do not need a Republican vote to stop anything or to pass anything. It's not just with this \$950 billion health care bill; they could pass a jobs bill without a Republican vote.

They could pass the tax-and-trade bill without it. They could get out of Iraq or Afghanistan without a single Republican vote. They could have energy independence without a Republican vote. They could pass that card check, that special interest bill for unions, without a Republican vote.

Why aren't they doing it? I just think that they had no idea that America was not asleep at the wheel. They found out in Massachusetts, and they're scared to death, hey, this might not be an isolated election. So we are seeing a lot of backpedaling right now. It's hilarious when you see some of these people, like the Senator from Nebraska who had the special interest deal on the health care bill. Now, he is all over this jobs bill. Oh, too much spending. You've got a \$950 billion health care bill which he supports and a \$15 billion jobs bill that he is against because of the spending.

Only in this town.

Mr. KING of Iowa. Let me suggest to the gentleman from Georgia that the problem is, no, Republicans can't stop anything that Democrats decide they want to get together and vote for because of the margin of 40 votes to burn here in the House, 19 in the Senate.

But the problem is, Democrats can't agree among Democrats on what they want to push for policy. If they can't find the votes among all of these extra Democrats that there are and they still point their finger back over at Republicans and say, you guys, you wouldn't

vote for the stimulus package, you won't support a health care, most of us wouldn't support that abysmal cap and tax, that cap and trade bill that, by the way, passed off the floor of this House. A bill that didn't exist passed off the floor of the House of Representatives and a bill that didn't exist was messaged to the United States Senate. That's another part of this component.

Mr. KINGSTON. If the gentleman will yield quickly, a bill that was still being amended at 3:30 a.m. before we started debating it at 9 a.m. in the morning, a bill which you could say truthfully in your heart of hearts believe that not one single Member in the United States House of Representatives had read.

Mr. KING of Iowa. To the gentleman, in fact, I can say that with a factual knowledge, and I don't have to ask any of the 435 Members, did you read this bill, because I was here on the floor that night when we suspended the debate for 35 minutes to resolve, where is the bill? I mean, sometimes they will say to us, you don't have any ideas, where are your bills?

We have a lot of bills. We have 40 some bills that we've filed on health care. But we said, where is the bill that we are debating? This is actually LOUIE GOHMERT from Texas that deserves a lot of credit, and JOE BARTON also was very good on that night. So we looked down here at the well. The bill didn't exist. There was an old bill. There was an amendment that had never been integrated. Actually, even the amendment wasn't here. It wasn't findable.

So what was going on was we were debating a bill that didn't exist, so it was impossible for anyone to have read a bill that didn't exist. That bill was then passed and messaged to the United States Senate. A bill that didn't exist was passed and messaged to the Senate, so no one read the bill.

I yield to the gentleman from Missouri.

Mr. AKIN. The funny thing is, a number of us have served in legislative bodies for a number of years. One of the rules has always been the public never pays any attention to the process of how we go about passing legislation. You can complain about different stuff like we had a bill that was done here, where we had a choice of voting for either a big tax increase or voting for a cost of living and we had to take a choice between the two. The process or the procedure there is unfair. Anyway, we got this bill here, 300 pages of amendments passed at 3 o'clock in the morning, and we're here on the floor. The Congressman from Texas, he has sort of the sense of humor of Eeyore, and he just asks in this plaintive kind of way, is it normal procedure that we have a copy of the bill on the floor when we are going to be debating a bill?

There is muttering and talking to the Parliamentarian and he says yes,

indeed there is supposed to be a copy of the bill on the floor. So he comes back a couple of minutes later and says, I've been wandering around the Chamber and I'm having trouble finding it. Is it north, south, east or west or something like that. Pretty soon the Speaker starts laughing and we go back and forth about four times in a row. Finally he says, I've come up to the podium, and the place where you say there is a copy of the bill there isn't because the Clerk is still trying to stick 300 pages of amendments in this bill. So here we are passing a bill that doesn't even exist.

And the funny thing was—I guess it wasn't funny—the public was paying attention. They understood that we passed a massive tax increase on energy that's affecting very many small people who have to pay that power bill. Everybody who flips a light switch is going to get taxed, along with a massive amount of red tape. And it was done, they thought, in the secret and in the dark of night. But the public was paying attention, and, in my opinion, that started a lot of that Tea Party movement, that very event that we actually were standing here on the floor for.

Mr. KINGSTON. Let me just ask both of you, should Republicans take over this House, would you be willing to change the House rules to say any bill has to be posted online at least 72 hours before it's voted on; would you support that?

Mr. AKIN. I would support that in a heartbeat. If you're not proud enough of it to put it out there, then you shouldn't be sticking it out there at all.

Mr. KING of Iowa. Not only would I support that, but I would go further, and I would have a lot more bills come down here under an open rule. I would sign the pledge and the oath that every appropriations bill would be open rule.

Mr. KINGSTON. I am an appropriator, and I can tell you, generally all appropriation bills have been open rule. There have been a few rare occasions when we were in the majority that we had maybe a modified rule or a closed rule, but traditionally open rules were always the case on appropriations bills. When all else failed, at least there were appropriation bills to allow the minority party an opportunity to put in some amendments.

But the iron hand of the oppressive majority has closed down that system. It's not about Republicans versus Democrats; it's about 435 people who have been elected by 600,000 people to represent their views in their Nation's capital.

Mr. KING of Iowa. Another thing that happens around this town is the hole in the wall gang, the Rules Committee, sits up here on the third floor in a place where you very seldom see any press from the room. And only on

one occasion have I seen a television camera in the room. They control what gets debated here on the floor and what is voted on on the floor. The last time we had a legitimate open rule on our appropriations process was in the spring of 2007. That was when Speaker PELOSI first came in and got the gavel before this draconian shutdown of the open debate process.

In that spring period of time through the appropriations process, I was successful in getting passed—not those I introduced—but those that actually passed this floor, nine amendments. As far as I know, that's the most amendments of any Member of Congress during that period of time.

Yet I have taken dozens of amendments up to the Rules Committee and submitted them, and I can't think of a single one that they ever allowed to be debated. That process has to change. That's got to be out in the open. We need the Rules Committee on television, out front, meeting in a published hour so that they can be watched by the press and the public and then, additionally, while we are here watching what goes on with the rules and the shutdown of what's going on, we need more sunlight.

Mr. KINGSTON. If the gentleman would yield, I want to tell you one of my rules experiences at the Rules Committee. Now, remember, the Rules Committee, when the bill is passed by, say, the Agriculture or the Education or the Energy Committee, it goes to the Rules Committee and they determine how long it's going to be debated and what amendments will be allowed and what amendments won't be allowed. That's why they're called rules. Four hundred thirty-five Members, you've got to have rules, strict rules, or you won't get anything done.

I was going to the Rules Committee. I had submitted an amendment, and I was waiting my turn to present my amendment to the Rules Committee for their consideration. And a staffer wrote me an e-mail and said, Your amendment has been rejected. Do you still want to sit in here and present it?

I said, Well, how could it be rejected? I haven't presented it and until I present it they can't reject it.

And my staffer said, I have some inside information. I've got a friend on the majority. Your amendment is not on the list.

I said, Well, what list?

The list of amendments they're going to allow.

I said, Well, this is just a total farce. You have Members of Congress sitting in a crowded room waiting their turn to present an amendment, and the Rules Committee behind closed doors had already decided which ones they were going to take and not take.

Mr. KING of Iowa. Because they got a list from the Speaker as to what amendments to approve and which ones



not to approve. And on this health care bill, this monstrosity here, I was before the Rules Committee at 1:30 in the morning, I offered 13 separate amendments, to ask to be able to debate them and get a vote on to approve this health care bill. And I was chastised by members of the Rules Committee because I had wasted paper and staff time to have them drafted up, because I should have known, as the gentleman from Georgia apparently should have known, that they weren't going to allow these amendments, so why should I try.

But any Congress that can pass a bill that doesn't exist, debate a bill that doesn't exist here, pass a bill that doesn't exist here, and message that bill to the United States Senate, I suppose can also put out a list and say, we're going to reject the amendment that you never offered in advance.

Another thing that happens in this Congress—and it happened on this floor today—is committee action. And the committee action that goes on is designed to take this language apart, take a look at it, examine the ramifications, hold hearings, get educated, evaluate the impact of legislation and then bring that legislation through the committee and amend it and perfect the legislation when you have a debate where you can focus it with people that are experts on the subject matter.

The legislation that came through today on this insurance across State lines political bill that came to the floor, had been amended in the Judiciary Committee with an amendment by DAN LUNGREN, passed by a majority of members, Republicans and Democrats voting for the Lungren amendment. The bill passed out of the Judiciary Committee, and on its way to the Rules Committee it magically became a different bill without the Lungren amendment language in the bill. That's what we voted on on the motion to recommit today.

So we have committee action that's a farce, as well as the Rules Committee which is a farce, as well as the debate here on the floor of the House, which is a farce, when we are debating a bill that doesn't exist. That's just three egregious things that need to change in a Republican-run Congress. I will stand to change all of those with anybody else that will stand with me.

Mr. KINGSTON. You know what's interesting about that bill, though, is dispute that strange route that it went for the strange product that wasn't passed by the committee, we still had a decent debate on it and passed the bill.

The importance of that is if you want open debate on health care, we now have an example that shows, hey, you know what, it works. This was a health insurance related piece of legislation. We had an open debate on it. It didn't have special deals for Nebraska or Louisiana. It did not have a big price tag

on it. It had some Republicans against it, some Republicans for it, and the thing passed.

□ 2115

Oh, hey, what about doing that on everything else about health care? Wouldn't that be an interesting experiment in democracy?

Mr. KING of Iowa. Well, I hope, as I reclaim, that what we see tomorrow is more than a dog and pony show. I hope it's not just a show that's designed to resolve the two things that seem to be giving Democrats and the President heartburn, which are the very legitimate point that they have shut Republicans out of the process and the very legitimate point that the President has promised that negotiations will take place on C-SPAN. That seems to be what is going to be presented tomorrow.

But I'm going to say again, the requirement of preconditions that the President wants to negotiate from his position—and by the way, he doesn't have a bill yet that I know of. He just has platitudes and bullet points that are out there. But to start with his platitudes and bullet points—and maybe we'll be guessing at the amorphous combination of the Senate and the House version of this, that all needs to go off of the table, and this threat of reconciliation, the nuclear option needs to be renounced and rejected by the President of the United States.

I would be just as happy if he would just read his 2005 statement verbatim tomorrow. He should start out the meeting and say, Well, all in good faith, I want to talk about health care with you on C-SPAN. I know I made a campaign oath. It probably wasn't the best promise, but it was good political leverage and good theater at the time, so I'm going to try to follow through on that so that I can resolve some of the criticism. And by the way, I know we've shut you Republicans out of this thing. We've done so since clear back last September, but I'm going to open this up at least so we can have the semblance of negotiations take place, and to demonstrate my good faith—and then read from the 2005 statement.

Then the President should say, "Passing a bill with 51 Senate votes is an arrogant power grab against the Founders' intent." That's what the President should say tomorrow. That's actually what the President said in 2005. That would demonstrate good faith. And then we would have a blank slate, a blank piece of paper, however you want to characterize it, except Republicans have their package bill. I'm suggesting we should concede that too. Slide that off the side of the table, really start with a blank slate, and then bring up, as the gentleman from Georgia said, a stand-alone idea can be debated and it be perfected and it can

be passed. We need to do it with tort reform in a real way that takes the money out of the pockets of the trial lawyers as opposed to taking it out of the pockets of our senior citizens.

The gentleman from Missouri.

Mr. AKIN. It seems like, to me, what you're talking about is, in a way you are defining something that's bipartisan, where people in good faith come to the table, they all have some ideas, they talk about them and say, Well, I don't like this part of your idea, and they say, Well, I don't like this part. Well, what part can we all agree to and put together?

Now, my understanding is the way the President is defining bipartisanship tomorrow is that what he's going to do is go behind closed doors, come up with a legislative product, then give the Republicans the chance to agree with him. And Republicans aren't allowed to bring anything they have in, but he has something that he has concocted. He's going to kind of spring it on them and say, Now are you going to go along with me?

Is that your concept of bipartisanship?

Mr. KING of Iowa. You know, I think they have been sitting up behind closed doors cooking up this reconciliation/nuclear option. They've been doing this for over a month. Senator HARKIN announced, after SCOTT BROWN won the election in Massachusetts—again, thank you, Massachusetts, Mr. Speaker—announced that they had already reached an agreement within a couple of days before SCOTT BROWN was elected in Massachusetts. This is a continuation of it, and the strategy was what I've described with reconciliation/nuclear option.

So, yes, they have worked behind closed doors. They are operating in secret, and they have cooked up this and they are going to say take it or leave it.

Mr. AKIN. Is that bipartisanship or is that ramming full speed ahead? That's what it seems like to me.

Mr. KING of Iowa. Well, it's truly not bipartisanship; it's only the show of bipartisanship designed for two things: so they can say, Well, we've negotiated with Republicans on C-SPAN. We didn't shut them out. That's really it.

The gentleman from Georgia.

Mr. KINGSTON. You know, the amazing thing is, I was in the State legislature, and we had, out of 180 members, 26 Republicans, and yet the philosophies were still reflective of the State of Georgia. You could roughly say one-third of the people were fairly liberal, one-third of the people were fairly conservative, and then another third were either right of center or left of center. And so you had to have the legislative deliberations to get a bill in order to get, for the Georgia House, 91 votes to pass something. So I assumed that Congress would be the same way,

where you would have some people from really safe hard left, hard right districts, and then people maybe from more swing districts where it's reflective of the American people, but every bill would have the mark of both parties on it.

I was shocked when I came here and saw that it's full speed ahead with the majority party. I think that's why, when we took over the House in the 104th Congress, we had open rules. And you know what, we strayed from that. That was one reason the people threw us out and put the Democrats in. But now they've seen the Democrats, and they are sick and tired of this partisan stuff. They do want open debate on C-SPAN and amendments.

So you know what would really be nice? If Mr. AKIN offers an amendment and I vote against it and you vote for it—and it's okay to vote against your party members. And maybe you prefer a Democrat one. But you know, once you understand something, you have the opportunity to debate it, as we did today, you get a better bipartisan product.

And so today, I don't know if the Speaker is in town, but perhaps she saw that and said, Oh, my goodness, so this is the way democracy works? Maybe we should do this on another dozen bills and cobble together a collection of health care reforms. Because it seems to me somewhere in the town meetings that's what people were saying; fix what's broken. Don't throw out the entire system. And if you did some one-shot bills, you could have targeted health care reform without some \$950 billion government takeover of health care.

Mr. KING of Iowa. Well, reclaiming my time, I would label the gentleman from Georgia as not necessarily right or left or center, but perhaps an optimist on the grounds that the Speaker has been around here for a long time, and she surely would have seen this over and over and over again over the last 20 or more years that I believe she has been here. So I actually don't think that it is about trying to arrive at a means to get Democrat and Republican votes. I think it's about trying to move a hard-core left-wing agenda.

The President has said he is for single payer. The Speaker is for single payer. HARRY REID is for single payer. That's all socialized medicine. That's government-run health care. Now it's a matter of—it isn't necessarily, in my view, what's right or wrong with the way they're looking at this.

I had said before the election—a year ago last November—if we elect President Obama, the most liberal President in American history, the most liberal Senator in the United States Senate, if we elect him, with a strong ideology—and by the way, he told us in Baltimore, the President said, I am not an ideologue, I am not, but I am not aware

of anyone that actually believes that. A strong left-wing President standing with the Speaker of the House from San Francisco, HARRY REID from Las Vegas, those three are the ruling troika in America.

And I said before Mr. Obama was elected President that the three of them could go into a phone booth and do what they would to America—and they wouldn't have to ask any Republicans for sure—and the only thing they would have to do is be able to verify that they could produce the votes within their own Democrat Party to pass any bill. And what happened? Just what I said, essentially. The ruling troika cooked up a bill. They just couldn't agree in the House and the Senate and they had trouble finding enough Democrats to get it to pass. Now they come back to Republicans.

I would remind the Speaker of this, Mr. Speaker, and that is, Thomas Jefferson's quote, when he said, "Large initiatives should not be advanced on slender majorities." This is a large initiative and it should never be advanced on slender majorities. It should be something that is debated and deliberated and perfected in a legitimate process, not a partisan process, which the committee markup actually was.

The gentleman from Missouri.

Mr. AKIN. Gentleman, this is my 22nd year—I hate to admit it—in an elected office, and I have seen 22 years' worth of bills, 12 in the Missouri legislature, and this is my 10th year here. I have never seen a bill like this that is going to affect so many different Americans so profoundly. This is larger than anything we've dealt with before. And I know there are a number of us that believe that if this bill were to pass the way it stands now, not only would it destroy health care in America, it would destroy our budget and would be tremendously detrimental to the lives of Americans from coast to coast. This is a very big deal and it is right for the American people to be very exercised about it.

Mr. KING of Iowa. Reclaiming my time, I will make another point of this that I think has been completely understated—if stated at all, Mr. Speaker—here in the House of Representatives or across the dialogue of this land, and that is this: This President and this administration participated with—the beginnings of this during the Bush administration—the nationalization of a huge chunk of our private sector. We have seen three large investment banks nationalized: Fannie Mae and Freddie Mac, General Motors, Chrysler, AIG.

According to The Wall Street Journal last August, they printed that one-third of the private sector profits had been nationalized, and most of it by the Obama administration, depending on how you actually pick the dates that it is declared to be nationalized.

But one-third of the private sector profits, and now we are looking at another 17 percent of our economy nationalized. That takes, at 33 percent, you add it up and you're at 50 percent, right there at half.

But the important thing, the part that seems to be missed in the dialogue of this debate is, when the government nationalizes and takes over the private sector economy, which they have done, and they want to take over the health care and take over the management of everybody's health care in America, this unique thing happens. When we look back to 1973, the decision of *Roe v. Wade*, and since that time when the Supreme Court made their ruling—which I think is not grounded in the Constitution and I reject the rationale of *Roe v. Wade*—we have continually heard every year since then, people on this side of the aisle primarily, a few on this side of the aisle, say the government has no business telling a woman what she can and can't do with her body. That is not the government's business. That is between the woman and her doctor and her priest. It is not anybody else's business. No one can tell a woman what to do with her body. That is what I heard from these folks over here mostly since 1973.

Now the same people, the same voices are saying government should tell everybody what they can and can't do with their body. Government should take over and nationalize everybody's bodies, our health care, and determine whether our health insurance is the one that they will approve; determine what tests we get at what age; what age you get a mammogram; how long you're going to wait for a hip replacement or a knee replacement; the government taxing the nondiet pop to try to tell you don't buy anything or eat anything or drink anything but diet pop; the government punishing trans fats so that we can have a healthier diet, managing our diet, managing our health care. They've done everything except promise to run us across the scales, check our body fat index and tax us for our fat and tax us for failing to exercise.

They already tax about every sin that you can put in your body by trying to control our behavior. This nanny state is wanting to fund the takeover of the private sector, our bodies. They want to do this, and it is the most private thing we have, the Federal Government taking over our bodies. The very people that said that the government has no business telling a woman what she can do with her body, they want to tell everybody in America what we can and can't do with our bodies.

Gentleman.

Mr. AKIN. There just doesn't seem to be a lot of consistency there, does it? We've got 36 States that have legislation they're considering trying to protect their citizens from us demanding

that those citizens have to buy the government-approved package of health care. I mean, there are a whole lot of people fighting back, and they're sick of the nanny state telling people what to do.

I think, gentleman, when you talk about the Federal Government taking things over, what I have seen in the last year seems to me to be three nets that are being tossed over our economy.

The first net is the net that government is going to make all the decisions about energy. And energy is a key component of almost everything, so the government wants to regulate in all kinds of very fine ways the use of energy.

The second net says we are going to control all of health care. Now, that affects everybody because everybody has a body.

And the third one, which has not received a lot of attention but is equally insidious, is that the government is going to throw a net over all financial transactions. In fact, the bill that was proposed would allow the government to determine the salary of a teller in a bank.

So when you put a net over energy, a net over health care, a net over financial transactions, talk about Big Brother looking over your shoulder. No wonder people are exercised.

□ 2130

Mr. KING of Iowa. In reclaiming my time from the gentleman from Missouri, it causes me to think about what I have talked about for some time here on the floor, and I'll see if I have the notes on this. I can also speak from memory, however. I have long talked about the Democratic Socialists of America and their Web site. It seems as though Americans just don't seem to want to take a look at what's going on at dsausa.org.

I got to wondering on one of my nights that I wasn't sleeping very well. I guess it was bothering me that the liberals are deconstructing our Constitution, so I was doing a little research to figure out what they were thinking.

I went to their Web site, the Socialist Web site, and I just typed in "Socialists in America," dsausa.org. What I came up with was this Web site that said, Here is what we want to do. At first, the definition in there says, We are Socialists. We are not Communists.

Now, I always want to trust those people who start out their introductory paragraphs with "I am not a Communist." Okay. Well, tell me why you're not. Now I'm really interested, and I'm not actually sure after I read it.

Well, Communists, they say, want to nationalize everything right down to the butcher, the baker, and the candlestick maker. Socialists really don't

want to do that. They just want to nationalize the Fortune 500 companies and anything else that's in their way. So they say this is the difference. So we're not Communists; we're Socialists. We do want to nationalize the Fortune 500 companies, and we also want to nationalize the oil refinery industry and the energy industry in America. We want to take that all over, and we want to manage these corporations "for the benefit of the people affected by them."

Now, I read that, and I might have been a little blurry-eyed because I thought: Let's see. You'd run a restaurant for the benefit of the customers. That wouldn't be profit-based. You'd run a bar the same way. Oh, you can't benefit people by serving them a lot of drinks because they might hurt themselves or somebody else.

No. Really what it is is the benefit of the people affected by them will be the trade unions. They'd run the corporations for the purposes of creating jobs for trade unions to work in there, and they'd put the unions into the management of the companies. That's what they say at dsausa.org, Democratic Socialists of America.

So then I read further, and it reads, Yes, we are Socialists. We're not Communists, remember. We're Socialists, but we don't run anybody, any candidates, on our banner. We don't have a party that advances candidates to go on the ballot, because our legislative arm is the Progressives, the Progressive Caucus in the United States Congress.

If you go to their Web site—and they're quite proud of this, and they put a poster up over here on a fairly regular basis—there are 78 of them listed. There are 77 House Members who are proud Progressives, and the one other is BERNIE SANDERS, the Senator from Vermont, who is a proud Socialist. He is a Socialist. He is a Progressive. He is on the list with the others.

The Socialists say the Progressives are Socialists. I don't hear the Progressives saying they are not Socialists. I'm going to take all their word for it. They are Socialists, and their agenda is the same agenda that has been advanced on the Socialist Web site, and we hear it on a regular basis here, and the agenda that is being advanced by the President of the United States is an agenda that, for all the world, looks like the one I read on the Progressive Web site and that I read on the Socialists Web site.

I yield to the gentleman from Missouri before I yield to the gentleman from Georgia.

Mr. AKIN. You know, it was interesting to me that there was a country—it was the U.S.—and they had a theory. Their theory was that the government should provide you with a job, with an education. They should provide you with health care. They should pro-

vide you with food and with clothing and with a place to live. That was the job of the government to do those things. We watched that country. It was a big country. After a while, it collapsed. It wasn't just the U.S.—It was the USSR.

Aside from the fact that they just hated people of the Christian faith, aside from that sort of prejudice, that was their operating philosophy—that the government was going to provide things that were necessary for your survival. You've got to have food to survive, so the government is going to give it to you. You've got to have health care, so the government is going to give it to you. You have to have education, so the government is going to give it to you. That was their operating premise. We sat there, as I was a young man, and we went "yuk, yuk, yuk" when the whole thing fell apart, because we knew it was a dumb idea.

So what are we doing in America here under the Pelosi and Obama leadership? The government is not only providing education and housing, but now they're going to jump into expanding to take over all of health care, and they are going to tell you where to work.

I guess my question is: How come we are doing the same thing we knew that wouldn't work before? I think that's what a lot of American citizens are saying. Time out. What is going on? We need not just to get the budget in control. We need to deconstruct Washington, D.C., and we need to remove them as a threat to the freedom of this country.

Mr. KING of Iowa. In reclaiming my time, I have a remark to the gentleman:

Free enterprise capitalism is what defeated the Soviet Union and is what ended the Cold War, because our economy could outproduce their economy, and they eventually collapsed. I don't know why we are trying to emulate them.

I have a very brief question to the gentleman from Missouri before I yield to the gentleman from Georgia, which is: In the Akin household, when you serve breakfast to those kids growing up down there, to that whole conservative family, do you serve them grits on a regular basis, or do you not?

Mr. AKIN. Well, you know, now, when you get to the State of Missouri, that's one of those things that just kind of depends.

Mr. KING of Iowa. Am I going to have to go down there and have you show me?

Mr. AKIN. Yes. We're going to have to do some showing down in the State of Missouri. We're not too bad on oatmeal, but I'll tell you what is something, I think, of a little bit of New England that I would want to recommend, and that is that you'd get that cornbread and put maple syrup on

top of it and then homemade apple sauce over the top. I'd even stack that up against grits in spite of what my good friend from Georgia might say.

Mr. KING of Iowa. Well, I'll reclaim my time, and yield to the man who does have grits for breakfast, the doctor from Georgia, Mr. BOUN.

Mr. BOUN of Georgia. Thank you, Mr. KING. I appreciate your yielding.

I think the American people need to know that socialism never has worked, never will work, and we've got people here in Washington who are so arrogant, so ignorant, so incompetent that they will think that their brand of socialism is going to work, but it will not. It never has worked. It never will work. I don't care who is trying to force socialism upon our people; it's still not going to work.

In fact, the Progressives, as Mr. KING was talking about recently, said way back years ago with Theodore Roosevelt, who was the first Progressive and started the Progressive movement here in this country—the Progressives back a century ago were saying, 'The best way to socialize America would be to socialize the health care system. They have been trying for 100 years now to socialize the health care system.'

We have a sham of a meeting tomorrow at the Blair House that the White House has set up. When it was first announced, I was very hopeful that maybe the President had seen the light from everything that the American people had been saying, in that they don't want to have the government take over the health care system. Maybe he was beginning to see the light and reach out a hand to try to work with us as Republicans. I'm a medical doctor, and I was hopeful that my input and even my health care reform bill, H.R. 3889, which is a comprehensive health care and financial reform bill, which totally looks at the private sector, would maybe be considered.

No, that's not what the White House wants to do. In fact, they've stacked the deck, actually, the final chapter of this whole sham—of the ruse, of the dog-and-pony show—that's going to occur tomorrow.

Now, I've challenged Democrats individually—in fact, many of them—to introduce a bill that would do four things which are totally market-based, which would give patients many options and which would literally lower the cost of health insurance for every American. Four things.

One is to have cross-State purchasing for businesses and individuals so that people could go out and buy their health insurance anywhere in this country.

The second thing is to develop an association pool so that people could join an association and could have a choice of one or more multiple products in the

way of health insurance that they could buy.

The third thing is to stimulate the States to set up high-risk pools to cover those people who are uninsurable.

The fourth thing is to have tax fairness for everybody so that everybody could deduct 100 percent of all their health care expenses. We don't have that today.

In fact, last night, I led the Doctors Caucus discussion about health care. Just following us, the Democrats came to the floor, and they were talking about a bill that passed the House today. It's a big insurance company protection bill, is actually what it is. BETSY MARKEY from Colorado, a Democrat, said she has had a small business, and she was remarking, as to her small business in Colorado, that she only has two choices of buying health insurance, and that she would like to see her employees be able to get insurance across State lines. I've had Democrat after Democrat tell me they'd like to introduce this bill, but they said that their leadership would punish them if they were to introduce it and promote it.

JOHN SHADEGG, CHARLIE DENT and I, all Republicans from different parts of this country, wrote an op-ed that was published in *The Washington Times* to challenge Democrats to introduce that bill. If we were to have it on the agenda tomorrow, we could introduce that bill. The Democrats could take control of it and could claim the bill as theirs.

Mr. KING of Iowa. In briefly reclaiming my time, to the gentleman from Georgia, I'd make the point that, as to what's going on tomorrow that you referred to as a dog-and-pony show, I don't take issue with that statement.

I just think that the American people need to know that this isn't a negotiation taking place tomorrow. This is about putting up the front and the show that there will be C-SPAN discussions taking place and that there will be Republicans in the room.

By the way, there hasn't been any dialogue on our part about the dynamics of what happens with the faces of the Democrats who will be in the room or whose job it will be to enhance the image of the President of the United States. This is the President's image. He has lost his mojo, and he cannot get it back by simply continuing to work in the backroom with Democrats. That's how he lost it in the first place. So the President can't get his juice back. He can't get his mojo back unless he gets Republicans in the room—and he has got to have some of them either looking silly or nodding their heads, one of the two—and I'm going to suggest going cheek-to-cheek with the President of the United States after we've come all of this way.

The American people have won the debate, and we are with them. We've now recovered the fumble in Massachu-

setts. We've got the ball. We're playing offense. They're playing defense. This is the best that they can come up with—allowing the President of the United States to set conditions on the negotiations by which we are going to consider his defeated bill, to which 47 percent of the people say scrap it and start over, to which 23 percent of the people say just throw it out and do nothing—don't start over—and to which about a quarter of the people say, 'We'll pass the President's bill. Well, that's how far down he is when 25 percent of the American people think that might be a good idea.'

So I think that we need to understand that this is about the show. It's not about getting anything negotiated. But if it were, I'd do tort reform.

The gentleman from Missouri.

Mr. AKIN. That's what we called it during the last hour. We called it "Political Drama."

You know, there isn't anything, first of all, that the Republicans can do that could block his bill. The problem he has got is he doesn't even have enough Democrats who want to do this thing, so he is trying to drum up, as you say, support for this thing to make it look like there are people who are supporting it. Yet he goes behind closed doors, puts some deal together, comes out, and says, 'Now are you going to agree with it?'

There is nothing bipartisan about that. It's just a scam. I just don't think the American people are going to buy it.

Mr. KING of Iowa. In reclaiming my time, in addition to this reconciliation package is the, figuratively, gun to the head of Republicans. They've been cleaning their gun all weekend and spinning the cylinder. They'll put it to our heads tomorrow, and they'll say, 'We have cooked up this reconciliation package. We've got our deal.'

They're going to think we believe they have the votes.

They'll put that gun to our heads, and they'll say, 'Now, you can either accept the terms we're going to offer at the Blair House tomorrow or we're going to drop the hammer and go with the nuclear option and try to push this thing through the Senate.'

I don't think they've got the votes in the House to do it. I don't think they've got the votes in the Senate to do it. I will say, Mr. Speaker, if they try to move that, they're going to be looking at a whole stack of amendments in the Senate that will take an awful long time, with more exposure on the Senate votes than there will be at the Blair House tomorrow.

The gentleman from Georgia.

Mr. BOUN of Georgia. Thank you.

I believe the American people know what's going on up here, and they're going to say "no" to ObamaCare. The American people have already spoken. They're going to say "no" to all of this

sham, this secrecy, this putting things together with just a few people who won't let Democrats or Republicans be engaged in setting things up. It's all a show. It's a joke. It's a bunch of clowns who are just trying to make something look different than it is. It is nothing but trying to ramrod a health care takeover by the Federal Government, by this administration, and by the leadership.

The American people need to stand up and tell their Congressmen, their Senators "no" to this sham, "no" to ObamaCare—and we can defeat it. I encourage people all over this country to start calling first thing in the morning, Mr. Speaker, every Congressman in this Congress and every Senator and say "no" to this sham, "no" to ObamaCare and "no" to a government takeover of the health care system. My patients and my patients' families depend upon it—the American people just saying "no."

With that, we as Republicans are not the party of N-O; we are the party of K-N-O-W. We can lower the cost of health care if our issues will get on the table and if we can discuss those.

I yield back.

Mr. KING of Iowa. In reclaiming my time and in thanking the gentlemen from Georgia and Missouri, in our last minute here, Mr. Speaker, I'd make the point that I'm happy to say "no" to bad ideas, N-O to bad ideas. The American people are glad of that. They were glad when Nancy Reagan said, "Just say 'no.'" We're just saying "no" to socialized medicine.

We're saying "yes" to good ideas, including ending lawsuit abuse, selling health insurance across State lines, full deductibility, HSAs, portability, and transparency.

I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PITTS (at the request of Mr. BOEHNER) for today on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and

extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 3.

Mr. JONES, for 5 minutes, March 3.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, March 3.

Mr. FRELINGHUYSEN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GARAMENDI, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. ROTHMAN of New Jersey, for 5 minutes, today.

Mr. BRALEY of Iowa, for 5 minutes, today.

Ms. EDWARDS of Maryland, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. CAPUANO, for 5 minutes, today.

Mr. DRIEHAUS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. WELCH, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 30. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Energy and Commerce.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4532. An act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes

p.m.), the House adjourned until tomorrow, Thursday, February 25, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6192. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-propenoic acid, butyl ester, polymer with ethenylbenzene, methyl 2-methyl-2-propenoate and 2-propenoic acid; Tolerance Exemption [EPA-HQ-OPP-2009-0691; FRL-8800-6] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6193. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2,6-Diisopropyl-naphthalene (2,6-DIPN); Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2009-0802; FRL-8798-5] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6194. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerances [EPA-HQ-OPP-2008-0126; FRL-8804-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6195. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorimuron Ethyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0009; FRL-8798-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances [EPA-HQ-OPP-2009-0013; FRL-8803-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6197. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endothal; Pesticide Tolerances [EPA-HQ-OPP-2008-0730; FRL-8804-8] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenarimol; Pesticide Tolerances [EPA-HQ-OPP-2007-0536 and 2007-0097; FRL-8793-5] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluoaxstrobin; Pesticide Tolerances [EPA-HQ-OPP-2008-0704; FRL-8803-4] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerances [EPA-HQ-OPP-2008-0385; FRL-8408-1]

received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerances [EPA-HQ-OPP-2008-0811; FRL-8799-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prometryn; Pesticide Tolerances [EPA-HQ-OPP-2008-0773; FRL-8801-8] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prosulfuron; Pesticide Tolerances [EPA-HQ-OPP-2008-0276; FRL-8800-8] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6204. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinclorac; Pesticide Tolerances [EPA-HQ-OPP-2008-0937; FRL-8800-7] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Rimsulfuron; Pesticide Tolerances [EPA-HQ-OPP-2009-0004; FRL-8796-9] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tribenuron methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0005; FRL-8797-9] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6207. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6208. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting Certification Relating to SIGTARP and GAO Recommendations; to the Committee on Financial Services.

6209. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled, "Performance Profiles of Major Energy Producers 2008", pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

6210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan for Carbon Monoxide; State of Arizona; Tucson Air Planning Area [EPA-R09-OAR-2008-0379; FRL-8982-4] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; California; Monterey Bay Region 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2009-0359; FRL-8983-6] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference; Correction [VA201-5202; FRL-9093-6] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6213. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Addresses for Submission of Certain Reports; Technical Correction [FRL-9093-5] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6214. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2009-0818; FRL-9087-3] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6215. A letter from the Secretary, Federal Trade Commission, transmitting a report entitled "Federal Trade Commission Report to Congress on The U.S. SAFE WEB Act: The First Three Years"; to the Committee on Energy and Commerce.

6216. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6217. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting weekly Iraq Status Reports for the October 15 to December 15, 2009 period; to the Committee on Foreign Affairs.

6218. A letter from the Inspector General, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6219. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 30, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6220. A letter from the Secretary, Department of Energy, transmitting the Department's Fiscal Year 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

6221. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting the Department's report on competitive sourcing for fiscal year 2009; to the Committee on Oversight and Government Reform.

6222. A letter from the Chairman, Federal Maritime Commission, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009

through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6223. A letter from the Acting Administrator, General Services Administration, transmitting Fiscal year 2010 Annual Financial Report; to the Committee on Oversight and Government Reform.

6224. A letter from the Chairman, Securities and Exchange Commission, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Commission's inventory of commercial activities for fiscal year 2009; to the Committee on Oversight and Government Reform.

6225. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6226. A letter from the Inspector General, Office of Inspector General, transmitting final management advisory report on the governance of the Atlas project; to the Committee on House Administration.

6227. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, "Report to the Nation 2009" from the Office for Victims of Crime for fiscal years 2007-2008 and initiatives that extend into Fiscal Year 2009; to the Committee on the Judiciary.

6228. A letter from the President and CEO, National Safety Council, transmitting a copy of the Council's 2009 annual report and audit report, pursuant to 36 U.S.C. 1101(36) and 1103; to the Committee on the Judiciary.

6229. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, "United States Department of Homeland Security Other Transaction Authority Report to Congress Fiscal Year 2009", pursuant to Public Law 107-296, section 831(a)(1), as amended; to the Committee on Homeland Security.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1105. A resolution Providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111-419). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:



By Mr. BOSWELL (for himself, Mr. TERRY, Ms. HERSETH SANDLIN, Mr. LOEBACK, Mr. LATHAM, Mr. FOSTER, Mr. HARE, and Mr. PETERSON):

H.R. 4674. A bill to authorize loan guarantees for projects to construct renewable fuel pipelines; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 4675. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. FARR:

H.R. 4676. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. NADLER of New York, Mr. HARE, Mr. FILNER, Mr. DELAHUNT, Ms. BALDWIN, Mr. KENNEDY, Mr. THOMPSON of Mississippi, Ms. SUTTON, Mr. KILDEE, Ms. CHU, Mr. MICHAUD, Mr. JOHNSON of Georgia, Mr. GEORGE MILLER of California, Mr. HALL of New York, Mr. SIREN, and Mr. RYAN of Ohio):

H.R. 4677. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Ms. SUTTON (for herself, Mr. TURNER, Ms. LINDA T. SANCHEZ of California, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mrs. MILLER of Michigan, Mr. BRALEY of Iowa, Mr. SARBANES, Ms. GINNY BROWN-WAITE of Florida, Mr. MICHAUD, Mr. DOGGETT, Mr. JONES, Mr. DUNCAN, Mr. HARE, Mr. KILDEE, Mr. STUPAK, Mr. DONNELLY of Indiana, Mr. GENE GREEN of Texas, Mr. TERRY, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Mr. OBERSTAR, Mr. RYAN of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KAGEN, and Mr. YARMUTH):

H.R. 4678. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4679. A bill to amend the Internal Revenue Code of 1986 to assist in the recovery and development of the Virgin Islands by providing for a reduction in the tax imposed on distributions from certain retirement plans' assets which are invested for at least 30 years, subject to defined withdrawals, under a Virgin Islands investment program; to the Committee on Ways and Means.

By Mr. ELLSWORTH:

H.R. 4680. A bill to reduce the employer portion of payroll taxes in the case of employers who expand payroll in 2010 and 2011; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4681. A bill to provide for rates of pay for Members of Congress to be adjusted as a

function of changes in Government spending; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. PETRI, and Mr. COOPER):

H.R. 4682. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing Lifetime Savings Accounts; to the Committee on Ways and Means.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. GARRETT of New Jersey):

H.R. 4683. A bill to amend the Agricultural Trade Act of 1978 to repeal the Market Access Program of the Department of Agriculture; to the Committee on Agriculture.

By Mr. NADLER of New York (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MALONEY, Mr. MCMAHON, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mr. CROWLEY, Mr. PERRIELLO, Mr. THOMPSON of Pennsylvania, Mr. PIERLUISI, Ms. BORDALLO, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Ms. PINGREE of Maine, Mr. HIMES, Mr. CONNOLLY of Virginia, Mr. MEEK of Florida, Ms. LORETTA SANCHEZ of California, Ms. DELAUNO, Mr. SHUSTER, Mr. CASTLE, Ms. MATSUI, Mr. GARRETT of New Jersey, Mr. ROTHMAN of New Jersey, Ms. KILROY, Mr. MICA, Ms. SHEA-PORTER, and Mr. LEWIS of Georgia):

H.R. 4684. A bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 4685. A bill to provide for the permanent existence of the United States Parole Commission; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 4686. A bill to authorize the Secretary of Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; to the Committee on Natural Resources.

By Ms. LINDA T. SANCHEZ of California:

H.R. 4687. A bill to provide grants to States for low-income housing projects in lieu of low-income housing credits; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4688. A bill to amend the Second Chance Act of 2007 to reauthorize the grants

program carried out by the Secretary of Labor to provide mentoring, job training and job placement services, and other comprehensive transitional services to assist eligible offenders in obtaining and retaining employment, and to require a study on best practices by nonprofit organization participating in such grants program; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 239. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots; to the Committee on House Administration.

By Mr. MCCAUL (for himself, Mr. CULBERSON, Mr. CONAWAY, Mr. BRADY of Texas, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. SMITH of Texas, Mr. SESSIONS, Mr. PAUL, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. CUELLAR, Mr. GOHMERT, Ms. GRANGER, Mr. OLSON, Mr. CARTER, Mr. THORNBERRY, Mr. NEUGEBAUER, and Mr. POE of Texas):

H. Res. 1103. A resolution celebrating the life of Sam Houston on the 217th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. COSTA (for himself, Mr. POE of Texas, Mr. BACA, Mr. CARDOZA, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. LARSEN of Washington, Ms. MATSUI, Mr. MCGOVERN, Mr. MINNICK, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PIERLUISI, and Mr. ROYCE):

H. Res. 1104. A resolution supporting the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, no matter their country of origin or their creed, and to commemorate the National Crime Victims' Rights Week theme of "Crime Victims' Rights: Fairness. Dignity. Respect."; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself, Mr. BARTLETT, Mr. MURPHY of New York, Mr. WALZ, Mr. SMITH of Washington, Mr. CARNAHAN, Mr. KISSELL, Mrs. BIGGERT, Mr. TONKO, Ms. GIFFORDS, and Mr. KIRK):

H. Res. 1106. A resolution commending the United States Army for its achievements in and commitment to environmental sustainability and energy security; to the Committee on Armed Services.

By Mrs. ROS-LEHTINEN (for herself, Mrs. MALONEY, Ms. TITUS, Mr. BROWN of South Carolina, Mr. ROSKAM, Mr. WILSON of South Carolina, Mr. BILIRAKIS, Mr. FALLOOMAVEGA, Ms. BERKLEY, Mr. GALLEGLY, Ms. KOSMAS, Mr. GARRETT of New Jersey, Mr. MANZULLO, Mr. PAYNE, Mr. KENNEDY, Mr. SMITH of New Jersey, Ms. WATSON, Mr. PASCRELL, Mr. SPACE, Mr. ALTMIRE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. SARBANES, Mr. HOLT, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. LANGEVIN, Mr. ISRAEL, Mr. SNYDER, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. ESHOO, Ms. KILROY, Mr. MARIO DIAZ-BALART of Florida, Mr. CAPUANO, Mr. PALLONE, and Mr. MCMAHON):

H. Res. 1107. A resolution recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American



democracy; to the Committee on Foreign Affairs.

By Ms. WATSON:

H. Res. 1108. A resolution commemorating the life of the late Cynthia DeLores Tucker; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRIFFITH.  
 H.R. 211: Mr. KLEIN of Florida.  
 H.R. 213: Mr. CARNAHAN.  
 H.R. 413: Ms. GIFFORDS, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. SHUSTER, Mr. JOHNSON of Illinois, and Mr. ENGEL.  
 H.R. 571: Mr. CARNAHAN.  
 H.R. 618: Mr. MICHAUD.  
 H.R. 656: Ms. GRANGER.  
 H.R. 690: Mr. MEEKS of New York.  
 H.R. 716: Ms. LINDA T. SÁNCHEZ of California.  
 H.R. 734: Ms. FUDGE, Ms. SCHWARTZ, Mr. KAGEN, Mr. DAVIS of Tennessee, and Mr. CHANDLER.  
 H.R. 855: Mr. RYAN of Ohio.  
 H.R. 1074: Mr. ROSKAM.  
 H.R. 1175: Ms. JACKSON LEE of Texas.  
 H.R. 1177: Mr. SKELTON.  
 H.R. 1248: Mr. BARTLETT.  
 H.R. 1283: Mr. VISCLOSKEY.  
 H.R. 1305: Mr. OWENS and Mr. MANZULLO.  
 H.R. 1314: Ms. CHU, Ms. RICHARDSON, and Mrs. NAPOLITANO.  
 H.R. 1523: Ms. WATERS.  
 H.R. 1552: Mr. SENSENBRENNER.  
 H.R. 1584: Mr. KISSELL and Mr. CAPUANO.  
 H.R. 1751: Mr. THOMPSON of Mississippi.  
 H.R. 1778: Mr. REYES, Mr. CARDOZA, and Mr. BOSWELL.  
 H.R. 1826: Mr. WEINER and Mrs. DAVIS of California.  
 H.R. 1831: Mr. TOWNS, Mr. PASTOR of Arizona, Mr. MINNICK, and Mr. MELANCON.  
 H.R. 1836: Mr. SHULER.  
 H.R. 1855: Mr. SPACE.  
 H.R. 2024: Mr. MCINTYRE.  
 H.R. 2030: Ms. SHEA-PORTER.  
 H.R. 2112: Ms. SLAUGHTER.  
 H.R. 2122: Mr. DAVIS of Tennessee.  
 H.R. 2149: Mr. BISHOP of New York.  
 H.R. 2246: Mr. BISHOP of New York.  
 H.R. 2271: Mr. LATHAM.  
 H.R. 2361: Mr. GORDON of Tennessee.  
 H.R. 2421: Mr. BARROW, Mr. DICKS, Mr. PITTS, and Mr. SCOTT of Virginia.  
 H.R. 2492: Mr. MAFFEI.  
 H.R. 2579: Mr. SESTAK.  
 H.R. 2731: Mr. SESTAK.  
 H.R. 2817: Ms. PINGREE of Maine.  
 H.R. 2866: Mr. WU.  
 H.R. 3012: Mr. TAYLOR.

H.R. 3025: Mr. BAIRD.  
 H.R. 3043: Ms. NORTON, Mr. MICHAUD, Mr. MARKEY of Massachusetts, Ms. CHU, Mr. HOLT, and Mr. BOCCIERI.  
 H.R. 3101: Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Mr. OLVER, and Mr. TIERNEY.  
 H.R. 3511: Ms. BORDALLO.  
 H.R. 3525: Ms. WOOLSEY.  
 H.R. 3560: Mr. RUSH.  
 H.R. 3564: Mr. LYNCH and Mr. PIERLUISI.  
 H.R. 3648: Mr. ELLSWORTH.  
 H.R. 3731: Mr. PERLMUTTER, Mr. PIERLUISI, Ms. DEGETTE, Mr. HONDA, Mr. CONNOLLY of Virginia, Mr. DOGGETT, Ms. RICHARDSON, and Ms. NORTON.  
 H.R. 3790: Mr. OWENS and Ms. WATSON.  
 H.R. 3810: Mr. TONKO.  
 H.R. 3974: Ms. ROYBAL-ALLARD.  
 H.R. 4051: Mr. COURTNEY.  
 H.R. 4055: Mr. COSTA, Ms. HIRONO, Mr. ABERCROMBIE, Mr. COHEN, and Ms. BERKLEY.  
 H.R. 4085: Mr. SIMPSON.  
 H.R. 4109: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 4127: Mr. POE of Texas.  
 H.R. 4131: Mr. HOLT.  
 H.R. 4141: Mr. KRATOVIL.  
 H.R. 4149: Mr. HARE.  
 H.R. 4155: Ms. SUTTON and Mr. FILNER.  
 H.R. 4210: Mr. MORAN of Virginia.  
 H.R. 4256: Mr. LEWIS of Georgia and Mr. DAVIS of Illinois.  
 H.R. 4274: Mr. BACA, Mr. FILNER, and Mr. TONKO.  
 H.R. 4278: Mr. DRIEHAUS and Mr. CAPUANO.  
 H.R. 4296: Mr. LOBIONDO.  
 H.R. 4302: Mr. BACA, Mrs. MALONEY, Mr. MURPHY of New York, Mr. QUIGLEY, Mr. DRIEHAUS, and Mr. MAFFEI.  
 H.R. 4312: Mr. MANZULLO.  
 H.R. 4325: Mr. ROTHMAN of New Jersey.  
 H.R. 4330: Mr. WU.  
 H.R. 4341: Mr. GRAYSON.  
 H.R. 4386: Mr. SESTAK, Ms. DEGETTE, and Mr. KAGEN.  
 H.R. 4402: Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, Mr. NYE, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, and Mr. JACKSON of Illinois.  
 H.R. 4469: Mr. WILSON of South Carolina, Ms. JACKSON LEE of Texas, Mr. BRADY of Pennsylvania, and Mr. LATOURETTE.  
 H.R. 4526: Mr. GEORGE MILLER of California.  
 H.R. 4537: Ms. BEAN, Mrs. MALONEY, Mr. MASSA, Mr. MCGOVERN, Mr. PALLONE, Mr. POLIS of Colorado, and Ms. WATERS.  
 H.R. 4560: Ms. BEAN.  
 H.R. 4580: Mr. ROHRBACHER, Mr. MOORE of Kansas, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, Mr. BOSWELL, and Mr. GRIJALVA.  
 H.R. 4594: Ms. RICHARDSON, Ms. BORDALLO, Ms. FUDGE, Mr. GRAYSON, Ms. GIFFORDS, Mr.

COHEN, Ms. NORTON, Mr. FARR, Mr. MCGOVERN, Mrs. CAPPS, Mr. CAPUANO, and Mr. WU.  
 H.R. 4614: Mr. LUJÁN and Mr. REICHERT.  
 H.R. 4621: Mr. THOMPSON of California, Mr. GRIJALVA, and Mr. SHERMAN.  
 H.R. 4624: Mr. HILL.  
 H.R. 4626: Mr. FILNER.  
 H.R. 4647: Mr. ENGEL.  
 H.R. 4668: Mr. KENNEDY.  
 H. Con. Res. 144: Ms. LINDA T. SÁNCHEZ of California.  
 H. Con. Res. 147: Mr. SESTAK.  
 H. Con. Res. 222: Mr. GRIJALVA.  
 H. Con. Res. 238: Mr. TEAGUE, Mr. McMACHON, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. CAO, Mr. CHILDERS, Mr. MCINTYRE, Mr. CUMMINGS, Mr. CONYERS, Mr. RANGEL, Mr. HALL of New York, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. LEWIS of Georgia, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. TOWNS, Mr. RUSH, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. AL GREEN of Texas, Mr. CLEAVER, Ms. LEE of California, Mr. COHEN, Mr. MEEKS of New York, Mr. PERRIELLO, Ms. FUDGE, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mrs. HALVORSON, Mr. RODRIGUEZ, Mr. PRICE of North Carolina, Mr. BUTTERFIELD, Mr. WATT, and Mr. DONNELLY of Indiana.  
 H. Res. 100: Mrs. MILLER of Michigan.  
 H. Res. 111: Mr. SMITH of Texas, Ms. JENKINS, Mr. KANJORSKI, Mr. ROGERS of Alabama, Mr. DRIEHAUS, and Mr. TIBERI.  
 H. Res. 200: Mr. BILIRAKIS.  
 H. Res. 213: Mr. LARSON of Connecticut.  
 H. Res. 376: Mr. MCCOTTER.  
 H. Res. 440: Mr. PETERS.  
 H. Res. 716: Mr. BRADY of Pennsylvania.  
 H. Res. 870: Mr. SENSENBRENNER.  
 H. Res. 879: Mr. MURPHY of Connecticut.  
 H. Res. 929: Mr. BRADY of Pennsylvania.  
 H. Res. 938: Mr. CHANDLER.  
 H. Res. 977: Mr. CAMPBELL.  
 H. Res. 992: Ms. JACKSON LEE of Texas, Mr. BILIRAKIS, Mr. MCCAUL, Mr. INGLIS, Mr. FILNER, and Mr. SCHOCK.  
 H. Res. 1060: Mr. SCALISE, Mr. KINGSTON, and Mr. WALZ.  
 H. Res. 1063: Mr. JONES.  
 H. Res. 1072: Mr. CAO, Mr. FLEMING, Mr. ALEXANDER, Mr. BOUSTANY, Mr. SCALISE, and Mr. MELANCON.  
 H. Res. 1075: Mr. MEEKS of New York, Mr. THOMPSON of Pennsylvania, Mr. SAM JOHNSON of Texas, and Mr. WALZ.  
 H. Res. 1086: Ms. ROYBAL-ALLARD.  
 H. Res. 1091: Ms. DELAURO.

## EXTENSIONS OF REMARKS

HONORING MR. PAUL FOREMAN

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Paul Foreman. Mr. Foreman served his constituency faithfully and justly during his tenure as the Town of Dunkirk Highway Superintendent.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Foreman served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Foreman is one of those people and that is why Madam Speaker I rise to pay tribute to him today.

RECOGNIZING THE PASSING OF  
VIRGIL MILLER

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Virgil White Miller, who passed away on February 20, 2010 at the age of 68. Virgil spent his life serving his country, his community, his family, and his church, and I am honored to recognize his life of dedication and service.

A native of Texas, Virgil Miller graduated from Texas A&M University with a Bachelor of Science in Mechanical Engineering in 1964. In college, Virgil met his wife, Kathryn Rogers, and he served in the Corps of Cadets. Upon graduation, he received a commission in the United States Air Force and moved to Fort Walton Beach, Florida. Virgil worked as a Mechanical Engineer for the Air Force Armament Laboratory at Eglin Air Force Base. He and his wife loved Northwest Florida so much that they decided to stay, and Virgil began his 32 year career as a civil servant with the Air Force Research Laboratory, retiring in 2000.

In addition to his service to our country, Virgil was an active member of our Northwest Florida community. A dedicated member of Fort Walton Beach First Baptist Church, he taught Sunday School, church training, Royal Ambassadors, and was a deacon, serving as chairman of deacons for two terms. Virgil also participated in disaster relief efforts with the Florida Baptist Convention on numerous occa-

sions. In 2007, Virgil was elected to the Fort Walton Beach City Council, where he served faithfully until his passing.

Madam Speaker, on behalf of the United States Congress, I am humbled to recognize Virgil Miller as a veteran, public servant, community volunteer, and loving father and husband. My wife Vicki and I offer our prayers for his entire family, including his wife, Kathy, his children, Michelle, Kristyn, and Randy, his grandchildren, and entire extended family as we remember and honor the life of Virgil Miller. He will be truly missed by all of us.

PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. SMITH of Washington. Madam Speaker, on Monday, February 22, 2010, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 49 (on the motion to suspend the rules and pass H.R. 4425) and "yes" on rollcall vote No. 50 (on the motion to suspend the rules and pass H.R. 4238).

HONORING HUGH GOODWIN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Hugh Goodwin upon being honored with the "Trail Blazers Award" by the African American Museum. Mr. Goodwin will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Mr. Hugh Wesley Goodwin, Sr. was born on May 6, 1921 to James and Anna Goodwin. He was the youngest of seven children. The family settled in Steelton, Pennsylvania where his father worked both as a steel worker and a Baptist minister. Mr. Goodwin served in the military during World War II. Upon his discharge he graduated from Harvard Law School and moved to California to practice law.

Mr. Goodwin was the first African American lawyer and judge in Fresno County. He opened his law practice in Fresno during the early 1950's. In 1957 Mr. Goodwin married Frances Jones. Together they raised four children; Hugh, Paul, Anna and Tom.

Over the next fifty years, Mr. Goodwin continuously advocated for disadvantaged people and challenged the racial boundaries at the time. Through his perseverance and advo-

cacy, he earned a wide range of respect from his peers, as well as members of the community. Mr. Goodwin was very active in the community. He was a member of the Equal Opportunities Commission Legal Council and volunteered at the Fresno Rescue Mission. Mr. Goodwin served as President of the Fresno Black Caucus and President of the West Fresno Little League. After the little league games, Mr. Goodwin would take the scores and highlights to The Fresno Bee to be published in the paper the next day. He was a devout Christian; he attended Second Baptist Church and served many years as a deacon and a Sunday school teacher.

In 1976, Mr. Goodwin was appointed to the municipal court bench in Fresno County. While serving on the bench, he gained national attention when he sentenced convicted defendants to church rather than serving jail time or paying fines. Throughout the controversy, he remained committed to his beliefs. Mr. Goodwin returned to private practice in 1978 and remained practicing until 1996. Mr. Goodwin passed away in 2004.

Madam Speaker, I rise today to posthumously honor Hugh Goodwin. I invite my colleagues to join me in honoring his life and wishing the best for his family.

HONORING SUSANNE SCHOLZ OF  
LAKE COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Susanne Scholz on the occasion of her retirement as executive director of the Lake County Land Trust. Susanne is a tireless advocate for the environmental protection of Lake County who will be missed by everyone in the conservation community.

Mrs. Scholz grew up in Alberta, Canada and received her B.A. with honors in liberal arts from Sonoma State University. She was a founding member of the Lake County Land Trust in 1993 and became executive director in 2000. Mrs. Scholz is an accomplished writer as well; she is a popular local nature columnist who also authored an anthology of poems and short stories. Suzanne is an avid birder and a knowledgeable naturalist whose keen skills of observation have enhanced her connection to the land and ability to serve in her position.

Mrs. Scholz has not only dedicated her professional skills to the conservation movement but her personal time as well. She serves as the membership chair for Redbud Audubon Society and is a member of the Lake County Grading Ordinance Committee, Lake County Resource Advisory Committee for the Secure

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rural Schools Program, and she is a former board member of the Anderson Marsh Interpretative Association.

Madam Speaker and colleagues, it is appropriate at this time that we thank Susanne Scholz for her years of dedication and service on behalf of Lake County. She has been an exceedingly intelligent, reliable and professional executive director of the Land Trust who oversaw a vast expansion of conservation in Lake County. I join her husband Jim in thanking Susanne and wishing her a lifetime of fulfillment.

**RECOGNIZING MICHAEL VARNER  
AS THE ESCAMBIA COUNTY  
TEACHER OF THE YEAR**

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Michael Varner upon receiving the Escambia County, Florida Teacher of the Year Award. For thirty-five years, Mr. Varner has been an inspiration to his students, his colleagues, and his community, and I am honored to recognize his achievements.

After receiving his Bachelor of Science Education Degree and from the University of West Florida, Mr. Varner began his teaching career at J.M. Tate High School in 1975. For thirty-five years, Mr. Varner has been at the vanguard of teaching at Tate. He taught anatomy and physiology for eleven years, botany for ten years, and biology for thirty-five years. He has also worked as a Dual-Enrolled instructor with Pensacola Junior College for fourteen years. Since 2004, he has served as an adjunct professor at PJC. Mr. Varner is a member and a leader of the National Association of Biology Teachers (NABT) and the National Science Teachers Association (NSTA).

Mr. Varner has been widely recognized and honored for his years of teaching the students at Tate High School. He received the Tate Teacher of the Year Award in 1976, 1990, and 2010 and has been nominated twice for the Presidential Award for Excellence in Science and Mathematics Program. From 1998 to 2004, he was a top ten finalist for the NABT Outstanding Biology Teacher in Florida, and in 2005, Mr. Varner earned the NABT Florida Outstanding Biology Teacher Award.

Beyond the awards and the achievements, Mr. Varner is a top-notch teacher and a dedicated public servant. He goes above and beyond the call of duty to serve his students, utilizing real-world techniques to teach them concepts beyond the classroom. His students sign contracts, receive job orders, and earn paychecks for work completed. When the Tate administration was faced with canceling a dual-enrollment biology class because of low enrollment, Mr. Varner volunteered to sacrifice one of his planning periods to teach the class in spite of the cutback. His innovative methods of teaching have been adapted and utilized by dozens of other faculty members.

Mr. Varner's tremendous efforts extend well outside of his biology classroom. He served as

the Senior Executive Board Advisor for nine years, teaching students to lead others and inspiring them to achieve success. He has also served as a scoutmaster, youth and music minister, and a volunteer for Habitat for Humanity and Relay for Life. Mr. Varner is also known as the voice of Tate's band, the Showband of the South, and is commonly viewed as the custodian of the cultural history of Tate High School.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Michael Varner as the Escambia Teacher of the Year. He is a dedicated teacher, an inspiration to his students, and an honorable public servant. Vicki and I wish Mr. Varner, his wife Kathleen, and his sons, Jason and Brian, all the best for the future.

**HONORING AMANDA PRUNTY,  
SAMANTHA O'ROURKE, CEDRIC  
WILSON, AND ALLISON  
MENDITTO FOR WINNING THE  
HONORING OUR FUTURE LEADERS  
COMPETITION**

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge four students in my district, Amanda Prunty, Samantha O'Rourke, Cedric Wilson, and Allison Menditto, from Bay Shore High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Amanda, Samantha, Cedric, and Allison for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

**HONORING WAYNE WERTS**

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Wayne Werts of Auburn, Maine on the occasion of his retirement.

Having served his community for 33 years as a firefighter and an Emergency Medical Technician (EMT), Wayne Werts exemplifies the dedication and perseverance that our country holds in the highest esteem. Wayne joined the Auburn Fire Department on May 2, 1977. As an EMT, Wayne further advanced himself through an Associate's Degree in Fire Science, and then through a Paramedic certification—credentials which helped lead to Wayne being named Auburn Fire Department Chief on March 22, 2001.

In addition to his accomplishments as an active firefighter and EMT, Wayne is a long-standing leader in his community. He served as President of the Auburn Firefighters Asso-

ciation for 6 years and is in his seventh year serving on the Maine Fire Chiefs' Association Board of Directors as the representative for Androscoggin County. For 12 years, he has been appointed by the Governor to serve on the Maine Emergency Medical Services (EMS) Board as the Municipal EMS Provider Representative. In addition, Wayne serves on the Task Force for the All Hazards Training Facilities Study. While Wayne's dedicated leadership will be missed, he leaves a legacy that has increased the effectiveness and strength of his community's safety departments as well as that of the entire State of Maine.

Madam Speaker, please join me in honoring Wayne Werts for his lifelong dedication and service to his community.

**HONORING TIFFANI JONES FOR  
WINNING THE HONORING OUR  
FUTURE LEADERS COMPETITION**

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a student in my district, Tiffani Jones, from Central Islip High School.

Tiffani will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, she wrote her own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Tiffani for her academic and personal achievements and congratulate her upon the receipt of this prestigious award.

**CONGRESSIONAL RECOGNITION  
FOR THE TUCSON RODEO PA-  
RADE—"LA FIESTA DE LOS  
VAQUEROS"**

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the Tucson Rodeo Parade which on Thursday celebrates its 85th anniversary. The Parade Grand Marshall is James "Big Jim" Griffith, beloved storyteller, musician, and folklorist and a Tucson tradition in his own right.

Known as "La Fiesta de los Vaqueros," the parade is a time-honored tradition for thousands of residents and visitors. It is a much-anticipated community event that reminds us of our past as a region shaped by the independence, drive, and determination of cowboys and cowgirls.

The Tucson Rodeo Parade first was held on Saturday, February 21, 1925. Arizona had been a State for only 13 years, and Tucson was still very much a rough and tumble community on the edge of the American frontier. My hometown and home State were very different places 85 years ago. All of Arizona back then had a population smaller than Tucson is today.

The inaugural Rodeo Parade rolled through downtown Tucson the same year the city purchased 1,280 acres on its cactus-studded outskirts for a municipal airport. This swath of desert would, in just a few short years, become the home of Davis-Monthan Air Force Base, one of our Nation's premier military installations.

Prizes for entrants in the first parade, long before air conditioning or the modern supermarket, included a 750-pound block of ice, 100 pounds of potatoes and a "Big Cactus" ham.

This colorful and exciting parade continues today as a kickoff for the Tucson Rodeo. The parade is a salute to southern Arizona's rich ranching history and our community's close ties with Mexico. With the nickname of "La Fiesta de los Vaqueros," the rodeo and the parade are a true "party of the cowboys."

The Tucson Rodeo Parade keeps alive the spirit of that first parade. It long has been known as "The Largest Non-Motorized Parade" in the country and achieves its success through strong community participation and the commitment of the Tucson Rodeo Parade Committee.

The Tucson Rodeo Parade has become such a cherished event that schoolchildren long have been given the day off so they can attend the festivities. In offices and work places all across Tucson jeans and cowboy boots are acceptable attire on parade day.

As a third generation southern Arizonan, I am proud to recognize the Tucson Rodeo Parade on its 85th anniversary and to commend the Tucson Rodeo Parade Committee for sustaining this wonderful tradition.

#### COMMENDING ROBERT BUSHELL

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. LANGEVIN. Madam Speaker, I rise today to commend Robert Bushell, who recently won national recognition from the Reading Recovery Council of North America. Mr. Bushell is currently the elementary education director in my home town of Warwick, Rhode Island.

Mr. Bushell has devoted more than 40 years to public education, including time as principal of Lippitt Elementary School. It was there that he began his involvement with the Reading Recovery program, a short-term program of one-on-one tutoring for first graders struggling with early reading and writing. When training locations for Reading Recovery closed in Rhode Island, Mr. Bushell fought to obtain funding for the construction of a Reading Recovery site in Warwick. Several different school districts in the State now use the Warwick facilities to train in the program.

In addition to securing funds to open up the Reading Recovery location, Mr. Bushell's efforts have paid off with the students themselves. After 20 weeks of 30-minute tutoring sessions with a trained teacher, these students are achieving higher scores on the NECAP (New England Common Assessment Program) and maintaining those scores for years afterwards.

Robert Bushell has richly earned the commendation that the Reading Recovery Council is bestowing upon him. Rhode Island has been lucky to have Mr. Bushell as an educator for over 40 years and to have his support on this educational program for 20 years as well.

Madam Speaker, I ask all my colleagues to join with me in congratulating Robert Bushell and wishing him continued success with the Reading Recovery Program in Rhode Island.

#### HONORING ARIANNA PANTIN AND JANAI CLARK FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge two students in my district, Arianna Pantin and Janai Clark, from Deer Park High School.

Arianna and Janai will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Arianna and Janai for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

#### HONORING THE LIFE OF MICHAEL RICHARD CODEL

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. MORAN of Virginia. Madam Speaker, I rise today to pay tribute to the life of Michael Richard Codel, longtime journalist, Democratic activist and former member of the Peace Corps, who passed away January 13, 2010. Mr. Codel was a resident of Arlington and neighbor and dear friend of my colleague, Representative MIKE PENCE. He was born in Baltimore on April 20, 1939. Prior to graduating from Oberlin with a degree in political science in 1960, he spent many hours at the campus radio station, WOBC Radio. Unbeknownst to him at the time, his hours spent at the WOBC would become a launching pad for the endeavors he would delve into for the duration of his life.

Mr. Codel lived a life that was nothing short of exciting. Following graduation, he worked as a copy boy at the Democratic National Presidential Convention, and shortly thereafter found a post at the Cincinnati Post for a year and a half as a desk reporter. In December of 1962 he traveled to Nigeria to teach English for his Peace Corps assignment. In June of 1963, he transferred to Radio Kaduna TV, where he produced educational TV programs, driving around on a moped with a cameraman and interviewing government officials. Mr. Codel returned to the States in 1964, and took a job as a desk assistant to Howard Cosell.

Longing to return to Nigeria, he landed a job with the AP London office to return to Nigeria, where he was posted in the Congo, instead. For the next few years, Mr. Codel covered a number of coup d'etats in Africa up until 1967. In 1965, on a trip to Congo, Mr. Codel took a picture of a Congolese man rolling up his sleeves. Soon thereafter, this picture was used on all Congolese paper money. After he wrote an article that President Mobutu found displeasing, he was asked to leave the country. But, it was also in the Congo where he met his future wife Birte Nielsen, who was working for the Danish Red Cross at a teaching hospital. Mr. Codel returned to London to work for the AP until 1969. There, his son, Edward Kai Codel was born.

In 1969, he moved his family to Geneva to work for Business International as an associate editor for the Magazine Business Europe covering Africa and Scandinavia. While working for Business International he wrote Sweden: Toward a Post-Industrial Society and Prospects for Business in Developing Africa, and his daughter, Kirsten Roslyn Trego was born. Mr. Codel and his family returned to the United States in 1974, where he worked as a Public Relations specialist for the American Health Care Association. During his time at the AHCA, he wrote the Patients Bill of Rights for nursing home residents. In 1982, Mr. Codel suffered a brain tumor, which left him unable to perform his duties at AHCA, and he became a free-lance writer.

Along with his passion for family, travel, and work, he also had a great love for politics and the political process. He was involved with the Arlington Democratic Committee for many years, campaigning for several County Board members, several Governors of Virginia, and also volunteered under the Carter administration in the White House press section. Michael Codel led a good life and left behind a legacy which will keep him in our hearts forever. He will be greatly missed by many.

#### HONORING SGT. ALAN HAYMAKER

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to honor a fallen hero of Chicago, police Sgt. Alan Haymaker. Alan was killed in the line of duty Sunday night in a tragic car accident while responding to a burglary call. A husband and father of three, Alan was just 56 years old.

Alan was a third generation police officer, but before he was an officer he was a man of the cloth. A graduate of both the Moody Bible Institute and Trinity Evangelical University, he spent the early part of his life as an associate pastor at an evangelical church on the Northwest Side. In 1988, he traded in his robe for a badge, but his faith made him a different kind of police officer.

Alan's commitment to his community never wavered for an instant after he changed career paths. He stood out for letting neighborhood meetings run sometimes hours long just so he could hear from everyone in the room.

Twelve years ago he was promoted to Sergeant, where he mentored countless young officers ensuring that Chicagoans will benefit from his counsel, service and wisdom for years to come.

Today, I offer my deepest sympathy and most profound condolences to the Haymaker family and anyone who ever knew or worked with Alan and grieves his passing. Portage Park and all of us in the 5th district have lost one of our finest. May Sgt. Alan Haymaker rest in peace.

**HONORING ASHLEY MORENO AND JAMILAH LINDO FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION**

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge two students in my district, Ashley Moreno and Jamilah Lindo, from Amityville High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Ashley and Jamilah for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

**PERSONAL EXPLANATION**

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. NADLER of New York. Madam Speaker, I missed one vote on February 23, 2010. I would have voted "aye" on rollcall vote No. 55, final passage of H. Res. 1046.

**HONORING ALFRED MULLER, AROSA ARSHAD, DIMITRI JONES, EBONEE PADILLA, AND ESTEFONIA YACTAYO FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION**

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge five students in my district, Alfred Muller, Arosa Arshad, Dimitri Jones, Ebonee Padilla, and Estefonia Yactayo, from Brentwood High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Alfred, Arosa, Dimitri, Ebonee and Estefonia for their academic and

personal achievements and congratulate them upon the receipt of this prestigious award.

REGARDING: MR. AMIGO 2009,  
VINCENTE FERNANDEZ, JR.

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ORTIZ. Madam Speaker, I rise today to recognize Mr. Vicente Fernandez, Jr., a Mexican Charro, actor and singer, who has been named Mr. Amigo 2009 in Brownsville, Texas, for the Charro Days Fiesta celebration.

Mr. Fernandez has been a lifelong supporter of the Mexican arts and culture through his love for mariachi music as well as being a traditional Charro. These important attributes make him the appropriate Mexican representative for our festivities.

Brownsville, Texas, located in Deep South Texas on the U.S.-Mexico border, is a unique subtropical area of this country—rich in its history and culture. For more than 70 years, this unique celebration, which brings the United States and Mexico together during the week-long events, has continued to attract thousands of people to the Rio Grande Valley.

Mr. Amigo, who has to be a Mexican citizen who has done extensive work in the arts and culture while promoting the bi-cultural, bi-literate, and bi-national efforts of the United States and Mexico, is the attraction of the week-long festivities.

Mr. Vicente Fernandez, Jr., son of the renowned Mr. Vicente Fernandez, an iconic Mexican singer, grew up close to the spotlight seeing his father sing and perform. At a young age, Mr. Vicente Fernandez, Jr. appeared onstage as a performer at the Teatro Blanquita in Mexico City. He went on to later appear and perform at the El Million Dollar Show in Los Angeles, California.

He has appeared in numerous Mexican films with his father, and together they have recorded several albums, including "El Mayor de los Potrillos" in 2001 and "Vicente Fernandez hijo con Mariachi" in 2002.

In 2006, Mr. Vincent Fernandez, Jr., debuted in Mexico with his show of horses that are trained to gallop while he sings and the mariachi band plays.

In 2009, he fulfilled one of his dreams, showcasing his music at a sold out Palacio de los Deportes, an indoor sports complex in Mexico City, where he sang and performed.

I am humbled that Mr. Vicente Fernandez, Jr., a proven Mexican ambassador of the arts and culture, was able to join our community of Brownsville to celebrate the Charro Days Fiesta.

I ask my colleagues to join me in recognizing the work, leadership, vision and efforts of Mr. Vicente Fernandez, Jr., to promote the arts and culture, which make him an extraordinary Mr. Amigo 2009.

**INTRODUCTION OF THE UNITED STATES PAROLE COMMISSION AUTHORIZATION ACT OF 2010**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Ms. NORTON. Madam Speaker, today, I introduce the United States Parole Commission Authorization Act of 2010 to permanently authorize the United States Parole Commission (USPC). This bill is intended to prevent a replay of a narrowly averted catastrophe in 2008, when Congress nearly failed to temporarily reauthorize the USPC before its authorization expired. Since 1992, Congress has temporarily reauthorized the USPC five times. Now that the USPC has continuing responsibilities for Federal and District of Columbia Code Offenders, it is important to stabilize this important public safety agency with the same kind of authorization as other Federal law enforcement agencies.

The first three-year reauthorization of the USPC began when the Sentencing Reform Act of 1984 (SRA) abolished Federal parole and replaced it with determinate sentencing, requiring a sentencing judge to impose a fixed term of supervised release that is served by offenders after completing their prison terms. In order to accommodate Federal offenders convicted of crimes while parole was still in effect, the SRA called for the USPC to remain in existence until November 1, 1992, and the USPC has been temporarily reauthorized five times since then. Today, the agency grants, denies or revokes parole from Federal offenders who are not otherwise ineligible for parole, and makes determinations regarding supervised release for others.

The USPC, however, has had important new responsibilities for more than 10 years. To help alleviate a serious financial crisis in the District of Columbia, and at the city's request, the National Capital Revitalization and Self-Government Improvement Act (Revitalization Act) transferred the responsibility for, and the costs of, certain state functions from the District to the Federal Government, including the transfer of responsibility for D.C. Code Offenders from the D.C. Board of Parole to the USPC. The Revitalization Act also eliminated parole in the District, and instituted the District's version of determinate sentencing, similar to the Federal system. The USPC's duties with respect to D.C. Code Offenders vary according to the date on which the crime at issue was committed. For D.C. Code Offenders who committed crimes before August 5, 2000, and are not otherwise eligible for parole, the USPC is currently responsible for granting, denying or revoking parole, and making determinations regarding supervised release. For D.C. Code Offenders who committed crimes after August 4, 2000, and who are sentenced to a determinate sentence of imprisonment followed by a term of supervised release, the USPC is responsible for making determinations regarding supervised release.

The USPC also has other ongoing duties. These responsibilities include granting or denying parole for United States citizens convicted of crimes in a foreign country who elect

to return to the United States to complete their sentences, parole-related functions for certain military and state offenders, and decision-making authority over state offenders who are on state probation or parole and are transferred to Federal authorities under the witness security program.

Today, however, most of the USPC's day-to-day work involves District of Columbia Code Offenders. As of September 2009, the USPC had or will have responsibility for approximately 2,500 Federal offenders and approximately 9,500 D.C. Code Offenders. Eventually, the USPC will have jurisdiction over almost no Federal offenders, but will continue to have jurisdiction over D.C. Code Offenders.

There are two primary reasons for permanently extending the life of the USPC. First, as then-Attorney General Ashcroft reported to Congress in 2002, "there is no District of Columbia or federal agency, other than the USPC, with the staff, procedures, and infrastructure in place to effectively assume the functions of the USPC." And, as Edward F. Reilly Jr., then-Commissioner of the USPC similarly pointed out in his 2008 statement before the Subcommittee on Crime, Terrorism and Homeland Security, there is no other entity with the statutory authority to do so.

Second, and most important, the failure to extend the life of the USPC raises serious due process and ex post facto issues for offenders. In addition to its other provisions, the SRA requires the USPC, before its expiration, to schedule a release date for all parole-eligible offenders. Thus, without an extension, the USPC would be required under federal law to set release dates for all parole-eligible Federal prisoners, within 3 to 6 months before its expiration, or face due process challenges for a failure to set such release dates. This requirement could mean an arbitrary adjustment of prisoners' release dates, as well as the stripping of inmates of their right to contest their release dates, to periodic review and modification of those release dates, and to an earlier release date, after the USPC went out of existence.

This issue has already arisen. In a case before the Federal Third Circuit Court of Appeals in 2008, the petitioner argued that with the expiration of the USPC at the end of that year, and the "winding up" provision in the SRA requiring the USPC to set a release date for offenders within 3 to 6 months before the USPC's expiration, the USPC's decision to set a reconsideration hearing date instead of a release date violated the SRA. In response, the U.S. Attorney did not refute this claim but argued that Congress would likely extend the USPC, rendering moot the petitioner's claim that his right to the setting of a firm parole release date before the USPC's expiration had been violated. The Third Circuit then directed the U.S. Attorney to provide information regarding the pending expiration of the USPC and the likelihood of its extension. Responding to this directive, the U.S. Attorney argued that the costs of failure to reauthorize the USPC were so high, and the constitutional issues so serious, that reauthorization was essentially guaranteed. "Congress itself has expressed concern over potential ex post facto problems that a failure to authorize might create," the U.S. Attorney wrote, relying on language from

the legislative history of the Parole Phaseout Act of 1996. "'Constitutional requirements, specifically the ex post facto clause, necessitate the extension of the commission or the establishment of a similar entity authorized by statute to perform its functions.'"

The Third Circuit crisis in 2008 led Congress to reauthorize the USPC just in time, but only for another 3 years. The ordeal dealt a serious blow to the USPC. This year, we seek to obtain reauthorization not only well ahead of time, but to avoid a ritualistic reauthorization of a permanent law enforcement agency every 3 years. It will be particularly important to bear in mind that the close call the USPC had in the Third Circuit, could be repeated in the other 11 circuits. It is clear that a timely, simple reauthorization would have been beneficial to all concerned—the USPC, Congress, and the courts. I ask Congress to permanently extend the USPC to ensure the smooth and constitutional operation of the Federal and District of Columbia criminal justice systems.

HONORING VALERIE KUTZLER  
AND AUDREY ZAMICHAW FOR  
WINNING THE HONORING OUR  
FUTURE LEADERS COMPETITION

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge two students in my district, Valerie Kutzler and Audrey Zamichaw, from East Islip High School.

Valerie and Audrey will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Valerie and Audrey for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

HONORING CONGRESSMAN  
CHARLIE WILSON

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today in honor of Congressman Charles Wilson, who passed away on February 10th, 2010. Representative Wilson was a great statesman who served the 2nd Congressional District in Texas from 1972–1996.

Charles was born in a small town in Texas, where he developed a deep sense of pride as a Texan and a strong dedication to the American way. As a young man he served in the United States Navy where he rose through the ranks and was given the privilege to serve as part of a Soviet Union nuclear intelligence unit based out of the Pentagon. While serving in the military, 27-year-old Charles was able to effectively run for and win the office of State Representative in his native Texas. This

began a 12-year political career in Texas that earned him the nickname "liberal from Lufkin".

In 1972, Wilson was elected to the U.S. House of Representatives, where he became most recognized for his role in the dismantling of the communist Soviet Union's occupation of Afghanistan. He deeply believed in the sovereignty of the Afghani people and was able to use his influence on the House Appropriations Subcommittee on Defense to help provide the funding for their liberation. Although the media has primarily focused on his accomplishments abroad, Charles always maintained Lufkin, Texas as one of his number one priorities. Some of his greatest domestic accomplishments include the creation of the 100,000-acre Big Thicket National Preserve and the Lufkin VA Hospital.

Madam Speaker, Charles Wilson was a political giant who brought his Texas-sized gusto for democracy and his passion for serving the American people to our Nation's capitol. He will be greatly missed not only by his wife and sister, but by the American people.

HONORING CHRISTINA CAPUTO  
FOR WINNING THE HONORING OUR  
FUTURE LEADERS COMPETITION

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a student in my district, Christina Caputo, from Half Hollow Hills West High School.

Christina will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, she wrote her own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Christina for her academic and personal achievements and congratulate her upon the receipt of this prestigious award.

RECOGNIZING GREG FIRST OF  
ZEPHYRHILLS, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Greg First of Zephyrhills, FL. For most of his life, Greg has been a faithful servant to his community, volunteering himself to many causes which have helped to enrich the lives of many.

Born to Jimmy and Mary First in Bedford, Ohio, Mr. First moved to Zephyrhills with his family at the age of ten. After graduating from Zephyrhills High School, he attended the University of Maryland and served in the United States Air Force from 1968 to 1972.

Mr. First has volunteered himself, quite literally, having donated a total of 16 gallons of blood while Director of Public Relations for Blood Net, in addition to volunteering for

Meals on Wheels, Relay for Life, and a local hospice. He has kept up the spirits of Zephyrhills residents as an announcer for Main Street parades and high school football games. A three-time president of the Chamber of Commerce, Mr. First has been a Christian Radio DJ, a lifetime Am Vet member, and he even started his own local news website, "What's Up Zephyrhills?"

Madam Speaker, on February 26, the city of Zephyrhills will honor Greg's achievements. I ask you to join me today to honor him on the floor of the House. May we all give back to our communities as much as Mr. First has.

#### PERSONAL EXPLANATION

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall votes on February 23, 2010. I would have voted as follows:

Had I been present on rollcall No. 51: "yes"; rollcall No. 52: "yes"; rollcall No. 53: "yes"; rollcall No. 54: "yes"; rollcall No. 55: "yes."

HONORING EMILY SMITH, ALDA YUAN, JAIME ZAHL, ALYSSA GRIFFIN, AND STEPHANIE SCHNEIDER FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge five students in my district, Emily Smith, Alda Yuan, Jaime Zahl, Alyssa Griffin, and Stephanie Schneider, from Islip High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Emily, Alda, Jaime, Alyssa, and Stephanie for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

#### HONORING DOLPHAS TROTTER

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Dolphas Trotter upon being honored with the "Trail Blazers Award" by the African American Museum. Mr. Trotter will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Mr. Dolphas Trotter was born in 1940 in Idabel, Oklahoma. In 1945 the Trotter family moved cross-country and settled in Southwest Fresno, California. Mr. Trotter attended Washington Union High School where he played football. During his senior year, he participated in the annual Fresno City-County All-Star game, which earned him a football scholarship to College of the Pacific, now today as University of the Pacific. Mr. Trotter graduated in 1962 with a Bachelor's degree and returned to Fresno and began working for Fresno County Department of Social Services.

Shortly after his return to Fresno, Mr. Trotter was drafted into the United States Army and was honorably discharged in 1969. This experience affirmed his belief in the value of education and community. When he returned to Fresno from his military service, he began a career in education. The first of many positions Mr. Trotter held in education was at Franklin Elementary School as a fifth grade teacher. He moved on to teach at Edison High School, where he later became the Vice Principal and the first African-American Principal of the school. Mr. Trotter had a successful career in the Fresno school system including serving as Principal at Tioga Middle School and Cooper Middle School. For a brief time he served as the first African-American Interim Superintendent of the Fresno Unified School District and then served as the Superintendent at New Millennium Charter Schools.

Mr. Trotter was also a firm believer in community service. He sat on many boards and worked with many organizations, including the African American Historical and Cultural Museum Board of Directors, the Association of California School Administrators, Cedar Vista Hospital Advisory Board, Channel 24 Portrait of Success Board member, National Alliance of Black School Educators, State Center Community College Foundation and Washington Union School Board. For his service to these organizations Mr. Trotter has received many accolades.

Mr. Trotter and his wife met while working at the Fresno County Department of Social Service. They were married in 1972 and raised four children, including two adopted daughters. Mr. Trotter passed away on March 18, 2009. He was a strong advocate and will be remembered as an inspirational role model for the people of Fresno, and the residents of Southwest Fresno.

Madam Speaker, I rise today to honor the life of Dolphas Trotter. I invite my colleagues to join me in honoring his life and wishing the best for his family.

#### PERSONAL EXPLANATION

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. SMITH of Washington. Madam Speaker, on Tuesday, February 2 and Wednesday, February 3, 2010, I was unable to be present for votes while I was attending to a health-related matter.

Had I been present on Tuesday, February 2, 2010, I would have voted "yes" on rollcall

vote No. 26 (on the motion to suspend the rules and pass H.R. 4495), "yes" on rollcall vote No. 27 (on the motion to suspend the rules and agree to H. Res. 957), and "yes" on rollcall vote No. 28 (on the motion to suspend the rules and agree to H. Res. 1014).

Had I been present for votes on Wednesday, February 3, 2010, I would have voted "yes" on rollcall vote No. 29 (on ordering the previous question on H. Res. 1051), "yes" on rollcall vote No. 30 (on agreeing to H. Res. 1051, the rule providing for consideration of H.R. 4061), "yes" on rollcall vote No. 31 (on the motion to suspend the rules and agree to H. Res. 1043, as amended), "yes" on rollcall vote No. 32 (on the motion to suspend the rules and agree to H. Res. 901, as amended), and "yes" on rollcall vote No. 33 (on the motion to suspend the rules and agree to H. Res. 1044, as amended).

HONORING LINDSEY LEFEBER FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a student in my district, Lindsey Lefebber, from Northport High School.

Lindsey will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, she wrote her own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Lindsey for her academic and personal achievements and congratulate her upon the receipt of this prestigious award.

RECOGNIZING HONDA'S MANUFACTURING COMMITMENT TO THE UNITED STATES

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the extraordinary commitments made by Honda over the last three decades to create jobs and expand its solid manufacturing base in Ohio and throughout the nation.

In 1979, Honda opened manufacturing operations in the United States with small-scale production of dirt bikes in Marysville, Ohio. From that initial footprint, Honda has grown into one of our nation's most important job creators, with nine manufacturing and thirteen research and development facilities located across the nation. Honda directly employs roughly 27,000 Americans—15,000 in my home state alone.

With so much focus on jobs moving overseas, Madam Speaker, it is often too easy to overlook the value and importance of direct foreign investment in this nation. The more than \$12 billion invested by Honda in the



United States—with \$7 billion of that invested in Ohio alone—supports not only those 27,000 employees but also more than 340,000 others employed at Honda suppliers, dealers, and servicers nationwide.

Honda was the first Asian automaker to build products in the U.S., recognizing the value of siting manufacturing plants in sales markets. Since 1996, three in four Honda and Acura automobiles sold in this country have been manufactured in North America. The company's total U.S. auto production reached one million in 2007—with 700,000 produced at Ohio's Honda plants.

Three communities in my district are home to major Honda facilities. More than 2,750 are employed in Anna, which produces engines, driveshafts, and brake components. The transmission manufacturing facility in Russells Point employs an additional 1,050. The 2,500 workers at the plant in East Liberty assemble the Crosstour, CR-V, and Element. Thousands more in my district work at the dozens of companies of all sizes that provide parts to these facilities.

Madam Speaker, direct foreign investments in the U.S. put more Americans to work and strengthen our manufacturing base. Especially in these tough economic times, I am proud of the strong role that Honda plays in the U.S. and Ohio. I applaud everyone at the company on its distinguished record of manufacturing quality, corporate citizenship, and job creation over the last 30 years.

#### HONORING THE 68TH ANNIVERSARY OF EXECUTIVE ORDER 9066

##### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Ms. MATSUI. Madam Speaker, I rise today to recognize February 19, 2010 as a day of remembrance, on the occasion of the sixtieth anniversary of Executive Order 9066.

February 19th will forever be a reminder of the injustice and racial prejudice of World War II internment. This day marks the anniversary of a momentary erosion of America's core principles—a time when over 120,000 Americans were denied their civil rights and imprisoned against their will. At the same time, this anniversary represents our nation's incredible ability to reaffirm our commitment to protecting the freedoms of all Americans.

Following the 1941 attack on Pearl Harbor, our government succumbed to apprehension and hysteria by targeting many of its own citizens who had nothing to do with the attacks. Executive Order 9066, which was neither justified nor necessary, was issued as a way to assuage growing fears that Japanese-American citizens constituted a threat to national security. This unfortunate decision was shaped by panic and prejudice, and demonstrated that courageous political leadership in this most trying of times was lacking. By commemorating and remembering the failure of our government to uphold the Constitutional rights guaranteed to every American, future generations will hopefully avoid repeating these past mistakes.

Over 120,000 Americans of Japanese ancestry were sent to internment camps and wrongly imprisoned. And though our country's participation in World War II may have ended in triumph, the mistreatment of Japanese, Italian, and German Americans cannot be excused.

In the decades following Executive Order 9066, we have taken several substantial steps to study, remedy, and learn from the negative legacy of the internment while preserving the heritage of those affected. The directive was officially repealed in 1976, and a commission was formed to study the impact of relocation on Japanese Americans. In 2008, we celebrated the twentieth anniversary of the Civil Liberties Act, which was a major step forward in righting the wrongs perpetrated during this difficult period in our nation's history. It is for these reasons that I rise today to call on all Americans to reaffirm our commitment to inalienable, constitutionally-provided rights. This dark period in our history must always be remembered critically, while also appreciated, as a symbol of our ability to acknowledge and rectify mistakes. As I look back to this time in our nation's history and see how far we have come in the intervening years, I see great hope for our future.

#### HONORING COREY ANDERSON FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

##### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a student in my district, Corey Anderson, from Sayville High School.

Corey will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, Corey wrote a personal rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Corey for outstanding academic and personal achievements and congratulate Corey upon the receipt of this prestigious award.

#### RECOGNIZING DON ANDERSON

##### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. LATHAM. Madam Speaker, I rise today to honor the Boone, Iowa Police Department's Assistant Chief, Mr. Don Anderson, who, with over three decades of law enforcement service to his community, will officially retire on March 1, 2010.

Assistant Chief Anderson graduated from Boone High School in 1973 and shortly thereafter joined the United States Army. Following six years of service as a military policeman with the Army, he returned to Boone and joined the police force in July of 1979. After serving six years as a desk officer and taking criminal justice classes at the Des Moines

Area Community College Boone Campus, Mr. Anderson became a patrolman. In 1993 he was promoted to captain, and by 2002 Mr. Anderson had ascended to Assistant Chief of the Boone Police Department.

In addition to keeping the streets of Boone well protected, Assistant Chief Anderson has been a key figure in various local outreach projects, including the "Shop with a Cop" and "Safety Pup Officer" programs, which have helped educate the community about law and safety related issues.

With his retirement from the Police Department, Assistant Chief Anderson plans on spending more time with his wife, Maria, as well as his children and grandchildren. In true devotion to his community, even in retirement, Assistant Chief Anderson plans to work part-time for the Boone County Attorney's Office.

Madam Speaker, it is individuals like Don Anderson who exemplify the dedication and willingness to serve that keep our nation running safe and strong. I sincerely appreciate the work Assistant Chief Anderson has done and I am proud to serve him, his family and his fellow law enforcement colleagues in the United States Congress.

#### EARMARK DECLARATION

##### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Department of Defense Appropriations Act, 2010, H.R. 3326.

Congressman RODNEY ALEXANDER

H.R. 3326

RDTE, AF

Louisiana Tech University, 700 W. California Ave, Ruston, LA 71272

Remote Language—Independent Suspect Identification \$2,560,000. Louisiana Tech University seeks funding for research in remote language-independent suspect identification. Our researchers have developed technologies that use mathematical models for identity verification. Aspects of this work have been commercialized in the private sector. The University has worked with the Air Force and industry partners in further development of the algorithms and software for military applications. These funds will support our faculty and partners identified by the Air Force in extending the development of these algorithms.

Congressman RODNEY ALEXANDER

H.R. 3326

RDTE, A

Pennington Biomedical Research Center, 6400 Perkins Rd., Baton Rouge, LA 70808

Military Nutrition Research: Four Tasks to Address Personnel Readiness \$800,000. Provide ongoing research to continue the Army's responsibility for military nutrition research across all branches of military service. The work focuses on the improvement of health and performance of the American Armed Forces.

Congressman RODNEY ALEXANDER

H.R. 3326

RDTE, N

C&C Technologies, Inc. 730 E Kaliste Saloom Rd., Lafayette, LA 70508

Semi-Submersible UUV for Sensor Enhancements \$1,400,000. The ideal vehicle for providing risk reduction for technology and operations is the unmanned semi-submersible vehicle. Rather than requiring costly and complex acoustic navigation and telemetry systems, semi-submersible unmanned vehicles may be integrated with standard GPS and radio communication systems. This project also supports NOAA's Office of Ocean Exploration.

Congressman RODNEY ALEXANDER

H.R. 3326

RDTE, N

QinetiQ-North America, 40201 Highway 190 East, Slidell, LA 70461

Sonobuoy Wave Energy Module (SWEM) \$800,000. The Naval Air Systems Command (NAVAIR) is currently seeking alternatives to batteries as long-term energy sources for long life environmental and anti-submarine warfare sonobuoys. SWEM technologies have near term application to NAVAIR's Sensor for Environmental Assessment buoy project as well as to a wide range of evolving sonobuoy types and classes. SWEM power modules enable longer term, continuous operation of systems without battery replacement.

MICHAEL G. RIPPE

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. MACK. Madam Speaker, I rise today to honor Mr. Michael G. Rippe and the renaming of the Metro Parkway Extension in Fort Myers to the Michael G. Rippe Parkway.

Mr. Rippe earned a Bachelor of Science degree in Mining Engineering Technology from the West Virginia Institute of Technology. He joined the Florida Department of Transportation in August 1989. From 2000–2004, he served as the Director of the Southwest Area Office. Throughout this time, Mr. Rippe was an integral part in keeping Florida's roads safe and efficient.

In 2004, Mr. Rippe was appointed Director of Transportation Development for Florida Department of Transportation, District One. His work contributed to the development of many roads and bridges in Southwest Florida. Mr. Rippe's contributions to the Department of Transportation have been a huge asset for my district and the entire state of Florida.

Throughout his career, Mr. Rippe had worked closely on many major highway and bridge projects. He assisted in resolving various design and construction issues with local government and private citizens. His work on U.S. 41 projects accelerated job schedules and saved millions of taxpayer dollars.

I would like to recognize Mr. Rippe for his numerous contributions to the citizens of Lee County, and I speak on behalf of all Floridians when I say that we are proud of his accomplishments. I strongly support renaming the Metro Extension Parkway in Lee County, Florida to the Michael G. Rippe Parkway.

Thanks to Mr. Rippe's commitment, the citizens and visitors of Southwest Florida will benefit from his lasting legacy of safe, modernized roads for many years to come. Madam Speaker, it is a true honor to represent dedicated public servants like Mr. Rippe in Congress.

CELEBRATING THE LIFE OF HARLEM'S BELOVED JAMES E. BOOKER, SR. FONDLY KNOWN AS THE DEAN OF BLACK JOURNALISTS & FORMER SPECIAL ADVISOR TO PRESIDENT LYNDON BAINES JOHNSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. RANGEL. Madam Speaker, I rise with great pride, admiration and sadness as I pay tribute to my dear friend and life-long buddy, Brother James E. Booker, Sr., as we celebrate the passing of one of Harlem's greatest National Correspondents and Political/Community News Columnists at Bethel African Methodist Episcopal Church in Harlem.

As I speak with profound honor and respect for my friend Jimmy, I ascend to celebrate a life well-lived and to also remember the many journalistic professional accomplishments of this remarkable man. Always dressed in his signature bowtie look, Jimmy Booker penned his name in history. He was the classic newspaperman, a writer with a remarkable flare for accuracy, integrity and style. Jimmy's columns, "The Uptown Lowdown" and "Top Drawer Stuff," were informative, edgy and insightful capturing unfolding stories about Harlem, Black New York. City Hall, Albany and our Nation's Capital.

James E. Booker, Sr., was born in Riverhead, New York to Fletcher and Elizabeth Booker on July 16th, 1926. He was reared, attended school, and worked on his father's farm in Riverhead, New York. In 1948, Booker graduated from Howard University in Washington, DC, with a Bachelor's in Arts in Journalism, and then moved to New York City to begin a career in Journalism working as a reporter for the Amsterdam News in Harlem. In 1950, he served in the United States Army during the Korean War. He later returned to his job as a Journalist with the New York Amsterdam News.

Jimmy referred to his 16 years at the Amsterdam News, where he eventually became Executive Editor, the most exciting of his journalistic career. He traveled the country, interfacing with such notables as the Rev., Dr. Martin Luther King Jr., Harlem Congressman Adam Clayton Powell, National Urban League Director, and Whitney M. Young, all of whom he developed a first name relationship with.

On December 22nd, 1956, he married the former Jeanne Carol Williams, in New York, and moved to the newly erected Lenox Terrace, where he lived for the remainder of his life. In 1964, the couple had a son, James E. Booker Jr. (Reverend James E. Booker, Jr.). In 1966, Jimmy took his family to Washington, DC, to work as Special Advisor to President

Lyndon Baines Johnson. In 1968, Jimmy returned home to Harlem, and opened up his own public relations business, "James E. Booker Associates" on 527 Madison Avenue in New York City.

Jimmy leaves behind a great written legacy of stories, history, adventure, and legendary achievements that will continue to uplift all of our African American families to the highest levels of advancements. Jimmy's story includes some of the most important historic episodes of the 20th century. When Fidel Castro arrived in Harlem in 1960, Jimmy Booker was there, interviewing the young Cuban for one hour at the famed Theresa Hotel. Figures like Malcolm X, Dr. Martin Luther King, Jr., Congressman Adam Clayton Powell, Jr. and National Urban League founder, Whitney M. Young.

Even the notorious Bumpy Johnson who ruled the streets of Harlem did not escape the pen. Jimmy knew first hand how dangerous a man he was. "He put a gun to my head and told me he didn't like what I had been writing," Booker once told a group of friends one night at the Theresa Hotel where he frequented, amusing listeners with many incredible tales.

He covered us many times, Percy Sutton, Basil Paterson and David Dinkins, the infamous Gang of Four with those same remarkable attributes that made us so revered in his famous national and local weekly columns. He served the cause of justice by covering the biggest stories of the Civil Rights Movement, giving the world insight on groups like the NAACP and the Black Panthers Party.

For years his column in the Amsterdam News was chocked full of tidbits and gossip about Harlem, the kind of "who shot John" stuff that never failed to keep readers' attention. Later, during his tenure at the New York Beacon, he maintained his tireless contact with every facet of the community's activities, roving from board meetings, to funerals, to rallies, to wherever the action was. Booker's Columns were published weekly in many independent and syndicated news and community publications including: "The Afro Times," "The Daily Challenge," "Big Red," and "The Twilight."

Jimmy was also a very close advisor to many politicians, activist and community organizations, past and present, including Lloyd E. Dickens, "The Fox" J. Raymond Jones, Fred E. Samuels, Professor Preston Wilcox, Dr. John Henrik Clarke, Edward Fordham, Inez E. Dickens, Keith L.T. Wright, C. Virginia Fields, Hazel N. Dukes, Dr. Annie B. Martin and the NAACP to name just a few.

Jimmy was also fond of Harlem's Nightlife where he covered many luminaries, entertainers and personalities like Count Basie, Billy Eckstine, Sammy Davis, Jr., Charles Honi Coles, Leroy Myers, Gregory Hines, Pop Brown, George Benson, Nat Davis, Irene Reid, Jimmy "Preacher" Robins, Gloria Lynne, Savion Glover and the Prince of Harlem, Lonnie Youngblood, at the Theresa Hotel and later at Harlem's famous Showman's Jazz Café. Mr. Booker held court on a regular basis with his longtime friends Al Howard, Mona Lopez, Diamond Lil Pierce, Tanya Alfonso, Ida Fernandez, and members of "The Showman's Elites" and "The Disciples."

He will long be remembered for his extraordinary commitment, humor, liveliness, energy,

wisdom, discipline, principle and clear purpose which won the admiration of all who were privileged to come to know and work with him during his distinguished career. Jimmy E. Booker, Sr. was called home on Friday morning, February 5th, and his home going services took place on February 9th, at Harlem's historic Bethel African Methodist Episcopal Church, which was a major stop on the Underground Railroad.

Madam Speaker, I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration. Though Jimmy is no longer with us, we will continue to keep his memory alive in our hearts and minds, and continue to honor his legacy with our advocacy for the issues he cared about the most. We are all blessed to have known, Jimmy E. Booker, Jr., a titan of a man who witnessed history with a pen that gave us all life.

#### HONORING HUGH GOODWIN

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor Hugh Goodwin upon being honored with the "Trail Blazers Award" by the African American Museum. Mr. Goodwin will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Mr. Hugh Wesley Goodwin, Sr. was born on May 6, 1921 to James and Anna Goodwin. He was the youngest of seven children. The family settled in Steelton, Pennsylvania where his father worked both as a steel worker and a Baptist minister. Mr. Goodwin served in the military during World War II. Upon his discharge he graduated from Harvard Law School and moved to California to practice law.

Mr. Goodwin was the first African American lawyer and judge in Fresno County. He opened his law practice in Fresno during the early 1950's. In 1957 Mr. Goodwin married Frances Jones. Together they raised four children; Hugh, Paul, Anna and Tom.

Over the next fifty years, Mr. Goodwin continuously advocated for disadvantaged people and challenged the racial boundaries at the time. Through his perseverance and advocacy, he earned a wide range of respect from his peers, as well as members of the community. Mr. Goodwin was very active in the community. He was a member of the Equal Opportunities Commission Legal Council and volunteered at the Fresno Rescue Mission. Mr. Goodwin served as President of the Fresno Black Caucus and President of the West Fresno Little League. After the little league games, Mr. Goodwin would take the scores and highlights to The Fresno Bee to be published in the paper the next day. He was a devout Christian; he attended Second Baptist Church and served many years as a deacon and a Sunday school teacher.

In 1976, Mr. Goodwin was appointed to the municipal court bench in Fresno County. While

serving on the bench, he gained national attention when he sentenced convicted defendants to church rather than serving jail time or paying fines. Throughout the controversy, he remained committed to his beliefs. Mr. Goodwin returned to private practice in 1978 and remained practicing until 1996. Mr. Goodwin passed away in 2004.

Madam Speaker, I rise today to posthumously honor Hugh Goodwin. I invite my colleagues to join me in honoring his life and wishing the best for his family.

#### RESOLUTION AUTHORIZING THE USE OF EMANCIPATION HALL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO THE WOMEN AIRFORCE SERVICE PILOTS

#### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution authorizing the use of Emancipation Hall for the presentation of the Congressional Gold Medal to the Women Airforce Service Pilots.

As Chair of the House Armed Services Subcommittee on Military Personnel and Co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to honor these women who, almost 70 years ago, became pioneers for women's equality in the Armed Forces.

And now, on March 10, 2010, we will honor their legacy as the first female aviators in American military history with the award of the Congressional Gold Medal.

The Women Airforce Service Pilots are referred to as the WASPs.

Unlike many acronyms used in the military, this is an apt name.

Like wasps, their work demanded a unique combination of feistiness and strength, underlined by loyalty to their fellow WASPs and their country.

I am astounded by their tenacity and their bravery.

And yet, despite that dedication, these women have encountered difficulties in being recognized for their service.

This ceremony will be an illustrative example of our indebtedness to their service, and I hope all of my colleagues will join me in thanking the WASPs.

This group of unsung heroines demonstrates the courage of servicewomen in the past, the integrity with which women serve today, and the enthusiasm of the young women who dream of serving this great nation in the future.

I am therefore honored to ask for authorization for the use of Emancipation Hall for the Congressional Gold Medal ceremony.

#### TRIBUTE TO DIANE BERRY CAVES

#### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. WAMP. Madam Speaker, our nation lost an extraordinary public servant on January 12, 2010, when a catastrophic earthquake devastated the island nation of Haiti. Diane Berry Caves died tragically in Port-Au-Prince helping others in the impoverished country through her work at the U.S. Centers for Disease Control and Prevention. Her life and her dedication to public service are an example and high standard for us all.

This remarkable young woman accomplished more in her 31 years than many people contribute in a lifetime. A devoted wife, daughter and sister, Diane dedicated her life to helping those less fortunate. Her professionalism and commitment to improving the world around her was recognized twice with outstanding service awards. In 2008, Diane was awarded the Public Administration Achievement Award from the Andrew Young School of Policy Studies, one of the country's best policy schools. Last year, Diane was chosen from 6,000 other Federal workers and honored as the Atlanta Federal Executive Board Employee of the Year.

Diane grew up in the heart of my congressional district and graduated from Oak Ridge High School, where teachers remember her as an outstanding student and her classmates described her as adventurous. In addition to her work at the CDC and graduate studies at Georgia State University, Diane furthered her thirst for knowledge through book clubs and even found time to hike both the Andes Mountains and European Alps. There is no doubt, Diane's work ethic and zest for life left a lasting impression and inspired those around her.

The void she leaves in public health, outreach and volunteerism will be felt far beyond the CDC in Atlanta and her hometown of Oak Ridge, Tennessee. May Diane's family be comforted by her memory and may her extraordinary legacy serve as an example to others.

#### LOW-INCOME HOUSING TAX CREDIT EXCHANGE EXPANSION AND JOB CREATION ACT OF 2010

#### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the "Low-Income Housing Tax Credit Exchange Expansion and Job Creation Act of 2010," legislation combating the housing and unemployment crises.

The Low-Income Housing Tax Credit is the nation's largest and most successful affordable rental housing production program. It has financed more than two million homes since 1987 and about 120,000 annually in recent years. This program provides tax credits to developers who agree to build or rehabilitate affordable housing. It includes both "9 percent"

credits, which state housing finance agencies can allocate in amounts up to a state-level ceiling, and "4 percent" credits, which are available to all developers who receive allocations of tax-exempt bonds to build rental housing.

The American Reinvestment and Recovery Act (ARRA) of 2009 contained a provision that enabled the temporary exchange of unusable low-income housing credits. This exchange has enabled more than 600 affordable housing developments to proceed around the country, providing affordable homes to more than 30,000 low-income families and creating more than 35,000 jobs. The ARRA provision allowed investors to exchange low-income housing credits for grants at 85 percent of the value of the credits at virtually no cost to the federal government. Unfortunately, this provision only applied to 9 percent housing credits.

My legislation would expand this temporary credit exchange opportunity to include 4 percent credits. In 2007, prior to the financial markets crisis, states partnered with private developers using 4 percent housing credits to create nearly 70,000 rental homes affordable to low-income working Americans and 85,000 housing-related jobs. In 2008 and 2009, the number of affordable homes and jobs produced by the 4 percent credit program fell by nearly 50 percent as capital available for investment disappeared.

I am introducing this bill because our country cannot afford to let this valuable 4 percent tax credit program fall into disuse due to the economy's downturn at a time when our country is in desperate need of more jobs and more affordable places for low-income families to live. Providing a safe and stable home gives families the critical foundation to find employment, get an education, and play an active role in their communities. Passage of this bill will allow cost effective investments leading to both more jobs and more housing for low-income working Americans and benefit our communities for years to come.

I hope that you will join me in supporting this legislation.

A TRIBUTE TO JOHN M.  
HITCHCOCK

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to honor John M. Hitchcock, who will be retiring as Executive Director of Hillside's Home for Children in March 2010.

John M. Hitchcock was born in New York, NY on April 23, 1940. He received his BA in Math and Chemistry from the University of Michigan in 1963 and his MA in Social Work from Wayne State University in 1965. John and his wife, Ida, have been married for over 40 years and reside in Pasadena. The Hitchcocks have two sons, David and Bob, and one granddaughter, Kate.

In 1971, John joined Hillside's Home for Children as Assistant Director and then became Executive Director and President of Hillside's Education Center in 1981. Since then,

John has been responsible for the overall operation of Hillside's, which encompasses the management of the 17-acre campus, the operation of three local group homes, and planning, directing and coordinating Hillside's activities.

Under Mr. Hitchcock's leadership, Hillside's has become an exemplary residential treatment program for children. The Hillside's Education Center continues to be an invaluable resource for the community, and the scope of programs and services provided by Hillside's has expanded to serve not only abused, abandoned and neglected children but also children and families in crisis living in Los Angeles County. John helped provide residential care, community-based support, special education and transitional assistance to emancipating foster youth, and in 2006, opened a large apartment complex, which serves as a transitional living facility for 20 emancipated foster youth.

Mr. Hitchcock has served on many boards and commissions including Planned Parenthood of Pasadena, Camp Wrightwood, Coalition for a Non-Violent City, Gooden Center, and the Association of Community Human Service Agencies, and he has served as Chair of the Episcopal Commission on Advocacy for Children and Youth. John is actively involved in the Foster Care Project at All Saints Episcopal Church, and he is a Canon in the Episcopal Diocese of Los Angeles.

For over 40 years, John has truly been a voice for at-risk children. His kindness, foresight, leadership and extraordinary energy have profoundly impacted the lives of the 25,000 children and their families in his care over the years. By maintaining a deep awareness of the children's current needs as well as personal knowledge of each of the residents in Hillside's care, John has created a warm, loving environment where children feel secure enough to rebuild hope for the future.

I ask all Members of Congress to join me today in honoring John M. Hitchcock for nearly 40 years of dedicated service to Hillside's Home for Children and the entire community.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is 12,409,374,679,862.09.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,770,948,933,568.29 so far this Congress. The debt has increased \$6,347,500,206.80 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO LIEUTENANT  
GENERAL LARRY DODGEN

**HON. PARKER GRIFFITH**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. GRIFFITH. Madam Speaker, I rise today to pay tribute to a great American who was a good friend of mine and a good friend of north Alabama—Lieutenant General Larry Dodgen. General Dodgen passed away this past Saturday leaving a void in our Huntsville community. He was a battle tested soldier, having led his battalion into war in 1993 during Operation Desert Storm. Later in his career, he became commander of the U.S. Army Aviation and Missile Command (AMCOM) at Redstone Arsenal. He assumed this command on September 10, 2001, and led during a trying and transformative time in our nation's history. Following that duty, in 2003, he was tapped to command the U.S. Army Space and Missile Defense Command/Army Forces Strategic Command headquartered at Redstone (SMDC/ARSTRAT). He was fully invested not only in the Arsenal, but also in the Huntsville community. He was a leader in the Base Realignment and Closure (BRAC) process on Team Redstone. Following his retirement from his distinguished career in the United States Army, he remained in the community and became the corporate lead executive of Northrop Grumman's Huntsville operations. Men such as General Dodgen are rare; he was a true servant who was fully involved both in his profession and his community. My thoughts and prayers are with his wife, Leslie, and his many friends and family who are mourning at this time. Next month I will join with many others to honor him as he is laid to rest among his fellow heroes at Arlington National Cemetery. We will all truly miss this great man, and are better for having had the opportunity to know him.

HONORING GLOBAL FAMILY DAY  
FOUNDER LINDA GROVER

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. CONYERS. Madam Speaker, on February 20, 2010, we lost a dedicated and tireless voice for the pursuit of peace and global sharing and cooperation, Linda Grover. I joined Ms. Grover in the founding of Global Family Day, an effort to celebrate and promote harmony within the global family every January 1st, but it was Linda whose every undertaking was in the name of Global Family Day.

Linda Grover, an author, writer, and activist, was resolute in her belief that all people, regardless of race, culture, religion, or economic status, celebrate life on earth together as one human family. It was in the promotion of this ideal, that Linda Grover and her children conceived Global Family Day, One Day of Peace and Sharing, an international holiday that would allow people around the world to engage in global fellowship.

Linda's Global Family Day initiatives were supported by the Congress and United Nations. In 2000, the 106th Congress unanimously passed S. Con. Res. 138 and in 2006, the 109th Congress unanimously passed H. Con. Res. 317 and S. Res. 582. These Congressional resolutions urged the President of the United States to issue an annual proclamation calling upon the people of the United States to observe Global Family Day. In 1999 and 2001, United Nations General Assembly resolutions, UNRes54/29 and UNRes56/2, were passed, recognizing a day of peace on January 1st and encouraging Member states to observe the global holiday.

This Congress, I introduced another Global Family Day resolution, H. Con. Res. 221. In this purpose, I was joined by Representative DENNIS KUCINICH and Senators HARRY REID and DANIEL INOUE. It was Linda's hope, as well as ours, that there finally be a proclamation issued by the President asking that the citizens of the United States celebrate Global Family Day, thereby resulting in the Day's widespread observance.

In advancing Linda Grover's legacy, we will continue to pursue this proclamation and recognize Global Family Day every January 1st. Just as Ms. Grover believed, I think that, despite our differences, each of us has an interest in pursuing peaceful solutions to many of our contemporary world problems. A better appreciation for one another, practiced at the start of a new year, can only lead to the eradication of human suffering that results from violence, hunger, poverty, and other social ills.

Even in the weeks right before she died, Linda worked diligently to spread the Global Family Day message. Linda said, "it's [Global Family Day] is going to improve our global attitude and give us a slightly better chance to overcome all these global crises that are demanding global solutions. Economy, Environment, Energy, Ethnic Enmity, Education, Employment, Epidemics—and those are just the ones that start with the letter E."

Linda's fight and determination to spread the message of peace and sharing through Global Family Day will be missed. However, I will work to make sure that the message is not forgotten. Linda is survived by three children, who I understand will continue their mother's work to champion Global Family Day, and I will join them in this effort. We must all understand, as Linda did, that by working together as one global family, we can better meet the challenges humanity will face in the years to come.

#### PERSONAL EXPLANATION

### HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. BARROW. Madam Speaker. I was unable to be present for votes on Monday, February 22, 2010. Had I been present I would have voted "yes" on Rollcall Vote No. 49 and Rollcall Vote No. 50.

#### NEXT GENERATION CHOICES FOUNDATION: WORKING TO LESSEN CANCER

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. WOLF. Madam Speaker, like so many Americans, my family and I have been touched by cancer. I have worked over the years in Congress as a member of the Congressional Cancer Caucus as well as my service on the Appropriations Committee to support measures to help fight cancer, including historic increases in research funding for the National Institutes of Health, NIH. I have always believed that ensuring adequate funding for medical research on diseases such as cancer is an important priority for the federal government.

There is another important component in the fight against cancer being lead today, Madam Speaker, by Bill Couzens, one of my constituents from Middleburg, Virginia. He heads a grassroots nonprofit organization—the Next Generation Choices Foundation—that he founded over 6 years ago, to build awareness for cancer prevention by reducing environmental exposures both known and suspected to be linked with cancer. After the loss of his sister Anne, mother Joan and several close friends, he felt the need to create an organization that would focus on the root causes of the worldwide cancer epidemic and increase awareness on ways to reduce exposures and choices linked with human health and the environment. He says he learned that there are healthy choices that can be made by individuals and communities to work toward a world with less cancer, including nutritional food options for families.

Next Generation Choices in turn has formed the Less Cancer Campaign, which has grown to become a worldwide leader in cancer prevention awareness, with over 10,000 members, friends, and fans on Facebook. The reach of the Less Cancer Campaign has been wide; numerous other organizations have followed its lead and collaborated to fan the flame for cancer prevention around the globe. These combined efforts have raised awareness for Less Cancer, not just here in America, but around the world.

The Less Cancer and new Healthy Town campaigns are working to help guide communities and individuals on understanding the importance of making strong choices, and providing information on options and resources available to assist them in making healthy decisions. While most often pointing to options for the consumer, the organization in some rare cases has provided food cards, information for healthy food choices, and even shoes for children who need to get out and move, run and play.

While Mr. Couzens' personal experience inspired his passion to help lessen the grip of cancer on society, he also understood the importance of working with scientists and physicians who have a depth of work in evidenced-based science. Next Generation Choices board of directors includes Ronald B. Herberman, M.D., founding director of the Uni-

versity of Pittsburgh Cancer Institute, associate vice chancellor for cancer research, Hillman professor of oncology, and professor of medicine at the University of Pittsburgh School of Medicine. Dr. Herberman is an internationally recognized tumor immunologist who has made major discoveries in his field and has fostered the application of this information to novel approaches in cancer therapy, diagnosis and prevention. The phenomenon of natural killer, NK, cell-mediated cytotoxicity against tumors was first discovered in Dr. Herberman's laboratory at the National Cancer Institute in the early 1970s. In addition to his pioneering investigation of NK cells, Dr. Herberman has played a leading role in multiple areas of tumor immunology.

Other leaders in science and medicine on the board are Maryann Donovan, Ph.D., the director of the Center for Environmental Oncology at the University of Pittsburgh Cancer Institute, and Thomas M. Sherman, M.D., a gastroenterologist. The board also includes professionals in industry and business. Greg Lam and John Couzens both contribute from their years in business and nonprofit management. Miles M. O'Brien is a 26-year broadcast news veteran. Based in New York City, he owns a production company that creates, produces, and distributes original content across all media platforms. For nearly 17 years he worked as a correspondent, anchor, and producer for CNN based in Atlanta and New York. At various times he was CNN's science, space, aviation, technology, and environment correspondent. Also on the board is Veronique Pittman, a trustee of The Rainforest Foundation and Round Hill Hotels and Villas, and a partner with Rainforest Native, which imports fair-trade ecological products from the Amazon rain forest. In addition, she sits on the Leadership Council of the Green Schools Alliance and is an Advisory Board member of the Sustainable Acai Project and Global Goods Partners.

Next Generation Choices, Less Cancer, and Healthy Town are closely associated with cancer prevention, but also work to reduce all illnesses associated with human health and the environment. As Mr. Couzens has said, "When communities and individuals work to make healthier choices, great strides toward preventing cancer and other illnesses including heart disease, diabetes, and obesity can be made. By educating people and unifying individuals and programs—transformation will occur for the next generation."

Madam Speaker, the battle against cancer will take the work of individuals, communities, businesses and governments, and we salute the effort of Bill Couzens and Next Generation Choices as they raise awareness on ways we can all be involved in this fight.

#### IN RECOGNITION OF MS. KELLY REFFETT'S YEARS OF SERVICE TO ILLINOIS VALLEY COMMUNITIES

### HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mrs. HALVORSON. Madam Speaker, I rise to recognize Ms. Kelly Reffett's years of work

in community service and disaster relief and to wish her well as she retires from her role as President of the Illinois Valley Federation of Labor.

Ms. Reffett began her career in 1979 as an operator for Ameritech in Canton, IL. After working for Ameritech for twenty years, Kelly joined the American Red Cross of Greater Chicago as Director of Partner Relations and AFL-CIO Labor Participation. For ten years, Kelly worked to expand preparedness education opportunities to diverse populations, served disaster stricken communities, and broadened partnerships with corporations and community organizations.

In this position, she directed teams of nearly 100 people at 23 locations, providing executive guidance and program assistance to on-site supervisors and Volunteer in Service to America members. She also served as Partner Services Manager/Officer and Labor Liaison on 25 national relief operations including Hurricane Katrina and World Trade Center 9/11 operations. She co-developed the AFL-CIO's 2009 handbook outlining guidelines and policies for volunteer disaster relief operations. These accomplishments are only a small sampling of Kelly's impressive career.

In addition to her national service, Kelly was also selected to serve at the state and county level. Since 2003, Kelly has served as a commissioner on the Illinois State Commission on Volunteerism and Community Service. In 2008, she was appointed to serve on the LaSalle County Board. Shortly thereafter, she was elected to that office.

Throughout her long career, Ms. Reffett has also remained dedicated to the cause of working families. Serving as President of the Illinois Valley Federation of Labor for over two decades, she always put the best interests of Illinois Valley workers first.

Ms. Kelly Reffett has had a long and proud career, one that is not ending as she retires from the presidency of the Illinois Valley Federation of Labor. Having worked with her over the years, I am sure she will continue to work to improve her community, as she has done over and throughout her long and successful career.

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CONGRATULATING THE TRANSPORTATION TRADES DEPARTMENT ON ITS 20TH ANNIVERSARY

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**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. OBERSTAR. Madam Speaker, it is my great pleasure to congratulate the Transportation Trades Department, AFL-CIO as this strong voice for transportation workers marks its 20th anniversary.

Transportation is at the core of our daily lives and our economy. From ancient civilization through the present day, the quality of transportation serves as a true measure of a society. How well do people live their daily lives? How quickly and efficiently can people and goods get from one place to another? Does the quality of transportation strengthen or weaken an economy?

As we map the vision for our future, we must keep asking these questions. Are we doing all we can to invest in modern, safe, and efficient transportation? Are the workers in this industry as well-trained, experienced, and prepared as possible? Are they treated with respect and dignity? Are they trusted and empowered? Do their wages and working conditions help—or hurt—the ability to attract and retain good men and women for these jobs?

The work of the Transportation Trades Department (TTD), of the AFL-CIO lies at the heart of these questions. In every major transportation policy debate in Washington over the past 20 years, TTD has been front and center, providing an honest, substantive, and respected voice on behalf of millions of transportation workers. TTD brings their voices to those in public office, helping forge far better policy and decision-making than if the organization did not exist.

TTD has always had the courage and conviction to demand accountability, to make sure that public and private sector transportation leaders are truly placing safety and our national transportation network's true needs ahead of ideology and profit. In an industry—and world—that has been so turbulent in recent years, the value of TTD's vigilant watchdog role is priceless.

As the Chairman of the House Committee on Transportation and Infrastructure, I can count on TTD to bring integrity, intellectual depth, and refreshing clarity to my Committee and the entire Congress. I have long valued TTD as a trusted friend and ally, and its substantive, bipartisan approach has often been helpful in bringing about consensus on important issues.

As my committee has engaged in enacting critical legislation—from the surface transportation bill to the FAA reauthorization bill, from the Coast Guard reauthorization to Amtrak and rail safety reauthorization—TTD has been a comprehensive and credible resource. Its member unions are on the front lines of our transportation network—whether on the ground, in the air or at sea.

The accomplishments of the Transportation Trades Department, AFL-CIO are far too many to enumerate. But to me, ensuring that transportation workers have a seat at the table, and a voice that is heard in key policy debates, has been the organization's greatest contribution to our nation. I congratulate TTD on 20 outstanding years, and look forward to many more.

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HONORING MATTIE MEYERS

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**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Mattie Meyers upon being honored with the "Trail Blazers Award" by the African American Museum. Mrs. Meyers will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Mrs. Mattie Meyers was born and raised in Durham, North Carolina. She earned her

Bachelor of Science degree in chemistry and mathematics from North Carolina College at Durham (now known as North Carolina Central University) in 1947. Shortly after completing her education, Mrs. Meyers met a young doctor named Earl Meyers, during his residency at Durham's Lincoln Hospital. Mr. Meyers was from a prominent black family in Fresno, California. When Earl and Mattie married, they moved to Fresno.

Upon arriving in Fresno, Dr. Meyers established a medical practice to serve the nonwhite community of Fresno, which did not have medical services that were readily accessible to whites. Mrs. Meyers was the business manager and together they built the first black owned medical center in Fresno, which contained a clinical laboratory, pharmacy, housed an x-ray facility and was home to several African American physicians. Dr. Meyers served as a catalyst in bringing a number of young black physicians to the Fresno area, providing a higher standard of medical care available to African Americans.

While Dr. Meyers continued to focus on the medical disparities, Mrs. Meyers began to recognize different disparities such as segregation within the schools. She joined with the National Association for the Advancement of Colored People (NAACP), and eventually Fresno schools adopted an "open enrollment policy" which made it possible for African American children to attend schools outside of West Fresno. Mrs. Meyers' children were among the first to take advantage of the new policy. Her involvement with the NAACP did not end there; she also served as the President of the Fresno Chapter.

During Mrs. Meyers' term as President of the Fresno Chapter of the NAACP, she was able to orchestrate many achievements and milestones for the growing organization. She served during the early 1960s. She was able to bring Andrew Hatcher, the associate press secretary to President John Kennedy, to Fresno as a featured speaker at the NAACP's second annual banquet. Mr. Hatcher was one of the most influential African Americans in the country at that time. Later, Mrs. Meyers was instrumental in bringing Dr. Martin Luther King, Jr. to Fresno to spearhead a civil rights demonstration and march to Ratcliff Stadium.

Beyond her efforts with the NAACP, Mrs. Meyers was the first African American, and the first woman, to seek election as the Mayor of Fresno. She was not only active in local politics and local civil rights activities; she was also involved with movements around the nation. Mrs. Meyers was influential in the southern United States. She is a founding member of a number of black organizations, including Iota Phi Lambda Sorority.

Mrs. Meyers is the mother of five successful children and grandmother to nine. She is a member of the Westside Seventh Day Adventist Church, lifetime member of the NAACP, charter member of Iota Phi Lambda, a founding member of the Fresno Black Educators Association.

Madam Speaker, I rise today to commend and congratulate Mattie Meyers upon being honored with the "Trail Blazers Award." I invite my colleagues to join me in wishing Mrs. Meyers many years of continued success.

A TRIBUTE TO JOHN M. "MITCH"  
DORGER

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to honor John M. "Mitch" Dorger, who is retiring from his post as Chief Executive Officer of the Pasadena Tournament of Roses Association this month after ten years of exemplary service.

Mitch graduated from the United States Air Force Academy in 1968 with a Bachelor's degree in Political Science. He earned his Master's degree in International Relations from Tufts University and an Executive Master's degree in Business Administration from Claremont Graduate University.

From 1987 to 1989, he served both in the Office of the Assistant to the Undersecretary of the Air Force and as the Deputy Assistant to the Undersecretary. In 1989, he participated in a year-long program of research and studies for military officers as a Research Fellow at the Kennedy School of Government at Harvard University. From 1990 to 1992, Mitch was a Base Commander at the Keesler Technical Training Center and he served as Chief of Staff and then Vice Commander at the United States Air Force Academy from 1992 to 1994.

From 1994 to 2000, Mitch was the Chief Operating Officer at the Claremont University Center, where he oversaw the three hundred and fifty person, thirty million dollar organization which provided support services to the seven colleges in the Claremont consortium.

On February 1, 2000, the Pasadena Tournament of Roses Association appointed Mr. Dorger to the position of Chief Executive Officer. For ten years, Mitch has been an outstanding leader, effectively directing the Tournament of Roses' staff and supporting the nine hundred and thirty-five volunteer members who plan and stage the world-renowned Rose Parade and Rose Bowl Game.

In addition to his duties with the Pasadena Tournament of Roses Association, his volunteer activities include serving on the boards of the International Festival and Events Association, and the Football Bowl Association, as an Advisory Committee Member for the L.A. Sports and Entertainment Commission, on the Advisory Committee for the Sports Business Institute at the University of Southern California, and as an Ex Officio Member of the L.A. Sports Council.

Mitch and his wife, Barbara, have two grown children and one grandson, and they reside in Pasadena, California.

I ask all Members join me in thanking John M. "Mitch" Dorger for over two decades of remarkable leadership and dedicated service to our community and our country.

CONGRATULATING THE TRANSPORTATION TRADES DEPARTMENT ON ITS TWENTIETH ANNIVERSARY

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. GEORGE MILLER of California. Madam Speaker, I would like to congratulate the Transportation Trades Department (TTD), AFL-CIO on its twentieth anniversary as an invaluable advocate for our nation's transportation workers. As the Chairman of the House Committee on Education and Labor, I have seen the critical role that TTD plays in making heard the voices of those on the front lines of our nation's transit system.

TTD is a leader in ensuring that an industry as safety- and customer service-intensive as transportation has the most well-trained and experienced workforce possible. TTD has enabled employees in this industry to present a unified and effective voice, one that helps make policymakers aware of the needs and concerns of the people who form the backbone of the industry. TTD serves as an important check and balance guaranteeing that financial pressures do not lead to cutting corners on safety and security and ensuring that those in government carry out their vital oversight responsibilities in a thorough and effective manner. Our nation owes transportation workers and their representatives a debt of gratitude on these issues.

TTD's fight for workplace fairness has most recently turned to a proposed rule change at the National Mediation Board (NMB) which would allow a majority of voting employees to prevail in a union election under the Railway Labor Act. Currently, the NMB treats non-participating voters as opponents of forming a union. This current rule clearly contradicts the standards under which elections are conducted in this country. It is a matter of basic fairness that workers covered under this Act not have lesser rights than employees in other industries. With the transportation industry facing great uncertainty and change, it is more important than ever that workers have a fair and full voice in the workplace.

TTD serves an essential role in our nation's labor and transportation policy debates. In a responsible and effective manner, they help policymakers remember the needs and concerns of the women and men whose work contributes so much to our national economy. I congratulate the Transportation Trades Department, AFL-CIO on its many accomplishments over the past 20 years, and look forward to continuing to work with them on issues of profound public interest, ranging from safety to rebuilding and strengthening our nation's middle class.

HONORING THE COURAGE AND DETERMINATION OF VIRGIL HAWKINS

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to pay tribute to the courageous civil rights hero Virgil Hawkins. Mr. Hawkins was the leader in the fight for the desegregation of Florida's universities. Mr. Hawkins is a true role model for his determination and personal sacrifice.

Born in 1906 in Okahumpka, Florida, Mr. Hawkins decided from a young age that he wanted to be a lawyer after witnessing the unfair treatment of African Americans in the judicial system. Mr. Hawkins graduated high school in Jacksonville, Florida, and attended Lincoln University in Pennsylvania. By the time Mr. Hawkins was 42, he had saved up enough money to attend law school by selling insurance and working as a school teacher. In 1949, he applied to the University of Florida Law School in Gainesville.

At the time Mr. Hawkins applied, it was against Florida law for African Americans and whites to attend school together. Mr. Hawkins was denied admission because of the color of his skin, not because he did not meet the qualifications. He decided to challenge this unjust practice by filing suit with the state Supreme Court. The state offered to pay Mr. Hawkins tuition for an out of state school, but he refused. To prevent similar lawsuits the state opened a law school for African Americans at the Florida Agricultural and Mechanical College (FAMC) for Blacks in Tallahassee. In 1952, the Florida Supreme Court dismissed his case, arguing he could attend FAMC. Mr. Hawkins turned to the United States Supreme Court and in 1956 the Court ordered the state of Florida to admit Mr. Hawkins to the University of Florida Law School. Initially, the state did not comply with the Supreme Court's order, citing the violence that would erupt if Mr. Hawkins was admitted. Finally, a district court judge ordered the University of Florida graduate school to open its doors to all qualified students, regardless of race. This was a major step forward in Mr. Hawkins's struggle; unfortunately, University of Florida claimed he was not qualified and did not admit him.

After a nine-year struggle to desegregate Florida universities, Mr. Hawkins attended the unaccredited New England School of Law in Boston, Massachusetts. Due to the lack of accreditation of the law school, he was not allowed to take the bar when he returned to Florida. Mr. Hawkins was not allowed to practice law and worked as a salesman, teacher, a public relations director, and as the director of a community action agency.

Holding on to his dream to practice law, at the age of 69, Mr. Hawkins asked the Florida Supreme Court to admit him to the Florida bar. In 1976, the court allowed Mr. Hawkins to become a lawyer without taking the bar examination. After spending 30 years fighting the discriminatory foundations in the educational system, Mr. Hawkins opened his own law firm in Leesburg, Florida.



Today the law library at the University of Florida is named the Virgil Hawkins Library in honor of the sacrifices he made in his struggle for justice and equality in the admissions processes of the state's university system. A monument honoring Virgil Hawkins stands in his hometown of Okahumpka, Florida, and is located a few blocks from his childhood home. These are just minor tributes to a man who contributed so much to the civil rights struggle in Central Florida, and America as a whole.

Madam Speaker, as Black History Month comes to a close, it is with great honor that I recognize the incredible activism of this civil rights leader. Mr. Hawkins's lifelong struggle for justice is inspirational to all future generations of Floridians, and Americans. As a fellow lawyer, I admire his dedication to seek justice and equal educational opportunities for all. Florida is indebted to Mr. Hawkins for the personal sacrifices and the pathways to equal access to education in the desegregation of our school systems.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 25, 2010 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### FEBRUARY 26

9:30 a.m.

##### Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

##### Finance

To hold hearings to examine the nominations of Jeffrey Alan Goldstein, of New York, to be Under Secretary of the Treasury, Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade, and Sherry Glied, of New York, to be Assistant Secretary of Health and Human Services.

SD-215

##### Judiciary

To hold hearings to examine the Office of Professional Responsibility Investiga-

tion into the Office of Legal Counsel Memoranda.

SD-226

10:30 a.m.

##### Joint Economic Committee

To hold hearings to examine the road to economic recovery, focusing on prospects for jobs and growth.

2325, Rayburn Building

#### MARCH 2

9:30 a.m.

##### Banking, Housing, and Urban Affairs

##### Economic Policy Subcommittee

To hold hearings to examine restoring credit, focusing on proposals to fix small business borrowing and lending problems.

SD-538

10 a.m.

##### Commerce, Science, and Transportation

To hold hearings to examine Toyota's recalls and the government's response.

SR-253

##### Judiciary

##### Human Rights and the Law Subcommittee

To hold hearings to examine global internet freedom and the rule of law, part II.

SD-226

2 p.m.

##### Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

2:30 p.m.

##### Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

#### MARCH 3

9:30 a.m.

##### Homeland Security and Governmental Affairs

To hold hearings to examine chemical security, focusing on assessing progress and charting a path forward.

SD-342

##### Appropriations

##### Interior, Environment, and Related Agencies Subcommittee

To examine the President's proposed budget estimates for fiscal year 2011 for the Environmental Protection Agency.

SD-124

##### Veterans' Affairs

To hold an oversight hearing to examine mental health care and suicide prevention for veterans.

SR-418

10 a.m.

##### Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

##### Environment and Public Works

To hold hearings to examine transportation investments relative to the national economy and jobs.

SD-406

##### Finance

To hold hearings to examine the 2010 trade agenda.

SD-215

##### Judiciary

To hold hearings to examine encouraging innovative and cost-effective crime reduction strategies.

SD-226

##### Commerce, Science, and Transportation Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the National Oceanic and Atmospheric Administration and Fisheries Enforcement Programs and Operations.

SR-253

2:30 p.m.

##### Homeland Security and Governmental Affairs

##### Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine oversight challenges in the Medicare prescription drug program.

SD-342

#### MARCH 4

9:30 a.m.

##### Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Air Force in review of the Defense Authorization and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

##### Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

2:30 p.m.

##### Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

#### MARCH 9

9:30 a.m.

##### Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Joint Forces Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

##### Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SDG-50

#### MARCH 10

10 a.m.

##### Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening.

SD-342

2:30 p.m.

## Foreign Relations

International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold hearings to examine the future of U.S. public diplomacy.

SD-419

## Energy and Natural Resources

## Public Lands and Forests Subcommittee

To hold hearings to examine S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, S. 2907, to establish a coordinated avalanche protection program, S. 2966 and H.R. 4474, bills to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and S. 2791 and H.R. 3759, bills to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers.

SD-366

MARCH 11

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and

the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SD-G50

10 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 1696, to require the Secretary of Energy to conduct a study of video game console energy efficiency, and S. 2908, to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

SD-366

MARCH 16

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

2 p.m.

## Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing foster care and family services in the

District of Columbia, focusing on challenges and solutions.

SD-342

MARCH 18

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SDG-50

MARCH 23

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

MARCH 24

9:30 a.m.

## Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.

SR-418

## HOUSE OF REPRESENTATIVES—Thursday, February 25, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

February 25, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our strength and our salvation, touch us with the flame of Your love. Let it burn out self-interest, that our heartfelt dedication to public service of Your people may be transformed into deeper commitment.

Free this Congress to be Your sterile instrument to heal this Nation and restore its vitality.

May our accomplishments give You alone, Lord, all the glory, both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

### CONGRESS IS BEGINNING TO WORK TOGETHER

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, the American people have demanded that Congress begin working together to solve this Nation's problems, and we have done just that.

On Monday, our friends across the Capitol, in the other body as we say, passed their version of the jobs bill by a vote of 70–28. We, in this House, have already passed a different version, and yesterday we passed by an overwhelming bipartisan vote of 406–19 a long overdue elimination of the anti-trust exemption that health insurers have enjoyed for decades. We hope our friends in the other body will join us in a similarly bipartisan vote to send that bill to the President.

And today a bipartisan group of congressional leaders meets at the White House to discuss ways to bring down the cost of health care for every family and every business in America. While we're not yet finished, and there's clearly much work yet to be done, Congress this week has made great strides in moving forward on the issues that are of most concern to the American people.

### IN RECOGNITION OF BLACK HISTORY MONTH

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I rise today during Black History Month to recognize many important contributions African Americans have made to our Nation. We especially honor the extraordinary people who continue to shape our community and our great Nation. The Omaha area is blessed with thousands of successful and talented African Americans, and today I would like to recognize four individuals: Frank Hayes, Phyllis Hicks, Dr. Mary Clinkscale and Dr. Herb Rhodes.

Frank Hayes is a CPA who owns his own business. He is also a founding member and the first president of the 100 Black Men organization, which is dedicated to improving the lives of youth.

Since 1967 Phyllis Hicks has run the Salem Stepping Drill Team and continues to be a volunteer and chief fundraiser for this group. Through her outreach, she has helped many youth overcome obstacles.

Mary Clinkscale, Dr. Mary Clinkscale, or Dr. C, as she's commonly referred to, is the administrator of the Great Beth-el Temple where she has planned, produced and directed more than 250 theatrical productions and presentations, including a performance to prelude The Tuskegee Airmen.

Dr. Herb Rhodes is a lifetime member of the Omaha business community. He was featured in 1975 in Ebony magazine which highlighted successful African Americans who were leading the way in business.

### OUR HEALTH CARE SYSTEM

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I rise today to applaud the House, the Senate and the President for having the courage to attack the important issue of health care. I also want to recognize that the legislation passed by this House in November takes a huge leap forward in addressing the issue of paying for value in health care.

The current payment system rewards volume and quantity rather than quality and outcomes. We waste hundreds of billions of dollars every year on tests and procedures that do not improve patient health. We need to change the incentive system. We need doctors and hospitals to work together to coordinate care based around patient need.

In my district in southern Minnesota, the Mayo Clinic has done exactly that. There are other institutions around the country that also provide high-quality, low-cost, efficient care. This is the one issue that both sides can agree on.

Yesterday in Roll Call, led by the Mayo Clinic, the Chamber of Commerce, Cleveland Clinic and other insurers, they stated: reforming health care in America will not become easier with the passage of time. We encourage all stakeholders, government officials, patients, families, insurers, doctors and nurses to work together to pass reforms that provide quality, affordable health care for Americans. This is the path to true health care reform that will strengthen our economy, take care of America's families, and grow jobs.

### AMERICAN HEALTH CARE 1; CANADIAN HEALTH CARE ZERO

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Canadian Premier of Newfoundland, Danny Williams, snuck into the United States recently for some stealth health care. Now, why would the Canadian Premier come to the United States for heart surgery? Because his life depended on it.

"My heart, my choice, my health" he proclaimed. When it came down to it, he didn't trust his life to Canada's government-run health care system. Imagine that.

The Canadian Premier said after the very successful American heart surgery, "I did not sign away my right to get the best possible health care for myself when I entered politics."

The American people have said they don't want to be forced into signing their lives away with government-run health care either. When life and death decisions are put in the hands of government bureaucrats, it's unhealthy for everybody.

Just ask the Canadian Premier. When it came down to a matter of his own life or death decision, the Canadian Premier chose private health care and American heart surgeons over the Canadian nationalized system.

Sounds like "private health care for me, but not for thee."

And that's just the way it is.

#### HONORING THE LIFE OF PETER STRAUSS

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DRIEHAUS. Mr. Speaker, last week Cincinnati lost a committed public servant and a valued friend when Pete Strauss passed away.

Pete served on the Cincinnati City Council from 1981 until 1993, serving part of that time as the city's vice mayor. More than just a politician, Pete was a leader, a person who truly embodied the virtues of leadership. He sought office not out of personal ambition, but from a desire to improve the lives of those in our community. He served Cincinnati, not with a political or partisan agenda, but to get results for the people and city he represented.

When I was a young man with a growing interest in government, I and many others like me looked up to Pete Strauss as the kind of public servant we have since aspired to become.

Pete's character was beyond question, and his bravery was exhibited in his courageous fight against Parkinson's. He will be dearly missed by his wife, Kitty, his sons, Mike and Matt, and all of the city that he loved and served for so long. Thank you, Pete.

#### AMERICAN CONSERVATION AND CLEAN ENERGY INDEPENDENCE ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, in today's news, the Chairman of the Federal Reserve, Ben Bernanke, warned that huge deficits and borrowing place us at risk for high inflation and high interest rates.

Add this to the high unemployment, borrowing from China and buying huge amounts of oil from OPEC, and we have to recognize we've got a mess on our hands.

But there is a solution. We can create jobs and grow our economy without raising taxes. It is the bipartisan American Conservation and Clean Energy Independence Act, H.R. 2227. This bill uses the trillions of dollars from oil and gas exploration off our coast to drive conservation and new technologies to improve energy efficiency; develop clean-energy generation and infrastructure; rebuild America's inefficient transportation system; and clean our air and water. Not only will we be creating a clean energy future, but creating millions of good-paying jobs for years to come.

The news tells us of how things are, but that's not how it has to be. Join me in supporting the American Conservation and Clean Energy Independence Act.

#### HUMANITARIAN AID FOR HAITI

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, despite the economic pain felt by so many American families, we've seen something truly amazing in the extent to which Americans have come together to address the tragedy of our brothers and sisters in Haiti.

I'm proud to stand here this morning to highlight two organizations based in my district who have done wonderful work. Save the Children, Westport, Connecticut, run by Charlie McCormack, has 50 people on the ground that have touched half a million Haitians with medical, food and other sorts of aid. Americare is based in Stamford, Connecticut, and run by Curt Welling. The earthquake had barely stopped before they had teams on the ground providing medical relief; and they have pledged \$50 million to rebuild the Haitian health care system.

I rise today to highlight, to honor and to thank these two wonderful organizations and to urge them to keep up the good work. Thank you, Save the Children, thank you, Americare, for all that you have done.

#### HONORING RESERVE OFFICERS ASSOCIATION'S CHAPLAIN OF THE YEAR

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, I rise today to congratulate Chaplain Phillip "Endel" Lee, Jr., the 2010 recipient of the Reserve Officers Association Chaplain of the Year Award, who is currently serving in my district.

I also congratulate him and thank him for delivering the opening prayer here on the floor of the U.S. House of Representatives on Tuesday, February 9, 2010. His prayer was powerful and moving and reminded us that we are "Americans promoting freedom, responsible for our actions, and dedicated to the principles that made us free."

Chaplain Lee has always been a beacon of hope to those facing immense tragedies. He rescued survivors off rooftops during Hurricane Katrina and prayed at Ground Zero with the families of victims of September 11.

I am proud to have Chaplain Lee serving in my congressional district. I thank him for his leadership in the spiritual rebuilding of Orleans and Jefferson Parishes, and I speak for all of us here when I thank him and his family's service to and sacrifice for this great Nation.

#### HEALTH CARE REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, the people I represent in Connecticut, those who buy their health insurance on the individual market, are bearing the burden of a 20 percent rate hike in a recession.

Who's getting this 20 percent? It's not the patients, it's not my doctors, it's not my hospitals.

This fact screams for the need for national health insurance reform, reform that drives down health care costs for everyone, and asking those who make the biggest bucks off the system to take a little bit less.

Today President Obama is going to convene Members of both parties in a televised forum to sit down and try to fix our health insurance mess. And I'm hopeful that our Republican friends will finally bring some ideas that will change this status quo for individuals in my district, seniors and small businesses across the Nation. Instead of empowering these insurance industry rate increases, they should work with us to stop them.

I'm not naive. This may not happen today. But I'll tell you this: people in Connecticut will be watching.

#### HEALTH CARE SUMMIT

(Mr. HERGER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, the President continues to ignore the American people's fundamental rejection of this health care bill. He needs to listen to the American public when they say "no" to Big Government and "no" to government-run health care. Yet, his proposal is more of the same government intrusion and high taxes that have been the dominant things of his health care plan since day one.

By refusing to change his plan, the President is demonstrating that today's summit and his rhetoric about working with Republicans to find solutions are purely for show.

Mr. Speaker, it's time to start over and allow the public to have a seat at the table.

□ 1015

#### ORLANDO ZAPATA TAMAYO

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, I rise today to share my deep sadness over the loss of a human prisoner of conscience, Orlando Zapata Tamayo, held by the Cuban regime.

Orlando Zapata Tamayo was first arrested in March of 2003 for participating in a hunger strike to demand the release of Dr. Oscar Biscet and other prisoners of conscience. Since his initial arrest and unwarranted imprisonment, the regime consistently increased Zapata's prison term to 47 years.

While in prison, Zapata endured frequent beatings and unimaginable living conditions. On December 3, Mr. Zapata began a hunger strike to protest the human rights violations and the repeated beatings by the Cuban authorities. After an 83-day hunger strike, Orlando Zapata Tamayo passed away on Thursday, February 23, 2010, with his mother at his side.

In mourning the death of Orlando Zapata Tamayo, I urge my colleagues to listen to his message of freedom and respect for human life. As the atrocities he fought against remain the reality of Cuba today, we must continue to fight for human rights and the release of all political prisoners.

#### SNOHOMISH COUNTY AUTO THEFT TASK FORCE

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, today I rise to recognize the Snohomish County Auto Theft Task Force for its success in combating vehicle theft in my district.

Recently, the task force was recognized as the top auto theft recovery

team in Washington State by the Washington Auto Theft Prevention Authority. While vehicle thefts across the State decreased 20 percent in 2009, Snohomish County led the way with a remarkable 29 percent decline.

The Snohomish County Auto Theft Task Force is an example of law enforcement agencies working together to make a difference in our community. The Snohomish team is made up of detectives from the Monroe, Marysville, and Lynnwood police departments; the Washington State Patrol; the Snohomish County Sheriff's Office, the Snohomish County Prosecutor's Office, and, most recently, the Tulalip Tribes.

Through this partnership, the task force disrupted the operation of 26 chop shops and theft rings over the past year alone—tracking down stolen vehicles, arresting those responsible, and helping make sure the bad guys were convicted.

Since forming in 2008, the Snohomish County team has convicted over 100 people and recovered 82 vehicles with an estimated value of \$1.5 million along with \$337,400 worth of stolen property.

At a time when budgets are stretched thin, we should not forget the needs of law enforcement or of the work of our prosecutor's office in making sure these folks are behind bars.

#### ANTITRUST EXEMPTION REPEAL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, yesterday the House took a major step forward by repealing the antitrust exemption for health insurance companies. For more than 65 years, insurance companies have been able to play by a different set of rules, and the result has been disastrous for my constituents and for families across the country.

Americans deserve choices. They deserve the ability to pick the health plan they want at an affordable price, but because of these health insurance exemptions from antitrust, they were denied that trust. Insurance companies have been shielded from legal liability for price fixing, for sabotaging their competitors in order to drive them out of the market. In most industries, these behaviors would be unacceptable, but for the insurance industry, it's just another play in the book.

I have been a long and strong proponent of repealing this antitrust exemption. I'm thrilled that the House acted in such a bipartisan fashion to do so, and I urge the Senate to quickly pass this legislation so that all of our constituents can have a choice.

#### MILITARY FAMILIES JOB CONTINUITY ACT

(Mrs. DAHLKEMPER asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, every year our servicemembers across the country receive permanent change-of-station orders, having to relocate their families to meet the needs of our national defense. In the process, military spouses often have to put their careers on hold.

My new legislation, the Military Families Job Continuity Act, offers a \$500 tax credit to any military spouse who has to renew or transfer a professional license when a permanent change-of-station order takes their family across State lines. This tax credit will ease the stress of transfers and help military spouses quickly reenter the workforce.

I urge my colleagues to renew our commitment to our soldiers and to our soldiers' families by supporting the Military Families Job Continuity Act.

#### NATIONAL TEACH AG DAY

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. Mr. Speaker, I rise today in support of National Teach Ag Day. I have introduced a bill, House Resolution 886, to honor our Nation's agriculture educators and to support National Teach Ag Day on this day, February 25, 2010.

At a time when there is a nationwide teacher shortage in ag education and many agricultural education programs are suffering from the lack of qualified teachers, I feel it's important to encourage students to explore careers as teachers in agriculture. These teachers work hard to ensure that over a million American students receive an ag education as part of their curriculum.

Ag educators work hand in hand with community groups like FFA to strengthen communities. Our Nation's food supply depends on our continued support of the entire agriculture industry. Encouraging students to pursue agriculture education is one way to help secure our food supply.

I urge you to join me and many of our colleagues, as well as the NAAE, on behalf of the National Council for Agricultural Education, in supporting America's agricultural educators and students on this day, National Teach Ag Day.

#### BIPARTISAN EFFORT FOR JOB CREATION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we all know that most of the political eyes and other eyes are focused down at the Blair House right now as the health care summit has just gotten underway,

and my friend from Fort Lauderdale and I are going to begin the floor management of the very, very important intelligence authorization bill focused on our Nation's security.

But we can't forget what issue is in the forefront of the minds of most Americans, and that is getting our economy back on track, focusing on job creation and economic growth. And we've just gotten the news this morning that there has been an unfortunate 12 percent increase in the jobless claims, and we continue to have mixed reports on where we are with the economy.

It seems to me, Mr. Speaker, that it's absolutely imperative for us to work in a bipartisan way to put into place true private sector job creation incentives, and by that I mean utilizing the bipartisan effort that was, in the last half century, utilized by John F. Kennedy in the early 1960s and Ronald Reagan in the 1980s. And I believe that if we were to implement those kind of policies, Mr. Speaker, we would see the kind of job creation that the American people are seeking.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-420) on the resolution (H. Res. 1109) providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to re-institute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, which was referred to the House Calendar and ordered to be printed.

#### PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1105

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. After passage of H.R. 2701, it shall be in order to consider in the House S. 1494. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2701 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1494 and request a conference with the Senate thereon.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 26, 2010.

SEC. 5. It shall be in order at any time through the legislative day of February 26,

2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

□ 1030

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

(By unanimous consent, Mr. HASTINGS of Florida was allowed to speak out of order.)

#### ANNOUNCEMENT REGARDING PATRIOT ACT AUTHORITIES

Mr. HASTINGS of Florida. Mr. Speaker, I rise to inform Members that the Intelligence Committee has received a classified document from the Department of Justice that is related to the PATRIOT Act authorities currently set to expire at the end of the month.

The House may consider a 1-year extension of the PATRIOT Act today so the Intelligence Committee will be making this document available for Member review in the committee offices located in HVC-304. Staff from the Intelligence and Judiciary Committees, as well as personnel from the Justice Department and with the Office of the Director of National Intelligence, will be available to answer any questions that Members may have. Members who want to review the document should call the Intelligence Committee to schedule an appointment.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my good friend, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days with which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution, as announced by our Clerk, provides for consideration of H.R. 2701, the Intelligence Authorization Act for fiscal year 2010, under a structured rule. The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides 1 hour of debate on the bill, makes in order only those amendments printed in the rule, and the resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI.

The resolution provides one motion to recommit with or without instructions and provides that the Chair may

entertain a motion to rise only if offered by the Chair of the Intelligence Committee or his designee and provides that the Chair may not entertain a motion to strike the enacting words of the bill.

The resolution provides for a motion to consider the Senate bill and substitute its text with the text of H.R. 2701 as passed by the House. The resolution waives all points of order against the Senate bill and its consideration. It also makes in order a motion that the House insist on its amendment and request a conference with the Senate and waives all points of order against such motion.

The resolution waives a requirement of clause 6(a) of rule XIII for a two-thirds vote for same-day consideration of a report from the Rules Committee through the legislative day of Friday, February 26. It also permits the Speaker to consider motions to suspend the rules through the legislative day of Friday, February 26. The Speaker shall consult with the minority leader on the designation of any matter under this authority.

Mr. Speaker, I rise today in strong support of the rule providing for consideration of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

As vice chairman of the House Permanent Select Committee on Intelligence, I know that the intelligence community is the first line of defense against terrorists, proliferators of weapons of mass destruction, and other rogue elements who wish to do us and our allies harm here at home and across the globe.

This legislation provides policy guidance for 16 agencies of the intelligence community while also improving oversight and helping to prevent disastrous consequences that faulty intelligence and a misinformed Congress can have on national security.

Mr. Speaker, I have the honor and privilege of meeting many of our intelligence professionals in over 50 countries around the world during my oversight travel as a member of the Intelligence Committee. I cannot overstate how much I and the members of the committee, and I am sure all Members of this body, appreciate them and are humbled by their service. Their dedication and commitment became more evident when seven Americans made the ultimate sacrifice during a terrorist attack in Khost, Afghanistan, this past December.

But the attempted terrorist attack on Northwest Flight 253 on Christmas Day was a startling reminder to all Americans that in spite of our best efforts we are still under attack, and we still have much work to do to get it right. The constant threat from violent extremists reinforces that now more than ever, and we must give the intelligence community the resources and flexibility it needs to thwart the con-

tinuing and emerging threats to United States national security.

For the last 4 years, our country has gone without an intelligence authorization bill. I find it very distressing that the House Intelligence Committee, which was created to ensure proper oversight and accountability of our intelligence community, has worked diligently every year to pass a bill but has not seen one signed into law in recent years.

As we have seen, the intelligence community is in dire need of independent oversight. Sadly, when we created the Director of National Intelligence, we did not create an independent Inspector General. This bill would remedy that flaw by making clear that the Inspector General does not serve at the whim of the Director of National Intelligence and also has an independent responsibility to keep Congress informed.

Some of my colleagues on the other aisle have argued against the creation of a new Inspector General. I would respectfully disagree with their assessment. It is clear that this provision will help to streamline and coordinate oversight.

This bill also contains a provision in the manager's amendment providing sensible reforms to the Gang of Eight process. As vice chairman of the committee, I have seen that process abused in the past, and I am glad that we are taking a careful step towards reform. I believe that the administration has a statutory and constitutional duty to keep members of the Intelligence Committee, all members of the Intelligence Committee, fully informed on certain intelligence matters. Therefore, by reforming this process, the bill enhances transparency and bolsters Congress' capacity to conduct important oversight.

The bill also clarifies the responsibility of the Director of National Intelligence to cooperate with GAO investigations initiated by Congress. GAO can provide the Congress with valuable expertise and assist with oversight functions, especially in areas of auditing and security clearance reforms.

I have stated time and time again that the intelligence community is not diverse enough to do its job of stealing and analyzing foreign countries' secrets. Diversity is a mission imperative. When I came on this committee, I came on after the legendary Lou Stokes, who served on this committee and advanced many measures that are in law today dealing with intelligence. My good friend and my good friend from California's good friend, Julian Dixon, who has departed life, carried that banner, as did SANFORD BISHOP when he was on this committee.

I, along with many other members of the committee, particularly Chairman REYES, ANNA ESHOO and others countless throughout the years, JANE HARMAN included, we have fought for con-

tinuing diversity on this committee. We need people who blend in, speak the language, and understand the cultures in the countries that we are targeting.

As my colleagues on the committee and I have mentioned on many occasions, when the intelligence leadership comes to testify, we don't see a lot of diversity at the table. We don't see enough women at the table. It is time for the community to get serious about improving diversity for the sake of our national security.

A real diversity effort means more than just staging recruitment drives at colleges with a lot of black students or Latino students. Diversity means hiring, hiring more Arab Americans. It means hiring more Iranian Americans, more Pakistani Americans, more Chinese Americans and more Korean Americans. If the intelligence community is to succeed in its global mission, it must have a global face.

I have offered an amendment on diversity in the intelligence community to the underlying bill. My amendment contains a requirement for the Director of National Intelligence to report to Congress on a comprehensive plan to improve diversity in the intelligence community. It calls on the Director to report on specific implementation plans for each element agency in the community. It also requires information on plans to improve minority retention, not only at the junior and mid-grade levels, but at the senior and management levels as well.

Finally, it requires that the Director of National Intelligence report to the congressional Intelligence Committees on the efforts being made with diversity training and how improvement in diversity will be measured. This amendment, along with many other important provisions in this bill, will make our intelligence community more effective, more efficient, and more accountable.

Given the immense security challenges facing our Nation, it is vital that Congress pass this legislation so that we may continue to fulfill our commitment to the safety and well-being of the great American people.

I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I might consume.

Mr. Speaker, let me first express my appreciation to my friend from Fort Lauderdale, a member of both the Rules Committee and a distinguished member of the Permanent Select Committee on Intelligence.

Mr. Speaker, last Christmas Day, as we all know, when a passenger boarded Northwest Airlines Flight 253 headed for the Detroit Metro Airport, the issue of national security once again came to the forefront, to the top of the agenda for everyone in our country. This is, of course, never, never far from our minds. But in recent months, as several high-profile terrorist plots have



been thwarted, the tragic shooting at Fort Hood had taken place and our troops continue to fight two wars, we know that the threat of attacks on Americans remains a very real threat to us.

What was so shocking and revealing about the attempted attack on Christmas Day was not that al Qaeda remains a threat. This much we all know. What was most troubling to the American people was the revelation that key information was available that could have prevented Umar Farouk Abdulmutallab from ever boarding that plane in the first place.

Last month, December 25, as everyone, including the President has acknowledged, the system failed us. If not for the perpetrator's failure to properly detonate the device and the heroic acts of his fellow passengers, this attempted attack would have become a horrible, horrible tragedy. It was not careful intelligence gathering, analysis, and coordination that saved the people on that plane; it was luck and the quick thinking on the part of those very courageous passengers.

Mr. Speaker, the American people rightly began, immediately after Christmas, on Christmas Day and thereafter, to ask questions about what is being done to address this failure that allowed Abdulmutallab to board that plane. What exactly went wrong? How can we fix the system? What can we do to ensure that this kind of failure never, ever happens again.

Now, in light of these questions, it would seem appropriate that today we would be considering our annual intelligence authorization bill. Now is the time to compile the lessons learned from the attempted attack on Flight 253, the Fort Hood shooting, the numerous arrests of would-be terrorists like Najibullah Zazi and David Headley and the continued items that obviously we don't hear about out there.

□ 1045

Now is the time to take, Mr. Speaker, these new insights and reform our intelligence agencies and policies to better protect our homeland and the American people, and that has to remain the top priority. That is where all of the attention should be focused. And yet, inexplicably, we are considering a bill today that is nearly 8 months old. This legislation was reported out of committee in June of last year. It was written before any of these recent attacks and attempted attacks took place, before any of these new revelations of flaws in our system and before any analysis was conducted on how to fix them.

Mr. Speaker, unfortunately, the Democratic majority's decision to bring up this hopelessly outdated bill is made all the more inexplicable by the fact that it was known to be a seriously flawed bill even back in June

when it was being finalized. In fact, Mr. Speaker, the Obama administration released a scathing criticism of this legislation and even issued a veto threat.

According to the Statement of Administration Policy from July 8 of last year: "The administration has serious concerns with a number of provisions that would impede the smooth and efficient functioning of the intelligence community and that would raise a number of policy, management, legal and constitutional concerns." That is the Statement of Administration Policy.

The statement went on to elaborate on the bill's flaws: the serious risk of compromising highly sensitive data, the new layers of bureaucracy, the impediments to building an intelligence workforce for the 21st century, the wasted resources. These were not the accusations, Mr. Speaker of political adversaries; these were the serious criticisms of President Obama. And they were leveled nearly 8 months ago before a whole host of new challenges made themselves apparent to us. If this was a flawed bill last July, as the President clearly defined it as being, it is now a flat-out dangerous bill.

I believe that the American people will be stunned to learn that the Democratic majority has chosen, with this legislation, to simply ignore the grave new concerns that have been raised in recent months. No lessons have been learned and no new solutions have been contemplated. The Democratic majority's bold approach is to take up an 8-month-old bill that wasn't even a good idea at the time and, as I said, was criticized harshly by President Obama.

The manner in which they are bringing this bill to the floor is just as troubling, Mr. Speaker. The Democratic majority will likely claim that a bipartisan amendment process has been allowed: five Democratic amendments were made in order, four Republican amendments, and three bipartisan amendments. But what these numbers mask is the fact that 21 Democratic amendments were included in the manager's amendments. This not only skews the process in a very partisan way, but it denies the Members of this body representing all Americans, representing Democrats and Republicans alike, the opportunity to vote on these 21 amendments individually based on their merits. We are denied the opportunity for transparency and scrutiny.

What's worse, Mr. Speaker, is that this rule has implications for legislation far beyond the intelligence bill at hand. This rule provides a blank check for the Democratic leadership to bring up any bill at any time today or tomorrow without a shred of transparency or even one moment of public scrutiny. This rule gives them carte blanche to take whatever legislative action they choose, entirely absent of any accountability.

And I've got to say, I was thinking about this last night when we were in the Rules Committee, to impose this kind of structure this early in a Congress—the second month of the second session of the 111th Congress—is beyond the pale. When such drastic and draconian measures are taken to shield their actions from all scrutiny, we can only ask ourselves, what exactly are they plotting? What exactly are they trying to hide from the American people?

Mr. Speaker, for the sake of the security of our homeland and for the sake of a return to the often-promised accountability and transparency, I urge my colleagues to reject this rule. What we need to do is we need to take a hard look at the intelligence failures that have taken place. Let's ask the hows and the whys and make the necessary reforms that will ensure that we never again have to rely on blind luck to protect the American people.

Mr. Speaker, perhaps most important of all, we must reject this attempt to shield the Democratic majority's actions from public view.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

You know, Mr. Speaker, I appreciate my good friend from California's desire to address Flight 253; but in my view, his complaints that the bill is outdated ignores the rule. The rule makes in order an amendment by Representative SCHAUER directed at the lessons of Flight 253.

Now, listen, the intelligence community, constituted of 16 elements, is organic. It is constantly in a state of change, and there is considerable coordination and collaboration regarding the globe, not just one airplane, not just one individual. And when you isolate one individual, like the person that was on Flight 253, you do have that anomaly to show that we are steadily being set upon. But that was mild by comparison to some of those incidents that never make it in the public realm.

I am reminded of the constant saying that success has a thousand fathers, but failure evidently doesn't even have a mother because anytime there is a failure, the whole community is set upon, while day after day after day, year after year after year they're stopping countless attacks on this country that go unnoticed, whether it be in the field of cyber, whether it be on the battlefield. We are constantly in that position. There have been hundreds of successes to protect our homeland security.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Florida. Certainly I will yield to my friend.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that I completely concur with my colleague about this notion of our recognizing that day after day—and I had that in my opening remarks—day after day we are seeing the prevention of the kinds of attacks that we are all concerned about, and we congratulate and herald the intelligence community for that. I think that what we need to focus on is the Abdulmutallab situation, the Fort Hood shootings, and the Najibullah Zazi and David Headley arrests. These things have taken place since this bill had any kind of committee consideration last year. And all we are arguing is, yes, it's great that some amendments have been made in order—unfortunately, it's a very partisan item to have 21 amendments included in the manager's amendment—but we believe very strongly that the committee—and you know very well, having worked so hard on that committee, that a lot of work takes place in secrecy, understandably, that in dealing with these situations, that should happen before bringing a measure of this magnitude to the floor that even the President and so many others have acknowledged is flawed.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Well, when you speak of the President's directions, there were several principal matters that the President referenced in his, as you put it, threatened veto. But the veto, more specifically, the principal objection was to the Gang of Eight restriction that many of us in the committee supported for the reason that we think—and thought—that each of the intelligence members should be advised by the President the same as those of the Gang of Eight.

You know, we use these terms around here. The Gang of Eight are the central players—the Speaker, the minority leader, the majority leader, and the committee Chairs and ranking members. That is who that small kernel of people are who receive specific information. I hope the public at least understands some aspect of that.

The point that I was trying to make and will continue to make is—let me give you a for example. In the last month, I have visited our intelligence operations in nine countries, including Saudi Arabia, Turkey, Israel, Jordan, Egypt, Ukraine, Germany, just to mention a few. In each of those places—and there were others that will go unmentioned—in each of those places I learned of immense success and reporting of successes coming back here to the intelligence community and to the President. Nobody talks about that in the newspaper. Nobody talks about that in this particular setting. You pick three incidents out of thousands of successes and point to a community's failures. I can't accept that.

For 10 years I have watched on this committee these people work their

hearts out, Republicans and Democrats, under the leadership of—friends of mine and yours—Porter Goss, who led this committee, others long before Leon Panetta, and the other committees that don't even get mentioned at all because most people don't even know that they have intelligence operations. What would happen in this world, what would happen with our allies if we did not have the SIGNET? How would we be having the successes that we are having in Afghanistan today of picking off leaders of Taliban, leaders of al Qaeda?

All the time it seems to me that all that comes out as is, oh, they just took out another one, but it doesn't get played up. If one of them managed to get to Canada and to the United States, then that would be the biggest talk that we would have here in Congress. It's not fair, and fairness to the intelligence community is as deserving as any other parts of our bureaucracy that fail considerably, including this institution.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just 1 second?

Mr. HASTINGS of Florida. I was going to yield my time, and I ask the gentleman to take his time, but I am more than happy to yield.

Mr. DREIER. I thank my friend for yielding. And Mr. Speaker, let me just say that I totally concur with absolutely everything my friend just said.

Mr. HASTINGS of Florida. Well, then, I will just take my time back, now that you agree with me.

Mr. DREIER. All I want to do is agree with you. So thank you very much.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time, I am very, very happy to yield 4 minutes to the very hardworking and diligent and thoughtful ranking member of the Select Committee on Intelligence, our friend from Clarendon, Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman from California yielding to me.

I think it is important to step back and put this bill in a bit of context. The Intelligence Committee reported H.R. 2701 out of committee on June 26, 2009, by a vote of 12-9 and the Rules Committee first reported a rule for its consideration here on the floor on July 8, 2009. And yet, from July 8, 2009, until today there has not been time found on the floor to consider this measure. Now, we did find time to consider the Restore Our American Mustangs Act, we did find time to consider the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, we found time to consider the Castle Nugent National Historic Site Establishment Act for St. Croix, all under a rule—none of these even included sus-

pensions—but we couldn't find time to have the Intelligence authorization bill in support of the very people that the gentleman from Florida and the gentleman from California are talking about who keep us safe.

What has happened over the past 7 months since this bill was reported out, as the gentleman from California mentioned, is that we have had a number of arrests and attempted attacks against our homeland; I count eight that have made the papers. Some of them we have stopped by the diligent work of our intelligence professionals. One of them at least was stopped by just pure luck. One of them was not stopped at all, and that was at Fort Hood, where a number of people tragically lost their lives.

In addition, in the last several months, the situation in Afghanistan has changed tremendously. We have had increased terrorist threats emanating from Yemen and Somalia and other places around the world. And yet for some reason intelligence was not a high enough priority, with the leadership of this House at least, to bring this Intelligence authorization bill to the floor.

In addition to that, I would say that a number of issues have been much discussed in the press and around the country that are very central to the efforts of those intelligence professionals to keep us safe. For example, the President said he was going to close Guantanamo Bay within 1 year; it hasn't happened. What's going to happen with those prisoners now? What happens if an American somehow joins a terrorist organization overseas? What are his rights and what are our responsibilities when we get into that situation?

□ 1100

Should there be a complete record of the briefings that were made to Congress about various antiterrorism matters or should those just be selectively leaked out as is happening now?

Another question: Should we automatically give the Miranda warning that says you have the right to remain silent when a non-U.S. person is obtained here in the United States?

Now, amendments on every one of these issues I've just mentioned were filed before the Rules Committee, and yet none of those amendments was made in order.

Why? We have these issues that are central to safeguarding the country. Yet the majority does not make those in order. What does it make in order? A number of reports, as we have discussed.

In addition, in the manager's amendment, there is a section that, I am afraid, illuminates for us all the approach that at least some people in this House are taking in this fight against terrorism. I do not believe it represents a number of the members of

the Intelligence Committee, who see this every day; but in the manager's amendment are provisions that apply only to intelligence community professionals. The provisions say that they will go to jail for forcing one to do something that is against one's individual religious beliefs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I am happy to yield to my friend an additional 2 minutes.

Mr. THORNBERRY. I appreciate the gentleman for yielding.

Now, remember, we can't have debates on serious issues regarding Guantanamo, Miranda rights and other things. What is hitting in this blizzard of reports are several pages which say, if our intelligence professionals try to get information from a terrorist in order to prevent future terrorist attacks and if they don't give him the proper amount of sleep, our intelligence professionals will go to jail.

If they do anything that violates how the terrorist sees his religious rights, without any standard of reasonableness, without any standard to judge it by—it's like, if the terrorist says, My religion requires me to have a Big Mac every day. If we don't give him that Big Mac, we are violating this provision, and our intelligence professionals will go to jail.

There are provisions which say subjecting a terrorist to prolonged isolation will cause our intelligence professionals to go to jail. How many county jails and State prisons in the country could operate under this standard? I would say none. This provision will treat terrorists more gingerly than those in our criminal defense system.

So, Mr. Speaker, unfortunately, what this rule does is it avoids the debates on the substantive issues. Yet there is this thread, which I don't believe the President seems to share—perhaps some in his administration do, and perhaps a few people in this Congress do—a thread of antagonism against our intelligence professionals which says we are going to prosecute them, as the Justice Department is investigating, and that we are going to send them to jail if they don't coddle these terrorists in the appropriate way.

I think that reflects a lack of seriousness with this measure, and that is sufficient reason to reject this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I have listened to my colleague, who is an absolutely brilliant member of the intelligence community, and he has provided continuing and dedicated service for the period of time that he and I have served on the committee together. There is one thing, I think, I know a little bit more about than he does, and that is our prison system, and that is for the reason that I participated, as a State and a Federal judge and then as a lawyer, in dealing with circumstances in our prisons.

Our colleague suggests that detainees are treated in a certain way, and those particular things—for example, food and the length of the hair or religious convictions—have been litigated ad nauseam in the United States. I can assure you that persons who are in custody in the United States find themselves able to access to the food that comports with their religious requirements and also the other circumstances.

One thing that is great about America is that we do have values, and one thing that is great about us in handling others, even much better than they even ever consider us, is that those values manifest themselves in the treatment of persons who are our enemies.

Now, I am going to try with this document here to put to rest this not-in-my-backyard argument that I continue to hear from my colleagues about Guantanamo.

I first want to commend to my colleagues H.R. 3728, the Detainment Reform Act of 2009, which I filed, and I would urge them to look at it and to look at the detention criteria and at the ways to process detainees, as well as the reporting requirements that transpire. I will not take the time now to go into detail, but that measure is sitting here, and any one of them can join it. I have no pride of authorship, and I've said to Members on the other side and on our side that, if there is something they can add or detract, then please do so.

Regarding where you put people whom we hold and somehow or another the thought being that we can't try people in our Federal system or, for that matter, if we have a situation where every detainee must be tried in military commissions, according to some, well, let me tell you some of the people whom we hold in one prison today.

According to the Bureau of Prisons, ADX Supermax in Florence, Colorado, has a capacity of 490 inmates. There are currently 445, leaving 45 cells available. I can assure you anybody in Guantanamo could be transferred here with no threat to Florence, Colorado. No one has ever escaped Supermax. Supermax officers are some of the best trained in the Nation, and current and former inmates include—let me just give you some of these people:

Anthony Casso, a mobster and former underboss of the Lucchese crime family, is at this prison. Wadhi el-Hage, a coconspirator in the 1998 United States Embassy bombings, is in this prison. Matthew Hale, a white supremacist leader convicted of soliciting the murder of a Federal judge, is in this prison. Larry Hoover, the leader of the Gangster Disciples Nation, based in Chicago, is in this prison. Jeff Fort, the cofounder of the Black P. Stones gang in Chicago and the founder of its El Rukn faction, is in this prison. Omar Portee,

the cofounder of the United Blood Nation, is in this prison and has never escaped. Theodore Kaczynski, the Unabomber, is in this prison in Colorado. Juan Matta-Ballesteros, the drug trafficker and coconspirator in the Enrique Camarena case, is in this prison. Zacarias Moussaoui—remember him? He was tried in our regular system as a coconspirator in the September 11, 2001, attacks. Guess where he is? In Colorado, in Supermax. Terry Nichols, the Oklahoma City bomber, is in this prison. Richard Colvin Reid, the Islamic terrorist, nicknamed the "Shoe Bomber," who also came through our regular system under the aegis of the previous President, is in this prison. Eric Robert Rudolph, convicted of the 1996 Olympic Park bombing, is in this prison. Dwight York is in this prison. Ramzi Yousef, of the World Trade Center bombing, is in this prison.

Enough of this "not in my backyard." We can hold these people.

H. Rap Brown is in this prison. Thomas Silverstein, convicted of murdering a Federal correctional officer, is in this prison. Luis Felipe, founder of the Almighty Latin Kings and Queens Nation, is in this prison. Howard Mason, a drug trafficker, who ordered the murder of Police Officer Eddie Byrne, is in this prison. A leading member of the Aryan Brotherhood, Barry Mills, is in this prison.

So what are you all talking about when you stand around and tell people that we can't hold people in this Supermax prison? We can hold them in Guantanamo. We can hold them in Supermax, and we can do everything that is required of us as a nation in order to protect ourselves in that regard.

Yet what has happened in this institution is you have given the American people a chance to believe that they should be afraid if you hold them in certain institutions in your neighborhoods. Well, they come through your neighborhoods an awful lot, and you evidently don't know about it. I, personally, am just a little tired of your not-in-my-backyard attitude about this particular system. We can hold terrorists, and we can hold criminals, and we've been doing it all of my adult career, and that's 50 years as a lawyer.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me just say that my friend from Gold River, California, has been attempting to engage in a colloquy with my friend.

I yield 3 minutes to the gentleman from Gold River, California (Mr. DANIEL E. LUNGREN), and I am sure that he will yield to the gentleman from Fort Lauderdale if he would like to respond in any way.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the gentleman asked: Why?

Well, you know, it's not just in my backyard. I don't want them in any

American's backyard. Guess what? The American people agree with me.

That's why Mr. KING and I went before your committee, to ask permission if we could possibly debate this issue on the floor. Everything you just said is part of a debate that could take place, and we could resolve it, but the Rules Committee decided, in their infinite wisdom, not to allow us to debate that on the floor.

Mr. KING's and my amendment did one simple thing. It said that those who are currently in or in the future will be in Guantanamo Bay will not be transferred to U.S. sovereign territory for any trials. That is, they will stay at Guantanamo with the specially created courtroom that we have there—absolutely secure—under the Military Tribunal Act, which we, the Congress, passed in 2005.

I mean that's the answer to your question, but it must seem strange to the American people that the majority would be afraid, seemingly, to allow us to debate that with real consequence. You can allow us to debate that in the rule, knowing it has no consequence. The real consequence would be if we had an opportunity for the American people to actually be heard by way of legislation.

It is interesting that you did make in order the manager's amendment, which will give newly established rights, by way of penalty, to our members of the intelligence community if they would dare deprive one of these individuals of sleep or if they would isolate them for too long a period of time—neither one of them defined in the statute.

So what we have done is we have said we will continue to ignore the American people who have said loudly and clearly, We do not want Khalid Sheikh Mohammed and his confederates to come to New York. We do not want those in Guantanamo to come to the United States.

I find it strange that the gentleman from Florida would compare H. Rap Brown to a terrorist involved in a terrorist network. He doesn't understand—I know he does understand. I'm sure it was a rhetorical device the gentleman was using—the difference between someone who is an American citizen and the rights that he has versus someone who happens to be a noncitizen—in fact, an unlawful enemy combatant. There is a distinction that has always been known in our courts, and the idea that we are going to extend the full parity of constitutional rights to someone whose only connection with the United States is that that person was captured on the battlefield, attempting to kill Americans, is inconsistent with the history of this Nation and is inconsistent with all of the decisions of the Supreme Court.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. May I inquire of the Chair how much time is remaining on

both sides before I yield to my friend from Gold River?

The SPEAKER pro tempore. The gentleman from California has 13 minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. DREIER. I yield an additional 1 minute to my friend from Gold River, California.

Mr. DANIEL E. LUNGREN of California. So we have right now, taking place across the street from the White House, a summit on health care. We should be having a summit today on the intelligence community, in our effort against those who would wish to destroy us by terrorism. The way we act suggests to the American people this is not on the top of our priority list but on the bottom.

Later, we are going to have the rule on the PATRIOT Act. Why? Because, within a couple of days, three provisions of the PATRIOT Act are set to expire.

Monday, we rushed in here. We had an extra day of voting. What did we do? We worked to rid the country of the scourge of unnamed post offices. We were here to make sure that—man, we've got to find some more post offices to name.

Why couldn't we give additional time to allow amendments that are serious in nature and that the American people want us to deal with on this floor? But no. Once again, the Rules Committee has said we are not going to allow it, but we are going to incorporate in the manager's amendment an amendment which actually provides greater rights to those who are being held and put at jeopardy our intelligence community.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend on the Rules Committee, I would just like to comment regarding my good friend, Mr. LUNGREN's comments.

Mr. LUNGREN, there have been three people who have been convicted in military commissions, and two of them are already free. During that same period of time, under President Bush's administration and under in President Obama's administration, more than 300 people have been convicted in our civilian courts.

□ 1115

And you're correct. I was using the people in the Supermax to make the point no matter who they were, whether they were Zacarias Moussaoui, who certainly isn't an American citizen, or countless others, that we can hold them and that they can't escape. The fear some seem to think is that they would escape.

Mr. Speaker, I yield 1 minute to my colleague on the Rules Committee, the distinguished gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I won't take the 1 minute.

I'd say to my friend from California, in Colorado we were asked to take over

the trial of Timothy McVeigh, who had blown up an office building in Oklahoma. He didn't do it in Colorado. But we said okay, we're part of this country. We're part of America. We have a responsibility. We don't know what kind of crazy people are going to come and try to disrupt or harm our judges, our people that worked in the prisons or the like, but we took that responsibility. We weren't afraid of that responsibility. And our judicial system, our Federal judges, handled that matter, I think, in a very fair, fine, and proper manner. We did it because that's who we are. And we've taken prisoners into our supermax who are terrorists by anybody's definition.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. PERLMUTTER. We take responsibility for those things that Americans have to deal with. We don't like dealing with it. You don't like dealing with it. But we have to. So we're prepared. In our court system in America, whether it's in New York or Colorado or Texas or California, we have good judges. We have good people that work in our Bureau of Prisons. We can handle this.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

I would first say in response to my good friend from Colorado, Mr. LUNGREN has just reminded me that the moment one of these individuals is on American soil, they have enhanced rights that they would not otherwise have.

I would like to engage in a colloquy with the very distinguished ranking member of the Select Committee on Intelligence to discuss one of the amendments that unfortunately will not see the light of day, that we will not have the opportunity to debate other than in the context of the overall manager's amendment, which included 21 amendments from our Democratic colleagues, including the McDermott amendment.

Now, the McDermott amendment, which was discussed by my friend from Clarendon, is an amendment that provides basically carte blanche, an opportunity for any individual, one of these barbarians, to claim for religious reasons that they are being mistreated. The moment I heard the word "Big Mac" come forward from my friend MAC THORBERRY, I have to say who's my Big Mac, but I thought, my gosh, someone could actually claim that being denied a Big Mac would be cruel and unusual punishment? And I've got to say as I look at the litany of items on here, including exploiting phobias of the individual, I just don't understand it. And I wonder if my friend might further enlighten us on this.

I'm happy to yield.

Mr. THORBERRY. I thank my friend for yielding.

Let's start with a bit of context. Remember, the Army field manual has been published so that terrorists all around the world know what we will and will not do to them. This will take it another step forward and actually give terrorists more rights, more consideration than ordinary criminals in our criminal justice system.

For example, it is not unusual, I suspect, for the FBI to interrogate someone accused of a crime, perhaps involving murder, to say you'd better cooperate with us or you may get the death penalty. That would be illegal under this amendment. As a matter of fact, the intelligence professional who says that under this amendment would go to jail for 15 years because you cannot threaten the use of force.

The gentleman's correct; there is no standard of reasonableness for what they would classify as your religious practice, so I can classify as my religious practice anything I say. And the intelligence professionals have to coddle to that or they could go to jail. It is an outrageous inversion of our priorities, I think, Mr. Speaker, where we care more about coddling the terrorists than we do about protecting the American people.

Mr. DREIER. I thank my friend for his contribution.

He just reminded me that the speech that everyone heard, what was described as the "Scott heard 'round the world" when we saw Scott Brown elected to the United States Senate seat in Massachusetts, the line that came to the forefront was, I want to make sure that my tax dollars are expended on fighting against these terrorists rather than expending our tax dollars defending these terrorists. And the McDermott amendment takes and expends more time and effort and energy in defending them. And, unfortunately, the only discussion that we will have on this, Mr. Speaker, is during consideration of the rule because we're not going to have a chance to vote on this amendment other than its being included in the overall manager's amendment with 20 other amendments being included.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I continue to have to teach law here, and I never wanted to do that.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law, and that's whether a person is in Guantanamo or whether they are in Colorado.

That said, at this time I yield 1 minute to the distinguished gentleman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I would like to thank the chairman for his hard work on the underlying bill.

As a member of the House Armed Services Committee, I know just how important it is to focus on vulnerabilities in the global supply chain, and I'm glad that my amendment was included in the manager's amendment.

My amendment broadens review of global supply chain vulnerabilities to include the risks not only from counterfeit products but from original products. Considering the number of foreign state-owned or state-invested enterprises in the technology industry that manufacture products for our market, original products present serious risks to our defense and intelligence systems.

The amended review also assesses the impact of the provision of services by foreign-owned companies, which also creates vulnerabilities in the supply of parts and equipment, causing increased vulnerability to cyberattack on our intelligence systems.

I urge my colleagues to support the rule and the manager's amendment.

Mr. DREIER. Mr. Speaker, at this time I yield 3 minutes to a very thoughtful new Member who has expended a great deal of time and energy trying to ensure that we can at least have a debate on the issue of bringing terrorists onto U.S. soil, my friend from Peoria, Mr. SCHOCK.

Mr. SCHOCK. I thank my good friend from California for the time.

What a novel idea. The United States House of Representatives would debate the power of a good idea.

You know, in my short 1 year in this body, it's amazed me how many amendments have come before this body at a straight up-or-down party vote. Republicans vote one way and Democrats vote another.

We live within the confines of majority rule. It's something that our voters and taxpayers live with. It's something that we in this body live with. But I think there's something that almost everyone that I represent in my district abhors, and that is the notion that the power of a good idea is not allowed the form of debate in this body and is not allowed a straight up-or-down vote for each Member to cast his or her vote based on the best interests of their districts. And for that reason, Mr. Speaker, I offered three what I thought were thoughtful amendments specifically dealing with the proposal to move the much-talked-about Guantanamo Bay detention facility to my State in Illinois.

I might add, Mr. Speaker, that this wasn't just an idea that I had, but rather, I was joined by every single member of the Illinois delegation on my side of the aisle. They felt this was important enough to allow both sides to be able to debate this issue, both sides, each individual Member, a straight up-or-down vote.

Now, what is it that we wanted each Member to be able to vote on? Well, ladies and gentlemen, there's been much talk about moving all of these prisoners, close to 100 of them, from Gitmo to the center part of our country, in the Midwest, in Illinois, and the idea that somehow that will make us safer as a Nation by moving those terrorists to our country. Yet one of the questions that continually is asked of me, as well as my colleagues who represent the State of Illinois, is who are these people? What are their names? Why are they being held? What acts of terror have they attempted or committed against our country?

So our amendment was very simple. It said this: The American people ought to know what we know. If the American people are supposed to weigh in to their elected representatives to say, yes, we think it's a great idea for Guantanamo Bay to come to Illinois, don't you think they should have the information to make an educated decision? After all, I sat in this front row a year ago and listened to the Speaker of this House talk about how I was going to be a part of the most transparent and open government in United States history. Imagine being a part of the most transparent and open government in United States history. And yet today, ladies and gentlemen, taxpayers, voters, not just in the State of Illinois where these terrorists are supposed to be coming, but every American—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend from Illinois.

Mr. SCHOCK. Thank you. I'll wrap up.

Ladies and gentlemen, it's real simple. In the most transparent and open government in United States history, shouldn't the American people know what we know?

Mr. HASTINGS of Florida. Mr. Speaker, I'd inquire if my colleague has any remaining speakers. I'm the last speaker for this side, and I will reserve my time until the gentleman closes.

Mr. DREIER. Let me say to my friend that I anxiously look forward to his spellbinding closing remarks that I'm sure we'll all be able to benefit from, but I have one other speaker and then I'll close and look forward to sitting patiently and listening to my friend.

Mr. Speaker, at this time I am happy to yield 2½ minutes to a hardworking member of the Intelligence Committee, a veteran of the FBI, the gentleman from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, something fundamentally different has happened in the last year. We have fundamentally changed the way we deal with terrorists in the United States. We should absolutely

fully have that debate on the policy of that switch. Why? Because it has had tremendous consequences.

Think about this: The CIA officers who, given direction by the Department of Justice, interrogated and debriefed and got some 70 percent of what we know about al Qaeda through their debriefings, are now being treated as criminals. Foreign-trained criminals are being brought to the United States and being treated as Americans.

The fact that we would take a terrorist off a plane who had just attempted to kill some 300 people and the people on the ground and say you have the right to remain silent—wrong. You don't. I need to know if there's anybody else out there. I need to know where the training camp was. I need to know a name of an airline you may have heard while you were training in a place like Yemen to come to the United States on a combat mission and kill Americans. They should be treated as enemy combatants. That's exactly who they are. And when you make this fundamental switch from a proactive intelligence approach to keep them at bay to a law enforcement effort to bring them to the United States, it will have negative consequences for the national security of the United States.

To not allow the amendments—I have had many and many of my colleagues here who had amendments to debate and talk about these very serious issues. There is a reason that they couldn't wrap up the fact that there was a shooting at Fort Hood and the Christmas Day bomber. There's a reason that happened. Because when you bring in law enforcement, it slows things down.

□ 1130

They stop providing information until their lawyer can cut their best deal possible. This can't be about lawyers in the back room cutting good deals for foreign-trained terrorists trying to kill Americans. It has to be about the protection of every citizen in the United States and our allies abroad. When we lose that focus, we will lose the ability to stop everyone that comes to these shores.

And if our new program is we are going to catch them at the airport by spending lots more money, we are going to lose this fight. We need to get them in Yemen, in Saudi Arabia, in the tribal areas of Pakistan, and wherever else they train, they finance, and they commit themselves to an act of combat to kill U.S. citizens.

Mr. HASTINGS of Florida. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. DREIER. Mr. Speaker, we all know where the eyes of the American

people are focused right now, and it is not here on the House of Representatives. They are focused down across the street from the White House at the Blair House, where the health care summit is taking place. I have no idea how it is going. We have been managing this debate on an issue that is of paramount importance.

The five most important words in the middle of the preamble to the U.S. Constitution I regularly say are "provide for the common defense." We need to recognize that this is priority number one, our Nation's intelligence. Umar Farouk Abdulmutallab, Najibullah Zazi, David Headley, these are names that have come to the forefront because these individuals pose a threat to the United States of America.

There is no issue that is more important for us to be focusing on. Mr. LUNGREN said earlier rather than having a 6-hour summit on the issue of health care, which we all acknowledge is important and needs to be addressed, the attention should be focused on national security. And unfortunately, it is not only not being focused on, but what we are doing here today is taking a flawed bill from July of last year, 8 months old, that was maligned and criticized by the statement of administration policy from President Obama, and what is it we have done? We have denied amendment after amendment.

Mr. SCHOCK's very thoughtful amendment to deal with the issue of should we give enhanced rights to these people who have perpetrated terrible acts against us? Bring them onto U.S. soil, which would make that happen? We think we should have a chance to debate that issue. Should we take the 21 amendments that our Democratic colleagues have offered, including my friend, Mr. McDERMOTT, who has an amendment that dramatically enhances the power of those individuals who have either tried or have perpetrated terrible acts against us and provides them new defense?

Again I mentioned SCOTT BROWN earlier. And what resonated from his acceptance speech when he won the election was that we shouldn't be expending our taxpayer dollars on defending these terrorists. We should be expending our taxpayer dollars to fight to make sure they never, ever pose a threat against us. This is a terrible rule. It is a terrible rule because it denies the opportunity for debate. And the bill itself needs to be reworked by the Select Committee on Intelligence.

Mr. Speaker, we can do better. I urge my colleagues to reject it. Let's do the right thing.

Mr. HASTINGS of Florida. Mr. Speaker, this is a responsible bill that will enhance vital human intelligence collection, fill the critical gaps in our intelligence-gathering activities, authorize significant investment in our Nation's cybersecurity capabilities, as

well as provide much needed reform by forbidding the CIA's practice of outsourcing interrogation to private contractors operating outside the law.

It is unfortunate that we live in a dangerous and different world, where we must always be vigilant of those who wish to cause harm to others. This bill is critical to addressing the many challenges we face within the intelligence community.

I want to take this moment of personal privilege to thank Chairman REYES and the staff of the House Select Committee on Intelligence, the Republican and Democratic staff, for their extraordinary hard work and dedication in helping to see this excellent bill to fruition.

Four years is far too long for the intelligence community to go without guidance from its oversight committees. I believe we should get an authorization bill passed and on the President's desk for signature into law. There is going to be added general debate. But when I listened to my colleague, who is my good friend, I kind of feel like that all of the labor on both sides, including speakers that I served with on that committee, Mr. THORNBERRY and Mr. ROGERS, we have worked very actively to get us to the position that we are in with reference to this authorization bill. There have been agreements and there have been disagreements. And there are always things that can be added.

The responsibility of the Rules Committee is to move the agenda. I am very proud of the fact that there is a summit on health care going on at the White House at the same time that we are discussing the authorization bill, and that I am getting ready to leave here and go to a jobs task force, which I believe is high on the minds of the American agenda, which proves that we really can do legislation, prepare legislation, chew gum and walk at the same time. We are an incredible lot of people we are, and just like that we can also secure this Nation, as this bill does in high kind.

But I am going to say to you all one more time, enough of the business about not in my backyard. If I didn't dispel it today, I will see you another time on the floor to have you understand just how extraordinary the Federal judiciary is, just how extraordinary the intelligence community is, and just how important it is to our Nation's security that we allow them to function accordingly.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1109 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1109

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question was taken; and (two-thirds being in the affirmative) the House agreed to consider the resolution.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1109.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Mr. Speaker, House Resolution 1109 provides for consideration of the Senate amendments to H.R. 3961, extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act.

The rule makes in order a single motion by the chair of the Committee on

the Judiciary to concur in the Senate amendments. The rule waives all points of order against consideration of the motion except clause 10 of rule XXI, and provides that the Senate amendments shall be considered as read.

Finally, the rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The Senate amendments to H.R. 3961 extend for 1 year several expiring provisions essential to our fight against terrorism. One of these provisions allows authorities to seek court orders for business records or any intangible thing related to a terrorism investigation. Another expiring provision reauthorizes wiretaps on terrorism suspects so that law enforcement officials do not have to file multiple applications when a terrorist disposes of phone after phone or shifts from one communication device to another. Otherwise, terrorists could use multiple devices or frequently change cell phone numbers or carriers, with the aim of interfering with surveillance efforts under FISA.

The Justice Department has said that this provision has proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders. The government cannot use this authority lightly. It must provide specific information that the suspect may employ countersurveillance activities.

Finally, the Senate amendments we are considering today will extend for 1 year a provision first enacted in 2004 that allows the government to apply to the Foreign Intelligence Surveillance court, the FISA court, for surveillance orders involving suspected lone wolf targets. These are suspects who are engaging in or preparing for international terrorism activities, but don't necessarily have ties to a larger organization, such as a terrorist group or a foreign nation. The provision does not apply to any U.S. citizen or illegal immigrant. These three programs are vital tools our Nation cannot let expire.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Colorado for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill that is with us today. The safety of this Nation, protecting America from terrorists, is of high and vital concern not only to this Member, but I think every single Member, as we have been reminded time after time that we cannot take our eye off the ball, that the security of this country is a job that must be done all day, every day, by a group of savvy professionals that I believe we presently have in this country. It is a combined effort of not

only law enforcement and intelligence, but also it involves bright minds from this body also.

Today what we are here to do is to consider reauthorization of the USA PATRIOT Act. This act was done 9 years ago, 9 years ago when our Nation was struck. It was crafted in such a way that there were provisions, ideas, thoughts that we did at the time where we said we need to make sure they are reauthorized, that these ideas are looked at, where we go through the processes and see what happens not only with our own effectiveness with the law, but also how our intelligence agencies are nimble enough to adapt themselves to make these changes.

At the same time I say I am for this, it is unfortunate that my friends on the Rules Committee, my Democratic colleagues, continue to deny the minority due process by not allowing us to offer a motion to recommit. Time and time again Republicans are shut out of the amendment process, forcing us to simply accept what comes forward.

□ 1145

I encourage my friends on the other side of the aisle to stop restricting this process in the House.

Almost 9 years ago, as I stated, Congress passed this PATRIOT Act, bipartisan support, at a time that was very difficult not only for us to see that enemy that was at us, but also for us to understand more clearly how we should respond, and this Nation did respond. We responded with a PATRIOT Act that was specific in nature that allowed intelligence agencies to stand a chance to fight those against us.

This legislation was and still is vital to our intelligence capacity and our desire to show the enemy that we're willing to fight, that we're willing to stand up and protect this country, that we're willing to go to the lengths that are expected of anybody who wants to protect their own homeland.

Earlier this week, Ranking Member LAMAR SMITH of the Judiciary Committee, the gentleman from San Antonio, Texas, urged Democrat leaders, as we did not know whether this bill would come forward, to extend those expiring provisions, stating: "Congress has a duty to protect the American people. Failing to reauthorize our national security laws in a time of heightened threat is reckless."

These were the types of public comments that Republicans are making about the need to make sure that we press this body to get done its job with those processes.

Yesterday, up in the Rules Committee, the gentleman, MAC THORNBERRY, also from Clarendon, Texas, testified in the Rules Committee about the importance of extending the expiring PATRIOT Act provisions at the time we were debating the Intelligence



bill. I thought that Mr. THORNBERRY was well on point, was thoughtful, was articulate about the significance of providing the necessary debate on important issues and amendments.

I think we just had a debate here on the floor where we went through how these issues need to be talked about in this body and every single Member needs to understand them as a result of their constitutional duty to protect and defend, not just our Constitution, but this country. And I wholeheartedly agree with his assessment when he said we need to provide the intelligence community with the appropriate tools to protect this Nation.

Yesterday, the Senate passed this legislation by voice vote; confirming the importance of acting immediately. Look, I'm just for getting it done. I'm just for getting it done. If the Senate wants to do it by voice vote, that's fine.

Today we are here on the floor to talk about the three provisions that were set to expire. They were set to expire because the previous Congresses have said we needed to have an active debate on these issues, like to talk about them, allowing the government to seek court orders for roving wiretaps on terrorism suspects who shift their modes of communication.

Mr. Speaker, if there's one thing we learned, the enemy is smart and nimble and quick. They adapt themselves to the way we do business. We need to give our intelligence agencies the ability to be nimble, quick and to adapt themselves also. Glad this is being redone just in time.

To allow investigators to obtain a Foreign Intelligence Surveillance Act court order to procure certain records in national security investigations, you've heard this said for a long time. The people who are trying to protect this country are few in number, and the cases against them are very large. The number of people who are seeking to turn our country into another war zone where civilians are killed, where planes are blown up out of the sky, where we have inundation of our national security efforts, as well as cybersecurity, are numerous. We need to make sure our investigators have a clear understanding about the rules and are able to receive information in a legal process.

Lastly, to allow the government to apply special court surveillance orders involving suspected terrorists that are called 'lone wolf' terrorists who do not necessarily have ties to larger organizations.

I think the gentleman, Mr. ROGERS, made a point here from the Intelligence Committee that our ability to be able to see this for what it is, whether it's a part of a larger terrorist group or whether it's a lone wolf acting on his own, that we need to be able to make sure that we can fully vet these

individuals before shutting them down and allowing them just to be treated as a person who's committed a crime. We need to be able to see that which is aimed at this country and to fully vet them.

When people who are overseas terrorists come into this country by lying to us about why they would be coming and their intents, we need to be smart enough and nimble enough to pick these up.

Each of these provisions are used by law enforcement officials and intelligence agents to prevent terrorist attacks. By reauthorizing these provisions today, which my party, the Republican Party, fully supports, we believe, for an additional year, will provide the appropriate defense and intelligence measures to protect Americans from another event like 9/11.

If I offered some comments, Republicans would have been in favor of making these permanent in law. Of course, we need to make sure that we're re-evaluating these, but these should be made permanent law so that our law enforcement agencies set themselves in a position to be nimble enough to see the attack against us.

I think 9 years' worth of effort has told us we need to give our law enforcement every single tool that we believe is reasonable. I think we've done it today. I wish we'd done it for more than a year, because here we are, we will be here a year from now, perhaps struggling with the same issue.

Let's make these permanent additions to the Homeland Security PATRIOT Act. This country is under a constant threat of violence and terrorism, and that's why it's necessary to make sure that all of our intelligence and law enforcement have the appropriate tools to defeat those who would wish to do us harm.

We don't need to look back very far to Christmas Day; but I would say to us that after that, we still had warnings that came from our intelligence community that said, and expect more, and expect more; which is the reason why we should be making these issues that we talked about today, not extending them for one more year, but to make them permanent to give our guys, our team, our men and women who are engaged in the professional aspect of protecting this country, the tools which they need to protect this country.

Mr. Speaker, at this time I will reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I am in agreement with my friend from Texas that this rule ought to be passed and we ought to move forward right now. So I don't have any other speakers. I'm going to reserve the balance of my time.

I'd ask my friend from Texas how many people he expects to have speaking on his side.

Mr. SESSIONS. I would appreciate that. And in a colloquy, if the gentleman would allow me the time since he has indicated he has no further speakers, I will go ahead and consume my time with the knowledge that he would then be ending very quickly. And I thank the gentleman very, very much.

Mr. Speaker, I am going to go ahead and proceed using up all my time at this time with the knowledge that he will be through.

Mr. Speaker, at this time we have the gentleman from Gold River, California, a gentleman, Mr. LUNGREN, who has served as not only a Member of this body, then went back to California, served as the Attorney General from the State of California. He's a very thoughtful Member. He sees very clearly the laws of this country and the Constitution of this country, but he also sees the need for us to be nimble enough to see the attack that's against us, to be able to respond and to give our men and women who are on the front line all the assets and resources only that are necessary, but the laws and the underpinning of being able to make sure that we can fully protect this country.

And I will yield to the gentleman 6 minutes at this time.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the generous provision of time.

Mr. Speaker, when we were reauthorizing the PATRIOT Act in 2005, or extending it, I authored in committee the sunset provisions that subjected these three provisions of the PATRIOT Act to further consideration by the House. That sunset was up last year. And so, rather than seriously consider it and thoughtfully proceed as to whether it ought to be permanent or not, we kicked the can down the road by extending it a year. And then we came just before Christmas up against it, once again, and we extended it for 2 months. And now, here we are, 3 days before the expiration of these provisions, and we are going to have a temporary extension, a year, not 2 months, but just a year.

I would hope that we would consider an issue such as this as an important primary issue. It's almost as an afterthought. Just before we leave for Christmas, we extend it for 2 months. Now, we're within 3 days of it expiring, we extend it for a year. Forgive me, but it almost sounds like we're treating it like a burp after a big meal, something we're kind of embarrassed about, something that happened, sort of involuntarily, as if we don't have control of this.

I've said on this floor before that we're certainly making sure that no post office in America goes unnamed or un-renamed. But at the same time, we deal with this issue, which is crucially important.

Our Judiciary Committee considered the reauthorization of these provisions; and we reauthorized, by our bill, the business records section. We reauthorized the roving wiretap provision, although we made some changes in that from current law, which I did not support, but nonetheless, that was it. But we failed to extend the lone wolf provision. And let me tell you the thinking on that.

The argument was, we didn't need the lone wolf provision because it had never been used. What's the lone wolf provision? It allows us to apply the intelligence-gathering authorities that we have in the overall law to individuals that we cannot, at that point in time, determine are actually involved with a foreign country, that is, associated with a foreign country, or with a known terrorist organization. And so they said it had never come up before. So we failed to vote it out of Judiciary Committee. That was in the morning, about 12:30, just after noon.

What happened later that day? The massacre at Fort Hood. A lone wolf. Now, admittedly not someone who would be under the PATRIOT Act because he's an American citizen, but my point is, we have to be concerned about lone wolves.

And what about Mr. Abdulmutallab?

If we had had information and been able to connect some of the dots early on, we would have not been able to prove initially that he was necessarily associated with any other group, maybe inspired by another group. He would actually come under the definition of a lone wolf.

And yet the Judiciary Committee said, well, we're going to deprive our intelligence community of the powers under the law for those who are lone wolves.

That's why I say this needs full and vigorous debate. We need to consider the essence of these provisions, and we need to determine whether we believe it needs more than an extension of a single year. Does anybody on this floor truly believe that al Qaeda will give up in a year? Does anybody believe that those who are out there with the idea that they want to do harm to the United States, utilizing terror inspired by al Qaeda or others, are going to quit after this year? I would hope they would. I would hope we would defeat each and every one of them before the year's out. But that's unrealistic. Let's understand.

So, why we're bringing this to the floor with only a single-year provision is beyond me. If we take seriously our obligation to provide for the common defense, in this environment of a non-conventional war, asymmetric, as they like to say, undefined, compared to previous conflicts, where the enemy does not seek territorial advancement, but seeks the destruction of who we are and what we are, our institutions, and how we, in fact, act.

This is a different world. I've said on this floor before and I'll say it again, al Qaeda doesn't hate us and attack us because of Guantanamo. Al Qaeda hates us and attacks us because of the Statue of Liberty and everything it represents.

□ 1200

And so I would hope that at some point in time we would come to this floor and have a serious, full-throated debate on these three provisions of the PATRIOT Act as to whether they ought to be extended as a matter of permanent law or at least as a reasonable period of time—5 years, 10 years, not single year—and not treated as an accident of legislative action.

So I rise in support of the bill and the rule that allows the bill but in great disappointment that we are not doing all we could do to advance the cause of freedom and protection of the American people. This is better than nothing, but it's not good enough.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we're talking about something that is real important today. We've been talking about something that is real important, and I think the point that's made today is that the Republican Party supports the extension of the PATRIOT Act that we're doing here today. These three provisions are very important.

We're questioning why we have to move these on a piecemeal basis. We should move them. They should become permanent law. We believe that the enemy that is at our doorstep, that is all around this world, that is attacking our allies, our friends, people who love freedom, that that is not going to go away. We need to give our intelligence officials the ability to know that they are going to hard-code this in their books and their training and what they do instead of exceptions to, well, we might not want to do this in the future. Mr. Speaker, we need to give our team that's protecting us all of the tools that are available.

We're going to vote for this today because we think it's the right thing, but we think it ought to be made permanent. We think it ought to be a provision that all of our law enforcement, all of our intelligence officials understand why we're doing this, and we want to send them a strong signal: Protecting this country is not something that should be taken lightly from a perspective of what might expire. We want to give them all of the tools that are necessary. We want to make it permanent. Let's put it in their permanent training manual, not in an exception rule that they have to follow up and retrain people about what the law is.

Protecting this country should not be something that is related to whether we have an expiring provision or

not. Let's make it permanent. Let's get that done. It would be my hope that the Intelligence Committee of this House would move to get that done as soon as we've passed this today.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I thank my friends from Texas and California for their comments, and their comments indicate that they support this rule.

This rule allows for the passage, ultimately, of an extension of time on three important surveillance tools that we now have within our arsenal. There is no disagreement between the sides at all as to the need for the passage of this rule and the need to move forward. So, I would urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1239

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 12 o'clock and 39 minutes p.m.

## PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1105, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 19, as follows:

[Roll No. 66]

YEAS—237

Abercrombie  
Ackerman  
Adler (NJ)

Altmire  
Andrews  
Arcuri

Baca  
Baird  
Baldwin

Barrow  
 Bean  
 Becerra  
 Berkley  
 Berman  
 Berry  
 Bishop (GA)  
 Blumenauer  
 Boccieri  
 Boren  
 Boswell  
 Boyd  
 Brady (PA)  
 Braley (IA)  
 Brown, Corrine  
 Butterfield  
 Capps  
 Capuano  
 Carnahan  
 Carney  
 Carson (IN)  
 Castor (FL)  
 Chandler  
 Childers  
 Chu  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crowley  
 Cuellar  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 Davis (TN)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dicks  
 Dingell  
 Doggett  
 Doyle  
 Driehaus  
 Edwards (MD)  
 Edwards (TX)  
 Ellison  
 Engel  
 Eshoo  
 Etheridge  
 Farr  
 Fattah  
 Filner  
 Foster  
 Frank (MA)  
 Fudge  
 Garamendi  
 Giffords  
 Gonzalez  
 Gordon (TN)  
 Grayson  
 Green, Al  
 Green, Gene  
 Grijalva  
 Gutierrez  
 Hall (NY)  
 Hare  
 Harman

#### NAYS—176

Aderholt  
 Akin  
 Alexander  
 Austria  
 Bachmann  
 Bachus  
 Bartlett  
 Barton (TX)  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehner  
 Bonner

Bono Mack  
 Boozman  
 Boustany  
 Brady (TX)  
 Bright  
 Broun (GA)  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp  
 Campbell

Ortiz  
 Owens  
 Pallone  
 Pascarella  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Perriello  
 Peters  
 Peterson  
 Pingree (ME)  
 Polis (CO)  
 Pomeroy  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Reyes  
 Richardson  
 Kagen  
 Kanjorski  
 Kaptur  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kosmas  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 Loebach  
 Lofgren, Zoe  
 Lowey  
 Lujan  
 Lynch  
 Maffei  
 Maloney  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McMahon  
 McNeerney  
 Meek (FL)  
 Meeks (NY)  
 Melancon  
 Michaud  
 Miller (NC)  
 Miller, George  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (VA)  
 Murphy (CT)  
 Murphy (NY)  
 Murphy, Patrick  
 Nadler (NY)  
 Napolitano  
 Neal (MA)  
 Nye  
 Oberstar  
 Obey  
 Oliver

Diaz-Balart, L.  
 Diaz-Balart, M.  
 Donnelly (IN)  
 Dreier  
 Duncan  
 Ehlers  
 Ellsworth  
 Emerson  
 Fallin  
 Flake  
 Fleming  
 Forbes  
 Fortenberry  
 Fox  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Gohmert  
 Goodlatte  
 Granger  
 Graves  
 Griffith  
 Guthrie  
 Harvorson  
 Harper  
 Hastings (WA)  
 Heller  
 Hensarling  
 Herger  
 Hill  
 Hoekstra  
 Hunter  
 Inglis  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 King (IA)  
 King (NY)  
 Kingston

Barrett (SC)  
 Bishop (NY)  
 Boucher  
 Cardoza  
 Gingrey (GA)  
 Hall (TX)  
 Johnson, E. B.

Kirk  
 Kline (MN)  
 Kratovil  
 Kucinich  
 Lamborn  
 Lance  
 Latham  
 LaTourette  
 Latta  
 Lee (NY)  
 Lewis (CA)  
 Linder  
 LoBiondo  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McKeon  
 McMorris  
 Rodgers  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Minnick  
 Mitchell  
 Moran (KS)  
 Murphy, Tim  
 Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul  
 Paulsen  
 Petri

#### NOT VOTING—19

Kennedy  
 Pence  
 Pitts  
 Price (GA)  
 Radanovich  
 Reichert  
 Ros-Lehtinen  
 Shimkus  
 Stark  
 Towns  
 Westmoreland  
 Wilson (SC)

#### □ 1317

Messrs. COFFMAN of Colorado and BILIRAKIS changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PENCE. Mr. Speaker, on rollcall No. 66, I was unavoidably detained. Had I been present, I would have voted “nay.”

#### GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill H.R. 2701.

The SPEAKER pro tempore (Mr. CUMMINGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1105 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2701.

#### □ 1321

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Ms. EDWARDS of Maryland in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Thank you, Madam Chair. I yield myself such time as I may consume.

Madam Chair, I am proud to rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This is an unusual time of the year for us to be considering this legislation. However, it is and remains a very important bill which addresses critical national security issues, and one that we ultimately need to see enacted.

As chairman of the Permanent Select Committee on Intelligence, my most important job is to guide the committee in providing appropriate tools, resources, and authorities to aid the dedicated men and women of the intelligence community in keeping our Nation safe. I believe that H.R. 2701 does just that.

First and foremost, this bill authorizes the activities and the funds for the 16 agencies of the intelligence community. It is difficult to talk about their roles and their missions in the open, but in some ways it is probably one of the most important things that we do on the Intelligence Committee. In addition to providing authorization for intelligence activities, this bill takes the initial important steps to improve congressional oversight of that intelligence community.

I want to highlight two legislative provisions from this year's bill that I believe will significantly improve oversight.

When this bill was marked up in committee, we made significant changes to the so-called “Gang of Eight” procedures. As Members know, the President has had the statutory authority to limit briefings to the Gang of Eight

when they involve sensitive covert actions. It was the sense of the committee that the Gang of Eight statutory authority had been overused, and that, on matters of critical importance, the committee as a whole should have been informed. For that reason, that earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight.

Last July, the administration issued a statement of policy on H.R. 2701 that included a veto threat with respect to the provisions that would modify the Gang of Eight notification procedures. I believe that some level of concern at that point was justified, and I have been working with the administration over the past several months to resolve those differences. Since July, there have already been noticeable improvements in the way the administration and the intelligence community are communicating and briefing Congress.

Accordingly, the manager's amendment I will offer includes a revised provision on Gang of Eight reform. I know that many Members have strong feelings about this issue on both sides of the aisle. The provision that is in the manager's amendment is intended to be a strong and significant step towards better oversight which still respects the constitutional authorities of the President. It recognizes that both elected branches have a role in national security.

I fully expect that once we pass this bill we will then revisit this issue during conference between the House and the Senate. And I am happy to work with Members to seek improvements at that time. Through this process, we will be able to find a workable solution to a problem that has persisted over the past several years, if not longer.

Another provision that I think is absolutely critical establishes a statutory Inspector General for the intelligence community. This provision will eliminate waste, fraud, and abuse, and it will also help keep a close eye on the protection of the rights of Americans.

This year's bill is truly a product of many hands. The Inspector General provision, which I just spoke about, in large part is due to the efforts of Ms. ESHOO, the chair of the Intelligence Community Management Subcommittee. The vice chairman of the full committee, Mr. HASTINGS, has offered an amendment to include critical provisions on our shared interest in promoting diversity as a mission imperative. He has been working at this long and hard for many, many years. Our newest majority member, Mr. BOREN, has worked hard to develop a pilot program to improve language capability in African languages.

The chairman of the Technical and Tactical Subcommittee, Mr. RUPPERSBERGER, has worked hard on the classified annex to make sure our approach to acquisitions and our most technical

programs make good sense. He has been a pivotal part to the committee's oversight process in these very important areas.

The bill includes several provisions offered by Ms. SCHAKOWSKY, the chairwoman of the Oversight and Investigations Subcommittee, which relate to her longstanding interest in appropriately monitoring and managing contractors in the intelligence community.

Mr. HOLT, the chairman of the Select Intelligence Oversight Panel, advocated for a provision addressing the videotaping of interrogations and another on intelligence information on the health risks faced by Desert Storm veterans.

Mr. THOMPSON of California, another subcommittee chairman, has worked hard on this bill as well. He pushed successfully for the inclusion of a provision to study the benefits paid to the families of the men and women of the intelligence community who have made the ultimate sacrifice. I am proud to support that as well.

We also received important input from the committee's minority members. Mr. KLINE of Minnesota offered an excellent amendment, which we were pleased to accept, that requires the National Reconnaissance Organization to rewrite its charter to meet its current missions. Mr. CONAWAY's personal interest in auditable financial statements led to a provision in the bill that requires the intelligence community to focus on its internal financial management and to provide a system that achieves auditability.

Madam Chair, I believe that this bill will provide the resources and the tools that the intelligence community needs to do its important work in keeping our Nation safe. That includes collection and analysis of human intelligence, signals intelligence, and geospatial intelligence.

□ 1330

It includes funds to detect and disrupt terrorist plots, to provide for intelligence support to the warfighters in Iraq and Afghanistan, and also improves the recruitment and training of a diverse and capable workforce.

During my time on this committee, I've had the good fortune to be able to travel and to meet the brave men and women of the intelligence community, both uniformed and civilian, and I am continually impressed and in awe of the great work that they do and the great morale that they have. They are dedicated, professional and highly skilled patriots, and I'm proud to offer a bill that supports them and all that they do for our great Nation.

This past December, we lost seven of those brave men and women in the attack in Khost, Afghanistan. It is for them, and for those who carry on their mission, that I proudly submit this bill today.

Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield myself as much time as I shall consume.

Madam Chairman, annual Intelligence authorization bills should be bipartisan legislation designed to address critical national security issues and deal in a deliberate and considered way with legislation affecting the intelligence community, the personnel within the intelligence community. Unfortunately, this bill does neither. I'm forced to rise in strong opposition.

When this bill was first reported almost 8 months ago, the bill failed to address critical national security issues such as Guantanamo detainees, attempts by this administration to convert intelligence and counterterrorism into matters of criminal law and meaningful reforms to the congressional notification process.

In the nearly 8 months since this bill was reported out of committee, our country has suffered two major terrorist attacks and a significant number of near misses. During that time, the majority took no time and no action to bring this bill to the floor.

In 8 months nothing was done to fix the flaws in our intelligence community that were apparent to every American in the wake of the first attack at Fort Hood and, later, the Christmas bombing attack on an American airliner.

In 8 months, nothing was done to clarify who is in charge of interrogation of high-value terrorist detainees, these people that are captured around the world who want to do harm to America.

In 8 months, nothing was done to provide a long-term renewal of our critical intelligence authorities under the USA PATRIOT Act.

In 8 months, nothing was done to, once and for all, stop hard-core, radical jihadist terrorists from being brought into the United States, despite the clear opposition that has arisen to this ill-considered idea from average Americans across the country.

In 8 months, nothing has been done to clarify how covert actions should be conducted or authorized when they could have deadly effects on American citizens. Nothing has been done.

Then, you go through and you take a look at the amendments that we wanted to propose that would have addressed these issues, and all of these were thrown out by the majority, an amendment that would direct the DNI to establish a panel to review the intelligence relating to weapons of mass destruction programs of Iran. Politically speaking, our intelligence community is now to the left of the United Nations as to our assessment of what Iran's capabilities are, to the left of the ill-fated National Intelligence Estimate that came out under the previous administration.

We've asked for an independent panel of experts to give us a red team review. Our colleagues on the other side of the aisle said, no, that's not necessary.

We asked for an amendment that would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques, this controversial background as to who knew what when, including some of the leading Members of this body. We asked for those documents to be released. The majority said no.

We asked for the prohibition of funds to bring Guantanamo detainees into the United States. The majority said, we won't even debate it. We won't consider it. We won't allow for an amendment that would do just that.

We asked for a report requiring the DNI to submit a report detailing steps taken to fix problems identified in the President's Fort Hood intelligence review prior to December 25. Why? Because the incident on November 5 had striking parallels to what happened on December 25, and we thought it was fair to ask the question and ask the Director of National Intelligence: With the information that you gained on November 5, what actions did you take that might have helped prevent what happened on Christmas Day? And the answer was, no, we don't think that that would be a worthwhile effort to ask the intelligence community those kinds of tough and difficult questions and be held accountable to this body.

And then we said we had another amendment that said, Don't we think it would be appropriate that we actually establish a process for the authorization and the notification of covert actions that may result in the death of a targeted U.S. citizen? It doesn't get into a debate as to whether that is appropriate, an appropriate course of action. It just says, don't we think that the intelligence community and the executive branch should have in place a detailed process of how these decisions are made, how they are authorized, and when Congress would be notified? And the answer from the majority was no. A process that would give us an idea as to how the administration would authorize and notify Congress when they took actions that might result in the death of a targeted U.S. citizen, a targeted U.S. citizen.

And these are just the amendments that were not considered, substantive, serious issues that the majority is unwilling to debate, to discuss and to address.

Later on, as we go through the day and as we take a look at the manager's amendment and the other amendments, we'll take a look at the striking contrast between what the majority is willing to debate and discuss and to act on, and what they are unwilling to debate and discuss. And it has a direct impact on the safety of each and every American.

Madam Chairman, I reserve the balance of my time.

Mr. REYES. Madam Chairman, now it's my privilege to yield 3 minutes to my good friend and chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), who actually has jurisdiction over some of the issues that the ranking member mentioned just a couple of minutes ago.

Mr. SKELTON. Madam Chairman, first, let me thank the gentleman from Texas, Chairman SILVESTRE REYES, for the hard work that he did on this bill. So I rise today in strong support of the Intelligence Authorization Act.

From my perspective as chairman of the Armed Services Committee, it's a good bill, one that will support the intelligence needs of our soldiers, sailors, airmen and marines. Every day, American men and women who are deployed into harm's way depend on the intelligence capabilities authorized by this bill to achieve their missions. I cannot state strongly enough about how those in uniform who are in harm's way depend upon the intelligence that they receive.

This legislation ensures continued delivery of quality intelligence products and capabilities through our warfighters. It will lead to important improvement in the future.

As I've said before, the relationship between the intelligence community and the Department of Defense is fundamental to the success on the battlefield. This bill strengthens the relationship by expanding the intelligence community's technical and human collection capabilities.

It adds significant resources to modernize signals intelligence capabilities, and other cutting-edge technologies that are the foundation for intelligence support for our warfighters in Afghanistan. The bill also adds resources for HUMINT collection against terrorists and other enduring and emerging global security issues in Asia, Africa, as well as in Latin America.

This measure will improve oversight of the intelligence community by creating a statutory and independent intelligence community-wide inspector general.

And, finally, this bill enhances cybersecurity, which is becoming very, very important, cybersecurity efforts by authorizing significant investments to support the President's comprehensive cybersecurity strategy.

I congratulate Chairman REYES on bringing this bill to the floor and urge my colleagues to join me in supporting this very, very important measure.

And I might add, Madam Chairman, that we, on the Armed Services Committee, have dealt with some, and have the jurisdiction of dealing with some, matters that my friend from Michigan mentioned a few moments ago. They are within our jurisdiction.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 4 minutes to a member of the committee, Mr. THORNBERRY from Texas, who will talk about the continued efforts by this administration in what appears to be a war on the intelligence community, a legal war on our intelligence community, the brave men and women in that community.

Mr. THORNBERRY. Madam Chairman, I appreciate the distinguished ranking member yielding to me.

In many ways, this bill is a tale of two bills. Part of this bill is the classified annex where specific dollar amounts are allocated to various programs. And the classified annex, I'm happy to report, is a bipartisan product. And I appreciate the chairman of this committee, Subcommittee Chairman RUPPERSBERGER, and others working with Republicans compromising from both sides, but having a bipartisan product that has the support, I believe, of the full Intelligence Committee and should have the support of the full House. Unfortunately, that is not the case with the other provisions of this bill, the policy provisions of this bill, which are deeply disturbing.

As the ranking member has indicated, a number of key issues, whether it's Guantanamo, to reading Miranda Rights, have not even been allowed to be debated and voted on on the floor of the House. Those issues have been shoved aside.

Instead, what we have in the underlying bill are 41 new reports, plus an additional 17 more reports that would be required of the intelligence community in the manager's amendment. But deeply buried within the blizzard of all those reporting requirements is something that is deeply disturbing, and that is a new criminal part of the statute that would apply only to the intelligence community when they try to elicit information from a terrorist that can prevent future terrorist attacks.

And I think it would be helpful for all our Members to just remember a bit of the history here. Last year the Obama administration released a number of classified memos detailing interrogation techniques, despite the appeal of five former CIA directors not to do it, because doing so would harm our efforts against a terrorist. They did it anyway.

Then, secondly, last year, the administration decided that they would re-investigate CIA personnel who were involved in interrogations, even though it had been thoroughly investigated and there was no basis found for any sort of prosecution. Instead, the Obama administration decided they wanted to appoint a special prosecutor to go after those people again.

Third, there's an effort to bring lawyers up on ethics charges because some people disagree with the legal opinion that they reached. And, of course, just

recently we found that that effort has failed.

Fourth, last year, the Speaker, under pressure from questions about what she knew about these interrogations, alleged that the CIA lies all the time, despite the considerable evidence that she had been fully briefed about the interrogations. And the Speaker's charge was so indefensible that this bill got postponed for 7 months and couldn't even come to the floor, in order to protect her.

□ 1345

So you see that string of going after the intelligence community of making accusations against them. And then what we find in the manager's amendment is this provision that creates new crimes only for the intelligence community when they try to illicit information. It is rather remarkable.

Anywhere in America, if a prison guard tries to wake a prisoner up, it's okay; it's part of the prison routine. Under this provision, if a terrorist does not get a proper amount of sleep, the intelligence community can be prosecuted and sent to jail for 15 years.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 2 minutes.

Mr. THORNBERRY. Anywhere in America there is a criminal investigation, it might be pointed out to a criminal suspect that it would be better to cooperate or the death penalty could be a potential punishment for his crime. It is against the law under this McDermott provision for an intelligence professional to in any way threaten physical harm or coercion against a terrorist in order to get information. In other words, what goes on every day all across America in the criminal justice system would be prohibited in this provision in the manager's amendment.

It is in many ways unthinkable. In many ways, it's topsy-turvy land where we forget who the good guys are, who the guys trying to keep us safe are, and who the bad guys are. It's all turned upside down.

We all remember the photos of abuses from Abu Ghraib in Iraq. They were deplorable. The people responsible were prosecuted under the criminal law, as they should have been. But to extrapolate from that, the source of restrictions here starting on page 33 of the manager's amendment is, I think, indefensible.

Intelligence is a serious business. The people who are involved in it risk their lives to keep us safe. And to threaten, as this law would, to put them in jail for 15 years if they don't give somebody, whatever the terrorist says is part of their individual religious beliefs, I think, is dangerous, irresponsible. And it tells the intelligence community that we talk so much but we're

not going to back up our words; in fact, we're going to prosecute you. That's a mistake.

I am deeply disturbed by some of the trends in this bill, and I hope that the manager's amendment will not be adopted, and if it is, this bill should certainly be rejected.

Mr. REYES. It's now my pleasure to yield 1½ minutes to my good friend and former member of the House Intelligence Committee who still is a valued resource for us, Mr. BOSWELL from Iowa.

Mr. BOSWELL. Madam Chair, I would like to engage the chairman of the Intelligence Committee for the purposes of a colloquy.

Mr. REYES. Madam Chair, I am happy to oblige my good friend, Mr. BOSWELL.

Mr. BOSWELL. I would like to clarify the intent of section 312 of H.R. 2701 regarding the authorization of the Intelligence Officer Training Program.

As I understand it, that section will authorize the Director of National Intelligence to provide grants to institutions of higher learning to develop, among other things, innovative methods of teaching high-priority foreign language skills.

Is my understanding of this provision correct?

Mr. REYES. You are correct, Mr. BOSWELL.

Mr. BOSWELL. My understanding is that Drake University in Des Moines, Iowa, has a highly innovative foreign language skills program. Under that program, Drake students work with native speakers in groups of five or fewer three times a week. Such students may also take a "strategies" course, which has several goals, including helping students approach the culture they are studying through a nonethnocentric lens.

Former students of this program have gone on to teach in China, become Fulbright Scholars, provide translation services, perform nonprofit and missionary work in El Salvador, complete advanced degrees in languages, and excel in the corporate world more generally.

Is Drake University's language program the type of program that the intelligence community believes would be a good candidate to receive a grant from the ODNI under section 312 of H.R. 2701?

Mr. REYES. Having had the opportunity to visit Drake University with you, you are correct.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 30 seconds.

Mr. BOSWELL. Thank you, Chairman REYES, for that comment and that visit. That is correct. I appreciate that.

I want to thank you for the clarification.

Mr. HOEKSTRA. I would like to yield 4 minutes to my colleague from Michi-

gan, a strong defender of the Intelligence Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. I can't tell you how disappointed I am in this bill for all that is at stake in the country.

When there was a switch in debate about how we approach the war on terror, that's a legitimate argument, a legitimate debate to have, and we should do it under the light of day with all of the sets of consequences that come with any change of policy about how we go after terrorists overseas. And the notion that was brought out that, gee, if we just treat this like a law enforcement environment, if we treat it the way we would treat the average American citizen and extend the rights and the privileges to foreign-trained terrorists, the world will like us, the world will be a better place, we will have no more problems, they're going to go away, we will get them in the courtrooms of America, there is a fundamental flaw with doing this.

In order to fully function as a law enforcement effort, the administration has sent FBI agents overseas into the battlefield to read Miranda rights to tell foreign-trained terrorists who probably couldn't find, some of them, America on a map that you have the right to remain silent; if you can't afford a lawyer the United States will appoint one for you; we will pay for it.

The fact that if they get to the airport and stand in line with an explosive device next to you or your children or a family member or some other American citizen, we will catch them then, and we will put them in trial and read them their Miranda rights even though they were recruited overseas, trained overseas, in many cases surreptitiously moved to different parts of different countries in order to get every aspect of their training. And they're taught that they are on a combat mission. That is what they're taught, that your goal in this event is to go cause harm and casualties and chaos to Americans on American soil or to our allies on their soil. So they look at this as they have when they've declared war numerous times. They have declared war on the United States, and they're ready to kill Americans to prove their point.

So some notion that by the time they get to the airport or board the plane we've been successful because we've had the opportunity to read them the Miranda rights is fundamentally flawed, and that is a fight that we will lose. We're going to lose that fight. You can't hire enough TSA agents. You can't hire enough domestic FBI agents. You can't send enough FBI agents into the battlefield to read Miranda rights to stop their effort.

When you treat them like a criminal and read them their rights, you allow a defense attorney to start the negotiations about how much they will or will not cooperate. That starts. That happens. Clearly, the Christmas Day bomber enjoyed that same benefit.

And I'll tell you, that first 24 to 48 hours is critically important in the intelligence community because of a small thing. This guy isn't going to be able to give you all of the layout of al Qaeda and all of their financing and all of their logistical movements, but he could have given us incredibly valuable information—maybe the name of another airline that may have been targeted on that day that we didn't know about, maybe the name or the description of a bad guy who trained in how to use that explosive device or a place or a town or a person that they may have seen in their training camp. To most people, that wouldn't mean a lot. To trained professionals in the intelligence business, it means the difference between stopping them and them being successful. That little, small piece of information can save lives.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield my colleague 1 more minute.

Mr. ROGERS of Michigan. They made a fundamental shift, from proactive intelligence overseas to find them where they train, to where they finance, to where they recruit, to a law enforcement effort to bring them back to the United States. We're bringing foreign-trained terrorists to the United States and putting them in mainstream courtrooms. We're prosecuting CIA officers for following legal advice from the Department of Justice in interrogation. So we're treating CIA officers like criminals, and we're treating foreign-trained terrorists like Americans with all of the benefits and the privileges therein.

You almost couldn't make this up. You couldn't come to this conclusion. And with it, we've got consequences.

When you look at the series of events from the Fort Hood shootings to the Christmas Day bomber and the mistakes that were made and the lost opportunity for disruption, we all ought to sit down and work this out and get us back to where we're putting the interests of Americans first versus the interests of the rights of terrorism before the safety and security of the United States.

I strongly urge a rejection of this bill.

Mr. REYES. Madam Chair, I don't quibble with the opinions that my friends on the other side of the aisle have. It's just facts that don't support those opinions that I quibble with. They're not entitled to their own facts.

I now yield 1½ minutes to a new member of our committee, the gentleman from Oklahoma (Mr. BOREN), a valued member of our committee.

Mr. BOREN. Madam Chair, I rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This bill makes an excellent product and much needed investment

in many critical areas, including those that have been previously underresourced.

One of the most important investments is this bill's commitment to developing foreign language capabilities, specifically in African languages that have historically been underrepresented within the intelligence community. The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David Boren Scholars by requiring the Director of National Intelligence to identify high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where these languages are spoken.

Let's not forget that 10 years ago we didn't anticipate the conflicts along the Afghanistan-Pakistan border and the need for speakers of the local languages and dialects. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catch-up.

Similarly, we cannot predict from where the next crisis will emerge, but by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that will impact national security.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 15 seconds.

Mr. BOREN. We should be training the linguists and translators in the relevant languages now so that once again we are not reactive in our efforts; we're proactive in our actions.

I urge support for this bill.

Mr. HOEKSTRA. At this time, I'd like to yield 2 minutes to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the ranking member for yielding.

This is a very unfortunate bill, and I think this side of the aisle has sufficiently laid out abundant reasons why it should be sent to the committee and fixed. The intelligence community is too important to our national security to allow a bill with as many concerns as this one to pass.

However, I am here also to discuss what I see as a fatal flaw in the way information is disseminated to Members of the House who are not committee members.

Nothing is more critical to the role each of us plays in representing our districts and this country than for us to have every relevant piece of information available to us prior to casting an important vote—certainly prior to casting a vote on one updating the authorizations for the way our government gathers intelligence. Yet many Members of this House have been denied access to key pieces of informa-

tion simply by virtue of the fact that they do not sit on the Intelligence Committee.

I recognize that membership on any given committee in this Chamber means that one is given access to matters in a special capacity. I respect that. I would even say that dividing up responsibilities is critical in achieving everything in a body as large as this one, but not being a member of the committee should not translate into having access to nothing that falls under the jurisdiction of this committee. Certainly, there are some pieces of information that are so important, of such importance to national security, that every Member of this body, should they so desire, should have access.

Last summer, the story broke about photographs alleging detainee abuse at Guantanamo.

□ 1400

I formally requested, through the Intelligence Committee, access to these photos. I assumed it would be a simple request. In 2005, similar photos at Abu Ghraib were made readily available to every Member of this House by the same committee under the leadership of then-Chairman HOEKSTRA.

This time, after months of no response, I was informed that the committee did not retain the photos and could not or would not allow nonmembers of the Intelligence Committee access. At the same time as my request to view these photos, I requested to review the classified CIA Inspector General report titled "Counterterrorism Detention and Interrogation Activities."

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 30 seconds.

Mr. BURGESS. After months, I was denied my request, no reason given for the denial. I can hardly believe that on an issue as critical and crucial as this I would not be allowed access. I believe strongly that for me to vote on something as important as the Intelligence Authorization Act I should have access to every bit of information.

Finally, on the shooting at Fort Hood, I asked to have attendance at the briefing that was being given. But because a business meeting had to occur before I would be granted permission and none was scheduled, I simply could not attend.

Madam Chair, this bill has problems on many, many levels, but it is impossible for me to vote in the affirmative given the restrictions on activities of members of the minority from this committee.

Mr. REYES. Madam Chair, just so we are clear, it doesn't appear that some members of the other aisle realize how important the rules are. The rules of the House apply to everyone on a bipartisan basis. The information he



sought was denied from our committee because it didn't fit the criteria and the rules of the House.

With that, I now yield 2 minutes to my friend from the Armed Services Committee, chairman of the Readiness Subcommittee, and a new member of our House Intelligence Committee this year, Mr. SMITH of Washington.

Mr. SMITH of Washington. I certainly think there are a lot of very good things in this bill. Our intelligence community is a critical piece of fighting terrorism. Their counterterrorism efforts are absolutely at the top of the list of what the Intel Committee does.

We are supporting all of our agents in the CIA and throughout the intelligence community, and we thank them for their brave efforts. We are aware that they are putting their lives on the line to prosecute this war every single day. This bill supports them across the board. It has the resources and support they need to do their job.

I could say a lot more about that, but I really want to take issue with some of the things that the minority has said, in particular with these alleged massive changes to our approach to counterterrorism. We have heard about Miranda all day long and what the Justice Department does.

It would surprise people listening to the debate to know this administration has not changed the policy on when or when not to give Miranda to people in the field. Under the Bush administration, the Justice Department went through the same set of issues. If you are looking at a domestic U.S. prosecution of that individual, then you give Miranda. If not, you don't.

There is no blanket order across the Justice Department right now telling the FBI to give Miranda to everybody it has captured throughout the world. It does not exist. It did not happen, despite what the minority has said. You have to make that decision.

In addition, we continue, under the Obama administration, to hold people right now, without Miranda, without trial, without those rights, terrorists from foreign places that we can't do anything else with but we understand they are a threat. That policy has not changed.

What we have attempted to do is clarify those policies for the members of the intelligence community in the field so they know what they are supposed to do and, yes, also to prevent things like Abu Ghraib and Guantanamo, which every single member of the Armed Forces and the intelligence community has told us was a crushing blow to our effort in the counterterrorism effort. To do that, to make those changes is necessary.

But to listen to the minority, you would think that we have given up prosecuting terrorists outside of civilian court.

We haven't. You would think that we would read Miranda to absolutely everybody. We don't. We are trying to make intelligent decisions.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 30 seconds.

Mr. SMITH of Washington. We need to do a better job of intelligence. We need to better coordinate that intelligence. That's what I think we learned from the Christmas Day attack. There is stuff in this bill to try to do this.

We need to do oversight better. We need to have a better idea from the intelligence community to do what they are going to tell us and when, and to make sure there is a record of it, which is in this bill, so that no one can later dispute what they were or were not told.

The minority has a critical role to play in making that happen. Instead they make these baseless charges that somehow we have given up in the fight on terror and we are not supporting the intelligence community. That is absolutely untrue. Majority and minority strongly support our intelligence community, and we are absolutely committed to prosecuting this war to the fullest extent possible.

Mr. HOEKSTRA. Madam Chair, how much time do we have remaining on each side?

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman from Michigan has 10½ minutes and the gentleman from Texas has 13½ minutes.

Mr. HOEKSTRA. I would like to reserve my time until we are more equal.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairman of the Terrorism-HUMINT, Analysis and Counterintelligence Subcommittee, my good friend from California (Mr. THOMPSON).

Mr. THOMPSON of California. Thank you, Mr. Chairman, for yielding.

I am pleased that this legislation supports critical U.S. intelligence capabilities at a level higher than we ever have in past years. This bill improves the intelligence community's ability to understand hard targets, those countries that pose the greatest strategic threat to U.S. interests.

But it also increases funds for intelligence collections that will support U.S. policy decisions in other important regions such as Africa, Latin America, and Asia. We must continue to focus our resources on our priority targets, but we can't neglect emerging threats. This bill does both.

The bill also includes an amendment that I introduced in committee in conjunction with our colleague, DAVID PRICE of North Carolina, to improve the effectiveness of interrogations and prevent a return to past abuses.

It calls on the Director of National Intelligence to evaluate scientific research on interrogations and assess

how to improve our U.S. interrogators' training. It also requires the DNI to assess the ethics training provided to interrogators so they understand the boundaries within which they can operate.

Finally, the bill contains a provision that I sponsored that requires the newly created Inspector General of the intelligence community to study the intelligence community's electronic waste disposal procedures. This provision was designed to protect not just our environment, but also our security. The Inspector General must assess both the environmental impact of these practices and the steps taken to ensure that discarded devices do not contain sensitive information that our adversaries would be able to exploit.

Madam Chair, this legislation will strengthen the capabilities of our intelligence communities and makes our Nation safer.

I urge my colleagues to support this bill.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I hope that as we have the general debate on this bill right now that we have at least one person who will come up on the other side and explain exactly what is in the McDermott amendment, what it means and what the implication will be to our men and women in the intelligence community. We hear over and over again how "we support the intelligence community"—without a single hearing.

Perhaps with about 1 minute of debate on the manager's amendment that has been allotted to that McDermott amendment, we will fundamentally change the nature of the intelligence community, how they work and how they operate by creating new criminal statutes, not a minute of hearings in this committee, and all of a sudden it appears out of nowhere in a manager's amendment.

Would someone on the other side please explain the rationale for bringing that in this bill with having no hearing when it will have a fundamental impact on the intelligence community? What is the rationale, and why was the majority unwilling to have hearings on this issue? Why were they unwilling to debate this issue, and why did they bury it into a manager's amendment with 22 other amendments?

Mr. REYES. Madam Chair, I am now pleased to yield 2 minutes to the chair of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, and our former ranking member of the House Intelligence Committee, Ms. HARMAN of California.

Ms. HARMAN. I thank the gentleman for yielding to me and hope that what I am about to discuss is supported by the current ranking member.

I rise in strong support of the manager's amendment, which includes two

provisions which I authored and which address problems continuing to impede our efforts to keep our country safe.

First, it requires the Inspector General of the intelligence community to report to Congress in 180 days on overclassification of intelligence. Stamping documents "secret" or "top secret" for the wrong reasons interferes with accurate, actionable, and timely information sharing within the Federal Government and with State and local law enforcement. Protecting sources and methods is the right reason to classify information, but protecting turf or personal embarrassment is not.

D.C. Police Chief Cathy Lanier says she hesitates to share information with the Federal Government for fear it will be immediately classified and rendered useless because she can't tell her officers in the field what to look for when on patrol. A variety of civil liberties and good government groups support our amendment, and I am glad it's in the manager's amendment.

Second, Madam Chair, the manager's amendment requires the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, to assess intelligence on harmful radiological materials, including highly disursable substances like Cesium-137. It's not possible in this open setting to describe the threat posed by unsecured radiological materials, but a range of experts, including the Defense Science Board, have warned about the danger posed by medical equipment that uses this material.

These machines are in hospitals across the country, in every major town and city. They are not tamper-proof. The Departments of Energy and Homeland Security are adding short-term hardening measures to these machines, and the Nuclear Regulatory Commission is investigating alternatives. They need more support.

My thanks to the Rules Committee and to Chairman REYES for including my provisions in the manager's amendment. I am very pleased that after 4 long years we will probably pass an intelligence authorization bill today. I urge an "aye" vote.

Mr. HOEKSTRA. I thank my colleague from California for coming down and explaining her amendments. These are issues that we have talked about in the past, and congratulations for having them included in the manager's amendment. I support those kinds of amendments, because they have been discussed and they have broad bipartisan support.

There are other parts of the manager's amendment which I am strongly opposed to because they haven't even had any dialogue, debate or hearings on that.

To discuss one of those, I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, I agree with much of what has been said

on the other side of the aisle about the good provisions in this bill. I am also disappointed, as the ranking member talked about, that a number of substantive issues were not even allowed to be discussed and voted on.

But in my mind all of that is dwarfed by the provisions in the last section of the manager's amendment beginning on page 32, and I would recommend every Republican and Democrat in this House read for him- or herself this language, because it is a devastating blow to the professionals in our intelligence community who we ask to keep us safe. This language delineates a number of specific acts that it says by law are cruel and degrading treatment. One of those acts is prolonged isolation.

As I mentioned earlier, any prison or county jail anywhere around the country sometimes has to put a prisoner into solitary confinement. But under this law, if an intelligence community professional does that, he is liable for up to 15 or more years in jail for prolonged isolation.

If he does anything that would blaspheme a terrorist's religious beliefs, or cause him to participate in action intended to violate his individual religious beliefs, he is guilty of violating a criminal statute and that intelligence professional whom we count on to keep us safe goes to jail—not the terrorists, but the guy or lady that we are counting on to keep us safe.

There is provision after provision, whether it's deprivation of sleep, even threatening to use force, the religious provisions, as I mentioned, or any act that is the equivalent of this laundry list—sensory deprivation—the terrorists who would be captured would be treated more gingerly than any criminal in any county jail or any prison across the country. This is wrong, and it's reason enough to reject the bill.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairwoman of the Subcommittee on Intelligence Community Management, a valued member of my committee, Ms. ESHOO from California.

□ 1415

Ms. ESHOO. I thank the chairwoman, and I thank our distinguished chairman for his wonderful and dedicated leadership of the House Intelligence Committee.

It's been far too long since we've had an Intelligence authorization bill enacted. Because Congress has the responsibility to set guidance for the intelligence community to strengthen our national security, which is really our highest obligation here in Congress, I am really pleased that this critical legislation is on the floor today.

This bill take some very important steps to increase congressional oversight of the intelligence community, which is very much needed. I would

like to address two in particular that came out of the subcommittee that I am proud to chair.

First, the bill creates an independent intelligence community inspector general. So many of the issues in the intelligence community cut across multiple agencies, and today there is no one who can look at all sides of these issues. This inspector general will have the dual responsibility to report to the Congress, not just to the Director of National Intelligence, increasing our oversight.

Second, this bill allows the GAO to conduct audits and reviews of the intelligence community. We all know the value of the GAO's assessments firsthand. Their reputation for objective, thorough reviews is second to none. But today, the intelligence community refuses to allow GAO in the door, even when Congress has asked them to investigate. This is not going to stand because the bill corrects it.

The bill increases oversight of the security clearance process and takes steps to improve information sharing, both high priorities of my subcommittee. We have had numerous hearings on these topics and will continue to do so.

Finally, my colleagues, we all take this responsibility to oversee the intelligence community very seriously. We are the eyes and ears of the American people to examine the issues that are hidden behind the walls of classification, and as the voice of the American people to ask the questions which they cannot. This bill strengthens our ability to do just that, and I urge my colleagues to support it.

The Acting CHAIR. The gentlewoman's time has expired.

Mr. REYES. I yield the gentlelady 15 additional seconds.

Ms. ESHOO. Finally, I would like to say in response to really a terrible charge that was made by one of our colleagues on the other side of the aisle that this bill weakens the intelligence community, that it is an attack on the intelligence community: we can't let that stand. There isn't anything farther from the truth. This is singularly the largest Intel authorization with its base budget in the history of the United States of America. We are giving to the intelligence community the very tools that it requires, that it has requested, and are glad to do so.

Mr. HOEKSTRA. Madam Chair, I would like to yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I, too, along with my colleague from Texas, and certainly the ranking member from Michigan, want to bring to the attention of this body just how dangerous the amendment is that says this, "Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit or conspires

to commit an act of cruel, inhumane, or degrading treatment.” And it goes on to talk about infringing on their religious beliefs by any notion whatsoever that isn’t defined in the bill.

Sleep—it talks about lack of sleep. As a matter of fact, the interrogators are probably getting a lot less sleep than actually the terrorists they are interrogating because they also process the information before and after the interrogations.

You have created a whole new direction to go after the very people who are interrogating people trying to kill Americans, and you are saying we are going to put you in jail if you push your limits. And by the way, torture is already against the law. Nobody, and I mean nobody, is pushing torture. What we’re saying is, you cannot make this so unreasonable that they won’t do it. And if you don’t think that this will have an impact on an agent making the determination, should I or shouldn’t I, you know what? I was hoping to turn around and find 300 screaming, cheering Americans saying thank you for your patriotism and your service, not 25 Justice Department lawyers with subpoenas.

You will absolutely freeze the intelligence community’s ability to go out and get information that they need, and it is absolutely naive to believe that they’re going to do it anyway. I’m sorry, that’s not the way it works. These folks want to follow the law; they want to follow the Constitution. And guess what? At the end of the day, they’re willing to risk their lives to protect their country and their fellow Americans, and this is the treatment that we give them.

This one provision alone will disrupt I can’t tell you how many operations worldwide and is worthy of our rejection of this direction in the intelligence community.

Mr. REYES. Madam Chair, it is now my privilege to yield 2 minutes to the chairman of the Subcommittee on Technical and Tactical Intelligence, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Chair, first, I would like to focus on two of this bill’s most important provisions as it relates to technical and tactical: first, cybersecurity, and, number two, space.

The bill makes significant investments in the variety of critical cybersecurity programs, a need highlighted by repeated attacks on the information technology systems of the Federal Government and private industry over the past year.

As cybersecurity evolves and intensifies, our intelligence community must be able to respond quickly and with the latest technologies available. The National Security Agency, which I’m proud to say is in my district, has already developed a number of tech-

nologies that are already helping to protect us against these threats; but we need to ensure that NSA and other intelligence agencies have the resources that they need to develop and deploy the defenses that will keep our networks running and information secure. This bill helps do that.

Second, this bill makes important investments in space. It supports the President’s request to develop a new imagery capability. In addition, it supports the Senate proposal, which we must start funding to continue building upon our known capabilities.

These are critical investments, and we are prepared to see them through. We must keep major space acquisitions on budget and on schedule. We do not have unlimited resources and cannot afford to have these critical acquisitions spin out of control.

I am also pleased that the bill encourages the DNI and Director of the NRO to leverage commercial capabilities to the fullest extent possible. Commercial tools have significantly improved in recent years. Using these capabilities to complement government efforts will not only provide a cost-effective way of meeting our needs; it will support the revitalization of the long-struggling commercial space industry.

I also want to make just some response to my peers on the other side. The Intelligence Committee is a very important committee; national security is at stake. We must come together as citizens first. There are a lot of allegations—we understand there are some politics in whatever we do—but when it comes to national security intelligence, we have got to find a way to make sure we focus on the priorities. Those priorities are in this budget.

There are some things that we might not all agree with; but in the end, we vote on the bill that we feel is right for our Nation. And believe me, there is nothing that either side will do to help the terrorists; we will go after the terrorists with a vigor.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

There are a lot of things in this bill that are not addressed, that were not allowed to be put in order as we went through the rules process. One of those things is how we are going to deal with the detainees from Guantanamo.

You know, at one time they were going to be moved into Kansas; the people in Kansas stood up and said no. They then were going to be moved to Michigan, and the people in Michigan stood up and said no. They then were going to be moved to South Carolina, and the leadership in South Carolina said no. Now it is the people in Illinois that are fighting the valiant battle and saying, no, we don’t want them in our State either.

There has been a fundamental problem in each case where the administra-

tion has proposed moving these individuals into a State; there has been absolutely no transparency. People in Michigan, people in Illinois, people in South Carolina and Kansas have all asked for the fundamental information: Who are these individuals? Why are they in Guantanamo? What did they do to deserve to be there? What has their behavior been while they have been in Guantanamo? In each case, for each of those States we’ve said, before the States make up their mind as to whether they are going to accept these individuals or not, share these individuals with the policymakers and the decision-makers in that State.

Mr. REYES. Madam Chair, it is probably a good point that the ranking member makes that there should be a debate on Guantanamo; unfortunately, this is not the right bill to have that debate on.

I now yield 2 minutes to the chairman of the Select Intelligence Oversight Panel, and a member of the House Intelligence Committee, a valued member, Mr. HOLT from New Jersey.

Mr. HOLT. Madam Chair, I thank the distinguished Chair of the House Permanent Select Committee for bringing this bill to the floor. As he said, it is not perfect, and there are some things that have developed since the committee sent this bill to the floor, but on balance, we need it and I support it.

I am pleased that the bill includes language I developed that mandates video recording of detainee interrogations by the Central Intelligence Agency. This provision’s purpose is simple: to improve the intelligence operations of the CIA and enhance our national security by ensuring the video recording of each detainee interrogation. It requires the Director of the CIA to promulgate and to provide to Congress the guidelines under which such video recording shall be done. And it requires that the video recordings have to be maintained and so forth. I note that this provision is extremely similar to the one that was included in last year’s National Defense Authorization Act and that now serves as the legal basis for video recording of detainee interrogations within the Department of Defense.

The benefits of video recording and electronically recording interrogations are evident, and law enforcement organizations across the United States routinely use the practice to both protect the person being interrogated and the officer conducting the interrogations and, importantly, to get better, more useful information. Clearly, the CIA itself valued this tool as well, otherwise it would not have made the recordings that it did of interrogations of “high-value” detainees that were captured in the wake of the 9/11 attacks. The amendment will allow the CIA Director to determine how to conduct the

recordings in a way that protects the identity of interrogators and protects other material that must be kept secret.

Finally, the bill also advances some of my other priorities, including a sustained emphasis on improving foreign language capabilities, expanding GAO's ability to conduct investigations of intelligence community activities, and a long-overdue declassification review requirement for gulf war illness-related records at the CIA.

I urge my colleagues to join me in voting for this bill.

Mr. HOEKSTRA. I yield my colleague from Texas (Mr. THORNBERRY) 1½ minutes.

Mr. THORNBERRY. Madam Chair, our colleague on the Intelligence Committee from New Jersey talked about the importance of interrogations. It is absolutely true that much of the information that the United States has received since 9/11 which has prevented further successful terrorist attacks on our homeland has come from interrogations. That is why it is so important that we maintain that tool done by professionals in the right way, absolutely. But to tie their hands and allow those professionals conducting interrogations of terrorists even less latitude than the county sheriff or the FBI investigating a bank robbery have just seems to me to be madness. And yet the manager's amendment, which has traditionally been used for technical-type corrections, less controversial sorts of issues, the manager's amendment on this bill includes an amazing expansion of criminal liability only for those in the intelligence community.

It seems to me that before we start prosecuting members of the intelligence community for not giving terrorists the amount of sleep they ask for or for doing something that may violate whatever they describe as their religious beliefs, we ought to think twice about it.

It is important to say there is no reasonableness standard to say what is reasonably your intelligence belief or a reasonable amount of sleep; this is all at the discretion of the terrorist. We are jumping to their tune under this language. It is dangerous, and it should be rejected.

□ 1430

Mr. REYES. Madam Chair, may I inquire of the time remaining on both sides?

The Acting CHAIR. The gentleman from Texas has ¾ minutes remaining, and the gentleman from Michigan has 3 minutes remaining.

Mr. REYES. Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I am going to be the last speaker, so we only have one speaker left.

I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 1½ minutes to the chairwoman of

the Oversight and Investigations Subcommittee, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Chair, I am proud to support this legislation because it will provide the men and women of our intelligence community with the tools they need to protect the Nation while implementing vital provisions to promote accountability and oversight.

As the Chair of the Subcommittee on Oversight and Investigations, I have worked to limit the intelligence community's dangerous overreliance on private contractors. To that end, I have worked hard to include section 338 in this bill, which requires the Director of National Intelligence to provide a comprehensive report to Congress on the intelligence community's use of personal service contracts. It is my hope that this report will finally give us a clear picture of how much our national security has been doled out to the lowest bidder.

I want to talk for a minute about the issue of torture. I think it is so important to underscore that the manager's amendment includes language originally proposed by Mr. McDERMOTT that reiterates existing law on torture and that provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment.

What I have been hearing from the Republicans is that somehow we are sacrificing our national security by not allowing the torture of our enemies. In fact, I think we are enhancing our national security by saying that we will eliminate provisions which allow for terrorists to be empowered and to recruit more people. If we stick to our values, we enhance our national security. These are already in law right now, and that is all this bill does is underscore the lawfulness of the new rules.

Mr. REYES. Madam Chair, I yield 1 minute to a valued member of our committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Chair, I rise in support of the intelligence authorization bill. As a member of the committee, I am confident it provides our intelligence community with the tools it needs to keep our country safe. There are two aspects of the bill that I would like to highlight.

First, the bill includes the most substantial reform to the oversight relationship between Congress and the executive branch in a generation. The bill requires that the President provides all notifications in writing and to maintain a record of briefings. It requires the President to inform all members of the Intelligence Committees when a Gang of Eight briefing is conducted, giving members who are not in the

Gang of Eight the awareness they need to prevent abuse of the process. It requires the President to open up the briefing to the full committee after 180 days unless the Director of National Intelligence recertifies that the standards of the statute are still met.

Second, the bill makes critical investments in our overhead infrastructure and architecture. This is essential to our intelligence capability and wouldn't be possible without the work of some of the most brilliant minds in the country, like the scientists at the Jet Propulsion Laboratory.

We are not giving the administration a blank check. It is imperative that our major acquisitions stay on budget and on schedule. Resources are scarce, and we cannot allow a handful of programs to spin out of control. The committee will keep a close eye on those programs.

Mr. HOEKSTRA. Madam Chair, my colleague on the other side of the aisle, Chairman REYES, has said now is not the time to talk about Gitmo. Obviously, the majority has also said now is not the time to talk about getting an independent assessment of what is going on in Iran. Now is not the time to talk about the release of unclassified versions of documents related to the use of enhanced interrogation techniques. Now is not the time to talk about bringing the Gitmo folks here. Now is not the time to talk about the time lapse between Fort Hood and Christmas Day and what did and did not happen during that period of time. Now is not the time to talk about a process for the authorization and notification of covert actions that may result in the death of a targeted U.S. citizen.

So it is not time to talk about any of those or to debate any of those issues which are absolutely critical to the effectiveness of our intelligence community and to keeping America safe.

Interestingly enough, it is the day not to talk about but to bury into a manager's amendment 22 different amendments, including one that will fundamentally change the way our intelligence community has to do business. No hearings. No discussions. No debate. Buried in there is the McDermott amendment. We are now limited to, at most, 10 minutes per side to talk about 22 amendments in the manager's amendment, which will come up immediately following this general debate. Yet it is interesting that, in the discussion of general debate, not one person on the other side was willing to defend this amendment and the process by which it was included—meaning no discussions, no debate—or to defend the content of what is included in the manager's amendment.

Is this what the process in the House has now come down to, that we bury these critical amendments between 22

other amendments? If we split up the time equally, let's see. We have 22 amendments divided by 20 minutes. We will, maybe, have 1 minute of debate. We will have 1 minute of debate on this amendment. It will be interesting when our folks in the intelligence community see what our friends on the other side of the aisle have done to them today, our friends on the other side who talk about how they so strongly defend our intelligence community. When they go visit them in the field, I would guess that they are going to get a very cold reception.

The other thing that they are going to do is they are going to have questions, and they are going to expect the majority to explain how they did this with no hearings. They are going to have to explain exactly. Now, what does this amendment do? How does it impact us? What does it mean? How is it operational?

I assume you knew that before you voted on it on the floor of the House, and my answer is going to be, I don't think they do.

I yield back the balance of my time.

Mr. REYES. Madam Chair, I understand the frustration on the minority side. As an Army veteran, as a veteran of Federal law enforcement for 26½ years, I understand and value the United States Constitution. I understand and value that we have to live by the rules. I understand and value the fact that we are a global leader that is much respected.

The gentleman talks about one amendment, and that amendment simply says, Follow the rules. Follow the law. Follow the principles that have made this country great. I understand that.

Apparently, the minority does not understand that, and I feel for them because, in the final analysis, I have been with members of the intelligence community in faraway places around the world. I have been with them and their families at Bethesda when they were recuperating from the attack in Khost. I have been to the ceremony at the CIA. I understand what they go through. This is a good bill. It deserves everybody's support.

Mr. HOYER. Madam Chair, I rise in support of this Intelligence Authorization bill, which authorizes the tools America needs to detect and combat its greatest threats, including what President Obama called "a far-reaching network of violence and hatred."

In the past weeks, we've seen a great deal of evidence that policies adopted by President Obama and Democrats are working to keep Americans safer. In Pakistan, the government is cooperating for the first time in the arrest of top Taliban leaders, including second-in-command Abdul Ghani Baradar and Abdul Kabir, a member of the senior leadership. At home, Najibullah Zazi has just pled guilty in federal court for attempting to bomb New York City's subway, and the Christmas Day bomber is giving us timely intelligence.

This bill continues the policies that are working and strengthens America's intelligence collection. It significantly increases funding for human intelligence, a resource that is irreplaceable in disrupting terrorist networks. To ensure the broad reach of our intelligence community, it makes important investments in language training and scholarships, so that our personnel will have the resources to infiltrate networks and intercept communications around the world. It also strengthens our defenses against the emerging threats of cyberterrorism and cyberwarfare, which, if unchecked, could have a crippling effect on our military and economy. And this legislation makes an important contribution to America's nuclear non-proliferation efforts by requiring reports on the nuclear intentions and capabilities of Iran, Syria, and North Korea, as well as on the worldwide black market in materials that could contribute to nuclear weapons.

At the same time as it strengthens our intelligence capabilities, this authorization bill also ensures that they receive reasonable and responsible oversight to protect Americans' rights. It creates an independent inspector general with responsibility for the entire intelligence community; protects the Intelligence Committees' access, through the Government Accountability Office, to the information it needs to conduct proper oversight of intelligence activities; and requires that the CIA Inspector General audit each covert action at least once every three years. To prevent the abuse of detainees that weakens our moral case to the world without making Americans safer, this bill also prohibits private contractors from interrogating detainees in CIA custody. Finally, this bill, like the recently-passed Defense Authorization bill, prevents the release or transfer of Guantanamo detainees until the president provides a plan for dealing with those detainees and mitigating any risk their release or transfer might cause.

Madam Chair, the Founders spoke of providing "for the common defense" not only because we face common threats, but because the work of overcoming them must be common to all of us. That work is far too important to be subjected to fear-mongering or the demands of the political cycle. That doesn't obligate all of my colleagues to vote for this bill, though I hope they will; but it does oblige us to conduct this debate, today and in the days to come, with the respect and responsibility that our common defense from common danger demands.

Mr. VAN HOLLEN. Madam Chair, I stand in support of the 2010 Intelligence Authorization Act.

This measure continues congress' commitment to delivering to the men and women who serve in the country's intelligence community the resources they need to conduct the vital work of protecting American lives. This bill ensures that these resources are delivered in a manner that strengthens accountability.

In addition to authorizing funding for 16 U.S. intelligence agencies and intelligence-related activities of the government, the bill contains important provisions to expand independent government oversight of the intelligence community so that the American public can be confident that the essential work of intelligence gathering is done in a manner that comports with the highest moral standards.

To ensure that all relevant members of congress are kept abreast of all important intelligence developments, the bill repeals the "Gang of Eight" provision which has for years limited some congressional intelligence committee member access to intelligence information and activities. With the passage of this measure, the president will be required to brief all covered members of congress on the covert actions and programs of the government. This will ensure that all officials who have been elected to oversee intelligence matters are briefed and aware of events as they unfold.

To help combat waste, fraud and abuse, the bill creates a new Office of the Inspector General and invests the office with subpoena powers and important protections to ensure its independence.

Madam Chair, Congress has not sent an intelligence authorization bill to the president for his signature in more than 5 years. That means for five years, congress has not been a full partner in the development of this country's national security policy. We need to pass this bill, not only to fulfill our oversight responsibilities, but also for the sake of the brave men and women in and out of uniform who have dedicated themselves to the important work this bill helps to fund.

Mr. PRICE of North Carolina. Madam Chair, I rise today in strong support of this legislation. It has been five long years since an intelligence authorization bill was last signed into law, and each new revelation about the conduct of the previous administration testifies to the need for effective congressional oversight of the intelligence community.

This bill also provides an opportunity to move beyond questions of misconduct and abuse to address the longer-term challenges of improving our intelligence capabilities, making them responsive to cyber-security and other new threats, and ensuring that they are accountable to Congress and the American public.

I'd like to highlight two aspects of the bill on which I have worked in recent years (along with colleagues such as Ms. SCHAKOWSKY and Mr. HOLT), and which I believe are important steps toward improving the effectiveness of our intelligence operations.

First, the bill contains several provisions dealing with the use of private contractors by the intelligence community, which by some reports has come to consume nearly half of the annual intelligence budget.

It would require a comprehensive report on the number and cost of contractors employed by the intelligence community and the extent of their use for intelligence collection, analysis, and other covert activities including detention and interrogation.

It also explicitly prohibits the use of contractors for the interrogation of detainees, codifying a prohibition that the CIA itself has already adopted.

Both of these measures are based on my Transparency and Accountability in Intelligence Contracting Act (H.R. 963), and both were approved by the House in the last intelligence authorization bill but were not signed into law.

Secondly, the bill lays a foundation for making the practice of interrogation more effective, professional, and ethical.

I have worked closely with Subcommittee Chairman MIKE THOMPSON in crafting a section of this bill based on H.R. 591, my comprehensive interrogation and detention reform bill.

Our provision would require the DNI to report to Congress on:

The quality and value of existing scientific research on interrogation;

The state of interrogation training within the intelligence community, including its ethical component;

Efforts to enhance career paths for interrogation specialists; and

The effectiveness of existing processes for studying and implementing best practices.

These and other key provisions of this bill are only a start, but they represent an important first step toward improving the effectiveness and accountability of our intelligence community, and ensuring that the necessary measures we take to protect our country do not come at the cost of our fundamental values.

Finally, I feel compelled to add that my colleagues on the other side of the aisle who are claiming that this bill—and this Administration—somehow do not appreciate the threat our nation is facing have clearly neither read the text of this legislation nor given the issue much serious thought. Rather than holding up military commissions at Guantanamo Bay as a panacea for all of our ills, we should be confronting the threats we face squarely, soberly, and with vigilant attention to questions of effectiveness and ethicality—which is exactly what this bill does.

I thank Chairman REYES, Ranking Member HOEKSTRA, and the members of their committee for their leadership and their continued attention to these vital issues, and I urge my colleagues to support this legislation.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 2701 the Fiscal Year 2010 Intelligence Authorization Act. This bill will make our nation safer by improving federal intelligence operations and supporting a national defense strategy that is both strong and smart.

I am proud to represent Fort Bragg and Pope Air Force Base. For many years I was the only member from North Carolina on the Homeland Security Committee. I am also a veteran of the United States Army. All these experiences make me particularly mindful of the importance of intelligence. Successful intelligence makes our men and women in the military safer. This is the least we can do for those who voluntarily put themselves in harm's way.

I am also aware of the cost of intelligence failures, where either oversight or intelligence falls short. H.R. 2701 is an important bill that both provides necessary investments in intelligence, and implements the democratic controls needed to be certain that those investments are well managed.

This bill will ensure that Congress fully understands own responses to terror. Complete review of the recent, failed attempt at an attack on Northwest Airlines flight 253 can make future attempts more likely to fail as well. Similarly, the mandated report on the anthrax attacks of nine years ago will publicize lessons learned about emerging threats, helping us to deal with similar threats more effectively in the future.

Madam Chair, I support this legislation, and I urge my colleagues to join me in passing H.R. 2701.

Mr. KUCINICH. Madam Chair, I rise in strong support of the dedicated public servants of our intelligence community. Their work to ensure our national security is to be commended. However, I must oppose the Intelligence Authorization Act of 2010.

This legislation contains provisions that implement vital measures of accountability, such as a provision to prohibit the use of funds for payment to any contractor to conduct interrogations of detainees currently in custody. I also support the provision in this legislation to establish an independent intelligence community-wide Inspector General. These provisions are an important step to ensure that mechanisms of accountability and oversight are in place. However, I remain concerned that some of the methods being employed by our intelligence community may amount to serious violations of international law and our Constitution.

Last month, The Washington Post and New York Times reported that the Joint Special Operations Command (JSOC) maintained lists of "high value individuals" targeted for assassination abroad, and that those lists contain U.S. citizens. What's more, the President may have authorized military operations with the express understanding that a U.S. citizen might be killed, or may be killed in the future.

Under such a policy, U.S. citizens are added to the list simply for being suspected of involvement in terrorism, in subversion of their basic constitutional rights to due process of law. Their right to a trial and to present a defense is summarily and anonymously stripped from them. History has demonstrated that the U.S. government has been mistaken when accusing someone of involvement in terrorism. Most recently, following the 2008 Supreme Court decision to afford detainees held indefinitely at Guantanamo Bay habeas corpus rights, the government was forced by federal judges to release thirty-three of thirty-nine detainees on the grounds of insufficient evidence to support accusations of their involvement in terrorism. U.S. citizens accused of involvement in terrorism are not even afforded the same rights that Guantanamo detainees are—if they are added to the targeted assassination list, their punishment is murder.

In response to these reports, I submitted a common-sense amendment that would have required the President to report to the congressional intelligence committees the identities of all U.S. citizens included on such lists, currently or in the future. My amendment was about accountability. If the Administration sees fit to revoke unilaterally the constitutional rights of U.S. citizens abroad based on suspicion of involvement in terrorism, devoid of any judicial review, it must at least be required to report to the congressional intelligence committees each time a U.S. citizen is added to a targeted assassination list.

Since the beginning of the War in Iraq more than eight years ago, I have expressed grave concern that intelligence is being fabricated or abused by the Executive Branch to justify the war in Iraq. More recently, The Nation reported that Blackwater was intimately involved in a targeted assassination program run by the

JSOC and the Central Intelligence Agency (CIA) in Pakistan—a country with which we are not at war. I am gravely concerned about the use of private security contractors in intelligence work, particularly in programs that have virtually no transparency, accountability, or oversight. I remain concerned that we are continuing to conduct intelligence work in contravention of international law and in violation of the U.S. Constitution.

I will continue to work to ensure that all have equal protection under the law; and that Congress conducts its constitutionally mandated oversight of the Executive Branch effectively.

Mr. REYES. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2701

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2010".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### **TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Prohibition on earmarks.

Sec. 106. Restriction on conduct of intelligence activities.

#### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

#### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

##### *Subtitle A—Personnel Matters*

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Temporary appointment to fill vacancies in Presidentially appointed and Senate confirmed positions in the Office of the Director of National Intelligence.

Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 304. Provisions relating to the Defense Civilian Intelligence Personnel System.

##### *Subtitle B—Education*

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.

Sec. 312. Intelligence officer training program.

Sec. 313. Modifications to the Stokes educational scholarship program.

Sec. 314. Pilot program for intensive language instruction in African languages.

- Subtitle C—Congressional Oversight of Covert Actions*
- Sec. 321. Reporting on covert actions.
- Subtitle D—Reports and Other Congressional Oversight*
- Sec. 331. Report on financial intelligence on terrorist assets.
- Sec. 332. Annual personnel level assessments for the intelligence community.
- Sec. 333. Semiannual reports on nuclear weapons programs of Iran, Syria, and North Korea.
- Sec. 334. Annual report on foreign language proficiency in the intelligence community.
- Sec. 335. Government Accountability Office audits and investigations.
- Sec. 336. Certification of compliance with oversight requirements.
- Sec. 337. Reports on foreign industrial espionage.
- Sec. 338. Report on intelligence community contractors.
- Sec. 339. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.
- Sec. 340. Report on intelligence resources dedicated to Iraq and Afghanistan.
- Sec. 341. Report on international traffic in arms regulations.
- Sec. 342. Report on nuclear trafficking.
- Sec. 343. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
- Sec. 344. Study on electronic waste destruction practices of the intelligence community.
- Sec. 345. Report on retirement benefits for former employees of Air America.
- Sec. 346. Study on college tuition programs for employees of the intelligence community.
- Sec. 347. National Intelligence Estimate on global supply chain vulnerabilities.
- Sec. 348. Review of records relating to potential health risks among Desert Storm veterans.
- Sec. 349. Review of pensions of employees affected by “five and out” program of the Federal Bureau of Investigation.
- Sec. 350. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 351. Summary of intelligence on Uighur detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 352. Report on interrogation research and training.
- Sec. 353. Report on plans to increase diversity within the intelligence community.
- Sec. 354. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.
- Sec. 355. Repeal of certain reporting requirements.
- Sec. 356. Incorporation of reporting requirements.
- Sec. 357. Conforming amendments.
- Subtitle E—Other Matters*
- Sec. 361. Modification of availability of funds for different intelligence activities.
- Sec. 362. Protection of certain national security information.
- Sec. 363. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 364. Exemption of dissemination of terrorist identity information from Freedom of Information Act.
- Sec. 365. Misuse of the intelligence community and Office of the Director of National Intelligence name, initials, or seal.
- Sec. 366. Security clearances: reports; ombudsman; reciprocity.
- Sec. 367. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 368. Intelligence community financial improvement and audit readiness.
- TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**
- Subtitle A—Office of the Director of National Intelligence*
- Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
- Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 403. Additional duties of the Director of Science and Technology.
- Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.
- Sec. 405. Title of Chief Information Officer of the Intelligence Community.
- Sec. 406. Inspector General of the Intelligence Community.
- Subtitle B—Central Intelligence Agency*
- Sec. 411. Review of covert action programs by Inspector General of the Central Intelligence Agency.
- Sec. 412. Prohibition on the use of private contractors for interrogations involving persons in the custody of the Central Intelligence Agency.
- Sec. 413. Appeals from decisions of Central Intelligence Agency contracting officers.
- Sec. 414. Deputy Director of the Central Intelligence Agency.
- Sec. 415. Protection against reprisals.
- Sec. 416. Requirement for video recording of interrogations of persons in the custody of the Central Intelligence Agency.
- Subtitle C—Other Elements*
- Sec. 421. Homeland Security intelligence elements.
- Sec. 422. Clarification of inclusion of Drug Enforcement Administration as an element of the intelligence community.
- Sec. 423. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
- Sec. 424. Confirmation of appointment of heads of certain components of the intelligence community.
- Sec. 425. Associate Director of the National Security Agency for Compliance and Training.
- Sec. 426. General Counsel of the National Security Agency.
- Sec. 427. Inspector General of the National Security Agency.
- Sec. 428. Charter for the National Reconnaissance Office.
- TITLE V—OTHER MATTERS**
- Subtitle A—General Intelligence Matters*
- Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 502. Expansion and clarification of the duties of the program manager for the information sharing environment.
- Sec. 503. Classification review of executive branch materials in the possession of the congressional intelligence committees.
- Sec. 504. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.
- Subtitle B—Technical Amendments*
- Sec. 511. Technical amendments to the Central Intelligence Agency Act of 1949.
- Sec. 512. Technical amendment to mandatory retirement provision of Central Intelligence Agency Retirement Act.
- Sec. 513. Technical amendments to the Executive Schedule.
- Sec. 514. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
- Sec. 515. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
- Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 517. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 518. Technical amendments to the National Security Act of 1947.
- Sec. 519. Technical amendments to title 10, United States Code.
- SEC. 2. DEFINITIONS.**
- In this Act:
- (1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—
- (A) the Permanent Select Committee on Intelligence of the House of Representatives; and
- (B) the Select Committee on Intelligence of the Senate.
- (2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).
- TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**
- SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**
- Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:
- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.
- SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**
- (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as



of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

#### **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) **AUTHORITY FOR INCREASES.**—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2010 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

#### **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of \$672,812,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 853 full-time or full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CONSTRUCTION OF AUTHORITIES.**—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional personnel

for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

#### **SEC. 105. PROHIBITION ON EARMARKS.**

(a) **IN GENERAL.**—Nothing in the classified Schedule of Authorizations, a report of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress, a joint statement of the managers accompanying a conference report on such bill, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for a congressional earmark.

(b) **CONGRESSIONAL EARMARK DEFINED.**—In this section, the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, or Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

#### **SEC. 106. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of \$290,900,000.

### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

#### **Subtitle A—Personnel Matters**

#### **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

#### **SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES IN PRESIDENTIALLY APPOINTED AND SENATE CONFIRMED POSITIONS IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

Section 103 of the National Security Act of 1947 (50 U.S.C. 403-3) is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

“(e) **TEMPORARY APPOINTMENT TO FILL VACANCIES.**—Notwithstanding section 3345 of title 5, United States Code, if an officer of the Office of the Director of National Intelligence, other than the Director of National Intelligence, whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is unable to perform the functions and duties of the office—

“(1) if during the 365-day period immediately preceding the date of death, resignation, or be-

ginning of inability to serve of the applicable officer, the person serving as the first assistant to the office of such officer served as such first assistant for not less than 90 days, such first assistant shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code;

“(2) notwithstanding paragraph (1), the President may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346; or

“(3) notwithstanding paragraph (1), the Director of National Intelligence shall recommend to the President, and the President may direct, a person to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346, if—

“(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, such person served in a position in an element of the intelligence community for not less than 90 days;

“(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule; and

“(C) in the case of a person who is employed by an element of the intelligence community—

“(i) the Director of National Intelligence shall consult with the head of such element; and

“(ii) if the head of such element objects to the recommendation, the Director of National Intelligence may make the recommendation to the President over the objection of the head of such element after informing the President of such objection.”.

#### **SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

##### **“DETAIL OF OTHER PERSONNEL**

“SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element, for a period not to exceed two years.”.

(b) **CONFORMING AMENDMENT.**—The table of contents in the first section of such Act (50 U.S.C. 401 note) is amended by inserting after the item relating to section 113 the following new item:

“Sec. 113A. Detail of other personnel.”.

#### **SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.**

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term “covered position” means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term “DCIPS pay system”, as used with respect to a covered position, means the

provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term "Defense Civilian Intelligence Personnel System" means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term "appropriate pay system", as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved, excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual

holding a covered position, including after June 16, 2009.

#### Subtitle B—Education

### SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

#### "PROGRAM ON RECRUITMENT AND TRAINING OF INTELLIGENCE ANALYSTS

"SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

"(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

"(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

"(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

"(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

"(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

"(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used to—

"(1) provide a monthly stipend for each month that a student is pursuing a course of study;

"(2) pay the full tuition of a student or former student for the completion of such course of study;

"(3) pay for books and materials that the student or former student requires or required to complete such course of study;

"(4) pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

"(5) for such other purposes the Director considers appropriate to carry out such program."

#### (b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 303 of this Act, is further amended by inserting after the item relating to section 1021 the following new item: "Sec. 1022. Program on recruitment and training of intelligence analysts."

(2) REPEAL OF PILOT PROGRAM.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 441g note) is repealed.

### SEC. 312. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

#### "INTELLIGENCE OFFICER TRAINING PROGRAM

"SEC. 1023. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out a grant

program in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

"(2) In carrying out paragraph (1), the Director of National Intelligence shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

"(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director of National Intelligence may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

"(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

"(A) Curriculum or program development.

"(B) Faculty development.

"(C) Laboratory equipment or improvements.

"(D) Faculty research.

"(3) An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

"(4) An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

"(A) a description of the benefits to students who participate in the course of study funded by such grant;

"(B) a description of the results and accomplishments related to such course of study; and

"(C) any other information that the Director may require.

"(c) REGULATIONS.—The Director of National Intelligence shall prescribe such regulations as may be necessary to carry out this section.

"(d) DEFINITIONS.—In this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(2) DIRECTOR.—The term 'Director' means the Director of National Intelligence."

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g-2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 311 of this Act, is further amended by—

(1) striking the item relating to section 1003; and

(2) inserting after the item relating to section 1022 the following new item:

"Sec. 1023. Intelligence officer training program."

### SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security

Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—  
(A) by striking “undergraduate” and inserting “undergraduate and graduate”; and

(B) by striking “the baccalaureate” and inserting “a baccalaureate or graduate”; and

(2) in subsection (e)(2), by striking “undergraduate” and inserting “undergraduate and graduate”.

(b) **TERMINATION.**—Section 16(d)(1)(C) of such Act is amended by striking “terminated either by” and all that follows and inserting the following: “terminated by—

“(i) the Agency due to misconduct by the person;

“(ii) the person voluntarily; or

“(iii) by the Agency for the failure of the person to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency specifies in the agreement under this paragraph; and”.

(c) **AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.**—Section 16(e) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(d) **OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.**—

(1) **AUTHORIZATION.**—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441g et seq.), as amended by section 312 of this Act, is further amended by adding at the end the following new section:

“**STOKES SCHOLARSHIP PROGRAM**

“SEC. 1024. The head of an element of the intelligence community may establish an undergraduate and graduate training program with respect to civilian employees of such element in the same manner and under the same conditions as the Secretary of Defense is authorized to establish such a program under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).”.

(2) **CONFORMING AMENDMENT.**—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 312 of this Act, is further amended by inserting after the item relating to section 1023 the following new item:

“Sec. 1024. Stokes scholarship program.”.

**SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.**

(a) **ESTABLISHMENT.**—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) **PROGRAM.**—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under such Act, as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) **TERMINATION.**—A pilot program established in accordance with subsection (a) shall terminate on the date that is 5 years after the date on which such pilot program is established.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$2,000,000.

(2) **AVAILABILITY.**—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

**Subtitle C—Congressional Oversight of Covert Actions**

**SEC. 321. REPORTING ON COVERT ACTIONS.**

(a) **GENERAL CONGRESSIONAL OVERSIGHT.**—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

“(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

“(A) the legal authority under which the intelligence activity is being or was conducted;

“(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

“(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

“(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

“(E) the likelihood that the intelligence activity will fail.”.

(b) **PROCEDURES.**—Section 501(c) of such Act (50 U.S.C. 413(c)) is amended by striking “such procedures” and inserting “such written procedures”.

(c) **INTELLIGENCE ACTIVITIES.**—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting “(including any information or material relating to the legal authority under which an intelligence activity is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views)” after “concerning intelligence activities”.

(d) **COVERT ACTIONS.**—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting “(including any information or material relating to the legal authority under which a covert action is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the covert action, including dissenting legal views)” after “concerning covert actions”;

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

“(2) If, pursuant to the procedures established by each of the congressional intelligence committees under section 501(c), one of the congressional intelligence committees determines that not all members of that committee are required to have access to a finding under this subsection, the President may limit access to such finding or such notice as provided in such procedures.”; and

(B) in paragraph (4), by striking “is limited to the Members of Congress specified in paragraph (2)” and inserting “is not provided to all members of one of the congressional intelligence committees in accordance with paragraph (2)”;

(3) in subsection (d)—

(A) by striking “(d) The President” and inserting “(d)(1) The President”;

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking “specified in” and inserting “informed in accordance with”; and

(C) by adding at the end the following new paragraph:

“(2) For purposes of this subsection, an activity shall constitute a ‘significant undertaking’ if the activity—

“(A) involves the potential for loss of life;

“(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

“(C) results in the expenditure of significant funds or other resources;

“(D) requires notification under section 504;

“(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

“(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.”; and

(4) by adding at the end the following new subsections:

“(g)(1) A Member of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) may submit to the Director of National Intelligence an objection to any part of such finding or such notice. Not later than 48 hours after such an objection is submitted to the Director of National Intelligence, the Director shall report such objection in writing to the President and such Member of Congress.

“(2) In any case where access to a finding reported under subsection (c) or notice provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide such members with general information on the content of the finding or notice.

“(3) The President shall—

“(A) maintain a record of the Members of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) and the date on which each Member of Congress receives such finding or notice; and

“(B) not later than 30 days after the date on which such finding is reported or such notice is provided, provide such record to—

“(i) in the case of a finding reported or notice provided to a Member of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives; and

“(ii) in the case of a finding reported or notice provided to a Member of the Senate, the Select Committee on Intelligence of the Senate.

“(h) Any requirement under section 501, 502, or this section to provide information to the congressional intelligence committees shall be construed to require the submission of such information to all members of such committees, unless such information is specifically authorized not to be submitted to all members of one of such committees in accordance with subsection (c)(2).”.

**Subtitle D—Reports and Other Congressional Oversight**

**SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.**

Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”;

(2) in subsection (a)—

(A) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”;

(B) in the matter preceding paragraph (1)—

(i) by striking “semiannual basis” and inserting “annual basis”; and

(ii) by striking “preceding six-month period” and inserting “preceding one-year period”;

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting “the Committee on Armed Services,” after “the Committee on Appropriations.”; and

(B) in paragraph (2), by inserting “the Committee on Armed Services,” after “the Committee on Appropriations.”.

**SEC. 332. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.**

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 507 the following new section:

**“ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY**

“SEC. 508. (a) **ASSESSMENT.**—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels of such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) **SCHEDULE.**—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President in accordance with section 1105 of title 31, United States Code.

“(c) **CONTENTS.**—Each assessment required by subsection (a) shall include, for the element of the intelligence community concerned, the following information:

“(1) The budget submission for personnel costs of such element for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the preceding five fiscal years.

“(4) The number of personnel positions requested for such element for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element of the current fiscal year.

“(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element during the preceding five fiscal years.

“(7) The best estimate of the number and costs of contractors to be funded by such element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors to be funded by such element during the current fiscal year.

“(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, of such element during the preceding five fiscal years.

“(10) A written justification for the requested personnel and contractor levels.

“(11) The number of intelligence collectors and analysts employed or contracted by such element.

“(12) A list of all contractors that have been the subject of an investigation completed by the inspector general of such element during the preceding fiscal year, or are or have been the subject of an investigation by such inspector general during the current fiscal year.

“(13) A statement by the Director of National Intelligence of whether, based on current and projected funding, such element will have sufficient—

“(A) internal infrastructure to support the requested personnel and contractor levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”.

**SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.**

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as

amended by section 332, is further amended by adding at the end the following new section:

**“SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA**

“SEC. 509. (a) **REQUIREMENT FOR REPORTS.**—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear weapons programs of each such country.

“(b) **CONTENT.**—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

“(1) an assessment of nuclear weapons programs of each country;

“(2) an evaluation of the sources upon which the intelligence used to prepare the assessment referred to in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each source;

“(3) a summary of any intelligence related to any program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each country; and

“(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (1).

“(c) **NATIONAL INTELLIGENCE ESTIMATE.**—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

“(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional intelligence committees;

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

“(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.”.

(b) **APPLICABILITY DATE.**—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 120 days after the date of the enactment of this Act.

**SEC. 334. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.**

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 333 of this Act, is further amended by adding at the end the following new section:

**“REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY**

“SEC. 510. Each year on the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

“(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

“(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

“(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

“(A) military personnel; and

“(B) civilian personnel;

“(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

“(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

“(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

“(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

“(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

“(9) for each foreign language and, as appropriate, dialect of a foreign language—

“(A) the number of positions of such element that require proficiency in the foreign language or dialect;

“(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

“(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

“(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

“(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

“(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

“(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

“(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

“(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

“(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

“(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

“(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

“(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.”.

**SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.**

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

**“GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES, EVALUATIONS, AND INVESTIGATIONS**

“SEC. 511. (a) **IN GENERAL.**—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an

element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

“(b) EXCEPTION.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

“(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

“(3) The Director shall notify the Comptroller General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such report.

“(4) The Comptroller General shall submit to the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3) that the Comptroller General considers appropriate.”

#### SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

##### “CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

“SEC. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

“(1) a certification that, to the best of the knowledge of the head of such element—

“(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

“(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

“(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

“(A) of the reasons such head of such element is not able to submit such a certification;

“(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

“(C) that the head of such element will submit such information as soon as possible after the submission of such statement.”

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

#### SEC. 337. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—Section 809(b) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. app. 2170b(b)) is amended—

(1) in the heading, by striking “ANNUAL” and inserting “BIANNUAL”;

(2) by striking paragraph (1) and inserting the following new paragraph:

“(1) SUBMISSION TO CONGRESS.—The President shall biannually submit to the congressional intelligence committees, the Committees on Armed Services of the House of Representatives and the Senate, and congressional leadership a report updating the information referred to in subsection (a)(1)(D).”;

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(b) INITIAL REPORT.—The first report required under section 809(b)(1) of such Act, as amended by subsection (a)(2) of this section, shall be submitted not later than February 1, 2010.

#### SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into Federal Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for Federal Government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing substantially similar functions to a Federal Government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and Federal Government employees performing substantially similar functions;

(G) an analysis of the attrition of Federal Government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to Federal Government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2008 and 2009;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

#### SEC. 339. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report describing the Director's long-term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

#### SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on intelligence collection and analysis resources (1) dedicated to Iraq and Afghanistan during fiscal years 2008 and 2009, and (2) planned to be dedicated during fiscal year 2010. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection and analysis resources.

#### SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the threat to national security presented by the

efforts of foreign countries to acquire, through espionage, diversion, or other means, sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts.

(b) **FORM.**—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) **INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.**—The term “International Traffic in Arms Regulations” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

#### **SEC. 342. REPORT ON NUCLEAR TRAFFICKING.**

(a) **REPORT.**—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of—

(A) nuclear or radiological material;  
(B) equipment useful for the production of nuclear or radiological material; or  
(C) nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) **FORM.**—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

#### **SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.**

(a) **STUDY.**—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel of the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

#### **SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.**

(a) **STUDY.**—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

#### **SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) **REPORT ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that such employees will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(5) If legislative action is considered advisable under paragraph (4), a proposal for such action and an assessment of its costs.

(6) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **DEFINITIONS.**—In this section:

(1) **AIR AMERICA.**—The term “Air America” means Air America, Incorporated.

(2) **ASSOCIATED COMPANY.**—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

#### **SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR EMPLOYEES OF THE INTELLIGENCE COMMUNITY.**

(a) **STUDY.**—The Director of National Intelligence shall conduct a study on the feasibility of—

(1) providing matching funds for contributions to college savings programs made by employees of elements of the intelligence community; and

(2) establishing a program to pay the college tuition of each child of an employee of an element of the intelligence community that has died in the performance of the official duties of such employee.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report containing the results of the study conducted under subsection (a).

(c) **COLLEGE SAVINGS PROGRAM DEFINED.**—In this section, the term “college savings program” means—

(1) a qualified tuition program, as defined in section 529 of the Internal Revenue Code of 1986;

(2) a Coverdell education savings account, as defined in section 530 of the Internal Revenue Code of 1986; and

(3) any other appropriate program providing tax incentives for saving funds to pay for college tuition, as determined by the Director of National Intelligence.

#### **SEC. 347. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL SUPPLY CHAIN VULNERABILITIES.**

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate or National Intelligence Assessment on the global supply chain to determine whether such supply chain poses a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(b) **REVIEW OF MITIGATION.**—

(1) **NCIX REVIEW.**—The National Counterintelligence Executive shall conduct a review of the adequacy of the mechanisms to identify and mitigate vulnerabilities in the global supply chain that pose a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(2) **SUBMISSION.**—Not later than one year after the date of the enactment of this Act, the National Counterintelligence Executive shall submit to Congress a report containing the results of the review conducted under paragraph (1).

#### **SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.**

(a) **REVIEW.**—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans Illnesses.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.



(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 349. REVIEW OF PENSIONS OF EMPLOYEES AFFECTED BY “FIVE AND OUT” PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.**

None of the funds authorized to be appropriated by this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for seven years (commonly known as the “seven and out” program) until the Director of the Federal Bureau of Investigation submits to the congressional intelligence committees a certification that the Director has completed a review of issues related to the pensions of former employees of the Bureau affected by a previous program of mandatory reassignment after serving in a management position for five years (commonly known as the “five and out” program) and the effect of such program on the Bureau and the results of such review.

**SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

- (1) intelligence relating to recidivism of detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and
- (2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

**SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

- (1) intelligence relating to threats posed by Uighur detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and
- (2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

**SEC. 352. REPORT ON INTERROGATION RESEARCH AND TRAINING.**

(a) REQUIREMENT FOR REPORT.—Not later than December 31, 2009, the Director of National Intelligence, in coordination with the heads of the relevant elements of the intelligence community, shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate a report on the state of research, analysis, and training in interrogation and debriefing practices.

(b) CONTENT.—The report required under subsection (a) shall include—

- (1) an assessment of—
  - (A) the quality and value of scientific and technical research in interrogation and debriefing practices that has been conducted independently or in affiliation with the Federal Government and the identification of areas in which additional research could potentially improve interrogation practices;
  - (B) the state of interrogation and debriefing training in the intelligence community, includ-

ing the character and adequacy of the ethical component of such training, and the identification of any gaps in training;

(C) the adequacy of efforts to enhance career path options for intelligence community personnel that serve as interrogators and debriefers, including efforts to recruit and retain career personnel; and

(D) the effectiveness of existing processes for studying and implementing lessons learned and best practices of interrogation and debriefing; and

(2) any recommendations that the Director considers appropriate for improving the performance of the intelligence community with respect to the issues described in subparagraphs (A) through (D) of paragraph (1).

**SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.**

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

- (1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;
- (2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;
- (3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;
- (4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and
- (5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

**SEC. 354. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.**

Not later than 60 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Re-statement (Third) of the Foreign Relations Law of the United States.

**SEC. 355. REPEAL OF CERTAIN REPORTING REQUIREMENTS.**

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

- (1) by striking “(1) The Director” and inserting “The Director”; and
- (2) by striking paragraph (2).

(c) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYS-

TEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

- (1) by striking subsection (d); and
- (2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

**SEC. 356. INCORPORATION OF REPORTING REQUIREMENTS.**

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

**SEC. 357. CONFORMING AMENDMENTS.**

(a) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

- (1) in subsection (a)—
  - (A) in paragraph (1)—
    - (i) by striking subparagraphs (A) and (G);
    - (ii) by redesignating subparagraphs (B), (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H), respectively; and
    - (iii) by adding at the end the following new subparagraphs:
      - “(I) The annual report on financial intelligence on terrorist assets required by section 118.
      - “(J) The annual report on foreign language proficiency in the intelligence community required by section 510.”; and
  - (B) in paragraph (2), by striking subparagraph (D); and
- (2) in subsection (b), by striking paragraph (6).

(b) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 313 of this Act, is further amended by—

- (1) striking the item relating to section 109; and
- (2) inserting after the item relating to section 507 the following new items:
  - “Sec. 508. Annual personnel level assessment for the intelligence community.
  - “Sec. 509. Semiannual reports on the nuclear weapons programs of Iran, Syria, and North Korea.
  - “Sec. 510. Report on foreign language proficiency in the intelligence community.
  - “Sec. 511. Government Accountability Office analyses, evaluations, and investigations.
  - “Sec. 512. Certification of compliance with oversight requirements.”.

Subtitle E—Other Matters

**SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.**

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows: “(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

**SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.**

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.



(2) **DISCLOSURE AFTER ACCESS TO CLASSIFIED INFORMATION.**—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) **MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.**—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents.”.

**SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.**

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

**SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.**

Section 119 of the National Security Act of 1947 (50 U.S.C. Section 404o) is amended by adding at the end the following new subsection:

“(k) **EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.**—(1) Terrorist identity information disseminated for terrorist screening purposes or other authorized counterterrorism purposes shall be exempt from disclosure under section 552 of title 5, United States Code.

“(2) In this section:

“(A) **AUTHORIZED COUNTERTERRORISM PURPOSE.**—The term ‘authorized counterterrorism purpose’ includes disclosure to and appropriate use by an element of the Federal Government of terrorist identifiers of persons reasonably suspected to be terrorists or supporters of terrorists.

“(B) **TERRORIST IDENTITY INFORMATION.**—The term ‘terrorist identity information’ means—

“(i) information from a database maintained by any element of the Federal Government that would reveal whether an individual has or has not been determined to be a known or suspected terrorist or has or has not been determined to be within the networks of contacts and support of a known or suspected terrorist; and

“(ii) information related to a determination as to whether or not an individual is or should be included in the Terrorist Screening Database or other screening databases based on a determination that the individual is a known or suspected terrorist.

“(C) **TERRORIST IDENTIFIERS.**—The term ‘terrorist identifiers’—

“(i) includes—

“(I) names and aliases;

“(II) dates or places of birth;

“(III) unique identifying numbers or information;

“(IV) physical identifiers or biometrics; and

“(V) any other identifying information provided for watchlisting purposes; and

“(ii) does not include derogatory information or information that would reveal or compromise

intelligence or law enforcement sources or methods.”.

**SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.**

(a) **INTELLIGENCE COMMUNITY.**—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

**“MISUSE OF THE INTELLIGENCE COMMUNITY NAME, INITIALS, OR SEAL**

“SEC. 1103. (a) **PROHIBITED ACTS.**—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words ‘intelligence community’, the initials ‘IC’, the seal of the intelligence community, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence, except that employees of the intelligence community may use the intelligence community name, initials, and seal in accordance with regulations promulgated by the Director of National Intelligence.

“(b) **INJUNCTION.**—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) **OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.), as amended by subsection (a) of this section, is further amended by adding at the end the following new section:

**“MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL**

“SEC. 1104. (a) **PROHIBITED ACTS.**—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words ‘Office of the Director of National Intelligence’, the initials ‘ODNI’, the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

“(b) **INJUNCTION.**—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(c) **CONFORMING AMENDMENT.**—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 357 of this Act, is further amended by adding at the end the following new items:

“Sec. 1103. Misuse of the intelligence community name, initials, or seal.

“Sec. 1104. Misuse of the Office of the Director of National Intelligence name, initials, or seal.”.

**SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN; RECIPROCITY.**

(a) **REPORTS RELATING TO SECURITY CLEARANCES.**—

(1) **QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.**—

(A) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 336 of this Act, is further amended by adding at the end the following new section:

**“REPORTS ON SECURITY CLEARANCES**

“SEC. 513. (a) **QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.**—(1) The President shall every four years conduct an audit of how the executive branch determines whether a security clearance is required for a particular position in the Federal Government.

“(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

“(b) **REPORT ON SECURITY CLEARANCE DETERMINATIONS.**—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

“(A) the number of Federal Government employees who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year;

“(B) the number of contractors to the Federal Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year; and

“(C) for each element of the intelligence community—

“(i) the amount of time it took to process the fastest 80 percent of security clearance determinations for such level;

“(ii) the amount of time it took to process the fastest 90 percent of security clearance determinations for such level;

“(iii) the number of open security clearance investigations for such level that have remained open for—

“(I) 4 months or less;

“(II) between 4 months and 8 months;

“(III) between 8 months and 12 months; and

“(IV) more than a year;

“(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

“(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

“(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

“(vii) for security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than one year to complete—

“(I) the number of security clearance determinations for positions as employees of the Federal Government that required more than one year to complete;

“(II) the number of security clearance determinations for contractors that required more than one year to complete;

“(III) the agencies that investigated and adjudicated such determinations; and

“(IV) the cause of significant delays in such determinations.

“(2) For purposes of paragraph (1), the Director of National Intelligence may consider—

“(A) security clearances at the level of confidential and secret as one security clearance level; and

“(B) security clearances at the level of top secret or higher as one security clearance level.”.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 513(a)(1) of the National Security Act of 1947 (as added by paragraph (1)) shall be completed not later than February 1, 2010.

(C) CLERICAL AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 365 of this Act, is further amended by inserting after the item relating to section 512 the following new item: “Sec. 513. Reports on security clearances.”.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) Federal Government wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) Federal Government wide investigation standards and metrics for investigation quality; and

(E) the feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 303 of this Act, is further amended by inserting after section 103G the following new section:

“OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

“SEC. 103H. (a) APPOINTMENT.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

“(b) PROVISION OF INFORMATION.—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

“(c) REPORT.—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

“(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

“(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.”.

(2) APPOINTMENT DATE.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103H(a) of the National Security Act of 1947, as added by paragraph (1), not later than 120 days after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by subsection (a)(1)(C) of this section, is further amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Ombudsman for intelligence community security clearances.”.

(c) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Director of National Intelligence may not use any of the amounts authorized to be appropriated in this Act for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to Congress a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition for each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is no longer excusable to allow poor business systems, a deficiency of resources, or a lack of commitment from senior leadership of the intelligence community to foster waste or non-accountability to the United States taxpayer;

(2) the Director of National Intelligence has not made compliance with financial management and audit readiness standards a top priority; and

(3) the Director of National Intelligence should require each element of the intelligence community to develop and implement a specific plan to become compliant with the law.

(b) REVIEW; PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and timeline to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

## TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

### Subtitle A—Office of the Director of National Intelligence

#### SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3), as amended by section 302(1) of this Act, is further amended—

(1) in subsection (f) (as so redesignated)—

(A) in the heading, by striking “WITH” and inserting “OF HEADQUARTERS WITH HEADQUARTERS OF”;

(B) by striking “Commencing as of October 1, 2008, the” and inserting “(1) Except as provided in paragraph (2), the”;

(C) in paragraph (1), as designated by paragraph (2) of this section, by inserting “the headquarters of” before “the Office”;

(D) in paragraph (1) (as so designated), by striking “any other element” and inserting “the headquarters of any other element”; and

(E) by adding at the end the following new paragraph:

“(2) The President may waive the limitation in paragraph (1) if the President determines that—

“(A) a waiver is in the interests of national security; or

“(B) the costs of a headquarters of the Office of the Director of National Intelligence that is separate from the headquarters of the other elements of the intelligence community outweighs the potential benefits of the separation.”; and

(2) by adding at the end the following new subsection:

“(g) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).”.

#### SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director’s designee.”.

#### SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking “; and” and inserting “;,”; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) assist the Director of National Intelligence in establishing goals for basic, applied,

and advanced research to meet the technology needs of the intelligence community;

“(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and”; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting “and prioritize” after “coordinate”; and

(ii) by striking “; and” and inserting “;”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and”.

**SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.**

(a) **PLAN.**—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled “An Act to study and promote the use of energy efficient computer servers in the United States” (Public Law 109-431; 120 Stat. 2920) across the intelligence community.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.**

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(2) in subsection (b), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(3) in subsection (c) in the matter preceding paragraph (1), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (d), by inserting “of the Intelligence Community” after “Chief Information Officer”.

**SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 366 of this Act, is further amended by inserting after section 103H (as added by such section 366) the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103I. (a) **OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.**—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) **PURPOSE.**—The purpose of the Office of the Inspector General of the Intelligence Community is to—

“(1) be an independent and objective office appropriately accountable to Congress and to initiate and conduct investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

“(2) recommend policies designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implemen-

tation of matters within the responsibility and authority of the Director of National Intelligence; and

“(B) to prevent and detect fraud and abuse in such matters;

“(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept informed of—

“(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) **INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.**—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security;

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing; and

“(D) on the basis of expertise in investigations.

“(3) The Inspector General shall report directly to the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General not later than 30 days before the date on which the Inspector General is removed from office.

“(d) **DUTIES AND RESPONSIBILITIES.**—Subject to subsections (g) and (h), the Inspector General of the Intelligence Community shall—

“(1) provide policy direction for, and plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

“(2) keep the Director of National Intelligence and Congress fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and report the progress made in implementing corrective action;

“(3) take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, comply with generally accepted Federal Government auditing standards.

“(e) **LIMITATIONS ON ACTIVITIES.**—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(B) The Director of National Intelligence may not prohibit an investigation, inspection, or audit under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the Inspector General may seek access to while conducting such investigation, inspection, or audit.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

“(3) The Director shall notify the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

“(4) The Inspector General shall submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(f) **AUTHORITIES.**—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

“(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

“(C) The Director or, on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative action against an employee, or employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or termination of an existing contractual relationship.

“(3) The Inspector General shall, in accordance with subsection (g), receive and investigate complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General may require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(6) The Inspector General may obtain services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(7) The Inspector may, to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

“(g) COORDINATION AMONG THE INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, review, or audit by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, review, or audit to avoid unnecessary duplication of the activities of the inspectors general.

“(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). If a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community has not been resolved with the assistance of the Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

“(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community. The Inspector General of the Intelligence Com-

munity shall serve as the chair of the Forum. The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

“(2) The inspector general conducting an investigation, inspection, review, or audit referred to in paragraph (1) shall submit the results of such investigation, inspection, review, or audit to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, review, or audit who did not conduct such investigation, inspection, review, or audit.

“(h) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations and with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) The Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee selected, appointed, or employed has a security clearance appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall recommend policies to the Director of National Intelligence to create within the intelligence community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3)(A) The Inspector General may, in consultation with the Director, request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with the inspector general of that element pursuant to subsection (g), conduct an inspection, review, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) Not later than January 31 and July 31 of each year, the Inspector General of the Intelligence Community shall prepare and submit to the Director of National Intelligence a report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the preceding six-month period. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the

head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include the following:

“(i) A list of the titles or subjects of each investigation, inspection, review, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies described in clause (ii).

“(iv) A statement of whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Any recommendations that the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

“(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall submit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

“(D) Each report submitted under subparagraphs (A) and (C) shall be submitted in unclassified form, but may include a classified annex.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall submit to the congressional intelligence committees each report under subparagraph (A) within 7 days of the receipt of such report, together with such comments as the Director considers appropriate. The Director shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3) The Inspector General shall immediately notify and submit a report to the congressional intelligence committees on an investigation, inspection, review, or audit if—

“(A) the Inspector General is unable to resolve any significant differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) the investigation, inspection, review, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

“(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of such investigation, inspection, review, or audit.

“(4)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor of the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall submit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a submittal from the Inspector General under subparagraph (B), the Director shall, not later than 7 days after such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not submit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (ii) does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) Nothing in this paragraph shall be construed to limit the protections afforded an employee of or contractor to the Central Intelligence Agency under section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)).

“(H) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section.

“(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

“(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.”

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 366 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

“Sec. 103I. Inspector General of the Intelligence Community.”

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Inspector General of the Intelligence Community.”

(d) APPLICABILITY DATE; TRANSITION.—

(1) APPLICABILITY.—The amendment made by subsection (b) shall apply on the earlier of—

(A) the date of the appointment by the President and confirmation by the Senate of an individual to serve as Inspector General of the Intelligence Community; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the Intelligence Community by the individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act.

(2) TRANSITION.—The individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act shall perform the duties of the Inspector General of the Intelligence Community until the individual appointed to the position of Inspector General of the Intelligence Community assumes the duties of such position.

#### Subtitle B—Central Intelligence Agency

#### SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b), as amended by section 321 of this Act, is further amended—

(1) by redesignating subsection (e) as subsection (i) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

“(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

“(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

“(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.”

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking “503(e)” and inserting “503(i)”; and

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking “503(e)” and inserting “503(i)”; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking “503(e)” and inserting “503(i)”.  
SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

“PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 24. (a) PROHIBITION.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in the custody of the Central Intelligence Agency.

“(b) EXCEPTION.—

“(1) IN GENERAL.—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

“(A) no employee of the Federal Government is—

“(i) capable of performing such interrogation; and

“(ii) available to perform such interrogation; and

“(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

“(2) CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.”.

#### SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTELLIGENCE AGENCY CONTRACTING OFFICERS.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by inserting before the sentence beginning with “In exercising” the following new sentence: “Notwithstanding any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board or the Civilian Board is specified by the contracting officer as the Board to which such an appeal may be made and the Board so specified shall have jurisdiction to decide that appeal.”.

#### SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

##### “DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

“(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

“(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

“(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.”.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking “Deputy Directors of Central Intelligence (2)” and inserting “Deputy Director of the Central Intelligence Agency”.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note) is amended by inserting after the item relating to section 104A the following new item:

“Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central

Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

#### SEC. 415. PROTECTION AGAINST REPRISALS.

Section 17(e)(3)(B) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by inserting “or providing such information” after “making such complaint”.

#### SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), as amended by section 412 of this Act, is further amended by adding at the end the following new section:

##### “REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 25. (a) IN GENERAL.—Except as provided in subsection (b), the Director of the Central Intelligence Agency shall establish guidelines to ensure that each interrogation of a person who is in the custody of the Central Intelligence Agency is recorded in video form and that the video recording of such interrogation is maintained—

“(1) for not less than 10 years from the date on which such recording is made; and

“(2) until such time as such recording is no longer relevant to an ongoing or anticipated legal proceeding or investigation or required to be maintained under any other provision of law.

“(b) EXCEPTION.—The requirement to record an interrogation in video form under subsection (a) shall not apply with respect to an interrogation incident to arrest conducted by Agency personnel designated by the Director under section 15(a) that are assigned to the headquarters of the Central Intelligence Agency and acting in the official capacity of such personnel.

“(c) INTERROGATION DEFINED.—In this section, the term ‘interrogation’ means the systematic process of attempting to obtain information from an uncooperative detainee.”.

(b) SUBMISSION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees the guidelines developed under section 25(a) of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section. Such guidelines shall be submitted in unclassified form, but may contain a classified annex.

#### Subtitle C—Other Elements

#### SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H), by inserting “the Coast Guard,” after “the Marine Corps,”; and

(2) in subparagraph (K), by striking “The elements” and all that follows through “the Coast Guard” and inserting “The Office of Intelligence and Analysis of the Department of Homeland Security”.

#### SEC. 422. CLARIFICATION OF INCLUSION OF DRUG ENFORCEMENT ADMINISTRATION AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H)), as amended by section 421 of this Act, is further amended by inserting “the Drug Enforcement Administra-

tion,” after “the Federal Bureau of Investigation.”.

#### SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2) of this subsection, by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section—

(A) in paragraph (1), by striking “subsection (f)” and inserting “subsection (e)”;

(B) in paragraph (2), by striking “subsection (f)” and inserting “subsection (e)”;

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”;

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

#### SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

“SEC. 2. (a) There is a Director of the National Security Agency.

“(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.”.

(b) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) CONFORMING AMENDMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (I) as subparagraphs (A) through (G), respectively; and

(3) by moving subparagraph (G), as redesignated by paragraph (2) of this subsection, two ems to the left.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

#### SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECURITY AGENCY FOR COMPLIANCE AND TRAINING.

The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 424 of



this Act, is further amended by inserting after section 2 (as added by such section 424) the following new section:

“SEC. 3. (a) There is an Associate Director of the National Security Agency for Compliance and Training, who shall be appointed by the Director of the National Security Agency.

“(b) The Associate Director of the National Security Agency for Compliance and Training shall ensure that—

“(1) all programs and activities of the National Security Agency are conducted in a manner consistent with all applicable laws, regulations, and policies; and

“(2) the training of relevant personnel is sufficient to ensure that such programs and activities are conducted in such a manner.”.

**SEC. 426. GENERAL COUNSEL OF THE NATIONAL SECURITY AGENCY.**

(a) GENERAL COUNSEL.—The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 425 of this Act, is further amended by inserting after section 3 (as added by such section 425), the following new section:

“SEC. 4. (a) There is a General Counsel of the National Security Agency, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) The General Counsel of the National Security Agency shall serve as the chief legal officer of the National Security Agency.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date on which the Director of the National Security Agency is appointed by the President and confirmed by the Senate in accordance with section 2 of the National Security Agency Act of 1959, as added by section 424 of this Act.

**SEC. 427. INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.**

Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting “the National Security Agency;” after “the Federal Emergency Management Agency;”; and

(2) in paragraph (2), by inserting “the National Security Agency,” after “the National Aeronautics and Space Administration.”.

**SEC. 428. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.**

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) a revised charter for the National Reconnaissance Office (in this section referred to as the “NRO”). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) NRO participation in the development and generation of requirements and acquisition.

(3) The scope of NRO capabilities.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other elements of the intelligence community and the defense community.

**TITLE V—OTHER MATTERS**

**Subtitle A—General Intelligence Matters**

**SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.**

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2442) is amended by striking “September 1, 2004” and inserting “February 1, 2011”.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall

take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107-306; 116 Stat. 2438) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking “The Deputy Director of Central Intelligence for Community Management.” and inserting “The Principal Deputy Director of National Intelligence.”.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make \$2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

**SEC. 502. EXPANSION AND CLARIFICATION OF THE DUTIES OF THE PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT.**

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “terrorism and homeland security information” and inserting “national security information”; and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

“(4) NATIONAL SECURITY INFORMATION.—The term ‘national security information’ includes homeland security information and terrorism information.”;

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking “terrorism information” and inserting “national security information”; and

(B) in paragraph (2) in the first sentence of the matter preceding subparagraph (A), by striking “terrorism information” and inserting “national security information”; and

(3) in subsection (f)(1)—

(A) in the second sentence, by inserting “in the Executive Office of the President and shall serve” after “The individual designated as the program manager shall serve”; and

(B) in the third sentence, by striking “homeland security information, terrorism information, and weapons of mass destruction information” and inserting “national security information”.

**SEC. 503. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.**

The Director of National Intelligence shall, in accordance with procedures established by each of the congressional intelligence committees, conduct a classification review of materials in the possession of each of those committees that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by the executive branch.

**SEC. 504. PROHIBITION ON USE OF FUNDS TO PROVIDE MIRANDA WARNINGS TO CERTAIN PERSONS OUTSIDE OF THE UNITED STATES.**

None of the funds authorized to be appropriated by this Act may be used to provide the warnings of constitutional rights described in *Miranda v. Arizona*, 384 U.S. 436 (U.S. 1966), to a person located outside of the United States who is not a United States person and is—

(1) suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists; or

(2) a detainee in the custody of the Armed Forces of the United States.

**Subtitle B—Technical Amendments**

**SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.**

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in section 5(a)(1), by striking “authorized under paragraphs (2) and (3)” and all that follows through “(50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a)”; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking “advise” and inserting “advise”; and

(B) in clause (ii)—

(i) in subclause (I), by striking “Executive Director” and inserting “Associate Deputy Director”; and

(ii) in subclause (II), by striking “Deputy Director for Operations” and inserting “Director of the National Clandestine Service”; and

(iii) in subclause (III), by striking “Deputy Director for Intelligence” and inserting “Director of Intelligence”; and

(iv) in subclause (IV), by striking “Deputy Director for Administration” and inserting “Director of Support”; and

(v) in subclause (V), by striking “Deputy Director for Science and Technology” and inserting “Director of Science and Technology”.

**SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.**

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

“(A) Upon reaching age 65, in the case of a participant in the system who is at the Senior Intelligence Service rank of level 4 or above; and”.

**SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.**

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

**SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and



(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking “section 112,” and inserting “section 112;” and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking “‘United States’” and all that follows through “and ‘State’” and inserting “‘United States’, ‘person’, ‘weapon of mass destruction’, and ‘State’”;

(5) in section 304(b), by striking “subsection (a)(3)” and inserting “subsection (a)(2);” and

(6) in section 502(a), by striking “a annual” and inserting “an annual”.

**SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.**

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) by inserting “or in section 313 of such title,” after “subsection (a).”.

**SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**

The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”;

(2) in section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1)—

(i) by striking “shall,” and inserting “shall”; and

(ii) by inserting “of” before “an institutional culture”;

(B) in subsection (e)(2), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and

(C) in subsection (f) in the matter preceding paragraph (1), by striking “shall,” and inserting “shall”; and

(3) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”; and

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

**SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.**

Section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”;

(2) in subsection (a)—

(A) in the heading, by striking “FOREIGN”;

(B) by striking “foreign” each place it appears; and

(C) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(3) in subsection (b), by striking “The Director” and inserting “The Director of National Intelligence”; and

(4) in subsection (c)—

(A) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(B) by striking “section 114a” and inserting “section 221”.

**SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.**

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended—

(1) section 3(4)(L), by striking “other” the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program”;

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program”;

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking “subparagraph (A)” and inserting “paragraph (1)(A);” and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking “or personnel” in the matter preceding clause (i); and

(II) in subparagraph (B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;

(C) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”; and

(D) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”;

(3) in section 103(b), by striking “, the National Security Act of 1947 (50 U.S.C. 401 et seq.),”;

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i);”

(6) in section 701(b)(1), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”; and

(8) in the table of contents in the first section—

(A) by striking the item relating to section 1002; and

(B) by inserting after the item relating to section 1001 the following new item:

“Sec. 1002. Framework for cross-disciplinary education and training.”.

**SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.**

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking “ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS” and inserting “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA”; and

(2) by striking “Associate Director of the Central Intelligence Agency for Military Affairs” and inserting “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position”.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–419.

Mr. REYES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

Page 9, line 21, strike “\$672,812,000” and insert “\$643,252,000”.

Page 23, line 14, strike “a grant program” and insert “grant programs”.

Page 23, line 15, strike “subsection (b)” and insert “subsections (b) and (c)”.

Page 24, after line 10, insert the following:

“(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

“(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

“(A) Foreign languages, including Middle Eastern and South Asian dialects.

“(B) Computer science.

“(C) Analytical courses.

“(D) Cryptography.

“(E) Study abroad programs.”.

Page 24, line 11, strike “(3) An” and insert “(d) APPLICATION.—An”.

Page 24, line 15, strike “(4) An” and insert “(e) REPORTS.—An”.

Page 25, line 1, strike “(c)” and insert “(f)”.

Page 25, line 4, strike “(d)” and insert “(g)”.

Page 25, line 10, strike the quotation mark and the second period.

Page 25, after line 10, insert the following:

“(3) ANALYTICAL COURSES.—The term ‘analytical courses’ mean programs of study involving—

“(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

“(B) analysis of counterterrorism, crime, and counternarcotics;

“(C) economic analysis that includes analyzing and interpreting economic trends and developments;

“(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

“(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

“(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

“(4) COMPUTER SCIENCE.—The term ‘computer science’ means a program of study in computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

“(5) CRYPTOGRAPHY.—The term ‘cryptography’ means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

“(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term ‘historically black college and university’ means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(7) STUDY ABROAD PROGRAM.—The term ‘study abroad program’ means a program of study that—

“(A) takes places outside the geographical boundaries of the United States;

“(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally under-represented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

“(C) is a credit or noncredit program.”.

Page 30, strike lines 10 through 12.

Page 30, line 13, strike “(C)” and insert “(B)”.

Page 30, line 16, strike “(D)” and insert “(C)”.

Page 30, line 19, strike “(E)” and insert “(D)”.

Page 31, line 1, strike “any information” and all that follows through “dissenting legal views” and insert “the legal authority under which the intelligence activity is being or was conducted”.

Page 31, line 11, strike “any information” and all that follows through “legal views” and insert “the legal authority under which the covert action is being or was conducted”.

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

(2) in subsection (c)—

(A) in paragraph (1), by inserting “in writing” after “be reported”;

(B) in paragraph (2), by striking “If the President” and inserting “Subject to paragraph (5), if the President”;

(C) by adding at the end the following new paragraph:

“(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

“(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

“(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

“(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.”;

Page 32, strike lines 12 through 15 and insert the following:

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting “in writing” after “notified”; and

Page 33, line 13, insert “or to the limiting of access to such finding or such notice” after “notice”.

Page 33, line 13, strike “48 hours” and insert “seven days”.

Page 33, line 22, strike “on the content of” and insert “regarding”.

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

#### **SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.**

Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Director of National Intelligence shall submit to the con-

gressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike “one of the congressional intelligence committees” and insert “a committee of Congress with jurisdiction over such program or activity”.

Page 46, beginning on line 8, strike “the congressional intelligence committees” and insert “each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph”.

Page 46, line 13, strike “report” and insert “statement”.

Page 46, line 16, strike “report” and insert “statement”.

Page 46, beginning on line 17, strike “the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)” and insert “each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement”.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

“(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

“(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

“(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.”.

Page 48, line 15, strike “BIENNIAL” and insert “BIENNIAL”.

Page 48, line 19, strike “biannually” and insert “biennially”.

Page 62, line 14, strike “**NATIONAL INTELLIGENCE ESTIMATE**” and insert “**REPORT**”.

Page 62, beginning on line 18, strike “National Intelligence Estimate or National Intelligence Assessment” and insert “report”.

Page 62, strike line 20 and insert the following: “supply chain and global provision of services to determine whether such supply chain and such services pose”.

Page 62, line 21, strike “counterfeit”.

Page 62, line 22, strike “defective” and insert “counterfeit, defective”.

Page 62, line 23, insert “or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization” after “organization”.

Page 63, beginning on line 5, strike “counterfeit”.

Page 63, line 6, strike “defective” and insert “counterfeit, defective”.

Page 63, line 8, insert “or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization” after “organization”.

Page 63, at the end of line 8 insert the following: “Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.”.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike “Federal Bureau of Investigation” and insert “Federal Bureau of Investigation, in consultation with the Secretary of State,”.

Insert after section 354 (Page 69, after line 15) the following new sections:

**SEC. 355. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

**SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

**SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiency of collocating such an intelligence training center with an existing intelligence community or military intelligence training center.

**SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of overclassification of intelligence and ways to address such overclassification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) **FORM.**—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

**SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.**

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) **REVIEW OF CLASSIFIED DOCUMENTS.**—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

**SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.**

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

**SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.**

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

**SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.**

(a) **PLAN.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense

Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) **UPDATES.**—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) **CERTIFICATION.**—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

#### **SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

#### **SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.**

(a) **STUDY.**—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

#### **SEC. 366. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.**

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

#### **SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

#### **SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.**

Not later than one year after the date of the enactment of this Act, the Director of

National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike “includes” and insert “means”.

Page 75, line 24, strike the closing quotation mark and the final period.

Page 75, after line 24, insert the following:

“(D) **TERRORIST SCREENING PURPOSE.**—The term ‘terrorist screening purpose’ means—

“(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

“(ii) the use of such information for risk assessment, inspection, and credentialing.”.

Page 86, line 11, strike “the congressional defense committees” and insert “Congress”.

Page 87, line 17, strike “the”.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

#### **SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.**

(a) **FINDING.**—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

Page 96, line 14, insert after the period the following: “Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.”.

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

#### **SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.**

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

#### **SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking “(4) If” and inserting “(4)(A) If”; and

(B) by adding at the end the following new subparagraph:

“(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.”;

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

“(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period;”;

(3) by adding at the end the following new subsection:

“(h) **COVERT ACTION DEFINED.**—In this section, the term ‘covert action’ has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).”.

Strike section 426 (Page 128, line 21 and all that follows through line 15 on page 129).

Strike section 427 (Page 129, lines 16 through 25).

Strike section 502 (Page 133, line 1 and all that follow through line 10 on page 134).

At the end of subtitle A of title V (Page 135, after line 12), add the following new section:

#### **SEC. 505. CYBERSECURITY TASK FORCE.**

(a) **ESTABLISHMENT.**—There is established a cybersecurity task force (in this section referred to as the “Task Force”).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) **CHAIR.**—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) **STUDY.**—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) **REPORT.**—

(1) **INITIAL.**—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) **SUBSEQUENT.**—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) **TERMINATION.**—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

**SEC. 506. CRUEL, INHUMAN, AND DEGRADING TREATMENT IN INTERROGATIONS PROHIBITED.**

(a) **SHORT TITLE.**—This section may be cited as the “Cruel, Inhuman, and Degrading Interrogations Prohibition Act of 2010”.

(b) **FINDINGS.**—The Congress finds the following:

(1) The United States is a world power and an exemplar of the merits of due process and the rule of law.

(2) The use of torture and cruel, inhuman, and degrading treatment harms our servicemen and women because it removes their assurance that they are operating under a legally acceptable standard, brings discredit upon the US and its forces, and may place US and allied personnel in enemy hands at a greater risk of abuse by their captors.

(3) The use of torture and cruel, inhuman, and degrading treatment gives propaganda and recruitment tools to those who wish to do harm to the people of the United States.

(4) Torture and cruel, inhuman, and degrading treatment do not produce consistently reliable information or intelligence, and are not acceptable practices because their use runs counter to our identity and values as a nation.

(5) The moral standards that reflect the values of the United States governing appropriate tactics for interrogations do not change according to the dangers that we face as a nation.

(6) Every effort must be made to ensure that the United States is a nation governed by the rule of law in every circumstance.

(7) Executive Order 13491 requires those interrogating persons detained as a result of armed conflicts to follow the standards set out in Army Field Manual FM 2-22.3.

(8) The Congress should act in affirmation of its principles and the Executive Order 13491 by enacting standards for interrogations and providing criminal liability for those who do not adhere to the enacted standards.

(9) The courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces deserve the full support of the United States Congress. The Congress shows true support, in part, by providing clear legislation relating to standards for interrogation techniques.

(c) **CRUEL, INHUMAN, OR DEGRADING TREATMENT PROHIBITED.**—Part I of title 18, United States Code, is amended by inserting after chapter 26 the following:

**“CHAPTER 26A—CRUEL, INHUMAN, OR DEGRADING TREATMENT**

“531. Cruel, inhuman, or degrading treatment.

“532. Definitions.

“533. Application.

“534. Exclusive remedies.

**“§ 531. Cruel, inhuman, or degrading treatment**

“Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhuman, or degrading treatment—

“(1) if death results from that act to the individual under interrogation, shall be fined under this title or imprisoned for any term of years or for life;

“(2) if that act involves an act of medical malfeasance (as defined in section 1371), shall be fined under this title or imprisoned for not more than 20 years, or both; and

“(3) in any other case, shall be fined under this title or imprisoned for not more than 15 years, or both.

**“§ 532. Definitions**

“In this chapter:

“(1) The term ‘act of cruel, inhuman, or degrading treatment’ means the cruel, unusual, and inhuman treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984, and includes but is not limited to the following:

“(A) Any of the following acts, knowingly committed against an individual:

“(i) Forcing the individual to be naked, perform sexual acts, or pose in a sexual manner.

“(ii) Beatings, electric shock, burns, or other forms of inflicting physical pain.

“(iii) Waterboarding.

“(iv) Using military working dogs.

“(v) Inducing hypothermia or heat injury.

“(vi) Depriving the individual of necessary food, water, sleep, or medical care.

“(vii) Conducting mock executions of the individual.

“(B) Any of the following acts, when committed with the intent to cause mental or physical harm to an individual:

“(i) Using force or the threat of force to compel an individual to maintain a stress position.

“(ii) Exploiting phobias of the individual.

“(iii) Using force or the threat of force to coerce an individual to desecrate the individual's religious articles, or to blaspheme his or her religious beliefs, or to otherwise participate in acts intended to violate the individual's religious beliefs.

“(iv) Making threats against any individual that, if carried out, would result in death or serious bodily injury (as defined in section 1365(4)) to that individual.

“(v) Exposure to excessive cold, heat, or cramped confinement.

“(vi) Sensory deprivation or overload, including the following:

“(I) Prolonged isolation.

“(II) Placing hoods or sacks over the head of the individual.

“(III) Applying duct tape over the eyes of the individual.

“(C) Any act that causes pain or suffering to an individual equivalent to the acts described in subparagraph (B) or (C).

“(2) The term ‘covered interrogation’ means an interrogation, including an interrogation conducted outside the United States, conducted—

“(A) in the course of the official duties of an officer or employee of the Federal government; and

“(B) under color of Federal law or authority of Federal law.

“(3) The term ‘intelligence community’ has the meaning given such term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(4) The term ‘interrogation’ means the questioning of an individual for the purpose of gathering information for intelligence purposes.

“(5) The term ‘US national’ means any national of the United States as defined in section 101 of the Immigration and Nationality Act.

“(6) The term ‘United States’ means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

“(7) The term ‘waterboarding’ includes any act in which an individual is immobilized on the individual's back with the individual's head inclined downwards, while water is poured over the individual's face and breathing passages.

**“§ 533. Application**

“Section 531 applies to any alleged offender who is—

“(1) a US national; or

“(2) any officer, employee, or contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor) of the Federal Government—

“(A) who is not a US national; and

“(B) while acting in that capacity.

**“§ 534. Exclusive remedies**

“Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.”

(d) **MEDICAL MALFEASANCE.**—Part I of title 18, United States Code, is amended by inserting after chapter 65 the following:

**“CHAPTER 66—MEDICAL MALFEASANCE**

“1371. Medical malfeasance.

“1372. Definitions.

**“§ 1371. Medical malfeasance**

“Any medical professional who, in the course of or in anticipation of a covered interrogation (as defined in section 532(2)), knowingly commits, attempts to commit, or conspires to commit an act of medical malfeasance with the intent to enable an act of cruel, inhuman, and degrading treatment shall be fined under this title or imprisoned not more than 5 years, or both.

**“§ 1372. Definitions**

“In this chapter:

“(1) The term ‘medical professional’ means any individual who—

“(A) has received professional training, education, or knowledge in a health-related field (including psychology) and who provides services in that field; and

“(B) is a contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor), officer, or employee of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

“(2) The term ‘covered internee’ means an individual who is interrogated in a covered interrogation (as defined in section 532(2) of this title).

“(3) The term ‘act of medical malfeasance’—

“(A) means the use by a medical professional of his or her training, education, or knowledge in a health-related field to cause a significant adverse effect on the physical or mental health of a covered internee; and

“(B) includes but is not limited to any of the following contraventions of the principles of medical ethics with respect to a covered internee:

“(i) To be involved in any professional relationship with a covered internee, the purpose of which is not solely to evaluate, protect, or improve the physical and mental health of that covered internee.

“(ii) To fail to protect the physical or mental health of a covered internee in the same way as a medical professional would protect the physical or mental health of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva, August 12, 1949 (6 UST 3316).

“(iii) To fail to treat any disease or condition of the covered internee in the same way as a medical professional would treat a disease or condition of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

“(iv) To certify, or to participate in the certification of, the fitness of a covered internee for any form of treatment or punishment that may have a significant adverse effect on the physical or mental health of the covered internee.

“(v) To participate in any way in the infliction of any treatment or punishment referred to in clause (iv).

“(vi) To participate in any procedure for restraining a covered internee unless such a procedure is determined, in accordance with purely medical criteria, as being necessary for the protection of the physical or mental health of the covered internee or of others, and presents no additional hazard to the covered internee’s physical or mental health.”

(e) CLERICAL AMENDMENTS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended—

(1) by inserting, after the item relating to “Criminal street gangs” the following:

“26A. Cruel, inhuman, or degrading treatment ..... 531”;

and

(2) by inserting, after the item relating to “Malicious mischief” the following:

“66. Medical malfeasance ..... 1371”.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. I yield myself such time as I may consume.

Madam Chair, the manager’s amendment includes a number of revisions to H.R. 2701 along with a number of technical changes. I would like to highlight several of these key provisions.

The manager’s amendment makes significant changes to the underlying bill’s reforms to the process for notifying Congress on sensitive covert actions.

As my colleagues know, the National Security Act requires that the President inform Congress through the intelligence committees about all significant intelligence activities including covert actions.

In very limited circumstances, it allows the President to limit briefings on certain highly sensitive covert actions to the Gang of Eight—the leadership of the Intelligence Committees and the leadership of both Houses.

Over the past several months, we have carefully considered the administration’s objections to the reforms that the committee included in the underlying bill. The manager’s amendment is a product of that work.

The bill, as amended, would require the President to maintain a record of all Gang of Eight briefings. It also requires that the full committee be notified every time that a Gang of Eight briefing is conducted and be provided with general information regarding that briefing.

In the event the President decides that a briefing must be limited to the Gang of Eight, the manager’s amendment also requires that he submit a certification stating that extraordinary circumstances require the briefing to be limited.

In the case of a limited briefing, the DNI will have to reissue that certification every 180 days or open the briefing to all members of the committee.

This reform is a substantial improvement over the language we included in previous authorization bills and which some of my colleagues still support. This earlier language would have actually expanded the President’s authority to conduct restricted briefings, going so far as to include all intelligence activities, not just covert actions. It would also result in more restricted briefings and not fewer.

I am interested in passing laws that reform the notification process, not, as some would say, in sending political messages.

The manager’s amendment also includes a number of provisions proposed by my colleagues. These include an amendment by Mr. BISHOP, which would require the DNI and the Attorney General to provide Congress with a strategy on balancing intelligence collection needs with the interests of the United States in prosecuting terrorist suspects.

The questioning and prosecution of terrorist suspects has been the subject of some controversy in recent weeks, and I believe that Congress could benefit from understanding how the administration plans to handle such cases in the future.

A second provision included in the manager’s amendment was proposed by Mr. MARSHALL of Georgia. It requires the DNI to study the best practices of other foreign governments to combat violent domestic extremism.

A number of our allies, including the United Kingdom and the Netherlands, have established programs to stop individuals from turning to terrorism. This is a growing problem here in the United States, and we could benefit from learning how our friends and allies have dealt with this problem.

Madam Chair, I urge the passage of the manager’s amendment.

At this point, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 10 minutes.

Mr. HOEKSTRA. I yield myself such time as I may consume.

Since the other side doesn’t want to talk about this amendment, I find myself having to come back and, once again, bring up the McDermott amendment. I would just appreciate, since there have been no hearings on this and it has slipped into this in the dead of night, just some answers to questions that maybe someone on the majority side can answer.

Remember, we are in a community now where the people at the front lines realize, when they have been asked by Congress and the President to do something, that, 3 or 4 years later, they may be prosecuted for those very activities by following the requests of this Congress.

We are talking about enhanced interrogation techniques. The record indicates that even people as high as the Speaker of this House knew about it. Yet this House is supporting those efforts to perhaps go back and prosecute this. Now we open up a whole new set of legal risk for our people in the intelligence community. I wish this thing just said, “Follow the rules,” but it doesn’t. It’s 11 pages of legalese, creating all types of new and ambiguous rules for our people in the intelligence community.

Would someone please answer the question: Why did we never have any hearings on this? Why no discussion? Why no debate? Why does this amendment define a criminal offense that only intelligence community personnel would be guilty of? This only applies to intelligence community personnel. Answer the question.

The amendment would make it a crime for depriving the individual of necessary food, water, sleep, or medical care. How does the bill define “necessary”? How will we explain that to the people in the intelligence community?

The amendment would make it a crime to require someone to participate in acts intended to violate the individual’s religious beliefs. Is there any objective standard to define that term or is it a subjective standard? Is there any requirement of reasonableness?

The amendment would make it a crime to exploit phobias of the individual. Phobias? Could you explain why



this would be a criminal offense for a member of the intelligence community but not a criminal offense for a prosecutor who threatens a detainee with increased jail time if he does not cooperate?

These are just some simple questions—questions that I would think people in the intelligence community would ask the next time someone from this body comes and visits with them and tells them how much we support them and how great of a job we think they're doing. I would think they would hold this amendment up and say, Sir, Madam, did you vote for this? Did you understand what it meant when you voted for it? Could you explain it to me? Somebody please answer these questions.

□ 1445

We sure didn't have the opportunity to ask this in committee, to get any briefings on this, to have any hearings, for someone to explain this to us. But, no, if the other side has its way, soon this will be law.

Madam Chair, I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 2 minutes to the gentleman from Rhode Island, and a valued member of our committee, Mr. LANGEVIN.

Mr. LANGEVIN. I thank the gentleman for yielding and for his leadership on the Intelligence Committee.

Madam Chair, I rise in strong support of H.R. 2701.

This bill before us today funds critical intelligence activities that are vital to our national security. Of particular interest to me, it provides the resources for the foundational capabilities of a comprehensive cybersecurity strategy.

As the recent cyberattacks against Google and U.S. networks have demonstrated, our information infrastructure is far more vulnerable than many realize. It is absolutely imperative that the United States strengthen its cyberdefenses to ensure government and commercial functions are protected and to improve our ability to attribute attacks and hold aggressors accountable. The intelligence community has begun this work, and the President has committed to developing a broad strategy to secure U.S. information networks. I applaud those efforts.

In order to further foster cyberreadiness of our intelligence agencies, I offered an amendment requiring the administration to submit to Congress a plan for securing intelligence networks and determining whether we have the workforce we need to secure this vital part of cyberspace as well as the ability to recruit and retain the best and brightest in this field. I'm truly grateful this provision has been included in the manager's amendment that we're debating today.

Another issue of great importance is congressional oversight of our intel-

ligence community. I'm pleased that this bill modifies the Gang of Eight notification process currently used to brief Congress on intelligence activities. During the last administration, we saw the danger of giving the executive branch too much leeway to engage in activities outside of congressional review. Reforming the mechanism governing congressional notification will restore Congress's ability to conduct oversight on our intelligence activities.

So with that I just want to thank Chairman REYES for his leadership in crafting this bill as well as his general leadership of the Intelligence Committee itself and particularly the attention he's paid to the issue of cybersecurity. I support the bill and I urge my colleagues to do the same.

Mr. HOEKSTRA. Madam Chair, I yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, just to further again tell you how dangerous the amendment is on making it a criminal act for CIA officers to try to conduct interrogations, again I just want to read—this goes after specifically any intelligence officer or employee of the intelligence community. So saying we're just restating law simply isn't true. And then it goes on to say "interrogation knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhumane, or degrading treatment." "Degradation," of course, is undefined.

But think of this: It goes on to explain at a further portion in their language "if you seek to blaspheme his or her religious beliefs." Now, we know that al Qaeda through their training always says when you're caught by the United States, allege abuse. It shuts the system down. Guess what we just did. Does that mean a Jewish FBI official is no longer able to go in and conduct an interview? I don't know. Does it mean that if an uncovered woman goes in to conduct an interview, we've blasphemed their beliefs and their religion? I don't know. But we've certainly made it easier to make the allegation, haven't we? We have made it almost impossible for them to do what we have to have them do, and that's extract information that's going to save lives. I mean you could go on to any sector of any religion that has become radicalized and understand it's impossible to meet that standard. Impossible. We are hugely restricting and handcuffing our intelligence community from doing what they need to do, and that's to get information, without torture, that keeps Americans safe and alive.

And, again, al Qaeda, Madam Chair, uses the technique, and we know this through a whole series of sources, to allege abuse. They use it in their media campaign, and they know it makes us chase our tail for weeks on end. This

only enhances, this only strengthens their cause and al Qaeda's operational tactic to slow us down in the obtaining of that information.

I can't tell you how serious this amendment is with no debate and no discussion. It's dangerous. I urge rejection on this alone.

Mr. REYES. Madam Chair, it is now my privilege to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON), who is a member of the Homeland Security Subcommittee on Emerging Threats.

Ms. RICHARDSON. Madam Chair, I rise to engage the chairman of the Intelligence Committee for purposes of a colloquy.

Mr. REYES. I am happy to oblige.

Ms. RICHARDSON. Mr. Chairman, as a member of the Homeland Security Committee and subcommittee Chair, I'm concerned that the members of the Homeland Security Committee have not consistently and were not adequately briefed by the administration on the events surrounding the failed Christmas Day terrorist attack. The Homeland Security Committee has an important role in congressional oversight over agencies within its jurisdiction.

Mr. Chairman, do you agree with me and Chairman THOMPSON that the Homeland Security Committee should be briefed in a timely manner on national security matters that play a central role in homeland security?

Mr. REYES. I believe that the Homeland Security Committees have an important role to play in congressional oversight of national security matters and that the committee should be briefed on national security matters that fall within its jurisdiction.

Ms. RICHARDSON. I thank the chairman for that response.

Mr. HOEKSTRA. Madam Chair, I yield 1 minute to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, a few moments ago, a Member stated that the McDermott language only restates what's in current law. I would be very interested for any Member who can come to the floor and tell me where in current law it says any officer or employee of the intelligence community who forces an individual to be naked goes to jail for 15 years. Sometimes there's a good reason to ask someone to take their clothes off—to make sure they don't have bombs strapped around their waist. And yet an intelligence officer who does that under the McDermott language is liable for 15 years in jail.

The McDermott language says an officer or employee in the intelligence community who deprives an individual of necessary sleep goes to jail for 15 years.

Now, I cannot believe the many good Members on both sides of the aisle who are concerned about prosecuting terrorists, about keeping the country safe,



have thought through the implications of this language. And to have it included in a manager's amendment along with 20 other amendments is just amazing to me.

I strongly encourage every Member of the House to read this language and be careful before you vote on it.

Mr. REYES. Madam Chair, I yield myself 2 minutes.

The manager's amendment includes language originally proposed by Mr. McDERMOTT that reiterates existing law on torture and provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment. Torture is a reprehensible and counterproductive practice. The U.S., as we all know, has no business engaging in that. The language in the manager's amendment simply reasserts existing law.

Executive Order 13491 prohibits interrogators from engaging in any of the activities highlighted in the manager's amendment language. This Executive Order limits interrogations to the interrogation techniques that are authorized by the Army Field Manual. It also spells out the terms of Common Article 3 and relevant provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as the minimum standard for the United States to follow.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law. It provides a specific criminal penalty for those who knowingly cause the death of a detainee. It is already a crime for an interrogator to knowingly murder a detainee. This provision merely adds a concrete statutory penalty to that conduct.

This language does not, does not, give terrorists greater rights than ordinary criminals.

We cannot afford another Abu Ghraib, and the language in the manager's amendment simply reasserts these important provisions already codified in law, plain and simple.

Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I wish it were plain and simple. It's 11 pages, 11 pages dropped in in the middle of the night. No debate, no discussion, just inserted.

If it's already a crime, why are you putting it in here?

We haven't answered all the questions that we asked before. I notice that the sponsor of the amendment, who was here for an extended period of time, I'm not sure if he wanted to speak on the amendment or not but obviously wasn't given the opportunity

to speak on the amendment if he wanted to. It's too bad because I think there's legitimate need for discussion and debate because I don't think it's at all clear that this is just a restatement of current law.

Answer the questions. The amendment would make it a crime to exploit phobias of the individual. Why is this a criminal offense for a member of the intelligence community but for no one else, not a criminal offense for a prosecutor? Why didn't we ever talk about this in committee? Why didn't we ever debate it?

Madam Chair, I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the Chair for yielding.

I rise to commend Chairman REYES for including in the manager's amendment my amendment to develop a competitive grant program that will encourage the U.S. intelligence community to partner with Historically Black Colleges and Universities to recruit, train, and retain an ethnically and culturally diverse intelligence workforce.

We face a diverse and growing array of threats around the globe. As the means used by our enemies become more advanced, so must our defenses. Cultural, language, and educational barriers affect the quality of intelligence we can gather, and it's critical that our intelligence community have the human assets to overcome these barriers.

The area of Georgia that I represent is home to several HBCUs with specific expertise in languages and computer sciences. Engaging these centers of academic excellence, as this amendment does, will produce more sophisticated intelligence officers, who will in turn make our country more secure.

I want to thank Chairman REYES for his work on this important legislation, and I urge my colleagues to support passage of this bill.

Mr. HOEKSTRA. Madam Chair, I yield 1½ minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, it's not that you're giving terrorists better rights than Americans. It's the fact that you're extending to foreign terrorists, foreign nationals, foreign-trained individuals coming here to commit acts of violence and kill civilians the same rights as Americans. That's wrong. They are enemy combatants.

You say, well, we can't have Abu Ghraib. You're right; we can't. Torture is illegal. It was illegal then, and guess what? It was investigated and they have been prosecuted, rightly so. They abused people. Wrong. They go to jail. That's what happens in this system.

What you're doing now is interjecting mass confusion into the people

who are going to try to conduct debriefings all over the world, and they're going to go to dangerous places, and guess what? You've engaged one of the worst parts of the al Qaeda playbook that says, remember, when Americans are shooting at themselves and chasing their tail, they are not shooting at us. Allege abuse. You've just put 11 confusing pages right into the hands of our enemy to say, make it really hard on the folks who are risking their lives to save Americans so that we can continue to do what we do, and that's plan, train, recruit, and we will send people to America to kill American civilians.

This is a dangerous, dangerous, dangerous step that you take. No debate. No discussion. Lots of confusion. Don't do this to the men and women who risk their lives every day to protect the United States of America.

□ 1500

Mr. REYES. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. REYES. Thank you, Madam Chair.

I rise to inform my colleagues on the other side that the men and women protecting this country are clear about their duties. They are focused on keeping us safe. They are not concerned about the political spin here. They are not concerned about the rhetoric that they hear. But they do appreciate actions more than rhetoric.

I know because I have been around the world visiting them. I have been to talk to various groups in the intelligence community. They know that we appreciate the work that they do each and every day to keep us safe. And they are not going to be fooled, like the American people are not going to be fooled, by the rhetoric that comes up, the spin that they try to put on the manager's amendment, and in particular the reiteration of something that is fundamentally American, and that is we have a Constitution. We have rules that we all have to live by. We understand the law. And we have to have respect for that law. It does not undermine any of that.

It is a good manager's amendment. I urge the adoption of the manager's amendment.

Mr. HOEKSTRA. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. HOEKSTRA. Thank you.

Madam Chair, my colleague on the other side of the aisle is exactly right. The people in the intelligence community are watching exactly what we are doing. And actions do speak louder than words. The actions that they have seen, their colleagues were asked by this Congress, including, the record shows, the leadership of this House and

the former administration, to do things on their behalf to keep America safe, and they see their colleagues now potentially being prosecuted because the rules changed under this administration.

As they see the rules changed for them and perhaps their colleagues being prosecuted, they see a global justice initiative coming out of the FBI where we are reading Miranda rights to our enemies on the battlefield in Afghanistan. They see the actions and they see the actions are very, very different.

They see that we are moving KSM from Gitmo to trial in New York City. Thankfully, the people in New York City are saying no way, we are not doing it. And at the same time that KSM is being promised a trial in civilian courts in the United States, they are seeing 11 pages of new vulnerabilities being placed on them after no hearings and no debate.

Yes, our men and women in the field are seeing a real difference. They are seeing a real difference in actions by this Congress and by this administration. They see that they have become kind of a target of this administration, that this is now not about keeping America safe, it is about putting them into a legal framework, an ugly legal net.

Madam Chair, I rise in strong opposition to this bloated Manager's Amendment. Its flaws powerfully demonstrate how the Intelligence Committee is failing to do its work and has in fact become counterproductive to the work of the intelligence community.

This amendment is everything that is wrong with intelligence policy in 2010. It is politicized, it fails to recognize or act on the serious threats that we continue to face as a nation, and it puts off the tough decisions indefinitely. Where it does take a substantive action, instead of taking meaningful steps to fix the problem it blames the men and women of the intelligence community for failing to follow a politically correct policy, even though that policy was ratified by Members of Congress at the highest levels. I think we have heard this story before.

The Managers Amendment contains the text of 22 Democratic amendments, and no Republican amendments. The Committee minority was not consulted on a single one of these amendments—in fact, one of them continues to reverse a bipartisan agreement on notification reform from last year.

Instead of taking meaningful steps to address critical national security problems such as the threat posed by bringing Guantanamo detainees to the United States, the flaws revealed in our intelligence sharing by the Fort Hood and Christmas attacks, and the issues posed by American citizens who join terrorist groups abroad, it would require 16 new reports, to bring the total for the bill to at least 57 new reports. And instead of supporting the men and women of our intelligence community, it would create a new criminal offense that not only would duplicate an existing law—it would apply only to our intelligence personnel. How's that for gratitude?

Instead of trying to provide proper procedures are in place to govern the conduct of covert action activities that could impact American citizens, the Majority believes it is more important to order yet another duplicative report on foreign language proficiency when the Committee is already briefed regularly and repeatedly on the efforts that are ongoing in this area.

Instead of trying to fix the intelligence sharing problems that were laid bare at the Fort Hood shooting and shown to be critical during the Christmas bombing attack, the Majority has instead chosen to put its head in the sand and order up a report on events in Argentina between the mid-1970s and the mid-1980s.

Instead of resolving the serious problems in coordinating the interrogation of the high-value detainees that became apparent when Miranda rights were read to a foreign radical jihadist, the Majority has chosen to require the intelligence community to write up not one, but two new reports and a "Task Force" on cybersecurity even though the Committee is in the middle of a series of comprehensive briefings and hearings on the subject and has conducted repeated oversight.

Madam Chair, I can't think of a single terrorist plot that has ever been disrupted by a report to Congress.

In addition to these more fundamental issues, I need to note for the record some specific serious problems with this amendment.

First, the amendment does even further damage to the bipartisan agreement that had been reached on reform of congressional notification. Instead of providing a mechanism that respects the separation of powers and the various equities of the President and the Congress, this amendment has ceded the decision of which Members of Congress will be briefed on sensitive covert actions entirely to the President, apparently to avoid the White House's veto threat on the bill. That is ironic for a majority who has claimed so long and so loud—despite clear records and the recollection of others to the contrary—that it was never briefed on intelligence policies that they explicitly helped to ratify on a bipartisan basis.

Second, the amendment does even further damage to years of carefully developed practice and procedure for how the congressional intelligence committees conduct oversight by attempting to cede its responsibility to the GAO. The original bill was flawed because it would have provided the GAO with virtually unfettered authority to insert itself into intelligence community matters without applying the same rules that govern the congressional intelligence committees or limiting the dissemination of any work product to protect sources and methods.

It was so bad that even the Obama administration objected that the bill "would fundamentally shift the longstanding relationship and information flow between the IC and intelligence committee members and staff." This Managers Amendment makes these problems even worse by allowing the Comptroller General to unilaterally develop procedures for handling of highly sensitive material with no requirement that it follow House or Committee rules, and in fact would allow committees other than the intelligence committees to re-

quest GAO review of the intelligence community.

This is contrary to the Rules of the House and the recommendations of the 9/11 Commission. How many times do we have to learn the simple lesson that intelligence oversight is most effective when it is conducted by the intelligence committees—at least when those committees do more than just require new reports.

Third, buried deep within the 22 amendments contained in this Managers Amendment is an extraordinary provision that would create a new criminal offense that would only apply to the men and women of the intelligence community. Title 18 of the U.S. Code, section 2340A, already gives effect to the Convention Against Torture and makes torture a criminal offense in the United States. Torture is already against the law.

Apparently, that's not enough for the Majority—it has to have a special offense that would apply only to the men and women of the Intelligence Community—just as Attorney General Holder has appointed a special prosecutor to investigate them. There is no legal reason to do this—it apparently exists only to make a political statement. The intelligence operatives on the front lines deserve our thanks and our support for doing hard things in hard places, like the men and women who made the ultimate sacrifice this year in Khost, Afghanistan. They do not deserve to be singled out for special criminal offenses. I believe that this is wrong.

Madam Chair, I strongly oppose this amendment.

Mr. PATRICK J. MURPHY of Pennsylvania.

Madam Chair, I'd like to extend my sincere thanks to Chairman REYES for accepting this amendment and taking an important step toward strengthening our Nation's cyber infrastructure against attack. Madam Chair, the protection of our country's cyber infrastructure is one of today's most pressing—and challenging—national security issues. Computers and Internet device technology have become pervasive in every type of crime and federal agencies are experiencing an increase in cyber-intrusions into our most secure and sensitive government computer networks. This growing threat is extraordinarily difficult to address. The technology used to perpetrate these crimes evolves constantly and rapidly, and it can be exceedingly difficult to track down the perpetrators. It is our duty to ensure that our Intelligence Community and our Nation's law enforcement agencies have every tool necessary in their arsenal to combat cyber criminals and cyber terrorists who seek to access or steal protected information.

To be successful in preventing security breaches, Madam Chair, the agencies tasked with protecting the country from cyber attacks must constantly revise and improve their primary functions of data collection, analysis, and dissemination to keep pace with expanding threats. Experts in the field have pointed to several areas of the law which may need to be reviewed and updated to ensure their effectiveness and to best protect American individuals, businesses, and our national security.

Our proposal would establish the Cybercrime Task Force to analyze the current tools available to the Intelligence Community

and law enforcement and provide legislative recommendations on ways to strengthen those resources, reduce our national exposure, and prevent and deter cyber attacks, cyber terrorism, cyber espionage, and cybercrimes.

The goals of the task force include improving attribution to specific criminals, understanding the nontraditional targets of attackers, and strengthening federal computer crime statutes to deter would-be perpetrators.

First, crucial to better deterrence—and the possibility of implementing sanctions—is improving the IC's ability to designate concrete attribution for cyber attacks. Attacks committed with the aid of computer or Internet device technology are often cleared with negative clearance. In order words, the IC is not able to detect and identify hostile foreign actors because of missing data at Internet service providers. The task force shall provide evidence-based recommendations on mandatory data retention requirements that balance the privacy of an individual's data, the technical and financial limitations of companies and Internet service providers, and the need to ensure effective cybercrime investigation.

The task force shall incorporate in their recommendations suggestions to minimize barriers to entry into the service provider industry and to lessen any negative impact on innovation or new start-ups in the industry.

Second, Madam Chair, in light of the rapidly evolving nature of the crimes, we must better understand the likely, but nontraditional, targets to which perpetrators may seek unauthorized access. Cyber attacks are increasingly the preferred method of foreign intelligence services collection of data against the U.S., raising a host of novel training, counterintelligence and investigative issues. To improve these operations in the IC's understanding of the extent to which computer and Internet device technology pervades traditional crimes, the task force shall compile a list of nontraditional targets (i.e., economic or industrial bases) in the U.S. that the IC has not traditionally dealt with as a target for foreign intelligence services.

Finally, Madam Chair, an increasing number of "terrestrial" (i.e., physical) crimes are being committed with the aid of a computer or Internet services. The task force shall survey the current federal crime statute for computer fraud and abuse to determine whether it is sufficient in light of the advanced nature of the crimes being committed and to enhance the ability of our law enforcement agencies to identify, detect and apprehend suspects as well as enhance investigative and prosecutorial efforts.

The task force shall survey the current federal crime statute for computer fraud and abuse (as provided in 18 U.S.C. 1030) to determine whether it is sufficient in light of the advanced nature of the crimes being committed. It shall determine the adequacy of the laws for which cybercrime and cyber espionage constitute a predicate offense and provide recommendations for updating those statutes when warranted. The task force shall establish and disseminate guidelines for States to revise their State-level statutes equivalent to 18 U.S.C. 1030 to help ensure they keep pace with Federal changes.

An increase in the prevalence of crimes facilitated through computer fraud and abuse

raises novel investigative, prosecutorial and training issues because of the complex and unique attributes of computer and Internet technology. To improve law enforcement's understanding of the extent to which computer technology pervades traditional crimes, the task force shall compile a list of which crimes are most often committed with the aid of computers or Internet devices, determine whether the relevant prosecutorial tools are up to date, and provide specific legislative recommendations on how to update the statute to improve prosecution efforts while simultaneously providing for individual privacy and data security.

The task force shall also advise whether a need exists to outlaw, or more clearly prohibit, certain behavior (i.e., unauthorized access) regardless of intent or resulting damage, whether monetary or to a computer system. The recommendations should take into account the increasing prevalence of individuals using pre-programmed hacking tools to commit a crime without necessarily understanding the full implications or potential consequences of the technology.

The task force shall analyze existing Federal and State data breach notification requirements and advise whether and how current law should be amended to strengthen requirements and improve compliance, including notification of relevant law enforcement authorities as well as any individuals whose personally identifiable information may be at risk from the breach. Currently, forty-three States have enacted breach notification requirements, and they vary widely, resulting in low compliance levels. The task force shall analyze discrepancies among existing State-level statutes, determine barriers to compliance, and provide recommendations for overcoming such barriers (i.e., through Federal legislation, tying a company's obligations to specific jurisdiction and their requirements, or through some other means).

Finally, the task force shall determine whether and how current victim restitution statutes should be amended in order for victims of cyber attacks to be made whole. Currently States have varying forms of recourse for victims of cyber attacks, particularly when a person is hurt because a company's data was breached. The task force shall recommend whether a Federal law is needed to address this and if so, how it should be structured.

Madam Chair, I urge my colleagues to ensure that we stay a step ahead of hackers and cyber terrorists seeking to cause us harm and to pass this important amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HOEKSTRA. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-419.

Mr. HOEKSTRA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Insert after section 354 the following new section:

**SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.**

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled "Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995-2001", dated August 25, 2008.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, I would like to yield myself as much time as I may consume.

Madam Chair, this is a very straightforward amendment. I thank the Rules Committee for making it in order. It basically says that for not later than 30 days after the enactment of this act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General entitled "Procedures Used in Narcotics Airbridge Denial Program in Peru."

Many of you may remember that this was a very tragic incident where, with the assistance of our intelligence community, two of my constituents were tragically killed in Peru, shot down by the Peruvian Air Force. We need an unclassified version of this report being made available to the public, and more importantly, to the families, the families of those who were killed.

You know, it wasn't that long ago, it was within the last month that there was a discussion about an accountability review. Almost 9 years after that tragic shoot-down, there was an Accountability Board that had been convened. And its results have been made or were reported to our committee. Roughly 4 weeks ago I asked the Director of the CIA whether the families of those killed would be briefed on what was found in the Accountability Board and the accountabilitys that were put in order. To date I am yet waiting for an answer.

This has been unfair to these families, it has been unfair to the American public that when we have had such a tragic failing in the intelligence community, which included, from my perspective, an attempted coverup by the previous administration or by the intelligence community as to exactly

what happened, how it happened, and how these Americans were killed, that we have been so closed in sharing that information with the American public and the families.

I reserve the balance of my time.

Mr. REYES. I would like to claim the time in opposition, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. I yield such time as she may consume to my friend from California (Ms. HARMAN).

Ms. HARMAN. I thank the chairman for yielding, and surely hope that we will accept his amendment. I recall during my years as ranking member on the committee when we were, in quotes, "briefed" on this incident. I am very disappointed about the way it was handled. I personally think the gentleman from Michigan is correct, and I applaud what he is doing.

As we debate this bill, we must thank again the thousands of patriotic and courageous women and men who are serving in our intelligence community around the world. As I so often say, a grateful Nation salutes them for their efforts to keep us safe. Our Nation also remembers and honors those who lost their lives, most recently at Forward Operating Base Chapman in Afghanistan.

Madam Chair, in addition to this excellent amendment, I applaud the underlying bill's provisions to reform the way Congress is notified of sensitive covert programs, briefings that for too long were limited to the so-called "Gang of Eight." During my years as ranking member, it was clear that effective oversight required providing the entire committee with information previously limited to its leadership. And so this bill rightly provides for full committee notice of Gang of Eight briefings, a contemporaneous record of those briefings, something we sorely lacked, and it entitles the full committee to receive the same briefings as the Gang of Eight within 180 days.

These changes go a long way toward correcting the frustration felt on both sides of the aisle during my tenure on the committee. We should not have been put in the position of on the one hand upholding our oath of secrecy, while on the other hand being starved for information to conduct necessary oversight.

Just last week, pursuant to a FOIA request, memoranda describing some of our briefings were declassified. The documents, which are available to the public, show repeated pushback from Intelligence Committee members, surely including me, about the failure to brief us or to provide documents or other timely information.

Madam Chair, last time I checked, Congress was an independent branch of

government. We must assert our prerogative to monitor and rectify problems that surface in the programs we oversee. In the intelligence world, some of these problems affect our core values as well as our Constitution. Security and liberty are not a zero sum game. It is our sworn duty to protect both. The language in the underlying bill and this amendment offered by Mr. HOEKSTRA go a long way to rectify long-existing problems.

I urge support for the bill and support for this amendment.

Mr. REYES. I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has the right to close.

Mr. REYES. Madam Chairwoman, I am prepared to accept the amendment, and want the record to reflect that Ms. SCHAKOWSKY from Illinois is very much in agreement with Mr. HOEKSTRA.

I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. HOEKSTRA. Thank you, Madam Chair.

I would like to thank my colleagues on the other side of the aisle and the chairman for accepting the amendment, my colleague from California for the kind words that she had to say. We worked on this program for a number of years together. And it has taken us such a long period of time to get the answers that help understand but do not explain what happened.

This amendment is intended to get more information to the American people, more information to the families. I do hope that over the coming days that the Director of the CIA, that the people in the intelligence community decide to give the families full access to the Accountability Board.

I appreciate the support of the chairwoman of the subcommittee, Ms. SCHAKOWSKY from Illinois. This is a case where we have worked uniquely in a bipartisan way to address failings within the intelligence community, to try to right those wrongs, and to try to move us forward in a constructive and positive way. I thank my colleagues who have enabled that process to work and to work effectively.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-419.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Insert after section 352 the following new section:

**SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.**

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, I would like to correct some things, because I have been here all day listening to our colleagues complain about the process. This is the beginning of the process. And it is an important one, one that has not been undertaken in 4 years, such that we have not

had an authorization bill for all that time.

Now, I am sure that my colleagues know that when this measure is completed, and on the other side in the other body, that we will have a conference. And many of the discussions that are being heard here today are likely to be addressed in that conference report.

Now, I have stated time and again that the intelligence community is not diverse enough to do its job of obtaining and analyzing foreign countries' secrets. Diversity is a mission imperative. We need people who blend in, speak the language, and understand the cultures and the countries that we are targeting.

The intelligence community is our Nation's first line of defense against the increasing dangers and threats we face around the world. From the scourge of terrorism, to the proliferation of weapons of mass destruction, to hostile governments, intelligence work is often unseen, and mostly thankless.

Now, I keep hearing all this talk about Mirandizing people on the battlefield. I have a lot of difficulty understanding when that happened. I have been on the committee for 10 years, and I don't know that that is a methodology that is being employed with any regularity.

I have had the honor and privilege of meeting many of our intelligence professionals during my oversight travel as a member of the Intelligence Committee to more than 50 countries. I cannot overstate how much all of us, Democrats and Republicans, every Member of this House and every President that I have known, are appreciative and humbled by their service. And yes, I will stand and say that when this authorization measure passes that I do support the men and women in the 16 elements of the intelligence services and appreciate them very much.

I am proud to support this measure for several reasons. It substantially increases funding for human intelligence collection and counterintelligence activities, tools that have been underresourced in the past years.

□ 1515

The bill continues the essential funding to support the critical efforts of U.S. warfighters in Iraq, Afghanistan and Pakistan, and provides additional funding to address significantly emerging issues in Africa, Latin America and elsewhere. And I would urge my colleagues to footnote that.

There is no place that I think that we should focus as much attention as we have with Iran as Yemen. It is going to be critical for us to pay attention to that area of the world.

This bill also adds funds and authorities for language programs. Chairman REYES and I and countless other members on this committee have fought

this issue repeatedly for us to make progress in languages; and, I might add, we have been successful. If you see the new people entering the service, if you visit our operational activities, you begin to see more and more people that are in the service.

I do have something to quarrel about, and that is, the gays in the military provision that allows, among other things, that we're putting people out of the service who are Farsi and Arabic speakers because they're gay, and I think that's ridiculous in the environment that we're operating in.

But we still don't have enough women. We still don't have enough Arabs. We still don't have enough North Koreans, and I could go on and on.

While the intelligence community has made some progress in hiring people with diverse backgrounds, education and experience, including, indeed, more women and minorities, this progress has been at a glacial speed. The intelligence community has been historically slow to recognize the wealth and abundance of talent and skills that reside in first-, second-, and even third-generation Americans. We still don't have an intelligence workforce that looks like our country. We aren't even close.

The bottom line is that we, until we have every segment of society participating in the intelligence community, our capabilities will not rise to the level needed to defeat terrorism.

I'd like to yield the balance of my time to the distinguished chairperson of the Intelligence Committee, and to thank the Members of the Democrat and Republican staff on the House Intelligence Select Committee.

Mr. REYES. I just want to thank the vice chair of our Intelligence Committee for his hard work. I know he's worked ever since he's been on the committee on this very important issue that keeps, I think, the face of the intelligence community reflecting the face of this Nation.

Mr. HOEKSTRA. Madam Chairman, I'd like to claim the time in opposition, although I will not be opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. I would like to recognize my colleague from Texas (Mr. THORNBERRY) for 1 minute.

Mr. THORNBERRY. The gentleman from Florida (Mr. HASTINGS) has been a forceful and eloquent advocate for greater diversity in the intelligence community. And he's exactly right: we will be more effective when we have greater diversity in the intelligence community. We're more effective human collectors when we look like those from whom we are collecting. We will be more effective when we have a

greater range of language talents including dialects. All of that is absolutely true.

My point, in addition, however, is that it's not just getting them into the intelligence community. It's how we treat them once they're hired. And some of the recent actions over the last year, whether it's a special prosecutor to go after, again, interrogators after they have already been investigated, or whether it's releasing classified memos, even though five CIA directors recommend not having it done, that cuts against the ability to keep these qualified people in government service after we have them hired. And I can think of nothing worse than to threaten these people with 15 years of prison if they stray across the line in an interrogation as far as encouraging our intelligence professionals to stay with the government.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I will not oppose the amendment. I support the amendment. I think the report on highlighting the progress that we have made or that we may not have made toward our objectives of increasing the diversity within the intelligence community is something that is needed and something that my colleague has been championing for all the years that we have served on the committee together. I support the amendment and urge my colleagues to support it as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-419.

Mr. ROGERS of Michigan. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Strike section 349 (page 64, lines 8 through 24) and insert the following new section:

**SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OFFICE SUPERVISORY TERM LIMIT POLICY.**

None of the funds authorized to be appropriated by this Act may be used to implement the field office supervisory term limit policy of the Federal Bureau of Investigation

requiring the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chairman, it's with a heavy heart I rise with this amendment. This has been a bipartisan issue for, I hate to say it, going on 5 years where the Director of the FBI implemented a new policy, and the policy was designed to try to get a different talent pool of individuals to come to Washington, D.C. to be supervisors in their new bureaucracy of the intelligence community, if you will. They were having a difficult time doing it.

So what they ended up doing is they forced supervisors in the field. These are FBI experts in a whole variety of fields—it could be white-collar crime, it could be organized crime, it could be foreign counterintelligence, could be counterterrorism efforts—and arbitrarily said, after 5 years you're done. You either have to step down, you have to come to Washington, D.C. and apply to be an ASAC or other job, or you have to move on. You can either leave the Bureau, you can step down and go back to the ranks of what we used to call a brick agent in the FBI.

Five years ago we said, you know this is really unfair to a lot of agents. You're going to lose agents. Unfortunately, they implemented it, we lost agents, senior agents, talented agents. And from both sides of this aisle we heard stories after stories where we represented about good, quality, talented, seasoned FBI agents being forced to make decisions based on their families. Some were just not in a position to come back to Washington, D.C., so their reward for all that honorable service is get out.

Well, the Director cut a deal with this Congress, not this particular session, but a Congress a few years ago, 5 years ago: I will fix this problem for the agents who this harmed. We are still waiting today.

This is called the up-and-out policy of the FBI. It is wrong, Mr. Director. It is absolutely unconscionable that this continues to be a problem, after they've given the Congress of the United States your word it would be fixed. I just implore the Director to fix this problem.

The only way for us to join together to get this fixed for the men and women who have risked their lives, who moved their families, who make the difficult choices to be an agent of the FBI, is to offer this amendment and say, no more. We're not playing anymore. Fix this problem. It's wrong to treat the men and women of the FBI

with this blatant disregard for what has been harmful to them and their families, in some cases, their pensions as well. It's wrong.

I know it has been bipartisan in the past, and I hope that it continues to be a bipartisan effort. And, Madam Chairman, I can't strongly enough say that I support it. But also, I have a letter here from the FBI, the Federal Bureau of Investigation Agents Association, representing literally tens of thousands of former and current agents all across the country who have stood up and said this is the right thing. They support this amendment unconditionally.

Let us stand with those men and women who are doing so much to keep us safe today. This is the one thing that we can do and send a message to this Director. For all the good and all the bad that happened since 9/11 and he's been part of a lot of good things, this could be a horrible black mark on what could otherwise be a great career there if you don't take care of the people who have been taking care of America.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time?

Mr. ROGERS of Michigan. Seeing there's no further speakers, I would just urge the body's quick support and, again, hopefully we can stand with the men and women who have stood with us in difficult times across the country. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-419.

Ms. ESHOO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. ESHOO:

At the end of subtitle A of title III, add the following new section:

**SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT FOR INTELLIGENCE COMMUNITY EMPLOYEES.**

(a) CONFLICT OF INTEREST REGULATIONS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new subsection:

“(s) CONFLICT OF INTEREST REGULATIONS.—

(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

“(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of

an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.”

(b) OUTSIDE EMPLOYMENT.—

(1) PROHIBITION.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

“PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF OFFICERS AND EMPLOYEES OF THE INTELLIGENCE COMMUNITY

“SEC. 120. An officer or employee of an element of the intelligence community may not personally own or effectively control an entity that markets or sells for profit the use of knowledge or skills that such officer or employee acquires or makes use of while carrying out the official duties of such officer or employee as an officer or employee of an element of the intelligence community.”

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is further amended by inserting after the item relating to section 119B the following new item:

“Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.”

Page 71, strike line 11 and insert “section 510.”

Page 71, after line 11 insert the following:

“(K) The annual report on outside employment required by section 102A(s)(2).”

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. ESHOO. Madam Chairman, I rise to offer an important amendment to the Intelligence Authorization Act.

Madam Chairman, many of the provisions that I supported and authored are already in the legislation that was reported out of the committee. Today I'm offering this amendment to address a problem that arose after our consideration of the bill last year.

Earlier this month we discovered that intelligence community employees have been starting businesses to sell private companies the very skills they use in their employment for the government. For example, a number of CIA employees launched a company to sell deception detection services to hedge funds and ran this company while they were Federal employees. I'm very troubled by this. I questioned the Director of National Intelligence about this at HPSCI's worldwide threats hearing, and he said he would look into it. While waiting for a formal answer, I discovered, to my great surprise, that this activity had already been approved by their agencies. Clearly, we need to tighten up that process.

All Federal agencies are required to have conflict of interest guidelines that set limits on employees' outside employment. Now, these guidelines are developed jointly by the agency and by the Office of Government Ethics. But the DNI has not issued intelligence



community-wide policy guidance on conflicts of interest for outside employment.

So this amendment does two things. First, it requires the DNI to establish an intelligence community-wide conflict of interest regulation working in connection with, and in conjunction with, the Office of Government Ethics to establish a community-wide process for checking outside employment for conflicts of interest, and also to submit an annual report to the intelligence committees on outside employment activities that were approved in the last year.

Second, it would prohibit employees from owning companies that sell skills that are related to their government service.

I think that government employees, and especially those in the intelligence community, should adhere to the highest ethical standards. The American people have to have confidence that government employees are working in the best interest of the Nation and not in just a personal self-interest.

I want to thank my colleagues from the HPSCI, Representatives TIERNEY, BOREN, SCHAKOWSKY, THOMPSON, HOLT, ROGERS and MYRICK, for cosponsoring this amendment. And I urge the adoption of it.

Madam Chairman, how much time do I have left?

The Acting CHAIR. 2½ minutes is remaining.

Ms. ESHOO. I yield to the gentleman from Michigan (Mr. ROGERS) 1½ minutes.

Mr. ROGERS of Michigan. Madam Chairman, I want to thank my good friend, Ms. ESHOO from California. You know, sometimes you can get ahead of a problem. We don't often do that in Congress. I think this is a great way to get ahead of a problem.

Given the fact that these individuals who have, who are doing great things for their country, we're thankful for it, takes sometimes a piece of intellectual property that really belongs to the people of the United States, and some of it is very sensitive, very compartmentalized. It's information that is shared with very few. So it is an incredible responsibility. And for us not to have a policy on how we make sure that those people don't use that information for personal gain on the outside of that community, especially the intelligence community, I think is wrong. And I think this is a good measure that puts some really basic protections, not only for them, but for the intelligence community and the people of America.

And I want to commend the gentleman for her work and effort on this. And I wholeheartedly support this effort.

□ 1530

Ms. ESHOO. I want to thank the gentleman for his support. This is a bipartisan amendment.

I just want to add, Madam Chair, this is in no way a ban across the entire Federal Government and Federal workers. There are some that teach at universities at night; there are others that make really very low salaries—GS-1s in the \$17,000 range—that do have some outside employment.

This goes directly to the skill set that the American people train these CIA officers and others in the intelligence community to do their work relative to national security. That shouldn't be sold off in bits and parts by moonlighting.

So I think that we've done that respectfully, and I think that we've done it thoughtfully. And I'd like to thank the chairman again for this, Mr. ROGERS, and Members that have supported it. I think it's a good amendment.

I yield back the balance of my time.

The Acting CHAIR. Who seeks time in opposition?

With no one seeking time in opposition, the question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-419.

Mr. CONAWAY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY: Page 87, strike line 21 and all that follows through page 88, line 9, and insert the following:

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is imperative that intelligence community-wide auditability be achieved as soon as possible;

(2) the Business Transformation Office of the Office of the Director of National Intelligence has made substantial progress and must be of sufficient standing within the Office of the Director of National Intelligence to move the plan for core financial system requirements to reach intelligence community-wide auditability forward;

(3) as of the date of the enactment of this Act, the National Reconnaissance Office is the only element of the intelligence community to have received a clean audit; and

(4) the National Reconnaissance Office should be commended for the long hours and hard work invested by the Office to achieve a clean audit.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Madam Chair.

This amendment is a pretty simple, straightforward one. It's about good governance. It's about protecting the assets of the American taxpayer as utilized by the intelligence community.

This bill came out of committee 8 months ago. We've now learned some things in the last 8 months that we didn't know then, and this amendment would simply substitute a new paragraph A for the old paragraph A. This paragraph would simply say it's an important initiative for the intelligence community to work to get audited financial statements across all of the entities. This takes a lot of work, a lot of effort to make that happen.

I'd like to call the Chair's attention to the National Reconnaissance organization, who is the only entity within the intelligence community that has, in fact, achieved an unqualified audit opinion on their financial statements. Under Dr. Scott Large's leadership, that hard work was done. And then more directly, Karen Landry, the Chief Financial Officer for the NRO, and Sandra Van Booven, the Director of Financial Management, led an incredible team to do an awful lot of hard work to make that happen. I don't discount how hard that is. From my professional experience, I know it's hard. But they're to be commended as the agency that has achieved clean audited financial statements.

As important as that is, it's an ongoing effort, and I hope that General Bruce Carlson, who is now the leader at NRO, will continue to lead the efforts needed to make that happen.

This is a top-down function. It has to have the initiative of the leadership. The Office of Director of Intelligence has to make this a priority. And this amendment would seek to recognize that priority and continue to draw attention to it from our body so that the executive branch body, in fact, knows that we believe that it's important to get this done. So it's a pretty straightforward amendment, Madam Chair.

I recognize the hard work of some of the folks over at NRO is kind of a pat on the back for having done it correctly, shown us how it can be done, an incredible amount of hard work done by the team led by Ms. Landry and Ms. Van Booven.

So, with that, I encourage my colleagues on the floor today to support this good governance amendment that would further the hard efforts being done across the community to achieve unqualified audit opinions on their financial statements and all of the internal controls and systems that go behind that.

One final comment. There are some tough decisions ahead for Director Blair and others to make this happen, and I encourage them to make those decisions sooner than later. And I encourage my colleagues to support the amendment.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.



AMENDMENT NO. 7 OFFERED BY MR. ARCURI

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-419.

Mr. ARCURI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ARCURI:

Insert after section 354 the following new section:

**SEC. 355. CYBERSECURITY OVERSIGHT.**

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (a)(2)(A); and

(II) the assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improve-

ments to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 180 days after the date of the enactment of this Act.

(B) A second report shall be submitted not later than one year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically following the submission of the reports referred to in subparagraphs (A) and (B) as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by the Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term “cybersecurity program” means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term “National Cyber Investigative Joint Task Force” means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from New York.

Mr. ARCURI. I yield myself such time as I may consume.

The threat of cyberattack on our computer and Internet infrastructure as well as the threat of cyberwarfare cannot be overstated. The need for congressional action to assure adequate funding is in place to guarantee that our country is prepared for any contingency that may arrive in this relatively new area of warfare is critical. I believe, as a nation, our investment in cybersecurity will be the Manhattan Project of our generation.

H.R. 2701 authorizes the funding to make this investment a reality. Cyberthreats and attacks are real, and they threaten our financial and defense networks every day. Nearly every aspect of everyday life in our global society is dependent on the security of our cybernetworks. We rely on these systems to carry virtually all of our business transactions, control our electric grid, emergency communication systems, and even traffic lights.

The most troubling cyberthreat may be the very real prospect of state-sponsored cyberattacks against sensitive national security information. We must take steps to protect our cyberinfrastructure, but to do that in such a way that we do not infringe on individuals' rights to privacy.

We have a number of organizations in government that work on cybersecurity, and we in Congress need to ensure

that these organizations are sharing this information with each other in an effective, reliable, and safe manner. This must be one of our top priorities.

Over the next few years, the administration and the intelligence community will begin new and unprecedented cybersecurity programs to combat these threats with cutting-edge technologies. These new programs will present new legal and privacy challenges.

To ensure that Congress can properly oversee these programs, my amendment requires the President to submit detailed notifications to Congress on current and newly created cybersecurity programs so that Congress may perform the oversight that the Constitution requires.

My amendment sets a preliminary framework for the administration and congressional oversight to ensure that the government's national security programs are consistent with legal authorities and preserve individuals' reasonable expectations of privacy. It requires the President to notify Congress of new and existing cybersecurity programs and provide Congress with the program's legal justification, a general description of its operation, and describe how it impacts privacy and sensitive data and to detail any plan for any independent audit or review of the program. This amendment is a reasonable and responsible continuation of this effort.

Earlier this month, the House approved a Cybersecurity Enhancement Act to expand programs to strengthen our Nation's cybersecurity and to require a cybersecurity workforce assessment to give us a clearer picture of our cybercapabilities in both the Federal Government and private sector to combat future attacks.

Given the increasing number and sophistication of cyberattacks that are being aimed at our networks and the degree to which we must expand our cybercapabilities, we must also ensure that we maintain our oversight abilities. My amendment is similar to the oversight provisions included in the Senate legislation, and I ask that all Members support these important safeguards.

I reserve the balance of my time.

Mr. THORNBERRY. I seek to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. I yield myself such time as I may consume.

Madam Chair, I don't think anyone in this House can deny the importance of cybersecurity. Certainly the Intelligence Committee is devoting a great deal of time and effort to understanding the threat to our potential responses and how we go about it. I am perhaps, however, a lonely voice expressing caution about the number of

reports that accumulate on top of one another year after year after year and weigh down our intelligence community.

I mentioned earlier that there are 41 new reports of one kind or another that are in the underlying bill. The manager's amendment, which we've debated, has at least 17 more reports on top of that. And I believe, if you look at all of the 20, 21 provisions of the manager's amendment, there are at least two reports on cybersecurity plus a task force.

Now, the issue is important, but surely the goodness—we have some responsibility in Congress to pay attention to the cost in terms of dollars, the cost in terms of manpower to do all of these reports that get added on top of the intelligence community but often never go away, that just stack on top of each other year after year.

So I appreciate the gentleman's interest in cybersecurity. I share that, by the way. I think the gentleman's right on the importance of it. But I would just encourage him and all Members, before you come demanding another report of one sort or another, maybe it would be good to inquire as to what it would take to actually complete that report, how much money that costs the taxpayers. If we do, I think we are going to be a little more hesitant to stack report upon report upon report.

With that, I would yield back the balance of my time.

Mr. ARCURI. Madam Chair, I thank the gentleman for his comments, and I think he's right. I think, clearly, the fact that a report is requested simply for the sake of requesting a report is redundant and is taxing on our intelligence community. But I think when we look at what happened during 9/11 and the fact that some of the intelligence branches of government were not sharing information, I think we need to learn something from that.

In my district, I have an Air Force research lab that really focuses a great deal on cybersecurity, and I want to make sure the information that they're developing and the technologies that they're developing are being shared with other branches of the military and the intelligence community. And I think it's very important that we allow congressional oversight and that we ensure that in our role as Congressmen, that we are making sure that they are doing that, that they are sharing the information the way they should.

So I certainly appreciate your point, but I think this is one of the places where it's critically important that we ensure that the information sharing is being done.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. BURTON OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-419.

Mr. BURTON of Indiana. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. BURTON of Indiana:

Page 135, after line 12, insert the following new section:

**SEC. 505. SENSE OF CONGRESS HONORING THE CONTRIBUTIONS OF THE CENTRAL INTELLIGENCE AGENCY.**

It is the sense of Congress to—

(1) honor the Central Intelligence Agency for its contributions to the security of the United States and its allies;

(2) recognize the Central Intelligence Agency's unique role in combating terrorism;

(3) praise the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;

(4) thank the Central Intelligence Agency for its crucial support of United States military operations in Afghanistan and Iraq;

(5) commend the men and women who gave their lives defending the United States in the service of the Central Intelligence Agency, especially noting those individuals who remain unnamed; and

(6) urge the Central Intelligence Agency to continue its dedicated work in the field of intelligence-gathering in order to protect the people of the United States.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. First of all, Madam Chair, I want to thank the Rules Committee for making this amendment in order. It is a very straightforward amendment, and it's one that I think is very, very important because the CIA has been under such intense criticism over the last several months—maybe the last few years—that it's time to let them know and the people of this country know that we really appreciate what they're doing to secure the safety of this country.

What the bill does is:

It honors the Central Intelligence Agency for its contributions to the security of the United States and our allies;

It recognizes the Central Intelligence Agency's unique role in combating terrorism;

It praises the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;

It thanks the Central Intelligence Agency for its crucial support of U.S. military operations in Afghanistan and Iraq;

It commends the men and women who gave their lives defending the U.S.—named and unnamed; and, finally,

It urges the Central Intelligence Agency to continue its dedicated work in the field of intelligence gathering in order to protect the people of the United States.

I believe that all of us would agree with everything that is in this amendment. But I'd like to add just a couple of things that I've been watching during this debate that really concerns me.

□ 1545

There is language in here that is going to, I think, have an adverse impact on the Central Intelligence Agency's agents who are out in the field and doing their job and are trying to protect us against the terrorists. You know, some of the things that they say may be abrasive or objectionable to some of the people they are interrogating. The way this language reads, it could be interpreted to mean that they are guilty of not following the intent of the law in dealing with the terrorists.

Also, there are prison sentences for people who are involved in terrorist or torturous activities such as "waterboarding." I would like to point out to my colleagues, many of whom don't know this, waterboarding has been a technique that has been used in the training of U.S. Navy SEALs and our Special Forces people over the years.

Now, let me say that one more time. Waterboarding and other techniques have been used in the training of our Navy SEALs so they would know how to deal with an enemy if they were captured, and it's been used by Special Forces military personnel in their training. So it has never been considered torture by our own military personnel.

Now, we have three Navy SEALs right now that are being court-martialed, and they are being court-martialed because they captured an al Qaeda terrorist in Fallujah in Iraq. And this al Qaeda terrorist took four American contractors, tortured them, dragged them through the streets, burned their bodies and hung them from a bridge.

He also cut off the head of a leading person that was over there gathering news and information for the news media. This guy is really an out-and-out horrible terrorist. Now, when he was captured he was turned over to the Iraqi military for 2 days, and he came back and he said that he had been hit in the stomach and they split his lip, and because of that these three Navy SEALs are being prosecuted. They are being prosecuted in a court martial.

What kind of a message does that send to our Navy SEALs, to the people in the field who are capturing and

fighting these al Qaeda and Taliban terrorists? What kind of a message does that send? We are trying to send the same kind of message to the CIA operatives who are out there trying to get information that will protect this country and protect the American people around the world against these people who want to destroy us and want to destroy our way of life.

It really bothers me, and I do appreciate the House approving this amendment that I have introduced. Obviously it's something that I think is very important. But, in addition to that, I don't believe we ought to be sending a message to the CIA or the Navy SEALs or our Special Forces men and women in the field that we are not going to back them up when they go out and get a terrorist or extract information from them that is vital in securing the safety of the people of this country.

One of the al Qaeda terrorists they are going to bring to New York. The main al Qaeda terrorist that was involved in the 9/11 attack, after he was waterboarded about 80 times, and he wouldn't give up information, he finally did. He said that there was an attempt going to be made to fly a plane into a building in Los Angeles. Had he not choked up and given that information, we might have lost another 2,000 or 3,000 people like we did on 9/11.

It just seems silly to me and crazy to me that we are not going to allow our intelligence-gathering operatives to do their job. We ought to be supporting them completely day and night in anything they do to protect this Nation.

[From the National Review Online, Feb. 25, 2010]

WHILE YOU ARE DISTRACTED BY THE SUMMIT,  
OBAMA DEMOCRATS ARE TARGETING THE CIA  
(By Andy McCarthy)

The Obama Democrats have outdone themselves.

While the country and the Congress have their eyes on today's dog-and-pony show on socialized medicine, House Democrats last night stashed a new provision in the intelligence bill which is to be voted on today. It is an attack on the CIA: the enactment of a criminal statute that would ban "cruel, inhuman and degrading treatment."

The provision is impossibly vague—who knows what "degrading" means? Proponents will say that they have itemized conduct that would trigger the statute (I'll get to that in a second), but it is not true. The proposal says the conduct reached by the statute "includes *but is not limited to*" the itemized conduct. (My italics.) That means any interrogation tactic that a prosecutor subjectively believes is "degrading" (e.g., subjecting a Muslim detainee to interrogation by a female CIA officer) could be the basis for indicting a CIA interrogator.

The act goes on to make it a crime to use tactics that have been shown to be effective in obtaining life saving information and that are far removed from torture.

"Waterboarding" is specified. In one sense, I'm glad they've done this because it proves a point I've been making all along. Waterboarding, as it was practiced by the CIA, is not torture and was never illegal

under U.S. law. The reason the Democrats are reduced to doing this is: what they've been saying is not true—waterboarding was not a crime and it was fully supported by congressional leaders of both parties, who were told about it while it was being done. On that score, it is interesting to note that while Democrats secretly tucked this provision into an important bill, hoping no one would notice until it was too late, they failed to include in the bill a proposed Republican amendment that would have required full and complete disclosure of records describing the briefings members of Congress received about the Bush CIA's enhanced interrogation program. Those briefings, of course, would establish that Speaker Pelosi and others knew all about the program and lodged no objections. Naturally, members of Congress are not targeted by this criminal statute—only the CIA.

More to the point, this shows how politicized law-enforcement has become under the Obama Democrats. They could have criminalized waterboarding at any time since Jan. 20, 2009. But they waited until now. Why? Because if they had tried to do it before now, it would have been a tacit admission that waterboarding was not illegal when the Bush CIA was using it. That would have harmed the politicized witch-hunt against John Yoo and Jay Bybee, a key component of which was the assumption that waterboarding and the other tactics they authorized were illegal. Only now, when that witch-hunt has collapsed, have the Democrats moved to criminalize these tactics. It is transparently partisan.

In any event, waterboarding is not defined in the bill. As Marc Thiessen has repeatedly demonstrated, there is a world of difference between the tactic as administered by the CIA and the types of water-torture methods that have been used throughout history. The waterboarding method used by the CIA involved neither severe pain nor prolonged mental harm. But it was highly unpleasant and led especially hard cases like Khalid Sheikh Mohammed (i.e., well-trained, committed, America-hating terrorists) to give us information that saved American lives. The method was used sparingly—on only three individuals, and not in the last seven years. The American people broadly support the availability of this non-torture tactic in a dire emergency. Yet Democrats not only want to make it unavailable; they want to subject to 15 years' imprisonment any interrogator who uses it.

What's more, the proposed bill is directed at "any officer or employee of the intelligence community" conducting a "covered interrogation." The definition of "covered interrogation" is sweeping—including any interrogation done outside the U.S., in the course of a person's official duties on behalf of the government. Thus, if the CIA used waterboarding in training its officers or military officers outside the U.S., this would theoretically be indictable conduct under the statute.

Waterboarding is not all. The Democrats' bill would prohibit—with a penalty of 15 years' imprisonment—the following tactics, among others:

—"Exploiting the phobias of the individual"

—"Stress positions and the threatened use of force to maintain stress positions"

—"Depriving the individual of necessary food, water, sleep, or medical care"

—"Forced nudity"

—"Using military working dogs (i.e., *any* use of them—not having them attack or

menace the individual; just the mere presence of the dog if it might unnerve the detainee and, of course, "exploit his phobias")

—Coercing the individual to blaspheme or violate his religious beliefs (I wonder if Democrats understand the breadth of seemingly innocuous matters that jihadists take to be violations of their religious beliefs)

—Exposure to "excessive" cold, heat or "cramped confinement" (*excessive* and *cramped* are not defined)

—"Prolonged isolation"

—"Placing hoods or sacks over the head of the individual"

Naturally, all of these tactics are interspersed with such acts as forcing the performance of sexual acts, beatings, electric shock, burns, inducing hypothermia or heat injury—as if all these acts were functionally equivalent.

In true Alinskyite fashion, Democrats begin this attack on the CIA by saluting "the courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces" who "deserve the full support of the United States Congress." Then, Democrats self-servingly tell us that Congress "shows true support" by providing "clear legislation relating to standards for interrogation techniques." I'm sure the intelligence community will be duly grateful.

Democrats also offer "findings" that the tactics they aim to prohibit cause terrorism by fueling recruitment (we are never supposed to discuss the Islamist ideology that actually causes terrorist recruitment, only the terrible things America does to provide pretexts for those spurred by that ideology). These "findings" repeat the canards that these tactics don't work; that they place our captured forces in greater danger (the truth is our forces captured by terrorists will be abused and probably killed no matter what we do, while our enemies captured in a conventional war will be bound to adhere to their Geneva Convention commitments—and will have the incentive to do so because they will want us to do the same); and that "their use runs counter to our identity and values as a nation."

Unmentioned by the Obama Democrats is that officers of the executive branch have a solemn moral duty to honor their commitment to protect the American people from attack by America's enemies. If there are non-torture tactics that can get a Khalid Sheikh Mohammed to give us information that saves American lives, how is the use of them inconsistent with our values?

Here is the fact: Democrats are saying they would prefer to see tens of thousands of Americans die than to see a KSM subjected to sleep-deprivation or to have his "phobias exploited." I doubt that this reflects the values of most Americans.

Mr. REYES. Madam Chair, I rise to claim time in opposition to the Burton amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I want to tell the gentleman I appreciate him wanting to honor the personnel of the Central Intelligence Agency. As I have said many times on the floor, I have had the privilege of visiting with members of the

CIA and members of their families, members of the CIA throughout the world under probably the most difficult of circumstances. I understand the hardships that they face.

Most recently, I was with family members and survivors of the Khost bombing, which illustrates the danger they put themselves in willingly to protect our country. I would also remind the gentleman that we should not mix and compare apples to oranges. There is a big difference between a training exercise that simulates waterboarding and waterboarding an individual for 183 times. That's a huge difference.

The other thing I would point out is that when the last administration decided to take us down that road, that enhanced interrogation techniques would be authorized and approved. There has been a great amount of disagreement in terms of the legal authorization of these techniques, considered torture by most anybody's standards. I would also remind us that the CIA did not have any expertise in waterboarding. They had to actually go out and contract DOD personnel to be able to acquire that technique. It puts them in a tough situation.

I will tell you what I hear from the men and women of the Central Intelligence Agency. They understand the difference between politics and bad policy. They understand the difference between doing the kinds of things that they are expected to do to keep our country safe and responding to the kind of political spin that, unfortunately, we hear about their work.

But, the one thing that comes across when I hear from them is they appreciate the support that they receive from the Congress. They appreciate the fact that regardless of what side of the aisle we sit on, we respect the work that they do.

We, despite all of the arguments that are proffered here in this great Chamber, in the final analysis they know that they have a job to do. They know that they have a duty to perform. They know that they are committed professionals and that they expect and deserve the support of every member of this Chamber. That's why I appreciate the gentleman's sponsoring this amendment.

That's why I think we ought to accept it. I accept it. I think we ought to leave it at that and leave the politics and leave the rhetoric and remind ourselves that the message we need to send them is that we support their work. The message we should send them is that we honor them for their service to this great country.

The message that we deliver to the families of those victims of the Khost bombing is that we will support them. We will have our differences politically, we will articulate those differences, but we will never stop sup-

porting the great work that the men and women of the Central Intelligence Agency do for all of us.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-419.

Mr. HOLT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HOLT:

At the end of subtitle A of title V, add the following new section:

**SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF FOREIGN CONNECTION TO ANTHRAX ATTACKS EXISTS.**

(a) REVIEW.—The Inspector General of the Intelligence Community shall conduct a review of available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax.

(b) REPORT.—

(1) IN GENERAL.—The Inspector General shall submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate a report containing the findings of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, as you may know, the Federal Bureau of Investigation announced last week that it is formally closing its investigation into the 2001 anthrax attacks, a major bioterrorist attack on America. Those attacks are believed to have originated from a postbox in New Jersey, disrupting the lives and livelihoods of many of my constituents and yours.

We already know that the FBI too quickly jumped to conclusions about the nature and the profile of the culprit or culprits and quickly zeroed in on one individual who later received a multimillion dollar settlement and apology for mistaken accusations.

Subsequently, the investigators focused on another individual, who then killed himself. Although the FBI never produced any physical evidence tying that individual specifically to the attacks, they closed the case.

Indeed, this investigation was botched at multiple points, which is why reexamining it is so important. Given that the samples of the strain of anthrax that was used in the attacks may have been supplied to foreign laboratories, we think it's prudent to have the Inspector General of the intelligence community examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored, or simply not passed along to the FBI.

Mr. BARTLETT and I are offering an amendment that would require the Inspector General to examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored or simply not passed along. The report would be unclassified with a classified annex and would go to Intelligence, Foreign Affairs, Judiciary and Homeland Security Committees.

To date, there has been no independent comprehensive review of this investigation, and a number of important questions remain unanswered. This amendment would address one of those questions.

I reserve the balance of my time. May I ask how much time is remaining?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding. I want to thank him very much for his initiative in this effort. Dr. Ivins was my constituent, the laboratory at which he worked is in my district, indeed, just a few miles from my home, so I was very much involved in this case. His colleagues say that he would not have done it, and the FBI said early on that he could not have done it because the spores were weaponized, and he had no ability to do that. More recently, they have been saying something a bit different than that.

I have here some quotes that I think will be relevant here. Jeffrey Adamovicz, the former chief of bacteriology—"former" is important here, because they would not let the current scientist at Fort Detrick talk to me. He just left. The former chief of bacteriology for the U.S. Army Medical Research Institute for Infectious Diseases in Frederick, Maryland, where Ivins worked, wrote to The Frederick News-Post expressing serious misgivings about the FBI findings that Ivins sent the deadly letters that killed 5 and sickened 17 in 2001.

"The evidence is still very circumstantial and unconvincing as a whole," he wrote. "I'm curious as to why they closed the case while the National Academy of Science review is still ongoing. Is it because the review is going unfavorable for the FBI?"

"Ivins' death came about a month after the Justice Department agreed to pay an out-of-court settlement valued at \$5.85 million to scientist Steven Hatfill, who had long been the key suspect in the case. Hatfill had sued the Justice Department, which had labeled him 'a person of interest.' He alleged that the Federal Government went on a smear campaign and leaked information that was damaging to his reputation."

Apparently they agreed they had. They paid him \$5.85 million. They subsequently agreed, conceded that he was not involved in the case.

Gary Andrews, another former chief of the bacteriology lab in Frederick, said it wouldn't have been unusual for Ivins to work odd hours because he was working with animals, and it was more convenient to do it then. He says that "Bruce didn't have the skill to make spore preps of that concentration. He never ever could make a spore prep like the ones found in the letters."

The Acting CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield the gentleman an additional 30 seconds.

□ 1600

Mr. BARTLETT. Thank you very much for your lead in this.

This has been devastating to my constituents and the scientists at Fort Detrick. This needs to be brought to a proper close. They did not believe he would have done it; the FBI said earlier on he couldn't have done it. Thank you very much for leading in this.

Mr. HOLT. Madam Chair, it is beyond question that the FBI jumped to conclusions at least once, perhaps more than once, and many questions remain. This amendment would address one of those questions.

Beyond this amendment, we still need a more complete examination of our government's response to these attacks, the most serious bioterrorist attack against the United States. This will look at whether there is a foreign connection to those attacks that has been overlooked, ignored, or not pursued.

Madam Chair, I yield back the balance of my time, asking support for this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CASTLE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-419.

Mr. CASTLE. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CASTLE: Insert after section 354 (page 69, after line 15) the following new section:

#### SEC. 355. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3750).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chair, I yield myself such time as I may consume.

This amendment, offered with Mr. LYNCH, requires the President, through the Secretary of the Treasury, to submit to Congress a comprehensive report on terrorism financing that was first mandated by the Intelligence Reform Bill of 2004, but has yet to be submitted.

Following the 9/11 terrorist attacks, our government acted quickly to combat terrorist financing. However, post-9/11 terrorist financing has become more decentralized, and those involved are using less sophisticated means to move money and avoid official banking systems. Terrorist financiers are exploiting new technology to transfer money electronically and employing money laundering schemes to cover up their activities.

In response to the 9/11 Commission recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. Section 6303 of this 2004 law required the President to submit to Congress a comprehensive report evaluating and making recommendations on the current state of U.S. efforts to fight terror financing. This important report was due in September of 2005, but it has never been completed.

Multiple U.S. Government departments and agencies are involved in the effort to combat terrorist financing, including Treasury, Justice Department, Homeland Security, State Department, Defense Department, FBI and the CIA. These various entities are to be commended for their efforts to track and disrupt complex terrorist financing schemes since 2001. Still, with so many government entities involved in combating terrorist financing, it is critical that we heed the lessons of the past and undertake a thorough assessment of our progress.

The amendment I am offering today with Congressman LYNCH reiterates Congress' requirement that the President undertake a thorough evaluation of our efforts to disrupt terrorist financing, including the ability to coordinate our intelligence and keep pace with evolving trends.

The bottom line is that terrorists need money to operate, and we need to

be fully prepared and adaptable to combating their ability to access these funds. There is no room for delay in this endeavor, especially since top U.S. intelligence officials indicate a possible likelihood of another attempted terrorist attack on the United States at some time in the relatively near future.

Thank you for the opportunity to discuss my amendment. I look forward to working with the members of the committee on these important matters.

Madam Chairwoman, I reserve the balance of my time.

Mr. LYNCH. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LYNCH. Madam Chair, I actually rise to support my colleague's amendment.

As the co-chairman of the Task Force on Terrorist Financing and Proliferation, I, too, am well aware that having an effective strategy on targeting the sources of terrorists in financing their operations is a very important part of our strategy.

This straightforward amendment offered by my friend, Mr. CASTLE of Delaware, simply restates the basic requirement that the President, through the Treasury Department, report to Congress on the current status of U.S. efforts to combat terrorism financing. This reporting requirement is not new; in fact, it was mandated in the Intelligence Reform and Terrorist Prevention Act of 2004. A report was due out in 2005, but here today it has yet to be submitted.

I've had an opportunity, as co-chair of the task force, to spend a lot of time with our Treasury employees, very brave and courageous Treasury and State Department employees, in Afghanistan and Pakistan and Jordan and the Maghreb, North Africa; and they're doing wonderful and courageous work. However, that much being said, Congress still retains its oversight responsibility; and without this report we are not able to be certain, I think, that we have an accurate picture of the entire antiterrorist financing protocol and we are not fully informed as to whether or not we are operating as effectively as we could be. Only by understanding where we currently stand—what our strengths are and, indeed, what our weaknesses are—can we ensure that the best possible strategy for cutting out terrorist financing is ultimately accomplished.

Again, I want to thank Congressman CASTLE, the gentleman from Delaware, for his support of this amendment, and I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

Mr. CASTLE. Madam Chairwoman, we hope this report can be done rel-

atively soon. The amendment actually allows for 180 days more from this time in order to submit it. We have been in touch with the administration. We know that they're aware of this, and hopefully it can be completed. I think it may help with the safety of our country and perhaps dealing with the financing of terrorists in this world, so we look forward to it.

I appreciate the support. I also appreciate all the words and support of Mr. LYNCH in getting to this point.

With that, I encourage everyone to support it and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-419.

Mr. WALZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WALZ:

Page 85, after line 20 insert the following:  
(d) EDUCATION ON COMBAT-RELATED INJURIES.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

“(i) EDUCATION ON COMBAT-RELATED INJURIES.—

“(1) IN GENERAL.—The head of the entity selected pursuant to subsection (b) shall take such actions as such head considers necessary to educate each authorized adjudicative agency that is an element of the intelligence community on the nature of combat-related injuries as they relate to determinations of eligibility for access to classified information for veterans who were deployed in support of a contingency operation.

“(2) DEFINITIONS.—In this subsection:

“(A) CONTINGENCY OPERATION.—The term ‘contingency operation’ has the meaning given the term in section 101(a)(13) of title 10, United States Code.

“(B) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(C) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101(2) of title 38, United States Code.”.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Thank you, Madam Chairwoman. And I thank the chairman of the committee and the ranking member for your work in securing our Nation and bringing this piece of legislation to the floor.

The amendment that I am offering, Madam Chair, serves a twofold purpose. First, it allows us to fulfill our obligation to our returning combat veterans coming back and integrating back into civilian life. And it also recognizes the unique skill set that these veterans have that are absolutely perfectly suited for intelligence and national security work.

What I am asking for in this amendment is to make sure there is a level playing field for these warriors. A large number of our troops are coming back; and either through a lack of understanding or a misunderstanding, the security adjudicators are either revoking or denying security clearances for wounds that were received, either physical or mental—PTSD, and others—during the conflicts that they served in.

What this amendment asks for is it requires the intelligence community to educate security clearance adjudicators on the nature of these wounds. The purpose is to make sure that they have the best knowledge available to make informed decisions and give our returning warriors the opportunity to receive their clearances, to retain their clearances, and then go on to further serve this Nation in these critical capacities.

So I thank the committee for their work. The Intelligence Committee, the Armed Services and the Veterans' Affairs Committee are all in support of this. I think it will go a long ways toward leveling the playing field and allowing this Nation to use the incredible skills and resources that those wounded warriors bring back, but still have the capacity to serve.

With that, Madam Chair, I reserve the balance of my time.

Mr. BURTON of Indiana. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. I agree with what the gentleman said about our wounded warriors and how we ought to be giving them all the support that we possibly can, but the reason I took this time in opposition is because the chairman and I couldn't reach an agreement to discuss one of the provisions in the bill.

I sincerely feel, Madam Chairman, that we are endangering our capability of getting information from terrorists because we are limiting our CIA and our intelligence officials with this legislation and these procedures that they can use to elicit that information. I know there are some differences of opinion, and I know we have in our hearts the best security that we can think of for the American people, but the one thing that really, really bothers me is we're telling CIA officials—and some of our military people in the field, not with this bill—but we are



telling a lot of our intelligence officials and people in the field that they have to be very, very careful and walk on eggs when they are trying to get information from a terrorist, al Qaeda or Taliban terrorist, to make sure that we aren't violating or torturing them in any way.

The American people certainly don't want torture, and there is a big difference of opinion on whether or not water boarding, for instance, is torture. But the fact of the matter is if we have another major attack like the one we had on 9/11, the American people are going to come down like a ton of bricks on the people in this House that put restrictions on our intelligence-gathering capability. They're going to say, why didn't you do whatever it took to secure the safety of the people of this country? And because we are putting this language in this bill, we are saying to the CIA and the other intelligence agencies, you've got to be real careful; you've got to make absolutely sure you don't do something that might get you in trouble and might even put you in jail.

And when you say things like that to the people that are out there in the field risking their lives, what you do is you intimidate them, maybe not intentionally, but you intimidate them and you stop the possibility of getting all the information that we need to protect this country.

Now, I know there is a disagreement; I just talked to some people on the other side. Khalid Sheikh Mohammed was water boarded 80-something times, I think, or something like that; and when he first started out, he said, well, you'll find out what's going to happen. And later, after he was water boarded, he said, yes, there was going to be a plane that was going to fly into a building in Los Angeles. Well, that plane, had it flown into a building in Los Angeles, might have killed another 2,000 or 3,000 people.

And so the only reason I came here is to just say, let's don't break the legs of our intelligence officers who are trying to protect this country. It's just too important. We ought to be doing everything we can to back them up to make sure this country is safe. Our intelligence people are telling us right now we're likely to have another attack within the next 6 months or 1 year. So we ought to be giving every intelligence agency and every officer we possibly can all the support they need to stop that.

With that, I thank you very much for yielding and yield back the balance of my time.

Mr. WALZ. I hope I have the gentleman's support on this bill, providing the trained and courageous veterans who are returning home. We are not asking for preferential treatment. What we are asking is that our adjudicators be clearly informed what these

combat veterans have gone through, making sure we are able to bring them back, place them in their positions if they choose to continue to serve this Nation. I would ask for the support of this body on this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-419.

Mr. SCHAUER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SCHAUER:  
Insert after section 354 the following new section:

**SEC. 355. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;

(3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;

(5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Madam Chair, I yield myself such time as I may consume.

As a member of the Aviation Subcommittee of the Transportation and Infrastructure Committee, I believe it is critical for the Director of National Intelligence to submit to Congress a report on the attempted bombing of Northwest Flight 253.

The failed Christmas day attack over Detroit reinforces the notion that the threat of al-Qaeda is real and that our intelligence community, whether under a Democratic or Republican administration, must improve the way it protects the United States against terrorist attacks.

□ 1615

People in Michigan want answers.

My amendment says, not later than 180 days after the date of enactment of the act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines Flight No. 253 on December 25, 2009.

This amendment will require the Director of National Intelligence to report to Congress information about any failures to share or to analyze intelligence within or between elements of the Federal Government related to this failed terrorist attack.

More importantly, the Director of National Intelligence also must submit a description of the measures that the intelligence community has taken or will take to prevent such failures from occurring again. This would include information on how the government intends to improve the interoperability of terrorist screening databases and to improve airline watch listing procedures. These tools are critical in preventing terrorists from getting an opportunity to kill innocent civilians.

It is imperative that Congress be fully informed so that it may conduct rigorous oversight on this important national security concern.

I appreciate President Obama's candor and openness when speaking to the American people about the improvements needed to our intelligence community, and I applaud the President for taking swift action in ordering a



thorough review of the incident. President Obama has stated his willingness to work with Congress to solve this problem. This amendment will help ensure that Congress will be fully briefed on the results of that review. I urge the full support of this amendment.

I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I want to say I appreciate the amendment and the gentleman's interest.

This amendment would require the director of the DNI to submit to the Intelligence Committees a report on the attempted bombing of Northwest Airlines Flight No. 253.

This report would provide an assessment on any failures to share information within or between elements of the Federal Government and the measures that the intelligence community has taken or will take to prevent such failures in the future.

This report also covers issues such as analytic tradecraft, watch listing procedures, technical deficiencies, training database management. Many of the elements of this report mirror portions of the review of the DNI, which they are currently doing.

Requiring the DNI to provide this report will allow the Intelligence Committees to conduct rigorous oversight on this important national security concern.

Additionally, this amendment requires the DNI to submit responses to any findings or recommendations made by the Intelligence Committees.

With that, Madam Chair, I fully support this amendment.

Mr. HOEKSTRA. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. Although, I do believe, and I would hope that my colleague from Michigan would agree that, perhaps, when we are talking about the scope of this amendment, it is broader than what is just written here.

One of the things that we are very, very concerned about which, I believe, should be included in this—because, like you, I believe, if the intelligence community had worked properly, perhaps we could have stopped this attack; but this is not just a matter of connecting databases and those types of things. It is also about missing clues that we had that were highlighted before Christmas Day.

What am I talking about?

We have known for quite some time that Awlaki was a concern. We saw kind of a mirror image of what happened on Christmas Day a couple of months earlier at Fort Hood, where 14 Americans were killed and where 14 Americans died in a tragic terrorist attack, linked to Awlaki, linked to al Qaeda on the Arabian Peninsula.

I had an amendment that went along those lines, but it was not accepted by the majority, and I think it may well have fallen within the scope of the amendment of yours, Mr. SCHAUER, which you are offering, which says:

If we had had these insights into al Qaeda on the Arabian Peninsula, if we had had these insights into Awlaki's involvement with Major Hasan, if we had had these insights into the communications, the emails, between Hasan and Awlaki, what did we do between November 5 and Christmas Day to target Awlaki, to target al Qaeda on the Arabian Peninsula and to use this information that these individuals and this group might be targeting the U.S. and whether we missed opportunities in those 2 months to identify the threat and respond to it?

Are those the kind of questions that you might see which could also be addressed in this or are these outside of the scope of what you are looking for?

I yield to my colleague from Michigan.

Mr. SCHAUER. Thank you, Mr. HOEKSTRA, and thank you for your leadership on the Intelligence Committee.

Absolutely, my amendment deals directly with having the Director of National Intelligence describe failures and to share or to analyze intelligence or other information within or between elements of the United States Government. So I think it is clearly my intent that the dots be connected.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague for that clarification because I think that is probably the bigger untold story here of how much and how many insights we might have had into al Qaeda on the Arabian Peninsula and how we failed to act on that intelligence and how we failed, as we've now been saying for a long period of time, to connect those dots, to be able to put in preventative measures and to actually have stopped Awlaki and al Qaeda on the Arabian Peninsula from carrying out this attack on Detroit and on the State of Michigan.

With that, I reserve the balance of my time.

Mr. SCHAUER. Madam Chair, how much time remains?

The Acting CHAIR. The gentleman from Michigan (Mr. SCHAUER) has 1½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 1½ minutes remaining.

Mr. SCHAUER. I yield 1 minute 20 seconds to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Chair, I rise today in support of the Schauer amendment to the Intelligence Authorization Act for Fiscal Year 2010.

Like many Americans, my Christmas Day spent with family was interrupted by the news of the attempted terrorist attack on Northwest Flight No. 253 to Detroit.

As a lifelong Michigan resident whose friends, family, and constituents regularly fly in and out of Detroit Metropolitan Wayne County Airport, the Christmas Day attempt was especially chilling. While it was certainly fortunate that no lives were lost in the Christmas Day attempt, the attack exposed serious and unacceptable shortcomings in our ability to gather intelligence and to connect the dots.

I believe that protecting the American people is Congress' number one priority and responsibility. The Christmas Day incident showed us that security officials need to work more closely with their counterparts overseas and within the United States intelligence community to ensure tougher and more coordinated screening.

I appreciate my friend Congressman SCHAUER's leadership on this important issue, and I am proud to support the Schauer amendment because it will help ensure that we learn as much as possible about the failures that allowed the events of Christmas Day 2009 to transpire.

I urge the adoption of this amendment.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. As a matter of fact, I will support the amendment in its larger context, recognizing that this report by the DNI has to include the time prior to Fort Hood, the Fort Hood attack, and then the time from Fort Hood until Christmas Day. That is the area that we have been trying to get information on from the intelligence community over the last 3 or 4 months, and it has been the area that they have been most reluctant to provide us information on.

As a matter of fact, when I was in Yemen on New Year's Day, less than 2 months ago, I was specifically prohibited from getting information on exactly those kinds of questions as to what did the intelligence community know about Awlaki, about al Qaeda on the Arabian Peninsula. The individuals both in the intel community and with the Ambassador were specifically instructed not to share that information, which tells me that there is some information there, and for some reason, they have not wanted to share that information with us.

So, with the understanding that that type of information will be shared with Congress in this report, also then recognizing that this may end up being a classified report which you may not have access to unless the committee agrees to provide you access to it, I support the amendment. I look forward to the DNI's completing this report and to his submitting it to the committee.

With that, I yield back the balance of my time.

Mr. SCHAUER. I thank Mr. HOEKSTRA for his support, and I urge Members to support this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCHAUER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

Mr. REYES. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Ms. JACKSON LEE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

#### MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1109, I call up from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

#### SECTION 1. EXTENSION OF SUNSETS.

(a) *USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.*—Section 102(b)(1) of the *USA PATRIOT Improvement and Reauthorization Act of 2005* (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

(b) *INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.*—Section 6001(b)(1) of the *Intelligence Reform and Terrorism Prevention Act of 2004* (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2010” and inserting “February 28, 2011”.

Amend the title so as to read: “An Act to extend expiring provisions of the USA PA-

TRIOR Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.”.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Conyers moves that the House concur in the Senate amendments to H.R. 3961.

The SPEAKER pro tempore. Pursuant to House Resolution 1109, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on this matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker and Members, this measure before us will extend three provisions of our foreign intelligence surveillance laws for 1 year. The provisions are section 206 of the PATRIOT Act, governing roving wiretaps; section 215, which addresses the collection of business records; and the so-called “lone wolf surveillance law.”

□ 1630

Without extension, these provisions will expire on Sunday coming.

As we consider this short-term extension, I make these observations:

As one who has found that the USA PATRIOT Act needs a great deal of improvement and that there have been many excesses and sometimes abuses of these broad powers over the years, I have found that too little consideration of the impact of this type of surveillance on our civil liberties has been looked into. And that's why the Judiciary Committee has undergone an extensive process over the past year and reported out a bill that attempts to reform these provisions and enhance congressional oversight. In the other body, the Judiciary Committee has also passed out a bill that improves, in my view, the PATRIOT Act. So we're very close to real reform.

The House bill has new protections for library and bookseller records. It clarifies the reach of roving authority to prevent “John Doe” blanket wiretaps. It tightens the standards for national security letters that have been

abused in the past. It has extensive new reporting oversight and sunset provisions to greatly strengthen congressional oversight and makes other changes to the related provisions of law.

Please understand, Members, that this extension is not the final word on the PATRIOT Act, and what we will do is use the time between now and the year that will elapse to improve and pass real reform.

Now, while I would prefer to do this now, it is not to me strategically wise nor logistically possible to accomplish this at this time. And with the provisions expiring in a matter of 3 days, the other body has sent us this extension bill, so there is no reasonable possibility that they could pass a broader measure such as a Judiciary-passed bill at this time.

In other words, we have no other choice but to go along with this extension because there isn't sufficient time. Well, tomorrow is the last day of the week. It's physically impossible. So under these circumstances, it seems to me the best course is to merely maintain the status quo and work with the other body and the administration towards some improvements that I have in mind. I can announce we've made progress towards reaching common ground, and I believe an orderly path forward between now and during the next year will lead us to a much better result.

Now, although this extension doesn't reform underlying law, we recognize there's some value in a process that brings us quickly to another sunset date. Experience has taught that there's nothing like an approaching sunset to bring both the executive branch and the other body to the table with the will to see this resolved. So while I'd rather pass the Judiciary Committee bill out and truly make the reforms that I think are necessary, because of the time constraints that we find, I recommend that we take the next year and continue the process.

I urge your careful consideration of this very important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the war on terror is real, and it's all around us. Despite multiple attempted terror attacks and a warning of an imminent attack from our national security experts, apparently the best this Congress can do is a 1-year extension of our most critical national security laws.

On Christmas Day Omar Farouk Abdulmutallab attempted to murder 288 innocent civilians by trying to set off an explosion aboard a Northwest flight bound for Detroit. Thankfully, he failed in his attempt at mass murder, not because of our national security procedures but because of his own

ineptness and the quick response from passengers and crew. But we may not be so fortunate the next time.

Last November in my home State of Texas, Major Nidal Hasan killed 13 and wounded 30 others when he opened fire at the Fort Hood Army Base. In September three terrorist plots were successfully thwarted in New York City, Springfield, Illinois, and Dallas, Texas. And now intelligence experts warn us that another terrorist attack may be imminent. Yet after all those near misses, the House majority refuses to pass a long-term extension of three essential PATRIOT Act provisions.

The PATRIOT Act works. It has proven effective time and time again in preventing terrorist attacks and keeping Americans safe. The expiring provisions give national security investigators the authority to conduct roving wiretaps, to seek certain business records, and to gather intelligence on lone terrorists who are not necessarily affiliated with a specific terrorist group.

We cannot afford to play dice with the security of the American people. We must continue these intelligence-gathering measures to win our fight against terrorists. The Obama administration recognized this last year when it called for Congress to authorize the expiring provisions without any changes that undermine their effectiveness. Instead of working with the administration and listening to national security experts, the House majority is only offering another short-term extension.

The majority may think that by pushing the reauthorization until after the election, they will then be able to pursue legislation to water down these provisions a year from now. But if so, they are playing with fire and innocent Americans are the ones who will get burned.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the chairman of the Intelligence Committee, Mr. SYLVESTRE REYES, who has served on this committee for 10 years.

Mr. REYES. I thank the chairman for his work on this very important and vital issue and also for the opportunity to speak on an issue that is of such great importance to our country and to our country's national security.

It is important that we reauthorize the expiring PATRIOT Act and the provisions that the brave men and women of the intelligence community continue to utilize and to have these tools that they need to keep us all safe.

This 1-year extension will provide Congress the opportunity to examine important aspects of the PATRIOT Act and to make substantive changes that strike the right balance between protecting the rights of Americans and protecting our national security.

Recently, I introduced H.R. 3969, the Counterterrorism Authorities Improvements Act of 2009. This bill makes improvements to the PATRIOT Act which will strengthen the tools used to combat terrorism and to enhance at the same time the privacy and the rights of Americans.

Additionally, both the House and the Senate Judiciary Committees have passed PATRIOT Act reauthorization bills that would make important improvements in the law that will increase oversight while at the same time preserving critical intelligence authorities.

Some of the more important changes proposed by the House and the Senate include: one, modifying the FISA standard for obtaining business records to ensure that the government is required to show a connection to terrorism; two, requiring a higher standard to obtain library or bookseller records; three, increasing public reporting on the use of national security letters and FISA, including their impact on the privacy of Americans, a right that we all cherish; and, finally, number four, requiring the Inspector General of the Department of Justice to conduct regular audits of the use of these authorities. I am confident that a 1-year extension will provide Congress with sufficient time to make these important changes.

As always, Mr. Chairman, I look forward to working with you, especially in the coming year as we look at ways to make sure that we draw that balance between giving the men and women that keep us safe the ability to utilize essential and vital tools and also at the same time ensuring that the rights and the privacy of all Americans are protected.

With that, I thank you for yielding.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the chairman emeritus of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this legislation to extend three provisions of the USA PATRIOT Act that are scheduled to expire on Sunday.

The attacks of September 11, 2001, tragically affirmed the urgency of updating our laws to address the clear and present danger presented by international terrorism. Although the memories of this day may have faded in the minds of some Americans, including some of my colleagues, the danger we face from terrorists and terrorist organizations has not faded. We continue to face an imminent danger, made clear by the attempted Christmas Day attack.

The three provisions scheduled to expire are, first, section 206, the roving wiretap provisions of the PATRIOT Act; second, section 215, the business record provisions of the PATRIOT Act;

and, third, section 6001, the "lone wolf" provision of the Intelligence Reform and Terrorism Prevention Act.

Of particular importance is the lone wolf provision, which closes the gap in the Foreign Intelligence Surveillance Act that, if allowed to expire, could allow an individual terrorist to slip through the cracks and endanger thousands of innocent lives. When FISA was originally enacted in the 1970s, terrorists were believed to be members of an identified group. That's not the case today, and we need to respond accordingly.

Many modern-day terrorists may subscribe to a movement or certain beliefs but do not belong to or identify themselves with a specific terrorist group. Allowing the lone wolf provision to expire could impede our ability to gather intelligence about perhaps the most dangerous terrorists operating today. Regarding the lone wolf provision, FBI Director Mueller stated that "while we have not used it with regard to an indictment, it continues to be available for that individual whom we lack evidence to put with a particular terrorist group but does present a threat as an international terrorist."

The close call we had on Christmas Day demonstrates the need for tough laws like the PATRIOT Act. Terrorist organizations appear to be stepping up their efforts against us, and we cannot let this happen. Our national security is at stake and so are the lives of thousands of innocent people, both Americans and visitors to our country. Our law enforcement officials must be provided with the needed tools to keep us safe, and we in Congress cannot drop the ball on our national security. We must reauthorize these provisions now.

For too long opponents of the PATRIOT Act have transformed it into a grossly distorted caricature that bears no relationship whatsoever to the legislation itself. The PATRIOT Act has been misused by some as a springboard to launch limitless allegations that are not only unsubstantiated but are also false and irresponsible.

□ 1645

The fact remains that the USA PATRIOT Act is vital to maintaining America's safety. The White House and Attorney General have called for extension of the three expiring provisions of the PATRIOT Act, and I commend the administration for recognizing the value of these important national security tools and for rightly urging the Congress to reauthorize each of them. This is your administration, Mr. Speaker and majority Democrats, not our administration, and they have recognized the reason for that.

I urge my colleagues to vote in favor of reauthorizing these provisions before they expire.

Mr. CONYERS. Mr. Speaker, I am pleased to yield as much time as he

may consume to the chair of the Constitution Subcommittee on the House Judiciary, the gentleman from New York, JERRY NADLER.

Mr. NADLER of New York. Thank you, Mr. Chairman.

Mr. Speaker, I rise in opposition to this motion to concur in the Senate amendment, which would extend for a period of 1 year the sunset of three provisions of the USA PATRIOT Act. I very much regret that we have to be here today in this situation and that I have to oppose this legislation. I understand we are facing a deadline of this weekend, but I also believe that we have an obligation to do more than punt. That is effectively what we are doing today. We are punting this question to the next Congress.

Both the House and the Senate have worked hard to examine not just these three provisions, but the entire PATRIOT Act, and to craft legislation that would improve its effectiveness, and that would better protect the civil liberties of all Americans. That process should be allowed to continue. Today, with this vote, that process effectively ends.

The PATRIOT Act was passed at a time of panic, and in an extremely rushed manner. Many of its provisions were not well thought out, which is why Congress decided that certain parts of the PATRIOT Act should be enacted on a temporary basis so that we could revisit them after we had time to see how they worked.

The original passage of the bill in 2001 was hijacked at the last minute in a way that should have stood as an embarrassment to the House. The Judiciary Committee back then reported the bill unanimously, with support from the most conservative to the most liberal members. We did business the way the American people have always said they wanted us to do business, through negotiation and compromise in open committee meetings. That was the high point. The low point came in the dead of night. Then-Attorney General Ashcroft objected to the bill, and so with the cooperation of the then-Republican leadership that bill was junked, and the bill that came to the floor was an entirely new bill written behind closed doors and not seen until shortly before we voted on it on the floor.

The bill that recently passed the Judiciary Committee would have extended the expiring provisions, but would have improved them in response to the problems that experience has brought to light. With respect to roving wiretaps, for example, the committee extended the provision until 2013, and added language to clarify congressional intent that the government must describe its roving target with a sufficient degree of particularity to allow a judge to be able to distinguish the target from other potential users of places or facilities to be surveilled.

Our bill would have allowed the “lone wolf” provision of FISA to sunset. This provision allows the issuance of a FISA warrant against individuals with no connection to a foreign power or other foreign entity or to a terrorist group. That is not the purpose of FISA, and in fact Todd Hinnen, Deputy Assistant Attorney General for the Justice Department’s National Security Division, testified in the hearing before my subcommittee that this provision has never been used in the 8 years in which it has been enforced. There is no reason why a so-called “lone wolf,” concededly unconnected, not connected to a foreign power, not connected, concededly, to a terrorist group—otherwise he wouldn’t be a lone wolf—there is no reason why such a person could not be subject to a normal Title III wiretap warrant. That is why the committee voted to let this provision sunset.

We also added some procedural protections to section 215 orders which allow the government to seize all sorts of information concerning what an individual has been reading without a warrant. The bill would have required the President to report to Congress on whether the procedures for sensitive collections could be further modified so as to enhance civil liberties protections without undermining national security objectives. This provision was also extended to the end of 2013 in the legislation reported by the Judiciary Committee.

My bill controlling the use of the much-abused National Security Letters was included in this bill as well. These letters, issued with no court oversight, have been used to obtain all sorts of material, and have been joined with gag orders on the recipients, gag orders that were recently struck down as unconstitutional by the courts. The Justice Department’s Office of Inspector General has issued some damning reports on the misuse of these letters, and the section is in dire need of reform. These reforms, which were a part of the bill reported by the Judiciary Committee, should be part of any legislative action extending these provisions of the PATRIOT Act.

I regret that we are not going to continue this process of improving the PATRIOT Act. I regret we do not have before us a very short-term extension designed to give us more time to finish this work in the balance of this Congress. But we are punting to the next Congress, which for all practical purposes means that we are extending the PATRIOT Act unchanged for the indefinite future. I believe that our Nation and our liberties will suffer as a result of this. I hope that this vote today, contrary to what I expect, will not stop my colleagues from continuing to improve our intelligence-gathering laws, and specifically continuing to examine and improve the PATRIOT Act in a timely manner.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN), a senior member of both the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, it is probably the highest honor of my life is to serve in this House, and as a part of that to serve on the Judiciary Committee. I have great respect for the members of that committee and the work that we do. But in some ways, I would echo the comments of the gentleman from New York, although I would not agree with his conclusions, of the disappointment that this primary obligation of the Judiciary Committee, that is to deal with legislation that goes to the common defense of this Nation, would be viewed in the legislative agenda as an afterthought.

I am the author of the sunset provisions from the 2005 extension of the PATRIOT Act. I put those sunset provisions in, or I offered them and got the support of Members on both sides of the aisle precisely because I understood there was some controversy about those three, and that there was a need for us to take a serious look at it.

Unfortunately, while we have established other priorities in this Congress, in this House, it does not appear that the PATRIOT Act has been one of them. Because if it were otherwise, we would be spending hours, if not days, on this floor talking about the implications of the PATRIOT Act. And in the context of that debate, I am absolutely assured that the vast majority of this House would support the continuation of these provisions, as is the conclusion of this administration.

These three provisions provide tools for our intelligence community to not only connect the dots, but gather the dots. There seems to be a misunderstanding at times that if we were to take some of these provisions and establish a higher degree of proof, or a higher degree of suspicion that somehow that would make these tools more available. That I believe is a misunderstanding of some of these tools. These tools allow to us start the search. You don’t know if someone is involved with a terrorist group under some circumstances.

Someone like Abdulmutallab, having his father come to the embassy and just report his suspicions about his son would not be sufficient for us to believe that he was necessarily allied with some terrorist group. In fact, you would believe that by the terms of the lone wolf provision, he would be right squarely in the middle of that provision. And yet what did our committee do? Our committee decided that because it had not been used before, we should reject it. Well, you know, we

were never hit by airplanes with unbelievable amounts of fuel and human beings into towers in New York until it happened. Now, the argument that, well, it never happened before so we shouldn't have been prepared for it doesn't ring true.

And so while I believe that we did take a look at these three provisions in our committee, I was extremely disappointed by the resolution of that review. And we could, it seems to me, if we had this as a priority, bring this bill to the floor, look at it and say if it is important enough for us to have these tools against al Qaeda and similarly situated terrorist groups and individuals, then maybe we ought to extend it for more than a year. Does anybody on this floor, does anybody within the reach of my voice believe that al Qaeda is going to stop 1 year from the 28th of this month?

Maybe we have a new 72-hour rule. We have been talking about a 72-hour rule meaning we should have bills on the floor for 72 hours. Here we have the fact that we wait until we are within 72 hours of the expiration of key parts of the law which allow us to protect ourselves against terrorists before we act. The American people must be scratching their heads and saying, This is the leadership we look for? These are the people who take an oath to the Constitution and to give us the ability to defend ourselves against enemies?

Mr. Speaker, I guess I would say as proud as I am of my service on the Judiciary Committee, I am profoundly disappointed that this bill is being brought forward with just a single year, within a 72-hour space, and we still have not had an examination on this floor of the seriousness of the profound protections of civil liberties contained in these provisions of the law. This is in fact a good law. These are good provisions of that law being utilized by our intelligence community.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the additional time.

So these are individual parts of a law that has served us well. Ironical it is that on the very day that our committee considered the lone wolf provision and decided because it had not been used before we should withdraw it, we had the terrible I won't call it a tragedy, I will call it a terrible terrorist attack at Fort Hood. Within hours of us rejecting the notion that we needed a lone wolf provision, we had a domestic lone wolf. Now, of course the PATRIOT Act does not apply to someone who is an American citizen. But my point is had we had such an attack before that attack took place, doesn't it seem a little nonsensical to say because it hadn't

happened before we ought not to have some tools at our disposal which would help us fight it?

Let me just underscore again, these provisions in the law allow our intelligence community to collect the dots. The 9/11 Commission criticized our government for a failure to connect the dots. You need to first have the dots. You need to first have the information. And that is what these tools allow us to provide to our intelligence community so that they can analyze those things.

So Mr. Speaker, I reluctantly support this legislation because it is a mere 1-year extension. It deprives us of the debate that should be front and center of this representative body. If we truly believe our first obligation is to protect the people we represent, we must provide for the common defense. The PATRIOT Act does this. These provisions do this. We should act on this with full knowledge, full debate, and full confidence in our intelligence communities that we can move forward and protect the American people.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 4 minutes to an esteemed senior member of the Judiciary Committee, the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank my friend from Texas, and thank him for elevating me to the esteemed status. I am not sure I deserve that.

Mr. Speaker, I don't want to be a prophet of gloom and doom, but there are many people in this world who every night retire, prior to sleeping, with one thought in mind, and that one thought is destroy America. The PATRIOT Act has served as a useful impediment to thwart that effort of destruction, and it must not be allowed to expire.

The majority has had over a year to reauthorize the three expiring provisions, but we failed to do so. In 2005, Mr. Speaker, I chaired the Crime Subcommittee of Judiciary, and we oversaw nine hearings to thoroughly examine all of the intelligence-gathering provisions of the PATRIOT Act. The Republican-led Judiciary Committee completed these and additional full committee hearings, a full committee markup, and floor consideration to reauthorize nearly one dozen provisions, all prior to the August recess.

□ 1700

The current majority, Mr. Speaker, has conducted only one subcommittee hearing, a markup, but still hasn't brought a commonsense bill to the full House floor.

Again, I don't want to promote gloom and doom, but time could be running out on us because one of these days, one of these people who retire with that, before they fall asleep with

the one desire to destroy America, they may result in success. We need the impediment to stand thoroughly against this effort, and that impediment, among others, is the PATRIOT Act.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to SHEILA JACKSON LEE, a senior member on the Judiciary Committee, who will be our closing speaker; and I will yield to her as much time as she may consume.

Ms. JACKSON LEE of Texas. Mr. Chairman, sometimes we come to the floor, Mr. Speaker, but we don't understand, really, the impetus and the importance of the work that is being done here.

To my colleagues, what we are doing is securing the American people. We know that right now there is a major debate that is occurring with leadership dealing with health reform. We will also be addressing the question of jobs. But let it be very clear, nothing is going to stop us from addressing the question of national security.

Chairman CONYERS has been working on the reform and the refitting, if you will, of the PATRIOT Act to make sure that it provides more security for the American people.

I just came from a hearing on Homeland Security of which I am a member, with the Secretary of Homeland Security, asking hard questions about the reinforcement of security, the provisions of support for personnel at the Department of Homeland Security, and the ability to give more resources so that the traveling public can be secure.

In this instance, we are acting expeditiously and responsibly, because what is now occurring is that we are providing for the extension of the PATRIOT Act so we can, in fact, engage the other body and work constructively, one, to, with no doubt, commit ourselves, as the President has done, in committing to use every instrument of national power to fight terrorism, including intelligence and military operations, as well as the criminal justice system. That's the Judiciary Committee.

There's never been a doubt about the commitment of the Obama administration or the Judiciary Committee, the chairman and our colleagues in the other body. But it is important for us to handle our business and to do our duty, and that is to look with a fine-toothed comb at the PATRIOT Act to ensure that it does not violate the rights of Americans. No matter what your political persuasion, you have a sense of understanding of the Constitution. You understand due process. You understand unreasonable search and seizure. And so it is our obligation to do so.

As I listened to the debate on the Intelligence bill, I was struck by the efforts that have been made to shore up any of the missing links to provide us a pathway away from the Fort Hood incident or the Christmas Day bombing.

And one of the things I want to emphasize is the importance for horizontal integration: Homeland Security, Department of Justice, Intelligence, the agencies dealing with national security as we attempted to do after 9/11. We must ramp up the coordination of information. There must be a focus not only on enhanced coordination, which is the premise of the PATRIOT Act, to get information and to ensure the obligation to ensure your civil liberties; but we must also be somewhat unique and distinct on how we assess who might be a threat.

I have constantly asked that we consider this thing called human assessment and behavior. A lot of people will call for profiling and that that's the way to do it. And I can tell you, colleagues, that you can profile from this morning until the end of time, and you will miss someone who doesn't fit the caricature, if you will, of who you might think happens to be a terrorist. Timothy McVeigh didn't fit that profile.

And so it is important for them to be developed human intelligence and human behavior assessment. That would have been an appropriate approach to the captain at Fort Hood. That's not profiling; it's assessing the behavior of interacting on the Internet, of speaking to the imam in Yemen, very conspicuous behavior that was assessed in Washington before he was transferred to Fort Hood, behavior that was not transmitted, if you will, in the right way.

And then we can look at the Christmas Day bomber, which we hope will never happen again. We had the shoe bomber. And so behavior should send up a red flag.

When we look at the premise of the PATRIOT Act, it is gathering information. And I know my colleagues would not want us to rush to judgment. And so what we have in place now is the opportunity for America to be protected, to use this cross-signal of information.

Might I also mention the assessment of the actions of the Department of Justice. There's not been one moment of a decision that has jeopardized the American people. Yes, there's been a decision that initially was accepted by local officials, as we understand it, to try individuals in a particular area. There were provisions, obviously, to be made for that. That decision alone and whatever happens on the decision after about where that trial will be held has nothing to do with undermining America's security.

We have Mirandized people before, and they have given us information and we've garnered that information to use for our security. We have tried people in the civilian courts under our legal system, and we have found them guilty on the basis of what they have done, and we've protected the American people.

So I am concerned that there is some labeling going on, that there is not the convergence of resources in the Obama administration, there's not the work on behalf of the Judiciary Committee chaired by Chairman CONYERS that steadily puts together building blocks to secure the American people.

I hope that we will rise to vote for this extension of the PATRIOT Act to allow this Congress, bipartisan, to sit down and do its work. But in the meantime, would we not be irresponsible if we did not come to the floor today to protect the American people, just as we've done with an authorization of the Intelligence bill which has never been done for over a large number of years. We are now doing that because we believe in the security of the American people.

I look forward to moving forward on this legislation. I look forward to pressing the intelligence community on human behavior assessment now, not tomorrow, but now; and I look forward to us going forward on securing the American people with the tools that the Obama administration is working on.

Mr. Speaker, I rise in support of the motion to concur in the Senate amendments to H.R. 3961—Extending Expiring Provisions of the USA PATRIOT Improvement and R. 2082. I support this motion to extend expiring amendments though I offered several amendments as we debated this issue in the Judiciary Committee that I believe would have made the existing provisions of the ACT more effective.

H.R. 3961 extends for one year—through Feb. 28, 2011—three antiterrorism provisions which would otherwise expire on February 28, including the “roving wiretap” authority that allows the government to conduct surveillance on suspects who communicate on multiple devices, or repeatedly change their cell phone numbers or carriers; a provision that permits federal law enforcement authorities to seek a court order for “any tangible thing” they deem related to a terrorism investigation such as business records; and the “lone wolf” provision that allows for surveillance of terrorists who are not connected to terrorist groups.

The measure also extends, for one year, a provision under current law that expanded authority to access records or “any tangible item,” including business and library records, through the use of Section 215 orders. The provision has been one of the focal points of criticism of the PATRIOT Act, uniting liberals and libertarians who express concern that it was too broadly written and could have allowed the government to access a virtually unlimited range of records.

Mr. Speaker, prior to the enactment of the USA PATRIOT Act, court orders requested under the Foreign Intelligence Surveillance Act (FISA) for access to business records had to assert that there were “specific and articulable facts giving reason to believe that the person to whom the records pertain [was] a foreign power or an agent of a foreign power.” The law limited these records to those of hotels, motels, car and truck rental agencies, and storage rental facilities.

The provision in the USA PATRIOT Act modified requirements for a FISA court order to include “any tangible things”—such as library or bookstore records—regardless of the business or individual holding the item, as long as law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. An application for access to business records under this provision must provide a “statement of facts” proving that the information sought is “relevant” to the investigation.

A September 2009 letter from the Justice Department reports that the FISA court had issued about 220 orders to produce business records over the period of 2004 to 2007. The letter noted that 173 of those orders were issued prior to 2006 in combination with FISA pen register orders “to address an anomaly in the statutory language that prevented the acquisition of subscriber identification information normally associated with pen register information.” The 2006 reauthorization of the Patriot Act included language to clarify the law, and the Justice Department says the change made the use of the “business records” provision for such information unnecessary. The remaining business records orders were used to obtain transactional information that did not fall within the scope of other authorities.

The department called on Congress to reauthorize this provision because there would “continue to be instances in which FBI investigators need to obtain information that does not fall within the scope of national security letter authorities and are operating in an environment that precludes the use of less secure criminal authorities.”

My amendment would have made an improvement to the public's oversight of the PATRIOT Act by extending the life of these intrusive government surveillance programs for two years rather than four years as proposed. Specifically, my amendment focused on Sections 102 and 202 of the underlying bill. The change to Section 102 would have extended the sunset dates of roving wiretaps and FISA business records to December 31, 2011 rather than 2013. The change to Section 202 provides a sunset date of December 31, 2011 rather than December 31, 2013 for national security letters, with the effect of expediting the return of the relevant national security letter statutes to their statuses as they read on October 25, 2001.

These proposed changes in those amendments that I offered in the Judiciary committee focused on the idea of increasing public oversight and transparency. These changes would have permitted Congress to review these sections in two years rather than four years. In two years, we may find that these tools are in fact unnecessary, or that new tools are required.

Mr. Speaker, the motion also extends, for one year, a provision that allows law enforcement officials to pursue terrorists who use multiple devices, or change cell phone numbers or carriers repeatedly to thwart surveillance efforts under FISA. The law permits authorities to obtain multipoint or “roving” wiretaps so that officials do not have to file multiple applications to continue their investigation.

Under current law, applications for a wiretap do not have to include specific information on



the location of the wiretap or the names of third parties who would be involved in assisting authorities with setting up the wiretap. Instead, court orders apply to the person or persons and not a particular device or location. Under prior law, the government would have to return to the FISA court for an order that named the new communications carrier, landlord, etc., before tapping the new device or location.

The law requires the FISA court to base its finding on "specific facts" included in an application, and it requires court orders for roving wiretaps to describe in detail the specific target in cases in which the target's identity is unknown. In the cases when the location of surveillance was unknown at the time of a court order, investigators would be required to notify the court within 10 days of the start of surveillance at any new location. The court can extend this notification time to up to 60 days.

According to a September 2009 letter from a Justice Department official, the provision has "proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders." The letter noted that this authority is only available when the government is able to provide specific information that the target of surveillance may engage in counter-surveillance activities. The letter noted that the government has sought to use it "in a relatively small number of cases (on average, twenty-two applications per year)."

Additionally, the measure extends by one year the so-called "lone wolf" provision that allows federal law enforcement officials to seek warrants from the Foreign Intelligence Surveillance Court to conduct surveillance on suspected individuals or "targets" who are engaging in international terrorism activities or preparation for such activities, but cannot be connected to terrorist groups or foreign nations. The provision applies only if the target is not a United States person, i.e., is not a citizen, legal immigrant or resident.

Before 2004, national security officials had to show a court that a target was an agent of a foreign power, or acting on behalf of a foreign power, in order to get permission to monitor him or her, which some argued prevented monitoring a lone wolf operating as an individual. According to the Justice Department, the authority was aimed at situations in which information linking a target to an international group is absent or insufficient, but where the target's engagement in "international terrorism" has been sufficiently established. The department noted that in practice, the government "must know a great deal about the target," but must also be unable to connect that person to any group meeting the definition of "foreign power" under FISA.

A Justice Department official, in a September 2009 letter, stated that the department had never filed a FISA application using this provision since it became law in 2004, but stated the department's support for reauthorizing the provision because of potential situations in which it could be the only avenue for surveillance.

Mr. Speaker, I believe it is very important that we extend the expiring provisions of the PATRIOT Act and urge my colleagues to join

me in supporting the motion and work to restore civil liberties and secure America.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, an active member of the Judiciary Committee and a former city prosecutor, Mr. HARPER.

Mr. HARPER. Mr. Speaker, the purpose of the PATRIOT Act is to keep suspected terrorists under surveillance in an attempt to prevent another attack on our country like we suffered on September 11, 2001. I believe that it has been successful, and I support its extension. I firmly believe that our safety for the nearly 8½ years since 9/11 is due in part to the PATRIOT Act and the fine men and women who are able to use it each day to keep our country safe from harm.

I particularly believe that the lone wolf provision which allows for the surveillance of individual terrorists who might not be part of a larger international terrorist group is very important, and I'm very happy to see its inclusion in this extension.

I applaud those who worked in a bipartisan manner to pass this legislation in 2001, and I look forward to seeing that provisions of the PATRIOT Act continue to be used in an effort to keep Americans safe.

While I wish that a bill with the intention of extending the PATRIOT Act for longer than a year would have been before the House, I support the legislation before us today. I hope that my colleagues will join with me in supporting the extension of this very important counterterrorism tool.

Mr. CONYERS. Mr. Speaker, I continue to reserve.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my colleague from Texas, a senior member of the Intelligence Committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, I appreciate the distinguished ranking member yielding to me.

Mr. Speaker, it is very, very important that we ensure that our intelligence professionals and our law enforcement professionals have the tools and the support they need to do their job. And we should never forget that their job is to protect us and prevent further terrorist attacks from killing Americans.

Now, over the course of the day today, as we consider the Intelligence authorization bill, there have been a lot of words spoken in support of those intelligence and law enforcement professionals. But I would suggest that actions matter more than words. One of the actions we can take is to ensure that they have the tools they need to gather the information to stop terrorist plots. And these three expiring provisions of the PATRIOT Act that are being renewed for a year under this bill are some of the critical tools they need to gather that information and to protect us.

Mr. Speaker, I count about eight plots or attempted terrorist attacks since last summer that have made the press, that have been stopped or thwarted in some way or another. One of them, unfortunately, was successful, and that was the attack at Fort Hood. One of them was stopped out of sheer luck and the awareness of passengers on the Christmas Day bombing attack over Detroit. But a number of the other attempted attacks or plots over the past few months and years have been stopped, I believe, because of the tools included in the PATRIOT Act that have helped prevent American casualties. And I would suggest we cannot afford a single day without those tools, including the three that are extended over the course of this bill.

I would prefer, as others have said, that it were longer than a year. But it is absolutely critical that we not allow them to expire and that we put them at least on somewhat of a longer term basis so that these professionals can actually do their job.

I would just say, Mr. Speaker, that in addition to the tools, legal authorities, financial resources that are necessary for them to do their job to protect us, we also must provide these professionals in the intelligence community and the law enforcement community the support they need to do their job. And it is not supporting them, for example, to have a special prosecutor appointed by the Justice Department of this administration to re-investigate interrogators that have already been investigated. And it would not be supportive if we adopt the provision we've talked about earlier today, to establish new crimes against interrogators. They deserve the tools and support. Both can come today with the right votes.

Mr. CONYERS. I'm pleased now to recognize a former senior member of the Intelligence Committee for over 10 years—she served as ranking member—and I yield now to JANE HARMAN as much time as she consumes.

Ms. HARMAN. I thank Mr. CONYERS for yielding and commend him for his leadership of the Judiciary Committee. He has authored many bills which I am proud to cosponsor, one of which includes amendments to these three expiring provisions of the PATRIOT Act.

I rise today because I think we are missing an opportunity. There are good ideas in this House about how to curb the abuses with national security letters, how to clarify that roving wiretaps are limited to a single identifiable target, and how to eliminate the lone wolf provision which has never been used and for which existing title III authority can suffice. Those ideas have been the subject of hearings in the Judiciary Committee, but they're not being debated on this floor.

Instead, we hear that the only way to protect America is to extend the PATRIOT Act as is for another year. We



could have extended it for a shorter period and fully debated how to amend the PATRIOT Act on this floor. I think this is a real missed opportunity. As one who was here when we first passed The PATRIOT Act, I recognize that my approach has been controversial.

□ 1715

I am one of very few Members who opposed initially rolling back the so-called library provision, which I agree was an overreach in the initial PATRIOT Act. But I opposed rolling it back because the amendment as initially drafted included eliminating access to Internet sites at libraries. And as one who studies the terrorism threat carefully, I know that terrorists use the Internet frequently as a way to communicate. So when the library provision was finally drafted to exclude Internet sites, I proudly voted for it.

The PATRIOT Act is a valuable tool. Those who have spoken on the other side are right, we need it. But we have enough knowledge in this House to tweak it to be much more fair to innocent Americans who have inadvertently been caught up in its web.

Let me also mention that under the Intelligence Reform Act of 2004, we required that the White House establish a privacy and civil liberties commission to oversee the development and implementation of laws with respect to terrorism. That commission was never fully established in the last administration, and this administration has yet to name a chairman and a vice chairman.

I urge the President again to fully implement the provisions of the 2004 Intelligence Reform Act. Standing up that commission would send a message that we can protect our security, but we can also protect our liberty. This is not a zero-sum game.

And let me finally address something we will hear as we close debate on the Intelligence authorization bill, and that is a view by some that we should bar trials or terrorist suspects in Article III courts.

The prior administration tried virtually everyone charged with terrorism-related crimes in Federal court. Most of those people were convicted and are now incarcerated. There was a 90 percent conviction rate over hundreds of trials since 9/11. In contrast, military commissions convicted three people, two of whom are no longer serving.

So if you just look at the conviction rate, we are safer if we use article III courts.

In a letter from Secretary Gates and Attorney General Holder dated today to the leadership, they express their opposition to any legislation or amendments that would restrict the ability of the executive branch to effectively prosecute alleged terrorists in Federal courts or reformed military commissions in the United States.

Their point, and my point, is we can have reformed military commissions—and I know that the President and many here are considering reforms which I may support—but we also must permit robust use of our Federal courts. I think it's disingenuous to claim that after 300 people have been sent to jail for long sentences, we can't safely try terrorists in U.S. courts under Federal law. I agree with Secretary of Defense Gates and Attorney General Holder that such an amendment would make us less safe by removing a critical tool from the Nation's arsenal, and that's the use of our Federal justice system.

In conclusion, we must live our values. When we fail to do that, we offer a huge recruiting tool to those who would attack us. If we live our values by carefully amending expiring PATRIOT Act provisions, by standing up a privacy and civil liberties board and by saying that Federal Courts can try many of those we apprehend for terrorism-related crimes, we have the best chance of winning in this era of terror.

Mr. Speaker, I take a backseat to no one in the effort to defeat the terror threat against us. I take the threat very seriously. I read proposed legislation carefully. Today, we could have, as Mr. NADLER suggested, passed a short-term extension and then had a robust public debate about amendments to expiring PATRIOT Act provisions. This is a missed opportunity and I oppose the extension.

Mr. SMITH of Texas. I am prepared to close. I will reserve my time.

Mr. CONYERS. How many minutes remain?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining.

Mr. CONYERS. I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, extending the expiring provisions of the PATRIOT Act will give our law enforcement officials and intelligence agents the authority they need to meet terrorists' threats. It is unfortunate, though, that some reject a long-term reauthorization. Refusing to reauthorize our national security laws for the long term signals weakness to our enemies. It says we are not serious about protecting American lives.

Repeated extensions of this law create uncertainty for intelligence officials and increase the danger that intelligence is missed and threats unidentified. The PATRIOT Act is not broken. And if it isn't broken, we shouldn't try to fix it.

Congress has already undertaken a sweeping review of the PATRIOT Act following extensive hearings in the Judiciary Committee. We approved a reauthorization in 2006 that made permanent all but three provisions and enhanced important civil liberty protec-

tions. The Obama administration, a bipartisan Senate, and House Republicans all support a long-term reauthorization of the PATRIOT Act.

Mr. Speaker, while I support this bill, our national interests would have been better served if we had considered a long-term extension. Mr. Speaker, I urge my colleagues to support this legislation even though a long-term piece of legislation would have been a much-improved situation.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. I thank Mr. CONYERS.

I rise in opposition to H.R. 3961, legislation to extend the expired provisions of the PATRIOT Act. The three provisions being extended today include the "roving wiretaps," which allow the Foreign Intelligence Surveillance Court to issue secret orders to wiretap any target without having to specify the target or the device. This extension also includes the "lone wolf" surveillance provision, which allows intelligence agencies to conduct investigations of non-U.S. individuals not connected to a foreign power or terrorist group, a provision that the administration has never had to use. Finally, this legislation would extend section 215 powers of the PATRIOT Act, which allows the government to order any entity to turn over "any tangible things" as long as it specifies its for "an authorized investigation." Section 215 orders constitute a serious violation of Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records.

Through years of documentation evidencing abuse of these provisions during the Bush administration, the Department of Justice has failed to hold Bush administration officials accountable for illegal domestic spying by barring any lawsuits to be brought against those officials. Months into this administration, The New York Times reported that the National Security Agency had "intercepted private e-mail messages and phone calls of Americans in recent months on a scale that went beyond the broad legal limits" and that the practice was "significant and systematic."

Passage of this legislation continues to make Congress complicit in the violations of constitutional rights.

A letter written by the American Bar Association in 2005 to Congress expressed grave concern over "inadequate congressional oversight of government investigations undertaken pursuant to the Foreign Intelligence Surveillance Act" . . . "to assure that such investigations do not violate the First, Fourth, and Fifth Amendments."

As Members of Congress swore to protect the rights and civil liberties afforded to us by the Constitution, we have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act, ensuring that the privacy and civil liberties of all Americans are fully protected. More than 8 years after the passage of the PATRIOT Act, we failed to do so. As National Journal correspondent Shane Harris recently put it, we've witnessed the rise of an "American Surveillance State." We've come to love our fears more than we love our freedoms.

Mr. BLUMENAUER. Mr. Speaker, in 2001, I voted against the USA PATRIOT Act because it granted law enforcement powers too broad, too removed from oversight, and at the expense of Americans' civil rights. I am disappointed that H.R. 3961 simply extends three of these provisions without any additional protections or oversight.

This is a missed opportunity to rebalance the need to pursue violent extremists with the need to respect our own citizens. Continuing to allow the government to obtain "any tangible thing" relevant to a terrorism investigation, including library records, is a disturbingly low bar. We can do better.

Committees in the House and Senate have offered drafts to improve the PATRIOT Act, and I strongly suggest that we move forward immediately to amend this law.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1109, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on this motion are postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### TEMPORARY EXTENSION ACT OF 2010

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Temporary Extension Act of 2010".

#### SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "February 28, 2010" each place it appears and inserting "April 5, 2010";

(B) in the heading for subsection (b)(2), by striking "FEBRUARY 28, 2010" and inserting "APRIL 5, 2010"; and

(C) in subsection (b)(3), by striking "July 31, 2010" and inserting "September 4, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "February 28, 2010" and inserting "April 5, 2010";

(B) in the heading for paragraph (2), by striking "FEBRUARY 28, 2010" and inserting "APRIL 5, 2010"; and

(C) in paragraph (3), by striking "August 31, 2010" and inserting "October 5, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "February 28, 2010" each place it appears and inserting "April 5, 2010"; and

(B) in subsection (c), by striking "July 31, 2010" and inserting "September 4, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "July 31, 2010" and inserting "September 4, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "1009" and inserting "1009(a)(1)"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the amendments made by section 2(a)(1) of the Temporary Extension Act of 2010; and".

#### SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking "February 28, 2010" and inserting "March 31, 2010".

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: "or consists of a reduction of hours followed by such an involuntary termination of employment during such period (as described in paragraph (17)(C))"; and

(B) by adding at the end the following:

"(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

"(A) NEW ELECTION PERIOD.—

"(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary ter-

mination of employment of such individual on or after the date of the enactment of this paragraph shall be treated as a qualifying event.

"(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

"(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

"(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

"(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

"(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred on or after the date of the enactment of this paragraph".

(2) CODIFICATION OF CURRENT INTERPRETATION.—Subsection (a)(16) of such section is amended—

(A) by striking clause (ii) of subparagraph (A) and inserting the following:

"(ii) such individual pays, the amount of such premium, after the application of paragraph (1)(A), by the latest of—

"(I) 60 days after the date of the enactment of this paragraph,

"(II) 30 days after the date of provision of the notification required under subparagraph (D)(ii), or

"(III) the end of the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986."; and

(B) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

"(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and".

(3) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking "of the first month".

(4) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: "In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such determination of such Secretary after 10 days after the

date of the plan sponsor's or issuer's receipt of the determination."

(5) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g)(9) of section 35 of the Internal Revenue Code of 1986 is amended by striking "section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009" and inserting "section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009".

(B) Section 139C of such Code is amended by striking "section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009" and inserting "section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009".

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking "section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009" and inserting "section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009";

(ii) in subsection (c)(3), by striking "section 3002(a)(1)(A) of such Act" and inserting "section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009"; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

"(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

"(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

"(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment."

(D) Subsection (a) of section 6720C of such Code is amended by striking "section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009" and inserting "section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsection (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act;

(2) the amendments made by subsection (b)(2) shall take effect as if included in the amendments made by section 1010 of division B of the Department of Defense Appropriations Act, 2010; and

(3) the amendments made by subsections (b)(3) and (b)(4) shall take effect on the date of the enactment of this Act.

#### SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs

and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111-68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) EXCEPTION.—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111-68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

#### SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended—

(1) in subparagraph (A), by striking "February 28, 2010" and inserting "March 31, 2010"; and

(2) in subparagraph (B), by striking "March 1, 2010" and inserting "April 1, 2010".

#### SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking "December 31, 2009" and inserting "March 31, 2010".

#### SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) is amended by striking "March 1, 2010" and inserting "March 31, 2010".

#### SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking "by substituting" and all that follows through the period at the end, and inserting "by substituting March 28, 2010, for the date specified in each such section."

#### SEC. 9. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking "February 28, 2010" and inserting "March 28, 2010".

(b) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for "Small Business Administration - Business Loans Program Account", \$60,000,000, to remain available through March 28, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section. *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### SEC. 10. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "February 28, 2010" and inserting "March 28, 2010"; and

(B) in subsection (e), by striking "February 28, 2010" and inserting "March 28, 2010".

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking "February 28, 2010", and inserting "March 28, 2010".

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "February 28, 2010" and inserting "March 28, 2010"; and

(2) in paragraph (3)(C), by striking "March 1, 2010" each place it appears in clauses (ii) and (iii) and inserting "March 29, 2010".

#### SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 5, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 5, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield myself as much time as I may consume.

This bill provides a short-term extension for a number of programs.

When you have the other body basically operating on filibusters continuously on everything, it's not surprising that suddenly somebody wakes up over there and figures out that they're going to have to go to work and pass some legislation.

By the end of March, 1.2 million people will run out of unemployment benefits, so we're extending unemployment

benefits through the 8th of April, 2010. That is another month. The Senate likes to have a vote on unemployment about once a month. For whatever reason they want to come out here and do this when they can see the problem and they want to drag the American people through this process over and over again, I cannot understand. The Republicans over there using filibusters to stop the Senate from doing anything simply don't care about workers in this country.

Now, there is also an extension of COBRA assistance. We're extending that until the 28th of March, 2010, so people have health insurance for another month. Thanks a lot. And we're extending surface transportation programs, which makes related expenditures for surface transportation until March 28, 2010.

We're extending the Medicare physician update, which extends the increase in physicians' payments until March 28, 2010. We're extending the Medicare therapy cap exceptions until March 28, 2010. We're extending the poverty guidelines. And I could go on down this list. I have got a whole bunch more.

□ 1730

The fact is, we passed, in December, out of this House, a 6-month extension in unemployment benefits, but somebody decided we had to have a filibuster in the Senate, so they stepped on the bill. And suddenly we come to 5:28 p.m. on the 25th of February and somebody says, oh, my God, there are going to be people in my district with no check. They have been calling my office for the last 2 weeks. Are they going to extend benefits? Will my benefits be extended? What's going to happen to us?

Well, this is their answer. We will give them another month's reprieve, and I urge all my colleagues to vote for this bill.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This legislation provides for a 1-month extension of several important programs, including unemployment insurance and health coverage for Americans laid off in this recession, a postponement of severe cuts in Medicare payments to physicians and a satellite television law that allows Americans in rural areas to get access to local news and programming.

It's important to realize that this is not a jobs bill. On the contrary, the extension of unemployment insurance is needed because the 2009 stimulus bill didn't create the jobs Democrats promised. Laid-off workers should not be punished for that.

Instead of creating 3.7 million jobs as promised, the stimulus bill was followed by 3.3 million additional job losses. A record 16 million are now un-

employed, and Americans are asking "where are the jobs?"

The legislation before us continues the payment of a record 99 weeks of total unemployment benefits, but millions will soon be exhausting those benefits and wondering what comes next, and they will face a job market that on top of everything else is now burdened by mammoth unemployment payroll tax hikes caused by all the unemployment benefits paid to date. So the need to pass this bill today is the result of the failure of the Democrat stimulus bill to create the jobs they promised. If it had created those jobs, and unemployment were now under 8 percent and falling, as Democrats predicted it would be, we would be in a position to start winding these benefits down.

Instead, unemployment is near 10 percent, and even the administration thinks it will remain so through at least this year.

The CBO has estimated this bill will add over \$10 billion to the deficit. Less than 2 weeks after the Democrats' pay-as-you-go bill was signed into law, we are already seeing billions of dollars designated as "emergency spending" so we don't have to pay for it.

With abundant unused TARP and stimulus money that could pay for this bill, it's clear Democrats are not serious about fiscal responsibility.

We also need to craft policies that will actually create jobs so unemployed workers can get back to work. That will require ending the massive taxing, spending, and borrowing plans this Democrat Congress and administration has. These policies have created severe uncertainty among American workers and businesses, causing economic stagnation and discouraging hiring. We could eliminate this uncertainty and get the private-sector American job creation engine humming again by immediately extending all expiring tax cuts, scrapping plans for a government takeover of health care, scrapping plans to impose a national energy tax via a cap-and-trade program, repealing wasteful stimulus spending, and committing to not increasing taxes until the economy has fully recovered.

I reserve the balance of my time.

Mr. MCDERMOTT. I yield 3 minutes to my distinguished colleague from Michigan (Mr. LEVIN).

Mr. LEVIN. Well, what we face is the highest number of long-term unemployed for over 60 years, 6.3 million people, long-term unemployed. We have 15 million people looking for work.

I came in just in the middle of the statement from my friend from California. I don't think this is the time for us to be arguing over past programs. I have never understood what the minority was thinking about in terms of job creation. They have voted against Recovery Act bills.

But this isn't the time to be using the plight of the unemployed to try to make points about previous actions. This is the time for us to once again face up to the fact that we have huge numbers of people who are looking for work and can't find it. This is the time for us to understand the pain for individuals in this circumstance. We passed a jobs bill here some months ago, unfortunately, without bipartisan support. But I don't want to argue about that. We should be talking about providing. It's really not a safety net; it's a subsistence issue. It's people who have been laid off through no fault of their own who need a continuation of unemployment compensation.

If we do not do this, the estimate is that over 1 million people nationally will lose their unemployment benefits in March. That's 1 month alone, 1.2 million people. If that isn't sobering enough to get us to focus on an extension of unemployment compensation and health benefits for these people, I don't know what else we will do.

So I hope we will come here and pass this bill and not use it as a vehicle to be talking about something other than the plight of the unemployed of this country who can't find a job, 6 or 7 people looking for a job for every job that might open up.

I urge that we pass this overwhelmingly.

Mr. HERGER. Mr. Speaker, I reluctantly support this legislation. While it has major flaws, which I outlined earlier, the current job market in so many parts of the country, including my own congressional district in northern California, is so bad that the help, especially for long-term unemployed individuals, in this bill is both needed and merited during the weeks covered by this legislation at the very least.

I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, as I listened to my friend from Michigan (Mr. LEVIN) talk about the situation, it brings you almost beyond anger to realize that one person in the other body has stopped the unemployment extension for several months. We don't know, even as we pass this bill over there today, what will happen if that gentleman does not lift his restriction on the Senate bill. We may be into a cloture situation again. Now what they did before, they held up unemployment insurance, they held it up and held it up, and then, when it came to the end, everybody voted for it.

It is clear, from the first words out of my colleague from California's mouth, that this is about trying to prove to the people that the Democrats can't run the Congress. They can't run the Congress with the filibuster in the Senate stopping issues like this that are going to go through here unanimously. Nobody in his right mind is going to vote against health care and unemployment benefits for people who are out

there struggling, and nobody is going to vote against flood insurance for people and nobody is going to vote against small business loan guarantees and a lot of other things that are in this extension bill because of the filibuster in the Senate.

I urge my colleagues to vote for this, and I urge the other body to think about changing the filibuster.

Mr. LINDER. Mr. Speaker, I rise in opposition to this legislation.

This bill would increase Federal spending by \$10 billion, or \$125 per family of four in the U.S. None of which would be paid for. And that's just a fraction of \$1,000 per family of four it will cost to extend these programs through the end of the year, as is already in the works. That, too, will get added to our children's already enormous tab of government debt. They deserve far better.

Ironically, just two weeks ago the President signed Democrats' "paygo" bill into law. He said "the PAYGO bill . . . says very simply that the United States of America should pay as we go and live within our means again—just like responsible families and businesses do."

Yet today, with this bill, we're not living within our means, yet again.

A second flaw of this bill has to do with jobs. This legislation simply won't create any.

Some say that extending unemployment benefits stimulates job creation. If that were so, we would be at full employment already. Today record numbers of Americans—over 11 million—collect unemployment checks instead of paychecks. They collect record weeks of benefits—up to 99 weeks per person. And Congress added another \$100 per month to those checks, for the first time ever. Yet since these programs started in 2008, the unemployment rate has jumped from 5.5 percent to over 10 percent as almost 8 million jobs disappeared.

So if these unemployment benefits are creating jobs, they are sure hard to see. But what we can see are mammoth payroll tax hikes this year in most States, as they struggle to pay for these benefits. As employer after employer has said, those tax hikes will further harm job creation when businesses and workers are already hurting.

In fact, some respected scholars argue these record unemployment benefit expansions actually are resulting in more unemployment, not less. That seems more than plausible.

At this time I would request ask unanimous consent to insert in the RECORD an article from the November 17, 2009 New York Post, which states:

As Larry Summers, the president's top assistant for economic policy, noted in July, "the unemployment rate over the recession has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP." . . . Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: "Unemployment insurance lengthens unemployment spells." . . . (T)he evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't

tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. Chairman, we have tried extending unemployment benefits again and again. And we have only gotten more unemployment. Yet what unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means eliminating uncertainty by scrapping Democrats' government health care takeover and cap and tax energy plans, extending expiring tax cuts on businesses and individuals, repealing wasteful stimulus spending, and committing to not increasing any tax until the economy has fully recovered.

Until we do that, additional extensions of unemployment benefits will simply spend even more money we don't have without truly helping unemployed workers find jobs, which must be our real goal.

[From the New York Post, Nov. 17, 2009]

#### THE 'STIMULUS' FOR UNEMPLOYMENT

(By Alan Reynolds)

Why did the unemployment rate rise so rapidly—from 7.2 per cent in January to 10.2 percent in October? It was clearly the administration's "stimulus" bill—which in February provided \$40 billion to greatly extend jobless benefits at no cost to the states.

As Larry Summers, the president's top assistant for economic policy, noted in July, "the unemployment rate over the recession has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP." And the rate has moved nearly a percentage point higher since then, even though GDP increased. Countries with much deeper declines in GDP, such as Germany and Sweden, have unemployment rates far below ours.

Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: "Unemployment insurance lengthens unemployment spells."

That is: When the government pays people 50 to 60 percent of their previous wage to stay home for a year or more, many of them do just that.

And the stimulus bribed states to extend benefits—which have now been stretched to an unprecedented 79 weeks in 28 states and to 46 to 72 weeks in the rest. Before mid-2008, by contrast, only a few states paid jobless benefits for even a month beyond the standard 26 weeks.

When you subsidize something, you get more of it. Extending unemployment benefits from 26 to 79 weeks was guaranteed to leave many more people unemployed for many more months.

And longer unemployment translates to higher unemployment rates—because the relatively small numbers of newly unemployed are added to stubbornly large numbers of those who lost their jobs more than six months ago.

Until benefits are about to run out, many of the long-term unemployed are in no rush to make serious efforts to find another job—or to accept job offers that may involve a long commute, relocation or disappointing salary and benefits.

(Incidentally, the "mercy" of longer benefits does no long-term favors: The literature is quite clear that a prolonged period on unemployment tends to depress income for years after you finally go back to work.)

The median length of unemployment hovered around 10 weeks for six months before February's "stimulus" plan. Since half the unemployed found jobs within 10 weeks, more than half of those counted among the unemployed in one month would no longer be included three months later. In other words, more frequent turnover among the unemployed held down monthly unemployment.

But after February, with jobless benefits stretched out to 46 to 79 weeks, the median duration of unemployment nearly doubled, reaching 18.7 weeks by October.

The unemployment rate has not been rising because of growing numbers of newly jobless people. Indeed, initial claims for unemployment benefits are way down. And the number of unfilled private job openings increased by 9.3 percent from the end of April to the end of September.

The unemployment rate has been rising because unprecedented numbers of those who became unemployed six to 19 months ago are remaining "on the dole" until their benefits are nearly exhausted.

Summers isn't the only administration economist who understands this very well. Assistant Secretary of the Treasury for Economic Policy Alan Krueger co-authored a 2002 survey of the topic with Bruce Meyer of the University of Chicago. They found that "unemployment insurance and worker's compensation insurance . . . tend to increase the length of time employees spend out of work." Last August, Krueger and Andreus Miller of Princeton also found that "job search increases sharply [from 20 minutes a week to 70] in the weeks prior to benefit exhaustion."

Similarly, Meyer found "the probability of leaving unemployment rises dramatically just prior to when benefits lapse." In other words: If you extend benefits to 79 weeks, many people won't find an acceptable job offer until the 76th or 78th week.

Meyer and Lawrence Katz of Harvard estimated that "a one-week increase in potential benefit duration increases the average duration of the unemployment spells . . . by 0.16 to 0.20 weeks." Apply that formula to the 20-to-53-week extension we've seen, and you get an average of three to ten more weeks spent on unemployment. And, sure enough, the average unemployment spell has risen by seven weeks this year—to nearly 27 weeks by October.

Katz also found that extended benefits, by making it easier for workers to wait and see whether they get their old jobs back, also makes it easier for employers to delay recalling laid-off workers. Just before unemployment benefits run out, Katz found "large positive jumps in both the recall rate and new job finding rate."

The White House recently made the mysterious claim of having "saved" 640,329 jobs, at a cost of only \$531,250 per job (\$340 billion).

In reality, the evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 4691, Temporary Extensions Act of 2010, which temporarily extends a number of important expiring provisions to assist workers hit hard by the economy as well as averts the impending cuts under Medicare for physician services. These are important policies that we should not let lapse.

However, there are also a number of critical rural health payment adjustments under Medicare that expired last year which are not included in this package. These payment adjustments were created under the Medicare Modernization Act to correct flaws in Medicare payments and have made a tremendous difference to rural hospitals, physicians, ambulances, and laboratories and the seniors they serve. Congress has a long record of extending these important rural health care provisions. Most recently the House found it appropriate to include extensions of these critical rural health care provisions in legislation passed last year.

These provisions have not yet been signed into law and I am deeply concerned that failing to extend these important policies could impact the ability of rural providers to continue delivering much-needed care to our seniors. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. That is why 69 bipartisan members of the bipartisan Rural Health Care Coalition have joined me in urging leadership to extend these important policies. A copy of this letter will follow my remarks.

I am committed to retroactively extending these important provisions which help preserve access to quality health care services in rural America and will fight to ensure that they are addressed.

CONGRESS OF THE UNITED STATES,

Washington, DC, February 24, 2010.

Speaker NANCY PELOSI,

House of Representatives,

Washington, DC.

Chairman CHARLES B. RANGEL,

House Committee on Ways and Means,

Washington, DC.

Chairman HENRY A. WAXMAN,

House Committee on Energy and Commerce,

Washington, DC.

Minority Leader JOHN A. BOEHNER,

House of Representatives, Washington, DC.

Ranking Member DAVE CAMP,

House Committee on Ways and Means,

Washington, DC.

Ranking Member JOE BARTON,

House Committee on Energy and Commerce,

Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER BOEHNER, CHAIRMAN RANGEL, RANKING MEMBER CAMP, CHAIRMAN WAXMAN, AND RANKING MEMBER BARTON: As members of the House Rural Health Care Coalition, we are writing on behalf of our rural health care providers and the patients that they serve to urge Congress to retroactively extend critical rural health payment adjustments under Medicare that recently expired. These rural support payments help preserve access to quality health care services in rural America and failing to swiftly extend them could impact the ability to continue delivering much-needed care to our constituents.

The Medicare Modernization Act (MMA) made important corrections to flaws in Medicare payments that have made a tremendous difference to the hospitals, doctors, nurses and other providers in our states and throughout rural America. Congress has a long record of extending these important rural health care provisions. Most recently, the House found it appropriate to include extensions of many of these critical rural health care provisions in legislation it passed last year. However, these provisions have not yet been signed into law. Therefore,

we ask for your continued support to improve rural health care by including in legislation Congress may consider in the coming weeks an extension of the critical rural health provisions described below:

**Rural Hospitals:** Our rural hospitals provide essential inpatient, outpatient and post-acute care to nearly 9 million Medicare beneficiaries. We support an extension of the geographical wage index reclassifications for the more than 100 "Section 508 Hospitals," in order to continue to providing greater wage parity within a state in order to address increasingly competitively labor markets. In addition, it is critical that Congress ensures that small rural hospitals continue to be reimbursed for their costs for their laboratory services and preserves outpatient hold harmless payments for sole community and small rural hospitals. We also support an extension of direct billing under Medicare for certain grandfathered labs for the technical component of pathology services provided to certain rural hospitals. Lastly, we support extending the recently expired Rural Community Hospital Demonstration project, which tests the feasibility and advisability for reasonable cost reimbursement for small rural hospitals.

**Rural Doctors and Practitioners:** Only ten percent of physicians practice in rural America even though more than a quarter of the population lives in these areas. In order to help recruit and retain physicians where they are needed most, it is imperative that we continue to maintain the 1.0 floor on the physician work geographic practice cost index (GPCI).

**Rural Ambulance:** In providing critical emergency health care to patients, it costs rural ambulance service providers more per transport than their urban counterparts because of the greater distances rural providers travel and their lower transport volume. In fact, many of our rural ambulance service providers are staffed primarily by volunteers to stay afloat. That is why it is necessary to ensure that rural ambulance providers continue to receive an additional 3 percent in Medicare reimbursement, and for super rural ambulance service providers to continue to receive 22.6 percent to their base rate which helps cover the costs of serving patients located in these extremely rural areas.

These rural equity policy provisions are critical to the ability of our rural health care providers to continue to provide quality care to rural Americans. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. We urge your continued leadership in championing these important rural issues.

Sincerely,

Earl Pomeroy, *Co-Chair, Rural Health Care Coalition*, Greg Walden, Chet Edwards, Rick Boucher, Dennis Moore, Michael H. Michaud, Timothy Walz, Leonard L. Boswell, Cathy McMorris Rodgers, David Loebsack, Bruce Braley, Jim Marshall, Kathleen A. Dahlkemper, Brett Guthrie, Don Young, Scott Murphy, Carolyn Kilpatrick, Carol Shea-Porter, John Boozman, Ben Chandler, Michael Arcuri, Ron Paul, Frank Kratovil, Kevin Brady, Heath Shuler, Phil Hare, Charlie Melancon, Marion Berry, Jim Matheson, Mike Ross, Jo Ann Emerson, Shelley Moore Capito, Rubén Hinojosa, Michael K. Simpson, Gene Taylor.

Jerry Moran, *Co-chair, Rural Health Care Coalition*, James L. Oberstar, Chaka

Fattah, Peter Welch, Raúl M. Grijalva, Ron Kind, Bill Foster, Eric Massa, Dennis Cardoza, Blaine Luetkemeyer, Bob Etheridge, Adrian Smith, Brad Ellsworth, Larry Kissell, Donald A. Manzullo, John W. Olver, Sam Graves, Gabrielle Giffords, Deborah L. Halvorson, Rick Larsen, Charles A. Wilson, John Barrow, Rodney Alexander, Stephanie Herseth Sandlin, John Salazar, Christopher P. Carney, Lincoln Davis, Harold Rogers, Sanford D. Bishop, Jr., Mike McIntyre, Todd Tiahrt, Bill Delahunt, Nick J. Rahall II, Ike Skelton, Bart Stupak.

Mr. McDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 4691.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1838

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HIMES) at 6 o'clock and 38 minutes p.m.

#### MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion offered by the gentleman from Michigan (Mr. CONYERS) to concur in the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Michigan.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POSEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.



The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 97, not voting 20, as follows:

[Roll No. 67]

YEAS—315

Ackerman	Dicks	Latta
Aderholt	Donnelly (IN)	Lee (NY)
Adler (NJ)	Doyle	Levin
Akin	Dreier	Lewis (CA)
Alexander	Drieaus	Linder
Altmire	Edwards (TX)	Lipinski
Andrews	Ellsworth	LoBiondo
Arcuri	Emerson	Lofgren, Zoe
Austria	Eshoo	Lowey
Baca	Etheridge	Lucas
Bachmann	Fattah	Luetkemeyer
Bachus	Flake	Lummis
Baird	Fleming	Lungren, Daniel
Barrow	Forbes	E.
Barton (TX)	Fortenberry	Lynch
Bean	Foster	Manzullo
Berkley	Fox	Marchant
Berry	Franks (AZ)	Markey (CO)
Biggert	Frelinghuysen	Marshall
Bilbray	Gallely	Massa
Bilirakis	Garamendi	Matheson
Bishop (GA)	Garrett (NJ)	McCarthy (CA)
Blackburn	Gerlach	McCarthy (NY)
Blunt	Giffords	McCauley
Boehner	Gohmert	McClintock
Bonner	Gonzalez	McCotter
Bono Mack	Goodlatte	McHenry
Boozman	Gordon (TN)	McIntyre
Boren	Granger	McKeon
Boswell	Graves	McMahon
Boustany	Grayson	McMorris
Boyd	Green, Gene	Rodgers
Brady (PA)	Griffith	McNerney
Brady (TX)	Guthrie	Meek (FL)
Bright	Gutierrez	Melancon
Broun (GA)	Hall (NY)	Mica
Brown (SC)	Halvorson	Miller (FL)
Brown, Corrine	Harper	Miller (MI)
Brown-Waite,	Hastings (WA)	Miller (NC)
Ginny	Heinrich	Miller, Gary
Buchanan	Hensarling	Mitchell
Burgess	Herger	Mollohan
Burton (IN)	Herseth Sandlin	Moore (KS)
Butterfield	Higgins	Moran (KS)
Buyer	Hill	Moran (VA)
Calvert	Himes	Murphy (CT)
Camp	Hinojosa	Murphy (NY)
Campbell	Hodes	Murphy, Patrick
Cantor	Hoekstra	Murphy, Tim
Cao	Holden	Napolitano
Capito	Hoyer	Neugebauer
Cardoza	Hunter	Nunes
Carnahan	Inglis	Nye
Carney	Inslee	Obey
Carson (IN)	Israel	Olson
Carter	Issa	Ortiz
Cassidy	Jackson (IL)	Owens
Castle	Jackson Lee	Pascarella
Castor (FL)	(TX)	Paulsen
Chandler	Jenkins	Pence
Childers	Johnson, E. B.	Perlmutter
Clay	Johnson, Sam	Peters
Clyburn	Jordan (OH)	Peterson
Coble	Kanjorski	Petri
Coffman (CO)	Kaptur	Platts
Cole	Kennedy	Poe (TX)
Conaway	Kildee	Pomeroy
Connolly (VA)	Kilpatrick (MI)	Posey
Conyers	Kilroy	Putnam
Cooper	Kind	Quigley
Costa	King (IA)	Rahall
Courtney	King (NY)	Rangel
Crenshaw	Kingston	Rehberg
Cuellar	Kirk	Reyes
Culberson	Kirkpatrick (AZ)	Rodriguez
Dahlkemper	Kissell	Roe (TN)
Davis (AL)	Klein (FL)	Rogers (AL)
Davis (CA)	Kline (MN)	Rogers (KY)
Davis (IL)	Kosmas	Rogers (MI)
Davis (KY)	Kratovil	Rohrabacher
Davis (TN)	Lamborn	Rooney
DeGette	Lance	Ros-Lehtinen
Delahunt	Langevin	Roskam
DeLauro	Larsen (WA)	Ross
Diaz-Balart, L.	Latham	Rothman (NJ)
Diaz-Balart, M.	LaTourette	Roybal-Allard

Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Scalise  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Sessions  
Scott (GA)  
Sensenbrenner  
Sestak  
Shadegg  
Shinkus  
Shuler  
Shuster  
Simpson

Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Spratt  
Stearns  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt

Tiberi  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Watson  
Weiner  
Whitfield  
Wilson (OH)  
Wittman  
Wolf  
Yarmuth  
Young (FL)

## NATIONAL URBAN CRIMES AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 227, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 227, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 68]

YEAS—411

Abercrombie	Capuano	Eshoo
Ackerman	Cardoza	Etheridge
Aderholt	Carnahan	Farr
Adler (NJ)	Carney	Fattah
Akin	Carson (IN)	Foster
Alexander	Carter	Flake
Altmire	Cassidy	Fleming
Andrews	Castle	Forbes
Arcuri	Castor (FL)	Fortenberry
Austria	Chaffetz	Fox
Baca	Chandler	Frank (MA)
Bachmann	Childers	Franks (AZ)
Bachus	Chu	Frelinghuysen
Baird	Clarke	Fudge
Baldwin	Clay	Gallely
Barrow	Cleaver	Garamendi
Bartlett	Clyburn	Garrett (NJ)
Barton (TX)	Coble	Gerlach
Bean	Coffman (CO)	Giffords
Becerra	Cohen	Gohmert
Berkley	Cole	Gonzalez
Berman	Conaway	Goodlatte
Berry	Connolly (VA)	Gordon (TN)
Biggert	Conyers	Granger
Bilbray	Cooper	Graves
Bilirakis	Costa	Grayson
Bishop (GA)	Costello	Green, Al
Bishop (UT)	Courtney	Green, Gene
Blackburn	Crenshaw	Griffith
Blumenauer	Crowley	Grijalva
Blunt	Cuellar	Guthrie
Boccheri	Culberson	Gutierrez
Boehner	Cummings	Hall (NY)
Bonner	Dahlkemper	Halvorson
Bono Mack	Davis (AL)	Hare
Boozman	Davis (CA)	Harman
Boren	Davis (IL)	Harper
Boswell	Davis (KY)	Hastings (FL)
Boustany	Davis (TN)	Hastings (WA)
Boyd	DeFazio	Heinrich
Brady (PA)	DeGette	Heller
Brady (TX)	Delahunt	Hensarling
Braley (IA)	DeLauro	Herger
Bright	Diaz-Balart, L.	Herseth Sandlin
Broun (GA)	Diaz-Balart, M.	Higgins
Brown (SC)	Dicks	Hill
Brown, Corrine	Dingell	Himes
Brown-Waite,	Doggett	Hinchoy
Ginny	Donnelly (IN)	Hinojosa
Buchanan	Doyle	Hirono
Burgess	Dreier	Hodes
Burton (IN)	Drieaus	Hoekstra
Butterfield	Duncan	Holden
Buyer	Edwards (MD)	Holt
Calvert	Edwards (TX)	Honda
Camp	Ehlers	Hoyer
Campbell	Ellison	Hunter
Cantor	Ellsworth	Inglis
Cao	Emerson	Inslee
Capito	Engel	

## NOT VOTING—20

Barrett (SC)	Gingrey (GA)	Reichert
Bishop (NY)	Hall (TX)	Stark
Boucher	Mack	Stupak
Capps	Myrick	Sullivan
Deal (GA)	Pitts	Westmoreland
Dent	Price (GA)	Wilson (SC)
Fallin	Radanovich	

□ 1926

Messrs. THOMPSON of California, MAFFEI, DEFazio, FRANK of Massachusetts, COSTELLO, PAYNE, HONDA, NEAL of Massachusetts, LARSON of Connecticut, HASTINGS of Florida, TIERNEY, BARTLETT, HELLER, BERMAN, GEORGE MILLER of California, SARBANES, CLEAVER, HARE, ENGEL, EHLERS, RYAN of Ohio and PRICE of North Carolina and Ms. SCHAKOWSKY, Ms. RICHARDSON, Ms. CLARKE and Ms. FUDGE changed their vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.



Israel	McMorris	Salazar
Issa	Rodgers	Sánchez, Linda
Jackson (IL)	McNerney	T.
Jackson Lee	Meek (FL)	Sanchez, Loretta
(TX)	Meeks (NY)	Sarbanes
Jenkins	Melancon	Scalise
Johnson (GA)	Mica	Schakowsky
Johnson (IL)	Michaud	Schauer
Johnson, E. B.	Miller (FL)	Schiff
Johnson, Sam	Miller (MI)	Schmidt
Jones	Miller (NC)	Schock
Jordan (OH)	Miller, Gary	Schrader
Kagen	Miller, George	Schwartz
Kanjorski	Minnick	Scott (GA)
Kaptur	Mitchell	Scott (VA)
Kennedy	Mollohan	Sensenbrenner
Kildee	Moore (KS)	Serrano
Kilpatrick (MI)	Moore (WI)	Sessions
Kilroy	Moran (KS)	Sestak
Kind	Moran (VA)	Shadegg
King (IA)	Murphy (CT)	Shea-Porter
King (NY)	Murphy (NY)	Sherman
Kington	Murphy, Patrick	Shimkus
Kirk	Murphy, Tim	Shuler
Kirkpatrick (AZ)	Nadler (NY)	Shuster
Kissell	Napolitano	Simpson
Klein (FL)	Neal (MA)	Sires
Kline (MN)	Neugebauer	Skelton
Kosmas	Nunes	Slaughter
Kratovil	Nye	Smith (NE)
Kucinich	Oberstar	Smith (NJ)
Lamborn	Obey	Smith (TX)
Lance	Olson	Smith (WA)
Langevin	Olver	Snyder
Larsen (WA)	Ortiz	Souder
Larson (CT)	Owens	Space
Latham	Pallone	Speier
LaTourette	Pascrell	Spratt
Latta	Pastor (AZ)	Stearns
Lee (CA)	Paul	Sutton
Lee (NY)	Paulsen	Tanner
Levin	Payne	Taylor
Lewis (CA)	Pence	Teague
Lewis (GA)	Perlmutter	Terry
Linder	Perriello	Thompson (CA)
Lipinski	Peters	Thompson (MS)
LoBiondo	Peterson	Thompson (PA)
Loeb sack	Petri	Thornberry
Lofgren, Zoe	Pingree (ME)	Tiahrt
Lowe y	Platts	Tiberi
Lucas	Poe (TX)	Tierney
Luetkemeyer	Polis (CO)	Titus
Lujan	Pomeroy	Tonko
Lummis	Posey	Towns
Lungren, Daniel	Price (NC)	Turner
E.	Putnam	Upton
Lynch	Quigley	Van Hollen
Maffei	Rahall	Velázquez
Maloney	Rangel	Visclosky
Manzullo	Rehberg	Walden
Marchant	Reyes	Walz
Markey (CO)	Richardson	Wamp
Markey (MA)	Rodriguez	Wasserman
Marshall	Roe (TN)	Schultz
Massa	Rogers (AL)	Waters
Matheson	Rogers (KY)	Watson
Matsui	Rogers (MI)	Watt
McCarthy (CA)	Rohrabacher	Waxman
McCarthy (NY)	Rooney	Weiner
McCauley	Ros-Lehtinen	Welch
McClintock	Roskam	Whitfield
McCollum	Ross	Wilson (OH)
McCotter	Rothman (NJ)	Wittman
McDermott	Roybal-Allard	Wolf
McGovern	Royce	Woolsey
McHenry	Ruppersberger	Wu
McIntyre	Rush	Yarmuth
McKeon	Ryan (OH)	Young (AK)
McMahon	Ryan (WI)	Young (FL)

## NOT VOTING—21

Barrett (SC)	Gingrey (GA)	Reichert
Bishop (NY)	Hall (TX)	Stark
Boucher	Mack	Stupak
Capps	Myrick	Sullivan
Deal (GA)	Pitts	Tsongas
Dent	Price (GA)	Westmoreland
Fallin	Radanovich	Wilson (SC)

□ 1948

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1103

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1103, a bill originally introduced by Representative WEXLER of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) "An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.", with an amendment.

The message also announced that pursuant to Executive Order No. 13531, the Chair, on behalf of the Majority Leader, announces the appointment of the following Members to the National Commission on Fiscal Responsibility and Reform:

The Senator from Illinois (Mr. DURBIN).

The Senator from Montana (Mr. BAUCUS).

The Senator from North Dakota (Mr. CONRAD).

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### HANDLING WITH KID GLOVES THE ENEMIES OF THIS NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, sometimes I just do not understand this place. We are fighting people who will cut off your head, who will blow up a building and kill 3,000 people with an airplane. They will do anything they can to destroy America. Yet, when we pass an intelligence bill, we want to do

everything we can to treat them with kid gloves. It just doesn't make any sense to me. The bill we are going to be voting on tomorrow in the manager's amendment says this:

It would define "cruel, inhuman, and degrading treatment" in intelligence interrogations, and it would provide a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

They're talking about our CIA people who are interrogating a terrorist—an al Qaeda terrorist, a Taliban terrorist or somebody who is threatening the security of the United States. I want to read that again.

It would define "cruel, inhuman, and degrading treatment" in intelligence interrogations, and it would provide a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

Now, what intelligence agent in his right mind would go that extra mile to get information from a terrorist who had information about flying a plane into a building to kill a couple of thousand people? Because, if he used anything that didn't fit within this category, he could be jailed. He could be prosecuted and could go to jail for 15 years. That's insane.

Then it goes on to say that it would also provide a criminal penalty of up to 5 years in jail for medical professionals who enable such activities.

Look, I don't believe in torture, and I don't believe in mistreating human beings, but when you're talking about the security of the United States of America, that's number one. That is number one. When we take our oath of office here, we swear to uphold and defend the Constitution against all enemies, foreign and domestic. If these terrorists are enemies of the United States, we need to do whatever we can to make sure that we get information from them to protect this country. The people who are doing that job frontline are the FBI, the CIA, the DIA, and all of our intelligence agencies. To hamstring them makes no sense to me whatsoever.

My liberal colleagues on the other side want to pat them on the head and give them Jell-O for lunch and do all the other crazy things that you should do. They're living better down at Guantanamo than the people in our prisons here in the United States—Americans. Yet we want to make sure that we treat them with kid gloves.

Right now, we have three Navy SEALs who are going to be court-martialed because they captured an al Qaeda terrorist in Fallujah, in Iraq, a terrorist who dragged four American contractors through the streets, burned their bodies, tortured them, and hung them from a bridge. In addition to that, he cut the head off of Daniel Pearl, a newsman, and he put his head on a pike.

You know, that guy, I'm sure, deserves a little extra sweet treatment, but I don't think so. Because he said he was hit in the mouth, had a bloody lip and got hit in the stomach, the three Navy SEALs who captured him are being court-martialed.

It makes no sense. This place is going nuts. We ought to be doing everything we can to defend and protect this country, and that means doing whatever is necessary, with certain limits, to extract any information we can from a terrorist. For us to put language in there like we're going to give a 15-year penalty in prison for a CIA agent who goes a little beyond by using cruel, inhuman, or degrading treatment—and, boy, I don't know how you'd define that—what CIA agent is going to want to take that risk?

I just don't understand it, Mr. Speaker. We are in a war against people who want to destroy us and our way of life. They are willing to do all kinds of things—fly planes into buildings, do everything else, cut off heads, torture people. Yet we want to make sure we treat them with kid gloves. It makes absolutely no sense, and I will not vote for that bill tomorrow or anything that looks like it.

#### HONORING THE HEROES OF THE HAITIAN DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, on Tuesday, the House unanimously passed House Resolution 1066, recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-au-Prince and surrounding cities on the 12th of January, 2010.

I have the unique honor of representing both Fort Bragg and Pope Air Force Base. Men and women from the base were critical to the Haitian relief effort, and soldiers were involved in rescue and recovery operations as well as in humanitarian relief—passing out food and water to victims of this terrible disaster.

I would like to thank all of the military and civilian personnel who responded so effectively and quickly to this disaster, serving honorably under less than ideal conditions.

The 2nd Battalion of the 82nd Airborne Division and the 18th Airborne Corps were among the first responders, with hundreds of people on the ground within days of the disaster and thousands within a week.

□ 2000

The 2nd of the 319th Airborne soon joined them. The entire United States

Army Garrison Fort Bragg came together and deployed units from the 82nd Airborne and 18th Corps in their support for our neighbors to the south.

In times of disaster, restoring and supporting the most basic requirements of life becomes a challenge. The 43rd and the 440th Maintenance Operations Squadrons and the 43rd Logistics Readiness Squadron provided the support for the fundamental requirements desperately needed by the Haitians: water, meals, and basic shelter. Of course, even the most needed supplies are useless on a tarmac. The 3rd Aerial Port Squadron, the 43rd Missions Support Squadron, the 440th Air Wing, and the 2nd Airlift Squadron got the materials where they were needed. The 145th Air Wing of the North Carolina National Guard worked with Pope Air Force personnel to make these deliveries happen. Matching the supplies and the need is no small task. The 43rd Operations Support Squadron and the 43rd Communication Squadron brought it all together under the able direction of the 43rd OG Command Post and assistance of the 43rd Security Forces.

The devastation of the nation of Haiti was tremendous. The infrastructure we take most for granted was destroyed. Roads, airports, and water infrastructure were made useless in an instant. The 43rd Civil Engineering Squadron arrived to put out fires and stayed to rebuild these fundamental needs.

The military personnel were not the only ones from North Carolina who responded to the crisis. Civilians, first responders, individual volunteers, and generous donors all helped make a difference to the people of Haiti. Communities of faith across the State moved to help all Haitians, many building upon decades of commitment to that island nation. Churches of every denomination and members of all faiths worked together in acts of charity. As the Gospel tells us to do, they fed the hungry, gave water to the thirsty, sent shelter to strangers, provided clothing to the suddenly destitute, offered comfort and medical care, and, in the saddest charity of all, some helped to bury the dead. In addition to the efforts of the churches, synagogues, mosques, and other places of prayer, the Lions, the Masons, and the Daughters of the American Revolution all pulled out the stops to reach across the ocean.

Mr. Speaker, the military support, the people of faith, and the civilian first responders are not three groups; they are all one community. These groups are interwoven threads that came together to weave a safety net of volunteers, food, comfort, and shelter for the suffering in Haiti. I am proud of their efforts as they've worked to support the needs in Haiti. I am proud to represent such an amazing tapestry of generosity and talent in the 2nd District of North Carolina. And I was proud to support this legislation.

Mr. Speaker, let me say tonight to all Americans: I thank them for their help to these people in their hour of need.

#### THE ADMINISTRATION'S ENERGY- KILLING POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the administration's new budget proposal will strangle small business. But there's one small business the new budget is targeting with both barrels: the small, independent mom-and-pop oil and gas producers.

Getting energy out of the ground is a tough business, and it's expensive. These wildcatters hire a lot of people and risk a lot of their own money to find oil and natural gas. Banks don't lend money to these people for risky propositions; so a group of investors has to come together and risk their own money to drill in an oil or gas well, and the Federal Government gives incentives for taking this risk with a tax writeoff for part of their drilling expenses, because, frankly, America needs this energy.

The removal of the tax deduction plus new taxes on all energy producers will be in the billions. But removal of tax deductions especially hurts small businesses that take the risk. Ninety percent of the wells drilled, owned, and operated in this country are independent small operators. Let me repeat. Ninety percent of the wells drilled, owned, and operated in this country are independent small operators. They're called the "wildcatters."

These independent operators go out and hire other businesses to drill oil wells. They hire geologists to help find the right place to drill for oil and natural gas. Backhoe drivers clear the drilling areas. Truck drivers haul equipment and make deliveries. The food service industry feeds the independent crews. And these taxes threaten the whole infrastructure that supports the independent oil and gas industry.

According to the Texas Alliance of Energy Producers, 88 percent of natural gas in Texas comes from small independent operators. These wildcatters represent the independent spirit of this Nation that has made us the greatest country in the world, the small businesses that are the backbone of this country.

If we stop the tax incentives, this in essence puts a new tax on these independents. It will kill off these small businesses, decrease discovery of new oil and natural gas in our Nation, and it will choke off the infrastructure that promotes and provides most of America's natural gas. Now, my question is, why would the administration intentionally put people, including many

blue collar workers, out of business and out of work?

These new taxes are punishing the little guy, and when they go after the little guys, they're going to have to stop the drilling. There will also be fewer refineries.

Natural gas is the clean burning transition fuel of the future, and you have to drill a hole in the ground to get it. Natural gas will be the bridge until we have something else to transition to. We can't switch to an all-illusionary green energy resource that doesn't yet exist overnight. But we have 100 to 150 years of proven natural gas reserves in just our own country. You have to drill for it. It's in the ground. Some of it's underwater. But it's a clean-energy fuel.

How can the administration justify subsidizing a green technology that doesn't even exist but they won't let the small oil and gas independents deduct a part of their risk drilling for natural gas?

Nearly 60 percent of our oil comes from other countries all over the world, and most of those countries don't like us. If we kill off the independent oil and gas industry in America, what are we going to do? Try to import more oil?

I probably represent more refineries than any other Member of Congress. If this legislation passes, it will cost southeast Texas billions of dollars in new taxes. It will hammer the refinery industry and put thousands out of work.

Now, why would the administration target America's energy producers? Why would we want to send more money to countries in the Middle East? Why would we want to send more money to Hugo Chavez? Wouldn't that money be better spent on American energy provided by American companies who offer jobs here in America?

So what are we going to do right now if we drastically reduce America's energy production, if we cut our ability to deliver natural gas? Are we going to just sit at home and freeze in the dark?

Most places, except in big cities, there is no public transportation. How are people supposed to get to work? Where I represent in southeast Texas, people drive to work. Their vehicle sometimes is their car—it's called a pickup truck.

The energy-killing policies are proposed by the administration this year, not 10 years from now, but it's in the next budget. It will kill off American jobs. It will kill off productivity. It will make America more vulnerable to our enemies, and it will send money, American money, overseas, and it will continue to make us dependent on foreign countries for our oil. It's not a good idea to destroy America's energy industry. The government should not tax our energy industry out of business.

And that's just the way it is.

#### INTERROGATION TACTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, earlier today we heard some pretty imaginative accusations from my Republican colleagues when they were talking about an amendment I offered to the Intelligence Authorization Act. While my amendment is being removed from the manager's amendment up in the Rules Committee, I want to take this opportunity to clear up a few things.

When President Obama took office last year, one of his first Executive orders was to extend the Army field manual's guidelines on interrogation tactics. Those guidelines prohibit interrogators in all Federal agencies from using brutal interrogations in any circumstance. That is the law today.

So to get the facts straight, brutal interrogations are illegal right now. But this Executive order doesn't completely solve the problem. The President can't include criminal penalties in Executive orders, and current U.S. law doesn't outline what constitutes a brutal interrogation.

My amendment would have expanded upon the President's Executive order to clearly define what constitutes a cruel, inhuman, or degrading interrogation so that it is unmistakable what kinds of techniques are unacceptable. It also creates criminal penalties for those who use those kinds of interrogations. And to be clear, I didn't invent this concept myself. The amendment was based on the Army field manual definition of acceptable and unacceptable interrogation tactics, which, as Senator JOHN MCCAIN has said, is effective 99.9 percent of the time. One of the most important things to remember about these kinds of interrogations is that they simply don't work.

Brutal interrogations are not an effective tool to collect information, and what's worse, they actually may produce unreliable information. As former CIA official Bob Baer has said, "What happens when you torture people is they figure out what you want to hear and they tell you that."

An endless string of studies have shown us that when people's minds or bodies are subjected to the kind of trauma these brutal interrogations entail, their brains don't function properly. For example, during training exercises, American special operative soldiers have had difficulty remembering information after they'd been put through food or sleep deprivation.

Why are the Republicans defending a tactic we know doesn't work? Interrogations like those hurt our reputation abroad. The world was horrified when

they saw what American soldiers were doing at Abu Ghraib. As former Secretary of State Colin Powell has said, "People are now starting to question whether we're following our own high standards."

Brutality like that hurts our credibility and undercuts our reputation in the global community.

I'm a veteran. I wear my Vietnam pin well and proudly. I served in the Navy. I'm passionate about protecting this country and keeping our soldiers safe. More than anything, this amendment was designed to protect them.

Several soldiers have done a far better job than I can in explaining why we need laws like this. Retired Colonel Stuart Herrington said that cruelty in interrogations "endangers our soldiers on the battlefield by encouraging reciprocity." The golden rule, if you will.

Retired admiral John Huston has said, "Getting our interrogation policies back on track will preserve our standing to fight for humane treatment of American soldiers who are captured."

I couldn't agree more. Without clear laws that define acceptable and unacceptable interrogation practices, including criminal consequences for violating those laws, we are putting more Americans at risk of being treated with the same brutality.

Just last week the two former Justice Department attorneys who crafted the legal justification for the use of brutal interrogations got off scot free. The Justice Department absolved them of their wrongdoing and only said they had "exercised poor judgment" and hadn't broken the law. They took advantage of a gap in our current law and provided legal cover for abuse during interrogations. My amendment would have ensured this kind of legal maneuvering never happens again.

As the President said when he issued his Executive order last year, "We are willing to observe core standards of conduct not just when it's easy, but also when it's hard."

□ 2015

#### 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Thank you, Mr. Speaker.

Mr. Speaker, I rise today actually in celebration of the recognition of the 100th anniversary of a great, value-laden, principle-driven organization, the Boy Scouts of America. It was 100 years ago this month that led to the formal organization of the Boy Scouts of America. And that came from an event actually that happened across the sea, in London.

A businessman from Chicago, William D. Boyce, was traveling there, and on a foggy night was lost, and was guided by the selfless act of a young man who stopped to not just offer directions, but take the businessman, lead him where he needed to be. And at the end of that journey, Mr. Boyce offered to pay the man, pay the young lad for that selfless service, that kind act. And the response was, "Sir, I am a Scout. We do good turns, and not for pay."

That led to Mr. Boyce returning and partnering with individuals in this country, and ultimately within the next year led to the forming of the Boy Scouts of America that has served this country and served the youth of this country for 100 years.

Scouting was described by its earlier founder, Lord Baden-Powell, when he founded Scouting in England, as a game with a purpose. It certainly is. That purpose is value-driven. And those values are lasting to this day 100 years later in the United States of America as citizenship, and leadership, and service, and character that builds lives.

The Boy Scouts of America today through the Cub, the Boy Scouting, the Venture program, the Scouting program serves both boys and girls. The Scout promise that is recited every week throughout this country at troop meetings includes those three parts of duty to God and duty to country, duty to self, and duty to others.

Prior to coming to this Chamber 14 months ago, I served for 30 years as a Scoutmaster. And in that time I saw that Scouting made a difference in the lives of kids, kids from all walks of life, kids that came from intact families and very challenged circumstances. I saw how Scouting made a difference in terms of putting them on the path for successful careers to become community leaders, to actually become life savers, and had Scouts that applied their skills that they had learned to save lives. And as patriots and serving their country as members of our Armed Services, as firefighters, EMTs, and as becoming loving spouses and parents themselves.

Mr. Speaker, today I rise to talk about, additionally, the oldest existing, continuously registered, non-merged Boy Scout Council in America: The Chief Cornplanter Council based in Warren County, Pennsylvania. It was founded in July 1913.

In this 100th year of the establishment of Scouting, it is a pleasure to point out to my colleagues that the Chief Cornplanter Council was the 17th council to receive a charter from the Boy Scouts of America. But the first 16 have either disbanded or merged with other councils. So it holds onto the distinction as the oldest.

Originally chartered as the Warren County Council, the group was re-

named Chief Cornplanter Council in 1954 to honor a local Seneca chief. The council office in Warren has a museum that features historical items, including a photo of five Scouts from 1914 with their badges sewn to their sleeves and their hats that remind us more of a World War I doughboy.

In 3 years, the Cornplanter Council will celebrate 100 years of continuous scouting in an area that is dedicated to Scouting and its ideals. Local Scout executive Kevin Bonner said the area serves 60 percent of all Cub Scout-age youth, while the national average is about 20 percent. At any given time they have about 1,000 youth involved in their program.

I commend this council for its longevity, its service to Scouting, and the difference that it, as well as other Scouting programs across this Nation, make in the lives of our future leaders.

#### TRIBUTE TO JAMES HADLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a dear friend of mine, and a friend of many of those who knew him, who passed away a few days ago, and whose visitation services are being held even at this moment as I speak. While I was not able to be at those services, I am able to take the floor and pay tribute to Mr. James Hadley, a businessman, a banker, community advocate, a civic and church leader, and a friend to all of those who knew him.

For most of his adult life, James Hadley spent it building financial and business enterprises in low, moderate income, and disadvantaged communities. And Jim worked with many, many programs and projects, business ventures, and financial institutions.

And while he worked with many throughout the City of Chicago, I believe that that which gave him the greatest sense of pride and accomplishment was the work that he did with the Community Bank of Lawndale, where he, Cecil Butler, Diane Glenn, Reverend Shelvin Hall, and others pioneered the development of a community-owned bank, which has changed its name and is now named the Covenant Bank, and is under the leadership of Pastor Bill Winston of the Living Word Christian Center.

James Hadley and I both grew up in Arkansas not very far from each other, I in a little town Parkdale, and he in another town, Warren. And I really didn't know him at that time. But as fate would have it, we both migrated to Chicago. And as I got to know Jim, he became a role model for me. He was seriously committed to every endeavor to which he was a part of. He was loyal to whatever he was engaged in. He was

a great family man, dedicated to his family, had a comprehensive approach to life, and was just a pleasure to know, to be around, and to work with.

As a matter of fact, I commend James Hadley for a life well lived, take note of his many contributions, and thank him for helping to make the world a better place in which to live.

As a matter of fact, he served on the board of many not-for-profits, the hospital board, Mount Sinai Hospital, was an active member of the Carter Temple CME church, worked with the Boy Scouts, worked with the male initiative in his church, and was simply known as a good man to all of those who knew him.

And so, Mr. Speaker, I extend condolences to his wife Gloria, his daughter, and all of the James Hadley family, and trust that there will be others who will come along like him, who was willing to give of himself continuously for the benefit of others.

James Hadley, he lived a good life. Well done.

#### HEALTH CARE SUMMIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Thank you, Mr. Speaker.

Well, we have had quite a day here in Washington, D.C., in your Nation's capital. The 6½ hour health care summit that was held down at the Blair House right adjacent to the White House has mercifully concluded. And as the saying goes up in Washington, everything's been said, everyone has said it, so it was time to go home. But for those who haven't had quite enough discussion about health care today, maybe we can spend just a little while longer talking about some of the things that we heard today and some of the things that we maybe perhaps didn't hear today.

One of the things that I do want to stress, we heard several times in the past several weeks that the Republicans don't have ideas. In fact, that was one of the admonitions of the President on starting this summit was that the Republicans didn't have ideas, and he wanted to in fact show the country that the Republicans were devoid of ideas. But nothing could be further from the truth. If anything, we saw today abundant Republican ideas. Some may say there are too many Republican ideas, too many to fit in one room.

I wanted to spend a few minutes tonight talking about some of those ideas on our side. I have a Web site, Mr. Speaker, that is devoted entirely to health care policy. It is from the Congressional Health Care Caucus. The

Web address is [www.healthcaucus.org](http://www.healthcaucus.org). And under the Health Caucus Web site, under the Issues tab, I think it is the second heading, is a Prescription for Health Care Reform. Anyone is free to go to that site and click on the Prescription for Health Care Reform, follow the links, and they will be taken to a one-page description of nine different bullet points on health care reform.

In fact, there is even a little segment to record comments if someone would like to leave their ideas or their thoughts on the paper. Or if someone thinks of other things that might in fact be included, we welcome those comments on the Web site.

I am just going to briefly go through this list, and then I have got some other observations that I want to make on the summit that occurred today. And we will be joined from time to time by other Members of Congress, and I want to give them an opportunity to speak. But under the Prescription for Health Care Reform, certainly everything I heard this summer was, we don't want a 1,000-page bill. People really didn't want a 2,000-page bill after we came back and revamped it after the summertime. But what did people want Congress to do on health care?

There are people who have legitimate concerns that the system is not functioning in an optimum fashion. We do have great health care here in America, but there are distributional issues. The employer-sponsored insurance system does work well for the 60 to 70 percent of the population that is therein covered, but in fact there are problems for people who are outside the employer-sponsored insurance system, and there are certainly problems that all of us face with the advancing cost and complexity of health care.

So just running down the list, insurance reform that would include limitations on insurance companies excluding people for preexisting conditions, and guaranteeing access to insurance. Now, one of the fundamental differences on the Republican and Democratic approach to this is that the Democrats want to have, and the President wants to have, a mandate. That is, you are required to buy a product, an insurance product.

It is interesting because during the campaign in 2008, President Obama, when he was a presidential candidate, actually moved away from mandates. Candidate Hillary Clinton during her candidacy was in favor of mandates. Barack Obama was less enthusiastic about mandates. He did feel that there should be a mandate for children. We don't hear much discussion about that anymore. In fact, I don't think I heard that during the 6½ hours of debate today.

□ 2030

But mandates really have no place in a free society. There's some argument

as to whether or not it would even be constitutional for the Federal Government to require someone to purchase an insurance product that they might not want. So there are legislative products out there. And this is the point I want to make. When people say, oh, we can't start all over, this would be too taxing. There are a couple of bills out there that I would encourage, Mr. Speaker, people to look at. H.R. 4019, a bill introduced by NATHAN DEAL of Georgia; H.R. 4020, a bill introduced by myself. Those two bills, taken in conjunction, would go a long way towards eliminating the problems with pre-existing conditions.

Another bill to address the tax fairness or the tax inequity that exist in the health insurance market today introduced by JOHN SHADEGG, H.R. 3218, the Improving Health Care for All Americans Act, that would allow the same benefits, no matter where you get your insurance, whether it's through employer-sponsored insurance or in the individual market, the same benefits should accrue to an individual as accrue to a business.

Medical liability reform. Texas and California have taken big strides in medical liability reform. So why do I care? If Texas has fixed their problem with medical liability, why would I care about that? Well, I care because the cost of defensive medicine is significant. And since the Federal Government is the purchaser of about 50 percent of all the health care in this country, the costs of defensive medicine that drive up the price of Medicare and Medicaid, those costs need to be brought back under control, and medical liability reform is a way to do that.

Portability. Allowing patients to shop for health insurance across State lines, again, a bill introduced by Mr. SHADEGG is H.R. 3217, the Health Choice Act.

To back up for just a moment to medical liability reform, H.R. 1468, the Medical Justice Act.

We're about to bump up against an important deadline on Sunday night, and that is the expiration of the prevention of a reduction in payment to doctors who take care of Medicare patients. We go through this time and time again. It is time for Congress to fix the physician payment reform, and H.R. 3693 would do just that.

Do we need to be worried about if there are going to be doctors there to see us when we get sick in the future? I think that is a concern, and I think that is something where Congress might play a role. Doctors to care for America's patients, the Physician Work Force Enhancement Act, H.R. 914. People ought to be able to know what the cost is when they go to the doctor or the hospital.

How about a bill for ensuring price transparency? H.R. 2249, the Health

Care Price Transparency Promotion Act. Prevention and wellness programs, we all agree, during the hearings this summer, the individuals that come in who worked at Safeway and talked about how health promotion and wellness was saving them money, firms like Allegiant in Omaha, Nebraska, brought in great stories about how they had involved their employees in living healthier lifestyles and reaped the benefits from lowered insurance costs.

An odd thing about the way we do things at the Federal Government, we're actually going to have to change the HIPAA laws, the privacy laws, a little bit in order to have this type of legislation be passed. But that's certainly within the purview of Congress and within the ability of Congress to do that.

But prevention and wellness programs, although I do not have the bill number attached to this, we had several amendments in committee and in the Rules Committee leading up to the passage of the Democrats' bill this fall that dealt with prevention and wellness. The legislative language is written. It is not in bill form right now because it would require a simultaneous modification of the HIPAA laws in order to allow that to happen.

And finally, I mentioned before, mandates. No place in a free society. And this is one of the fundamental differences between the President and myself. He wants to force everyone to buy an insurance policy. He said that's the only way to bring costs down. I would submit that if the insurance companies know you have to buy their product, their prices are not likely to go down. In fact, if you're required to buy their product under the penalty of law, with the IRS as the enforcer, it is very likely that the cost will go up because no one wants to run afoul of the Internal Revenue Service.

And then we make insurance companies lazy. Why bother to compete with a better product? Why try to create a program that people actually want? You've got to buy it anyway. The government's going to force you, you're going to buy my product, I don't even have to make it something that you want, and I can charge you more for it. Mandates make insurance companies lazy.

We actually have a model for what works in this endeavor, and that is when the Medicare part D program rolled out, then Administrator of the Center for Medicare and Medicaid Services, Dr. Mark McClellan, required, out of six classes of pharmaceuticals, there were six protected classes of drugs. Within each class, an insurance company had to offer two choices, and using that as the parameter, the companies did produce the plans that people wanted. The product, part D, has been very popular. Ninety-two percent

of seniors now have credible drug coverage under Medicare because of the flexibility and the desirability of these programs. The cost came in way under budget, and 92 to 94 percent of seniors are satisfied or very satisfied with their prescription drug coverage, so a program that indeed worked. And the whole emphasis was to make this look more like insurance and less like an entitlement.

Creating products people want is a better way to go about getting meaningful change in the insurance market than giving the insurance companies a license to steal, which is what a mandate would be, in my opinion.

I have some other observations on the day's activities, but I wanted to yield such time as he may consume to my good friend from Pennsylvania, Mr. G.T. THOMPSON, who in a former life was a health care administrator. I know it's odd that a doctor and a health care administrator would get along, but the two of us do get along very well.

G.T., I will yield to you such time as you may consume.

Mr. THOMPSON of Pennsylvania. Thank you, Dr. BURGESS. I really appreciate what my good friend from Texas is doing in terms of his leadership with the Congressional Health Care Caucus. It's refreshing in this Chamber to deal with folks who have the facts and have the experience to make informed decisions when it comes to such important topics like health care. I think of all the issues that come before this Chamber, there are probably few things as intimate to our individual lives as health care. And to observe this process over this past 14 months, where bills are written as I look at these bills, 1,000, 2,000, 3,000 pages, which has been special agendas for, you know, just misled government-run health care, it's apparent to me that those who are writing those bills have very little experience, if any experience in health care. And so it's been a real privilege to be able to work with you and under your leadership to really look at the solutions that we need to have.

Now, as I travel around, and I did, my background was 28 years nonprofit community health care where I, in the hospitals, the health systems I come out of, we work very hard to be partners with our physicians.

And so what am I hearing? As I travel in my congressional district and I listen to folks throughout the country, I haven't met anyone that says, just don't do anything. The commitment is that, as I talk with folks, that they feel that they like the health system we have. Can we improve it? I think there's an acknowledgment that we can do that. And I've certainly spent my professional career serving my patients first as a therapist and a rehabilitation services manager and ultimately

as a nursing home administrator. And looking at four dimensions of health care that we should always continue to strive to improve. Number one is cutting cost. And that's just not cost for a certain segment or a certain group, but cutting cost of health care for all Americans, which we're committed to that with the solutions you've talked about. It's about improving access, increasing access and improving quality and strengthening that decisionmaking relationship between the patient and the physician, not allowing government or a bureaucrat to be that wedge in between.

As I talk with people about health care, and I've been doing that since I came to Congress, that's what they're asking for. The people I talk to, they like the solutions. They like the bills that we've introduced as far back as last July that dealt with medical malpractice reform, tort reform that drives the cost of the health care up for all Americans through both the premiums for medical liability insurance that has to get absorbed into the cost of doing business, those premium costs get passed along as a part of the fees, and not just the premium fees, but then there's the cost of defensive medicine that occurs, with extra tests that are ordered, not so much maybe to serve our needs and whatever particular illness or disability we come to the doctor for, but to provide a record that shows that the physician has exhausted every possibility.

It's things like many of the solutions you talked about, allowing to purchase across State lines. It fascinates me that you can go to the Internet and you can go on a Web site, some of them got little critters like lizards on them, and you can purchase car insurance and get the best value, the best product for the best cost. You make that decision as an individual. And yet we are barred from purchasing health insurance across State lines.

In States like Pennsylvania, especially rural Pennsylvania where I'm from, if you have choices, you have just a couple of choices. Maybe if you're lucky, you have three choices to pick from. And a lot of people say, well, I want the insurance that you have as a Member of Congress. Well, I'm quick to tell people, I worked nonprofit community health care for hospitals for 30 years. I'm paying more today as a Member of Congress than what I ever paid for health care. But what I would like every American to have, certainly every constituent in my district that I have today are just lots of choices. And we do that by allowing purchasing across State lines, more competition. That's a good thing. Competition brings the cost down and raises quality. I don't care what you're purchasing, that's a principle that lasts.

Certainly, a formation of association health plans, and preexisting condi-

tions, as you've talked about. I mean, those are all just a few of the different parts of the proposals that Republican Members have introduced and are pending bills that are right here that the Speaker could elevate to the floor at any moment so that we could actually take an up-or-down vote on these. I think the American people would vote yes. I see a thumbs-up from the American people as we talk about these different proposals.

Preexisting conditions, that's a tough issue, but we're addressing that within the proposals we have. Just because you're born with a preexisting condition or you happen to have the misfortune to develop a disease such as breast cancer or prostate cancer in the course of your life doesn't mean that you shouldn't be able to afford to be able to purchase affordable health insurance. We address that in the solutions that we put forward. I'm so very proud of all of the representatives from the Republican Caucus who were at the Blair House today. I thought they did an outstanding job of representing the American people and ideas that the American people are looking for.

You mentioned about workforce issues, and to me that was something that I came to Congress just looking as a crisis. Starting with rural America and underserved urban areas first, the baby boomer generation, my generation, we're beginning to retire in tremendous numbers. And in those areas where our physicians, our nurses, therapists, technicians are retiring, this payment system will get changed if we don't proactively address those workforce issues. If you don't have a physician in your community to provide services, you do not have access to quality care. And so because we've been misled with these 1,000, 2,000, 3,000 pages, all the attention's been drained in the wrong direction, we're missing the bigger issues that, frankly, we've been talking about. We've got bills that address some of the workforce issues, and so it's time to get beyond the misinformation and the misdirection that my Democratic colleagues have been putting together in these 1,000, 2,000-page bills, and get to the business of really addressing the real health care issues.

Mr. BURGESS. I thank the gentleman for his work on these issues. I thank him for always being willing to be involved in these. These are tough problems. These are complex problems.

You know, the activity today, I referred to it earlier today on a radio show as the Blair House project, not to be confused with the Blair Witch project. There were times when it did seem to be that there probably were some spells being cast.

The other thing that really had to strike you in watching the discussion today is that there are fundamental

differences as to the role in government, fundamental differences as to the involvement in government.

□ 2045

You know you can't help but be struck. Here we've worked on this concept now for 13 months. The President was sworn in the 20th of January of last year. Here we are at the end of February, and still no bill is across the finish line. Boy, I thought it would have happened much, much more quickly. In fact, had the energy that was put into the stimulus bill been put into a health care bill, in all likelihood they could have passed whatever they wanted in February of last year. Instead, they chose to work on the stimulus first and then cap-and-trade and then gradually, gradually, gradually, their capital bled away to where they did not have the votes necessary on their side to pass one of these bills.

And this is the fundamental problem that is happening with the President's plans and the Democrats' bills in the House and the Senate right now is they do not enjoy popular support. Pick your number: 56, 58, 75 percent of the American people who do not support this 2,000-page monstrosity that literally required bribes to bring Senators down to the well to pass this bill Christmas Eve. The American people saw that and they rejected it.

They might trust us—I am not sure that they will—but they might trust us to work on some of these individual concepts one at a time. But at the very end of the summit today, the President decried incrementalism and said we have to be bold and we have to move forward with a large bill.

Why? Why do we have to do that? The programs to deal with preexisting conditions would involve risk pools to be sure. Reinsurance options for States, yes, it's going to require some Federal subsidy. The Congressional Budget Office has estimated \$25 billion over 10 years. They may be a little bit light on that, but still we're nowhere near a number like a trillion dollars, which is scaring Americans to death.

We could provide some help in that market. The States could provide some help in that market. We could ask our partners in the insurance industry to voluntarily or by law cap their premiums at some level so that the person who was in this market did not find the costs so daunting that they simply gave up and did not get insurance.

Now, all of these great programs that the President and the Speaker talk about that they're going to give to the American people at no charge, none of these programs start for at least 4 years.

Now look, here we are 13 months into a new administration and the administrator at the Center for Medicare and Medicaid Services is not there. He hasn't even been appointed, much less

confirmed by the Senate. That is the individual who is going to be responsible for taking this 2,700 pages of legislation that we give them and turning the legislation into rules and the Federal rulemaking process. That is going to be an enormously difficult task. It is going to take 4 years to work through all of that and impugn all of the legislative intent and make those Federal rules and leave the rulemaking period open long enough so that people can comment on it. That is an enormous task. It's not going to happen overnight.

So the people that come to us and say, My premium's going up too much, I want you to take it over, they're not getting anything for at least 4 years.

Now, in the meantime, what if we took an approach—and, in fact, it was an approach that was talked about by Senator MCCAIN in the fall campaign of 2008. What if we took the approach of we're going to take existing risk pools of the States—34 States have already created. We're going to emulate the best practices of the best States. We're going to allow for some reinsurance options if companies are willing to take on higher-risk individuals so that no individual insurance company is tasked with too much in the way of financial loss, and we're going to cover this group of individuals.

I heard it over and over and over and over again this summer at town halls. Stop what you're doing. We don't want you to destroy the system that is working well for 65 or 75 percent of the country. We want you to concentrate on those individuals who, through no fault of their own, have suffered a tough medical diagnosis, have lost their job and employer-sponsored insurance, couldn't keep up with the COBRA payments and now find themselves having fallen into that dreaded category of uninsured with a pre-existing condition.

While we're at it, we might look at the COBRA system. COBRA was placed as a protection to help people who had employer-sponsored insurance but they lose their job. So employer-sponsored insurance means the employer generally pays about two-thirds of the premium; the employee pays about one-third of the premium. When you lose your job, you can't continue that insurance. But in all likelihood, your employer is not going to pay their two-thirds any longer because you're no longer their employee. But for 18 months, you can pick up the whole premium and pay that with a small administrative charge—I think it's 102 percent of the premium—and you can continue your insurance for 18 months and not fall into the category of uninsured. And if you have a preexisting condition, you continue to be covered at that cost.

But that's a tall order for someone who just lost their job to continue to

carry that degree of premium. What if we allowed people—instead of you had to keep that same insurance your employer provided you, what if we allowed them into a lower-cost, high-deductible plan for those 18 months and still preserved their insurability during that time, so that when they found employment, they would not fall into that same category again. Or they might even decide to continue that high-deductible policy with a lower premium and continue to have the protection of health insurance without falling into a preexisting category.

But we never really worked on those issues. We just decided we were going to do this big bill, and it was going to have mandates, and it was going to have a public option, and this is the way it was going to be. But to tell you the truth, for 4 years there is no help. There is taxes. For 4 years there is the immediate Medicare cuts, but the benefits don't start until year 4 or 5 or possibly even 6. We don't even know how long it's going to take to set up those programs. And again, we don't even have the administrator at the Center for Medicare and Medicaid Services. The President needs to nominate one. The Senate will then have to confirm them. We may still be months away from filling that very important bureaucratic job over at the Department of Health and Human Services.

I'll yield back to my friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Some of the observations of just watching the summit, as I guess it was called—I have a question for you. I will come back to you for that.

Some observations of the proceedings that I watched today when I had an opportunity to tune in in my office—I wasn't on the invitation list to be there. It was pretty limited invitations. But I heard—and I don't know which leader it was, whether it was the President or the Speaker or whom, made comments there were absolutely no Medicare cuts that are involved in this. And yet the fact is the Congressional Budget Office Director, Doug Elmendorf, back on December 19, just a month ago or 2 months ago, noted that there were Medicare cuts, and those Medicare cuts built into this impact all areas of health care from hospitals to skilled nursing to home health to hospice. Hospice, which is a wonderful service for people who are in the final stage of dying, where they have the support of compassionate health care professionals surrounded by family to be able to die with dignity, and yet that is an area, one of many areas of Medicare cuts that are slated for under these proposals.

In my responsibilities across many different settings of health care, I have to say that there is a lot of reasons why commercial health insurance is expensive. Tort reform I would put right on top of the list.



But maybe even higher on the list, I would say, is the Federal Government. The Federal Government pays—underfunds and has systematically underfunded the costs of health care—the physician, the hospital for Medicare payment. For every dollar of cost of providing care, the Federal Government pays 80 to 90 cents. For medical assistance, it's maybe, if you're lucky, 40 to 60 cents. It depends on the State. The commercial health insurance pays, on the average across the Nation, 135 percent of costs. And the primary reason for that is the hospitals' physicians have to negotiate at that rate. If they don't, they can't make up for what the government does not pay.

So what are some of the other costs that I heard today that really intrigued me?

I heard the Democratic leadership claim that it was going to bend the cost curve, meaning it's going to bring the cost down for everyone. Yet, what we saw was the administration's actuarial—the professionals that work for the White House, that look at those numbers and do those cost projections—have found the Senate bill, in fact, will not decrease health care costs. The Center for Medicare and Medicaid Services, who you just talked about, the Medicare professionals, their finding was that those were going to increase expenditures by \$222 billion, with a "b," billion; not hold costs, not cut costs, but will expand the costs of health care.

And the President today was very up front in his comments where he said that, yes, this proposal will increase premiums for the average American and American family by 10 to 13 percent. Well, I thought the number one thing we were looking at here is decreasing the cost of health care, making it more affordable. How do you truly get access to greater health care? Well, you bring the costs down so people can afford it.

So I was curious to get my good friend's opinion. This morning when I woke up and I knew this was going to occur, it struck me as I was walking to the Capitol, was this going to be a health care summit today or a health care plummet? And to me, the indicator was whether the President showed up with either a white board, a large white board that was blank that we could start over and do what the American people want, and that would be what today's events would be—it really would be problem solving, because that is what Americans are looking for, problem solvers—or would he show up with a rather large hammer and really try to hammer through, push through Big Government, bad ideas that the American people, in a large majority, have rejected.

So I yield back to my good friend just to get your impressions of do you think it was a health care summit today or a health care plummet.

Mr. BURGESS. I was criticized on a news show earlier today referring to this exercise as a 6-hour photo op. Probably I would fall into the category as a "plummet."

Isn't it interesting that, yes, premiums for the average family may increase for 10 to 12 percent, but that's okay. Instead of an apple, you get an orange, so you're coming out better in the deal.

Now, yesterday, in our Committee on Oversight and Investigations, we hauled in Anthem Insurance Company in California. And Anthem, to their great discredit, chose right now as a time to increase their premiums, and they have become the whipping boy and the poster child. And I will concede, I think they raised their premiums too fast. They were tone deaf. Their highest premium increase was 39 percent. Their average was 25 percent. Twenty-five percent. Okay, that seems high, but the President's already said 12 percent. Yeah, that's okay because you get an orange instead of an apple, so after all, you're good in that transaction.

So I guess if Anthem wanted to raise their rates, they probably should have stayed at that 12 percent rate. They would have been right in line with the President of the United States. They could have raised their rates and all been happy about the transaction. Instead, they overshot. They hit an average rate of 25 percent and, as a consequence, found themselves sworn in under oath in our committee having to absorb the ordeal that we put people through when they come before our committee.

Mr. THOMPSON of Pennsylvania. I have to wonder with that because I see premiums like announcements, and they are going up. And this is why we're committed to doing the right type of smart government solutions to bring the costs of health care down, the premiums down. Giving a license to 12 to 13 percent additional increases, that's unacceptable to me for the American people.

I have to wonder how much of what's going on in Washington and these health insurance companies as America is watching the debate here, that—you know, giving this approach that the Democratic leadership, my good friends and colleagues on the other side of the aisle are taking, how much is that driving up premiums right now because they don't know what's coming. They don't know the premiums. There is a lot of uncertainty.

I mean we, not too long ago, passed a credit card bill under similar circumstances. It was going to provide all kinds of limitations and impose new conditions on really what has been kind of a free market type of process, and what I have seen, actually, as a result one of the unintended consequences, is some of those interest

rates—before the new regulations kicked in, some of those interest rates went way up as an unintended consequence of government overreaching, government-run approach.

□ 2100

I have to wonder if what we are seeing with some of these more recent—like the situation you just talked about, may be an unintended consequence of just the wrong-minded direction that our Democratic colleagues are taking this health care debate in, as a reaction by the health insurance industry.

Mr. BURGESS. It's interesting, perhaps the one thing that would provide the right impetus in the competition to hold down those costs we are not going to do, and that's the ability to buy across State lines.

In the individual market, buying a policy for a family of four in New Jersey is \$10,000 a year. Your State of Pennsylvania, \$6,000 a year, my State of Texas, \$5,000 a year. As long as people know what they are purchasing, I don't see why it is reasonable to restrict someone from having a policy that may be more affordable.

My insurance premiums have decreased by about 50 percent over the last 2 years. Not because I am a Member of Congress and I get a special deal, but I said, you know what, I can no longer afford this high option PPO insurance that is available to us in Congress, so I have elected to go into what's called a high deductible health plan with a health savings account. I actually had one several years ago when I was in private practice. I liked it.

I liked the fact that I was the one who got to choose which doctors and facilities I got to use. I didn't have to call 1-800-California to get an X-ray preapproved. I wrote the check and I controlled the money, and I made the decision about who I saw and when. So I have gone back to that type of policy, and I will tell you I am very satisfied.

We have improved from the old medical savings account in 1986 to the Health Savings Account improvements that started in 2003 and continue to this day. Preventive care is now included as part of the benefit in a high deductible health plan because the insurance company has an interest in making sure if you have a problem that it is diagnosed early, while it is less expensive to treat, and I think ultimately that's a good thing.

I have chosen a plan that does not have prescription drug coverage because after we passed the prescription drug benefit in Medicare in 2003, one of the unintended consequences was we changed the market so that now many generic medicines are available at Wal-Mart for \$4 a month. I try to find those bargains for those medicines if I should need one. I try to find those bargains

at Wal-Mart or go to an over-the-counter variety, which is much cheaper than the name brand that is bought at the pharmacy, and you can actually achieve significant savings.

I am motivated to do that because it's my money that I am spending for those compounds. Yes, I could have paid more for PPO insurance and then, yes, I could have had a nice mail order, even gone down to my pharmacy and gotten brand names, but I have found that, hey Prevacid is over the counter now. It costs a fraction of what it used to cost a few years ago. Even before that, Prilosec was a similar medicine, not quite the same thing, but that was available in a generic form over the counter at that time at a fraction of the cost of the 30-pill bottle of Prevacid that I was taking before.

So it makes the consumer more informed and motivated. Here is how you hold down health care costs: Let me be the decisionmaker about that. Don't tell me from a comparative effectiveness board that, hey, this medicine is just as good as this medicine, and so this is all you get because this is what we are buying for you this month.

Let me have some of that money back to spend myself, the premium that I pay every month, a portion of that goes into the medical savings account. Every year that it accrues and grows larger it's tax deferred until—if I don't spend it on health expenses I would obviously have to pay taxes on it when I took it out. As long as I spend it for legitimate medical purposes, hey, that's pretax dollars. That's probably the best deal you could do in the individual market. So these are changes that we actually ought to encourage.

I was stunned today to hear the Democrats admit, you know, we agree on a lot of this stuff that we have got here on these sheets, but, well, we don't do the health savings account thing. My goodness, that is the one way to really start to bring—you talk about bending the cost curve, that's one way. Get a motivated patient, educate them about some of the options that they have, and, oftentimes, not oftentimes, almost always they will make the right decision. I cannot tell you how many times in my medical practice if I recommend a test, a CT or MRI scan, a CAT scan or an MRI scan, and the next question from the patient back to me was not, Doctor, is it really necessary, or, Doctor, is this safe to do this, the next question was, well, does insurance cover it? If it did, there were no more questions. Go ahead and have the test.

I, on the other hand, with the type of policy that I have, yes, I may have hurt my knee or shoulder bad enough to go get a CAT scan, or I may make the decision that, Doctor, with a little ice and tincture of time would this not perhaps resolve on its own? Yes, it could, and if it doesn't get better in a

week we could still do the CAT scan and we won't have delayed beyond the therapeutic interval, so it is okay to do that.

I am happy to take that advice and not have the test. If I don't feel better in a week or 10 days or whatever the prescribed time limit is, fine. Go get the test, and I will still be able to write the check and have that done. Here is how you bend the cost curve down. You get the patient involved, put the power back in the hands of the patient. Let the patient and the doctor make those decisions.

Don't make them buy the insurance at 1-800-California, but don't make them buy across the street at Health and Human Services. Let the patient and the doctor make those decisions. Every doctor has had the unpleasant experience of having called a preapproval number and have their patient denied a test or a procedure or a surgery, and then you have got to go to bat for them and prove all of these things. It is an enormous nuisance, and I hated it every time it happened.

On the other hand, in the Medicare and Medicaid system, they go ahead and cover that, but maybe 3 or months from now, maybe a year from now, they call you back and say, you know, we don't think that hospitalization was actually necessary, and we are going to deduct what we pay to you from the next round of payments that we give you for your next round of Medicare and Medicaid payments.

That is beyond frustrating because at that point you may not have at your immediate disposal the documentation that you at least would have had with a preapproval process. Neither is a good occurrence in a doctor's office. We need to come to some sort of consensus. But, as much as I hated the preapproval process, I see now, dealing with these large, large Medicare and Medicaid outlays, why it is necessary sometimes to assess medical necessity and why it is necessary sometimes to seek that preapproval, perhaps in our Medicare system.

If we really were serious about bending the cost curve, instead of just cutting doctors' payments—and that's what we do, we say, well, we will pay 20 percent less this year than we did last year—what's the practical effect of that? Well, the doctors' costs are fixed. He is not paying less for electricity to light his office this year than he was last year. His office help certainly didn't come in this year and say, hey, you know what, we can all take a pay cut because we love working for you.

That doesn't happen. His costs go up every year. The reimbursement rate goes down because Congress says, hey, we are spending too much money. What is the practical effect of that? The practical effect of that is, you know, I was able to pay my bills and take something home last year seeing 18 pa-

tients a day. But you know what, this year I have got to see 25 patients a day. And maybe if I can squeeze an extra procedure or two out, maybe I should do that because I have got to make up that difference somewhere.

So we have gone about this the wrong way. We are ratcheting down costs at the provider, and yet the doctor, he or she is the one who picks up the pen and writes the prescription, orders the hospitalization. The most expensive item in the doctor's office is their ballpoint pen most of the times because the doctor is the one making the decisions about that medical care.

Wouldn't a different way to look at this might be to say, Doctor, we are not going to cut your pay this year. We are, in fact, going to pay you a little bit more. We hope you will see fewer patients and maybe take a little bit more care and a little bit more preventive medicine and education with those patients along the way. It would be a phenomenal thing to look at but we never tried. We just cut the doctor's pay and said, whew, we got through it this year, the doctors are all mad but maybe they won't remember come November, and we will cut them again at the end of the year.

We are probably going to bump up against the clock. I do want to make this point from what we talked about the cost of insurance at the hearing we had yesterday.

It is important to understand, I think, that Speaker PELOSI, HARRY REID, President Obama, their health proposals would not make health insurance significantly cheaper for America's families. Under the bill passed by the House in November, H.R. 3962, a family of three making just under \$55,000 a year and buying now a plan in this new exchange that's going to be set up and created by the bill, they would have to personally contribute after a tax credit about \$5,500 a year in premiums. Additionally, this family would also pay \$4,000 of out-of-pocket costs exclusive of the premium—copays and drugs that weren't covered—so this family would pay about \$9,500 for a family of three that earns \$55,000 a year in the Health Insurance Exchange.

I think it's important for people to understand that when we pass these bills and it's all settled and done, it doesn't mean free insurance. It doesn't mean free health care. It means, yes, you have got a government option here for buying insurance, but it's still going to cost something. It is still going to be an expensive item in that family's budget every year, and we are misleading people by telling them that, hey, we need to pass this bill because too many people don't have health care.

True enough, the person who has no income and no job will now have access to Medicaid, which they may not have had before, but the average person

earning a reasonable salary is still going to find that the cost, the expense they paid for health insurance, is going to be significant. Here is the rub: If we pass this bill, this won't be an optional expense in their budget. They will be required to buy this, and the enforcer is going to be the Internal Revenue Service.

Now, Mr. THOMPSON, you brought up the online purchase of insurance for automobiles that has the cute little lizards and cave men on the logos. People will sometimes bring up to me, well, why, why not have a mandate. After all, there is a mandate to buy car insurance in your State, so, what would be the matter with having a health insurance mandate?

Here is the key. In my State, this is a State decision that in the State of Texas, people have to carry insurance if they are going to exercise the privilege of driving on the roads of the State of Texas. Health insurance is a different animal, and for the Federal Government to require, not a State government, but the Federal Government to require the purchase of health insurance is taking us in the direction of loss of liberty that none of us have really ever encountered before. It is a new concept.

So if a State wishes to exercise a mandate, which they have done in Massachusetts, then that's a State decision and that decision will either be supported or rejected by the voters in that State, but for the Federal Government to create for the first time a mandate, a requirement that a person purchase a product just for the privilege of living in this country, again, we are going down the road of loss of freedom that, again, I don't think people really want to go there.

Now, you will also hear, and it's so strange to hear the comparison of we have got to have a mandate as you do with automobile insurance, and you know what, you can buy that consumable insurance online. What if, instead of, if we had our thinking right, we would let the health insurance be available online, let the plan finders be available online and, if people think it's necessary to have a mandate, let that be a State decision. Let that be a State decision if the exchange is—right now you have, and I don't know the precise number, 30 or 34 States whose attorney generals are drawing up legislation to prevent their States from or prevent their citizens and their States from being required to follow an illegal Federal mandate.

Mr. THOMPSON of Pennsylvania. Pennsylvania being one of those, absolutely.

Mr. BURGESS. It just shows you the type of tension that we are going to set up between the State and Federal Governments if we were to pick up and pass either the House or the Senate bill and send it down to the President for his signature.

Mr. THOMPSON of Pennsylvania. Well, you have touched on so many very important issues during that time, during the course of this hour. I certainly want to come back to—you know, when I started in health care, I mean, the patients were not a part of the treatment team, they were, you know, everyone kind of focused their energies on the patient, the individual, the consumer, but they weren't included in health care decisions. So much has changed in at least three decades.

Today, I don't know of any health care professionals that don't consider the patient themselves a very important part of the treatment team, and it's so important that individuals take that, exercise that self-responsibility to be informed and to make decisions and to take control of their health care, extremely important.

You also talked about, you were talking about the stress on physicians, and it's significant. In Pennsylvania, the average age of physicians in Pennsylvania is 50. Many that I talk with, they look at the challenges of practicing medicine today. In Pennsylvania, we have terrible medical malpractice costs. We export our physicians. We train a lot of them, but we export them to States like Texas. You know, we don't keep them. And many of the physicians I talk with that are 50 and older, they look at what they have accumulated in their lives, and they look at how much they are spending each year, whether it's medical malpractice, these additional costs or regulations that are coming, the extra costs they had to put into practice to comply with Federal mandates like the HIPAA law from the 1990s.

□ 2115

And they are saying, you know what? Why don't I retire now while I can at least retain a little bit of what I've earned so I can have some type of future enjoyable retirement? That would contribute so much to our access issue in States like Pennsylvania where citizens are not going to have access to quality care. I see that as a significant unintended consequence as a part of what my friends across the aisle are proposing and pushing at us.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-421) on the resolution (H. Res. 1113) providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Manage-

ment Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### HEALTH CARE SUMMIT—Continued

The SPEAKER pro tempore. The gentleman from Texas may resume.

Mr. BURGESS. Reclaiming my time, let me just run through a little bit.

We heard right at the end of the 6-hour discussion down at Blair House today, the President and I believe the Speaker of the House said that the time for incrementalism has passed. I felt like I had stepped back in time. I heard that very same argument in 1993 and 1994 when the then-Clinton health care plan was before the House of Representatives.

I never will forget the day that Mike Synar, a Representative from Oklahoma, a Member of this House of Representatives, was down in Dallas. He was talking to a group of us who were American Medical Association members, and he was going to talk to us about this bill. Many people had questions at the time—believe it or not, I was so shy I was scared to say anything—but toward the end, someone asked Mr. Synar, wouldn't it be better to tackle some of these problems on an individual basis and not try to do all of this all at once because it did appear to be frightening people. And Mr. Synar made a very emphatic statement that the time for incrementalism is over, we must have this bill and we must have it this year. Sounds familiar. That was over 15 years ago.

Of course they didn't get the bill passed, life went on, the health care system in this country improved. We developed the State Children's Health Insurance Program under a Republican Congress with a Democratic President. We established medical savings accounts. We then, several years later, improved them with health savings accounts. We provided a prescription drug benefit in Medicare. For better or for worse, we passed the HIPAA law in 1996. But there was a lot of work that went on in health care.

Health care is an evolutionary process. Medicine is an evolutionary process because the knowledge base changes. The science changes over time. It is not a static event like law, or physics perhaps. But medicine is constantly evolving. In fact, many times we say that's why we refer to it as both an art and a science.

Well, what do the people think about doing this all at once or perhaps taking off some smaller pieces that might be actually doable? Americans agree with Republicans and want a fresh start on health care reform. A CNN poll—now, CNN is not always friendly to conservative principles—in a CNN poll, 73 percent of Americans say lawmakers

should work on an entirely new bill or stop working on health care altogether. This was from February 24, 2010. Another poll, 79 percent of independents want Congress to start work on a new bill or stop all work, again from the same time frame.

So maybe it is reasonable that we start over with these small, incremental changes and solve some of the problems that bedevil Americans right now, but not turn the entire system on its head in order to help that smaller percentage that is having difficulty right now.

Starting over does not mean that we have no bill to pass. It doesn't mean that we start into another year-long debate. As I began this hour, I outlined to you, Mr. Speaker, several bills that are already out there, already written, could be called up, could go to committee, could be worked on, marked up, amended, and come to this House to be voted on up or down. We could pass a bill on preexisting conditions before we go home for the Easter recess. It would really be that simple. Instead, what we may get is the Senate bill being passed by the House of Representatives—under great duress for some Members of the House of Representatives—and then when that bill is passed by the House, it goes down to the President for his signature, and then good luck undoing all of the problems that are contained within that bill. It would be far better, since no help is coming for 4 years anyway, to take a little time and do this correctly.

The gentleman from Pennsylvania brought up the problems in Pennsylvania with medical liability. Texas, of course, in 2003 did change their medical liability laws and passed a bill that would allow a cap on noneconomic damages. It is a more generous cap than was passed in California in 1975 under the Medical Injury Compensation Reform Act of 1975, but nevertheless, it has worked well over the last several years and has now solved a lot of the problems that we were encountering in the earlier part of this decade.

Just some statistics to share with you; before the reform, one in seven obstetricians no longer delivered babies, 49 percent of counties didn't have an OB/GYN, 75 percent of neurosurgeons would no longer operate on children. Since passing that reform in Texas, it has really dramatically changed things. We had, in the 2 years before the reform passed, 99 Texas counties—Texas has 254 counties, and 99 counties lost at least one high-risk specialist. With the passage of what was then called Proposition 12, which was a constitutional amendment to provide caps on noneconomic damages and lawsuits, 125 counties added at least one high-risk specialist, including the counties I represent, Denton, Tarrant and Cooke Counties. And you can see of course

there are some areas that are still needing to add specialists.

One of the remarkable things about the passage of this law is the number of counties that did not have an obstetrician previously but now do, and the number of counties that did not have an emergency room doctor but now do. Twenty-six counties that previously had no emergency room doctor, 10 that had no obstetrician, and seven that had no orthopedic surgeon, now at least have at least one of those specialists. Charity care rendered by Texas hospitals has increased 24 percent, nearly \$600 million since the passage of this legislation. And Texas physicians have saved well over \$500 million in liability insurance premiums.

Now, people will argue that passing tort reform does not immediately result in lower cost. Defensive medicine is learned behavior. Defensive medicine is oftentimes learned over a lifetime of practicing medicine. And it does take a while to begin to walk back from that. But as anyone will tell you, the journey of a thousand miles starts with the first step, and Texas has taken that first step. In fact, in Texas, one of our bigger problems now is licensing all of the doctors who want to move to the State. The State Board of Medical Examiners cannot keep up with the demand. It is a good problem to have because we had many counties that were underserved. And now, with the passage of this legislation at the State level, almost 100 percent of Texans live within 20 miles of a physician. That is a remarkable change from even just a decade ago.

One of the last things I want to bring up tonight before we leave, we've talked a lot about cost, and during the course of the discussion down at the Blair House the debate on cost was lengthy and sometimes it became contentious, but just a few points that Representative PAUL RYAN from Wisconsin made today. He pointed out correctly that Medicare has an unfunded liability of \$38 trillion over the next 75 years. This is a huge, huge budget pitfall that is facing not just Members of Congress, but every citizen of the United States over the next 75 years.

While Federal Medicaid spending grows at 23 percent this year, the program continues to suffocate State budgets. And this bill does not control costs. Mr. BIDEN talked about if we don't bend the cost curve, we're in trouble. I will submit that we are in trouble because we have bent the cost curve, but we are bending it in the wrong direction.

#### PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I am here representing the Congressional Progressive Caucus tonight, the Congressional Progressive Caucus, a body of Members of Congress dedicated to the very simple idea that we all do better when we all do better. The Progressive Caucus, a caucus made up of Members of Congress—men, women, whites, blacks, Latinos, Asians, people of various different backgrounds throughout the whole country—all unified under the simple idea that everybody counts and everybody matters; that there is no one who doesn't deserve civil rights; that everybody deserves civil rights; that men and women should enjoy the same rights; that women should have a right to choose; that there is nobody who is outside the pale of our beloved community; and that we stand together on economic justice, environmental justice, stand together on the idea of health care for all, stand together on the idea of real consumer protection, stand together against the idea that Wall Street bankers and the well-to-do should have everything going their way. In fact, we think that the working men and women of America should have something going our way. In fact, we're the ones who do all the work around here and we're the ones who should see America operating on behalf of and for the American people.

This is what the Progressive Caucus is all about. The Progressive Caucus is all about saying that consumer justice is important, health care reform is critical, war is usually the enemy of the poor, and that we need to find a way to seek diplomacy and dialogue and find a better way out of the conflicts that our country finds ourselves in. That is what the Progressive Caucus is about.

I am going to be talking about some of our core beliefs, but how can I talk tonight, Mr. Speaker, without talking about the Health Care Summit? Obviously, the Health Care Summit was a big deal today. A lot of people were watching it on television. I want to commend President Barack Obama for having a transparent and open process.

My friends on the other side of the aisle, the party opposite, the Republicans, say that we should just start all over. Well, as you could see by watching the broadcast today, there was ample debate, long hours of discussion. We've had many, many hearings here in Congress on health care. We've had a conversation with the American people going on a year, and they say scrap it? No, thank you. They wish we would, but we won't.

□ 2130

The fact is that we have had a national dialogue, focusing on what it is like to live without health care and facing the world with your children and your family without any health

care coverage, facing bankruptcy as health care expenses skyrocket and you are unable to meet that reality, facing a situation where you have to put your medical expenses on a credit card, you know, which may have gone up to 28 or 30 percent. These are the kinds of things that concern us.

I want to commend the President for convening this dialogue today, for having this discussion. I do wish, however, that there had been a member of the Progressive Caucus in an official capacity there. It is true there were people from the Progressive Caucus there, but our leadership is RAÚL GRIJALVA and LYNN WOOLSEY, and I believe they should have been there. There were other people there who were members of the Progressive Caucus but none who were authorized to speak for the Progressive Caucus. I'm not happy about that, but you know what? Things are seldom perfect in life. I would have wished that we would have had it that way, but we didn't.

A few things were clear about the health care summit today, which is that the ideology still rules the day for our friends in the party opposite that Americans continue to face health care nightmares on a daily basis and that the urgency of change is as powerful as ever. We have got to move forward. There is no way that we as a Congress can engage the public imagination around health care for a whole year and then come up with nothing. We need to have a health care bill.

This is the Progressive Caucus, and I am talking about health care and the economy today.

I also want to say, as we talk about health care and the economy from the perspective of the Progressive Caucus, that this is a Progressive message coming to you for an hour. We come here every week, and we speak for an hour about the critical issues facing the American people from a Progressive standpoint, and that is why I want to talk about health care right now.

Let me start off the conversation about health care by saying that, today, not only was the health care summit on and not only was the same old debate laid out—Democrats, Progressives wanting health care reform for the American people—but the folks in the party opposite are not so big on reform and want to just keep the status quo.

The House also demonstrated and signaled its urgent desire to see health care reform when we took up the Health Insurance Industry Fair Competition Act just this week. This bill stripped away a protection that was granted to insurance companies, and it requires them to now compete. They got their exemption from antitrust laws taken away. It's not enacted into law, but it was passed in the House, on the House floor, just this week. The idea is that health care companies

don't need to be exempted from antitrust laws. They need to have to face those laws because we need competition. When businesses compete, consumers benefit. Simple as that. When businesses compete, consumers benefit, but for far too long, the health care insurance industry has played by a different set of rules.

Since 1945, the McCarran-Ferguson Act—you may have heard of it—has exempted businesses of insurance from Federal antitrust laws. Now, that is not right, so we did something about it this week at last, on the House side, hoping that the body down the hall will do something similar. This bill that we passed off the House floor amends the McCarran-Ferguson Act by repealing the blanket antitrust exemption afforded to health insurance companies. This is something the American people want. Most people I talked to didn't understand why they had an antitrust exemption in the first place.

Under the bill, health insurers will no longer be shielded from being held accountable for price-fixing, for dividing up territories among themselves, for sabotaging their competitors in order to gain monopoly power, and for other anticompetitive practices. If they do it and if we can get it passed into law, then they are going to be held accountable; they are going to be taken to court. That's what we need.

Removing the antitrust exemption not only enables appropriate enforcement; it also will give all health insurance companies healthy, competitive incentives that will promote better affordability, that will improve quality, and that will increase innovation and greater consumer choice—as antitrust laws have done for the rest of the economy for over a century.

Removing this antitrust exemption is key, and it is supported by law enforcement groups and by the National Association of Attorneys General. The National Association of Attorneys General has consistently opposed legislation that weakens antitrust standards for specific industries because there is no evidence that such exemptions promote competition or serve the public interest. They do not promote the public interest. They undermine the public interest.

So I just wanted to tell everybody that this piece of legislation passed off the House floor, signaling greater change as we are driving every day a little closer to real health care reform. The Health Insurance Industry Fair Competition Act passed off the House floor this week. It's just a piece of health care reform, but it's an important piece.

Let me now turn to the larger issue of health care reform by addressing something called the "public option." You've heard me talking about the public option, and I believe in the public option. You know, we're going to

have this system in America of private insurance, which is not going to be undetermined. I believe in universal, single-payer health care, but the present format is to, essentially, reform the existing system of private health care insurance. No problem. By the way, I'm always for private doctors, always for private health care providers. I just think we should pay for it through a single payer, which would be much more affordable for everyone. The public option is simply a government-run program, and I don't shy away from calling it that, because Medicare is government run and the VA is government run, and there is nothing wrong with that. It's an agency that could be set up by the government which would offer an insurance product for people to get health care coverage, and that could offer real competition to the private insurance market.

Now, the thing about the public option that you should know is that over 120 Members of the House of Representatives have said, in a letter, that we want that, and we would like to see it make it into law. Not only that, over 24 Senators have said that they want to vote on the public option as well. This is a very, very important development because the fact is, when you have 24 Senators and 120 House Members, that's a lot. Senator REID says he favors the public option. Clearly, the public option has already passed through the House once. So this is a great idea. It's supported by the American people. Seventy percent of the American public like it.

The public option should be in the final bill that eventually is signed by President Obama. The public option was talked about at the health care summit today, and we are very glad about that. Members of the Progressive Caucus went to the White House and handed out a document urging Members at the summit to raise the issue about the public option. Let me just state the facts about the public option.

One is that poll after poll has shown that the vast majority of Americans believes a public option should be included in health care insurance reform. Fifty-seven percent were for a strong public option in a Washington ABC poll this winter. If the American people want it, if it has already passed through the House, if 24 Senators say they want it, and if the majority leader says he wants it, why can't we get a vote on it? I am saying this is a Progressive idea that is good for America, and I want to urge Americans to say that a public option is a good thing.

Congress and the President have answered the call of the American people by dealing with health care, but we've really got to get a good health care bill. If we are going to use reconciliation because we can't get any Republican cooperation, why don't we get the best bill we can get? Why do we get a

bill that is less than we could get? Incrementalism has its place, but if we don't have to bother about getting 60 Senators in order to get around the filibuster rules, why don't we just go with a good bill which would really help the American people—one that would lower costs, that would increase affordability, and that would have an option for people? It's a good idea.

The Democratic health care reform plan, which passed through the House and included a public option, is a bill that makes a lot of sense. It covers pre-existing conditions. It stops the practice of rescission—denying you health care when you need it most. It stops the bankrupting of our businesses and of our families when they get sick.

As for the public option in particular, part of the plan that passed through the House offers and introduces competition; it lowers costs for consumers—taxpayers—and it brings a higher quality of health care to millions of Americans. I think Americans want to see the public option in any final product, and I think it is something that people should let their government know that they want.

Currently, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. Many of the areas of the company are dominated by just one or two private organizations. A public option would offer a choice to people living in these highly concentrated markets. This means that the addition of a public option would provide a quality and affordable choice. The public option offers competition. Again, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent of the market is controlled by just one company. That's not fair.

In addition, the public option would provide competition for private insurance companies to keep them honest. It would be completely up to individuals to decide whether they want to access the public option. You don't have to use the public option. In fact, you could go to the private market if you felt there were a better deal there, but the public option would be there so that concentrated markets could not simply force you to buy their products.

If the Congress of the United States is going to mandate that Americans get health care insurance, we should at least say that there will be a public option so that we don't force you into the arms of a monopolistic, highly concentrated market which would take advantage of you because of its market advantages.

Americans should be free to seek health care without having to fear that they could not afford it or that they would incur tens of thousands of dollars in debt. A public option offers us an advantage on cost. We know that existing public options, like Medicare

and Medicaid, consistently have lower administrative costs than their private insurance counterparts. Of course they do. According to the Commonwealth Fund, the net administrative costs for Medicare and Medicaid were 5 and 8 percent, respectively. If you look at the top five private health insurance companies, their administrative costs are 17 percent. While the insurance market is controlled by fewer and fewer insurance companies in more and more States, there is little incentive to lower costs. Why should they? They're not in competition. A public option would offer that competition all over the country, and it would help Americans afford health care.

Let me just say that we've been debating health care for a year now. When we started out, people like me wanted a single-payer health care system. I am so proud of the over 60 Members of Congress who signed onto JOHN CONYERS' bill for single-payer health care, but we compromised when we said, Okay. We're not going to get that. The single payer was not really given a fair chance in the House of Representatives, in my opinion. Be that as it is, we said, Okay. We will compromise and do the public option.

Now the public option has been pushed to the side. In as early as August of 2009, we were told the public option is off the table. Off the table was what we were told. Well, the public option is such a good idea, such a powerful concept, that it keeps putting itself back on the table. So, when it looked like the public option was off the table again this winter—this winter, we thought, Okay. The public option is off the table again. Then we see a movement. First, it was just four Senators—Senator BENNET, Senator GILLIBRAND, Senator BROWN. These Senators came together. They wrote a letter to HARRY REID, and they said, We want to vote on the public option, and we're going to ask you to put it up there. Then it was five. Then it was six. It got all the way up to 24. Then there are a number of Senators who said they don't want to sign a letter, which is their choice, but they would vote for it if it comes before them.

Of course, we saw two dynamic freshman Members of the Congress—CHELLIE PINGREE and JARED POLIS—two very dynamic, young Congress people who authored a letter that 120 of us joined, and now both the Houses have these movements moving forward. We didn't see the public option in the President's proposal, but both Houses of Congress are seeing these movements towards it. I believe that, if we put that bill on the President's table with a public option in it, he will sign it. He said he favored the idea. Here is his chance to prove it.

□ 2145

The fact is that bureaucratic overhead costs coupled with multimillion-

dollar CEO salaries and bonuses equate to high costs for America's working families, and a lack of competition provides no incentive to change their practices, but a public option will make them compete and will provide access to millions of Americans potentially.

Higher quality. Competition always improves quality. Therefore, the public option will help consumers get better coverage for the same amount of money as their private insurers.

Now, there are myths about the public option, and I think people ought to know that. The idea of a public option being a government takeover or even a government-run program is not really the truth. The idea that a mandated health insurance is a new tax on people is also not true. What a public option really is is that the government would help cover the high cost of insurance for Americans while bringing those costs down through competition. Without health insurance reform, however, we can expect the problems that exist today to only get worse.

Now, the public option is not a takeover of health care. That's ridiculous. It's not true. It would simply be one option among many offered by the public. Now, it would be administered by the government, but so what. So is Medicaid, Medicare, the VA, and TRICARE. These are all government health care programs that people really, really like. You know, as a matter of fact, when it comes to Medicare, back in 1965 when we passed it, only 22 Republicans voted for it, and now they act like they're the defenders of the program, which they're not. But the fact is nobody's messing with Medicare nowadays. Why? Because it's a popular program. Even though only 22 Republicans voted for it in 1965 when it first passed, it is now the way we live, and nobody is going to allow it to be taken away.

In 10 years the out-of-pocket costs that are paid by individuals and families across America would increase by more than 35 percent and as many as 65.7 million Americans will be uninsured. That's intolerable in this great country. This means higher costs to taxpayers to cover hospital expenses of the uninsured. Employers will also have to pay health insurance premiums at least 60 percent higher than premiums today.

There are supporters for the public option in all areas of life, not just the House, not just the Senate, but also doctors are in support of the public option, and organizations behind them strongly support the public option too. These include the American Nurses Association, the American Cancer Society, the American Medical Association, and the AARP. Even hospitals such as the National Association of Children's Hospitals have supported the principles of health care change and the public option.

And let me just say when the American Medical Association that represents doctors say they're for the public option, that lets you know that people on the other side of the aisle saying things like, Oh, the Democratic Congress wants to get between you and your doctor, isn't true. It's just not the case. So you need to be aware of the myths that are out there.

As was said before, three courageous members of the Progressive Caucus went over to the White House today and offered the Congressional Progressive Caucus's perspective, and I was proud that they did that. The CPC, the Congressional Progressive Caucus, did not receive an invitation to the health care summit, but we showed up and we handed our ideas to the people who were invited, and we were happy to see that both Speaker PELOSI and Majority Leader HOYER introduced the idea of the public option, and we thank them for that.

So let me just now move into another area before we wrap it up tonight, and what I want to talk about is the economy. Now, it's important, as we discuss the economy, to bear in mind that we've come quite a long way, quite a long way. In fact, when the Republicans were in office, they literally, not literally but figuratively, drove the economy into the ditch. They just ran the economy into the ground. The economy shrank 5.4 percent in the fourth quarter of 2008. Barack Obama was not the President then. It was under George Bush when the economy shrank 5.4 percent in the fourth quarter of 2008. The fact is that the economy lost 741,000 jobs in January 2009 alone. Remember, Barack Obama was not the President until January 20. This is a Bush failure and, of course, a Republican failure.

Under the Republicans we erased \$2.7 trillion in retirement savings. I will show you a board on that I have. And it's important to remember that people trying to retire saw their retirement savings just shrink under the leadership of the Republicans. Very scary. Not very nice to the seniors. And more than doubling the debt in 8 years. Now, these folks shake their finger at us like we're big spenders. Look, they doubled the debt in 8 years. When President Clinton left office, we had a surplus. They took care of that because they cut taxes for the wealthiest Americans and never paid for them and then had a couple of wars they didn't pay for and put us in massive debt. The worst recession since the Great Depression should be called the "Republican recession."

Now, just to show you a little bit more, I was talking about this idea of public debt a moment ago, and, of course, we all should be concerned about debt. As a progressive, I'm worried about debt because interest service on the debt can't be waived, can't be

put off. You've got to pay it when it's due. And that means that it cuts into things, programs and expenditures that could literally help people who I want to see helped. Like helping people who are in need of medical assistance, helping our schools, helping firefighters and police and teachers and public safety people. All these things get squeezed when you've got to pay all that high debt service.

But Republicans lack credibility on fiscal responsibility. They don't want to spend money to help poor folks and regular folks. That's true. But when it comes to helping out well-to-do people and really, really wealthy folks, who I am absolutely fine with—I've got a lot of friends who are doing well. But they don't need folks looking out for them because they've got the money. But the point is that Republicans lack credibility on fiscal responsibility. It's not that they don't spend. It's just they don't spend it on things that help your average citizen. They spend it on tax cuts for the very wealthy and wars.

So debt held by the public nearly doubled under the Bush administration. We can look here at the year 2000, \$3.4 trillion. We see this red ink just going up and up and up all the way to \$6.3 trillion in 2008 when the Democrats got the White House and the Congress.

So the fact is that this is their mountainous debt, and now they want to lecture about debt and fiscal responsibility, but it rings hollow because of their history.

Let me also show you this board. This is a good one. Democrats actually have a proven record of fiscal responsibility. Democrats are good with the economy. We do a good job when we're in charge. If you look over Reagan, Bush I, Clinton, and Bush II, you will see these budget deficits and surpluses. This is when we see the budget surplus during the Clinton years is going up. It actually goes above zero, so we actually have more money. But here the amount of money that we have is less and less and we're seeing ourselves greater and greater in debt under the Reagan-Bush years. You see the debt is actually going up while our surplus is going down. And then you see the surplus going up on the blue line, and then you see the dropoff when it comes to our surplus. We have no surplus here and then we have a negative surplus—also known as a deficit.

So if you look at this, Democrats have a proven record of fiscal responsibility. If you look at Reagan and Bush, Clinton and Bush, you're seeing the product of Republican leadership and their fiscal irresponsibility.

Now, this is an important board because right now it's all about jobs. We need health care because it's such a big chunk of a family budget. We need to get that down. We need to cover everybody. So health care is economic justice for people. But it's important to

understand that we've seen the job losses because of the Republican recession. I just showed you that. Democrats turned around Republicans' job losses. Now look: We're losing jobs. All these red lines below this zero is unemployment. We're going down. Monthly change and nonfarm payrolls. You see that. And we're going all the way down. We're just hitting it. And in January of 2009, you see Democrats are in control, and as we're just adding to job losses here, it's worse and worse and worse and worse, and then you see the slow but steady improvement.

Now, we're still not creating jobs, and this is a serious problem. But you can see that we're going in the right direction. You can see that with Democrats in there, we're doing better.

So the last month Bush was the President, we lost 741,000 jobs in a month. And the last month, and this doesn't reflect the most recent data, we lost 22,000. Now, we still lost, and that's bad. But the fact is we're losing fewer and fewer and fewer and you can see that in a few months, we'll be above the line and we'll be adding jobs, which is something very, very important to point out.

Do you know what the toughest job in the circus is? Cleaning up after the elephants. So the Democrats are trying to fix 8 years of Republican leadership in this country, and it's not an easy thing to do. But you can see in a short period of time, we're getting it all turned around.

Now, one of the things that helped turn things around is the Recovery Act. Now, you heard these folks say, oh, this is terrible, the Recovery Act is bad. You would think that the Recovery Act was something that wasn't any good. But look here. This is something you should take a look at:

"GOP: There's no hypocrisy in seeking stimulus money. Republicans say they are working on behalf of their constituents."

Now here's the full quote:

"The DCCC claims that 91 House Republicans are talking out of both sides of their mouths."

Now, these guys were voting against the stimulus. We didn't get one Republican vote for the stimulus. They didn't vote for it. They were all against it, even though it clearly put Americans back to work and stopped the bleeding of jobs. But that didn't stop them from going out in ribbon cuttings and being there and just trying to show off and say, hey, look, give me some stimulus money. I didn't vote for it, but I want to benefit from it. Isn't that terrible? Let me just read a little of this to you:

"Amid mounting criticism, House Republicans said this week that it is not hypocritical to vote against the stimulus and later seek money from it for their districts."

"After standing united in opposition to the President's economic stimulus



bill a little more than a year ago, many Republicans have touted the benefits of that measure back in their districts, according to a comprehensive list compiled by the Democratic Congressional Campaign Committee.

"Citing the stimulus and other measures, the DCCC claims that 91 House Republicans are talking out of both sides of their mouths.

"In recent days former Senator Alan Simpson, Republican from Wyoming, and California Governor Arnold Schwarzenegger have echoed the DCCC claims."

Like my dad, who's a Republican, they're honest Republicans, and Simpson and Schwarzenegger are telling the truth.

"But key House Republicans argue that a vote against the stimulus bill should not prevent them from writing a letter on behalf of their constituents seeking grants available from the \$787 billion measure. Some of them do say, however, that Republicans should refrain from attending photo ops."

And it goes on.

□ 2200

What is the point? The point is they created a recession with their policies of tax cuts for the rich, wars that they didn't pay for, tax cuts they didn't pay for, no regulation of Wall Street, and just letting things run amok, not regulating predatory lending though Democrats had been asking them to do it for years while we were in the minority. And then they create this situation where the economy tanks. Then when we put measures in place to bring the economy back to life, they vote against it, but then they run to take advantage of it. That is bad.

Now, the Recovery Act. The CBO, that is the nonpartisan Congressional Budget Office, estimates that in the third quarter of calendar 2009, an additional 600,000 to 1.6 million people were employed in the United States. That is pretty good. In the third quarter of the calendar year 2009, an additional 600,000 to 1.6 million people were employed. That is pretty good. That is trying to dig us out of the hole.

The Congressional Budget Office projects that the Recovery Act will increase real GDP by 1.5 to 4.5 percent during the first half of 2010, and 1.2 to 3.8 percent during the second half. That is actually good as well.

Now, Mark Zandi, who actually was a consultant for Senator JOHN MCCAIN when he was running for President, who is pretty conservative, said, "I don't think it is an accident that the economy has gone out of recession and into recovery at the same time stimulus is providing its maximum economic impact." So even a conservative economist is telling them that the stimulus worked and is working. And I just wish they would agree that Democrats are better for the economy. I just

wish the Republicans would agree with the unbiased evidence that Democrats are better for the economy.

Now, it is important, I mentioned retirement accounts earlier, Retirement Accounts Recovering Under the Obama Administration. Now, here we see under the Bush administration the value of retirement accounts is going down, the value of retirement savings accounts. You see them, they are just going down, down, down, down, down. They are just dropping. And then you see under the Obama administration, retirement accounts are up \$1.8 trillion, as we see them climb from the first quarter of 2009 steadily back up. More evidence that Democrats are better with the economy, which is the thing that helps you put food on the table, a roof over your house, and retirement money in your account.

Moving right through these boards here, and I just want to show the folks, the economy is swinging back to growth. Now, GDP is gross domestic product. That is the sum total of all the goods and services produced by the economy in a given period of time. You see that in the first quarter of 2008, we had negative GDP growth. It popped back up for a minute, but then it kept going down, down, down. This is all under Bush. And then you see GDP growth going back up. And these are the projected increases.

The fact is that the economy, GDP growth is increasing. That means real goods and services produced. That means people working. That means production. That means people providing services. And it means food on the table. It means soup in the pot. That is what it means. Or chicken, or whatever you like.

So let me just say, as I begin to wrap it up, the fact is that the economy is not back to health yet. It needs more things. I believe very strongly, and the Progressive Caucus agrees, that we need direct job creation from the government like the WPA, where we put people back to work, painting public buildings, working in Head Starts, doing valuable work that needs to be done, and that these jobs could be paid and they wouldn't be just special kinds of jobs, but they would just be jobs that people can do and hopefully keep that job.

If we can ignite the economy and keep the period of growth going. The economy is not out of the woods yet. We still have unemployment that is intolerably high, particularly in minority communities. This is intolerable. We have got to do something about it. There is no doubt about that. But we are going in the right direction. And we need to improve to keep the drive alive. Keep the drive alive, not turn back.

I just want to say to folks out across America, the fact is that it takes more than just a couple of years to get

things straightened out after so many years of difficulty. We need young people, new Americans, communities of color, working people, labor, everybody to keep their level of enthusiasm up about what the prospects for America are and to not get discouraged just because things didn't pop back into shape as soon as George Bush handed over the mantle of the presidency. It is going to take a little bit of time, but things are clearly going in the right direction.

One year in, the evidence is clear, and growing day by day, that the Recovery Act is working to cushion the greatest economic crisis since the Great Depression and lay a new foundation for economic growth. According to the nonpartisan Congressional Budget Office, the Recovery Act is already responsible for as many as 2.4 million jobs. The analysis of the Council of Economic Advisers also found the Recovery Act is responsible for about 2 million jobs, a figure in line with estimates from private forecasters in the economy. Even the conservative American Enterprise Institute is agreeing that the Recovery Act is helping create jobs, which no Republican voted for the stimulus package. It is very important to remember that.

We recently learned that our economy grew 5.7 percent in the fourth quarter, the largest gain in 6 years, and something many economists say is due to the Recovery Act. So again, negative GDP growth, meaning we were losing, the economy was shrinking when Bush was the President, and now it is growing. Very important for people to know that.

The Recovery Act, by the way, it did cut taxes for 95 percent of working families. The Republicans love their tax cuts, but not for the regular working people, only for the very well-to-do. But the Recovery Act did cut taxes for about 95 percent of American families, the Making Work Pay Act tax credit. And that is about \$37 billion in tax relief for about 110 million working families in 2009.

The fact is loans were made to over 42,000 small businesses through the Recovery Act, providing them with nearly \$20 billion in much-needed capital. The Recovery Act funded over 12,500 transportation construction projects nationwide. When 40 percent of all construction workers are on the bench, that work is very, very, very welcome. These projects range from highway construction to airport improvements, of which more than 8,500 already are underway. It funded 51 Superfund sites from the national priority list. Of those sites, 34 have already had on-site construction. The Recovery Act, which I was proud to vote for, has done a lot of good for America.

So as we wrap it up today, it is important just to bear in mind that health care reform is a key component and a vital component of restoring our

country to economic health. We need health care reform.

Remember, the Republicans had the House, the Senate, and the White House between 2000 and 2006, and they didn't do anything to improve the health care situation for Americans.

Mr. KING of Iowa. Will the gentleman yield?

Mr. ELLISON. The gentleman will have an hour to say whatever he wants.

Mr. KING of Iowa. I would be happy to yield to the gentleman in my hour as well.

Mr. ELLISON. I can't stay here all night.

Mr. KING of Iowa. Will the gentleman yield to correct a fact?

Mr. ELLISON. No, I am not yielding. You're going to say whatever you want later, so let me just keep going. From 2000 to 2006, the Republicans had the White House—check the facts, Mr. Speaker—they had the Senate, and they had the House of Representatives, and they didn't do anything to help health care.

Mr. KING of Iowa. Will the gentleman yield?

Mr. ELLISON. I have already answered that question. I will not yield.

#### PARLIAMENTARY INQUIRIES

Mr. KING of Iowa. Mr. Speaker, parliamentary inquiry.

Mr. ELLISON. I don't have to yield, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. Is it common and normal for a Member to yield to another Member on a respectful request?

The SPEAKER pro tempore. It is entirely at the discretion of the gentleman who controls time whether or not he chooses to yield.

Mr. KING of Iowa. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. When a gentleman states an erroneous fact into the RECORD, is a Member's alternative then to move to take down the words rather than ask for a yield to correct the record?

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions.

Mr. KING of Iowa. Mr. Speaker, I will concede this moment for now.

The SPEAKER pro tempore. Does the gentleman have a further parliamentary inquiry?

Mr. KING of Iowa. Mr. Speaker, I would have a point of order if we didn't have Members in bed right now, so I will concede this point right now and yield back.

The SPEAKER pro tempore. The gentleman from Minnesota may proceed.

Mr. ELLISON. Let me just say for the third time, from 2000 to 2006, the Republicans had the presidency, they

had the House of Representatives and the Senate, and they didn't do anything to help Americans improve the health care situation.

□ 2210

They didn't do a thing. They allowed premiums to increase. They allowed co-pays to increase. They allowed people to be denied for preexisting conditions. They allowed misery to accumulate around the health care crisis in America. They allowed the number of uninsured to increase, and they allowed a very difficult, awful situation.

So now we've got upwards of 45 million people who don't have health care, and while the Republicans could have done something about it, they did not do anything about it.

Now, in a few minutes, Mr. Speaker, I am going to yield and in a few minutes I am sure my friend from Iowa is going to have plenty to say. But I would like, Mr. Speaker, that anyone listening to the sound of my voice examine the facts I just laid out because they are true.

The Republicans could have done something to help Americans address their health care crisis between 2000 and 2006, and they did not do anything. And since the Democrats regained the Congress, we passed SCHIP, State Children's Health Insurance Program, which President Bush vetoed, and we're trying to fix one mess they made with prescription drugs by filling the doughnut hole. But all that program was was a boon to large pharmaceutical companies, and we're trying to fix that large debacle now.

The fact is is that the Republican Caucus could have helped the American people and they declined the invitation to do so. And now while America has been embroiled in a conversation around health care reform for a year, they have come up with nothing constructive to say. All they want to do is deprive Americans of their right to civil redress under the law when doctors sometimes make mistakes. They call it tort reform. What it really is is denying consumers the right to redress grievances, which is an American thing to do to try to fix these problems.

Now, we're not saying that people who abuse the legal system shouldn't have accountability. We are saying do not shut the doors when Americans have a legitimate claim, which is what I think the Republican Caucus is in favor of.

The fact is, Mr. Speaker, that this hour, called the Progressive Caucus Hour, is all about talking about Progressive measures that have made America great. And I would offer you this, Mr. Speaker, that every single thing that has made America the wonderful, beautiful, great country that it is has been a progressive proposal.

Breaking away from England was progressive. Throwing off a dictator

was progressive. Freeing people from slavery was a progressive thing to do. Allowing unions to organize was a progressive step forward. Civil rights was progressive. Women's rights was progressive. Getting rid of the poll tax was progressive. And it has been conservatives every step of the way trying to block these things.

America is a progressive country. America believes that everybody does better when everybody does better. America believes deep in its heart in religious tolerance. We believe in economic justice. We believe in equality for all people. But conservatives, trying to hold this country back and maintain the status quo, have been in the way all along.

So tonight, Mr. Speaker, may I yield back the microphone knowing full well that those following me will have plenty to add.

But with that, I will yield back.

#### PROGRESSIVES OR SOCIALISTS

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate being recognized finally here on the floor of the House of Representatives. Frankly, it's astonishing to me that a fellow Member of Congress has so little confidence in things that he says are facts that he refuses to yield and deal with the actual facts that he knew were before him.

To make the statement that Republicans did nothing on health care during those years of 2000 to 2006 is flat-out false, Mr. Speaker. It's a fact that we moved on health care. We moved some significant policy. And in particular, we passed the repair to the abuse of lawsuits, which today it was published by the Government Reform Committee—actually, was published 2 days ago—that the annual costs of lawsuit abuse and health care in America is \$210 billion. That's over \$2 trillion for the course of a bill, and there isn't one dime that would be taken out of the pockets of that \$2 trillion—a lot of which goes to the trial lawyers—that is offered by the President or the Democrats, and certainly not the gentleman from Minnesota.

And for him to stand here on the floor of the House of Representatives and very much deny the very fact that is a fact of record and then refuse to politely allow for a correction of that record so you, Mr. Speaker and, by extension, the American people have an opportunity to be honestly and truthfully informed is an affront to the dignity of the dialogue on the floor of the House. So that's just a start on my answers. And I didn't come here to provide a rebuttal for the previous hour.

But the American people need to know, Mr. Speaker, that there is a Progressive Caucus here and it's 78 members strong, the last time I counted the names on the list on the Web site. The Web site was put up on a poster over here, and they're pretty proud of the policy that they have. You can go on that Web site and read and learn that. One of them is a Senator; the others are House Members. They are the most liberal Members of the House.

And when you look at the history of the Progressives, you will recognize that that Web site, that now with Mr. GRIJALVA's name in the Web site, was the Web site managed by the Socialists. The Democratic Socialists of America managed the Web site for the Progressives. They put it up. They took care of it. They maintained it. They put the information on. They wrote some of the language that went on there—a lot of it for all I know—and carried their philosophy from the Democratic Socialists—that is the Socialists in America, by the way—on over to the Progressives' Web site. And when that linkage was uncovered and the pressure came up, then the Progressives decided, well, we'll manage our own Web site because we really don't want to have to put up with the criticism of our brethren, the Socialists. It's completely the brethren.

When you read the Socialists' Web site, it says clearly on the Democratic Socialist Web site, [dsausa.org](http://dsausa.org), Mr. Speaker. It says clearly on there, it starts out with, We are not Communists. I always had a little trouble trusting somebody starting out their dialogue with, well, I'm not a Communist, because you know there behind that there's a "but."

Democratic Socialists, the brethren of the Progressives, linked together with their Web sites until a few years ago to declare that they are not Communists but they believe in a lot of the same things that the Communists believe in.

But the difference, according to the Socialist Web site linked to the Progressives' Web site—proudly by the Socialists anyway, and I think proudly by the Progressives—they say, We are not Communists. But the difference is Communists want to nationalize everything. Communists want to have the State own all property and own all of everyone's labor and everything exists for the State. And the Communists want to do central planning to manage the butcher, the baker, and the candlestick maker, let alone labor.

The Communists are the ones that want to introduce a national health care act that's completely a single-payer plan paid for by the government. Nobody has to pay for anything. And it would require that everyone working within health care in America would be a salaried employee.

Oh, let me see. Where would I come up with that? Well, not necessarily on

the Democratic Socialist Web site. Not necessarily on—let me see—the CPUSA Web site. I read that in a bill that was introduced by some of the Progressives here in this Congress in 1981. They believe and still believe in single payer. They think that health care should be free, that it's a right, not a privilege—not just your own health care, but everybody's own private health insurance policy; that the government ought to run all health care; that they would set up boards as central planning management boards that would tell everything how to operate.

But no one could be anything except a salaried or an hourly employee. You couldn't do fee-for-service. So if you're a super excellent brain surgeon, you get paid whatever they decide. You don't get paid for the number or the quality of the brain surgery that you perform.

But I am back to Democratic Socialists of America. What are they? Well, they're not Communists. That's what they say. And the difference is they don't want to nationalize everything. The Socialists, the, slash, Progressives, don't want to nationalize the butcher, the baker, and the candlestick maker—not right away, anyway.

□ 2220

But when you read their Web site, it says, we want to nationalize the major corporations in America. I take that to mean the Fortune 500 companies and probably some more, and they write that they don't have to do it all right at once, they can do it incrementally. They want to nationalize the oil refinery business so they can control the energy in America, and they want to nationalize the utilities in America so they can control the energy in America.

This could happen incrementally, they don't have to do it all at once. Socialist Web site. They say we don't elect candidates on our banner. We don't send candidates and get their names on the ballot under the Socialist ballot. We advance these candidates as Progressives because Progressives doesn't have quite the harsh connotation of the hardcore left that Socialist has.

So they hide under the Progressive banner and they advance the Socialist agenda, and it's on both of their Web sites. I wondered when I heard MAXINE WATERS from California a few years ago say, I think we should nationalize the oil refinery business. I mean, I had to take a breath, catch my breath for a minute, because nobody would say that in the society where I live. They don't want to nationalize the private sector. They believe in free enterprise and in competition. They understand the vitality, this robust economy that we have. But that was said. Where did that come from. MAURICE HINCHEY made a remark also about the nationalizing of the energy industry.

Where did that come from? How does anyone have the chutzpah to make such a statement as a Member of Congress that they want to start taking over the private sector. This is before our economy started in this downward spiral. So I heard these words that came from them, and I am reading off the Web site, Democratic Socialist Web site, and the echo comes back to be the same.

I look over at the Progressives, of which each of those Members I mentioned are listed on the Progressives Web site, and it's the same agenda. Then we have a candidate for President called Barack Obama, and he has this artful way of using ambiguities so that the left hears him say something that they want him to say, and the right doesn't hear the same thing. They might actually even hear what they want him to say.

But where does the President govern? He is elected on hope and change. Well, hope and change is not working so good right now, but where does the President govern? Way over to the left.

And I stand here, Mr. Speaker, on the floor of the House, after this 6½-hour health care summit today, and I am wondering, what is this about bipartisanship? What was this argument that came from the President when he heard the criticism you are not working in a bipartisan way? You need to reach out to the Republicans, this closing the door and locking Republicans out, and it happened. It's been happening here since September.

They met today to talk for the first time about health care in a meaningful way since last September, when Democrats shut Republicans out of their health care negotiating rooms. And, yes, they had guards outside the doors, they were there to provide security for the leaders. But think of the image, the doors go closed behind the Democrat leaders and they sit in there in the formerly smoke-filled rooms and they negotiate what they want to do to America without any eyes or ears of the press or anybody from the opposing party or any real conscience or conservatism inside the room.

So they cook up their deal. They cooked it up upstairs—well, let me say they cooked it up in the Speaker's office, and they cooked it up in HARRY REID's office, and they ran separate bills in the House and in the Senate. On November 7, here on a Saturday, the House of Representatives by the barest of margins passed a national health care act bill that takes away the liberty of the American people.

Then it went over to the Senate, where even the 60 votes that they had to have in the Senate with the liberals they had over there, they couldn't get the votes to pass the House version, so they put together a Senate version and by the barest of margins, with the, let me say the most repulsive of sweetheart deals, put together barely the 60

votes they needed to break the filibuster and have it be successful on a cloture vote.

On Christmas Eve, Mr. Speaker, HARRY REID's Scrooge gift to the American people was the Senate version of socialized medicine, their national health care act, complete with funding for abortion and illegals, out of the Senate. Merry Christmas, American people. HARRY REID and the 60 votes they had in the Senate at the time delivered a Christmas present to the American people with 60 votes, which pretty much demonstrated that all the demonstrations that took place since August weren't counting for much in the mind of HARRY REID and the 59 other Democrats over there in the Senate, and that was Christmas Eve. So a lot of people went home for Christmas. In fact, most of us did go home for Christmas.

Over Christmas and New Year's, most of the public life goes dormant and some of the people thought that going dormant was the right thing to do, that nobody would pay any attention anyway. So why would you keep a press shop up and why would Members of Congress go out on the stump and give a lot of speeches and do town hall meetings and do a lot of press and talk about how bad the House bill is, how bad the Senate bill is, and how unbelievably bad it would be if they would do what one might have expected them to do, and that is appoint a conference committee that would try to merge the two bills and resolve their differences.

But the Democrats didn't really think that the American people would be paying any attention to what they did. That's one of the reasons why they passed the bill on Christmas Eve in the United States Senate. I actually wished it would have been as late as possible on that day. I think it could have been pushed up to 9 o'clock that night when Santa was actually delivering presents, rather than when the elves were going to bed in the morning.

But that's what happened, Mr. Speaker. The American people were appalled at what they saw. They were appalled at how tone deaf the majorities were in the House of Representatives and how tone deaf the majorities were in the United States Senate, and they were talking.

It isn't that the American people go dormant. They go see their family, and, yes, they go to work. And they get on the phone, and they get a little time to send their email lists out. What happened was, there was a national dialogue.

I can tell you what happens when our family gets together, and it takes three or four family reunions to get us all completely processed in their right, faithful way over Christmas vacation, but we will meet three or four times, and we will have other little individual meetings with friends and neighbors

and do those things, there is a lot of dialogue going on between Christmas and New Year's. In my neighborhood we talk about probably four things, but three things in particular. We talk about the weather, and we talk about religion, and we talk about the markets, and we talk about politics. That's four, and politics moved up on the list.

It actually sat there, number one, and it was at the dinner table, and it was in the living room, and it was all across America. People were talking about what was happening to our country. While that was going on, SCOTT BROWN was campaigning intensively in Massachusetts. You had people waking up in Massachusetts. The polling that showed on that day, the 23rd of December, when the timing schedule for adjournment of the Senate and that final cloture vote was scheduled, on that day the poll I saw showed SCOTT down 20 points. There was another one that had him down 30 points.

But not a single pundit before Christmas predicted that SCOTT BROWN could be the next United States Senator from Massachusetts. That was 2 days before Christmas. No one predicted it before Christmas. It started to come out some days after Christmas, near, I think, the first of the year, if I remember correctly, when the first little hint that something might be going on in Massachusetts started to leak out to the rest of the world.

But I have every confidence that the faithful people in Massachusetts were sitting around their dinner tables and their Christmas trees and they were talking about the same things that we talk about, the weather, the religion and politics, probably not the markets the same way we do. As that position was coalescing in Massachusetts, some of the people were thinking, I have had enough. They thought, some of them thought we have our version of health care here, and it's not our job or our business to impose another version of a government-run health care on everybody else in America.

Some of them thought enough money had been spent, that this \$700 billion in TARP, and all of these companies that have been nationalized, much of it by this administration, and the \$787 billion stimulus plan, that made everybody really nervous to see trillions of dollars, at least \$1.6 trillion, moving on up to \$2-plus trillion dollars when you look at all the money the Fed has advanced.

They saw that happening, Mr. Speaker, and every increment of nationalization made the American people more nervous indeed, having less confidence in the government that they had elected and the decisions that were made by their elected representatives. And as we march down through the murderous row of the nationalization of three large investment banks and AIG, the insurance company, and Fannie Mae

and Freddie Mac, where it took on \$5.5 trillion in contingent liabilities with Fannie and Freddie, for the taxpayers to take on that contingent kind of a risk, then the Federal Government turned to the car companies and decided, the White House, the Obama White House could run General Motors and Chrysler better than General Motors and Chrysler could be run by those who are approved by the shareholders.

□ 2230

And so the President fired the CEO of General Motors and cleaned out the board of directors. He replaced himself all but two of the board members of General Motors and replaced the CEO of General Motors, put in place a car czar, a 31-year-old car czar that had never made a car and never sold a car; as far as I can determine never fixed a car. We don't even know if he owned a car. And if he did, the question I would ask him is, well, was it an American-made car or a foreign car?

All of this was undermining the confidence of the American people as we race toward this political climax that after we saw socialized medicine pass in the House on November 7 and after we saw it pass on Christmas Eve in the United States Senate—unprecedented to be in the session on Christmas Eve doing something that had never been done before in the history of this country, trying to set a new standard of the socialization, the nationalization of our bodies—all of that going on, and the American people were repulsed that all of their voices, all that they had to say, everything that they weighed in with hit only just the deafness of the leaders in this Congress, Mr. Speaker.

And so they went to work. They went to work in Massachusetts. They went out into the streets and put up signs and walked the streets and knocked on doors. As I went down through Massachusetts, I recall being in the Vietnamese section in Boston, and as I went down through that section—it's really a small business section of Boston—window after window had SCOTT BROWN signs in the Vietnamese section of Boston, and certainly did many of the residential areas. There was a tremendous outpouring for SCOTT BROWN.

As I went into the call centers, I had people come up to me and say, I'm a union member and my husband is a union member. We've always walked the streets for the Democrats, but this time we're here to work for SCOTT BROWN. We've had enough. The irresponsible overspending is at its core and the taking over private business is a big part of this, and trying to push a national health care act down our throats like you give a pill to a horse is more than they could tolerate.

And so in that sea change from 21 percent down to 5 percent up—it actually was a 24, 25 percent turnaround

that took place in an unpredicted way in Massachusetts—SCOTT BROWN rose forward to a victory in Massachusetts and had a lead that was about the same for the last, I'm going to say in the polls that I saw the last 4 or 5 days at least in the race. So I don't think that there was more than about 20 days for him to close the gap of 21 points. And he will know that a lot better than me, Mr. Speaker. But that message that came from the election of SCOTT BROWN, that resounding noise out of Massachusetts—and there were a lot of people that went to Massachusetts to help. Tea party patriots went. Also people from many of the States in the Union went up to see what they could do because that's where the fight was, that's where people could preserve their liberty and they were committed to that cause. That election result came out, and it shifted the dynamics in the United States Senate, because SCOTT BROWN promised to deliver the vote against cloture that would change the dynamics.

And so the President of the United States, who has not done very well in some of his endeavors—let me see. What did he do? He went to Virginia to engage in the Governor's race in Virginia and he went 0-for-1 in Virginia. He went to New Jersey and did several appearances in New Jersey, as I recall, to reelect John Corzine in New Jersey. Chris Christie won in New Jersey, Bob McDonnell won in Virginia. So President Obama went 0-for-1 in Virginia. He went 0-for-1 in New Jersey.

He went to Copenhagen twice, once to win the Olympics for Chicago and another time to see if he could seek some kind of a global green agreement on climate change. Now, they came out of Copenhagen with something they pointed to that said was a victory, but not much of anybody thought so. It is a mild little fig leaf of a victory.

So I'm going to describe it this way: President 0-for-1 in Virginia, 0-for-1 in New Jersey, 0-for-2 in Copenhagen, and—completely a goose egg—0-for-1 in Massachusetts. And now the "SCOTT heard around the world" has echoed through this place. The White House, after that election, had to pull back. They had to stop and see if they could get a lay of the land and figure out what to do.

Senator HARKIN said within a few days of that election that they had an agreement that they had negotiated with the House, and they had an agreement that would bring reconciliation through. It is a bit convoluted and I won't explain it in detail here tonight, Mr. Speaker, but that was the first we heard that they were meeting behind closed doors to put together a reconciliation package. I know it had been rumored out there since September, but that was the first I recall of a legislator saying, Oh, yeah, we have that deal put together. That was Senator

TOM HARKIN from my State, my junior Senator that said that.

So they moved on looking to see what they could do. In normal circumstances, you would take the differences, the Senate bill and the House bill, and appoint a conference committee that would have Democrats and Republicans on it. What would happen would be the Democrats who were in the majority—NANCY PELOSI and HARRY REID and their people—would go behind closed doors—even with a conference committee—and they would make their deal behind closed doors. They would negotiate their package behind closed doors. Once they decided they could get the votes in the House and in the Senate to pass their package, their socialized medicine version of what they want to do to America's freedom today when it comes to health care, then they would have announced the conference committee.

The members of the conference committee on their side would have been committed to voting for the package that was already pre-negotiated. The Republicans would then appoint their conference committee, and at an appointed date and time they would all file out into the room, sit down in their chairs, call the conference committee to order, and then they would go through the charade of debating the different changes, somebody would offer a change here and offer a change there and they would vote it up or down. After a while, they would have it ratified—the very deal that was put together behind closed doors—and pushed a conference committee report out here that would have gone then to the House and Senate, one side taking it up first and then over to the other side. The last one to pass the identical piece of legislation that was negotiated behind closed doors would go to the President, where he would have already pre-agreed to sign the bill. He would have been in the room, too, or he and his representatives, doing those negotiations.

So, Mr. Speaker, what I have put together here is a description of what actually happens and the functionality if they had gone to the conference committee instead of this reconciliation nuclear option. But they didn't want the conference committee because they would have to then put up with Republican criticism, Republican motions, Republican efforts to at least let the world know that there are many logical alternatives. And so they circumvented the conference committee. I believe, Mr. Speaker, that this is the first time in the history of this country, at least on a major bill, that the White House has stepped in to put together a negotiation that has—it's a de facto conference committee. The White House has replaced them, and they're the de facto conference committee. They've put this together and tried to propose something.

What was interesting was the White House planned and announced that they would release a bill on Monday of this week. The White House also said that any bill, we would have 72 hours to examine it. So they called a meeting for today that was scheduled for 6 hours, started at 10 o'clock this morning and, interestingly, the time that they released their document—that a lot of us thought was going to be a health care bill, a third bill, a Reid bill, a Pelosi bill, and an Obama bill, it only turned out to be 12 pages or so of bullet points—all of this time and the White House can't produce a bill, but they at least filed the bullet points of what they thought should be in a bill at 10 o'clock on Monday, so exactly 72 hours before the meeting was to convene and did convene at the Blair House today in this town. So they timed it to have their 72 hours as they promised. It just wasn't a bill. The President didn't present a bill, Mr. Speaker.

But they negotiated today and they had a discussion, and it went on about 6½ hours of discussion altogether. How do you analyze that? Well, did anybody take anything off the table? Did anybody offer anything? Were there any changes? Were there any agreements? Was there any proposal, any amendment, any specific language, or even a concept that was agreed to by either side? I am hard-pressed to say that there was, Mr. Speaker.

We can, perhaps, get into some of those things a little bit, but I have several of these pieces of data here. This is the health care fact check. It doesn't quite match my numbers, but it's pretty close to what I have. As I watched this happen, as soon as the meeting opened up, it appeared to me that if a Republican would speak, the President would interrupt him. And then that individual might reclaim their time and try to speak again and the President would interrupt him again. Then that individual would make a quick statement and yield the floor, in which case the President would speak, a Democrat would speak—generally uninterrupted—and then the President would take the time back and speak, then a Republican would speak and get interrupted again.

And so what is this? Give me the count on this, will you? I have them here, and I don't think anybody else has counted them—I have not heard that they have. Six and a half hours of meeting, we have the President interrupting speakers 70 times in 6½ hours. Seventy interruptions. And out of those 70 interruptions, he was rude to the Democrats 20 times. He wasn't always rude, actually. Sometimes it needed to be said also with Republicans. But you would think it would be equal or proportional. And you would think it would be respectful of people that care a lot about policy and know

a lot of this policy. And presumably, according to the White House and the Democrats in leadership here and in the Senate, this would have been the first time they had heard Republican ideas because they said we didn't have any. Well, we had plenty and they knew it, but they repeated that we didn't have any ideas.

So you would think they wouldn't have interrupted. You would think, if they were actually telling the truth when they said Republicans didn't have ideas, that they would have leaned forward in a very interested fashion and listened carefully to the proposals that at least they would like to convince the American people it was the first time they had heard such things.

□ 2240

Well, in fact, they'd heard it all before, because we'd produced those bills all before. We'd introduced them all before. They were introduced, many of them as amendments in the markups of the bills that came through the House in the Ways and Means Committee and in the Energy and Commerce Committee. They were just all voted down on a party line vote with very few exceptions.

So the President interrupted Democrats 20 times. He interrupted Republicans 50 times. That's 2½ times more. I have here that President Obama alone was 1 minute short of 2 hours on his own. It was a 6½-hour meeting. He claimed essentially a third of the talking time. The Democrats, including President Obama, burned not quite 4 hours. The Republicans altogether used up 1 hour and 50 minutes. So that's at least 2-1. Actually, when you add it up, it comes to 3.5-1 or so. My numbers come to actually 3.5-1 when I look at the time the Democrats spoke compared to Republicans speaking. It's about—oh, it's a number that originally was about 25 percent. It's probably a little more than that, Mr. Speaker.

We have a number here that shows that 52 percent of the American people don't think that they should go forward with a reconciliation. Now, that's one of the things that should have been a deal breaker. If the President of the United States takes the position that he wants to invite people to negotiate on health care in a bipartisan fashion and if he is sensitive to the criticism that we haven't had negotiations on C-SPAN and that they haven't been bipartisan, then that's what this was designed to do. It was to send a message to the American people that the President was on C-SPAN and that they were bipartisan. Well, that's all true, but the President has intimated and has directly said that the Republicans don't have open minds and that he has already accepted our good ideas and has incorporated them into the legislation that was written this past November and December.

I recall the President standing in Baltimore before us when he said, "I am not an ideologue. I am not. I am a centrist." You have to put a couple of ellipses in there, but that is a contextual statement. It is the message he intended to deliver. It is the message he did deliver. I don't know anybody who thinks the President is not an ideologue nor do I know anybody who thinks the President is a centrist. He is, by record, in fact, the most liberal President we have ever elected in the history of this country. He has the largest liberal majority, Progressive majority—the people who build common cause with the Democratic Socialists of America majority—that I have seen in my lifetime.

The political center of this Congress is way to the left. I don't know when they've had a filibuster-proof majority in the United States Senate, which just disappeared last month; but of all the tools they had to work with to pass their agenda, they pointed their bony fingers at the Republicans and said, You are obstructionists. You are just the Party of No. You are standing in the way of progress. If you could just see the rationale for us and go with us so that we could have some Republican votes, we could actually pass this legislation and give Americans socialized medicine.

Well, the problem is Democrats can't agree among themselves. NANCY PELOSI—the Speaker—Mr. Speaker, has 40 votes to burn. That is four-zero. That is three dozen plus four votes to burn. She can give them all up and still pass a health care bill in their own conference, in their own caucus. Yet they point their fingers at Republicans and say, You're obstructionists. You're only the Party of No.

Well, we're the Party of No—"no" to socialized medicine, "no" to breaking the budget, "no" to taking away the liberty of our children, grandchildren and of every succeeding generation in America, and "no" to passing the debt along and the interest along to those same people. Yes, we say "no" to such things. The American people said "no," and they want help saying "no" in this Congress. It's not a function of the Republicans' failure to help Democrats with a bad idea that should be criticized.

If they can't agree among themselves, then could it just be they have a bad bill? Could it be that the bill has been rejected by enough of the constituents of the Democrats?

How about the Blue Dogs? Where are the Blue Dogs on this? They seem to have gone underground on me this time, and I wonder if they haven't become groundhogs and seen their shadows instead of Blue Dogs who used to be for balanced budget, fiscal responsibility and for excoriating anybody who didn't produce the same. Now that they have a President of their very own, it's

a different equation for the Blue Dogs. They aren't nearly as vocal.

This reconciliation package, this idea to put together a bill that would circumvent the very rules of the Senate which require a 60-vote majority to break a filibuster and a vote of cloture, is something that has been rejected by many of the Senators who would be making the decision to go forward with this. This reconciliation, this "nuclear option" that it used to be called by Democrats when it was contemplated by Republicans, was opposed by Democrat after Democrat back in those years, mostly in 2005, when we needed to confirm some judges.

By the way, Senator REID said today that nobody was talking about reconciliation. Huh. Yes, they were. BEN CARDIN was talking about it while HARRY REID was talking about it. Only he was saying they need to go forward with reconciliation. So that's been going on for some time. As I said, that argument has been going on since September—the nuclear option, as Democrats called it. Now they call it reconciliation—nice, warm, and fuzzy.

The President had an opportunity to take the reconciliation/nuclear option off the table. He did not do so today. It would have been an extension of an open handshake to at least say, We aren't going to blow this thing through over the filibuster rules of the United States Senate, but the President didn't do that. It must mean he is still for the nuclear option.

Even though HARRY REID said they weren't talking about it, they are. The American people know that. The people in this House know this—Democrats and Republicans—even though it has been rejected by the President, then-Senator Obama, Senator SCHUMER, Senator REID, then-Senator Biden and now Vice President, Senator DODD, Senator FEINSTEIN, then-Senator Clinton, and Senator MAX BAUCUS. All of them have rejected the idea of reconciliation. They called it a "nuclear option" when Republicans were contemplating the same.

This is on a video, but I happen to have the text. So we should know what the President said about this plan that, I think, comes to this House and that, I think, comes to the Senate. I think they're going to try the tactic, and it will blow the place up in the Senate, and it will bring the people to the streets in America. I think they're going to try it because it appears to me it is their last option to push this on us.

In 2005, then-Senator Obama said of reconciliation, A change in the Senate rules that really, I think, would change the character of the Senate forever.

He often pauses for a long time.

He picks up and he says, And what I worry about would be you essentially still have two Chambers—the House and the Senate—but you would have



simply majoritarian absolute power on either side.

No check and balance on the majority power is what the President is saying there. Only he was a Senator at the time.

He concludes with, And that's just not what the Founders intended.

President Obama was opposed to reconciliation as a Senator. It was a philosophical position for him, presumably, and now it looks like he is salivating over knowing his agenda might fail if they can't violate a principle that he believes he stood on then, which I disagreed with, by the way.

Senator SCHUMER, who was in the discussions today, said, We are on the precipice of a crisis, a constitutional crisis.

This is of reconciliation, Mr. Speaker.

The checks and balances which have been at the core of the Republic are about to be evaporated, the checks and balances which say, if you get 51 percent of the vote, you don't get your way 100 percent of the time.

□ 2250

"It is amazing. It's almost a temper tantrum. They want their way every single time, and they will change the rules, break the rules, misread the Constitution so that they will get their way." Senator SCHUMER of the nuclear option that is being contemplated by this White House and the leadership in the Senate and in the House in order to force-feed socialized medicine on America.

Well, the majority leader in the United States Senate had some things to say also about the nuclear option back in those years, which I believe was still 2005, when HARRY REID said, "The right to extend debate is never more important than when one party controls Congress and the White House. In these cases a filibuster serves as a check on power and preserves our limited government." HARRY REID. What did he think? He thought they shouldn't use the nuclear option, the reconciliation package, because the filibuster is necessary as a check on power and it preserves our limited government.

Now, Mr. Speaker, it brings me to then-Senator, now Vice President JOE BIDEN, who said of the reconciliation-nuclear option: "Ultimately an example of the arrogance of power, it is a fundamental power grab. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing." Vice President JOE BIDEN. Presumably that's also a philosophical conviction. He's praying to God that they don't do the same thing that he alleged Republicans were about to do—and did not, by the way, at least on that occasion.

Now I have on reconciliation Senator CHRIS DODD, Democrat from Con-

necticut, who said, "I've never passed a single bill worth talking about that didn't have as a lead cosponsor a Republican, and I don't know of a single piece of legislation that's ever been adopted here that didn't have a Republican and a Democrat in the lead. That's because we need to sit down and work with each other. The rules of this institution have required that. That's why they exist. Why have a bicameral legislative body? Why have two Chambers? What were the Framers thinking about? They understood, Mr. President, that there is a tyranny of the majority." Senator CHRIS DODD speaking of reconciliation.

Now, that's a list of some of them, but I think it would be instructive to go the rest of the way through, Mr. Speaker, and go to Senator DIANNE FEINSTEIN and what she had to say of reconciliation, which was: "The Senate becomes ipso-facto the House of Representatives, where the majority rules supreme and the party in power can dominate and control the agenda with absolute power." Senator DIANNE FEINSTEIN. And that is an accurate analysis of the function of what's going on right now. We will see if she'll participate in this and go back on her position.

But at least then-Senator and now Secretary of State Hillary Clinton won't have to be engaged in this because she happens to be now the Secretary of State and out of this loop. But Hillary Clinton said of reconciliation: "You've got majority rule, and then you've got this Senate here where people can slow things down, where they can debate, where they have something called the filibuster. You know, it seems like a little less than efficient. Well, that's right it is and deliberately designed to be so. The Senate is being asked to turn itself inside out. Ignore the precedent to ignore the way our system has worked. The delicate balance that we have obtained that has kept this constitutional system going for immediate gratification of the present President." Hillary Clinton, opposed to the nuclear option-reconciliation.

Now, the last quote that I have in front of me is Senator MAX BACHUS, who was actively engaged in the negotiations on this bill for a time with my senior Senator CHUCK GRASSLEY, who essentially was shut out of these negotiations last September. MAX BACHUS said of the nuclear option-reconciliation: "This is the way democracy ends, not with a bomb but with a gavel."

That's what we're looking at, Mr. Speaker. But all of these people are in a position to flip around and change their position. I'd remind the American people that Thomas Jefferson once said that large initiatives should not be advanced on slender majorities. And that's an important point, and I don't

know that Jefferson was talking about bipartisan majorities being broader than slender, but he surely would have rejected the idea that very slender, exclusively partisan majorities are not conducive to the good future of our country.

And then I would make another point with regard to these negotiations and discussions, Mr. Speaker, and that is the President of the United States has had kind words to say to some of the people that we've viewed as our enemies. One of them would be Ahmadinejad, who is the President of Iran. And he said in his State of the Union address—this is an interesting thing to come from the President. This is speaking almost directly to Ahmadinejad in Iran, standing back where you are, very close in front of where you are, Mr. Speaker. President Obama said this: "To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history, but that we will extend a hand if you are willing to unclench your fist." That was the President's statement in the State of the Union address, and no doubt he's speaking to Ahmadinejad, someone who has sworn that he is an enemy of the United States and wants to annihilate the "Great Satan." And he defines Ahmadinejad as one who is clinging to power through corruption and deceit and the silencing of dissent. It sounds a lot like what we're going through here in this Congress. It sounds a lot like the silencing of dissent that's taking place in the House of Representatives, with no amendments allowed unless they make Republicans look bad, a shutdown of the open rules process, a shutdown of the debates process, and a driving through of legislation in a partisan way.

So I'm going to suggest this, Mr. Speaker, that I would appreciate it if the President today would offer the Republicans the same thing that he offered Ahmadinejad, and that would be that we would extend our hand if he would have just unclenched his fist. We would have been happy to meet with the President without preconditions, but the President insisted on preconditions. So did Ahmadinejad. He insisted on preconditions, and the President said, I don't insist on any. I offer my hand. Here is a blank piece of paper. Let's negotiate regardless of what your conditions are. But instead the President on health care said to Republicans, I'm going to hang on to my ObamaCare bills, House and Senate. I'll pick my choice because I couldn't write a bill of my own, and I'm going to hang on to the reconciliation-nuclear option because that's the gun to the head of Republicans, and you can figure out if you're going to blink and concede something to us today and bring some votes over to our side of the aisle so we can claim that



this albatross is something that belongs to Democrats and Republicans. And when we rightfully refuse, they will pull the trigger on reconciliation, the nuclear option. And it won't be because we didn't offer an open hand. It will be because their clenched fist squeezed the trigger of the round of the nuclear option and sets off a food fight in America that will be ugly in the streets if they force this thing on this country.

I have been joined by the gentleman and my very good and close friend from Texas (Mr. GOHMERT), whom I would be very happy to yield to.

Mr. GOHMERT. I appreciate my friend from Iowa, and I appreciate the points that he's been making.

You heard so much information today. It was a bit mind-boggling when you think about the number of people that were in the so-called summit today, and not only did they not have a copy of the bills that they were going to try to ram down America's throat, they seemed to be a little miffed when people like ERIC CANTOR and PAUL RYAN had data right at their fingertips to talk about, because it's very discomfoting, I would imagine, if you get very indignant and say there's no money in any of these bills for abortion.

We heard the same thing right here on this floor just within feet of where my friend from Iowa is. We heard people say when we debated the House bill that there is no money in this bill for abortion. And I don't infer any evil intent or intent to deceive, but I know when people say that, since clearly they have no intent to deceive, they just hadn't read the bill before they came to the floor or went to the summit to try to convince people about.

And let's face it. It was called a summit today. Summit meaning height. It was the height of something. And we'll let the Speaker figure out for us what that height was, but it was the height of something, the summit of something.

□ 2300

But the President himself, I think he was within maybe 1 minute of taking 2 hours of all that time by himself. And I was certified as a mediator. I went through training and certification as an international arbitrator. I know something about coming together and mediating. And when you have one side sitting here and another side sitting over here and you say I am going to be fair-handed between the time, and you take individually more time beating up on the poor little guys over here who got even less time among that whole group. I am not sure how many there were on each side, but certainly over a dozen. And the one mediator takes 2 hours of the time just pushing his position, belittling the position of others. And any time he is corrected, since ob-

viously he has no intent to deceive, so when he makes a mistake on exactly what the facts are, having somebody try to correct it and then having them interrupted, as my friend points out.

But like we had the discussion here on the floor, our friend BART STUPAK across the aisle had an amendment to take out the abortion provisions that would allow Federal funding for abortion. So gee, why in the world would you need an amendment to take out the abortion funding if there were no abortion funding in the bill? But, as I am sure my friend from Iowa knows, if you went to page 110 of the House bill, there is, and, of course, I have been through, I got tags all through this stuff as you can see, because I was trying to go through to see what was fact and what was fiction. But right here on page 110, subsection capital B, "Abortions"—this is the topic—"Abortions for which public funding is allowed." And then it goes on and sets things out like that.

So when somebody comes to the floor and says there is no public funding for abortion in this bill at all, and we know also that the Senate refused to allow anything close to the Stupak amendment to cut out Federal funding, then we know that this same kind of language was in the bill that was going to survive and that they were going to work from. Because as I have heard my friend Mr. STUPAK say, if that language is not taken out with a Stupak-type amendment, he can't vote for it, nor can maybe 40 of our friends across the aisle. But "Abortions for which the public funding is allowed." Now, you know people did not read that on the floor. And our Speaker did not know that that language was there. I am sure she didn't prepare the bill.

And we also know that they didn't read some of the other provisions. Because I am sure that when people from the President on down say, "If you like your health care you are going to get to keep it," I am sure they didn't intend to deceive anybody. I am sure they didn't. But it also tells me they hadn't read the bill that is before us. And this language, from the best I can tell, as my friend pointed out earlier, from the 11-page summary and then the 19-page summary of the summary. Both of those can be obtained, of course, from the White House Web site. You can either look at their 11-page summary or their 19-page summary of the summary. But I can't find that this language is removed in their summary or summary of the summary. So if you look at page 91 of the bill, it's entitled, "Protecting the Choice to Keep Current Coverage."

This is the provision that will allow you to keep your coverage if you like it. So, being an old judge, chief justice, I kind of feel like I appreciate the representations, but as I used to tell the lawyers that argued before me, I appre-

ciate your opinion, but I would really rather see the language for myself so I can read it and figure out what it really says.

So, you go look at the language itself, and voila, subsection A, "Grandfathered Health Insurance Coverage." And it describes that, "The term grandfathered health insurance coverage means individual health insurance coverage that is offered and in force and effect before the first day of Y1." That is the first date that the bill goes into effect. And then you have got two basic subparagraphs, number one, "Limitation on new enrollment." And that says, and I will quote from that subsection, in order to keep your coverage if you like it, it says, "The individual health insurance issuer offering such coverage does not enroll any individual in such coverage."

Now, you get what that means. It means the two different gentlemen I have had over the last few weeks that approached me back in my district, and one of them said, "I am not concerned at all about what you're doing about health care because I was part of a union and a part of a big corporation. I retired. They got me a great health care plan, and I'm pleased with it. And I'm not worried about anybody else." The other, as it turned out, had been part of the same union, part of the same company and retired. He was concerned, and he said, "Tell me more about how I can keep my policy."

For people like that, all they would have to do is read this individual provision. So the gentleman who said, I'm really not worried, I said, "Well, let me ask you, since this says here that you can't keep your coverage even if you like it if another individual is enrolled in such coverage, I have to ask, does anybody ever get added to your health care coverage from your union that you were part of and retired from and now have this great retired medical policy?" And he says, "Well, yeah, people retire all the time." Bad news. That is really bad news, because that means they get added to the policy. That means under "Limitation on New Enrollment," number one, you're eliminated from keeping your coverage and you get bounced over onto the Federal insurance exchange program.

The second limitation might affect some other Americans who like their insurance and would like to keep it. It is this. The title is, "Limitation on changes in terms or conditions." I am just reading from the bill. I'm not making this up. "The issuer does not change any of its terms or conditions, including benefits and cost sharing." You get that? If the insurance company that has the policy you like, like these two gentlemen that retired from a major company after having their union negotiate a good policy, if any term or condition in their policy changes, if the benefits change at all,

they add benefits, they take any benefits away, they say, well, you know what, we found out this treatment was not safe so we're removing it from something we'll provide coverage for, you find out something is a brand new treatment that works, we add that, well, you've changed your benefits. And it says here you can't change your benefits if you're going to keep it. And if you change the copay, if you change the deductible, if you change the price of the policy, bad news. Under number two, you lose your policy and you get kicked over under the Federal insurance exchange program.

Now, I was intrigued today to hear one of our Democratic friends there at the White House summit give a wonderful example about the Federal insurance exchange program. He gave this example or something like this. I was listening to two or three things at the same time, I had hearings and meetings and things going on. But as I understood it, he said, "Well, like when I want to go look for a flight or make travel arrangements, I will go onto Orbitz or Expedia or something like that. Well, that's all this Federal insurance program is. You know, it helps you find the best policy."

Well, that is a wonderful point. I have been trying to find where the government owns Orbitz and Expedia. I can't find that they own those programs. The best I can determine, whether it's Travelocity, Orbitz, Expedia, whatever, I can't find the government owns any of those. I can't find that it is a Federal Orbitz, a Federal Expedia, Travelocity, whatever it is. I can't find that. Apparently, these are private companies. And apparently, from what he said, he likes what the private companies are doing.

Well, we want people in America to have choice. We want them to have the best choice. And I bet you if you asked Americans, and said, "We're thinking about creating a travel agency, and the government will make all your travel arrangements for you. You just contact our government office. We're going to give you an option to all the other airlines, all the other travel agencies. We're just going to let the government do that because we feel like you are owed a public option when you travel." I wonder how many people would ever go to the Federal option, because it is not competitive.

□ 2310

The Federal Government never has to compete. It can run in the red. They don't care. Their salaries are not dependent on how well the company does.

And so I also want to point out that if you look here at section 501, the title of section 501 is "Tax on Individuals Without Acceptable Health Care Coverage." "Tax on Individuals Without Acceptable Health Care Coverage." And this place is supposed to care

about the little guys, the guys that are out there working from dawn until dusk and some of them into the night to try to make enough money and then go to another job and moonlight to try to help the family, help the kids have what they need to get through school? And you're going to say, You know what? You make a little too much to be under the poverty line that will allow us to just give you free health insurance or health care, so under section 501, we're just going to have to tax you because you're not buying a Cadillac insurance policy.

But then again, we also know if you have a Cadillac insurance policy—which to me, Cadillacs are great cars. I used to have one before I ever came to Congress. I can't afford one now, but they were good cars. And, unfortunately, Cadillacs may not be what they used to be now that the government motors owns them or makes them.

But nonetheless, can you imagine the arrogance of a government that tells people, You're not buying as expensive of an insurance policy that I think you ought to have so I am going to tax you for it?

And in the summary, the President's plan points out—or the changes to the House and Senate bill says, in the summary, You know what? The medical device tax—what some of us referred to as the wheelchair tax. Of course, they initially stuck the medical device tax in there, and there was no threshold above which you had to be to pay an extra tax if you had the misfortune of needing a medical device. And so some began to refer to it as the tampon tax, because that meets the requirements of a medical device and it could be taxed. And the threshold of a hundred dollars is put in there.

So the President says, You know what? We may just create a whole new excise tax that everybody is going to have to pay. Sorry about that \$250,000 exclusion I told you about at one time, but you're still going to have to pay more taxes. This is chock full of this stuff. That is why most Americans do not want this bill.

And if you look, there are all kinds of, still, pot sweeteners for Senators or Representatives that were reluctant. They changed some of those, but the pot sweeteners were in there to try to get their vote. They don't help all Americans. They sweeten the pot only for those votes that they think they need to get it passed. That is not right. That is not good for all Americans. That's not consistent with the equal protection that is promised to all Americans under the Constitution. You ought to have equal opportunity, and they don't have it.

I appreciate so much the time as my friend has yielded.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Mr. HOYER) for today.

Mr. DENT (at the request of Mr. BOEHNER) for today after 3 p.m. and for the balance of the week on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 4.

Mr. JONES, for 5 minutes, March 4.

Mr. MORAN of Kansas, for 5 minutes, March 4.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 25, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4532. To provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Friday, February 26, 2010, at 9 a.m.

#### BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 4691, the Temporary

Extension Act of 2010, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4691, THE TEMPORARY EXTENSION ACT OF 2010 AS INTRODUCED ON FEBRUARY 25, 2010

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET IMPACT ON THE DEFICIT													
Net increase in the Deficit .....	8,605	750	286	275	195	105	75	10	0	0	0	10,218	10,303
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians <sup>1</sup> .....	1,040	0	0	0	0	0	0	0	0	0	0	1,040	1,040
Designated as Emergency Requirements <sup>2</sup> .....	7,565	750	286	275	195	105	75	10	0	0	0	9,178	9,263
Statutory Pay-As-You-Go Impact .....	0	0	0	0	0	0	0	0	0	0	0	0	0

<sup>1</sup> Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

<sup>2</sup> Section 11 of the Temporary Extension Act of 2010 would designate all sections of the Act, except section 5, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

Notes: Positive numbers for "Net Impact on the Deficit" denote an increase in the deficit. Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6230. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Hass Avocados From Peru [Docket No.: APHIS-2008-0126] (RIN: 0579-AC93) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifluoromethyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0276; FRL-8808-6] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0876; FRL-8804-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-Methyl-, Polymer with Oxirane, Dimethyl Ether; Tolerance Exemption [EPA-HQ-OPP-2009-0675; FRL-8805-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8807-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6235. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-ethyl-hexyl ester, polymer with ethenylbenzene and 2-methylpropyl 2-methyl-2-propenoate; Tolerance Exemption [EPA-HQ-OPP-2009-0699; FRL-8807-4] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6236. A letter from the Deputy Secretary, Department of Defense, transmitting report to Congress on Taiwan's Air Defense Force; to the Committee on Armed Services.

6237. A letter from the Department of Defense Medicare-Eligible Retiree Health Care

Board of Actuaries, Department of Defense, transmitting A report on the actual status of the D.O.D. Medicare-Eligible Retiree Health Care Fund along with recommendations that the Board deems necessary; to the Committee on Armed Services.

6238. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements-Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6239. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 45th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6240. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6241. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's "Major" final rule — HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments To Adopt Recently Enacted Statutory Changes [Docket No.: FR-5340-I-02] (RIN: 2502-AI76) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6242. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's "Major" final rule — Fair Credit Reporting Risk-Based Pricing Regulations [Regulation V; Docket No. R-1316] (RIN: 3084-AA94) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6243. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6244. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (RIN: 1210-AB30) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6245. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual performance report to Congress required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

6246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endocrine Disruptor Screening Program; Policies and Procedures for Initial Screening [EPA-HQ-OPPT-2007-1080; FRL-3899-9] (RIN: 2070-AD61) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [EPA-R08-OAR-2008-0307; FRL-8968-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Premanufacture Notification Exemption for Polymers; Amendment of Polymer Exemption Rule to Exclude Certain Perfluorinated Polymers [EPA-HQ-OPPT-2002-0051; FRL-8805-5] (RIN: 2070-AD58) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6249. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0475; FRL-9104-7] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6250. A letter from the Deputy chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Video Programming [CG Docket No.: 05-231] received January 21,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6251. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Anchorage, Alaska) [MB Docket No.: 09-210] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6252. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon) [MB Docket No.: 09-130] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6253. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 6, 2009, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6254. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

6255. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the sixth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

6256. A communication from the President of the United States, transmitting a report pursuant to Section 3134 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Foreign Affairs.

6257. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting FY 2011 Congressional Budget Justification/FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6258. A letter from the Secretary, Department of Education, transmitting FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6259. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6260. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting FY 2009 Treasury Agency Financial Report; to the Committee on Oversight and Government Reform.

6261. A letter from the Acting Comptroller, Government Accountability Office, transmitting the Office's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

6262. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2009,

ending September 30, 2009; to the Committee on Oversight and Government Reform.

6263. A letter from the Director, Office of Management and Budget, transmitting the Office's report entitled, "2009 Report to Congress on the Benefits and Cost of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities", pursuant to 31 U.S.C. 1105 note; to the Committee on Oversight and Government Reform.

6264. A letter from the Assistant Attorney General, Department of Justice, transmitting annual report pursuant to the Military and Overseas Voter Empowerment Act, pursuant to Public Law 111-84, section 587; to the Committee on House Administration.

6265. A letter from the Chair, Election Assistance Commission, transmitting the Commission's FY 2009 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

6266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS96) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6267. A letter from the Deputy Chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Naturalization for Certain Persons in the U.S. Armed Forces [CIS No.: 2479-09; DHS Docket No. DHS-2009-0025] (RIN: 1615-AB85) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6268. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Commerce in Explosives-Storage of Shock Tube With Detonators (2005R-3P) [Docket No.: ATF 15F; AG Order No. 3133-2010] (RIN: 1140-AA30) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6269. A letter from the Secretary, Department of Energy, transmitting a report entitled "Final Cost and Performance Goals for Coal-Based Technologies"; to the Committee on Science and Technology.

6270. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue: Cost Sharing Stock Based Compensation Directive #2 received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6271. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

6272. A letter from the Secretary, Department of Defense, transmitting disaster relief operations related to the Haiti Earthquake; jointly to the Committees on Armed Services and Foreign Affairs.

6273. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2010 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to

the Committees on Foreign Affairs and Appropriations.

6274. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts" covering the period from February 17, 2009 to August 16, 2009, pursuant to Public Law 104-172; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1109. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (Rept. 111-420). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1113. Resolution providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111-421). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H.R. 4689. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Energy and Commerce.

By Mr. PERLMUTTER (for himself, Ms. WATERS, Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. HODES, Mr. HIMES, Mr. SIREN, Mr. CARSON of Indiana, Mr. ELLISON, Mrs. CHRISTENSEN, Mr. CARNAHAN, Mr. HOLT, Mr. COHEN, Mr. COURTNEY, Mr. McDERMOTT, Mr. QUIGLEY, Ms. SCHWARTZ, Mr. TONKO, and Mr. SARBANES):

H.R. 4690. A bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. OBERSTAR):

H.R. 4691. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Transportation and Infrastructure, Financial Services, Small Business, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. LIPINSKI (for himself, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, Mr. MANZULLO, Ms. SUTTON, Mr. EHLERS, Mr. HARE, Mr. DINGELL, Mr. MICHAUD, Ms. KAPTUR, Mr. SCHOCK, Mr. VISCLOSKEY, Mr. WILSON of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. KAGEN, Mr. STUPAK, Mr. LYNCH, Mr. LOEBSACK, Mrs. DAHLKEMPER, Mr. ELLISON, Mr. ELLSWORTH, Mr. PERRIELLO, Mr. KILDEE, Mr. PETERS, Ms. SHEA-PORTER, Mr. TAYLOR, Mr. SARBANES, and Mr. JOHNSON of Illinois):

H.R. 4692. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER (for herself, Mr. BISHOP of Georgia, Mr. GALLEGLY, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SHUSTER, Ms. JACKSON LEE of Texas, Mr. HOLDEN, and Mr. CARNEY):

H.R. 4693. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mr. HIMES, Mr. POLIS of Colorado, Mr. GONZALEZ, Ms. ESHOO, Ms. ZOE LOFGREN of California, Ms. CHU, Mr. LYNCH, Mr. HINOJOSA, Mr. BACA, Ms. MOORE of Wisconsin, Mr. PERRIELLO, Mr. AL GREEN of Texas, Ms. CLARKE, and Mr. MOORE of Kansas):

H.R. 4694. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to provide financial assistance to community development financial institutions to help defray the costs of operating small dollar loan programs, and for other purposes; to the Committee on Financial Services.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. HONDA, Mr. SABLAN, and Mr. PIERLUISI):

H.R. 4695. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to provide financial assistance to local educational agencies that educate alien children admitted to the United States as citizens of one of the Freely Associated States; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 4696. A bill to expand the availability of health savings accounts, to eliminate restrictions on the deduction for medical expenses, and to provide for cooperative governing of individual health insurance cov-

erage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO (for himself, Mr. NYE, Mr. CASSIDY, Mr. TAYLOR, and Mr. POSEY):

H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income remediation payments for hazardous drywall; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. DENT, Mr. HINCHAY, Mr. HOLT, and Mr. SEXTAK):

H.R. 4698. A bill to direct the Secretary of the Interior to establish a program to build upon and help coordinate funding for restoration and protection efforts at the Federal, regional, State, and local level for the four-State Delaware Basin, including all of Delaware Bay and portions of Delaware, New Jersey, New York, and Pennsylvania, located in the Delaware River watershed, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY of Indiana:

H.R. 4699. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Ways and Means.

By Mr. KAGEN (for himself, Mr. FOSTER, Ms. SHEA-PORTER, Mr. BOSWELL, Mr. LOEBSACK, Mr. PERRIELLO, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. DEFAZIO, Mr. HASTINGS of Florida, Mr. STUPAK, Mr. COHEN, Ms. PINGREE of Maine, Mr. WELCH, Ms. MCCOLLUM, and Mr. HODES):

H.R. 4700. A bill to provide for transparency in health care pricing, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 4701. A bill to amend the Internal Revenue Code of 1986 to provide relief to certain married couples who would otherwise be ineligible for the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4702. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers a credit against income tax for up to \$1,000 of charitable contributions; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mr. MCKEON, Mr. GALLEGLY, Mr. HUNTER, Mr. ROHRABACHER, Mr. CAMPBELL, and Mr. DANIEL E. LUNGREN of California):

H.R. 4703. A bill to prohibit the further extension or establishment of national monuments in California except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. MASSA:

H.R. 4704. A bill to provide public safety officer disability benefits to officers disabled

before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. MCHENRY (for himself, Mr. KLINE of Minnesota, Mr. GALLEGLY, Ms. GRANGER, Mr. BRADY of Texas, Mr. HENSARLING, Mr. POSEY, Mr. GOMMERT, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mr. BARTLETT, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey):

H.R. 4705. A bill to require the Secretary of the Treasury to redesign the face of \$50 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. OWENS:

H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 4707. A bill to extend the emergency unemployment compensation program through the end of fiscal year 2010; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. HELLER, Mr. BILBRAY, Mrs. MYRICK, and Mr. JONES):

H.R. 4708. A bill to amend titles XIX and XXI of the Social Security Act to require citizenship and immigration verification of eligibility under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. HARE, Mr. HONDA, Ms. NORTON, and Mr. SIRES):

H.R. 4709. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education; to the Committee on Education and Labor.

By Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON):

H.J. Res. 76. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mr. WU, Ms. NORTON, Ms. BORDALLO, and Ms. RICHARDSON):

H. Con. Res. 240. Concurrent resolution expressing support for designation of the fourth week in April as "National Streetscaping Week"; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. AKIN, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, and Mr. LUETKEMEYER):

H. Con. Res. 241. Concurrent resolution congratulating Silver Dollar City and Herschend Family Entertainment Company on the 50th anniversary of the opening of Silver Dollar City, a turn-of-the-century theme park that celebrates the spirit, ingenuity, and artistry of early America; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Mr.

CLEAVER, Mr. HONDA, Mr. SIRES, Ms. FUDGE, and Mr. PERRIELLO):

H. Con. Res. 242. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FALOMAVAEGA, Ms. BORDALLO, and Mr. SABLAN):

H. Con. Res. 243. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; to the Committee on House Administration.

By Ms. FALLIN (for herself, Mr. BOREN, Mr. COLE, Mr. LUCAS, and Mr. SULLIVAN):

H. Res. 1110. A resolution commending the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for their efforts to modernize agriculture and sustainable farming practices in Afghanistan and their dedication and service to the United States; to the Committee on Armed Services.

By Ms. MARKEY of Colorado (for herself and Mr. EHLERS):

H. Res. 1111. A resolution designating March 2, 2010, as "Read Across America Day"; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. SHUSTER, Mr. HOLDEN, Mr. GERLACH, Mr. DENT, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, and Mr. WOLF):

H. Res. 1112. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on Education and Labor.

By Ms. GRANGER (for herself and Mr. BOREN):

H. Res. 1114. A resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. BILBRAY, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, Mr. ISSA, and Mr. FILNER):

H. Res. 1115. A resolution expressing appreciation for the profound dedication and public service of Enrique "Kiki" Camarena on the 25th anniversary of his death; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. CARNAHAN, and Mr. BURGESS):

H. Res. 1116. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself and Mr. HERGER):

H. Res. 1117. A resolution commending and congratulating the California State University system on the occasion of its 50th anniversary; to the Committee on Education and Labor.

By Mr. MCCAUL (for himself, Ms. ROS-LEHTINEN, Mr. POE of Texas, Mr. INGLIS, Mr. ROHRBACHER, Mr. BURTON of Indiana, Mr. OLSON, Mr. KIRK, Ms. JACKSON LEE of Texas, Mr. ROYCE, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 1118. A resolution expressing the concern of the House of Representatives over the Government of Iran's continued oppression of its people and calling on the Adminis-

tration to take further measures in support of those oppressed by the current Iranian regime; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself, Mr. BRADY of Pennsylvania, Mr. INGLIS, Mr. LAMBORN, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. UPTON, Mr. DINGELL, Mr. SCHAUER, Mr. MOORE of Kansas, Mr. AL GREEN of Texas, Mr. LATOURETTE, Mr. MICHAUD, Ms. SUTTON, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. KISSELL, Mr. CAMP, Mr. LARSEN of Washington, Mr. HEINRICH, Mr. SCHIFF, Mr. BRIGHT, Mr. KILDEE, Mr. QUIGLEY, Mr. KLEIN of Florida, Mr. LEE of New York, Mr. BACHUS, Mr. NYE, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. CHANDLER, Mr. AKIN, Mr. SMITH of Washington, Mr. MASSA, Mr. KRATOVIL, Ms. GIFFORDS, Mr. MAFFEI, Mr. ELLSWORTH, Mr. SNYDER, Mr. ADLER of New Jersey, Ms. SHEAPORTER, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, and Mr. OWENS):

H. Res. 1119. A resolution expressing the sense of the House of Representatives that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. POE of Texas:

H. Res. 1120. A resolution recognizing the 174th anniversary of the independence of the State of Texas; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. JORDAN of Ohio, Mr. LATOURETTE, Mrs. SCHMIDT, Mr. LATTI, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Mr. TIBERI, Mr. DRIEHAUS, Mr. AUSTRIA, Mr. BOEHNER, Ms. KILROY, Mr. SPACE, and Mr. KUCINICH):

H. Res. 1121. A resolution congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

232. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 860 urging the Federal Deposit Insurance Corporation (FDIC) to show temperance in the application of asset valuation to minority owned banks; to the Committee on Financial Services.

233. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 406 urging the Congress of the United States to immediately consider House Resolution No. 2499; to the Committee on Natural Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. ESHOO, Mr. HUNTER, and Mrs. MCCARTHY of New York.

H.R. 182: Mrs. MALONEY.

H.R. 470: Mr. REHBERG.

H.R. 476: Mr. ABERCROMBIE.

H.R. 482: Ms. WASSERMAN SCHULTZ and Ms. NORTON.

H.R. 649: Mr. KLINE of Minnesota.

H.R. 673: Mr. MICHAUD.

H.R. 675: Mr. MICHAUD.

H.R. 840: Mr. WELCH.

H.R. 886: Mr. CARNAHAN, Mr. McDERMOTT, Ms. SLAUGHTER, Mr. BARTLETT, Ms. LINDA T. SANCHEZ of California, Mr. TERRY, Mr. MCGOVERN, Mr. PETRI, Mr. PUTNAM, Mr. ELLSWORTH, and Ms. SCHWARTZ.

H.R. 949: Ms. PINGREE of Maine, Mr. DAVIS of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CONYERS.

H.R. 994: Mr. MARCHANT.

H.R. 1074: Mr. MICA and Mrs. McMORRIS RODGERS.

H.R. 1079: Ms. KILROY and Mr. WALZ.

H.R. 1085: Mr. POMEROY.

H.R. 1126: Ms. SUTTON and Mr. FATTAH.

H.R. 1132: Mr. FRANK of Massachusetts, Mr. GARY G. MILLER of California, and Mr. SIRES.

H.R. 1188: Mr. ADLER of New Jersey and Mr. SHIMKUS.

H.R. 1189: Mrs. DAHLKEMPER.

H.R. 1194: Mr. ELLISON, Mr. SCHOCK, and Mr. WALZ.

H.R. 1229: Mr. AUSTRIA.

H.R. 1240: Mr. GRIFFITH and Mr. GUTIERREZ.

H.R. 1310: Mr. MICHAUD.

H.R. 1378: Mr. MAFFEI.

H.R. 1490: Mr. WAXMAN and Mr. CLEAVER.

H.R. 1526: Mr. SCHAUER and Mrs. MCCARTHY of New York.

H.R. 1618: Mr. BACHUS.

H.R. 1796: Mr. HIGGINS.

H.R. 1799: Mr. JORDAN of Ohio and Ms. DEGETTE.

H.R. 1806: Mr. BISHOP of New York, Mr. NADLER of New York, Ms. MARKEY of Colorado, and Mr. BISHOP of Georgia.

H.R. 1826: Mr. BUTTERFIELD.

H.R. 1884: Mr. LEWIS of Georgia.

H.R. 1903: Mr. REHBERG.

H.R. 1912: Mr. QUIGLEY, Mr. CAMPBELL, and Mr. DEFAZIO.

H.R. 1925: Ms. SLAUGHTER, Ms. JACKSON LEE of Texas, and Ms. CHU.

H.R. 1990: Mr. HALL of New York and Mr. EDWARDS of Texas.

H.R. 2014: Mr. HEINRICH and Mr. FORBES.

H.R. 2021: Mr. REHBERG.

H.R. 2104: Mr. SCHAUER.

H.R. 2112: Mr. ROGERS of Kentucky.

H.R. 2262: Mr. KENNEDY and Ms. NORTON.

H.R. 2478: Mr. CAO.

H.R. 2480: Mr. MAFFEI.

H.R. 2493: Mr. WILSON of South Carolina and Mr. HOEKSTRA.

H.R. 2625: Mr. DOGGETT and Mr. BAIRD.

H.R. 2733: Ms. KILPATRICK of Michigan and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2766: Mr. FILNER.

H.R. 2831: Ms. SHEA-PORTER.

H.R. 2849: Mr. WELCH.

H.R. 2850: Mr. MCGOVERN and Mr. OLVER.

H.R. 2906: Mr. ISRAEL.

H.R. 2941: Mr. KIRK.

H.R. 2979: Ms. NORTON, Ms. FUDGE, and Mr. FILNER.

H.R. 3024: Ms. HERSETH SANDLIN and Mr. MANZULLO.

H.R. 3189: Mr. OWENS.

H.R. 3249: Ms. LEE of California, Mr. FALOMAVAEGA, and Mr. AL GREEN of Texas.

H.R. 3329: Mr. KENNEDY.

H.R. 3339: Mr. MATHESON, Ms. BERKLEY, Mr. DICKS, and Mr. SCHRADER.

H.R. 3349: Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. RICHARDSON, Mr. WALZ, and Mr. PETERSON.

H.R. 3363: Mr. SULLIVAN.  
 H.R. 3380: Mrs. MALONEY, Ms. PINGREE of Maine, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. SARBANES, Mr. GALLEGLY, Mr. PETERS, Mr. KISSELL, Mrs. MILLER of Michigan, Mr. KENNEDY, Mr. GRAYSON, Mr. CARNEY, Mr. KAGEN, Mr. STARK, Mr. BILIRAKIS, and Mr. ABERCROMBIE.  
 H.R. 3381: Mr. ENGEL.  
 H.R. 3401: Mrs. NAPOLITANO, Mrs. MALONEY, and Mr. MORAN of Virginia.  
 H.R. 3408: Ms. NORTON and Mr. JOHNSON of Georgia.  
 H.R. 3502: Mr. TIERNEY, Mr. BOCCIERI, Mr. ANDREWS, Mr. FLEMING, and Mrs. LOWEY.  
 H.R. 3526: Mr. HASTINGS of Florida.  
 H.R. 3571: Mr. MCCLINTOCK.  
 H.R. 3577: Mr. SESTAK.  
 H.R. 3586: Mr. TIBERI.  
 H.R. 3731: Mr. PALLONE, Ms. WOOLSEY, Ms. PINGREE of Maine, Ms. CLARKE, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. RAHALL, Mr. BAIRD, Mr. MEEKS of New York, Mr. CUELLAR, Mr. JACKSON of Illinois, Mr. KISSELL, Mr. MCGOVERN, Mr. SHULER, and Ms. BORDALLO.  
 H.R. 3758: Mr. PATRICK J. MURPHY of Pennsylvania.  
 H.R. 3851: Mr. SESTAK.  
 H.R. 3936: Mr. KAGEN, Mr. TONKO, and Mr. SPACE.  
 H.R. 3955: Mr. BACA.  
 H.R. 3995: Mr. MICHAUD.  
 H.R. 4053: Mr. KILDEE.  
 H.R. 4098: Mr. DAVIS of Illinois and Ms. CHU.  
 H.R. 4133: Mr. POE of Texas, Mr. PAUL, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. GRIFFITH, and Mr. WITTMAN.  
 H.R. 4196: Mr. KENNEDY and Mr. RANGEL.  
 H.R. 4197: Mr. WELCH.  
 H.R. 4214: Ms. WATERS, Mr. DREIER, Mr. HUNTER, Mr. COSTA, Mr. FILNER, Mrs. DAVIS of California, and Ms. SPEIER.  
 H.R. 4226: Mr. CARNAHAN, Mr. ISRAEL, Mr. MCGOVERN, and Mr. ELLISON.  
 H.R. 4241: Mrs. MCCARTHY of New York and Mr. GORDON of Tennessee.  
 H.R. 4255: Mr. HARE and Mr. GOODLATTE.  
 H.R. 4268: Mr. NADLER of New York and Ms. LINDA T. SANCHEZ of California.  
 H.R. 4296: Ms. RICHARDSON.  
 H.R. 4301: Mr. HONDA and Mr. TANNER.  
 H.R. 4302: Mr. WALZ.  
 H.R. 4324: Mr. SCHAUER and Mr. COURTNEY.  
 H.R. 4346: Ms. RICHARDSON.  
 H.R. 4353: Mr. KIRK.  
 H.R. 4392: Mr. ENGEL.  
 H.R. 4394: Mrs. CHRISTENSEN.  
 H.R. 4396: Mr. SPACE.  
 H.R. 4400: Ms. HIRONO, Mr. WALZ, and Mr. AL GREEN of Texas.  
 H.R. 4410: Ms. JENKINS and Mr. HOLDEN.  
 H.R. 4446: Ms. FUDGE.  
 H.R. 4466: Mr. ELLSWORTH and Mr. WITTMAN.  
 H.R. 4493: Mr. KILDEE and Ms. HIRONO.  
 H.R. 4494: Mr. HARE and Ms. CORRINE BROWN of Florida.  
 H.R. 4524: Mr. KISSELL.  
 H.R. 4534: Mr. FARR.  
 H.R. 4538: Ms. ZOE LOFGREN of California.  
 H.R. 4539: Ms. LINDA T. SANCHEZ of California.  
 H.R. 4548: Mr. LEE of New York and Mr. GARY G. MILLER of California.  
 H.R. 4553: Mr. MANZULLO and Mr. MAFFEI.  
 H.R. 4556: Mr. INGLIS, Mr. BONNER, Mr. LOBIONDO, and Mr. BURGESS.  
 H.R. 4558: Mr. CONYERS, Mr. EHLERS, Mr. SCHAUER, and Mr. MCCOTTER.  
 H.R. 4564: Mr. FILNER, Ms. MATSUI, Mr. GARAMENDI, Mr. HONDA, Ms. WATSON, Ms. HARMAN, Ms. WOOLSEY, Mr. BECERRA, Mr. GRAYSON, Mr. NADLER of New York, Ms. WATERS, Mr. THOMPSON of California, Mr. SARBANES, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Ms. ZOE LOFGREN of California, Ms. SPEIER, Mr. FALCOMA VAEAGA, Mr. SABLAN, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Ms. LEE of California, Mr. LUJAN, Mr. GRIJALVA, Mr. KIND, Mr. WELCH, Mr. SHERMAN, and Mr. KLEIN of Florida.  
 H.R. 4568: Mr. HEINRICH and Mr. MCCOTTER.  
 H.R. 4581: Mr. CASTLE and Mr. KING of New York.  
 H.R. 4597: Mr. HARE, Mr. HOLT, and Mr. SARBANES.  
 H.R. 4598: Mr. ADLER of New Jersey, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. FUDGE, Mr. EHLERS, and Mr. COSTA.  
 H.R. 4616: Mrs. MALONEY.  
 H.R. 4638: Mrs. CAPPES.  
 H.R. 4645: Mr. FARR, Mr. PAUL, Mr. LARSEN of Washington, Mr. EDWARDS of Texas, and Mr. MATHESON.  
 H.R. 4650: Mr. CONYERS.  
 H.R. 4653: Mr. DUNCAN, Mr. HOEKSTRA, Mrs. EMERSON, Mr. REHBERG, Mr. KING of New York, and Mr. MCCOTTER.  
 H.R. 4665: Ms. SLAUGHTER.  
 H. Con. Res. 170: Mr. SCALISE and Mrs. LUMMIS.  
 H. Con. Res. 231: Mr. SCHOCK.  
 H. Res. 311: Ms. CLARKE.  
 H. Res. 416: Mr. SCOTT of Virginia.  
 H. Res. 440: Mr. WITTMAN.  
 H. Res. 777: Mr. SESTAK.  
 H. Res. 855: Mr. OWENS, Mr. WILSON of South Carolina, Mr. WOLF, Mr. BILIRAKIS, Mr. RANGEL, Mr. CALVERT, Mr. NUNES, Ms. JENKINS, Mr. ROGERS of Alabama, and Mr. SPRATT.  
 H. Res. 857: Mr. LUCAS.  
 H. Res. 992: Mr. COFFMAN of Colorado and Mr. LAMBORN.

H. Res. 1018: Mr. TIERNEY.  
 H. Res. 1055: Mr. WAMP and Mr. POLIS of Colorado.  
 H. Res. 1075: Mrs. DAHLKEMPER.  
 H. Res. 1078: Mr. SCHIFF, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, and Mr. HUNTER.  
 H. Res. 1079: Mr. GERLACH.  
 H. Res. 1080: Mr. CONAWAY and Mr. SABLAN.  
 H. Res. 1081: Mr. RUSH and Mr. BRADY of Pennsylvania.  
 H. Res. 1086: Mr. MARSHALL, Mr. GARAMENDI, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BECERRA, Mr. BOCCIERI, Ms. MATSUI, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. LUJAN, Mr. DANIEL E. LUNGREN of California, Mr. KENNEDY, Mr. KILDEE, Mr. ISSA, Ms. JACKSON LEE of Texas, Mr. GUTIERREZ, Mr. GALLEGLY, Mr. ENGEL, Mr. CONNOLLY of Virginia, Mr. CARDOZA, Mr. CALVERT, Mr. MCCLINTOCK, Mr. MOLLOHAN, Mr. ORTIZ, Mr. PASTOR of Arizona, Ms. PINGREE of Maine, Mr. PUTNAM, Mr. RAHALL, Mr. REYES, Mr. SALAZAR, Ms. VELAZQUEZ, Mr. WAMP, Mr. THOMPSON of California, and Mr. SIRES.  
 H. Res. 1090: Ms. NORTON and Mr. SCOTT of Virginia.  
 H. Res. 1104: Mr. REICHERT.  
 H. Res. 1107: Mr. SESTAK, Mr. CARTER, Mr. SCHIFF, Mr. BERMAN, Ms. FOXX, and Mr. HODES.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

103. The SPEAKER presented a petition of Town of Parma, New York, relative to Resolution No. 279-2009 urging Congress to pass the Community Choice Act; to the Committee on Energy and Commerce.

104. Also, a petition of Court of Common Council, Hartford, Connecticut, relative to supporting the Sustain Communities Act (S. 1619); jointly to the Committees on Energy and Commerce, Financial Services, and Transportation and Infrastructure.

105. Also, a petition of Board of Supervisors of the City and County of San Francisco, California, relative to supporting H.R. 1064 and S. 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act); jointly to the Committees on the Judiciary, Education and Labor, Energy and Commerce, and Financial Services.



## SENATE—Thursday, February 25, 2010

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Benny Tate, senior pastor of Rock Springs Church in Milner, GA.

The guest Chaplain offered the following prayer:

Let us pray.

Our Heavenly Father, we bow our heads in Your presence. The Bible teaches us, "Behold how good it is for brethren to dwell together in unity, because a House divided will not stand." May Your servants in this body not look to parties, personalities, preferences or press, but may they focus on principles and people.

God, we call our Senators politicians, but You call them ministers in the Bible. May all 100 Members of this body make full proof of their ministry. I ask for Your guidance on their decisions and Your grace on their families. Keep every one of them close and clean, being accountable to You.

We ask for protection for our men and women who so bravely protect us all over our world. We pray respecting all faiths, but pray this prayer in the Name of the Lord Jesus Christ. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, February 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 1299, which the clerk will report.

The legislative clerk read as follows:

A House message to accompany H.R. 1299, an Act making technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

Pending:

Reid amendment No. 3326 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 3327 (to amendment No. 3326), of a perfecting nature.

Reid amendment No. 3328, to provide for a study.

Reid amendment No. 3329 of a perfecting nature.

Reid amendment No. 3330 (to amendment No. 3329), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

### SCHEDULE

Mr. CASEY. Madam President, today, the Senate will resume consideration of the House message with respect to H.R. 1299, the legislative vehicle for the Travel Promotion Act. Yesterday, the majority leader filed cloture on the motion to concur. That vote will occur tomorrow morning, unless we are able to reach an agreement to vote today.

In addition, we are also working on an agreement to consider a bill that would extend certain expiring tax provisions for 30 days. If we are able to reach an agreement, we could see votes on that after 4 p.m. There will be no rollcall votes prior to 4 p.m. to allow Senators to attend the health care summit with the President of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

### GUEST CHAPLAIN DR. BENNY TATE

Mr. CHAMBLISS. Madam President, I rise this morning to thank our distinguished guest Chaplain, Dr. Benny Tate, of Milner, GA, who has brought us an inspirational message with which to begin our day.

Dr. Tate is the senior pastor of Rock Springs Church in Milner, GA, and has

served his congregation well for 20 years. When Dr. Tate began preaching at Rock Springs Church, only 20 people came to worship on a given Sunday. Today, Dr. Benny Tate preaches to more than 4,000 people on any given Sunday. Rock Springs Church is now the largest church in the Congregational Methodist denomination.

Dr. Tate is the kind of pastor who finds creative ways to go out to the community and spread the word of God. He hosts the "Apples of Gold" radio program, reaching out to central Georgians through 15 radio stations.

He has worked with local civic organizations, leading his flock by example. He served as the Chappell Mill Fire Station Chaplain and as a Georgia Youth Camp board member, just to name a couple of his activities. He has also written three books as well as pieces for the local Griffin Daily News.

One of his books has been read by both my wife and myself and has a very unique and very appropriate title called "Happy Wife, Happy Life." All of us males have a great appreciation for that title.

I have had the privilege of attending Dr. Benny Tate's church on many occasions. I have always found Rock Springs Church to be a very holy, spirit-filled church.

Dr. Tate has a very unique way of spreading the gospel in a manner that is mixed with humor and yet direct, personal feelings and the word of the Holy Spirit and the message that Jesus Christ gives to him. In short, he has effected positive changes in the church and the community through his outreach. We appreciate his efforts and his words of worship this morning, and I am very pleased to have my dear friend, Dr. Benny Tate, with us today.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN are printed in today's RECORD under "Morning Business.")

Mr. KAUFMAN. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I wish to speak as in morning business, and I ask unanimous consent to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. CORNYN. Madam President, as are many of us, I have been watching with great interest the bipartisan health care summit that is being broadcast on television. I am happy there is a bipartisan meeting at the White House to discuss health care reform. The practicalities are that only 38 of the 535 Members of Congress can participate directly in the summit, but I know that representatives of our political parties are there, along with the President. They are talking about something that is very near and dear to all of our hearts, and that is how to bring down the costs of health care which is priced out of the reach of many of the American people, including too many in my State of Texas.

Unfortunately, sometimes in Washington what happens is, you see what is happening on TV or what is happening on the floor of the Senate, and it looks like one thing. Then you find out that behind the scenes something very different is happening. What I am speaking about in particular is, in contrast to a bipartisan summit on health care, my understanding is there are efforts underway on the part of the staff of the majority party to consider the use of reconciliation to try to pass an unpopular health care bill with 51 votes on a party-line basis.

I think that contrast between what people are seeing on TV and what is actually happening behind the scenes is pretty telling. I would say it is disappointing because I think health care reform is too important. It affects one-sixth of our economy. It affects 300 million Americans. It is simply too significant a step to take to try to do so strictly along partisan party lines.

So while it is true that reconciliation has been used in the past, it has never been used for anything such as this. This would be unprecedented. I think it would be an act of defiance toward the American people who overwhelmingly disapprove of this legislation.

There is no doubt that we need health care reform. Premiums have more than doubled over the last decade. Medicare, which provides access to health care for our seniors, has a \$38 trillion unfunded liability which translates into an IOU for every American family in the amount of \$325,000.

If we heard anything out of the recent election in Massachusetts, I think it is that the American people think there is too much spending and too much borrowing taking place in Washington, DC; too many responsibilities, such as this unfunded Medicare liability, that are simply not being met.

We know Medicaid continues to be problematic in not providing access to enough low-income people who are ostensibly beneficiaries of Medicaid. In the Metroplex in Texas, Dallas-Fort Worth, only 38 percent of doctors will see a new Medicaid patient because reimbursement rates are so low. That is not keeping the promise of access. It is, unfortunately, too much like appearing to do one thing on the one hand and actually delivering something far different on the other hand.

I think everyone agrees we need to solve these important problems. But how we go about solving the problem is important to maintaining the confidence and trust of the American people. I think bipartisanship on this subject is absolutely crucial.

After Massachusetts sent our newest Senator, SCOTT BROWN, to Washington, we know there was more talk about bipartisanship. But instead of working together to solve these problems, bipartisanship has so often translated into: Take it or leave it; if we can do this strictly with a majority party vote, we will.

That is what happened on Christmas Eve. I remember that 7 a.m. vote on Christmas Eve when 60 Senators on the other side voted to pass a health care bill that the American people have simply said in poll after poll they do not want. Of course, now we see the White House repackaging an unpopular House bill with an unpopular Senate bill and posting 11 pages on the White House Web site and claiming this is somehow a package that is sacrosanct and cannot be touched. But in no sense could it possibly be considered a bipartisan piece of legislation. To only let the majority party say: Well, this is the basic template, and you can tweak it around the edges but you cannot change any part of it—that is not bipartisanship.

So now after the election of Senator SCOTT BROWN, who campaigned on the pledge that he would be the 41st vote to defeat the Senate health care bill because of its spending, its raising taxes, and its raising premiums on people with insurance, its taking \$½ trillion from Medicare—already another fiscally unsustainable entitlement program, with \$38 trillion in unfunded liabilities—to create yet another entitlement program, the people of Massachusetts sent Senator SCOTT BROWN here to stop the health care bill that they don't want.

Now we find the majority party wanting to use reconciliation, a hyperpartisan tactic, to ram a bill

through that the American people have rejected, most recently in Massachusetts. If we are talking about trying to regain the public's confidence, not only is bipartisanship important in terms of bringing solutions to health care but transparency is crucial when we are talking about something so big that affects so many.

You will remember in 2008 when President Obama was Senator Obama running for President of the United States, he promised to broadcast negotiations on C-SPAN for the American people to see who was arguing on their behalf and who was not.

In stark contrast, again, between what was said then and what was actually done, we saw the White House cutting deals with special interest groups, such as the pharmaceutical industry. We saw individual Senators demand and get special deals for their States as a condition to giving their votes to pass that bill.

As much as anything else in the bill, I think the way the bill was passed with the sweetheart deals, secret negotiations, and lack of transparency turned the American people off to these health care bills. I know the President said that after his election Washington would not be business as usual. Unfortunately, it has been, and the American people don't like it.

This subject—health care reform—is too big and too important and too costly to do through sweetheart deals, backroom negotiations, and with utter disregard for transparency. The American people are smarter than I think many folks in Washington, DC, give them credit for because they know this health care proposal is not lasting reform, and it simply would not work as advertised.

The White House proposal will still increase premiums on American families; that is, if you have health insurance now, this White House proposal, an amalgam of the Senate and House bills, will raise your insurance premiums because of costly Federal Government mandates. But this White House bill does one thing the Senate bill did not. It actually spends \$75 billion more than the Senate bill that passed this body on Christmas Eve, at 7 a.m.

The White House bill does share some common elements with the Senate proposal. It still cuts nearly \$500 billion from Medicare to create a new entitlement program, including a program that is very popular in my State called Medicare Advantage, which gives seniors access to more choices and the quality care they like. Rather than allow them to continue to keep that Medicare benefit, this proposal, the White House bill—like the Senate bill—would cut \$500 billion from Medicare, including Medicare Advantage.

The basic problem, again, is that we call this "health care reform," but the

health care bill offers no long-term plan for the Medicare Program's solvency—in other words, that \$38 trillion I mentioned a moment ago. This actually makes it worse by taking another \$½ trillion out of Medicare and makes things worse, not better, when it comes to the program's long-term solvency. I simply think the choice the President has made, and that the Senate and House health care bills have made, to force millions of low-income people onto Medicaid is simply not right, giving them no choices but a government-run program which, as I mentioned earlier, denies them access too many times to a doctor because they cannot find a doctor who will see patients and accept government rates for Medicaid reimbursements.

I mentioned the 38-percent figure in the Metroplex of Dallas-Fort Worth. Only 38 percent of the doctors there will see these patients because of the rates. Yet these health care bills force millions of people onto that program along with, in the process, promising them access to care but then not delivering as advertised.

Then there is this problem. As you know, the Medicaid Program—the cost of that is borne by the Federal Government and the State governments. In my State alone, the health and human services commission in Texas estimates that the expansion of Medicaid under the President's proposal will cost Texas taxpayers an additional \$24.3 billion over the next 10 years. That \$24.3 billion is an unfunded mandate that is contained in this bill.

Where does that money come from? Well, too often—I think some of our former Governors will tell you that what happens is, that is money that has to be used for an unfunded mandate from the Federal Government that comes from education, higher education budgets, law enforcement budgets, and other State priorities. It is simply irresponsible for Congress to force on State taxpayers this responsibility to pay for this unfunded mandate when there are other priorities the States have chosen that they think are important—things such as education, as I mentioned, and law enforcement.

The unfunded mandate in this bill is simply unacceptable. The Wall Street Journal summed up the President's proposal this way:

It manages to take the worst of both the House and Senate bills and combine them into something more destructive. . . .

It includes more taxes, more subsidies, and even less cost control than the Senate bill.

And it purports to fix the special interest favors in the Senate bill not by eliminating them—but by expanding them to everyone.

We know the furor it caused across the country when some Senators were able to negotiate more favorable Medicaid reimbursements than the rest of the country and when everybody found out those who were not in those favored States would end up paying for

those special favors that were necessary in order to get 60 votes. This bill doesn't repeal those; it simply expands them to everybody, vastly increasing the cost of this legislation and making it even worse, not better.

The President and his congressional allies who support this legislation seem to think the only reason the American people oppose these bills is "misinformation." I suggest we simply look at the facts—in this case straight from the Congressional Budget Office—and see what they, the official scorekeeper for Congress, have to say about these pieces of legislation.

The CBO said premiums for those who have health insurance of some kind—85 percent of the American people—whether it is through government programs like Medicare, the VA, or the like, but those who have private insurance, their premiums will go up by 10 to 13 percent or an average of \$2,100 for families buying policies on their own. That is in the individual market where most small businesses and individuals have to shop for their insurance. Their health insurance premiums will go up an average of \$2,100 a family or 10 to 13 percent.

No wonder the more people learn about this legislation the less popular it becomes, and individuals who get health care through small businesses or larger employers, which is 83 percent of Americans, will see the status quo. They will see their premiums continue to increase by 5 to 6 percent a year.

I thought health care reform was about bringing down the cost and making it more affordable, "bending the cost curve," to use the jargon that has been used here time after time over the last year and a half. But we find out that for those in the individual market, premiums will go up 10 to 13 percent. For those in the larger employer market, it will go up 5 to 6 percent. It will not bend the cost curve down. It will either be ineffective at all and keep premiums basically where they would have been anyway or it will make it worse.

Then there is the gamesmanship in how it deals with the budget deficit. Here is what CBO said about the bill's impact on the budget deficit:

Washington budget gimmicks allow the White House to pretend the bills reduce the deficit by \$132 billion, which is a fraction of Washington's \$1.3 trillion budget deficit.

Americans don't believe "reducing the deficit" is possible at the same time we are spending \$2.5 trillion over the next 10 years, and they are right. It is easy to pretend we are reducing the deficit when we are raising taxes by \$500 billion and taking another \$500 billion from Medicare in order to pay for this program.

The Obama administration's own actuaries have worried that future Congresses would not let the \$500 billion in

Medicare cuts happen. In other words, the bills spend now but would not pay later.

I assume the majority leader will bring up the doc fix sometime soon because he needs to. The 23-percent cut in reimbursement rates for doctors who don't take Medicare patients is not taken care of in this bill, and it should be. If this is really about health care reform, shouldn't it be making sure that our seniors on Medicare have access to doctors and that they can actually find a doctor who will see them? If you cut 23 percent in the doctor reimbursement rates, which is where we are headed now, they are not going to have access to doctors.

Here is what the Obama administration's own experts say about the cost curve. The Senate bill, they say, will increase overall American health care expenditures by \$222 billion.

It will not bend the cost curve down. It will actually bend it up, making things worse, not better.

The American people have been pretty smart about this. They have been more engaged, better informed on this subject than I have seen in a long time. Of course, health care reform is a very complicated area. But they have gotten very well informed about it. They want lasting reform that will lower costs.

Here is what we know works to lower costs, but this is not something that is in the President's bill and, apparently, not something the majority party is even willing to consider. If they did, I submit this would be a big step forward to bending the cost curve down, making health care more affordable, and yield a bipartisan product the American people could support.

I believe we need to give control over health care dollars to patients, not to Washington bureaucrats or to insurance company bureaucrats either. The American Academy of Actuaries found that consumer-driven health care plans have saved as much as 12 to 20 percent in health care premiums—12 to 20 percent. That is a lot.

Then, of course, there is a practice of defensive medicine, ending lawsuit abuse which would save \$54 billion over the next 10 years, according to the CBO.

We also support allowing small businesses to pool together such as big companies do to pool their risks to help bring down premium costs. According to the Congressional Budget Office, this would lower premiums for small businesses by 2 to 3 percent—that is not a huge amount, but I am sure they will tell you every little bit helps—and in conjunction with these other reforms would have a real, meaningful impact in terms of bringing down health care costs.

I also support and our side of the aisle supports allowing Americans to purchase health insurance from any State they want to, and that would create national competition. It would

allow people to buy policies they can afford that suited their family's needs rather than those loaded with State government mandates with no choices, which would result in higher costs.

If Congress would allow Americans to purchase their health insurance in any State they choose and thereby increasing competition, the Congressional Budget Office says the cost of their health care premiums would go down by 5 percent.

Clearly, competition, transparency, keeping the power in the hands of the consumer not in government are some of the things that would lower the costs, not cause them to go up. Are these part of the bipartisan health summit at the White House? Unfortunately, apparently not.

I would also support—and I think there would be a lot of support on a bipartisan basis—giving Medicaid patients, the ones who cannot find doctors because of low reimbursement rates, premium assistance; that is, to supplement what they can pay so they can buy private sector coverage which pays doctors at more of a level they would accept in terms of seeing those Medicaid patients. Providing Medicaid premium assistance rather than forcing people onto a Medicaid Program that is dysfunctional and does not work would be an improvement, and you could do it cheaper. According to CBO, this would reduce Federal spending by \$12 billion over 10 years.

My conclusion from all this is, the American people want us to start over. We need lasting health care reform. I have offered some concrete suggestions on how we could lower the costs and make it more affordable. I believe that if Republicans and Democrats can work together, we can achieve it. On something as big and important and as costly as this, we need to do it on a bipartisan basis. It needs to be transparent. It needs to be devoid of special interest deals and secret negotiations and done out in the open where people can see it and trust it for what it is.

We have to reject purported solutions that will do nothing but increase spending, increase taxes, and increase premiums. We need to start over and implement commonsense steps that will lower costs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. I thank the Chair.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 3039 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER FOR RECESS

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the Senate stand in recess from 12:30 to 2 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, this afternoon it is my understanding we are going to have one more vote. It is going to be on the Travel Promotion Act. I have opposed this in the past. I have already voted against it three times. I am not going to hang here and waste the whole day just to vote against it a fourth time.

I ask unanimous consent that I make a very brief statement and it be printed in the RECORD immediately following the vote that takes place this afternoon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

#### AMERICAN HIKERS HELD IN IRAN

Mr. CASEY. Madam President, I rise today to discuss the ongoing imprisonment of three young Americans—Joshua Fattal from Pennsylvania and two other Americans who have been in prison in Iran with him, Sarah Shourd and Shane Bauer. These are three Americans who have now spent more than 7 months in solitary confinement in Iran's Evvin Prison for allegedly crossing a poorly marked border, the border between Iran and Iraq.

Since their detention along the Iran-Iraq border on July 31, 2009, the Iranian Government has refused requests from

their attorney for visits. The Government of Iran has delayed due process and rejected requests from family members to call or visit them. The Iranian regime has also delayed requests for Iranian visas for the families and stonewalled the Swiss Embassy's attempt to carry out diplomatic visits.

The longer the detainment of these young Americans continues, the more clear it becomes to the international community that the Iranian Government, the Iranian regime, is engaged in political games rather than seeking to grant them a fair and timely judicial process. On this basis, I request that Supreme Leader Khamenei, President Ahmadinejad, Judiciary Chief Larijani, and other Iranian officials make the humane and just decision to release Josh, Sarah, and Shane immediately.

Keeping these three innocent Americans in prison without due process violates the international human rights standards as well as Iran's own laws. It has been more than 2 months since Foreign Minister Motaki claimed they would be tried in court. Yet no trial date has been set. According to Iranian law, no detainee can be held temporarily for more than 4 months; thus, judiciary officials must either schedule a court hearing or set the three young Americans free. The only conclusion the international community can draw from the Iranian Government's words and actions is that they intend to keep these three young Americans in limbo for domestic or foreign policy aims. It has nothing to do with the actions or intentions of these three American tourists who were simply admiring the natural beauty of the Kurdish mountains near the Iran-Iraq border. The world is a much worse off place when idealism, especially held by innocent young people, is squashed by cynical politics.

Among ancient Persia's greatest legacies is a transparent and efficient justice system. Innocent people do not appear on the court docket. We ask the Iranian Government—we ask them to send the world the unambiguous message that transparent, timely, and fair judicial processes remain a cornerstone of Iranian civilization. Keeping Josh, Sarah, and Shane indefinitely in solitary confinement and without access to legal counsel or their families is unjust and is sure to color the visions of Iranian society for young people the world over.

Do not make Josh, Sarah, Shane, and their desperately concerned parents wait another day before being reunited. Supreme Leader Khamenei, release these young hikers now.

#### UNEMPLOYMENT

Madam President, in addition to those remarks about those young Americans, I want to talk for a few minutes about unemployment and what is happening, certainly across the country but in particular in the Commonwealth of Pennsylvania. We have

560,000 people out of work right now in Pennsylvania. Our rate is lower than a lot of places, but we still have that many people out of work, a very high number—maybe not historic but close to a historically high number, 560,000 Pennsylvanians.

There are lots of ways to try to understand what people are going through and try to get a sense of what people are living through. I had a chance a couple of weeks ago to sit with 8 of those 560,000 people in what is called a career link, a job center in Pennsylvania where people are filling out scores of applications, applying for jobs. In the case of these eight individuals, they are all over the age of 50 and many are over the age of 60 and 70—some of the worst situations for those who are in that age bracket, who worked for years, 20, 30 years at one job and did it very well, and now, through no fault of their own, are out of work.

Listening to their stories gave me a better insight into what people are up against every day. A number of comments were significant and relevant and poignant, but one in particular by a woman by the name of Debi who said something very simple but telling about what is in her heart and what she is living through—she said simply: We just want to get back to work. That is a very simple statement, but I think that is on the minds of a lot of Americans who are out of work, and their family members. They just want to get back to work.

They also want to see that Washington is not just legislating—that is obviously important, and I will talk a little bit more about that in a moment—but that we are trying to understand what they are up against. They do want to get back to work. It is that simple. One of the ways we can do that is by making sure those who are out of work, those something like 15 million Americans out of work through no fault of their own, that we do something to help them in the next couple of days to get through the next couple of weeks, literally, with unemployment insurance, COBRA health insurance, and so many other ways.

We should note that the eligibility for emergency unemployment compensation and for COBRA—known as COBRA premium assistance, really health insurance for the unemployed—that both of those will expire this Sunday, February 28. If an extension of the unemployment programs authorized by the Recovery Act is not passed, 1.2 million workers will lose their unemployment benefits by the end of March. So we have to act now to prevent that from happening. It is unfortunate that it seems there is only an agreement to keep extending it from December to February, then from February into March or the end of March. We should extend it a lot further than that. Maybe we will have an opportunity to

do that. But, at a minimum, we have to make sure unemployment insurance is extended and COBRA health insurance is extended. There are other reasons to do that as well. The most important reason is the people who will be positively impacted by those actions.

An extension of the federally funded unemployment compensation and COBRA programs through December 31, 2010—what we should do is extend it that far. They are necessary for a number of reasons. State labor departments will not be under pressure to constantly update their systems and inform constituents of changes in national law. We should give them the kind of certainty and predictability that they have a right to expect, certainly the State government officials but more importantly, the families and affected persons who are recently laid off—not constantly be reminded that their unemployment benefits may run out sooner than expected. This is especially true at a time when there are six applicants for every one job.

It is important to take action on unemployment insurance and COBRA health insurance coverage for a third reason as well.

At a time when millions of people don't have health care coverage, failure to provide an adequate safety net to ensure people have affordable health insurance coverage will only add to the rolls of the uninsured in the midst of this debate on health care.

Two other points before I conclude. According to the CBO, which we keep quoting in the health care debate and in many others, for every \$1 spent on unemployment insurance benefits, up to \$1.90 is contributed to the gross national product. This is further evidence, in addition to what I and many others have quoted—Mark Sandy from moodys.com—you spend a buck on unemployment insurance or COBRA benefits and/or food stamps, all of those safety net provisions to help workers who lost their job, you not only help someone who needs help and should have the help we can provide, you also help our economy literally by jump starting spending.

We know that in the past couple of days we passed the jobs bill, the HIRE Act, a good piece of legislation for small business, for economic vitality but also for preserving and creating lots of jobs. That jobs bill is not enough. We have to pass these safety net provisions on unemployment and COBRA health benefits. We also have to put more job creation strategies on the table and get bills passed to create more jobs. The recovery bill is still having an effect, still having a tremendous impact in Pennsylvania, with still a whole year left of spending and benefits of that spending in Pennsylvania and other States.

I see Senator SPECTER is with us. He and I have seen that up close in Penn-

sylvania, a tremendous impact already, but there is still more to do on the recovery bill he voted for under great pressure not to vote for it. Thank goodness he did. Without his vote, that bill would not have passed. Millions of Americans' lives would be adversely impacted if we did not pass the Recovery and Reinvestment Act of 2009. We have a long way to go, more work to do across the country and to have a positive impact on Pennsylvania.

One concluding thought. When you look at Pennsylvania, we might have a lower rate than a lot of States but we do have 560,000 people out of work. Unfortunately, more and more we are seeing in different labor markets, such as the Erie labor market, which is at 10 percent, the Lehigh Valley, Allentown, Bethlehem, and Easton at 9.8 percent, northeastern Pennsylvania, my home area, at 9.7 percent—even though our rate has not yet hit statewide 9 percent, we are seeing in different pockets that number going up. We have to continue to put job creation strategies in the pipeline, continue to have the recovery act have an even more positive impact. And thirdly, we need to make sure we pass the safety net provisions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to talk briefly about two subjects: a recent CODEL where I participated and, secondly, on the passing of a beloved staff member. I ask unanimous consent that the time for business be extended until 12:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREIGN TRAVEL

Mr. SPECTER. Madam President, from December 28 to January 7, I participated on a congressional delegation which visited in Cypress, Syria, India, Afghanistan, and Morocco, and have submitted a lengthy report, which is my practice.

I ask unanimous consent that the full text of that report be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. For purposes of comment at this time, I will focus on what we found on our trip to Afghanistan and India as it relates to the current war in progress in Afghanistan which has, as a practical matter, been extended into Pakistan and a comment about our trip to Syria, our meetings with President Assad, as it bears upon the potential for a peace treaty between Israel and Syria.

Our visit to Afghanistan was very revealing to get a firsthand impression as to what is going on on the ground. I approached the trip with serious reservations about the President's proposal to add an additional 30,000 troops there. My concern arose in the context of why fight in Afghanistan when al-Qaida could organize as well in many other places, Yemen or Somalia. There had been such a lack of success in efforts in Afghanistan by the Soviets, by the Brits, going all the way back to Alexander the Great.

There is no doubt we have to do whatever it takes to defeat al-Qaida, because they are out to annihilate us. The question is, where? Where we face reports that there were only about 100 al-Qaida actually in Afghanistan, we are really looking at a battle with the Taliban.

In our meetings with General McChrystal and other key officials, they emphasized the point that we should not retreat and that it would be a watershed event if the United States did not provide whatever military force was necessary in Afghanistan.

Our delegation replied that the NATO support was lacking and we ought to rethink exactly how we are going to deal with the Taliban. The efforts to persuade the Taliban to come back and support the Karzai government—because there are many there who could be brought back if the inducements were sufficient and they were sufficiently confident—the Karzai government did not lend a whole lot to inspire confidence. They had an election which was clouded with fraud. They have sustained reports about dealing in the narcotics trade with high-ranking officials, repeated evidence of corruption at the highest levels—hardly inducive to a stable government.

When the President projected a withdrawal by mid-2011, that was not what President Karzai had suggested. He was quoted in the press as saying, U.S. troops would have to be in Afghanistan for 15 years. When our delegation had an opportunity to meet with President Karzai, we pressed him on that issue, and he said: Well, 2 years would be required for an adequate presence of the U.S. military. He never could quite define what "adequate" was, but he said U.S. forces would have to stay for another 10 years.

More recently, in the intervening weeks, the war there has shaped up. We still have only committed a small fraction of the 30,000 troops—something like 5,000. Perhaps it will not be necessary to commit the additional 25,000 troops.

We had a very productive meeting with the Prime Minister of India, Prime Minister Singh. A point which we pressed was whether India and Pakistan could enter into an arms reduction pact similar to the pacts which

the United States and the Soviet Union have had, which would reduce the number of troops from India and the number of troops from Pakistan on the border to liberate more Pakistan military to help in the fight against al-Qaida and the Taliban.

Prime Minister Singh said he would certainly be willing to consider that, but Pakistan would have to control the terrorists. We questioned him as to whether the Pakistani Government could control the terrorists, and his reply was very blunt: Yes, the terrorists are the creation of Pakistan, which is the way he responded to that situation.

In the intervening weeks, again, there has been unique cooperation between Pakistani intelligence and the CIA, with many joint maneuvers, so perhaps there could be a material improvement along that line.

The written text, which will be submitted, goes into some greater detail, which I shall abbreviate because of the shortness of time.

In Syria, our meeting with President Bashar al-Asad was cordial and I think constructive. I had first visited Syria in 1984, and this was the 19th visit there. I have gone there repeatedly, as I have to the region generally, and even more often to Israel, because I have long thought Syria was the key to the Mideast peace process.

Syria desperately wants to regain the Golan Heights, and only Israel can decide whether it is in Israel's interest to cede the Golan Heights. But it is a different world in 2010 than it was in 1967, when Israel took the Golan. The strategy is very different in an era of rockets. It is not quite the same situation.

There is a great deal Israel could gain if a peace treaty was entered into with Syria: stopping Syria from continuing the destabilization of Lebanon, which Syria denies but I think happens to be a fact. For Syria to stop supporting Hezbollah and Hamas would be very important to Israel's security. To try to drive a wedge between Syria and Iran would be helpful not only to Israel in the context of the Iranian President wanting to wipe Israel off the face of the Earth but would be good not only for the region but for the entire world, if we can find a way to contain Iran in their determination to acquire nuclear weapons.

Secretary of State Hillary Clinton testified yesterday before the Foreign Operations Subcommittee, and I asked her if she would consider a recommendation to have the President call the Israeli leaders, Prime Minister Netanyahu, and the Syrian President, Bashar al-Asad, to the Oval Office to be an intermediary there. The office of the Presidency could have great forcefulness and great weight. The Secretary was noncommittal, and the record will reflect the exact words which she used.

The trip was very worthwhile. I find that when we leave the Beltway and leave Washington and see what is actually happening in the field, wearing a flak jacket in a helicopter across Afghanistan or talking to Foreign Minister Walid Muallem, who was the Ambassador here for 10 years, and getting a feel for what is going on in India, it gives us a much better insight into how we handle our foreign aid, how we handle our budget, and how we handle our military operations.

#### EXHIBIT 1

#### STATEMENT OF SENATOR ARLEN SPECTER FOREIGN TRAVEL

I seek recognition to speak about a Congressional Delegation I took part in from December 28, 2009 to January 7, 2010. The CODEL, led by Senator Gregg, comprised of Senators Bayh, Cornyn, Enzi, Klobuchar and their spouses. I was accompanied by my wife, Joan, and my Legislative Director, Christopher Bradish.

#### CYPRUS

We departed Andrews Air Force Base on Monday morning, December 28th, en route to Nicosia, Cyprus, with a refueling stop in Shannon, Ireland. We began the day with a meeting with our USAID mission to review projects being supported by the United States.

We then had a briefing with the United Nations Development Program (UNDP), which is focusing on reconciliation projects, to include media expansion. The UNDP office is located in the U.N. administered neutral zone, which divides the island. The UNDP continues to work with representatives in Cyprus on revision of textbooks and the diversification of media to allow viewpoints other than those of just the state-dominated media outlets to be heard.

The media is dominated by Turkish Cypriot and Greek Cypriot political outlets. Cyprus does not have equivalents of NPR or PBS. UNDP hopes to build on those models to allow diversification in the media by providing independent programming which can then be picked up by existing outlets for broadcast. The UNDP media program aims to provide all Cypriots with a non-partisan avenue of communication.

Following our meeting with USAID and UNDP officials, the delegation held a country team briefing led by Jonathan Cohen, our Deputy Chief of Mission. Our embassy in Cyprus has 65 U.S. employees in addition to roughly 100 Cypriot nationals. Cyprus has become increasingly important to the U.S. due to its strategic location. With an increasing number of U.S. ships transiting the Mediterranean Sea, U.S. port visits in Cyprus increased 24 percent in 2008. With thousands of U.S. troops having shore leave while in port, the U.S. Embassy has worked with the Cypriot government to ensure that appropriate safety measures are in place to protect our ships and sailors.

Since Cyprus' accession to the European Union in January 2004, the number of Cypriots attending U.S. universities has decreased dramatically. The U.S. mission has created a program to use Cypriots who are alumni of U.S. universities to go to high schools and communities to speak about the benefits of an education in the United States.

On the law enforcement front, the Cypriot government has utilized U.S. expertise in some of their criminal investigations, including the investigation into the recent



theft of the remains of former president Tassos Papadopoulos.

We received an overview of U.S. investment in Cyprus as well as U.S. businesses operating on the island. U.S. exports to Cyprus grew by 28 percent in 2008. I asked about the University of Pittsburgh Medical Center's efforts to establish a university and medical center in Cyprus. UPMC is exporting its expertise to bring world-class health care, advanced technologies, and management skills to markets worldwide.

Our mission provided an update on the status of negotiations between the north and south. Talks between President Demetris Christofias and the Turkish Cypriot leader, Mehmet Ali Talat have ramped up in recent weeks with the two leaders reportedly meeting multiple times a week. However significant obstacles remain to reaching an agreement to include how to resolve vexing property, security and constituent state constitution issues.

In November 2002, U.N. Secretary-General Kofi Annan presented a draft comprehensive peace settlement, commonly referred to as the Annan Plan. According to the Congressional Research Service:

"[The Annan Plan] called for a 'new state of affairs,' in which the 'common state' government's relations with its two politically equal component states would be modeled on the Swiss federal example. It would have a single international legal personality. Component states would participate in foreign and EU relations as in Belgium. Parliament would have two 48-seat houses. Each state would have equal representation in the Senate. Seats in the Chamber of Deputies would be allocated in proportion to population, provided that no state would have less than 25% of the seats. A Presidential Council would have 6 members; the offices of President and Vice President would rotate every 10 months among its members. No more than two consecutive presidents could come from the same state. Greek and Turkish troops could not exceed a four-digit figure (9,999). U.N. peacekeepers would remain as long as the common state, with the concurrence of the component states, decides. Cyprus would be demilitarized. During a three-year transition, the leaders of the two sides would be co-presidents. The 1960 Treaties of Establishment, Guarantee, and Alliance would remain in force. There would be a single Cypriot citizenship and citizenship of a component state; residence in a component state could be limited by citizenship, but such limits would have restrictions. Provisions would be made for return or compensation of property. Turkish Cypriot territory would be reduced to 28.5% of the island.

The Delegation departed the country team briefing for a meeting with Turkish Cypriot leader Mehmet Ali Talat. Talat provided an overview of the negotiations with President Christofias and focused on three main areas of dispute: governance and power sharing; economic and European affairs; and property reconciliation. While he expressed hope about having fruitful and productive discussions, he indicated that the two sides have disagreements over terminology which preclude them from moving forward on a solution. I asked if there were disadvantages to not achieving a solution and if the status-quo is acceptable. Talat responded that neither side seeks violence, but that the current situation is disadvantageous to both sides.

Talat expressed optimism that a resolution could be reached in 2010 but that the talks would likely break in mid-February to allow for elections, the outcome of which could

have a significant impact on the continuation of talks between the two sides. Talat indicated that the Greek Cypriots have less of an incentive to find a solution given their dominance of the island. He also confirmed the UNDP representatives' previous assertions that the local media helps inflame opinions on both sides.

The delegation then departed the north en route to a meeting with President Christofias. The President opened the meeting with a 37-minute overview of the situation and the negotiations. He expressed concern over the more than 40,000 Turkish troops on the island, as well as the unknown number of Turkish settlers. He too focused on security and land/property compensation as main obstacles to achieving an agreement. Christofias avowed that he is "free of nationalism" and that "Turkish Cypriots are not our enemies, but our brothers and sisters." He concluded that Cypriots must rule the country—not Turkey. He stated that he "will be the unhappiest man on the island" if he and Talat cannot reach an agreement, but stated: "I will do my utmost because as time passes, new problems arise." He indicated he had a good partner and relationship with Talat and if he should lose in the upcoming elections, the prospects for constructive dialogue and resolution were poor.

#### SYRIA

On December 30th, the delegation departed Larnaca, Cyprus for Damascus, Syria. This was my nineteenth visit to Syria. We were greeted by Jason Smith, our control officer, and Charles Hunter, our Charge d'Affaires, who provided an update of the situation on the ground during the ride to the embassy. Upon arrival, the delegation received two classified briefings to include a country team briefing. Following our briefings, the delegation departed for the Presidential Palace for a meeting with President Bashar al-Asad and Foreign Minister Walid al-Muallem.

President Asad opened the meeting by welcoming the delegation and provided his views on the bilateral relationship as well as regional tensions. I have long held the view that the U.S. could play a positive role in fostering an agreement between Israel and Syria. I indicated that if Hezbollah and Hamas could be disarmed and renounce violence the region would be better off. I expressed the view held by many in the U.S. that the Syria-Iran nexus is troubling and Iran's desire to obtain nuclear weapons poses a danger to the region and the world. I complimented President Asad for his willingness to engage the Israelis via the Turks. I asked President Asad for his view on the prospects for an Israeli-Syrian peace, better relations with the West and his country's relationship with Iran. He indicated that the "devil is in the details." He explicitly decoupled the issues, stating that his country's calculus for each is independent of the others. He indicated the U.S. should support the Turkish role in the peace process—which has been put on hold following the conflict in Gaza in 2008 and Israel's parliamentary elections in 2009.

Asad stated, "only peace can protect Israel"—something no amount of armaments can do. He further stated that Hamas and Hezbollah exist as result of the lack of peace. On the U.S. role in the peace process, Asad pointed to efforts undertaken in the 1990s, when Secretary of State James Baker engaged forcefully with the interested parties.

It is clear to me that Syria desires robust U.S. engagement in the peace process. Syria's tepid alliance with Iran appears not to

be bound by mutual affection, but rather by Syria's desire to be on good terms with a regional force. Syria clearly wants the U.S. to withdraw from Iraq, but not before Iraqi domestic institutions have time to mature to prevent Iran from sweeping in to a political vacuum.

We discussed the issue of intelligence cooperation. The good cooperation Syria and the U.S. had following September 11, 2001 has since dissipated. The delegation pressed Asad for more cooperation. Asad confirmed that cooperation had been good, but said that security and intelligence cooperation cannot flourish in the absence of strong political and diplomatic relations.

The delegation pressed Asad on the Iranian nuclear threat and the potential for Syria to be dragged into a regional conflict. Assad indicated that the Iranian issue needs to be resolved and that conflict must be prevented, but that he does not believe Iran is seeking a nuclear military capability.

Senator Klobuchar and I raised the issue of the three American citizens—Joshua Fattal, Shane Bauer, and Sarah Shourd—who have been detained in Iran since July 31, 2009, when they mistakenly crossed into Iran on a hiking expedition.

The United Kingdom had asked Syria to intercede with Iran in the case of five British citizens who were in Iranian custody under somewhat similar circumstances. The five citizens were released.

Since the start of their detention, I had worked with other members of the Senate to facilitate their release. On August 18, I joined Senators Casey, Feinstein, Boxer, Klobuchar, Franken and Murray in writing to the Iranian Ambassador to the U.N. Mohammad Khazaee to request that Iran grant the Swiss consular access to the Americans per Iran's obligations under the Vienna Convention. This letter was followed by a similar one to Ayatollah Khamenei on September 23, 2009.

On September 22, I introduced a resolution cosponsored by Senators Casey, Feinstein, Boxer, Klobuchar, Franken, and Nelson (FL) encouraging the Government of Iran to grant consular access for the Swiss and to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible. The legislation passed the Senate on October 6, and passed the House on October 29, sponsored by Reps. Schwartz and Hinchey.

On October 8, I sent a personal note to Ambassador Khazaee requesting his assistance in releasing the hikers.

On December 17, 2009 I sent a letter to Secretary Clinton requesting she ask the Syrians to engage Tehran to secure the release of the three Americans. The State Department contacted the Syrian foreign ministry to seek its assistance in a manner similar to the assistance the Syrians provided to the recent efforts to secure the release of the five British yachtsmen detained by Iran in late November after they strayed into Iranian waters. The five Brits were released within a week.

President Asad said they would look into the matter including the charges to see if Syria could be of help in securing their release. President Asad told me he would review the matter and that the Syrians "will try our best."

Later that evening Senator Klobuchar and I had a working dinner with Foreign Minister Walid al-Muallem. I have known Foreign Minister Muallem for two decades dating back to his time as Ambassador to the United States. We discussed in depth the



issues raised earlier with the President. We again pressed the Foreign Minister on the issue of the U.S. hikers detained in Iran. Foreign Minister Muallem indicated he would be willing to go to Tehran to engage his counterpart regarding the plight of the hikers if he sees "some light at the end of the tunnel."

## INDIA

We departed Damascus the following morning for Delhi, India and where we were met by Deputy Chief of Mission Steven White. The issues we discussed were wide-ranging and included: nuclear cooperation between the United States and India; the November 2008 terrorist attacks in India and India's efforts to combat terrorism; India's tenuous relations with Pakistan and China; its economic and diplomatic presence in Afghanistan; and the position it has taken in global climate change negotiations, in which it has opposed binding emissions reductions as limits on its future economic growth. As the world's second most populous country, it is clear that India will play an increasing role in global politics this century.

The delegation participated in a country team briefing at our mission. We had the opportunity to discuss a wide variety of issues in our bilateral relationship with the DCM, political section, defense attaché, USAID and consular affairs officers.

Much of our discussions during our visit focused on India's growth and the growing pains associated with such growth, to include education. While 92 percent of the country's children go to primary school, half drop out by 6th grade. Many of India's 1.2 billion citizens live in rural regions and getting teachers to those posts is difficult. The country has engaged in an affirmative action for children of lower castes to attend university, but these reserved spots are extraordinarily competitive. Yet, the government of India is committed to inclusive growth and bringing the lower class up to participate in India's prosperity.

A central theme in our discussions with our mission personnel as well as Indian officials was the civil nuclear accord signed by the U.S. and India. On October 1, 2008, Congress approved an agreement facilitating nuclear cooperation between the United States and India. As chronicled by the Council on Foreign Relations, the deal, first introduced in a joint statement issued by President Bush and Indian Prime Minister Manmohan Singh on July 18, 2005, "lifts a three-decade U.S. moratorium on nuclear trade with India. It provides U.S. assistance to India's civilian nuclear energy program, and expands U.S.-India cooperation in energy and satellite technology" (CFR—11/20/09). During our meetings, this agreement was described as a "watershed" event in our bilateral relationship—an event that opened new doors, new cooperation and new possibilities for two countries that have spent the majority of their histories circling each other but not directly engaging in a meaningful manner.

According to our officials, India is taking steps to be a responsible world power on non-proliferation matters. India has supported international efforts, along with the United States, to address Iran's troubling military nuclear ambitions—most recently by supporting an IAEA censure of Iran's nuclear program during a November 27, 2009 meeting of the IAEA's Board of Governors. This has led to a cooling between the two countries, yet India and Iran still have deep economic connections, as Iran is India's second largest energy supplier.

On the economic front, India's economy was more sheltered than others and weath-

ered the global economic crisis better than many. Their economy grew 6.8 percent in 2009 and is expected to grow 7.5 percent in 2010. India has increasingly sought and purchased U.S. weaponry. The deepening of the bilateral arms sales are a critical component of our relationship.

On the terrorism front, I pressed the team on the prospect of reconciliation between India and Pakistan in the hopes that a reduction in tensions would allow Pakistan to focus its forces on elements such as Al-Qaeda.

India is no stranger to terrorism, most recently seen in the horrific attacks in Mumbai on November 26, 2008, which killed at least 173 people, including 6 Americans. Our mission and its law enforcement components have provided assistance to the Indians in the investigation of the attacks.

Following the country team briefing, the delegation took a classified regional security briefing before departing for the Prime Minister's office.

I have long been concerned about Indian-Pakistani relations. I brought up the issue of an Indian-Pakistani rapprochement during a visit to India in 1995. In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator Brown and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

The delegation had a warm welcome from Prime Minister Singh. The Prime Minister

began the meeting by thanking the delegation for Congress' strong bipartisan support in implementing the U.S.-India bilateral nuclear accord. He further declared that this event has made him believe the "sky is the limit" in terms of broadening and deepening the U.S.-India bilateral relationship, from energy to defense to education.

Prime Minister Singh confirmed that his economy continues to grow, and was insulated from the global fiscal difficulties largely because of India's savings rate and that domestic consumption filled much of the void left by lagging exports. He told the group that India's prosperity will have positive effects on the rest of the developing world. He expressed his strong desire to deepen the defense cooperation between our countries.

The group asked the Prime Minister for his views on Afghanistan. He informed the group that India has invested \$1.2 billion in reconstruction and development in Afghanistan. While he admitted the existence of corruption within the Karzai government, he indicated that President Karzai is the best option for stability, and that all will benefit from strong international support for Karzai. He stated that deadlines and withdrawal will only play into the hands of the terrorists, as they will signal looming weakness of the government in Kabul.

I pressed the Prime Minister on the prospects for relieving tensions between his country and Pakistan and the possibility of having an accord on troops and nuclear weapons. If Pakistan will take action against the terrorist elements in its country, India would be willing to discuss many things, Singh stated. Prime Minister Singh told the group of the strong internal pressure he felt after the Mumbai attacks to take some action against Pakistan, but that he refrained. He further told the group that Pakistanis and Indians are the same—highlighting that he was born in what today is Pakistan and that former Pakistani President Pervez Musharaff was born in what is present day India. He told the group that Pakistan does not need to fear India and that he is committed to engaging in a positive manner with Pakistan. He suggested that serious reform in Pakistan's education system is needed and that madrassas are a significant problem.

I asked Prime Minister Singh whether India would consider a treaty with Pakistan to reduce military forces stationed by each nation on the border. I told him of my 1995 conversations with Prime Minister Rao and Prime Minister Bhutto and my letter to President Clinton. I noted that it would be a great help in the war against al-Qaeda if Pakistan could re-deploy significant soldiers from the border to fight al-Qaeda.

I analogized an Indian-Pakistan treaty to the U.S.-Soviet arms reduction treaties. If India and Pakistan could agree on disclosure and reduced forces, that would liberate Pakistani troops. Prime Minister Singh said India would be willing to consider such a treaty, but pointed out that Pakistan would have to control Pakistan terrorists such as the ones who attacked the hotel in Mumbai. He said he had been under considerable pressure to respond forcefully, but had not done so. Many feared that the Mumbai hotel attack and a forceful India response could have set off a nuclear exchange.

I asked Prime Minister Singh pointedly if the Pakistan government could control the terrorists and he responded "yes." He added the terrorists were the "creation" of the Pakistan government.

Regarding Iran, Prime Minister Singh told the group India was not in favor of another nuclear power in the region and doesn't want Iran to have that capability. Prime Minister Singh highlighted his country's support at the United Nations to address Iran's nuclear ambitions. He indicated that Iran is a signatory to the NPT, and as such is entitled to enrich uranium for peaceful purposes, but that they must comply with international accords to reassure the international community of their peaceful intentions.

Following our meeting with the Prime Minister, I returned to the embassy for a meeting with Robert Hladun, the Deputy Country Attache for the DEA and Gib Wilson, the Assistant Legal Attache for the FBI. I received an overview of the regional drug trade and how it impacts the U.S., and our cooperation and assistance to India with their investigations and counterterrorism efforts.

The Deputy Chief of Mission hosted a working lunch with our counterparts from the Indian National Congress including: Pallam Raju, Minister of State for Defense, Jitin Prasada, Minister of State for Petroleum and Natural Gas, Abhishek Manu Singhvi, Manish Tewari, Prakash Javadekar, Raashid Alvi, Madhu Goud Yashki and Deepender Singh Hooda. Our discussions centered on the same topics we had discussed with Prime Minister Singh and the country team, but also provided us an opportunity to discuss how, as parliamentarians, we deal with local and national issues of importance to our constituents. Following lunch, we departed Delhi for Morocco, with a refueling stop in Qatar.

#### AFGHANISTAN

On January 3, 2010, the delegation flew from New Delhi to Kabul, Afghanistan and returned to New Delhi late on the same day. Upon arrival at the U.S. Embassy, we were greeted by General Stanley McChrystal and Ambassadors Anthony Wayne and Francis Ricciardone.

General McChrystal outlined a strategy aimed at influencing the Karzai government to institute reforms to win the support of the Afghan people so that many of the insurgents would support the Karzai government and reject the efforts of the Taliban to win control. He acknowledged some of the insurgents who supported the Taliban leadership would stay with the Taliban, so that the Taliban and their supporters would have to be defeated militarily.

I asked General McChrystal why fight in Afghanistan when others—the Soviets, the British, Alexander the Great had failed—and al-Qaeda could organize strikes against the U.S. and others from Yemen, Somalia and elsewhere and the U.S. was engaging only a small number of al-Qaeda (estimated by some as few as 100) and really only fighting the Taliban. General McChrystal responded that U.S. withdrawal from Afghanistan would have disastrous consequences in the region and beyond and that al-Qaeda would continue to have their best sanctuary in the caves and mountains on the border regions between Afghanistan and Pakistan.

I asked him about the reality of significant withdrawal by mid-2011, pointing out that the commitment to start the withdrawal could be met by a small withdrawal which would not be significant. He did not respond on a date for final withdrawal, but said the mid-2011 start of withdrawal was a realistic exit strategy.

When I pointed out that President Karzai had publicly stated U.S. troops would be needed for 15 years, General McChrystal did not modify his previously stated estimates.

When our Codel later met with President Karzai asked when he thought Afghanistan would be able to maintain the peace and function on its own without any U.S. troops. He said that if the resources were "adequate," that U.S. troops could start withdrawal in two years with full withdrawal after 10 years. There was insufficient time to clarify with President Karzai what resources would be "adequate" or what the timetable would be as to estimates of how many troops could be withdrawn each year.

We received a brief on the status of the Afghan Army and were informed that it is well respected by much of the population and is seen by many as an entity that holds the promise of binding the nation. The police force is in poorer shape: corruption and involvement in the drug trade, combined with a chronic lack of leadership, hamper its improvement. Only 25 percent of the police force has formal training.

The delegation then proceeded to a country team briefing. Our mission in Afghanistan has four ambassadors—a rare occurrence, but one that is necessary given the complexity of the issues and the size of the mission.

We discussed the significant monetary investment being made in Afghanistan, with \$250 million alone spent on the civilian side each month, and once the additional 30,000 troops arrive the cost will rise to between \$9 and \$10 billion per month for the entire U.S. effort. When asked to discuss the national security significance to U.S., Major General MacDonald stated that Afghanistan is the extremists' base, threat exists and they have resources in Afghanistan. I pressed the team to rationalize the disparity between President Obama saying we begin withdrawing in 2011 and President Karzai saying that it will take 15 years for his security forces to be ready to stand on their own. I pressed them on how quickly we can train security forces so the U.S. could turn over responsibility and again shared the concern by many over U.S. debt, deficit and obligations at home.

Lieutenant General Caldwell outlined the efforts to develop the police and ministries of defense and interior. He highlighted the issue of lacking an effective Afghan civil service. He told us that an Afghan soldier makes \$165 a month whereas a judge makes only \$80. Clearly, civilian pay reform is needed.

I pressed the officials on getting the international community to carry its weight. They replied that the U.S. requested 2,500 troops on December 1, 2009 and NATO pledged 460, and U.S. officials are now going around Kabul asking each country's ambassador for additional troops. I again pressed them on when we can finally leave. They stated that governance, economy and security need to all be working in tandem and that 300,000 Afghan security forces will be ready by July 2011.

#### MOROCCO

The delegation arrived in Rabat, Morocco at 1 AM on January 5th where we were met by Ambassador Samuel Kaplan. Our Codel was very impressed with him. There is considerable debate about "political appointees," but Ambassador Kaplan brought unique skills to this position from a distinguished career in the law, considerable business experience, and extensive activity in political and community affairs.

We met with Foreign Minister Fassi-Fihri and Director General Mohamed Mansouri. The Foreign Minister told the delegation he was pleased with the status of relations between our two countries and the deepening

in the relationship on issues such as trade and defense and intelligence cooperation. The Foreign Minister explained Morocco's unique position in the world, with one foot in the Mid-East and one in Africa. He described the difficulty his country has had in establishing a democratic system, permitting political parties while maintaining a democracy.

Much of our discussion focused on terrorism and prospects for peace in the region. Director General Mansouri stated that terrorists have manipulated Islam and that Morocco has pushed for a more moderate approach and that it is engaged in combating radicalism. I pressed the Foreign Minister on recent incidents of terrorism and what can be done to combat the ideology that inspires suicide bombers and their skewed religious/political views. He told me that many in the Muslim world are frustrated—especially the youth. They lack educational and economic opportunities and poverty has led many to extremist camps. Yet, we also discussed how many terrorists, including those that perpetrated 9/11 and most recently the Detroit airline bombing attempt were educated and came from middle class or wealthy families.

The officials told us that we must work to resolve the conflict between the Israelis and the Palestinians and that a lasting peace will help subdue tensions and allow governments and moderate Muslims to stand up and lead. In addition, they suggested a global interfaith dialogue must occur. They stated their desire to play a leadership role given Morocco's history in hosting the three great religions.

The Foreign Minister highlighted Morocco's efforts to engage the youth with opportunities and positive messages and that their brand of Islam is open, inclusive and tolerant and is a good model for the broader Muslim world.

We departed Rabat early on January 7th to return to Andrews Air Force Base by midday EST.

#### TRIBUTE TO MR. KENNY EVANS

Mr. SPECTER. Madam President, Kenny Evans recently passed after being with me for some 30 years. I had known Mr. Evans in Philadelphia for a long time, but when I ran for the Senate in 1980, I asked him to be my campaign deputy in the African-American community. When I was elected, I brought him in as my key operative in the African-American community because of the urgency of having active minority representation.

He came to be known and loved and admired as a leading public official in the city. He served longer than most anybody else who had been in public office. He took on a great role in housing and in job training and in education, on civil rights issues and on immigration.

When we had a proposal advanced by Congressman CHAKA FATTAH called GEAR UP almost a decade ago, with a \$300 million price tag, I consulted with Kenny Evans, listened to his advice and recommendations and helped provide \$300 million a year, which has now come to be in the \$2.5 billion range, not only servicing Philadelphia but the entire country.

When we had a controversy last summer about African-American children

being excluded from a swim club which said they were not welcome there, Kenny Evans took the lead in consultation and advice on how to handle it with the Civil Rights Division, and action has been taken to correct a wrong there.

He was an unusual public servant and an extraordinary man.

Madam President, I ask unanimous consent that a statement which was prepared by Michael Oscar, my executive director for southeastern Pennsylvania, which Mike Oscar gave at Kenny's funeral, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Today, we do not grieve for Kenny Evans, for now he is free to follow the path God has laid out for him. Kenny took God's hand when he heard Him call.

Good Morning and on behalf of Charolette and the entire Evans Family, I offer the following remarks highlighting our friend, Kenny Evans.

My name is Michael Oscar and I serve as Sen. Specter's Executive Director in Southeastern Pennsylvania. For nearly a decade, I had the distinct pleasure of working with Kenny in many different legislative and political capacities. It is with this background and distinction that I speak to you today.

May it be said of Kenny, the words of Alfred, Lord Tennyson:

"I am a part of all that I have met  
To much is taken, much abides  
That which we are, we are . . .  
One equal temper of heroic hearts  
Strong in will  
To strive, to seek, to find, and not to yield."

Kenny personified these words because his cause was ours,—you and me—the cause of the common man and the common woman. His commitment was to those who Andrew Jackson called "the humble members of society: the farmers, mechanics, laborers, and the forgotten."

On this foundation for the past three decades with Sen. Specter and beyond, Kenny defined our values, refined our policies, and refreshed our faith. He did this by operating behind the scenes with much grace, class, and dignity.

There was never a problem no matter how big or small, he did not try to solve, a request he did not try to respond to, or a person he did not try to help. This was his marquee value.

Kenny's work ethic and style mentored future generations of congressional staffers, political candidates, and current legislators in the art and science of politics. As Al Jackson, his friend and luncheon companion for nearly 27 years, stated on numerous occasions, "he is the maestro of politics"—instinctively knowing how to deal with people and their everyday concerns.

In my opinion, he earned this astute characterization because he worked from the ground up, which provided him the proper rubric on how to communicate with people.

As his Executive Director for the past five years, I witnessed firsthand his innate ability to soften even the harshest of personalities. There was not a day that went by that Susan Segal would say, "Kenny would be the perfect choice to handle this constituent."

"And handle this constituent he did" because his commitment went well beyond the

federal scope. Whatever it took, a phone call, a letter, a closed door meeting. He was a tireless advocate always on a mission.

When I first joined Senator Specter's staff in Washington, D.C. before coming to Philadelphia, my COS at the time, Carey Lackman told me "you had an impressive list of references, but none greater than Kenny Evans." Candidly, I didn't know what Carey was talking about. I had no idea who Kenny Evans was and he was not listed as one of my references.

I later learned that Kenny worked closely with one of my former employer's, Michael Kunz, the Clerk of Court for the District Court. When Mr. Kunz heard that I applied for the position he called Kenny to advocate on my behalf. Apparently, Kenny immediately called Carey and stated, "this guy worked for the clerk, do you know how many calls a day I get from constituents to get out of jury duty? You need to hire this guy."

However, my first and lasting impression of Kenny occurred about a year later. Many of you may not be aware of this, but Kenny, along with Al Jackson, established the first urban aquaculture center in the nation.

Many of you like me are probably scratching your heads right now wondering what is aquaculture. Well, it's any crop that is cultured in water—whether it be shrimp, fish, or seaweed.

Kenny learned about aquaculture from his numerous luncheon conversations with Al Jackson and over the course of a year, they drafted this unique partnership between the University of Pennsylvania and Cheyney University. They wanted to provide African American students the opportunity to learn this unusual science.

Proudly I report to you today, the center has been successfully funded for the past seven years by the U.S. Department of Agriculture and has graduated nearly 188 African American students in the field of urban aquaculture. This was just one accomplishment of many that Kenny succeeded in on behalf of Sen. Specter.

Beyond Kenny's political acumen, he mentored all of us on how to keep things simple, light. When I was drafted by the Senator to run his Philadelphia Office, I heard one of my predecessors define it as "Kennyism." Those Kennyisms have sustained me and our team in Philadelphia for many years and they will never be forgotten.

One specific anecdote that defines what we collectively call a "Kennyism" was when I was on a leave of absence from the Senator's office to run Rep. Mike Fitzpatrick's campaign. Despite my absence from the office, my three-year-old son, Liam, at the time was enrolled in the daycare center located in the Green Federal Building.

So for three days a week, I drove down to the city to drop him off. Before heading up to the campaign office in Doylestown, I would stop by the second floor cafeteria to grab a cup of coffee and I was always greeted by Kenny's chuckle.

He would tell me "Sit down, Mike, tell me about the campaign and more importantly, how is your family?" He would listen, he would laugh, and he taught me to keep it light. He would end every conversation with "It will be ok."

Speaking of campaigns, when I had the pleasure of accompanying the Senator during his visit with Kenny just a few weeks ago in the hospital, Kenny despite his medical maladies went right to work assessing for the Senator how the African American Community along with many others will come out for him in his re-election. Yes, many a "kennyism" was shared that day.

A few short weeks later, I went back to visit with Kenny, along with Al Jackson, and Elvis Solivan, another stalwart of the Specter Team. While there I had this memorable conversation with Kenny's grandson, Lamont. He told me how his grandfather would bring the Senator's Lincoln Town Car home and when he did he would offer his grandchildren a ride in it, and if they accepted the offer then they would wash it later.

When I heard the story, I just laughed. "Senator, rest assured, no one yet from the Oscar family has ridden in the Lincoln let alone washed it except for their father."

Upon your arrival at today's services, you may have noticed that radiant photo of Kenny, Charolette, and President Obama. On that day, Tuesday, September 15, 2009, candidly, Kenny was noticeably not well, but we wanted to ensure he received his photo with the first African American President of the United States.

That said, I grasped Kenny's hand, along with Charolette's and together we raced down the long convention center hallway with Andy Wallace at our side running interference. When we got to the photo line, we were immediately escorted to the front of the line. I turned to Shanin Specter and asked him to introduce Kenny and Charolette to the President, and he replied, "No," but he immediately responded with "Mike, I want you to do it."

So, I proceeded to the President, "Mr. President, I would like to introduce you to Kenny and Charolette Evans. Kenny has been with the Senator for the past 30 years." President Obama retorted, "my man, Kenny Evans" and extended a warm hug and handshake. Without question, I will NEVER forget that moment.

Ladies and Gentlemen, for those of us who are a part of or friend of Sen. Specter's Alumni and Family, please do not regard today in sorrow, rather rejoice in Kenny's memory and adapt his cause to your daily work.

Find comfort and solace in knowing that Kenny joins Carey Lackman and Tom Bowman, former staffers that were dedicated to the cause in helping the common man and woman of Pennsylvania and the nation. Imagine if you will the conversation they must be having right now.

For the rest of us assembled here today and to Kenny's family; specifically, Charolette, I offer this summation of a consummate advocate for the little guy, Kenny Evans, by recounting the final sentence of Sen. Ted Kennedy's "The Dream Shall Never Die Speech," at the 1980 Democratic National Convention:

"For all of those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die."

As in everything we do, may God be blessed! Thank you.

Mr. SPECTER. Madam President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum?

Mr. SPECTER. I do.

## RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled

when called to order by the Presiding Officer (Mr. BURRIS).

UNITED STATES CAPITOL POLICE  
ADMINISTRATIVE TECHNICAL  
CORRECTIONS ACT OF 2009—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, right now there is a meeting at the White House that is being covered extensively by the media live. There has been much anticipation about the meeting between the President and a number of Members of Congress, equally divided between the two bodies, the House and Senate, and the two political parties. It is a chance for both sides to listen to each other. The media has decided that by and large this is going to be unproductive. I watched a good bit of it today. At least people are being open with what they believe and what they want.

There clearly are major differences between the two parties when it comes to health care. It goes back a couple, three generations. It certainly goes back to the mid-1960s, to 1965 especially, when the Senate and the House and President Johnson signed the Medicare bill. An overwhelming number of Republicans opposed it and an overwhelming number of Democrats supported it. It wasn't as partisanly charged as this, but it had the same interest groups around it, including the same insurance company opposition, the same accusations by—it was the John Birch Society then. Today it is the tea parties who oppose it. They didn't talk about death panels back then. Perhaps the John Birch Society wasn't as creative as are the tea party people, but they said it would be a takeover by big government of health care; the government would stand between the patient and the doctor. None of that has happened with Medicare. The kinds of accusations and charges and scare tactics used by the insurance industry and mostly Republican opponents in the 1960s to Medicare are very similar to the opponents to health care today.

So I say, setting the table, that there are major differences between the two parties. I was speaking to a couple of school groups recently, one from Lakewood, OH, and one from the University of Miami in Oxford, southwest Ohio. They asked about partisanship.

One woman said: I am neither a Republican nor Democrat—a young person, a 19- or 20-year-old college student. She said: I don't understand why they are blocking appointments, why you can't even agree on that, to even have a vote.

So the partisanship is surely more charged today than it has been. I explained to them it is not so much party

as ideological differences; that Democrats are believers by and large in things such as Medicare, and the Republicans think: Let the insurance industry do it. That is fine. That is a legitimate philosophical difference. The Republicans side with the insurance industry, and the Democrats believe government can play a positive role—not an overreach but a positive role in people's lives by running programs such as Medicare, by running programs such as Social Security, by running programs such as student loans, agencies such as the Environmental Protection Agency which has made our country significantly safer and people's neighborhoods significantly safer.

There are some people on the other side of the aisle who just want President Obama to fail. I don't think that is a majority of Republicans; I think it is some number. Let's ignore that for a moment and just think there are philosophical differences between the two parties. I say that because I think there is something more going on, and that is that on a lot of these issues there has been bipartisanship on this bill.

I sit on the Health Education, Labor and Pensions Committee. We did our work on this bill back in May. Clearly, this hasn't been rushed through the Congress or rushed through with reconciliation. The Bush administration, on their big initiatives, pushed them through quickly without nearly as much debate as we have had, but, nonetheless, we sat in the HELP Committee and—the Presiding Officer knows this—we accepted, I believe, 163 Republican amendments. I voted for probably 155 of them. I agreed with most of them.

At the same time, the Finance Committee had negotiations with three Republican and three Democratic Senators. I think they took too long—that is my opinion—but the fact is, they had negotiations for months. There were discussions in May and June and July and August and September. Finally, Chairman BAUCUS, in frustration, said: Let's move forward. This doesn't seem to be working.

So there has been plenty of Republican input into this bill. There has been plenty of bipartisanship. As I said, there have been Republican amendments which have given the bill a Republican flavor and certainly a bipartisan flavor. There were a couple of specific matters. They wanted to allow health insurers to sell across State lines. We did that in the bill. The bill has provisions that allow a company in Indiana to sell insurance to residents of Ohio.

A company in Indiana can sell in Ohio, and a company in Ohio can sell insurance to somebody across the line in Fort Wayne or in Richmond or in Indianapolis or in Gary or anywhere else in that State.

So we listened to that, and we included that in the bill because that is

one the Republicans always talk about: If you would only let us sell across State lines, that would be a great thing. That is what we did. We agreed to that.

The second big issue the Republicans talk about is allowing individuals and small businesses and trade associations to pool together so they can acquire health insurance at lower prices, much the way the large corporations and unions do. We did it. We set up exchanges that are basically clearinghouses of companies so that individuals can go into these exchanges and buy insurance and spread the risk out among millions of people. Or small businesses can take their employees—for a company that may have 25 employees, if one or two of them get sick from cancer, let's say, that small business will either—at best, that small business's premiums will go up and at worst they will get their premiums canceled. If two or three or four employees are sick and it costs tens of thousands or maybe hundreds of thousands of dollars, you can be in a risk pool with millions so your rates don't spike up. So the Republicans were right about that: Let them go into pools, and we did that.

So my point is, there is Republican flavor to this bill. There is Republican input—not just input, negotiations and successes—in this bill. There are 160 Republican amendments out of the HELP Committee in this bill. There have been almost unending discussions surrounding the bill. Yet the Republicans, to a person, oppose the bill. The only reason I can figure that out—not that it doesn't have bipartisanship to it—the only reason I can figure it out is what my colleague, Senator DEMINT from South Carolina, said: If this bill goes down, it is the President's Waterloo.

I don't want to accuse my colleagues on the other side of the aisle of wanting this to fail in order to have the Democrats fail or wanting this to fail to damage Barack Obama's Presidency. I don't think that. I am not accusing them of that. I just wonder.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. LEMIEUX. Mr. President, I come to the floor today to speak on the issue of health care. Right now the leaders of this body, as well as the House of Representatives, are meeting with the President of the United States and members of his Cabinet at the Blair House to discuss the current health care reform proposal and where we

should go forward to improve the health care of the people of this country.

I come to the floor today to talk about a specific portion of their discussion concerning health care fraud prevention.

Today, my colleague from Oklahoma, Senator COBURN, brought up with the President of the United States the issue of health care fraud prevention. As a Senator from Florida, this is something I have great concern about because, unfortunately, we are the capital of health care fraud for this country. I have put forward a proposal—S. 2128, the Health Care Fraud Prevention Act—to go after this very problem. Today, Senator COBURN brought up the fact that we believe that \$1 out of every \$3 spent on health care through Medicare or Medicaid or other public programs—\$1 out of \$3—is fraud, waste, or abuse—a shocking number. In fact, the belief is that \$60 billion a year in the Medicare system alone—health care for seniors—is waste, fraud, and abuse.

Unfortunately, we don't have systems in place to go after and prevent that waste, fraud, and abuse. What we do in the Federal system when we think there is fraud is we send prosecutors and law enforcement folks out to combat the fraud. These folks are doing a very good job, and there has been a lot of good work done in my home State of Florida. But the truth is, that is going after the fraud after it has already happened, and oftentimes there is no money left to collect. What we need to do is what I have proposed, and what the Health Care Fraud Prevention Act, S. 2128, accomplishes is it stops the fraud before it starts.

I was happy today that the President agreed we need to prevent health care fraud. He said we have already incorporated all of the good ideas on this. I hope that means we are going to pass S. 2128. It is a bipartisan supported bill. It is a bill that will stop the fraud before it starts. It is not, however, in the Senate bill we passed in December. When I tried to bring this measure to the floor as an amendment, it was objected to. Since that time, I have worked with my colleagues on both the Democratic and Republican side of the aisle to move this measure forward. Senator BAUCUS and I have spoken about it. In the 11-page memo the President put forward, it references doing in part what S. 2128 would accomplish. So I hope that in the new proposal, we will put forward S. 2128 and pass it.

Quickly, what does the bill do? It does three things:

One, it creates a chief health care fraud prevention officer of the United States. That person, appointed by the President, would work at the agency for health and human services, and their only job would be ferreting out

fraud. When there is \$60 billion in Medicare alone and potentially that much in Medicaid and across the health care system—we think  $\frac{3}{4}$  trillion a year in fraud, waste, or abuse—it is worth having one person whose whole job is to try to prevent that fraud. Remember, if this money is recovered, we can use it to provide health care, we can improve the quality of care because there will be more money going into actually helping our seniors, helping the poor, helping our veterans.

The second thing the bill does is it takes a model from the private sector—it borrows a page, if you will—because we have an industry in this country that does an excellent job of preventing fraud, and it is the credit card business. We have all had this experience. You go somewhere and use your credit card, and you get a phone call or an e-mail from your credit card company. They tell you some transaction has just occurred and ask: Did you really mean to have that transaction? Did you authorize that purchase? And you call them up and say either yes or no.

I have a young family, Mr. President, as you know. When I got appointed to the Senate, I brought my kids and my wife up here so we could be close. I have three children 6 and under and a baby coming in a month, so we are here in Washington, DC, most of the time. I had to do what any good dad would have to do: I had to go out and buy a television.

I went to Best Buy and bought a television. I live in Tallahassee, so before I left the store, my credit card sent me an e-mail. You live in Florida, is what this system is doing and thinking, and you are buying a television, which is a highly suspicious purchase, and you are doing it in Washington, DC. So I tell them yes, and the transaction goes through. If I tell them no, they do not pay Best Buy. They do not pay unless there is a verification on the front end.

We can use that same technology in health care to set up a predictive modeling system to prevent the fraud before it starts. I called the worldwide head of fraud prevention for MasterCard and asked him: Can we do what you do in health care? He said: Sure you can, and I will help you.

There is no reason we can't stop billions of dollars of waste, fraud, and abuse.

Mr. President, before we go on to all the other issues in health care that we can't agree upon, we should call up this bill and we should pass it. We would get 100 votes, I bet, in the Senate, and we could save what one group here in Washington thinks is \$20 billion a year. That is \$20 billion we could use to maybe pay down the debt and the deficit or put it back into Medicare, which is hurting and is going to run out of money in a few years. We could do good things with that money.

The third thing this bill does is it requires a background check for every

health care provider. Can you believe we don't check the criminal records of people who claim they are providing health care to our seniors? We don't check to see if they are felons. We had a guy in Miami who was a convicted murderer who claimed to be a health care provider. This would require we do a background check. And if you are a criminal, guess what. You don't get to provide health care. You don't get to dupe the system.

So I hope we will take up this bill. I am appreciative of Senator COBURN. I am glad the President recognizes we can all agree on this. If we can all agree, let's get something done. Let's call the bill up and let's pass it.

HAITI

Mr. President, I had the opportunity to go on a congressional visit to Haiti a couple of weeks ago—actually, 2 weeks from tomorrow. We were there on the 1-month anniversary of the tragic earthquake that killed more than 200,000 people. Two hundred thousand people died in Haiti. Myself and the other Members of the Senate and the House who went there were able to see some of the tragedy.

We visited the cathedral in Haiti. You often hear President Clinton talk about this wonderful Catholic cathedral in Haiti that stood the test of time but could not stand the test of this earthquake. In fact, really the only prominent part of this cathedral that still stood, unbelievably, was the cross.

We talked to the people who were there. They are a wonderful and resilient people, and it is amazing that they could go on with the tragedy they had experienced.

I had the great honor to visit the GESCO Ford Operating Hospital, staffed mostly by American doctors and nurses, some of them from Miami, some of them from Orlando, in my home State of Florida. They are doing wonderful work.

We met with the President of the country and the Prime Minister and Ministers of the President's Cabinet, and we talked about what are the next steps.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I authored to the President of the United States, to which I will be referring.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
WASHINGTON, DC 20510  
February 18, 2010.

HON. BARACK OBAMA,  
President of the United States,  
Washington, D.C.

DEAR MR. PRESIDENT: On Friday, February 12, we traveled to Haiti with a bipartisan group of colleagues from the House and Senate, led by Speaker Pelosi. The situation in Port-au-Prince, Haiti is dire. While much good work has been done to provide water and food, and to bury the dead, international assistance will be required for years to come.

Although a disaster of historic proportions, this earthquake provides great opportunity for renewal and rebirth as tragedies of the past have for cities around the globe. The goal must not be to return Haiti to where it was on January 11, 2010, but to assist the Haitian people in rebuilding a better, prosperous, and stable country.

We understand that in the coming weeks your administration will put forth a funding proposal to provide further relief to the Haitian people. For our efforts to be accomplished, that funding must be pursuant to a long-term plan for the success of Haiti's redevelopment. Accordingly, we suggest the following:

With the aid of the international community, Haiti must develop a long-term plan for investment. That plan must include defined goals and accountability measures that ensure both transparency and sustainable progress. Second, funds must be provided in a significant way to the Haitian people directly. Micro-loans for small businesses and similar targeted programs that are directly linked to economic performance will foster entrepreneurship and organic business growth. Third, a priority of international assistance to Haiti must be to ensure the well-being, safety, and security of the thousands of orphans that are currently living in Haiti. Fourth, long-term projects must focus on infrastructure and job growth with a special attention on developing centers of commerce outside the capital city, to strengthen the economy and disperse the population. Finally, a task force composed of Haitian-American leaders should be convened to tap the energy and vigor of America's Haitian community to sustain support for the relief effort.

In the short term, a joint effort must begin immediately to move displaced Haitians to high ground before the rainy season begins in the coming weeks. Thousands of Haitians are living in low-lying camps, and tragedy will strike again when the rain comes. We urge your administration to stress this point with President Préval and Prime Minister Bellerive.

In the midst of the terrible disaster, we were all struck by the strength and resiliency of the Haitian people. With a long-term, measurable plan for redevelopment, the people of Haiti can achieve an economy and a society worthy of our investment and their tremendous sacrifice.

Sincerely,

GEORGE S. LEMIEUX,  
BILL NELSON,  
AMY KLOBUCHAR,  
FRANK R. LAUTENBERG,  
*U.S. Senators.*

Mr. LEMIEUX. Mr. President, this letter is cosigned by myself, Senator NELSON, my colleague from Florida, Senator KLOBUCHAR, as well as Senator LAUTENBERG, all of whom were on the trip with me. The letter basically asks the President to do four things in trying to focus our help and relief for this country.

We have been involved in trying to help the Haitian people for decades, and the American people have opened their hearts and their wallets to help the situation in Haiti, but the situation is dire. I cannot think of a more complicated, difficult problem than trying to bring Haiti forward to a sustainable place.

Haiti was already in bad shape, but it had a path forward and progress was

being made. Now, as you drive the streets of Port-au-Prince, it looks like a bombed area. It looks like a war zone. You will randomly see three buildings standing as if nothing had happened and then a building that is completely and utterly destroyed. Right now, thousands of people are huddled together in these makeshift camps in low-lying areas. My great fear for the short-term is that when the rains come, which they will in the next weeks in Haiti, there will be another great tragedy. So we have to be focused in our help.

So I, along with my colleagues, sent this letter to the President and asked the President to do four things:

First, create a long-term sustainable plan for Haiti and put in charge of that plan, on behalf of our relief efforts, a trustee, along with an inspector general, along with a board of advisers, to work in partnership with the Haitian Government to make sure the money is spent wisely. We cannot just send billions of dollars into Haiti and let the money evaporate in short-term solutions. There needs to be a long-term sustainable plan.

Second, we have to provide funds to the Haitian people directly. Small businesses need microloans so they can provide jobs for the people of Haiti. We can't just give the money to third-party contractors.

Third, we have to be focused on this orphan issue. We have to make sure it is done legally, and where it is done legally, we have to make sure we get those children to their adoptive parents as quickly as possible.

Fourth, we have to make sure Port-au-Prince is not the center of the entire population for the country of Haiti. We are putting too many people in one place when tragedy strikes. We need to encourage development throughout the country.

I had the honor of having the President of Royal Caribbean cruise lines in my office yesterday—a Floridian, Adam Goldstein—and we talked about tourism to Haiti. There is a beautiful citadel in Haiti that would be a wonderful attraction for cruise ship tourists. There have been all sorts of difficulties building a road to it and making sure it is safe and secure.

We need to find ways to create jobs outside of Port-au-Prince, outside that city, so that fragile humanity is not all focused in one place.

Finally, we need to make sure the Diaspora of Haiti, the Haitian-American people—for example, we have about 250,000 Haitian Americans in Florida—are involved in the rebuilding of Haiti. They need to be welcomed. They are dying to get involved. They are hungry to get involved in this process of rebuilding their home country.

So I hope the President will put together this commission, appoint a strong leader—a Colin Powell or some-

one of that magnitude—as the trustee to work with the Haitian people to rebuild the island of Haiti, and I hope we can get effort and energy behind that proposal quickly so we don't have any other significant challenges in the coming months ahead for the Haitian people.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise today because our economy is struggling. Unemployment remains high, and the recession's hold on cities across America is as strong as ever. My home State of Nevada has been one of the hardest hit, and our tourism-dependent economy is barely hanging on. Unfortunately, this is true for tourism-dependent cities across our country.

During these difficult economic times, it simply isn't enough to try to stimulate domestic spending by passing one massive spending bill after another. We need to incentivize tourists from across the world to visit the truly unique destinations across America. From one coast of this country to the other, there are endless opportunities to tour historic sights, take advantage of recreational opportunities, observe great architecture, visit theme parks, dine in some of the finest restaurants in the world, view natural and man-made miracles, and soak up everything that is so uniquely found in America. We all know we live in the best country in the world. Now is the time for people across the world to enjoy all we have to offer while repairing our economy at the same time.

My colleague from North Dakota, Senator DORGAN, understands the importance of reasserting our tourism industry on the world stage. Together, he and I have sponsored the Travel Promotion Act, which is before us today. This bipartisan piece of legislation would help to make our travel and tourism industry more successful and more competitive internationally. So I thank my colleague, Senator DORGAN, for his great leadership on this important issue.

Tourism is our country's truest form of economic stimulus. The average overseas visitor to the United States spends roughly \$4,500 per trip to pay for hotels, transportation, dining, shopping, and other things. Unfortunately, tourism took a massive hit on 9/11, and it has not yet recovered. This lost decade has only been made worse by last year's recession.

If the United States had managed to keep pace with global travel trends, 68 million more travelers would have visited the United States between 2000 and 2009. These travelers would have generated an estimated 250,000 new U.S. jobs in 2008 alone.

At a time when unemployment is at record-high numbers in this country,



we cannot afford to throw away any more tourism-related job creation. We could take a cue from Canada on successful ways to spur this tourism that we need so badly. If you have been watching the Olympics, you have seen these ads about British Columbia. I don't know about the rest of you, but it has made me actually want to go up and visit. But it is not just watching the Olympics. It is the ads that have been the most successful part of making me want to go to that part of the world. They have beautiful things to advertise, to show you: Doesn't that look like an incredible place to go visit?

Think about all we have in America that we can advertise to the rest of the world that may not have thought about it. I didn't think about going up to Vancouver and British Columbia, but those ads spurred my interest in it, and I am sure they have for many Americans and other people around the world. Tourism-related jobs can be created simply by spreading the word about the wonderful destinations that are literally scattered across the United States of America, and we can do it without raising taxes on hard-working American families or by digging ourselves even further into debt.

Unfortunately, the United States has dropped the ball when it comes to tourism and the industry has been virtually left behind. Declines in visits to the United States since 2000 have cost our country an estimated \$500 billion in lost spending and at least \$30 billion in lost tax receipts.

My speech today is not all gloom and doom, however. Instead, I stand here to offer a solution, a solution that can help get our hard-hit tourism industry back on its feet. What we need is a comprehensive strategy coordinated by public-private partnerships between the Government and the expert leaders from our travel and tourism industry. This effort needs to center on a major initiative that will make the wonderful destinations throughout our great country known to foreign audiences. Actually, we do not want them to just be aware of these magnificent places. We want them to feel compelled to visit them.

September 11, 2001, forever changed our country and the security measures along with it. But we need to teach potential visitors about the new security policies of today so they can travel to and from our country with ease.

The bottom line is, the United States stands to make great gains economically and diplomatically if we strengthen our travel and tourism industry. So how do we go about doing this? The Travel Promotion Act which is before us today would create a public-private corporation for travel promotion to promote the United States as a travel destination to overseas

travelers. This corporation would develop and execute a plan to do the following: It would promote the United States to foreign travelers by using coordinated advertising campaigns and other promotional activities, similar to what we see in the Olympics with Canada; the corporation would identify and correct misperceptions about U.S. travel policies; it would also help provide travel information to foreign visitors to the United States such as information about entry requirements, fees, and documents; and last, the corporation would focus its efforts to ensure that all 50 States benefit from overseas tourism, including areas not traditionally visited by international travelers.

Understand this, no taxpayer funds would be used to finance the corporation for travel promotion. Let me repeat that. No taxpayer funds would be used to finance the corporation for travel promotion. All the funding would come from private industry and from user fees paid by some international visitors. This would finally put the United States on equal footing with many other developed countries.

This legislation would be a true lifeline to my home State of Nevada, which depends so heavily on travel and tourism. I mentioned earlier my State was one of the hardest hit. But I do not think that description does the situation in Nevada justice. The tourism industry in Nevada, especially Las Vegas, has truly been crippled by the economy. Nevadans who were already struggling through home foreclosures have been forced to carry the burden of the downturned economy. Taxicab drivers, valets, housekeepers, waiters and waitresses and construction workers are drowning in this recession because Americans are not traveling like they used to. These workers are barely keeping their heads above water and some are not even able to do that. They are losing their homes, which has truly annihilated the housing market in my State.

Boosting overseas travel will provide for growth in an otherwise shrinking segment of our economy, and it will help heal local economies around our country. This will, in turn, greatly advance our overall economy at a time when we cannot afford to turn away the potential of hundreds of billions of dollars.

With domestic travel and convention travel down, overseas travel could be the silver lining we all need. At a time when our country faces record deficit and spending levels, I know this money may seem like a lot. Believe me when I say to you that I take my pledge of fiscal responsibility very seriously. I vote against spending bills that come across this floor all the time because they simply are an irresponsible waste of hard-earned taxpayer dollars. However, this bill is a responsible use of dollars. It does not apply a government

spending bandaid to tough economic situations. It creates a solution that will greatly benefit our economy, and it does it without taxpayer dollars.

The Travel Promotion Act, which has the overwhelming support of Democrats and Republicans alike, is a relatively small investment that will significantly boost our economy, create jobs, and make us more competitive in the world. The bill will not increase the deficit. This bill does not increase the deficit. But it could spur billions in additional economic activity, benefiting Americans all around the country.

The Congressional Budget Office—nonpartisan, the official scorekeeper around here—confirms it will not place any additional burden on the taxpayer. People across my State and across the country have had to make difficult decisions when it comes to their own families' budgets. In fact, the legislature in my home State of Nevada is coming to terms with steep spending cuts and slashing services across the board as we speak, in a special session, because it is too far in the hole to sustain the current spending spree. So Americans are looking to us to boost the economy and so far we have not been able to do that.

Yes, we have spent money—and a lot of money at that, in fact—but our economic situation remains the same. I am asking that we look to the tourism industry as a lifeline for our economy, as I know it will be for my State and for so many others. The Travel Promotion Act will be that lifeline. It will create jobs, create opportunity, and show the world the beauty and the diversity of America.

Each one of us, who together represent all 50 States, knows we have incredible places to show the rest of the world. My home State of Nevada is actually the gateway to the Grand Canyon, which is located in Arizona. We have Lake Tahoe. We have, obviously, Las Vegas. We have so many other places to visit around our great State. But every single Senator could tell those stories. What we need to do is tell them in a way that makes foreign travelers want to come to America. The Travel Promotion Act is going to help us do that.

Let me remind folks, if you watch the Olympics, ask yourself these questions when those commercials about British Columbia come on: Does that make you more or less likely to go, especially if you can afford it? I think the answer is pretty obvious. They make an attractive case to visit their country.

This is the United States of America, with some of the most beautiful, incredible places to see. Are you telling me we cannot advertise this in a way that makes people want to come here? Of course we can. We can have tourism boosted like never before in this country and all Americans will benefit by



doing that because when foreign travelers come here, they spend money, boost the economy, and boost every single State in this country.

I encourage this Senate to pass this bill as quickly as possible and get it over to the President for signature so we can get on with boosting the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, may I ask what is the pending business before the Senate?

The PRESIDING OFFICER. The travel promotion bill.

Mr. WEBB. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KENNAN NOMINATION

Mr. WEBB. Mr. President, I would like to speak for a few minutes on behalf of Justice Barbara M. Kennan, who is the nominee to serve on the Fourth Circuit Court. I respectfully request, in the name of good governance and the proper functioning of our constitutional system, that our colleagues on the other side of the aisle allow a prompt vote on her nomination.

Justice Kennan was voted out of committee in October of last year by a unanimous voice vote. Her nomination is noncontroversial. She has been a dedicated public servant, a fair and balanced jurist, and her nomination has had broad bipartisan support. I believe it is critical that we move forward as quickly as possible to confirm her nomination.

There are currently four vacancies on the Fourth Circuit, more than any other circuit. The seat that Justice Kennan would fill has been vacant for more than 2 years. Justice Kennan is an extraordinary choice to fill this vacancy. She has been a State supreme court justice since 1991. She has been a trailblazer for women in the law throughout her career. At the age of 29, she was the first female general district court judge in Virginia when she was selected for the Fairfax County bench. That was in 1980. She became the first female circuit court judge when she was promoted to that court in 1982.

In 1985, she was 1 of 10 judges named to the First Virginia Court of Appeals and the only woman when that court was created. She was selected for the State Supreme Court, the second female justice ever to serve there, in 1991. She was, in fact, the first judge to have served on all four levels of Virginia's courts.

I also would like to point out when Governor McDonnell was recently sworn into his office, he specifically requested that Justice Kennan deliver him the oath of office. There is a wide bipartisan consensus inside Virginia

about the quality of this nominee, and I am very hopeful we can move forward in an expeditious way.

I am mindful of the Senate's constitutional role in confirming executive nominations. It is vitally important, and a robust vetting process and debate is appropriate. We have conducted, inside Virginia in our delegation, that kind of vetting process which resulted in Justice Kennan's name being moved forward.

In the spirit of pragmatic bipartisanship and good governance, I believe it is time to move past these procedural delays that seem to infect us and get on with the business of governing.

I would like to point out that out of 876 Federal judgeships, there are now 100 vacancies. These delays affect the administration of justice. These vacancies delay the resolution of disputes and they diminish our citizens' rights to a speedy trial. It is my understanding that Justice Kennan has broad support in this body. The vote in the Judiciary Committee is evidence of that. In fact, I will be very surprised if any Senator were to vote against her confirmation. Again, I am asking my colleagues on the other side of the aisle if they might allow this nomination to advance in a timely way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Thank you.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 3043 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAUFMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BURRIS. Madam President, as I address this Chamber, President

Obama is hosting the leaders of both political parties in a summit on the issue of health care reform. He has asked for all serious proposals to be brought to the table, once and for all, in an effort to bridge the gap between the House and Senate legislation and pass a final bill. He even provided his own proposal for how we can reconcile these bills with one another.

I thank the President for his leadership on this issue and his continued commitment to the issue of health care reform. I am glad he has called Republicans and Democrats to the table once again in yet another effort to reenergize this debate and move forward on behalf of the American people. I remain confident that we can still get this work done. That is why I have come to the floor today: to reaffirm my commitment to comprehensive health care reform and to urge my colleagues to join with our President and the leadership of our respective parties to find a real solution. In fact, I recently joined many of my colleagues in signing a letter urging this Senate to pass a bill that includes a public option—something everyone in this room knows I have supported since the beginning of this long debate. No matter what comes out of this afternoon's summit, I will judge our final proposal based on its ability to acknowledge three goals—the same three goals I have called for time and again over the past several months.

Our reform bill must restore competition to the insurance market, it must give us the tools to hold insurance companies accountable, and it must provide real cost savings to the American people. I am confident we can pass a measure that is capable of meeting these goals. I remain confident that after nearly a century of inaction, the American people demand and deserve nothing less.

Every President, every Congress, every ordinary citizen in the past 97 years has had to wrestle with a health care system that is broken and inadequate, a system that our predecessors consistently failed to fix; a system that has deteriorated badly over the last few decades and that remains unworthy of this great Nation. Today, 47 million Americans are without health insurance and 88 million do not have stable coverage. As a result of our broken system, 45 million Americans die every single year because they had no health insurance. These shocking facts should never be far from our minds as we debate these issues. They are more than statistics; they are ordinary Americans who desperately need our help.

As I address this Chamber today, we stand on the verge of correcting the oversights of the past century and getting these people the help they need. Legislation has been written, amended, and rewritten. We have compromised and compromised again. Each Chamber

of the Congress has passed a comprehensive bill. Neither bill is perfect but both represent significant progress. We are so close to doing this. Now is the time to finish the journey.

Late last year, both the House and Senate voted for health care reform with a strong voice and a clear majority. At this point, we have only to reconcile the differences between these two bills. Just this week, President Obama released his detailed proposal outlining exactly how we can get this done. I urge my colleagues from both Chambers and from both parties to strongly consider this option.

Regardless of how we choose to proceed after today's bipartisan health care summit, let us come away with a definite plan of action. Let us come away with a plan to get this done, a plan that includes competition, cost savings, and accountability.

It is time to realize the promise of the last 100 years. I urge my colleagues to finish the fight that Teddy Roosevelt first waged more than a generation before any of us were born. Now is not the time to lose our nerve. Now is the time to act with conviction. Let's not allow the obstructionist tactics of a few to undermine legislation that garnered 60 votes in this Chamber and 220 votes in the House. I refuse to accept that a handful of "no" votes can invalidate 280 votes. I refuse to accept that the minority party can stifle the voices of millions of Americans and hundreds of Members of Congress who have demanded that we win this fight. I call upon my colleagues in both Chambers to look past our differences and carry out the will of the American people. They sent Democrats to Congress with the largest majority in decades. They elected a President who has pledged himself to this cause.

As far as the American people are concerned, this debate was over a long time ago. This issue has carried the day. This is the measure that the American people voted for in 2008 and, my fellow Democrats, this is what our party is all about. Now is not the time to shrink from the fight but to engage in it. Now is not the time to falter or to second-guess the wisdom of the folks who sent us here. Now is the time to take bold action, to forge ahead, to carry forward the ideas and principles of our party by delivering real results and delivering for the American people a health care plan that will give them protection and not see their premiums going up 39 percent and 40 percent.

Comprehensive health care reform will extend quality coverage to 31 million Americans. It will reduce premiums and prevent insurance companies from abusing their customers or discriminating against people who get sick. Can my colleagues imagine: You get sick and think you have coverage today and then they cancel your policy and you have no coverage. The major-

ity leader stood on the floor yesterday and told the story about the young kid with the cleft lip where the father paid \$90,000 because the insurance company canceled the policy because the kid was born with a cleft lip. That is unconscionable. We in this country should not tolerate it.

The Senate bill could even cut the Federal deficit by about \$1 trillion over the next two decades. I ask my colleagues: What are we waiting for? This is about values, not politics. Our country deserves better, so let's make it happen.

In politics, it is easy to find excuses. It is easy to wait, to delay, to place blame on another and throw up our hands. That is not leadership. That is not what the American people have called upon us to do and it is far less than they deserve. The American people have been waiting for 100 years, and I, for one, think that is quite long enough.

I say to my colleagues: It is time for us to lead. It is time to take up the mantle of Teddy Roosevelt and, yes, Teddy Kennedy, and everyone in between. Because this isn't just about health care; it is about creating jobs, helping small businesses, and keeping America on the road to economic recovery. These issues are not separate as some would have us believe. They are tied inextricably together. Fixing the American health care system will reduce the deficit, make it easier for small businesses to meet expenses, create jobs, and provide health coverage to more Americans than ever before. The way I see it, we cannot afford to wait any longer.

So let us act with a strong, united voice. I urge my colleagues to join me in passing a final health care bill and sending it to President Obama as soon as possible. Yesterday would have been all right. Let's win this fight. Let's stand up for what we believe in and succeed where our predecessors came up short. The stakes are too high to settle for anything else.

I say to my colleagues, and to those who are meeting today with the President, we must come up and out of this summit with a plan that is going to give health insurance to the people of America not tomorrow, not next week, but right now.

Thank you, Madam President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. REID. Mr. President, Nevada's tourism has been hit hard by the slow-

ing worldwide economy. And when tourism in Nevada hurts, the entire State suffers.

Hardworking people have lost their jobs. The State's budget has taken a major hit. Because that budget is largely funded by tourism, funding for vital programs in our State are at risk.

But Nevada is not alone. Its problem is not unique. Tourism is one of the top industries in nearly every State in the country and one of the largest employers in America.

That is why this bill is so important. This is an opportunity not only to give American tourism a boost, but it is one of the many ways we are working to create jobs and help our economy recover.

The concept behind it is simple: It says, let's create jobs and reduce the deficit. It is a win-win for the economy of every State and our national economy alike.

And it is a bipartisan bill that take the strategies that have made Las Vegas such a success and brings them to our entire Nation's tourism industry.

This week, the U.S. Travel Association called the last 10 years a "lost decade" for tourism. It cost us half a million jobs and half a billion dollars in lost spending. This bill will turn that around.

The travel promotion bill is a jobs bill. It is about creating jobs, it is about growing our economy and it is about keeping the United States competitive in the world travel business.

UNANIMOUS CONSENT REQUEST—H.R. 4691

I ask unanimous consent that the Senate proceed to the consideration of H.R. 4691, which is a 30-day extension of provisions which expire on Sunday, February 28—they are an unemployment insurance extension; COBRA, health insurance for the unemployed; flood insurance; the Satellite Home Viewer Act; highway funding; SBA business loans and small business provisions of the American Recovery Act; SGR, which is the so-called doctor fix; and poverty guidelines—received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid on the table.

This matter passed the House unanimously today. The reason it passed the House unanimously today, if we don't do something about this, all around America, about 1½ million people who will be watching TV will no longer watch TV. This is mostly in rural areas of America, rural areas of Nevada. I guess we could be hard-hearted and say they don't need to watch TV, but in Nevada we have very harsh winters in many parts of the State. For many of these people, the only way they can get information is through television. It could lead to some very serious problems. If we talk about flood insurance, even though Nevada is a very dry

State, this is something we need to do for States where we have all kinds of problems with floods all the time. We, in northern Nevada and in southern Nevada, have had some devastating floods, not often but we have them. Highway funding, this costs nothing, what we are doing here, the extension costs zero. SBA business loans, this costs \$60 million to allow the SBA to continue processing programs to allow people who want to have a business to get a few dollars so they can continue or start a new business. We are not going to be able to do this because it expires at the end of this month; small business provisions of the Recovery Act, the same thing; poverty guidelines, these things cost nothing basically nothing; the SGR, it is my understanding about \$1 billion is being asked for here. I think it is such a shame that we don't get this done. The big ones, though, from my perspective, are the poor. We have people who weren't poor who are now poor because they have been unemployed for so long. This will terminate on Monday. I talked to the Presiding Officer. In just a matter of weeks, 65,000 people in Illinois will no longer be able to draw these benefits. In the State of Nevada, which is not as heavily populated as Illinois, thousands of people who have been unemployed for long periods of time—and I repeat, they started out in this business not being poor; they are poor now—it would be a shame not to give them those moneys.

My friend, the distinguished Senator from Kentucky, is going to say: Pay for all this. As I have gone through everything we have talked about, it doesn't cost much money. Unemployment compensation does. It costs a lot of money. We have millions of people who are unemployed. In years past, when we wanted to extend unemployment benefits, it was an emergency, a declared emergency historically in this body. Why? Because it is an emergency. We have rules in effect, pay-go rules we have passed. Of course, we can look to that as a step forward. But that doesn't mean we don't have emergencies.

I would also say that COBRA—what is COBRA? It is a program to help people who are out of work or who lose their jobs get insurance.

Anyway, I say to my friend from Kentucky, I would hope that for the people I have described who are just wanting us to do our work, we can get that done. I hope my friend would not object to this.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Mr. BUNNING. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Kentucky, Mr. BUNNING.

UNANIMOUS CONSENT REQUEST—H.R. 4691

The majority leader.

Mr. REID. I ask unanimous consent that the Senate now proceed to H.R.

4691 and that the Reid of Nevada substitute amendment which is the desk be considered read; that the Republican leader or his designee be recognized to offer a substitute amendment, and there be 60 minutes of debate with respect to that amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the amendment be agreed to and the Reid substitute, as amended, be agreed to; that if the waiver fails, the amendment be withdrawn; further, that there be 30 minutes for debate with respect to the Reid substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the Senate proceed to vote on adoption of the Reid substitute amendment; further, that no further amendments, motions, except a motion to reconsider a vote, or debate be in order; that upon disposition of the Reid substitute amendment, the bill, as amended, be read a third time; and following the reading by the clerk of the budgetary effects of the pay-go legislation with respect to H.R. 1586, the Senate proceed to vote on passage of the bill, as amended; that upon passage, the title amendment, which is at the desk, be considered and agreed to.

Before my friend from Kentucky makes his feelings known, let me say this. This is something we worked out yesterday. When I say "we," that means Democrats and Republicans, all except one Senator. What this agreement allows is for all the provisions in this, these extensions be paid for out of the stimulus or the economic recovery money. That is a fair vote. Some people want to do that. Let's vote on it. We know what the rules are. We are sent here to vote. We are not sent here to object. When 99 Senators want something done, it is not right for one Senator to hold it up. My friend has that right. But it is a real problem for so many different people. I would hope we could have a vote. We can do it tonight and move on to other things.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object, I just wish to make sure I am objecting to the right motion. In the third-to-last sentence, the leader used, in my opinion, the wrong number. He used H.R. 1586.

Mr. REID. Mr. President, the Senator from Kentucky is right. I have it written here.

Mr. BUNNING. It should be 4691.

Mr. REID. That was my mistake. I appreciate the Senator catching that.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard by the Senator from Kentucky, Mr. BUNNING.

Mr. BUNNING. Mr. President, may I now speak and propose a unanimous consent? First of all, let me say this to my good friend from Nevada. I have worked all day trying to work out a compromise, anywhere from 2 to 4 weeks on this UC, trying to get it paid for, for the time of the extension. We were very close. We tried to get agreement using different pay-fors than what I am going to propose. But in the final analysis, it came down to, when the White House summit adjourned, the leader came back and it was going to be his way and no one else's way. That is what it turned into. I am going to propose a 30-day extension with an offset. So I am as anxious to get those same provisions he has brought up—the COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA provisions, American Recovery Act, SGR, poverty guidelines. I wish to get them renewed also.

UNANIMOUS CONSENT REQUEST—H.R. 4691

So, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. BURRIS). Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, reserving the right to object, there probably has never been a time in the history of our country when we had economic conditions that are like they are today—unemployment all over this country averaging some 10 percent; some States as high as 14 percent. If there were ever an emergency with our economy, it is tonight, it is today. And to think we are not going to declare this an emergency?

Millions of people are unemployed, millions of people have been unemployed for long periods of time and their unemployment benefits are running out. They are not able to buy their health insurance because the program is going to expire on Monday.

The Senate has a history of treating unemployment benefits as an emergency. No one, I repeat, can argue that the current economic downturn does not represent a grave emergency. So, Mr. President, I am forced to object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, I now ask unanimous consent that notwithstanding rule XXII, the cloture vote on

the motion to concur in the House amendment to the Senate amendment to H.R. 1299 occur at 7:50 p.m. tonight—3 minutes to move to suspend the rules; that if cloture is invoked, then all postcloture time be considered yielded back, Senator DEMINT then be recognized for up to 10 minutes to move to suspend the rules; that upon the use of that time, the Senate then proceed to vote on the DeMint motion; that if the DeMint motion is successful, then the amendment be agreed to, and the motion to concur with the amendment be agreed to; that if the DeMint motion fails, then no other motions or debate be in order; that the motion to concur with an amendment be withdrawn, and the Senate then proceed to vote on the Reid of Nevada motion to concur in the House amendment to the Senate amendment to the bill, H.R. 1299.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we expect to have three votes here tonight. As soon as those are done, we will not have another vote until Tuesday, but it will be in the morning.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act.

Harry Reid, Byron L. Dorgan, Russell D. Feingold, Patrick J. Leahy, Daniel K. Inouye, Kay R. Hagan, Jeff Bingaman, Robert Menendez, Richard J. Durbin, Jack Reed, Mark Begich, Patty Murray, Bernard Sanders, Robert P. Casey, Jr., Barbara Boxer, Jon Tester, John D. Rockefeller IV.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 26 Leg.]

#### YEAS—76

Akaka	Feinstein	Murkowski
Alexander	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Inouye	Rockefeller
Bond	Isakson	Sanders
Boxer	Johanns	Schumer
Brown (OH)	Johnson	Shaheen
Burris	Kaufman	Snowe
Byrd	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Landrieu	Thune
Casey	Leahy	Udall (CO)
Chambliss	LeMieux	Udall (NM)
Cochran	Levin	Vitter
Collins	Lieberman	Voynovich
Conrad	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	Menendez	Wyden
Ensign	Merkley	
Feingold	Mikulski	

#### NAYS—20

Barrasso	Cornyn	McCain
Brown (MA)	Crapo	McConnell
Brownback	DeMint	Risch
Bunning	Enzi	Roberts
Burr	Grassley	Sessions
Coburn	Gregg	Shelby
Corker	Kyl	

#### NOT VOTING—4

Hutchison	Lautenberg
Inhofe	Warner

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

#### UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senator DEMINT, his vote and the next vote be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Cloture having been invoked, the motion to refer falls.

Under the previous order, all postcloture time is yielded back.

The Senator from South Carolina, Mr. DEMINT, is recognized for up to 10 minutes.

Mr. DEMINT. Mr. President, I know many here are very anxious to start a new government agency, and I won't hold you up for very long.

It is important that we recognize some things that are happening. There is probably one good thing we can do tonight—maybe—to stop the landslide of more government control. In the last year—a little over a year—we have seen this Federal Government take over two of our largest auto companies, our largest mortgage company, our largest insurance company, and expand its control on America's domestic en-

ergy sources, and, of course, we had the debate on trying to expand control of health care.

We are expecting, very soon, a new financial reform package that will expand Federal control everywhere from Wall Street to the local pawnshop.

While these big things are coming in front of us, there are things happening in the executive branch that are circumventing Congress, and that should concern us. A lot of you have heard from industries back home about what the EPA standards are doing. Businesses don't know what to expect, nor do local communities. I had an engine company in my office today that said orders were on hold until they find out what the EPA is going to do. I have also had people in my office in the last week talking about the FCC and the coming ruling on expanding control over the Internet—one place in our economy that continues to boom with innovation.

There is one thing that just leaked out that I want to bring to your attention. We need to try to halt that tonight before it is too late. A whistleblower at the Department of the Interior leaked a document that shows they are considering using the Antiquities Act to grab over 10 million acres of land in nine Western States and basically take them offline of jobs for mining, forestry, and energy. This includes Nevada, Utah, Montana, New Mexico, California, Arizona, Oregon, Colorado, and Washington. It is important that we stop this and at least have some Senate hearings on what they are trying to do.

This is a priority for what we are talking about today because the President and the Congress have said our top priority is jobs. This action by the Interior Department will hurt jobs. It will dry up tax revenues in local communities and States. It will restrict energy supplies in this country.

Mr. President, all I am asking is that we suspend the rules, which require 67 votes, and vote on this amendment to stop the Department of the Interior from taking over over 10 million acres of land and hurting our economy and jobs.

I promised the leader I would keep it to less than 10 minutes. I encourage everybody to support this motion I am getting ready to make.

Mr. President, I move to suspend the provisions of rule XXII, including germaneness requirements, for the purpose of proposing and considering my amendment, which is at the desk, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I rise in opposition to the motion of the Senator from South Carolina to suspend rule XXII and offer an amendment to

prohibit the establishment of national monuments under the Antiquities Act or any other law.

I understand that the proposed amendment is in response to allegations that a portion of an internal planning memo at the Department of the Interior identified several areas throughout the country as areas that may be appropriate for potential national monument consideration.

The Secretary of the Interior has stated that the document was simply a brainstorming exercise to identify sites on public land that might merit more serious consideration for possible management options, and that no decisions have been made about which areas, if any, might merit more serious review and consideration.

I don't think it makes sense to try to legislate every time an article appears in a newspaper. I would observe that even the document in question that was leaked to certain Members of Congress states that "further evaluations should be completed prior to any decision, including an assessment of public and Congressional support," and Secretary Salazar has publicly stated his view that new designations and conservation initiatives work best when they build on local efforts. So I think that any attempt to legislate at this time is very premature.

Apart from the substantive problems with the proposed DeMint amendment, the travel promotion bill is not the appropriate legislation to consider this issue, and waiving the Senate rules to allow for consideration of an amendment that would not otherwise be in order is, in my view, not appropriate.

For these reasons, I oppose the motion to suspend rule XXII.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 58, as follows:

[Rollcall Vote No. 27 Leg.]

#### YEAS—38

Barrasso	Crapo	McConnell
Baucus	DeMint	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Isakson	Tester
Chambliss	Johanns	Thune
Coburn	Kyl	Vitter
Cochran	LeMieux	Voinovich
Corker	Lugar	Wicker
Cornyn	McCain	

#### NAYS—58

Akaka	Feinstein	Mikulski
Alexander	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Gregg	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Burr	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Webb
Dodd	Lincoln	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	
Feingold	Merkley	

#### NOT VOTING—4

Hutchison	Lautenberg
Inhofe	Warner

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 58. Two-thirds of the Senate voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to concur with amendment No. 3326 is withdrawn.

Mr. INOUE. Mr. President, I am pleased to join my colleagues in support of H.R. 1299, the Capitol Police Administration bill, the legislative vehicle for the Travel Promotion Act of 2009.

The Travel Promotion Act of 2009 will allow the United States to remain competitive as a welcoming destination for foreign travelers. Our ability to explain the processes and changes made by the United States to gain entry for travel will help to ease fears about the entry process. The proposed nonprofit, independent corporation charged with this responsibility will be able to conduct the necessary outreach and promote tourism in a way that the tourism industry cannot. In addition, an Office of Travel Promotion will be able to work with the Department of State and the Department of Homeland Security to improve the entry process.

Promoting the United States as an attractive tourist destination for both leisure and business with international visitors is of the utmost importance to the many States that house destination resorts. Consider the experience of my own home State of Hawaii. Hawaii's economy largely relies on travel and travel related business. Visitors from around the world come to see our islands' natural beauty, and experience the spirit of "Aloha." Our Nation's hospitality industry suffered a severe setback following the events of September 11, 2001, and travel from abroad to the United States fell dramatically.

It is not only the hospitality industry in Hawaii that suffers, but our local businesses. The State of Hawaii boasts its beauty and environment, but many travelers to our State come to do business, which is sometimes obscured or overlooked because of Hawaii's label

as a tourist destination. The hospitality industry's employees rely on vacationers and businessmen and women to provide for their families. The economic activity generated by this industry continues to struggle during these financially challenging times.

Hawaii's experience is not unique. The hospitality industry nationwide continues to face similar challenges, and the economic effects have rippled through the nation to impact all of our citizens. The State of Hawaii's visitor statistics continue to reflect the downward trend. Preliminary travel data for 2009 indicate that there was an overall 3.5 percent decline in the number of international visitors to the islands compared to the number of international visitors in 2008. Nationwide, the number of international visitors between January and November of 2009 fell by 7.2 percent compared to the same period during 2008.

Both developing countries and industrialized economies around the world have ministers and offices that promote travel to their respective countries. However, the United States does not have an office that promotes travel and tourism abroad. This legislation is an important first step in the right direction. Establishing an Office of Travel Promotion will help to attract foreign travelers to the United States. This will not only sustain our tourism based industries, it reinforces business relationships and promotes a better understanding between Americans and our friends abroad. Interacting with the American people is a valuable tool at our disposal to dispel international travelers of misconceptions they may have about our country. Approximately 74 percent of visitors have a more favorable opinion of the United States after visiting our country.

The economic activity generated by international travel and its promotion should be approached in the same manner we foster other industries equally important to jobs and the economy. The Travel Promotion Act of 2009 is vital to our travel and tourism industry's ability to compete globally, and to restore confidence in the United States' image as a country that is committed to welcoming our friends from abroad. I urge my colleagues to support this legislation, and help us ensure that international business and leisure travel to the United States is given all of the tools necessary to succeed.

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 1299.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—78

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Hagan	Pryor
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Bond	Inouye	Rockefeller
Boxer	Isakson	Sanders
Brown (OH)	Johanns	Schumer
Burr	Johnson	Shaheen
Byrd	Kaufman	Snowe
Cantwell	Kerry	Specter
Cardin	Klobuchar	Stabenow
Carper	Kohl	Tester
Casey	Landrieu	Thune
Chambliss	Leahy	Udall (CO)
Cochran	LeMieux	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCaskill	Wicker
Ensign	Menendez	Wyden

NAYS—18

Brown (MA)	Cornyn	McCain
Brownback	Crapo	McConnell
Bunning	DeMint	Risch
Burr	Grassley	Roberts
Coburn	Gregg	Sessions
Corker	Kyl	Shelby

NOT VOTING—4

Hutchison	Lautenberg
Inhofe	Warner

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I have no real strong feelings about this bill other than that I do not think this country needs to create another corporation, a corporation that would be authorized to impose an annual assessment on U.S. members of the travel and tourism industry represented on a board of directors of the corporation established in the Department of Commerce, Office of Travel Promotion. I do not believe we need another office in this bureaucracy, so I will be voting against this bill. I voted against it on June 22 of last year, September 8 of last year, and September 9 of last year, so my vote would have been the same this year.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 4213

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March

1, at 3 p.m., the Finance Committee be discharged of H.R. 4213, an act to provide for certain extenders; that once the committee is discharged, the Senate then proceed to its consideration; that after the bill is reported, Senator BAUCUS or his designee be recognized to offer a substitute amendment, and once the amendment is reported by number it be considered read.

Mr. President, prior to a ruling, I would like to express my appreciation to the Republican leader and all those who worked so hard to get us to the point we are at today and next week. We should have a very good week next week. Everyone should be ready for some legislating. There will be a number of amendments offered, some of which I know, most of which I don't know what they will be. But a lot of work has gone into this very important legislation and, again, I express my appreciation to the Republican leader and others who worked so hard to get us to where we are.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

UNANIMOUS CONSENT REQUEST—  
H.R. 4691

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR and poverty guidelines—received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Senator has objected to extending unemployment benefits across the United States of America which will expire on Sunday night. He has also objected to extending COBRA benefits, which is health insurance for the unemployed people across America. This has been done regularly, now that we are in this recession, because millions of Americans are out of work. We know there are four or five, maybe even six people for every available job. Folks have depleted their savings, they run the risk of losing their homes, they are trying to keep their children in school, they are trying to provide the necessities of life, and the Senator from Kentucky

objects to their having unemployment benefit checks.

What does it mean to me? Well, in the State of Illinois, it means that as of Sunday night, 15,000 people in my State will stop receiving unemployment benefits because of the objection of the Senator from Kentucky. It means that every week thereafter another 15,000 will lose their unemployment benefits. It is a harsh reality that many of these families have been looking for work for a long time.

The Senator has also objected to providing assistance to small business. The request I made would extend, for 30 days, provisions of the Small Business Act and the Recovery Act lending programs for small businesses. So what the Senator from Kentucky is doing, as of Sunday night, is shutting down the availability of credit for small businesses across America through this Small Business Administration program. In the midst of a recession, when we are told small businesses are the engine that will bring us out of this recession, when they are desperate for credit to keep their doors open, families who have spent a lifetime building a small business are going to be denied an opportunity to borrow money through the Small Business Administration because of the objection of the Senator from Kentucky.

Let me say a word about COBRA. One of the first casualties of unemployment is health insurance. Sadly, many of these people are in a position where they do not qualify for Medicaid—health insurance for the poorest people. So they find themselves without health insurance for the first time because they are unemployed. We said, under President Obama's Recovery Act, we are going to help you pay for those premiums so you can continue to have health insurance for your family. That expires Sunday night too. The objection of the Senator from Kentucky means thousands of people across America will lose their health insurance. Because of his objection, they will lose it on Sunday night.

Workers who lose their jobs count on COBRA. And COBRA, frankly, is expensive. On average, COBRA coverage consumes 84 percent of unemployment benefits. It is not cheap. The average monthly unemployment benefit in Illinois is just over \$1,300. The average monthly family COBRA premium is over \$1,100. Through the Recovery Act, we said we would pick up 65 percent of that. Well, because of the objection of the Senator from Kentucky, if these people want to maintain their health insurance through unemployment, they are basically going to have to turn to savings or give it up.

Why? Why would we want to heap this kind of suffering on people who are already going through such misfortune? It isn't just Illinois that suffers, it is virtually every State. As of December, there were 221,000 people in

Kentucky unemployed—10.7 percent of the Kentucky workforce—63,000 people in Louisville, 18,000 people in Lexington, 6,000 in Bowling Green, 5,500 in Elizabethtown, 5,000 in Owensboro. As they are desperately looking for work, many of these people are just getting by on unemployment checks. They are just trying to get by.

Last month, the State of Kentucky had the sharpest increase in unemployment claims in the country—in the entire United States—with 2,510 more claims than the month prior due to the automobile industry and manufacturing job cuts. Unfortunately, many of these people will lose their unemployment benefits in Kentucky because of the objection of their Senator. If Senator BUNNING has his way, more than 14,000 Kentucky residents will lose their unemployment assistance in March and 60,000 by the end of June.

Why? Why are we doing this to these families in Kentucky and Illinois and every State? Everyone acknowledges there is only one objection. Everyone in this Chamber acknowledges we are a caring and compassionate country, and we will, on an emergency basis, extend a helping hand to those who have lost their jobs.

Most Senators have left for the evening, but some have stayed on the floor. I have asked them if they would like to say a word on this issue. They are going to go home and tell their people back home there are going to be some terrible things happening as of Sunday night because of the objection of the Senator from Kentucky: 15,000 in my State, thousands in his own State and all across the country.

I am staying tonight to talk about this because, frankly, I don't think this ought to be business as usual. I don't think one Senator ought to be able to heap this kind of suffering and misfortune on people who are already struggling in this economy. If you wish to take it out on somebody, take it out on a colleague or a debate, but these are helpless people out of work.

Senator REID offered to the Senator from Kentucky an amendment—bring to the floor your theory on how to pay for this. He has a theory. He wants to pay for it with unexpended stimulus funds, as I understand it. He would have had his chance on the floor to make his case. He would have had a rollcall at the end of the day. He might have won, he might have lost, but he came to the floor yesterday and said I am not going to fall for that. I may lose this amendment and therefore I am going to object.

That is the nature of things. It is like when you pitch a ball game. Sometimes you win and sometimes you lose. On the floor, sometimes you win—

Mr. BUNNING. Do you know about that?

Mr. DURBIN. I have never pitched a ball game. I never have. I am very

proud of what you have done in your baseball career. But let me tell you, this is a wild pitch you are throwing tonight because this is a pitch that is hitting somebody in the stands, it is hitting an unemployed worker in Illinois. That is a wild pitch that should not have been thrown, Senator.

I believe when you look at what this is going to do across America, this is unforgivable that we would do this to these unemployed people.

For the Senator from Michigan, I yield for the purpose of a question.

Ms. STABENOW. I appreciate the Senator from Illinois, my friend, in his comments. I guess my question would relate to the State of Michigan because the Senator listed off some very important statistics. I wonder if the Senator is aware that in March, 62,000 people in the great State of Michigan, where we have the highest unemployment rate—we have a 14.6-percent unemployment rate, over 700,000 people right now unemployed, looking for work. These are people trying to keep a roof over their head, trying to keep food on their table, they are trying to hold things together as they are looking for a job. Yet we have 62,000 great people from Michigan who are going to lose their benefits in March. In fact, if this continues—and I know all of us are working very hard to get a year extension of unemployment benefits. But I am wondering if my friend is aware that by May, 225,000 people in Michigan will be out of their benefits. These are people who are looking for work. We know for every one job available there are six people right now who are fighting to get that job. We have a jobs agenda. We are working very hard to make sure there are more jobs and partnering within the private sector.

But in the meantime, I am wondering if my friend would agree with the fact that this is a disaster, in fact. This is as much a disaster for families as anything else. We do emergency spending for floods and hurricanes and all kinds of disasters. For families, would my friend agree, this is as much of a disaster and warrants as much immediate attention as anything else we do?

Mr. DURBIN. I would say to the Senator from Michigan, this has been characterized as an emergency because it is an emergency. It has been acknowledged by the Budget Committee. It will be treated as an emergency spending situation. It is an extraordinary situation, just like a drought or flood or hurricane or tornado. These people have had their lives disrupted. We are trying to keep these families together. If there is ever a family value issue, this is it.

At this point I would like, on behalf of the people of Michigan and Illinois and Kentucky, Mr. President, to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of

provisions which expire on Sunday, February 28, unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA, business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. The Senator from Kentucky objects.

The PRESIDING OFFICER. The objection is heard.

Mr. DURBIN. Mr. President, I yield to the Senator from Rhode Island for purposes of a question.

Mr. REED. I am wondering if the Senator can confirm that we have routinely extended unemployment benefits over many decades, over both Republican and Democratic Presidents and Republican and Democratic Congresses, and we have always done it when the unemployment rate was at least above 7.4 percent. I think the lowest unemployment rate in which we suspended unemployment, extending benefits, was 7.4 percent. I say that because in Rhode Island we are up to 12.9 percent and there are other States that are equally disadvantaged.

This not only sort of upsets what I think is the logical way to proceed on this tonight, but it rejects decades and decades of the common sense and common decency of the Congress.

I think and I hope you can confirm that understanding.

Mr. DURBIN. I say to the Senator from Rhode Island he is correct. In these extraordinary times when people have lost so many jobs, we set politics aside and we say we are going to help these people, whether it is victims of an economic disaster or a natural disaster. I cannot imagine if I were going home to Rhode Island, facing 12.9 percent. It is 11.1 in my home State of Illinois. You have a larger percentage of your population going through this. I am sure you have examples of friends, of folks who have already contacted your office who are at their wits end to figure out how to keep their families together.

I have seen it. I went to the unemployment offices in Chicago. I hope the Senator from Kentucky has visited with unemployed families in his State and understands how desperate they are. These are people who will do anything to get a job. They will do anything to get an interview.

They are trying desperately. Some of them are taking training courses, trying to figure out anything that might work to get a job.

They are really up against it when it comes to health insurance. It is one of the first casualties. This objection by the Senator from Kentucky will make



it next to impossible for these families to have health insurance as a result of his objection.

I don't understand why we would do this. We are a caring people. On a bipartisan basis we step up as an American family when people are in need. I would not ask twice if someone came to me with a disaster in another State, because I know I have needed help in my own State. This is a real disaster. It is one that has affected virtually every State.

When you take a look at some of the provisions in this bill—incidentally, beyond unemployment—some people, particularly those living in rural areas, are affected by this Satellite Home Viewer Act which will not be extended because of the Senator's objection. It is a minor inconvenience for some, maybe more of an inconvenience for others. But why would we do this? Why would we object to the extension of these basic provisions in the law for 30 days? That is all we are asking for. I would think that is very basic and something we should be doing.

I also think the idea of helping the doctors who are treating Medicare patients is not an unreasonable thing to do. These are people who are taking care of the elderly in America, our parents and grandparents. This so-called SGR, the sustainable growth rate, or doc fix, is also one of the provisions which the Senator from Kentucky is objecting to.

It doesn't make sense. We want to make sure patients across America receive the care they are entitled to, that Medicare patients can go visit their doctors and doctors can receive adequate compensation for doing that. I do not think that is an unreasonable thing for us to ask and I hope my colleagues who are on the floor here, if they have similar situations in their own State with unemployment, or if they are dealing with small businesses needing credit, would join me in this conversation on the floor about how unfair it is to be objecting to this extension of unemployment benefits.

I yield to the Senator from Missouri for purposes of a question.

Mrs. McCASKILL. Mr. President, I am not prepared with some of the questions I would like to ask because, frankly, I am surprised. I would like to be able to ask you and compare the numbers in Missouri, the number of families who are going to find out tomorrow morning that even though we have appropriately extended unemployment benefits, that now we are not going to. I think they are going to be as surprised as I am. It is easy to get out of touch in this place. People are deferential to you around here. They open doors for you and bow and scrape. It is easy to forget what people are going through, what families are feeling right now, how hard it is for them to look to the future and still see that American dream on the horizon.

Really, 30 days of unemployment? Really? Have we gotten to that? Have we gotten to the point that that is going to be a political football? I think we have to take a hard look in the mirror, if it comes to this—30 days of unemployment insurance for families who want to work, who deserve to work, who are trying to work.

By the way, let me ask the Senator from Illinois, if the unemployment runs out, where do those families go? What happens then? Where do they go?

Mr. DURBIN. I would say to the Senator from Missouri that for many people there is almost no place to turn. In my hometown of Springfield, IL, there is something called township assistance, when you have no place to turn. It is a fraction of the money you would receive for unemployment. It would barely provide money for food for these people.

Mrs. McCASKILL. I am assuming if they get to the point, then it is food stamps, right?

Mr. DURBIN. That is correct.

Mrs. McCASKILL. There is other governmental assistance that is available to them. Maybe they will have to lose their homes. They would have to go to homeless shelters.

What I am trying to get at is there is a cost to this. It is not like all of a sudden the government is not going to get any cost if these people stop getting unemployment insurance. If they lose their health insurance, it is not as though they are going to not get treated in the emergency room if they get hit by a car on Monday. We are going to take care of them in the emergency room. We are all going to pay for it.

This is wrong. I hope the Senator sticks around and renews this motion for a while. I hope some of us stick around and help.

The American people need to realize how out of touch this place has gotten.

Mr. DURBIN. Mr. President, on behalf of unemployed people in Kentucky and Rhode Island and Michigan and Illinois and Missouri, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28; unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. BUNNING. It seems to me people have not been listening, particularly

the Senator from Illinois. He has been through two of these with the leader. He heard the arguments on both sides. Unfortunately, he has a one-side-only view of this situation. I have offered the same COBRA, flood insurance, unemployment insurance, Satellite Home Viewing Act, highway funding, SBA loans, small business provisions—I have offered to do the same thing for the same amount of time. The only difference I have, and some of my good friends from the other side of the aisle, is that I believe we should pay for it. There is a right over the last 3 years of the Democratically controlled Congress. We have run up \$5 trillion in debt. There has to be a time to stop that.

We just passed, last week, pay-as-you-go. The first bill up—and I have said this before earlier—was the small business bill that just passed. Now, \$5 billion out of that bill was paid for; \$10 billion was not.

This is the second request after we passed the small business bill that the leader proposed. This also adds \$10 billion to the deficit. That is \$20 billion in two small bills.

What I have proposed is that we pay for it. My gosh, we have over \$400 billion in unspent stimulus money. I also worked, or tried to work, with the leader and his staff. I know he was busy at the White House, but I tried very hard to work with his staff to get other pay-fors and cut the time down to 2 weeks to make sure these people were taken care of.

I did not get any support from my good friends on the Democratic side of the aisle. I did not think it was fair to do what you are proposing to do, the Senator from Illinois. I will be here as long as you are here and as long as all of those other Senators are here. I am going to object every time because you will not pay for this and you propose never to pay for it.

Eventually, by Tuesday, when we do have another vote, you will get a vote, and you will get this done. So I am trying to make a point to the people of the United States of America: We have a debt of \$14-plus trillion. I listened to the head of the Federal Reserve speaking to me in the Banking Committee today, and he looked straight at me and said the debt and the proposed budget of the Obama administration makes the debt unsustainable. We cannot sustain it.

I have a family of nine children and 40 grandchildren. I am as concerned as all of those good Senators sitting over there to pay for this and make sure we give these benefits to those people. But that is not the case. So it is their way or the highway, and I am not taking the highway.

Mr. DURBIN. Regular order.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I wanted to give the Senator from Kentucky an opportunity to explain his position. I did not assert regular order until he had an opportunity to do so. But I would like to remind him, on November 4 of last year, he issued a press release entitled, "Bunning Supports Extension of Benefits for Kentucky's Unemployed." The legislation includes Senator BUNNING's net operating loss amendment. It passed by a vote of 98 to 0. And he said:

Kentucky has been hit hard by the current economic downturn. This legislation will lend a helping hand to working families across the Commonwealth who are in search of a job.

It was not paid for either. The point is, we are in the same recession. It has gotten worse in some areas of the country, particularly in the Senator's area of the country.

As I reported earlier, unemployment figures are growing in Kentucky. The situation is just as dire and just as serious.

I share the Senator's concern about our deficit situation. But virtually every reputable economist you will talk to will tell you, in the midst of a recession you need to insert into the economy economic activity and spending, and the money that flows through the fastest is unemployed benefits to those out of work because they spend it instantly. It goes right back into the economy.

This idea of somehow we are going to hold back on unemployment benefits and balance the budget on the backs of unemployed people in Illinois and Kentucky, you could not pick a worse strategy or a worse time to do it. The stories coming out of Kentucky and the stories coming out from Illinois are as graphic as can be.

Samantha, who lives in Kentucky, writes: I am in desperate need of help. I have been unemployed since January 31, 2007, cannot find work anywhere. I was laid off after 10 years of employment. I was able to get 26 weeks of UI benefits. After these ran out, I thought I needed to take whatever job I could find. I took a job that I was told would be full time at minimum wage. I never got more than 20 hours a week. When I asked my employer, I was told I would get more hours. I was forced to quit due to not being able to afford childcare and transportation. I still cannot find work. I have been forced to sign up for government assistance. This is not enough to live on. I have three children.

Talk about 40 grandchildren. This lady has three children she is trying to support—"and we have already lost our home. Is there anything I can do to try and qualify for unemployment?"

I mean, for goodness' sakes, why would we want to make this deficit battle on the back of Samantha from

Kentucky. Let's have this battle out on the budget resolution. Let's have it out on appropriations bills. But on unemployment benefits, for someone in this circumstance? That, to me, is pushing it too far. This is a national emergency. It should be treated as such.

I am supportive of the commission we voted for and only had 53 votes. But I believe it is a step in the right direction toward resolving our deficit difficulties. The majority leader has appointed me as a member of the Presidential Commission on the Deficit and Debt. It is not an easy assignment. I take it seriously. But I will tell you, if the belief is that we can somehow deny enough unemployment benefits to people to balance the budget, I do not want to see what America will look like. I cannot imagine what it will look like with Samantha and her three children if that becomes our national strategy.

Ms. STABENOW. Will the Senator yield for a question? I want to ask a question. Would the Senator from Illinois agree that we make choices here every day about what, in fact, we are going to do? And there is no question that the deficit is a huge issue. But I, along with you, have a reaction this evening listening to my friend from Kentucky, who is my friend. We have worked together on a number of different issues.

But to hear that somehow, when there has not been a concern about rising deficits when we were talking about tax benefits for the wealthiest Americans that did not have to be paid for, but now we are talking about those who find themselves, through no fault of their own, without a job, who are trying to hold it together in one of the worst economies certainly of my lifetime, and that somehow we are now—going to worry about balancing the budget and the deficit on the backs of the least of our brothers—I mean, that is really what is being talked about tonight. I find it outrageous that we would be having this kind of discussion.

Would my friend agree that, in fact, there are other choices? In fact, when we have the debate about extending the tax cuts to the wealthiest Americans, I want to hear the same debate and the same objection coming as is coming to people right now who are trying to hold it together for \$200 or \$300 a week and keep food on their table for their families.

Would my colleague agree?

Mr. DURBIN. I agree with the Senator from Michigan. I will tell you that because the Senator from Kentucky has noted our current national debt, \$14 trillion, I think it is worth a moment to explain that debt and how we reached that astronomic figure.

When President George W. Bush became President of the United States, we had a national debt of \$5 trillion,

and we handed him a surplus—as President Clinton left office, he gave to President George W. Bush a surplus. At the end of the George W. Bush Presidency 8 years later, we were knocking on the door of \$12 trillion in debt. We had more than doubled the national debt in 8 years.

How did that happen? Some of it came from circumstances beyond President Bush's control. 9/11 devastated the economy, and that devastation cost us dearly in terms of jobs and services and businesses and revenue lost.

But conscious decisions were made by the George W. Bush administration to enact tax cuts in the midst of a war. That has never happened before in the history of the United States. It is counterintuitive. In addition to your ordinary budget of your country, you have a war budget on top of it. When you desperately need revenue to pay for that war and the ordinary expenses of your government, this administration, the previous administration under George W. Bush said: Let's give tax cuts to the wealthiest people in the midst of those two wars. They were voted on by the other side of the aisle, who supported the idea, driving us deeper in debt as a nation. And, of course, we waged the wars under President Bush without paying for them. That, too, added to our national debt.

Another \$400 billion was added to the debt with the Medicare prescription drug program, which was not paid for. So when this President came to office, he inherited not only a recession, but \$12 trillion in national debt brought on by the previous administration. The recession has taken and added another \$1 trillion to that debt in this last year, and we are trying to claw our way out of it.

Now, that is the reality and the history of how we reached this point of \$14 trillion in debt. To suggest it is the Democratic side of the aisle that does not take the deficit seriously, I would say, we produced a surplus under President Clinton, a surplus that was handed to President George W. Bush and quickly mushroomed into the biggest debt in the history of the United States of America.

Mr. SESSIONS. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. SESSIONS. The Senator from Illinois is very eloquent in his advocacy. But I think he is avoiding the question posed by Senator BUNNING, who simply says he is prepared tonight to fund the programs that you wish, to have them go forward.

As I understand it, is it not true he said that if you take this \$10 billion, I think it is, that is required to fund this program, and you fund it out of the \$400 billion unspent from the stimulus—a large part of it was supposed to

be for this very purpose—that he would let the bill go tonight; that what he objects to is not doing that, and which, in effect, means—does it mean that the debt will be increased again tonight by another \$10 billion.

Mr. DURBIN. In response to the Senator from Alabama, there is one element that he has forgotten to include; that is, the majority leader, Senator REID, offered to the Senator from Kentucky a vote, an up-or-down vote, as to whether these unemployment benefits and COBRA benefits would be paid for out of stimulus funds. He rejected it. He said: I do not want to agree to that because I may lose the vote. And he may.

The Senator from Kentucky would not agree to a vote on that question. He said: I may lose it. Well, he may. He may win it. But the fact is, he would not agree to a vote. He said: You have to put in this unanimous consent request a provision that says this would be paid for.

Now, I would say to the Senator from Alabama, I understand that the remaining stimulus funds, most of which are already committed and obligated, will be spent this year on projects in Alabama, Illinois, and Kentucky to create jobs. So the money we take out of that stimulus fund now unspent is money that will not be spent to create jobs across America.

Now that, to me, would be a misfortune because we want to create jobs. I will concede to you this money for unemployment will add to the deficit, as previous emergency spending for unemployment has as well. What we are asking for tonight has been the ordinary care of business, which the Senator from Kentucky has supported as recently as November.

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I yield only for the purposes of a question.

Mr. SESSIONS. We are well aware that the Democrats have a sizable majority in this body, and if the Democratic leadership, including yourself, is committed to not paying for this and taking care of this appropriation by borrowing additional money from the world on which we pay interest, then it is likely to be a futile act to have this vote.

He is asking you to step to the plate, as I understand it, is he not, and say: Join with me and let's pay for it, either through the stimulus or some other way, and let's not keep adding debt because that is what the American people are asking. And I ask you, are you not hearing that from your constituents?

Mr. DURBIN. I am hearing from my constituents that they want jobs. They are out of work. Many of them are unemployed. And I would say to the Senator from Alabama, we may have 59 votes, but you know as well as I do that 60 votes is the coin of the realm in this body.

You also know that with very little parliamentary effort, you can drag out this whole question through motions to proceed and cloture and filibusters. It can go on literally for days if not weeks.

I ask the Senator from Alabama, why would we do that in a situation where these people desperately need help for unemployment assistance and for health insurance? Why do we want to heap this misery on them?

We said to the Senator from Kentucky: You can have a vote. You may win. You may lose. You will have your day on the floor of the Senate. He said: No. Unless you accept my way, go to the highway. Did I hear that earlier? As far as I am concerned, that is not a reasonable approach.

I have called up amendments on the floor and lost them. But the point is, you make your best case, and the Senate decides whether to support your position.

Mr. SESSIONS. I thank the Senator from Illinois for allowing me to ask those questions. I think the Senator from Kentucky is speaking on behalf of the conscience of a lot of Americans, a majority of Americans, if they heard this debate. He is doing it as a matter of principle. I know he has no desire to see people not receive unemployment compensation. He is willing to support that. He simply is saying that enough is enough.

Mr. BUNNING. I have a question for the Senator from Illinois.

Mr. DURBIN. I yield for a question.

Mr. BUNNING. The press release you read from was about an unemployment insurance extension that was fully paid for. So don't compare apples to oranges.

Mr. DURBIN. I will verify that. I was given information it was not. If I am incorrect, I will state so. But we have extended unemployment benefits repeatedly and not paid for them.

Mr. BUNNING. I understand that. I have voted for that occasionally. But this one you read from was fully paid for.

Mr. DURBIN. I will check on that. If the Senator is correct, I will make that point in the record.

I would like to notify the Senator from Kentucky about Joetta from Ferguson, who wrote:

I have been laid off since October 31, 2008. When I was laid off, I lost my health insurance coverage. The COBRA plan offered cost so much, I could not keep the insurance. I was told if business picks up in the spring, I could get called back to work. However, since I was laid off from the concrete company, there have been two other office personnel laid off this past January, so I doubt I will be called back to work. I am 58 years old. I have a high school education. I am finding it extremely difficult to find a job, even though I apply for work and am registered with the local unemployment office. I am not one to seek after handouts. However, I have worked all my adult life and have paid taxes as most everyone else has.

And I do not expect favors from anyone. I am completely down and out and can hardly pay bills, buy food, et cetera, let alone medical expenses. My husband has insurance through his employment but the cost to add me onto his plan is so high, we simply cannot afford it. Also, he makes \$10 per hour, so it isn't as if we have an abundance of money to live on. And I am a very economic person.

It is hard to imagine why we would say no to unemployment benefits for Joetta from Ferguson under the circumstances. If we want to fight this budget and deficit battle, why would we hurt her in the crossfire of the conversation? Why wouldn't we extend these unemployment benefits for her and thousands like her in Illinois and Kentucky and other States?

Mr. MERKLEY. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to the Senator from Oregon.

Mr. MERKLEY. First, I would like to know, as we stand here tonight, have we paid for the tax cuts handed out to the wealthiest Americans?

Mr. DURBIN. If you are talking about the tax cuts under President George W. Bush, no.

Mr. MERKLEY. I am a new Senator. I have been here just over a year. But I don't recall, in January of 2009 when I arrived, that any Member stood up and said: I am going to hold up everything right now until we pay for the tax cuts for the wealthiest. Did that happen in January? Did I miss that?

Mr. DURBIN. No, it did not happen. I don't think it has ever happened. It is an indication that when it comes to giving relief to those who are in a pretty luxurious state, we don't pay for it.

Mr. MERKLEY. It sounds as if the Senator shares my memory, because I don't remember it in January 2009. I don't remember it in February 2009. I don't remember it in March 2009. I don't remember it in April, May, June, July, August, September, October, November, December, or January of this year or this month.

I am confused. I am confused that the principle has been put forward tonight that there is a reason to hold up a program that hasn't been paid for. Even if we haven't been here late into the evening having a discussion about paying for the tax cuts, are there Members of this body who have held up affairs over the last 14 months, saying it is time to take care of paying for the tax cuts for the wealthiest Americans?

Mr. DURBIN. No. As a matter of fact, there are some who are trying to extend estate tax benefits to even the wealthiest of the wealthy and to give them additional assistance and argue that tax cuts should not be paid for.

Mr. MERKLEY. So the principle being presented tonight is that if you are fortunate to be among the wealthiest Americans, we will give you additional benefits and it doesn't matter if we pay for them. But if you are among the most unfortunate Americans who

have lost their jobs—and when you lose your job, you might well have lost your health care that went with your job—if you are struggling, then it matters that it is paid for immediately.

Mr. DURBIN. I agree with the Senator. It is a double standard, and it is one that benefits those who are wealthy as opposed to those who are out of work.

Mr. MERKLEY. It is a double standard that bothers me a great deal.

We in this Chamber are fortunate enough to receive a paycheck. But back home, I have a tremendous number of families, working families in Oregon who are not going to get a paycheck. I have unemployment in Crook County of 16.8 percent. I have unemployment in Douglas County of 14.9 percent. In Harney County, it is 15.5 percent. In Deschutes County, it is 14.5 percent; Jefferson County, 14.1 percent; Lake County, 12.9 percent; Josephine County, 13.6 percent. These are counties where more than one in eight people is out of work.

Am I to say to my good citizens back home that if you are among the most fortunate, we will give you additional benefits, unpaid for, but if you are down and out, it is just too bad, we are going to hold up everything and say we are not going to help you?

Mr. DURBIN. That is exactly what has happened with this objection, this objection to extend unemployment benefits for 30 days. That is all we are asking for, 30 days.

Mr. MERKLEY. So if I understand right, there is the complete opportunity to have a debate 30 days from now, but we could have had the debate tonight because there could have been a vote tonight. It was offered but turned down. There will be opportunities throughout this next month, but we are going to cut people off at the worst moment here because one Senator says: I am happy about unfunded gifts to the most fortunate, but I am determined not to help people who are down and out.

Mr. DURBIN. I would say to the Senator from Oregon, that is exactly what has happened. When it came to the tax cuts, they weren't paid for. They went primarily to the wealthiest people in America. Now unemployment benefits not paid for are objected to.

Mr. MERKLEY. I am deeply disturbed that one could be so disconnected from the challenges of working Americans as to have us in the situation we are in at this moment.

Mr. DURBIN. I would say to the Senator from Oregon, here is a comment from Sharon, who is also from Kentucky. She writes:

I have worked since the age of 15. I hold two MA degrees and have worked a full and part-time job for 15 years. I entered the private sector until my position was eliminated approximately 14 months ago. Gas prices almost prevented my seeking employment very far from home. At 55 years of age, I

never thought I would be without health care. I never considered that I would have difficulty finding a job. By the way, my spouse was also employed by a company which was downsized and sold twice within 1 year. He is also unemployed. We live in Kentucky which is a more rural part of America. Our state and county typically have a high unemployment rate as well. Extension of unemployment insurance would be a lifeline.

That lifeline has been cut off by the objection of the Senator from Kentucky.

I yield to the Senator from Vermont for purposes of a question.

Mr. SANDERS. I thank the Senator for yielding. We have talked about the fact that unemployment today and economic suffering is probably greater than at any time since the Great Depression of the 1930s. But I wonder if the Senator from Illinois is aware that the problem is not just high unemployment but long-term unemployment; that, in fact, I believe we have never seen in modern history a length of time in which people are unemployed as is currently the case. Would the Senator concur that what we are looking at now is a modern tragedy in terms of the length of time people are experiencing unemployment?

Mr. DURBIN. I would agree with the Senator from Vermont. You have to go back 70 or 80 years to the Great Depression to see this long a period of unemployment.

Mr. SANDERS. I want to ask another question. My recollection is that a number of months ago there was a vote here on the floor of the Senate regarding the repeal of the estate tax. My understanding is that vote to repeal a significant part of the estate tax would have benefited, as I recall, the top three-tenths of 1 percent of the population; 99.7 percent of the people would not have benefited. I could be wrong, but my understanding is that if that legislation, that bill, that amendment had passed, it would have cost our government about \$1 trillion in a 10-year period, \$1 trillion in benefits to the top three-tenths of 1 percent.

Can my friend from Illinois remind me as to how many Republicans voted against giving \$1 trillion in tax breaks to the top three-tenths of 1 percent that was not paid for?

Mr. DURBIN. I would say to the Senator from Vermont, I do not recall, but I think he might recall. Does he?

Mr. SANDERS. On my suspicion—I won't swear to it—I don't recall that any Republican did not. I may be wrong on this, but my recollection is that all Republicans voted to repeal the estate tax, voted for that legislation. Some Democrats did as well.

But I find it remarkable, picking up on the point the Senator from Oregon made a moment ago, here we were talking about \$1 trillion over a 10-year period to benefit the top three-tenths of 1 percent. I don't recall hearing anybody saying: Hey, we have a huge na-

tional debt. We can't afford another trillion dollars. But somehow, when it comes to desperate people who are hanging on by their fingernails, trying to keep their families afloat in the most serious economic moment since the Great Depression of the 1930s, somehow, right now that has to be paid for. We have to pay for \$10 billion, but somehow you don't have to pay for \$1 trillion over a 10-year period. I don't quite understand that. Maybe my friend from Illinois can elucidate.

Mr. DURBIN. I would say in response, I do not understand it. It is hard for me to follow the logic that we need to reward those who are the most comfortable in America and punish those who are suffering. That is what this objection does. By denying unemployment benefits and COBRA benefits to those out of work, it literally makes their lives more difficult. Yet many of the same people have argued that these tax breaks for the wealthy should be considered as part of our future, even if they are not paid for. I don't follow the logic behind that position in any way whatsoever.

Mr. SANDERS. For the record, the sum was \$350 billion over 10 years, not \$1 trillion. The trillion would have been the complete repeal of the estate tax. But nonetheless, \$350 billion benefiting the top three-tenths of 1 percent is a sizable chunk of cash. I am somewhat amazed that nobody at that point was terribly worried about how that was going to be paid for.

I thank the Senator from Illinois.

Mr. DURBIN. I yield to the Senator from Pennsylvania for a question.

Mr. CASEY. I don't know if the Senator has seen this, but this is the National Employment Law Project, February 2010. One of the columns highlights the total number of individuals exhausting their unemployment benefits in the month of March. I don't know if the Senator from Illinois quoted this number earlier. I don't think he did. But the total for the month of March in Illinois would be 65,431 people. In my State of Pennsylvania, the total would be not quite that high but 62,599 people.

That leads me to my second question. I had the opportunity a couple weeks ago to sit with 8 of the 560,000 people in my State who are out of work. In Pennsylvania, that 560,000 adds up to 8.9 percent of the workforce, but it is an incredibly high number—maybe not a record but very close. Those eight individuals were like every one of the people in this country who has lost their job, not through anything they did. Through no fault of their own, they are out of work.

I would ask the Senator from Illinois about what he has seen and heard from individuals he has sat down with in Illinois who have lost their jobs and are going to job centers and places such as that to fill out unemployment forms,

fill out job applications. I would ask you about that.

(Mr. MERKLEY assumed the Chair.)

Mr. DURBIN. I say to the Senator from Pennsylvania, in response to the question, through the Chair, that I have been to these unemployment centers in Chicago and downstate, and I am always heartened by the fact that these people are just not going to give up. They really keep trying. But you can tell that many of them are beaten down. Some of them tell me about how many times they now apply on the Internet for any job openings and they do not even get a response. They consider it a victory just to get an interview or a response, and they just keep trying every single day. Meanwhile, they are trying to keep their families together, and the only lifeline they have is unemployment insurance checks. It is not a lot of money: \$1,100 a month. Imagine trying to live on it. It is a very meager amount of money, particularly for someone who is used to a larger paycheck and more comfort in life. Why would we cut off the \$1,100 a month to these people at this moment in time when the economy is so weak? I do not understand why we would object to providing unemployment benefits to these people, whether they are in Pennsylvania or Kentucky or Illinois. In my way of thinking, many of these folks are in this situation through no fault of their own, and they are trying their best to turn their lives around and it is not an easy circumstance for any of them.

Mr. CASEY. The ones I have met in that—they call it a career link, a job center—of those eight individuals, all but one—but maybe even the one—of those eight people were in their fifties, sixties, or seventies. In most instances—probably five out of the eight, maybe six out of the eight—they had never lost their job before; they had never had to depend upon unemployment insurance, food stamps, any kind of help. In fact, one woman said she felt ashamed that she had to apply for food stamps. She had never had to be that reliant on anything. Another woman by the name of Debbie said to me: We just want to get back to work. We don't want to be in this condition. We want to get back to work. So there was no complaining.

But I want to ask the Senator, as well, you referred earlier to another part of this discussion, which is that we focus on those who need this unemployment insurance—and we are talking here just about a 30-day extension; we are not talking about providing this for years or a long period of time—but the Senator talked about the economic impact of the spending of these dollars. I do not know if the Senator is familiar with what Mark Zandi, the economist, talked about. I do not know if the Senator is familiar with that. Let me just ask the Senator that.

Mr. DURBIN. I say to the Senator from Pennsylvania, I am aware of that economist, and I am aware the CBO recently reported that the one thing we can do to generate more economic activity in our economy that is better than anything else is unemployment assistance. It is No. 1 on their list. They talked about tax credits for new jobs in small businesses, but No. 1 was unemployment assistance. So as we cut back on unemployment assistance, the economy starts to go into a stall. We are not putting the money back into the economy; we are pulling it out at a time when the Federal Reserve is trying to keep interest rates low to generate more economic activity and move us forward to better employment. We are pushing against it. We are taking unemployment assistance out because of the objection of the Senator from Kentucky—one Senator who has objected. So from the economist viewpoint, we are doing exactly the opposite of what we should be doing to get this economy moving again.

Mr. CASEY. Let me add that the reference to the Congressional Budget Office—that has been the referee or the arbiter of what is used as a number for health care, what protections are for spending—I heard the summary of that same report on the House side at a Joint Economic Committee meeting.

But the reference I made earlier is a very similar analysis made by Mark Zandi. Mark Zandi is an economist from moodys.com. He happened to be an adviser to JOHN MCCAIN's Presidential campaign, so he is not some partisan in this debate. But he said, going back a year ago, when we were debating the recovery bill—whether to enact it or not—he said that if you spend \$1 on unemployment insurance, you get I think it is more than \$1.60 back, somewhere in the \$1.60 to \$1.70 range. So this is not only a question of how we help people who have lost their jobs through no fault of their own; the secondary benefit here is it can help people who are out of work and need a stimulated economy, need an economy that is jump-started by the spending we would provide through unemployment insurance. So it makes no sense.

As the Senator from Illinois said earlier, there are lots of ways to make the argument that our friend from Kentucky is making, but this is not the time or the place, when all we are talking about is a 30-day extension of unemployment insurance for people who, through no fault of their own, have lost their jobs. It makes no sense. And as I look at these numbers in Pennsylvania of 62,599 people losing or will lose, if he prevails, their unemployment insurance in the month of March, it makes no sense.

Mr. DURBIN. I thank the Senator from Pennsylvania.

I yield to the Senator from Alaska for a question.

Mr. BEGICH. I thank the Senator very much.

I have a couple questions in regard to the bill. I will probably have more later, but, first, remind me and the people who are watching what the unemployment rate for our country is today.

Mr. DURBIN. Currently, on a national basis?

Mr. BEGICH. On a national basis.

Mr. DURBIN. I believe it is now just slightly below 10 percent on a national basis. In my State, it is still over 11 percent.

Mr. BEGICH. In your State, it is 11 percent?

Mr. DURBIN. Yes.

Mr. BEGICH. In my State, it is 9 percent.

I will lay out a couple points. In my State, the 9 percent, which is one of the highest in years for us, one of the highest numbers ever in a long time, but when you look at it by region—and I am curious if in your State it has similar impacts like this—for example, 9 percent is a lot, no question about it, but in the Aleutians East Borough in Alaska it is 20.2 percent; in Bethel it is 14.8 percent; in Aleutians West Borough it is 13.7 percent; in the Northwest Arctic Borough it is 12.89 percent; in Kenai Borough it is 12.3 percent; in Mat-Su it is 10.4 percent. Those are examples. The number is high for our State. It is one of the highest in many years. But it really does not tell the whole story.

I ask the Senator, do you have similar circumstances that are regionally higher than the average for your State?

Mr. DURBIN. I say to the Senator from Alaska that Rockford in the northern end of my State was as high as 15 percent. You know, it does not tell the whole story because, as they say, some people get discouraged when they are out of work and they do not get counted on these rolls anymore. So the actual unemployment rate is much higher. These people will not be affected by our action tonight because they are not in the program, they are not receiving unemployment assistance. But the actual misery index of people unemployed over a long period of time is even higher.

Mr. BEGICH. They have given up. They have lost faith.

Mr. DURBIN. They have lost faith and they have stopped trying.

I would say to the Senator from Alaska, when I look at the State of Kentucky, here is Allen County with 13.9 percent unemployment; Bath County, 15.7 percent unemployment; Carroll County, 13.8 percent; Clay County, 13.3 percent unemployment; Cumberland County, 13.4 percent; Edmonson County, 14.3 percent; Elliott County, 13.0 percent; Estill County, 12.7 percent; Fleming County, 12.4 percent; Floyd County, 12.3 percent; Fulton County, 14

percent; Gallatin County, 13 percent; Garrard County, 12 percent; Grant County, 11.2 percent; Graves County, 10.6 percent; Grayson County, 16 percent—one of the highest; Green County, 12 percent; Hardin County, 10.1 percent; Harlan County, 12.5 percent; Jackson County—this is even higher—17.8 percent.

On this page, as I look through here, the highest in Kentucky appears to be—I may mispronounce this—Magoffin County, 21.4 percent unemployment in that one county; Marion County, 11.8 percent. The list goes on and on. McCreary County, 14.1 percent; Meade County, 14.3 percent; Menifee County, 17.5 percent; Metcalfe County, 14.4 percent; Morgan County, 15.1 percent; Powell County, 16.9 percent; Trigg County, 16.5 percent; Wolfe County, 15.6 percent.

The Senator from Alaska is right. The average does not tell the story. There will be pockets in Kentucky and Illinois and Alaska with much higher unemployment. So when we cut off the benefits because of the objection from the Senator from Kentucky, as of Sunday night some of these counties will be hit harder than others. There is no question about that.

Mr. BEGICH. I will ask if I can read something toward a question. As you drill down—that is what we are doing here a little bit, and your answer to my question is what I wanted to ask to make sure I was clear on that. It is not just the average that we should always be thinking about, but how do we drill down?

When I got back from my break, I received this e-mail. I am sure you have similar e-mails. That is going to be my question. What kind of responses have you gotten from those who are unemployed?

Here is one from my State:

... I implore you as your first order of business upon your return from the snow—

Which I thought was very interesting—

and recess to extend the emergency unemployment benefits through the end of 2010 that are due to expire on the 28th of Feb. Thank you.

He was thanking me in advance for something this gentleman believes we will do because it is right. This gentleman is 46 years old, a professional in the legal field. He had applied for over 30 different jobs. He has had two interviews. He is still unable to get a job. He is Jeff from Eagle River. I will not use his last name. He did not authorize me to do that. But just reading this letter tells me, why are we not doing this?

I am a new Member. Like the Senator from Oregon, I have been here a little over a year. I have the same question he had on, literally, the \$1 trillion that was unfunded, given to the richest of the rich. It has never been revoked or changed, but it was funded by whom? Not by this body but on the

backs of people like my son who is 7½ years old, who will pay for the richest of the rich. I do not call it a tax cut; I call it a tax scheme. To me, that is outrageous when I think about it.

So I associate my comments with those of the Senator from Oregon. As a new Member, this is not necessarily new to me, but being here in the Chamber and watching this process over the last year and a half, this, to me, seems so simple. These are the people who are hurting the most. Yet when it comes time to do a small item of a \$10 billion extension to allow them to make sure, come Monday, they know they can provide for their family, as this gentleman here who is 46 years old—it is just shocking to me and unbelievable.

I am assuming the Senator from Illinois receives these same kinds of letters every day from people who are stressed and concerned. And they are not out there looking for a handout; they are looking at someone in our position to assist them in this unbelievable recession we are facing. Is that similar to what the Senator receives?

Mr. DURBIN. It is exactly what I have run into. Here is a letter from a man from Yorkville, IL, who wrote me:

On bailout after bailout for businesses, my tax dollars have been used to save companies that should have planned better in the first place. Now I am unemployed—not because I made some poor decisions like AIG or Citigroup, but because in today's economy, the company I worked for folded. . . .

If the Senate cannot reach an agreement . . . to extend unemployment, myself, my wife, and our two young children will have nowhere to live other than our car. How about a bailout for those of us Americans that have worked all our lives and now cannot get a decent job?

I am begging you to stand up in front of the Senate . . . and demand that congress work harder for those of us who put all of you in office. The next time you need our votes, hopefully the 10% of unemployed Americans will not have had their cars repossessed so that we may make it to our local polling places.

Well, he kept a sense of humor in his misfortune. But this is an example of a man who thought he had a good job and a good future who now is contemplating living in his car. And now we are saying, because of the objection of one Senator, that we are not going to provide unemployment benefits to thousands of people in similar situations as of Sunday night. Why we are doing this to these poor people at this moment in time is impossible to explain.

Mr. BEGICH. I thank the Senator. I have other questions, but I know there are others who are standing to ask questions. But I have a question on the small business fund and the Medicare component, which are vitally important to keep our economy moving. I will withhold and ask those questions in a few minutes.

Mr. DURBIN. I yield to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. I thank the Senator. I very much appreciate the Senator from Illinois yielding for a question. If the Senator would not mind a series of questions, the first question has to do with, I guess I would say the sense with which we on this side of the aisle should receive the protestations of intense concern about the deficit that come from the other side of the aisle, and it relates back to when the previous Republican administration first took office.

As the Senator from Illinois mentioned, the last Democratic administration left an annual budget in surplus and a nation that had a \$5 trillion debt. But my recollection is that in addition to a nation in annual budget surplus, what President Clinton also left the Republican administration that followed was a budget trajectory projected by the nonpartisan professional Congressional Budget Office to eliminate the national debt of the United States of America. We would be a debt-free nation if the Democratic policies of President Clinton had been followed according to the nonpartisan, professional Congressional Budget Office. If I additionally recall, there were actually economic debates that were provoked by that, wondering whether it was actually a good idea for the Nation to be, for the first time since President Andrew Jackson, debt free.

So my question is, Is it not true that more than just an annual budget surplus was left to the Republicans by the Democrats last time, but what was left to them also was a budget trajectory that would have made this Nation debt free during President Bush's term had he extended those Democratic policies?

Mr. DURBIN. The Senator from Rhode Island is correct. The Senator from Kentucky has talked about the Nation's deficit and debt, and he should realize that when President Clinton left office in January of 2001, the national budget was in better shape than it had been in a generation.

In fiscal year 2000, the final year in which President Clinton had full responsibility for the national budget, our Nation's budget surplus was \$236 billion—budget surplus. That year, the debt held by the public declined for the third consecutive year. As President Clinton left office, budget surpluses were projected to continue throughout the next 10 years. CBO, in its January 2001 budget outlook, projected surpluses of \$5 trillion for 2001 through 2010, including nearly \$800 billion in 2010 alone. Those surpluses were so large, as the Senator from Rhode Island indicated, that the Congressional Budget Office told us the debt held by the public would be entirely paid off by 2006.

Fast forward 8 years, at the end of George W. Bush's Presidency, that administration, and the national debt



had climbed from \$5 trillion that he inherited to more than double that amount.

Mr. WHITEHOUSE. The question I was asking is, Is it not fair to ascribe to that Republican administration and its policies the responsibility for more than just the difference between \$5 trillion and \$12 trillion? Because if those policies hadn't changed, according to the nonpartisan, neutral, professional Congressional Budget Office, during the term of President Bush, we would have actually been a debt-free nation and, therefore, responsibility for the entire Federal debt that was inherited by President Obama could fairly be said to be the responsibility of the policies from the other side of the aisle.

Mr. DURBIN. The Senator from Rhode Island is correct.

I don't know how the Senator from Kentucky voted when it came to the tax cuts for the wealthy. I don't know, so I can't presume to state it on the floor. I don't know if he voted for the annual budgets to prolong the wars in Iraq and Afghanistan without paying for them. I don't know how he voted on the Medicare prescription drug benefit that was not paid for, at least the \$400 billion cost. I will acknowledge he was correct that the unemployment I referred to in November was paid for. I want that clear on the RECORD and I stand corrected and acknowledge it to the Senator from Kentucky. But I would say that his—

Mr. BUNNING. Will the Senator from Illinois yield?

Mr. DURBIN. I will yield after one more question from the Senator from Rhode Island. But I would say, when it came to his party position, tonight we hear this idea of fiscal conservatism, strict spending, punish those who are unemployed, take money away from those who have been out of work in order to bring down this budget deficit. But for 8 years, under President George W. Bush, we certainly didn't hear this sentiment expressed when it came to people who were so well off across our country.

I yield to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. In evaluating this concern about the deficit, we have just determined that the policies of the other side of the aisle contributed to virtually all the national debt we have inherited. Then let's look to the situation now because I think we understand we have to fix this deficit problem.

The distinguished Senator from Illinois earlier mentioned a vehicle for trying to do this, which was the establishment of a statutory deficit commission. My recollection is, the votes were inadequate for that, in significant part because on the Republican side of the aisle, seven of our colleagues whose names were on that plan as cosponsors of it voted against the bill that they

had cosponsored for a mechanism that would potentially, at least, have provided a vehicle for resolving some of our deficit concerns.

My question is, Is that also the recollection of the Senator from Illinois? And how, in the light of this debate about the budget deficit and the fact that the budget deficit is so important, it is worth forcing honest, hard-working—when they can find work—Americans into their cars to sleep, as the Senator from Illinois has said, out of their homes, into penury. Why is it not important enough for our friends on the other side to support legislation of which they were cosponsors, and what was the motivation for that?

Mr. DURBIN. I would say in response to the Senator, for those who have not been following the debate from the beginning, tonight we are speaking to the fact that the Senator from Kentucky, Mr. BUNNING, is objecting to extending unemployment benefits for 30 days in the United States to those who are out of work and extending COBRA benefits which help to pay for health insurance for 30 days, in addition to several other items, and has stated his reason is because of his concern about the budget deficit.

I don't know how the Senator from Kentucky voted on this commission, but I do remember it well because Senator KENT CONRAD, the chairman of the Senate Budget Committee, came to me and said he had worked out an agreement with Senator JUDD GREGG, a Republican, that they would try to create a commission which would take a look at our national deficit and make recommendations to Congress which we would then have to vote on. It was controversial, that is for sure.

When it was called for a vote, it ended up with, I believe, 53 votes and fell short of passage because 7 Republican Senators who had cosponsored the measure initially voted against it, cosponsors who voted against it, and it included the Republican minority leader. Their determination to deal with the deficit and the debt withered away and disappeared when they had a chance to vote for it on the floor. I don't know how the Senator from Kentucky voted.

So here is a chance for the Republicans to join the Democrats to deal with the deficit and debt, and they walked away. Seven of them turned their back on a bill they had cosponsored and walked away from it.

Mr. WHITEHOUSE. Mr. President, with the indulgence of the Senator from Kentucky, if I may ask my final question. If we have established that it was the Bush administration and Republican policies that created virtually all the national debt we now carry, and if we have established that when the mechanism that many believe would be the best vehicle to address the deficit was abandoned by our friends on the

other side in significant measure, even those who had cosponsored it, thus preventing it from passing, what am I supposed to tell Carol Thomasian from North Providence? She is unemployed. She is a Rhode Islander. She has worked hard all her life. She went to work first as a teenager. She eventually got married. She started a family. She got a college degree to increase her earning potential. She bought a home. Her family lived in the home. She did everything right, pursuing the American dream.

Two years ago, when the Rhode Island economy collapsed—and it collapsed in Rhode Island sooner than in other States; we have been in a recession for a long time now—she was laid off from her job as a construction project manager, and she hasn't been able to find work since. She is struggling to keep her family together. She is a single mom now. She is raising a 12-year-old son and a 15-year-old daughter. She has all those responsibilities of teenager parenting. She is also trying to care for her disabled mother. She has a bachelor's degree in business administration. She has an associate's degree in architecture. She is a capable, trained, hard-working woman. Because she is out of work, her car has been repossessed, making it so much more difficult to try to find work, and it is unemployment insurance that is keeping her family together. This will cut 309 Rhode Islanders in our small State right off, in another few months it will cut up to 1,500 people right off.

How am I supposed to explain to them this principle that they need to suffer because of our budget deficit, with a party that is forcing that suffering on them and that did more to run up our national deficit than ever and that has obstructed the vehicle that would have started the work to fix the deficit and is absolutely silent about the deficit when millionaires and multimillionaires and billionaires are given tax breaks? How can I explain that? What do I tell her?

Mr. DURBIN. I would say to the Senator from Rhode Island, there is no explanation because it doesn't make sense. You certainly couldn't explain to this woman who has worked so hard throughout her entire life and now faces this misfortune that we are heaping additional misfortune on her because of this objection to extending unemployment benefits. In the State of Rhode Island—I know it is small in comparison to so many others—the Senator from Rhode Island is likely to meet some of these 309 people or hear from them when their unemployment benefits are cut off. I am sure my office will hear too. I will not know how to explain to them that the Senator from Kentucky has objected to a 30-day extension of unemployment benefits. If we are going to fight this war on the deficit and debt, why fight it on the



backs of unemployed people such as the one we have just heard described in the State of Rhode Island?

Mr. BUNNING. Would the Senator from Illinois give me a chance to respond? You have had the floor for an hour and a half.

Mr. DURBIN. I would be happy to yield for a question from the Senator.

Mr. BUNNING. A question. OK. If all the things that have been said on the other side are true, all of the programs you have talked about could have been extended and for much longer periods if Senator REID, your leader, had not blown up the bipartisan jobs bill agreed to by the chairman of the Finance Committee and the ranking member, Senator BAUCUS and Senator GRASSLEY, and jammed through his own bill which we talked about; and all the spending forces of that compromise, of those programs that you are talking about, were paid for in that bill. Explain that to the American people.

Mr. DURBIN. I would be happy to. The Senator from Kentucky has not stated it 100 percent accurately.

Mr. BUNNING. Oh, he has.

Mr. DURBIN. Because in the original proposal from the Finance Committee, the unemployment benefits were extended for 3 months, as I understand it. The tax extenders—

Mr. BUNNING. They were paid for.

Mr. DURBIN. Let me explain. There was a source of revenue for the bill, but it wasn't enough to pay for the entire bill. The source of revenue was enough for those who wanted to say: Well, this will pay for unemployment, to point to it; and those who wanted to say: No, it pays for another part of the bill. So it did not pay for the entire bill.

Mr. BUNNING. That is your interpretation.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I yielded for a question and I answered the question, but I will yield for another question.

Mr. BUNNING. It has been brought up during this debate that the balanced budget amendment and the balanced budget is a product of the Clinton administration. The Senator from Illinois knows that to be false.

Mr. DURBIN. No, I don't know that to be false.

Mr. BUNNING. Well, do you know anything about how the balanced budget bill was brought to the floor of the House of Representatives?

Mr. DURBIN. I would say to the Senator from Kentucky I was serving in the Senate.

Mr. BUNNING. I was serving.

Mr. DURBIN. I will tell my colleague what has been said on the floor and which I stand behind; that is, the fact that when President William Clinton left office, he left a budget in balance and in surplus.

Mr. BUNNING. Yes.

Mr. DURBIN. I yield for a further question.

Mr. BUNNING. That is only because Representative John Kasich and the Budget Committee that he chaired in the House, for 3 years in a row, brought a balanced budget bill to the floor of the U.S. House of Representatives. I was a member of that Budget Committee.

The first 2 years, the Clinton administration rejected the balanced budget bill. In the third year, instead of getting run over by the train, President William Jefferson Clinton got on the train and agreed that the balanced budget bill should be passed. Then the Senate concurred and we balanced the budget. It took a little bit, but we did it. That is where the surplus came from—a Republican's idea, John Kasich, of Ohio, who brought a balanced budget to the floor.

Mr. DURBIN. If that is a question—

Mr. BUNNING. The questions I have are—I wanted to straighten out my good friend from Rhode Island.

Mr. DURBIN. If that was a question, it is clear that there was bipartisanship, and we can use a little bit more of that around here.

Mr. BUNNING. Even the fact that our President—somebody who talked about extending tax cuts to the wealthy and talked about extending tax cuts, and the fact that nobody on the floor of this Senate—explain to me, with 60 Democrats and 40 Republicans, why someone on the Democratic side of the aisle didn't make a bill that would rescind those tax cuts? Your President—our President—wants to extend 85 percent of those same tax cuts without paying for them. He has a bill in his budget to do just that. Explain that. I have one more. Your President also wants to pass a \$250 billion estate tax bill, also without paying for it. That is right. Well, it is right. Look it up. I am on the Budget Committee, so I see these bills. Is the Senator on the Budget Committee?

Mr. DURBIN. No, I am not. I yield further for a question.

Mr. BUNNING. The Senator in the chair is, so he knows what has been proposed.

Mr. DURBIN. I yield for the purpose of a question.

Mr. BUNNING. The question I asked about the 60/40, I didn't hear anybody answer that. The Senator from Oregon is gone. He was the guy who posed the question.

Mr. DURBIN. In response to the Senator from Kentucky, this is a great debate. I think we ought to continue it. But can we remove from the audience the millions of Americans who will not have unemployment checks as of Sunday night because of the Senator's interest in this issue? When you think about this, we ought to be engaged in this, and you and I ought to stay up late to talk it over and talk about what we should do. But why are we leaving these unemployed people in

Kentucky and in Illinois in the middle of this debate? These people have nothing to do with what happened with John Kasich, of Columbus, OH, or what happened with President William Jefferson Clinton. They are trying to provide food for their families in the morning. Instead, we have dragged them into the middle of this deficit and debt debate.

For those who have just tuned into this conversation, the Senator from Kentucky has objected to extending unemployment benefits for 30 days, and COBRA benefits, which pay for health insurance for the unemployed for 30 days.

Because of his objection—he is the only Senator to object—I will find 15,000 people in my State of Illinois, as of Sunday night, losing their unemployment benefits. If you wonder why I am still on the floor at 10:20 p.m. in Washington, on Thursday night, after a pretty long day, it is because I thought to myself: How in the world can I walk away from this Chamber, go home and relax, realizing that 15,000 people, come Sunday night, in Illinois are going to get cut off from unemployment benefits?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, we have been talking about whether tax cuts were paid for. Let's talk about other things that weren't paid for. That is what this is about. As the Senator knows—in fact, I know the Senator from Illinois gets irritated at me sometimes because I am constantly trying to figure out ways that we can be more fiscally responsible around here. Sometimes I swim upstream on some of those things. I was one of the cosponsors of pay-go. In fact, pay-go was in place in the 1990s, and it was allowed to expire in Congress. It was 2000, or 2001, or 2002, in the early years of the Bush administration, when the Republicans had the majority. They let it go. They said they didn't need pay-go anymore. This is probably the most glaring example, and it gets in my craw, because I now hear so much about fiscal responsibility, and as we struggle with this health care bill, making sure that we pay for it, I look back at Medicare Part D. Now that is a lallapalooza right there, Medicare D.

I am wondering if the Senator from Illinois remembers what the vote was on the motion to waive the Budget Act on Medicare D.

Mr. DURBIN. I do not.

Mrs. MCCASKILL. Well, it is interesting. It was a big majority to waive the Budget Act. I have the vote here. There were 61 votes to waive the Budget Act, including our friend from Kentucky. I think the CBO score on that was around \$450 billion, as I recall.

Mr. DURBIN. That is correct.

Mrs. MCCASKILL. Not a dime of it paid for—not one dime. It is all on the credit card, one big blob of red ink.

Is the Senator aware how many of our friends on the other side of the aisle have new religion—this is new religion about balancing the budget—and how many actually voted for Medicare D? It was a brandnew entitlement program, a massive government entitlement program, a government-run health care-related government program, and not one dime was paid for? Do you know how many on the other side, who are still serving today, voted for this new entitlement program?

Mr. DURBIN. No, I do not.

Mrs. MCCASKILL. It was 24. Do you know who the Senators were who voted for this massive, government-run entitlement program that added hundreds and billions of dollars to our debt—not tax cuts? We can argue about whether tax cuts create jobs. Clearly, those didn't because we inherited a big mess in terms of job creation. But do you know who the Senators serving on that side are who now want to preach about fiscal responsibility and pay for programs—how many were willing to put that kind of program on the credit card? They were Senators ALEXANDER, BENNETT, BOND, BROWNBACK, BUNNING, CHAMBLISS, COCHRAN, COLLINS, CORNYN, CRAPO, ENZI, GRASSLEY, HATCH, HUTCHISON, INHOFE, KYL, LUGAR, MCCONNELL, MURKOWSKI, ROBERTS, SESSIONS, SHELBY, SNOWE, and VOINOVICH.

All of it was a massive government entitlement program run out of Washington—big government, big bill, not paid for, and there was not one word about it needing to be paid for. And we fast forward to now. That is a big part of our deficit. We now figured out on Medicare D that we transferred a bunch of taxpayer money straight to the bottom line profits of the pharmaceutical companies. I wasn't here then, but maybe the Senator can enlighten me. My recollection is that the biggest people in favor of Medicare D were pharma.

Mr. DURBIN. The Senator is correct. It was their belief that they would make a lot of money.

Mrs. MCCASKILL. They have made a fortune on the backs of taxpayers.

Mr. DURBIN. Those of us who supported some kind of competitive bidding and government buying in bulk to reduce costs were defeated because pharma objected.

Mrs. MCCASKILL. In that bill, they even outlawed the ability of the government to negotiate for lower prices based on volume. Those are "good business practices"—make sure we cannot get a good deal based on how many drugs we are going to buy. We cannot even lower the cost of this massive government entitlement program by negotiating for lower prices based on volume. They outlawed that.

Mr. DURBIN. This cost over \$400 billion, and many Republican Senators, including the Senator who has objected

to unemployment benefits for millions of people in America who are out of work, voted for this program that was unpaid for. Now they tell us we cannot extend unemployment benefits to people in Kentucky and Illinois and Missouri because we have not paid for them. Clearly, it is a double standard.

I might add that when it came to the estate tax, aka the "death tax," according to some, on June 7, 2006, the Senator from Kentucky took the floor and said:

Mr. President, I rise today in strong favor of abolishing one of the most unjustified taxes we have in America today, the death tax. Americans should not have to talk to their undertaker and their tax man on the same day. Small businesses and family farms should not be forced to close down in order to pay the government money because a loved one has passed away.

Then when the Death Tax Repeal Permanency Act was called for a vote, the Senator from Kentucky voted to repeal this tax, costing the government \$300 billion; that is over \$300 billion added to our national debt. This tax affects less than one-half of 1 percent of all the people in America, the wealthiest people in our country. To provide \$300 billion in tax relief to them—the Senator from Kentucky said we can add that to the deficit and that is OK. But when it comes to providing a \$1,100 monthly unemployment check to someone in Illinois who is struggling to find a job, he says no, that adds to the deficit. So for the wealthiest in America on the estate tax, there is no accountability, no reckoning, but for the poorest in America, the most struggling families in America, we are going to hold them to the hardest economic standard. To me, that is at least inconsistent, if not inexplicable.

Mr. BUNNING. Will the Senator yield?

Mr. DURBIN. I have yielded to the Senator from Missouri for a question.

Mrs. MCCASKILL. I have a couple more questions. I wasn't here when the major tax cuts went through in the Republican Congress with President Bush—the tax cuts that were supposed to bring about great prosperity and job creation in our country. Of course, they didn't. We have had record job losses. As President Bush left office, my recollection is that we were having between 600,000 and 700,000 job losses every month. Clearly, the plan that these tax cuts would be a time of wine and roses for all didn't work out. My recollection is that that tax cut was done by reconciliation, wasn't it?

Mr. DURBIN. I would have to check my notes.

Mrs. MCCASKILL. I think it was. Reconciliation only lasts for so long and then they sunset. I think that was one of those things where a massive amount of government liability was incurred through reconciliation at that time.

Let me also ask a couple questions about the stimulus. I know the Senator

from Kentucky was offered a chance to have an amendment paid for by the stimulus. I don't think that we have talked enough about what is left of the stimulus money and what it is for. It is my understanding—and correct me if I am wrong—that a big chunk of the stimulus that is left is in fact the tax cuts for working families. In fact, the tax cuts were a 2-year period. So, of course, that was about one-third of the money, and only half of that has been paid out because we have only been through a year of the stimulus. We still have money waiting to go out in the form of tax cuts to 95 percent of America—in fact, the exact opposite folks who got the tax cuts under George Bush.

Is that my understanding about what is remaining in the Treasury as it relates to stimulus?

Mr. DURBIN. I believe the Senator from Missouri is correct. It is interesting that those who are critical of the stimulus, the Recovery and Reinvestment Act, on the Republican side virtually never acknowledge the fact that one-third of that whole package is tax cuts, which is the Holy Grail on the Republican side of the aisle—tax cuts for working families.

Mrs. MCCASKILL. Tax cuts for working folks.

Mr. DURBIN. Working families.

Mrs. MCCASKILL. These are working folks. They are not—frankly, my family is very blessed. The tax cuts that were passed helped my family. It didn't help some of the families out there now struggling with unemployment.

The rest of the stimulus that is out there—I have been interested in Missouri. In fact, I wrote a letter to the budget chairs in Missouri because they were kind of puffing up about how they were going to be able to balance the budget this year. I looked into it and realized that the only way they were balancing the budget this year was because of the stimulus money. It is, in fact, the stimulus money that has gone to Kentucky, gone to Illinois, gone to Missouri, gone to Oregon, gone to Alaska, and gone to Rhode Island. That is what is allowing these State legislatures to keep from making massive layoffs of public school teachers. There would be massive cuts in education in Missouri this year, and, frankly, no cuts in public education would be popular in Missouri.

I asked the Missouri legislators. I said: Some of you have been talking about doing away with the stimulus, pulling back the stimulus. In fact, some of our friends across the aisle said we should get rid of the rest of the stimulus. I asked the State legislators: What will you cut if we pull the stimulus? Tell me how Missourians will be hurt if we decide to pull the rest of the stimulus and maybe spend it on other things, such as perhaps this emergency bill dealing with unemployment insurance. They would not tell me. They

want the people of Missouri to think they are balancing that budget with fairy dust. They don't want the people of Missouri to know that, in fact, the stimulus is what is out there helping these States balance these budgets because their revenue has dropped off the charts, just like our revenue has, which is causing some of the deficit and which is certainly contributing in a great way to the debt as it relates to a drop in revenue, an increase in unemployment expenses, and then the programs that have been passed in the previous administration not paid for.

I have 20,000 Missourians—20,000—who are going to find out sometime in the next 48 hours that they are done with unemployment. I cannot help but believe that if we have this kind of crisis at the other end of the income scale, that all of a sudden we would not have this newfound religion that this is the moment, this is the hour, this is the day that we are going to find new religion about deficits. It is the wrong time.

I am a cosponsor of pay-go. I am a cosponsor of the fiscal commission. I don't take earmarks. I voted against the omnibus. I voted against many budget bills because I think there was too much fat in them. I voted against a lot of fiscal measures in this body. But this is not the time to do this on the backs of these families. It is the wrong time.

Mr. DURBIN. Mr. President, I thank the Senator from Missouri and for those who are following this debate.

Mr. BUNNING. You said you would yield to me.

Mr. DURBIN. I know. For those who are following this debate, we have asked to extend unemployment benefits for those out of work in America for 30 days and to extend COBRA benefits which helps them to pay for their health insurance for 30 days. It passed the House of Representatives. We were prepared to pass it this week so that when the benefits expire for many people on Sunday night, they would continue.

One Senator from Kentucky, Senator BUNNING, who is on the Senate floor, objected. As a consequence, we have taken to the floor to make certain that the people who are following this debate understand the gravity of this decision. It is not a casual decision. It is a decision made by one Senator that will literally affect the lives of a lot of people.

I give an example of Stan Lipowski who lives in Rockford, IL, as I mentioned earlier an area hard hit. Stan is pretty nervous. He is 60 years old. He lives in Loves Park near Rockford. He lost his job in June and relies on his unemployment check to keep his household afloat. This is from the Rockford newspaper where he is quoted as saying:

It's not sufficient, but without it, I'd be in real trouble. I'm already borrowing against

my house to put my daughter through college.

He is living on his unemployment check, and the objection of the Senator from Kentucky is going to cut off the checks for people just like him. I cannot understand why we would do this. I am going to renew my unanimous consent request.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire Sunday, February 28, unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER (Mr. SANDERS). Is there objection?

Mr. BUNNING. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. There are so many things that I would like to say in response to so many Senators. Before I do that, I want to straighten a few things out. First of all, the prescription drug Part D—I want to help out my good friend from Missouri and my good friend from Rhode Island. I want them to know that the \$400 billion that was spent has not been spent. Just for their information. And the Democratic alternative proposed by Representative PETE STARK on the Ways and Means Committee in the House of Representatives cost over \$1 trillion to fund. That was the alternative to the Republican \$400 billion.

I know the Senator from Missouri was not here. She probably doesn't know Representative STARK. I served with him for 8 years on the Ways and Means Committee. The same thing goes. If you don't like Part D of Medicare, you have 59 Senators and you can repeal it anytime you want, or at least try to, if you think it is misspent money.

Somebody complained about HHS negotiating drug prices. Our own scorekeeper, CBO, said we would have—I was on the committee—we would have no savings if they negotiated directly with the drug companies. Those profits that my good friend from Illinois talked about are not profits that go to the drug companies because any of the Medicare facilities we use, whether it be a hospital or a doctor or Medicare Part B or Part A or Part D—all of those moneys go to doctors, hospitals, and people who get prescription drugs to pay for those prescription drugs.

You have to look at the benefits and see if they outweigh the complaints.

I object.

Mr. DURBIN. I ask for the regular order.

Mr. BUNNING. I object and would like to make a unanimous consent—

Mr. DURBIN. Regular order.

The PRESIDING OFFICER. The Senator asked for the regular order. Is there objection to his request?

Mr. BUNNING. No.

The PRESIDING OFFICER. He said he did not object.

The Senator from Illinois.

Mr. DURBIN. As I understand it, the unanimous consent request is agreed to?

Mr. BUNNING. I object.

The PRESIDING OFFICER. The Senator from Kentucky objects?

Mr. BUNNING. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thought maybe we had gotten through to the Senator from Kentucky.

It is interesting, he wants to talk about everything except the unemployed people affected by his objection. I say to the Senator from Kentucky, we can relitigate all you want. The fact is, the Medicare prescription drug program, which costs \$400 billion over a 10-year period of time, is not paid for and you voted for it. So when it comes to deficit reduction, you pick and choose those issues that you will spend money on. Tonight you are making it clear that you will not spend money to help unemployed people—people across Kentucky and across Illinois.

Some of these stories I received from my State I am sure you received from your State. Here is one from a woman in Bullhead City, IL:

My husband and I are in our fifties and lost our jobs in 2008. I knew immediately we were in trouble so we took our savings and moved to a state park where rent is \$400 a month, including utilities.

They were living in a camper.

My husband has gotten sick and not been able to see a doctor as we have no medical insurance, our unemployment benefits ran out in August and we have no income. The \$400 rent that seemed so cheap a year ago is now a struggle to pay. To keep our phone and Internet on is a struggle, yet imperative—

Because that is the way they look for jobs.

Neither of us has ever been without until now. I have found that it is more and more difficult and our spirits are at an all-time low. I write this with tears in my eyes, not so much for myself but for the thousands who are facing these difficult times alone. I could not do it alone.

When my husband left the house this morning to look for work, I slipped a baggie of Life cereal in his pocket so he would not go hungry. We had no milk . . . too early to offer ramen noodles or macaroni and cheese.

I've always been proud to be American and of this great country, yet I can't seem to hold my head up these days. I barely have enough money left to make it. . . . I wait and pray for an extension [of unemployment benefits] to buy us more time.

I implore the Republicans to quit dangling carrots in our faces and do the right thing.

That is what this is about, Senator BUNNING. This woman and people like

her all across America who will be turned down for unemployment benefits because of your objection. Why are we doing this to these people, whether they live in Tennessee, Kentucky, or any other State? We are a caring people, and I know the Senator from Tennessee feels that way. I do too.

Mr. BEGICH. Will the Senator yield?

Mr. DURBIN. I will be happy to yield for a question from the Senator from Alaska.

Mr. BEGICH. I know we talked about unemployment which is a significant piece of this bill. I also want to point out there are other pieces. I want to make sure I am correct. Maybe the Senator could clarify this.

I know he mentioned in the very early hours when we started this discussion that there were issues that deal with small business, seniors, and it has two other major components.

Is it correct that this bill also deals with seniors and small businesses?

Mr. DURBIN. Yes, it is correct.

Mr. BEGICH. I appreciate the Senator's constant reminder that this debate is about real people. I don't know what the debates were in years past. I was not here, as Senator MCCASKILL and Senator MERKLEY mentioned. I was not here. People read and watch what is going on. They see right through what is going on: The wealthiest of the wealthiest get the privileges of this body, and people working every single day and those now unemployed ask for a little bit of help to make sure they can make it through these tough times, and the other side of the aisle turns their back on them.

You used the example of seniors. In Alaska, the Medicare reimbursement rate is critical. We are one of the highest cost States. We have less doctors today than yesterday, the year before and the year before. We have very few. I met with our clinics today. I think it is down to one in Anchorage that accepts new Medicare patients. Now we say we are not going to make sure these reimbursement rates are the right rate. So now we will have more doctors not serving our seniors. It is not only about the unemployed. They are about to throw seniors over the cliff, at least in my State.

Does this bill deal with seniors and making sure the reimbursement rate is the right rate so doctors can perform the services these seniors need?

Mr. DURBIN. I would say to the Senator from Alaska that is correct. According to the 2009 Medicare Trustees Report, on January 1, 2010, physicians were expected to face an across-the-board cut of 21½ percent. By 2014, the cuts to physicians treating Medicare patients would be 40 percent. We have averted these cuts with short-term extensions, because at those reimbursement levels many doctors would stop treating Medicare patients.

Mr. BEGICH. I know in my state the answer is: They will. This is a signifi-

cant problem even at the 21-percent rate of reimbursement. So not only do we have the unemployed now, whom the other side seems to have a problem with, yet when it comes to the richest of the rich, they have no problem dealing with them, taking care of them unfunded.

The pharmaceuticals—I know this debate a little bit. I know how the talk I just heard from the Senator from Kentucky sure did go around and around, but the bottom line was the pharmaceutical companies got those monies, made extensive profits, and on the backs of taxpayers. But now it is time to help our seniors, make sure they get basic care, and they are going to be thrown over. It is amazing to me, when I look at this bill—I thought it was simple. Maybe I am naive, being a new Member here, but these are simple things. The crisis in this country is the biggest recession since the Great Depression. Yet when it comes time to giving a little bit of assistance to make sure we can move through this tough time, we are not willing to assist the unemployed. Yet the richest of the rich get taken care of.

I want to ask one question about that so-called bipartisan bill that was mentioned earlier. I know earlier there was discussion, and I hope I can ask this question. The "bipartisan" bill that was talked about earlier, I know I flipped through the multiple pages of the index and saw all these extenders for businesses, and, if I remember this right—correct me if I am wrong—the unemployed had a very short extension but all these businesses got the long extensions for their tax benefits.

Again, it is a question of who do we support here and who do we help? Am I mistaken that so-called bipartisan bill—that really wasn't bipartisan and which had a lot of issues with it—am I correct there was some imbalance there that people were concerned about?

Mr. DURBIN. I think the Senator from Alaska is correct.

Mr. BEGICH. The other piece I want to talk about, and I will end on this because I know the Senator from Oregon has a question or two, and it is one of the things I heard over and over again, and that is why I think the way this is being approached is very simple: Here it is, don't cloud it with a lot of other junk. The public has spoken, and they want transparency. They want it clean, they want it simple, and they want to understand what it is talking about, without this whole business of jamming in things left and right. Here, this is simple: Unemployment for the unemployed, taking care of our seniors.

I am on Alaska time, so this is early for me. I have plenty of time. When it is midnight here, it is 8 o'clock in Alaska, so I have plenty of time here. But when I think about these issues of seniors and the unemployed that the other

side doesn't want to help, it seems the next issue—and I will wait my time here and ask about it—is small businesses—the people who are the backbone of this country—trying to help those unemployed become employed. That is another piece of this bill. Is that correct, that small business is another piece?

Mr. DURBIN. It is. The SBA programs, which would provide credit for small businesses—we were looking for a simple 30-day extension so these programs would be available. This objection has stopped that 30-day extension and it is going to close down some of those programs, as of Monday, that would be available to small businesses across the Nation.

Mr. BEGICH. Small businesses that were probably in the process of pursuing their dreams and hopes in this recession of creating a new opportunity to help those unemployed and others to build our economy. In Alaska, 52 percent of our employment is small business. They are the backbone of this country. They were kind of left out last year. This is an effort to continue to help them. Is that a fair statement?

Mr. DURBIN. The Senator from Alaska is correct.

I want to make it clear for the record, because the Senator from Tennessee came and asked me why we didn't offer to the Senator from Kentucky an opportunity to have an amendment to pay for these unemployment benefits out of the stimulus package, that was offered to him. He said, no, he didn't want to have an amendment offered on the floor because he wasn't sure he could pass the amendment. So he was offered the same chance that every Senator has had to take his idea before the Senate and to get a majority vote. That is not an unreasonable thing. That is how the Senate works.

I would also say to the Senator from Kentucky that if he believes we have surplus funds in the stimulus or Reinvestment and Recovery Act that can be spent on unemployment and the like, I am afraid he is wrong. It is important to note that of the \$166 billion in funds remaining to be obligated, almost every dollar has already been spoken for, even if not yet obligated. So if he thinks the money that has not gone out the door of the stimulus act is not spoken for, it is not true. It is spoken for. That would have been part of the argument when his amendment could have come to the floor, an amendment which he did not care to offer.

I would tell him there are two projects in his State that will be affected if he cuts the balances in this. And I know he may not care, but some may. It is a Milton-Madison bridge replacement—Milton, KY, to Madison, IN—asked for by the Kentucky transportation cabinet. The total cost is \$131 million; TIGER funding, \$21 million—a

vital link, I am told, between two towns. If the bridge is taken out of service, the resulting detours will create resulting hardships for residents on both sides of the river.

There is also another project under this Recovery and Reinvestment, which I know you voted against, but it is the Appalachian Regional Short-Line Rail Project; the location, Kentucky, West Virginia and Tennessee, and the TIGER funding there is \$17 million. The fact is many people believe these will create jobs in Kentucky and put people to work. They have been spoken for and obligated. If that money were taken out of the stimulus package, it may affect that project or some other project. But the fact is the money is not just sitting in the stimulus fund waiting to gather dust or interest; it is money that has been spoken for to put people to work in Kentucky and Illinois and all across America.

The fact is the Senator from Tennessee came and asked me why didn't we offer the Senator from Kentucky a chance to offer his amendment. We did. And if he had taken that opportunity, he might have won, he might have lost, but he would have had his day on the floor of the Senate, which is all any of us can ask for—an up-or-down vote. Instead, he said: If you don't pay out of the stimulus, no one is going to get unemployment benefits, and that is, I believe, an unreasonable position, and that is why we have taken to the floor this evening.

Mr. CORKER. Will the Senator yield?

Mr. DURBIN. I will yield to the Senator for the purpose of a question.

Mr. CORKER. Mr. President, I have been working in an unusual way across the aisle on an issue that I think is important in this body for the last 2 weeks, and I had planned to spend all day tomorrow, Saturday, Sunday, and Monday—whatever it takes—to get a bill that I think is important to this country and important to this body. It is 10 till 11, 5 till 11. And whether you agree or disagree with the Senator from Kentucky, I am here because I think this is a broadside. The fact is that we here in the Senate give each other notice.

I understand the frustration with my friends on the other side of the aisle. I talk to many of you after the lunches that take place. I know there is a lot of frustration. I understand the concerns of the people on my side of the aisle, especially after we just voted for a pay-for. And my guess is everybody on the other side of the aisle who is here tonight voted for it. Yet we are continuing to pass bills that are not paid for.

I am not going to debate the merits. I know you can talk about taxes for the rich, tax reductions, and all that. The fact is, you did not give the Senator from Kentucky notice this was going to occur.

Mr. DURBIN. If that is a question, I would like to respond to it. If that is a question, it is incorrect, and I want the record to be clear.

Mr. CORKER. Let me just say this—

Mr. DURBIN. I am sorry, that is not correct.

Mr. CORKER. If I can just finish.

Mr. DURBIN. Regular order. I have the floor.

Mr. CORKER. If I could just—

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. CORKER. This also is not comity.

Mr. DURBIN. I will yield for a question after I respond to the Senator from Tennessee, and what I would say is the Senator is incorrect. After the Senator from Kentucky objected this evening, the Republican side was notified that I was going to come to the floor and renew this unanimous consent request. The Senator from Kentucky knew it. He was notified in advance. We then had three subsequent rollcall votes and a unanimous consent request, and then I came to the floor. So the Senator from Tennessee is not correct. He was given prior notice.

I would be happy to yield further for a question.

Mr. CORKER. I appreciate the explanation. I believe we are stooping to a low level.

Mr. DURBIN. I am sorry, I did not hear the Senator.

Mr. CORKER. I believe we are stooping to a low level. The Senator from Kentucky and I agree on a lot and we disagree on a lot, and I am not here at this moment to debate the merits of either side. What I am saying is this is not the way the Senate functions.

Everybody in the country now knows that the Senator from Kentucky has a hold on this bill. That is something that is honored. Not a hold on the bill, but he is objecting to unanimous consent, and that is something that we honor in this body. If the attempt made tonight is going to be to keep a man 20 years my senior here, without the knowledge that this was going to happen—obviously other people had this knowledge—you can see that nobody on our side did.

I was getting ready to go to bed, get up in the morning, resume my talks with Senator DODD—which regardless of what you all do tonight I am going to continue because I think our country has serious problems that need to be dealt with—but this, in my opinion, is beneath the Senate. And while I might be weary, I will stay here the entire night to defend the Senate and defend the fact that the Senator from Kentucky did not know this was going to happen.

I am tired. I have been working hard for a long time on a bill that I think is important. I would rather go to bed and be fresh and deal with the issues

that need to be dealt with for this country, but I will stay here all night because this is not the way the Senate functions.

I am disappointed. I know that we have a lot between us, but I have felt actually, recently, that we were beginning to sort of make things click. I have seen people stepping out and doing things that I feel are the right things to do on behalf of the country, and I have talked to my good friend, the Presiding Officer tonight, about those kinds of things. I have a lot of friends on both sides of the aisle. But this is not the way the Senate functions.

Mr. DURBIN. I did yield for a question, and I don't believe the Senator has a question, but I respect him and respect his point of view.

Mr. CORKER. My question is: Is this the way the Senate functions? And I am asking someone who I respect right now.

Mr. DURBIN. I said to the Senator that we gave notice to the Senator from Kentucky, after he had made his objection. So this was not a sneak attack. As soon as he made his objection, we notified the Republican side of the aisle of what I was going to do.

Secondly, I would say that I think those of us who—

Mr. BUNNING. Unfortunately, that is not true.

Mr. DURBIN.—Put a hold on a bill or a hold on a nomination can certainly do that. I think they ought to step forward and say publicly when they do that and why they do that.

Mr. CORKER. That has been done.

Mr. DURBIN. In this situation, in fairness to the Senator from Kentucky, he has been very public and open about his objections to this. I certainly respect we have different points of view. But I would say to the Senator from Tennessee, here is what I face and what other Senators face. After we completed these rollcalls here, we would have walked out the door and gone home and relaxed and headed home for the weekend, and then come Sunday, somebody might have noticed the unemployment benefits for 15,000 people in my State were cut off, eliminated, people out of work.

I could have left. I would like to be home relaxing too—I am not a spring chicken—but I think it is an important enough issue to stand up and speak about it tonight. We have heard from the Senator from Kentucky. I have yielded to him in a way that may go beyond what is required, but I wanted him to express his viewpoint, and he has, about why he has done this.

And, yes, I am a little weary standing here, too, and I don't plan to stand here all night. But if we were to walk out that door and ignore the impact of that objection on the thousands of people in our own State, do you think we are meeting our obligation as Senators? I think it is worth speaking out.

You must receive these same communications I receive from people who are out of work. These are sad, heart-breaking stories. We are about to make these stories even worse because of the objection of one Senator.

Yes, it is his right to do it. But it is our right to stand and explain the effect this is going to have on a lot of innocent people.

I yield to the Senator from Oregon for purposes of a question.

Mr. MERKLEY. I thank the Senator. I have before me a chart on workers losing Federal unemployment benefits at the beginning of March. It notes "Workers Exhausting Regular State Benefits without Additional Federal Extensions" as 380,000 workers. Then there is an additional column that says "Workers Prematurely Exhausting Their Federal Benefits" at the start of March: 813,000. I am rounding off. It has a "total" column that says, for the United States as a whole: 1,193,838 individuals lose their benefits.

As I am reading this chart, my impression is they are losing their benefits at the end of February if we do not have an extension. Am I reading this correctly?

Mr. DURBIN. I say to the Senator from Oregon, I believe it is the end of March.

Mr. MERKLEY. The end of March. But there are many people who lose their benefits much sooner if we do not pass this extension?

Mr. DURBIN. As I understand it, some will start to lose them as of Sunday night. Then, as their benefits expire, by the end of the month, the Senator is correct: 1,193,000 people. The Senator from Kentucky and others have said eventually you are going to get around to the process of actually getting the 30-day extension. It is true we could do that. We could use up another week of time of the Senate to go through the filibusters and cloture motions on the motions to proceed and the rest of it. But it strikes me as a colossal waste of time and a sad commentary on the Senate that we are forced to do this to provide simple unemployment benefits to people across America who are out of work.

Mr. MERKLEY. My friend from Tennessee has made some comments about the process. I must say I very much respected the dialog he has been involved in, in the Banking Committee, through the year I have served on that committee, working to find the right way to have regulatory reform that will help put our economy back on track. There is so much I agree with him on. But I completely, respectfully, disagree that it is inappropriate, when unemployment benefits are threatened for our workers in our States, to come to this floor and say: This matters. This matters for working families.

When I was asking the people of Oregon to consider my candidacy to come

here to represent them, I went on a 100-town tour with 100 public townhalls. In every townhall, people came and talked to me about the challenge of employment and health care. Tonight, both are at stake.

I had one woman who stood and she said: I got a letter from my doctor whom I have had for many years. I think she said 20 years. She said: The letter fired me from being a patient because I am on Medicare now and that the doctor had dismissed all the Medicare patients because the calendar could now be filled with folks with private insurance that paid better.

My colleague from Alaska was talking about that problem in Alaska. It is a huge problem in Oregon that our seniors who are on Medicare cannot get in the door of a doctor—at least it is increasingly difficult. The result of it being increasingly difficult is, a program they have counted on to provide their health care they are unable to utilize.

Tonight we are considering an extension or a fix of the physician payments related to this very issue, whether doctors are going to take and keep taking Medicare patients in their agenda. We have talked about unemployment, but it is equally important we address this Medicare rate because, in my State, it is a growing challenge. We have a generational contract with our citizens over Medicare that they are going to be able to get in the door of a doctor's office. If we do not address this payment issue, then we are not honoring that generational commitment under the Medicare Program.

So I do, respectfully, disagree with my colleague from Tennessee. I wish we had more debates such as this. I wish we had more debates such as this with votes. I wish we had a vote tonight, with a debate, and that my good colleague from Kentucky had agreed to have the debate and had made his case and persuaded us on this floor of his point or that others would have made a different point and would have been persuasive. But we didn't have that debate because the offer was made and the offer was rejected.

Here I am tonight, looking at the thousands and thousands of Americans who are going to lose their health care because they will not be able to get in a doctor's door, who are going to lose their COBRA benefits and therefore will not be able to afford the expense of health care because they are unemployed, who are going to lose their unemployment insurance benefits—or looking at the businesses that are trying to get small business loans that will not be able to get them if we are not extending the small business loan guarantee program.

I think this is about one of the most important debates for working Americans. We need to get this 1-month extension, we need to respect that every-

one in this Chamber, every one of our 100 Senators can proceed to carry this debate on over this coming 30 days. We are going to have another chance to vote on this. But tonight we should not take our differences over the process—or our differences over what happened during the Bush administration—and take it out on the most vulnerable members of our society.

So I ask my colleague from Illinois, does he share my concern that we are taking procedural differences and age-old debates and we are taking it out on the most vulnerable? Is it the wrong thing to do, as I believe?

Mr. DURBIN. I say to the Senator from Oregon that is exactly why I am standing. I didn't plan on doing this. I had a pretty full day down at the Blair House and other places. I believed, by the end of the day, the Senator from Kentucky would agree to a vote. He would have had his chance on the floor—which is all we can ask for in the Senate, to argue his point of view—and that we would be able to go home for the weekend knowing unemployed people across the United States would not have their benefits cut off—cutting off unemployment checks in the midst of this recession.

I had not planned on being here tonight, but I thought to myself, I say to the Senator from Tennessee, how can I walk out that door and go home and go to bed and say: Well, just another day, another objection. Those 12 million people who sent me here expect me to stand for them once in a while.

That is what I am trying to do. I cannot believe we have reached the point in the Senate where these battles over cosmic issues are being visited on people who are struggling to survive day to day, to put food on the table. That is what it has come down to. That is exactly what it has come down to. I think that is unfortunate. I think we are better than that. I think we should be better than that as a Nation and as a Senate.

Does the Senator from Vermont seek the floor to ask a question? I yield for the purposes of a question.

Mr. SANDERS. I say to my good friend, the Senator from Tennessee, he is a good friend as is the Senator from Kentucky. I like the Senator from Kentucky. I know he is honest. He is sincere. He is not hiding. He is here. I respect that. We disagree very strongly on his position.

The Senator from Tennessee said a moment ago his point of view, this is not the way the Senate functions, that is not what the Senate is about, in so many words.

If you go and ask millions of people and say if the amendment of Senator BUNNING came to the floor of the Senate—no one can predict what the vote would be, but my guess is he would probably lose. That is my guess. But he has decided, one person, to say to hundreds and hundreds of thousands of



workers, I, one Senator, am exercising my right, no question about that, and I am going to object. I, one person who does not have the votes to pass my amendment, am saying to people—you have heard the Senator from Illinois describing these stories of the pain, turmoil that families are going through. No one disputes what he is saying. It is going on in Tennessee, it is going on in Vermont, Kentucky, Missouri. We all understand that. I don't think there is a disagreement. People are hurting terribly.

I don't think there is a disagreement. When people Monday morning wake and find they are not getting the safety net of that life-supporting check, do you know what people are going to be feeling? Do you know what panic? They don't know how the bureaucracy works. Suddenly, they wake and somebody says: I am not getting my check. Am I ever going to get a check? Well, they are going to get a check, but it is delayed.

There was an article in the paper just the other day, one of the ramifications of this recession, and we all know it is true, is what it is doing to the emotional health of people. Think about people who want to work, who have worked their whole lives and cannot find a job. Do you know what it is doing to them? To their emotional well-being? Do you think they like unemployment checks? The vast majority don't want it—a thousand times more they would like a job. Suddenly, for no understandable—they don't understand what is going on. I don't understand what is going on half the time in the Senate. Suddenly, because one Senator says: I am sorry, I object, I object, and thousands and thousands of people are wondering whether they are going to survive.

They are going to get their checks. We will eventually pass this.

This is a good debate. We have a \$14 trillion national debt. How did we get here? How do we resolve that debt? Who in this room thinks that a \$14 trillion debt is sustainable? Nobody does. We have to deal with that issue. Who caused it? We have disagreements. How do you solve it? We have disagreements. Let's argue out those disagreements but not on the backs of people today who are hurting and hurting terribly.

One of the points I would like to ask the Senator about is we are not just looking at record-breaking unemployment in our lifetimes. This unemployment rate takes place after years and years of decline.

There was an interesting piece—I don't have the date, it was a couple months ago—in *USA Today*; astounding facts. What they said—this is from *USA Today*, I think going through the census data. Between 2000 and 2008, men between 25 and 34 saw an 11.7-percent drop in their median income; peo-

ple, then, from 45 to 54, 11.2 percent drop. In other words, all over this country we see people who are furious. They are angry. They are confused. Do you know why? They went through a decade where they worked hard and at the end of that decade they were poorer than when they began the decade and then came the Wall Street collapse and then came massive unemployment. What we are trying to do—no one thinks the extension of unemployment is the solution. We have to rebuild the economy. We have to create jobs. But I hope nobody in this room thinks it is acceptable or moral that we allow desperate people to go over the cliff—not to have money to buy food?

Hunger in the United States of America today is a serious problem. It is not a joke. This is America. Desperate people, for their kids, for their parents, need that unemployment check.

We are going to pass this. I gather we will pass it next week. But all we are doing is disrupting the lives of hundreds of thousands of people for no good reason. Senator BUNNING has raised important issues. I disagree with him, but those issues are important. Let's debate them. But you do not have to do it on the backs of the middle class and the working class who have been decimated for years and are now in worse shape than they have been and now we are suddenly pulling out the rug.

I ask my friend from Illinois, my assumption is, we are at some point soon going to pass these unemployment extensions. My understanding is, I don't know how it is going to be, but I suspect many Republicans are probably going to vote with many on this side; is that a correct assumption? And are we simply bringing more pain and confusion to hundreds of thousands of people who suddenly, Sunday, Monday, are going to find out they don't get a check?

Mr. DURBIN. I would say, in response to the Senator from Vermont, the last time we went through this exercise about unemployment benefits, he may recall there was a Republican Senator who insisted on an amendment on the bill relating to ACORN. If he could not get another chance to take a swing at the organization, ACORN, he was going to hold up the unemployment benefit bill.

I reached the limit of my patience at that moment. I thought to myself, it was not the first, second, third, or fourth or fifth time, it was going to be the sixth or seventh time. There was a belief on his part that he had to keep taking a swing at this organization, even at the expense of delaying unemployment benefits.

I will tell you, I think that is unfortunate. If you want to fight a battle, for goodness' sakes, make it a fair fight. Do not fight the battle over the bodies of people who are unemployed

and struggling to get by on a day-to-day basis. If you want to fight the battle of the deficit, fight the battle of the deficit on the budget resolution or whatever appropriations bill you choose.

But to deny unemployment benefits to make your point about the Nation's debt takes this to an extreme. That is why I am here. That is why I did not go home tonight. I would like to be there to see what is happening with the Olympics and what every other American family is doing. But I thought to myself, I cannot walk out that door without speaking up for what I consider to be an unjust decision by one of my colleagues.

He sees it differently. I do like Senator BUNNING. He and I may have had our differences, but we have had some good conversations about baseball. Maybe that is all but about baseball.

Mr. SANDERS. I would say that the Senator and I have had strong agreements. I would ask the Senator from Illinois, in the hearing of the Senator from Kentucky: Look, the Senator from Kentucky has raised important issues. I would hope that he would allow us, not for our sake, but for the sake of tens and tens of thousands of people, to get those checks out. Let's come back and continue that debate.

You have raised the right issues. These unemployment checks are going to go out, unless I am mistaken. So all we are doing is disrupting the process. We understand where you are coming from. You have raised a fair point. It is a very important issue.

But I would, through my friend from Illinois, ask my friend from Kentucky, who is a friend—I like JIM BUNNING: Let us continue this debate. But it does not have to be tonight. It does not have to be in a way that causes confusion and uncertainty and a lot of pain for a lot of people. So I would—

Mrs. MCCASKILL. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield. But I would say also to the Senator from Tennessee and the Senator from Kentucky, there is a version of this unanimous consent request which will give you your vote. If the Senator would agree to that. You will not.

I yield to the Senator from Missouri.

Mrs. MCCASKILL. The Senator from Tennessee and the Senator from Vermont and the Senator from Rhode Island all came here in the same class. The Senator from Oregon just arrived in January. So we have not been here for a long time to watch how the Senate works and how the Senate traditionally has worked. I know it appeared to my pal from Tennessee that this looked like some organized ambush of the Senator from Kentucky. I have to tell you the truth, we are not that well organized. If we were that well organized, we probably would have been doing more of this a long time ago.



I honestly came down to the Senate floor understanding a deal had been made to give Senator BUNNING a vote on his amendment. I expected that vote to occur. I had not talked to my office. I was surprised when I got to the floor and realized that Senator BUNNING, which he can do under the rules, was going to hold it.

I walked up as I was finishing voting on the third bill, and I said to DICK: Are you going to stick around and make him object again?

He said: You know, I think I am going to stick around for a while. I just do not feel right going home.

At that moment I thought: I do not feel right about going home either. I think it is time, if we are going to do an objection every 5 minutes, and if we are going to have holds—if this was a hold on a nominee, it could wait until Monday. But when Senator BUNNING decided to do this, it came at a risk. And the risk it came with was that there were going to be Senators who were going to speak out about it. There were going to be Senators who were going to disagree with him, and they were going to publicly say that this is not the moment.

This \$10 billion, with all of this deficit spending that has gone on for the last decade, this is not the moment to have one Senator say: I can stop it. So I felt like I wanted to talk about it. But nobody organized this. Nobody said: JEFF MERKLEY, can you stay? This is just some of us decided we wanted to stay and talk about it.

Here is what I ask. Have there been this many objections and holds traditionally in the Senate?

Mr. DURBIN. No.

Mrs. MCCASKILL. Have we had this many? Have there been this many objections to the regular order of the Senate traditionally?

Mr. DURBIN. I have been here 14 years—14 years in the House, 14 years in the Senate. This Senate has changed so dramatically in the 14 years I have been here. We actually had debates on the floor of the Senate. We had Members offering amendments back and forth. I mean good debates. I thought it really was a joy to be part of a deliberative body that engaged in that.

But now we are in this era of cloture and filibuster and holds and objections, and it grinds to a halt. You think to yourself: No wonder there is frustration among the membership, and no wonder so many people on the outside look at us and say: Why are they not doing things?

How can we explain to people in Missouri, Illinois, or Tennessee or Kentucky that we are here tonight because we are going to cut off unemployment benefits? You know, the Senator is right, the Senator from Vermont is right. The day will come when those unemployment benefits will go through. It may take us a week. We

may have to eat up a whole week of the Senate Calendar to get that done.

You think to yourself: Senator, is there not something you should be doing that is more important? And we know there is. We should be working on a jobs program. We should be working on health care. You are working on financial regulations. I know, Senator CORKER, you may be upset with me at this moment. But I respect you so much. It shows extraordinary courage on your part to step up and try and tackle this tough issue.

I am glad you are doing it. It does harken back to a better era in the Senate when people did work on a bipartisan basis. So I would say to the Senator from Missouri, we have been here for a while, and I know there are staff people here who did not plan to be here this late. In deference to them, I am going to allow the Senator from Missouri to ask a question. I am going to then make a unanimous consent request again. Then at that point, I will not make it after that point.

Mrs. MCCASKILL. Well, I guess what I am trying to ask the Senator is—I do not think most Americans think the Senate is working very well right now. I think most Americans think we are behaving sometimes like children. I think most Americans are not sure what the rules are and what the difference is between a cloture, a filibuster, a motion to proceed, and a motion to recommit; what is the difference between a reconciliation and a conciliation or all of the other terms we throw around here.

But there is one thing I think we all need to come to grips with; that is, if we are going to try to stop the place, we need to be proud to own it. I think that goes on both sides of the aisle. If a Senator wants to hold a nomination, I do not think they should be allowed to keep it secret for 10 seconds. If somebody wants to try to hold a bill or wants to object to something, I think this nonsense that they have had in the Senate forever that it is a secret for a while is the stupidest thing that I can possibly imagine.

If you are big enough to get elected to the Senate, you ought to be big enough to own what you do with your rights when you get here. Senator BUNNING has stood up strong tonight, and he has explained his position. A few of us stuck around and talked about our positions. I think that is about the healthiest thing we can do. I think it is a heck of a lot healthier than running around behind closed doors placing holds that nobody knows are there or why.

I make a pledge tonight that if I am ever going to hold anything, the minute I decide to do it, I am going to say what it is, why it is, and I am going to own it. I think it is time that all of us do that. If somebody is not willing to own it, then I hope someone comes

to the floor and does to them what we are doing tonight.

I think the sooner we own what we are doing with our rights in the Senate, the sooner we wear them like a proud coat of bright-colored feathers, the better off we are going to be in terms of getting things done around here. This is not about making the other side fail. That is not what this is supposed to be about. This is supposed to be about us working together like you are trying to do.

My friend, the Senator from Tennessee, you are doing the right thing. You are trying to find common ground and work hard, and there are plenty of us who want to do that. I hope that whatever is motivating you to work as hard as you are working in a bipartisan way, I hope it is contagious because if you can spread it around a little, I think the American people would be so proud that we would quit this nonsense of political holds and political "gotcha" amendments.

By the way, I am the first to admit this has gone on on both sides. This is an equal opportunity Senate. But it is time that we try to make this place work better.

I have to tell you honestly, my dear friend, I think tonight helps. I do not think it hurts. I think it is a good thing, and I am proud to have participated in this tonight. I think the Senate would be a healthier place if we did it more often.

I thank the Senator from Illinois for yielding for this time, and I thank him for sticking around as long as he has, so at least we now know what has happened and why.

Mr. DURBIN. If that is a question, I agree. In defense of the question, I agree with what the Senator said.

I yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. I was presiding during the time that my friend, Senator CORKER, was speaking. I did not have the chance to respond. But I want to assure him, through the Chair and through this question, that as the distinguished Senator from Missouri has just said, this was not planned on our side, at least not by me. I came for the votes.

The only surprise tonight was my surprise that a Senator was going to stop our unemployment insurance program. It never crossed my mind, until it just happened tonight, that was within the realm of possibility. I have 75,000 people unemployed in my small State of Rhode Island. We are at 13 percent unemployment.

So when I discovered, as a surprise tonight at these votes, that this was going to happen, like Senator DURBIN, I could not just walk away from this Chamber. No way. No way.

But it was not as part of a planned surprise. The person in my life who was surprised as to what happened tonight

was me. Frankly, I am still surprised, and I am surprised this has not resolved itself during the course of this discussion.

I am surprised that the 75,000 people in Rhode Island and over 1 million people in this country, who are going to wake up to the worry and concern and extra anxiety that Senator SANDERS spoke about, are going to have to face that. I think it is unfortunate. But it is not because of a surprise attack by me. It is because I am responding to a surprise to something that I think is very unfortunate and extraordinarily painful for tens of thousands of regular working people who did nothing wrong but cannot find work in this economy in my home State.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Illinois. I have to say to my friend from Missouri that I agree that the discussion has been very good. I received an e-mail from my staff regarding what was happening. I got in my car and drove down here. I have to say that as I look across the other side of the aisle and on this side, I have a lot of friends, a lot of goodwill.

I say to the Senator from Illinois, I don't think I have ever, in my short time here, 3 years 2 months, I don't think I have offered a message amendment. I don't think I have ever offered anything that was meant to obstruct unnecessarily. As a matter of fact, I offer very few amendments. I try to do my work with other Senators and bring things to the floor that are hopefully ready to pass.

At the end of the day, the Senator from Vermont is the best I know in this body at talking about compassion for people that I know he believes; I think we all believe. I always listen to him with great awe, candidly, at his ability to express what all of us feel about people who are unemployed or have large heating bills or whatever may exist. I don't really think that is what this debate is about. It isn't. This debate is about the fact we are spending money that we don't have. Yet we have passed a \$787 billion stimulus bill that won't be spent until way beyond 2012.

I cosponsored an amendment, a piece of legislation with the Senator from Colorado, Mr. BENNET, to use some of that unspent money past 2012 to pay down the deficit. He is in a tough race. He wanted me to cosponsor something that was sensible, and I did.

This is really not about the fact that all of us want to see people who are unemployed have these benefits. We don't want to see physicians take a 21 percent cut. It is about paying for it. I wonder if the Senator from Illinois would agree to me offering unanimous consent that we pass this measure that is before us, and we do it tonight. And we pay for it with unspent funds from

the stimulus bill that won't be utilized or are not planned to be utilized until beyond 2012. That is what this debate is about. All of us want to see people get unemployment benefits. We want that. We want to see them have all the things that are in this bill. It is not about that. You know that if this bill were offset, it would have been voice voted out of here.

I ask unanimous consent that we pass this measure out, that we offset it with unspent stimulus moneys that are going to be utilized past the year 2012, and then we work together, just like we are tonight, to figure out a way to make up that difference. I know this is something that is very important to the administration.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the regular order. I yielded for the purpose of a question.

The PRESIDING OFFICER. The Senator from Illinois yielded for a question.

Mr. DURBIN. I would say to the Senator from Tennessee, here is the difficulty we face. Of the stimulus funds currently sitting there, they have been obligated. They will be spent. There won't be a surplus, we are told, of any funds. This would have come out during the course of the debate, if Senator BUNNING had accepted our offer of the amendment. To agree to this now is to basically agree to what he has been asking for, just say we will pay for it with the stimulus. I don't think it should be, and I don't think it can be. It should be the subject of a good floor debate. That is what the Senate is for.

I understand you can't make a unanimous consent request when I have yielded only for a question. But that would be my response to you based on that.

Mr. CORKER. I would like a ruling from the Chair.

The PRESIDING OFFICER. The Senator from Illinois is correct.

Mr. CORKER. I thank the Senator for yielding for a question, and I thank him for this discussion. I understand my request is out of order. I actually thank each of you for your heartfelt comments. All of us know that we all want to see these benefits extended.

Mr. DURBIN. Mr. President, I am going to ask this unanimous consent request one last time this evening. I will not be making another unanimous consent request until tomorrow morning. There will be an opportunity, I believe, with the Senate coming into session, pursuant to the adjournment script, at about 9:30 in the morning. I will make one request. I will make the same unanimous consent request in the morning. That is the only time I will make it. But at this point that is my plan.

I thank the members of the staff, all of them, who were not notified that

this was going to happen this evening and had to make changes in their own personal and family plans as a result.

As we have said, there will be thousands and thousands of people across America impacted by this decision in just a few days. That is why many of us thought it was worth the wait and the effort. I still believe it was.

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and on poverty guidelines—received from the House and at the desk, that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. It is my understanding we will now move to closing the session. I thank my colleagues on both sides of the aisle, particularly on the Democratic side, for sticking with me through the course of the evening. None of us had planned for this, and it came as a surprise that this issue came before us. I think there were heartfelt sentiments stated here, and I thank them very much for staying with me.

#### REMEMBERING VERNON HUNTER

Mr. KAUFMAN. Mr. President, I rise once again to recognize one of America's great Federal employees. I have spoken before about the values that bind our Nation's public servants together. One of the most fundamental of these is sacrifice.

We see this quality each day in the men and women who serve in uniform, both in the military and in law enforcement. They put themselves in harm's way to keep us all safe and protect our freedoms and way of life.

Those who work in civilian roles also routinely take risks to their safety when performing their jobs, including the many Federal employees posted overseas and at our borders.

This week, sadly, our Nation mourns the loss of a truly outstanding public servant who was killed last Thursday in the tragic attack against an office building in Austin, TX.

Vernon Hunter was a 27-year veteran of the Internal Revenue Service and before that served for two decades in the U.S. Army.

Earlier this month, I honored an IRS employee who made it possible for tens of millions to file their taxes electronically. At that time I spoke about how our IRS employees continually work hard to make it easier and less stressful for Americans to pay their taxes.

Vernon was one of the great IRS managers who helped process tax filings and resolve issues for taxpayers. He had a reputation for being kind and full of life. He always wanted to help people solve their problems. His biography reads like a lesson in service and sacrifice.

A native of Orangeburg, SC, Vernon enlisted in the U.S. Army after graduating from high school. He served two combat tours in Vietnam, at the same time facing discrimination at home when he was turned away from an all-White boarding house despite wearing the uniform. Vernon remained in the Army for 20 years, after which he worked for a short time in the private sector. However, as do many of our great Federal employees, he believed he had always been called to serve his Nation, and he returned to Federal employment nearly three decades ago when he began working for the IRS.

Last week, Vernon lost his life when a small plane appeared out of the clear morning sky and struck his office building. The pilot also died in an act of apparent suicide, leaving behind a lengthy manifesto condemning corporations, the government, and singling out the IRS. Although 13 people were injured, Vernon was the only person killed in the violent explosion that ensued.

Loyal, dedicated public servants such as Vernon bravely put themselves at risk each and every day through the mere act of doing their jobs. The attack in Austin was, of course, presaged by the Oklahoma City bombing and the anthrax attacks of 2001.

Civilian Federal employees know there is always a risk. Many pass through metal detectors each morning coming to their offices. Mail is screened and emergency drills rehearsed. A Federal office building is a place of both dedicated work and unwitting risk in the name of service to country. Vernon, tragically, epitomized both.

Vernon was 68 years old and is survived by his wife Valerie who also works for the IRS in the same office building, along with six children and stepchildren, seven grandchildren, and a great-grandchild. According to his son, Vernon was planning to retire from the IRS and go back to school. He wanted to teach children with special learning needs. Vernon was also an active member of the Greater Mountain Zion Baptist Church in Austin where he ushered and where his funeral will be held tomorrow.

I hope my colleagues will join me in honoring Vernon Hunter and expressing our condolences to his family, friends, and those who worked with him at the IRS. He made the ultimate sacrifice in service of our Nation.

#### BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, I rise today during Black History Month to honor the history and legacy of the First Kansas Colored Infantry, a regiment of former slaves, which was the first group of Black men to fight in the American Civil War.

This regiment of escaped Black slaves was the first organized into service for the U.S. Government. They were commanded by COL James M. Williams. For the first time during the Civil War, Black troops were fighting alongside White troops in the name of freedom and equality.

In June 1862, Kansas Senator James H. Lane started recruiting troops from among free Blacks, especially the increasing numbers of fugitive slaves in Kansas, men who had fled their masters in Missouri and Arkansas. The progressive nature of Kansas made it appealing to slaves fleeing Missouri and Arkansas as soon as the Civil War fighting began. By August 1862, Colonel Williams assembled 500 men in a camp outside Leavenworth. These men fought bravely in July of 1863, at Cabin Creek, when the First Kansas Colored Infantry along with other Union forces worked to drive the Confederates out of nearly all of Arkansas.

President Lincoln also took note of the bravery of the First Kansas Colored Infantry when he noted to a group of visitors from South Carolina who came to complain about the arming of Blacks: "You say you will not fight to free Negroes. Some of them seem to be willing enough to fight for you." These men of the First Kansas Colored Infantry continued to fight until the end of the Civil War, being credited with seeing action at Sherwood, MO; Honey Springs; Indian Territory; and Lawrence, KS; Poison Springs, AR. They saw more regular combat than any other black regiment of the war. In October 1865, the men of the First Kansas Colored Infantry were discharged at Fort Leavenworth.

Frederick Douglass once stated, "In a composite nation like ours, as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny." These men were willing to give their lives in the hopes for a better future, an equal future, for their children. It is a struggle that continues today, and we look to our history as we continue to engage in it.

Mr. President, the men of the First Kansas Colored Infantry helped shape this nation into a society of freedom and a beacon of hope around the world. I ask that we all thank them and honor their legacy of service.

#### USA PATRIOT ACT EXTENSION

Mr. FEINGOLD. Mr. President, this is not where I hoped we would be, 8½

years after the USA PATRIOT Act became law. Congress should not have passed that law in such haste in 2001 and ought to have enacted meaningful reforms to it years ago. That is why I voted against the PATRIOT Act in the first place, and it is why, Congress after Congress, year after year, I have sponsored and cosponsored bills and amendments to enact changes that would protect the rights of innocent Americans while also ensuring that the government has the authorities it needs to protect national security.

So needless to say, it is far from ideal that the three expiring provisions are being extended for 1 year. But my hope is that Congress will take the opportunity presented by the 1-year extension to finally enact the meaningful changes to the PATRIOT Act that I have been advocating for years. It is well past time to place appropriate checks and balances on authorities like national security letters, whose abuse the inspector general has documented repeatedly; "sneak and peek" searches, which allow government agents to search Americans' homes without telling them until well after the fact; and section 215 orders, which authorize the government to secretly obtain records about Americans without connections to terrorists or spies.

I will continue to fight for these reforms, just as I did a few months ago in the Senate Judiciary Committee. Our committee took up the USA PATRIOT Act Sunset Extension Act in October 2009, and Senator DURBIN and I pushed for improvements on a variety of issues. Some of those amendments were successful, such as the amendment shortening the presumptive time period for delayed notice of a "sneak and peek" search warrant from 30 days to 7 days and the amendment requiring that the Attorney General issue procedures governing the acquisition, retention, and dissemination of records obtained via national security letters, NSLs. There are other provisions in that bill that I strongly support, as well, including new inspector general audits, a sunset for the first time on the NSL authorities, and changes to the NSL and section 215 gag orders to help bring them in line with the first amendment.

But in key ways, that bill fell short, and as a result I voted against it in committee. Most importantly, it did not contain critically important protections for the government's use of section 215 orders and NSLs. Senator DURBIN offered amendments that would have required that the government be able to demonstrate some connection—however tenuous—to terrorism before obtaining an individual's sensitive business records using these authorities. But those amendments were rejected.

This was in some respects mystifying. The Senate Judiciary Committee passed this same standard for

section 215 orders unanimously in 2005, and the Senate adopted it by unanimous consent that year, although it was not in the conference report that ultimately became law. The arguments that led the Senate to pass this standard in 2005 still apply. The “relevance” standard in current law is still dangerously overbroad and the burden of proof should be on its proponents to explain why a more focused standard, unanimously supported by the Senate in 2005, cannot serve as an effective counterterrorism and national security tool.

I recall during the debate in 2005 that proponents of section 215 argued that these authorities had never been misused. They cannot make that case now. Section 215 has been misused. I cannot elaborate, but I believe that the public deserves some information about this. I and others have also pressed the administration to declassify some basic information about the use of section 215, and it has declined. I hope that the administration will reconsider and that more information will be declassified before this reauthorization process is completed. I do appreciate that the administration has offered to provide information about this to Members of the Senate beyond those of us who serve on the Intelligence and Judiciary Committees. But that is just a start. We must find a way to have an open and honest debate about the nature of these government powers, while still protecting national security secrets, and under current conditions that simply isn't possible.

Congress and the American people do, however, have a great deal of information about how the national security letter authorities have been abused by the FBI. In a series of incredibly detailed audits—audits that the Judiciary Committee chairman worked so hard to require in the 2006 PATRIOT Act reauthorization legislation—the Department of Justice Office of Inspector General has documented years of misuse. In his first report, in 2007, the inspector general found—as he put it—“widespread and serious misuse of the FBI's national security letter authorities.” His most recent report documents even more instances of the FBI inappropriately obtaining telephone records, through the use of so-called “exigent letters” and other informal requests for telephone billing records that violated the requirements of the Electronic Communications Privacy Act, ECPA.

So I will continue to press for improvements to the PATRIOT Act. Indeed, last year I and nine other Senators introduced the JUSTICE Act, which takes a comprehensive approach to fixing our surveillance laws. It permits the government to conduct necessary surveillance but within a framework of accountability and oversight. It ensures both that our government

has the tools to keep us safe and that the privacy and civil liberties of innocent Americans will be protected. These are not mutually exclusive goals. We can and must do both.

Since the PATRIOT Act was first passed in 2001, we have learned some important lessons. Perhaps the most important is that Congress cannot grant the government overly broad authorities and just keep its fingers crossed that they won't be misused or interpreted by aggressive executive branch lawyers in as broad a way as possible. It is no longer possible for proponents of the PATRIOT Act to argue that it has never been abused. It has. Congress cannot and must not ignore its responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies but that also protect the privacy of innocent Americans.

We also now know that lawyers in the Office of Legal Counsel looked for every possible loophole in statutory language to justify what I believe were clearly illegal wiretapping and interrogation programs. That should also teach us that we must be extraordinarily careful in how we draft these laws: We must say exactly what we mean and leave no room for reinterpretation.

I hope that this extension will allow Congress an opportunity to do just that—to get this right once and for all.

#### NOMINATION OF JUSTICE BARBARA KEENAN

Mr. WARNER. Mr. President, in the summer of 2009, Senator WEBB and I had the honor of interviewing several potential candidates to serve on the U.S. Court of Appeals for the Fourth Circuit. We were enormously impressed by the quality of all the candidates being considered. But one candidate rose to the top of the list for her extensive experience, judicial temperament, and commitment to the law. This candidate was Justice Barbara Keenan.

President Obama nominated Justice Keenan on September 14, 2009. The Senate Judiciary Committee held a hearing on the nomination where members of the committee were given the opportunity to engage Justice Keenan in a question-and-answer session. On October 29, 2009, the members of the committee reported the nomination by unanimous consent.

Justice Keenan's nomination has been on the Senate Calendar for 4 months now. I believe it is time for this Chamber to consider the nomination and give Justice Keenan an up-or-down vote.

Justice Keenan has strong academic credentials. She graduated from Cornell University in 1971 and received her law degree from the George Washington University Law School in 1974.

She also earned a master of laws degree from the University of Virginia School of Law in 1992.

Justice Keenan has served with distinction at every level of State court in Virginia. She has served as a justice on the Virginia Supreme Court since 1991. She also served on the Fairfax County General District Court, the Circuit Court of Fairfax County, and the Court of Appeals of Virginia. Earlier in her career, Justice Keenan worked as an assistant prosecutor in Fairfax and briefly worked as an attorney in private practice.

The Virginia State Bar Judicial Nominations Committee ranked Justice Keenan as “highly qualified.” She was one of the few candidates to receive a unanimous vote.

The committee noted in the summary of her evaluation that “. . . it would be a shame to lose Justice Keenan's skills on the Supreme Court of Virginia, but Senators WEBB and WARNER could do no better than her appointment to the Fourth Circuit . . .” The committee also found that Justice Keenan has exhibited excellent judicial temperament, has the highest integrity, and concluded that she has superior intellect and legal skills for the position.

In addition to the Virginia State Bar, Justice Keenan was considered “highly recommended” or “highly qualified” by the Virginia Women Attorney's Association, the Old Dominion Bar Association, the Virginia Trial Lawyers Association, and the Asian Pacific American Bar Association.

I must also mention that Justice Keenan is the first woman appointed to the bench in Virginia and one of the initial 10 appointees to the Virginia Court of Appeals following its creation in 1985.

Six weeks ago Justice Keenan was the first woman to administer the oath of office to a Virginia Governor, Gov. Bob McDonnell.

In May, Virginia Lawyers Weekly named Justice Keenan as the “influential woman of the year” for “a litany of first and years of service.”

I look forward to casting my vote in support of Justice Barbara Keenan's nomination and encourage my colleagues on both sides of the aisle to do the same.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO TONY BELL

• Mr. BROWNBACK. Mr. President, today I wish to recognize Tony Bell of Harveyville, KS. Tony has been selected as a 2009 Great Comebacks Recipient for the Central Region. This very important program annually honors a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

The Great Comeback Award celebrates the lives of people with painful and debilitating diseases like Crohn's disease, ulcerative colitis, colorectal cancer and other diseases that can lead to ostomy surgery. Tony is one of over 700,000 Americans, from young children to senior citizens, who have an ostomy, a surgical procedure that reconstructs bowel and bladder function through the use of a specially fitted medical prosthesis. Ostomy surgery is a life-altering and sometimes life-saving procedure which both addresses a medical issue and improves a patient's quality of life.

Hundreds of thousands of those suffering from Crohn's or ulcerative colitis rely on a certain type of ostomy to function on a daily basis. Just like a prosthesis, ostomies help restore patients' ability to participate in the normal activity of daily life. Recipients are patients who live full and productive lives with their ostomies.

Born with a defect of his colon, Tony Bell received an ostomy immediately after birth. A few years later, the ostomy was reversed, but after years of struggling with incontinence, 9-year-old Tony received a permanent colostomy. All of a sudden, this inactive, withdrawn boy who was scared to leave his home was ready to saddle up and grab life by the horns.

In control of his body—and his life—at last, an empowered Tony embraced a bright future—one he hoped would include a career as a professional bull rider. He wasted no time, mounting his first bull at the age of 10. As Tony trained for rodeo events, he also pursued his love of music. In fact, as a high school senior, he was chosen to join the elite Kansas Ambassadors choir on a European tour.

While attending college on a singing scholarship, Tony went pro on the rodeo circuit and competed professionally for 2 years, even riding in the Cheyenne Frontier Days Rodeo, known as "The Daddy of Them All." Having achieved this childhood dream, Tony has set his sights on a new goal, following in his parents' footsteps to become a teacher.

Through it all, Tony says he drew tremendous strength from his parents, who taught him to be resilient and to bounce back from whatever life threw his way. He also credits his "second family," Youth Rally, a summer camp for adolescents with an ostomy, for helping him through some rough patches in his life. He now returns each summer as a counselor and enjoys "paying it forward" by providing support and encouragement to campers.

Today, Tony, 28, lives in Harveyville, KS, with his wife Pam and 6-year-old stepdaughter Haiden. He works on the family farm and is only a few credits shy of his special education teaching degree. Although Tony didn't end up a country music star, he channels his

passion and performs in a barbershop quartet with his dad. An outdoor enthusiast, he enjoys skydiving and noddling—fishing for catfish with your bare hands. "I want to share with the world my story of success so that others with life-changing conditions know that they are not alone," said Tony. "No matter what comes your way, always reach for the stars and grasp your dreams—they are only a bull ride away."

I urge my colleagues to take the time to meet with Tony and some of the other Great Comebacks Regional Award Recipients. Their personal stories are inspirational and will raise your awareness about some of the Great Comebacks being made by people living with intestinal diseases or recovering from ostomy surgery.●

#### REMEMBERING BILL GRESHAM

● Mr. COCHRAN. Mr. President, my State of Mississippi has lost one of its finest citizens, Bill Gresham of Indianola, who passed away on Tuesday, February 23. His family and friends will gather today to honor his memory at funeral services in his hometown. I extend my sincerest sympathies to Bill's wife Ann, his daughters Gayle and Susan, his sons Walton and Tom, his sons and daughters-in-law, his grandchildren, and all members of his extended family.

Bill Gresham graduated from Indianola High School and the University of Mississippi. He served in the U.S. Navy during World War II and the Korean war. After his Navy service Bill returned to Mississippi and became a very respected and successful leader in our State. Bill was president of Gresham Petroleum Company and Gresham Service Stations and a board member of Double Quick, Inc. and Delta Terminal, Inc.

Bill was president of Delta Council, the Mississippi Petroleum Marketers Association, the Mississippi Propane Gas Association, the Mississippi Economic Council, and the Mississippi Gaming Commission. He was also a board member of Mississippi College, the Mississippi Ethics Commission, and the National Propane Gas Association.

Bill was inducted in the Hall of Fame of the University of Mississippi Alumni Association, which he served as President. He was also a member of the University of Mississippi Foundation. Bill was an Eagle Scout and a leader in the Chickasaw Council of the Boy Scouts of America. His dedication to community service was also reflected in his leadership of the Indianola Rotary Club and as a major general in the Mississippi Army National Guard.

Bill Gresham was a proud citizen of the United States of America and a real patriot.

In Mississippi, Bill Gresham's name will be associated with the highest

standards of leadership and values. Our State is a better place to live because of the life of Bill Gresham, and I am glad that I was able to call him a friend.●

#### MESSAGES FROM THE HOUSE

At 10:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4626. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

At 5:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

At 7:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 2961. A bill to provide debt relief to Haiti, and for other purposes (Rept. No. 111-128).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Joseph Hochul, Jr., of New York, to be United States Attorney for the Western District of New York for the term of four years.

Sally Quillian Yates, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. VITTER):

S. 3038. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself and Mr. CORKER):

S. 3039. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. CASEY, and Mr. COCHRAN):

S. 3040. A bill to amend the Richard B. Russell National School Lunch Act to provide children from rural areas with better access to meals served through the summer food service program for children and certain child care programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN:

S. 3041. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. KAUFMAN):

S. 3042. A bill to provide for a study by the National Academy of Sciences on the technical policy decisions and technical personnel at the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. KAUFMAN, Ms. SNOWE, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY):

S. 3043. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH:

S. 3044. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3045. A bill to direct the Secretary of Commerce to study the Gulf of Mexico red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 3046. A bill to direct the Secretary of Commerce to study the South Atlantic red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. GRAHAM, Mr. BROWNBACK, Mrs. HUTCHISON, and Mr. CRAPO):

S. 3047. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 422. A resolution recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010; to the Committee on Foreign Relations.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 423. A resolution commending the New Orleans Saints for winning Super Bowl XLIV and the entire "Who Dat Nation" for their support; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 424. A resolution congratulating the BMW ORACLE Racing team for winning the thirty-third America's Cup; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. COCHRAN):

S. Res. 425. A resolution celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. BURRIS, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Con. Res. 50. A concurrent resolution recognizing the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. REID, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. BURRIS, Mr. LAUTENBERG, Mr. HARKIN, Ms. LANDRIEU, Mr. CARDIN, Mrs. HAGAN, Mr. WHITEHOUSE, and Mr. BINGAMAN):

S. Con. Res. 51. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 456

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2734

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2734, a bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2871

At the request of Mr. INOUE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2871, a bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S. 3008

At the request of Mr. CORNYN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Louisiana (Mr. VITTER), the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. LEMIEUX), the Senator from Massachusetts (Mr. BROWN), the Senator from Mississippi (Mr. WICKER), the Senator from Georgia (Mr. ISAKSON), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kansas (Mr. ROBERTS) and the Senator

from Idaho (Mr. RISCH) were added as cosponsors of S. 3008, a bill to establish a program to support a transition to a freely elected, open democracy in Iran.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. VITTER):

S. 3038. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce The Small System Drinking Water Act of 2009. This is the third Congress that I have introduced this bill which would assist water systems throughout the country comply with the ever growing number of federal drinking water standards. I am pleased to be joined by Senators MIKE CRAPO, JAMES RISCH, JOHN BARRASSO and DAVID VITTER as cosponsors of this legislation. My bill will require the Federal Government to live up to its obligations and require the EPA to use the tools it was given in the 1996 Safe Drinking Water Act amendments, SDWA.

My goal here is to ensure that small towns across the country have safe, affordable drinking water and that the laws are fair to small and rural communities. Currently EPA assumes that families can afford water rates of 2.5 percent of their annual median household income, or \$1,000 per household. For some families, paying \$83 a month for water may not be a hardship but for so many more, it is nearly impossible. There must be some flexibility inserted into the calculation that factors in the ability of the truly disadvantaged to pay these costs. Forcing systems to raise rates beyond what their ratepayers can afford only causes more damage than good.

EPA needs to look more closely at how it determines affordability. My bill directs EPA to take additional factors into consideration when making this determination. These include ensuring that the affordability criteria are not more costly on a per-capita basis to a small water system than to a large water system.

In EPA's most recent drinking water needs survey, Oklahoma identified a total of over \$4.1 billion in drinking water needs over the next 20 years. \$2.4 billion of that need is for community

water systems that serve fewer than 10,000 people. The \$4.1 billion does not include the total costs imposed on Oklahoma communities to meet federal clean water requirements, the new Groundwater rule, the DBP II rule or the Long Term 2 Enhanced Surface Water Treatment Rule. Oklahoma continues to have municipalities struggling with the 2002 arsenic rule. Many of our small systems are having difficulty with the Disinfection Byproducts, DBP, Stage I rule, and small systems who purchase water from other systems and did not have to test, treat or monitor their water must now comply with DBP II. EPA estimates that over the next 20 years, the entire country will need \$52.0 billion to come into compliance with existing, proposed or recently promulgated regulations.

My bill proposes a few simple steps to help systems comply with all these rules. First, it reauthorizes the technical assistance program in the Safe Drinking Water Act. The DBP rules are very complex and involve a lot of monitoring and testing. If we are going to impose complicated requirements on systems, we need to provide them with help to implement those requirements.

The bill creates a pilot program to demonstrate new technologies and approaches for systems of all sizes to comply with these complicated rules. It requires the EPA to convene a working group to examine the science behind the rules in order to compare new developments since each rule's publication.

Section 1412(b)(4)(E) of the SDWA Amendments of 1996 authorizes the use of point of entry treatment, point of use treatment and package plants to economically meet the requirements of the Act. However, to date, these approaches are not widely used by small water systems. My legislation directs the EPA to convene a working group to identify barriers to the use of these approaches. The EPA will then use the recommendations of the working group to draft a model guidance document that states can use to create their own programs.

Most importantly this bill requires the federal government to pay for these unfunded mandates created by laws and regulations. In 1995, Congress passed the Unfunded Mandates Reform Act to ensure that the Federal Government pays the costs incurred by State and local governments in complying with Federal laws. My bill is designed to ensure that EPA cannot take an enforcement action against a system serving less than 10,000 people, without first ensuring that it has sufficient funds to meet the requirements of the regulation.

Since the 108th Congress, I have co-authored and cosponsored legislation to provide additional resources to communities through the State Revolving Loan Funds. Unfortunately, not much



has changed. We still have too many regulations and not enough money to pay for them. Funding legislation is important but until that money becomes available, it is unreasonable to penalize and fine local communities because they cannot afford to pay for regulations we imposed on them. I thank my colleagues and look forward to their support of this commonsense proposal.

By Mr. UDALL, of New Mexico  
(for himself and Mr. CORKER):

S. 3039. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce the ROADS SAFE Act of 2010. I am pleased to be joined in introducing this legislation by my colleague, the Senator from Tennessee, Mr. BOB CORKER.

This legislation will encourage the development of new tools to fight drunk driving and has the potential to save 8,000 lives every year.

Tragic drunk driving crashes often prompt communities to do more to prevent drunk driving. This was the case in my home State of New Mexico back in 1992, when a drunk driver killed a mother and her three girls on Christmas Eve. He was speeding down the highway 90 miles an hour, going the wrong way down an interstate highway. This crash helped change attitudes in my State. But it should not take a tragedy for us to do more to prevent drunk driving.

In 2008, drunk driving killed about 12,000 Americans, including 143 people in New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

The United States has already made significant progress. Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our highways has declined, drunk driving still accounts for about one-third of all traffic fatalities.

It is even more worrisome that a drunk driver has just a 2-percent chance of being caught. In fact, one study found that a first-time drunk driving offender has, on average, driven drunk 87 times before being arrested. Imagine, 87 times. This is unacceptable. Something must be done to prevent these drivers from getting on the road in the first place.

The good news is, there are potential technologies out there that could do that. That is why Senator CORKER and I are introducing the ROADS SAFE Act today. New safety technology has already transformed the automobile and saved countless lives. For example,

airbags and antilock brakes are now standard features in many vehicles. These safety devices are built into the car and are unobtrusive to the driver. Such technologies are an important reason we have fewer traffic fatalities today.

Imagine a future with vehicles that could detect whether a driver is drunk when he or she gets behind the wheel—before he or she even starts their vehicle. That would be no drunk driving crashes if it were impossible for drunk drivers to drive. If such technology were widely deployed in cars, an estimated 8,000 lives could be saved every year.

I realize many may think this is a farfetched idea. Yet consider that vehicles today can already give driving directions, thanks to GPS satellite navigation devices. Some cars can even parallel park themselves. New Mexico and other States require convicted drunk drivers to use an ignition interlock, a breathalyzer device they blow into before their vehicle's engine will start. The success of ignition interlocks for preventing repeat drunk driving offenses suggests a better technology could be used to prevent all drunk driving.

In 2006, Mothers Against Drunk Driving convened an international technology symposium in Albuquerque, NM. The goal of the meeting was to review efforts to develop advanced ignition interlocks technology.

In 2008, the National Highway Traffic Safety Administration partnered with leading automakers to explore the feasibility of in-vehicle technologies to prevent drunk driving. The recent progress of this cooperative effort fuels optimism that such technology could be deployed within 5 to 10 years.

Clearly, such advanced technologies must win widespread public acceptance in order to be effective. They must be moderately priced, absolutely reliable, and unobtrusive to sober drivers.

The aim is to stop drunk driving, not discourage responsible social drinking. A recent Insurance Institute for Highway Safety poll found that 64 percent of Americans believe advanced alcohol detection technology is a good idea and that it is reliable.

What would the ROADS SAFE Act do? This legislation would authorize \$12 million in annual funding for 5 years for the Driver Alcohol Detection System for Safety Program, also known as DADSS.

DADSS is a public-private partnership between NHTSA and the Automobile Coalition for Traffic Safety. The goal is to explore the feasibility, potential benefits, and public policy challenges associated with using in-vehicle technology to prevent drunk driving.

This increased Federal funding to combat drunk driving is a smart investment in public safety. Drunk driv-

ing has direct and indirect economic costs in terms of damaged property, medical bills, and lost productivity. In economic terms, drunk driving costs \$129 billion per year. Of course, such monetary costs cannot be compared to the value of saving 8,000 lives every year.

Several organizations dedicated to fighting drunk driving already support this bipartisan proposal. Mothers Against Drunk Driving, the Century Council, and the Distilled Spirits Council all support the ROADS SAFE Act.

I urge my Senate colleagues to join me, Senator CORKER, and these important organizations in the fight against drunk driving by supporting the ROADS SAFE Act. We have made much progress in our efforts to prevent drunk driving, but there is so much more to be done.

By Ms. SNOWE (for herself and  
Mr. KAUFMAN):

S. 3042. A bill to provide for a study by the National Academy of Sciences on the technical policy decisions and technical personnel at the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KAUFMAN, to introduce legislation that puts a greater focus on efforts to improve the technical resources and decision-making process at the Federal Communications Commission. The bill proposes a study by the National Academy of Sciences on the technical policy decision-making process and the availability of technical personnel at FCC.

Over the past several years, there have been concerns voiced by the technical community and even Commissioners themselves about the lack of technical resources and expertise at the Federal Communications Commission, FCC. It is for good reason: in 1948, the FCC had 720 engineers on staff; today, it has fewer than 300—an astonishing 62 percent reduction—even though the FCC now must face technical issues concerning the Internet, advanced wireless communications, and broadband. Also, FCC officials have recently acknowledged a shortage of network engineers and that a large number of experienced engineers are eligible to retire within the next few years.

Yet, communications technologies are becoming increasingly complex—evolving from the traditional circuit-switched phone networks to packet-based dynamic-routing high-bandwidth data networks. The need to thoroughly address these issues challenges staff and leads to delays or even inaction in technical rulemakings since the Commission doesn't have the appropriate resources for timely technical evaluation and decisionmaking.

Technical proceedings, including those to authorize new technologies,

have been dismally slow—typically taking 2–5 years for approval—creating a bottleneck for innovation and competition.

A December 2009 report by the Government Accountability Office, GAO–10–10–79, reaffirms these concerns and provides additional evidence of the need for such a study. The GAO concluded that “weaknesses in FCC’s processes for collecting and using information also raise concerns regarding the transparency and informed nature of FCC’s decisionmaking process.” Furthermore, the report found the “FCC faces challenges in ensuring it has the expertise needed to adapt to a changing marketplace.”

With the rapid advancement of technologies and innovation within the telecommunications industry, the FCC must be better equipped and more agile to address the ever-changing technical landscape from a regulatory perspective. If it isn’t, our Nation’s technical leadership in this area will continue to erode and it will be even more difficult to lay the proper policy foundation necessary to meet future telecommunications needs.

To better examine these significant issues and make tangible recommendations toward a comprehensive solution, this legislation proposes a study by the National Academy of Sciences on the technical policy decisionmaking process and the availability of technical personnel at FCC. Specifically, the study would include an examination of the FCC’s technical policy decisionmaking, current technical personnel staffing levels, and agency recruiting and hiring processes of technical staff and engineers, and recommendations to improve these areas. The study would provide tangible and specific proposals to streamline processes and rulemakings as well as how the FCC can be more competitive in hiring the required technical personnel to make it more effective. The bill authorizes \$1 million over a 2-year period to conduct this comprehensive technical study.

This bill takes a step towards ensuring the Commission has the adequate resources and proper technical decisionmaking processes in place to be a more effective agency. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. It is also critical to overall reform at the Commission because in order to properly regulate communications, the FCC must be deeply knowledgeable of both the legal and technical aspects of the issues before it. That is why I sincerely hope that my colleagues join Senator KAUFMAN and me in supporting this important legislation.

Mr. KAUFMAN. Mr. President, I am proud to cosponsor a bill Senator SNOWE introduced today to conduct a

study on the technical policy decisionmaking process and the availability of technical personnel at the Federal Communications Commission, or FCC.

Professionals in the STEM fields of science, technology, engineering, and mathematics have always been our Nation’s problem solvers. They help us solve great challenges in energy, health, security, and transportation. Their innovation creates jobs, jobs that will continue to lead us on the path to economic recovery.

Still, the number of STEM professionals in some of our government’s most critical agencies has been declining. In 1948, the FCC had 720 engineers on staff. Today, while communications technologies have become increasingly complex, it has fewer than 300 engineers. Over the years, there has been a shift in the FCC from hiring engineers to hiring professional staff, resulting in a shortage of network engineers. What is more, a high proportion of these experienced engineers are eligible to retire within the next few years. That means that, as communications technology continues to change the way we engage our world, the FCC may face a critical shortage.

This legislation proposes a study by the National Academy of Sciences to address these issues. Specifically, the study will examine the FCC’s technical policy decisionmaking, including if the FCC has the adequate resources, processes, and personnel in place to evaluate properly and to account for the technical aspects of the Commission’s rulemaking process. It will also examine the current technical personnel staffing levels and FCC recruiting and hiring processes of technical staff and engineers. Finally, the study will provide recommendations to improve each of these areas.

It is critical that we include engineers in our Nation’s technical policy and decision making, at the FCC and across the government. I am pleased that this study will explore the implications and offer recommendations for the decline of engineers in this important agency and I urge my colleagues to join me in supporting Senator SNOWE’s efforts.

By Mrs. GILLIBRAND (for herself, Mr. KAUFMAN, Ms. SNOWE, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY):

S. 3043. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

Mrs. GILLIBRAND. Mr. President, I am pleased to lead a bipartisan group

of Senators today to introduce the Engineering Education for Innovation Act, also called the E<sup>2</sup> for Innovation Act. Joining me in leading this are Senator KAUFMAN, Senator SNOWE, Senator MURRAY, Senator CANTWELL, and Senator KLOBUCHAR. The intent of this legislation is to competitively award planning and implementation grants for State educational agencies to integrate engineering education into K–12 curriculum and instruction to spark student interest in engineering through comprehensive K–12 engineering education including hands-on design and engineering components.

The bill increases the availability of K–12 engineering education curriculum and teacher professional development programs, encourages broader participation of girls and underrepresented minorities in K–12 engineering education, invests in afterschool engineering education programs, and the legislation also funds the research and evaluation of such efforts.

Our Nation today faces pressing technological challenges in renewable energy, biotechnology, health care technology, material science, and information technology. According to the National Science Board’s 2010 Science and Engineering Indicators, only 5 percent of college graduates in the United States major in engineering, compared with 12 percent of European students, 20 percent of those in Asia and one-third in China. In addition, while women earn 58 percent of all bachelor’s degrees, they constitute only 18.5 percent of bachelor’s degrees awarded in engineering. African Americans hold only 4.6 percent and Hispanics hold only 7.2 percent of bachelor’s degrees awarded in engineering.

As a woman, I am a strong proponent of programs that support girls and underrepresented minorities. Many K–12 students, especially girls and students from underrepresented groups or who are economically disadvantaged, and their teachers have little knowledge about the engineering design process or the many career possibilities in engineering. Today, we continue to have an untapped pool of potential technical workers, and we must leverage the diversity of these individuals to fuel the innovation necessary for our future global competitiveness.

I am committed to initiatives that enhance student participation in STEM, diversify the STEM pipeline and promote competence and confidence to teach engineering for preparing the next generation of our Nation’s high tech workforce for a sustainable and competitive economy. Long term investments in STEM education will pay rich dividends to our future economy by building capacity to innovate.

The introduction of engineering education has the potential to improve student learning and achievement in

science and mathematics, increase awareness about what engineers do and of engineering as a potential career, and boost students' technological literacy. I want to thank all my colleagues for joining together to address the critical needs of our Nation in a bipartisan manner. I look forward to working together to move this legislation through this Congress.

Mr. KAUFMAN. Mr. President, I rise today to support the Engineering Education for Innovation Act, or E-squared for Innovation Act. I am proud to co-sponsor this bill with Senator GILLIBRAND, introduced today, along with Senators SNOWE, CANTWELL, KLOBUCHAR, and MURRAY. This bill will help us meet the engineering education challenges I have often spoken about on the Senate floor by awarding, planning, and implementation grants to States to integrate engineering education into their K-12 curriculum and instruction. It also funds the research and evaluation of all such efforts.

I believe we are at a crucial moment for science, technology, engineering, and math, or STEM education. Today's engineers have a central role to play in developing the innovative technologies that will help our economy recover and promote real job growth. In turn, we must promote policies and programs that help to generate greater interest in STEM and actually lead to the production of a greater number of engineers.

Last year, the National Academy of Engineering and National Research Council released their seminal report on engineering in K-12 education. According to their report, K-12 engineering education can improve student learning and performance in science and math and increases students' technological literacy. It can also increase awareness of the engineering profession and boost student interest in pursuing a career in the field.

The report stressed the need for greater coordination among key stakeholders to develop common definitions and grade level appropriate goals for engineering education. It also emphasized the need for more research on the impacts of engineering education and potential models for implementation. The E-squared for Innovation Act seeks to address these recommendations in three ways.

First, the legislation awards planning grants to State educational agencies to review any existing engineering education resources in the State and to develop implementation plans to integrate K-12 engineering education into curriculum and instruction. Grantees must coordinate these activities with a number of partners, including the Governor's office, institutions of higher education, teachers and administrators at public elementary and secondary schools, and other relevant players in the State.

Second, the E-squared for Innovation Act provides implementation grants to State educational agencies to carry out a number of activities, including developing academic standards, curricula, and assessments that include engineering; recruiting and training qualified teachers to deliver engineering education; and investing in afterschool engineering education programs. Priority will be given to applicants who serve a significant percentage of student populations underrepresented in engineering.

Third, the bill charges the Institute of Education Sciences with conducting research and evaluation on the grants awarded. These studies will determine the effectiveness of the programs and activities at improving student achievement in STEM education and assess how successful programs can be replicated.

The E-squared for Innovation Act is supported by a diverse list of 77 organizations. To name a few, supporters include the National Center for Technological Literacy, the American Society for Engineering Education, the Delaware Foundation for Science and Mathematics Education, IBM, Intel, the University of California, the National Society of Black Engineers, and the American Society of Mechanical Engineers—just to name a few. I am truly amazed but genuinely pleased at the wide-reaching support for this bill.

Norm Augustine, former CEO of Lockheed Martin, expressed strong support for the E-squared for Innovation Act, adding:

One of the many reasons our nation does not seem to attract young people into engineering is that many seem to have no idea what an engineer does. Although we attempt to teach math and science in K-12, seldom do we expose students to engineering.

Many in my home State recognize this problem and, consequently, support for STEM programs is growing in Delaware. Governor Jack Markell recently launched a STEM education council in Delaware to bring together teachers, business leaders, curriculum specialists, higher education representatives, and others to focus on innovative STEM programs and curricula that engage young people in Delaware in STEM education. The council will assist in Federal grant applications for STEM-related programs and support effective professional development programs in STEM areas.

In STEM-focused schools across Delaware, students are learning how to extract DNA from fruit, build robots that can throw balls, perform forensic investigations, make "slime" and lip balm, and more. It is through these types of comprehensive, hands-on activities that we will get young people interested in tackling and learning STEM subjects and eventually pursuing engineering jobs. The E-squared for Innovation Act is just the kind of program we

need to bolster these activities in Delaware and ensure more students nationwide have access to these exciting engineering opportunities.

I cannot stress enough how much I believe this Nation is at a crossroads in STEM education and that this is our opportunity to push forward and create an environment that will cultivate and encourage our next generation of engineers. They will foster the research and innovation that will help us solve challenges such as clean drinking water, lifesaving cures for cancer and disease, renewable energy, affordable health care, and environmental sustainability.

Our country is counting on these future engineers, and the E-squared for Innovation Act is a step in the right direction to support and encourage them.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 422—RECOGNIZING THE IMPORTANT PROGRESS MADE BY THE PEOPLE OF UKRAINE IN THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS FOLLOWING THE PRESIDENTIAL RUN-OFF ELECTION ON FEBRUARY 7, 2010

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 422

Whereas adherence by Ukraine to democratic, transparent, and fair election standards has been necessary for full integration into the democratic community;

Whereas steps undertaken by Ukraine in recent years, including reform of election laws and regulations, the development of a pluralistic and independent press, and the establishment of public institutions that respect human rights and the rule of law, have enhanced Ukraine's progress toward democracy and prosperity;

Whereas the Organization for Security and Cooperation in Europe (OSCE) concluded that "most OSCE and Council of Europe commitments were met" with regard to the conduct of the run-off presidential election on February 7, 2010;

Whereas international monitoring groups concluded that prior elections in Ukraine on January 17, 2010, and in 2007, 2006, and 2004, were also generally in accordance with international election norms;

Whereas the United States has closely supported the people of Ukraine in their efforts to pursue a free and democratic future since the declaration of their independence in 1991;

Whereas the NATO Freedom Consolidation Act of 2007 (Public Law 110-17; 22 U.S.C. 1928 note), signed into law by President George W. Bush on April 9, 2007, recognized the progress made by Ukraine toward meeting the responsibilities and obligations for membership in the North Atlantic Treaty Organization (NATO) and designated Ukraine as eligible to receive assistance under the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note);

Whereas Ukraine has made steps toward integration within European institutions

through a joint European Union-Ukraine Action Plan, as part of the European Neighbourhood Policy; and

Whereas the United States-Ukraine Strategic Partnership Commission was inaugurated by Secretary of State Hillary Clinton and Ukrainian Foreign Minister Petro Poroshenko on December 9, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the important progress made by the people of Ukraine in establishing democratic institutions and carrying out peaceful elections on January 17 and February 7, 2010;

(2) supports ongoing progress by Ukraine in addressing remaining challenges in the electoral processes as identified by the Organization for Security and Cooperation in Europe and other international election monitoring entities;

(3) encourages all parties to respect the independence and territorial sovereignty of Ukraine, as well as the full integration of Ukraine into the international democratic community;

(4) pledges further support for the development of a fully free and open democratic system, as well as a transparent free market economy, in Ukraine; and

(5) reaffirms its commitment to engage the Government of Ukraine in further development of bilateral cooperation through the United States-Ukraine Strategic Partnership Commission.

Mr. LUGAR. Mr. President, I rise to recognize the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010. Voters recently elected Viktor Yanukovich as President of Ukraine in a process that international monitors declared to have generally comported with international election standards. This represents important progress towards the consolidation of democratic institutions that the U.S. has worked diligently to foster. Serving as President George W. Bush's envoy to the 2004 runoff election that resulted in what is now widely known as the "Orange revolution," I had the opportunity to witness firsthand the great aspirations of the Ukrainian people for a government that responds to their needs. Given Ukraine's location on the periphery of NATO and the Russian Federation, as well as its role as the primary energy conduit to Europe, Ukraine's political development and external orientation greatly impact European security and U.S. policies in the region. A continuing partnership with the people of Ukraine and U.S. technical assistance programs on a range of issues, including nuclear security, non-proliferation, energy security, institution-building, and others, will serve to advance our vital national security interests. This U.S. engagement should also support ongoing progress by Ukraine in addressing the remaining challenges in the electoral processes as identified by international election monitoring entities. In recognition of the profound successes of U.S.-Ukrainian partnership, I am pleased to submit this reso-

lution concerning the important progress made by the people of Ukraine in the establishment of democratic institutions.

#### SENATE RESOLUTION 423—COM-MENDING THE NEW ORLEANS SAINTS FOR WINNING SUPER BOWL XLIV AND THE ENTIRE "WHO DAT NATION" FOR THEIR SUPPORT

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 423

Whereas on February 7, 2010, at Sun Life Stadium in Miami, Florida, the New Orleans Saints won Super Bowl XLIV, defeating the Indianapolis Colts by a score of 31-17;

Whereas on January 24, 2010, at the Louisiana Superdome in New Orleans, Louisiana, the New Orleans Saints won the National Football Conference Championship, defeating the Minnesota Vikings by a score of 31-28;

Whereas the New Orleans Saints won a franchise-record 13 games during the 2009 National Football League regular season;

Whereas the New Orleans Saints led the National Football League during the 2009 regular season in total offense, with 403.8 yards per game, total scoring, with 31.9 points per game, and defensive touchdowns, with 8 turnovers that were returned for touchdowns;

Whereas New Orleans Saints quarterback Drew Brees led the National Football League during the 2009 regular season in passer rating, with a rating of 109.6, completion percentage, with 70.6 percent of passes completed, and passing touchdowns, with 34 touchdowns thrown, and was also named the Most Valuable Player of Super Bowl XLIV;

Whereas quarterback Drew Brees, offensive tackle Jonathan Stinchcomb, offensive guard Jahri Evans, center Jonathan Goodwin, linebacker Jonathan Vilma, strong safety Roman Harper, and free safety Darren Sharper were named to the 2010 National Football Conference Pro Bowl team;

Whereas during his tenure with the New Orleans Saints, head coach Sean Payton has led the franchise to 38 regular season wins, 4 playoff wins, 2 National Football Conference championship games, and the first Super Bowl and National Football League Championship victories in the history of the team; and

Whereas the New Orleans Saints are the first professional sports franchise to bring a championship to the City of New Orleans: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the New Orleans Saints for winning Super Bowl XLIV and the entire "Who Dat Nation" for their support;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in the success of the New Orleans Saints during the 2009 football season; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the New Orleans Saints.

#### SENATE RESOLUTION 424—CONGRATULATING THE BMW ORACLE RACING TEAM FOR WINNING THE THIRTY-THIRD AMERICA'S CUP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 424

Whereas the America's Cup is the oldest active trophy in international sports;

Whereas the United States was represented in the thirty-third America's Cup by BMW ORACLE Racing;

Whereas the team was led by the owner, founder, and chief executive officer of Oracle Corporation, Larry Ellison, the chief executive officer of the team, Russell Coutts, and the skipper of the team, James Spithill;

Whereas BMW ORACLE Racing represents the Golden Gate Yacht Club located in San Francisco, California;

Whereas the boat of the BMW ORACLE Racing team, USA, is the largest and most technologically advanced boat to ever race for the America's Cup;

Whereas USA was sourced and built entirely in the United States;

Whereas, on February 12, 2010, the BMW ORACLE Racing team won the first of the America's Cup races with a 15 minutes, 28 seconds lead over the Swiss Defender, Alinghi;

Whereas, on February 14, 2010, the BMW ORACLE Racing team captured the thirty-third America's Cup with a 5 minute, 26 second victory over the Swiss Defender, Alinghi, clinching the best of the series with a second victory; and

Whereas BMW ORACLE Racing has represented the United States with high standards, technological prowess, and great skill: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the entire BMW ORACLE Racing team for winning the thirty-third America's Cup; and

(2) recognizes the BMW ORACLE Racing team, and specifically the founder and owner Larry Ellison, for the technological accomplishments of the team in the international sport of sailing.

#### SENATE RESOLUTION 425—CELEBRATING VOLUNTEERS IN SERVICE TO AMERICA ON ITS 45TH ANNIVERSARY AND RECOGNIZING ITS CONTRIBUTION TO THE FIGHT AGAINST POVERTY

Mr. ROCKEFELLER (for himself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 425

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA's call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citizens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects, and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States;

Whereas AmeriCorps VISTA members generate more than \$100,000,000 in cash and in-kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations; and

Whereas AmeriCorps VISTA acted swiftly to help implement the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), engaging more than 3,700 members in distressed communities to provide foreclosure prevention and financial counseling, expand college access, and support health care and independent living services: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

Mr. ROCKEFELLER. Mr. President, I rise today, to celebrate a remarkable anniversary. This month, Volunteers in Service to America, better known as VISTA, celebrates the 45th anniversary of its founding. I am delighted to have Senator THAD COCHRAN of Mississippi as my cosponsor. Public service is a bipartisan issue.

Forty-five years of bringing people together, lifting communities up, fighting poverty, making America stronger.

Forty-five years of fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology.

Forty-five years of leveraging resources and building capacity while

providing thousands of Americans the opportunity to devote a year of full-time service living and working in low-income communities to help eradicate poverty.

VISTA did not invent these ideas; America has a long and rich history of public service. But when John F. Kennedy became president, these enduring values found new life. The person in his new administration who truly pursued that vision with all his might was President Kennedy's brother-in-law, Sargent Shriver. I will always know him as a hero and a friend.

He created a legacy of programs that promote social equality and human dignity—such as Legal Services, Job Corps, and yes, VISTA. He was also the driving force behind the creation of the Peace Corps, which is how I originally came to know him.

When we first met in the early 1960s, I was still studying Chinese and interested in Southeast Asia affairs, but my life was quickly transformed after meeting Sargent Shriver.

He understood that one way to improve the world was to start with our own communities—and that if we unite together with a common mission of making our communities stronger, we can make the world a better place.

That was when I became a VISTA volunteer, shortly after the program began. I was lucky enough to come to West Virginia—and that was when my life changed forever. I often say that while I was technically born in New York, I was really born in West Virginia that year.

I truly believe that people are liberated when they get outside of themselves to help others.

When I first came to West Virginia, over 40 years ago, much of my work was with children who didn't have great opportunities in life. I was a VISTA member in Emmons, West Virginia, a small, coal mining community on the Boone-Kanawha County line.

It took me 6 months to finally be accepted by the community. I used to sit on the railroad tracks with the kids, throwing rocks and just talking with them. One day, one of the kids invited me into their home; then the others soon followed.

I had found what I wanted by working with this community—what my gut was telling me was important. I found out a few other things as well. There was not any organization in the community or a general effort to better the living conditions of the area.

Many of the children didn't even go to school because it was several miles to a paved road and the school board wouldn't send a bus to Emmons.

So, we fought for a school bus. We built a small library. We built a park. We started a baseball team. We didn't win a single game, but that wasn't what was important. It was opening up new possibilities for those kids.

My experience was just one of thousands. Since 1965, more than 175,000 Americans of all ages and walks of life have answered VISTA's call. I am proud to count myself as a member of that very special group.

So VISTA's anniversary is also my own. When I look back on VISTA beginnings, I see my own roots—the foundation on which I have built the rest of my life.

I got into politics shortly thereafter. I knew I could not be a VISTA forever, so I ran for the House of Delegates, knowing that was the way I could continue to make change.

I knew there were a thousand Emmons all across Appalachia. But everything that I have done in my career in public office has been grounded in the VISTA experience and in those kids and families who taught me so much about life.

Today, VISTA, which became part of AmeriCorps in 1993, continues to engage more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs every year.

So to them—to VISTA's members, past and present—to its numerous devoted host organizations and communities which give as much to the program as they receive—to my friend and mentor Sargent Shriver—to everyone who carries on VISTA's noble work every day—congratulations and thank you.

Now, watch out. We have only just begun: In these times of enormous economic uncertainty and challenge, our nation needs VISTA's, courage, commitment and service more than ever. Your impact is real. I know without a doubt, from the bottom my heart that for years to come, VISTA members will continue to transform our communities and our nation—for the better.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from West Virginia, Mr. ROCKEFELLER, in submitting a resolution to celebrate the 45th anniversary of the Volunteers in Service to America, or VISTA, program.

President Kennedy suggested in 1963 a program of national service that would provide assistance to those in need in urban and rural areas. Less than 2 years later, President Johnson launched the "War on Poverty," and included the VISTA program created by the Economic Opportunity Act of 1964.

Incorporated into the AmeriCorps network of programs in 1993, VISTA has been hard at work in the fight against poverty for 45 years. Today, the VISTA program is stronger than ever, placing 6,500 full-time volunteers at 1,200 nonprofit organizations and public agencies each year. These volunteers are committed to serving the needs of the poorest Americans at numerous program sites, and they are to

be commended for their unselfish contributions to helping others.

I am proud to say that there are 87 VISTA volunteers at 21 program sites in my home State of Mississippi. I understand the sacrifices that are being made by these young men and women and the important impact that these volunteers have made in our communities.

I am pleased to congratulate VISTA on 45 years of distinguished service to our country.

**SENATE CONCURRENT RESOLUTION 50—RECOGNIZING THE HISTORIC FOUNDING OF THE BLACK STUNTSMEN'S ASSOCIATION AND THE COALITION OF BLACK STUNTSMEN AND WOMEN**

Mr. REID (for himself, Mr. BURRIS, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 50

Whereas a group of African-American stuntmen, athletes, and extras founded the Black Stuntmen's Association in Los Angeles, California, in 1967 to combat racial discrimination and create equal opportunities for all people of color in the motion picture and television stunt industry;

Whereas the Coalition of Black Stuntmen and Women was formed in 1973 to continue the fight against racial bias in the industry;

Whereas motion picture and television productions at the time commonly featured White stuntmen and women as stunt doubles for African-American actors and those of other races, using makeup to darken their complexion in a process known as a "paint-down";

Whereas African-Americans were routinely denied job opportunities and formal training in the stunt industry due to lingering racism;

Whereas the increased use of African-American actors in motion pictures and television in the 1960s brought more attention to the common industry practice of using only White stuntmen and women;

Whereas the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women pursued legal action to bring additional diversity to the motion picture and television industry and continued to monitor compliance with the resulting agreements;

Whereas the original members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women paved the way for greater racial equality in the motion picture and television industry in the ensuing years, but in many cases were unable to benefit from their hard-won victory;

Whereas the efforts of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women also helped tear down discriminatory barriers and prejudices in other parts of the motion picture and television industry, both in front of and behind the camera; and

Whereas members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women have made a significant and lasting contribution to the quality of motion picture and television productions in the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women, and

(2) honors the contributions of these organizations and their members in the fight for racial equality and justice in the motion picture and television industry.

Mr. REID. Mr. President, I rise today to acknowledge a group that has created opportunities for countless African American men and women in the film and television industry. I rise to submit this Senate Concurrent Resolution honoring the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women for their efforts to not only integrate, but enhance the television and film industry. This is a companion resolution identical to H. Con. Res. 190 submitted by my good friend, Congresswoman SHELLEY BERKLEY.

I take great pride in submitting this resolution not only because these individuals knocked down the walls of racial discrimination, but also because many of these pioneers now reside in my home State of Nevada.

In the 1950s and 1960s few African Americans had roles in television or film and rarely were given the opportunity to work as stuntmen and women. Most often, the few opportunities available to individuals willing to engage the dangerous work as stuntmen were taken by whites, who donned dark make-up to look like the black actors they were portraying.

To overcome the barrier of racism and many other obstacles to the entertainment industry, in 1967 a group of courageous men and women formed the Black Stuntmen's Association. Even though many had to work other jobs, they took it upon themselves to train each other, often meeting three to four nights a week for several hours. They trained in parks, on beaches and just about anywhere they could set up equipment to practice tumbles and flips. They eventually progressed to disciplined training in automobiles and driving techniques for cars and motorcycles.

These individuals are pioneers and would later work with the Coalition of Black Stuntmen and Women to fight racism in the entertainment industry. Their collective efforts have created opportunities for many that once never existed.

Eddie Smith; Earnie Robinson; Alex Brown; S.J. McGee; Harold Jones; Calvin Brown; Doug Lawrence; Cliff Strong; Alonzo Brown; Willie Harris; Joe Tilque; Henry King; Marvin Walters; Richard Washington; Jolly Brown; Greg Elam; William Upton; Wayne King, Sr.; Len Glasco; Evelyn Cuffee; Jade David; Sharon Schaffer; Kym Washington; Louise Johnson; Toni Vaz; Dewitt Fonder; John Mitchell; Henry Graddy; Darrell Giddens; Tony Brubaker; Bob Minor; Jophery Brown; Bennie Moore; Allen Oliney; John Sherrod.

While erasing the stains for racism is a never-ending task, I commend the Black Stuntmen's Association and the

Coalition of Black Stuntmen and Women for their work on behalf of the entertainment industry and our nation.

I hope my colleagues will join me and honoring them and cosponsor this resolution.

**SENATE CONCURRENT RESOLUTION 51—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 101ST ANNIVERSARY**

Mr. DODD (for himself, Mr. REID, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. BURRIS, Mr. LAUTENBERG, Mr. HARKIN, Ms. LANDRIEU, Mr. CARDIN, Mrs. HAGAN, Mr. WHITEHOUSE, and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 51

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights



Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. García Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted;

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007, a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the organization's youngest President and Chief Executive Officer, Benjamin Todd Jealous, and by outlining a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and environment; and

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of Bold Dreams, Big Victories with a historic address from the first African-American president of the United States, Barack Obama: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the 101st anniversary of the historic founding of the National Association for the Advancement of Colored People; and  
(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3333. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 4154, to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes; which was ordered to lie on the table.

SA 3334. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3333. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 4154, to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes; which was ordered to lie on the table; as follows:

After section 185, insert the following:

#### SEC. 186. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

SA 3334. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN CERTAIN AREAS.

(a) IN GENERAL.—Notwithstanding the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.), or any other provision of law, no further extension or establishment of national monuments in areas described in subsection (b) may be undertaken.

(b) APPLICABLE AREAS.—Subsection (a) shall apply to—

- (1) the Northwest Sonoran Desert, Arizona;
- (2) the Berryessa Snow Mountains, California;
- (3) the Bodie Hills, California;
- (4) the expansion of the Cascade-Siskiyou National Monument, California;
- (5) the Modoc Plateau, California;
- (6) the Vermillion Basin, Colorado;
- (7) the Northern Montana Prairie, Montana;
- (8) the Heart of the Great Basin, Nevada;
- (9) the Lesser Prairie Chicken Preserve, New Mexico;
- (10) the Otero Mesa, New Mexico;
- (11) the Owyhee Desert, Oregon and Nevada;
- (12) the Cedar Mesa region, Utah;
- (13) the San Rafael Swell, Utah; and
- (14) the San Juan Islands, Washington.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled be-

fore the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 4, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the Department of Energy's implementation of programs authorized and funded under the American Recovery and Reinvestment Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 25, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 9 a.m., to conduct a hearing entitled “The Semiannual Monetary Policy Report to Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 25, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.



COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 25, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING  
OVERSIGHT

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 2:30 p.m. to conduct a hearing entitled "Inter-agency Contracts (Part I): Overview and Recommendations for Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 25, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,  
SAFETY, AND SECURITY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 25, 2010, at 9:30 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on February 25, 2010, at 10:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, SCIENCE,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Wednesday, February 24, 2010, the Senate passed H.R. 2847, as amended, as follows:

## H.R. 2847

*Resolved*, That the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 2847) entitled "An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.", with the following Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) *SHORT TITLE*.—This Act may be cited as the "Hiring Incentives to Restore Employment Act".

(b) *AMENDMENT OF 1986 CODE*.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—INCENTIVES FOR HIRING AND  
RETAINING UNEMPLOYED WORKERS**

Sec. 101. Payroll tax forgiveness for hiring unemployed workers.

Sec. 102. Business credit for retention of certain newly hired individuals in 2010.

**TITLE II—EXPENSING**

Sec. 201. Increase in expensing of certain depreciable business assets.

**TITLE III—QUALIFIED TAX CREDIT BONDS**

Sec. 301. Issuer allowed refundable credit for certain qualified tax credit bonds.

**TITLE IV—EXTENSION OF CURRENT  
SURFACE TRANSPORTATION PROGRAMS**

Sec. 401. Short title.

**Subtitle A—Federal-aid Highways**

Sec. 411. In general.

Sec. 412. Administrative expenses.

Sec. 413. Rescission of unobligated balances.

Sec. 414. Reconciliation of funds.

**Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs**

Sec. 421. Extension of National Highway Traffic Safety Administration Highway Safety Programs.

Sec. 422. Extension of Federal Motor Carrier Safety Administration Programs.

Sec. 423. Additional programs.

**Subtitle C—Public Transportation Programs**

Sec. 431. Allocation of funds for planning programs.

Sec. 432. Special rule for urbanized area formula grants.

Sec. 433. Allocating amounts for capital investment grants.

Sec. 434. Apportionment of formula grants for other than urbanized areas.

Sec. 435. Apportionment based on fixed guideway factors.

Sec. 436. Authorizations for public transportation.

Sec. 437. Amendments to SAFETEA-LU.

**Subtitle D—Revenue Provisions**

Sec. 441. Repeal of provision prohibiting the crediting of interest to the Highway Trust Fund.

Sec. 442. Restoration of certain foregone interest to Highway Trust Fund.

Sec. 443. Treatment of certain amounts appropriated to Highway Trust Fund.

Sec. 444. Termination of transfers from highway trust fund for certain repayments and credits.

Sec. 445. Extension of authority for expenditures.

Sec. 446. Level of obligation limitations.

**TITLE V—OFFSET PROVISIONS****Subtitle A—Foreign Account Tax Compliance****PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS**

Sec. 501. Reporting on certain foreign accounts.

Sec. 502. Repeal of certain foreign exceptions to registered bond requirements.

**PART II—UNDER REPORTING WITH RESPECT TO  
FOREIGN ASSETS**

Sec. 511. Disclosure of information with respect to foreign financial assets.

Sec. 512. Penalties for underpayments attributable to undisclosed foreign financial assets.

Sec. 513. Modification of statute of limitations for significant omission of income in connection with foreign assets.

**PART III—OTHER DISCLOSURE PROVISIONS**

Sec. 521. Reporting of activities with respect to passive foreign investment companies.

Sec. 522. Secretary permitted to require financial institutions to file certain returns related to withholding on foreign transfers electronically.

**PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS**

Sec. 531. Clarifications with respect to foreign trusts which are treated as having a United States beneficiary.

Sec. 532. Presumption that foreign trust has United States beneficiary.

Sec. 533. Uncompensated use of trust property.

Sec. 534. Reporting requirement of United States owners of foreign trusts.

Sec. 535. Minimum penalty with respect to failure to report on certain foreign trusts.

**PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND  
EQUIVALENT PAYMENTS RECEIVED BY FOREIGN  
PERSONS TREATED AS DIVIDENDS**

Sec. 541. Substitute dividends and dividend equivalent payments received by foreign persons treated as dividends.

**Subtitle B—Delay in Application of Worldwide Allocation of Interest**

Sec. 551. Delay in application of worldwide allocation of interest.

**TITLE I—INCENTIVES FOR HIRING AND  
RETAINING UNEMPLOYED WORKERS****SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING  
UNEMPLOYED WORKERS.**

(a) *IN GENERAL*.—Section 3111 is amended by adding at the end the following new subsection:

"(d) *SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010*.—

"(1) *IN GENERAL*.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

"(A) in a trade or business of such qualified employer, or

"(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

"(2) *QUALIFIED EMPLOYER*.—For purposes of this subsection—

"(A) *IN GENERAL*.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

"(B) *TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS*.—Notwithstanding subparagraph (A), the term 'qualified employer' includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

"(3) *QUALIFIED INDIVIDUAL*.—For purposes of this subsection, the term 'qualified individual' means any individual who—

“(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

“(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

“(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

“(D) is not an individual described in section 51(i)(1) (applied by substituting ‘qualified employer’ for ‘taxpayer’ each place it appears).

“(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.”.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

“(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term ‘wages’ shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.”.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

#### SEC. 102. BUSINESS CREDIT FOR RETENTION OF CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) \$1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term “retained worker” means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

### TITLE II—EXPENSING

#### SEC. 201. INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking “(\$125,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (1) and inserting “(\$250,000 in the case of taxable years beginning after 2007 and before 2011)”;

(2) by striking “(\$500,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (2) and inserting “(\$800,000 in the case of taxable years beginning after 2007 and before 2011)”;

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

### TITLE III—QUALIFIED TAX CREDIT BONDS

#### SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT FOR CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

“(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

“(1) IN GENERAL.—In the case of any specified tax credit bond—

“(A) such bond shall be treated as a qualified bond for purposes of this section,

“(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

“(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be—

“(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

“(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

“(D) interest on any such bond shall be includible in gross income for purposes of this title,

“(E) no credit shall be allowed under section 54A with respect to such bond,

“(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

“(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED TAX CREDIT BOND.—The term ‘specified tax credit bond’ means any qualified tax credit bond (as defined in section 54A(d)) if—

“(i) such bond is—

“(I) a new clean renewable energy bond (as defined in section 54C),

“(II) a qualified energy conservation bond (as defined in section 54D),

“(III) a qualified zone academy bond (as defined in section 54E), or

“(IV) a qualified school construction bond (as defined in section 54F), and

“(ii) the issuer of such bond makes an irrevocable election to have this subsection apply,

“(B) QUALIFIED SMALL ISSUER.—The term ‘qualified small issuer’ means, with respect to any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to

whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding \$30,000,000.”.

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) is amended by striking “by the State” and inserting “by the State education agency (or such other agency as is authorized under State law to make such allocation)”.

(2) The second sentence of section 54F(e) is amended by striking “subsection (d)(4)” and inserting “paragraphs (2) and (4) of subsection (d)”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

### TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Surface Transportation Extension Act of 2010”.

#### Subtitle A—Federal-aid Highways

#### SEC. 411. IN GENERAL.

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to  $\frac{1}{4}$  of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) FISCAL YEAR 2010.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat.

107), and title 23, United States Code (excluding chapter 4 of that title).

(2) FISCAL YEAR 2011.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as  $\frac{1}{4}$  of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) CALCULATION.—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA-LU (119 Stat. 1144) or any other law.

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed  $\frac{1}{4}$  of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) EXCEPTIONS.—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to \$639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to \$159,750,000.

(5) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by  $\frac{1}{4}$ .

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and

section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(2) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by  $\frac{1}{4}$  of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(3) TERRITORIES AND PUERTO RICO.—

(A) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by  $\frac{1}{4}$  of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) TERRITORY DEFINED.—In this paragraph, the term “territory” means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(4) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) RESERVATION AND REDISTRIBUTION OF FUNDS.—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.—

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA-LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at  $\frac{1}{4}$  the funding levels authorized for those programs for fiscal year 2009.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) DISTRIBUTION.—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

#### SEC. 412. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) \$422,425,000 for fiscal year 2010; and

(2) \$105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

**SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.**

(a) *IN GENERAL.*—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) *ADMINISTRATION OF FUNDS.*—The restored amounts shall be administered in the same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1937).

(c) *FUNDING.*—

(1) *IN GENERAL.*—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1937).

(2) *AVAILABILITY FOR OBLIGATION.*—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) *LIMITATION.*—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

**SEC. 414. RECONCILIATION OF FUNDS.**

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111–68).

**Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs**

**SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.**

(a) *CHAPTER 4 HIGHWAY SAFETY PROGRAMS.*—Section 2001(a)(1) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$235,000,000 for fiscal year 2010, and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) *HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.*—Section 2001(a)(2) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$107,329,000 for fiscal year 2010, and \$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) *OCCUPANT PROTECTION INCENTIVE GRANTS.*—

(1) *EXTENSION OF PROGRAM.*—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking “6” and inserting “8”; and

(B) in paragraph (4)(C), by striking “fifth and sixth” and inserting “fifth through eighth”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(3) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) *SAFETY BELT PERFORMANCE GRANTS.*—Section 2001(a)(4) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$124,500,000 for fiscal year 2010, and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(e) *STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.*—Section 2001(a)(5) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$34,500,000 for fiscal year 2010, and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(f) *ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.*—

(1) *EXTENSION OF PROGRAM.*—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking “fifth, sixth, seventh, and eighth” and inserting “fifth through tenth”; and

(B) in subsection (b)(2)(C), by striking “2008 and 2009” and inserting “2008, 2009, 2010, and 2011”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(6) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$139,000,000 for fiscal year 2010, and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(g) *NATIONAL DRIVER REGISTER.*—Section 2001(a)(7) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$4,078,000 for fiscal year 2010, and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(h) *HIGH VISIBILITY ENFORCEMENT PROGRAM.*—

(1) *EXTENSION OF PROGRAM.*—Section 2009(a) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “2009” and inserting “2011”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(8) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$29,000,000 for fiscal year 2010, and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(i) *MOTORCYCLIST SAFETY.*—

(1) *EXTENSION OF PROGRAM.*—Section 2010(d)(1)(B) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “and fourth” and inserting “fourth, fifth, and sixth”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(9) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(j) *CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.*—

(1) *EXTENSION OF PROGRAM.*—Section 2011(c)(2) of the SAFETEA-LU (23 U.S.C. 405 note) is amended by striking “fourth fiscal year” and inserting “fourth, fifth, and sixth fiscal years”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(10) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(k) *ADMINISTRATIVE EXPENSES.*—Section 2001(a)(11) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and

(2) by striking “2009.” and inserting “2009, \$25,047,000 for fiscal year 2010, and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(l) *APPLICABILITY OF TITLE 23.*—Section 2001(c) of the SAFETEA-LU (119 Stat. 1520) is amended by striking “2009” and inserting “2011”.

(m) *DRUG-IMPAIRED DRIVING ENFORCEMENT.*—Section 2013(f) of the SAFETEA-LU (23 U.S.C. 403 note) is amended by striking “2009” and inserting “2011”.

(n) *OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.*—Section 2017 of the SAFETEA-LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2009” and inserting “2011”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2009” and inserting “2011”.

**SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

(a) *MOTOR CARRIER SAFETY GRANTS.*—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$209,000,000 for fiscal year 2010; and

“(7) \$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) *ADMINISTRATIVE EXPENSES.*—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) “(F) \$239,828,000 for fiscal year 2010; and

“(G) “(G) \$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) *GRANT PROGRAMS.*—Section 4101(c) of the SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking “2009.” and inserting “2009, and \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(2) in paragraph (2), by striking “2009.” and inserting “2009, \$32,000,000 for fiscal year 2010, and \$8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(3) in paragraph (3), by striking “2009.” and inserting “2009, \$5,000,000 for fiscal year 2010, and \$1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(4) in paragraph (4), by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(5) in paragraph (5), by striking “2009.” and inserting “2009, \$3,000,000 for fiscal year 2010, and \$756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) *HIGH-PRIORITY ACTIVITIES.*—Section 31104(k) of title 49, United States Code, is amended by striking “2009” in paragraph (2) and inserting “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on

October 1, 2010, and ending on December 31, 2010.”

(e) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)” after “fiscal year”.

(f) **COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION.**—Section 4123(d) of the SAFETEA-LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$8,000,000 for fiscal year 2010; and

“(6) \$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(g) **OUTREACH AND EDUCATION.**—Section 4127(e) of the SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2009” and inserting “2009, and 2010, and \$252,000 to the Federal Motor Carrier Safety Administration, and \$756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(h) **GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**—Section 4134(c) of the SAFETEA-LU (119 Stat. 1744) is amended by striking “2009” and inserting “2009, 2010, and \$252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(i) **MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**—Section 4144(d) of the SAFETEA-LU (119 Stat. 1748) is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(j) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of the SAFETEA-LU (49 U.S.C. 14710 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

#### SEC. 423. ADDITIONAL PROGRAMS.

(a) **HAZARDOUS MATERIALS RESEARCH PROJECTS.**—Section 7131(c) of the SAFETEA-LU (119 Stat. 1910) is amended by striking “through 2009” and inserting “through 2010, and \$315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) **DINGELL-JOHNSON SPORT FISH RESTORATION ACT.**—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009,” and inserting “2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010,”; and

(2) in subsection (b)(1)(A), by striking “2010,” and inserting “and for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

#### Subtitle C—Public Transportation Programs

##### SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

##### SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2009” and inserting “2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”; and

(2) in subparagraph (A), by striking “2009,” and inserting “2010, and the period beginning October 1, 2010, and ending December 31, 2010,”; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking “AND 2009” and inserting “THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”; and

(B) in the matter preceding clause (i), by striking “and 2009” and inserting “through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”.

##### SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking “2009” and inserting “2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010”; and

(B) in the matter preceding subparagraph (A), by striking “2009” and inserting “2010, and during the period beginning October 1, 2010, and ending December 31, 2010,”; and

(C) in subparagraph (A)(i), by striking “2009” and inserting “2010, and \$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,”; and

(2) in paragraph (6)—

(A) in subparagraph (B), by striking “2009” and inserting “2010, and \$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,”; and

(B) in subparagraph (C), by striking “2009” and inserting “2010, and \$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking “\$10,000,000” and all that follows through “2009” and inserting the following:

“(i) **FISCAL YEARS 2006 THROUGH 2010.**—\$10,000,000 shall be available in each of fiscal years 2006 through 2010”; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

“(ii) **SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.**—\$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).”;

(B) in subparagraph (B), by inserting after “2009,” the following:

“(v) \$13,500,000 for fiscal year 2010.

“(vi) \$3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by inserting “, and during the period beginning October 1, 2010, and ending December 31, 2010,” after “fiscal year”; and

(D) in subparagraph (D), by inserting “, and not less than \$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”; and

(E) in subparagraph (E), by inserting “, and \$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”.

##### SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

“(E) \$15,000,000 for fiscal year 2010.

“(F) \$3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.”.

##### SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009” and inserting “2010”; and

(2) by adding at the end the following:

“(g) **SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.**—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).”.

##### SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) **FORMULA AND BUS GRANTS.**—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) \$8,360,565,000 for fiscal year 2010; and

“(F) \$2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “and \$113,500,000 for fiscal year 2009” and inserting “\$113,500,000 for each of fiscal years 2009 and 2010, and \$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,”; and

(B) in subparagraph (B), by striking “and \$4,160,365,000 for fiscal year 2009” and inserting “\$4,160,365,000 for each of fiscal years 2009 and 2010, and \$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by striking “and \$51,500,000 for fiscal year 2009” and inserting “\$51,500,000 for each of fiscal years 2009 and 2010, and \$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,”;

(D) in subparagraph (D), by striking “and \$1,666,500,000 for fiscal year 2009” and inserting “\$1,666,500,000 for each of fiscal years 2009 and 2010, and \$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(E) in subparagraph (E), by striking “and \$984,000,000 for fiscal year 2009” and inserting “\$984,000,000 for each of fiscal years 2009 and 2010, and \$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(F) in subparagraph (F), by striking “and \$133,500,000 for fiscal year 2009” and inserting “\$133,500,000 for each of fiscal years 2009 and 2010, and \$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(G) in subparagraph (G), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(H) in subparagraph (H), by striking “and \$164,500,000 for fiscal year 2009” and inserting “\$164,500,000 for each of fiscal years 2009 and 2010, and \$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(I) in subparagraph (I), by striking “and \$92,500,000 for fiscal year 2009” and inserting “\$92,500,000 for each of fiscal years 2009 and 2010, and \$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(J) in subparagraph (J), by striking “and \$26,900,000 for fiscal year 2009” and inserting “\$26,900,000 for each of fiscal years 2009 and 2010, and \$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(K) in subparagraph (K), by striking “and \$3,500,000 for fiscal year 2009” and inserting “\$3,500,000 for each of fiscal years 2009 and 2010, and \$875,000 for the period beginning October 1, 2010 and ending December 31, 2010,”;

(L) in subparagraph (L), by striking “and \$25,000,000 for fiscal year 2009” and inserting “\$25,000,000 for each of fiscal years 2009 and 2010, and \$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(M) in subparagraph (M), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(N) in subparagraph (N), by striking “and \$8,800,000 for fiscal year 2009” and inserting “\$8,800,000 for each of fiscal years 2009 and 2010, and \$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010.”.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$2,000,000,000 for fiscal year 2010; and  
“(6) \$500,000,000 for the period of October 1, 2010 through December 31, 2010.”.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “and \$69,750,000 for fiscal year 2009” and inserting “\$69,750,000 for each of fiscal years 2009 and 2010, and \$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010”; and

(2) by adding at the end the following:

“(3) ADDITIONAL AUTHORIZATIONS.—

“(A) IN GENERAL.—

“(i) FISCAL YEAR 2010.—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

“(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) UNIVERSITY CENTERS PROGRAM.—

“(i) FISCAL YEAR 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

“(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

“(iii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

(d) ADMINISTRATION.—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$98,911,000 for fiscal year 2010; and  
“(6) \$24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.”.

SEC. 437. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1572) is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of the SAFETEA-LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking “2009” and inserting “2010 and the period beginning October 1, 2010, and ending December 31, 2010”; and

(2) in subsection (d), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of the SAFETEA-LU (49 U.S.C. 5310 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

(d) OBLIGATION CEILING.—Section 3040 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) \$10,507,752,000 for fiscal year 2010, of which not more than \$8,360,565,000 shall be from the Mass Transit Account; and

“(7) \$2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than \$2,090,141,250 shall be from the Mass Transit Account.”.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of the SAFETEA-LU (Public Law 109–59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of the SAFETEA-LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting “or period” after “fiscal year”; and

(2) by adding at the end the following:

“(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—  
“(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and  
“(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).  
“(d) FUNDING.—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any

amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

#### Subtitle D—Revenue Provisions

#### SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking “, and” at the end of subparagraph (A) and inserting a period; and

(2) by striking “1998” in the matter preceding subparagraph (A) and all that follows through “the opening balance” and inserting “1998, the opening balance”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this title.

#### SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (2) of section 9503(f) is amended to read as follows:

“(2) RESTORATION OF FOREGONE INTEREST.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9503(e) is amended by striking “this subsection” and inserting “this section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) TREATMENT OF APPROPRIATED AMOUNTS.—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.

(a) IN GENERAL.—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 9502(a) is amended by striking “section 9503(c)(7)” and inserting “section 9503(c)(5)”.

(2) Section 9503(b)(4)(D) is amended by striking “paragraph (4)(D) or (5)(B)” and inserting “paragraph (3)(D) or (4)(B)”.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: “The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.”.

(4) Section 9503(e)(5)(A) is amended by striking “(2), (3), and (4)” and inserting “(2) and (3)”.

(5) Section 9504(a) is amended by striking “section 9503(c)(4), section 9503(c)(5)” and inserting “section 9503(c)(3), section 9503(c)(4)”.

(6) Section 9504(b)(2) is amended by striking “section 9503(c)(5)” and inserting “section 9503(c)(4)”.



(7) Section 9504(e) is amended by striking “section 9503(c)(4)” and inserting section “9503(c)(3)”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

**SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.**

(a) **HIGHWAYS TRUST FUND.**—

(1) **HIGHWAY ACCOUNT.**—Paragraph (1) of section 9503(c) is amended—

(A) by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”;

(B) by striking “under” and all that follows and inserting “under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(2) **MASS TRANSIT ACCOUNT.**—Paragraph (3) of section 9503(e) is amended—

(A) by striking “October 1, 2009” and inserting “January 1, 2011”;

(B) by striking “in accordance with” and all that follows and inserting “in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(3) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Subparagraph (B) of section 9503(b)(6) is amended by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”.

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (2) of section 9504(b) is amended—

(A) by striking “(as in effect)” in subparagraph (A) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”;

(B) by striking “(as in effect)” in subparagraph (B) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010), and”;

(C) by striking “(as in effect)” in subparagraph (C) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”.

(2) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Paragraph (2) of section 9504(d) is amended by striking “October 1, 2009” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on September 30, 2009.

**SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.**

(a) **HIGHWAY CATEGORY.**—Section 8003(a) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, \$42,469,970,178.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$10,617,492,545.”.

(b) **MASS TRANSIT CATEGORY.**—Section 8003(b) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, \$10,338,065,000.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$2,584,516,250.”.

(c) **TREATMENT OF FUNDS.**—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

**TITLE V—OFFSET PROVISIONS**

**Subtitle A—Foreign Account Tax Compliance  
PART I—INCREASED DISCLOSURE OF  
BENEFICIAL OWNERS**

**SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.**

(a) **IN GENERAL.**—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

**“CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS**

“Sec. 1471. Withholdable payments to foreign financial institutions.

“Sec. 1472. Withholdable payments to other foreign entities.

“Sec. 1473. Definitions.

“Sec. 1474. Special rules.

**“SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.**

“(a) **IN GENERAL.**—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) **REPORTING REQUIREMENTS, ETC.**—

“(1) **IN GENERAL.**—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the Secretary under which such institution agrees—

“(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

“(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

“(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

“(D) to deduct and withhold a tax equal to 30 percent of—

“(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

“(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

“(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

“(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

“(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

“(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

“(2) **FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.**—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

“(A) such institution—

“(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

“(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

“(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

“(3) **ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.**—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

“(A) the requirements of paragraph (1)(D) shall not apply,

“(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

“(C) the agreement described in paragraph (1) shall—

“(i) require such institution to notify the withholding agent with respect to each such payment of the institution's election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

“(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

“(c) **INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.**—

“(1) **IN GENERAL.**—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

“(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

“(B) The account number.

“(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

“(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for



such period and in such manner as the Secretary may provide).

“(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

“(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

“(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

“(i) such institution were a United States person, and

“(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

“(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a qualified intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

“(d) DEFINITIONS.—For purposes of this section—

“(1) UNITED STATES ACCOUNT.—

“(A) IN GENERAL.—The term ‘United States account’ means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

“(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

“(i) each holder of such account is a natural person, and

“(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed \$50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

“(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

“(i) such account is held by another financial institution which meets the requirements of subsection (b), or

“(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

“(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term ‘financial account’ means, with respect to any financial institution—

“(A) any depository account maintained by such financial institution,

“(B) any custodial account maintained by such financial institution, and

“(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

“(3) UNITED STATES OWNED FOREIGN ENTITY.—The term ‘United States owned foreign entity’ means any foreign entity which has one or more substantial United States owners.

“(4) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

“(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term ‘financial institution’ means any entity that—

“(A) accepts deposits in the ordinary course of a banking or similar business,

“(B) as a substantial portion of its business, holds financial assets for the account of others, or

“(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

“(6) RECALCITRANT ACCOUNT HOLDER.—The term ‘recalcitrant account holder’ means any account holder which—

“(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

“(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

“(7) PASSTHRU PAYMENT.—The term ‘passthru payment’ means any withholdable payment or other payment to the extent attributable to a withholdable payment.

“(e) AFFILIATED GROUPS.—

“(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

“(A) with respect to United States accounts maintained by the foreign financial institution, and

“(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

“(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(A) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

“(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(2) any international organization or any wholly owned agency or instrumentality thereof,

“(3) any foreign central bank of issue, or

“(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

#### “SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.

“(a) IN GENERAL.—In the case of any withholdable payment to a non-financial foreign entity, if—

“(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

“(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) REQUIREMENTS FOR WAIVER OF WITHHOLDING.—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

“(1) such beneficial owner or the payee provides the withholding agent with either—

“(A) a certification that such beneficial owner does not have any substantial United States owners, or

“(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

“(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

“(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

“(c) EXCEPTIONS.—Subsection (a) shall not apply to—

“(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

“(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

“(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(E) any international organization or any wholly owned agency or instrumentality thereof,

“(F) any foreign central bank of issue, or

“(G) any other class of persons identified by the Secretary for purposes of this subsection, and

“(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

“(d) NON-FINANCIAL FOREIGN ENTITY.—For purposes of this section, the term ‘non-financial foreign entity’ means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

#### “SEC. 1473. DEFINITIONS.

“For purposes of this chapter—

“(1) WITHHOLDABLE PAYMENT.—Except as otherwise provided by the Secretary—

“(A) IN GENERAL.—The term ‘withholdable payment’ means—

“(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical

gains, profits, and income, if such payment is from sources within the United States, and

“(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

“(B) EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

“(C) SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.—Subparagraph (B) of section 861(a)(1) shall not apply.

“(2) SUBSTANTIAL UNITED STATES OWNER.—

“(A) IN GENERAL.—The term ‘substantial United States owner’ means—

“(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value),

“(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

“(iii) in the case of a trust—

“(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

“(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

“(B) SPECIAL RULE FOR INVESTMENT VEHICLES.—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting ‘0 percent’ for ‘10 percent’.

“(3) SPECIFIED UNITED STATES PERSON.—Except as otherwise provided by the Secretary, the term ‘specified United States person’ means any United States person other than—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

“(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

“(D) the United States or any wholly owned agency or instrumentality thereof,

“(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(F) any bank (as defined in section 581),

“(G) any real estate investment trust (as defined in section 856),

“(H) any regulated investment company (as defined in section 851),

“(I) any common trust fund (as defined in section 584(a)), and

“(J) any trust which—

“(i) is exempt from tax under section 664(c), or

“(ii) is described in section 4947(a)(1).

“(4) WITHHOLDING AGENT.—The term ‘withholding agent’ means all persons, in whatever capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

“(5) FOREIGN ENTITY.—The term ‘foreign entity’ means any entity which is not a United States person.

#### “SEC. 1474. SPECIAL RULES.

“(a) LIABILITY FOR WITHHELD TAX.—Every person required to deduct and withhold any tax

under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

“(b) CREDITS AND REFUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.

“(2) SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.—

“(A) IN GENERAL.—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

“(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

“(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

“(II) no interest shall be allowed or paid with respect to such credit or refund, and

“(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

“(B) SPECIFIED FINANCIAL INSTITUTION PAYMENT.—The term ‘specified financial institution payment’ means any payment if the beneficial owner of such payment is a foreign financial institution.

“(3) REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

“(c) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

“(2) DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

“(d) COORDINATION WITH OTHER WITHHOLDING PROVISIONS.—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

“(e) TREATMENT OF WITHHOLDING UNDER AGREEMENTS.—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.”.

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

“(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting ‘180 days’ for ‘45 days’ each place it appears.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting “or 4” after “chapter 3”.

(2) Paragraph (1) of section 6501(b) is amended by inserting “4,” after “chapter 3,”.

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting “4,” after “chapter 3,” in the text thereof, and

(B) by striking “TAXES AND TAX IMPOSED BY CHAPTER 3” in the heading thereof and inserting “AND WITHHOLDING TAXES”.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting “or 4” after “chapter 3,” and

(B) by inserting “or 1474(b)” after “section 1462”.

(5) Subsection (c) of section 6513 is amended by inserting “4,” after “chapter 3,”.

(6) Paragraph (1) of section 6724(d) is amended by inserting “under chapter 4 or” after “filed with the Secretary” in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting “or 4” after “chapter 3”.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) INTEREST ON OVERPAYMENTS.—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment’s application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment’s application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment’s application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

#### SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 163(f) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 149(a) is amended by inserting “or” at the end of subparagraph (A), by striking “, or” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting “or” at the end of clause

(ii), by striking “, or” at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking “, and subparagraph (B),” in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

“(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and”.

(D) Sections 165(j)(2)(A) and 1287(b)(1) are each amended by striking “except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply”.

(b) REPEAL OF TREATMENT AS PORTFOLIO DEBT.—

(1) IN GENERAL.—Paragraph (2) of section 871(h) is amended to read as follows:

“(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 871(h)(3)(A) is amended by striking “subparagraph (A) or (B) of”.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

“(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(c) DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.—Paragraph (3) of section 163(f) is amended by inserting “, except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section” before the period at the end.

(d) REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.—

(1) IN GENERAL.—Subsection (g) of section 3121 of title 31, United States Code, is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding “or” at the end of subparagraph (A),

(B) by striking “; or” at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(e) PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.—Paragraph (1) of section 4701(b) is amended to read as follows:

“(1) REGISTRATION-REQUIRED OBLIGATION.—

“(A) IN GENERAL.—The term ‘registration-required obligation’ has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

“(i) is required to be registered under section 149(a), or

“(ii) is described in subparagraph (B).

“(B) CERTAIN OBLIGATIONS NOT INCLUDED.—An obligation is described in this subparagraph if—

“(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

“(ii) interest on such obligation is payable only outside the United States and its possessions, and

“(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

## PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

### SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

#### “SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

“(a) IN GENERAL.—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person’s return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds \$50,000 (or such higher dollar amount as the Secretary may prescribe).

“(b) SPECIFIED FOREIGN FINANCIAL ASSETS.—For purposes of this section, the term ‘specified foreign financial asset’ means—

“(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

“(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

“(A) any stock or security issued by a person other than a United States person,

“(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

“(C) any interest in a foreign entity (as defined in section 1473).

“(c) REQUIRED INFORMATION.—The information described in this subsection with respect to any asset is:

“(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

“(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

“(3) In the case of any other instrument, contract, or interest—

“(A) such information as is necessary to identify such instrument, contract, or interest, and

“(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

“(4) The maximum value of the asset during the taxable year.

“(d) PENALTY FOR FAILURE TO DISCLOSE.—

“(1) IN GENERAL.—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of \$10,000.

“(2) INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of \$10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed \$50,000.

“(e) PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.—If—

“(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

“(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets,

then the aggregate value of such assets shall be treated as being in excess of \$50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

“(f) APPLICATION TO CERTAIN ENTITIES.—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

“(g) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

“(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

“(2) nonresident aliens, and

“(3) bona fide residents of any possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

“Sec. 6038D. Information with respect to foreign financial assets.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

“(7) Any undisclosed foreign financial asset understatement.”, and

(2) by adding at the end the following new subsection:

“(j) **UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.**—

“(1) **IN GENERAL.**—For purposes of this section, the term ‘undisclosed foreign financial asset understatement’ means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

“(2) **UNDISCLOSED FOREIGN FINANCIAL ASSET.**—For purposes of this subsection, the term ‘undisclosed foreign financial asset’ means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

“(3) **INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.**—In the case of any portion of an underpayment which is attributable to any undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.**

(a) **EXTENSION OF STATUTE OF LIMITATIONS.**—(1) **IN GENERAL.**—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) **GENERAL RULE.**—If the taxpayer omits from gross income an amount properly includible therein and—

“(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

“(ii) such amount—

“(I) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so required if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

“(II) is in excess of \$5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

“(B) **DETERMINATION OF GROSS INCOME.**—For purposes of subparagraph (A)—”.

(B) Paragraph (2) of section 6229(c) is amended by striking “which is in excess of 25 percent of the amount of gross income stated in its return” and inserting “and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)”.

(b) **ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.**—Paragraph (8) of section 6501(c) is amended—

(1) by inserting “pursuant to an election under section 1295(b) or” before “under section 6038”.

(2) by inserting “1298(f),” before “6038”, and

(3) by inserting “6038D,” after “6038B,”.

(c) **CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.**—Paragraph (8) of section 6501(c) is amended by striking “event” and inserting “tax return, event,”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

**PART III—OTHER DISCLOSURE PROVISIONS**

**SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.**

(a) **IN GENERAL.**—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) **REPORTING REQUIREMENT.**—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.”.

(b) **CONFORMING AMENDMENT.**—Subsection (e) of section 1291 is amended by striking “, (d), and (f)” and inserting “and (d)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date of the enactment of this Act.

**SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.**

(a) **IN GENERAL.**—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

“(4) **SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.**—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a).”.

(b) **CONFORMING AMENDMENT.**—Subsection (c) of section 6724 is amended by inserting “or with respect to a return described in section 6011(e)(4)” before the end period.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

**PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS**

**SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.**

(a) **IN GENERAL.**—Paragraph (1) of section 679(c) is amended by adding at the end the following:

“For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person’s interest in the trust is contingent on a future event.”.

(b) **CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.**—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

“(4) **SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.**—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the ben-

efit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

“(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

“(B) none of those persons are United States persons during the taxable year.”.

(c) **CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.**—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

“(5) **CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.**—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.”.

**SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.**

(a) **IN GENERAL.**—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

“(d) **PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.**—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

“(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

“(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

**SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.**

(a) **IN GENERAL.**—Paragraph (1) of section 643(i) is amended—

(1) by striking “directly or indirectly to” and inserting “(or permits the use of any other trust property) directly or indirectly to or by”, and

(2) by inserting “(or the fair market value of the use of such property)” after “the amount of such loan”.

(b) **EXCEPTION FOR COMPENSATED USE.**—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

“(E) **EXCEPTION FOR COMPENSATED USE OF PROPERTY.**—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time of such use.”.

(c) **APPLICATION TO GRANTOR TRUSTS.**—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

“(6) **UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.**—For purposes of this subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the

fair market value of the use of such property) within a reasonable period of time.”.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 643(i) is amended—

(1) by inserting “(or use of property)” after “If any loan”;

(2) by inserting “or the return of such property” before “shall be disregarded”; and

(3) by striking “REGARDING LOAN PRINCIPAL” in the heading thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

#### SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.

(a) IN GENERAL.—Paragraph (1) of section 6048(b) is amended by inserting “shall submit such information as the Secretary may prescribe with respect to such trust for such year and” before “shall be responsible to ensure”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 6677 is amended—

(1) by inserting “the greater of \$10,000 or” before “35 percent”; and

(2) by striking the last sentence and inserting the following: “At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable amount the Secretary shall refund such excess to the taxpayer).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

#### PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

##### SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.

(a) IN GENERAL.—Section 871 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

“(l) TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and 4, a dividend equivalent shall be treated as a dividend from sources within the United States.

“(2) DIVIDEND EQUIVALENT.—For purposes of this subsection, the term ‘dividend equivalent’ means—

“(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,

“(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and

“(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).

“(3) SPECIFIED NOTIONAL PRINCIPAL CONTRACT.—For purposes of this subsection, the term ‘specified notional principal contract’ means—

“(A) any notional principal contract if—

“(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,

“(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,

“(iii) the underlying security is not readily tradable on an established securities market,

“(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or

“(v) such contract is identified by the Secretary as a specified notional principal contract,

“(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.

“(4) DEFINITIONS.—For purposes of paragraph (3)(A)—

“(A) LONG PARTY.—The term ‘long party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

“(B) SHORT PARTY.—The term ‘short party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

“(C) UNDERLYING SECURITY.—The term ‘underlying security’ means, with respect to any notional principal contract, the security with respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

“(5) PAYMENTS DETERMINED ON GROSS BASIS.—For purposes of this subsection, the term ‘payment’ includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

“(6) PREVENTION OF OVER-WITHHOLDING.—In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

“(7) COORDINATION WITH CHAPTERS 3 AND 4.—For purposes of chapters 3 and 4, each person that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

#### Subtitle B—Delay in Application of Worldwide Allocation of Interest

##### SEC. 551. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking “December 31, 2017” and inserting “December 31, 2019”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### ORDERS FOR FRIDAY, FEBRUARY 26, 2010

Mr. DURBIN. I ask unanimous consent that following my remarks, the Senate adjourn until 9:30 a.m., Friday, February 26.

I would like to ask by way of a question, does the Senator from Kentucky seek recognition?

Mr. BUNNING. Yes, I will.

Mr. DURBIN. Would you like to speak after I have made the request so I could make the adjournment subject to your speaking?

Mr. BUNNING. That is acceptable.

Mr. DURBIN. I ask unanimous consent that following my remarks and the remarks of the Senator from Kentucky and the remarks of the Senator from Tennessee for debate only—let me suspend this unanimous consent request.

Mr. President, I will attempt to make this unanimous consent request again. I ask unanimous consent that following my remarks, the remarks of the Senator from Tennessee, Mr. CORKER, who will make a unanimous consent request and then engage in debate only beyond that, and the remarks of the Senator from Kentucky, following those remarks, the Senate adjourn until 9:30 a.m., Friday, February 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each. I didn’t make it clear that the Senator from Kentucky would speak in debate only.

Mr. BUNNING. I have a few things I would like to comment on.

Mr. DURBIN. In debate only.

Mr. BUNNING. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. There will be no roll-call votes during Friday’s session of the Senate. The next rollcall vote will occur on Tuesday morning. I have given notice to Senator BUNNING and others that I will be renewing this unanimous consent request tomorrow morning.

#### ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn after the statements that have already been noted as part of this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—  
H.R. 4691

Mr. CORKER. Mr. President, I thank the Senator from Illinois for his nature this evening. I thank all of my colleagues on the other side of the aisle. I think we have had a nice discussion. I think we all know this is not about any of our lack of desire to make sure that these benefits are extended. I think everybody here knows this. It has been nice listening to some of the comments.

Therefore, since it was out of order before, I would like to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4891, that the amendment at the desk which offers a full offset be agreed to, that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and this issue will be dealt with. Every American that is looking for the benefits we have discussed will have those forthcoming.

Mr. President, I ask that that be approved.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I believe the Senator from Tennessee said 4891. I think the bill was 4691.

Mr. CORKER. H.R. 4691.

Mr. DURBIN. If the Senator would not mind repeating his unanimous consent, I didn't quite hear the end of it.

Mr. CORKER. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691 which I understand to be the measure that is before us, that the amendment at the desk, which I understand offers a full offset to pay for this, be agreed to, the bill, as amended, be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

OFFSETTING THE UNEMPLOYMENT  
BENEFIT EXTENSION

Mr. BUNNING. Mr. President, it has been a long night. It is called an ambush. That is what happened. The consent that I was assured of was going to be that the Senator from Illinois offer the same—I am going to get it right—

30-day extension without an offset. He was going to offer it, and I was going to have a chance to object. We weren't going to stand around for 3½ hours debating the issue. That is the understanding I had with the leader of the Democrats.

Now, I don't know what I have for tomorrow. I have been assured that the Senator from Illinois will offer the same amendment tomorrow morning, and I will have a chance to object, if I so choose. But I want to assure the people who have watched this thing until a quarter of 12, I have missed the Kentucky-South Carolina game that started at 9 o'clock. It is the only redeeming chance we had to beat South Carolina, since they are the only team that has beat Kentucky this year. All of these things that we have talked about and all the provisions that have been discussed, the unemployment benefits, all these things, if we had taken a longer version of the jobs bill that was mutually agreed on, a bipartisan bill that Senator BAUCUS and Senator GRASSLEY agreed on, that the Senator from Nevada, the leader withdrew his support from and brought his own narrowly scoped bill to the floor, \$10 billion was not paid for, \$5 billion was—so we have \$10 billion immediately after we passed pay-go last week, so we have a \$10 billion bill we talked about early on that just passed and now we have an extension—by the way, the Baucus-Grassley bill was totally and completely—it is debatable, according to the Senator from Illinois, but it was paid for—CBO said it was paid for, but at least that is what Joint Tax said, too, because I happen to be on the same committee with those two gentlemen—we would not have spent 3 hours-plus—almost 3½—telling everybody in the United States of America that Senator BUNNING does not give a damn about the people who are on unemployment; the doctors whom I represent that I did not want to extend SGR; all of the other things—COBRA, flood insurance, small business loans, and small business provisions.

I feel sorry for the people in Kentucky who live in east Kentucky who may lose their Satellite Home Viewer Act for a day or two because they will miss all those Senate commercials that are going on. I know how they desperately want to watch those, but if they do not have cable, they will not be able to do it.

But this debate could have been completely changed had not the other side rammed through a bill, a partisan bill, over a bipartisan bill. You cannot preach bipartisanship and practice partisanship. I do not give a darn how

good you are at conning people, people see through it. If you think I am kidding, go into your State and ask. The American people understand what is going on up here. That is why the Congress and the Senate have a 30-percent approval rating. Even the President of the United States is higher than that, and his is not good because it is below 50 percent.

But I have served in this body and over in the House—I have not had as long; I have had 2 years shorter than the House service of the Senator from Illinois and 2 years shorter than the Senator's Senate service; so I have spent 12 and 12, 12 years here and 12 in the House—and we are not conning the people in the United States about anything. They know what is going on. That is why they are madder than heck. They are tired of Senators who talk out of both sides of their mouths. They are tired of people who have been appointed to positions who come before the Congressional committees and do not speak the truth. If you think the Tea Party people are crazy, get them involved in your Senate race or get them against you when you are running.

Remember now, this all could have been changed had not the leader of the Senate decided that a bipartisan compromise jobs bill was not as important as his partisan jobs bill that just passed right before all this debate.

I just want to tell the people who have watched—and I doubt if there are many right now—that I am as interested in all those things I have objected to because of no offsets as the people who have spoken on the other side of the aisle or my good friend from Tennessee or my good friend from Alabama.

This body should be and can be better than it has been. In my 24 years of service, I have never seen the Congress of the United States perform as badly as we are performing presently. And it shows up. Bipartisanship means input from both sides—not talking about it, doing it. That is the whole difference in what we have had here tonight. We did not even have to have this debate. Thank you.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until Friday, February 26, 2010, at 9:30 a.m.

Thereupon, the Senate, at 11:52 p.m., adjourned until Friday, February 26, 2010, at 9:30 a.m.



## EXTENSIONS OF REMARKS

## HONORING EDWARD BALOIAN

## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Edward "Ed" Baloian upon being awarded with the Ag One "2010 Community Salute." Mr. Baloian will be recognized on Saturday, February 27, 2010 at the Ag One event benefiting the Jordan College of Agricultural Science and Technology at California State University, Fresno.

In 1923, Ed Baloian's father, Charles, started a full-service produce business, Charles Baloian Company, Inc. In 1945, upon returning home from serving their country in World War II, Ed and his brother, James, joined their father as partners in the family business.

In 1965, the Baloians formed Pam Pak Distributors, Inc., to package and market fresh vegetables from a large number of local growers. Ed Baloian took on the responsibility of managing the operations at Pam Pak Distributors. Just three years later, in an effort to increase their annual business and to supply the rising local demand for their products, Pam Pak began its own farming operation.

Mr. James Baloian retired from the family business in 1985, and later that year, Mr. Baloian and his son, Tim, started a new branch to the company, Baloian Packing. This new business continued the efforts of Pam Pak, their number one label, and included Marty Boy, Balo and Valley Jewels. With the increased business, Mr. Ed Baloian was elected Chairman of the Board and Mr. Tim Baloian was elected President of the Board of Pam Pak Distributors.

Today, the company continues to be headquartered in Fresno, California. Under Mr. Baloian's leadership the company has grown to include a majority of the San Joaquin Valley, with extensions into Mexico and Chile. The company is a leading California fresh fruit and vegetable grower, shipper and packer. The company specializes in bell peppers, lettuce, eggplant, red onions, melons and squash. The company ships these products to grocery stores, restaurants and food service customers around the United States and Canada.

Outside of the farming and shipping industry, Mr. Baloian is very active in Rotary, is a Paul Harris Fellow and has served on the council at Peoples Church in Fresno, California. Recently, Mr. Baloian accepted the Central California Excellence in Business Award on behalf of his company.

Madam Speaker, I rise today to commend and congratulate Edward Baloian upon being awarded with the Ag One "2010 Community Salute" for his tremendous support of the agriculture community. I invite my colleagues to join me in wishing Mr. Baloian many years of continued success.

## CONGRATULATING THE LAPORTE FAMILY YMCA ON ITS 100TH ANNIVERSARY

## HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor the LaPorte Family YMCA, celebrating its 100th anniversary of serving the people of LaPorte and the surrounding communities.

For 100 years, the LaPorte Family YMCA has offered a variety of resources to its members. Its dedicated administrators, volunteers and community partners work tirelessly to uphold the organization's mission to promote positive values, investment in community, and mental, physical, and spiritual well-being.

Founded on December 9, 1908, it took LaPorte citizens less than 2 weeks to raise the bulk of the \$65,000 necessary for the construction of the original YMCA facility. This building was completed in 1911. Since that time, the original YMCA building in LaPorte has undergone numerous renovations and additions. Finally, in 1995, the LaPorte YMCA was expanded to its current size of 11,000 sq. ft., which encompasses a teen center, weight room, pool, and a child care center.

As an evolving organization, the YMCA seeks to adapt to the community's needs while promoting family values. The LaPorte Family YMCA remains committed to the original mission of the organization to respond to the needs of the surrounding community. Today, the LaPorte Family YMCA continues to successfully fulfill this mission by providing quality services stressing literacy, safe child care and healthy lifestyle choices. These programs are not only well managed and effectively run but are also vital to the community at large and the YMCA's effort to make a difference in the community "one child, one senior, one family at a time."

So today, on behalf of the citizens of the Second District, I would like to congratulate the dedicated administrative personnel and community volunteers who make the LaPorte Family YMCA such an upstanding organization and outstanding resource for LaPorte and the surrounding communities.

## HONORING PHYLLIS HICKS

## HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. TERRY. Madam Speaker, it is my pleasure to rise today during Black History Month to remember the important contributions African Americans have made to our na-

tion. I especially honor the extraordinary people who continue to help shape my community of Omaha and our great nation. Among the thousands of successful and talented African Americans in the second congressional district of Nebraska, I would like to pay special tribute to Phyllis Hicks.

Since 1967, Mrs. Hicks has run the Salem Stepping Saints Drill Team in Omaha and continues to be a volunteer and chief fundraiser for this youth group, which not only teaches young people drill skills, but also provides them with mentoring, tutoring and counseling. Through her outreach, she has helped many youths overcome barriers, especially discrimination. Phyllis is active in the NAACP, Black Business Women's Council and Urban League. She currently serves as marketing director for the Omaha Star Newspaper, Nebraska's largest African-American newspaper. Mrs. Hicks remains active, serving on several community boards, and her dedication to improving our community is recognized and appreciated.

Thank you, Phyllis Hicks, for your commitment to making the world a better place. Your participation in our community has made a difference to thousands of people, especially our youth.

## HONORING SABRINA MORALES, PRISCILLA KING, LAKEITHA LYLES, AND DIANA EDOUARD FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

## HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge four students in my district, Sabrina Morales, Priscilla King, Lakeitha Lyles, and Diana Edouard, from Wyandanch Memorial High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Sabrina, Priscilla, Lakeitha, and Diana for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

## PERSONAL EXPLANATION

## HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mrs. BIGGERT. Madam Speaker, I was absent from votes on Monday, February 22,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



2010. The House considered two bills under suspension of the rules. Had I been present, I would have voted "yea" for rollcall 49 and "yea" for rollcall 50.

COMMEMORATION OF TAIWAN'S  
"2-28 MASSACRE"

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize the 63th commemoration of Taiwan's "2-28 Massacre." In the Fall of 1945, 50 years of Japanese occupation of Taiwan ended with World War II. The United Nations gave administrative control of Taiwan to the Chinese Nationalist Party. After more than a year, the Taiwanese people were frustrated by the corruption and economic mismanagement that seemed to plague the party.

On February 28, 1947, an elderly woman was arrested and beaten. A group of Taiwanese confronted the Chinese troops responsible. One of the Taiwanese was shot, riots raged, and Chinese soldiers gunned down thousands of unarmed civilians.

During the following days, government troops arrived from mainland China. The Chinese soldiers began capturing and executing leading Taiwanese lawyers, doctors, students, and other citizens. It is estimated more than 18,000 people lost their lives. During the following four decades, the Chinese Nationalists continued to rule Taiwan with an iron fist under Martial Law that was not lifted until 1987.

The Massacre had far reaching implications. Over the next half-century, these events helped galvanize Taiwan's struggle for independence and for its transformation from a dictatorship to a thriving and pluralistic democracy.

I urge other Members to join me in commemorating this important historical event.

HONORING KELLY WEINSENSEEL  
FOR WINNING THE HONORING  
OUR FUTURE LEADERS COM-  
PETITION

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a student in my district, Kelly Weinsenseel, from West Babylon High School.

Kelly will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, she wrote her own rendition of the "I Have a Dream" speech delivered by Martin Luther King, Jr.

I am proud to honor Kelly for her academic and personal achievements and congratulate her upon the receipt of this prestigious award.

CORPORAL JACOB HENRY  
TURBETT

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. McCOTTER. Madam Speaker, today I rise to honor Corporal Jacob Henry Turbett, a courageous and noble Marine, who died on February 13 at the age of 21. Corporal Turbett lost his life while bravely supporting combat operations in the Helmand Province, Afghanistan.

Corporal Turbett was a member of the Second Combat Engineer Battalion, Second Marine Division, II Marine Expeditionary Force based in Camp Lejeune, North Carolina. He was a 2007 graduate of Canton High School and took part in Civil Air Patrol. He came from a celebrated military family. His grandfather, cousin and two of his uncles were in the Marines. His uncle was in the Navy and his sister, Jaime Turbett, started boot camp in the Navy only ten days before her brother was killed. Corporal Turbett followed in these proud footsteps by completing tours of duty in Bangladesh and Iraq. Additionally, he was stationed in Okinawa, Japan. He was a hard worker, a proud and brave American, and a loving husband to his wife Crystal, whom he married in July 2008. Along with his wife and sister he is survived by his mother, Sheila, his father, Richard and his brother, Joe Marsh, who is a sheriff's deputy in Humboldt County, California.

Corporal Turbett sacrificed everything for his country in Operation Enduring Freedom. To his fellow soldiers, his family and friends, and to everyone who knew and loved him, he was a dedicated member of his community who answered the higher calling to serve his country.

Madam Speaker, during his lifetime, Corporal Turbett enriched the lives of everyone around him by employing energy, leadership, and courage in everything he set out to do. As we bid farewell to this exceptional individual, I ask my colleagues to join me in remembering and honoring his contributions and years of devoted service to his community and our country.

HONORING THE ORGAN PIPE CAC-  
TUS NATIONAL MONUMENT FOR  
BEING RECOGNIZED BY THE  
INTERMOUNTAIN REGION'S WIL-  
DERNESS STEWARDSHIP  
AWARDS PROGRAM

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. GRIJALVA. Madam Speaker, I rise today to honor the employees of Organ Pipe Cactus National Monument. The staff of Organ Pipe Cactus National Monument has been recognized by the Intermountain Region's Wilderness Stewardship Awards Program with the top award for 2009 as true Wilderness Champions.

Organ Pipe Cactus National Monument covers 330,689 acres and, of that acreage, 95 percent is designated wilderness. Founded in 1937, the employees of this National Monument have continuously monitored and evaluated the land use and local environment. President Franklin D. Roosevelt preserved this land for its scenic views but also for its ecological wonders. Having been occupied by American Indians, Mexicans and Europeans the diverse history of this land makes it valuable around the globe. In addition, in 1976 the United Nations bestowed the title of International Biosphere Reserve on Organ Pipe Cactus National Monument further confirming not only its local importance, but its value internationally. Twenty-six species of cactus flourish in the harsh conditions, as well as many species of birds, lizards, bats and rodents. They all delicately coexist in this wonderful ecosystem.

Until the 1970s, this land was used for ranching and mining, making the jobs of the current staff challenging. Catching up with the damage done during these times has proven to be the stimulus for all the wonderful projects taken on by the employees at Organ Pipe. Most notable is the Organ Pipe Cactus National Monument Ecological Monitoring Program. This program has been diligently working since 1997 to monitor and evaluate critical aspects of the region. From reporting changes in the ecosystem, to documenting damage to the land by neighboring developers, this program has proven vital to the stability of the National Monument, as well as to the ecosystem of Southern Arizona.

Organ Pipe Cactus National Monument is also a vital part of the community and offers guided tours, hiking, camping, excellent birding and plenty of beautiful picnic areas. Organ Pipe also offers wonderful educational opportunities through student field trips and its participation in the VIEWS program through the National Park Service.

The men and women employed at Organ Pipe monitor this delicate ecosystem while still preserving this beautiful area. The staff take bi-annual photos in eight different areas to monitor land use and development along the Mexico border, annually monitor spring and summer lizards and their habits in the Sonoran Desert, and have set up an annual climate monitoring system for which the data are all reported into their ORPI Ecological Monitoring Report. Through the staff's efforts, the stability of this wonderful, natural resource is protected.

The employees of Organ Pipe Cactus National Monument who have been honored with this award truly deserve it. They are vital players in the protection of America's wild lands. As a member of the House Committee on Natural Resources and, having seen our community grow to over a million people during my lifetime, I know the importance of protecting these delicate areas. It gives me great joy to see such wonderful people giving of themselves to preserve and protect this spectacular region of Southern Arizona.

HONORING MS. DEBRA GABEL

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Debra Gabel. Ms. Gabel served her constituency faithfully and justly during her tenure as the Cherry Creek tax collector.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Gabel served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Gabel is one of those people and that is why Madam Speaker I rise to pay tribute to her today.

**PRISONERS OF CONSCIENCE IN CUBA****HON. ALBIO SIRE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. SIRE. Madam Speaker, I rise today to share my deep sadness over the loss of a Cuban prisoner of conscience, Orlando Zapata Tamayo, held by the Cuban regime.

Orlando Zapata Tamayo was first arrested in March 2003 for participating in a hunger strike to demand the release of Dr. Oscar Biscet and other prisoners of conscience. Since his initial arrest and unwarranted imprisonment, the regime consistently increased Zapata's prison term up to 47 years.

While in prison, Zapata endured frequent beatings and unimaginable living conditions. On December 3, 2009, Mr. Zapata began a hunger strike to protest the human rights violations and the repeated beatings by the Cuban authorities. After an 83-day hunger strike, Orlando Zapata Tamayo passed away on Tuesday, February 23, 2010.

In mourning the death of Orlando Zapata Tamayo, I urge my colleagues to listen to his message of freedom and respect for human life. As the atrocities he fought against remain the reality of Cuba today, we must continue to fight for human rights and the release of all political prisoners.

In light of this tragic death, it is important to recognize the hundreds of activists and prisoners of conscience that continue to risk their freedoms and their lives in Cuba. One such man, Normando Hernandez Gonzalez, was also arrested in the massive crackdown on suspected dissidents in March of 2003. Mr. Hernandez was sentenced to 25 years in prison. While serving this term, his health has deteriorated significantly and he continues to suffer from several life-threatening ailments. I am very concerned for his well-being, and along

with the international human rights community, I plead for his immediate release and the release of every wrongly imprisoned Cuban.

IN HONOR OF MAURICE GROSSMAN

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. GRIJALVA. Madam Speaker, it is my pleasure to rise today to honor Maurice Grossman, one of Tucson's true treasures, who passed away January 21st at the age of 82.

Maurice was beloved by many who knew him, not just for his art but for his dedication to human rights and the Democratic Party.

A retired art professor from the University of Arizona, Maurice Grossman spent his life as a ceramic artist, activist and a leader in the Lesbian, Gay, Bisexual and Transgender community.

Maurice served in the Navy during World War II, before attending Wayne State University in Detroit. After attending and teaching at other universities, he traveled to Japan as a Fulbright scholar, then finally to Tucson to teach.

The founder of the University of Arizona's ceramics program in 1955, Maurice received several prestigious awards during his career, including a National Endowment for the Arts grant in 1986 and the UA's Creative Teaching Award. Maurice's commitment to supporting other artists' was unflagging and genuine. He would invariably turn up at openings and contribute his works to galleries, both big and small.

Always the activist, Maurice single-handedly took it upon himself to register people to vote. He felt that it was his duty to make sure that everyone, regardless of background, had a voice. When he retired in 1989, he became more involved in the effort to help fight discrimination against the LGBT community.

Maurice was quoted in a 2004 article as saying, "It's not just about equal rights for us. It's about equal rights for everyone. Do we want to take a step forward or a step back?"

Maurice never stepped back. He was an extraordinary man and a true individual. His role as an activist for equality and human rights will not soon be forgotten.

I was privileged to know Maurice personally. Always enthusiastic, I could count on not only his support but his passion. His dedication to the community was never-ending.

Madam Speaker, I rise to honor Maurice Grossman and thank him for being a role model for so many of us.

RETIREMENT OF MR. LEW STULTS

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. McKEON. Madam Speaker, I rise today to celebrate the retirement of Lew Stults, who graciously served as my District Director for the past 12 years, representing the needs of

constituents in the 25th Congressional District of California. A 53-year resident of the Antelope Valley, Lew first began working for me in 1998 and was a direct liaison to residents, schools, businesses, city and county government officials, civic organizations, and the local aerospace industry.

Lew was an integral part of my most senior staff, forging relationships and addressing issues that significantly and positively impacted Southern California. He became such a beloved figure that he was oftentimes referred to as the "Congressman of Palmdale."

Lew arrived in the Antelope Valley at the age of 10 in 1957, when his family relocated from Portland, Maine. He attended elementary and middle schools in the Lancaster School District and graduated from Antelope Valley High School in 1965. He first attended Antelope Valley College in the fall of 1965, but interrupted his education to join the U.S. Navy in 1966. Lew is a Vietnam veteran who served in an airborne photographic reconnaissance squadron. After his 4-year service in the Navy, Lew returned to the Antelope Valley and again attended Antelope Valley College.

He has had a long and distinguished career in sales and marketing, and was elected twice to two 4-year terms on the Board of Trustees for the Lancaster School District. In 1993 Lew became the founding President of the Lancaster Education Foundation, a non-profit corporation raising money for children in the Lancaster School District. He is a long-time member of Lancaster West Rotary Club and is a Past President of the Antelope Valley Board of Trade.

It has been my absolute honor to have Lew Stults as a senior advisor and staff member for more than a decade. He is a tremendous man of warm humor, quick wit, and great integrity.

I congratulate Lew on his retirement and wish him and his wife of 42 years, Karen Stults, prosperity in all future endeavors.

**THE KHOJALY TRAGEDY****HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. SHUSTER. Madam Speaker, one of our greatest strengths as elected officials is the opportunity to bring to light truths that are little known and command recognition.

Today, as the cochairman of the House Azerbaijan Caucus, I would like to bring to the attention of this body the tragedy that took place in Khojaly, Azerbaijan, a town and townspeople that were destroyed on February 26, 1992.

At the time, the Khojaly tragedy was widely covered by the international media, including the Boston Globe, Washington Post, New York Times, Financial Times, and many other European and Russian news agencies.

Fifteen years later, there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan.

Sadly, Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the

largest killing of ethnic Azerbaijani civilians. With a population of approximately 7,000, Khojaly was one of the largest urban settlements of the Nagorno-Karabakh region of Azerbaijan.

According to Human Rights Watch and other international observers the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. Human Rights Watch described the Khojaly Massacre as "the largest massacre to date in the conflict" over Nagorno-Karabakh. In a 1993 report, the watchdog group stated "there are no exact figures for the number of Azeri civilians killed because Karabakh Armenian forces gained control of the area after the massacre" and "while it is widely accepted that 200 Azeris were murdered, as many as 500-1,000 may have died."

At the time, Newsweek Magazine reported: "Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25-26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

Time Magazine stated "While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown."

Azerbaijan has been a strong strategic partner and friend of the United States. The tragedy of Khojaly was a crime against humanity and I urge my colleagues to join me in standing with Azerbaijanis as they commemorate this tragedy.

#### A TRIBUTE TO ALAN AND NANCY BRODOVSKY FOR THEIR DEDICATION TO EDUCATION EXCELLENCE

**HON. JERRY LEWIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. LEWIS of California. Madam Speaker, I would like to pay tribute today to Alan and Nancy Brodovsky, who are widely known for their community service in Sacramento, California, and especially for their devotion to education excellence.

Madam Speaker, I became aware of and made many friends in the Sacramento Jewish community as a result of a decade in the legislature and through family connections. I have always been impressed by the vibrancy and commitment of the volunteers in our state capital, and have maintained strong ties with my friends there.

Alan Brodovsky is a Sacramento native who has been among the most active in giving his time to the community. He has been particularly involved in supporting the establishment and growth of the Shalom School, the only Jewish Day School in Sacramento. He has spent 25 years in leadership positions on the board of trustees. He was also instrumental in forming an advisory board to establish, build, and manage the investments for Shalom School's endowment program.

Mr. Brodovsky has been a volunteer leader of the greater community in many ways, serving on the board of trustees of Mosaic Law Congregation, three years as president. He is currently a member of its foundation board. He is a trustee and treasurer of Hillel of Davis and Sacramento, vice president of the Trust Fund for Jewish Elderly. He has served on the board of the Jewish Community Foundation of the West, the JCRC, and is the past president of the Sacramento Junior Chamber.

Nancy Brodovsky has been a force in the Sacramento community since she married Alan and moved there in 1985. She has also been president of the board of trustees of Shalom School, and has served as a trustee for the Crocker Art Museum, FamiliesFirst, Mosaic Law Congregation, TDX, the National Breast Cancer Fund, Sacramento Jewish Federation, Sacramento Country Day School and the advisory board of Breakthrough Sacramento.

Perhaps her most high-profile role has been as the chairman of the board of directors of the M.I.N.D. Institute at University of California, Davis. The M.I.N.D. Institute is a collaborative international research center, committed to the awareness, understanding, prevention, care and cure of neurodevelopmental disorders, the most well-known of which is autism. In addition to being intimately involved in setting the course of the institute, Nancy has organized and overseen annual fund-raising events that have raised hundreds of thousands of dollars for the program.

Madam Speaker, Alan and Nancy Brodovsky have raised two fine sons even as they have devoted their time and efforts to their community. In tribute to their years of dedication, the Brodovskys will be honored by the Shalom School in March. I ask you and my colleagues to join me in commending them for their community work and wish them well in their future endeavors.

#### PERSONAL EXPLANATION

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. MOORE of Kansas. Madam Speaker, on February 22, 2010, due to weather delays on my flight from Kansas City, I did not cast a recorded vote on H.R. 4425 or H.R. 4238. If I had voted, I would have voted "yes" on both.

#### PAYING TRIBUTE TO THE BUENOS AIRES NATIONAL WILDLIFE REFUGE

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. GRIJALVA. Madam Speaker, I rise today to pay tribute to all the staff at the Buenos Aires National Wildlife Refuge. The Refuge consists of a beautiful 118,000 acres of mountains, riparian zones, and grasslands in the Southern Arizona desert and contains majestic areas such as Brown Canyon, Arivaca Cienega and the Baboquivari Mountains.

The Buenos Aires National Wildlife Refuge is a sanctuary for many different types of wildlife including the Pima pineapple cactus, the pygmy-owl and the endangered masked bobwhite quail. Additionally, 325 bird species, 53 species of reptiles and amphibians, 58 mammal species, including mule deer, white-tailed deer, pronghorn, javelina, and mountain lions all call the Refuge home. Without the protection of the Refuge, many of these species would disappear and be lost to us forever. The Refuge is also a vital part of the community and offers guided tours, hiking, camping, horseback riding, mountain biking, excellent birding, and plenty of beautiful picnic areas. The Refuge even offers wonderful educational opportunities through volunteer projects and nature workshops.

The men and women employed at the Refuge work tirelessly to preserve this beautiful area. Through their efforts, the Refuge has successfully reintroduced the endangered bobwhite quail and the pronghorn deer into the wild and ensures their continued protection. These people are truly the guardians of an environmental treasure and view their task as a privilege, not just a job.

In addition to the wonderful staff at the Refuge, an exemplary group of volunteers known as the Friends of the Buenos Aires National Refuge dedicate their time to the community education conservation, and preservation of this wonderful land. This non-profit group gives selflessly to promote the goals of the Refuge and with the help of the Refuge staff; they recently held the 1st Annual Grasslands Fair to celebrate this beloved land.

The Buenos Aires National Wildlife Refuge, its staff, and the volunteers who dedicate their time are all truly valued players in the protection of America's wild lands. Being a member of the House Committee on Natural Resources and having seen our community grow to over a million people, during my lifetime, I know the importance of protecting areas like the Buenos Aires National Wildlife Refuge. It gives me great joy to see such wonderful people giving of themselves to preserve and protect this spectacular region of Southern Arizona.

RECOGNITION OF STEFANIE  
SPIELMAN

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor Stefanie Spielman, a dedicated activist who fought to increase funding for breast cancer research and raise awareness about the disease. Stefanie was diagnosed with breast cancer in 1998, survived four bouts of cancer and worked tirelessly to raise awareness about the vital role routine examinations play for women. Stefanie's death in November 2009 was a tragic loss for her family and the Columbus community, but her legacy will live on.

After her diagnosis, it became Stefanie's life mission to raise money for breast cancer awareness and research. Her initial efforts were focused locally. Her neighborhood grocery store asked shoppers to purchase paper footballs, the donations from which would be given to the Arthur G. James Cancer Hospital. The response was overwhelming. Within six months donations totaled \$1 million, far exceeding the initial goal of \$250,000. Inspired by this outpouring of support, Stefanie established the Stefanie Spielman Fund for Breast Cancer Research and Stefanie's Champions, an annual awards program recognizing those whose love, dedication and strength have had a powerful impact on the lives of cancer survivors. Stefanie's fundraising efforts continued over the next twelve years and at the time of her death, the Stefanie Spielman Fund for Breast Cancer Research had raised over \$6.5 million for breast cancer research, education, and patient assistance. Stefanie also helped establish the Stefanie Spielman Patient Assistance Fund, which provides financial support to breast cancer patients and their families who are experiencing financial hardships. Through these efforts, Stefanie has touched the lives of countless individuals and families who have struggled with breast cancer.

The Upper Arlington Historical Society and the city of Upper Arlington have chosen Stefanie Spielman as one of the 2010 inductees to the Upper Arlington Wall of Honor. Each year, the Historical Society and the city select members of the community who have demonstrated outstanding achievement and personal character, or provided valuable service to the community. The induction ceremony will be held on May 23, 2010, in honor of Stefanie, her contributions to Upper Arlington, Columbus, and the search for a cure for breast cancer. I am proud to honor Stefanie Spielman, whose leadership and courage in the fight against breast cancer in the Columbus and greater Ohio area has been and continues to be an inspiration.

TRIBUTE TO LIEUTENANT  
GENERAL LARRY DODGEN

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. ADERHOLT. Madam Speaker, I would like to offer my condolences to the family of LTG Larry Dodgen, former head of the Army's Aviation and Missile Command at Redstone Arsenal.

On February 20, 2010, I along with many others across the State and Nation were saddened to hear of the passing of Retired LTG Larry Dodgen.

Dodgen served in the U.S. Army from 1972 to 2006. He was awarded the Defense Distinguished Service Medal, the Legion of Merit with two oak leaf clusters, the Meritorious Service Medal with four oak leaf clusters, the Army Commendation Medal and the Army Achievement Medal.

Lieutenant General Dodgen served as the Commanding General of the U.S. Army Aviation and Missile Command, near Huntsville, Alabama, from September 10, 2001, to December 16, 2003.

After retiring from the Army in 2006, Lieutenant General Dodgen worked as sector vice president and deputy general manager of the Missile Defense Division within Northrop Grumman's Mission Systems sector.

Lieutenant General Dodgen will be remembered for his outstanding leadership, effective communication, and for making safety and security the top priority for both his troops and their families. It was an honor to work with him, and I know he was well-liked and respected throughout Congress.

Our thoughts and prayers are with his wife Leslie and her family and friends.

RECOGNIZING AND THANKING  
AMERICAN ENTREPRENEURS

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor the men and women who are striving to realize the American dream and who will be integral in our economy's recovery. This week we are recognizing and thanking American small businesses and the entrepreneurs behind them.

Entrepreneurs are a key component to our Nation's economy now more than ever. They are responsible for the creation of two-thirds of all new jobs each year, and their small businesses comprise more than 97 percent of all employers in the United States—nearly 30 million businesses in all.

Entrepreneurs are important for the entire nation, but in Nebraska they are vital. In the most recent report from the Small Business Administration, Nebraska has an estimated 163,077 small businesses which employed more than 50 percent of the non-farm private labor force, bringing in \$6.7 billion in income. Quite simply, we need small businesses and

entrepreneurs. They deserve our support and recognition as they work to rebuild our economy.

All too often there is a tendency to rely on the government to create wealth and prosperity when, in reality, these are created in the private sector by risk-taking entrepreneurial Americans with ideas, innovation, and their own hard work.

RECOGNITION OF CINDY DYAS

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor Cindy Dyas, a strong, inspirational woman who fought to raise awareness for breast cancer as well as the care of patients suffering from the illness. Cindy, diagnosed with breast cancer in 1991, was instrumental in bringing both issues to the forefront in the Columbus community.

Cindy Dyas played an integral role in bringing the Susan G. Komen Race for the Cure to Columbus. Since the inaugural race in 1993, the number of participants has grown from 800 to 47,000 and has raised \$13 million in support of Ohio cancer research. Currently the Columbus Race for the Cure ranks in the top 10 for participation among Race for the Cure events nationwide. Each year her contribution to breast cancer awareness and research in Columbus lives on through thousands of central Ohioans who take part in and support the annual Susan G. Komen Race for the Cure.

After bringing the Race for the Cure to the Columbus area, Ms. Dyas walked in every race but one and was an active member of the Columbus Komen Board. In 2003 she received the Komen Cameo Award, the highest award given to a volunteer by the foundation. Upon her death in 2005, Susan G. Komen for the Cure established the Cindy Dyas Award of Heroism. The award is presented annually to a long-term breast cancer survivor whose dedication to the cure has given strength to others in the same way that Cindy Dyas has inspired countless cancer survivors.

The Upper Arlington Historical Society and the City of Upper Arlington have chosen Cindy Dyas as one of the 2010 inductee for the Upper Arlington Wall of Honor. Each year the Historical Society and the city select members of the community who have demonstrated an outstanding achievement and personal character, or provided valuable service to the community. The induction ceremony will be held on May 23, 2010, in honor of Cindy Dyas, her contribution to Upper Arlington, Columbus, and the search for a cure of breast cancer. I am proud to honor Cindy Dyas, whose leadership and courage in the fight against breast cancer in the Columbus and central Ohio area has been and continues to be an inspiration.

IN HONOR OF THE PRESCOTT FIRE  
DEPARTMENT'S 125TH ANNIVER-  
SARY

**HON. ANN KIRKPATRICK**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I rise today to congratulate and recognize the Prescott Fire Department in Prescott, Arizona. On March 6th, the City of Prescott will celebrate the 125th Anniversary of their Fire Department's founding. Over the past 125 years, the brave men and women to be honored next Saturday fought some of the most tenacious fires in one of the toughest fire districts in our Nation. Growing up in Arizona, I heard stories about the Prescott Fire Department fighting the fire that destroyed one block of historic "Whiskey Row" in the summer of 1900 and I remember the Indian Fire—a wildfire that nearly burned through town in the Spring of 2002. Events like these, gave me a deep respect for firefighters, especially those in Prescott. Since 1885 the citizens of Prescott have benefitted from the expert services provided by Arizona's oldest fire department and I look forward to joining the Prescott Fire Department for many future celebrations.

HONORING ALEC ROBINOVITZ, A  
TOP YOUTH VOLUNTEER IN  
SOUTH CAROLINA

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Alec Robinovitz, who was named one of two top youth volunteers in South Carolina for 2010 by the 15th Annual Prudential Spirit of Community Awards.

Alec, a fifth-grade student at East Cooper Montessori Charter School in Mt. Pleasant, S.C., collected more than 3,000 books over the past two years for patients at the Medical University of South Carolina Children's Hospital. He is a remarkable and inspirational young man who has chosen to make a positive impact on his community by reaching out to those in need.

I am proud of my constituent, Alec Robinovitz, who has displayed an incredible sense of kindness and commitment to the children at MUSC. Thank you, Alec, for your exemplary volunteer service in South Carolina's First District, and congratulations on receiving such a noble honor.

HONORING MEHDI MORSHED

**HON. DENNIS A. CARDOZA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. CARDOZA. Madam Speaker, I rise today to honor Mr. Mehdi Morshed, who has

been one of California's leading transportation policy experts and innovators for over 40 years.

Mr. Morshed served as a member of the California High Speed Rail Commission from 1994 to 1996 and was the first person to be appointed to the board of the newly created California High Speed Rail Authority in 1997. He was appointed by the board to be the first Executive Director of the Authority in 1998 and has served in that position since.

Mr. Morshed has been instrumental in guiding the development of the California High Speed Rail Project from its inception and has been an advocate nationwide. The project has evolved from a planning concept to a fully developed project with an 800-mile system that has won political, community, and finally voter support and is poised for implementation in the near future.

Prior to becoming the Executive Director, Mr. Morshed served as the principal policy person on transportation issues for the California State Senate for more than 20 years. Prior to that, he worked for the California Department of Transportation in various capacities, including planning, design and construction of bridges. He was a member of the design engineering team for San Diego's Coronado Bridge.

While with the California Senate, Mr. Morshed was responsible for the development and enactment of a wide range of transportation laws, policies and programs. He helped guide the creation of the State's principal transportation institutions including the High Speed Rail Authority, the California Transportation Commission and various local and regional commissions, transportation districts and other agencies.

Educated at the University of Washington, Seattle, as a civil engineer, he received a master's degree in transportation engineering from the University of California, Berkeley.

Madam Speaker, I ask that my colleagues join me in honoring Mr. Mehdi Morshed for his efforts and dedication to the transportation systems in California.

HONORING LAVERA ETHRIDGE-  
WILLIAMS

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate LaVera Ethridge-Williams upon being honored with the "Trail Blazers Award" by the African American Museum in Fresno, California.

Mrs. LaVera Ethridge-Williams was born in Boley, Oklahoma in 1927 to John and Alberta Ethridge. She was raised in Wewoke, Oklahoma where she received her early education. As a child, she cared for her younger siblings while her parents worked. In 1945, Mrs. Ethridge-Williams moved to Fresno, California and attended Fresno City College and California State University, Fresno.

In 1968, Mrs. Ethridge-Williams began the process of opening a child care center in West Fresno. She recognized that a child care cen-

ter would be a great asset to a community that was largely underserved. She faced many adversities; including obtaining a bank loan and attending many hearings with the state board for the Department of Health and Welfare. After four years of perseverance, Mrs. Ethridge-Williams was able to open her first private child care center. The center was designed specifically for infants and licensed by the California State Department of Social Welfare.

Mrs. Ethridge-Williams quickly began working on the goal of opening a chain of child care centers. She began designing the centers to be innovative and functional for the education of young children. These centers provided valuable early education, emphasizing the importance of school, health, vaccinations, nutrition, as well as employment opportunities for the West Fresno residents.

Mrs. Ethridge-Williams' love for her community and profession was evident throughout her life. She is one of the founding members of the Sickle Cell Support Group through her membership with the Fresno Chapter of The Links, Inc. For her service, Mrs. Ethridge-Williams has been recognized and honored with many awards; including being named the "Outstanding Black Woman of the Year" by Gamma Eta Chapter of the Iota Lambda Society, "Minority Business Enterprise Award" by the City of Fresno, "Portrait of Success Award" from the local NBC affiliate, KSEE 24, "Woman of the Year" for the 16th Senate District by former State Senator Jim Costa, "Martin Luther King, Jr. Award" and was recognized by the Fresno Unified School District for being a leader in education for the children in the community.

Mrs. Ethridge-Williams is married to Lonzell Williams and together they raised three children. They have five grandchildren and four great-grandchildren.

Madam Speaker, I rise today to commend and congratulate LaVera Ethridge-Williams upon being honored with the "Trail Blazers Award." I invite my colleagues to join me in wishing Mrs. Ethridge-Williams many years of continued success.

HONORING DR. HERBERT RHODES

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. TERRY. Madam Speaker, today I rise during Black History Month to remember the important contributions African Americans have made to our nation. I want to especially honor the extraordinary people who continue to help shape our community and our great nation. I have the privilege of representing thousands of successful and talented African Americans in the second congressional district of Nebraska, and among those is a special individual. I would like to pay tribute to Dr. Herbert Rhodes.

Dr. Rhodes has been a lifelong member of the Omaha business community. He was featured in a 1975 issue of Ebony Magazine, which highlighted successful African Americans who were leading the way in business.

During his 36-year tenure at AT&T, he served as a senior manager specializing in risk management for worldwide commercial metals. He is the founder and president of American Harvest Company, which was established in 1979. He continues to be a role model for success as a senior trader for AHT Capital Management Hedge Fund. Dr. Rhodes is a member of the Copper Club and the American Copper Association. He also serves as secretary for the St. Benedict the Moor Catholic Church, president of the men's social club Work in Progress, and is a member of the NAACP. He has been a member of the Nebraska Cattlemen Association since 2008 and now serves as the director of marketing and commerce. He is the proud father of four children and two grandchildren.

Thank you Dr. Herbert Rhodes for your contributions. Your work in our community has made a difference many Nebraskans from all walks of life.

IN MEMORY OF FORMER  
PLEASANTON MAYOR BEN  
TARVER III

### HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. McNERNEY. Madam Speaker, today Congressman PETE STARK and I ask our colleagues to join in honoring the life of Ben Tarver III, who passed away at age 63 on January 4, 2010.

Ben Tarver was passionate about serving the people of Pleasanton. He moved his family to Pleasanton in 1974 and raised three children with his wife Margo. He started his 18 years of public service by fighting to preserve open spaces and promote smart development. He succeeded in preserving land that is now a part of the East Bay Regional Park District.

Ben Tarver first served as a planning commissioner and was then elected to the City Council in 1988 and elected Mayor four times from 1992–2000. Ben had a deep rooted sense of public service and strong belief in giving back to the community in which he lived. When he was not coaching youth soccer or playing in a league himself, Ben was working with the school district to open up school gyms for community use, promote public parks and youth activities.

Ben also represented the City of Pleasanton through appointments to numerous other Boards, Committees and Commissions. He served on the Bay Area Air Quality Management District Board, the Alameda County Congestion Management Agency Board, the Tri-Valley Wastewater Authority, the Livermore-Amador Valley Waste Management Agency, and fulfilled the role of President of the Alameda County Mayor's Conference and Chair of the Alameda County Local Area Formation Commission. He was an active member of the League of California Cities, serving as Chairman of the Revenue and Taxation Policy Committee and a member of the Telecommunications Task Force.

Ben's years of community service touched the lives of many and improved the quality of

life in Pleasanton for decades to come. He led by example and in the words of former Pleasanton Mayor Tom Pico, "Ben was a great steward for our city. He set a high standard for integrity and did everything possible to protect Pleasanton's future."

Ben Tarver's dedication to public service leave a legacy that will continue to benefit the people of Pleasanton, the state of California and our great nation for generations to come. It is for these reasons that Congressman PETE STARK and I ask our Colleagues to join in honoring the memory of Ben Tarver and in sending our thoughts and prayers to his beloved family and friends.

### HONORING KATIE STAGLIANO, A DISTINGUISHED FINALIST OF THE 15TH ANNUAL PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

### HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Katie Stagliano, one of four distinguished finalists of the 15th Annual Prudential Spirit of Community Awards.

Katie, a fifth-grade student at Pinewood Preparatory School in Summerville, S.C., donated more than 1,000 pounds of fresh produce to local soup kitchens. Even more impressive, Katie produced the vegetables from five gardens that she tends. She has since recruited friends, family, members of the community and businesses to support her effort to feed the hungry. Katie is a remarkable young woman who has displayed an incredible sense of kindness and commitment to the hungry in South Carolina's First District.

Thank you, Katie, for your exemplary volunteer service, and congratulations on receiving this distinguished honor.

### MARGARET REYEZ

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. McCOTTER. Madam Speaker, I rise today to acknowledge and honor Margaret Reyez, who is the recipient of the ATHENA award, which honors outstanding women for their leadership.

After a 13-year career at St. Mary Mercy Hospital in Livonia, Michigan, Margaret found her true calling when she became an Information and Media Center Clerk for the Westland Public Schools Student Libraries. In the position she still holds, Margaret promotes literacy and the benefit it brings. Margaret is also a featured history presenter in the dramatic program of Greenfield Village. Appearing as an 1871 era schoolmarm at the Scott Settlement School, Margaret brings history to life and continues her championship of literacy. Certified in 1987 as a coordinator with Rainbows for All God's Children, a support group for chil-

dren suffering the loss of a parent through death or divorce, Margaret lent her caring heart to the most vulnerable in her community. In 1990, Mrs. Reyez was certified as a Youth Minister, devoting herself to that role at SS. Simon and Jude Church in her hometown of Westland. Margaret Reyez graduated in 2001 from Schoolcraft College with an Associates Degree in Liberal Arts. She is involved in numerous community service programs including the Red Wagon Literacy campaign.

Mother to three adult children and five grandchildren, perhaps the greatest testament to Margaret Reyez comes from her daughter who credits her mother with instilling this in her children, "You can be and do anything you want to if you just keep trying and don't give up."

Dedicated to her community, she has tirelessly worked to identify the needs of families within the Wayne Westland School District, and is considered a mentor and role model to women in her community.

Madam Speaker, Margaret Reyez has forged a legacy of commitment and dedication to helping families in the Cities of Wayne and Westland. I ask my colleagues to join me today in honoring Margaret, and I congratulate her upon receiving this honor.

### H.J. RES. 45—INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. PETERS. Madam Speaker, there is no way I can in good conscience vote for an almost \$2 trillion increase in the debt limit, without first exploring other alternatives. We need a plan for reducing spending in both the short and long term, and a workable path to balance our budget and shrink our national debt. For example, reducing the authorization for TARP, cutting wasteful agriculture subsidies to corporate factory farms and cracking down on offshore haven tax cheats could help reduce the debt while Congress works toward enacting a long term, bipartisan solution that will aggressively reduce our budget deficits.

This year, Congress needs to cut spending and create a bipartisan debt commission, as well as enact a strong PAY-GO law that requires any new spending programs be offset elsewhere in the budget. We must find a way to control budget deficits or another debt increase will likely be inevitable. That's the responsible strategy for generating surpluses like we enjoyed in the 1990s.

Last week, the Senate had a genuine opportunity to take on our national debt in a bipartisan manner as proposed by Senators GREGG and CONRAD. Their proposal, which was supported by a majority of the Senate including moderate Democrats and Republicans but unfortunately killed by a stubborn minority, would have created a bipartisan commission that would craft fiscal reforms that Congress would then have to vote on as a single package.

I am voting to reject the Senate's almost \$2 trillion debt increase. Any debt increase that

Congress considers going forward should include a plan for long term debt reduction, such as Senator GREGG's debt commission.

CELEBRATING 110 YEARS OF THE  
VFW

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. POE of Texas. Madam Speaker, The Veterans of Foreign Wars, VFW, celebrated its 110 years of service recently. Decades ago on September 29, 1899 a small group of Spanish-American war veterans came together to speak on behalf of the many veterans who returned home wounded or sick. With no medical care or pension, these brave men were left to fend for themselves. The first three chapters were formed and rapidly gained popularity throughout the United States, and by 1936 proudly declared a membership of almost 200,000 veterans.

The VFW has been in the forefront of helping convey the acknowledgments and benefits deserved to those who fought for our country. I would like to name a few achievements of the VFW. They assisted in establishing the Veterans Administration, the GI Bill for the 20th Century, and fought for compensation of war related injuries and illnesses.

Today, the VFW and Auxiliary volunteer in the community and donate to college scholarships and provide financial assistance to service men and women and their families. Their list of accomplishments is long and diverse. I would like to thank each member and the VFW as a whole for their steadfast hard work in giving back to those who gave so selflessly.

A TRIBUTE IN RECOGNITION OF  
SISTER JENNIE LECHTENBERG  
UPON HER RETIREMENT FROM  
PUENTE LEARNING CENTER  
AFTER 25 YEARS AS ITS FOUND-  
ER AND CHIEF EXECUTIVE OFFI-  
CER

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Sister Jennie Lechtenberg on the occasion of her retirement from PUENTE Learning Center—the educational organization she founded which has served more than 80,000 students since its inception 25 years ago.

Sister Jennie's visionary and lifelong commitment to educating residents of low-income, underserved communities dates back to 1954 when she joined the Sisters of the Holy Names of Jesus and Mary. After earning a Bachelor's Degree from Holy Names College in Oakland, California, Sister Jennie worked as a teacher and administrator in Los Angeles-area Catholic schools for more than three decades.

It was during a three-month sabbatical in 1983 that Sister Jennie received her inspira-

tion for PUENTE Learning Center. After launching tutoring programs for low-achieving first- and second-graders at several public schools in Boyle Heights located in the heart of my congressional district, Sister Jennie observed firsthand that the children struggling the most in school came from homes in which parents lacked basic education and/or English-language proficiency.

It was then Sister Jennie made it her mission to address the broader educational needs of the entire family. To enable parents to assist their children academically, she initiated an English-language-acquisition class for adults. As an intergenerational, family-oriented educational organization, these classes served as the organization's academic foundation. In recognition of the center's broader purpose to improve the lives of adults and children in the home and in the community, Sister Jennie aptly named the center PUENTE—the Spanish word for bridge and an acronym for People United to Enrich the Neighborhood Through Education.

Sister Jennie's vision and commitment to PUENTE's future also brought key support from generous donors. Prior to being elected Mayor of Los Angeles, Richard J. Riordan purchased property for PUENTE on Boyle Avenue. Classes were held on the property in 10 double-wide trailers. At Sister Jennie's urging, foundations, corporations, and individuals supported an ambitious \$10 million capital campaign launched in 1992 to fund the construction of the center's 40,000-square-foot permanent home in Boyle Heights. The stunning new technologically-sophisticated center opened in 1995.

During this same time period, efforts were underway to expand PUENTE into South Los Angeles, an impoverished community struggling to recover from the 1992 riots. Following the civil unrest, the ARCO Foundation invited PUENTE to establish a satellite campus on land that previously housed an ARCO service station that had been destroyed in the riot. A small, two-classroom center opened on the donated property in 1994 in temporary trailers where students received English instruction and basic computer skills.

Community demand in South Los Angeles for additional classes, especially for children and adolescents, prompted the launch of a second capital campaign to construct a permanent \$5 million South Los Angeles home. The 20,000-square-foot facility opened in November 1999. A multi-purpose room was added to the new facility in December 2001.

Today, approximately 2,000 students attend classes each day in Boyle Heights and South Los Angeles. PUENTE's tuition-free programs include: Preschool Readiness; Charter Kindergarten; After School Enrichment; High School Tutorial; and Adult Education including English as a Second Language, Adult High School Diploma, Job Training, and Computer Repair/A+ Certification Preparation.

Madam Speaker, on March 18, 2010, the community will gather at a gala dinner to honor Sister Jennie's outstanding contributions as founder of PUENTE and to celebrate the 25th anniversary of this life-transforming organization which has given hope and opportunity to countless individuals at the centers in Boyle Heights and South Los Angeles.

I ask my congressional colleagues to please join me in thanking Sister Jennie for her many years of exemplary service to the community. In addition to witnessing her incredible contributions to Los Angeles over the years, I am also proud to call her a dear friend.

As Sister Jennie transitions into retirement, we commend her for her leadership and hard work to develop PUENTE into the nationally and internationally renowned educational center for children, youth and adults that it is today.

We extend to her our most heartfelt gratitude and best wishes.

IN CELEBRATION OF TOWN OF  
NORMAL MAYOR CHRIS KOOS  
BEING NAMED AS AN ENVIRON-  
MENTAL HERO BY THE STATE  
OF ILLINOIS

**HON. DEBORAH L. HALVORSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mrs. HALVORSON. Madam Speaker, today I rise to recognize Mayor Chris Koos of the Town of Normal, for being named by Governor Patrick Quinn as an "Environmental Hero" by the State of Illinois. The award is given in recognition of a strong commitment to the health and protection of the environment in Illinois.

Through strong leadership and commitment to sustainable practices, Mayor Koos was at the forefront of creating a pedestrian-friendly community that has attracted Fortune 500 companies and over \$200 million in private investment. In addition, Uptown Normal is the first neighborhood in the United States to require Leadership in Energy and Environmental Design (LEED) certification for new buildings.

Having had the opportunity to work with Mayor Koos, I know first-hand that this award is well deserved. His dedication to innovative, cleaner and greener initiatives, has improved the quality of life for the citizens of the Town of Normal. For this, I commend him for his efforts and wish him and the Town of Normal continued growth and success for years to come.

HONORING THE LIFE AND ACCOM-  
PLISHMENTS OF GEORGE RIOS  
UPON HIS RETIREMENT

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of a distinguished member of my community, George Rios. After more than thirty years of service, George is retiring from the City of San Jose on March 6, 2010.

In the great tradition of the American Dream, Mr. Rios is the son of Mexican immigrants. He grew up in Oakland, California and spoke no English as a child. His father was a stucco factory worker, and his mother took care of George along with his 2 brothers and



1 sister. To help support the family, George and his brothers and sister took odd jobs, such as picking fruit, and loading and unloading produce.

Mr. Rios graduated from high school in 1969, and then went to college at San Jose State University and graduated in 1974. He graduated from University of California's Davis King Hall School of Law in 1977.

After completing his legal studies, George worked at San Jose Legal Aid helping indigent clients with civil legal issues. After two and a half years at Legal Aid, George was hired at the Office of the San Jose City Attorney. He began work in January of 1980 under then-City Attorney Bob Logan. After only five years, he was promoted to the position of Assistant City Attorney. George has handled complex lawsuits for the City including arguing numerous cases in State and Federal courts. He has argued 2 cases before the California Supreme Court and assisted in arguing one case before the United States Supreme Court.

George has served on the Mayors' Gang Prevention Task Force and the Task Force to implement Fast Track rules in Superior Court. He has been active in the Bar, served as a pro tem judge, a trustee for the Santa Clara County Bar Association, and as a member of the La Raza Lawyers Association. He has also served on the Board of Directors of the Almaden Valley Counseling Center, and as a member of the California Council for Criminal Justice and the Legal Advocacy Committee of the League of California Cities.

George is a tremendous role model and is a valued member of the San Jose community. I wish him, his wife and three sons the very best as he enjoys his retirement.

#### H.R. 4264 THE EQUALITY FOR WOMEN FARMERS ACT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. ESHOO. Madam Speaker, I rise in support of and very proud to cosponsor the Equality for Women Farmers Act, introduced by Congresswoman DELAURO.

I thank Congresswoman DELAURO for her leadership on behalf of women farmers. After being presented with the facts about the U.S. Department of Agriculture's history of discrimination toward women farmers, Congresswoman DELAURO became their champion and crafted H.R. 4264, the Equality for Women Farmers Act.

Like Congresswoman DELAURO, I'm proud of the important role women farmers have played in the development of our nation's food system, but I was shocked to learn about the discrimination that many women farmers have been subjected to by the USDA.

In December, Congresswoman DELAURO and I listened to six extraordinary women farmers who shared their stories about discrimination from the USDA. This discrimination has come in many forms including denied access to even an application form.

More than 1,900 women farmers across the U.S. have detailed the discrimination they suf-

fered in seeking farm loans and assistance from the USDA and how such actions have seriously disadvantaged them.

The discrimination cost some of the women farmers their livelihoods and discouraged future generations of women farmers from considering this an honorable profession.

I applaud the USDA and the Obama administration for reaching an agreement with black farmers over racial discrimination, however, we can not forget about the other groups that have faced discrimination at the USDA, including women farmers.

The Equality for Women Farmers Act changes USDA policy to provide a procedure for compensating women farmers who have suffered years of gender discrimination from the USDA. This legislation will establish a compensation fund for women farmers and set up a process to review and adjudicate their claims.

I support the Equality for Women Farmers Act because I believe strongly that all farmers, regardless of gender, should be given the opportunity to succeed. I urge my colleagues to support this important legislation.

#### HONORING THE LIFE AND SERVICE OF LANCE CORPORAL JOSHUA H. BIRCHFIELD

**HON. JOE DONNELLY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. DONNELLY of Indiana. Madam Speaker, today, I rise to solemnly honor Lance Corporal Joshua Birchfield for his dedication and service to the United States of America. LCpl Birchfield, a 24-year-old member of the Marine Corps, was killed on February 19, 2010 by small arms fire while conducting combat operations in Helmand Province during his first tour of duty to Afghanistan. Joshua risked everything to serve his country, and for that we are eternally grateful.

Joshua graduated from Westville High School in 2004 and enlisted in the Marine Corps on April 18, 2008. He joined the Marines after seeing a TV news segment focused on the hardships military families endure when they are separated, especially during the holidays. He was deeply inspired by those who dedicated their lives in the service of others, and he wanted to share the burden they were carrying on behalf of our nation. LCpl Birchfield was stationed in Helmand Province as a rifleman with the 3rd Battalion, 4th Marine Regiment, 1st Marine Expeditionary Force based in Twentynine Palms, California. For his service and support in Operation Enduring Freedom, he has been awarded multiple military awards including the Purple Heart, Combat Action Ribbon, National Defense Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon and the NATO Medal.

A baseball enthusiast, Joshua was a hero to many in the Westville community and will be remembered as the selfless and compassionate human being he was. Joshua is survived by both his parents and sisters, extended family and many friends.

It is my solemn duty, and humble privilege, to honor and remember Lance Cpl. Joshua H. Birchfield and a life cut tragically short. Joshua stands as a testament to the great honor possessed, and sacrifices made, by our men and women in the armed forces, and their families. We were all blessed by his presence and we are all diminished by his passing. I, and the grateful citizens of Indiana's Second District are deeply saddened by his loss, especially for his family, our community and our country. We mourn his passing and offer solemn gratitude for his service.

#### IN RECOGNITION OF THE FARMINGTON/FARMINGTON HILLS FOUNDATION FOR YOUTH AND FAMILIES ON CELEBRATING ITS 15TH ANNIVERSARY

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2010*

Mr. PETERS. Madam Speaker, I ask my colleagues to join me in celebrating the 15th anniversary of the Farmington/Farmington Hills Foundation for Youth and Families. As a Member of Congress, it is both my honor and privilege to recognize this important milestone and pay tribute to this outstanding organization.

The Foundation was created in 1995 with the focus of assisting youth through supporting after-school programs. Over the Foundation's 15 years it has awarded almost \$500,000 to 37 different non-profit groups. The Foundation has since grown and expanded its focus to support a wide-range of community based programs which work to enrich the lives of Farmington and Farmington Hills residents. Each year the Foundation holds an annual gala to highlight the work of programs it has supported, as well as raise support and awareness for future projects. At its 2009 gala, the Foundation introduced its "Bountiful Backpack" program, which arose out of the need to ensure that the substantial number of children who are on free and reduced lunch in our schools continue to have those same healthy nutritional options outside of school.

This year the Foundation honors George and Delores Riley, whose philanthropic work has left a profound positive impact on the communities and citizens of Farmington and Farmington Hills. After nearly 30 years of running a highly successful communications business, in 1998 George Riley sold his company and started the Riley Foundation. According to Mr. Riley, he started the foundation to "really help children." Mr. Riley's vision and commitment continues today with the Rileys' children.

The Riley Foundation's latest major project created a park in downtown Farmington which has been a haven for children and their families in the Farmington area. Beyond local projects, the Riley Foundation has done extraordinary work for the less fortunate worldwide and has recently partnered with public television to develop a new broadcast center for the Metro-Detroit market.

Madam Speaker, I am honored today to recognize the Farmington/Farmington Hills Foundation for Youth and Families on the occasion

of its 15th anniversary and wish them many more years of continued success in creating a stronger Farmington/Farmington Hills community through its support of projects which enrich the lives of area residents.

#### HONORING FRANK HAYES

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. TERRY. Madam Speaker, today it is my privilege to rise during Black History Month, a time when we remember the important contributions African Americans have made to our nation. I want to especially honor the extraordinary people who continue to help shape my community and our great nation. I represent thousands of successful and talented African Americans in the Second Congressional District of Nebraska. Today I would like to pay special tribute to Frank Hayes.

Mr. Hayes is a CPA in Omaha. He was the first African American in the state of Nebraska to receive his license to practice public accountancy. He owns his own business, dealing with individual and corporate tax. He began his business in 1983 and now has more than 20 employees serving more than 100 clients in 15 states. He is also a founding member and was the first president of the 100 Black Men organization, which is dedicated to improving the lives of youth. He has worked tirelessly to help minorities start their own businesses and is currently the executive vice president for finance for the 100 Black Men of America National Board of Directors. In 2009, Mr. Hayes was inducted into the Omaha Business Hall of Fame and the Omaha Technical High School Hall of Fame for outstanding accomplishments in business and community service.

Thank you Frank Hayes for everything you have done in your long and distinguished career, making a difference in the lives of thousands of people, especially our young people.

#### IN CELEBRATION OF THE TWENTIETH ANNIVERSARY OF THE McLEAN COUNTY COMMUNITY COMPACT

#### HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mrs. HALVORSON. Madam Speaker, today I rise to recognize the 20th Anniversary of the McLean County Community COMPACT (Collaborating on Meaningful Partnerships and Careers for Tomorrow). The COMPACT, through a coalition of business, education, community, and government volunteers, offers support to school-aged youth in McLean County, Illinois. The COMPACT helps youth become self-sufficient, contributing citizens, through an effective transition from formal schooling to the world of work.

The COMPACT offers a variety of supportive special programs and services for students, teachers, and educational entities

through a collaborative effort among business and community leaders. The COMPACT promotes active exchange of resources among businesses and educational entities, including the participation of students in research projects.

The McLean County Community COMPACT was born in 1989 when a small group of local leaders met to address the high school dropout rate and the number of children in McLean County living in poverty. From these leaders came invitations to colleagues to join the effort and a volunteer organization named the COMPACT was born. Since 1990, thousands of students have participated in the COMPACT's projects and from those projects created awareness, motivation, and direction for many young people.

In November of 1994, the COMPACT entered into a partnership with the University of Illinois Extension in McLean County. The organization continued to move forward, hiring an executive director who coordinates among the COMPACT's 250 members. In its 20th year, the COMPACT focuses on 8 project areas including the original Sixth Grade Business Education Partnerships, Principal for a Day, and Career Preparation Realities. It also serves at-risk youth through Achieving Competence in Education and brings technology to homes of students without it through the Clearinghouse Project. More recently, the COMPACT has developed youth leadership activities through Teens in Prevention and YouthLEADS, offering opportunities for youth to help their peers find the correct path.

I would like to commend the McLean County Community COMPACT staff, volunteers and board of directors for their commitment and innovative collaborative efforts in preparing the youth of McLean County for the world of work. I wish them many more years of continued success.

#### HONORING THE HEROIC ACTIONS OF SERGEANT JOSEPH MATTEONI AND FIREFIGHTERS GARY DUNNE AND JEFF JOHNSTON DURING THE 309 MILL STREET APARTMENT FIRE OF AUGUST 30, 2009

#### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. McCLINTOCK. Madam Speaker, I rise today to recognize the heroic actions of Sergeant Joseph Matteoni of the Grass Valley Police Department and Firefighters Gary Dunne and Jeff Johnston of the Grass Valley Fire Department, Engine 1, during the 309 Mill Street Apartment Fire.

On the morning of August 30, 2009, fire and police units were dispatched to an apartment building fire at 309 Mill Street in Grass Valley, California. Upon arriving at the scene of the fire, responders were informed by local citizens that residents were trapped inside the building.

Sergeant Matteoni heard faint cries for help emanating from the backside of the second story of the building. Without hesitation, and

disregarding his own personal safety, Sergeant Matteoni rushed into the smoke-filled building. Battling extreme heat and smoke, Sergeant Matteoni carried a woman out of the building and with the assistance of Officer Dan Kimbrough, moved her to safety.

Meanwhile, Firefighters Dunne and Johnston entered from the front of the building. Forced to crawl on their bellies because of the thick smoke and extreme heat, the firefighters pushed through the burning building toward cries for help, finding a second woman standing disoriented in the hallway. As they approached, the woman retreated further into her smoke-filled apartment where she collapsed. Pushing into the apartment, Firefighters Dunne and Johnston carried the woman out of the building and to safety.

The brave actions of Sergeant Joseph Matteoni and Firefighters Gary Dunne and Jeff Johnston are a testament to the finest traditions of the Grass Valley Police and Fire Departments. It is my honor to recognize and thank them for their commitment to going well above and beyond the call of duty in service to our community.

#### IN SUPPORT OF KFUD 99.1 FM "CLASSIC99"

#### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. CLAY. Madam Speaker, I stand today on behalf of my constituents and with my friend and colleague Congressman JOHN SHIMKUS to raise further concern about the pending sale and format change of Classic99. As St. Louis's only classical radio station, Classic99 is a true asset to our city.

As Congressman SHIMKUS noted, the sale of KFUD 99.1 FM by the Lutheran Church—Missouri Synod is currently under review by both the Media Bureau and the FCC. While we certainly do not wish to exact undue influence on either of these agencies, our constituents have made clear to us their concerns, and we agree that this loss will be a blow to the wealth of our region's culture and economy. We hope that these negative impacts will be considered while reviewing this sale.

We have seen that losing the arts can wreak havoc on a community, and the Metro East region will be no different. If Classic99 is converted to a different music format, the cultural and economic consequences will be dismal. The world-renowned St. Louis Symphony Orchestra will lose airtime and its chief advertising venue, forcing gifted musicians and staff to suffer even more pay cuts and freezes. Losing Classic99 will result in a cultural deficit as well. 94% of readers polled by the St. Louis Post-Dispatch feel that the loss of Classic99 "takes away a vital voice for the arts in this community," and will detrimentally affect their ability to support local artists.

Arts education organizations throughout my district, like the Opera Theater of St. Louis, the St. Louis Art Museum, and the Touhill Performing Arts Center, will lose their only major arena for audience-building, live broadcasts, and fund-raising. The loss of revenue will

hinder arts and music education in the district, further impairing opportunities for our young people to be enriched through the arts. We know that arts education gives youths self-confidence and increases academic achievement. We simply cannot afford to sacrifice these opportunities, and I am deeply troubled by the idea that more educational outlets for our children will be put in jeopardy by this move.

I firmly agree with my colleague that the negative impact these cultural and economic changes will have on the local community should play a role in determining the sale of 99.1.

#### COMMENDING JOHN ANTON OF HAVERHILL

#### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. TSONGAS. Madam Speaker, today I pay tribute to John Anton, the National Down Syndrome Society 2010 Advocate of the Year. Mr. Anton is a resident of Haverhill, Massachusetts in my congressional district. Throughout his life, Mr. Anton has been a leader and advocate for those with intellectual and developmental disabilities. His work has touched thousands of lives, and his efforts should be recognized and emulated.

The National Down Syndrome Society is the national advocate for the value, acceptance and inclusion of people with Down Syndrome. The Advocate of the Year honor commends Mr. Anton's work to enhance the quality of life for those with intellectual and developmental disabilities, while helping them to realize their life aspirations and become valued members of their communities.

Mr. Anton certainly deserves this award. He has committed his life to helping individuals adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives.

In Massachusetts, Mr. Anton was heavily involved in efforts to change the name of the state Department of Mental Retardation to the Department of Developmental Services. He was determined to bring awareness to this cause, and was successful in his endeavor. Massachusetts adopted the new name in 2009. He is to be congratulated on this achievement.

Mr. Anton served as the Chairman of Massachusetts Advocates Standing Strong. He spent time as a legislative intern with State Representative Tom Sannicandro and also worked for the Arc of Greater Haverhill-Newburyport. Throughout his life, he has mentored others with disabilities and has been a great inspiration to many. We in Massachusetts are grateful for his service to the Commonwealth.

Madam Speaker, I hope my colleagues will join me today in congratulating John Anton for receiving the National Down Syndrome Society 2010 Advocate of the Year, and for his efforts and dedication to a cause for which he is so passionate.

We thank you, Mr. Anton, for your ongoing service to those with intellectual and develop-

mental disabilities and look forward hearing of your continued successes.

#### HONORING DR. DAVID BENKE

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, I rise to honor Dr. David Benke, a math teacher at Deer Creek Middle School in Littleton, Colorado.

Dr. Benke is an ordinary American—husband, father, teacher and coach—but his actions this week in the face of grave danger were nothing short of extraordinary.

As school was letting out on Tuesday, a gunman approached and opened fire on students.

Upon seeing the suspect, Dr. Benke, in a moment of extreme bravery, rushed towards the shooter, wrestled him to the ground, and held on as his colleagues helped subdue the shooter.

He broke up a potentially deadly school shooting, and if it were not for the rapid and selfless actions of Dr. Benke and his colleagues it could have been a much more violent and tragic encounter.

When asked about his actions, Dr. Benke modestly remarked, "If something happens and there's something I can do about it, I want to try and do something about it."

He did more than just "something."

There are many heroes in our midst, and sometimes it takes an extraordinary moment of danger to bring out their true valor.

The people of the Sixth District are fortunate to have Dr. Benke in our community. It is ordinary people like him who do extraordinary things that keeps our community safe.

#### RECOGNIZING GREG FIRST OF DADE CITY, FLORIDA

#### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Greg First of Dade City, FL. for most of his life, Greg has been a faithful servant to his community; volunteering himself to many causes which have helped to enrich the lives of many.

Born to Jimmy and Mary First in Bedford, Ohio, Mr. First moved to Zephyrhills with his family at the age of 10. After graduating from Zephyrhills High School, he attended the University of Maryland and served in the United States Air Force from 1968 to 1972.

Mr. First has volunteered himself, quite literally, having donated a total of 16 gallons of blood while director of public relations for Blood Net, in addition to volunteering for Meals on Wheels, Relay for Life, and a local Hospice. He has kept up the spirits of Zephyrhills residents as an announcer for Main Street Parades and high school football games. A three-time president of the Chamber

of Commerce, Mr. First has been a Christian Radio DJ, a lifetime Am Vet Member, and he even started his own local news website, "What's Up Zephyrhills?"

Madam Speaker, on February 26, the Conservative Club of East Pasco will honor Greg's achievements with the Lincoln Heritage Award. I ask you to join me today to honor him on the floor of this house. May we all give back to our communities as much as Mr. First has.

#### HONORING THE LIFE AND SACRIFICE OF MEDGAR EVARS AND CELEBRATING THE UNITED STATES NAVY FOR NAMING A SUPPLY SHIP AFTER MEDGAR EVARS

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1022, which honors the life and sacrifice of Medgar Evars, recognizes the important role he played in progressing the cause of civil rights, and congratulates the United States Navy for honoring him with the naming of the United States naval ship *Medgar Evars*. H. Res. 1022 is an important measure that pays tribute to an individual who sacrificed his life fighting for the core American values of equality and civil rights.

I thank Chairmen CONYERS for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congressman HANK JOHNSON, who has taken the time to remember the invaluable work of Medgar Evars and to celebrate the United States Navy's efforts to honor this American hero.

Medgar Evars was born in 1925 in Decatur, Mississippi. Growing up in the heart of the segregated South, Medgar Evars experienced the worst of racial oppression. Still, in 1943, he volunteered to serve his country in World War II, and fought valiantly with the United States Army in the Battle of Normandy.

After fighting overseas for the cause of freedom and democracy, Medgar Evars returned home to a segregated country as a second-class citizen. He dedicated himself to activism, working tirelessly for the cause of racial equality on behalf of the National Association for the Advancement of Colored People (NAACP). As a result of his activism, Medgar Evars was the target of numerous death threats and assassination attempts. But his bravery and dedication knew no bounds and he continued his important work until he was tragically murdered on June 12, 1963.

It is entirely fitting that we honor Medgar Evars, who in his life as well as his death, helped move our country out of a time of oppression and segregation and into an era of greater tolerance and equality.

It is equally fitting that the United States Navy has chosen to honor Medgar Evars with the naming of the United States naval ship *Medgar Evars*. This ship, a *Lewis and Clark* class dry cargo ship, is a state-of-the-art vessel that will provide essential logistics support

to Navy operations around the world. Just as Medgar Evers helped bring our nation racial reconciliation, the United States naval ship *Medgar Evers* will help the Navy to promote peace and conflict resolution throughout the world. This ship is one more way in which the life and sacrifice of Medgar Evers will continue to serve as a beacon of equality.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1022.

IN HONOR AND REMEMBRANCE OF  
LINDA GROVER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Linda Grover, an author and an activist for global peace. Ms. Grover turned her strong sense of justice into words and actions. Ms. Grover consistently fought for the common good as a volunteer and as a leader on behalf of numerous local, national and international projects.

Following her marriage to Broadway actor-singer Stanley Grover, Ms. Grover led a 7-year crusade to save and preserve the historic apartment building at 325 Central Park West. Thanks in part to her persistence and commitment, New York City officials overturned their decision to condemn the building. After the building was saved and restored, Ms. Grover led the effort to purchase it and transform the apartments into rent-controlled co-ops.

Before moving to New York City, Ms. Grover was named clerk of what is now the National Resources Committee's Office of Indian Affairs at 21 when she was also a legislative aide to Congressman Sam Yorty of California. She also worked for the National Committee for an Effective Congress and was a caseworker for the International Rescue Committee following the Hungarian Revolution. Despite a lengthy illness, Ms. Grover continued her work from her apartment in Washington, DC. To the end she maintained her passion, energy and dedication.

Madam Speaker, please join me in honor of Ms. Linda Grover, whose dedicated efforts organizing for peace have given all of us hope for a better world. I offer my condolences to her loving family and many friends; especially to her beloved children, Cindy, Steven and Jamie. Mrs. Grover's love for her family and her legacy of peace will never be forgotten.

TRAGEDY IN KHOJALY,  
AZERBAIJAN

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. ORTIZ. Madam Speaker, I rise today to bring attention to the tragedy that occurred in Khojaly, Azerbaijan on February 26, 1992. Many lives of the Azerbaijan people living in Khojaly were lost and scores of others were destroyed when they were brutally attacked by Armenian forces on February 25-26, 1992.

With a population of 7,000, Khojaly was one of the three largest urban settlements of the Nagorno-Karabakh region of Azerbaijan.

Armenians established the blockade of Khojaly in the fall of 1991, cutting off ground transportation on October 30. Electricity and water supplies were cut off in January 1992. By February 1992, almost all of the Nagorno-Karabakh except Shusha and Khojaly had fallen under control of Armenians backed by Russia's 366th regiment.

On the night of 25 February 1992, the Armenians and the Russian 366th launched an attack on Khojaly.

The Armenians had declared that a "free corridor" would be provided for civilians to leave Khojaly. However, people were attacked on their way to Aghdam, the nearest Azerbaijani settlement.

The Khojaly tragedy was covered by the foreign media including the Boston Globe, the Washington Times, New York Times, Financial Times, and many other European and Russian news agencies. On November 29, 1993, Newsweek quoted a senior U.S. Government official as saying, "What we see now is a systematic destruction of every village in their [the Armenians] way. It's vandalism." Human Rights Watch called the tragedy at the time "the largest massacre to date in the conflict." The extent of the cruelty of this massacre against women, children and the elderly was unfathomable:

613 people were killed including 63 children, 106 women, and 70 elderly.

8 families were wiped out.

25 children lost both parents.

130 children lost one parent.

487 people were wounded including 76 children.

1,275 people were taken hostage.

Armenia still occupies close to 20 percent of Azerbaijan. Nearly 1 million Azerbaijanis live as refugees in their own country, displaced by Armenian aggression. Resolutions issued by the U.N. Security Council and the Parliamentary Assembly of the Council of Europe, PACE, have ordered Armenia to withdraw from Azerbaijan's lands.

Azerbaijan is a strong ally of the United States in a very important and very uncertain region of the world. I ask my colleagues to join with me and our Azerbaijani friends in commemorating the tragedy that happened to the people of Khojaly.

INTRODUCTION OF THE NATIONAL  
ALZHEIMER'S PROJECT ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the National Alzheimer's Project Act. I would like to thank my colleague and fellow cochair of the bipartisan Alzheimer's Task Force, Mr. CHRIS SMITH of New Jersey, for continuing to partner with me on this important legislation.

An estimated 5.3 million Americans have Alzheimer's disease, and one in ten individuals has a family member with the disease.

Unless science finds a way to prevent or cure it, nearly 16 million Americans will have Alzheimer's disease by the year 2050. Additionally, in 2005, Medicare spent \$91 billion for the care of individuals with Alzheimer's disease, and this amount is projected to increase to \$160 billion in 2010.

While we have made great progress in the battle against Alzheimer's, much more needs to be done. This bill will establish a National Alzheimer's Project Office and interagency Advisory Council to help coordinate a national plan for Alzheimer's research, care, and related support services. The National Alzheimer's Project Office will be established within and overseen by the Department of Health and Human Services. Alzheimer's efforts throughout the federal government will be coordinated and continually evaluated by this entity, including research, clinical care, and various support programs. The Alzheimer's Association has endorsed this bill which will modify care delivery and help prevention of this awful disease.

Madam Speaker, in order to help fight this disease and reduce the number of patients who suffer from Alzheimer's, it is imperative to better coordinate federal activities relating to this disease. I urge my colleagues to cosponsor this important legislation, and I look forward to continuing to work with them throughout the legislative process.

IN RECOGNITION OF JAMIE  
MCMURRAY'S WIN AT THE DAY-  
TONA 500 IN THE NO. 1 CHEV-  
ROLET BASS PRO SHOPS/TRACK-  
ER BOATS CAR

**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. BLUNT. Madam Speaker, I rise today to pay tribute to America's great spectator sport, NASCAR; its most prestigious race, the Daytona 500; and the 2010 champion, Southwest Missouri native Jamie McMurray. On Sunday, McMurray rode to victory in a Bass Pro Shops sponsored car. His stunning win sparked excitement among all NASCAR fans, especially those in Southwest Missouri, where he learned his racing skills.

McMurray started 2010 without a ride, having been released from another team at the end of the 2009 season. When Springfield, Missouri-based Bass Pro Shops owner Johnny Morris decided to return to NASCAR sponsorship with Earnhardt Ganassi Racing, McMurray got the call to drive. McMurray won the Daytona 500 in the No. 1 Chevrolet Bass Pro Shops/Tracker Boats car, leading by only two laps, the least in the race's history.

Jamie McMurray started stock car racing in the early 1990s on tracks in Bolivar, Missouri; Lebanon, Missouri; and at the I-70 Speedway in Odessa, Missouri. In 1992, at age 16, McMurray began driving NASCAR late models and raced in the NASCAR RE/MAX Challenge Series in 1998-1999. By age 21 he had won the NASCAR late model division on the Lebanon track. In 1999 he began racing on the NASCAR Craftsman Truck Series circuit.

McMurray's breakthrough came three years later, when he was offered a full-time Busch Series ride. He earned two victories on the Busch Circuit and finished sixth in series points. In 2003 as a NASCAR regular, he was Rookie of the Year.

When NASCAR Sprint Cup Series driver Sterling Marlin was out with an injury, owner Chip Ganassi offered McMurray the seat to complete the 2002 season. It didn't take long for Jamie to make his mark on the sport. In his second race with Ganassi in Charlotte, North Carolina, McMurray won the UAW-GM Quality 500 at Lowe's Motor Speedway.

Now in his ninth season, McMurray is racing for the new Earnhardt Ganassi team. In his first race of the season, he scored a victory in the granddaddy of all stock car racing events: the Daytona 500.

Every racing fan in Southwest Missouri was thrilled that McMurray won the race in a No. 1 Chevrolet Bass Pro Shops/Tracker Boats car from the Southwest Missouri-based company. McMurray endured years of hard work on local tracks to earn his way into the winner's circle of America's greatest stock car event.

For NASCAR fans in Southwest Missouri, I want to offer my congratulations to Jamie McMurray, Bass Pro Shops/Tracker Boats, and to their families and supporters.

#### TEEN DATING VIOLENCE AWARENESS MONTH

#### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. REICHERT. Madam Speaker, I ask that we take the time to recognize the importance of Teen Dating Violence Awareness Month. This is an increasingly critical issue that has a devastating effect on our schools, families, and most importantly the victims of this horrific crime.

The fact is that teens are at a higher risk than adults—half of reported date rapes occur among teenagers. Every year, nearly 1.5 million high school students experience physical abuse from a dating partner.

This violence against another human being breaks our hearts and should never be tolerated.

We took an important step to help these victims with the passage of my Amendment 20 to H.R. 2847, which provided funding to the Supporting Teens through Education and Protection (STEP) program to help schools combat sexual harassment.

Every young person deserves relationships based on respect, and Teen Dating Violence Awareness Month is a time to draw needed attention to this important issue. By educating our youth about the importance of safe and healthy relationships, raising awareness among those who care for them, and supporting the community services that aid victims, we can help to prevent this tragic cycle of abuse.

#### EXPRESSING CONDOLENCES AND CELEBRATING THE LIFE OF CHARLYE OLA FARRIS

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Charlye Ola Farris who passed away on February 18, 2010, and was the first African-American to serve as a Southern judge in any capacity since Reconstruction.

Charlye Farris was born in Wichita Falls, Texas. Her father, a bastion in his own right, was the first African-American school superintendent in Texas, and her mother served as an elementary school teacher for 49 years. She graduated as the valedictorian from Booker T. Washington High School in 1945 at the age of 15 and went on to complete a bachelor of arts degree in political science from Prairie View A&M College.

After spending a year teaching school, Mrs. Farris decided to pursue her dreams of obtaining a law degree. At the time, it was almost impossible for an African-American woman to gain admittance to a law school, but through hard work and determination she was accepted to the University of Denver. After her first year, she transferred to Howard University in Washington, DC, and graduated in 1953. Shortly thereafter, Mrs. Farris returned to Texas to take the Bar exam, and after passing, she was sworn in, making her the first African-American woman to be licensed to practice law in Texas.

Mrs. Farris did not spend long celebrating, and after moving back to Wichita Falls, she took up practice in an office near the railroad tracks on the city's east side. She endured countless civil rights atrocities that would shock most people today but to her were very real. With great perseverance, she established a reputation for herself, and on July 7, 1954, members of the Wichita County Bar Association elected her to serve as Special Wichita County Judge. This made her the first African-American to serve as a judge in any capacity in the South since Reconstruction.

Mrs. Farris continued her career as a solo practitioner until she closed her office in January 2010. As a woman of faith, she was active in her church until her death and was involved in countless organizations from the local to the national level. Her life included many firsts, and she will be truly missed.

Madam Speaker, the work of Charlye Farris will truly echo through the generations as so many women and minorities have benefitted from her famous first steps. I ask my fellow colleagues today to join me in recognizing her many achievements and celebrating a life that has had such a positive impact on society.

#### HONORING WALTER GAMEWELL WATSON

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to acknowledge the 100th birthday of Walter Gamewell Watson. Dr. Watson, known as "Curly" to his friends, is said to be the oldest known working physician in the United States. I, along with the communities of both North Augusta, South Carolina, and Augusta, Georgia, am taking this opportunity to celebrate both his life and his faithful, compassionate service to his fellow man.

Dr. Watson was born in 1910 in the small agricultural community of Ridge Spring, South Carolina. His father was a farmer and postmaster of the local post office. Dr. Watson's mother was a schoolteacher. He grew up milking cows and plowing fields. Like many of his peers, he studied agriculture, and it was his good fortune to actually study under the late senior South Carolina Senator, Strom Thurmond, who was a teacher at the time.

After high school, Walter Watson attended the Citadel in Charleston, South Carolina, where he played football and excelled academically. Upon finishing college, he returned to Edgefield County, and for 5 years, he served as both the principal and football coach at Edgefield County High School and later went to work in the school system of Bainbridge, Georgia.

While working in the educational field, Walter Watson saved money for medical school. He eventually attended the Medical College of Georgia and graduated in 1943. He did his internship and residency at the University Hospital and was board certified in Obstetrics and Gynecology.

Dr. Watson served in the Army as an Army physician from 1945 to 1947. After being discharged from the Army, he returned home to join the medical practice established by the late J.W. Thurmond, M.D.

For more than 60 years, Dr. Watson has practiced at the University Hospital in Augusta, Georgia. He has delivered an estimated 15,000 babies. His reputation of excellence at the hospital and his care and concern for his patients has been so notable that a wing of the hospital was named after him. The W.G. Watson, M.D., Women's Center was dedicated in 1999.

Other notable achievements include his marriage to Audrey, and their four daughters and one son. Dr. Watson is also the oldest living graduate of the Citadel.

Today, I celebrate Dr. Watson's birthday as well as his longtime service to his community, his State and his Nation. God bless you, Dr. Watson.

## COMMEMORATING TAIWAN'S 2-28 INCIDENT

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. MARCHANT. Madam Speaker, I rise today to observe the 63rd commemoration this coming Sunday of Taiwan's "2-28 Incident." The Incident was an antigovernment uprising in Taiwan that began on February 28, 1947, and was violently suppressed during the following weeks by soldiers that had been sent from China by Generalissimo Chiang Kai-shek. Estimates of the number of deaths vary from 10,000 to 30,000.

In the fall of 1945, 50 years of Japanese occupation of Taiwan ended after Japan had lost World War II. In October of that year Taiwan was returned to the Republic of China (ROC).

Due to the mounting corruption and the implementation of unfair public policy and official practices on the indigenous population, tension increased between the Taiwanese people and the ROC administration. According to Ambassador John L. Stuart, "the economic deterioration of the island and administration of the mainland officials became so bad that on February 28th, 1947, popular resentment erupted into a major rebellion." The flashpoint came on the evening of February 27, 1947, when in Taipei a dispute between a female cigarette vendor and certain armed Monopoly Bureau agents and special police agents triggered civil disorder and open rebellion that lasted for days.

The Incident is now openly discussed and commemorated as Peace Memorial Day. The details of the Incident have become the subject of investigation. Monuments and memorial parks to the Incident victims have been erected in a number of cities in Taiwan.

Madam Speaker, the Incident had far-reaching implications. Over the next half century, the Taiwanese democracy movement that grew out of the Incident helped pave the way for Taiwan's momentous transformation to a thriving and pluralistic democracy. Nowadays Taiwan has demonstrated the strength of its democracy by succeeding in peaceful handovers of power. I am confident that Taiwan will continue to make contributions to the development of democracy in the region.

Madam Speaker, I hope Members will join me in commemorating this important historical event.

## TRIBUTE TO THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. OBERSTAR. Madam Speaker, I rise today to celebrate a unique international exchange program, one in which the Committee on Transportation and Infrastructure has participated since its inception 11 years ago.

The Uni-Capitol Washington Internship Programme (UCWIP) matches a dozen of Aus-

tralia's best university students to Congressional offices for 2-month, full-time internships each January and February. The program is nonpartisan, bicameral, and focuses on connecting people for lasting education and mutual understanding. It is a true exchange that regards its participants as young professionals looking to enter the working world with a head start of sophistication, personal growth, and international sensibilities.

The Australian interns bring a hunger for knowledge and a passion to understand our national legislature from the inside out. They provide valuable perspectives on the public policy issues and challenges that they face in their own country. They leave with an unfettered knowledge of Congress and the individuals who serve the American public.

I've been a proud host of an astounding quintet of Australia's finest student interns: Narelle Hards from Flinders University in Adelaide, South Australia, in 2000; Louise Squire from the University of Western Australia in Perth in 2004; Lauren Reed from Deakin University, in the Melbourne metropolitan area of Victoria, in 2005; Michael Ng from the University of Melbourne, in 2007; and this year, Clara Jordan-Baird, of the University of Melbourne.

Each has brought with them knowledge of and passion for transportation. I recall vividly, for example, how Lauren Reed briefed Committee staff about her home state of Victoria and its compelling anti-drunk driving campaign. Narelle, Louise, Lauren, Michael, and Clara have each contributed broadly and directly to United States-Australia relations thanks to their insights, observation, and helping hands as our Committee workload demanded.

I know that many offices on both sides of the aisle have enjoyed similar experiences with these young Australians. And I know that the Australians have taken home with them a deep sense of reality about the United States so often impeded by what Australians refer to as the "Tyranny of Distance," the physical geographic distance between our two great nations. Despite all of today's technological wonders—from air travel to Facebook—there is still no substitute for a handshake and warm welcome.

For this program we have to thank a long-time former congressional staffer, Eric K. Federling. Eric served as the Committee's communications director in the mid-1990s. During his personal travels to Australia, Eric discovered what he perceived to be a small, but important, gap in Australia-American relationships and he designed this program to help fill it.

Madam Speaker, we should encourage these types of international exchanges. The more that we can arrange for the finest students and young professionals from around the world to spend some meaningful time among us, the better that we will understand them and they will understand us.

Both the U.S. and Australian governments have been supportive of UCWIP. Many other statements have appeared in the CONGRESSIONAL RECORD over the years and there have been two speeches in the Australian Parliament in recognition of the program. I have been a very proud participant and look forward to being one for many years to come.

## TRIBUTE TO THE LATE GENERAL OMAR NELSON BRADLEY

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the late General Omar Nelson Bradley, hero of World War II, America's last surviving five-star General, first Chairman of the Joint Chiefs of Staff, and a proud son of Randolph County in the heart of Missouri's 9th Congressional District. It will be my honor and privilege to participate in the celebration and observance of "General Omar Bradley Day" in Moberly, Missouri on Friday, February 12, 2010, the General's birthday. An event to commemorate Moberly's favorite son will be held at the Moberly High School and a reproduction of the portrait of General Bradley, which is in the Bradley corridor at the Pentagon in Washington, D.C., will be unveiled and will hang in the foyer of the Moberly High School auditorium, on the south end of the school campus.

I would like to recognize the members of the General Omar Nelson Bradley Library and Museum Committee for arranging Friday's celebration and for their tireless efforts to promote awareness of General Bradley's special connection to Moberly. The members of the committee are Chair Sam Richardson, City Councilman Dick Boots, City Manager Andy Morris, Russ Freed, Wayne Wilcox, Joe Knaebel, Howard Hils, and Mary Lee Noel.

I would also like to enter an excerpt from the following article, "General Bradley Day Here Friday" into the CONGRESSIONAL RECORD. This item appeared in the Monday, February 8, 2010 edition of the Moberly Monitor-Index.

## GENERAL BRADLEY DAY HERE FRIDAY

General of the Armies Bradley was born in rural Randolph County near Clark, on February 12, 1893. He moved to Moberly at age nine and graduated from Moberly High School in 1911. As Moberly High School's most distinguished alum, General Bradley went on to become a member of the United States Military Academy class in 1915 and was one of its most outstanding scholars, as well as a football and baseball star.

He commanded the largest American army ever assembled, during the invasion of Europe in 1944, led the Veterans Administration after World War II, was named Army chief of staff in 1948 and in 1949 was promoted by President Harry Truman to first chairman of the Joint Chiefs of Staff. He served two terms as chairman of the Joint Chiefs. Bradley was the youngest and last of nine American military officers to earn the coveted fifth star.

After retirement from active duty, General Bradley was chairman and chief executive officer for the Bulova Watch Corp. Under his leadership, Bulova developed the Accutron watch, which was first developed for America's military and fledgling space program.

Bradley died in New York City on April 8, 1981. He had participated in the inauguration of his friend, President Ronald W. Reagan, in Washington in late January 1981. Among those at his state funeral at Arlington National Cemetery was longtime friend and internationally acclaimed comedian Bob

Hope. An avid golfer and fan of horse racing, and lifetime fan of baseball and college football, Bradley lived his final years in special quarters built for him at Fort Bliss, near El Paso, Texas. Both the Sun Bowl at El Paso and the Independence Bowl at Shreveport honored Gen. Bradley during his lifetime and in the years since his death.

The event at Moberly High School Friday is sponsored by the General Omar Nelson Bradley Library and Museum Committee, a citizen panel organized by the Moberly City Council last year to bring recognition to the community's favorite son.

In an October 1966 letter to former Moberly Mayor Will Ben Sims, General Bradley—a man known for his humility and modesty—wrote that he accepted the fact he was Moberly's "favorite son" and that he and Mrs. Kitty Bradley viewed Moberly as their most favorite city in the whole world.

He was an honorary member of the Moberly Country Club and Moberly Rotary Club and longtime member of the Central Christian Church, where he grew up.

#### IN HONOR OF AGNES TEBO

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. FARR. Madam Speaker, I rise today to honor a great American, Mrs. Agnes Tebo for a lifetime of public service and civil rights activism. This coming Saturday, the Monterey County Branch of the NAACP will honor Mrs. Tebo with its President's award. I will have the great pleasure of attending this ceremony and in conveying to her the gratitude and best wishes of the House. I am particularly excited because I have been privileged for many years to count myself among her friends. Indeed, she has been a great role model and inspiration to several generations of public servants from Monterey County. And that remains true today; at 95 Agnes Tebo is truly one of our nation's great treasures.

Born October 25, 1914, in Port Arthur, Texas, Agnes Dronet grew up in a world dominated by Jim Crow's pervasive injustice. As a child, she remembers learning to live with the separate schools, restaurants, and other humiliations that so dominated the daily lives of Port Arthur's African American citizens. More ominously, Agnes can remember the climate of fear created by the Klu Klux Klan through murders, cross burnings, and other terrorist acts. She recently told a reporter that "we had to walk a straight line or we knew we'd end up dead. The people who did it would brag about it, and nobody would do anything about it. The law wasn't enforced. As a child, I just accepted it. I just thought that's how life was." But that did not mean that Agnes thought it was right. In 1937, at the age of 23, Agnes found her way to Salinas, California, after a childhood spent working to help her single mother support their family. She soon found work as a housekeeper for one of the City's founding families. Several years later years later, she married Louis "Bonnie" Tebo, a former classmate from Port Arthur who had also relocated to Salinas. They were married for more than 50 years when he died.

While less obvious than in the South of their childhood, racism still found Agnes and

Bonnie in Salinas. For example, African Americans found it next to impossible to buy property. Realtors simply refused to show, and sellers to sell, property to African American buyers. Agnes had been a member of the NAACP since her teenage years in Port Arthur. She drew on that experience in 1939 to co-found a Salinas branch. With so few African Americans living in Salinas, they had to recruit white friends to join in order to meet the fifty member threshold for a new chapter. The new branch took on the property issue and made steady progress. With Agnes often leading the way over the years, they took on many other challenges facing people of color in the Salinas valley. In 2006, Agnes helped smooth the way for the Salinas and Monterey Peninsula branches to merge together into the Monterey County Branch.

Despite her humble origins, Agnes has managed to travel the world and devote countless hours to aiding the needy. In 1981, for example, she and Bonnie helped purchase and distribute food, clothing and medicine to 1,200 people in Haiti. She works as a liaison for the NAACP's Jan Wright Scholarship, and she continues to support The Agnes and Bonne Tebo Scholarship at Hartnell College.

Madam Speaker, I know that I speak for the whole House in extending to Agnes Tebo our deep gratitude for her work to improve the lives of her neighbors, both in Salinas and around the world.

#### TRIBUTE TO WIL BILLINGTON, TRUSTEE EMERITUS OF JOHN- SON COUNTY COMMUNITY COL- LEGE

#### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise to pay tribute to Wilbur "Wil" Billington, a former trustee of Johnson County, Kansas, Community College [JCCC], who recently was honored by JCCC's board of trustees with the designation of "trustee emeritus", signifying an individual who demonstrated significant contributions to the college and the community as a trustee.

As a former elected trustee of JCCC, I know Wil Billington and am pleased to have this opportunity to support his award and to share news of it with my colleagues. The JCCC recently issued a news release detailing Wil Billington's designation as "trustee emeritus." I include it with this statement and I know that all House members join with me in celebrating this award, which is richly deserved by a Johnson Countyman who has worked diligently in support of higher education and economic development in our community.

BILLINGTON NAMED JCCC TRUSTEE EMERITUS  
OVERLAND PARK, Kan.—At their meeting Jan. 21, the Johnson County Community College board of trustees named Wilbur "Wil" Billington as a trustee emeritus. The trustee emeritus designation is intended to recognize former trustees who demonstrated significant contributions to the college and the community as a trustee.

Billington was nominated by Terry A. Calaway, JCCC president, and Ben Craig, a

longtime supporter of JCCC, who cited Billington's support of education in the state of Kansas and in Johnson County. Billington is the second trustee to receive emeritus recognition. The first was Virginia Krebs, who was named trustee emeritus in October 2008. Billington will be honored in person at a future board meeting.

"Wil Billington's vision as a trustee gave Johnson County Community College a secure foundation on which to build," Calaway said. "Naming him as a trustee emeritus is a fitting way to remember and honor his educational leadership."

From 1962 to 1968 Billington was a member and president of the local board for School District No. 110, one of the largest K-6 school districts in Johnson County before its consolidation as part of the unified Shawnee Mission district. As such, Billington was appointed to the Advisory Council for Community Colleges that made recommendations to the Kansas Board of Education for the creation of new colleges under the Kansas Community College Act of 1965. He served as chairman of the Master Planning Committee for Post-secondary Education in Kansas in the early 1970s.

In Johnson County, Billington was asked by the county commissioners to chair a committee that would study the feasibility of creating a community college here. The group published a written report unanimously recommending the creation of such a college in Johnson County. Billington was elected to the college's first board of trustees in 1967, receiving the largest plurality of votes among approximately 30 candidates, serving from 1967 until 1975. As chairman of the board, Billington and his fellow trustees produced the college's "Blue Book," a working philosophy that helped guide the selection of administrators and the development of the college's curriculum for the following decades.

In January 2000, the JCCC library was named for Billington in recognition of his years of support of the college.

Billington worked for the Federal Reserve Bank of Kansas City for 35 years, retiring as executive vice president.

#### "THE SOCIAL SECURITY DIS- ABILITY APPLICANTS' PROFES- SIONAL REPRESENTATION ACT OF 2009"

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. RICHARDSON. Madam Speaker, I rise in support of H.R. 4532, the Social Security Disability Applicants' Access to Professional Representation Act of 2009, which will authorize the permanent extension of the attorney and non-attorney fee-withholding provisions passed under the Social Security Protection Act of 2004. This important legislation will guarantee that seniors have access to the professional representation needed to secure the benefits that they deserve.

I thank Chairman RANGEL for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congressman TANNER, for his hard work and determined efforts to ensure that Americans are able to achieve financial security and stability in their old age.



Madam Speaker, for seniors, getting Social Security benefits can be a rigorous process. Many seniors rely on professional representatives to help them complete applications, obtain medical evidence, and prepare themselves and other witnesses for hearings. H.R. 4532 will permanently extend critical provisions passed under the Social Security Protection Act of 2004 that allow representation fees to be withheld from Social Security Insurance (SSI) applicants' past-due benefits and paid directly to representatives. H.R. 4532 will also extend provisions that make qualified non-attorney representatives eligible to be paid through fee-withholding.

The provisions set to be extended by H.R. 4532 will provide easy access to the qualified representation that many seniors need in order to secure their benefits. This legislation is especially important in these tough economic times. With limited income and increased health care needs, seniors across the country—and especially in my home State of California—have been hit particularly hard by the ongoing economic recession. Now, more than ever, we need to help the elderly access the benefits that they need to achieve financial stability.

In conclusion, I support this bill because it will make the Social Security system more fair and easy to use for the 63,000 seniors in my district and millions more across the country. In order to uphold our obligation to senior citizens we must provide them with the resources needed to take advantage of available benefits. By helping senior citizens get the benefits they need, the Social Security Disability Applicants' Access to Professional Representation Act of 2009 represents a much needed response to our Nation's current economic challenges.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 4532.

**TRIBUTE TO OUTSTANDING LIFETIME ACHIEVEMENT AWARD  
WINNER JOE ANDERSON**

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. San Clemente has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Joe Anderson is one such individual. On February 25, 2010, Joe will be honored at the San Clemente Chamber of Commerce Annual Meeting and Award Ceremony where he will receive the 2009 Outstanding Lifetime Achievement Award.

Joe was raised in Southern California and graduated from Arizona State University with a B.S. Degree in Economics. He is a Chartered Life Underwriter, a professional designation conferred by the American College, Bryn Mawr, Pennsylvania. Following graduation,

Joe was employed by Mobil Oil Corporation for eleven years. During his employment with Mobil he held a number of management positions in various locations in the United States, including Los Angeles, Seattle, New York City and Sacramento.

In 1976, Joe and his family relocated to South Orange County where he opened a successful State Farm Insurance Agency in San Clemente. After operating his agency for ten years, Joe accepted a management position with the company. During the last decade of his career, Joe held an executive level assignment with responsibility for all agency operations in South Orange County. He retired in 2005 after 29 loyal years with the firm.

Joe's community activities include: past board member and President of the San Clemente Chamber of Commerce, the South Coast Area Boys & Girls Club and Mary Erickson Community Housing. He served on the San Clemente Growth Management, Economic Development and General Plan Review Committees. He chaired the Casa Romantica Feasibility Study, and co-chaired the Downtown Visioning Committee. Due to his many years of service, Joe was named the 1993 San Clemente Citizen of the Year.

Joe was first elected to the San Clemente City Council in 1990, where he served two terms and then stepped down in 1998. In 2002, at the urging of members of the community, Joe ran and was elected to a third term. He was re-elected in November 2006 for a fourth term. Joe served as Mayor in 1992, 2005 and 2008.

Joe serves as San Clemente's Trustee to the Orange County Vector Control Agency, and represents San Clemente on the board of the California Joint Powers Insurance Authority. He also serves on the City's Investment Advisory Board, and is board alternate to the Transportation Corridor Agencies. During 2005 and 2006, he chaired the Communications and Outreach Committee of the Orange County Division, League of California Cities for the renewal of Measure M. In November, 2006, Measure M passed with a 69.6% yes vote.

Joe and his wife of 45 years, Mary Anna, are the proud parents of three married sons. John, a Lieutenant Colonel in the United States Marine Corps; Charles, an Estimating Manager for a large electrical contractor; and Robert, an entrepreneur. The Anderson's have five beautiful grandchildren.

Joe Anderson's tireless passion for community service has contributed immensely to the betterment of the community of San Clemente, California. I am proud to call Joe a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the San Clemente Chamber of Commerce Outstanding Lifetime Achievement Award.

**RECOGNIZING THE SONDGEROTH'S  
67TH WEDDING ANNIVERSARY**

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. ISSA. Madam Speaker, I rise today to pay tribute to a special couple from Mendota,

Illinois, Lester and Mary Rita Sondgeroth, on the celebration of their sixty-seventh wedding anniversary. The love and dedication required through 67 years of marriage is a shining example of what a bond as strong as theirs can achieve, and I commend them on all those special years together. This is truly a significant milestone and one that only a very few are fortunate enough to celebrate in their lifetime.

Lester and Mary Rita Sondgeroth were united in marriage on February 10, 1943 at the Holy Cross Church in Mendota where the couple has made their home to this day. Throughout the years, the Sondgeroths were blessed with five children—the late Dean Sondgeroth, the late Dianna Neisess, Debra Peters, Dru Sondgeroth, and Denise Burnette. They now have the pleasure of spending time with their five grandchildren—Scott Peters, Adam Peters, Brandon Burnette, Austin Burnette, and lastly Ryan Peters who I am proud to say is an outstanding member of my District Office staff in Vista, California.

A 67th wedding anniversary reminds us that marriage is not an instant achievement but a covenant that requires love, patience, and respect. Lester and Mary Rita Sondgeroth have perfected this commitment to each other and are truly blessed to have a strong marriage, their family, and a lifetime of memories. As they live each day by their wedding vows, they continue to inspire all who are fortunate to know them.

Madam Speaker, I ask my colleagues to join me in congratulating Lester and Mary Rita Sondgeroth on this momentous occasion and sending our best wishes for many more years of love and happiness.

**IN HONOR OF HIS EMINENCE  
CARDINAL JOSIP BOZANIC**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. KUCINICH. Madam Speaker, please join me in honor and recognition of Cardinal Josip Bozanic, Croatian Cardinal of the Roman Catholic Church, upon his visit to the American-Croatian Lodge, Inc. of Cleveland, Ohio. The Croatian Lodge of Cleveland is a vibrant cultural center where the history and traditions of Croatia have been promoted and preserved for twenty-five years.

Cardinal Bozanic was born and raised in Rijeka, Yugoslavia (now Croatia). His parents, Ivan Bozanic and Dinka Vlakovic, taught him the values of hard work, faith and service to others. On June 29th, 1975, Cardinal Bozanic was ordained to the priesthood, by Bishop Karmelo Zazinovic. He served as a parish priest for several years before going to Rome where he earned a licentiate in dogmatic theology from the Pontifical Gregorian University, and then a licentiate in canon law from the Pontifical Lateran University.

Cardinal Bozanic returned to Yugoslavia, where he served as chancellor and then vicar general of the Diocese of Krk. From 1988 to 1997, he taught dogmatic theology and canon law at the Theological Institute of Rijeka. On

May 10, 1989, Cardinal Bozanić was appointed Coadjutor Bishop of Krk by Pope John Paul II. On October 21, 2003, Pope John Paul II appointed him as Cardinal Priest of San Girolamo dei Croati. Cardinal Bozanić was a member of the Cardinal Electors of the 2005 Papal Conclave that selected Pope Benedict XVI.

Madam Speaker and colleagues, please join me in honor and recognition of His Eminence, Cardinal Josip Bozanić, whose journey to Cleveland, Ohio to commemorate the 25th Anniversary of the American-Croatian Lodge, Inc. is greatly appreciated by all residents of Northeast Ohio.

#### RECOGNIZING THE 20TH ANNIVERSARY OF "THE SIMPSONS"

##### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to acknowledge the anniversary of an important milestone in our shared cultural history.

December 17, 2009 marked the 20th anniversary of the debut episode of "The Simpsons." The Fox Broadcasting Company, which airs the show, spent the entirety of 2009 commemorating this milestone, and ended the celebration on January 10, 2010 with an hour-long special.

In 1989, Fox took a chance and gave "The Simpsons" creator Matt Groening an opportunity to produce a half-hour primetime animated show for the network.

Since then, the program has become world renowned. It has been honored with 25 Primetime Emmy awards, a Peabody award, and was named the 20th century's best television series by Time Magazine.

It holds the distinction of being the longest running American animated program, the longest running American sitcom, and the longest running American primetime television program. In 2007, a feature-length film entitled "The Simpsons Movie" was released to worldwide box office success.

While the show is renowned for its cultural references, it has achieved a cultural iconic status in its own right. A testament to this is the addition of "Doh," a frequently used exclamation of the show's lead character Homer Simpson, to the Oxford English Dictionary in 2001.

Madam Speaker, I congratulate "The Simpsons" on its milestone, and I thank creators Matt Groening, James L. Brooks and Al Jean for the many years of laughs and the many more to come.

#### MEDIA IMAGES THAT DETRIMENTALLY AFFECT MANY GIRLS' SELF-ESTEEM

##### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to address an

issue that many girls struggle with well into adulthood: media images that detrimentally affect their self-esteem.

We all know how important it is to help raise our young women to become able, self-confident people, for their own sake and for the benefit of our society.

We have about 30 million girls under the age of 20 living in the United States. Thirty million wonderful and beautiful people, full of creativity, energy and dreams. Yet these girls face a struggle with unrealistic beauty and body image standards.

Findings from a recent survey conducted by the Girl Scout Research Institute show that 90 percent of girls feel pressure from the media to have an ideal body type. Ninety percent. As a result, their self-esteem, their body image, and their psychological and physical health are damaged when they do not measure up to these unrealistic beauty standards.

We must elevate girls' voices and concerns. Our daughters and granddaughters need to see more girl-positive media, more natural and real female role models instead of touched-up, airbrushed models.

The Girl Scouts of America on February 10, 2010—the eve of fashion week—hosted an event in New York City promoting messages that feature girls and women who have healthy, diverse body images and participate in respectful and healthy relationships. I commend the Girl Scouts for the important work they do in creating a healthy environment for young girls and women.

Our support on this issue will help support girls' physical, emotional, and social health. Let us join the Girl Scouts in empowering girls to live healthy lives and become tomorrow's leaders with courage, confidence, and character.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,401,781,166,870.02.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,763,355,420,576.20 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### HONORING DR. MARY J. CLINKSCALE

##### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. TERRY. Madam Speaker, I rise today to join my colleagues in recognition of Black His-

tory Month, a time when we remember the important contributions African Americans have made to our nation. I especially want to honor some extraordinary people who continue to help shape my community of Omaha. I have the privilege of representing thousands of successful and talented African Americans, and today I would like to pay special tribute to Dr. Mary J. Clinksale.

"Dr. C," as she is commonly referred to, is the administrator of the Greater Beth-El Temple where she has planned, produced and directed more than 250 theatrical productions and presentations, including a performance to prelude the Tuskegee Airmen receiving their Congressional Gold Medal. Her work led to the formation of the Growing and Building Together (GBT) Academy of the Arts, which has been successful in introducing young people and adults to careers in arts and education. She is also the administrator of the GBT Children's Academy, which provides a unique learning environment with a diverse curriculum that allows parents, teachers and children to work and grow together. Dr. C has earned several community-awarded honors for her outstanding work.

Thank you, Dr. Mary J. Clinksale, for your commitment to making Omaha a much better place. Your work has made a difference to our community, especially children and young people.

#### IN RECOGNITION OF THE ASSOCIATED FOOD AND PETROLEUM DEALERS ON CELEBRATING ITS 100TH ANNIVERSARY

##### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. PETERS. Madam Speaker, I ask my colleagues to join me today in celebrating the 100th anniversary of the Associated Food and Petroleum Dealers (AFPD). As a Member of Congress, it is both my honor and privilege to recognize the AFPD on achieving this most impressive milestone.

Since its founding in 1910, the AFPD has acted as a strong advocate for the food, beverage and petroleum industries in the State of Michigan. Based in my district, in the city of Farmington Hills, the AFPD currently represents 3,900 retailers in the States of Michigan and Ohio. The AFPD boasts a diverse membership ranging from independent supermarkets, convenience stores, service stations and auto repair businesses to the wholesalers, distributors, and manufacturers who support them. Many of the small businesses which the AFPD supports are important economic and philanthropic pillars within our shared communities.

Going beyond advocacy for its respective industries, the AFPD established the AFPD Foundation in 1999 to support the philanthropic work of its members in the communities which it serves. To date, the AFPD Foundation has awarded over \$300,000 in academic scholarships to extraordinary and deserving students in the States of Michigan and Ohio who are attending accredited higher

learning institutions. The AFPD Foundation also partners with the Salvation Army during the holidays to promote its Red Kettle program, which allows the Salvation Army to provide food, toys, and clothing to families in need.

Madam Speaker, it is my privilege to recognize the Associated Food and Petroleum Dealers on the occasion of celebrating its 100th anniversary. The philanthropic work of the AFPD Foundation has enriched the lives of many within the communities its members serve. The celebration of the AFPD's 100th anniversary is indeed an impressive milestone and I wish it and its members many, many more successful and productive years to come.

HONORING ULYSSES CURRY, M.D.

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Ulysses Curry, M.D. upon being honored with the "Trail Blazers Award" by the African American Museum. Dr. Curry will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Dr. Ulysses "U.S." Curry was born the seventh of eight children to Reverend Dr. Milton K. Curry Sr. and Lena Easter Curry in Fort Worth, Texas. Dr. Curry attended the University of Kansas.

Before completing his education, Dr. Curry joined the United States Army. He served in the Medical Corps during World War II from 1943 through 1946. Upon his Army discharge, Dr. Curry continued his education by attending Howard University and the University of Kansas in Lawrence. Finally, Dr. Curry completed his medical degree in 1952 from Meharry Medical College in Nashville, Tennessee. He completed his medical internships in Raleigh, North Carolina, Fresno, California and Denver, Colorado.

In 1954, Dr. Curry married Mary Roper. Two years after they married, Dr. and Mrs. Curry, along with their three week old son, moved to Fresno, California and Dr. Curry started his practice. Dr. Curry had served the Fresno area as a practicing physician for fifty years when he retired in 2006.

Outside of his practice, Dr. Curry was active in city, state and national medical organizations. He served as a Fellow of the American Academy of Family Physicians and Diplomate American Board, Family Practice. Dr. Curry continues to be an active member of the Second Baptist Church of Fresno and in various community activities. Dr. Curry is heavily involved with Fresno's commitment to the United Negro College Fund, believing in the cause that "A mind is a terrible thing to waste."

Dr. and Mrs. Curry have five children, all of which have obtained Bachelors Degrees from four year universities. They also have four grandchildren; three are currently in college and one in high school.

Madam Speaker, I rise today to commend and congratulate Dr. Ulysses Curry upon being honored with the "Trail Blazers Award." I invite my colleagues to join me in wishing Dr. Curry many years of continued success.

IN HONOR OF THE 25TH ANNIVERSARY OF THE AMERICAN-CROATIAN LODGE, INC.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the members of the American-Croatian Lodge, located in Eastlake, Ohio, as they celebrate their 25th anniversary. The American-Croatian Lodge, Inc. serves as a connector that binds Croatian Americans to their faith, heritage and history.

The Croatian Lodge, Inc. was developed and built by a small group of Croatian Americans residing in Greater Cleveland with a unified focus of promoting business ventures, partnerships and educational opportunities for Americans of Croatian heritage. The Lodge continues to serve as an anchor for the Greater Cleveland Croatian community and as the "home base" for numerous Croatian-American businesses. The Croatian Center, set on picturesque rural acreage in Chardon, Ohio, includes two soccer fields, a full size ball field, picnic areas, and a smaller field next to a pavilion. The Lodge is open to the public and is a venue for families and organizations celebrating milestone moments.

A critical component of the American-Croatian Lodge, Inc. is the Croatian Heritage Museum & Library, where the history, customs, fashion, art, music and faith of Croatia is presented and preserved. The Museum and Library is currently presenting a new folk art exhibit, entitled: "Maiden, Mother, Woman of Wisdom," which illuminates the role of Croatian women.

Madam Speaker and colleagues, please join me celebrating the members of the American-Croatian Lodge, Inc. of Eastlake, Ohio as they celebrate twenty-five years commitment to preserving and promoting Croatian culture. The ancient and rich culture of the Croatian people adds strength to the foundation of our Cleveland community and our nation.

TRIBUTE TO CITIZEN OF THE YEAR OSCAR GUTIERREZ

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. San Clemente has been fortunate to have dynamic and dedicated young people who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Oscar Gutierrez is

one of these young leaders. On February 25, 2010, Oscar will be honored at the San Clemente Chamber of Commerce Annual Meeting and Award Ceremony where he will receive the 2009 Citizen of the Year Award.

Eighteen year old Oscar Gutierrez resides with his mother and sister in San Clemente. Sadly, Oscar lost his father in 2005. At age 13, Oscar started working to help financially support his family. In addition, he joined the Orange County Sheriffs Explorer Program, Post 449. On December 4, 2008, Oscar was home doing his homework when he heard screams coming from outside. He looked out and saw smoke and flames billowing from the apartment building next door. Oscar grabbed a fire extinguisher, and along with his sister and a cousin, who are also Explorers, and ran to help. Sheriffs deputies were evacuating the building so Oscar began checking around to make sure everyone was safe.

It was then that he noticed an elderly couple on a second floor balcony waiting for assistance. Smoke was pouring out of their apartment and they were beginning to panic. The woman was in a wheelchair and the husband seemed frail. The only way down was an exterior flight of stairs. Oscar did not hesitate: he recruited the help of another neighbor, ran up the stairs and carried the woman in her wheelchair down the stairs to safety.

Oscar graduated from San Clemente High School in 2009 and is attending college at California State San Marcos as a Sociology Major. He has received multiple scholarships and also works at Pedro's Tacos. He continues to attend the Explorer Program four times a month. He is the first one in his family to go to college.

Oscar Gutierrez at the young age of 18 is a hero and a model citizen. He is a hard working individual who cares deeply about San Clemente and its citizens. Oscar is truly an incredible young man who has a very bright future. Oscar's actions and selflessness have contributed immensely to the betterment of the community of San Clemente, California. I join the many community members who are grateful for Oscar and salute him as he receives the 2009 Citizen of the Year Award.

LETTER FROM PROFESSOR ROBERT D. AUERBACH, LBJ SCHOOL OF PUBLIC AFFAIRS AT THE UNIVERSITY OF TEXAS

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. PAUL. Madam Speaker, I would like to enter into the RECORD the following letter from Professor Robert D. Auerbach, a professor at the LBJ School of Public Affairs at the University of Texas. This letter provides additional information regarding remarks I made at yesterday's Financial Services Committee Humphrey-Hawkins hearing, remarks which Federal Reserve Chairman Bernanke categorized as "bizarre."

THANK YOU CONGRESSMAN RON PAUL FOR BRINGING THESE IMPORTANT FACTS TO THE PUBLIC'S ATTENTION

I thank Congressman Ron Paul for bringing to the public's attention the Federal Reserve coverup of the source of the Watergate burglars' source of funding and the defective audit by the Federal Reserve of the bank that transferred \$5.5 billion from the U.S. government to Saddam Hussein in the 1980s. Congressman Paul directed these comments to Federal Reserve Chairman Ben Bernanke at the House Financial Services Hearing February 24, 2010. I question Chairman Bernanke's dismissive response.

BERNANKE: "Well, Congressman, these specific allegations you've made I think are absolutely bizarre, and I have absolutely no knowledge of anything remotely like what you just described."

The evidence Congressman Ron Paul mentioned is well documented in my recent book, *Deception and Abuse at the Fed* (University of Texas Press: 2008). The head of the Federal Reserve bureaucracy should become familiar with its dismal practices.

First, consider the Fed's coverup of the source of the \$6,300 in hundred dollar bills found on the Watergate burglars when they were arrested at approximately 2:30 A.M. on June 17, 1972 after they had broken into the Watergate offices of the Democratic Party. Five days after the break-in, June 22, 1972, at a board of directors' meeting of officials at the Philadelphia Fed Bank, it was recorded in the minutes [shown on page 23 of my book] that false or misleading information had been provided to a reporter from the Washington Post about the \$6,300. Bob Woodward told me he thought he was the Washington Post reporter who had made the phone inquiry. The reporter "had called to verify a rumor that these bills were stolen from this Bank" according to the Philadelphia Fed minutes. The Philadelphia Fed Bank had informed the Board on June 20 that the notes were "shipped from the Reserve Bank to Girard Trust Company in Philadelphia on April 3, 1972." The Washington Post was incorrectly informed of "thefts but told they involved old bills that were ready for destruction."

The Federal Reserve under the chairmanship of Author Burns not only kept the Fed from getting entangled in the Watergate coverup, which the Fed's actions had assisted, it allowed false statements about bills the Fed knew were issued by the Philadelphia Fed Bank to stand uncorrected. Blocking information from the Senate and House Banking Committees [letters shown in my book, Chapter 2] and issuing false information during a perilous government crisis imposed huge costs on the public that had insufficient information to hold the Fed officials accountable for what they had withheld from the Congress. Had the deception been discovered the Fed chairmen following Burns may have been forced to rapidly implement some real transparency to restore the Fed's credibility. That would have reduced or eliminated many of the deceptions, and corrupt practices that are described in my book.

The second subject brought up by Congressman Ron Paul is the exposure of faulty examinations of the Federal Reserve of a foreign bank in Atlanta, Georgia through which \$5.5 billion was sent to Saddam Hussein that a Federal Judge found to be part of United States active support for Iraq in the 1980s.

On November 9, 1993, several federal marshals brought a prisoner, Christopher Drogoul, into my office at the Rayburn House Office Building of the U.S. House of

Representatives. The marshals removed the manacles. Drogoul took off his jump suit and changed into a shirt, tie, and business suit. He immediately looked like the manager of the Atlanta agency with domestic headquarters in New York City of Banca Nazionale. Drogoul had come to testify about a "scheme prosecutors said he masterminded that funneled \$5.5 billion in loans to Iraq's Hussein through BNL's Atlanta operation. Some of the loans allegedly were used to build up Iraq's military and nuclear arsenals in the years preceding the first Gulf War."

Drogoul's "'off book' BNL-Atlanta funding to Iraq began in 1986 as financing for products under Department of Agriculture programs." The loans allegedly had been authorized by the U.S. Department of Agriculture. Since Drogoul told the committee he was merely a tool in an ambitious scheme by the United States, Italy, Britain and Germany to secretly arm Iraq in their 1980-88 war, the testimony was politically contentious and unproven. He was sentenced in November 1993 to 37 months in prison and he had already served 20 months awaiting his sentencing hearing.

U.S. District Judge Ernest Tidwell found that the United States had actively supported Iraq in the 1980s by providing it with government-guaranteed loans even though it wasn't creditworthy. The judge said such policies "clearly facilitated criminal conduct."

Gonzalez was drawn to Drogoul's answer about the Fed examiner who had visited his Atlanta operation. Gonzalez said that:

"At the November 9, 1993 Banking Committee hearing I asked Christopher Drogoul, the convicted official of the Banca Nazionale Del Lavoro agency branch in Atlanta, Georgia, how the Federal Reserve Bank examiners could miss billions of dollars of illegal loans, most of which ended up in the hands of Hussein."

Mr. Drogoul stated:

The task of the Fed [bank examiner] was simply to confirm that the State of Georgia audit revealed no major problems. And thus, their audit of BNL usually consisted of a one or two-day review of the state of Georgia's preliminary results, followed by a cup of espresso in the manager's office."

Gonzalez was appalled at the lack of effective examination of a little storefront bank and also appalled by the gifts exchanged by officers of the New York Federal Reserve and the regulated banks in New York City where the main U.S. office of BNL was located. A description of what followed is in my book.

The Fed voted in 1995 to destroy the source transcripts of its policy making committee that had been sent to National Archives and Records Administration. Chairman Alan Greenspan had the committee vote on this destruction, telling the members: "I am not going to record these votes because we do not have to. There is no legal requirement." (p. 104 in my book.) Greenspan thus removed any fingerprints on this act of record destruction. Donald Kohn, who is now Vice Chairman of the Board of Governors at the Federal Reserve, answered some questions I had sent to Chairman Greenspan about this destruction. Kohn replied in a letter on November 1, 2001 to me at the University of Texas that they had destroyed the source records for 1994, 1995 and 1996, they did not believe it to be illegal and there was no plan to end this practice. That is one reason why the Federal Reserve audit supported by Congressman Ron Paul is needed. The Fed must stop destroying its records.

A SPECIAL TRIBUTE TO KEN MORROW, MEMBER OF THE 1980 UNITED STATES OLYMPIC GOLD MEDAL HOCKEY TEAM

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. Latta. Madam Speaker, it is with great pride that I rise to pay tribute to Ken Morrow, Olympic gold medalist and U.S. Hockey Hall of Fame inductee. The City of Bowling Green, Bowling Green State University, and the greater Northwest Ohio community celebrate this great American athlete.

In an incredible achievement in 1980, Ken Morrow was a member of hockey teams that won an Olympic gold medal and the Stanley Cup. At the age of 23, Ken Morrow was a member of the 1980 USA Miracle on Ice American hockey team that won the gold medal for the United States of America in Lake Placid, New York. Ken Morrow was also a member of the New York Islanders, who won the Stanley Cup in 1980.

A Bowling Green State University alumnus, Ken Morrow was an NCAA West All-American athlete in 1978. Morrow was also named player of the year for the Central Collegiate Hockey Association. He was drafted by the New York Islanders in 1976; however, Morrow remained in college until graduating in 1979.

Ken Morrow played a total of ten seasons in the National Hockey League (NHL). During his professional hockey career he helped the New York Islanders to win four straight Stanley Cup titles. Following his career as a hockey player, Morrow began a coaching career in the NHL. He was later inducted into the United States Hockey Hall of Fame, and in 1996 received the Lester Patrick Award for his accomplishments in the sport of hockey.

Madam Speaker, I ask my colleagues to join me in conveying special gratitude to Ken Morrow as we celebrate this accomplished individual. Our communities are well served by great Americans like Ken Morrow. On behalf of the people of the Fifth District of Ohio, I am proud to recognize Ken Morrow.

HONORING KATHRYN "KAY" HIRE,  
MOBILE'S ASTRONAUT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. Bonner. Madam Speaker, on Sunday night, the six-member crew of the Space Shuttle *Endeavor* returned to the Kennedy Space Center in Florida after 14 days in Earth orbit. Aboard the STS-130 was Mission Specialist Kathryn "Kay" Hire, Mobile, Alabama's first astronaut.

A native of Mobile and a 1977 graduate of Murphy High School, Kay Hire epitomizes the ideal of service to her country. A 1981 graduate of the U.S. Naval Academy, Hire earned a Master of Science degree in space technology from the Florida Institute of Technology in 1991 while also serving as a Naval officer.

Over her military career, Hire has taken part in a wide range of missions, from oceanographic research to naval flight instructor. In 1993, she was the first female in the U.S. military to be assigned to a combat aircrew when she flew aboard a P-3 maritime patrol aircraft, taking part in Atlantic and Caribbean operations. She was recalled to active naval duty in support of Operation Enduring Freedom and Operation Iraqi Freedom as a member of the U.S. Naval Central Command staff. She later returned to reserve status and served as Commanding Officer of the Navy Reserve Space and Naval Warfare Systems Command.

She transferred her duties to NASA in 1989. She was selected for astronaut training in 1994, reporting to the Johnson Space Center in Houston. In 1998, she first entered space aboard the Space Shuttle *Columbia* on mission STS-90, logging over 381 hours above the Earth. Aboard the *Columbia*, Hire spent 16 days in space and took part in 26 life science experiments focusing on the effects of microgravity on the brain and nervous system.

While on the just-completed *Endeavor* Mission, Hire traveled to the International Space Station where the *ISS* and *Endeavor* crew took part in the final major construction project for the orbiting space station—the installation of the “Tranquility” module. The new addition to the space station will house life support systems for the *ISS* and offers a breathtaking seven-pane “bay window” in space view of planet Earth.

Madam Speaker, I join the people of South Alabama in welcoming Kay Hire back down to Earth, and in expressing our pride for her service in our military and space programs. She is a tremendous role model for our youth. For those who seek examples of real heroes in our society, one need not look any further than Kay Hire, Mobile’s astronaut.

#### OBAMA ADMINISTRATION HOLDING WRONG SUMMIT

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. SMITH of Texas. Madam Speaker, the President’s health care summit today was too little, too late: the Administration has already released its health care proposal without consulting Republicans.

Instead of a summit on health care, we should have a summit on job creation, or a summit on cutting spending and reducing the deficit, or a summit on lawsuit abuse reform, or a summit on not treating terrorists like common criminals.

The Administration’s health care plan raises premiums, increases taxes and cuts Medicare benefits for seniors, according to the non-partisan Congressional Budget Office. It’s no wonder 67 percent of Americans now want Congress to start over on health care.

Instead of defying the wishes of Americans, the Administration should address the 15 million people who are unemployed, the millions more who have given up on finding a job, and specifically the 17 percent unemployment rate in the black community.

The Administration should listen to the American people, not hold a six-hour photo-op on the wrong subject.

#### HONORING FRED THOMAS

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor one of our outstanding community leaders, Fred Thomas of Immokalee, Florida. Mr. Thomas truly embodies the ideals of service, selflessness and leadership.

For 16 years, Mr. Thomas served as the Executive Director of the Collier County Public Housing Authority, and during his tenure, significantly increased public housing in Immokalee, a farm-worker community in rural Southwest Florida. Though he retired from public service in 2002, he has continued his activism and involvement in the community.

No one knows Immokalee better than Mr. Thomas, who is known by friends and neighbors as the unofficial mayor. He dedicates each day of his life to advancing the needs of his community and ensuring that Immokalee thrives. He is a selfless community leader and answers the call of duty not for recognitions or merits, but because of a true love for his town and a desire to see it prosper.

Originally from New York, Fred has been a proud resident of Immokalee for more than two decades and enjoys much of what Florida has to offer, like hunting and fishing. He is also a talented and recognized photographer, always capturing Florida’s unique wildlife and pristine environment. He is married to wife Cheryl, a well-respected and beloved leader in her own right.

Mr. Thomas is a passionate advocate for Immokalee and an eloquent voice for his country. He often frequents commission meetings and speaks out on behalf of his neighbors and the needs of Immokalee residents. His professional and business affiliations include: Commissioner of the Immokalee Water and Sewer District, Chairman of the Citizens Advisory Committee of the Collier County Municipal Planning Organization, Vice-Chairman of the Immokalee Enterprise Zone Board, Chairman of the Immokalee Community Development Advisory Board, Collier County Sheriff’s Commission, Board of Directors of Immokalee Chamber of Commerce, Member of the Immokalee Rotary and Member of the Immokalee Optimist. Most recently, in 2009, he was appointed by Governor Charlie Crist to serve as a Board Member of the South Florida Water Management District’s Big Cypress Basin.

As we celebrate Black History Month, please join me in thanking Fred Thomas, and his wife Cheryl, for their invaluable service and contributions to the southwest Florida community and their leadership, which makes a difference in the lives of many each day.

#### NATIONAL MANUFACTURING STRATEGY ACT OF 2010

#### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. LIPINSKI. Madam Speaker, I am pleased to be introducing today the National Manufacturing Strategy Act of 2010. I would like to especially thank the 27 members of Congress who have joined me in supporting this bipartisan bill.

While our Nation reaps enormous benefits from a strong domestic manufacturing base, it is increasingly clear to me that we need a coherent and forward-looking plan for supporting America’s manufacturers. I believe that by requiring the President to develop and submit to Congress a National Manufacturing Strategy every four years, we can ensure the government is doing all it can to ensure this vital industry is able to succeed. Manufacturing is too important for us to continue to manage it in an ad hoc, unplanned fashion.

Currently, Federal, State and local governments interact with and strive to support manufacturing in their own ways. Unfortunately, these efforts are too often reactive, uncoordinated, and stovepiped within agencies and jurisdictions. What we need instead is an approach that is coordinated, proactive, and fulfills both short- and long-term goals to improve our manufacturers’ international competitiveness.

My bill would require the President to closely consult with industry leaders and stakeholders in undertaking a far-reaching analysis of factors related to domestic manufacturing, its workforce, research and development, investment, the defense industrial base, and other related areas. Based on this analysis, the President shall develop a National Manufacturing Strategy that includes specific goals and recommendations for improving the manufacturing sector’s competitiveness. Importantly, my bill will establish a Manufacturing Strategy Board. This advisory group of experts in manufacturing, innovation, and the workforce will provide the President advice and guidance on manufacturing issues, both specific to the development of the Strategy, as well as on a regular, continuous basis.

I very much appreciate the support, feedback and guidance that my office has received from a wide range of individuals and organizations during the development of this bill. Individuals from the AFL-CIO Industrial Union Council, National Defense Industry Association, American Iron and Steel Institute, National Council for Advanced Manufacturing, Aerospace Industry Association, Center for American Progress, and the U.S. Department of Commerce, among others, have provided valuable comments and suggestions that helped us produce a better bill. I want to thank everyone who took the time to assist us with this important effort.

Fundamentally, this bill is simple. Manufacturing is crucial to our economy and our middle class, to our national security, and to our ability to satisfy our domestic needs with domestically produced goods. It only makes sense that we have a sound plan for how the

government can best help the private sector succeed. I believe that a National Manufacturing Strategy will help us accomplish that, and I urge my colleagues to join me in supporting this bill, and doing the absolute best that we can to support manufacturing in America.

COMMEMORATING THE 117TH ANNIVERSARY OF PAYNE CHAPEL A.M.E. CHURCH IN WEST PALM BEACH, FLORIDA

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the 117th anniversary of the founding of Payne Chapel A.M.E. Church in West Palm Beach, Florida, an institution that is as old as the city itself.

The theme of this year's celebration is "Enhancing the dream; bright hope for tomorrow". Payne Chapel was the dream of Ed Walstine, Philip Akery, Bell Jones, Susan Gee Cook, Margaret Akery, D. Jones, and Haley Mickens, who were strongly determined to prepare the way for carrying out "The Great Commission" of preaching and witnessing for Christ. They founded their church, known as Bethel, in January of 1893. It was a pioneer era, and the first church was established in "The Styx", now Palm Beach. The first trustees were J.J. Gordon, D.J. Jones, and Philip Akery.

In 1894, under the pastorate of Rev. T.W. Wilson, the church's name was changed from Bethel to Payne Chapel in honor of Bishop Daniel A. Payne. Payne Chapel was built at Banyan and Tamarind Avenue, under the pastorate of Rev. A.S. Simms, 1894–1895. During the pastorate of Rev. M.T. Carey, 1910–1914, the church's parsonage was built. Rev. S.W. Adair organized the first rally for the new Payne Chapel A.M.E. Church between 1917 and 1920. It was Rev. E.J. Jackson who purchased the present site and laid the foundation between 1922 and 1923. In 1924, Rev. S.W. Adair was again appointed pastor and began work on the new church.

In 1928, a hurricane completely destroyed the old church on Banyan Street. The first Sunday in January 1929, services resumed in the basement of the "New Church on the Hill". Over the years, many additions were made to Payne Chapel under the pastorate of different reverends to complete the New Church. The main auditorium was dedicated in 1937, new pews were added in 1942, and the church was cleared of all indebtedness in 1948. During the pastorate of Rev. H. McNeal Harris, 1963–1966, the present parsonage was built, and under Rev. Stephen M. Peck, 1969–1981, the church was completely air conditioned.

Between 1981 and 1987, land was purchased for two parking areas, the church office, pastor's study, and Christian Education Office were erected in the lower auditorium, and the lounges were completely renovated.

In 1988, the New Genesis was instituted under the leadership of Shepherd W.J. Jackson. The church underwent a series of renovations and restoration, including new paint

inside and out, safety guard doors, a new roof, pews, furniture, lighting, carpeting, state-of-the-art sound system, piano, organ, and tiling. Furthermore, the mortgage was liquidated and another parking area and additional property around the church were purchased.

In November 2002, Bishop John Hurst Adams assigned Rev. Samuel E. Sullivan to Payne Chapel. Under his pastorate, Payne Chapel underwent further renovation and debts on the roof and organ were liquidated. During the 2004–2005 hurricane season, the church and parsonage sustained major wind and water damage. Payne Chapel's keepers worked hard to restore it to its former magnificent grandeur. The church's interior was gutted and treated for mold and mildew, and carpeting, pews, and other furnishing and equipment were replaced.

On December 2, 2007, Bishop McKinley Young assigned Rev. Milton Broomfield to pastor Payne Chapel into the future. I am certain that Payne Chapel can look forward to great things under Rev. Broomfield's leadership.

Madam Speaker, from 1893 to 2008, 30 pastors, 24 presiding elders, 36 bishops, and three assistant pastors have served Payne Chapel A.M.E. Church. Payne Chapel is more than a building; it is a living testament to the community that built it. As we celebrate the 117th anniversary of its founding and remember the untold numbers of dedicated people who have contributed to making the church what it is today, tomorrow is indeed bright and hopeful.

COMMEMORATING THE 16TH ANNIVERSARY OF THE KHOJALY TRAGEDY

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. McMAHON. Madam Speaker, I rise to commemorate the 16th anniversary of the Khojaly tragedy, when on February 25–26, 1992, the town of Khojaly in the Nagorno Karabagh region of Azerbaijan was brutally attacked by Armenian forces. The town of Khojaly, which was home to 7,000 people, was completely destroyed; a total of 613 people were killed, of which 106 were women and 83 were children, and 56 of whom are purported to have been killed with extreme cruelty and torture. Additionally, 1,275 were taken hostage, 150 went missing; 487 people became disabled, 76 of whom are teenagers; 8 families were wiped out; 25 children lost both of their parents, and 130 children lost one of their parents.

Sadly, Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the occupation of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians.

According to Human Rights Watch and other international observers, the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment.

As part of the population tried to escape the town of Khojaly, they encountered violent am-

bushes and were murdered. According to the Russian organization, Memorial, 200 Azerbaijani corpses were brought from Khojaly to Agdam within four days, and it was discovered that they were subjected to abuses, torture and mutilation. Human Rights Watch stated that "we place direct responsibility for the civilian deaths with Karabakh Armenian forces."

At the time, Newsweek Magazine reported: "Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

Time Magazine stated "While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly 2 weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown."

Members of the Parliamentary Assembly of the Council of Europe, PACE, from Albania, Azerbaijan, and the United Kingdom stated in May 2001 in Written Declaration No. 324 that the "Armenians massacred the whole population of Khojaly and fully destroyed the town."

Khojaly was the first significant Azerbaijani settlement overrun by Armenian forces in the region of Nagorno-Karabakh. The forces next overran the Nagorno-Karabakh districts of Zangilan, Gubadli, Fuzuli, Aghdam, and Kalbajar, as well as the towns of Shusha and Lachin. Altogether, the occupied territories represent roughly 20 percent of the territory of Azerbaijan. And, altogether roughly one million Azerbaijanis were evicted from their homes over the course of the Armenian-Azerbaijan war.

Madam Speaker, this is not the ringing condemnation that the survivors of Khojaly deserve but it is an important first step by an international community that has too long been silent on this issue. Congress should take the next step and I hope my colleagues will join me in standing with Azerbaijanis as they commemorate the tragedy of Khojaly. The world should know and remember.

INTRODUCTION OF IMPROVING COMPACT-IMPACT ASSISTANCE FOR EDUCATION

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Ms. BORDALLO. Madam Speaker, I rise today to introduce H.R. 4695, a bill to expand the Federal Impact Aid program to reimburse schools for the costs of educating students from the Freely Associated States, FAS, residing in the United States, including the territories. Impact Aid was originally authorized by

the Elementary and Secondary Education Act in 1965 to compensate local school districts for the costs of educating federally connected children. Examples of these kinds of students include those whose parents live on military bases, live on Indian lands, or are the children of accredited foreign diplomats. However, the Impact Aid program does not compensate local schools for the costs incurred by educating students from the FAS.

The United States entered into the Compacts of Free Association with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau and under the Compacts, citizens of these countries can enter the United States without a visa. Thus, children whose parents are citizens of the FAS are in schools in the States and territories under a special immigration category and are federally connected just as children of military families are similarly federally connected. This legislation would provide a means for the Federal Government to provide assistance to impacted local education authorities.

Madam Speaker, the economic downturn has forced many local school districts to cut education budgets. This is a longstanding issue for affected jurisdictions and they need this to be redressed now more than ever. I would like to thank Mr. ABERCROMBIE, Mr. FALCOMA, Mrs. CHRISTENSEN, Mr. HONDA, Mr. SABLAN, and Mr. PIERLUISI for joining with me as original cosponsors. I will work with these cosponsors to pass this bill during the 111th Congress.

TRIBUTE TO CONGRESSMAN  
SONNY CALLAHAN—2009 “MOBIL-  
IAN OF THE YEAR”

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. BONNER. Madam Speaker, I rise to congratulate my dear friend and predecessor, former Congressman Sonny Callahan, for being selected as 2009 Mobilian of the Year by the Cottage Hill Civitan Club.

To the people of South Alabama, Sonny needs no introduction. He has dedicated much of his life to serving our area. A Navy veteran and a self-made local business success, Sonny has never known a time when he was not giving back to his community.

First elected to public office representing Mobile in the Alabama House of Representatives in 1971, Sonny embarked on a journey that took him to the Alabama State Senate and eventually to Washington, DC, where he labored in this House for no less than 18 years.

He quickly made a name for himself in these Halls, earning the gavel of one of the 13 subcommittee chairmanships on the House Appropriations Committee after only 10 years in office. He was named chairman of the powerful Subcommittee on Foreign Operations in 1995, protecting America's interests and investments around the world.

In 2000, he became the chairman of the House Appropriations Subcommittee on En-

ergy and Water Development. In this position, Sonny worked closely with the Bush Administration to develop and finance a new national energy policy.

While chairman of this subcommittee, he also served as vice chairman of Foreign Operations and was a member of the Transportation Subcommittee.

In an era of stark partisanship that too often divides this Chamber, Sonny Callahan knew only friends as he served in Congress. His ability to reach out across the aisle won him universal praise and enabled him to accomplish much for his district and the State of Alabama.

After retirement from Congress in 2003, Sonny has refused to settle down into a quiet life of leisure. In addition to work in his own government consulting firm, Sonny was named by Governor Bob Riley to serve on the Alabama Port Authority Board. In 2004, Sonny was named Patriot of the Year by local veterans groups, and in 2005, the Boys and Girls Clubs of Mobile named its Theodore activity center the Sonny Callahan Boys and Girls Club Building.

I wish to personally congratulate Sonny Callahan for having received the honor of “Mobilian of the Year,” and on behalf of the people of South Alabama, I thank Sonny, his wife, Karen, and their children and grandchildren, for their continued service and dedication to the state and the people we so dearly love.

HONORING GALVESTON  
BUSINESSES

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. PAUL. Madam Speaker, on March 4th, the Galveston Chamber of Commerce will hold its 164th annual meeting. Established by the Ninth Congress of the Republic of Texas in 1845, making it the oldest chamber of commerce in Texas, the Galveston Chamber of Commerce works to promote and advocate for the business community of Galveston.

At the March 4th meeting, the Galveston Chamber of Commerce will honor 32 Galveston businesses who have served the Galveston Community for 100 years or longer. The Port of Galveston, which has been in operation since 1825, is the oldest business in the community.

It is truly a remarkable achievement that these 32 businesses kept their doors open through several hurricanes, tropical storms, recessions, and the Great Depression.

I certainly agree with Gina Spagnola, president of the Galveston Chamber of Commerce, who said “Our business community is the lifeblood of our community, and we must continue to welcome, appreciate, encourage, support and protect them.”

Madam Speaker, it is a tremendous pleasure to join my friends at the Galveston Chamber of Commerce in saluting these businesses for their years of service to the people of Galveston. I am truly honored to serve as their representative and hope all my colleagues all

join me in congratulating these outstanding businesses. I have attached a list of the names of the businesses that will be honored on March 4 and the date that the companies were established.

Del Papa Distributing Company, 1910; Moody National Bank, 1907; American National Insurance Company, 1905; Biehl & Company, 1905; Rosenberg Library, 1904; Malloy & Son Funeral Home, 1902; Fred Hartel Company, 1900; Galveston Country Club, 1898; the Grand 1894 Opera House, 1894; and Stewart Title, 1893.

Galveston Insurance Associates, 1892; University of Texas Medical Branch, 1891; Galveston Independent School District, 1884; AT&T, 1878; The Children's Center, Inc., 1878; Mt. Olive Missionary Baptist Church, 1876; Frost Bank, 1874; Grace Episcopal Church, 1868; J. Levy & Termini Funeral Home, 1868; Galveston County Medical Society, 1865; and Texas Gas Service, 1856.

Ott Monument Works, 1854; First Evangelical Lutheran Church, 1850; Mills Shirley LLP, 1846; Galveston Chamber of Commerce, 1845; Gal-Tex Pilots Service Corporation, 1845; Galveston County Daily News, 1842; Trinity Episcopal Church, 1841; First Baptist Church, 1840; Moody Memorial First United Methodist Church, 1838; City of Galveston, 1837; Port of Galveston, 1825.

HONORING PASTOR WALTER  
THOMAS RICHARDSON

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 2010*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I rise to honor one of the most devoted and beloved leaders in South Florida, Dr. Walter Thomas Richardson, whose dedication to God, his faith and his community has allowed him to break social barriers and touched thousands of lives.

Since 1983, Pastor Richardson has served as Senior Pastor of Sweet Home Missionary Baptist Church in Perrine, Florida and his preaching has enriched the faith and lives of many. He is a Miami native, married to M. Dolores, father to Walter L. and LaKisha, and proud grandfather of seven. His family has played a key role in his development as pastor and community leader. He learned of the importance of community service at a young age, from his parents, Bishop Walter H. and Mrs. Poseline M. Richardson and in 1969, while serving in the military, felt a calling for the ministry. His education has also played an important role in his formation. He obtained both Bachelor and Master Degrees from St. Thomas University, and a Doctorate from Trinity Theological Seminary.

Pastor Richardson is a leading voice of social justice and multicultural integration. His congregation is formed by Native Americans, African Americans, Hispanics, Haitians and several Caribbean Islands among many other groups. His love of service has manifested itself in multiple ways. He is a professor of religion at St. Thomas University, Chaplain in the Miami-Dade Police Department, and Board



Member of Florida Memorial College, New World School of the Arts, the Community Relations Board and the Alliance for Human Services, to name a few. He is also author of *Going through Samaria*, a book which teaches about the importance of Christianity, and had

recorded 30 songs and composed more than 100. His unique service and leadership has gained him recognitions from the City of Miami, the City of Fort Lauderdale and National Association for the Advancement of Colored People.

As we celebrate Black History Month, I ask you to join me in honoring the work of Pastor Water Thomas Richardson and thanking him for his service to our community. He has improved the lives of many.

**SENATE—Friday, February 26, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the source of our peace, again at the beginning of another day's deliberations, we crave Your guidance and peace. Lead our lawmakers. Take away any blindness that would prompt them to travel down the wrong path. Lord, lift their hearts and minds into the light of Your presence, empowering them to fulfill Your purposes on Earth. Help them to hear Your voice above the hum of their daily labors and beyond the clamor of the noises that distract them from their ethical resolve. Give them special gifts of understanding, wisdom, patience, and strength.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK R. WARNER, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, this morning the Senate will proceed to a period

of morning business. Senators will be allowed to speak for up to 10 minutes each. There will be no rollcall votes during today's session.

However, there will be a vote Tuesday morning before the caucus, probably an hour after we come in, but we will make that decision a little later today. We will see if we can get agreement. If not, that is what we will try to do.

We will continue to try to reach an agreement to consider an act to extend for 30 days certain expiring provisions, including unemployment insurance, COBRA, flood insurance, highway funding, small business loans, and small business provisions of the American Recovery Act, the Satellite Home View Act, the SGR, and poverty provisions.

All these are extremely important, especially to those people who are unemployed, and those people who on midnight Sunday night will lose the ability—1.5 million people in rural America—to watch local television.

**RECOGNIZING THE CABBAGE PATCH SETTLEMENT HOUSE**

Mr. MCCONNELL. Mr. President, when the great-great granddaughter of U.S. Chief Justice John Marshall established a safe place for Louisville's troubled and indigent children in 1910, few perhaps could have imagined the impact her actions would make a century later. Yet as The Cabbage Patch Settlement House celebrates its centennial year, the contributions of its alumni to our community and Nation will stand as Louise Marshall's legacy for another 100 years.

Named after the 1901 best-selling novel, "Mrs. Wiggs and the Cabbage Patch," which was written by fellow Louisvillian Alice Hegan Rice, The Patch now serves 1,100 children and their families through a variety of education and counseling programs. Included among its alumni are: an NFL Super Bowl coach, public officials and community leaders, military officers, teachers, coaches, firefighters, and police officers. Thousands of alumni credit their involvement with The Cabbage Patch as a critical factor in their development of strong values and strong faith.

The Louisville Courier-Journal recently recounted the impact this institution has had on my home city, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Feb. 15, 2010]

THE CABBAGE PATCH: A BEACON FOR 100 YEARS

(By Larry Muhammad)

Sherman Lewis won Super Bowl rings coaching for the San Francisco 49ers and Green Bay Packers, was a college football All-American at Michigan State University and finished third in the balloting for the Heisman Trophy in 1963.

The duPont Manual High School graduate partly credits his career success to the character-building sportsmanship he learned as a teenager at Cabbage Patch Settlement House, which is celebrating its 100th anniversary.

"My first year there, in the ninth grade, I even won a turkey trot," said Lewis, most recently an offensive consultant for the Washington Redskins. "They had a big turkey in a crate, and you had to run to get it, but I won that race going away. I had never run that fast in my life, but we had a lot of mouths to feed in our family and nobody was going to catch me.

"And Cabbage Patch was the first time I ever played on an integrated team," he said. "They had great coaches there, great role models, and I think that's part of the reason I went into coaching. I owe that place a lot."

Founded in 1910 to help troubled and indigent children, the nonprofit Christian agency now serves 1,100 children and their families through recreation, education and counseling programs. It recently launched a year-long birthday observance that includes an alumni reunion (date and place yet to be announced).

"We are having a series of birthday parties with some of our partner churches this spring," said Cabbage Patch spokeswoman Angela Hagan. "We had one at Highland Presbyterian Jan. 10. We will be at Southeast Christian Feb. 21, and several others are scheduled. Our golf fundraiser at Valhalla (Golf Club) on July 12 will have a 1910 twist—think attire, for one example—and our auction event Sept. 23 at the Muhammad Ali Center will be a big birthday party. On Sept. 25 we celebrate in our own neighborhood (1413 S. Sixth St., Old Louisville) as a beneficiary of the St. James Art Show Gala."

A function of the art show's philanthropic arm, the St. James Court Charitable Foundation, the gala previously has benefited Kosair Charities and the Louisville Orchestra.

"This year, we decided to do the Cabbage Patch," said Don Keeling, the Louisville businessman and president of the St. James Court Association who, as a youth, played after-school sports there. "They raised a substantial amount of money for their renovation, but they still have more to go so we're going to help them retire some of that debt."

The centennial year of The Patch, as it has become known over the years, happily coincides with completion of the \$7.5-million structural upgrade to its Sixth Street facilities, including a renovated gymnasium, kitchen and classrooms, plus 19,000 square feet of new construction adding a glass breezeway between buildings and a two-story carriage house.

Also, starting Friday, Blue Sky Kentucky, the nonprofit group promoting appreciation

of American roots music, is launching an education component that ties into ongoing music instruction at The Patch. "Our objective is to bring the art and business end of music directly to the kids," said Greg Handy, a Blue Sky Kentucky founder. "Once a month, artists will come give a brief performance, talk to the kids about what it means to be a professional, working musician, and how they got where they are now. We've developed a syllabus that covers the art of songwriting and also the business of music."

Formerly an 8th Ward alderman who grew up in Old Louisville, Handy remembers hanging out at The Patch, he says, "probably starting at 8 or 9 years old until the time I got my driver's license. I would meet friends there after school, and actually played a little softball for them. Our family was a lot more fortunate than others in the neighborhood. And The Patch was a place where children could go, be safe and learn life's lessons—just a great place."

For as long as anyone can remember, Cabbage Patch Settlement House has been a beacon of hope to inner-city kids and their families.

During the 1937 flood, when the Ohio River submerged 70 percent of Louisville and forced 175,000 people from their homes, The Patch, which was situated on the edge of an irregularly shaped dry area, became a refuge for dislocated residents and a clearinghouse for food, clothes and other necessities. It underwent a major program expansion after World War II, adding a game room, various athletic programs, adult activities, and dances. During the 1950s it began one of Louisville's first private desegregation initiatives that by 1963 encompassed the entire operation.

During its early years, founder Louise Marshall often scoured the surrounding neighborhood for troubled and less fortunate children, promoting the value of education and inviting them to the Patch. Although from a well-to-do family—her great-great grandfather was U.S. Chief Justice John Marshall—Marshall as a young woman taught a neighborhood Bible school class, felt compelled to help the poor and was influenced by the success of places like Chicago's Hull House to help the less fortunate. She based Cabbage Patch's founding principles on the biblical injunction for charity in the Book of Matthew: "For I was hungry and you gave me something to eat; I was thirsty and you gave me something to drink; I was a stranger and you invited me in; I was naked and you clothed me."

The agency was named for a neighborhood running along tracks of the Louisville and Nashville Railroad, inhabited by L&N workers and truck gardeners growing cabbages—thus the Cabbage Patch. The area was immortalized in a sentimental best-selling 1901 novel, "Mrs. Wiggs of the Cabbage Patch," by Louisville writer Alice Hegan Rice.

Today, it has the legacy of Marshall, who died in 1981, and the example of dedication set by the late Roosevelt Chin, longtime family services director, whose ashes are buried at center court in the renovated gym named in his honor.

It has programs like the vegetable-growing and cooking initiative From Seed to Table, begun by Kathy Cary, chef/owner of Lilly's Bistro. It consistently turns out winning produce at the Kentucky State Fair, taking second place last year for Roma tomatoes, cabbage and corn, and 10 first-place ribbons in 2000, including best hot pepper collection.

It has volunteers extraordinaire such as Lea Fischbach, who in 2007 received the

President's Volunteer Service Award from President George W. Bush for her 11 years and more than 4,000 hours of charity work.

"Those who participated in our programs tell the story of our mission," the agency's executive director, the Rev. Tracy Holladay, said in a statement. "When we celebrate 100 years of service, we're celebrating the hope and potential of all those who have come through our doors, past and present, and those who will come in the next 100 years."

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

#### EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. DURBIN. Mr. President, last night a number of Senators stayed on the floor until almost midnight—I thank the staff and pages for their endurance and patience.

This was over an issue that was critically important to our Nation. It is an issue which relates to this recession we are in and the fact that literally millions of Americans in every State across America are out of work and doing their very best to find jobs. It is not easy. There are as many as four unemployed workers for every available job. People are taking jobs that pay substantially less than what they are used to earning in the hopes of keeping their family together and weathering this economic storm.

Some of the sacrifices that are being made will literally change lives and families forever. People are losing their homes because of the loss of jobs. Folks are finding their kids have to drop out of college and come home because the families can no longer help them afford to pay for tuition and the expense of higher education. So many families in desperate straits are turning to the food banks in cities across America. As I visit these food banks, they tell me there is a dramatic increase in the number of people who come in looking for the basic food they need to put on the table to keep their families together.

Some of these families have lost their health insurance. It is one of the first casualties of losing a job. Unless you have lived as a father of a sick child without health insurance, you cannot imagine what goes through his mind in that circumstance. It happened to me when I was first married and did not have health insurance. I had a sick baby. My wife and I just prayed we could find the care she needed when we

did not have health insurance to cover it.

For millions of Americans, that is not only a threat, it is a reality. When you look at this hardship many Americans are facing, through no fault of their own and despite their heroic efforts to put their lives back on track, I believe it is unthinkable, unforgivable that we would cut off unemployment insurance payments to these people; that we would cut off COBRA payments which help them to pay for their health insurance while they are unemployed.

Yet that is what is going to happen Sunday night. It is because the Senator from Kentucky has objected to extending unemployment insurance payments and COBRA health insurance payments for 30 days. In my State, there are 15,000 people who do not realize this morning but will come to realize Monday morning that their lives have dramatically changed. They are not only out of work and they are struggling to survive, but that one lifeline, that unemployment check that keeps them together, that provides \$250 a week so they can get on with life and try to turn the corner, is going to disappear.

You say: Well, why? What is it that has brought us to the point where we as a nation would cut off help for our own people? The Senator from Kentucky explained last night it is because he wants to balance the budget. He wants to cut the deficit. He is concerned about the debt.

Well, I share his concerns. What was said last night by so many Members on this side of the aisle, which is, for goodness' sake, find a way to express your political views that is not at the expense of helpless people.

That is why so many Members stayed here until almost midnight talking about it. Senator STABENOW from Michigan, what a terrible economic situation in her State. One out of six people in her State is on food stamps. They have had high unemployment for the longest time because of the loss of manufacturing jobs and other employment opportunities.

It is an awful situation, repeated in Rhode Island, where they have one of the highest unemployment rates in the Nation. They were the first in the recession and are struggling to get through it. It is a small State in comparison to Illinois or Michigan. But when Senator JACK REED and Senator SHELDON WHITEHOUSE came to the floor, they talked about hundreds of people in their State who will be cut off from unemployment checks as of Sunday night because of the objection of one Senator who says we have to learn our lesson about deficits.

The simple fact is, this is an emergency situation and should be treated as such. If the floodwaters were rising in Kentucky or Illinois and people were displaced from their homes, desperate

to survive, we would not sit down and do a calculation about whether to send them emergency aid, we would do it because we are a nation that cares and a nation that responds and we believe helpless victims deserve a helping hand. These are helpless victims of the recession, and their helping hand is an unemployment check that will be cut off Sunday night because of the objection of one Senator.

Some came to the floor last night—Senator CORKER of Tennessee, whom I respect—and said: I do not think you ought to be doing this. I do not think this is the way the Senate should work, that we should come and renew the unanimous consent request to extend unemployment for 30 days.

I would say to Senator CORKER, whom I respect, and Senator BUNNING, whom I respect very much: We were caught by surprise last night. We could not believe we would actually have the Senate go home to our home States, to the loving arms of our families, to a relaxing weekend, and know that, Sunday night, unemployment checks were going to be cut off across America for hundreds of thousands of people.

That came as a surprise to me last night. That is why we gathered on the floor and talked about the economy and this issue. We talked about the deficit, and we pointed out to the Senator from Kentucky that he has voted for tax cuts that were not paid for, obviously that added to the Nation's deficit. He has voted for programs not paid for that added to the Nation's deficit.

Yet now he has decided to make his stand, not when it comes to tax cuts for the wealthy but unemployment benefits for the poorest struggling families in America. It is a stark contrast. Last night, we begged him to save this debt debate for a different day and a different issue and please do not victimize these helpless people who are struggling to get by. We were not successful in that effort.

I do not know if the Senator has had a change of heart today. I hope he has. I am going to renew my unanimous consent request that I made last night. I hope we can agree to go forward. I certainly would say to the Senator from Kentucky, we have ample opportunity in the days ahead to debate this deficit and debt, in the budget resolution, in our appropriations process, in virtually every bill that comes before us.

Why did he pick the unemployed families of America, falling behind, losing their homes, struggling to survive, to make his political point about debt and deficit?

One of the Senators said: Oh, in a week or so we will probably send those benefits along. I guess that is true. I hope it is true. We may eat up 3 or 4 days on the floor of the Senate to get it done, instead of instantly doing it this morning, as we can in the process.

In my State, the State of Virginia, the State of Kentucky, there will be unemployed people who will not receive their checks and will go through the anxiety of wondering what happened in Washington that caused them to lose that check they needed so desperately to keep their home, to care for their kids, and to try to turn their lives around and get another job.

That, to me, is an unacceptable approach to governing. It is one I hope we do not do in the future. It is the reason we stayed so late last night to speak to this issue.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of the provisions which expire on Sunday, February 28: unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans, and small business provisions of the American Recovery Act, SGR, and poverty guidelines, received from the House and at the desk; that the bill be read three times, passed and the motion to reconsider be made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUNNING. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. First of all, let me say this, that I believe the Senator from Illinois is correct that everybody in this Chamber wants to extend unemployment benefits, COBRA health care benefits, flood insurance, the highway bill assistance, medical doc fix, small business loans, and rural satellite television for our viewers who cannot get cable.

I will not object if the Senator from Illinois amends his unanimous consent request to adopt my amendment or any amendment that pays for the bill—we had a pay-go vote last week, and the Senate voted to pay for all the bills that come through—or I will not continue my reservation, I will not object if the Senator from Illinois would spend the \$10 billion it costs to renew these extenders for 30 days.

For example, we could do an across-the-board rescission of the bloated Omnibus appropriations bill that was passed for this fiscal year, which increased appropriations by 10 percent. That is just one, besides my pay-for, which you have objected to. If we cannot find \$10 billion somewhere for a bill that everybody in this body supports, we will never pay for anything.

I continue my objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. DURBIN. Mr. President, earlier this week, the Senator from Kentucky made the same request. The Senate majority leader, HARRY REID, said to the Senator from Kentucky: I will give

you a chance to come to the floor with your paid-for amendment, fully debate it, and put it up for a vote.

If you can convince a majority of the Senate to do that, you will prevail.

If you can't, then we will treat this as we have so often, as emergency spending, and proceed to help these unemployed people. The Senator from Kentucky rejected that and said he did not want to bring this matter to the floor for a vote because he might lose. I think it is possible he might lose.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. If he has a way to pay for this and wants to offer it as an amendment on the floor, we have given him the opportunity to do that. But for him to say he wants to dictate how this is going to be paid for from sources that, frankly, many of us believe are not realistic in any way whatsoever—he wanted to take the money from the Recovery and Reinvestment Act that has already been committed to construction projects and to tax cuts across America; he wants to take that money and reduce tax cuts for working families—I would vote against that. I think that is very shortsighted and would hurt the economy rather than help it. If he wants to make across-the-board cuts in appropriations bills, he ought to have an opportunity to offer that amendment, and he has had that opportunity. But he doesn't choose to do that. He wants to be guaranteed he will win. There are no guarantees you can win.

There is a guarantee, because of his objection, that hundreds of thousands of unemployed Americans will lose. Come Sunday night, they will have their checks cut off. To be told people have a beating heart and care about unemployed people and to cut off their unemployment checks just doesn't track. I don't think it is any comfort to these families to believe you care, but you are going to cut off their checks anyway. What point are we making—how hard we can be, how tough we can be? At what expense? The most vulnerable families in America are going to suffer because of this political decision by one Senator. I think that is unfortunate. I am sorry he has objected.

I promised I would not renew the request this morning, but we will be back. We will try to get this done. I say those families, hang in there. After the politicians are finished with speeches and debates, America will not give up on you. It is going to be tough for a while, while we work out this political difference, but, unfortunately, that reflects the Senate and where it is today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid on the table.

Mr. DURBIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BUNNING. We have tried to work this out with the majority, particularly after the pay-go vote last week. When 100 Senators are for a bill and we can't find \$10 billion to pay for it, there is something the matter, seriously the matter with this body. I said that last night. I don't wish to repeat myself. I have offered several ways to pay for it. If everybody in this Chamber—and there are no Senators except me here right now, but there are 100 Members of this body—believes, as the Senator from Illinois does, that this is essential and we should pass it, then we should pay for it. There are going to be other bills brought to the floor that are not going to be paid for, and I am going to object every time they do it. I don't much agree with the Chairman of the Federal Reserve, but it was striking yesterday when he said if the present level of debt and the present administration's budget is passed, the debt of the United States will be unsustainable. "Unsustainable" to me means there is a chance of one of the rating agencies downgrading the rating on our debt. We cannot allow that to happen. I have too many young grandchildren who want America to be the same America I grew up in. I am worried to death that will not be the case.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 527, the nomination of Barbara Milano Keenan, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

The assistant legislative clerk read the nomination of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 2, after a period of morning business, the Senate proceed to executive session to resume consideration of the Keenan nomination; that the time until 12:15 p.m. be for debate only on a vote on the motion to invoke cloture on the nomination, with the time equally divided and controlled between Senators Leahy and Sessions or their designees; that at 12:15 p.m., the Senate proceed to vote on the motion to invoke cloture with the mandatory quorum waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNEMPLOYMENT COMPENSATION

Mr. REID. Mr. President, we talk a lot in the Senate about procedure. Our debates sometimes relate only to procedure, and often that is appropriate. As we know, sometimes these procedural rules we have in the Senate are complex. But the issue before us today is not something that is arcane, very ritualistic, or very complex. It is very simple. It is clear that it is going to be a lot more noticeable by people Monday morning because it is going to affect the lives of thousands of Americans and their livelihoods.

The issue before us is this: Our country is in a state of economic turmoil. Lots of people are out of work. Lots of

people have been out of work for a long time. They are trying to make ends meet drawing unemployment compensation, which is something we have had in effect in this country for a long time. By Monday morning, tens of thousands of Nevadans and more than a million Americans who rely on unemployment insurance and health benefits will simply lose them.

We have traditionally, during times of stress, automatically given unemployment benefits, and we should do that. These people are getting poorer every day. They are out of work for long periods of time. Unemployment is rampant in every single State in the country, some worse than others. So many of those unemployed have lost their jobs through no fault of their own.

Those opposed to helping people who are down and out, at a time of their greatest need, should not have to talk about process. If you can't afford to feed your kids, process doesn't mean a thing. If you can't make your car payment, it doesn't mean one thing to talk about process. If you can't make your house payment, if you can't go to the drugstore and buy a prescription that needs to be filled, process doesn't matter.

If we do not act, these benefits will expire, but the need to buy groceries, medicine, make a car payment or house payment does not expire. Those benefits will expire but the need to heat their homes—it is wintertime—or put gas in their cars doesn't expire. They do not care about the procedure or process. Those benefits will expire. I repeat, the need to take their medicine does not or the need to take care of an aging parent or to take care of their children does not expire. They don't care a thing about process.

The catch here is that these benefits do not need to expire. We have the ability right now to extend them for just a short time until we work out a longer term solution. We are going to start working on that on Monday. It is irresponsible and basically it is immoral.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I was not on the floor after the vote last night, but I did get a chance to read some of the transcript of the back-and-forth between Senator BUNNING and Senator DURBIN and others. I understand that Senator DURBIN retained the floor for the most part and yielded for questions, but basically the procedure denied Senator BUNNING and Senator CORKER, who I know also weighed in, an opportunity to explain precisely what was going on.

I have seen some news reports this morning that have suggested that because of the objection to more deficit spending in order to pay for this temporary extension of benefits—that this

was an unreasonable thing to do, to actually insist that Congress pay for benefits it is providing.

I would like to put it in a little bit of context. I think if there are two things that are causing the lack of approval of the American people of Congress these days it boils down to two things. One is a lack of fiscal discipline, and the second is a complete lack of credibility whatsoever when it comes to fiscal matters.

Let me give one example. Pay-go, the so-called pay-as-you-go requirement that was passed about 2 weeks ago, in the jobs bill that was passed earlier this week, \$15 billion, the Senate voted to waive those pay-as-you-go rules that it passed 2 weeks ago and the President signed into law with great fanfare.

But the problem goes further than that. It is not just the Senate being unwilling to live by the very law that it passed 2 weeks earlier and was signed by the President. It is the illusion of fiscal responsibility.

Let me tell you what I mean by that. For example, within the pay-go requirement itself, I think most Americans would be surprised to learn that discretionary spending, which is about a third of the Federal budget, is exempted completely. In other words, the senior Senator from New Hampshire frequently calls this the Swiss cheese pay-go because it is so full of holes, it is not what it would otherwise appear to be, and you can see why, if it exempts discretionary spending. Nor does pay-go apply to current entitlement spending—baseline. For example, many of us talked about the \$38 trillion in unfunded liabilities for Medicare itself which is not fixed, which was actually made worse by the health care proposals which have been made by the President most recently and which passed the Senate on Christmas Eve. The pay-go rules don't even apply to current entitlement spending. So under the rules that give the illusion of fiscal responsibility but not the reality, entitlement spending can continue to grow 6 percent annually.

Suffice it to say as well that the problem the majority leader just got through talking about, which is the inability to pass these benefits because they are not paid for, is really a product of his own creation. You recall a couple of weeks ago Senator BAUCUS and Senator GRASSLEY were working on a large jobs bill, which was a bipartisan bill, which was rejected in its entirety by the majority leader in favor of a partisan bill. He did not allow any amendments, did not allow any other suggestions. That was the very jobs bill that was passed by waiving the pay-go requirement.

All the Senator from Kentucky has asked for is that we do what every American family has to do and what every small business has to do; that is, be honest in our accounting of the

public's money and to not continue a sham, which is to pretend as if we are being fiscally responsible when, in fact, we are not—by waiving the requirements, by creating the perception or patina of fiscal responsibility with these pay-go rules but which are so fraught with exceptions that they really do not mean what they are sometimes represented to be.

We know there is broad bipartisan support for the legislation that is pending before this body. All the Senator from Kentucky has asked for is that it be paid for, that we not add \$10 billion more to the Federal deficit. That is on top of the roughly \$1.6 trillion that already exists. That is just the deficit. That is not dealing with the unfunded liabilities of the Federal Government.

I am advised that there is about \$100 billion left in discretionary spending from the stimulus bill that was passed the first part of last year—\$100 billion. Using those funds, using \$10 billion of that to pay for this extension of jobless and other benefits does not seem like an unreasonable request at all. It does raise the question, again, of whether Congress is continuing to say one thing and do another.

I remember when we talked about the stimulus funds that it was advertised as being targeted, timely, and temporary. We know it was none of those things because now there is still \$100 billion left in discretionary spending here a year later, along with the TARP which is used as sort of a revolving charge account by Congress—again, more deficit spending. This has been anything but fiscal responsibility when it comes to doing the people's business here in the Congress.

If there is one message I hear from my constituents in Texas and other people around the country it is this: Stop the spending and be responsible when it comes to these unmet liabilities, whether they be annual deficits or when it comes to unfunded Federal liabilities.

But while Congress purports to be fiscally responsible on a number of fronts, you see small bills such as this benefits extension, not paid for, \$10 billion a clip, which continue to add up, and pass the burden of paying for that on to our children and grandchildren, because that is what they are going to inherit, huge deficits, huge unfunded Federal liabilities, that they are going to pay for, not the present generation. That is not right.

I want to say I admire the courage of the junior Senator from Kentucky, Mr. BUNNING. It is not fun to be accused of having no compassion for the people who are out of work, the people for whom these benefits should be forthcoming, and I believe will be forthcoming.

But somebody has to stand up finally and say enough is enough: No more intergenerational theft from our chil-

dren and grandchildren by not meeting our responsibilities today. That is what I interpret him to have done. If the majority leader and the majority wanted to have this taken care of, they could have had it done in the Baucus-Grassley bipartisan bill that the majority leader shelved in favor of his partisan jobs bill.

I anticipate that next week when we do take up further legislation, we will take care of these requirements that are now being objected to because of deficit spending. That is appropriate. But I hope, unlike this current proposal, we will do the right thing by the American people and by our children and grandchildren and not borrow or, probably more correctly stated, steal from future generations. We will meet our responsibilities by making sure that any legislation we pass is paid for by an offset, unlike the current bill that has been objected to.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TRIBUTE TO PETER H. FONTAINE AND THERESA A. GULLO

Mr. CONRAD. Mr. President, I rise to congratulate Peter H. Fontaine and Theresa A. Gullo for 25 years of outstanding service to the Congress as staff at the Congressional Budget Office. My colleagues understand the important work done by CBO, providing Congress with high-quality, objective, nonpartisan, and timely analyses. The success of CBO and the respect it has built up over the years is the result of the hard work and dedication of employees such as Mr. Fontaine and Ms. Gullo.

Mr. Fontaine started at CBO in February 1985 as an analyst for energy issues in the Natural and Physical Resources Cost Estimates Unit in the Budget Analysis Division. He was promoted to unit chief of the Natural and Physical Resources Cost Estimates Unit in 1995, to deputy assistant director for budget analysis in September 1999, and to assistant director for budget analysis in August 2007, where he oversees the staff who prepare the cost estimates for legislation and baseline budget projections that are so instrumental to the work of Congress.

Ms. Gullo gained her first experience working at CBO as a summer intern in 1982, before returning in February 1985 as an analyst for natural resources programs in the Natural and Physical Resources Cost Estimates Unit in the

Budget Analysis Division. In 1995, she became the first unit chief of the newly established State and Local Government Cost Estimates Unit, and in September 2007, she was promoted to the position of deputy assistant director for budget analysis.

As chairman of the Budget Committee, I greatly appreciate the sacrifices that Mr. Fontaine and Ms. Gullo—as well as their families—make in assisting the Budget Committees and Congress. This sacrifice has never been truer than over the past year, where CBO has faced an unprecedented work load, with the staff working endless nights and weekends under extraordinary time pressures on an array of complex issues. As assistant director and deputy assistant director for budget analysis, Mr. Fontaine and Ms. Gullo oversee much of that work. I thank them for their dedication and professionalism.

The outstanding work being done behind the scenes by public servants like Mr. Fontaine and Ms. Gullo rarely gets the recognition it deserves. But their efforts are critical to the functioning of our government. They are providing a tremendous service to Congress and the American people.

I hope my colleagues will join me in congratulating Mr. Fontaine and Ms. Gullo on their 25 years of outstanding service to Congress.

#### INTENTION TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate standing orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to legislation extending any expiring laws that does not include extension of unemployment benefits and COBRA health insurance benefits.

Last night, there was an attempt to extend some laws that expire at the end of the month without extending the enhanced unemployment insurance and COBRA health insurance benefits that were enacted as part of the American Recovery and Reinvestment Act. I objected to that attempt.

I did so because Oregon currently has one of the highest unemployment rates in the Nation with an unemployment rate of 11 percent. Extension of unemployment benefits is critical for many unemployed Oregonians who are in jeopardy of running out of benefits if they are not extended before the end of this month. What's worse, many jobless Oregonians and unemployed workers in other States lose their health benefits when they lose their jobs, leaving them without either income or health care. In order to ensure unemployed workers in Oregon and other States will not be left without these critical, lifeline benefits, I am an-

nouncing my objection to any unanimous consent to extend other expiring laws, unless extension of unemployment benefits and COBRA benefits are included as part of the legislation.

I have no objection to the Senate proceeding to H.R. 4213 to provide for certain extenders because extension of unemployment and COBRA benefits are included as part of that legislation.

#### ADDITIONAL STATEMENTS

##### CONFRONTING THE LORD'S RESISTANCE ARMY

• Mr. FEINGOLD. Mr. President, today I wish to speak about a bill that I introduced a year ago with Senator SAM BROWNBACK to confront Africa's longest running rebel group, the Lord's Resistance Army. This bill was passed unanimously by the Foreign Relations Committee in November and it is now cosponsored by 63 members of this Chamber, a supermajority. According to the Congressional Research Service, no bill specifically on sub-Saharan Africa has had this many cosponsors since at least 1973, which is as far back as our online records go. This demonstrates an unprecedented bipartisan consensus to address an issue that was called "the world's worst neglected crisis" just a few years ago.

This historic consensus should not go unnoticed and it must ultimately translate into action.

For two decades, the LRA and its brutal leader Joseph Kony terrorized the people of northern Uganda. They filled their ranks by abducting children—some estimates suggest over 66,000 of them—and forced them to fight as child soldiers. Meanwhile, the people of northern Uganda were forced into displacement camps with little protection from their own government, where they were vulnerable to attacks, disease and starvation. In 2007, I visited those camps and saw first hand the terrible conditions people were forced to endure.

In recent years, the LRA have been pushed out of northern Uganda and fortunately many people have been able to leave those camps. But that has not meant an end to the LRA's terror; it has just shifted to a new theater. Under pressure in 2005 and 2006, the rebels moved into the porous border region of northeastern Congo, southern Sudan and the Central African Republic, where they have recently resumed their attacks and abductions. According to the United Nations, between September 2008 and June 2009, the LRA killed some 1300 civilians, abducted 1400 more, and displaced 300,000 others. That level of violence persists today. The stories are jarring: families locked inside huts and burned alive; people having their lips and ears cut off; people hacked to death with machetes; vil-

lages massacred as they gathered for church on Christmas Day.

This continuing violence is senseless and it is horrific. It shocks our collective conscience. That is why Senator BROWNBACK, Senator INHOFE, and I, along with 60 of our colleagues, leading human rights groups, and thousands of young idealistic Americans have come together around this bill. We may not agree on all the specifics of how the United States should go about addressing this issue and what role our government should play, but we all agree the ongoing atrocities committed by the LRA demand more attention, more resources and a more proactive strategy.

Our bill would require the Obama administration to develop such a strategy for how the United States will work more actively with regional governments, the U.N. and others to bring a lasting end to this war. That strategy would need to integrate all elements of U.S. policy—economic, political, intelligence and military—and coordinate our efforts regarding the LRA across the four affected countries. Our bill also authorizes a modest amount of additional funding, \$40 million over 3 years, so we can better support peace and reconciliation in northern Uganda and help meet the humanitarian needs of communities outside Uganda that are currently affected by the LRA's violence.

Unfortunately, one Senator has objected to passage of this bill because of the authorization of funds. Now let me be clear: I share concerns about our record deficits and believe we have a responsibility to our children and our grandchildren to control reckless spending. That is why I make a point to include an offset whenever I introduce a bill that authorizes funds. This bill was no different. When it was introduced, it included an offset to reduce excess secondary inventory for the Air Force; inventory that the GAO found wasteful and the Air Force acknowledged it didn't need. Unfortunately though, some objected to this offset and it was removed in committee.

Now, I have offered to stipulate that the bill should use already authorized funds, rather than authorizing new funds. Apparently that's not sufficient. While I am disappointed that the offset was removed from this bill, I do not believe it is sufficient cause to stop this bill from moving forward. We should keep in mind that passing this legislation would not automatically trigger increased spending. This bill authorizes funds, but appropriating them is a different matter. I am more than willing to work with lead cosponsors of this bill and others, during the appropriations process, to ensure this bill does not increase our overall budget. In fact, I'd like to work with all of my colleagues in general to eliminate wasteful spending.



We need to pass this bill. We have a unique opportunity right now as members of Congress to make a statement that the mass killing of innocent life by the LRA is unacceptable, and that we as a country will not stand by as it continues to happen. By passing this bill, we can charge our government with looking seriously at how we can do more to help bring these atrocities to an end. When we look back at Rwanda in April of 1994, I think each and every one of us wishes we had done more to save lives. The same can be said about the brutal massacres by the RUF in Sierra Leone or by Charles Taylor's army in Liberia. But we need to not only acknowledge those regrets; we need to learn from them.

Mr. President, the LRA's massacres are taking place now. They are on our watch. This time, let us not look back and wish we had done more. I urge all my colleagues to come together to pass this bill.●

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2009, the Secretary of the Senate, on today, February 26, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3961. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4626. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 3048. A bill to improve air safety by authorizing the limited use by air carriers of information collected through cockpit voice recorders and flight data recorders, to prohibit tampering with such devices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 3049. A bill to give shareholders a vote on executive pay, to hold executives accountable for failure or fraud, to structure executive pay to encourage the long-term vi-

ability of companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. BEGICH, Mr. MENENDEZ, and Mr. FEINGOLD):

S. Res. 426. A resolution designating the week of February 28 through March 7, 2010, as "School Social Work Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 243

At the request of Mr. CARDIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 493

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1450

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1450, a bill to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

S. 1611

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to in-

dividuals who participate in clinical trials for rare diseases or conditions.

S. 2607

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2607, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2962

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 426—DESIGNATING THE WEEK OF FEBRUARY 28 THROUGH MARCH 7, 2010, AS "SCHOOL SOCIAL WORK WEEK"

Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. BEGICH, Mr. MENENDEZ, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 426

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school educational team, playing a central role in creating a positive school climate and vital partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school

success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address emotional, physical, and environmental needs of students so that students may achieve behavioral and academic success;

Whereas, to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of "School Social Work Week" highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 28 through March 1, 2010, as "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with the appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

#### ORDER FOR THE RECORD TO REMAIN OPEN

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the RECORD remain open today until 12:30 p.m. for the submission of statements, adding cosponsors, bill introductions, and the submission of resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MEASURES READ THE FIRST TIME—H.R. 4626 AND H.R. 4691

Mr. UDALL of Colorado. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

A bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

Mr. UDALL of Colorado. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will receive their second reading on the next legislative day.

#### ORDERS FOR MONDAY, MARCH 1, 2010

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, March 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 4213, as provided for under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PROGRAM

Mr. UDALL of Colorado. Mr. President, there will be no rollcall votes on Monday. The next rollcall vote will be at 12:15 p.m. Tuesday, March 2, on the motion to invoke cloture on the nomination of Barbara Keenan to be U.S. circuit judge for the Fourth Circuit.

#### ADJOURNMENT UNTIL MONDAY, MARCH 1, 2010, at 2 P.M.

Mr. UDALL of Colorado. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:40 a.m., adjourned until Monday, March 1, 2010, at 2 p.m.

#### DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

\*KATHLEEN S. TIGHE, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

## HOUSE OF REPRESENTATIVES—Friday, February 26, 2010

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 26, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, our God, You reward the just and hate injustice. You forgive those who repent their sins and stir compassion for those who suffer.

Once again, Lord, during Black History Month, You have brought to mind pitiful stories of slavery and the deep yearning of people to be free.

With the craft of mass communication and the skill of good teachers, You have brought to life again powerful stories of African American heroes, scholars, artists, and outstanding leaders throughout our Nation's history.

Much of this artistry, delightful spirit, strong determination, and hard work was inspired by religious faith in You and the promise of the Holy Bible. Their witness to undying hope and peaceful resolution changed this Nation forever.

Lord, we praise and thank You for the African American communities across this landscape who have shared our past, bless our present culture, and endow our future with profound hope, genuine laughter, memorable music, and so many other contributions to our common good.

May the African American people continue to be a blessing, Lord, upon this Nation, now and forever.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Massachusetts (Ms.

TSONGAS) come forward and lead the House in the Pledge of Allegiance.

Ms. TSONGAS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### END THE WAR IN AFGHANISTAN AND BRING OUR TROOPS HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. The Washington Post reports that nearly \$1 billion a year in cash, suspected to include U.S. aid, opium trade receipts, or both, is moving from Afghanistan to Dubai, where friends and family of Afghanistan's President Karzai have multimillion dollar villas. Dubai real estate deals and a number of crooked enterprises connected to the Karzai family have created crony capitalism in a country awash in U.S. cash and U.S. blood.

Nearly 1,000 U.S. soldiers have died, and for what? Hundreds of billions spent, and for what? To make Afghanistan safe for crooks, drug dealers, and crony capitalism?

Next Thursday I will bring a privileged resolution to this House so that Congress can claim our constitutional right to end this war and to bring our troops home. Please support the resolution.

### HEALTH CARE SUMMIT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, the President missed an important opportunity to restart the national debate on health care reform. Americans who tuned into this health care summit were disappointed that they were left with the same Big Government health care takeover.

The American people are facing waves of Groundhog Day, as they have already rejected this type of government health care takeover.

There are substantive alternatives to consider. Republicans have offered 70 different health care bills to the Washington liberal majority. With 14.8 million Americans out looking for work, Congress should not be taking over a health care system that will destroy jobs, which the National Federation of Independent Business says will kill 1.6 million more jobs.

It's time to come to consensus on responsible health care elements that both parties agree on, and then move on to focus on job creation policies.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Best wishes for the continued success of the Historically Black Colleges and Universities of South Carolina.

### BLACK HISTORY MONTH

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, in honor of Black History Month, I rise to celebrate the lives of two African Americans from Erie, Pennsylvania.

Born in 1886, Harry T. Burleigh was a world-famous musician. Burleigh was the first African American composer acclaimed for his concert music, and he wrote more than 200 American art songs.

After his death in 1949, Harry Burleigh was largely forgotten until Rev. Charles Kennedy of Erie revived his memory. Rev. Kennedy, a minister and a musician, was a distinguished community leader and president of the Harry T. Burleigh Society. He championed the legacy of Burleigh's incredible talent. Sadly, Rev. Kennedy passed away this November.

Harry Burleigh and Charles Kennedy made unforgettable contributions to the African American community and all of American society. For Black History Month and every month, we honor their memories.

### LET'S GET PEOPLE BACK TO WORK

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the number of new unemployment benefit claims jumped last week to 496,000 Americans. More people out of work, more people looking for those promised jobs.

Meanwhile, a year later, we're bogged down debating the administration's \$1 trillion government-run health care bill, a government-created problem that most Americans flatly reject.

Our priorities should be getting people back to work. Get government off the back of small businesses, the real creator of jobs.

But the talk around town is to raise taxes. John Marshall said, "An unlimited power to tax involves the power to destroy. There is a limit beyond which no institution and no person can bear taxation."

Tax hikes for more Federal boondoggles won't create any jobs. Leave money in the hands of the people who earned it, the American public.

Meanwhile, 15 million Americans are unemployed.

And that's just the way it is.

#### CONSUMER FINANCIAL PROTECTION AGENCY

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, Americans have long demanded reliable consumer protections for goods and services.

Much as snake oil cures, flammable children's sleepwear, and lead toys were once commonly found in the marketplace, predatory lending, hidden fees, and skyrocketing interest rates are shamefully common today, with little oversight on behalf of the consumer.

This failure has had devastating consequences for our Nation, and was one of the principal drivers of the financial crisis that resulted in a deep depression.

A strong, independent Consumer Financial Protection Agency would have the ability to rein in the worst practices of the big credit card companies, banks, and other large financial institutions, placing the consumer on a level playing field. It would also help responsible institutions like community banks and credit unions by requiring their competitors in the unregulated shadow banking world to play by the same consumer rules.

I call on the Senate to follow the House's lead in including a strong consumer rights agency in financial reform.

#### FUNDING FOR NASA

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today to discuss NASA funding. The President's proposed budget would end the Constellation program and shift funds to private companies, effectively killing United States human space flight.

This shift to private sector is not a taxpayer savings. The Federal Government has already spent \$9 billion on NASA'S Constellation program.

The new budget proposes to spend an additional \$2.5 billion to kill the Constellation, and billions more will be spent on unproven private sector entities. So, we're wasting \$11.5 billion to ensure that America's 50-year reign as the global leader in human space flight is over.

The President's budget does not even cut NASA's funding. It simply shifts funds dedicated for actual human space flight to unproven commercial entities, forcing us to reinvent the wheel on human space flight. This is not sound fiscal policy. It's not good for America's future.

I urge my colleagues to join me to support efforts to restore Constellation funding.

#### JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, 1 year ago last week, the President signed the Recovery Act, a comprehensive bill that reinvested in the American workforce, an event that my colleagues on the other side have rallied against since President Obama took office. The facts simply don't back them up.

In the first quarter of 2009, our economy was losing 726,000 jobs a month. And now, largely due to the Recovery Act, the number has been reduced to 35,000 last quarter. The fact is, the CBO states that the Recovery Act created 2.4 million jobs through the end of 2009.

The Recovery Act also provided \$120 billion in tax cuts for 95 percent of working families. That's 95 percent of working families, and that's a tax cut.

Going forward, we must continue to build off this momentum of the Recovery Act. That includes passing meaningful job-creation legislation that will help small businesses and reduce unemployment. It also includes continuing focus on infrastructure projects and promoting energy efficiency initiatives.

Finally, that means we must pass meaningful health care reform.

#### RECOGNIZING THIRTY YEARS OF DEDICATED SERVICE OF VICKIE L. BANDY

(Mr. RAHALL asked and was given permission to address the House for 1 minute.)

Mr. RAHALL. Mr. Speaker, the Bible tells us for everything there is a season. Surely, that includes a time to work and a time to rest.

Since 1979 I've had the privilege and indeed the honor of working with a West Virginian who has had an extraordinary time of working with me

for the people of southern West Virginia. Vickie L. Bandy was born in our hometown of Beckley, West Virginia, and came to Washington, our Nation's Capital, three decades ago. She began her long career serving the State she loves and its people at my front desk. This week she retires from her Hill career serving as my deputy chief of staff.

Vickie, as we say back home, was raised right by her parents. But the truest power her parents gave her was her active faith. Far from being left at the church steps on Sunday mornings, Vickie's faith never tires. She has carried that throughout her career working on my staff and working for the people of southern West Virginia.

Our mission, of course, is larger, filling the giant void that is left in Vickie's absence. And I'm sure that we will have a hard task to do in our office, but we will do it for the people of West Virginia and for Vickie's continuing legacy of working for those people.

□ 0915

#### PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1113 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1113

*Resolved*, That during further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1105, amendment number 1 printed in House Report 111-419 shall be considered as modified by striking the matter proposed to be inserted as section 506.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for further consideration of H.R. 2701,

the Intelligence Authorization Act for Fiscal Year 2010. The rule modifies amendment No. 1 printed in House Report 111-419 by striking the matter proposed to be inserted as section 506.

Mr. Speaker, the Intelligence Authorization Act provides much-needed policy guidance for the 16 agencies that comprise the intelligence community. At the same time, this bill improves accountability and helps to prevent the often disastrous consequences that faulty intelligence and misinformation to Congress can have on national security. This bill is vitally important because it recognizes the fundamental reality that solid intelligence is our Nation's first line of defense against terrorists.

This Congress has not reauthorized the intelligence bill in 4 years. The funding in this bill provides our intelligence agencies with tools, resources, and authorities they need to keep us safe. For example, it increases funding for human intelligence collection and counterintelligence activities; it makes significant investments in cybersecurity safety while also improving language capabilities in the intelligence community. Furthermore, it fully authorizes the President's budget request for the intelligence community programs and operations.

The rule we are debating this morning is the second rule the House has considered. Yesterday we heard impassioned arguments from both sides of the aisle regarding an amendment from Mr. McDERMOTT on actions of the intelligence officers in the field and their criminal liability. Today, we are moving ahead with the authorization bill without that language because it's important to keep this bill moving forward.

The President has issued guidelines on this subject, and it deserves to be considered by this body. However, we are 4 years overdue on reauthorization, and our intelligence community cannot wait any longer.

I urge my colleagues to support this rule so that we can continue the business of protecting America's families. No American should ever face harm because this body could not do its job, and this bill needs to move forward.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation for my Rules Committee colleague, the gentleman from Atwater, and I yield myself such time as I may consume as we proceed with our customary 30 minutes.

Mr. Speaker, my friend has just gone through—as was the case yesterday when Mr. HASTINGS, the gentleman from Fort Lauderdale, was managing the rule on his side—the importance of dealing with our Nation's intelligence. And we obviously have, since this bill first came to the forefront last year, been dealing with a wide range of very,

very serious challenges: the shooting at Fort Hood, which the Speaker pro tem understands very well took place in his home State of Texas; the great threat that existed on Christmas Day when Umar Farouk Abdulmutallab posed a threat, and thanks to the fact that his device did not go off, and, even more important than that, the fact that we were able to see these courageous passengers come forward and prevent this man from posing a threat to all of those on board; and then, of course, the arrests of those who posed a terrorist threat, Najibullah Zazi and David Headley. And then of course there are many other instances that have not been in the headlines.

But those three which I have just mentioned have developed since last summer when this bill first came forward.

Mr. Speaker, what is happening today is, unfortunately, a very disturbing trend. We have had some records set by this Congress and, frankly, since Speaker PELOSI has been leading this Congress and the last Congress.

Last year, we went through the entire—entire—calendar year, the first session of the 111th Congress, without a single open rule. Not a single open rule on even the appropriations bills. Never before in the now 221-year history of the Republic have we had that take place. We, in fact, in the last 3 years have saved the appropriations process, in the first 2 years of Speaker PELOSI's leadership, we have had a grand total, Mr. Speaker, of one open rule. And now, today, we seem to be establishing another very disturbing and unfortunate record.

It seems to me that as we look at legislation in its first stage, which is where we are right now, in its first stage, we are now considering not the second rule, as my friend from Atwater has said in his opening remarks, but in fact the third rule because this legislation last July was reported out of the Rules Committee. We had a rule. On July 3, we had a statement that came forward from the administration that leveled a very, very harsh criticism of the bill itself.

Now, we've gone through a wide range of measures that have been very important and many that are less than important in the last 8 months, and yet we have not considered this very important intelligence bill. My friend from Atwater has just talked about how critically important it is; and if that were the case in the eyes of the majority, it would seem to me that last July we would have dealt with this bill, since it's been 4 years since we have had an intelligence authorization measure.

Now, the language which has just been stricken from this bill, it was one of 21 amendments, Mr. Speaker, included in the manager's amendment.

And the message that comes through to me over and over and over again—and my friend from Atwater just referred to it as a vigorous debate on both sides as an attempt to continue to move the legislation forward—this language was taken out.

Well, the bottom line is it meant that the votes weren't there on either the Democratic or the Republican side to move ahead with the intelligence authorization bill. Why? Because one of the most outrageous amendments imaginable was incorporated in this measure, and that's the McDermott language.

Yesterday, Mr. LUNGREN and Mr. THORNBERRY and Mr. HOEKSTRA and I, and I know others during the debate throughout the bill, talked about this language. And I think that probably this was best put when the special election took place in Massachusetts and we saw our new colleague, SCOTT BROWN, elected to the United States Senate. And he gave an entertaining and rather lengthy victory speech that night. But the message that came through loud and clear was that when he got to Washington, he was going to do everything within his power to make sure that we expand our hard-earned taxpayer dollars ensuring that we defeat the terrorists and not defend them.

And the language that was included—not allowed for debate on the House floor, but actually included among the 20 other amendments all by Democrats in the manager's amendment—the manager's amendment is usually a relatively noncontroversial measure, Mr. Speaker, that comes to the floor and there is often a very brief 10-minute debate and it sails through with bipartisan support—but the manager's amendment included this McDermott amendment. And it provided a circumstance which could have seriously jeopardized our men and women who are courageously engaging in intelligence gathering.

Now, when we talk about, as now-Senator BROWN mentioned, the rights of those individuals who have perpetrated terrorist acts against us and our interests around the world, the notion of using the word “phobia,” which was actually included in the McDermott amendment, it would mean that an individual could be imprisoned and they could claim that for religious reasons it's absolutely essential that they have a knife with them at all times.

People can say, Well, that is silly. How can that possibly take place? I mean, one has to scratch their head thinking that that could happen. And yet there are individuals who've interpreted that language which was included in the manager's amendment, Mr. Speaker, as language that would have allowed a prisoner to say that for

religious reasons it's absolutely essential that they have a knife in their possession, obviously posing a threat to everyone around them.

And so, again, it's difficult to comprehend that that could take place, but we know how ruthless these barbarians are who have been perpetrating acts against us and other freedom-loving peoples around the world.

So, Mr. Speaker, it to me is very disturbing that we are here dealing with what has been once again a major management problem which has taken place in this institution.

The American people want us to focus on job creation, economic growth. We, of course yesterday, saw the 7-hour summit take place at the White House on the issue of health care. But of paramount importance is our security. It's the single most important thing that we deal with. And to have it mishandled in the way that it has that has led us at 9:25 Friday morning to be on the House floor with the third rule dealing with the Intelligence authorization bill is, I think, a sad commentary on where we are.

I have to say that this rule actually included several other provisions which should not have been included at this point, and I discussed this last night up in the Rules Committee when we met into the evening. And that is we understand—I mean, I was privileged to serve as chairman of the Rules Committee, and we understand that moving the agenda and ensuring the process of getting that agenda passed is very, very important. And yet, Mr. Speaker, what this rule did was it put into place a so-called martial law rule.

Mr. Speaker, martial law basically means that something can move immediately to the House floor, and it usually takes place—and I see the distinguished chairman of the Committee on Appropriations, my friend, Mr. OBEY, here. He knows very well that martial law rule usually takes place at the end of a session when there are very, very pressing needs that need to be addressed.

□ 0930

When we are dealing with those issues we can see martial law imposed. I understand that and recognize that sometimes it's necessary. But, Mr. Speaker, we are in the second month of the second session of the 111th Congress, and yet we have imposed a so-called martial law rule here.

So the most important thing is, of course, dealing with the intelligence authorization bill. But underlying all of that are very, very serious management flaws which have taken place. So I just want to voice my concern, and I know we are going to have a number of my colleagues who are going to want to speak and address the issue of the intelligence authorization bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I would submit to my colleague from California that we must get this legislation done. I agreed with him. He agreed with me. This is very important legislation. It's critical to the country.

Then he said, well, there is no real rush because you are doing a martial law rule. I submit to you that we need to get this done. It's very important for the country, and we have taken a long time. And I would also submit that the majority of the Congress people speaking to us all, Republicans and Democrats, as I said in my opening statement, felt that that amendment wasn't appropriately included in the manager's amendment. We agreed. That's why we are here today striking it out.

I realize that the gentleman is saying, well, it should have never been in there to begin with, and that may be true, but the reality is we are fixing and correcting that error today. That is why we are here, and I appreciate the gentleman's statement.

Mr. DREIER. Will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me just say that, interestingly enough, the measure that we are addressing here is not being considered under a martial law rule. The martial law provision in this rule was to deal with any other issue that would have come to the floor either yesterday or today. The idea of including that in the rule—

Mr. CARDOZA. The gentleman is correct, and there are other measures, like the jobs bill, which is critically important, critically important to our home State.

Mr. DREIER. Absolutely.

Mr. CARDOZA. Like my district, it has got 20 percent unemployment. So there are other pressing matters that we have to get to, and that's exactly the kind of point that I was making.

Mr. DREIER. Absolutely.

Mr. CARDOZA. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would simply say that obviously job creation and economic growth is a very, very important priority, but the notion of saying that all of a sudden this has to be done under martial law, which basically undermines the legislative process, is not only not necessary, but we are all focusing on job creation. We want to do what we can. We all have very strong feelings as to what should be done on this and we are concerned about this dramatic expansion of government.

Let me at this point, Mr. Speaker, yield 4 minutes to the very thoughtful, diligent, and hardworking gentleman from Clarendon, Texas, the ranking

member of the Select Committee on Intelligence, Mr. THORNBERRY.

Mr. THORNBERRY. I thank the gentleman from California for yielding.

Mr. Speaker, since a number of our colleagues were watching the events or participating in the events at the White House yesterday, like the gentleman from California, I think it's important to review briefly the history of this legislation.

The Intelligence Committee referred or reported out H.R. 2701 out of committee on June 26, 2009, by a party line vote of 12-9. The Rules Committee first reported a rule out for its consideration on July 8, 2009, and from July 8, 2009, until February 24, 2010, it just sat there, no action.

Meanwhile, there were at least eight attempted terrorist attacks or plots for which arrests were made against our homeland. Meanwhile, events changed in Afghanistan, Yemen, Somalia, Iran. All around the world things were changing, but we couldn't find time on the floor to deal with the Intelligence authorization bill. We had important things to do. We had post offices to name.

But then on February 24, 2010, the Rules Committee reported the second rule out, which included the McDermott language as part of a manager's amendment that was 31 total amendments combined into one. That McDermott language would create a new crime and penalties only for our intelligence professionals if they did things like deny terrorists a proper amount of sleep or if they did something that would violate a terrorist's religious beliefs however the terrorist chose to define those religious beliefs. There was no standard of reasonableness there at all.

So throughout the day yesterday, as most people were watching events in the White House, we argued against that provision; yet it was defended on the other side of the aisle throughout the day. Some people said, Oh, it just restates current law. Mr. MCDERMOTT answered that himself in a 1-minute last night. He said, My amendment would have expanded on the President's Executive order to define what constitutes cruel, inhuman, and degrading interrogation, and it will create criminal penalties for those who use those kinds of interrogations.

People over there who said that it just restates current law were just mistaken. Somebody else said it reflects American values. I don't know when it became American value to treat terrorists better than we treat Americans in the criminal justice system. When it came time to vote, the majority found that they didn't have enough votes to pass the bill, and so they went back to Rules a third time on this bill. Now this rule strips out that provision that the majority spent the whole day yesterday defending.

Now, I heard what the gentleman from California said. I am not quite clear that I have understood why we have had this amazing turn of events, why the Rules Committee on Wednesday night would say this provision is so important it must be in the manager's amendment, but on Thursday night they say, no, we are going to have a rule that does nothing but strip it out. Maybe they didn't really know what the McDermott language did. Maybe they just voted the way the Speaker's office told them to vote.

As a matter of fact, there is a report in the Washington Times today that says a House Democratic aid told the Washington Times leadership supported the amendment and told the House Rules Committee to put it in the provisions. Maybe they were just persuaded by our eloquence on the floor yesterday, Mr. Speaker, and decided that it needed to be removed. I don't know, but this provision is deplorable; it needs to be scrapped. But it's a symptom, I would suggest, of a deeper sickness that, in fact, some in this body, some in the administration, of how they view our intelligence professionals. Their reflex action is to blame the intelligence community first. We see it when special prosecutors are appointed to go after our intelligence professionals. We see it when classified interrogation memos are released, despite the protestations of five former CIA directors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional 1 minute.

Mr. THORNBERRY. We also see that "blame the intelligence professionals first" mentality when someone as distinguished as the Speaker of the House, under political pressure, just accuses them of lying all the time. That's the sort of mentality that gets a provision made in order that mixes up the good guys and the bad guys and goes after the good guys and puts a higher standard on them than any county sheriff or State trooper in the country would have.

Mr. Speaker, this is serious business. Terrorists are plotting and planning to attack us every single day. It doesn't do our intelligence professionals much good if we give them nice words and then enact new crimes against them. What counts is our actions, standing up for them and what they do to protect us, and I would suggest this bill needs to go a long way further in doing that. But that strain that goes through this House and some in the administration to attack them first must be stopped at all costs.

Mr. CARDOZA. I continue to reserve the balance of my time.

Mr. DREIER. Mr. Speaker, in light of the fact that my friend from Atwater has chosen to reserve his time, I am happy at this point to yield 4 minutes

to another hardworking member of the Select Committee on Intelligence who brings his great experience, having served in the Federal Bureau of Investigation, the gentleman from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Thank you to my friend from California.

Mr. Speaker, yesterday, I think, was a very, very important symptom for us to all understand, and it's easy to get confused, by the way, in who the good guys are and who the bad guys are. When you take the fight on the war on terror from a proactive intelligence approach to a law enforcement approach, things get pretty murky in a hurry, and everything slows down, and information exchanges slow down.

What we have done, what they have tried to do in the middle of the night, is sneak in a provision that would actually, when you read the entire thing, treat terrorists with a special carve-out that not even white-collar criminals, organized crime members, extortionists as American citizens would get, that your interrogator could be brought up on charges for what you believed might be incidences that offend you. Unbelievable. But that's exactly what happens when you are confused about who the bad guys are.

This bill should be known for what it doesn't do. I mean, right now, they are getting ready to bring, through the administration policy and support of this Congress, hundreds of some of the most dangerous terrorists in the world to the United States. Do you know that about over a dozen times where these terrorists have been held overseas, including places like Great Britain, that terrorists have tried to break in to break them out? And guess what? Our policy is to bring them to the United States, give them a special carve-out, and treat them like American citizens at the cost of hundreds of millions of dollars.

You know, we had the opportunity to do disruptive activities to al Qaeda, and some speculate that between the Fort Hood shooting and the Christmas Day bomber, there were methods and activities that we as a Nation didn't engage in because we were confused about being proactive on intelligence against terrorism or treating it like a law enforcement matter. There is a lot to be accountable in that decision, but it can happen when you get confused who the bad guys are.

We have never had a full vetting of what was known at one time as the Global Justice Initiative where you send FBI agents around the world, including to the battlefield, to Mirandize foreign-trained terrorists who have declared war on the United States. That can happen when you forget who the bad guys are. There is nothing in this bill that protects the very courageous CIA interrogators for following Department of Justice guidelines in the inter-

rogation and the development of information that will have saved lives in the United States.

And, by the way, it was brought to our attention that the same interrogators who gave us about 70 percent of what we know about the logistics and operations of al Qaeda are subject to criminal investigations. You know why that happens? Because it's easy to do when you are confused about who the good guys are and who the bad guys are.

Yesterday was that symptom, Mr. Speaker, that when you make that decision, there are serious consequences. Now, folks want to say, oh, that's just politics you are trying to interject.

This is serious business. Khalid Sheikh Mohammed will come to New York. Some estimate it as high as \$200 million just for the security. That city said, "No." Michigan said, "No." Kansas said, "No." Americans are saying, "No."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional 1 minute.

Mr. ROGERS of Michigan. We ought to stand together in this body and say, "No."

This bill falls short of addressing the serious debate we better have ongoing from a proactive intelligence approach to a law enforcement approach. This is not about you have the right to remain silent and if you can't afford an attorney one will be appointed for you at the expense of the U.S. taxpayers. This is about aggressively pursuing terrorists where they live, where they train, where they operate.

If our whole new plan is a law enforcement approach and we are going to catch them at the airport, we are going to lose this fight, and that's exactly what this bill fails to address. You cannot let one stand in the line with any American citizen and hope to God your last defense works, and that's what happens when you go to a law enforcement approach and you treat CIA officers like criminals and you treat foreign terrorists like high-status American citizens. You could get confused on who the good guys are and who the bad guys are in a hurry.

I would recommend strong rejection of this bill. We need to start over, and we need to start asking hard questions about what this policy is doing to the national defense of the United States.

□ 0945

Mr. CARDOZA. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, the chairman of the Intelligence Committee, Mr. REYES.

Mr. REYES. I thank the gentleman for yielding.

Mr. Speaker, I am grateful for the opportunity to speak in support of this rule. It provides us with the opportunity to advance the Intelligence Authorization Act to conference and then to the President.



This bill provides essential funding to the intelligence community, improves and updates critical legal authorities, and enhances important oversight authorities that will empower the congressional intelligence committees to carry out their constitutional responsibility to monitor the work of the intelligence agencies.

As everybody knows, I take this obligation very seriously. The work of the intelligence community is of critical importance, but by its nature must be done largely behind closed doors. As a result, the intelligence committees exist to ensure that the work of the intelligence agencies is being done in a manner that is effective, that is legal, and that is without waste. H.R. 2701 provides the funding authorities and the guidance necessary to that function.

First and foremost, this bill will dramatically improve the process for congressional notification of covert actions. Over the past several years, Democrats and Republicans have both had complaints about the notification process. Provisions in the manager's amendment will require notifications in writing, insist that the President certify the need to restrict briefings to the Gang of Eight, and compel the executive branch to provide the legal authority under which covert action is being conducted.

As I have said before, this bill was truly a team effort. We received input and drafting assistance from a variety of Members. The manager's amendment also includes contributions from many of my colleagues.

Representative GIFFORDS from Arizona crafted a provision that would require the DNI to report on intelligence cooperation between the Federal Government and State and local law enforcement.

Representative BOCCIERI asked for a report on the dissemination of counterterrorism information from the intelligence community to local law enforcement.

Representative BISHOP introduced language to require the DNI to submit to Congress a report describing the strategy of the United States in balancing intelligence collection needs with the prosecution of terrorist suspects.

Representative HARMAN, the former ranking member of the Intelligence Committee, submitted an amendment that will require the Inspector General of the intelligence community to report to Congress on the problem of overclassification of intelligence and ways to address that issue and those problems.

The manager's amendment also contains language from Representative HINCHEY requiring a report on previous intelligence community activities in Argentina, an issue that has long been a concern of Representative HINCHEY.

Representative LANGEVIN, a leader on the issue of cybersecurity, drafted a provision that requires the President to submit a plan to Congress to secure the networks of the Federal Government.

Finally, Representative MARKEY of Colorado drafted language that will require the Director of National Intelligence to submit a report to the congressional Intelligence Committees assessing the threat posed to allies and interests of the United States in the Persian Gulf by Iran's missile arsenal.

Beyond the manager's amendment, the base text of the bill makes several important improvements in oversight of intelligence activities. First, it establishes an Inspector General for the entire intelligence community. This provision will help eliminate fraud, waste, and abuse, and it will also keep a close eye on the protection of the rights of Americans.

The bill will also require the DNI to establish a plan to increase diversity within the intelligence community. As is very clear, this is a measure that is important to all our Members, to me personally, and to the committee's vice chairman, Mr. HASTINGS. For the intelligence agencies, diversity is not just about virtue and equality, though both are important ideals; it is about making sure that we have a clear and complete understanding of the different languages and cultures around the world. In the world of intelligence, diversity translates directly into improved operational capability.

Mr. Speaker, as the chairman of the Intelligence Committee, it has been a privilege to work with both sides of the aisle to craft this bill. It is important to keep in mind that all of these issues are vital and important components of making sure we do our work.

With that, I urge all my colleagues to support this rule and enact these critical provisions into law.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to congratulate the distinguished Chair of the Select Committee on Intelligence, my good friend, for his service in the Border Patrol. And we have worked together on a wide range of issues. I thank him for that.

I have to say that I am very concerned, though, about the fact that we, unfortunately, have not seen what is best described as a forward-leaning policy when it comes to dealing with this threat of terrorism.

We all know that law enforcement by its nature is reactive, and we need to have a policy that is more proactive. The inclusion of language like the McDermott amendment in this measure in the manager's amendment unfortunately creates a scenario whereby we are not focused on being the forward-leaning entity that we should.

With that, Mr. Speaker, I am very happy to yield 5 minutes to the distin-

guished ranking member on the Permanent Select Committee on Intelligence, my friend from Holland, Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank Mr. DREIER from California for giving me the 5 minutes.

Here we go again. This bill could have been done in July, but it was pulled. This is the third rule that we've had on one bill. It's almost unprecedented; I'm not sure that I have ever seen this before. It was pulled in July because of the controversy surrounding the Speaker's remarks saying the CIA lies, the CIA lies all the time. So it sat dormant as this country was under attack.

When we went to the Rules Committee this week, we had a lot of amendments that we thought should have been put in order. An amendment that would direct the DNI to establish a panel to review the capabilities of Iran—it wasn't important enough to debate that when we went through the debate on this bill yesterday. An amendment that would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques—that wasn't important enough to debate. What we are going to do with the folks in Guantanamo—that wasn't important enough to debate. What the intelligence community did after Fort Hood and in between Fort Hood and Christmas Day—that wasn't important enough to debate. The process for authorization and notification of covert actions that may result in the death of a targeted U.S. citizen—that wasn't important enough to debate.

But then we see that there is an amendment to be offered by the manager of the bill, the chairman of the committee, 22 pages, including an amendment from Mr. McDERMOTT. And here's Mr. McDERMOTT's own words: "My amendment would have expanded upon the President's executive order to clearly define what constitutes a cruel, inhumane, or degrading interrogation so that it is unmistakable what kinds of techniques are unacceptable. It also creates criminal penalties for those who use those kinds of interrogations." Not a single minute of debate on this amendment, not one hearing on this amendment, and we dump it into a manager's amendment, along with 22 other amendments. Sloppy work.

And how do we know it's sloppy? Because we're back here today for a third time with a third rule pulling it out. It's not because the leadership on the other side believes that this is a bad amendment. They believe it's the right amendment. That's why they put it into the manager's amendment. That's why the chairman put this amendment into the manager's amendment, because he agrees with it. He defended this yesterday, expansion of criminal

penalties only to the intelligence community; on the floor defending this amendment, saying it was the good thing and the right thing to do, and it was consistent with American values. If it's consistent with American values, why are they pulling it out? Because they know it's unfair to the intelligence community.

We asked the question yesterday, what are you going to say to the men and women, the front lines in the intelligence community, when you go and visit them and say you have created a special set of penalties only for them? You know, these rules, this new criminal law, you wouldn't even apply these to your county sheriff, you wouldn't even apply them to your State trooper, but they wanted to sneak them in in the middle of the night, with no debate, no hearing, saying this is the right way to go. They're pulling it today because they recognize, their leadership on this issue, that when they turned around, they had no followers. They didn't have enough votes to pass this. It jeopardized their bill. It was sloppy work to put this in in the first place, and it's an indication of how this bill has gone through the process. This amendment was put in without any consultation with the other side of the aisle. This is a partisan bill. As my colleague said earlier, it creates some real confusion as to whether we're in the law enforcement business or whether we're in the fighting terrorism business.

I'm glad this is coming here today, but we could have dealt with this yesterday. It should never have been in the manager's amendment to begin with. If they wanted to put it up, put it up for a separate vote as a separate amendment. But they knew they couldn't do that.

We asked questions yesterday that they didn't answer. Why does this amendment define a criminal offense that only intelligence community personnel would be guilty of? They wouldn't answer that, they wouldn't engage in that debate. The amendment would make it a crime for depriving an individual of necessary food, water, sleep. How does the bill define "necessary?" Participate in acts intended to violate the individual's religious beliefs. Is there an objective standard? Then it gets into phobias. Exploit the phobias of the individual. We asked the other side, please define this for us, and they didn't.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. I am happy to yield my friend an additional 30 seconds.

Mr. HOEKSTRA. I thank my colleague.

They weren't willing to answer any of those questions or even have a debate or a discussion on what the amendment meant. So that is why we're back here today. But the bottom

line is it's a symptom, it's a symptom of the confusion on the other side, the sloppiness with which they brought this bill to the floor. I am glad that they have taken this lousy amendment and they are going to trash it today. It should never have been in there. It jeopardized and attacked our men and women on the front lines who are keeping us safe each and every day.

The McDermott amendment was an insult, an insult to American men and women in the intelligence community.

Mr. CARDOZA. Mr. Speaker, I would like to inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) has 21 minutes remaining, and the gentleman from California (Mr. DREIER) has 3½ minutes remaining.

Mr. CARDOZA. Mr. Speaker, I now yield such time as he may consume to the chairman of the committee, Mr. REYES.

Mr. REYES. I thank the gentleman for yielding time.

You know, facts are pesky things, and sometimes we have to keep reminding those on the other side of the aisle that they are entitled to their own opinions, but they are not entitled to their own facts.

When the ranking member made reference to the Speaker and her comment about being misled by the CIA, it is important to keep in perspective that we are talking about the last administration, where the policymakers repeatedly misled the Congress. He himself complained bitterly many, many times about those kinds of issues. In fact, one of the amendments, the amendment on the issue of Peru, it is a direct result of complaints voiced by the ranking member and others on the committee.

He asked a rhetorical question: What will we say to the men and women of the intelligence community? My message has always been consistent: We appreciate their work, we honor their professionalism, we depend on them, and the safety of our country relies on them doing the job that they need to do.

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It's interesting for me to note that, over the course of the last few months, because of an issue that the minority has with Miranda warnings, they have been repeatedly questioning the proficiency of the Federal Bureau of Investigation. I have 26½ years of experience in Federal law enforcement. I've had an opportunity to work with the agents of the Federal Bureau of Investigation, and I know they are the best we have.

Do you know why I say that?

Because they didn't need to resort to waterboarding. They didn't need to resort to enhanced interrogation techniques. All they did was conduct interrogations professionally and bring all

the tools to bear that they have traditionally relied on, and they got information from the individual who tried to take down the airliner on Christmas Day.

I know it's a tough contrast, because some would like to take shortcuts. Some would like to subscribe to the last administration's policy of "anything goes." Well, facts and rules are pesky things. I know the Constitution, which they like to quote, is pesky because it provides protection to anyone here in the United States, whether you are here legally, illegally, whether you are in a car, on a plane or in another type of conveyance. The Federal Bureau of Investigation understands that, and that's why, once they determined that there was a violation, they gave the Miranda warnings.

The other side would like to mischaracterize that and say, "We're in favor of the FBI's going around the world, giving the Miranda warnings to those who would seek to harm our country." Well, the difference between us and the rest of the world should be that we are a Nation of laws, that we don't seek to take shortcuts, that we don't think it's a good idea to waterboard and to torture and do those kinds of things. That's a basic and fundamental difference in political philosophy, I think, here today.

Do you know what? As I go around the world and talk to members of the intelligence community in the CIA, the NSA, the DIA, the FBI, and others, that's what they want to do. They want to be given the tools to carry out their jobs and to do their jobs within the framework that we are so proud of as Americans. That's what we should be doing. That's, more than anything, what this debate is about.

Are we going to honor the traditions that our country stands for—the reasons that we are held up as a model around the world—or are we going to subscribe to the policies of the previous administration which say, because people are intent on attacking us, that anything goes, that we throw the rule book out the window, that we throw the Constitution out the door and let people do whatever they want, whenever they want, however they want? That is not who we are. That is not what we should be about. Believe me, the men and women who are charged with keeping us safe want those issues to be clear-cut and understood.

I will close by saying it is very telling that, when the last administration made a decision under enhanced interrogation, to waterboard, two things happened. First of all, the CIA did not have that expertise in-house. They had to go to the DOD to get it. Secondly, when the FBI realized that that was part of the interrogation process, they said, you know, that's not what we're about. We can get the job done the right way without resorting to those

kinds of techniques, and they returned back to headquarters.

So, with that, I hope that we can have a substantive debate on issues that are important to our country, on issues that are relevant and, most importantly, on issues that provide the men and women, the professionals in whatever agency you're talking about, the tools and the direction that we are a Nation of laws. We have to respect our Constitution.

Mr. DREIER. At this point, Mr. Speaker, I yield 2 minutes to another hardworking, thoughtful member of the Permanent Select Committee on Intelligence, the gentleman from metropolitan Chumuckla, Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the ranking member for yielding.

Mr. Speaker, I would like to use my 2 minutes in a colloquy with the chairman of the full committee.

If you believe what you've just said, why are we striking section 506 from your manager's amendment?

Mr. REYES. If the gentleman would yield, last night, we offered a unanimous consent to withdraw it.

Mr. MILLER of Florida. Reclaiming my time, why did you do that?

Mr. REYES. The issue, after reflecting on it, was, at least as I understood from the comments that were being made by your side, there were some misimpressions of what, actually, the amendment was intending on doing, so I offered to withdraw that under unanimous consent, and your side decided not to.

Mr. MILLER of Florida. Reclaiming my time, Mr. Chairman, again, please, I am going to continue the colloquy.

You are saying there are misimpressions on our side. It was your side last night that blew up when this issue was brought forward, and you didn't have the votes to do it. So my next question is: If you had defended it all-day long, why did you allow it to be put in the bill in the first place?

Mr. REYES. Well, we can only do so much to make sure that your side understands that the concerns that you were raising were not, in fact, what was meant by the amendment. That's the long and short of it.

Mr. MILLER of Florida. Thank you, sir.

Reclaiming my time, that is exactly what I am trying to put forth to the public today.

You talk about our being entitled to our own opinions but not to our own facts. Facts are facts. The facts are the chairman of the committee had this put into the bill. The chairman of the committee is now having it pulled out of the bill, which is the way they want to go.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend from Gold River, California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I am sorry, I had to come over

here and just respond to what was said by the chairman of the Intelligence Committee.

You said, in the previous administration, anything goes. Read the memo that just came out of the Justice Department. Look at the actions of the Justice Department. They suggest that anything did not go. To say that now is to besmirch the reputations of good men and women who have worked both career and political to save us from the threat of terrorists since 9/11. To come here and to say "anything goes" is a continuation of besmirching the reputations of good men and women. Frankly, it ought not to stand. Look at the facts. Look at the recent memo that reviewed those analyses. You will see that is not the case.

Mr. CARDOZA. Mr. Speaker, I yield to the chairman such time as he may consume.

Mr. REYES. First of all, in response to my friend from California's comment, I will just give you one example.

The issue of waterboarding has been characterized as the equivalent of a training exercise, that the SERE training does it to train our pilots. Don't you think there is a big difference between categorizing it in that way and waterboarding an individual 183 times?

Mr. DANIEL E. LUNGREN of California. If the gentleman would look at the memo that just came out which reviews the legal analysis provided by the Justice Department in terms of waterboarding, you would see that there is not only a historic but a legal and substantial difference between the waterboarding referenced in the complaints versus that which we did.

Mr. REYES. Answer the question: Do you think there is a difference between a training exercise that simulates waterboarding?

Mr. DANIEL E. LUNGREN of California. I would be happy to respond if the gentleman would allow me to.

Mr. REYES. Please.

Mr. DANIEL E. LUNGREN of California. There is no difference in the application—the numbers, yes.

The fact of the matter is, after that individual was waterboarded multiple times, we received actionable information from the intelligence community, which allowed us to stop plots that were aimed at killing Americans. That has been said under oath by the highest levels of the intelligence community in the United States.

Mr. REYES. Reclaiming my time, that doesn't deserve a response.

What I will say is that the FBI and our interrogators, the professionals that they are, have proven that you can get better information by following the traditional interrogation procedures. You don't have to resort to "enhanced interrogation techniques."

Mr. DANIEL E. LUNGREN of California. The facts are difficult.

Mr. DREIER. Mr. Speaker, yesterday at the White House, Speaker PELOSI

said that people sitting around the kitchen table don't care about process; they care about results.

Well, the fact of the matter is this has been an extraordinarily sloppy process. As we've just seen from the exchange that has taken place, it looks like we had the potential for very, very serious, far-reaching results which could have been devastating had we included the McDermott language in this measure.

Now, Mr. Speaker, as we look at this pattern, it is unfortunate. I think we have made history here today by having the third rule considered for the first step of legislation. It has taken 8 months for us to get here when we should have dealt with it last summer when it was a priority for us.

I've got to say, Mr. Speaker, when you have bad process, you end up with bad results, and that's exactly what has happened here. So I am very, very troubled that we are at this point, but we are going to try to do what we can to move forward.

With that, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, in closing, I want to say that I am pleased we are removing the language today.

I want to remind my colleagues that, in this bill, we are helping to prevent the disastrous consequences that faulty intelligence and misinformed Congresses can have on national security. I urge a "yes" vote on the rule and on the previous question.

I yield back my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to House amendment to the Senate amendment to a bill of the House of the following title:

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1105 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2701.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R.

2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. RAHALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, February 25, 2010, a request for a recorded vote on amendment No. 12 printed in House Report 111-419, offered by the gentleman from Michigan (Mr. SCHAUER), had been postponed.

Pursuant to House Resolution 1113, amendment No. 1 shall be considered as modified by striking the matter proposed to be inserted as section 506.

The text of the amendment, as modified, is as follows:

Amendment No. 1 offered by Mr. REYES:

Page 9, line 21, strike "\$672,812,000" and insert "\$643,252,000".

Page 23, line 14, strike "a grant program" and insert "grant programs".

Page 23, line 15, strike "subsection (b)" and insert "subsections (b) and (c)".

Page 24, after line 10, insert the following:

"(C) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

"(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

"(A) Foreign languages, including Middle Eastern and South Asian dialects.

"(B) Computer science.

"(C) Analytical courses.

"(D) Cryptography.

"(E) Study abroad programs."

Page 24, line 11, strike "(3) An" and insert "(d) APPLICATION.—An".

Page 24, line 15, strike "(4) An" and insert "(e) REPORTS.—An".

Page 25, line 1, strike "(c)" and insert "(f)".

Page 25, line 4, strike "(d)" and insert "(g)".

Page 25, line 10, strike the quotation mark and the second period.

Page 25, after line 10, insert the following:

"(3) ANALYTICAL COURSES.—The term 'analytical courses' mean programs of study involving—

"(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

"(B) analysis of counterterrorism, crime, and counternarcotics;

"(C) economic analysis that includes analyzing and interpreting economic trends and developments;

"(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

"(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

"(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

"(4) COMPUTER SCIENCE.—The term 'computer science' means a program of study in

computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

"(5) CRYPTOGRAPHY.—The term 'cryptography' means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

"(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically black college and university' means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(7) STUDY ABROAD PROGRAM.—The term 'study abroad program' means a program of study that—

"(A) takes places outside the geographical boundaries of the United States;

"(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

"(C) is a credit or noncredit program."

Page 30, strike lines 10 through 12.

Page 30, line 13, strike "(C)" and insert "(B)".

Page 30, line 16, strike "(D)" and insert "(C)".

Page 30, line 19, strike "(E)" and insert "(D)".

Page 31, line 1, strike "any information" and all that follows through "dissenting legal views" and insert "the legal authority under which the intelligence activity is being or was conducted".

Page 31, line 11, strike "any information" and all that follows through "legal views" and insert "the legal authority under which the covert action is being or was conducted".

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

(2) in subsection (c)—

(A) in paragraph (1), by inserting "in writing" after "be reported";

(B) in paragraph (2), by striking "If the President" and inserting "Subject to paragraph (5), if the President"; and

(C) by adding at the end the following new paragraph:

"(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

"(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

"(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

"(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.";

Page 32, strike lines 12 through 15 and insert the following:

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting "in writing" after "notified"; and

Page 33, line 13, insert "or to the limiting of access to such finding or such notice" after "notice".

Page 33, line 13, strike "48 hours" and insert "seven days".

Page 33, line 22, strike "on the content of" and insert "regarding".

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

#### SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike “one of the congressional intelligence committees” and insert “a committee of Congress with jurisdiction over such program or activity”.

Page 46, beginning on line 8, strike “the congressional intelligence committees” and insert “each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph”.

Page 46, line 13, strike “report” and insert “statement”.

Page 46, line 16, strike “report” and insert “statement”.

Page 46, beginning on line 17, strike “the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)” and insert “each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement”.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

“(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

“(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

“(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.”.

Page 48, line 15, strike “BIENNIAL” and insert “BIENNIAL”.

Page 48, line 19, strike “biannually” and insert “biennially”.

Page 62, line 14, strike “NATIONAL INTELLIGENCE ESTIMATE” and insert “REPORT”.

Page 62, beginning on line 18, strike “National Intelligence Estimate or National Intelligence Assessment” and insert “report”.

Page 62, strike line 20 and insert the following: “supply chain and global provision of services to determine whether such supply chain and such services pose”.

Page 62, line 21, strike “counterfeit”.

Page 62, line 22, strike “defective” and insert “counterfeit, defective”.

Page 62, line 23, insert “or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization” after “organization”.

Page 63, beginning on line 5, strike “counterfeit”.

Page 63, line 6, strike “defective” and insert “counterfeit, defective”.

Page 63, line 8, insert “or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization” after “organization”.

Page 63, at the end of line 8 insert the following: “Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.”.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike “Federal Bureau of Investigation” and insert “Federal Bureau of Investigation, in consultation with the Secretary of State”.

Insert after section 354 (Page 69, after line 15) the following new sections:

#### SEC. 355. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

#### SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the

intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

#### SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterrorism operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiency of collocating such an intelligence training center with an existing intelligence community or military intelligence training center.

#### SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of overclassification of intelligence and ways to address such overclassification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

#### SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterrorism operations, including by the State Intelligence Secretariat

(Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) **REVIEW OF CLASSIFIED DOCUMENTS.**—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

#### **SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.**

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

#### **SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.**

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

#### **SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.**

(a) **PLAN.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) **UPDATES.**—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) **CERTIFICATION.**—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

#### **SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

#### **SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.**

(a) **STUDY.**—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

#### **SEC. 366. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.**

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New

York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

#### **SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

#### **SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.**

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike “includes” and insert “means”.

Page 75, line 24, strike the closing quotation mark and the final period.

Page 75, after line 24, insert the following:

“(D) **TERRORIST SCREENING PURPOSE.**—The term ‘terrorist screening purpose’ means—

“(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

“(ii) the use of such information for risk assessment, inspection, and credentialing.”.

Page 86, line 11, strike “the congressional defense committees” and insert “Congress”.

Page 87, line 17, strike “the”.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

#### **SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.**

(a) **FINDING.**—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

Page 96, line 14, insert after the period the following: “Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.”.

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

#### **SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.**

The Director of National Intelligence may provide support for any review conducted by

a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

**SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking “(4) If” and inserting “(4)(A) If”; and

(B) by adding at the end the following new subparagraph:

“(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.”;

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

“(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period.”;

(3) by adding at the end the following new subsection:

“(h) COVERT ACTION DEFINED.—In this section, the term ‘covert action’ has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).”.

Strike section 426 (Page 128, line 21 and all that follows through line 15 on page 129).

Strike section 427 (Page 129, lines 16 through 25).

Strike section 502 (Page 133, line 1 and all that follow through line 10 on page 134).

At the end of subtitle A of title V (Page 135, after line 12), add the following new section:

**SEC. 505. CYBERSECURITY TASK FORCE.**

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) CHAIR.—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) TERMINATION.—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

□ 1015

**ANNOUNCEMENT BY THE ACTING CHAIR**

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-419 on which further proceedings were postponed, in the following order:

Amendment No. 1, as modified, by Mr. REYES of Texas.

Amendment No. 3 by Mr. HASTINGS of Florida.

Amendment No. 12 by Mr. SCHAUER of Michigan.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

**AMENDMENT NO. 1 OFFERED BY MR. REYES**

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Texas (Mr. REYES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

**RECORDED VOTE**

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 166, not voting 26, as follows:

[Roll No. 69]

**AYES—246**

Adler (NJ)	Green, Gene	Neal (MA)
Altmire	Grijalva	Norton
Andrews	Gutierrez	Nye
Arcuri	Hall (NY)	Oberstar
Baca	Halvorson	Obey
Baird	Hare	Oliver
Baldwin	Harman	Ortiz
Barrow	Hastings (FL)	Owens
Bean	Heinrich	Pallone
Becerra	Herseth Sandlin	Pascarell
Berkley	Higgins	Pastor (AZ)
Berman	Hill	Payne
Berry	Himes	Perlmutter
Bishop (GA)	Hinchee	Perriello
Blumenauer	Hinojosa	Peters
Bocciari	Hirono	Peterson
Bordallo	Hodes	Pingree (ME)
Boren	Holden	Polis (CO)
Boswell	Holt	Pomeroy
Boyd	Honda	Price (NC)
Brady (PA)	Hoyer	Quigley
Braley (IA)	Israel	Rahall
Bright	Jackson (IL)	Rangel
Brown, Corrine	Jackson Lee	Reyes
Butterfield	(TX)	Richardson
Cao	Johnson, E. B.	Rodriguez
Capuano	Kagen	Ross
Cardoza	Kanjorski	Rothman (NJ)
Carnahan	Kaptur	Roybal-Allard
Carney	Kennedy	Ruppersberger
Carson (IN)	Kildee	Rush
Castor (FL)	Kilpatrick (MI)	Ryan (OH)
Chandler	Kilroy	Sablan
Childers	Kind	Salazar
Christensen	Kirkpatrick (AZ)	Sanchez, Linda
Chu	Kissell	T.
Clarke	Klein (FL)	Sanchez, Loretta
Clay	Kosmas	Sarbanes
Cleaver	Kratovil	Schakowsky
Clyburn	Langevin	Schauer
Cohen	Larsen (WA)	Schiff
Connolly (VA)	Larson (CT)	Schrader
Conyers	Lee (CA)	Schwartz
Cooper	Levin	Scott (GA)
Costa	Lewis (GA)	Scott (VA)
Courtney	Lipinski	Serrano
Crowley	Loeback	Sestak
Cuellar	Lofgren, Zoe	Shea-Porter
Cummings	Lowey	Sherman
Dahlkemper	Lujan	Shuler
Davis (AL)	Lynch	Sires
Davis (CA)	Maffei	Skelton
Davis (IL)	Maloney	Slaughter
Davis (TN)	Markey (CO)	Smith (WA)
DeFazio	Markey (MA)	Snyder
DeGette	Marshall	Space
Delahunt	Massa	Speier
DeLauro	Matheson	Spratt
Dicks	Matsui	Sutton
Dingell	McCarthy (NY)	Taylor
Doggett	McCollum	Teague
Donnelly (IN)	McDermott	Thompson (CA)
Doyle	McGovern	Thompson (MS)
Driehaus	McIntyre	Tierney
Edwards (MD)	McMahon	Titus
Edwards (TX)	McNerney	Tonko
Ellison	Meek (FL)	Towns
Ellsworth	Meeks (NY)	Tsongas
Engel	Melancon	Van Hollen
Eshoo	Michaud	Velázquez
Etheridge	Miller (NC)	Visclosky
Faleomavaega	Miller, George	Walz
Farr	Minnick	Wasserman
Fattah	Mitchell	Schultz
Foster	Mollohan	Watson
Frank (MA)	Moore (KS)	Watt
Fudge	Moore (WI)	Waxman
Garamendi	Moran (VA)	Weiner
Giffords	Murphy (CT)	Welch
Gonzalez	Murphy (NY)	Wilson (OH)
Gordon (TN)	Murphy, Patrick	Woolsey
Grayson	Nadler (NY)	Wu
Green, Al	Napolitano	Yarmuth

**NOES—166**

Aderholt	Barton (TX)	Bonner
Akin	Biggert	Bono Mack
Alexander	Bilbray	Boozman
Austria	Bilirakis	Boustany
Bachmann	Bishop (UT)	Brady (TX)
Bachus	Blackburn	Broun (GA)
Bartlett	Blunt	Brown (SC)



Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Crenshaw  
Culberson  
Davis (KY)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Harper  
Hastings (WA)  
Heller

Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kucinich  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paulsen

Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Bordallo  
Boren  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—26

Abercrombie  
Ackerman  
Barrett (SC)  
Bishop (NY)  
Boehner  
Boucher  
Capps  
Deal (GA)  
Dent

Fallin  
Hall (TX)  
Inslee  
Johnson (GA)  
King (NY)  
Mack  
Moran (KS)  
Paul  
Pierluisi

Radanovich  
Reichert  
Scalise  
Stark  
Stupak  
Sullivan  
Tanner  
Westmoreland

□ 1047

Mr. CASSIDY changed his vote from “aye” to “no.”

Messrs. TAYLOR and WU changed their vote from “no” to “aye.”

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR (Mr. CUELLAR). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 401, noes 11, not voting 26, as follows:

[Roll No. 70]

AYES—401

Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccheri  
Bonner  
Bono Mack  
Boozman  
Bordallo  
Boren  
Boswell  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Christensen  
Chu  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley

Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Kaptur  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Faleomavaega  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Gordon (TN)  
Granger  
Graves  
Lynch  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt

Honda  
Hoyer  
Hunter  
Inglis  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud

Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Norton  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall

Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)

Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (FL)

## NOES—11

Akin  
Broun (GA)  
Campbell  
Franks (AZ)

King (IA)  
Lungren, Daniel  
E.  
McClintock

Miller, Gary  
Rohrabacher  
Royce  
Young (AK)

## NOT VOTING—26

Abercrombie  
Ackerman  
Barrett (SC)  
Bishop (NY)  
Boehner  
Boucher  
Capps  
Deal (GA)  
Dent

Fallin  
Hall (TX)  
Inslee  
King (NY)  
Mack  
Moran (KS)  
Oliver  
Paul  
Pierluisi

Radanovich  
Reichert  
Scalise  
Stark  
Stupak  
Sullivan  
Tanner  
Westmoreland

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1055

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 12 OFFERED BY MR. SCHAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SCHAUER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 1, not voting 27, as follows:

[Roll No. 71]

AYES—410

Aderholt	Cooper	Herger
Adler (NJ)	Costa	Herseth Sandlin
Akin	Costello	Higgins
Alexander	Courtney	Hill
Altmire	Crenshaw	Himes
Andrews	Crowley	Hinchee
Arcuri	Cuellar	Hinojosa
Austria	Culberson	Hirono
Baca	Cummings	Hodes
Bachmann	Dahlkemper	Hoekstra
Bachus	Davis (AL)	Holden
Baird	Davis (CA)	Holt
Baldwin	Davis (IL)	Honda
Barrow	Davis (KY)	Hoyer
Bartlett	Davis (TN)	Hunter
Barton (TX)	DeFazio	Inglis
Bean	DeGette	Israel
Becerra	Delahunt	Issa
Berkley	DeLauro	Jackson (IL)
Berman	Diaz-Balart, L.	Jackson Lee
Berry	Diaz-Balart, M.	(TX)
Biggert	Dicks	Jenkins
Bilbray	Dingell	Johnson (GA)
Billirakis	Doggett	Johnson (IL)
Bishop (GA)	Donnelly (IN)	Johnson, E. B.
Bishop (UT)	Doyle	Johnson, Sam
Blumenauer	Dreier	Jones
Blunt	Driedhaus	Jordan (OH)
Boccheri	Duncan	Kagen
Bonner	Edwards (MD)	Kanjorski
Bono Mack	Edwards (TX)	Kaptur
Boozman	Ehlers	Kennedy
Bordallo	Ellison	Kildee
Boren	Ellsworth	Kilpatrick (MI)
Boswell	Emerson	Kilroy
Boustany	Engel	Kind
Boyd	Eshoo	King (IA)
Brady (PA)	Etheridge	Kingston
Brady (TX)	Faleomavaega	Kirk
Braley (IA)	Farr	Kirkpatrick (AZ)
Broun (GA)	Fattah	Kissell
Brown (SC)	Filner	Klein (FL)
Brown, Corrine	Flake	Kline (MN)
Brown-Waite,	Fleming	Kosmas
Ginny	Forbes	Kratovil
Buchanan	Fortenberry	Kucinich
Burgess	Foster	Lamborn
Burton (IN)	Fox	Lance
Butterfield	Frank (MA)	Langevin
Buyer	Franks (AZ)	Larsen (WA)
Calvert	Frelinghuysen	Larson (CT)
Camp	Fudge	Latham
Campbell	Galleghy	LaTourette
Cantor	Garamendi	Latta
Cao	Garrett (NJ)	Lee (CA)
Capito	Gerlach	Lee (NY)
Capuano	Giffords	Levin
Cardoza	Gingrey (GA)	Lewis (CA)
Carnahan	Gohmert	Lewis (GA)
Carney	Gonzalez	Linder
Carson (IN)	Goodlatte	Lipinski
Carter	Gordon (TN)	LoBiondo
Cassidy	Granger	Loeb sack
Castle	Graves	Lofgren, Zoe
Castor (FL)	Grayson	Lowe
Chaffetz	Green, Al	Lucas
Chandler	Green, Gene	Luetkemeyer
Childers	Griffith	Lujan
Christensen	Grijalva	Lummis
Chu	Guthrie	Lungren, Daniel
Clarke	Gutierrez	E.
Clay	Hall (NY)	Lynch
Cleaver	Halvorson	Maffei
Clyburn	Hare	Maloney
Coble	Harman	Manzullo
Coffman (CO)	Harper	Marchant
Cohen	Hastings (FL)	Markey (CO)
Cole	Hastings (WA)	Markey (MA)
Conaway	Heinrich	Marshall
Connolly (VA)	Heller	Massa
Conyers	Hensarling	Matheson

Matsui	Peters	Shimkus
McCarthy (CA)	Peterson	Shuler
McCarthy (NY)	Petri	Shuster
McCaul	Pingree (ME)	Simpson
McClintock	Pitts	Sires
McCollum	Platts	Skelton
McCotter	Poe (TX)	Slaughter
McDermott	Polis (CO)	Smith (NE)
McGovern	Pomeroy	Smith (NJ)
McHenry	Posey	Smith (TX)
McIntyre	Price (GA)	Smith (WA)
McKeon	Price (NC)	Snyder
McMahon	Putnam	Souder
McMorris	Quigley	Space
Rodgers	Rahall	Speier
McNerney	Rangel	Spratt
Meek (FL)	Rehberg	Stearns
Meeks (NY)	Reyes	Sutton
Melancon	Richardson	Taylor
Mica	Rodriguez	Teague
Michaud	Roe (TN)	Terry
Miller (FL)	Rogers (AL)	Thompson (CA)
Miller (MI)	Rogers (KY)	Thompson (MS)
Miller (NC)	Rogers (MI)	Thompson (PA)
Miller, Gary	Rohrabacher	Thornberry
Miller, George	Rooney	Tiahrt
Minnick	Ros-Lehtinen	Tiberi
Mitchell	Roskam	Tierney
Mollohan	Ross	Titus
Moore (KS)	Rothman (NJ)	Tonko
Moore (WI)	Roybal-Allard	Towns
Moran (VA)	Royce	Tsongas
Murphy (CT)	Ruppersberger	Turner
Murphy (NY)	Rush	Upton
Murphy, Patrick	Ryan (OH)	Van Hollen
Murphy, Tim	Ryan (WI)	Velázquez
Myrick	Sablan	Visclosky
Nadler (NY)	Salazar	Walden
Napolitano	Sánchez, Linda	Walz
Neal (MA)	T.	Wamp
Neugebauer	Sanchez, Loretta	Wasserman
Norton	Sarbanes	Schultz
Nunes	Schakowsky	Waters
Nye	Schauer	Watson
Oberstar	Schiff	Watt
Obey	Schmidt	Waxman
Olson	Schock	Weiner
Oliver	Schrader	Welch
Ortiz	Schwartz	Whitfield
Owens	Scott (GA)	Wilson (OH)
Pallone	Scott (VA)	Wilson (SC)
Pascarell	Sensenbrenner	Wittman
Pastor (AZ)	Serrano	Wolf
Paulsen	Sessions	Wu
Payne	Sestak	Yarmuth
Pence	Shadegg	Young (AK)
Perlmutter	Shea-Porter	Young (FL)
Perriello	Sherman	

NOES—1

Woolsey

NOT VOTING—27

Abercrombie	Deal (GA)	Pierluisi
Ackerman	Dent	Radanovich
Barrett (SC)	Fallin	Reichert
Bishop (NY)	Hall (TX)	Scalise
Blackburn	Inslee	Stark
Boehner	King (NY)	Stupak
Boucher	Mack	Sullivan
Bright	Moran (KS)	Tanner
Capps	Paul	Westmoreland

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1102

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BRIGHT. Mr. Chair, on rollcall No. 71, had I been present, I would have voted "yea."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. CUELLAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1105, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. HOEKSTRA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOEKSTRA. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the bill, H.R. 2701, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendments:

At the end of subtitle A of title IV, add the following new section:

## SEC. 407. COORDINATION OF HIGH-VALUE DETAINEE INTERROGATION.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new subsection:

“(s) INTERROGATION OF HIGH-VALUE DETAINEES.—(1) The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements of the intelligence community, the Director of the Central Intelligence Agency, and the Director of the Federal Bureau of Investigation—

“(A) coordinate the interrogation of high-value detainees associated with international terrorism captured, held, or questioned by a department or agency that is or contains an element of the intelligence community;

“(B) be responsible for any interagency group conducting an interrogation of a high-value detainee associated with international terrorism; and

“(C) before an officer or employee of the Federal Government provides the warnings of constitutional rights described in *Miranda* vs. *Arizona*, 384 U.S. 436 (U.S. 1966) to a high-

value detainee who is suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists and who is captured, held, or questioned by a department or agency that is or contains an element of the intelligence community, approve the providing of such warnings to such high-value detainee.

“(2) Paragraph (1) shall not apply with respect to a detainee who is captured on the battlefield by the Armed Forces of the United States, unless the Director of National Intelligence determines that such detainee is a high-value detainee.

“(3) The Director of National Intelligence may not delegate the authority to approve the providing of warnings under paragraph (1)(C).”.

At the end of subtitle B of title IV, add the following new section:

**SEC. 417. REVIEW OF BRIEFINGS ON COVERT ACTIONS BY THE CIA; PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF DOCUMENTS RELATING TO USE OF ENHANCED INTERROGATION TECHNIQUES.**

(a) REVIEW OF BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Central Intelligence Agency shall—

(1) compile any objections raised by a Member of Congress to a covert action (as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e))) on which such Member of Congress was briefed by personnel of the Central Intelligence Agency after September 11, 2001; and

(2) assess whether the Central Intelligence Agency addressed such objections.

(b) PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF DOCUMENTS RELATING TO USE OF ENHANCED INTERROGATION TECHNIQUES.—The Director of the Central Intelligence Agency shall make publicly available—

(1) an unclassified version of all Memoranda for the Record memorializing briefings made to Members of Congress on the use of enhanced interrogation techniques; and

(2) an unclassified version of finished intelligence products produced after September 11, 2001, assessing the information gained from detainee reporting, including documents dated July 15, 2004, or June 1, 2005.

Mr. HOEKSTRA (during the reading). I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to dispensing with the reading?

Mr. REYES. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Thank you, Mr. Speaker.

Our country and our intelligence community are at a crossroads. Over the last 14 months, we've been struggling as to whether we're going to be focused on defeating terrorists or whether we're going to be focused on a law enforcement approach. This couldn't have been defined more clearly than what it was yesterday when the manager of this bill brought forward an amendment that would have put our intelligence community professionals

at risk putting them under criminal statutes that you wouldn't even apply to your local sheriff or your local State trooper.

Thankfully, many of our colleagues on the other side of the aisle joined with us and forced the majority to go back and rewrite the rule and come back and strip that provision from the bill.

But that move yesterday should not have been a surprise. It was only last year that the Attorney General appointed a special prosecutor to investigate CIA personnel even though career Justice Department officials had already decided that there was no basis for prosecution. It appears that the majority wants to investigate and prosecute everyone who has been involved in our critical interrogation programs—except themselves.

The records of briefings have shown clearly and repeatedly that Democratic and Republican leadership of the House were briefed early and often on the use of the same techniques that they wanted to criminalize yesterday. And they never objected. And while there has been a selective release of certain briefing documents over the last few days, the record is far from complete because the administration and the majority have repeatedly blocked requests and amendments to publicly release a full, unclassified briefing of the classified records: who knew what and when.

The motion to recommit would stop the criminalization of our national security policy and ensure that Members of Congress would be as accountable for their conduct as the majority wants to hold the men and women of the CIA.

The motion would ask the CIA Inspector General to conduct an independent review of whether any Member of Congress objected to the use of the techniques to review what steps were taken and to require the release of all of the briefing memos. If the majority was not briefed or raised concerns, it should have nothing to fear from an independent and objective review by the facts of the Inspector General.

And, secondly, the motion would also clarify once and for all that the Director of National Intelligence should be in charge of coordinating interrogation of terrorists and should ensure we have collected all actionable intelligence before reading terrorists their Miranda rights.

This is a proposition that should not be controversial. Why is this in here? It was only on Christmas Day that the DNI, the Director of the National Counterterrorism Center, and the Secretary of Homeland Security all said that they were not consulted before the Christmas Day bomber was read his Miranda rights.

These provisions are fully consistent with all of the other authorities that have been given to the DNI to coordi-

nate the activities of the intelligence community. It makes no sense for the DNI to be in charge of coordinating all other intelligence activities but then the Attorney General is in charge of interrogation of foreign terrorists.

This motion would place the emphasis back where it belongs. It would align accountability and authority for those who make the decisions with the DNI.

□ 1115

The DNI is responsible for collecting intelligence to prevent attacks. This is where we need to go.

We can answer two fundamental questions with this motion to recommit. Who knew what, when, on enhanced interrogation techniques. Before we go and prosecute people in the intelligence community, let's have a clear record of what Members of this body knew and approved, because basically the administration and this Congress asked the intelligence personnel to do what they did. They were following our orders and instructions to keep America safe.

The second thing is, let's make sure that the DNI, the person with the responsibility to keep us safe, has the final decision on when and how we will interrogate foreign terrorists to keep America safe. It's his job. It's his responsibility. Let's get rid of the confusion. Let's get the alignment. Let's do what's necessary to keep America safe and to protect and recognize the service of our men and women in the intelligence community.

I yield back the balance of my time.

Mr. REYES. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, to me, it seems that the minority would have us fight terrorism with one hand tied behind our back. This motion to recommit would require that before a Miranda warning can be issued, an investigator or a beat cop would have to get permission from a gaggle of Cabinet-level officials in Washington. This is simply absurd.

The minority would put FBI agents who arrest potential terrorists in a bitter catch-22. The courts require that Miranda warnings be given in certain circumstances. The minority would have an FBI agent ignore those rules and shut down the possibility of ever building a criminal case, or the agent can stop an interrogation while someone tries to get signatures from half of Washington.

The provision doesn't even include authority for these officials to delegate the required certification. This means that if one official happens to be traveling, it's just going to take that much longer for that beat cop or that FBI agent to start gathering evidence.

Let's get the facts straight about Miranda. Federal agents are not required to Mirandize terrorism suspects when there is an imminent risk to public safety. They are free to interrogate suspects on concerns about any immediate or ongoing threat to our country. Federal agents questioned the Christmas Day bomber without the Miranda warnings under this very public safety exemption. Federal agents also don't need to give Miranda warnings when an interview is voluntary. The FBI routinely secures intelligence from suspected terrorists without Miranda in this manner.

But even when Miranda warnings are given, the record is crystal clear; suspected terrorists do not stop talking. Just this week, in the case of Najibullah Zazi, who pled guilty to charges of attempting to kill innocent civilians on the New York subway, was apprehended by law enforcement, given Miranda warnings, and interrogated thoroughly. In that questioning, Zazi provided valuable information about the plot and now he will be convicted without any fanfare. That is just one example among many. The Christmas Day bomber, the shoe bomber, Richard Reid, and scores of other suspected terrorists provided valuable intelligence after receiving Miranda warnings.

But this really, today, isn't about Miranda at all. What the minority really wants to take away is our ability to use the criminal justice system to go after suspected terrorists. I urge my colleagues not to make such an irresponsible and reckless decision. Don't support this motion to recommit.

The Federal criminal justice system has proven to be the most reliable and effective means we have for putting terrorists behind bars. Federal prosecutors, law enforcement officials, and judges know better than anybody else how to interrogate, how to try, how to convict, and how to hold terrorists.

In the 10 years since 9/11, the Justice Department has successfully convicted more than 300 terrorists in Federal criminal courts. These include hardened members of al Qaeda such as the so-called 20th hijacker, Zacarias Moussaoui.

One case in particular on this point, Richard Reid was arrested for attempting to ignite a bomb in his shoe while on a flight to Miami in December of 2001. Reid was advised of his Miranda rights within 5 minutes of being removed from the aircraft and was reminded of these rights four times within 48 hours and now is serving a life sentence in Federal prison. To my knowledge, my Republican friends did not criticize the Bush administration for its handling of that case or any of the other cases that we have on file.

This motion to recommit applies to the high-value detainees, so that in the toughest cases, they want us to play by a completely unreasonable set of rules

that will slow us down and make us weaker. That is why the Department of Defense opposes this, the Director of National Intelligence opposes this, the Department of Justice opposes this.

I think this morning, it's time to say enough with the games. It's time for us to stop playing politics with our national security. It's time for us to create a system that makes those responsible for our safety not play it with one hand tied behind their back.

Let's let our law enforcement professionals do their jobs. Above all, let's stop attacking the FBI agents that know what they are doing, know how to do it, and let's vote down this motion to recommit. Vote "no" on the motion to recommit.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2701, if ordered, and the motion to suspend the rules on H. Con. Res. 238.

The vote was taken by electronic device, and there were—ayes 186, noes 217, not voting 29, as follows:

[Roll No. 72]

AYES—186

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Barrow  
Bartlett  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle

Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Crenshaw  
Culberson  
Dahlkemper  
Davis (KY)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie

Halvorson  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo

Marchant  
Marshall  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Owens

Paulsen  
Pence  
Peters  
Petri  
Pitts  
Platts  
Poe (TX)  
Pomeroy  
Posey  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg

Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Space  
Stearns  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

#### NOES—217

Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Blumenauer  
Bocchieri  
Boswell  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez

Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
Meek (FL)  
Meeks (NY)  
Michaud

Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peterson  
Pingree (ME)  
Polis (CO)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Speier  
Spratt  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus

Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz

Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner

Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Heinrich  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Langevin  
Larsen (WA)  
Larson (CT)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum

McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeke (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)

Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Speier  
Spratt  
Sutton  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Wu  
Yarmuth

Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Space  
Stearns  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Young (AK)  
Young (FL)

## NOT VOTING—29

Abercrombie  
Ackerman  
Bachus  
Barrett (SC)  
Barton (TX)  
Bishop (NY)  
Blackburn  
Blunt  
Boehner  
Boucher

Capps  
Deal (GA)  
Dent  
Fallin  
Hall (TX)  
Inslee  
King (NY)  
Mack  
Moran (KS)  
Paul

Price (GA)  
Radanovich  
Reichert  
Scalise  
Stark  
Stupak  
Sullivan  
Tanner  
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1140

Mr. HODES and Ms. SHEA-PORTER changed their vote from “aye” to “no.” Messrs. DONNELLY of Indiana and PLATTS and Mrs. HALVORSON changed their vote from “no” to “aye.” So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Speaker, during rollcall vote No. 72 on H.R. 2701, I mistakenly recorded my vote as “no” when I should have voted “yes.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 168, not voting 29, as follows:

[Roll No. 73]

## AYES—235

Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Blumenauer  
Bocieri  
Boren  
Boswell  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Butterfield  
Cao  
Capuano  
Cardoza  
Carnahan  
Carney

Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett

Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Bartlett  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Crenshaw  
Culberson  
Davis (KY)  
Diaz-Balart, L.

## NOES—168

Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kirk  
Kline (MN)

Kucinich  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McDermott  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paulsen  
Payne  
Pence  
Petri  
Pitts  
Platts

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1149

Mr. ROYCE changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING THE DIFFICULT CHALLENGES AND HEROISM OF BLACK VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 238, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FRLNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 238.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 49, as follows:

[Roll No. 74]

## YEAS—383

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Bean  
Becerra  
Berkley  
Berman

Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blumenauer  
Bocieri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright

Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capuano  
Cardoza  
Carnahan

Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Doggett  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herse  
Herseth Sandlin  
Higgins  
Hill

Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb  
Loftgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Weeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)

Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)

Smith (WA)  
Snyder  
Souder  
Space  
Speler  
Spratt  
Stearns  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt

## NOT VOTING—49

Abercrombie  
Ackerman  
Baca  
Barrett (SC)  
Barton (TX)  
Bishop (NY)  
Blackburn  
Blunt  
Boehner  
Boucher  
Boustany  
Calvert  
Capps  
Carter  
Cole  
Davis (AL)  
Deal (GA)  
Dent  
Dingell  
Doyle  
Fallin  
Gallegly  
Gohmert  
Grijalva  
Hall (TX)  
Herger  
Hoekstra  
Inslee  
Jordan (OH)  
King (NY)  
Larson (CT)  
Linder  
Mack  
Moran (KS)  
Murphy, Tim  
Owens  
Pascarell  
Paul  
Radanovich  
Rangel  
Reichert  
Ryan (WI)  
Scalise  
Stark  
Stupak  
Sullivan  
Tanner  
Westmoreland  
Whitfield

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAFFEI) (during the vote). There are 2 minutes remaining in this vote.

□ 1159

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. REICHERT. Mr. Speaker, as indicated in the Leave of Absence request granted by the U.S. House of Representatives, I was not in attendance for votes February 22–26, 2010, so that I could support my family through the tragic and unexpected death of my 16-year-old niece.

Were I in attendance, I would have voted in favor of H.R. 4425 (RC No. 49); H.R. 4238 (RC No. 50), H. Res. 1066 (RC No. 52), H. Res. 1059 (RC No. 53), H. Res. 1039 (RC No. 54), H. Res. 1046 (RC No. 55), Hastings (WA) Amendment to H.R. 2314 (RC No. 56), Flake Amendment to H.R. 2314 (RC No. 57), H. Res. 1074 (RC No. 61), H. Res. 944 (RC No. 62), the Motion to Recommit H.R. 4626 (RC No. 63), H.R. 4626 (RC No. 64), H. Res. 1085 (RC No. 65), Concurring with the Senate Amendments to H.R. 3961 (RC No. 67), H. Con. Res. 227 (RC No. 68), Hastings (FL) Amendment to H.R. 2701 (RC No. 70), Schauer Amendment to H.R. 2701 (RC No. 71.), the Motion to Recommit H.R. 2701 (RC No. 72), and H. Con. Res. 238 (RC No. 74).

I would have opposed H. Res. 1083 (RC No. 51), Abercrombie Amendment to H.R. 2314 (RC No. 58), H. R. 2314 (RC No. 59), H. Res. 1098 (RC No. 60), H. Res. 1105 (RC No. 66), Reyes Amendment to H.R. 2701 (RC No. 69), and passage of H.R. 2701 (RC No. 73).

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. REYES. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2701, to include corrections in spelling, punctuation, section numbering, and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House is not in session. On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business today. In addition, we will consider H.R. 4247, Keeping All Students Safe Act, and further action on the jobs agenda.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, we have 4 weeks before our next district work period, and I would like to inquire from the gentleman about the upcoming legislative schedule during the next 4 weeks and what bills does he expect the House to consider prior to the Easter recess.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding.

I would expect a number of items, certainly the jobs agenda, which will be fulsome and we will be pursuing over the next months. Small business growth, tax cuts to spur growth and jobs will certainly be on the agenda in the coming weeks, in addition to addressing health care and the 2011 budget.

Mr. CANTOR. I thank the gentleman for that.

So, from my understanding, we can expect to have a vote on a health care bill between now and the Easter recess. If that is the case, I ask the gentleman, Mr. Speaker, what is the thought about what that bill would look like? And I

would ask the gentleman does he expect this bill to be the President's bill or will there be actually a chance for the minority to participate in crafting a health care bill?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Well, the gentleman and I had the opportunity, a historic opportunity, I might say, to participate in an extraordinary event in the history, perhaps, of our country. I'm not sure that I can cite another instance certainly in my career when a President has spent a whole day sitting with the legislative branch, the leadership both of the Republican and Democratic Parties in the Senate and the House and also of the committee Chairs. I think that was an unprecedented meeting. I thought it was an extraordinarily good meeting for the American public as I thought it was a good meeting for all of us who participated.

I think what the public saw was each side thoughtfully and clearly, from an informed basis, expressing their view as to what was needed and how to get to where we wanted to go. It also indicated, I think, to the American public legitimate differences of opinion on the ways and means, if you will, of effecting health care reform, which obviously the overwhelming numbers of the American public believe is necessary. As I quoted, as you recall, both President Obama and Presidential candidate MCCAIN in the debate in October of 2008 both said that health care reform was necessary, and Presidential candidate MCCAIN indicated that he thought we needed a program that covered all Americans with affordable health care.

Now, that's the context in which we're going to move forward. I thought it was a productive, positive opportunity for us and, as I said, the American public. We are moving forward. The President indicated we'd be moving forward. The President, as you point out, I don't think he has a bill yet, but he's put language of the 11-page document you've seen and that was referenced at the meeting—he's put that on the table. It is obviously an attempt to reach agreement between the Senate-passed bill and the House-passed bill, which, although this was not a conference in the classic sense of a conference, in many ways it was, I suppose, a superconference in that rarely is the President in the room, but obviously Republicans and Democrats were in the room and had their time to discuss the President's proposals, trying to resolve differences between the two Houses. Certainly it's going to be taken into consideration over the next few days, I would think, to see whether or not there can be a resolution.

In addition to that, I tell my friend honestly that we went through a number of aspects of the health care bill in which I think we found common

ground, and many of us said that. I think some of us were surprised that some Members were as surprised as we think we are on certain items.

First of all, I think there was agreement on principle, if not on application of that principle, and that was that the solution is to be found in the delivery of health care through the private sector. And, in fact, both bills in the Senate and the House provide for private sector insurance companies to be involved and to be the insurers and to be the agents for financing health care insurance for Americans.

In addition, Dr. COBURN was very clear that he thought we needed to focus on wellness, on prevention. There are, in both bills, substantial provisions which deal with that, with wellness and prevention, best practices, with innovation, with efficiencies in the delivery of health care, health information technology, other issues.

In addition, he spoke of eliminating fraud, waste, and abuse. As you recall, and both of us listened to him, he made the point that he thought 1 in 3 health care dollars were not spent on the delivery of health care. Now, they weren't all waste, fraud, and abuse. We know that there are very substantial administrative costs in health care. And as I responded to Senator COBURN, there are very substantial provisions related to waste, fraud, and abuse in both bills and in the President's suggestion.

In addition, the purchasing of policies of insurance across State lines was discussed by both sides. I think the President indicated, I think, we can reach agreement on that. I hope we do. And insurance pooling to acquire health insurance at lower prices was also discussed, not only with respect to small business, but, obviously, we discussed it with individuals who do not have availability to group policies.

The answer, therefore, to your question is we certainly hope we can move forward. We hope we can reach some areas of agreement.

I want to tell you very frankly, I don't think we have any intention of starting over with a clean slate, as you requested. I want to be honest with the gentleman. Literally thousands and thousands of hours have gone into countless hearings participated in by both of our parties, countless markups, public markups with amendments offered both in the House and the Senate. But that does not mean that these are set in stone. Therefore, the answer to your question is I continue to be interested in your thoughts, but if the thoughts are simply to, as Mr. BOEHNER indicated, scrap it, and Mr. ALEXANDER said that as well, I frankly don't think that's a very productive direction to go in given the complexity and challenge that confronts us.

There was a lot of discussion about polling data in yesterday's meeting. In

point of fact, we believe that the polling data does indicate that Americans are not happy with this bill. In my view, in part they're not happy because they've seen it be the center point of confrontation, controversy, and, from my perspective, a lot of misinformation.

But having said that, I think every poll seems to reflect that when you ask them about component parts, do they believe that preexisting conditions ought not to be a disabling factor in the receipt of insurance, a very high percentage of the American public says, yes, they think that ought to be not a factor. Do they think that there ought to be lifetime caps? They think no. If they have insurance, they want to keep it, and if they get really sick, they want to make sure their insurance compensates them for that. They also want to make sure that they are not bankrupted in a year that they have a very serious illness because the insurance company has capped what they can get in any one year.

So there seems to be, on the individual items, pretty high support—and when I say “pretty high,” high 50s, 60s, and sometimes in the low 70s—of various component parts of the bill. I think if we can respond to that which the public is for and listen to the public, I think we can have some success. And we look forward to working with you over the next few weeks to see if we can come to agreement. The President made it very clear that he wants to do that. I reiterate we want to do it.

But the President also made it clear, if we can't do it, then we're going to proceed, and that's what he told the American people he was going to do. And, very frankly, he was elected handily just a little over a year ago, and he said what he wanted to do was a health care plan which would provide access for Americans to affordable quality health care. And, in fact, that's what JOHN MCCAIN said in that debate in October of 2008 when they were both debating each other. That was not a contentious issue. They had differences of how to get there, but covering all Americans with affordable, quality health care was not one of the contentious issues.

I know that was a long answer, but I wanted to place it in context for my friend so that productively we can work on what has passed the House, passed the Senate, and if we can make changes that would lead you or members of your party to support legislation, then I think we can have a productive discussion about that. On the other hand, frankly, if it's simply scrap all the work you've done or we're not going to play, then I think we won't have much progress.

□ 1215

Mr. CANTOR. I thank the gentleman for that in-depth explanation of where he and his side is on this debate.



Without prolonging this colloquy, I would just say to the gentleman, on display yesterday were clearly two different visions for how we want to address health care in this country. Clearly, the Republicans, by our attendance there and the engagement in that discussion, indicated that we too care about people's health care and want to do something to increase the quality, access, and affordability. We just have a very different way of trying to go about it.

There are some areas in concept where we do have agreement. We just don't care for the bill. And the reason is, Mr. Speaker, the bill, from our opinion, is very much a bill which imposes on people in this country a preferred way of going about providing health care and covering people in terms of their illnesses. And we believe that on balance, it is better to err on the side of people and their individual choices and the way they think their health care should be delivered and in what form.

So I look forward to perhaps the gentleman working with us to see if we could, if he doesn't like the word "scrap," move away from the construct of the bill which, as the gentleman indicates, the public has rejected, as well as a significant portion of his caucus has rejected, and perhaps moving away from that construct and to try and address some of the issues that we discussed in a different context would be a way forward.

But if, as the gentleman indicates, the majority is unwilling to set aside the Senate bill, will the gentleman indicate whether we would then proceed with reconciliation? And is it his position that he will not take reconciliation off the table?

Mr. HOYER. It is my position, in the Republican tradition of using reconciliation for very major pieces of legislation, all of your tax bills in 2001 and 2003; as a matter of fact, reconciliation has been used 22 times since 1980. Sixteen of those times it was used by the Republican Party when you were in charge. Apparently you thought that was a procedure that was appropriate to pass. As a matter of fact, JUDD GREGG, when he was criticizing us for criticizing reconciliation, said, "What is wrong with a majority vote?" We think there is nothing wrong with a majority vote.

There is a filibuster in the Senate. That is under their rules. I think those rules are impeding the work of the American people. But be that as it may, they are the rules. There is also a rule that provides for consideration of legislation through a process that is called reconciliation, a fancy name for simply saying there are things that are important, you can put them on the table, you can pass them in a time frame. But, as Americans would expect, a majority of the representatives of the

American people have to vote for it. So I am not going to take that off the table.

But it has been the President's expression, my expression, the Speaker's expression, the Majority Leader of the Senate's expression we would prefer not to use that, not because we think it is a wrong procedure, but because we would like to create a broader consensus if we can.

But I will tell my friend, I think he to some degree misquoted me, I think you could draw that inference, the American people don't like the bill because of what surrounds it. When you ask them about the internals of the legislation, as I said, they respond positively to it.

And I will tell my friend about polls. A lot of expression about polls yesterday in our meeting. My friend will recall that we considered expanding the Children's Health Insurance Program. You will recall President Bush vetoed that program. You will recall that I stood on this floor and said, "Do you understand 72 percent of Americans are for expanding SCHIP?" Notwithstanding that, we couldn't get sufficient votes from your side of the aisle to override the President's veto, notwithstanding the fact that 72 percent of the American people thought children in the richest country on the face of the earth ought to be covered, ought to be healthy, ought to be included in our health care system. So you saw it differently. I understand that. You used your judgment.

I frankly think that the American people want us to do what we are trying to do. They want to make sure we do it right and don't undermine the security they now have. And that is our intent as well.

Mr. CANTOR. I thank the gentleman for those remarks.

I would ask the gentleman if we could turn, Mr. Speaker, to the question of jobs. As he indicated, that will be a focus of the next 4 weeks. The gentleman said earlier in this colloquy that we just participated in an historic event yesterday, that he in his career here has not seen an opportunity like that where both sides sat down with the President for 7 hours and the President spent the time on the issue of health care.

In that vein, in terms of trying to open up dialogue and discussion, it would be very appropriate, I believe, Mr. Speaker, for us to give equal or more time to the pressing issue of jobs in this economy.

Now, Mr. Speaker, Leader BOEHNER and I have forwarded to the gentleman as well as Speaker PELOSI a letter indicating that we would like to have a bipartisan jobs summit akin to what we had yesterday with the President, but perhaps just in this body. The Speaker's press reports have indicated that the Speaker is willing to engage in

such a jobs summit. And I would just like to ask the gentleman if he intends to respond to the Leader and my letter. And if not, certainly responding here is just as well as to perhaps a scheduled time for such a summit to occur.

Mr. HOYER. I think the same letter was sent to both of us, and I was yielding to the Speaker to respond. But I will respond here. I think that is a good idea.

Mr. CANTOR. I thank the gentleman for that. Does he have any sense of when we could expect the acceptance and the scheduling of such an event?

Mr. HOYER. Let me talk to the Speaker about it and see what schedule, and we will talk to you about it. But I think certainly jobs is an absolutely critical objective of ours this year, as you know, as it was last year.

The good news, as you know, is that CBO says that over a million jobs were created in the last quarter, or retained in the last quarter as a result of the Recovery and Reinvestment Act. As the gentleman also knows, in the last quarter, the last 3 months of the Bush administration, we lost on average per month 726,000 jobs. As the gentleman also knows, on average over the last 3 months we have lost 35,000 jobs. That is extraordinary. That is 5 percent of what we lost the last 3 months just a year ago. So that is progress. We are moving forward, but that is not success. Success will be, as you and I both know, when we are adding jobs, when we are creating jobs.

Unfortunately, over the last 8 years we have had the lowest job production in this country than we have had since Herbert Hoover. As a result, we are very much down in terms of supply of jobs for people who are out of jobs and need jobs to support themselves and their family.

I want to also say, I want to thank the gentleman and his colleagues on his side of the aisle for their positive participation yesterday, positive in the sense that yes, we didn't agree, but nobody expected there to be agreement down there, that everybody was all of a sudden going to change their perspective of how you get to where we all want to get. But I thought the American people, as I said, had an opportunity to see some serious people who had differences of opinion discuss them in a civil and, I thought, productive manner. I think that is a good civics opportunity for the American people.

Very frankly, we ought to do more of that. Because, unfortunately, all too often they see us on the floor not on the uncontentious, which we do pretty much working together, but they see us on the contentious, where tempers can get pretty hot, and the American public draws the inference that that's all we do. They don't like it, and I don't blame them. I know you and I don't like it either.

I want to thank you and your colleagues for your participation.

Mr. CANTOR. I thank the gentleman for that.

In closing, Mr. Speaker, I look forward, along with the Leader and the rest of my colleagues, to begin working with the gentleman and the majority to start on an earnest attempt to create an environment for job creation so that people in this country can get back to work.

With that, Mr. Speaker, I yield back the balance of my time.

#### ADJOURNMENT TO TUESDAY, MARCH 2, 2010

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore (Mr. KRATOVL). Is there objection to the request of the gentleman from Maryland? There was no objection.

#### WE MUST PASS A JOBS BILL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today because I think it is important to note the change in the economy as we move forward. But the challenge to us as Members of Congress, even as we reflect on the enormous impact the investment dollars have had, last year in January of 2009 we had lost 779,000 jobs. In January of 2010, only 22,000 jobs were lost and the economy is percolating. But 22,000 is unacceptable.

So we must pass a jobs bill now. But we must also be concerned not only for the recently unemployed, for the white collar workers, but we have to be concerned about the young workers, 18 to 30. We have to be concerned about the chronically unemployed, or the ex-felon who has paid his or her dues, has a family, and other than getting work, they would be dependent on a government handout. They don't want that.

So when we talk about jobs, we have to worry about seniors, and working families, and people who have been unemployed for a long period of time. We have got to put a job in their hand. And that is what I want to do, work to get jobs for the American people and the 18th Congressional District.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE NEED FOR HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, besides the question and the need for jobs, I think it is important for America and for my colleagues to know that the meeting yesterday at the White House at Blair House was a vitally important meeting. I know that many Americans were able to see it in its purity, meaning that you were able to watch it live.

The President intended that we have the opportunity to hear real discussion. And I would beg to differ whether this was an opportunity for just show and tell. I have listened to the President's commitment to health care reform. I have listened to the Democratic leadership's commitment to health care reform. And I have spent hours listening to constituents through town hall meetings in August and traveling throughout the district. As they speak about jobs, I want us to be very clear.

□ 1230

Every time I am in the district, someone says, are you going to get health care reform passed?

This is real meat and potatoes. This is about premiums that go up about \$1,400 to \$2,500 a year on a family of four. This is about 36 million to 40 million who are now uninsured. This is about working people who are uninsured. This is about families whose children have asthma or respiratory illnesses or preexisting conditions and are not able to get insurance because of birth defects or other illnesses that their children are born with, a preexisting disease. And presently, you cannot get insurance if you have a preexisting disease.

This is, likewise, about the non-competitive atmosphere that health carriers live in and that we suffer under. And you know what?

Before we began discussing this health care reform, we accepted it as the norm. We didn't think anything of it. In Alabama, one insurance company in the entire State. In a State like Texas, only three insurance companies. That is not competition. That is, you take me the way I want you to take me, and if you don't like it, move on.

That's the kind of atmosphere that health care insurance companies live in. They tell us, move on. Preexisting disease, move on. You can't pay your premiums, move on. You're in the hospital and we don't want to pay it, get out. That's what atmosphere Americans are living in.

And I realize that those who have insurance that they like, they don't see these horror stories of people dying because they don't have insurance. And I want the people who have insurance to keep their insurance. But 45,000 people die every year because they don't have health insurance.

So yesterday's meeting was a serious meeting, because the bottom line of it

was, we're listening and we're open, but we have to move on because we're losing people's lives.

And so this preexisting disease will be eliminated. Premiums will go down. We'll save billions of dollars because of the health care reform process.

At the same time, I want us to do good. I want to make sure that we save physician-owned hospitals. Many of you probably have been patients in physician-owned hospitals, where doctors have come back in and purchased failing hospitals by a small percentage of ownership, where their name is on the line, where they want high quality hospitals like the 40-plus that are in the State of Texas, like Doctors Hospital, like St. Joseph's Hospital, like the hospitals down in the Valley, where individuals who are paying the amount of money can count on doctors being there who care. And so I want this health insurance reform not to close down those hospitals and eliminate those employees who are there.

We can do a lot of good, and we must pass health care reform. We have to already recognize that we've passed the antitrust exemption so that you can have more competition in these States. We did that this past week. That's a good thing.

But we've got to make sure that we increase CHIPS for our children, Children's Health Insurance Program, protect Medicare and Medicaid, and open the floodgates for Americans who work and have dignity to have dignity when they are sick. The last thing you want to do is to be on your sickbed and to lose your house, your car, your ability to support yourself while you're losing your job because you're sick.

So I simply say that it is time now for the wake-up call to go out amongst all of those who care. America needs to wake up. When America demands, this legislative body, this People's House acts.

And so I thank the President for transparency yesterday. I thank the Democratic leadership for transparency. I thank my friends on the other side of the aisle for attending and engaging.

But after all is said and done, there will still be 45,000 people that are dying every year because they don't have insurance.

Mr. Speaker, the call is being made. The question is, will we answer. I will, for one, answer for health care reform for America.

#### PAYING TRIBUTE TO STACY PALMER-BARTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, I rise today to pay tribute to my long-time staff member and dear friend, Stacy

Barton, as she departs from her distinguished service to the United States Congress.

Stacy has served as my chief of staff for four terms as the Representative from Ohio's Third Congressional District. She has served the people of my community with great enthusiasm and unrivaled commitment, and will be missed by all who have had the honor of working with her.

Stacy grew up in Calvert County, Maryland, where her grandparents owned a tobacco farm. She attended both Northern Middle and Northern High schools, later enrolling at St. Mary's College to major in psychology and sociology.

After beginning her graduate studies at the University of Delaware, Stacy enrolled in a fellowship program through the Congressional Black Caucus Foundation. It was then that she began her Hill career, serving the distinguished Member from Washington, D.C., ELEANOR HOLMES NORTON.

Following her fellowship, Stacy remained in Representative NORTON's office for another year before leaving the Hill.

She later served as the director of government relations for a firm with a focus on urban development, representing clients such as the U.S. Conference of Mayors.

I first met Stacy in her work with the U.S. Conference of Mayors and for the City of Dayton, Ohio.

Stacy formed her own lobbying firm, the Barton Company, in January 1999, advocating for many mayors throughout the country. She served as the city of Dayton's Washington, D.C., office when I served as the mayor of Dayton.

In 2002, Stacy closed her firm to serve as chief of staff in my Congressional office on the seventh floor of the Longworth House office building. She served with great distinction and, at times, has been the only African American chief of staff to a Republican Member in either the House or the Senate. It has been suggested that Stacy Barton may be the first female African American to serve as chief of staff to a Republican Member of the House. And I dare say that she probably is the only staffer from ELEANOR HOLMES NORTON's office to serve as chief of staff to a Republican Member of Congress.

As is often the case with life on the hill, Stacy's public service has come with many personal sacrifices, including spending a great deal of time away from her husband, Lee, and her two incredible children, Morgan and Miles.

In addition to the battles fought daily on Capitol Hill, Stacy has lived with multiple sclerosis, cared for her mother who was diagnosed with cancer, and raised a daughter with autism.

Stacy and I have worked together for over 10 years. Stacy, as you leave the seventh floor of Longworth this evening, I owe you my sincere thanks

and gratitude for your friendship and for your counsel.

I wish you a happy new beginning.

#### RECOGNIZING THE SERVICE OF POPE COUNTY JUDGE JIM ED GIBSON

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Mr. Speaker, I would like to congratulate Pope County Judge Jim Ed Gibson for his commitment to the citizens of Arkansas. Judge Gibson's efforts and participation within the community continues to make an impact. For his service and leadership, Judge Gibson has been named the Russellville Area Chamber of Commerce's 2009 Citizen of the Year.

This is a fitting honor for a man who not only has served the public, first as a member of the Pope County Quorum Court for 15 years, but since 1999, as the County Judge. His service continues beyond the office, serving as a member of a long list of organizations and boards across Arkansas.

Judge Gibson has spent his life putting his community first. It was just a few short years ago the city of Atkins was hit by a tornado. Judge Gibson was one of the first people at the scene making sure people were taken care of. I appreciate his dedication, and I'm confident that that will continue.

The people of Pope County are fortunate to have such an exceptional neighbor. I ask my colleagues today to join with me in honoring Judge Jim Ed Gibson, a wonderful public servant who is always and always will be dedicated to the people of Pope County.

#### CLOTURE AND RECONCILIATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the House. And in the aftermath of the summit yesterday, the February 25th health care summit that took place, and over the 7-plus hours from gavel in to gavel out, the 6½ or so hours of actual dialogue that took place, I think a lot of the American people were watching. And I'd like to think also that a lot of the American people were busy at work and didn't have the opportunity to sit and watch it all in a transfixed, focused fashion, like a lot of us tried to do, and some of us actually succeeded, although I was not among them. I watched as much as I could and I had the closed caption crawler going underneath the screen while I was conducting meetings. So I tried to pay attention to the flow and look back on what happened.

I listened to the dialog in here a little bit earlier with the majority leader on the Democrat side and the Whip on the Republican side going through their end-of-the-week colloquy that gives us a sense of where we're going next week and a little bit of a feel for how we work together with each other. In fact, some of those negotiations are taking place here in front of the American people in an open fashion, as we would like to think that most of our negotiations and deliberations are.

I would go back through some of that discussion to put a bit of a different perspective on the situation of reconciliation, which is the nuclear option. And even though the gentleman from Maryland continually made the point that Republicans had used the reconciliation option, Democrats called it the nuclear option back then. The means of putting an end to the filibuster—you have two choices in the United States Senate: One of them is you come up with 60 votes to break the filibuster. That's called a cloture vote. And if you can't come up with the 60 votes, the other thing is, in tax or spending issues, so the government doesn't come to a grinding halt due to lack of revenue to keep the machinery of government working, they have devised a method called reconciliation. And that reconciliation will require only 51 votes, not 60 votes in the Senate to move a bill.

But the point that is missed here today is that the reconciliation—nuclear option—and it depends, on the Democrats' part, on whether they're talking about Republicans implementing reconciliation or Democrats implementing reconciliation. To a Democrat, when Republicans discussed implementing reconciliation in the United States Senate, they called it the nuclear operation. But when it's HARRY REID and the Democrats seeking to implement reconciliation, they say it is reconciliation. Don't you know that's getting together to get things resolved, rather than blowing the place up. Isn't that something? That you can have two different terminologies for the same action, and they can be so far apart, 180 degrees apart from each other. Democrats committing reconciliation is reconciliation, warm, fuzzy, group hug, 51 votes. What would you have against a simple majority passing something here in the United States Congress? That's their argument. We heard it here a little bit earlier. Who would be against a simple majority?

And the second part of it is the nuclear option. The last time Republicans discussed the reconciliation tactic in the Senate that Democrats continually pounded upon and called it the nuclear option was when we were seeking to confirm judges to the Federal court. And to get a vote in the Federal court, there was a filibuster in the Senate.

Now, you can look through the history of this and study who said what when and all the protocol that's part of that. That's for Senate historians to know most of that.

But for me, Mr. Speaker, I'll take it down to this: When I read the Constitution, it requires for confirmation of these Federal judges the advice and consent of the Senate. It doesn't say the consent of 60 votes in the Senate. It says, the advice and consent. Consent implies the majority of the Senate. And many of those Senators that were opposed to reconciliation because they were Democrats in the minority at the time also argued that the President of the United States, President Bush, didn't accept enough of their advice.

Well, you can work about this term, but any time that the Constitution contemplates the consent, it never requires a super majority for the concept. It always requires a simple majority in the United States Senate for consent of the Senate, advice and consent. And so, when a confirmation, or the ratification of a treaty, or something that is in our Constitution required by the Constitution, comes up for confirmation in the Senate and it requires advice or consent in the Constitution, I believe that it is a constitutional violation for the Senate to use a filibuster, because they're denying the consent of the Senate, or they're setting an arbitrary majority after the Constitution, the fact of the Constitution, to take it up to 60 votes.

So the argument that this Republican made in 2005 against a whole series of active Democrats that were for the nuclear option was, you have a constitutional obligation to provide a vote to confirm or not confirm these appointments by the President of the United States. You cannot hold them out to a cloture vote and a filibuster simply by one Senator putting a hold on an appointment to the Supreme Court, for example.

So it's a constitutional restraint. I've had this debate with many of the Senators on the other side, including my junior Senator from Iowa, TOM HARKIN, who disagreed with me.

□ 1245

But in any case, that's the Republican position. We default to the Constitution.

The Democrat position is Republicans use reconciliation. Well, not when it came to confirming judges, for example. That's a simple majority because that is the definition of consent in the Senate.

So here we are with this large initiative called—well, I think the President used it yesterday—the term ObamaCare.

Now, Thomas Jefferson once said large initiatives should not be used on slender majorities. And a slender majority could only be how this large ini-

tiative of ObamaCare—to use his term for it—has been advanced through the House by only a three-vote margin and only one Republican—and I think he would reconsider if he could do it today—voted for that bill.

Many Democrats voted against the bill. The margin was so utterly slender and narrow in its majority that it can't be defined as anything else except as exactly one of those things that Thomas Jefferson warned against doing. And when you go to the United States Senate, they wheeled and dealt in back rooms—happened here on the House side, too—until they got right down until the night before the announcement of the cloture vote, and they made their last deal with BEN NELSON to exempt Nebraska from the increases in Medicaid costs. This is a word, Mr. Speaker, that everyone should be alarmed at that when they see it show up in any legal document: in perpetuity. Exempt Nebraska from the increase in Medicaid costs in perpetuity.

And that deal, along with lowering the language of the Stupak language in the House, the House language—which did a fairly effective job in preventing Federal dollars from being used for abortions should the ObamaCare pass—the Senate version of it and the language that was negotiated by BEN NELSON certainly rolled this thing back to where there would be more Federal dollars used for abortion because of the language change, even though they made the argument that there would be an accounting of those dollars.

I would say that the Nelson language still set the Federal Government up to be the broker of insurance premium dollars that would be directed to insurance companies that were paying for abortions out of those premiums and to compel the American people to fund something that is, to them, fundamentally immoral is an unjust thing for this Congress to do.

We did it inadvertently in the aftermath of *Roe v. Wade* in 1973. By 1976, we had implemented language that prevented Federal dollars from funding abortions under either the Hyde amendment or the Mexico City Policy.

But this language—and the House actually allows some—the language from the Senate allows a lot more to go to abortions.

And to reflect back on my position, Mr. Speaker, this would have been I believe in the 1980s or perhaps in the very early 1990s when my Congressman came to my district and we had a meeting. Just a town hall meeting in the basement of the Lutheran church, and I remember the count of the chairs that were there, and they were mostly full. In fact all, I believe, were likely full. There were 80 people in the basement of the church in a town hall meeting. Pretty good-sized meeting for a little town. Not by last August standards, Mr. Speaker, but by normal standards.

And as my Congressman presented his pitch on his proposal for a national health care act that was essentially dovetailed into HillaryCare later on, he asked, How many of you in the room are employers? And that's why I remember the room. Eighty people in the room, 12 of us raised our hands that are employers. He said, Now I want to ask you how many of you provide health insurance for your employers. And 11 hands went down, and mine was the only hand that was up. So I was the only employer in that room of 80 with 12 employers, I was the only one that provided health insurance for my employees.

And so my Congressman walked over to me where I was sitting in the front row—and I remember him—and he looked at me and he leaned down, folded his hands behind his back and he leaned down and said, How much would it change the way you do business if my health care bill, the way I propose it, becomes law? And I looked at him and I answered the way I usually answer, which is what's on top of my mind and tip of my tongue. And my answer to his question, How much would it change the way you do business? And I said, Probably not very much unless you're going to compel me to fund abortion. In that case, I quite likely will no longer be an employer. And those were the exact words that I used.

And so it was essentially said that I don't think I can go forward and make a living and take money out of people's paychecks and contribute out of our own asset base of the company and fund a Federal machine that is funding abortions that I am compelled to pay for if I have employees. I could have laid all of my employees off. I could have gone off to operate my business alone, cut down our revenue stream substantially—and my stress load, I might add. But still under that bill, it probably would have compelled me to carry my own insurance that I would have had to fund abortion with.

In any case, when I made that statement that I quite likely would no longer be an employer if they compelled me to fund abortions through the premiums that I would be compelled to pay, that brought the house down. I had no idea that the people in that church felt as strongly about that issue as I believe on that issue and believe today. But that emotion in that church was a solidly held fundamental, moral, and religious principle that remains today stronger than it was then.

And this Nation operating within the House of Representatives and within the United States Senate could contemplate the idea that they could produce or approve a product called health insurance, confer everyone a new policy that they own, and among those policies set up a health insurance exchange that is going to bring dollars in and flow dollars out that would go

to fund abortion clinics? With the majority of people in America opposed to abortion and a smaller percentage yet that are in favor of abortion, elective abortion, abortion on demand? That is a fundamental moral principle that would be violated.

And when the Speaker of the House at the end of the meeting yesterday chastised the Republican leader and said there is no abortion coverage in this bill, it was an incorrect statement. One might make the argument that the Stupak amendment in this House reduced—and they might argue—and I think it's an uninformed argument—that the Stupak amendment in this House eliminated Federal funding for abortion. It eliminated a lot of it, and it was a significant step forward; but it didn't eliminate it all. So the Speaker's statement at the President's meeting yesterday at the Blair House was incorrect.

And it was further incorrect because it seems as though as we listened to all of the dialogue that unfolded yesterday, that the President was negotiating off of the Senate version of the bill more so than he was of the House version of the bill, in which case there is no question that Federal funding would flow in and pay for abortions. And at a very minimum, no matter how you argue it, at a very minimum there would be Federal funds that would be paying for the administration of abortions and the administration of an exchange that would be brokering policies that funded abortion. That is how the language works. I have read the language carefully, and I know that some of that has been amended but not to the satisfaction of the pro-life groups in America. Not to my satisfaction either, Mr. Speaker.

So we've watched as this unfolded, and we asked what about this reconciliation package that the majority leader seems to speak in support of, although he didn't answer the question directly. He accused Republicans of using reconciliation. He didn't actually call it the "nuclear option" this time. Of course he wouldn't because they are loading the gun getting ready to cock the hammer and pull the trigger on the nuclear option. And they can't have us calling it the nuclear option because the American people then understand it blows up the system in the United States Senate.

But, truthfully, we don't have much to say about it from a formal perspective here in the House of Representatives because we do have a simple majority that controls. We have a Speaker of the House that controls the entire protocol from top to bottom right down to whether there will be amendments offered, what those amendments will be, and who will be able to offer them. And it's happened over and over and over again, and Mr. Speaker, the American people need to know this.

There is a Rules Committee that meets up here on the third floor of the House. Tiny little room. It is, I believe, the smallest committee room in the House of Representatives. It's the least frequented by the press. It doesn't have cameras in it like C-SPAN cameras cover every other committee on this Hill. This is a hole in the wall on the third floor at the end of the elevator where nobody goes. It's the hole in the wall. And it's the hole in the wall gang and they're directed by the Speaker of the House. And they shut down the amendments that are offered especially by Republicans unless they deem that amendment would embarrass or divide Republicans, in which case they'll allow that to be debated so Republicans can be embarrassed, divided and have a vote here on the floor.

So when I go up there, I offer amendments that I believe are constructive, that are designed to perfect legislation, designed with things in mind that the Founding Fathers had when they designed the Constitution itself. In other words, it was imagined that there would be people of open minds and differing levels of experience that would come together to have a dialogue and discussion about what's good and right for America.

And then we get to the formal process of our discussion. First, we do hearings and we listen to the American people come in and tell us what they have to say about the policy, and presumably the members sitting on the panel don't know as much about the subject as the witnesses.

So we learn; then we ask questions. Then we go back and do research. Then we come back together and decide whether we want to start to move a piece of legislation, in which case in the subcommittee there is a markup process. And that is that any Member can offer an amendment; they can offer an unlimited amount of amendments. They can debate each of those amendments, 5 minutes for each member of the committee if they so choose. And they can ask for a recorded vote and vote that amendment up or down.

That process does take place in the committee, and a lot of it is outside the scope of what the American people are paying attention to. And then the subcommittee product is designed to go to the full committee. And I will speak about the Judiciary Committee because we've seen the example this week where for their time in this past year, out of the Judiciary Committee, even though there is a relatively legitimate amendment process and debate process that takes place there—not on the floor; I wouldn't argue that takes place on the floor in that fashion with any regularity, but in the committee it seems to.

And three times out of the Judiciary Committee there has been a Republican that has offered an amendment to

an important bill, that amendment has passed with bipartisan support, and the product of the committee's work, the product that after the bills are amended and receive a final passage out of the committee, then they come over to be put on the calendar to be debated on the floor of the House.

And the majority leader controls that agenda, and the Speaker's power influences it considerably. And the bill does go through the hole-in-the-wall Rules Committee to be reviewed and consider any other amendments other Members might want to offer. And in a perfect world, every bill would come to the floor under an open rule for any Member that had a good idea would have the opportunity to convince the other Members of the merits of their good idea in the form of an amendment or perhaps submit themselves to the rejection of the House if the House did not approve such an amendment.

But what has happened three times just out of the Judiciary Committee and just in the last year has been a bill that was amended by a Republican in the Judiciary Committee that changed by the time it got to the hole-in-the-wall Rules Committee and was written up differently by committee staff and presented to the Rules Committee with a different bill number in it, but the substance of it changed because they amended and struck the very legitimate amendments that were voted on by Republicans and Democrats. And I will be specific about this.

In the Bankruptcy Clawback Bill, I introduced an amendment in the Judiciary Committee that would have banned anyone from receiving relief under the bill for bankruptcy if they had defrauded their lender. Now, that vote on that amendment passed by a vote by 23-3 in the Judiciary Committee. And curiously when the Bankruptcy Clawback Bill came to the floor, it had been passed through the Rules Committee, given a new number and almost, but not exclusively, but I will say from my view the only substantive change was they took my language out of the bill that had been approved by Democrats and Republicans by a vote of 23-3 and inserted language that said only if you have been convicted of defrauding can you be denied the benefits under the bill. That is what took place after the fact which renders the very formerly legitimate work of the committee moot.

What is the point of meeting and having this discussion and this dialogue? What's the point in hearings for information? What's the point of the subcommittee and the committee markup and all of the staff work and all of the debate work that we do and introducing the amendments and voting them up and down and building the legitimacy of a proposal to go to the Rules Committee and have the product of the Judiciary Committee pulled

down, put through the shredder, so to speak, and a whole new bill manufactured with a similar, maybe even identical, bill title on it?

□ 1300

That's what's going on in this Congress, and then the bill comes to the floor under a closed rule so that no Member can offer to put the language back in. And we call this America, the greatest deliberative body in the history of the world, and this is the draconian approach. The American public doesn't find out unless I come down here and say, Mr. Speaker, because the hole-in-the-wall gang is controlling this at the direction of the Speaker.

If anyone wonders whether I am embellishing this or not, they could actually look at the records of the Rules Committee on the eve of November 7 when the health care bill finally passed here in the House of Representatives. On that morning, near 1:30 in the morning, I offered 13 separate amendments to seek to perfect—well, I couldn't have perfected that bill—improve the health care bill. Thirteen separate amendments I offered them. I argued them before the Rules Committee, and I was chastised by at least one member of the Rules Committee because I had wasted the paper and the staff time, and I should have known that the Speaker had ordered that my amendments would not be approved by the Rules Committee, so I was wasting all of their time by making my argument on how to improve the health care bill.

Now, I will suggest, and I will hold firmly to this, Mr. Speaker, the franchise that I am entrusted with by the voters of the Fifth District of the State of Iowa is every bit as legitimate as the franchise of the Speaker of the House, the House majority leader, the House majority whip, any committee Chair, subcommittee Chair, let alone the Republican leaders and the ranking members.

Every one of us has a franchise. We are  $\frac{1}{435}$  of the American people, and the people in my district deserve every bit as much representation in this Congress as the people do in any district. But the structure, this iron-fisted structure in this House of Representatives, that's what breaks down deliberative democracy and it undermines our constitutional Republic and it denies the very legitimate, knowledgeable input from all across this country.

Think about how this works. Each one of us, 435 of us, we go home to our respective districts. We build a network of advisers that are continually providing input for us, teams of people that are experts in their field, and it filters that information and it comes to us in a whole series of ways, town hall meetings, individual meetings, individual lobbyists, yes. Lobbyists do a very effective and useful job on this Hill, and if anyone gave me informa-

tion that wasn't accurate or honest, if they found out about it, they would bring it back and correct it to me first.

If I thought they were doing so intentionally, they would not come back to talk to me, ever. There's a credibility there in that arena that I think somebody needs to stand up for the lobby, and it is a matter of providing a lot of valuable information. We find that directly from our individual constituents in our town hall meetings and our professionals and all of the outside organizations that work outside and on this Hill trying to effect the change.

All of that information that I have talked about, the input from 300 million people pours through to us in all of these avenues that I have described and many more—and through the media, I might add. And all of that, save what might be in the mind of the Speaker and the Speaker's staff, maybe the leader and the leader's staff, but I am not sure of that. All of that, all the rest of that is denied by the draconian approach here in the House of Representatives that shuts down the debate process, prohibits amendments, and limits an important bill to just selected amendments that help some people look good or position themselves so they will vote for the broader bill. That's what it has come down to. It has not come down to the evaluation of what's the best policy or even taking the risk of allowing someone to have their say and forcing a vote on an important issue.

It was amazing to some degree that the Stupak amendment, which is the pro-life amendment in the health care bill, was even allowed to be debated here on the floor. Many people didn't think that would happen. I will suggest that it wasn't the wishes of the Speaker of the House, clearly. She seems to want to tell the Pope where the church stands on the life issue. I suggested it was the political dynamics that enough Democrats would vote against the bill if they didn't get to have their debate in the vote on the pro-life Stupak amendment, and that was the dynamic.

So often the American people don't get to see what goes on behind the scenes or what's going on in the calculus. When you read your history book, it comes down to, well, the Congress evaluated this policy and that policy and some thought this, some thought that. The decision came down to a policy decision, and we had a vote and moved forward. Way too often the American people need to know it's not a policy decision; it's a political decision.

When you see someone make a tough political decision, way too often they are making a decision that has more to do with their political survivability than it has to do with the policy. And statesmanship is hard to find, but thank God we still have some in this House. I am hoping we will get a lot

more statesmanship coming in November when the energy of the American people will be manifested at the polls.

I am very grateful that I have seen 9, 12 Tea Party, patriot, constitutional conservatives all over this country filling up the town hall meetings, doing their own rallies, packing the west side of this Capitol out here to the tune of tens of thousands of people with only a 2- or 3-day actual notice. Another 2- or 3,000 came in for a press conference the following Saturday—it was on the 5th—and the 9th of November the American people came here to have their voice heard.

After this bill passed the House at 11 o'clock on a Saturday night, then the fight went over to the Senate. There in the Senate, in the Senate, there was a rally that took place with thousands of people there, in a press conference, I should probably call that, to be technically correct. As that battle went on in the Senate and they were counting votes one after another and special deals were being made—not just for the Cornhusker Kickback, but to exempt Florida from the cuts to Medicare Advantage.

A lot of people look at Florida and conclude that that's the most senior State in the Union because a lot of retirees went to Florida. Well, you should look, really actually look at Iowa, and the Fifth District in Iowa is the most senior congressional district in America. Iowa has the highest percentage of its population over 85, and of the 99 counties in Iowa, I represent 10 of the 12 most senior counties in the most senior State in the Union. So I will say the Fifth District of the State of Iowa is the most senior congressional district in America.

We didn't get an exemption from the cuts in Medicare Advantage. Just Florida. Why? Because TOM HARKIN was already going to vote for the bill and because CHUCK GRASSLEY was going to vote "no" on the bill, so Iowa didn't get that particular exemption, and I am thankful we didn't. If we had, I would have liked to think that Iowans would have stood up like Nebraskans did and say, We don't want any special favors. We want to be considered in the same category as all the other Americans. In fact, it's unconstitutional to treat members—citizens of the United States and one State differently than we treat citizens or residents in another State. That is unconstitutional, and I believe the Cornhusker Kickback was unconstitutional. I believe the Florida exemption for Medicare Advantage was unconstitutional, and I believe the special clinics up in Vermont that went to BERNIE SANDERS to get him on board also—I don't know that I would actually say they are unconstitutional, but they are unsavory.

If one looks at the bill and the language that came out from the President on last Monday at 10 a.m. exactly

and, not coincidentally, 72 hours before the Blair House meeting started yesterday, that proposal, which is not a bill but only bullet points and platitudes, does include at least 11 other special treatments that look a lot like the Cornhusker Kickback or the Louisiana Purchase or the Florida Medicare Advantage exemption or all of the expensive billions of dollars for community health clinics in the State of Vermont. The list goes on and on and on, the unsavory list.

A significant number of United States Senators have spoken against reconciliation. They called it the “nuclear option.” The quotes are there from President Obama, Hillary Clinton, JOE BIDEN, name your Senator on the Democrat side. CHRIS DODD is another one.

There are others that have spoken, have spoken against the nuclear option because they wanted to block confirmations to the Federal court. Now they say, warm and fuzzy, we will all join hands. What do you have against a simple majority vote?

Well, I have a good number of things against the way things are being done here. To think that the President of the United States is negotiating with the Senate and the House, trying to put together enough votes to pass an amendment to the Senate version of the bill—now, remember, the Senate version of the bill passed Christmas Eve, and presumably that's the will of the United States Senate.

Now they are talking about passing amendments to the Senate bill out of the Senate so that they can amend it and pass two pieces here in the House, send it to the President and the President would sign a bill, and then he would sign a reconciliation bill right behind that that would amend the first bill. All of that to avoid, what? A conference committee, a conference committee that was envisioned by the Founding Fathers that would have Democrats and Republicans sitting at the table.

This is the first time in history, as far as I know, that the President of the United States has convened a conference committee from the executive branch of government. This is a legislative function, Mr. President. He taught constitutional law at the University of Chicago. I have a lot of constitutional disagreements with the President of the United States. And I will say that my chief of staff studied at the University of Chicago Law School during that period of time but was adept enough to study her constitutional law in a different classroom. I am thankful for that. That has been useful to me to have that kind of input and advice.

I see my friend from Georgia, one of our outstanding Dr. Phils in the conference and one of the most knowledgeable about health care and many other things, here to join us. I would point

out that the OB/GYN, Dr. PHIL GINGREY, has, by my recollection, delivered about 5,200 babies in his time. That's a great gift of life that I appreciate.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Obviously the gentleman has, during this hour, spoken of, already, some of the arcane machinations that are going on in regard to how the Democratic majority and President Obama plan to get this bill, this massive health care reform bill, through the Congress and to describe, of course, that process called reconciliation.

I know it's difficult for a lot of folks, Mr. Speaker, even Members of Congress sometimes, to understand all of these parliamentary tricks which can be used, but clearly, the American people, the American people can't be tricked. I absolutely have faith in them. We have heard from them during the town hall meetings all across this country; last August, the Million Med March on Washington; the Doctors for Patient Care march on Washington; the Tea Party Patriots; the Freedom First Foundation, led by a former majority leader, Dick Armey.

Mr. Speaker, these folks cannot be tricked, and I was really disappointed in yesterday's proceedings. I think it was a good thing that the Republican minority was willing to go over to Blair House, realizing that the deck was stacked against them, but to have an opportunity, in a very respectful way. And I commend my colleagues in the House and the Senate and my Republican colleagues. I think they did a great job of that.

But it was clear, it really was clear on Monday of this week, Mr. Speaker, when the President put his 11-page edition online to add to the Senate bill, it was pretty clear that there was going to be no opportunity—and my colleague from Iowa has stated this so well—no opportunity, as the President, Mr. Speaker, gave, indeed, to Iran and their leader, Ahmadinejad, to say, We are going to unclench the fist. I guess, Mr. Speaker, the President was referring maybe to the fist of the previous administration, his predecessor in the oval office. I am not sure. But to say to Ahmadinejad, of all people, We are going to unclench this fist and we are going to reach out with the hand of friendship as we negotiate with you in regard to trying to appease you and beg you and triple-dog dare you to stop in your progress toward developing a nuclear weapon.

I didn't see that kind of outreach yesterday at the Blair House as I watched the deliberations on television, Mr. Speaker, and that really is what we needed. That really and truly is what we needed. We needed to have an agreement from the President and

from the Democratic majority to start over, to reject this bill that the American people, what, 70 percent, Mr. Speaker, had rejected. They want us to start over, and they know now that we have great Republican ideas. They were articulated.

I can't go through a litany of all the Members. I think there were 18 or 20, including House and Senate Republicans. Dr. TOM COBURN talked about medical liability reform. Senator ALEXANDER spoke eloquently. Our own Dr. BOUSTANY from this body I thought did a great job representing our doctors.

□ 1315

We know now what's in store for us. I want to just say to my colleagues and to my friends back home, let's don't give up the fight. If this is what they want to do, if this is what the Democratic majority wants to do, if this is what the President insists on, they're going to pay the consequences politically. Unfortunately, that's not the greatest concern; the greatest concern is, of course, the health, both the physical health and the economic health of this country, and I think it's at great peril.

I know we have other Members, Mr. Speaker, that have joined Representative KING and want to weigh in on this, and so I will yield back. But I thank you for the opportunity to be with you this afternoon.

Mr. KING of Iowa. Reclaiming my time, I thank the doctor, the Congressman, the gentleman from Georgia for joining us. We have about 23 minutes or so to continue the dialogue.

I appreciate the intellect that has been brought to this debate. I think that there were some outspoken conservatives that would have contributed substantially to the discussion yesterday had that been the format. And perhaps this is our format to weigh in on that. So I am happy to see that also my friend from Minnesota, MICHELE BACHMANN, has arrived on the floor, and I would be happy to yield so much time as she may consume.

Mrs. BACHMANN. Thank you. I appreciate my colleague, Mr. KING, and also Mr. GINGREY. I will only be just a few minutes. I really wanted to be just a part of this discussion. I saw that you all were down here speaking on a very important topic that has captured a lot of people's attention this week, in particular with this event that happened yesterday.

I think one thing that we have demonstrated very clearly is that those of us on the Republican side of the aisle from the beginning of this debate have always had positive solutions that we have wanted to address. I know Dr. GINGREY has even laminated on a little card that he carries in his breast pocket, “Rules of the Road Going Forward on Health Care.” And of course, he's a



physician; he understands better than anyone how patients are impacted by what we do here in Washington, D.C., and I appreciate the work that he has done.

We also have the Declaration of Health Care Independence that my colleague, Mr. KING, has put up. Mr. GINGREY has contributed mightily to this document as well. It states, "A Road Map Going Forward, The Rules of the Road on What We Need to Do Going Forward on Health Care." There are 10 items. Some of them include: Don't add to the crushing Federal debt that our Nation is currently experiencing; don't force people to violate their moral conscience and pay for other people's abortions; don't force taxpayers to pay for the health care of people who are residing illegally in the United States.

It goes through a series of 10 items that we should at least be able to agree on. As a matter of fact, if I recall, I think the President himself has agreed on almost all 10 of these items about health care. So let's go ahead and sign. And I think about 100 Members of Congress so far, or thereabouts, have signed this document. We hope the President will, we hope the Members of the Senate will. We think this is a good roadmap going forward. But we also think, as an olive branch, we truly can have bipartisan health care reform. That's what we want to have because it's not about us, and it's not about Washington, D.C.; it's about people back home and what the costs are going to be in health care.

Eighty-five percent of Americans really like their doctor, they like their health care—they just want it to be cheaper. We agree. Very simple plan that we can do. We can let any American buy any health care policy they want anywhere in the United States, number one. Do it with your own tax-free money. And beyond that, fully deduct on your income tax return any other expenses. That alone is a 32-page bill. Anyone can understand that. We can at least start there and bring the cost down on health care for all Americans. Why can't we at least start there? Do something to help the American people, but not create a big bureaucracy, not have the government take over one-sixth of the economy, all the things that the American people don't want us to do. But this is a great roadmap going forward.

Mr. GINGREY of Georgia. If the gentleman from Iowa will yield just for a second on the gentlelady's point.

Mr. KING of Iowa. I yield.

Mr. GINGREY of Georgia. The gentlelady from Minnesota, Mr. Speaker, is absolutely right. And it was interesting, in that discussion yesterday that was a little tête-à-tête between the President and Senator ALEXANDER about whether or not the health insurance premiums for people within the exchange, as they were forced, accord-

ing to provisions in the law, if it becomes law, the requirement that everybody has health insurance—it was pointed out by the President that many in the exchange would be paying less for their premiums. But as we deciphered through that—and I think maybe the President finally came to the realization that what Senator LAMAR ALEXANDER from Tennessee, a part of the Republican team, the point he made was absolutely right, the premiums were coming down, Mr. Speaker, only because some of those that were purchasing as individuals through the exchange mechanism were getting government subsidies. So if you subtract the subsidy from the cost of their health insurance policy—that by law they would be forced to purchase, even if they didn't want to—then, yeah, the price would come down. But it ain't free, Mr. Speaker. That subsidy is paid for by, guess who? John Q. Taxpayer, that's who. And that's where the big cost driver in this bill is. That's why the bill costs \$1 trillion over 10 years, all these subsidies.

So to suggest that these individuals, albeit forced to purchase health insurance, are going to get a reduction in their premium, absolutely not true when you add what they pay and what their taxpayer friends, men and women of this country that are busting their you-know-whats to try to support themselves and the people in the exchange, pay, the price goes up.

I yield back to my colleague.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia.

I take us to the Declaration of Health Care Independence, as has been spoken about by us, the "New Rules of the Road." I wanted to point out that of these 10 provisions, first, there are six items here on what went wrong. And then I think it would be instructive to simply read, if I can, the conclusions that are drawn.

First it says, of all of these things that have happened—the cavalier attitude of ignoring the Constitution, denying the interests of the people, it irreparably cripples the American economy, it creates an inescapable new tax by imposing individual and employer mandates on it—now, we go through all of these laments on what went wrong, it sounds a lot like the Declaration of Independence, where you have those laments on what went wrong. Then it says, and I'll read from it, "We have appealed to the decency of the elected majority to respect the rights of all Americans, but their leaders have been deaf to the voice of the people. We are appalled by their cavalier disregard of the Constitution and the demands of the people. We are repulsed by their blatant political bribes and kickbacks. We, therefore, the people and Representatives of the United States of America, do solemnly publish and de-

clare that health care reform, as a matter of principle, must"—and we hit these 10 principles, which I will read.

But I want to point out that Dr. GINGREY brought the tablets down from on high. We looked them over a little bit and said, we like these principles, we like a few other principles in addition to. And then we think that your eloquence is lacking, but your principles are very sound. And so the Gingrey tablets are into the middle of this document, and the language is something that is more to the credit of the Founding Fathers than it is the father who has delivered 5,200 babies. But the substance there is substantial, and the 10 points that remain are that we are committed to these 10 principles to go forward.

"We will preserve and protect as inviolate the doctor-patient relationship"—and I will summarize the balance rather than read them. We refuse to add to the national debt. We will enhance rather than diminish the quality of care. Our negotiations will be transparent, and there will be no favoritism. We will treat people the same. Whether they are Members of Congress, the Speaker of the House, or whether they are the poorest person in America, we are all going to have an equal opportunity here in this country—no special deals for Members of Congress.

There will be no funding for abortion. There will be no new mandates for people, for employers, or for States. We will not fund illegals. We will provide equal protection under the law and the Constitution for everyone. No special treatment. And we will use the marketplace of choice as the ideas.

That is the "New Rules of the Road Going Forward" that have these 100 or so signatures of Members of Congress on it. This is the foundational piece of work that was collaborated by many, sparked by MICHELE BACHMANN, the tablets, many of them from Dr. GINGREY, whom I would yield to.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

This Declaration of Health Care Independence that Representative KING just so eloquently described—and I love the format—Mr. Speaker, when you look at those principles, those 10 principles that Representative KING just described, these were—and are—promises that this majority, this Democratic majority—Speaker PELOSI, Leader REID and, indeed, President Obama—have said on so many occasions over the last—well, really 2 years now, because he was saying these things as he was asking the American people to give him an opportunity to bring "change you can believe in" as the next President. Indeed, he was successful in doing that. But many of these principles, if not all of them, were promised by the President.

I don't know what the total number, Mr. Speaker, of signatures on the Declaration of Health Care Independence

Representative KING has. I think it approaches 100. I'm not going to ask him specifically how many of those are Republican versus how many are Members of the Democratic Party in the House of Representatives. But golly, I would think that Speaker PELOSI would love to sign this Declaration of Health Care Independence. Indeed, yesterday at the Blair House, in her summary remarks, she said that absolutely not one dime of taxpayer money was going to fund abortions. I don't know if she really believes that, Mr. Speaker. I guess the proof of the pudding will be whether or not she can get that contingent of people that agreed with Representative BART STUPAK and insisted that the House version of health care reform be amended such that there was absolutely a provision that would make sure the Hyde amendment was not violated, that being that no public dollars would go toward the funding of abortion.

So I just bring that point up. And I would say to Representative KING, I'm sure he's going to continue to try to get signatures, but this ought to be bipartisan. And maybe he has already done that; maybe, Mr. Speaker, he can explain that to us. But from my vantage point, I don't see Speaker PELOSI's name on the bottom of the declaration, but hope springs eternal.

I yield back to my colleague.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia for his contribution to this document and the thought process that this defines.

If there are those in this House of Representatives who have objections to the positions that are taken here on this road map, the "New Rules of the Road Going Forward," I would like to hear them step forward and tell me what it is that they object to. Do they object to protecting the doctor-patient relationship as inviolate? Do they want the government to make those decisions out of their computer base and their committee?

A lot of us have seen the flowchart, the Health Choices Administration czar. It's really interesting, when you see a piece of legislation—H.R. 3200 in this House—that says in there that there will be all of these decisions made and power invested in the Health Choices Administration Commissioner—I call him "the commissarissioner"—and this is a person to be named later and a committee to be named later by legislation to be passed whenever they can put the votes together and get the President to sign it. And you give the power of that discretion to an individual and a commission to be appointed by the President—and yes, some of them confirmed by the Senate; I don't think all of them are confirmed by the Senate—and they take a look at all 1,300 health insurance companies in America, they take

a look at all 100,000 policy varieties in America, and then they decide, what are all these companies going to have to do to amend their policies so they can be approved by the Health Choices Administration commissarissioner's judgment? And that is competition? That is top down, ends up, crams it into single payer.

For the people who objected and said I wasted paper when I took 13 amendments up there to the "hole in the wall gang" to try to get an opportunity to have a debate here on the floor, they said I wasted paper and I wasted staff time. I would say, take that 3,200-page bill in the House and however many thousand pages you cooked up together in the Senate and all the pages that are back there in the secret staff meetings that nobody sees in those formerly smoke-filled rooms that by order of the Speaker now aren't smoke filled anymore, but they do have guards on the outside and regular people don't get in, Republicans don't get in, low-ranking Democrats don't get in. The guards are there to guard the high-ranking officials. It isn't necessarily that they're better defended than they normally are. But I want to paint the image right: Doors with lots of wood down the hallway and on the inside, and leather in the middle of that, formerly smoke-filled, big conference tables, key staff in there, key leaders of only the Democrats in there—meaning HARRY REID, NANCY PELOSI, and whoever they approve—doors closed, thousands of pages, decisions being made by staff because Members can't keep all this in their head either. Take all of that paper, Madam Speaker, and put that back in the tree.

□ 1330

I think I can invent an extruder to turn that into a tree, and we could put a little bark on that and stand it up somewhere in one of those—what do we have? We've got some of those rainforests that exist in our zoos. If you put your fingernails into the bark of those trees in the rainforests, it's made out of rubber. So, on the inside, let's put that bill right back in the tree, Mr. Speaker.

I've had enough of this. The American people want to wipe this bill off the board. If they do anything, they want to start over. A lot of them don't even want to do anything because they don't trust this Congress.

The gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding back to me. I realize time is getting short, but thank you for a few more moments.

Of course, I think it's important that our colleagues understand that those 13 members of the whole-in-the-wall gang—I think our colleague from Iowa was referring to the esteemed Rules Committee. It's just one more oppor-

tunity that we don't have to get our amendments made in order so that we can bring them down on the floor, whether we are Republicans in the minority or Democrats in the majority who are very concerned about many provisions in this bill. Yet, you know, they don't get to have an up-or-down vote, which is totally wrong.

I just want to say, just within the past week, I got a call from a former physician Member from Georgia, from Middle Georgia, Dr. Roy Rowland, who served with distinction here for about 12 years. He was here during the HillaryCare debate.

In a very bipartisan way, Dr. Rowland, along with Dr. Ganske from Iowa and other Members, had some great ideas in regard to not only bringing down the cost, Mr. Speaker, but also in regard to making sure that more people had not only an insurance card—you know, that doesn't guarantee you access to care—but that they had an opportunity, through expanded community health centers, which were not necessarily government subsidies, to pay on a sliding scale depending on what their incomes were. Obviously, Medicaid patients, many of them, were seen in community health centers.

Also, Dr. Rowland had the idea of having medical liability reform—Dr. Rowland, a family practitioner from Dublin, Georgia. I just mention him because I would say to the President and to my colleagues on both sides of the aisle: we can do this. Yes, let's unclench the fists. Let's get away from what we were trying to cram down the throats of the American people that they clearly don't want. Let's start over with good ideas like Dr. Rowland had 16 years ago and like, I think, many of my colleagues have today on both sides of the aisle.

I yield back for concluding remarks from my colleague from Iowa.

Mr. KING of Iowa. In reclaiming my time, I thank the doctor from Georgia.

I was just thinking what it would be like if you'd sit around your card club at night and you'd deal out a deck of cards, 52, and for every one of those cards, this man has delivered 100 babies. That's pretty impressive, and I can't get over that number and what that means.

Some people think that Republicans don't have compassion. How could you have more compassion than Dr. GINGREY has?

So, when I look at this debate that's going on, it is past the point of the nuances of what's right and what's wrong here. It's pretty simple stuff. The White House, the Speaker PELOSI majority and the Harry Reid majority, right down those doorways, have started from this beginning. The beginning that they started with was single-payer national health care, HillaryCare as referred to by Dr. GINGREY. That goes back 15 years ago.

When they first put that together, I had the flowchart. In fact, I've got the replication of that flowchart in my office, the HillaryCare flowchart. That is a scary thing. It was only in black and white back in the early 1990s. The one we see today is in full color. With the next generation, when they try this again, it will be in 3-D, and you'll have automatic built-in 3-D, and you'll be able to see all of the components they put together. The more you can see, the more it scares you.

That's what they started with—the single-payer National Health Care Act. It is socialized medicine. I don't know what you'd produce if it weren't. I don't know how you would devise socialized medicine to look much differently than the way they've started.

Now, they did morph it along the way and move away from the more pure definition, but when you start with something—let's just say that the goal is to cook up a pot of stew. You start with a big old soup bone, a meat bone, and get as much meat as you have on that bone that hasn't been trimmed off. You toss that in a pot, and then you put a lot of water in there, and you start to simmer that. Then you look at it and you think, Well, what does this thing need?

Well, it looks a little sick and gray, so you start cutting some vegetables in there, and you throw in some carrots and some celery and some potatoes, and whatever else you can find to pitch into that stew. You know, after a while, it might look pretty good. They were making it look better and better, the Democrats on the other side. By the way, it was buying votes. Yeah, I might vote for that if you put some carrots in the stew. Give me a little celery. I like the flavor of that. I like a little corn in there myself. I'm from Iowa, you know. After a little while, here is this simmering pot of stew.

Then they tasted it. The American people let them know. They spit it out. They didn't want a potful. This is a toxic stew. They started with a tainted soup bone with HillaryCare in the beginning. If you start with a tainted soup bone and if you cook up a stew, no matter what you add to it, it's still going to be toxic. The American people concluded they don't want a potful of toxic socialized medicine stew. They don't want a bowlful. They don't want

a cupful. They don't want a spoonful. They don't want any measure. They have spit out ObamaCare. It is a toxic stew that has been cooked up by the liberals in this Congress. Less than a fourth of the people in this country think something like that ought to be done, and they haven't tasted it yet. A lot of us have looked ahead and have a sense of what it tastes like.

So I will suggest this, that we should clean the slate off, as the gentleman from Georgia has intimated and has maybe not specifically said when he said, Mr. President, you need to unclench your fist.

I'd suggest the President ought to treat Republicans as good as he did Ahmadinejad when he said to our enemies in Iran who have pledged to annihilate us—the Great Satan—in a nuclear win, if they can. He said to them—dialogue, in his mind, solves it all, you might notice. He said, If you'll just unclench your fist, speaking to Ahmadinejad, we will extend our hand. We will negotiate with the Iranians without preconditions. We will just talk. We will talk it through.

Did you notice, when the President met with Republicans and Democrats yesterday, President Obama insisted upon preconditions? He insisted that his bill, which was the Senate and House bill, plus the 11-page bullet point talking points with no legislative language added by the White House, would be the basis for the discussion. He refused to take the nuclear option off the table. Can you imagine negotiating with the Iranians that way? Because that's what he has initiated. They have the nuclear option on the table. They refuse to take everything off the table. The President insisted upon preconditions of starting with his bill, ObamaCare, by his own definition.

I'm saying, Couldn't you at least have treated the Republicans as good as you treated the Iranians? Give us a clean slate. Start without preconditions. I'd be willing to take Republicans' comprehensive plans off the table. Let's just go ahead and take them up one at a time—single, stand-alone pieces of legislation that we all know are good policy and that don't have to have a backroom deal.

Let's end lawsuit abuse, number one; full deductibility; sell insurance across

State lines; and respect the time of the Speaker's gavel. Also, we have made that part very clear, I think, in this presentation.

Mr. Speaker, I appreciate your indulgence. I appreciate the participants in this Special Order hour here that closes out the week.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3961. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Tuesday, March 2, 2010, at 12:30 p.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the fourth quarter of 2009, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Kathy Dahlkemper .....	11/22	11/23	Kuwait .....		159.00						159.00
Hon. Kathy Dahlkemper .....	11/23	11/24	United Arab Emirates .....		192.94						192.94
Hon. Kathy Dahlkemper .....	11/24	11/25	Afghanistan .....		78.00						78.00
Hon. Kathy Dahlkemper .....	11/25	11/26	United Arab Emirates .....		192.94		2,193.80				2,386.74

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Aleta Botts .....	11/30	12/03	Switzerland .....		1,947.00		6,144.90				8,091.90
Margaret Nicole Scott .....	11/29	12/03	Switzerland .....		2,176.00		4,066.10				6,242.10
Committee total .....					4,745.88		12,404.80				17,150.68

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, Feb. 2, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Steve Israel .....	12/27	12/30	United Arab Emirates .....		1,543.95						1,543.95
Commercial Air .....							7,755.10				7,755.10
Hon. Linda Pagelsen .....	12/27	12/30	United Arab Emirates .....		1,543.95						1,543.95
Commercial Air .....							8,225.10				8,225.10
Hon. Kay Granger .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
Commercial Air .....							2,727.00				2,727.00
Hon. Ken Calvert .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
Commercial .....							2,727.00				2,727.00
Hon. Maurice Hinchey .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Hon. Norm Dicks .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Hon. Rodney Frelinghuysen .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Hon. John P. Murtha .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
BG Wright .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Paul Juola .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Jeff Shockey .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
Commercial Travel .....							2,727.00				2,727.00
John Blazey .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Celes Hughes .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
	11/26	11/28	Italy .....		500.00						500.00
Hon. Jerry Lewis .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	United Arab Emirates .....		192.94						192.94
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/26	United Arab Emirates .....		192.94						192.94
Commercial Travel .....							2,727.00				2,727.00
Hon. Nita Lowey .....	11/12	11/15	Israel .....		1,471.00						1,471.00
Hon. Steve Israel .....	11/12	11/16	Israel .....		378.00						378.00
Hon. Barbara Lee .....	11/10	11/13	Switzerland .....		1,994.25						1,994.25
	11/13	11/15	France .....		2,364.47						2,364.47
Commercial Travel .....							9,365.25				9,365.25
Hon. Mike Honda .....	11/10	11/13	Switzerland .....		2,276.94						2,276.94
	11/13	11/15	France .....		3,535.92						3,535.92
Commercial Travel .....							8,125.20				8,125.20
Paul Terry .....	11/9	11/15	Korea .....		2,400.00						2,400.00
	11/15	11/17	Japan .....		458.50						458.50
Commercial Travel .....							8,490.50				8,490.50
Kristi Mallard .....	11/9	11/15	Korea .....		2,400.00						2,400.00
	11/15	11/17	Japan .....		458.50						458.50
Commercial Travel .....							8,420.50				8,420.50
Jeff Ashford .....	11/9	11/11	Mexico .....		676.10						676.10
Commercial Travel .....							563.83				563.83
Stephanie Gupta .....	11/8	11/10	Mexico .....		676.10						676.10
Commercial Travel .....							563.83				563.83

February 26, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Ben Nicholson .....	11/8	11/10	Mexico .....		676.10						676.10
Commercial Travel .....							563.83				563.83
Jim Holm .....	11/8	11/10	Mexico .....		676.10						676.10
Commercial Travel .....							563.83				563.83
Jennifer Miller .....	11/7	11/13	England .....		2,036.00						2,036.00
Commercial Travel .....							9,618.38				9,618.38
Adrienne Ramsay .....	11/7	11/11	England .....		1,058.00						1,058.00
Commercial Travel .....							7,696.38				7,696.38
Shalanda Young .....	11/7	11/17	Kenya .....		3,130.05						3,130.05
Commercial Travel .....							9,224.10				9,224.10
Committee total .....					41,228.49		90,083.83				131,312.32

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID R. OBEY, Chairman, Feb. 1, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Visit to United Arab Emirates (UAE), Afghanistan, Israel, Germany, October 19–29, 2009:											
David Kildee .....	10/20	10/21	UAE .....		310.37						310.37
	10/21	10/22	Afghanistan .....		28.00						28.00
	10/22	10/23	UAE .....		359.47						359.47
	10/23	10/27	Israel .....		504.00						504.00
	10/27	10/29	Germany .....		640.00						640.00
Commercial Transportation .....							9,668.60				9,668.60
Debra Wada .....	10/20	10/21	UAE .....		310.37						310.37
	10/21	10/22	Afghanistan .....		28.00						28.00
	10/22	10/23	UAE .....		359.47						359.47
	10/23	10/27	Israel .....		504.00						504.00
	10/27	10/29	Germany .....		640.00						640.00
Commercial Transportation .....							9,668.60				9,668.60
Jeanette James .....	10/23	10/27	Israel .....		504.00						504.00
	10/27	10/28	Germany .....		320.00						320.00
Commercial Transportation .....							9,668.60				9,668.60
Rebecca Ross .....	10/20	10/21	UAE .....		310.37						310.37
	10/21	10/22	Afghanistan .....		28.00						28.00
	10/22	10/23	UAE .....		359.47						359.47
	10/23	10/27	Israel .....		504.00						504.00
	10/27	10/29	Germany .....		640.00						640.00
Commercial Transportation .....							9,668.60				9,668.60
Visit to Kuwait, Iraq, October 26–30, 2009:											
Michael Casey .....	10/26	10/27	Kuwait .....		109.00						109.00
	10/27	10/28	Iraq .....								
	10/28	10/29	Kuwait .....		109.00						109.00
Commercial Transportation .....							7,138.60				7,138.60
Paul Arcangeli .....	10/26	10/27	Kuwait .....		109.00						109.00
	10/27	10/28	Iraq .....								
Commercial Transportation .....							7,138.60				7,138.60
Roger Zakhem .....	10/26	10/27	Kuwait .....		109.00						109.00
	10/27	10/28	Iraq .....								
	10/28	10/29	Kuwait .....		109.00						109.00
Commercial Transportation .....							7,138.60				7,138.60
Visit to Afghanistan, United Arab Emirates (UAE), October 29–November 2, 2009:											
Hon. Madeleine Z. Bordallo .....	10/30	10/31	UAE .....		710.00						710.00
	10/31	11/1	Afghanistan .....		28.00						28.00
	11/1	11/2	UAE .....		710.00						710.00
Commercial Transportation .....							8,184.10				8,184.10
Hon. Duncan Hunter .....	10/30	10/31	UAE .....		710.00						710.00
	10/31	11/1	Afghanistan .....		28.00						28.00
	11/1	11/2	UAE .....		710.00						710.00
Commercial Transportation .....							8,184.10				8,184.10
Hon. Larry Kissell .....	10/30	10/31	UAE .....		710.00						710.00
	10/31	11/1	Afghanistan .....		28.00						28.00
	11/1	11/2	UAE .....		710.00						710.00
Commercial Transportation .....							8,184.10				8,184.10
Robert L. Simmons, II .....	10/30	10/31	UAE .....		710.00						710.00
	10/31	11/1	Afghanistan .....		28.00						28.00
	11/1	11/2	UAE .....		710.00						710.00
Commercial Transportation .....							8,184.10				8,184.10
Michael Higgins .....	10/30	10/31	UAE .....		710.00						710.00
	10/31	11/1	Afghanistan .....		28.00						28.00
	11/1	11/2	UAE .....		710.00						710.00
Commercial Transportation .....							8,184.10				8,184.10
Visit to Norway, United Kingdom (UK), Germany, November 2–10, 2009:											
Vickie Plunkett .....	11/3	11/6	Germany .....		1,072.00						1,072.00
	11/6	11/7	Norway .....		192.00						192.00
	11/8	11/11	UK .....		435.75						435.75
Commercial Transportation .....							9,860.00				9,860.00
Lynn Williams .....	11/3	11/6	Germany .....		1,072.00						1,072.00
	11/6	11/7	Norway .....		192.00						192.00
	11/8	11/11	UK .....		435.75						435.75
Commercial Transportation .....							9,860.00				9,860.00
Cathleen Garman .....	11/3	11/6	Germany .....		1,072.00						1,072.00
	11/6	11/7	Norway .....		192.00						192.00
	11/8	11/11	UK .....		435.75						435.75
Commercial Transportation .....							9,853.30				9,853.30
Eryn Robinson .....	11/3	11/6	Germany .....		1,072.00						1,072.00
	11/6	11/7	Norway .....		192.00						192.00
	11/8	11/11	UK .....		435.75						435.75

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial Transportation .....							9,860.00		4,216.19		9,860.00
Delegation Expenses .....	11/2	11/9	UK .....								4,216.19
Visit to Israel, November 12–16, 2009:											
Hon. Ike Skelton .....	11/13	11/16	Israel .....		1,203.00						1,203.00
Mike Casey .....	11/13	11/16	Israel .....		1,203.00						1,203.00
J. Phillip MacNaughton .....	11/13	11/16	Israel .....		1,203.00						1,203.00
John Wason .....	11/13	11/16	Israel .....		1,203.00						1,203.00
Delegation Expenses .....	11/13	11/16	Israel .....						13,733.74		13,733.74
Visit to India, Japan, Singapore, November 10–19, 2009:											
Kevin Gates .....	11/12	11/14	India .....		871.99						871.99
	11/15	11/17	Japan .....		833.02						833.02
	11/17	11/19	Singapore .....		806.69						806.69
Commercial Transportation .....							10,880.90				10,880.90
Douglas Bush .....	11/12	11/14	India .....		871.99						871.99
	11/15	11/17	Japan .....		833.02						833.02
	11/17	11/19	Singapore .....		806.69						806.69
Commercial Transportation .....							10,880.90				10,880.90
Visit to Israel with CODEL Lieberman, November 12–17, 2009:											
Hon. Susan Davis .....	11/13	11/17	Israel .....		1,332.17						1,332.17
Visit to Germany, November 15–18, 2009:											
Mark Lewis .....	11/16	11/18	Germany .....		640.00						640.00
Commercial Transportation .....						7,148.00					7,148.00
Visit to Romania, Italy, Germany, Luxembourg, United Kingdom (UK), November 21–29, 2009:											
Hon. Ike Skelton .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Howard P. “Buck” McKeon .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Solomon Ortiz .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. K. Michael Conaway .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Carol Shea-Porter .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. David Loebsack .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Erin C. Conaton .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Thomas Hawley .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Mark Lewis .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. J. Phillip MavNaughton .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Jennifer Kohl .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Hon. Ryan Crumpler .....	11/23	11/25	Romania .....		611.89						611.89
	11/25	11/26	Italy .....		250.00						250.00
	11/26	11/27	Germany .....		128.00						128.00
	11/27	11/27	Luxembourg .....								
	11/27	11/29	UK .....		306.00						306.00
Delegation Expenses .....	11/23	11/25	Romania .....						2,219.24		2,219.24
	11/27	11/27	Luxembourg .....						1,796.60		1,796.60
Visit to Kuwait, United Arab Emirates (UAE), Afghanistan with CODEL Murtha, November 22–25, 2009:											
Hon. Mike Coffman .....	11/22	11/23	Kuwait .....		159.00						159.00
	11/23	11/24	UAE .....		710.00						710.00
	11/24	11/25	Afghanistan .....		78.00						78.00
	11/25	11/25	UAE .....								
Visit to United Kingdom (UK), Scotland, November 30–December 5, 2009:											
Rudolph Barnes .....	12/1	12/3	UK .....		1,006.00						1,006.00
	12/3	12/4	Scotland .....		378.00						378.00
	12/4	12/5	UK .....		503.00						503.00
Commercial Transportation .....							7,991.00				7,991.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Robert W. DeGrasse, Jr. ....	12/1	12/3	UK .....		1,006.00						1,006.00
	12/3	12/4	Scotland .....		378.00						378.00
	12/4	12/5	UK .....		503.00						503.00
Commercial Transportation .....							7,991.00				7,991.00
Visit to Canada, December 8–10, 2009:											
Douglas Bush .....	12/8	12/10	Canada .....		798.00						798.00
Commercial Transportation .....							2,797.47				2,797.47
John Wason .....	12/8	12/10	Canada .....		798.00						798.00
Commercial Transportation .....							2,797.47				2,797.47
Visit to Iraq, Kuwait, December 15–18, 2009:											
Hon. Gene Taylor .....	12/12	12/13	Kuwait .....		421.62						421.62
	12/13	12/14	Iraq .....								
	12/14	12/15	Kuwait .....		308.67						308.67
Commercial Transportation .....							7,138.60				7,138.60
Heath Bope .....	12/12	12/13	Kuwait .....		421.62						421.62
	12/13	12/14	Iraq .....								
Commercial Transportation .....							7,138.60				7,138.60
Jenness Simler .....	12/12	12/13	Kuwait .....		421.62						
	12/13	12/14	Iraq .....								
	12/14	12/15	Kuwait .....		308.67						308.67
Commercial Transportation .....							7,138.60				7,138.60
Delegation Expenses .....	12/12	12/13	Kuwait .....				461.70		1,119.72		1,581.42
Visit to Iraq, Kuwait, Turkey, Germany, Afghani-											
stan, December 17–22, 2009:											
Hon. Jim Marshall .....	12/18	12/18	Kuwait .....								
	12/18	12/19	Afghanistan .....								
	12/19	12/20	Iraq .....								
	12/20	12/20	Turkey .....								
	12/20	12/21	Germany .....				3,577.10				3,577.10
Commercial Transportation.											
Committee total .....					56,814.64		216,753.34		23,095.49		295,192.89

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, Feb. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Codel-Tierney—Hon. George Miller:											
Nov. 9–15, 2009 .....	11/11	11/14	Pakistan .....		1,267.50		9,896.50				
Nov. 9–15, 2009 .....	11/14	11/15	London .....		458.00		9,896.50				
Committee total .....					1,725.50		9,896.50				

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. GEORGE MILLER, Chairman, Jan. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Alexander Barron .....	10/2	10/8	Thailand .....		1,608.00		4,418.10				6,026.10
Amanda Mertens .....	11/1	11/8	Spain .....		1,074.00		6,911.00		1,494.00		9,479.00
James Brannon .....	11/1	11/8	Spain .....		1,074.00		6,911.00		1,494.00		9,479.00
Lorie Schmidt .....	11/3	11/8	Spain .....		1,330.52		6,437.20				7,767.72
Jeffrey Baran .....	11/3	11/10	Egypt .....		26.71		9,733.00		700.00		10,459.71
Mary Neumayr .....	11/3	11/10	Egypt .....		724.00		8,160.00		700.00		9,584.00
Hon. Phil Gingrey .....	11/10	11/11	Pakistan .....		90.00		8,227.10				8,317.10
	11/11	11/12	Afghanistan .....								
	11/12	11/13	Kuwait .....	28.00	50.00					28.00	50.00
Hon. Donna Christensen .....	11/11	11/14	Switzerland .....		1,894.25						11,772.55
Hon. Henry Waxman .....	11/10	11/13	Israel .....		1,428.00		9,878.30				12,870.48
Hon. Tim Murphy .....	11/13	11/16	Israel .....		1,203.00				11,442.48		1,203.00
Hon. John Barrow .....	11/25	11/26	United Arab Emirates .....		476.00		9,902.10		29.00		10,407.10
	11/26	11/27	Afghanistan .....		44.00				12.00		56.00
	11/27	11/29	Pakistan .....		122.00				30.00		152.00
Hon. Bruce Braley .....	11/11	11/13	Kuwait .....		109.09		7,138.60		312.62		7,560.31
	11/12	11/14	Iraq .....								
	11/15	11/15	Kuwait .....								
Hon. Ed Whitfield .....	12/27	12/28	United Arab Emirates .....		1,468.95		8,149.10				9,618.05
	12/28	12/29	Afghanistan .....		75.00						75.00
	12/29	12/31	United Arab Emirates .....								
Hon. Jerry McNerney .....	12/27	12/28	United Arab Emirates .....		1,468.95		8,149.10				9,618.05
	12/28	12/29	Afghanistan .....		75.00						75.00
	12/29	12/31	United Arab Emirates .....								
Hon. Cliff Stearns .....	12/27	12/28	United Arab Emirates .....		1,468.95		8,149.10				9,618.05
	12/28	12/29	Afghanistan .....		75.00						75.00
	12/29	12/31	United Arab Emirates .....								
Jack Seum .....	12/27	12/28	United Arab Emirates .....		1,468.95		8,149.10				9,618.05
	12/28	12/29	Afghanistan .....		75.00						75.00
	12/29	12/31	United Arab Emirates .....								
Committee totals .....					7,429.37		110,312.80		16,214.10		143,956.27

<sup>1</sup> Per diem constitutes lodging and meals.



<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HENRY A. WAXMAN, Chairman, Feb. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per Diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>
Doug Anderson	11/8	11/15	Turkey		1,330.00						
Round-trip Airfare							7,662.90				
Alex Cruz	10/5	10/6	Honduras		303.00						
Round-trip Airfare							1,846.70				
Theodros Dagne	11/8	11/9	Uganda		354.00						
	11/9	11/11	Kenya		856.00						
	11/11	11/12	Sudan		268.00						
	11/12	11/13	Kenya		428.00						
	11/13	11/15	Tanzania		646.00						
Round-trip Airfare							17,566.40				
Hon. Bill Delahunt	12/6	12/8	Russia		960.00						
Round-trip Airfare							7,678.40				
Marissa Doran	11/9	11/13	Haiti		1,036.99						
Round-trip Airfare							909.50				
Susan Epstein	11/7	11/15	Kenya		3,130.05						
Round-trip Airfare							11,033.10				
Hon. Eni F.H. Faleomavaega	10/7	10/9	Samoa		497.00						
One-Way Airfare							119.00				
	10/17	10/18	Samoa		71.54						
One-Way Airfare							81.00				
David Fite	11/8	11/10	Austria		783.00						
	11/10	11/11	Sweden		453.00						
	11/11	11/13	Belgium		906.00						
Round-trip Airfare							7,830.20				
Brian Forni	11/20	11/21	Canada		345.00		( <sup>3</sup> )				
Daniel Harsha	10/17	10/20	Switzerland		1,088.00						
Round-trip Airfare							6,143.70				
Valerie Heitschusen	11/10	11/14	Macedonia		1,016.00						
Round-trip Airfare							9,212.80				
Jonathan Katz	11/1	11/2	Israel		482.00						
Round-trip Airfare							6,572.60				
	11/20	11/21	Canada		345.00		( <sup>3</sup> )				
Richard Kessler	11/9	11/10	Austria		424.00						
	11/10	11/11	Sweden		453.00						
	11/11	11/13	Belgium		804.56						
Round-trip Airfare							7,830.20				
Noelle Lusane	11/10	11/11	Kenya		428.00						
	11/11	11/12	Sudan		268.00						
	11/12	11/13	Kenya		428.00						
	11/13	11/15	Tanzania		646.00						
Round-trip Airfare							11,237.00				
Don MacDonald	10/22	10/25	Britain		562.00						
Round-trip Airfare							7,271.40				
Alan Makovsky	11/13	11/15	Israel		1,446.00		( <sup>3</sup> )				
Robert Marcus	11/8	11/13	Turkey		1,448.16						
Round-trip Airfare							7,662.90				
Hon. Gregory W. Meeks	10/9	10/11	Haiti		536.00						
	10/11	10/13	Colombia		538.00						
Round-trip Airfare							2,371.80				
Jasin Nurjadi	12/13	12/14	Indonesia		313.22						
	12/14	12/19	Timor-Leste		1,351.40						
Round-trip Airfare							688.60				
Diana Ohlbaum	11/9	11/13	Haiti		941.99						
Round-trip Airfare							909.80				
Hon. Donald M. Payne	11/9	11/11	Kenya		856.00						
	11/11	11/12	Sudan		268.00						
	11/12	11/13	Kenya		428.00						
	11/13	11/15	Tanzania		646.00						
Round-trip Airfare							11,114.40				
Hon. Mike Pence	12/27	12/28	UAE		552.28						
	12/28	12/29	Afghanistan		75.00		( <sup>3</sup> )				
	12/29	12/30	UAE		910.56						
Round-trip Airfare							8,184.10				
Yleem Poblete	10/5	10/6	Honduras		283.00						
Round-trip Airfare							2,197.70				
Jason Steinbaum	11/11	11/12	Macedonia		508.00						
	11/12	11/16	Kosovo		792.00						
Round-trip Airfare							8,542.60				
Roby Wapner	10/5	10/6	Honduras		283.00						
Round-trip Airfare							2,191.70				
	11/09	11/11	Haiti		589.00						
Round-trip Airfare							944.80				
Lynne Weil	11/8	11/13	Turkey		1,031.00						
Round-trip Airfare							8,636.20				
Hon. Robert Wexler	10/18	10/20	Turkey		495.00						
Round-trip Airfare							7,365.50				
	11/1	11/2	Israel		482.00						
Round-trip Airfare							6,572.60				
	11/10	11/13	China		1,039.61						
Round-trip Airfare							14,076.20				
	11/20	11/21	Canada		345		( <sup>3</sup> )				
Lisa Williams	11/8	11/12	Kazakhstan		1,338.00						
Hon. Ted Poe	12/4	12/5	Kuwait		464.35						
	12/5	12/6	Afghanistan		78.00						
Round-trip Airfare							7,188.60				
Hon. Ileana Ros-Lehtinen	10/5	10/6	Honduras		303.00						
Round-trip Airfare							2,154.58				
Deanne Samuels	11/9	11/13	Haiti		1,077.99						
Round-trip Airfare							909.50				
Margarita Seminario	11/7	11/15	Kenya		3,130.05						
Round-trip Airfare							9,224.10				
	11/21	11/29	Kenya		2,670.99						
Round-trip Airfare							8,086.20				
Daniel Silverberg	11/23	11/25	Morocco		637.00						
Round-trip Airfare							10,405.50				
Hon. Christopher H. Smith	12/17	12/24	Brazil		2,891.00						
One-Way Airfare							6,803.10				
Cliff Stammerman	11/9	11/11	Haiti		589.00						
Round-trip Airfare							909.80				
	11/12	11/14	Tajikistan		630.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009—  
Continued

Name of Member or employee	Date		Country	Per Diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. equivalent or U.S. currency <sup>2</sup>
Round-trip Airfare .....							12,255.53				
Shanna Winters .....	11/8	11/13	Turkey .....		1,427.00						
Round-trip Airfare .....							11,241.90				
Brent Woolfork .....	11/8	11/12	Kazakhstan .....		1,237.00				42,003.43		
	11/12	11/14	Tajikistan .....		550.00						
Round-trip Airfare .....							12,615.26				
Committee totals .....					52,493.74		266,247.87		20,845.85		339,587.46

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

<sup>4</sup> Indicates delegation costs

HON. HOWARD L. BERMAN, Chairman, Feb. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Daniel Maffei, Hon. ....	12/26	12/31	UAE/Afghanistan .....		1,543.95		8,520.10				10,064.05
Committee total .....											10,064.05

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Jan. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Scott Lindsay .....	11/11	11/14	Pakistan .....		1,278.00		10,458.50				11,736.50
	11/14	11/15	London .....		458.00						458.00
Andrew Wright .....	11/11	11/14	Pakistan .....		1,278.00		10,056.50				11,334.50
	11/14	11/15	London .....		458.00						458.00
Christopher Hixon .....	11/11	11/14	Pakistan .....		1,267.48		10,458.50				11,725.98
	11/14	11/15	London .....		458.00						458.00
Hon. Peter Welch .....	11/11	11/14	Pakistan .....		1,267.50		9,896.50				11,164.00
	11/14	11/15	London .....		458.00						458.00
Hon. John Tierney .....	11/11	11/14	Pakistan .....		1,267.50		9,896.50		1,939.10		13,103.10
	11/14	11/15	London .....		458.00				1,474.11		1,932.11
Talia Dubovi .....	11/9	11/14	Macedonia .....		1,016.00		9,212.80				10,228.80
Hon. Darrell E. Issa .....	12/21	12/22	Kuwait .....		466.66		7,315.00				7,781.66
	12/22	12/25	Afghanistan .....								
	12/25	12/27	Jordan .....		163.84						163.84
Hon. Aaron Schock .....	12/27	1/2	UAE .....		1,468.95		8,652.60				10,121.55
	12/28	12/29	Afghanistan .....		75.00		( <sup>3</sup> )				75.00
Hon. Darrell E. Issa .....	11/20	11/21	Canada .....		1141.00		( <sup>3</sup> )				141.00
Laurent M. Crenshaw .....	11/20	11/21	Canada .....		116.00		( <sup>3</sup> )				116.00
Beverly Britton Fraser .....	10/1	10/6	Antigua .....		455.00		2,287.20				2,742.20
Hon. Edolphus Towns .....	10/2	10/4	Antigua .....		182.00		1,409.20				1,591.20
Hon. Jason Chaffetz .....	10/2	10/3	Antigua .....		273.00		2,088.14				2,361.14
Adam Fromm .....	10/2	10/4	Antigua .....		273.00		1,556.20				1,829.20
Hon. Aaron Schock .....	10/2	10/2	Honduras .....				( <sup>3</sup> )				
Hon. Lynn Westmoreland .....	11/25	11/26	UAE .....		505.00		9,902.10				10,407.10
	11/16	11/27	Afghanistan .....		28.00		( <sup>3</sup> )				28.00
	11/27	11/29	Pakistan .....		76.00		( <sup>3</sup> )				76.00
Committee total .....					13,887.93		93,189.74		3,413.21		110,490.88

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. EDOLPHUS TOWNS, Chairman, Feb. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Bart Gordon .....	10/31	11/3	United Kingdom .....		1,413.89		9,950.20				11,364.09
Leigh Ann Brown .....	10/31	11/3	United Kingdom .....		1,413.89		9,950.20				11,364.09
Chris King .....	10/31	11/3	United Kingdom .....		1,413.89		9,950.20				11,364.09
Hon. Brian Baird .....	11/10	11/11	Pakistan .....		90.00		( <sup>4</sup> )		456.42		546.42
	11/11	11/12	Afghanistan .....		78.00		( <sup>3</sup> )				78.00
	11/12	11/13	Kuwait .....				( <sup>3</sup> )				
	11/13	11/15	Bosnia-Herzegovina .....		792.00		( <sup>4</sup> )		75.97		867.97
									10,639.04		10,639.04
Hon. Bart Gordon .....	11/11	11/14	Italy .....		2,2123.40		7,048.60		479.24		9,651.24
Hon. Bess Cuaghran .....	11/11	11/14	Italy .....		2,2123.40		7,048.60		573.53		9,745.53
Hon. Pete Olson .....	12/4	12/5	Kuwait .....		574.32		26.84		252.37		853.53
	12/5	12/6	Afghanistan .....		78.00		( <sup>3</sup> )				

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Alan Grayson .....	12/6	12/7	Kuwait .....								
	12/12	12/13	Kuwait .....				( <sup>4</sup> )				
	12/13	12/14	Iraq .....		109.00		( <sup>4</sup> ) 65.96		159.96		334.92
	12/14	12/15	Kuwait .....		11.00		( <sup>4</sup> )				11.00
Chuck Atkins .....	11/7	11/12	South Africa .....				7,138.60				7,138.60
Christopher King .....	11/7	11/12	South Africa .....		1,764.00		11,209.10				12,973.10
Shimere Williams .....	11/7	11/12	South Africa .....		1,764.00		11,209.10				12,973.10
Adam Rosenberg .....	11/7	11/12	South Africa .....		1,764.00		10,777.10				12,541.10
Leslee Koch Gilbert .....	11/7	11/12	South Africa .....		1,764.00		10,777.10				12,541.10
Kathleen Crooks .....	11/7	11/12	South Africa .....		1,587.00		10,777.10				12,364.10
Dahlia Sokolov .....	12/14	12/16	New Zealand .....		1,606.00		10,777.10				12,383.10
	12/16	12/19	Antarctica .....		500.00		( <sup>4</sup> )				500.00
	12/19	12/21	New Zealand .....		500.00		( <sup>4</sup> )				500.00
Marcy Gallo .....	12/14	12/16	New Zealand .....		500.00		9,718.30				9,718.30
	12/16	12/19	Antarctica .....				( <sup>4</sup> )				500.00
	12/19	12/21	New Zealand .....		500.00		( <sup>4</sup> )				500.00
							10,376.70				10,376.70
Linda "Mele" Williame .....	12/14	12/16	New Zealand .....		500.00		( <sup>4</sup> )				500.00
	12/16	12/19	Antarctica .....				( <sup>4</sup> )				500.00
	12/19	12/21	New Zealand .....		500.00		( <sup>4</sup> )				500.00
							9,718.30				9,718.30
Committee totals .....					23,469.79		164,296.74		1,997.49		189,764.02

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Commercial air transportation.

HON. BART GORDON, Chairman, Feb. 1, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. James Oberstar .....	10/9	10/11	Haiti .....		628.00		( <sup>3</sup> )				628.00
Hon. Corrine Brown .....	10/9	10/11	Haiti .....		628.00		( <sup>3</sup> )				628.00
Jimmy Miller .....	10/9	10/11	Haiti .....		628.00		( <sup>3</sup> )				628.00
Hon. Laura Richardson .....	12/4	12/4	Kuwait .....		359.00		7,103.60				7,462.60
	12/5	12/6	Afghanistan .....		118.00						118.00
Hon. Brett Guthrie .....	12/11	12/12	Kuwait .....		448.00		7,138.60				7,586.60
	12/13	12/14	Iraq .....								
Committee total .....					2,809.00		14,242.20				17,051.20

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, Feb. 1, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE "IN ACCORDANCE WITH TITLE 22, UNITED STATES CODE, SECTION 1754(B)(2), INFORMATION AS WOULD IDENTIFY THE FOREIGN COUNTRIES IN WHICH COMMITTEE MEMBERS AND STAFF HAVE TRAVELED IS OMITTED." HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009.

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Mac Thornberry .....	10/8	10/9	Middle East .....		193.02						
	10/10	10/13	Asia .....		202.00						
Commercial aircraft .....							11,668.30				12,063.32
James Lewis .....	10/8	10/9	Middle East .....		193.02						
	10/10	10/13	Asia .....		202.00						
Commercial aircraft .....							11,668.30				12,063.32
Hon. Jan Schakowsky .....	10/8	10/10	Middle East .....		193.06						
	10/10	10/13	Middle East .....		156.00						
Commercial aircraft .....							9,040.70				9,389.76
Hon. Jeff Miller .....	10/08	10/10	Middle East .....		193.06						
	10/10	10/14	Middle East .....		234.00						
Commercial aircraft .....							8,979.70				9,406.76
Eric Greenwald .....	10/08	10/10	Middle East .....		193.06						
	10/10	10/13	Middle East .....		156.00						
Commercial aircraft .....							9,040.70				9,389.76
George Pappas .....	10/08	10/09	Middle East .....		193.06						
	10/10	10/14	Middle East .....		234.00						
Commercial aircraft .....							8,979.70				9,406.76
Mark Young .....	11/10	11/13	Africa .....		647.00						
	11/14	11/16	Africa .....		534.00						
Commercial aircraft .....							11,511.50				12,692.50
George Pappas .....	11/10	11/13	Africa .....		647.00						
	11/14	11/16	Africa .....		534.00						
Commercial aircraft .....							11,511.50				12,692.50
Hon. Elton Gallegly .....	11/11	11/13	Europe .....		642.34						
	11/14	11/16	Europe .....		630.10						
Commercial aircraft .....							7,300.30				8,572.74
James Lewis .....	11/11	11/13	Europe .....		642.34						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE "IN ACCORDANCE WITH TITLE 22, UNITED STATES CODE, SECTION 1754(B)(2), INFORMATION AS WOULD IDENTIFY THE FOREIGN COUNTRIES IN WHICH COMMITTEE MEMBERS AND STAFF HAVE TRAVELED IS OMITTED." HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009.—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial aircraft	11/14	11/16	Europe		630.10		7,164.30				8,436.74
Adam Lurie	11/11	11/13	Europe		630.10						
	11/14	11/16	Europe		642.34						
Commercial aircraft							7,808.30				9,080.74
Hon. Mike Conaway	12/17	12/19	Africa		486.54						
	12/20	12/22	Europe		628.09						
Commercial aircraft							11,589.00				12,703.63
George Pappas	12/17	12/19	Africa		486.54						
	12/20	12/22	Europe		628.09						
Commercial aircraft							10,446.50				11,561.13
Harry Hulings	12/17	12/19	Africa		486.54						
	12/20	12/22	Europe		628.09						
Commercial aircraft							10,446.50				1,156.13
Hon. Peter Hoekstra	12/31	01/01	Africa		242.00						
Commercial aircraft							10,407.40				10,649.40
James Lewis	12/31	01/01	Africa		242.00						
Commercial aircraft							9,247.40				9,489.40

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SILVESTRE REYES, Chairman, Feb. 3, 2010.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6275. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Cooked Pork Skins [Docket No.: APHIS-2008-0032] (RIN: 0579-AC80) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6276. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins [Docket No.: APHIS-2006-0113] (RIN: 0579-AC11) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6277. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of the Republic of Korea With Regard to Foot-and-Mouth Disease and Rinderpest [Docket No.: APHIS-2008-0417] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6278. A letter from the Acting Assistant Secretary of the Army, Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2009, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

6279. A letter from the Deputy Assistant Secretary, Department of Defense, transmitting annual report as required by Section 723(d)(5) of the National Defense Authorization Act for Fiscal Year 2009; to the Committee on Armed Services.

6280. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's "Major" final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Con-

solidation of Asset-Backed Commercial Paper Programs; and Other Related Issues (RIN: 3064-AD48) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6281. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Membership for Community Development Financial Institutions (RIN: 2590-AA18) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6282. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Shareholder Approval of Executive Compensation of TARP Recipients [Release No.: 34-61335; File No. S7-12-09] (RIN: 3235-AK31) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6283. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

6284. A letter from the President, Corporation for Public Broadcasting, transmitting the Corporation's 2008 annual report regarding the activities and expenditures of the independent production service; to the Committee on Energy and Commerce.

6285. A letter from the Assistant Secretary of Labor, EBSA, Department of Labor, transmitting the Department's final rule — Definition of "Plan Assets"— Participant Contributions (RIN: 1210-AB02) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6286. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing [EPA-HQ-OAR-2008-0080; FRL-9095-2] (RIN: 2060-AO98) received December 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6287. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry [EPA-HQ-OAR-2009-0028; FRL-9095-1] (RIN: 2060-AN46) received December 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6288. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2008-0515; FRL-8985-4] received December 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6289. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0350; FRL-9097-1] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6290. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Update to Include New Jersey State Requirements [EPA-R02-OAR-2009-0680; FRL-9103-3] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6291. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Alaska [EPA-R10-OAR-2009-0111; FRL-9095-9] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6292. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Alaska [EPA-R10-OAR-2009-0799; FRL-9095-8] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6293. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting

a report entitled "Survey of National Programs for Managing High-Level Radioactive Waste and Spent Nuclear Fuel"; to the Committee on Energy and Commerce.

6294. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

6295. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training's annual inventory of U.S. Government-sponsored international exchange and training programs, pursuant to 22 U.S.C. 2460(f) and (g) Public Law 87-256, section Section 112(f) and (g); to the Committee on Foreign Affairs.

6296. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on United States contributions to the United Nations and United Nations affiliated agencies and related bodies for fiscal years 2008, pursuant to Public Law 109-364, section 1225; to the Committee on Foreign Affairs.

6297. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's fiscal year 2009 report on U.S. Government Assistance to and Cooperative Activities with Eurasia, pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

6298. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the January 2010 Quarterly Report on reconstruction efforts in Afghanistan; to the Committee on Foreign Affairs.

6299. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2009, ending September 30, 2009; to the Committee on Oversight and Government Reform.

6300. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's fiscal year 2009 annual report; to the Committee on Oversight and Government Reform.

6301. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican (*Pelecanus occidentalis*) From the Federal List of Endangered and Threatened Wildlife [FWS-R2-ES-2008-0025] (RIN: 1018-AV28) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6302. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's final rule — Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Clarification; Final Regulatory Flexibility Analysis [DHS Docket No.: ICEB-2006-0004: ICE 2377-06] (RIN: 1653-AA50) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6303. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Debt Collection Authorities under the Debt Collection Improvement Act of 1996

(RIN: 1510-AB19) received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6304. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chimes and Lights Fireworks Display, Port Orchard, WA [Docket No.: USCG-2009-0989] (RIN: 1625-AA00) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6305. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "2008 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance"; to the Committee on Transportation and Infrastructure.

6306. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines [Docket No.: PHMSA-RSPA-2004-19854; Amdt. 192-113] (RIN: 2137-AE15) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6307. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting Annual Report on Civil Works Activities for FY 2008; to the Committee on Transportation and Infrastructure.

6308. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications (RIN: 2900-AN50) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6309. A letter from the Acting Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2009; to the Committee on Oversight and Government Reform.

6310. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's first fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

6311. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting FY 2011 Congressional Performance Budget Request; jointly to the Committees on Appropriations and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE LOFGREN: Committee on Standards of Official Conduct. In the matter of the investigation into officially connected travel of House Members to attend the Carib News Foundation Multinational Business Conferences in 2007 and 2008 (Rept. 111-422). Referred to the House Calendar.

Ms. ZOE LOFGREN: Committee on Standards of Official Conduct. In the matter of allegations relating to the lobbying activities of Paul Magliocchetti and Associates Group, Inc. (PMA) (Rept. 111-423). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3820. A bill to

reauthorize Federal natural hazards reduction programs, and for other purposes; with an amendment (Rept. 111-424 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Natural Resources and Transportation and Infrastructure discharged from further consideration. H.R. 3820 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than March 26, 2010.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOLT (for himself, Mr. SESTAK, Mr. BOYD, Mr. BLUMENAUER, Mr. ELLISON, and Mr. DAVIS of Tennessee):

H.R. 4710. A bill to amend the Richard B. Russell National School Lunch Act to award grants to eligible entities for farm to school programs; to the Committee on Education and Labor.

By Mr. CONNOLLY of Virginia (for himself and Ms. NORTON):

H.R. 4711. A bill to provide that the delivery vehicle fleet of the United States Postal Service be replaced by electric motor vehicles; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona:

H.R. 4712. A bill to include the county of Mohave, in the State of Arizona, as an affected area for purposes of making claims under the Radiation Exposure Compensation Act based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin (for herself, Mr. THOMPSON of Mississippi, and Mr. LOEBSACK):

H.R. 4713. A bill to amend the Internal Revenue Code of 1986 to allow the first-time homebuyer credit in the case of joint returns of long-time residents where only 1 spouse meets the ownership and use requirements; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H. Res. 1122. A resolution supporting the goals and ideals of the Year of the Lung 2010; to the Committee on Oversight and Government Reform.

By Mr. BARRETT of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. INGLIS, and Mr. BROWN of South Carolina):

H. Res. 1123. A resolution expressing the sense of the House of Representatives with respect to the use of Yucca Mountain as the Nation's primary permanent nuclear waste storage site; to the Committee on Energy and Commerce.

By Mr. MACK (for himself and Ms. ROSELEHTINEN):

H. Res. 1124. A resolution supporting President Obama and his agenda to strengthen

United States trade relations in Asia and with key partners like South Korea, Panama, and Colombia; to the Committee on Ways and Means.

### MEMORIALS

Under clause 4 of rule XXII,

234. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 106 memorializing the Congress to provide that federal health care reforms not impose increased costs on Michigan and other states; to the Committee on Energy and Commerce.

235. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 107 memorializing the Congress to remove the so-called "Nebraska Compromise" from the final version of the federal health care reform legislation; to the Committee on Energy and Commerce.

236. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 861 reasserting the right of every American Citizen residing in Puerto Rico to enjoy their right to equality and express the need of initiating a constitutionally sanctioned self-determination process; to the Committee on Natural Resources.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. MOORE of Wisconsin, Mr. OLVER, and Mr. BRADY of Texas.  
H.R. 442: Mr. MICA.  
H.R. 571: Mr. PASCRELL.  
H.R. 620: Mr. BUYER.  
H.R. 919: Ms. BORDALLO.  
H.R. 1237: Mr. SCOTT of Virginia.  
H.R. 1240: Mr. BOREN.  
H.R. 1523: Mrs. CAPPS.  
H.R. 1547: Mr. KILDEE.  
H.R. 1584: Mr. PAUL.  
H.R. 1806: Mr. HINOJOSA, Mr. MCGOVERN, Mr. WATT, and Mr. GENE GREEN of Texas.  
H.R. 1835: Mr. HEINRICH, Ms. BERKLEY, Ms. TITUS, and Mrs. DAHLKEMPER.  
H.R. 1878: Mr. KAGEN.  
H.R. 1912: Mr. FILNER.  
H.R. 2049: Mr. MASSA.  
H.R. 2149: Mr. UPTON and Mr. TIM MURPHY of Pennsylvania.  
H.R. 2266: Mr. WILSON of Ohio.  
H.R. 2267: Mr. WILSON of Ohio.  
H.R. 2277: Mr. MICHAUD.  
H.R. 2305: Mr. DEAL of Georgia and Mr. COFFMAN of Colorado.  
H.R. 2492: Mr. PATRICK J. MURPHY of Pennsylvania.  
H.R. 2565: Mr. COURTNEY.  
H.R. 2855: Mr. CARSON of Indiana, Mr. ROTHMAN of New Jersey, and Mr. CARNAHAN.  
H.R. 3044: Mr. BLUMENAUER.  
H.R. 3240: Mr. TURNER, Ms. GRANGER, Mr. CAO, Mr. HINCHEY, and Mr. SCHOCK.  
H.R. 3306: Mr. WEINER.  
H.R. 3393: Mr. GORDON of Tennessee, Mr. MOORE of Kansas, Mr. MATHESON, Mr. MINNICK, Mr. QUIGLEY, Mr. WILSON of Ohio, Mr. SCHRADER, and Mr. HILL.  
H.R. 3464: Mr. MCINTYRE.  
H.R. 3554: Mr. LATOURETTE.

H.R. 3564: Mr. LEVIN and Mr. MICHAUD.  
H.R. 3567: Mr. PRICE of North Carolina.  
H.R. 3630: Mr. PETERS.  
H.R. 3656: Ms. KOSMAS.  
H.R. 3731: Mr. BOREN and Mr. FILNER.  
H.R. 3757: Mr. WITTMAN.  
H.R. 3790: Mr. WAMP and Mr. BOYD.  
H.R. 3810: Mr. ARCURI.  
H.R. 3820: Mr. SCHIFF.  
H.R. 4054: Mr. KILDEE and Ms. KAPTUR.  
H.R. 4065: Mr. OWENS.  
H.R. 4115: Mr. HALL of New York.  
H.R. 4116: Mr. KILDEE and Mr. ROTHMAN of New Jersey.  
H.R. 4199: Mr. CHILDERS.  
H.R. 4223: Mr. ELLISON, Mr. DAVIS of Illinois, and Ms. PINGREE of Maine.  
H.R. 4265: Ms. SUTTON.  
H.R. 4274: Mr. KILDEE, Mr. MCDERMOTT, and Mr. COURTNEY.  
H.R. 4278: Ms. MARKEY of Colorado.  
H.R. 4302: Mr. OWENS, Ms. PINGREE of Maine, and Mr. ELLSWORTH.  
H.R. 4306: Mr. MARIO DIAZ-BALART of Florida and Mr. YOUNG of Florida.  
H.R. 4309: Mr. COURTNEY.  
H.R. 4322: Mr. CUMMINGS and Mr. MCINTYRE.  
H.R. 4396: Mr. WILSON of Ohio.  
H.R. 4402: Mr. KILDEE, Mr. ARCURI, and Mr. COURTNEY.  
H.R. 4408: Mr. SESSIONS.  
H.R. 4427: Mr. JOHNSON of Illinois.  
H.R. 4440: Mr. FILNER and Mr. NYE.  
H.R. 4453: Mr. BUYER and Mr. BOOZMAN.  
H.R. 4496: Mr. WITTMAN.  
H.R. 4505: Mr. WITTMAN and Mr. MICHAUD.  
H.R. 4530: Mr. OLVER.  
H.R. 4533: Mr. CARNAHAN, Mr. HARE, Ms. SLAUGHTER, Mr. ROTHMAN of New Jersey, Mr. WEINER, Ms. NORTON, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. KAGEN, and Mr. WOLF.  
H.R. 4553: Mr. MICHAUD.  
H.R. 4554: Mr. NEAL of Massachusetts.  
H.R. 4558: Mr. PETERS.  
H.R. 4567: Mr. HOLT.  
H.R. 4568: Mr. COURTNEY and Ms. GIFFORDS.  
H.R. 4596: Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. ISRAEL, and Mr. CONYERS.  
H.R. 4603: Mr. BUCHANAN, Mr. MANZULLO, Mr. CASSIDY, Mr. HIMES, Mr. AKIN, and Mr. SHIMKUS.  
H.R. 4625: Mr. CARTER.  
H.R. 4639: Mr. SHIMKUS, Mr. WHITFIELD, and Mr. BILBRAY.  
H.R. 4647: Mr. ISRAEL and Mr. MARSHALL.  
H.R. 4653: Mr. SIMPSON.  
H.R. 4666: Mr. MICHAUD.  
H.R. 4671: Mr. MORAN of Virginia.  
H.R. 4678: Mr. MELANCON, Mr. ELLSWORTH, Mr. LIPINSKI, and Mr. HALL of New York.  
H.R. 4708: Mr. LAMBORN.  
H.J. Res. 1: Mr. MITCHELL.  
H.J. Res. 74: Mr. HALL of New York and Ms. HIRONO.  
H.J. Res. 76: Mr. CHILDERS and Mr. WILSON of Ohio.  
H. Con. Res. 94: Mr. LARSEN of Washington.  
H. Con. Res. 230: Mr. BUYER.  
H. Res. 111: Mr. RODRIGUEZ.  
H. Res. 213: Ms. ZOE LOFGREN of California.  
H. Res. 267: Mr. LATHAM.  
H. Res. 870: Mr. GARY G. MILLER of California.  
H. Res. 886: Mr. PUTNAM, Mr. THOMPSON of Mississippi, Mr. COURTNEY, Mrs. HALVORSON, Ms. JENKINS, Mr. CHANDLER, Mr. SKELTON,

Mr. SHULER, Mr. LOEBSACK, Mr. BOREN, Mr. KRATOVIL, Mr. BOYD, Mr. ARCURI, Mr. MELANCON, Mr. ROSS, Mr. CARDOZA, Mr. BARROW, Mr. HILL, Mr. TAYLOR, Mr. MITCHELL, Mr. WALZ, Mr. TANNER, Mr. DONNELLY of Indiana, Mr. BERRY, Mr. POMEROY, Ms. MARKEY of Colorado, and Mr. WALDEN.

H. Res. 925: Ms. JACKSON LEE of Texas.  
H. Res. 935: Mr. SHERMAN.  
H. Res. 959: Mr. BROWN of Georgia.  
H. Res. 996: Ms. ESHOO, Mr. EHLERS, Ms. ROYBAL-ALLARD, and Mr. TIM MURPHY of Pennsylvania.  
H. Res. 1055: Mr. ROTHMAN of New Jersey, Mr. HODES, and Mr. COURTNEY.  
H. Res. 1060: Mr. RODRIGUEZ.  
H. Res. 1063: Mr. SESSIONS and Mr. LATTA.  
H. Res. 1075: Mr. FORTENBERRY and Mr. BUYER.

H. Res. 1079: Mr. MARCHANT and Mr. BURTON of Indiana.

H. Res. 1086: Mr. BERRY, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. COSTA, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HINOJOSA, Mr. HONDA, Mr. KAGEN, Ms. LEE of California, Mrs. NAPOLITANO, Mr. PALLONE, Mr. RODRIGUEZ, Mr. SHULER, Mr. VAN HOLLEN, and Mr. ACKERMAN.

H. Res. 1091: Ms. NORTON, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. COURTNEY, Mr. TOWNS, and Mr. PIERLUISI.

H. Res. 1099: Mr. COFFMAN of Colorado.  
H. Res. 1111: Mr. LANCE, Mr. CASTLE, Mr. LOBIONDO, Mr. PLATTS, Mr. SCHRADER, Mr. TEAGUE, Mrs. KIRKPATRICK of Arizona, Mr. ADLER of New Jersey, Mr. QUIGLEY, Mr. CONNOLLY of Virginia, Mr. BECERRA, Ms. BALDWIN, Ms. PINGREE of Maine, Mr. KISSELL, Mrs. DAHLKEMPER, Ms. TITUS, Mr. TOWNS, Mr. TANNER, Mr. LEE of New York, Mr. MCNERNEY, Mr. ACKERMAN, Mr. PERLMUTTER, Mr. ISRAEL, Mr. PETERS, and Ms. NORTON.

H. Res. 1117: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Ms. CHU, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Ms. HARMAN, Mr. HONDA, Ms. LEE of California, Ms. MATSUI, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. LEWIS of California, Mr. MCCARTHY of California, Mr. DREIER, Mr. ROYCE, Mr. CAMPBELL, Mr. ROHRBACHER, Mr. BILBRAY, Mr. NUNES, Mr. ISSA, Mr. GARY G. MILLER of California, and Mr. GALLEGLY.  
H. Res. 1119: Mr. HUNTER and Mr. ROGERS of Michigan.

### PETITIONS, ETC.

Under clause 1 of rule XXII,

106. The SPEAKER presented a petition of Legislature of Rockland County, New York, relative to Resolution No. 603 urging the fast tracking of the reauthorization of the budget for the FAA; to the Committee on Transportation and Infrastructure.

## EXTENSIONS OF REMARKS

LAWTON PAUL HUFFMAN

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Lawton Paul Huffman. Lawton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Lawton has been very active with his troop, participating in many Scout activities. Over the four years Lawton has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Lawton became a Brotherhood member in the Order of the Arrow and earned the Religious award of God and Church. Lawton has also contributed to his community through his Eagle Scout project. Lawton worked with U.S. Navy Public Affairs in Hawaii and was selected to receive a relic from the U.S.S. *Arizona*. Lawton then constructed a new memorial to display the relic at Riverfront Park in Atchison, KS.

Madam Speaker, I proudly ask you to join me in commending Lawton Paul Huffman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING WORLD WAR II VETERAN, AVIATOR AND COMMUNITY ACTIVIST: MR. LEE ROY TEST

## HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mr. Lee Roy Test, who passed on December 20, 2009, at the age of 88.

Roy was a shining example of what has become known as "The Greatest Generation," enlisting in the Army Air Corps after the outbreak of World War II and serving as a copilot of the B-17 "Flying Fortress" in the 398th Bomb Group of the Mighty Eighth Air Force. He and his crew completed 32 missions over Europe in 77 days in the spring and summer of 1944, including D-Day.

After WWII, Roy returned to civilian life and worked as a linotype operator in Los Angeles. An automobile aficionado, Roy helped start the 4N Car Club in West Covina and owned many different foreign sports cars, his favorite being the Triumph TR-3. Competitions and car rallies were a family activity.

Roy and his wife Irene were active members of the local community, serving as Ambassadors of the Baldwin Park Chamber of Commerce for many years. He was also a volunteer in numerous organizations including Baldwin Park Adult and Community Education, Baldwin Park Friends of the Library, and Baldwin Park Historical Society, among many others.

Roy's extensive community involvement earned him the City of Baldwin Park Senior of the Year Award in 1999.

This was just one of many accolades Mr. Test received throughout the years, including recognitions and awards from local, state and federal officials. In 2008, State Assemblyman Hernandez honored Roy as the 57th Assembly District Veteran of the Year. And in October, 2009, Roy was given recognition as one of the founding members of the Los Angeles Science Fantasy Society, which he co-founded as a youth in 1934.

Roy proudly supported several organizations that preserve history by maintaining WWII aircraft, and served as a docent at the Planes of Fame Air Museum at Chino Airport. He enjoyed the camaraderie of friends and loved flying, especially with the Warbirds. He particularly cherished displaying his WWII memorabilia at local air shows, and sharing his war experience with young students.

I urge all my House colleagues to join me in honoring Mr. Lee Roy Test, a proud patriot and a fine gentleman, for his remarkable service and contributions to his community and to our nation.

THE 190TH ANNIVERSARY OF THE DIXWELL AVENUE CONGREGATIONAL UNITED CHURCH OF CHRIST

## HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Ms. DeLAURO. Madam Speaker, I rise today to honor the 190th anniversary of the oldest formally recognized African American United Church of Christ church in the world, and a New Haven institution: the Dixwell Avenue Congregational United Church of Christ.

This church was founded in troubled times for African-Americans, and it has persevered through recessions, depressions, and wars—including the great and terrible conflict that tore this nation apart and at last brought freedom to all our citizens. In the midst of long decades too often marked by segregation and prejudice, Dixwell survived—and even thrived. It has become a true fixture in our city of New Haven, and a proud beacon of tolerance, compassion, and justice.

In fact, it has been such a beacon since its very inception. On one hand the year 1820 is

remembered as a bright moment for our young republic, with an Era of Good Feelings at hand and the memories of both the War of 1812 and the Panic of 1819 fading away. On the other, 1820 was the year of the Missouri Compromise, and the dawning realization for many white Americans that the continued existence of slavery in a land of liberty was embarrassing, untenable, and morally wrong.

It was these twin pulls of optimism and growing concern about slavery that formed the crucible of 1820, the year that twenty-four former slaves and one young white graduate of the Yale ministry, 19-year-old Simeon Jocelyn, gathered together in New Haven to found the "Temple Street" church, or as they called it, the African Ecclesiastical Society.

This is a church founded in bright optimism, in the strong conviction that faith and love can overcome fear and prejudice. It was founded in a spirit of brotherhood and sisterhood, and in the finest American tradition of liberty and equality for all. And it has remained so, throughout the 190 years of its existence.

Indeed, the virtues that informed the founding of Dixwell have breathed through the congregation ever since. Now, as it was almost two centuries ago, Dixwell is still a place of hope and perseverance, of charity and compassion, of freedom, equality, and love.

I am exceedingly proud to honor the 190th anniversary of Dixwell church and its congregation today. And I hope very much it continues its proud role in the life of New Haven for many centuries to come.

"ECONOMIC RESEARCH SUGGESTS LAYING OFF LAYOFFS"

## HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. FRANK of Massachusetts. Madam Speaker, at my recent visit to a very important charitable organization known as Gifts to Give, in New Bedford, Massachusetts, I had a conversation with Dr. Steve Russell, who is the Superintendent of Schools in the town of Dartmouth. Gifts to Give, by the way, is an extremely creative organization that collects toys and other items important for children and distributes them to children in need. Stating it the way I have does not do justice to the extraordinarily creative, interactive organization known as Gifts to Give, and I am deeply impressed with the work of Jim Stevens, who has created something that benefits both the donors and the recipients alike, and gives people an extraordinary opportunity to engage in the most rewarding form of community service.

During my conversation with Dr. Russell, he handed me a copy of an article that had appeared in Newsweek on February 15th, written

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



by Barbara Pfeffer. In the article, Professor Pfeffer makes a compelling case, drawing on academic research as well as sound argument, that reliance on layoffs, as a way of dealing with short-term economic distress for companies, is not only socially damaging, but economically unwise as well.

Madam Speaker, it is too long an article to be printed here entirely, so I did want to give a summary and to recommend that people read the entire article.

Dr. Pfeffer notes that "In the last decade, layoffs have become America's export to the world. At a conference in Stockholm a few years ago, business executives told me," she noted, "that to become as competitive as America, Sweden needed to make it easier to lay people off . . . There are daily calls for European countries to follow the U.S. and make labor markets more 'flexible.' But the more you examine this universally accepted tactic of modern management, the more wrongheaded it seems to be."

Professor Pfeffer goes on to note "that research paints a fairly consistent picture: layoffs don't work." And the article closes in a strong, coherent summary, "Layoffs are mostly bad for companies, harmful for the economy, and devastating for employees . . . There is substantial research literature in fields from epidemiology to organizational behavior documenting these effects. The damage from overzealous downsizing will linger even as the economy recovers. . . ."

Madam Speaker, I thank Dr. Russell for calling this to my attention, and I commend to my colleagues a reading of this very important article.

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#### REED PATRICK HEIM

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Reed Patrick Heim. Reed is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Reed has been very active with his troop, participating in many Scout activities. Over the five years Reed has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Reed has earned the rank of Brave in the Tribe of Mic-O-Say and became a Brotherhood member in the Order of the Arrow. Reed has also contributed to his community through his Eagle Scout project. Reed completed renovation projects at Benner Park in Weston, MO, by installing landscaping at the front entrance, constructing a sand pit for the toy excavator, and placing approximately forty cubic yards of mulch at the playground.

Madam Speaker, I proudly ask you to join me in commending Reed Patrick Heim for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### DEJA BLUE FOR THE WEST ROWAN FALCONS

#### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mr. COBLE. Madam Speaker, perfect seasons and consecutive championships are a rare feat for any football team. On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate a football team that not only won its second straight championship, but did so in perfect fashion. The West Rowan High School Falcons flew as high as possible by again capturing the North Carolina 3A with a perfect 16-0 record. As the Salisbury Post stated in its headline, the win was "Deja Blue."

The championship for the Falcons was won with what the team calls its "T&E—technique and effort." Effort and technique were on display when West Rowan watched a 20-0 lead erode into a one-point deficit to Eastern Alamance, which is also located in the Sixth District. Led by Head Coach Scott Young, who is known for inspiring his young men to greatness, the Falcons mounted a furious comeback. In the fourth quarter, West Rowan finally went ahead and ended up winning 28-21. This team showed true grit and character to come back and win the championship and preserve its 30th straight win.

The perfect championship season effort was led by seniors K.P. Parks, Quan Cowan, Maxx Gore, KaJuan Phillips, Ershawyn Wilder, Jon Crucitti, Chris Neal, Will Holloway, Coleman Phifer, Michael Livengood, Corey McVay, Chris Smith, Jairahmal Robinson, Timmy Pangburn, Rodney Cline, Mackel Gaiter, Isaiah Cuthbertson, Eli Goodson, and Josh Poe, juniors, Trey Mashore, Dashion Barger, B.J. Sherrill, Jamarian Mabry, Eric Cowan, Aakeem Minter, Tyler Mullis, Domonique Noble, Kendall Hosch, John Dunlap, Kelly Palmer, Odell McBride, Chandler Jones, Patrick Hampton, Emmanuel Gbunblee, Matt Wright, Charles Holloway III, Armando Trujillo, Nolan Rich, Xavier Still, Tim Jancic, Tyler Anglin, Davon Quarles, Leon Dulin, Jalen Morrow, Ethan Wansley, and Justin Teeter, sophomores Dinkin Miller, Christian Hedrick, Troy Culbertson, Louis Kraft, Jarvis Morgan, and Maurice Warren, along with freshman Bertin Suarez.

The team, of course could not have achieved this amazing feat without the help of Head Coach Young and his outstanding assistants Ed Bowles, Butch Browning, Durwood Bynum, Jeff Chapman, Tim Dixon, Ralph Ellis, Dave Hunt, Lee Linville, Darrell Misenhiemer, Joe Nixon, Kevin Parks, Sr., and Stevie Williams. Congratulations also go to the support staff that is needed to reach championship heights. Included in that effort were trainer Amber DeDorning, student trainers Nichole Barber, Kayla Barnett, Ashley Gaston, Vicki Nichols, J.J. Pangburn, and video coordinator Alan Champion.

Again on behalf of the Sixth District of North Carolina, we would like to congratulate West Rowan High School Principal Jamie Durant, Athletic Director Todd Bell and the entire faculty, staff, students, and fans for another his-

torical season. The West Rowan Falcons will be remembered for many years to come for their perfection on the field and second straight North Carolina 3A championship. As the Salisbury Post headline stated, and to paraphrase that great philosopher Yogi Berra, it was a case of "Deja Blue" all over again.

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#### PERSONAL EXPLANATION

#### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mr. BOYD. Madam Speaker, due to personal reasons, I was unable to attend a vote. Had I been present, my vote would have been "yea" on final passage of H.R. 3619, the Coast Guard Authorization Act of 2010.

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#### PERSONAL EXPLANATION

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mr. WILSON of South Carolina. Madam Speaker, I submit the following remarks regarding my absence from votes which occurred on February 25, 2010. I was a pallbearer at a funeral for a close family friend in South Carolina and therefore was unable to make the vote. Listed below is how I would have voted if I had been present.

H. Con. Res. 227: Supporting the goals and ideals of National Urban Crimes Awareness Week—"aye."

H.R. 3961: To amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians—"aye."

H. Res. 1105: Providing for consideration of the bill (H.R. 2701) to authorize appropriations for FY 2010 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the CIA Retirement and Disability System, waiving a requirement of clause 6(a) of rule XIII—"nay."

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#### ROBERT MICHAEL BARBER

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Robert Michael Barber. Robert is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many Scout activities. Over the seven years Robert has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Robert has earned the rank of Firebuilder in the

Tribe of Mic-O-Say. Robert has also contributed to his community through his Eagle Scout project. Robert constructed a new handicap-accessible hunting blind at Smithville Lake in Smithville, MO, to replace one that was in poor condition. This will aid Smithville Lake in continuing to provide events which can be open to the entire hunting community.

Madam Speaker, I proudly ask you to join me in commending Robert Michael Barber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### ANNIVERSARY OF THE SUMGAIT MASSACRES AGAINST AZER- BAIJANI CITIZENS OF ARMENIAN HERITAGE

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. PALLONE. Madam Speaker, this Sunday will mark the anniversary of the tragic massacres that took place against Azerbaijani citizens of Armenian heritage in February of 1988, in the town of Sumgait, Azerbaijan. This 3-day rampage, carried out by Azerbaijani nationalists, left dozens of Armenians dead, a majority of whom were set on fire alive after being beaten and tortured. Hundreds of innocent people received injuries of different severity and became physically impaired. Women, among them minors, were abused. More than 200 apartments were robbed, dozens of cars were destroyed and burned, dozens of art and crafts studios, shops and kiosks were demolished, and thousands of people became refugees.

Madam Speaker, these crimes were never adequately prosecuted by the Government of Azerbaijan, and most of its organizers and executors were simply set free, many of whom are presently members of the Azeri Parliament. Despite the attempt by the Government of Azerbaijan to cover up these crimes, enough brave witnesses came forward to give an accurate account of the offenses.

The Sumgait massacres are just another in a long line of Azerbaijan's aggressions against the Armenian people. The events in Sumgait were preceded by a wave of anti-Armenian rallies that shook the city in February 1988. Almost the entire territory of the city, with a population of 250,000, became an arena for mass violence against its Armenian population.

The attacks also marked the beginning of a larger campaign of ethnic cleansing targeting the Armenian people, culminating in the war launched against the people of Nagorno Karabakh. The war claimed nearly 30,000 lives and left over one million refugees in both Armenia and Azerbaijan. The continued hostilities in Azerbaijan and the military aggression against the Armenians of Nagorno Karabakh in 1992 through 1994 led to the disappearance of a 450,000-strong Armenian community in Azerbaijan within a span of just a few years. As this April marks the 95th Anniversary of the Armenian Genocide, we also pause to remember the crimes committed in Sumgait and the pogroms conducted against the Armenian people in Azerbaijan.

Madam Speaker, this anniversary reminds us yet again of the historical injustice the Armenian people have faced, unfortunately, throughout their history. As we join with the Armenian people and all people of goodwill in remembering these atrocities, I strongly urge Azerbaijan and Turkey to cease their blockade and aggressive posture against the Armenian people and work to achieve a lasting peace. It is time for the United States to do all that it can and to use its geopolitical influence to send a message that ethnically charged genocides, illegal blockades of sovereign nations and the constant harassment of the Armenian people will not be tolerated.

#### RECOGNIZING THE TREE OF LIFE FOOD PANTRY IN PURCELL- VILLE, VIRGINIA

#### HON. FRANK R. WOLF

OF VIRGINIA  
IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. WOLF. Madam Speaker, I rise today to pay tribute to the Tree of Life food pantry in Purcellville, Virginia, which is in my congressional district. Through the group effort of dedicated volunteers, the Tree of Life food pantry has been able to help the hungry in western Loudoun County.

The Tree of Life food pantry was established in November 2009 to serve the hungry in Purcellville and the surrounding area in Loudoun County. In these tough economic times, so many families across the Nation are struggling to put food on the table. Some face grave economic challenges. Food pantries, like the Tree of Life, are able to help people make it through these challenging times.

The Tree of Life food pantry owes some of its success to its local partners, including Giant and Wegmans grocery stores and Costco Wholesale warehouse, which all pledged their support to the organization. These partnerships are proof that the Bill Emerson Good Samaritan Act, which protects food donors from liability, has been successful in helping to deliver surplus food to food banks in need.

Besides providing for the hungry, the Tree of Life food pantry also serves its community through ministering to the elderly and sick by providing additional food and resources. This organization has truly been a blessing to its community.

I ask my colleagues in the House to join me in recognizing the good work of the Tree of Life food pantry and its dedicated volunteers in serving the hungry in Loudoun County, Virginia.

#### JOSEPH ISIAH TORCHIA

#### HON. SAM GRAVES

OF MISSOURI  
IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Isiah Torchia. Joseph is a very special young man who has ex-

emplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many Scout activities. Over the many years Joseph has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Joseph has displayed dedication and perseverance with this significant achievement, values which will stay with him throughout his life.

Madam Speaker, I proudly ask you to join me in commending Joseph Isiah Torchia for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### FEEDING NEW ORLEANS' SOUL

#### HON. ANH "JOSEPH" CAO

OF LOUISIANA  
IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. CAO. Madam Speaker, I rise today in honor of Black History Month to recognize Ms. Leah Chase. Known as the "Queen of Creole Cuisine", Ms. Chase is a chef, a television host, a cultural ambassador, and the owner of the famous Louisiana landmark Dooky Chase restaurant. Dooky Chase is located in the historic Tremé neighborhood of New Orleans and was immortalized in the television show "Frank's Place".

But it was established as a spiritual, cultural, and historic landmark long before television producers came knocking. During the 1960's, Dooky Chase was a meeting place for civil rights activists and NAACP members coming from all around the region. And, during segregation, notable African American artists such as Ella Fitzgerald and Lena Horne dined there.

When Hurricane Katrina flooded the restaurant, forcing it to close its doors for the first time since 1941, Mrs. Chase could have left, leaving behind all of the history and prominence of this historic spot.

But, she returned, rebuilt, and re-opened to serve, nourish, and inspire the bodies and souls of future generations by its critical contribution to African-American history and the history of this great Nation.

Today, I am proud to recognize Leah Chase for continuing to feed the soul of New Orleans and her guests and for her unwavering commitment to the recovery of Orleans and Jefferson Parishes.

#### IN RECOGNITION OF DR. DAVID L. BRONSON

#### HON. STEVEN C. LATOURETTE

OF OHIO  
IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. LATOURETTE. Madam Speaker, I rise to recognize one of my constituents, Dr. David L. Bronson, chairman of the Medicine Institute of the Cleveland Clinic.

Dr. Bronson recently was elected as the 2010 Chairman of the Board of Directors of the American Medical Group Association, AMGA, located in Alexandria, VA. The group represents more than 360 medical groups, and more than 102,000 doctors nationwide are AMGA members. Dr. Bronson is an ideal fit for this position. As chair of the clinic's Medicine Institute, where he is also professor of Medicine and Chief of Clinical Integration, Dr. Bronson is responsible for leading the health system's efforts to improve the value of health care.

Dr. Bronson has been with Cleveland Clinic since 1992 and was chairman of the Department of Internal Medicine for four years. From 1995 until 2008 he developed and led an expansion of the clinic throughout the NE Ohio area and beyond, adding 350 new physicians at 17 sites including operations in Canada. Dr. Bronson has also served as a member of the Cleveland Clinic Board of Governors and Board of Trustees, and is currently chair of the Board of Directors of the Cleveland Clinic Community Physician Partnership.

Dr. Bronson received his undergraduate degree from the University of Maine, and his M.D. degree from the University of Vermont, and he completed a residency in internal medicine there and at the University of Wisconsin. Prior to joining Cleveland Clinic, he was vice chair of medicine at the University of Vermont.

He has been a principal or co-principal in several federal and foundation-funded research efforts, and has published and presented papers in a variety of fields. Dr. Bronson now serves on the Leadership Team and chairs the Clinical Advisory Committee of Better Health Greater Cleveland, a collaborative funded by the Robert Wood Johnson Foundation to improve the health of people with chronic disease.

Dr. Bronson is well prepared to lead his colleagues and guide AMGA and its members toward improving the delivery of health care in the years ahead.

Again, I want to congratulate Dr. Bronson and recognize his accomplishments.

DANIEL AUSTIN GOERING

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Austin Goering. Daniel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. Over the five years Daniel has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Daniel became a Brotherhood member in the Order of the Arrow and earned the rank of Brave in the Tribe of Mic-O-Say. Daniel has also contributed to his community through his

Eagle Scout project. Daniel worked with the Platte County, Missouri, Parks and Recreation Department to install a Prairie Restoration sign and construct landscaping at the Prairie Creek Greenway.

Madam Speaker, I proudly ask you to join me in commending Daniel Austin Goering for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### NATIONAL EATING DISORDER AWARENESS WEEK

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mrs. BIGGERT. Madam Speaker, I rise today in recognition and support of National Eating Disorder Awareness Week.

Approximately five to ten million Americans, both women and men, suffer from anorexia nervosa, bulimia nervosa, and binge eating disorders. Not only do these mental illnesses have serious physical consequences, they also present substantive obstacles to students' educational achievement: 86% of affected individuals develop their eating disorders before age 20.

On behalf of my constituents who have been personally affected by these illnesses as well as struggling young women and men nationwide, I introduced H. Res. 7 on January 9, 2009. H. Res. 7 will raise public awareness of eating afflictions, expand research for treatment and cures to end the suffering of millions of Americans, broaden access to treatment, and promote healthful eating habits and healthy body image.

It is critical that we use this week as an opportunity to address this national tragedy. It's not just teenagers using whatever means necessary to achieve an ideal body image, it is a mental illness that requires treatment and compassion. I encourage my colleges to join me in recognizing the severity of eating disorders affecting millions of adolescent Americans, and beseech Congress to continue to expand funding for research and treatment as well as awareness of these diseases that plague the lives of our young people.

### PERSONAL EXPLANATION

### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 49, 50, 52, 53, 54, 55, 67, and 68 I was unable to be present to vote.

Had I been present, I would have voted "yea" on these.

### ANOTHER SEASON OF FEDERAL SPENDING

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. LEWIS of California. Madam Speaker, we are about to enter another season of federal spending decisions, beginning with a new stimulus package that will add another \$150 billion to our outrageous federal debt.

What are we getting for this spending? In my home counties of San Bernardino and Riverside, California, we have lost 30,000 jobs in the past year. Our unemployment rate is 14 percent. Houses have lost half of their value in 3 years, and foreclosures have gone from 3,000 3 years ago to nearly 48,000 last year. The stimulus and runaway spending have not brought jobs to my constituents, but they have increased one thing: Each man, woman and child could soon owe \$48,000 for their share of the federal debt. The CBO tells us that just 10 percent of last year's stimulus is being spent on job-creation. Let's not make that mistake again this year.

### PERSONAL EXPLANATION

### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mrs. MILLER of Michigan. Madam Speaker, on rollcall No. 49 and rollcall No. 50, I was absent due to severe weather in Southeast Michigan which delayed my flight to Washington, DC.

Had I been present, I would have voted "yea" and "yea."

### CONNOR PAUL KOSTELAC

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Connor Paul Kostelac. Connor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Connor has been very active with his troop, participating in many Scout activities. Over the five years Connor has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Connor became a Brotherhood member in the Order of the Arrow and earned the rank of Brave in the Tribe of Mic-O-Say. Connor has also contributed to his community through his Eagle Scout project. Connor worked to beautify two interior gardens at Mount St. Scholastica Monastery in Atchison, KS, through the placement of a St. Francis statue and additional landscaping.

Madam Speaker, I proudly ask you to join me in commending Connor Paul Kostelac for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**HONORING THE 100TH ANNIVERSARY OF THE SOUTH DAKOTA STATE CAPITOL BUILDING**

**HON. STEPHANIE HERSETH SANDLIN**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Ms. HERSETH SANDLIN. Madam Speaker, I would like to take this opportunity to honor the 100th Anniversary of the South Dakota State Capitol building.

The South Dakota State Capitol building is located in Pierre, South Dakota. The South Dakota State Capitol building was designed by Minneapolis architects C.E. Bell and M.S. Detwiler and assembled between the years of 1905 and 1910. The building is more than 114,000 square feet in size and is made up of materials such as native field stone, Indiana limestone, and Vermont and Italian marble. The building is 161 feet tall, 190 feet wide, and 292 feet long and includes carved woodwork and marble, special cast brass, and hand laid stone. In 1977 the State of South Dakota decided to restore the building back to its original 1910 appearance. The restoration was completed in 1989 to the original color and style of the walls and drapes.

Some of the many important architectural features of the South Dakota Capitol building include the capitol floor, which is made of terrazzo tile, and was created by 66 Italian artists. Terrazzo tile is a type of marble flooring that consists of chips of marble meshed together through a process of layering which creates multicolored designs and patterns. The rotunda, an important feature of the capitol, encompasses a large 96-foot dome which can be seen outside the capitol. The inside bottom ring of the dome looks like ribbons strung together and joined as one to resemble government as eternal in nature. The dome also displays the pasque flower, which is the South Dakota state flower. The third floor holds both the House of Representatives and Senate floors where all the state's laws are debated and voted.

Over its 100 years of history, the capitol has stood as a testament to the beauty and strength that represents South Dakota, and I trust that this historic building will continue to remain a landmark for the next 100 years.

**PERSONAL EXPLANATION**

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on February 25, 2010, I missed rollcall vote 66 due to a doctor's appointment. Had I been present, I would have voted "yes."

**HONORING RANDY POOLE**

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today to honor Randy Poole who retired this month after serving more than 34 years in municipal water utilities, including 18 momentous years in leadership positions at the Sonoma County Water Agency (SCWA). Randy served first as SCWA's Chief Engineer beginning in 1991 and then in 1994 assumed the dual role of General Manager/Chief Engineer. The Sonoma County Water Agency provides water independent of the California Water System to over 600,000 residents in Mendocino, Sonoma and Marin Counties.

Many Members of this House would recognize Randy who spent many hours visiting our offices promoting the SCWA's water projects, as well as legislation for salmon preservation, wetlands restoration and renewable energy. Randy, with his slicked back hair and often dressed in black and purple was not the stereotypical water technocrat with scientific calculator in his pocket and flow charts in his briefcase. He is an individual who could manage the day to day functions of the SCWA while sculpting a big vision of its future.

Randy played an important role in garnering support for an \$800 million Pacific Salmon restoration program involving the efforts of five states to restore the habitat of 16 salmonid species, including our native Russian River chinook and coho and steelhead trout. It was also Randy who spearheaded local efforts to complete a Biological Opinion on the effects of federal and local water projects on Russian River salmon and steelhead, a project that took 11 years and now must be implemented.

Under his leadership, the SCWA put biologists to work doing fish counts and measuring habitat; engineers designing wastewater irrigation systems; water efficiency experts looking at industrial water use; gardeners planting low water landscapes; wetlands experts restoring the Napa Salt Marsh; oceanographers studying ocean currents and wave energy; and energy consultants examining new pathways to clean and plentiful renewable energy.

His driving style has not come without controversy. A three year drought coupled with environmental restrictions that have constrained flows from the SCWA main reservoir, has sometimes brought the agency at odds with water contractors who have balked at reduced flows and conservation plans. When Randy began working at SCWA in 1991, one of his charges was to smooth the way for the Agency to obtain new water rights at Warm Springs Dam. Randy, however, recognized the new realities of expensive water projects and their environmental problems, and put the project on a back burner with a while emphasizing water conservation.

The Biological Opinion has also been criticized by downriver communities concerned about proposed lower summer flows and effects on the seal population at the mouth of the Russian River. SCWA has promised further studies and expanded river monitoring to iron out difficulties. Yet if the B.O. succeeds it

will be a major step in restoring the river's once thriving fishery.

Randy recognized that climate change required the agency to do something about its own energy use—the highest in the county and he set SCWA on a zero carbon project, which will make it totally reliant on renewable energy by 2015. The Agency has kicked off the project with the installation of a 1 MGW solar system at its offices.

Randy was also instrumental in devising the nationally recognized Energy Independence Program, where home owners can weatherize their homes and install energy saving devices and solar panels at no upfront costs. Always thinking big, Randy has taken his energy ideas nationwide, forming a coalition of like-minded communities and promoting bills for local model projects and to lower consumer costs for home energy conservation and conversions to renewable energy.

Madam Speaker, I want to thank Randy Poole for his years of service to the customers of the Sonoma County Water Agency. I have been occasionally caught off balance by his whirlwind personality and grand approach to finding solutions, but I will miss his clear vision of the necessity of change in a changing world.

**ALEXANDER DANIEL ADAMEK**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Daniel Adamek. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many Scout activities. Over the eight years Alexander has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alexander became a Brotherhood member in the Order of the Arrow and earned the rank of Foxman from the H. Roe Bartle Scout Reservation. Alexander has also contributed to his community through his Eagle Scout project. Alexander organized and supervised the collection of clothing, hygiene products and other necessities and made supply backpacks to be donated to Synergy Services, Inc. These backpacks were then distributed to runaway and homeless teenagers through Synergy's Street Outreach program.

Madam Speaker, I proudly ask you to join me in commending Alexander Daniel Adamek for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. MORAN of Kansas. Madam Speaker, though I was attending a previous engagement in Kansas on Friday, February 26, had I been present in the House of Representatives, I would have voted in opposition to H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010 (rollcall 73). Additionally, I would have voted to support the Republican Motion to Recommit (rollcall 72).

I believe this Intelligence Authorization bill is more concerned with providing political cover than addressing a number of real national security issues, including the administration's misguided efforts to close the Guantanamo Bay detention facility and transfer detainees to the United States, and improving intelligence gathering and coordination in the wake of recent attacks at Fort Hood and the Christmas Day airline bombing attempt.

## MAYOR OTIS T. WALLACE

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor one of our community's most humble and steadfast leaders, the mayor of Florida City, Mr. Otis T. Wallace. For nearly three decades, the people of Florida City have put their trust in him as mayor, leader and friend. A graduate of Michigan State University and the University of Miami Law School, he is the director of TIB Bank.

Mayor Wallace is completely dedicated to the residents of Florida City and ensuring that the needs and priorities of his community are met. Despite the pressures that elected office can bring, Mayor Wallace keeps his cool, always smiling and acting humbly, with the best interest of others in mind. He has proven to be a dependable, hard working and selfless leader, always willing to work with others to find commonsense solutions.

Mayor Wallace is no stranger to civic engagements. He is the chairman of the Florida City Community Redevelopment Agency and a member of the Homestead-Florida City Chamber of Commerce. He also serves as the chairman of the Florida City Foundation and on the board of directors of the Florida National Parks and Monuments Association, Inc., the Miami-Dade Criminal Justice Council and the Homestead Area Indigent Care Foundation, Inc. He is also a member of the NAACP.

As we celebrate Black History Month, please join me in recognizing and thanking Mayor Otis Wallace for his dedication to the residents of Florida City and his commitment to ensuring that his community continues to thrive.

## BRANDEN COLE ELLING

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Branden Cole Elling. Branden is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Heart of America Council Troop 351, and earning the most prestigious award of Eagle Scout.

Branden has been very active with his troop, participating in many Scout activities. Over the seven years Branden has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Branden has earned the rank of Firebuilder in the Tribe of Mic-O-Say. Branden has also contributed to his community through his Eagle Scout project. Branden constructed a split rail fence along the edge of Platte Ridge Park in Platte City, MO, adding both an aesthetic quality and providing a protective barrier to limit trespassing into the park.

Madam Speaker, I proudly ask you to join me in commending Branden Cole Elling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## COMMEMORATING THE 18TH ANNIVERSARY OF THE KHOJALY MASSACRE

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize the 18th anniversary of the massacre at Khojaly and to honor the 613 Azerbaijanis who died under these tragic circumstances. I ask that my colleagues join me in remembering those who lost their lives that day.

## HONORING MR. JAMES GARFIELD

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. James Garfield. Mr. Garfield served his constituency faithfully and justly during his tenure as the Ripley Highway Superintendent.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Garfield served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Garfield is one of those people and that is why Madam Speaker I rise in tribute to him today.

## EARMARK DECLARATION

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. BROWN of South Carolina. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Fuel Oil Barge.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: Navy RDT&E

Legal Name of Requesting Entity: GenPhar, Inc.

Address of Requesting Entity: 600 Seacoast Parkway, Mt. Pleasant, SC 29464

Description of Project: The need for an effective vaccine to protect against exposure to dangerous virus outbreaks of Dengue fever is critical to the safety of U.S. Armed Forces personnel deployed in combat theaters throughout the world. Dengue epidemics have increased dramatically in recent years, and cover nearly the entire tropical and subtropical regions of the world, including South East Asia, Africa, the entire Caribbean, and South, Central and parts of North America, putting two thirds of the world population at risk. Dengue epidemics not only have devastating effects in regions that hold U.S. interests, they also threaten the well-being of U.S. military personnel operating in these regions.

## HONORING ORLANDO CITY COMMISSIONER DAISY WILLIAMS LYNUM

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to recognize Orlando City Commissioner Daisy Lynum for her life-long civic and community involvement. Commissioner Lynum was born in Leesburg, Florida, a small town 45 miles northwest of Orlando, and was elected to the Orlando City Council on April 14, 1998. Commissioner Lynum's contributions to our Central Florida community have had a tremendous positive impact.

After graduating from Carver Heights High School in 1964, Ms. Lynum earned an undergraduate degree in Sociology at Bethune-Cookman College, and a graduate degree in clinical Social Work (MSW) from Florida State University. As a Rockefeller Foundation Scholar, her post-baccalaureate studies were completed at Haverford and Bryn Mawr colleges in Pennsylvania, and her teaching certification was completed at the University of Central

Florida. In 2000, Commissioner Lynum completed the John F. Kennedy School of Government Program for Executives at Harvard University. Florida Metropolitan University awarded Commissioner Lynum the Honorary Doctorate of Humane Letters in May 2005.

After more than 30 years of employment, first as a 5th grade teacher, followed by a career as a social worker and administrator for the Department of Health & Rehabilitative Services, and a Special Services Social Worker for Orange County Public Schools, Commissioner Lynum retired in 2002. Simultaneously, her years of community and civic involvement have included: Metro Orlando Urban League Board; UCF-MSW School of Social Work Advisory Board; National Black Social Workers Association; Orlando Science Center's Diversity Committee; USTA Diversity Committee; USTA Florida Section Schools Coordinator, Community Service Center Board; Coordinator, Mercy Drive/Pine Hills Children & Youth Task Force; City of Orlando's Municipal Planning and Human Relations Boards; Vice Chair BBIF Board; Florida League of Cities Urban Administration, resolution and policy committees and the Board of Directors; Board of Directors for the National League of Cities; and currently she is President of the National League of Cities National Black Caucus of Local Elected Officials; first Vice President for Women Elected to Municipal Government; past president of the Florida Black Caucus of Local Elected Officials; Metro Plan Orlando Transportation Board; Orange County Voter's League; Life Member NAACP, Nemours Council member; and, 2005 Onxy Magazine Poll names Commissioner Lynum as one of 56 most influential African Americans in the State of Florida.

Commissioner Lynum's commitment to her community, via her professional, personal, and political service is consistent with the principles and standards of her beloved sorority, Delta Sigma Theta Sorority, Inc.—which she has been a member of since 1966. She has also been a member of Gamma Phi Delta Sorority, Inc., an organization of business and professional women, since December 2008.

Commissioner Lynum's primary focus is quality of life through sustainable neighborhoods for residents in District 5 and the City of Orlando. With respect to her expertise in community development and sustainable neighborhoods, Commissioner Lynum has represented Orlando and the United States at conferences in Japan and Africa, and attended the U.S.-China Exchange Association's U.S. Business Matchmaking Conference in 2006, 2007 and 2008.

Madam Speaker, as Black History Month comes to a close, it is with great honor that I acknowledge the commitment to Florida that Commissioner Lynum has shown through her many leadership roles in the community. She has been a leader in the African American community and I applaud her social activism.

## HONORING THE LIFE OF JOANNE D. GIANGRECO

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor Joanne D. Giangreco, an active member of the Buffalo and Western New York community, who passed away earlier this week at the age of 82.

Born Joanne Downing, Joanne graduated from Bennett High School in 1945, attended St. Joseph College of Emmitsburg, Maryland, and graduated from the University at Buffalo in 1950. She was a gifted athlete, winning an AAU swimming championship in high school as well as playing basketball during her time at St. Joseph College. Joanne continued her athletic career after college as an avid golfer and racquetball player, often beating her older male competitors at the Buffalo Athletic Club.

Indeed, Joanne's athleticism was not limited to her sporting performances. In 1945, as a swimming lifeguard at my own neighborhood's South Park pool, Joanne performed CPR and saved the life of a toddler who had fallen and hit his head.

A lifelong Democrat, Joanne appeared on WBEN-TV in 1952 to support Adlai Stevenson in his presidential campaign. Her political views were largely influenced by her father, Francis J. Downing, who was the Executive Director of the Buffalo-Area Emergency Relief Bureau and the Works Progress Administration under President Franklin D. Roosevelt. Mr. Downing later served as a department head in the administration of Buffalo Mayor Frank A. Sedita.

Joanne was actively involved throughout Western New York, serving as the president of the Buffalo Inter-Club Women's Bowling Association. She was a founding member of St. Gregory the Great Catholic Church in Amherst, was secretary for the St. Gregory Home School Association, and served as chairwoman of Ladies Golf at Cherry Hill. Additionally, Joanne was a volunteer for the American Cancer Society as well as the Girl Scouts.

Joanne, widowed by the passing of her husband Joseph in 2001, is survived by her five children, several grandchildren and her siblings. Indeed, Joanne's son Peter is a trusted and valued friend to me, whose counsel I have sought and have valued since my initial run for Congress in 2004.

Madam Speaker, I would like to extend my deepest condolences to the Giangreco and Downing families for their loss, and I ask my colleagues to join me in honoring the life of Joanne Giangreco and recognizing the tremendous impact she had on the lives of those she knew.

## IN HONOR OF EDWARD GERSH

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 26, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to Edward Gersh, an out-

standing and dedicated educator and athlete. A life-long advocate, he has worked to improve the lives and minds of students across New York State.

While attending Dewitt Clinton High School, Mr. Gersh was an all scholastic tackle, which earned him a full scholarship to New York University (NYU) and George Washington University (GW). He briefly attended GW before transferring to NYU. During his sophomore year at NYU, he was injured and unable to continue playing football. He made the transition from football to boxing, eventually winning the New York City Golden Gloves Championship Open Heavyweight Title in 1943, the only Jewish fighter to ever do so, and entering a brief, yet successful, professional boxing career. He was a boxing and wrestling referee for the New York State Athletic Commission. For years, Mr. Gersh trained, managed and promoted professional boxing.

Mr. Gersh began his career in the New York City Public School System as a physical education instructor and an assistant football coach. He also taught physical education and coached boxing at the City College of New York. In 1950, the New York City Board of Education hired Mr. Gersh. Within three years, he was named Dean of Jefferson Park Jr. High School, where he directed the guidance program and helped countless students achieve their aspirations. He also taught history at the New York Institute of Technology, where he was appointed to the Office of Student Affairs. In 1967 Mr. Gersh became one of the founders and members of the original Board of Trustees of Wilmington College, serving two years as the Executive Vice President. He was a member of the Board of Trustees for Dowling College of Oakland, Long Island for ten years, and is a member of the Board of Trustees of the Woodstock Day School in Woodstock, NY. Mr. Gersh has received numerous awards for his excellence as an educator, starting in 1960, when he was named "Teacher of the Year" by Youth Development Incorporated. In 2006, he was given the prestigious NYU Steinhardt Distinguished Alumnus Achievement Award. That year he was the commencement speaker for the Steinhardt School of Education at a ceremony that took place at Radio City Music Hall. His impressive dedication to education at all levels deserves our highest praise.

In 1955 Mr. Gersh helped open West Hill Day Camp in Huntington, NY, which he continues to serve as the Chairman of the Board and President. He holds similar titles in E. Gersh Realty Corporation, University Gardens, Okee, LLC, and EG, LLC which owns and manages real estate on Long Island. He is also a founding partner and owner of Crestwood Country Day School, the Woodland Academy, and Camp Kent.

Mr. Gersh's generosity is compounded by his commitment to scholarly achievement. He has established the Edward & Holli Gersh Charitable Foundation, and the Edward Gersh Scholarship at the Steinhardt School at New York University. Mr. Gersh has been hailed as a modern Renaissance Man. His autobiography "A Strong Collected Spirit: A Fighter's Memoir" was published in 2005.

Madam Speaker, I salute the remarkable achievements of Mr. Edward Gersh and I ask

my distinguished colleagues in this House to join me in recognizing his extraordinary service and contributions to education.

#### A TRIBUTE TO ALAN STEINBERG

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. TOWNS. Madam Speaker, I rise today to congratulate and pay tribute to a fine American, Alan Steinberg, on an occasion when he and his business have received a prestigious honor: the International Circle of Excellence Award for 2009.

The Circle of Excellence, which is awarded by the International dealer organization of Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Alan's business, Truck King International, is headquartered in Brooklyn, New York, where it was founded in 1977 with his brother Steven. Under his leadership, it has grown into one of the preeminent truck dealerships in the Northeast and the entire nation, with 151 employees and six dealer locations spanning the five boroughs, Long Island and Northern New Jersey. With this most recent award, Truck King International has now received the Circle of Excellence Award, under Alan's leadership, a total of nine times.

Alan has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He has also built a successful truck leasing business, Salem Idealease—the largest affiliate in the Idealease network, and is a member of Idealease board of directors, the Hunts Point Chamber of Commerce, the Town of Huntington Soldiers Welcome Home Salute, the New York Association of Pupil Transportation: Suffolk, Nassau, Westchester Chapters, the New Jersey Council on Special Transportation, the New York State School Bus Contractor's Association, the Garden State & Sussex School Bus Contractor's Associations, the New Jersey Association of School Business Officials and the School Transportation Supervisors of New Jersey.

Through his commitment to hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you and my colleagues to join with me in congratulating Alan Steinberg for his record of accomplishment and for his many contributions to his community, state and nation.

Madam Speaker, I urge my colleagues to join me in recognizing Alan Steinberg and his business, Truck King International.

#### EARMARK DECLARATION

### HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. BROWN of South Carolina. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Fuel Oil Barge.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, 2010

Account: Navy Other Procurement

Legal Name of Requesting Entity: Maybank Industries

Address of Requesting Entity: 525 East Bay Street, Suite 200, Charleston, SC 29403

Description of Project: The Navy needs to replace the existing fleet of aging Fuel Oil Barges (YON) with new vessels to meet fleet requirements and to comply with EPA requirements. The current fleet of Fuel Oil Barges (YONs) is nearly 40 years old, which is well beyond the intended service life, and maintenance costs are increasing substantially.

#### PERSONAL EXPLANATION

### HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. PRICE of Georgia. Madam Speaker, on rollcall Nos. 51 and 66 I was unable to be present to vote. Had I been present, I would have voted "no."

#### A TRIBUTE TO THE ACADEMY OF CERTIFIED SOCIAL WORKERS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. TOWNS. Madam Speaker, I rise today to recognize the 50th Anniversary of the Academy of Certified Social Workers (ACSW). The year 2010 provides us an opportunity to highlight the accomplishments of Academy members throughout the past five decades.

Established in 1960, on the verge of revolutionary social reforms, the Academy of Certified Social Workers was the first credential created by the National Association of Social Workers to acknowledge leaders committed to the social work profession and to improving society. Before individual states enacted licensing regulations for the social workers, the Academy served as the sole source of designating social workers qualified for social work practice.

The 50th Anniversary of the Academy of Certified Social Workers is noteworthy in America because it recognizes the past and present social workers who have made significant contributions to society. Academy members include six dedicated individuals. James Dumpson is the former vice president of the New York Community Trust, one of the na-

tion's largest, oldest and most respected philanthropic organizations and a leader in the community foundation movement. Ada Deer is recognized as an advocate and organizer on behalf of Native Americans. She became the first woman to be appointed Assistant Secretary of Indian Affairs, U.S. Department of the Interior. Delwin Anderson was Director of the Social Work Service of the Department of Medicine and Surgery in the Veteran's Administration from 1964 to 1974. Bernice Harper was Medical Care Advisor to the Health Care Financing Administration in Washington, DC and she is a pioneer in hospice and palliative care. Warren Graham, with funding from the Robert Wood Johnson Foundation, implemented the "Reclaiming Futures Initiative," instituting county-wide change in the New York juvenile justice system addressing adolescents who are substance abusers. Jessica Sawyer is currently involved in the development and implementation of a pioneering process for incorporating mental health treatment in a medical setting in North Carolina.

Members of the Academy of Certified Social Workers represent the thought leadership of the profession. In clinical settings and case management; in courtrooms, communities, government agencies, and medical facilities; in universities and other professional educational venues and at local, state, and federal policy level; ACSWs span the range of social work practice from direct service to research and systems analysis for individuals, families, groups, and communities. The accomplishments of Academy members in social justice, social welfare, mental health, and philanthropy and humanitarianism have had significant positive effects in our society. Today's Academy holders continue to create and inform innovative practices to improve the quality of life for current and future generations of Americans.

Madam Speaker, I urge my colleagues to join me in recognizing the ACSW leaders who influenced America so profoundly in the past and acknowledging the work of over 35,000 current members of the Academy who continue to make a difference in people's lives today.

#### HONORING LAUREN ALFRED FOR HER SERVICE TO TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 26, 2010*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Lauren Alfred, a dedicated member of my legislative staff who is moving to a new position on the Hill. She will soon be joining the staff of my friend and colleague Congresswoman GABRIELLE GIFFORDS, and I am confident she will be a great addition there.

Lauren started her career on the Hill as an intern to Senator EVAN BAYH of her native Indiana before joining my staff as an intern brought in to assist while our staff assistant was ill. She was given an extraordinary



amount of responsibility early on, and she rose to every challenge before her, even assisting in appropriations work. Few staffers could have made such a seamless transition.

Lauren's hard work and willingness to help with virtually any task quickly earned her a spot as a legislative correspondent, and she has risen to the challenge of being a capable

legislative assistant. Her thorough research was of great assistance to me and my staff during the debate on health care, and her passion for energy and environmental issues has been a benefit to our office. The fact that she has been able to juggle a full-time job while studying for a master's degree is a testament

to her maturity and dedication to whatever task she undertakes.

Madam Speaker, my staff and I have enjoyed having Lauren in the office over the past year. I have no doubt Lauren can be successful at whatever she chooses to do, and I wish her all the best in the future.

## SENATE—Monday, March 1, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose approval we seek above humanity's hollow applause, we pause today to experience the warmth of Your presence as You lift the light of Your countenance upon us.

Give to the Members of this body pure hearts and a passion to faithfully serve You and country. Across their toiling hours, keep their hearts fixed on You, the author and finisher of their faith. In a world of suspense, suspicion, and turmoil, breathe now in this quiet moment Your peace on every heart. Lord, prepare solutions for our Senators' complexities and resolve their conflicts in a way that will glorify You.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. At 3 p.m., we will turn to consideration of H.R. 4213, the tax extenders legislation. Senator BAUCUS will be recognized to call up a substitute amendment. As previously announced, there will be no rollcall votes today. The first vote of the week will occur at 12:15 p.m. tomorrow. That vote will be on the motion to invoke cloture on the nomination of Barbara Keenan to be U.S. circuit judge for the Fourth Circuit.

### MEASURES PLACED ON THE CALENDAR—H.R. 4626 AND H.R. 4691

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

A bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

Mr. REID. I object to any further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

### COSTLY INACTION

Mr. REID. Mr. President, every night too many out-of-work Nevadans and Americans, people who want to work, who need to support their families but can't find a job, go to bed with at least the comfort of having unemployment insurance and health benefits. Last night, more than a million people throughout America who went to sleep relying on those benefits woke up without the confidence they will be there now. Early this morning, when they would rather be spending their mornings working, mothers and fathers in every State woke up to line up at the unemployment office in a long line. News reports today are that these lines are very long today, all over the country, from Virginia to Nevada to Kentucky. They are long because these people are worried about how they are going to put food on the table and pay the bills. For far too many Americans, those benefits were set to expire last night. So six times last week, Democrats asked to extend their unemploy-

ment benefits for a short time while we work on a longer extension. Six times, Republicans said no. They didn't say no to us; that is, Members of the Senate, they said no to the families in their own States and all States who count on us to act when we need action, who count on us to respond in the event of an emergency. This is an emergency.

Republicans in the Senate are standing between these families and the help they need while these benefits expire. It might work because under the Senate rules they can do that, but it certainly doesn't work for working families whose need to buy groceries does not expire. The need to heat your homes, put gas in the car, make payments for furniture you buy, the car you bought, your house payment, the need to take medicine or support an aging parent or to take care of your kids, they don't expire.

Those opposed to helping our fellow citizens at their time of greatest need want to talk about process. My Republican colleagues came to the floor and talked about process. They had a right to do that. Under the rules, I guess that is true. But if you can't afford to feed your kids, process doesn't mean anything to you.

We often talk about the cost of inaction. It is the reason we insist on creating jobs and making health care more affordable and on strengthening national security. When we talk about the cost of inaction, it is more than just rhetoric; it comes with dire consequences. Americans who woke up this morning without the benefits they need now know that better than anyone else.

The Associated Press runs all over the country—a newswire. Among other things, this article says this morning:

Two thousand federal transportation workers will be furloughed without pay [today].

The reason we are talking about 2,000, this doesn't count the thousands and thousands, up to 1 million people who are not going to have jobs as a result of not extending the highway bill. That is what we want to do—let these people work—because what has happened is that even the inspectors can't go out and do their jobs, so people are just walking away from these jobs. Secretary LaHood, the Secretary of Transportation—a Republican Congressman until he was appointed—said construction workers will be sent home from jobsites because Federal inspectors must be furloughed. They named a long list of construction sites that will be halted: George Washington Parkway in Virginia, the Humpback Bridge—I

don't know where that is in Virginia—bridge construction in Coeur d'Alene, ID. All over the country, this is happening. The safety inspectors have no pay, so they have to leave. Nothing is happening. This is going to lead to untold numbers of people—I said up to 1 million people—who will not be able to work.

It is really wrong what has taken place here. It is not too late to right that wrong. I hope Republicans will reconsider, think about their constituents standing in the unemployment lines as we speak. I hope they reconsider.

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UNANIMOUS-CONSENT REQUEST—  
H.R. 4691

Mr. REID. Based on that, I ask unanimous consent that the Senate proceed to H.R. 4691, which is a 30-day extension of provisions which expired yesterday—unemployment insurance; COBRA, which is the health insurance for people out of work; flood insurance; Satellite Home Viewer Act—1½ million people today are unable to watch TV who could last night at midnight—highway funding—I talked about that—SBA business loans; small business provisions of the American Recovery Act; the doctors fix, the SGR, and poverty guidelines, received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUNNING. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I thank the Chair.

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RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Kentucky.

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UNEMPLOYMENT BENEFITS

Mr. BUNNING. Mr. President, just a brief explanation of why we are where we are with this extension bill, a brief extension of 30 days.

There was an agreement between the majority leader of the Finance Committee and the minority leader on the Finance Committee, Senators BAUCUS and GRASSLEY, on a 3-month extension of these very same provisions. There were more provisions in the bill also. It

cost a little more than the \$10 billion that is asked for because it was a 3-month extension. Senator REID pulled that bill from the floor of the Senate. He did it. The leader of the Democrats pulled that bill from the floor.

I support extending unemployment benefits, COBRA benefits, flood insurance, the highway bill fix, the doc fix, small business loans, distant network television for satellite viewers. If we can't find \$10 billion to pay for something we all support, we will never pay for anything in the Senate. I have offered several ways to do this, including trying to negotiate with the majority leader's staff. None have been successful.

We cannot keep adding to the debt. It is over \$14 trillion and going up fast. If the budget before us passes, it will add another \$1.5 trillion to the debt.

Recently, we passed pay-go. For those who don't know what pay-go is, it means you have to pay for everything you bring before the Senate. You can't charge it on the debt. You can't charge it. That is what pay-go says. Understanding that, I hope the American people understand my serious objection.

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UNANIMOUS-CONSENT REQUEST—  
H.R. 4691

Mr. BUNNING. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, history is something I think you have to be involved in to understand what really transpired.

First of all, there was no bill on the floor for me to take off the floor. There was discussion between Democrats and Republicans. On the Thursday before we left for the last weeklong break we took, I was in the back hall with Senators GRASSLEY, BAUCUS, and MCCONNELL. Senator MCCONNELL, my friend, said they weren't ready to agree to anything yet.

Well, it is very clear if we are going to extend benefits for a lot of tax provisions that are very important to business, then we should at least consider extending benefits for people who are down and out in the same period of time.

So understand, the bill that came before the Senate included a jobs package that extends the highway benefits for 1 year, saving a million jobs, creating jobs by allowing small businesses—or any businesses—to hire somebody who has been out of work for 60 days. They do not have to pay their withholding

tax and they get a \$1,000 tax credit at the end of the year.

In addition to that, to help small businesses, we had a provision to allow small businesses to write off and not depreciate up to \$250,000 of purchases in a year—very important to create and stimulate business—and we also had in that bill a provision to stimulate the economy by extending the Build America Bonds that were so successful in our Recovery Act and those funds expired.

One can have all the excuses one wants. The fact is, my friends on the other side of the aisle are opposing extending unemployment benefits for people who are out of work.

I would also say this: Pay-go is very interesting. I am glad my friend brought that up. I am glad he brought up the big deficit because it is very big. But where was my friend from Kentucky when we had two wars that were unpaid for during the Bush administration, tax cuts that cost more than \$1 trillion unpaid for? Where were my friend and the Republicans objecting to that?

Pay-go is important, and we passed pay-go here—we, the Democrats, passed it. My friend did not vote for it. It passed because Democrats voted for it. Not a single Republican voted for it. We had these in effect during the Clinton years, and it worked. We paid down the debt in the last Clinton years.

We also understand how important the debt of this country is. It started to build up so strong during the 8 years of the Bush administration. We brought to this floor—no one worked harder than the Acting President pro tempore to come up with something to address the debt with the chairman of our Budget Committee and others.

We wanted a debt commission, and we brought to this floor a debt commission, a good one. It was based upon what we did with military base closings. We tried for decades to close bases that were unnecessary in the country anymore, after World War II was over, the Korean war was over, Vietnam. We did not need all those bases. But because of what happens when trying to close a base because of local politics, we could not do it. So we passed a bill that said we are going to have a base closing commission. They will come back with recommendations, and the House and the Senate have a choice: either vote no or yes on their recommendations. And they voted yes, both the House and the Senate, and we closed numerous bases all over the country.

The debt commission we established was based upon that—the same thing—and we voted, we Democrats voted. It would have passed. Why did it not pass? Because seven Republicans who cosponsored the legislation voted against it.

So we do not need lectures here on debt. What we need is to recognize

there are poor people all over America who are desperate today, and people who are working, making good money on these road projects all over America today who are being told to go home because we do not have inspectors to take care of their work.

Therefore, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, unless my friend has more to say, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you. Mr. President, will the Acting President pro tempore please let me know when I have consumed 12 of the 15 minutes.

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Thank you very much, Mr. President.

#### HEALTH CARE

Mr. ALEXANDER. Mr. President, it was my privilege last Thursday, along with some other Members of the Senate, to attend a health care summit at the invitation of President Obama. It went on a long time. We learned one thing we already knew, that our President is smart and knows a lot about health care. So he stayed the whole time.

But it gave those of us on the Republican side a chance we do not have the opportunity to have as often, which is, to be on center stage and let the American people know, A, who we are, and, B, what our ideas are. So it was a terrific way for us to show, for example, that our goal is to reduce health care costs, that we wish to move step by step toward that goal.

We identified a number of areas, such as being able to buy health insurance across State lines, allowing small business health plans to pool together, reducing junk lawsuits—all of which will tend to bring down the cost of premiums, which is what most Americans want.

During the discussion, early on, actually, the President and I had a little disagreement about whether his plan, which is based upon the Senate bill, which passed on Christmas Eve, would raise premiums. What I had said in my opening remarks on behalf of Repub-

licans was that millions of Americans, under the Democratic plan, would pay higher insurance premiums in the individual market because of government mandates and taxes. The President says that is wrong. I cited a Congressional Budget Office report to show I was right. And rather than dispute the President of the United States in public—I thought I had enough time to make my case—I said I would send him a letter, which I did that same day. So I ask unanimous consent, Mr. President, to have printed in the RECORD the letter I gave to President Obama on Thursday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 25, 2010.

Hon. BARACK OBAMA,  
President, The White House, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: During today's discussion on health care, you and I disagreed about whether the health care bill that passed the Senate on a party-line vote on December 24 would cause health insurance premiums to rise even faster than if Congress did not act. I believe premiums will rise because of independent analysis of the bill:

On November 30, the non-partisan Congressional Budget Office (CBO) wrote in a letter to Senator Bayh that "CBO and JCT estimate that the average premium per person covered (including dependents) for new nongroup policies would be about 10 percent to 13 percent higher in 2016 than the average premium for nongroup coverage in that same year under current law."

When you asserted that CBO says premiums will decline by 14 to 20 percent under the Senate bill, you are leaving out an important part of CBO's calculations. These reductions are overwhelmed by a 27 to 30 percent increase in premiums due to the mandated coverage requirements in the legislation. CBO added those figures together to arrive at a net increase of 10 to 13 percent—as shown in their chart in that same letter.

In that same letter, CBO wrote, "The legislation would impose several new fees on firms in the health sector. New fees would be imposed on providers of health insurance and on manufacturers and importers of medical devices. Both of those fees would be largely passed through to consumers in the form of higher premiums for private coverage."

On December 10, the chief actuary for the Centers for Medicare and Medicaid Services—who works for your administration—concurred with the CBO. In his analysis, the actuary said, "We anticipate such fees would generally be passed through to health consumers in the form of higher drug and device prices and higher insurance premiums." He also said, "The additional demand for health services could be difficult to meet initially with existing health provider resources and could lead to price increases, cost-shifting, and/or changes in providers' willingness to treat patients with low-reimbursement health coverage."

For these reasons, the Senate-passed bill will, indeed, cause Americans' insurance premiums to rise, which is the opposite of the goal I believe we should pursue.

Sincerely,

LAMAR ALEXANDER.

Mr. ALEXANDER. But today what I wish to do in the next few minutes is

explain why I believe I am correct, that under the President's health insurance plan, which is based upon the Senate plan, for millions of Americans in the individual market, premiums would go up because of one-size-fits-all government mandates, because of taxes that are passed on to consumers; but for other reasons as well—by shifting costs.

When you dump 15 million people or 18 million people into a program called Medicaid, what happens is, we do not pay the doctors and the hospitals well enough to take care of those folks. So those providers shift the costs to people who are paying with private insurance, and premiums go up.

Costs for young people in the individual market will go up under this plan because if you put in a rule that says my insurance at my age cannot go up more than a certain amount compared with my son's insurance, then his insurance goes up, and because a scheme like the Democratic plan depends upon requiring everybody to buy insurance. There is a weak provision for that, and I suspect many young people will rather pay the \$750 fine rather than buy a \$2,500 insurance policy, which they think they cannot afford.

The President made the point in his usual very persuasive way that, wait a minute, actually you would be getting better insurance. But that is comparing apples and oranges. As George Will said on ABC's "This Week" yesterday—he asked this question: If the government required you to buy a better, more expensive car, even if it was better than the car you have, it would still be more expensive, would it not?

That is the case with the President's health care plan. In fact, premiums will go up for millions of Americans in the individual market, up more than they otherwise would over the next several years—and we all know how rapidly they are rising—and the whole exercise we have been going through over the last year is to bring premiums down, not help drive premiums up.

What I said to the President, with respect, was that the Congressional Budget Office, on November 30, said this about the Senate bill:

The Congressional Budget Office and the Joint Committee on Taxation estimate that the average premium per person covered for new nongroup—

That means individual policies—would be about 10 to 13 percent higher in 2016 than the average premium for nongroup—

That is individual coverage—in the same year under current law.

In other words, if you buy an individual policy—that means not a policy with your employer—by 2016 it will be at an average of 10 to 13 percent higher than it otherwise would.

I ask unanimous consent to have printed in the RECORD the relevant

parts of the Congressional Budget Office letter of November 30 to Senator EVAN BAYH on this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 30, 2009.*

Hon. EVAN BAYH,  
*U.S. Senate, Washington, DC.*

DEAR SENATOR: The attachment to this letter responds to your request—and the interest expressed by many other Members—for an analysis of how proposals being considered by the Congress to change the health care and health insurance systems would affect premiums paid for health insurance in various markets. Specifically, the Congress-

sional Budget Office (CBO) and the staff of the Joint Committee on Taxation have analyzed how health insurance premiums might be affected by enactment of the Patient Protection and Affordable Care Act, as proposed by Senator Reid on November 18, 2009.

I hope this information is helpful to you. If you have any further questions, please contact me or the CBO staff. The primary staff contact for this analysis is Philip Ellis.

Sincerely,

DOUGLAS W. ELMENDORF,  
*Director.*

Attachment.

#### SUMMARY OF FINDINGS

The effects of the proposal on premiums would differ across insurance markets (see Table 1). The largest effects would be seen in the nongroup market, which would grow in

size under the proposal but would still account for only 17 percent of the overall insurance market in 2016. The effects on premiums would be much smaller in the small group and large group markets, which would make up 13 percent and 70 percent of the total insurance market, respectively.

#### NONGROUP POLICIES

CBO and JCT estimate that the average premium per person covered (including dependents) for new nongroup policies would be about 10 percent to 13 percent higher in 2016 than the average premium for nongroup coverage in that same year under current law. About half of those enrollees would receive government subsidies that would reduce their costs well below the premiums that would be charged for such policies under current law.

Table 1.

### Effect of Senate Proposal on Average Premiums for Health Insurance in 2016

	Percentage, by Market		
	Nongroup <sup>a</sup>	Small Group <sup>b</sup>	Large Group <sup>c</sup>
Distribution of Nonelderly Population Insured in These Markets Under Proposal	17	13	70
<b>Differences in Average Premiums Relative to Current Law</b>			
<i>Due to:</i>			
Difference in Amount of Insurance Coverage	+27 to +30	0 to +3	Negligible
Difference in Price of a Given Amount of Insurance Coverage for a Given Group of Enrollees	-7 to -10	-1 to -4	Negligible
Difference in Types of People with Insurance Coverage	-7 to -10	-1 to +2	0 to -3
Total Difference Before Accounting for Subsidies	+10 to +13	+1 to -2	0 to -3
<b>Effect of Subsidies in Nongroup and Small Group Markets</b>			
Share of People Receiving Subsidies <sup>d</sup>	57	12	n.a.
For People Receiving Subsidies, Difference in Average Premiums Paid After Accounting for Subsidies	-56 to -59	-8 to -11	n.a.
<b>Effect of Excise Tax on High-Premium Plans Sponsored by Employers</b>			
Share of People Who Would Have High-Premium Plans Under Current Law	n.a.	19	
For People Who Would Have High-Premium Plans Under Current Law, Difference in Average Premiums Paid <sup>e</sup>	n.a.	-9 to -12	
<b>Memorandum</b>			
Number of People Covered Under Proposal (Millions)	32	25	134

Source: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes: n.a. = not applicable.

- The nongroup market includes people purchasing coverage individually either in the proposed insurance exchanges or in the individual insurance market outside the insurance exchanges.
- The small group market includes people covered in plans sponsored by firms with 50 or fewer employees.
- The large group market includes people covered in plans sponsored by firms with more than 50 employees.
- Premium subsidies in the nongroup market are those available through the exchanges. Premium subsidies in the small group market are those stemming from the small business tax credit.
- The effect of the tax includes both the increase in premiums for policies with premiums remaining above the excise tax threshold and the reduction in premiums for those choosing plans with lower premiums.

Mr. ALEXANDER. Now, the President said: Wait a minute. The premiums in the individual market will go down 14 to 20 percent. That is also in the same letter. Of course, he is right about that. They go down because of administrative efficiencies and new enrollment, but he left out that there are other factors involved so that the government mandates will drive them up 27 to 30 percent or, in the end, the average, as the CBO said, premium per person covered in an individual policy would be up 10 to 13 percent.

The bill has subsidies in it for some Americans. The same letter says about half of Americans who buy in the individual market will get a subsidy. Well, we are paying for that subsidy, but let's concede that point. Still, that leaves half of the people in the individual market for whom premiums will go up on an average of 10 to 13 percent.

Why is that? One reason is because the Senate bill says people will have to buy a richer policy than they have today. That means it has a higher actuarial value. They call it in the bill "minimum creditable coverage." It means this is the amount of insurance I think you should have before you buy a policy. That might be a good decision. It undoubtedly would be good to have the insurance. It just costs 27 to 30 percent more than today's average.

The National Federation of Independent Businesses wrote a December 12 letter in opposition to the Senate bill saying the benefit mandates will put small business owners "at risk of having to drop coverage due to cost increases that outpace their health budgets."

I ask unanimous consent to have printed in the RECORD the letter from NFIB to Senator MCCONNELL and Senator REID, dated December 8.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,  
December 8, 2009.

Sen. HARRY REID,  
Majority Leader, Hart Senate Office Building,  
Washington, DC.

Sen. MITCH MCCONNELL,  
Minority Leader, Russell Senate Office Building,  
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: As the Senate continues to debate the future of comprehensive healthcare reform, the National Federation of Independent Business, the nation's leading small business association, is writing in opposition to the Patient Protection and Affordable Care Act (H.R. 3590).

When evaluating healthcare reform options, small business owners ask themselves two specific questions. First, will the bill lower insurance costs? Second, will the bill increase the overall cost of doing business? If a bill increases the cost of doing business or fails to reduce insurance costs, then the bill fails to achieve their No. 1 goal—lower costs.

In both cases, the Patient Protection and Affordable Care Act (H.R. 3590) fails the small business test and, therefore, fails small

business. The most recent CBO study detailing the effect that H.R. 3590 will have on insurance premiums reinforces that, despite claims by its supporters, the bill will not deliver the widely-promised help to the small business community. Instead, CBO findings report that the bill will increase non-group premiums by 10 to 13 percent and result in, at best, a 2 percent decrease for small group coverage by 2016. These findings tell small business all it needs to know—that the current bill does not do enough to reduce costs for small business owners and their employees.

Despite the inclusion of insurance market reforms in the small-group and individual marketplaces, the savings that may materialize are too small for too few and the increase in premium costs are too great for too many. Those costs, along with greater government involvement, higher taxes and new mandates that are disproportionately targeted at small business and are being used to finance H.R. 3590, create a reality that is worse than the status quo for small business. The shortcomings of the Patient Protection and Affordable Care Act include:

#### A NEW SMALL BUSINESS HEALTH INSURANCE TAX

Unlike large businesses, which self-insure and find security under the blanket of ERISA, most small businesses are only able to find and purchase insurance in the fully-insured marketplace. The Senate bill includes a new \$6.7 billion annual tax (\$60.7 billion over 10 years) that falls almost exclusively on small business because the fee is assessed on the insurance companies. CBO's most recent study reinforces those costs will ultimately be passed on to their consumers, leaving the cost to be disproportionately borne by small business consumers in the individual and small-group marketplace whose only choice is to purchase those products or forgo insurance altogether.

#### A NEW MANDATE THAT PUNISHES EMPLOYERS, EMPLOYEES AND HINDERS JOB CREATION

Employer mandates fail employers and employees in two ways. First, mandates do nothing to address the core issue facing small business—high healthcare costs. Second, mandates destroy job creation opportunities for employees. The job loss, whether through lost hiring or greater reliance on part-time employees, harms low-wage or entry-level workers the most. The employer mandate in H.R. 3590 sets up potentially troubling outcomes for this sector of the workforce. The multiple penalties assessed on full-time workers will most certainly result in a reduction of full-time workers to part-time workers and discourage the hiring of those entrants into the workforce who might qualify for a government subsidy, hardly an outcome that contributes to a greater insured population.

#### A POORLY-STRUCTURED SMALL BUSINESS TAX CREDIT

As structured, the small business tax credit will do little, if nothing, to propel either more firms to take up coverage or produce greater overall affordability. Due to its short-term temporary nature and the limitations based on the business' average wage, its benefit is, at best, a temporary solution to the long-term cost and affordability problem. A tax credit that is poorly structured is not going to provide sustainable and long-term relief from high healthcare costs, and the recent CBO finding that the tax credit would benefit only 12 percent of the small business population illustrates its lack of effectiveness.

#### A BENEFIT PACKAGE THAT IS TOO HIGH A HURDLE FOR SMALL BUSINESS

NFIB has voiced concern over establishing a benefit threshold that is too high a price tag for small businesses to meet. Small businesses are especially price sensitive. They need purchasing choices that provide the flexibility in coverage options that reflect their marketplace and business needs. If Congress doesn't adjust the actuarial value standards in the legislation, what may be affordable this year may be unaffordable next year. As a result, small business owners will be at risk of having to drop coverage due to cost increases that outpace their healthcare budgets.

#### DESTRUCTIVE RATING REFORMS AND PHASE-IN TIMELINES THAT THREATEN AFFORDABILITY FOR ALL

NFIB supports balanced federal rating reforms that protect access and affordability, regardless of an individual or group's health status. However, the excessively tight age rating (3:1) in H.R. 3590 will increase more costs than it will decrease, and make coverage unaffordable for the very populations that are most beneficial to the insurance pool—the young and the healthy. Independent actuaries have analyzed the negative impact of such tight bands and have indicated that there will be devastating effects to the long-term viability of a pool without action to correct this rating imbalance.

Additionally, to prevent volatile spikes in insurance premiums, also known as "rate shock," federal rating reforms must be appropriately applied to all marketplaces and phased in over a responsible period of time. If this is not done, then certain plans, including "grandfathered plans," will utilize different rating practices when underwriting risk, which can create adverse selection issues. Those selection problems will have a striking negative impact on the new exchanges—exchanges that are meant to improve, rather than decrease, affordability for small business and individuals.

#### NATIONAL PLANS THAT PROVIDE LIMITED PROMISE FOR SUCCESS

Leveling the playing field for small business starts with allowing uniform benefit packages to be purchased across state lines. If done right, this can provide a greater security that, as people change jobs and move from state to state, they can keep the benefit plan that meets their healthcare needs. National plans would be particularly helpful for states with smaller populations and where consumers lack a robust marketplace with choice and competition for private plans. Specifically, the state "opt-out" language in the Patient Protection and Affordable Care Act would create more disincentives than incentives for carriers to embark on these new opportunities. If the national plan section is not significantly restructured to make national plans a viable option, then these new opportunities will never materialize for small business.

#### THREATENS FLEXIBILITY AND CHOICE FOR EMPLOYERS AND EMPLOYEES

Small employers need more affordable health insurance options and new alternatives for employers to voluntarily contribute to individually-owned plans. Provisions also need to be structured to insure that options are widely available to both employers and employees. The simple cafeteria plan language in H.R. 3590 excludes the owners of many "pass-through" business entities from participating in these arrangements. If owners are unable to participate in the plan, they will be less likely to provide insurance



to their workforce. Finally, small business needs the freedom and flexibility to preserve options that are already proven to work. Prohibiting the use of HSA, FSA and HRA funds to purchase over-the-counter medications, along with the \$2,500 limit on FSA contributions, diminishes that flexibility and threatens to further limit the options employers have to provide meaningful healthcare to their employees.

#### NEW PAPERWORK COSTS ON SMALL BUSINESSES

The cost associated with tax paperwork is the most expensive paperwork burden that the federal government imposes on small business owners. The Senate bill dramatically increases that cost with a new reporting requirement that is levied on business transactions of more than \$600 annually, leaving small business buried in paperwork and increasing their paperwork compliance expenses.

#### AN UNPRECEDENTED NEW PAYROLL TAX ON SMALL EMPLOYERS

Since its creation the payroll taxes that fund the Medicare programs have not been wage-based and are dedicated specifically to funding Medicare. The Senate bill changes the nature of the tax and creates a precedent to use payroll taxes to pay for non-Medicare programs.

#### THE ABSENCE OF REAL MEDICAL LIABILITY REFORM

NFIB strongly supports medical liability reform as a means to both inject more fairness into the medical malpractice legal system, and to reduce unnecessary litigation and legal costs. Taking serious steps to adopt meaningful medical liability reform is a significant step toward restoring common sense to our medical liability litigation system. It also is especially critical to improving access to healthcare for those living in rural areas, where it is becoming increasingly difficult for those in need to locate specialists such as OB/GYNs and surgeons.

#### THE CREATION OF A NEW GOVERNMENT-RUN HEALTHCARE PROGRAM

A government-run plan will drive the private healthcare marketplace out of business. Private insurers will be unable to compete in a climate where the rules and practices are tilted in favor of a massive government-run plan. This means millions could lose their current coverage. This will decrease choice and increase costs. On both accounts, the government-run plan will leave small business with a single option the government-run plan, which is the exact opposite outcome small businesses want from healthcare reform.

There is near universal agreement that, if done right, small business has much to gain from healthcare reform. But if it is done wrong, then small business will have the most to lose. The Patient Protection and Affordable Care Act, which is short on savings and long on costs, is the wrong reform, at the wrong time and will increase healthcare costs and the cost of doing business. NFIB remains committed to healthcare reform, and urges the Senate to develop common sense solutions to lower healthcare costs while ensuring that policies empower small business with the ability to make the investments necessary to move our economy forward.

Sincerely,

SUSAN ECKERLY,  
Senior Vice President,  
Public Policy.

Mr. ALEXANDER. The one-size-fits-all provision in the Democratic bill

says all individual and small group policies must have an actuarial value of 60 percent.

Senator SUSAN COLLINS of Maine, who was the insurance commissioner of Maine, made a speech on the Senate floor on December 18, and pointed out that 87 percent of the individual policies that are purchased in Maine today would cost more under the Reid bill.

I commend to my colleagues the Senator's testimony of December 18, 2010.

Senator COLLINS used the example that the most popular individual market policy sold in Maine costs a 40-year-old about \$185 a month. Under the Senate bill that 40-year-old would have to pay at least \$420 a month, more than twice as much for the policy that meets the new minimum standard, or face a \$750 penalty. It is true Maine citizens, as is true for all Americans—about half of them—would receive subsidies to help them buy that policy, but the average premium for the other half of the 87 percent is going to go up under the Democratic bill.

We believe Americans ought to have more choices than that. That is a fundamental difference of opinion. Should Washington decide you need to buy a richer policy, or should you decide that for yourself based upon the other needs of your family?

The Congressional Budget Office does state, as I have mentioned, that there are a number of enrollees—about half—who would have the subsidies, and that is in the letter I have already introduced into the RECORD. But someone is paying for those subsidies: the taxpayers are paying for them, which brings up the second reason I said on Thursday that premiums for millions of Americans in the individual market will go up.

The commonsense idea is that if you tax an insurance company or a medical device company or a manufacturer of drugs, they will pass the taxes on to whom? To us, who are buying insurance policies or medical devices or drugs. So we end up paying. In fact, one part of the President's proposal deliberately does that. It is a 40-percent excise tax on insurance companies for what we call Cadillac plans, the high-cost private insurance plans.

A letter from the Joint Committee on Taxation, dated February 24, says the 40-percent excise tax will raise \$32.7 billion, all of which will be passed along to consumers in the form of higher insurance premiums. That may be a good thing. In fact, I think it is because it helps to discourage the purchase of more expensive policies. But it does raise premiums in the individual market.

The Joint Committee on Taxation Memorandum on High Cost Plans, dated September 29, says:

The excise tax would be mainly passed along through increases in premiums.

Because the new tax is indexed to regular inflation plus 1 percent instead

of medical inflation, which goes up very much higher and quicker, the new tax, like the alternative minimum tax, will pretty soon start to hit Chevy and Buick insurance policies and not just Cadillac policies.

But there are other taxes in the President's proposal. There are up to \$½ trillion in new taxes, which will be passed on to consumers: \$20 billion in excise taxes on lifesaving medical devices, \$33 billion on drugs, and \$60 billion on health insurance companies. In the previously mentioned CBO letter and a JCT letter to Senator GRASSLEY in October of last year, both said these taxes will be passed on to patients, increasing health insurance premiums.

The Chief Actuary of the Center for Medicare and Medicaid Services, who is a part of the Obama administration said:

We anticipate such fees would be generally passed through to health consumers in the form of higher drug and device prices and higher insurance premiums.

That was on December 10 of last year, about the Senate bill.

The Lewin Group, on October 30, said:

Employer spending would increase steadily under the [Democratic] act, reflecting the cost of paying the various excise taxes under the act. Total employer health spending would increase by 2.1 percent by 2019.

I ask unanimous consent to have printed in the RECORD the executive summary of the Lewin Group letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EXECUTIVE SUMMARY

In this study we estimate the impact of The America's Healthy Future Act as adopted by the Senate Finance Committee. The Act would require most Americans to have health insurance. To assure access to affordable coverage, the Bill expands the Medicaid program to 133 percent of the Federal Poverty Level (FPL) for all adults. It also provides a new premium tax credit for people living between 133 percent and 400 percent of the FPL (e.g., \$88,000 for a family of four).

In addition, the Act establishes an "exchange" that presents consumers with a selection of health coverage alternatives that is available to individuals and firms with fewer than 100 workers. States would have the option to extend eligibility to larger employers beginning in 2017. Only people participating in the exchange who do not have access to employer coverage would be eligible for the premium tax credit. The Act also reforms insurance markets by assuring guaranteed issue of coverage and prohibiting plans from varying premiums with health status.

Employers with more than 50 workers are required to pay a penalty for each uninsured worker receiving a premium tax credit through the exchange. The Act also provides an employer health insurance tax credit for up to two years for firms with fewer than 25 workers with an average employee earnings of less than \$40,000. Workers offered coverage by an employer are not eligible for premium subsidies offered in the exchange unless the cost of employer coverage exceeds 10 percent of income.

The Act is funded with reductions in spending under Medicare and Medicaid, a

new excise tax on high cost health plans (premiums over \$8,000 for individuals and \$21,000 for families). It also includes a second excise tax on insurance, new excise taxes on branded prescription drugs and device manufacturers, and other changes in revenues.

In this study we provide estimates of the program's impact on coverage and spending for the federal government, state and local governments, private employers and consumers. To demonstrate the long-term impact of the Act, we provide estimates for a 20-year period from 2010 through 2029.

Mr. ALEXANDER. The National Federation of Independent Business letter says the same. There are other reasons the premiums will go up.

Mr. President, seeing no one else here, I wonder if I might ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I thank the President.

Here is a third reason, in addition to government mandates and taxes, that will cause premiums to rise. We call it cost-shift. Premiums will increase because the bill dumps 15 million to 18 million more Americans into the government program called Medicaid. This is the analysis of the Chief Actuary on January 8, 2010.

I ask unanimous consent that the relevant portions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED FEDERAL COSTS (+) OR SAVINGS (-) UNDER SELECTED PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AS PASSED BY THE SENATE  
(In billions)

Provisions	Fiscal year—										Total, 2010–19
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	
Total*	\$11.6	\$0.1	–\$14.8	–\$32.8	\$14.7	\$63.0	\$71.4	\$60.9	\$55.8	\$49.7	\$279.5
Coverage†	4.7	6.6	1.7	.....	86.5	128.0	150.1	156.4	167.9	180.7	882.5
Medicare	2.2	–3.6	–12.1	–23.4	–62.6	–55.1	–70.2	–87.6	–104.6	–123.7	–540.7
Medicaid/CHIP	–0.4	–0.1	0.2	–3.8	–3.1	–3.8	–3.9	–4.1	–4.0	–3.9	–27.1
Cost trend‡	.....	.....	.....	.....	–0.0	–0.1	–0.2	–0.4	–0.6	–0.9	–2.3
CLASS program	.....	–2.8	–4.5	–5.6	–5.9	–6.0	–4.3	–3.4	–2.8	–2.4	–37.8
Immediate reforms	5.0	.....	.....	.....	.....	.....	.....	.....	.....	.....	5.0

\* Excludes Title IX revenue provisions except for section 9015, certain provisions with limited impacts, and Federal administrative costs.

† Includes expansion of Medicaid eligibility and additional funding for CHIP.

‡ Includes estimated non-Medicare Federal savings from provisions for comparative effectiveness research, prevention and wellness, fraud and abuse, and administrative simplification. Excludes impacts of other provisions that would affect cost growth rates, such as the productivity adjustments to Medicare payment rates, which are reflected in the Medicare line.

As indicated in the table above, the provisions in support of expanding health insurance coverage (including the Medicaid eligibility changes and additional CHIP funding) are estimated to cost \$882 billion through fiscal year 2019. The net savings from the Medicare, Medicaid, growth-trend, and CLASS proposals are estimated to total about \$603 billion, leaving a net cost for this period of \$279 billion before consideration of additional Federal administrative expenses and the increase in Federal revenues that would result from the excise tax on high-cost employer-sponsored health insurance coverage and other revenue provisions. (The additional Hospital Insurance payroll tax income under section 9015 of the PPACA is included in the estimated Medicare savings shown here.) The Congressional Budget Office and Joint Committee on Taxation have estimated that the total net amount of Medicare savings and additional tax and other reve-

DEPARTMENT OF HEALTH & HUMAN  
SERVICES, CENTERS FOR MEDICARE  
& MEDICAID SERVICES,  
Baltimore, MD.

Date: January 8, 2010

From: Richard S. Foster, Chief Actuary

Subject: Estimated Financial Effects of the "Patient Protection and Affordable Care Act," as Passed by the Senate on December 24, 2009.

The Office of the Actuary has prepared this memorandum in our longstanding capacity as an independent technical advisor to both the Administration and the Congress. The costs, savings, and coverage impacts shown herein represent our best estimates for the Patient Protection and Affordable Care Act. We offer this analysis in the hope that it will be of interest and value to policy makers as they develop and debate national health care reforms. The statements, estimates, and other information provided in this memorandum are those of the Office of the Actuary and do not represent an official position of the Department of Health & Human Services or the Administration.

This memorandum summarizes the Office of the Actuary's estimates of the financial and coverage effects through fiscal year 2019 of selected provisions of the "Patient Protection and Affordable Care Act" (PPACA) as passed by the Senate on December 24, 2009 (H.R. 3590, as amended). Included are the estimated net Federal expenditures in support of expanded health insurance coverage, the associated numbers of people by insured status, the changes in Medicare and Medicaid expenditures and revenues, and the overall impact on total national health expenditures. Except where noted, we have not estimated the impact of the various tax and fee proposals or the impact on income and payroll taxes due to economic effects of the legislation. Similarly, the impact on Federal administrative expenses is excluded. A sum-

mary of the data, assumptions, and methodology underlying our estimates of national health reform proposals is available in the appendix to our October 21 memorandum on H.R. 3200.

#### SUMMARY

The table shown on page 2 presents financial impacts of the selected PPACA provisions on the Federal Budget in fiscal years 2010–2019. We have grouped the provisions of the bill into six major categories:

(i) Coverage proposals, which include the mandated coverage for health insurance, the expansion of Medicaid eligibility to those with incomes at or under 133 percent of the Federal poverty level (FPL), and the additional funding for the Children's Health Insurance Program (CHIP);

(ii) Medicare provisions;

(iii) Medicaid and CHIP provisions other than the coverage expansion and CHIP funding;

(iv) Proposals aimed in part at changing the trend in health spending growth;

(v) The Community Living Assistance Services and Supports (CLASS) proposal; and

(vi) Immediate health insurance reforms.

The estimated costs and savings shown in the table are based on the effective dates specified in the bill as passed. Additionally, we assume that employers and individuals would take roughly 3 to 5 years to fully adapt to the insurance coverage provisions and that the enrollment of additional individuals under the Medicaid coverage expansion would be completed by the third year of implementation. Because of these transition effects and the fact that most of the coverage provisions would be in effect for only 6 of the 10 years of the budget period, the cost estimates shown in this memorandum do not represent a full 10-year cost for the proposed legislation.

nues would somewhat more than offset the cost of the national coverage provisions, resulting in an overall reduction in the Federal deficit through 2019.

The chart shown below summarizes the estimated impacts of the PPACA on insurance coverage. The mandated coverage provisions, which include new responsibilities for both individuals and employers, and the creation of the Health Benefit Exchanges (hereafter referred to as the "Exchanges"), would lead to shifts across coverage types and a substantial overall reduction in the number of uninsured, as many of these individuals become covered through their employers, Medicaid, or the Exchanges.

By calendar year 2019, the mandates, coupled with the Medicaid expansion, would reduce the number of uninsured from 57 million, as projected under current law, to an estimated 23 million under the PPACA. The additional 34 million people who would become insured by 2019 reflect the net effect of

several shifts. First, an estimated 18 million would gain primary Medicaid coverage as a result of the expansion of eligibility to all legal resident adults under 133 percent of the FPL (In addition, roughly 2 million people with employer-sponsored health insurance would enroll in Medicaid for supplemental coverage.) Another 21 million persons (most of whom are currently uninsured) would receive individual insurance coverage through the newly created Exchanges, with the majority of these qualifying for Federal premium and cost-sharing subsidies. Finally, we estimate that the number of individuals with employer-sponsored health insurance would decrease overall by about 4 million, reflecting both gains and losses in such coverage under the PPACA.

As described in more detail in a later section of this memorandum, we estimate that overall national health expenditures under this bill would increase by an estimated

total of \$222 billion (0.6 percent) during calendar years 2010–2019, principally reflecting the net impact of (i) greater utilization of health care services by individuals becoming newly covered (or having more complete coverage), (ii) lower prices paid to health providers for the subset of those individuals who become covered by Medicaid, and (iii) lower payments and payment updates for Medicare services, together with net Medicaid savings from provisions other than the coverage expansion. Although several provisions would help to reduce health care cost growth, their impact would be more than offset through 2019 by the higher health expenditures resulting from the coverage expansions.

The actual future impacts of the PPACA on health expenditures, insured status, individual decisions, and employer behavior are very uncertain. The legislation would result in numerous changes in the way that health care insurance is provided and paid for in the U.S., and the scope and magnitude of these changes are such that few precedents exist for use in estimation. Consequently, the estimates presented here are subject to a substantially greater degree of uncertainty than is usually the case with more routine health care proposals.

The balance of this memorandum discusses these financial and coverage estimates—and their limitations—in greater detail.

Mr. ALEXANDER. The point is, Medicaid only pays doctors and hospitals about 60 percent of the cost of serving the 60 million patients who are now there. The Democratic bill would add 15 million to 18 million more patients. So what do the doctors and hospitals do? They see these patients, but then they shift the costs to the patients they see who have private insurance.

The President himself said that adds about \$1,000 to every policy today, this cost-shifting. I have included that comment from the Chief Actuary.

The PriceWaterhouseCoopers report on the Senate Finance Committee bill in October of 2009 indicated that the net effect of the bills before Congress will make the Medicare and Medicaid cost-shift even more severe, raising the cost of private insurance premiums for large employers by \$255 a year between 2015 and 2019.

I ask unanimous consent to have printed in the RECORD the relevant portions of the PriceWaterhouseCoopers report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POTENTIAL IMPACT OF HEALTH REFORM ON THE  
COST OF PRIVATE HEALTH INSURANCE COV-  
ERAGE

ISSUE C—INCREASED COST SHIFTING

Today, certain costs (e.g., hospital expenses) are shifted to the private sector (employers and consumers) as some participants in the system pay less than their share of the cost of their care. Public programs such as Medicare and Medicaid reimburse less than the cost of care for hospitals' services. In addition, the uninsured or underinsured may not be able to cover the full cost of care, and this cost is then also transferred to the private market.

The initial hope of health reform was that by improving coverage of the currently uninsured, a significant percentage of uncompen-

sated care would be eliminated. This is still anticipated to happen. However, the cost shift "gains" from decreasing the numbers of uninsured now appear to be more than offset by the losses from proposed cutbacks in Medicare and Medicaid spending allocated to the hospital sector.

It should also be noted that the impact of covering the uninsured may be different in communities constrained by limited hospital capacity. In those communities, covering the uninsured could actually increase cost-shifting if the newly insured increase demand for healthcare services and the overall mix of hospital patients migrates towards lower paying government programs.

The net impact is likely to result in an increase in cost shifting which translates into a 0.8 percent average annual increase in the private sector spending between 2010 and 2019, or \$145 on average per year for family coverage in a large group plan (and \$55 for single coverage). We note that this cost burden ramps up over the projection period, with an average annual increase in health costs of 1.2 percent over the second five-year period. We assume that this increased cost to the private sector will ultimately impact the cost of coverage for individuals and businesses in both the insured and self-insured market. As a result, premium costs for large group plans will be \$37 higher each year between 2010 and 2014 for family coverage (\$14 for single coverage), and \$255 higher each year between 2015 and 2019 (\$96 for single coverage).

Mr. ALEXANDER. Younger Americans in the individual market will pay higher premiums under the Democratic plan because, as I mentioned earlier, it will mandate for individual coverage that I can't pay more than three times as much as my son can pay for an insurance premium. That might help keep my premiums down, but it is going to send his up pretty far because 42 States, including Tennessee, allow more variance of that. So young people across America, who include about 30 percent of the uninsured, are in for a big surprise when their individual policies jump up 30 to 35 percent, which is what the Oliver Wyman report on September 28 said theirs might do, or when, since they are uninsured, they are required to buy insurance and they find the insurance they are required to buy is very expensive.

I ask unanimous consent to have printed in the RECORD the conclusion of the Oliver Wyman report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCLUSION

As Congress considers approaches to maximize health insurance coverage in the United States, it is important to consider the impact of premium rate compression on current purchasers and the uninsured. Providing affordable premiums to young people is critical to encourage their participation and ensure the long-term sustainability of the insurance pool in the years following health insurance reform.

Requiring a young person to pay multiples of their expected medical expenses for health insurance is likely to cause these individuals to decline to purchase coverage. Maintaining adequate flexibility in rating will minimize

the rate shock that many could see in the marketplace and encourage higher levels of coverage over time. Moreover, the elimination of health status as a rating factor will already provide significant benefit to older individuals, who are more likely to suffer from chronic health conditions.

In conclusion, our modeling demonstrates that the 5:1 age band, as originally included in the Senate Finance Committee's Chairman's Mark, will reduce disruption compared to tight age bands. Maintaining 5:1 age bands will encourage more young people to participate in the insurance market, thereby keeping average rates more affordable. This, in turn, will result in higher overall levels of participation in the insurance market and fewer uninsured.

Mr. ALEXANDER. Finally, the young and the healthy can skip out of this. That will drive up premiums. They may decide they would rather pay a \$750 fine than \$2,500 for a health insurance policy they think they don't need.

The American Academies of Actuaries wrote a letter on the Reid bill on November 20 that said: "Any premium variations by age limited to a 3:1 ratio between the highest and lowest premiums," and then it goes on to say, "would cause higher premiums on average relative to current premiums."

I ask unanimous consent to have printed in the RECORD the letter from the American Academy of Actuaries of November 20, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 20, 2009.

Re: Patient Protection and Affordable Care Act.

Hon. HARRY REID

Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,

Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: The American Academy of Actuaries' Health Practice Council commends members of the Senate as you prepare to debate and vote on the Patient Protection and Affordable Care Act. We share with you the goals of reducing the numbers of uninsured, increasing the availability of affordable coverage, controlling health spending growth, and improving the quality of care. On behalf of the council, I appreciate this opportunity to provide the following comments outlining the three key criteria that need to be considered when evaluating whether this legislation will lead to a viable health insurance system, and how the legislation can be improved to meet these goals. In particular:

For insurance markets to be viable, they must attract a broad section of risks. Implementing market reforms to prohibit insurers from denying coverage and to restrict how much premiums can vary will result in adverse selection and upward pressure on premiums unless lower-risk individuals have incentives to purchase coverage. An individual mandate can bring lower-risk individuals into the pool. To be effective, however, the penalties for not complying with the mandate must be meaningful relative to the premium faced. The penalties in the Patient Protection and Affordable Care Act are very

low, which is especially problematic given the bill's limits on premium variations by age, which will raise premiums for younger individuals. Strengthening the bill's individual mandate through higher financial penalties is needed to reduce adverse selection that would arise due to the new issue and rating restrictions.

Market competition requires a level playing field. All plans, including any new public plans or health insurance cooperatives must operate under the same rules. As written, the public plan and cooperatives established under the legislation would be subject to the same market rules and benefit requirements that apply to public plans. They would also be required to negotiate rates with providers. The bill should retain these provisions and also ensure that start-up funds provided to these plans are adequate to meet not only pre-operational expenses but also solvency needs.

For long-term sustainability, health spending growth must be reduced. Provisions to control health care spending should include not only one-time improvements that will help address short-term goals, but also options that permanently reduce spending growth to address long-term goals. The Patient Protection and Affordable Care Act includes provisions that aim to reduce long-term spending growth by shifting the health care payment and delivery systems to focus on cost-effective and high-quality care. Many of these efforts take the form of studies and demonstration projects. Policymakers need to focus intently on finding ways to control spending and ensuring that promising approaches and successful demonstration projects are adopted on a broad scale in a timely manner.

To this end, the Act also includes provisions that would help shift the health care payment and delivery systems from rewarding quantity of care to rewarding quality of care. The legislation includes many cost con-

tainment and quality improvement strategies focused on the Medicare program, including provider payment and delivery system reforms that provide incentives for coordinated and cost-effective care. Such a comprehensive and coordinated approach to addressing quality and costs is needed to fundamentally transform the health system to ensure its long-term sustainability. However, acknowledging that the impact on health spending and health outcomes of many potential programs is still unclear, the legislation directs many of these efforts in the form of studies and demonstration projects. Analyses from the Centers on Medicare and Medicaid Services and from the Congressional Budget Office suggest that at least in their current limited form, these provisions will have only a minimal impact on health spending growth. Policymakers need to focus intently on finding ways to control spending and ensuring that promising approaches and successful demonstration projects are adopted on a broad scale and in a timely manner.

#### SUMMARY

The American Academy of Actuaries' Health Practice Council strongly supports three key considerations for a sustainable health insurance system with increased access to affordable health insurance. In particular, for insurance markets to be viable they must attract a broad cross section of risks; market competition requires a level playing field; and for long-term sustainability, health spending growth must be reduced.

Outcomes of the reforms before you, because they involve so many complex interactions including market behavior, may not be fully known until implementation. Even actuaries must make certain assumptions in their projections, based on experience and expertise, as to what the exact effects will be. However, as the full Senate casts votes,

we urge you to first and foremost examine these criteria as a litmus for determining the success of this reform effort. In particular, we believe that strengthening the individual mandate through higher financial penalties is needed to reduce the adverse selection that would arise due to the new issue and rating restrictions.

We welcome the opportunity to serve as an ongoing resource to you as health care reform legislation is considered in the Senate and through remainder of the legislative process. If you have any questions or would like to discuss these comments further, please contact Heather Jerbi, the Academy's senior health policy analyst (202.785.7869; Jerbi@actuary.org).

Sincerely,

CORI E. UCCELLO,  
*Senior Health Fellow.*

Mr. ALEXANDER. All in all, these factors suggest why, when Senator COLLINS took a look at Maine, she found that 87 percent of people in Maine are paying less for their individual policies than the policies would cost under the Reid bill. It is true that half or more of them would receive some subsidy, which would reduce their costs, but around half of them will pay more. In Tennessee, Blue Cross Blue Shield, which covers about one-third of Tennessee's individual market, estimates the premiums for those individuals will increase by 30 to 45 percent under the Reid bill.

I ask unanimous consent to include a chart which demonstrates that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### Health Care Reform Analysis - CBO vs. BCBST Impact and Assumptions Non-Group Analysis

	CBO Impact	BCBST Impact	BCBST Assumptions	BCBST Assumptions
Difference in Amount of Insurance Coverage	27% to 30%	17%		
Increase in Actuarial Value *	18 to 21%	3%	Current non-group Actuarial Value is 69%, only impact is on policies below 60% moving up to minimum	
Increase in Utilization and Scope of Benefits	9%	14%	Adding coverage for maternity, Rx, MH/SA, & pre-ex conditions as well as increased util from lower cost sharing	Adding coverage for maternity, pre-ex conditions and conditions currently not covered (Rx and MH/SA already covered)
Difference in Price of a Given Amount of Coverage	-7% to -10%	3%	CBO did not assign values to each element	After viewing CBO's analysis, appears that administrative cost savings may offset new fees. Seems that only way significant savings will be achieved is through a reduction in provider payments.
<b>Reduced Administrative Costs</b>				
Economies of Scale - More Enrollees	Decrease	Not considered		Expect minimal impact (less than 0.5%)
Benefit Standardization	Decrease	Not considered		Expect minimal impact (less than 0.5%)
Standard Electronic Transactions	Decrease	Not considered		Expect minimal impact (less than 0.5%)
Reduction in Underwriting Costs	Decrease	Not considered		Expect minimal impact (less than 0.5%)
Exchange Expenses Fee	Increase	0%		Assumed fees of 4% - 6% will be offset by reduction in sales expense
<b>Increased Competition</b>				
Increased Med Management	Decrease	Not considered		Expect minimal impact due to current high level of medical management
Reduced Provider Rates	Decrease	Not considered		
Prudent Purchasing by Exchange	Decrease	Not considered		Expect minimal impact
Higher Public Plan Costs	Decrease	Not considered		Expect minimal impact
Health Insurance Co Fee	Increase	2%		
Medical Device Fee	Increase	1%		
<b>Cost Shifting</b>				
	No Effect	Not considered		Differ with CBO's opinion that there is no historical evidence of cost shifting
Differences in Types of People Who Obtain Coverage **	-7 to -10%	10% to 25%	Adverse selection limited by policy provisions and will be offset by healthier uninsured population	Based on historical examples, adverse selection potential is significant, though mitigated somewhat by items below. Still believe cost impact will be greater than 10%.
Uninsured are Healthier on Average	Decrease			
Limited Amount of Adverse Selection Would Occur	Increase			
Open Enrollment		Not considered		
Premium Subsidies		Not considered		
Mandate				Mandate is weak and not likely to be effective
<b>Total Difference Before Accounting for Subsidies</b>	<b>10% to 13%</b>	<b>30% to 45%</b>		

\* Reflects 60% minimum actuarial value requirement

\*\* BCBST impact paper reflected 35% increase for the impact of guaranteed issue and no effective individual mandate. This can be split into the following components:

- 1) Impact of requiring coverage of pre-ex conditions and removing riders = 10%
- 2) Differences in types of people who obtain coverage = 25%

Note: Cases in BCBST paper also reflected the policy specific projected impact of limiting age band rating as well as eliminating rating based on gender and health status. Across book of business, average impact for all of these items is revenue neutral. CBO analysis is based on averages so their analysis has no associated impact.

12/1/09

Mr. ALEXANDER. At our summit on Thursday, there were a number of good ideas about reducing health care costs that the President seemed to share with Republican Members who were there. There was some obvious irritation on the part of the majority leader and others when we said things such as there is \$½ trillion worth of cuts in Medicare, which there are. Our real objection to it is that the cuts are not used to save Medicare, which is going broke, but spent on a new program—\$½ trillion in new taxes. There is \$½ trillion in new taxes.

As I have just said, they tend to increase premiums for millions of Americans. There are premium increases. There is a deficit increase.

It is true the CBO has said that what was presented to them didn't increase the deficit, but what was not included in what was presented was paying doctors to serve patients in the government program we call Medicare. That is like having a horse race without the horses. How are you going to have a comprehensive health care bill and not include within its costs paying doctors to serve patients in the government program? When you put it in, the deficit goes up.

Then there is a problem of the passing off to States these expanded Medicaid costs without paying for them. I know as a former Governor—and I see the former Governor of Virginia in the chair—I struggled with that every single year. All the Governors are today in both parties. They don't want us sending them a bill for expanded health care. They can't pay the bills they have. We shouldn't do that. If we want to expand it, we should pay for it. That is another part of the bill.

So I came to the floor today to, No. 1, express my appreciation to the President for inviting us Thursday. It gave us a chance to show who we are and what we are for. I thought it was a good discussion. I believe there are 8 or 10, maybe a dozen different good ideas Senator COBURN and people on both sides of the aisle suggested. There are some differences between those ideas but, basically, they represent a way to move forward to reduce health care costs. That is what we ought to do. We don't do comprehensive very well in the Senate. Comprehensive immigration failed of its own weight. Comprehensive economy-wide cap and trade seems to be failing, again of its own weight. Comprehensive health care is very difficult to pass. That shouldn't be a surprise to any of us. This is a very big, difficult, complicated country with people of many different backgrounds and, in my judgment, we are just not wise enough for a few of us to rewrite the rules for 17 percent of our economy.

I think the American people have tuned into that. They want us to fix health care, but they want us to reduce

costs. Again, we on the Republican side are ready to set that goal and, as we said 173 different times on the Senate floor the last six months of last year, we have offered 6 steps to move toward that goal. Maybe the President can think of six more. Maybe we can think of six more. We did that with the America COMPETES Act. We asked the national academies: What are the 10 steps that can help us become more competitive as a country? They gave us 20, and we passed most of them. In clean energy, we are coming together on nuclear power, offshore drilling, and energy development. Those are steps toward a goal that would be a more sensible way for us to work.

In the meantime, the unpleasant truth is, the current bill being considered—will cut Medicare, not spend it on Medicare—will raise taxes, and it will, as I have tried to demonstrate with respect to the President, raise individual premiums because of the one-size-fits-all government mandates and tax increases.

Finally, I commend to my colleagues today's editorial from the Wall Street Journal detailing how the Massachusetts health care plan has unexpectedly caused premiums to rise over the last couple years and what lesson there might be in that for us.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

#### TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed the privilege of the floor during consideration of the pending bill: Randy Aussenberg, Aislinn Baker, Brittany Durell, Dustin Stevens, Greg Sullivan, Max Updike, and Ashley Zuelke.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 3336

(Purpose: In the nature of a substitute)

Mr. BAUCUS. Mr. President, I now call up my amendment by number and urge its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The legislative clerk read as follows: The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3336.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, Martin Luther King, Jr., once said:

Life's most urgent question is: What are you doing for others?

Pretty much all of us came here to the Senate to work on that urgent question. Pretty much all of us came here to help other Americans.

On a number of levels, the legislation before us today is urgent legislation. The legislation before us today is urgent because it would prevent millions of Americans from falling through the safety net.

The legislation before us is urgent because it would extend vital safety net programs that expired yesterday.

The legislation before us is urgent because it would put cash in the hands of Americans who could spend it quickly, boosting economic demand.

The legislation before us today is urgent because it would extend critical programs and tax incentives that create jobs.

The legislation before us today is urgent because it is important that we here can do this for other Americans.

Since the recession began, more than 7 million Americans have lost their jobs. The unemployment rate remains nearly 10 percent. For Americans without a job, this great recession is a great depression. If you do not have a job, it is a depression.

Last week, with a solid bipartisan vote, we passed legislation to help create jobs. We can and should do more, and by extending this package of vital provisions we can do just that.

The provisions in this bill are important to American families. They are important to communities that have suffered a natural disaster. They are important to businesses competing in the global economy. They are important to furthering America's commitment to energy independence.

The need is urgent. Yesterday many of these important provisions expired. Millions of Americans are being put at risk. The expiration of these provisions has left gaping holes in the safety net.

Among the provisions that expired yesterday are these: expanded unemployment insurance benefits; COBRA subsidies to help people keep their health insurance; a provision that

keeps folks right at the poverty line from losing their benefits; the small business loan program; the temporary measure to prevent a 21-percent cut to doctors under Medicare; the Flood Insurance Program; the Satellite Home Viewer Act.

Unless we reinstate the programs in this bill, there will be real world consequences for the people who depend on these programs today.

Take unemployment insurance. This bill would extend the program for expanded unemployment benefits. These benefits expired on Sunday. The bill would extend what is called Federal emergency unemployment compensation. This bill would extend 100 percent Federal extended benefits. That is a program where State governments normally have to pay 50 percent. We would also extend the additional \$25 a week for each beneficiary receiving unemployment benefits.

According to the National Employment Law Project, 5.6 million people are currently benefiting from one of the Federal unemployment benefits. Mr. President, 5.6 million people today benefit. Between March and November of last year, we distributed nearly \$8.3 billion in additional benefits through the additional \$25-a-week supplement.

For example, my office received word about one unemployed Montana worker who had been living in a homeless shelter for more than a month. This Montanan used emergency unemployment compensation benefits to move closer to an out-of-State relative. The relative helped the Montanan through this difficult time. With the help of emergency unemployment compensation benefits and the help of family, this Montanan was able to find work again.

Unemployment benefits also make good economic sense. The nonpartisan Congressional Budget Office estimates that every dollar spent on unemployment benefits generates up to \$1.90 in additional gross domestic product. That is \$1 to \$1.90. This makes unemployment benefits one of the most cost-effective policies for stimulating the economy.

By helping our unemployment workers through this long recession, we help to keep the neighborhood gas station operating. We help to keep a house from foreclosure. And we help to keep our economy from further damage.

We must act immediately to help the more than 1 million people who lost their benefits yesterday. My heart goes out to them and to their families and hope that they can hold on while we work to clear up this mess, in order to clear this bill and bring them the help they deserve and on which they have been depending.

A second vital program in this bill that expired yesterday is a program that provides a tax benefit for COBRA health benefits. What is that? That is

the program that helps workers who lose their jobs to keep their health insurance. When workers lose their jobs, they lose more than just their paychecks. Unfortunately, they often lose their ability to afford health care coverage as well.

Today, roughly 60 percent of the non-elderly population receives health insurance through their jobs. In most cases, unemployed workers have the right to keep their work coverage for up to 18 months through the COBRA program. But to receive COBRA health benefits, workers must typically pay all of the premium costs, plus an additional 2 percent for administrative costs; that is, they pay 102 percent. That is not right.

For a family of four, the average monthly COBRA premium is \$1,100. For most people out of work, that is simply unaffordable. How can a family who is out of work pay health benefits at a rate of \$1,100 a month? They cannot do it.

The Recovery Act helped unemployed workers and their families to cover the costs. This assistance helped millions of unemployed workers and their families to maintain health insurance while they look for a new job.

Unfortunately, COBRA assistance expired yesterday, and that is the provision that gave a 65-percent subsidy. It expired yesterday. This means workers who lose their jobs today or afterwards will not be eligible for COBRA assistance. They can still buy health insurance through the COBRA program if they can find the dollars to pay full freight. That is 102 percent of their current premium. For many folks, that is simply unaffordable. Unless we act, the ranks of those living in fear without health insurance will grow even more.

Third, without this legislation, physicians who treat our seniors and military families will face an immediate 21-percent pay cut. That is right, an immediate 21-percent cut in pay. That is more than families lost in net worth during the worst of the recession in 2008, and that is nearly twice as much as home prices fell last year.

This cut would force doctors to stop seeing patients. This cut would mean less access to care for our parents and our grandparents. This cut would mean our doctors would be forced to cut their own costs, potentially forcing them to lay off staff.

Thankfully, the administration announced on Friday it will use its existing authority to delay the effect of this cut for the immediate future. But that is not going to last very long. We cannot delay action any longer. Seniors, military families, and physicians deserve better.

In Montana, 2,000 doctors serve 140,000 seniors who depend on Medicare for lifesaving health care. Montana has 32,000 military families who should not be turned away from their doctor's

door either. They deserve access to the best health care we can give them. They deserve a Congress willing to put politics aside and put them first.

This bill before us today will avert the 21-percent cut because of the so-called sustainable growth rate. We adopt here another short-term stopgap. Next time, we hope and expect that we will come back to a long-term solution. We must find one.

By exempting part of the SGR from the new statutory pay-go rules, the Senate recently recognized that a long-term solution will require a short-term investment. The House followed suit. I hope this push will aid us in finding a permanent solution for the sake of our seniors' continued access to medical care.

A fourth provision in this bill affects the 2009 poverty guidelines. Why is this important? Let me tell you. Dozens of programs are available to help lower income Americans. We all know the important role these programs play in keeping those less fortunate fed, keeping them healthy and safe. I am talking about programs such as Medicaid, the Supplemental Nutrition Assistance Program—formerly known as food stamps—the School Lunch Program, and the Low Income Home Emergency Assistance Program, otherwise known as LIHEAP.

Eligibility for these and many other programs is based on the Federal poverty guidelines. These guidelines are updated every year for inflation. But the update for this year, 2010, will cause people who are currently eligible for and benefiting from these programs to lose their eligibility. You may wonder why at a time of economic crisis poverty-based program eligibility would decrease. You might think that sounds counterintuitive.

One of the effects of the current economic crisis is that inflation went down. That means the average cost of everyday things, such as clothes, transportation, and rent, is less than it was the year before. However, because the Federal poverty guidelines are based on the average cost of everyday goods, the poverty level for 2010 would be less than it was for 2009. This is the first time in the history of the guidelines that such a decrease would occur. That, clearly, is not the right outcome. We should not make fewer people eligible for poverty-based programs at precisely the time when those safety-net programs are serving the very purpose for which they were created. Safety-net programs are there to help people when times are tough. That is their purpose. But there is a simple solution: we can simply leave the guidelines developed for 2009 in place. That way, people who were eligible can remain eligible. Leaving the 2009 guidelines in place would mean people would not lose their health care by being kicked off of Medicaid. It would mean families would not



go hungry because they lost their eligibility for a number of nutrition programs. It would mean low-income folks could still heat their homes this cold and snowy winter thanks to LIHEAP. Keeping the 2009 guidelines in place would not increase eligibility. It would mean we would avoid pulling the safety net out from under the people it is there to protect.

Fifth, for individuals and families, this bill provides much needed tax relief in a time of economic uncertainty. For example, many students don't have the books or supplies they need. Some teachers have to buy classroom supplies using money from their own pockets, if you can believe it. This bill extends the expense deduction for teachers buying school supplies for their classrooms. It extends the qualified tuition deduction to help with college costs. The bill provides much needed relief to families who have suffered from natural disasters. It extends a package of disaster relief provisions developed to address all federally declared disaster areas with immediate, reliable, and robust tax relief.

It extends important business provisions to help create jobs and make our companies competitive in a global economy. America counts for one-third of the world's investment in scientific research and development. We rank first among all countries, but relative to the size of our economy, America is in sixth place. The trends show that maintaining American leadership in the future depends on an increased commitment to science and research. Yet our R&D tax credit expired at the end of last year. This will put American corporations at a competitive disadvantage. Corporations are unsure if they will be able to obtain the R&D credit next year, and they need to plan for the future.

American financial services companies successfully compete in world financial markets. We need to make sure the U.S. tax rules do not change that. This legislation extends the active financing exception to subpart F. In so doing, it preserves the international competitiveness of American-based financial services companies, while including safeguards to ensure that only truly active businesses benefit. This provision will put the American financial services industry on an equal footing with foreign-based competitors that are not taxed on active financial services income.

Several energy tax incentives also expired at the end of last year. This bill extends those incentives to encourage continued investment in technologies that promote energy independence. For example, the bill extends incentives for new hybrid battery technology and the construction of new energy-efficient homes.

Sixth, in addition to these important provisions that provide direct assist-

ance and job creation, the bill includes other proposals that will provide relief for businesses and individuals. One such provision is pension funding relief. These days, American employers are faced with the need to make higher pension contributions. Several factors have combined to require these higher contributions: There is the funding changes of the Pension Protection Act of 2006, there is the slide in the stock market in 2008, and then there is the ensuing great recession. These requirements for higher contributions are coming upon employers just when they are facing lower asset values and lower cash flow. Meeting these requirements could divert resources employers could use to keep workers on the payroll.

We addressed this bind temporarily in the Worker, Retiree and Employer Recovery Act of 2008, but employers are still facing the prospect of closing plants and stores. Employers are still faced with the possibility of terminating workers in order to make up for lost asset values. The bill contains additional temporary, targeted, and appropriate relief for these employers. At the same time, the bill still maintains the pension and security system.

Seventh, this bill would also extend several important health provisions that expired at the end of 2009. Notable among these is the exceptions process for Medicare therapy caps. Extending this provision will help ensure Medicare beneficiaries will continue to receive access to the therapy services they need. Several rural policies are also extended.

Eighth, these tough economic times have hit the States hard as well. So included in this bill is a 6-month extension of the additional Federal financial assistance for State Medicaid Programs. This will allow States to plan for their next fiscal year with the certainty of continued help from the Federal Government. Additional Federal Medicaid match money—known as FMAP—helps the economy grow. According to economist Mark Zandi, this funding has return on investment of about \$1.40 for every dollar invested. The Nation's Governors have repeatedly asked for an extension of this Federal assistance, and this bill answers their pleas.

With so many Americans out of work, our country needs Congress to enact this legislation. This bill continues valuable tax incentives to families and businesses that will help them in these difficult economic times. The bill sustains vital safety-net programs that will also help foster economic growth.

As I said at the outset, this is not just ordinary legislation; this is urgent legislation. It would prevent millions of Americans from falling through the safety net. It would extend vital programs that expired yesterday—expired yesterday. It would put cash in the

hands of Americans who would spend it quickly, boosting economic demand. It would extend critical programs and tax incentives that create jobs. It is an important bill that we here can do for other Americans. So let's help America's businesses to create more jobs. Let's join to work across the aisle on this commonsense legislation, and let's enact these tax incentives and safety-net provisions into law.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I yield myself such time as I might consume. Maybe I better ask, are we under a time agreement?

The ACTING PRESIDENT pro tempore. There is no time limit.

Mr. GRASSLEY. Mr. President, today, the Senate starts debate on expiring tax and health provisions, for people outside Washington. Around here, those tax provisions are generally referred to with the word "extenders." But before I discuss the bill before us, I would like to make a couple points on the process, before I get into the substance of the substitute before the Senate. What I find surprising is, we are taking up a package that, similar to last week's exercise, absolutely belongs to the Senate Democratic leadership; that is to say, we are not taking up a bipartisan package that I put together with my friend, Finance Committee Chairman BAUCUS.

To be sure, some of the structure reflects the agreement I have with Senator BAUCUS, but this package is almost three times the size of the package we agreed upon. Virtually all the additional cost is due to proposals I would not have agreed to in representing the people of Iowa or the Republican conference.

I was under the impression the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leadership was highly involved in the development of that original bipartisan bill, they arbitrarily decided to replace it with a bill that skews toward their liberal wing. So my first comment to my colleagues, also to the media and to the entire Nation, is: Don't let this package be mislabeled as the Baucus-Grassley package. It is not the package my friend, Chairman BAUCUS, and I negotiated. Again, the package before the Senate dramatically differs in cost, balance, and dramatically is different in intent from the Baucus-Grassley compromise announced on February 12.

My second preliminary comment goes to the way in which these expiring tax provisions have been described by many on the other side, including those in the Democratic leadership. If you roll the videotape back a week or so, you would hear a lot of disparaging comments about these routine, bipartisan extenders. From my perspective, those comments were made in an effort to sully the bipartisan agreement reached by Chairman BAUCUS and this Senator. If you take a look at newspaper accounts of a week or so ago, you come away with the impression that the tax extenders are partisan work of Republicans and only for Republican interests. A representative sample comes from one report which describes the bipartisan bill as:

... an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that had been designed to win GOP support.

The Washington Post included this attribution to the Senate Democratic leadership in an article last week:

"We're pretty close," [the majority leader] said Friday during a television appearance in Nevada, adding that he thought, 'fat cats' would have benefited too much from the larger Baucus-Grassley bill."

That quote happens to be from the majority leader.

The portrait that was painted by certain members of the majority and was echoed without critical examination—and in some press reports was outright inaccurate. For one thing, the tax extenders included provisions such as deductions for qualified tuition and related expenses and also the deduction for certain expenses for elementary and secondary schoolteachers. If you are going to college or if you are a grade school teacher, the Senate Democratic leadership apparently views you as a fat cat. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in the extenders package, too bad because helping you would amount to a corporate giveaway in the eyes of some. Such distortion of the extenders—some of them have been on the books for a long period of time; some of them passing this body by consensus—belittles helping some people who have needs.

Again, I wish to say the tax extenders have been routinely passed repeatedly because they are bipartisan and, frankly, very popular. Democrats have consistently voted in favor of extending these tax provisions. Let me tell you what House Speaker NANCY PELOSI released recently, a very strong statement when the House passed these very same tax extenders at the end of last year saying this was "good for business, good for homeowners, and good for our community."

That was December of 2009, not very long ago.

In 2006, the then Democratic leader released a blistering statement "after Bush Republicans in the Senate blocked passage of critical tax extenders American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks."

Recent bipartisan votes in the Senate extending bipartisan tax provisions had come in the Emergency Economic Stabilization Act of 2008 and the Tax Relief and Health Care Act of 2006. By the way, that passed the Senate by unanimous consent. Then we had the Working Family Tax Relief Act of 2004, which originally passed the Senate by voice vote, although the conference report only received 92 votes in favor and a whopping 3 against it.

Let me give what the nonpartisan Congressional Research Service has to say about the history of these extenders which are now before us, which should have been passed in December. They have been consistently widely supported because they mention the Tax Relief Extension Act of 1999, which passed the Senate by unanimous consent and one vote against it on the conference report. One Member on the other side said:

Our side isn't sure that the Republicans are real interested in developing good policy and to move forward together. Instead, they are more inclined to play rope-a-dope again. My own view is, let's test them.

So we are testing each other when we are talking about merely reimposing some policy that has been on the books for a long period of time and just happens to sunset, to force some review by Congress.

We had another Member of this large 59-vote majority exclaim:

It looks more like a tax bill than a jobs bill to me. What the Democratic caucus is going to put on the floor is something that's more focused on job creation than tax breaks.

Reading these comments, I found myself obviously scratching my head. The only explanation for this behavior is, certain Senators decided last week it serves a deeply partisan goal to slander what had been for several years bipartisan and popular tax provisions benefiting many different people.

The Washington Post article I quoted from earlier includes a statement from a Democratic Senate leadership aide saying that "no decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed."

You can imagine that, today, a little over a week after these comments, I scratch my head, once again. We have before us the expiring tax and health provisions that were disparaged just a short time ago. Have they morphed from corporate tax pork? Have they suddenly reacquired their bipartisan character? Are these time-sensitive items, now expired for more than 2 months, suddenly jobs related?

We are beginning another debate, a jobs bill debate. So I wanted to focus on the economy, small business, and jobs after giving you that partisanship that should not have existed a week ago, to explain that it existed and not much has changed since then, but all of a sudden there is some idea of being bipartisan.

So we are going to talk about the substance of this bill. We all agree our Nation is currently facing challenging economic times. While there have been some signs of improvement such as the recent growth in our gross domestic product, job losses continue to mount and many hard-working Americans are struggling to make ends meet.

According to the Bureau of Labor Statistics, over 8 million jobs have been lost since our economy officially slipped into recession in December 2007. The unemployment rate is currently 9.7 percent, which is simply an unacceptable level. The lack of job creation continues despite aggressive action taken at the Federal level in order to stabilize the economy.

This includes the enactment of TARP and the \$800 billion stimulus bill. However, these bills were all missing a critical ingredient for spurring job creation, and that was substantial tax relief targeted to small business.

Everybody knows small business is where the jobs are created in America; 70 percent of the net new jobs. In October 2008, Congress enacted the Troubled Asset Relief Program that we all call TARP around here, T-A-R-P. That was a \$700 billion financial bailout bill that we were told had to be enacted immediately in order to deal with the so-called toxic assets to keep credit from drying up, which would have choked off the lifeblood of the American economy.

What we actually got—because we sure did not take out these toxic assets. So what we actually got was direct infusion of cash into the largest Wall Street banks, which was 180 degrees different than what we were told by Treasury before that bill was voted on, and the purpose of that bill as well. Later came the bailout of General Motors and Chrysler using TARP money after the Senate had just voted not to bail out GM and Chrysler.

This inconsistent policy by Treasury created uncertainty in the financial markets and the business community. Moreover, exorbitant bonuses were paid to executives and the management of firms that would have been out of a job if not for Congress and Treasury and the Federal Reserve intervening.

How effective was the bailout in improving the credit markets? In October 2009, the Government Accountability Office released a report reviewing TARP's first-year performance. The GAO report found credit had improved based on certain market indicators. However, they were not able to determine how much, if any, was attributed

to TARP as compared to general market forces or other Federal action.

While it is unclear the extent credit has been freed up as a result of TARP, it is clear who has reaped the benefits of those programs. This past year, many financial firms, including Goldman Sachs, JPMorgan Chase, and others who received TARP funds, posted record or near-record profits.

While Wall Street executives have clearly benefitted from TARP, small businesses and their employers have not been that fortunate. Small businesses continue to struggle to obtain credit in order to expand their operations, purchase inventories, and even make payroll. The so-called stimulus bill, enacted almost solely by an overwhelming Democratic majority in Congress last February, has not spurred job creation either.

This massive \$800 billion spending bill was hastily rushed to the floor of the Senate with little time to deliberate its merit. Lawrence Summers, the Director of President Obama's National Economic Council, said:

The test for the stimulus is whether it is timely, targeted, and temporary.

This stimulus bill hit the trifecta. It has failed in all three. Through a report issued in January 2009 by the current Chair of President Obama's Council of Economic Advisors, Christine Roemer, the administration predicted that the stimulus would save or create 3 million jobs. We were told by the Obama administration that if the bill was not passed quickly we would experience unemployment of 9 percent.

At this point we have a chart. The middle line, where it says 9 percent, the White House projected unemployment at 9 percent with no stimulus. However, we were also told by the Obama administration that if the stimulus bill passed, unemployment would not go over 8 percent, and that would be the bottom line.

Well, the bill was passed. But what did we get for \$800 billion of debt before interest that was laid at the feet of our children and our grandchildren? The unemployment rate jumped from 7.7 percent in January right before the stimulus was enacted, to a high of 10.1 percent in October.

While unemployment recently dipped slightly to 9.7 percent—you can see that is the red line at the top—this was not due to job creation but because millions of individuals have literally given up looking for work and obviously do not show up in the unemployment statistics.

The Obama administration also stated that "more than 90 percent of the jobs created are likely to be in the private sector."

In all, 3.3 million jobs have been lost since the stimulus bill was enacted. That is 3.3 million compared to the 3.7 million the President said. Of course, 3.2 million of those jobs were in the private sector.

In summary, the Obama administration was terribly inaccurate regarding its stimulus jobs projection. At the time the stimulus bill was passed, I raised concerns that the bill was not targeted enough at small businesses and job creation. However, my point of view lost out and less than one-half of 1 percent of the bill included tax relief for small business.

The money in the stimulus bill gave tax credits to people who buy electric plug-in golf carts or to pay for rattlesnake husbandry in Oregon, among other ill-advised provisions, which would have been better allocated to small business tax relief, the place where employment starts. Since the stimulus, small businesses have been bearing the brunt of job losses in our economy. However, the words of those on the other side regarding the importance of small business job creation do not match their action when looking at the paltry amount of small business tax relief being provided.

Again, in the jobs bill, or stimulus bill, or whatever you want to call it that passed the Senate last week, there was only one provision directed solely to small business tax relief. That was a provision I supported which increased expensing of equipment purchased by small businesses. But it is a very small provision. It only gave small businesses what they have already been getting for the last couple of years, just extending it; in other words, just extending that figure. That provision was only \$35 million out of \$62 billion, the \$15 billion that everyone talks about, plus the \$47 billion for the highway trust fund that is typically not mentioned.

Last year, I introduced S. 1381, the Small Business Tax Relief Act. My bill would double the amount of equipment that small businesses could expense and would make those higher levels permanent instead of just for 1 year, as the Reid bill did.

In my negotiations on the jobs bill, I sought to include provisions for my small business tax relief bill. But there was no agreement to put small business tax relief provisions for my bill in the bipartisan compromise that we reached. Instead, we were asked to defer those provisions to a future tax bill.

According to ADP, national employment data from January 2009 through January 2010, small businesses with fewer than 500 employees saw employment decline by 2.67 million jobs, while large businesses with 500 or more employees saw employment decline by 694,000.

While I am sure many of us disagree about the effectiveness of the financial bailout and stimulus spending in getting our economy back on track, I know for sure that we all agree there has been a lack of job creation and too many people continue to be unem-

ployed. Because the stimulus bill has so clearly failed in what it was supposed to do, which was to create jobs, and the administration and the congressional Democratic leadership are running away from the word "stimulus" faster than the Triple Crown winning horse Secretariat. Everything proposed now is called a "jobs bill" even if it includes proposals that were always labeled "stimulus" in the past.

Only 6 percent of Americans believe the stimulus bill created jobs. That is less than the 7 percent of Americans who believe that Elvis is still alive. Last week, the Senate passed a bill that included provisions designed to increase hiring. This includes a payroll tax holiday for businesses that hire unemployed workers and a tax credit for the retention of newly hired individuals throughout all of 2010.

The payroll tax holiday part of this proposal is likely to spark some modest hiring at businesses at the margins among those who have seen some improvement in their business but are on the fence about whether to hire somebody now or wait a while. However, many businesses continue to struggle and will not hire new employees just because it is the stated policy goal of Congress.

Before a business can hire a new employee, they need to know that new employee will generate additional revenue that exceeds the cost of the employee. The latest survey of the Small Business Economic Trends—and that is produced by the National Federation of Independent Businesses, or NFIB, as we know it—shows that many small businesses may not be in a place that they can afford to hire new employees even with the provisions of that bill passing the Senate last week called the Payroll Tax Holiday.

I have a chart from the National Federation of Independent Businesses to which I now want to refer. That chart has selected components from the Small Business Optimism Index. While many components of this index improved slightly from December, it is clear that small businesses continue to struggle. You will see from the chart a net negative 1 percent of owners who plan to create new jobs in the next 3 months. You will see on the chart a net positive of only 1 percent of business owners expect the economy to improve. Only 4 percent of business owners said it was a good time to expand, and a net negative 42 percent of owners reported higher earnings.

This last component is especially important for businesses when it comes to hiring new employees. If earnings are declining, there is little a payroll holiday will do to spark hiring since businesses need to know that the revenue generated by the additional employees will exceed the cost, not just today but in the future.

Before I go on to this NFIB survey, at the grassroots of my State, I had the

opportunity the previous weekend to spend part of a Friday and part of a Sunday afternoon in what is called the Des Moines Home and Garden Show which has probably been around for 30 years or so, that one weekend a year. On the Saturday in between, I had an opportunity to attend a like show called the Home Improvement Show in Waterloo. You walk around and talk to vendors, small business people. You kind of look at what do they expect Congress to do about creating jobs. I never got anything positive about something we might do, but I got a lot of ideas that they want us to do that said: You have to give us some certainty.

Do you know what they quoted. They quoted the big tax increase coming up at the end of this year as some of that uncertainty. They quoted the cap-and-trade tax that possibly could pass the Senate. Then they quoted the potential cost to small business because of the health care reform bill. They said: Take all of those potential things out of the picture, and we will start hiring. But it is the uncertainty that is out there of what Congress is going to do to us that is keeping us from hiring people.

I want to go back to the NFIB survey. When businesses are asked what the single most important problem facing their business is, the answer is lack of sales. That is in addition to the uncertainty I related. But this is closely followed by what I did say, taxes, and then government regulation, and redtape. I am glad my colleagues on the other side have recognized that true job creation comes through the private sector and have thus sought hiring incentives through payroll tax relief.

However, this minor tax relief is a drop in the bucket considering the challenges small businesses face due to the economy and proposed increased taxes and redtape included in the President's budget. Whether we are speaking about cap and trade that will drastically increase energy costs, health care reform that would mandate small businesses offer health benefits that will increase the cost of labor, or the call for tax increases on so-called wealthy taxpayers earning over \$200,000 that will largely fall on the backs of small businesses, if our intention is to increase long-term employment, the last thing we should be doing at this time of economic uncertainty is to increase taxes and place additional burdens on those who are responsible for creating 70 percent of the jobs in our economy; namely, small business.

Providing small businesses a payroll tax holiday while intending to impose increased taxes, regulations, and mandates amounts to throwing them a few peanuts while taking away their supper. In recent months, I have spoken at length about the impact of tax increases set to kick in 10 months from

today. I have examined the impact of these tax increases on small businesses. I think Members ought to take a closer look at it before we actually enact big tax hikes.

The President and my colleagues on the other side of the aisle have proposed increasing the two marginal tax rates from 33 and 35 percent to 36 and 39.6 percent, respectively; increasing the tax rates on capital gains and dividends to 20 percent, fully reinstating the personal exemption phaseout for those making over \$200,000, and fully reinstating the limitation on itemized deductions for those making more than \$200,000.

With these two provisions fully reinstated, the individuals in the top two rates could see their marginal tax rates increase over 15 percent or more. My colleagues on the other side of the aisle respond that these proposals will only hit "wealthy individuals" and only a small percentage of small businesses fall into this category. I have been trying to tell them for 3 or 4 years that what they want to talk about, the small percentage of small businesses falling into that category—I will not convince them, because I don't know what they are reading—is wrong. Because small business is going to be hit very definitely by these increases. What my colleagues fail to understand is that the small businesses that fit into this group are not static but consist of different businesses over time that go in and out of the top two tax brackets depending on the market.

Data from the Joint Committee on Taxation, which is a nonpartisan official congressional scorekeeper on tax issues, shows that 44 percent of the flowthrough business income will be hit with the increase in the top two tax rates proposed by the President. This hits small businesses particularly hard since most small businesses are organized as flowthrough entities. It will increase taxes on single small business owners who make more than \$200,000 per year, even if they plow all of their income back into their small business to keep paying their workers and hire additional workers. Increasing taxes on this group punishes their success and limits their ability to reinvest in their company. It prevents them from putting away funds for tough economic times to keep their business afloat.

Government is currently creating a climate of uncertainty where the private sector does not know what we will do next, what taxes will be raised, and what regulatory barriers will be put in their way. We can start to put some certainty back into the business world by declaring we will not increase taxes on businesses 1 dime, by making the 2001 and 2003 bipartisan tax measures permanent.

Let me be clear: Businesses do not want to be certain that the government is going to raise their taxes and

make them go up through more redtape. They want to be certain that it is not going to happen. Until then, many will simply sit on the sidelines and not hire more workers, as I reported from my weekend before last at a couple affairs in the State of Iowa.

Moreover, we can directly provide targeted relief to small businesses. Last June, I proposed legislation to do that. I introduced the Small Business Tax Relief Act to lower taxes on job-creating small businesses. Since the Democratic leadership barred any amendments last week, I am hopeful we will debate and vote on an amendment offered by Senator THUNE. Many provisions in my bill are contained in the Thune bill. My bill contains a number of provisions that will leave more money in the hands of small businesses so they can hire more, continue to pay the salaries of their current employees, and make additional investments. This includes allowing flowthrough small businesses, partnerships, S corporations, LLCs, and sole partnerships to deduct 20 percent of their income, effectively reducing their taxes by 20 percent. My bill also includes tax relief for small business owners from the unfair alternative minimum tax. It takes general business credits, such as the employer-provided childcare credit, out of the alternative minimum tax. This would allow a mom-and-pop retail store that provides childcare for its employees to get the same tax relief a Fortune 500 company gets when it provides childcare for its employees.

My bill would also allow more than nearly 2 million small C corporations to benefit from the lower tax rates for the smallest C corporations. There are so many small C corporations because they were formed as C corporations before other entities such as LLCs became more widely used.

Among other provisions, my bill would also lower the potential tax burden on small C corporations that convert to S corporations.

The NFIB has written a letter supporting my small business tax relief bill, stating:

To get the small business economy moving again, small businesses need the tools and incentives to expand and grow their businesses. S. 1381 provides the kind of tools and incentives that small business needs.

I want to talk about an opportunity for true bipartisanship that was killed by the Democratic leadership. The same day Chairman BAUCUS and I released a bipartisan bill that contained significant compromises, behind closed doors the Democratic leadership cherry-picked four provisions out of the larger bill Chairman BAUCUS and I agreed to. Those provisions had been agreed to in a meeting of senior Members of the other side only while Chairman BAUCUS and I were negotiating. I was extremely disappointed to see the Democratic leadership blow up the bipartisan deal Chairman BAUCUS and I

reached. To pour a little salt into the wound, the Democratic leadership then prohibited any Senator on either side of the aisle from even offering an amendment to improve a bill that he hijacked. One of the four provisions the Democratic leaders cherry-picked is Build America Bonds. If it had been just me drafting the bill, I wouldn't have included this provision. However, for the sake of bipartisanship and compromise in the context of a much larger bill, I reluctantly agreed that putting this provision in the bill would not cause the overall bill to lose my support. Build America Bonds is a very rich spending program disguised as tax cuts. Bloomberg reported that large Wall Street investment banks have been charging 37 percent higher underwriting fees on Build America Bonds deals than on other deals. Therefore, American taxpayers appear to be funding huge underwriting fees for large Wall Street investment banks as part of the Build America Bonds program.

Democratic leadership has said the Build America Bonds program is about creating jobs. I wanted to know whether it is about lining the pockets of Wall Street executives. So last week I asked the Goldman Sachs CEO a number of questions about these much larger underwriting fees subsidized by American taxpayers. I expect to have that discussion shortly.

Turning back to the bill being debated this week, the Thune amendment, which incorporates many of the provisions from my small business tax relief bill, provides substantial small business tax relief and should be adopted.

In this bill, I hope we can all work toward improving our economy, not through more government but by letting the engine of job creation, meaning small business, keep more of its own money in the form of substantial small business tax relief.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Democratic whip.

Mr. DURBIN. First, let me serve notice on the Republican side that I will be making a unanimous consent request about the extension of unemployment benefits so that Senator BUNNING or someone else on his behalf will be on the floor if they care to object.

Let me say, before my friend from Iowa leaves the floor, one of the reasons we can't get to the issues you want is because we are in the midst of a filibuster by the Senator from Kentucky who has stopped us from extending unemployment benefits, COBRA benefits for 30 days. As I understand it, that filibuster now applies to a non-controversial judicial nominee. So we have multiple filibusters holding us back from considering some of the measures you mentioned. I might say, some of them I find appealing and hope we can make them part of the package.

The reason why your initial agreement with Senator BAUCUS met some resistance on our side of the aisle is that we thought there was a lack of balance. Although I support the tax extenders being extended for the remainder of the year in your initial agreement with Senator BAUCUS, the extension of unemployment benefits and COBRA was only for a few months. We felt that both should be extended until the end of the year. I hope we can reach that agreement when we come back to the amendment that is pending before us, as soon as the filibusters that have been initiated by the Senator from Kentucky are completed.

Let me say a word about those filibusters. We tried last week to extend for 30 days unemployment benefits that would run out across America, starting literally at midnight last night. There was one objection from Senator BUNNING from Kentucky; he objected to extending unemployment benefits and COBRA benefits. The net result of this one Senator's objection is to put us into a procedural process that could literally take days.

What happens to the people who were on unemployment during that period of time? They are cut off. Fifteen thousand people on unemployment in Illinois last night were cut off because of the Senator from Kentucky, and roughly 400,000 nationwide have seen their unemployment benefits cut off.

I met two of those people in Chicago yesterday. They have been unemployed for extended periods of time, and they have been spending literally every day trying to find a job. One of them has a little 3-year-old daughter. I asked him: What is going to happen now that you do not have your unemployment check?

He said: I don't know. The first thing I will do is default on my student loan. I will have to do that. I can't make my payment if I want to put food on the table.

So there are real-life consequences to your objection, and the real-life consequences are being visited on innocent people who, through no fault of their own, lost their job and cannot find one in an economy where we have five unemployed people for every job available.

In your State of Kentucky, my State of Illinois, and virtually every other State, these people are struggling. Some of them have reached the end of the rope. They are making decisions you and I would never want to face about whether they are going to have to give up a home—literally give up a home. And it could happen.

It is great to have a political debate in the Senate. We should. That is what the Senate is supposed to be about. But when the victims in the middle of the debate are unemployed people, I do not think that is fair. I do not think it is fundamentally fair. These people are

trying—this one young man, David Seanior, showed me a list of 300 applications he had made to try to find a job during the last year. He said: I go online every day. This is a man who had worked for years, had a strong work record, until he was laid off. He said: I just can't find anything. I am desperate. I am trying everything I can think of, and now you are going to cut off my unemployment benefits.

Frankly, we came to the Senate floor last Thursday night to urge the Senator from Kentucky to reconsider his objection. The net result of this is going to create hardship all across America, and it gets worse by the day. We estimate that roughly 2,000 more people tonight will lose their unemployment benefits in Illinois. So by next Sunday, instead of 15,000 losing their checks, it will be up to nearly 30,000. By the end of March, the total is estimated to be 65,000 people who will lose their unemployment checks because of the objection of Senator BUNNING of Kentucky and this initiation of a filibuster.

I do not think that is what we should do. This is an economic emergency facing this Nation. It is not the first time Senator BUNNING has been asked to extend unemployment benefits that were not paid for. See, that is his issue: You are not paying for the unemployment benefits. You should not extend it.

Senator BUNNING voted for the fiscal year 2008 war supplemental bill which extended unemployment insurance benefits for 13 weeks. He also supported ending debate and did not object to the voice vote of a measure to extend unemployment benefits for an additional 7 weeks for workers who exhausted their current compensation by March 31, 2009. That bill also extended benefits for an additional 13 weeks—half the duration of regular unemployment compensation—for workers in States with unemployment rates of 6 percent or higher. Neither of the extensions he voted for—one in a record vote and one by voice vote—had any budget offsets. So to argue that now we are taking a stand on principle, the fact is, twice, at least—I do not know if there were more times—the Senator has reached an opposite conclusion and agreed with the majority, the bipartisan majority, that we were truly in an economic emergency.

There is one other aspect of this which is troubling, and that is the first casualty of most people who are unemployed is health insurance. The employer is not paying it any longer. If you want to continue health insurance, COBRA lets you pay for it all, and it is too expensive—roughly \$1,300 a month for health insurance for a family in my State of Illinois, and the unemployment compensation is about \$1,100 a month. So do the math and understand that most people cannot do it.

So President Obama said, as part of our effort to turn this economy around,

we will help people pay for their health insurance through COBRA. We will pay I believe the figure is 65 percent of the premiums so people will be paying one-third of their health insurance premiums when they have lost a job—still a substantial sum of money: \$300 or \$400 they would have to pay each month. But imagine if you had a sick child at home, and imagine that child needed at least the possibility of coverage should they be hospitalized for diabetes or cancer or whatever the cause may be. If you get a gap in coverage and you lose your health insurance because you cannot afford to make the payment, you could find yourself in a predicament where you not only do not have health insurance but the prospect of buying additional health insurance is next to zero.

Senator BUNNING's objection cut off this benefit, this 65-percent benefit on health insurance. We have tried to extend it for 30 days. So that means these people will not only lose their unemployment check, they will lose this help with their COBRA benefit.

I have been, once in my life, in a predicament being a father with a sick child and no health insurance. Mr. President, I want to tell you, if there is something that tears you apart as a dad, it is going into a hospital with no health insurance with a sick baby. I have been there. I have done that. Thank God it happened years ago and my little girl made it through that episode.

But we are forcing literally hundreds of thousands of Americans into this situation because of the objection and the filibuster of one Senator from Kentucky. That is unfair—not only unfortunate but unfair. If we are going to fight a battle over our budget deficit and get involved in lengthy debates, as we can, there are plenty of chances to do it. We will have a budget resolution in just a few months. We will have a score—at least a dozen—of appropriations bills to fight this battle over, and I think the battle can be joined.

We said to the Senator from Kentucky: If you want to offer an amendment to pay for the unemployment benefits and the COBRA benefits, you are entitled to offer that amendment. You are entitled to come to the Senate floor, express your point of view on how this should be paid for, and to accept the will of the Senate. Let them vote on your amendment. If they agree with you, fine. If they disagree, it will be a matter of public record. You will have your day on the floor of the Senate, which is about the best most of us could hope for in this job.

But the Senator from Kentucky said: No, I am not going to do it because I might lose. Well, yes, you might win and you might lose, and that is what we all face when we come forward with an idea on how to deal with the budget deficit. I do not think it is fair to insist

that it is my way or the highway when it comes to something as basic as unemployment benefits and health care for the people who are unemployed across America.

As I visit these unemployment offices and meet with these people, I find a lot of determined folks whom you would think would have given up a heck of a long time ago still trying. They consider it a victory if at the end of the day one of the posted jobs on the Internet leads to an interview. They are that desperate. Yet we are saying to them: We are going to cut off the money you need to feed your family in an effort to make a point about deficit reduction. That, I think, is unfortunate.

We have asked for an extension of unemployment benefits repeatedly because we are in the worst shape in our economy in 75 years, and a lot of people are struggling to make ends meet. I know there are those who argue that at some point we have to cut off these unemployment benefits. But I would ask them to consider this as well: Unemployment assistance is the most direct infusion of money into the economy. Those who are economists tell us the first dollar you give in unemployment assistance is going to be spent immediately. It is not going to be banked, saved, or invested. These folks need it, and they will spend it the day after they get it, for obvious needs, and that creates more economic activity.

So you are not only doing the right thing that a caring nation does when so many of us are facing hard times, it is an economic stimulus—No. 1, incidentally, by the Congressional Budget Office—in terms of what we can do to get this economy moving forward. It is not just a matter of helping those who are helpless; it is a matter of injecting money into the economy in the most efficient way.

I am afraid this has happened before. The last time the Senate extended unemployment, the other side of the aisle objected three times—the leaders on those three occasions. Incidentally, that extension of unemployment benefits was completely paid for. So it appears whether it was paid for or not paid for, there is objection on the Republican side of the aisle.

I do not get it. I do not understand it. President Obama is doing his best to get this economy moving forward. He inherited a weak economy that was losing 700,000 to 800,000 jobs a month. Things have improved somewhat, though they are not where we want them to be, and I believe we ought to be standing behind the people in our Nation who are struggling to find a job and get back to work. Many of them are trying to keep families together and care for their children.

Last week, nearly 500,000 Americans filed for unemployment for the first time. The number surged to just below

500,000 last week. It climbed more than 12 percent over the past 2 weeks. I wish that were not the case but it is. So you see, the economy is still struggling. I believe the first thing we ought to do is to care for our own. If someone came to the floor with an emergency request now because of a drought, a flood, a hurricane, a tornado, we would honor it. We do that almost on a regular basis because at some point you say: First, help these poor people. Then deal with the budget challenge it brings at another time.

But now, when it comes to helping our own, the citizens of this country who are out of work, that, unfortunately, is not the case. Right now over 4.6 million Americans continue to collect unemployment. That is up 6,000 from the preceding weeks—the number of claimants.

In addition to the filibuster initiated by Senator BUNNING hurting those who are unemployed, it is also going to have an impact on the Small Business Administration. Most everyone agrees the key to bringing this economy forward is helping small businesses stay in business and create jobs. The Small Business Administration loans money to small businesses, which during difficult times need a helping hand.

The Senator's filibuster and his objection has closed down SBA programs that provide credit to small businesses. What are we thinking to stop assistance to small businesses at this moment in our history? Most of us believe this is central and essential if we are going to turn the corner and move forward. Yet the Senator from Kentucky has objected.

It also has some ramifications in cutting back on money that is available for transportation. I do not know if the Senator is even aware of what he has done when it comes to his objection, but in my State and many others, we are finding that people are losing their jobs today. We have been running our Federal transportation program with short-term extensions since September 30 of last year—almost 5 months. These stopgap extensions were underfunding our transportation system and hurting our States, cities, counties, and workers. The short-term extensions created an unstable environment in the Federal transportation program.

We passed a yearlong extension in last week's jobs bill, but the House could not pass it on time to keep the Transportation Department authorized. So we came to the floor to pass a 30-day extension of transportation law along with the COBRA and unemployment benefits. Senator BUNNING's objection has basically shut down the highway trust fund, the Federal highway trust fund.

This is uncharted territory. We do not let surface transportation legislation expire. It has not happened before. The Department of Transportation is



shutting down highway reimbursements to States. That means hundreds of millions of dollars that should be flowing from the Federal Treasury to these States are not.

The Department of Transportation is furloughing nearly 2,000 employees without pay as of today because of Senator BUNNING's objection. The Department of Transportation is removing Federal inspectors from critical construction projects, forcing work to stop on Federal lands.

DOT's safety agencies, such as the National Highway Traffic Safety Administration, are furloughing employees who work on safety programs—programs that stop drunk driving, reduce traffic injuries, and increase child passenger safety—because of the objection of the Senator from Kentucky.

In my State, we are going to lose 50 Federal Highway Administration employees—furloughed today. These workers have been instructed not to report to work until we pass this extension.

Second, the Illinois Department of Transportation will not be receiving Federal reimbursement for projects because of this objection by the Senator from Kentucky. They were scheduled to submit the next Federal bill for reimbursement as of tomorrow. The Illinois Department of Transportation will submit a bill of about \$25 million for work already completed to which they are entitled. But because of the objection of the Senator from Kentucky, that bill cannot be paid. There is no question that my State is entitled to it. I imagine the State of Kentucky has a similar situation. The question is whether there is anyone there to process it, and because of his objection, there is not.

Delays in Federal reimbursements will make it difficult for the Illinois Department of Transportation to pay the contractors and workers on these projects. So the ripple effect of this is the money doesn't go back to the construction companies or to the workers and their families, leading to unemployment.

The Senator from Kentucky is opposed to extending unemployment compensation. The unemployment rate, incidentally, in the construction industry is 24 percent nationwide. Laying off more construction workers at this time is exactly the opposite of what we ought to be doing in this economy. Future work on Illinois transportation projects could be in jeopardy if we do not pass an extension. The Illinois Department of Transportation is scheduled to release the largest bid lettings on April 23 for projects underway this construction season, and so the construction season will be delayed.

I am trying to give the whole picture. As we wait for the Senator from Kentucky to agree to a short-term extension

of these critical programs, we are jeopardizing jobs, more people will be unemployed, and we are jeopardizing future projects which will be short-changed because construction seasons are limited.

This 1-month extension of transportation law—and that is all we are asking for—has already had overwhelming bipartisan support in the past, and the 1-month extension itself costs nothing. Last week, we passed a 1-year transportation fix as part of the jobs bill.

The following groups have written letters urging us to move on this extension: the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, the Associated General Contractors of America, the U.S. Chamber of Commerce, the Laborers International Union, and the American Automobile Association.

The House did its work last week and passed this 30-day extension, sending it over to us, where we learned Thursday night that the Senator from Kentucky was going to object. Nine of us took to the floor Thursday night and made a request several times for him to withdraw his objection, which he refused to do. I made another request on Friday morning on the floor and the Senator continued his objection and then several today.

So I am going to make the 11th request of the Senator from Kentucky, on behalf of the people I represent in Illinois, some 15,000 who have lost their unemployment checks because of his filibuster, and 400,000 across America who are wondering: What happened? What did we do wrong here? Why aren't we receiving the check we need for the necessities of life?

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, the 30-day extension of provisions which expired on Sunday, February 28, including unemployment insurance, COBRA, flood insurance, the Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR and poverty guidelines, received from the House and at the desk; that the bill be read three times, passed, and the motions to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, keep in mind we have repeatedly offered to the Senator from Kentucky an opportunity for a vote: Bring your approach to the floor. Let the Senate decide. Accept the decision of the Senate, win or lose. That is the most any Senator can ask for. Yet he wants more. He wants a guarantee that he wins. Well, there is no guarantee you win in the Senate.

There is no guarantee you win in baseball. You do the best you can. Under these circumstances, I think what we have reached is a point that is difficult to understand and explain.

I would like to invite my Republican colleagues—all of them—to come to the floor and express themselves on this. If they believe we should cut off unemployment benefits, health insurance benefits, close down the U.S. Department of Transportation's work in the States, close down the SBA programs for small businesses, I hope they will come and express that point of view. They should, if they feel that way. If they feel, as I do, that this is unfair and unfortunate, if they will come forward and join us on the floor, we can try to build up some momentum for moving this issue forward.

There are people in every State of the Union who are suffering today because of the objection of one Senator, because of the filibuster of one Senator, and that is a sad indication of what has happened in the Senate; that we have reached this point and that even offering an up-or-down vote on an amendment is not enough.

What the Senator is looking for is a guaranteed result. We can't give him that guaranteed result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, it is amazing to me the Senator from Illinois has what we call a convenient memory. Just last week there was a bipartisan bill proposed by Senator BAUCUS and Senator GRASSLEY that would have covered the extension of unemployment benefits, COBRA health care assistance, flood insurance, highway bill assistance, the doc fix, small business loans, and the Rural Satellite Television Viewer Act. The convenient memory loss of the Senator from Illinois has allowed him to forget that his leader, Senator REID, did not allow that bill to come to the floor and instead substituted his jobs bill. The majority leader's jobs bill was also not fully paid for, by the way. Ten billion dollars wasn't; five billion dollars was. So \$10 billion from the jobs bill that was passed went to the bottom of the deficit.

There comes a time when 100 Senators are for something we all support, if we can't find \$10 billion to pay for it, we are not going to pay for anything. We will not pay for anything fully on the floor of the Senate.

He said I only offered one way to pay for this. That is untrue. I offered more than one way. I negotiated with the leader—the leader's staff, rather—and we had worked out a 2-week extension for \$5 billion with a different pay-for. The debt we have arrived at, even the head of the Federal Reserve Bank, Chairman Bernanke, said is not sustainable. It is unsustainable. What does



that mean to the American people, to the same people who are struggling to pay for bills, who are on unemployment, who could have been covered had the Baucus-Grassley bill been considered and could have been covered not for 30 days but for 3 months? Because there were some tax extenders in that bill, the Democratic majority stopped the bill from being considered.

I am not filibustering the bill. A filibuster is somebody who talks a long time. I am exercising my right as a Senator, duly elected from Kentucky, to object to a UC. That is completely different than filibustering. Everybody knows a Member of this body, any 100 of us can object to anything that is brought to the floor of the Senate, whether it be a nominee, whether it be a judge, whether it be somebody who is appointed to the Treasury. Anybody can object. There is a procedure that takes place that can overcome that objection. Why doesn't the Democratic majority use that procedure?

So I am going to take one more shot. As long as we continue to have the extenders being brought forth unpaid for, I am going to object.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to; the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, the Senator, again, is asking that he win without a vote. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUNNING. Mr. President, we tried and we will continue trying. As many people who get up and propose that UC, I will be there, whenever it is. I want it passed as badly as the Senator from Illinois does because I also have people in Kentucky who have the same problems as his people do in Illinois. All the States that are represented by two Senators do as well, but let's do it and pay for it because the money is available in many areas. The money was available for the Grassley-Baucus bill, which extended things for a year, in some cases, and extended these provisions I am talking about and the Senator from Illinois is talking about for a full 3 months. We would not be in this position if the Senator from Nevada had allowed that bill to come to the floor.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Republican whips.

Mr. KYL. Mr. President, until my voice gives out, I wish to address the bill that is on the floor. The bill has been denominated by my colleagues on the Democratic side as a jobs bill, but

it will not create any new jobs and when considered in conjunction with the health care legislation the President has proposed will actually cost jobs and I wish to address that.

This legislation extends some current provisions of law, including tax provisions, unemployment compensation, COBRA insurance. It extends a provision of Federal subsidies to the States for Medicaid, and there are a few other provisions. None of these create new jobs. The tax extenders are useful. That is our Washington, DC, speak for provisions of the Tax Code that last 1 year and have to be renewed each year. They are generally used to enable businesses to deduct from their taxes ordinary business expenses and include things such as research and development tax credits which I think are supported by all 100 Senators. So we do this every year. We extend these tax provisions for another year. It should have been done at the end of last year; it wasn't. So it has to be done now and made retroactive to the beginning of the year. One could argue that some of those may theoretically create a few jobs, but they are something we do every year, and they are not for the purpose of creating jobs; they are simply good business practices. So this bill takes on the usual business of the Senate. There is nothing new, as I said, to create jobs.

What of the subject of unemployment coverage extension which we have just been debating? That doesn't create new jobs. In fact, if anything, continuing to pay people unemployment compensation is a disincentive for them to seek new work. I am sure most of them would like work and probably have tried to seek it, but you can't argue it is a job enhancer. If anything, as I said, it is a disincentive and the same thing with the COBRA extension and the other extensions here. So it is not a jobs bill, and it is beyond me how it could be denominated as such.

Moreover—and the reason for my colleague's objection to the temporary bill—the Congressional Budget Office preliminary estimate shows this bill adds \$104 billion to the deficit over the next 10 years, and that is in addition to the \$10 billion that would be added that my colleague, Senator BUNNING, has been talking about. This number is primarily due to the extension of unemployment insurance, the expanded COBRA extension, and the new Federal assistance to States for Medicaid patients. These are given emergency designations. As a result, we don't have to supply an offset, a spending reduction, to pay for the cost of these provisions.

This comes just a week after our Democratic colleagues were bragging about the fact that they passed a bill called the pay-go bill.

The pay-go bill is supposed to require that if we are going to spend money, we find an offset in the form of a spend-

ing deduction or revenue enhancement that covers the cost of that new spending. We predicted that as soon as we passed the pay-go legislation, our Democratic colleagues would come to the floor and seek to have their next legislation exempted from it. Sure enough, that is exactly what was done.

Both the matter Senator BUNNING has objected to and the bill we are on now have to be exempted from the pay-go requirements and, therefore, add to the Federal deficit—in this case, \$104 billion. Some of these provisions are useful provisions. But the truth is you can't, on the one hand, say everything we do has to be offset with spending cuts or tax increases and then waive the pay-go legislation every time you want to do it—as it turns out so far, every time we have considered legislation.

The reality is, we could pay for this legislation and, as Senator BUNNING said, we could pay for the so-called temporary extension of unemployment benefits because we have money we authorized and appropriated earlier in the so-called stimulus bill which would more than offset the cost of this legislation. Republicans, of course, would like to offer an amendment to pay for it from the stimulus funds. According to recovery.gov, the Web site for the stimulus bill, only \$186 billion of the \$499 billion in appropriated and direct spending from the stimulus has been spent so far.

That means \$313 billion or 63 percent remains unspent. So \$160 billion of these funds hasn't even been made available to be spent yet.

The original CBO estimate of the stimulus shows 21 percent of the money, \$122 billion of the appropriated and direct spending, will not occur until 2012 or thereafter. We have an immediate crisis. Our Democratic colleagues say we have to extend unemployment insurance. In fact, it is such an immediate crisis, they have to waive the pay-go requirements that would ordinarily apply because it is an emergency.

If that is the case, then why not simply take this money that isn't going to be spent until after 2012 and pay for the legislation that is before us right now? Why would we put aside stimulus money to spend in 2012 when people need it today? That is the very argument my colleague from Illinois was making to my colleague from Kentucky. Why pile on the deficit if we have this money available? Therefore, my colleague from Kentucky made a good point when he suggested this money should be paid for out of the stimulus funding. I am sorry to see my Democratic colleagues object to that request.

The conclusion is, therefore, the bill will do nothing to create new jobs.

What is more, when considered in conjunction with the health care legislation, it will actually cause a loss of jobs.

The President, who talked about his plan last Thursday at the so-called health care summit, noted that the bill costs a lot of money and, therefore, they had to raise taxes in order to pay for it. Among other things, the President's plan, unlike the plan that passed the House or the Senate, would raise the Medicare payroll tax on small businesses. It would raise taxes by 31 percent. It would also apply the Medicare payroll tax to investment income, such as interest, dividends, rent, and royalties.

We all know if you tax something, you get less of it. Taxing investment income would, therefore, reduce investment in the economy. Putting a tax on the employment of people means businesses are going to hire fewer people or there are going to be fewer people on their payroll. We cannot afford to lose more people to unemployment. We need to begin hiring people. How do we do that? You surely don't do it by making it more costly to employ people or by increasing by almost one-third the Medicare payroll tax. That makes no sense. To apply it now to investment income will directly drive down productivity and economic growth. Less investment will, obviously, lead to lower productivity, slower economic growth, weaker wages and salaries, and lower household wealth.

For example, each new dollar of tax paid by a small business is one less dollar that could go toward hiring new employees.

The Heritage Foundation just did a study on this proposal. It found that between 2011 and 2020, regarding this investment income proposal alone, it would result in an average of 115,000 lost job opportunities per year; it would reduce household disposable income by \$17.3 billion per year; it would cut wages and salaries by \$14 billion per year; and it would decrease household wealth by \$267 billion per year.

Last week, Congress passed a new job-hiring tax credit. With great fanfare, my colleagues on the other side of the aisle said this is the way to help small businesses hire more people. The whole idea was to put more people to work. The very same week, the President announces his health care proposal that will make it harder for people to go back to work. If the goal is to get more people to work, I submit that my Democratic friends should shelve their health care plan, which will have the opposite result. It is very hard to justify legislation that is going to hurt job creation.

As I say, when you consider the fact that, No. 1, the bill before us creates no new jobs—and I challenge my Democratic friends to show us how doing what we always do and what was done

last year—extending the R&D tax credit, extending COBRA insurance, extending unemployment benefits—creates jobs. What is the estimate for job creation by the CBO on this? It can't be very much.

Finally, my colleague from Illinois, in responding to Senator BUNNING a little bit ago, said Republicans always object—and we have many times on previous occasions—to the consideration of unemployment legislation. I recall back in October—in fact, I will quote from a story, dated October 13, 2009, by Dan Friedman. He says:

Last Thursday, Democrats announced a deal that gave all 50 States a 14-week extension.

I think that was about three extensions ago. I have forgotten exactly.

The Senate Finance Committee Chairman, Max Baucus, within hours of that sought unanimous consent to pass the bill. Even though Republicans had already indicated that they would object so that they could try to amend the bill to replace the extension of the tax or to provide a pay-for in the Democrats' plan with the use of stimulus money.

It noted the fact that I had also asked that we see the CBO score on that. It noted that Senators REID, BAUCUS, and other Democrats quickly bashed Republicans: "The delay is a threat to millions of workers struggling to feed their families as they retain or search for new jobs," my friend, the chairman of the committee, said.

Earlier in this particular article—I will read how it starts off:

Senate Democrats in recent weeks have repeatedly used unanimous consent agreement requests to rack up talking points against Senate Republicans—a tactic that GOP aides said the majority is using deceptively to blame Republicans rather than internal disputes for stalled legislation. Senate leaders have long used the tactic of asking for unanimous consent to pass legislation they know will draw an objection from the minority and then blasting the objectors for obstruction.

I fear that is what we are seeing here. Immediately after Democrats, behind closed doors, develop legislation, they immediately come to the floor and say: Let's pass it, and Republicans say: Let's at least see how much it costs and give us a chance to amend it. We thought the Democrats liked to do that. Oh, no, we cannot have that, not when it applies to unemployment extension.

That is all my colleague from Kentucky is trying to do. As I said, that is \$10 billion not paid for. The bill before us is another \$104 billion not paid for, and it doesn't create a single new job. Yet my colleagues on the other side of the aisle are unwilling to use stimulus money to pay for it.

I will be very interested, when we do have an opportunity to amend the bill before us—I assume we will, and I assume one of those will be to pay for the bill with the stimulus funds—maybe we can make it clear these are not funds that would be spent until after the

year 2012. It will be interesting to see if my Senate colleagues who support pay-go would support that kind of amendment. After all, if this is supposed to be a stimulus bill for job creation, you would think it could be used for that purpose.

I hope my colleagues will consider that every time we pass one of these bills, we are adding to the deficit and we are not creating new jobs. It is a legitimate point for Republicans to make. I hope we will have the opportunity to address that subject with amendments as this bill goes forward.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senator from Arizona argues that unemployment insurance is a disincentive to jobs. Nothing could be further from the truth. I don't think anybody who is out of work and receiving unemployment insurance believes that payment is sufficient not to find a job. The payments are so much lower than a salary or wage would be, it is ridiculous. There are five unemployed Americans today for every job opening in the economy—five unemployed Americans who are looking for work but cannot find it. That is the case and has been the case for a long time. People are looking for work. They are not unemployed because they have a choice. It is because of the recession that struck and the economy. It is not because people don't want to work.

An additional point. Many of us asked the CBO to rank what measures would be most effective in helping the economy. The one they came up with was unemployment benefits because unemployment benefits generate about \$1.90 in GDP growth for every \$1 we paid out in terms of unemployment benefits.

I wished to make the point—and I don't know if the Senator meant this, but he strongly implied it, and I took him to mean that unemployment insurance is a disincentive for people to look for work. I don't think it is because the benefits are so low and so many are looking for work—it is the economy or recession that cost us jobs.

Mr. KYL. If my colleague will yield, I said it is not a job creator. If anything, it could be argued it is a disincentive for work because people are being paid even though they are not working. I certainly did not say, and would never imply, that the reason people don't have jobs is because they are not looking for them. It is true that a lot of Americans have gotten so tired of looking for jobs or believe they are not going to find them that they have stopped looking and, as a result, the unemployment numbers are probably higher than the roughly 10 percent that is quoted now. Some people believe it could be as much as 17 percent. This is why I have supported every extension of unemployment benefits. I

have voted for them. As my colleague says, there are five people looking for every job that exists. If they cannot get the jobs, they needed support.

But what I said is true, and if my colleague can find a source that says it is not true, show me. But providing unemployment benefits doesn't create jobs. The bill we have before us is denominated around here as a jobs bill. That is the biggest single expenditure in the bill, and it doesn't create jobs.

Mr. BAUCUS. I appreciate that. I have a question. First of all, unemployment benefits in Montana are about \$300 a month. That is all. It is \$300 a month in Montana. I know doggone well that is not enough to keep anybody going very long. Lots of folks are looking for jobs, and they are not available. Failure to pass the extenders bill could be fairly stated as a job destroyer because there are so many people who have taken advantage of many provisions of the bill—for example, the R&D tax credit, which the Senator mentioned, and there are other provisions in the bill, such as the teachers expense, for example, and there is a deduction for tuition. Take unemployment. Say unemployment insurance was not continued. That would be a huge drag on the economy. If the provisions we are seeking merely to extend were not passed, it would be a job destroyer.

The President's office said, and many commentators have often said, our goal is to save or create so many jobs. It is hard to know what is saved or created sometimes. But we certainly want to save jobs too. We don't want the recession to be worse. Failure to pass this legislation is certainly going to cause tremendous hardship on a lot of Americans, and it would be a disincentive for the economy to turn around. It would be a disincentive for unemployment rates to come down to a lower level that we all find acceptable. Failure to pass this bill is a jobs destroyer.

I yield the floor.

Mr. KYL. Mr. President, I respond to my colleague, the point I was making is that it is hard to describe this as a jobs bill because it does not create jobs. Each year, we extend these tax provisions. That is why we in Washington call it the tax extenders bill. This is not some new job creator. I agree with my colleague that to the extent we continue this in practice—though everybody who takes advantage of it knows it will be extended. So they have not made decisions based upon the prospect that we are not going to do it. They know we are going to do it retroactively, so it is not creating any new jobs. I support the extension. I think it is a good thing. But let's don't call it a jobs bill.

By contrast, as I said, the health care legislation my colleague supports is a job killer. I pointed out just one provision: 115,000 jobs per year lost just be-

cause of the one provision taxing the so-called passive income, the dividends. And we are not even sure whether capital gains are taxed in that. Their estimate may even be low.

The reality is, if we are really talking about saving or creating jobs, let's forget this massive health care legislation that now adds two more job-killing provisions to it: a 31-percent increase in the payroll tax and taxing for the first time passive income as a part of Medicare. That is a job killer.

If we are going to talk about jobs with regard to the legislation we have before us, I think it is a fair point to also talk about legislation our colleagues on the other side of the aisle want very much to try to get passed.

Mr. BAUCUS. Mr. President, I don't want to prolong this too long, but the fact is, the President's Council of Economic Advisers has concluded this legislation; that is, the health care reform legislation which is not before us right now, actually would create jobs, new jobs. That is the conclusion of the economic advisers.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3337 TO AMENDMENT NO. 3336

(Purpose: To reduce the deficit by establishing discretionary spending caps)

Mr. SESSIONS. Mr. President, I have at the desk amendment No. 3337. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mrs. MCCASKILL, proposes an amendment numbered 3337 to amendment No. 3336.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. Mr. President, this is the Sessions-McCaskill amendment, offered with Senator MCCASKILL, my colleague from Missouri. It is a bipartisan amendment, and it is one that I think is very important. I hope my colleagues will give it serious consideration. We have close to enough votes to make it law. I am absolutely convinced it is one thing that will work to reduce the surging deficits in our country.

The week before last, I traveled my State of Alabama—25 stops, 6 days of travel. People continually expressed to me their concern about the financial future of our country. They want us to do something about it.

I heard some of my colleagues express things like: This is just populist anger. It will pass off. We need to keep a cool head here. We don't really have to change how we do business. Things are going to work out somehow, somehow, although nothing in the numbers show that.

Mr. Bernanke, the Chairman of the Federal Reserve, said last week in his testimony before Congress that our path is unsustainable. That is not the first time he said that. Virtually every economist who has opined in the last 6 months or more on our economy has said our spending levels are unsustainable and threaten the viability of our country's economic system. It is very troubling. We all know that, and we do not need to go into a whole lot of discussion about it.

The gross debt of our country has grown to approximately \$12 trillion—the highest in our Nation's history. Some of this is internal debt. We owe Social Security and Medicare and other trust funds that may be in surplus. But we also owe trillions on the public debt—the amount of debt this country owes outside the government. Within 5 years our public debt will double, and in 10 years the public debt will triple. I will show a chart on that point before I go into the details of it. One of the consequences of the public debt is that we pay interest and we have to get nations or individuals to loan us their money by buying our Treasury bills, bonds and notes. When they give us their money, this is not free. We have to pay them interest on all of the debt we run up. This bill that is on the floor today will add to the debt again because it is not paid for.

This chart is what we get in stunning numbers. It shows that in 2009, interest on the public debt—the debt we owe to people outside our government—was \$187 billion. The Congressional Budget Office scores it based on the 10-year budget President Obama submitted to us. If his budget is in effect for 10 years, the deficit would go up every single year. The debt will continue to go up every single year, and in the out-years the annual deficits will approach \$1 trillion each year. The interest on the debt in 1 year would be \$799 billion. That is well above the current defense budget. Aid to education is \$50 billion or \$60 billion. State and Federal aid to highways last year and the year before last was \$40 billion. Mr. President, \$800 billion in interest in 1 year? It is a stunning number, a breathtaking number. It is going to crowd out all kinds of plans some of my spending colleagues would like to effectuate in future years because we are not going to have the money or else we are going to inflate the currency and damage this economy in a most systemic way.

This disturbing trend of higher and higher deficits and deficit spending shows no sign of stopping. As of September 30, the end of our fiscal year, we finished with a record \$1.4 trillion deficit. That is more than three times the highest deficit we have ever had. It is projected that as of September 30 of this year we will have a \$1.4 trillion or \$1.5 trillion deficit this year, which

would be the highest ever again in consecutive years. It is stunning. We cannot continue to spend the way we are spending.

Between 1990 and 2002, however, Congress took some steps that actually worked to help get us out of a spiral of spending deficits. It was successful. What we did was we passed statutory caps on discretionary spending only, not Social Security, Medicare and those kinds of programs. We kept it to 1 to 2 percent growth each year. As this chart shows, these caps led to a surplus. The chart is upside down really. These are the surplus years. These are the deficit years. During these years, we begin to show a decline in deficits, all the way to the surpluses. When it expired, it jumped up again. This looks like a high deficit, and it was a very high deficit in 2004. That was about the highest, at that point \$400 billion.

I just made the point that this past fiscal year, it was \$1,400 billion and next year it is going to be \$1,500 billion. We lost some discipline when we allowed those statutory caps or spending levels to be breached and go away.

This amendment Senator MCCASKILL and I have offered both restores and strengthens the procedures that were proven to work in the 1990s. It would create 4-year discretionary spending caps or limits, and it would set those limits at the level of the fiscal year 2010 budget resolution Congress passed last year.

Last year, we passed a budget resolution, not 10 years as proposed by President Obama but 5 years. It is currently in effect. One of the things you learn around here is the only part of the budget that has any teeth is the year you are in. The discretionary spending on the omnibus bill that covered half the appropriations bills contained an increase of 12 percent. We are not doing a very good job at that. The budget has no teeth in these outer years. The amendment proposes, though, a fairly responsible spending increase of 2 percent or so a year over these 4 years.

One could say: Senator SESSIONS, your State is cutting its budget. My State is having to reduce its budget. My city is reducing its budget. My county is reducing its budget. My family is reducing our budget. Why can't you guys reduce the budget? And the answer is, we can, of course.

Some have suggested and the President has suggested that we should have a freeze on the budget, which I would support. But I am just saying to my colleagues, last year our discretionary spending accounts had double digit increases; if we pass this amendment so that we have a statutory limit of 1 to 2 percent increases for the next 4 years and it is subject to a two-thirds vote point of order in the Congress if there is a proposal to go above that on the basis of some emergency need, I think we will have a much better chance of

making the kinds of tough decisions to contain this ever-growing spending level than we have been doing in the last several years.

The Omnibus appropriations bill that passed last year increased Federal spending 12 percent in 1 year. That is a lot. At 7 percent, your money will double in 10 years. At 12 percent, the spending in those accounts would double in 6 or 7 years, no doubt about it, unless something is done about those trends.

I think this legislation Senator MCCASKILL and I have offered will get us there. I was pleased to see that 17 Democratic Senators voted for the bill because I think there is a growing bipartisan consensus that we can do better.

A 2-percent containment in the growth of spending will not cause the United States to sink into the ocean. We are still going to exist. The American people are still going to have a government in Washington. There are still going to be bureaucrats here to take care of us if we just have a 2-percent growth in the discretionary account instead of 12 or whatever that number was last year.

I note that the President suggested freezing some of the accounts. Though there are some very significant gimmicks in it that make it much less tight than it would appear from his State of the Union Address, it still indicates that the President himself knows we have to reduce our spending, and in some of these accounts we could easily freeze them with no damage to our Nation. I salute him for that.

This bill would create spending limits, not based on what JEFF SESSIONS says the limit should be, but these are the limits in the President's budget, that first 5 years of it that he proposed and that Congress passed last year. We would be simply saying this would be a hard limit on how much we can spend. Now if we need to spend more than that on an emergency, we would have to have strong support in the Congress to create an emergency designation to spend above that. We have been able to do that many times in the past when a true emergency arrived.

Some say: JEFF, you are focusing too much on the discretionary spending. Entitlements are bigger—Social Security, Medicare, those kind of things—and they are a bigger problem than discretionary spending. Well, there are three reasons we have to act on discretionary spending. One is that while entitlements, such as Social Security and Medicare, are large, they actually have a net surplus right now. In fact, Congress raided \$137 billion from Social Security in fiscal year 2009 to pay for other things, such as the \$800 billion stimulus package that we passed—that Congress passed—last year.

Of course, a \$137 billion Social Security surplus won't pay for the

Congress's \$800 billion stimulus package, so where did the rest of the money come from? We borrowed it on the world market, on which we are paying interest. And what about the Social Security surplus; is that free money? No, it is not, because Social Security is heading to default. When we take the Social Security surplus into the U.S. Treasury and spend it on increasing discretionary spending by 12 percent, we give them back a debt instrument, an IOU—a Treasury bond.

I am told they are in some location in West Virginia. I am sure the chairman of the committee knows that but I want to go out and see them. They have notes out there, Treasury bills, evidencing the debt of the U.S. Treasury to the Social Security Administration. As soon as Social Security goes into deficit, it is going to call those notes. So it does not make much difference whether you borrowed it from Social Security or you borrowed it from the public. The interest rates are very similar, too. The government pays interest to Social Security and Medicare, when Medicare has a surplus.

It is projected that Congress will raid another \$90 billion in 2010—this year we are in—to pay for things such as this omnibus bill that is on the floor: for increased transportation and HUD funding, which went up 23 percent; create more funding for the State and foreign operations accounts, which went up 33 percent this year, for a record \$1.4 trillion deficit last year, and a projected \$1.4-plus trillion for fiscal year 2010. All of that was driven not by deficits in Medicare and Social Security but from a discretionary spending account.

Our appropriators are always saying the problem is all Social Security and Medicare. But the truth is, almost without exception, we have had surpluses in those accounts and we are spending that to supplement our general fund spending. We give evidence of debt back to our seniors from Medicare and Social Security, which the actuaries tell us, without any doubt, will soon be in deficit. We are going to call those notes, and the Treasury will have to come up with it.

So there is no free lunch. Nothing comes from nothing. If you spend money you don't have, you borrow it from somewhere. You can print money, I suppose, and devalue the currency. But everybody has the value, and the money in their pocket is devalued. It is the same as a tax. There is no way to do this in a free way. We have been irresponsible, and I think the American people are correct.

When I go to townhall meetings, what can I tell them? Oh, we didn't do anything wrong. The Senate and the House, we have been handling your money fine, my fellow Alabamian. We have done great. Don't complain. Don't get mad. You will get over it.

We have an \$800 billion interest payment coming up in 2019 and our children and grandchildren are going to pay that. Yet when Senator BUNNING asks that unemployment insurance be paid for out of this unspent \$800 billion stimulus and not add it to the debt, which our grandchildren will pay, he was able to say with some personal conviction—with 42 grandchildren—that he wasn't going to vote for it, and he didn't. He didn't support it and he didn't agree to let it pass without an objection. He said we should have paid for it, and we could have paid for it out of the stimulus.

Another reason I think we need to focus on discretionary spending is because, unlike the entitlements, such as Social Security and Medicare, discretionary spending has overhead. There is some, but really very little overhead in Social Security and Medicare. And we can do better. I know Chairman BAUCUS has worked on Medicare overhead. I don't know how much can be squeezed out of Social Security overhead; not a lot, because most of it is that check that goes out to seniors, who count on it every month. But there is overhead in discretionary spending—all the things we spend our money on. Trust me, I have been in the Federal Government; I have worked there. I know it can be made more efficient.

This past year, we increased spending on the Department of the Interior and EPA by 17 percent total. I think the EPA account went up 33 percent. In 1 year they got a 33-percent increase in their budget. And by the way, this does not include any of the \$800 billion stimulus funds that were allocated—about half of which has gone out. It doesn't include that. EPA got money out of that, Interior got money out of that, highways got money out of that—large amounts. We are seeing unprecedented increases in spending in these accounts.

Consider the Department of Agriculture. I remember people criticized President Bush for spending too much money on Agriculture. If you look at his Agriculture budget over the 8 years he was President, it averaged less than a 2-percent increase. Last year, our Agriculture budget—not counting the stimulus package, which sent a large amount to Agriculture—increased 15 percent. I always try to support the Agriculture budget, but I could not support that. That would double the entire agriculture spending in, what, 5 years, at compounded increases. It is not responsible. We have to do better.

The American people, I think, are upset. This recent CNN poll asked a tough question of the voters in America: Which of the following comes closer to your view of the budget deficit—the government should run a deficit if necessary when the country is in a recession and at war, or the government

should balance the budget even when the country is in a recession and is at war? Sixty-seven percent said balance the budget, you guys. Because they have heard these excuses before. They have heard all of it before. What they are seeing is red ink as far as the eye can see, with record deficits above anything we have ever seen. That is what I am hearing when I go out and talk to my constituents. And frankly, I am glad I don't have to defend having voted for this stimulus package. I am glad I don't have to defend the \$700 billion Wall Street bailout, and \$182 billion going to AIG. They sold off one of their most profitable companies, or are talking about it, I saw in the paper today, and they are going to bring in \$35 billion. They are going to use a chunk of that to pay down some of that \$182 billion debt. But if they keep selling off what they have, how will they have any money to pay the rest of it? I think they are not going to pay the rest of it.

Finally, I will add that spending billions, adding billions to the baseline budget, makes a big difference. I made this chart for the DOD appropriations bill. It is an interesting little chart. I hope my colleague can pay a little attention to this weird, fine print chart. It shows what happens when there was gimmicked up on the bill an \$18 billion add-on, all unpaid for. There was \$18 billion added to the Defense bill. If this gets in as baseline spending, which is what it tends to do, then next year when you advertise how much you increase the Defense bill, you have this \$18 billion in and it adds up, so that next year it is not just \$18 billion, it is the \$18 billion additional money that is in the baseline from the previous year and then you add another \$18 billion. Let's say, hypothetically, you jack it up each year by \$18 billion, and the net deficit is \$36 billion; and then next it is \$36 billion plus \$18 billion; and the next year it is \$54 billion plus \$18 billion; and the next year it is \$72 billion plus \$18 billion. You carry that out to the tenth year, and it is \$162 billion plus \$18 billion, or \$180 billion extra for the Defense budget in 1 year, which is about \$990 billion over 10 years.

So an \$18 billion addition, or failure to contain the growth in a discretionary account, has tremendous ramifications over the years. It is this kind of psychology that has led us into this mess. Some of our appropriators and others in this Congress, I think, have felt a thrill if they can beat the limit on their account. If they have been given an account, and they get \$80 billion or \$100 billion to spend they can figure a way to gimmick it up \$18 billion or \$5 billion or \$7 billion, and they can maneuver it through and then tell you when the bill hits the floor: Well, if you don't vote for it, Sessions, you are against agriculture and people back home are going to attack you because

you voted against agriculture. And I say: Well, Mr. Senator, you put too much money in there. I can't vote for it; there is too big an increase. Therefore, you are either for agriculture or you are against agriculture.

What they said to Senator BUNNING down here the other night, when he said unemployment insurance should be paid for, was: You are against unemployment insurance. You do not want people to have any unemployment insurance. That was absolutely false. They repeated it over and over and over again. But he stood like a solid rock and he didn't give in. He said: I am not agreeing to it because you could pay for it, and it is increasing the debt on my 42 grandchildren. He didn't agree to it.

Well, every now and then somebody stands up in this Senate and says: I have had enough. I am not going to say yes this time. I respect him for the courage he showed.

The Committee for a Responsible Federal Budget, which is a bipartisan group in DC, issued a report not long ago that said that freezing all nonwar-related discretionary spending next year could save us \$60 billion in 1 year, and it will set up a new baseline that would save us—as this chart which creates a new baseline mentality shows—\$600 billion over 10 years. That is a lot. Even in Washington, \$600 billion is real money. On the other hand, the committee stated that if we allow discretionary spending to grow at the projected rate of GDP growth instead of inflation, it would cost us \$1.7 trillion more over the next 10 years.

This is a nonbiased group. I don't think anybody would fundamentally disagree with that. So it does make a difference how much money we spend on every single account, on every single funding in an appropriations bill that comes through this Senate.

Can we get bipartisan support for having a tougher line and containing spending? I think the answer is absolutely we can. Why is there a conflict? The simple fact is the 5-year binding caps that were passed in 1990 had broad bipartisan support. In fact, a number of currently serving Republicans voted for them and 10 of our currently serving Democratic Senators did also, including Senator REID, our Democratic leader, and Senator INOUE, the chairman of the Appropriations Committee. He voted for them in the 1990s.

If we think this through, we have every reason to believe we can get there. The 5-year spending cap that passed in the 1990 budget deal had even stronger bipartisan support. It passed again in 1997. I know Senator BAUCUS was here then, and it passed 85 to 15, with 44 currently serving Senators supporting it, and 26 of them were Democrats. Senators REID, DURBIN, CONRAD, and INOUE all voted for them. If we could do it in 1990, and again in 1997,

there is no reason we cannot do it now. In fact, I and my staff have met with numerous groups across the political spectrum, including the Brookings Institute, the Committee for Responsible Federal Government, the Urban Institute, the Progressive Policy Institute, the Concord Coalition, and the U.S. Chamber of Commerce—everybody we met with has said getting a handle on discretionary spending is essential.

Although AARP, the Association of Retired Persons, initially expressed opposition to the amendment, I believe we have addressed their concerns. Their chief concern was that we would not separate defense and nondefense spending, which would let the defense spending raid nondefense accounts. However, we have separated them, so that is not a danger.

Of course, one criticism some might give to the bill is that it raises the threshold for waiving—breaking the spending limits from 60 Senate votes to 67 Senate votes, and they say that is just too restrictive. But we have to raise this threshold because we have a 60-vote situation now and we have been able to muster 60 votes to pass every kind of possible emergency bill, and some of those clearly were not emergencies. It takes 67 votes in this Chamber to make a change to the Senate Journal, but we can max out the Senate's credit card with 60 votes. Something doesn't seem right about that. I think, with the seriousness of our situation, this would be a good step.

Furthermore, the fiscal year 2010 budget resolution already accounted for about \$10 billion per year in emergency spending, which we have allowed to remain in this amendment. Any emergencies for which that is inadequate should be able to receive the support of 67 Senators—if we have an emergency. In fact, all the disaster relief emergencies, those kinds of emergencies since the emergency designation was created in 1990 to try to contain spending, have received support of more than 67 Senators. Isn't that interesting? All of our emergency designations for hurricanes and earthquakes and fires and storms and the like have received more than 67 votes. So I think it is just not a good argument to say we can't respond to a legitimate emergency.

The prospect of massive Federal spending is hurting jobs and growth. In a recent editorial in the *Wall Street Journal*, Stanford University economics professor Michael Boskin stated:

The explosion of spending, deficits and debt foreshadows even higher prospective taxes on work, saving, investment and employment. That not only will damage our economic future but is harming jobs and growth now.

China and other countries may not be able to keep financing our debt in the future even if they would like to—which I really think they won't. Pro-

fessor Allan Meltzer, a well-known scholar on the Federal Reserve and monetary policy, noted in a column in the *Wall Street Journal* that our current and projected deficits are too large relative to current and prospective world savings to rely on other countries being able to finance them for the next 10 years. In other words, there may not be enough surplus money in the world to buy these debt instruments we are going to have to issue. In fact, a recent *Washington Times* editorial entitled "Spending to a Depression" notes that, since China and other countries are trying to reduce their holdings of dollars, we will have to rely more and more on U.S. banks to buy our bonds, which will decrease capital available for lending to businesses.

On an airplane today, coming back from Alabama, I read an article that made reference to the fact that when the Federal Government puts out this much money and interest rates become higher than they have been. They are currently extraordinarily low, and banks are now buying Treasury securities at 3.6 or 3.7 percent interest for 10-year Treasury notes. Instead of loaning to local businesses, banks can get the money from the Fed at less than 1 percent and they can buy a Federal Government debt instrument for 3.5 or 4 percent and not have to loan it to some businessperson who might be a higher risk. We are crowding out resources necessary for economic growth. This is a reality.

In a Budget Committee hearing on budget reform on November 10, former Comptroller of the Currency and GAO head David Walker testified that by 2040, 30 years from now, we will have to double taxes just to keep up with current commitments. Can you imagine that? The way we are spending, we are going to have to double taxes in 30 years. He stated that in 12 years, interest will be the single biggest line item in the entire budget, even assuming interest rates do not change from today's low rates. But they are going to go up. Everybody knows that. Some are predicting the kinds of interest rates we had in the late 1970s. I truly hope that does not occur, but many people believe we do not have any idea how high interest rates could surge when the whole world, including Europe and other places, is spending money it does not have and attempting to borrow in the marketplace to have that happen. Mr. Walker also said that deficits are the public's largest concern by 20 points, in opinion polls.

In a *Financial Times* editorial in May of last year, Mr. Walker warned that the United States is in danger of losing its triple-A credit rating. Moody's made that clear. Moody's stated that the United States is in danger of losing its triple-A credit rating. Pierre Cailleteau, the chief economist

at Moody's, stated that, unlike several years ago, "Now the question of a potential downgrade of the U.S. is not inconceivable." Under the most pessimistic scenario put forth by Moody's, the United States could lose its top rating in 2013—3 years from now.

I was very pleased we had strong bipartisan support for the amendment previously. By allowing us not to apply these budget limits we passed last year to the current year, it gives some relief to our Members of the Senate who complain that next year we will start cutting spending but we should not this year. We will give a little bit there, although it will mean we will not save as much money for sure. But I really believe we need to pass this legislation. I truly hope we can. We only need three or four more votes to make it a reality. I count now, with the ones who voted for it before and a new Senator in the body, we will have 57 votes. We need 60. The situation has not gotten any better, and I am hoping my colleagues will look at it afresh and that we might be able to reach that number. It will make a difference. It made a difference in the 1990s and led to an actual surplus. I believe it could help us again this time. We have much more serious problems this time. We have more challenges this time. But it could make a very significant difference in our spending level. It would really be a statement to the entire financial world that we are beginning to take some steps and that next year we are not going to have 12 percent increases in spending for discretionary accounts but we are going to hold it to the 1- or 2-percent increase level. I think that might have some psychological improvement in our entire financial condition.

I apologize to the fine chairman of the Finance Committee for taking this long, but I really believe it is an important issue. I am so hopeful we are getting close to getting the votes to take this positive step.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I appreciate the comments of the Senator from Alabama. He is concerned, as we all are, with our current fiscal situation, our debts and our deficits. I might add—this is not an excuse; it is clear we Americans have a problem that has to be addressed—other countries are in the same fix. It is not just America. But again, that is no excuse. Our deficits are high primarily because of the financial crisis, working our way through all that. The real test is whether we as a country, when times get better and incomes increase, live much more within our means. I certainly hope so. I know every Senator in this body hopes so.

More precisely, the Senator from Alabama seeks to place caps on the appropriated accounts. That is pretty



much the same amendment the Senate rejected about a month ago; I think it was January 28.

I believe the pending Sessions amendment addresses matters within the jurisdiction of the Budget Committee. It therefore violates section 306 of the Congressional Budget Act. I will not raise that point of order at this time, but I believe the amendment does violate the Budget Act.

Furthermore, this subject is really more within the purview of the Appropriations Committee. I defer to the chairman of the Budget Committee to address this amendment in due course.

I also note that the Senator from Minnesota has been waiting very patiently to speak. We are all anxious to hear from the Senator from Minnesota, so I yield the floor.

Mr. SESSIONS. Mr. President, did the Senator make a budget point of order?

Mr. BAUCUS. No, I did not.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I wish to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRANKEN are printed in today's RECORD under "Morning Business.")

Mr. FRANKEN. Mr. President, I also would like to take a few minutes to speak on another topic, the extension of unemployment benefits and COBRA subsidies. I admire those in this body who take a principled stand. The Senate would get more done if all Members were guided by their basic core principles and put principles ahead of political posturing, ahead of party, ahead of polling.

To block a legislative measure because it is not fully offset—sure, that could be based on principle. Believe me, I am concerned about our budget deficit. But principles are something you consistently stand behind. That is what makes it a principle, something you care about, something that guides you throughout your career. That is what makes it a principle. Principles cannot be ignored, even when it is expedient or advantageous to do so. Yet that is exactly what is happening now. A principle is being invoked only now that it is convenient.

You might remember that when George W. Bush entered office, it was with a \$200 billion budget surplus. He also entered office with projections of nearly \$1 billion in future surpluses over the next decade, on a glide path to paying off the entire national debt.

But instead of doing the sensible thing and paying down our debt when we had the means, the Bush administration racked up massive deficits at a record pace. Vice President Cheney even said "deficits do not matter." Fed Chairman Alan Greenspan testified

that we might pay off our debt just too quickly. We were told we might have too much money. Really. He did this. He testified to Congress saying that was a real worry.

Then we paid for an unnecessary war in Iraq, without offsets. We passed Medicare Part D without offsets. We passed three different sets of tax cuts totaling trillions of dollars, most benefitting the wealthiest people in the Nation, without offsets.

Yet last Thursday night the Senate repeatedly attempted to extend benefits for America's unemployed workers, and these efforts were blocked supposedly because it was not fully offset. For some reason benefits to the wealthiest Americans did not need to be offset, but keeping unemployment benefits flowing to those families who have been hardest hit by this recession suddenly need an offset.

If this is a matter of principle, it seems to me we have very bizarre principles. One principle we should all stand behind is supporting American families when economic times are tough. Last week, half a million Americans applied for unemployment benefits for the first time.

Despite what some might suggest, our Nation's unemployment crisis is not over. We know unemployment can persist long after recovery begins. This downturn will continue affecting American families for months and years to come.

That is why we need to extend Federal unemployment benefits now. Without an extension, over 1 million Americans, including thousands of Minnesotans, will lose their benefits this month. Without those unemployment benefits, many families will have no other way to keep paying their mortgage and buying groceries. Even with some economic progress, there are still six applicants for every job opening, and in some industries there are simply no jobs to be found.

Our obligation to America's working families is a serious one. When there are jobs to be had, working and middle-class families keep our economy running. After Wall Street's indiscretions were the cause of an economic collapse and our government bailed them out, we are in no place to tell America's families that there is not enough help to go around. Their interests should have been placed ahead of the big banks from the start.

Further, the provisions that are currently being blocked will also provide for the vital COBRA subsidy. Right now, the COBRA subsidy is helping American families retain their health care coverage while they continue to look for work. Facing a medical crisis while being employed and uninsured is a burden most families simply cannot withstand. We should not be putting Americans in that position when it is due to no fault of their own.

We should not be driving them to a place where they simply have run out of options. This procedural stalling is unacceptable. I have heard from Minnesota's employment commissioner that the expiration and subsequent agreement on an extension will be an administrative burden on our State, not to mention an inefficient use of State resources.

The delays are also stressful and disruptive for Minnesota's families. This is the case in all 50 of our States. So I call on all of my colleagues to come together today and stand behind the principle, the principle of supporting American families when times are tough. This is the principle on which we should all be focused and all be judged.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN.) The Senator from South Dakota is recognized.

AMENDMENT NO. 3338 TO AMENDMENT NO. 3336

(Purpose: To create additional tax relief for businesses, and for other purposes.)

Mr. THUNE. Madam President, I call up amendment No. 3338 and ask for its immediate consideration.

Mr. BAUCUS. Madam President, is the Senator asking unanimous consent to set aside the pending amendment?

Mr. THUNE. I would like to have my amendment be made pending.

Mr. BAUCUS. You wish to set aside the pending amendment?

Mr. THUNE. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3338 to amendment No. 3336.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. THUNE. Madam President, as we all know, our economy is suffering. We have an unemployment rate that is currently at 9.7 percent. Furthermore, we have large portions of the population that are either underemployed or have dropped out of the workforce because of limited job prospects.

There are a variety of factors that have contributed to this recession. The government's response so far has been largely ineffective, particularly with regard to employment, and I would argue that the best thing that we can do to address the issue of unemployment and having to extend unemployment benefits and COBRA and other types of benefits, all of which are considered in this underlying bill, is to get people back to work.

That is fundamentally the very best thing that we can be doing—focusing



on how we create jobs, how we grow this economy, how we provide opportunities for those who have lost their jobs, who are underemployed, to get back into the workforce. That, to me, ought to be the focus of our efforts in the Senate.

The bill that was passed about a year ago, the stimulus legislation which we now know is going to cost somewhere in the neighborhood of \$862 billion without interest, with interest well over \$1 trillion, was all borrowed money. It is going to add \$1 trillion to the national debt.

Despite that amount of spending, only \$6.2 billion was spent on tax incentives for small businesses, and another \$730 million was spent in funding for the Small Business Administration. So I want to think about for a moment what that means in terms of the dimensions of the bill that was passed last year. We had a \$1 trillion bill. Together the incentives for small business in that bill represented less than 1 percent of the total cost.

We all know small businesses have a much greater impact on the economy and on employment than that number represents. Small businesses employ more than half of all of the Nation's private sector employees. They create nearly two-thirds of all of the new jobs and create a disproportionate number of the patents that are issued in our Nation.

At the time we voted last year on the stimulus bill, I believe now this was one example of the priorities in that legislation that were misplaced if we are intent on and focused as a laser on creating jobs and getting this economy growing again.

I made the argument at the time, as did many of my colleagues—and we offered amendments in support of that belief—that the best way to get the economy growing again is not to focus on a lot of government spending on new government programs, but, in fact, to provide incentives for small businesses, the engines of our economy; to get out there and to start investing and to start creating jobs.

So I offered an amendment that was an alternative to the stimulus bill a year ago, which, according to the economic model developed by the President's economic adviser, would have created twice as many jobs, and it would have cost half of what this stimulus legislation is going to end up costing the taxpayers of this country—again, all of which is borrowed from future generations.

While the Senate passed a smaller jobs bill last week, Senators in the Chamber were blocked from offering amendments. I wanted to offer this amendment a week ago when we considered the other jobs bill that passed through here. That was a \$15 billion jobs bill which I think is now pending action in the House of Representatives.

But I am offering this amendment now because we have this underlying tax extenders bill, and I think it is important that we discuss and debate how best we can stimulate the economy, how best we can grow the economy, get it expanding again, and how best we can create jobs to get people back to work. It seems to me, again, that ought to be the first priority on which we as a Senate get focused.

What my amendment would do is, it would, for the year 2010, extend depreciation. It would permanently increase the section 179 deductions that allow small business to expense more of the investment they make as opposed to having to depreciate those.

By lowering the cost of new capital expenditures, these provisions would encourage companies to invest in new equipment, make capital purchases, capital investments; it would increase both growth and employment. It would also eliminate capital gains taxes on small business investment.

This simple, permanent reduction in taxes was supported by the President in his State of the Union Address, and it would increase investment as well in small businesses. This amendment also would allow a 20-percent deduction for small business income. We currently have a lot of small business owners who pay their taxes at the individual level. It is called flowthrough income. They have a small business. The income flows through to their individual tax returns and so they pay at individual tax rates, and those tax rates are set to rise on small businesses beginning in 2011. In fact, a lot of our small businesses, about half, are going to be impacted by those increases in marginal income tax rates that will occur in 2011. This would help mitigate the impact of those increases on the 20 million people working in small businesses, those small businesses which would be taxed at a higher rate under the President's tax proposals.

Finally, this bill would prevent Davis-Bacon prevailing wage requirements from raising the cost for projects funded under the stimulus bill. While I understand the importance of good wages, projects that comply with Davis-Bacon restrictions see labor costs on average 22 percent higher than market rates. This stimulus bill was the first time where that requirement was inserted into this sort of a stimulus bill designed to create jobs and grow the economy. Waiving these provisions will help eliminate the confusion and stretch taxpayer dollars so we get more bang for our buck in the amount of dollars currently out there, hopefully, trying to create jobs.

My amendment would be paid for by redirecting unspent or unobligated stimulus funds from the bill passed last year. Out of that \$862 billion in spending, according to what we hear from the administration's Web site, recov-

ery.org, about 37 percent of that money has been spent as of the end of this last year. Bear in mind, a lot of that money is obligated, but we understand that the unspent, unobligated amount on the spending portion, not on the tax portion, is about \$160 billion. It would seem to me that if the purpose of all our efforts is to create jobs, we ought to begin to think about who creates those jobs. Two-thirds of the jobs in our economy are created by small businesses. Why then should we not be focusing our efforts on creating incentives for small businesses to invest? Frankly, that would have been the way I would have gone about the stimulus bill.

Many of my colleagues offered amendments, and many of them supported my amendment. I think I had 37 votes for my amendment that would have focused in the stimulus bill of a year ago more on small businesses, whereas the bill that ultimately passed only spent under 1 percent of that total amount, almost \$1 trillion, on small businesses which are the economic engine, the job creators in the economy.

If we can figure out ways to get small businesses some relief so they can start hiring again, we address all these other issues—9.7 percent unemployment which, incidentally, the promises made when the big stimulus bill passed last year was that if we didn't pass this stimulus bill, unemployment would go up to 8 percent. We have blown way by. That is at 9.7 percent. We were told it would create millions of jobs. We know now that since its passage last year, we have actually lost 2.7 million jobs in the economy. Clearly, the prescription put in place is not working. I argue that is largely because it was misdirected. It was directed toward creating new bureaucracies in Washington, perhaps some government jobs, but the fact is, the good-paying, permanent jobs in our economy are created in the private economy. The biggest creator of those jobs is small businesses.

Frankly, we ought to be looking at what types of policies can we put in place that will create an environment in which small businesses can go back out there, make investments, put people back to work and then we start, hopefully, bringing the unemployment rate down, get people back employed again, and a lot of these measures we are now having to take with regard to unemployment benefits hopefully would cost the taxpayers a lot less. The best thing we could do for people who are without a job is to get them back to work. The best way to do that is to get small businesses hiring again.

One final point. One of the things I hear repeatedly from small businesses in South Dakota and across the country is there is a sort of paralysis about investors looking at investing in different areas and different projects. But

looking at Washington, DC, and seeing all this policy uncertainty, they see this cloud over the economy. It is creating economic anxiety. What I hear from a lot of small businesses and people who create jobs is that they are worried about the policy uncertainty in Washington, DC. Is Washington going to pass this massive new health care bill which includes an employer mandate that would raise taxes on small businesses? Is Washington going to pass a climate change bill that has punishing energy taxes, particularly on areas in the Midwest? I have a couple of power plants in my State that are on ice right now because of uncertainty about what is going to happen with regard to coal-fired power.

There is a lot of uncertainty out there swirling around about what Congress might do or, worse yet, what the EPA might do on their own. There is uncertainty about what is going to happen with taxes. Are we going to see taxes go up in 2011? In fact, for small businesses, about half who do allow their income from their small business to flow through to their individual income tax return are going to see those marginal rates increase when they go from 33 to 36 and 35 to 39.6 percent, significant tax increases, which is why I have a deduction for small business income as part of this amendment. We need to bring some certainty to small businesses in the area of taxes, certainty with regard to regulation, certainty with regard to the litigation environment. We have so much uncertainty swirling around Washington, it is creating a huge cloud.

Now we have a situation where small businesses are making decisions based upon political factors rather than economic factors. We want them making decisions based upon economic factors, not worrying what has become the new center of gravity, and that is Washington, DC. Washington cannot create permanent, good-paying jobs in our economy. Those can only be recreated in the economy as we unleash small businesses and entrepreneurs and provide incentives for them to do what they do best. That is to grow their businesses and to make capital investments and to create jobs.

I hope my colleagues will support this amendment. It is paid for. It is offset. This doesn't add anything to the debt. We don't have to borrow money. All we do is redirect unspent, unobligated stimulus moneys, moneys left over from last year's stimulus bill toward small business tax incentives which, frankly, many of us argue—and I argued at the time and I hope more people agree now—should have been a greater focus of the stimulus in the first place. If we are serious about creating jobs, we have to go to where the job creators are. The economic engine is small business. My amendment creates tax incentives for them to go out

and create jobs and does it in a way that doesn't add to the deficit, doesn't add more borrowing and allows the small businesses to do what they do best.

I encourage my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise to address the Republican filibuster attacking the American worker and the Republican filibuster attacking America's small businesses.

I had the chance to go home this weekend. I started my trip home in Deschutes County where there is 14 percent unemployment. Next door to Deschutes, Crook County has 16.8 percent unemployment. That is only counting workers officially unemployed as opposed to those who have given up on finding jobs. I went down to Klamath County to the south, with 12.6 percent unemployment. I went to Hood River and Columbia Gorge, Washington County, the Portland metropolitan area. Everywhere I went in Oregon, whether it be eastern or western or north or south—because I was in every quarter this weekend—citizens wanted to know why are the Republicans attacking the American worker and American small business?

Across this country, our working families are in trouble. They are looking to this body for help. They want to know when are we going to get it done. And by "it," they mean extension of unemployment benefits. They want to know when are we going to get extended the COBRA health benefits. They want to know when we are going to fix the Medicare rates that changed today and dropped more than 20 percent so that it is that much harder to get into the door of a doctor if you are a senior. They want to know why transportation projects are grinding to a halt, even though we need those jobs.

The answer lies in this Chamber. This attack on the American worker by the Republican filibuster is unacceptable. This attack on the American senior is unacceptable. This attack on American small business is unacceptable.

Not only does this directly impact working Americans and retired Americans, it also affects the economy. Unemployment insurance, COBRA extensions are good for the economy. They help put food on the table. They help pay the rent. All of that money stays in our economy. All of it goes for most families, because they have bills to pay to businesses in the communities. Those businesses can then pay their workers and pay their contractors. One

of the best bangs for the buck in terms of economic growth is right before us in unemployment insurance and a COBRA extension.

I have puzzled over this challenge. Because what I have observed is this: When it comes to giving away money out of the Treasury to the wealthiest Americans, my colleagues across the aisle are delivering it on a silver platter to the wealthiest and best off. But when it comes to a plan to assist working Americans and seniors and small businesses, my colleagues across the aisle, through this Republican filibuster, are taking the hatchet to them. They are saying: Working Americans don't count. We only want to have benefits on the silver platter for the wealthiest.

It is working Americans who made this Nation great. It is the American middle class that created the strongest economy in the world. It is the American public school system and our working families that have come up with the industriousness and the ingenuity to take this Nation forward.

When I am talking about the silver platter the Republicans have for the wealthiest in America, let's examine the details. Unfunded Republican program, 2001 tax cuts, a \$1.35 trillion giveaway, borrowed from the next generation, from our children. That is quite a gift. That is quite a silver platter. The 2003 tax cuts, \$350 billion delivered on a silver platter for the wealthiest Americans. Medicare Part D, an unfunded program, \$400 billion on a silver platter; the Iraq and Afghanistan wars, almost \$1 trillion—\$944 billion—through June of 2009. The total this year will exceed \$1 trillion, unpaid for, unfunded, borrowed from our children.

There have been some colleagues rising to say how this is a matter of being consistent in paying for American programs. But when you check the record, they voted time and time again for unfunded giveaways to the wealthiest Americans—the 2001 tax cuts, the 2003 tax cuts. And they voted for other programs I like but they were not funded, and I include in that Medicare Part D.

When I hear a colleague talking about fiscal responsibility, it is a little like listening to Bernie Madoff talking about tough accounting rules; it is a little bit like hearing from Brett Favre about promising he will retire; it is a little bit like listening to Simon Cowell delivering a lecture that people should not utilize sarcasm. Because after these trillions of dollars of unfunded giveaways, my colleagues have put together a Republican filibuster to attack the American worker in a completely inconsistent manner.

I have a different outlook. I think many of my colleagues here have a different outlook. We should be here to make America work for working Americans. That means when they are hurting, we are going to assist them with

unemployment insurance, we are going to help with the COBRA extension, we are going to help with these loans to small businesses, and we are going to help our seniors by fixing that Medicare provision. We are not going to take the hammer to those programs. We are going to assist our working families.

Because of this Republican filibuster, nearly 1.2 million Americans will lose their benefits, and by June this number will grow to 5 million unemployed workers who will be left without vital benefits if Congress does not act.

Let's talk about that small business provision. Small business owners have been hurt because the Small Business Administration's general business loan program expired yesterday, making it more difficult for our small businesses to access loans in an already difficult business climate.

My colleague from South Dakota was just on the floor speaking about the importance of helping small businesses. But I say to him and the Republican filibuster attacking small business in America: Come to this floor and say enough is enough; I am going to stand with our workers and our seniors and our small businesses.

It is time to end the political posturing, take our eyes off November and put our eyes on the challenge of American families, and pass this legislation right away.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first of all, I want to thank the Senator from Oregon for those very passionate comments. We have had the opportunity to join in a number of forums to speak out about the importance of creating jobs in America and of helping those who through no fault of their own have lost their job, and I thank the Senator for his eloquence and passion again this evening.

I come to the floor to also add my voice to what I believe to be an outrageous situation. I say this with all due respect to my friend from Kentucky. We work together on a number of issues, and I look forward to continuing to do that. But on this I believe what is being done is absolutely wrong. It is outrageous.

We are in a situation right now where nearly 135,000 Michigan residents will lose the unemployment assistance they need by the end of this month if we do not take action immediately. That is just in 1 month as to people who have been hit by nothing less than an economic tsunami.

We have a sense of urgency when an earthquake happens, when storms come, and the floods come. Well, to families across this country, the storms have come. They have been here—in our case for years—and we need to have the same sense of urgency

as any other disaster would call us, focusing not only on helping people who have lost their job but in creating jobs.

I am proud to be a part of a caucus that has placed jobs at the forefront and a President who, last year, started at the beginning of the year with a jobs bill, a Recovery Act, and moving on, and this year with an entire jobs agenda. But the reality is that until jobs are created, we have millions of people in this country who have played by the rules all their lives, paid their taxes, cared about their families, gave back to their communities, and their only sin is the fact that they have lost their job through no fault of their own.

They are trying to keep a roof over their head, keep food on the table, keep the heat on, trying to make sure their kids have what they need. Most of them are receiving \$200 or \$300 a week to try to hold it together while they go job training, while they look every day for work. People want to work. This is not about people who do not want to work. People want to work. But we have six people applying for every one job in America.

So while we focus on job creation and partnering with the private sector to make that happen, we have millions of people in America who do not understand how something such as merely extending unemployment benefits could be held up. Last night, the unemployment benefits stopped that process now. This month, people are getting notices, afraid about what is going to happen to themselves and their families.

What we have is a misuse of the rules, in my judgment. What we have is an objection, and it is one for which we have been down here many times. We have the charts now. We have had it happen over 116 times this session, where we have seen objections, bringing to a halt the will of the majority, blocking the democratic process of voting—of simply voting—and being able to solve problems and move things forward.

I received an e-mail from a woman in Livonia, MI, who lost her job last year. She took the opportunity to go back to school to get new job skills to become a registered dietitian. But now, as she is doing that, because of this obstruction, this woman is going to lose the help she needs to allow her to make it and keep a roof over her head while she is turning the corner and gaining new skills to get a new job. The rug is, frankly, being pulled out from under her, and I think that is outrageous.

She is not alone. As I indicated before, we have nearly 135,000 people in Michigan who will lose the help they need under unemployment benefits by the end of this month if we do not act, and act immediately.

I received another e-mail from a woman in Greenbush, MI. She and her husband both worked at the same man-

ufacturing plant. It is a common story in Michigan. They both lost their job. She writes:

We are both seeking work and schooling for new careers. We have both received a letter from the unemployment office that our benefits will end. We have no other source of income and we fear we will lose our home.

This is real for millions of people across this country, millions of middle-class families who assume that in a disaster, an economic disaster, their government, the people of the country, will step up to help. That is what unemployment benefits are all about.

It is time to act, it is time to stop blocking democracy. If my friend from Kentucky has an amendment to offer, offer it, debate it, and vote. But just blocking us from exercising our right to vote is not the American way. The American way is to vote, to act, to make decisions, not to block. We have seen way too much of blocking democracy from our Republican colleagues in these last months and months.

I also want to speak to other provisions in this bill because I find it interesting that within hours of the health care summit last Thursday, the blocking of this bill showed us what the health care plan is by Republicans: cut people off from help with COBRA, cut doctors' benefits. That came within hours of the health care summit. We are now getting calls from people who are concerned about whether their doctor is going to be available.

Are senior citizens under Medicare going to be able to see their same doctor because of the cuts that will happen if we do not act immediately? People who one day lost their job, the next day lost their health care—we have been able to help them through the jobs bill we passed last February to be able to continue their health insurance through work. It is expensive to do under something called COBRA, but we have been able to help them do that by helping to pay on a short-term basis for part of that cost.

So the health care summit happens on Thursday, and hours later there is an objection that will stop health care for hundreds of thousands if not millions of Americans, and stop the ability of doctors to be reimbursed at a fair rate to be able to care for their patients. This is, in my judgment, an absolutely outrageous situation, and it has to stop.

I thank our chairman of the Finance Committee for his work and advocacy and being here on the floor calling for us to vote. I am hopeful people around the country will speak out loudly between tonight and tomorrow and that we will be able to come to the floor and stop what is effectively blocking the democratic process and blocking our ability to vote, to make decisions, and to move forward.

We have millions of Americans who are counting on us to understand what

is happening in real people's lives every day—not political games, not all the partisanship, but real people's lives—who are going to get up tomorrow morning and say: OK, what do I do now? How am I going to keep my roof over my head? And how am I going to continue to go to school to get that new skills I need? How am I going to put food on the table for my family? That is what is affecting people across this country.

In addition to the millions of people who have lost their job and are on unemployment, we have millions of others who are one paycheck away from being in the very same situation—people who could be spending in the economy now to be able to help move things forward, who are afraid of what happens next. Part of that fear is not only will they have a job, but what happens if they do not? And what is the message that is sent if we do not make it clear we will be there for them if that happens? Will they be able to continue to have the basics to keep their family going?

I strongly urge we do everything possible. I know we will stop this obstruction, to allow the democratic process to go forward, to allow us to vote, to solve problems, to move this bill forward, and send a very strong message that we understand what is happening to millions of families who have faced a disaster of epic proportions. It is truly as much a disaster as anything else any community has ever felt in terms of losing their jobs and fighting and working to get something.

I thank the Chair.

**THE PRESIDING OFFICER.** The Senator from Montana.

**Mr. BAUCUS.** Madam President, we are here to do the people's business. The folks in our home States elected us to do what is right. Most folks don't care too much about the process, as long as we get our job done and as long as it is reasonable, within the boundaries of reasonableness, and as long as they think we give the subject considerable thought. I think we agree that is true. I think it is largely true that most of the people would think: Well, gee, why don't you go ahead and pass that extenders thing you are talking about back there because it is the right thing to do.

People need to collect their unemployment checks. They need their health insurance. Some of these tax provisions need to be continued; otherwise, this is a job-killer action the other side is taking. It is a job destroyer. To not continue these provisions actually destroys jobs. That is not what we want to do.

On another matter: The Senator from South Dakota proposes an amendment to make a series of tax cuts for small business. I might say that some of these tax cuts, the ones he proposes, actually have merit. We in the Finance

Committee hope to address small business tax cuts in a markup perhaps as early as this month. This is a jobs agenda. It is additional legislation to help create jobs, preserve jobs, and help the recovery come along a little more quickly.

The offset, however, that the Senator from South Dakota proposes is another matter. The Senator from South Dakota seeks to pay for his amendment by cutting funding from the Recovery Act, and that idea does not have much merit, at least not in this Senator's judgment. Pretty much the last thing we should do is to be seeking to cut the Recovery Act.

The nonpartisan Congressional Budget Office, the independent organization we rely upon around here—both sides of the aisle in both bodies—says the Recovery Act is working. The Congressional Budget Act says that in the third quarter of last year, for example, the Recovery Act caused between 600,000 and 1.6 million people to have jobs. That sounds as though it is working to me. The CBO also said these people had jobs who would not otherwise have had jobs. I, therefore, think we should not be cutting back on the Recovery Act; rather, we should let it work its will.

The investments the Senator from South Dakota seeks to cut in addition are largely within the jurisdiction of the Appropriations Committee and, thus, I will defer to the chairman of the Appropriations Committee who I think at the appropriate time will have quite a bit to say about this Thune amendment and will speak to it at greater length. I suggest that is an appropriate time to have a more lengthy discussion on this matter.

Madam President, I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

**Mr. BAUCUS.** Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### MORNING BUSINESS

##### CONGRATULATIONS TO MINNESOTA'S 2010 OLYMPIANS

**Mr. FRANKEN.** Madam President, 50 years ago this month, a group of athletes gathered in Squaw Valley, CA, for the Winter Olympics. A part of the U.S. contingent—the 1960 men's ice hockey team—unexpectedly surprised the world and brought home the Olympic gold medal by defeating the Soviet Union, Czechoslovakia, and Canada. Of these 17 remarkable men, 8 were from my home State, the great State of Minnesota. As anyone could see from

watching this year's games, this outstanding contribution from Minnesotans continues to this day.

Twenty years after this “forgotten miracle,” Team USA again shocked the world by miraculously defeating Finland and the vaunted Soviet Union to again win the gold medal. Thirteen Minnesotans played for the 1980 “Miracle on Ice” team, and a 14th was their coach.

This year's Olympic men's ice hockey team was considered by many not to have a chance for a medal. They were too young, too inexperienced; they had not played together before. And the U.S. men had not defeated Canada in Olympic play in 50 years. Yet a week ago, despite being the underdog, Team USA upset the favored Canadians in their own arena.

After defeating Switzerland and soundly beating Finland in the semifinals, Team USA played Canada a second time last night for the gold medal. Although we fell behind early, Zach Parise—a Prior Lake, MN, native—tied the game with under a minute to play. Sadly for us, Canada would end up scoring in overtime to win the gold medal. But that cannot take away from what was truly a golden performance by the Americans. Jamie Langenbrunner, from Cloquet, did a stand-up job as captain, leading and pulling together a team that also included Minnesotans Erik Johnson, from Bloomington, and David Backes, from Blaine.

The American women's ice hockey team was expected to be great. And they were. Before falling to Canada, they had outscored their opponents 40–2. With Edina native Natalie Darwitz as captain, as well as Jenny Potter from Edina and Gigi Marvin from Warroad, they brought home a well-earned silver medal.

And of the 12 members of the U.S. Olympic curling team, 8 are from Minnesota. Natalie Nicholson of Bemidji and Allison Pottinger of Eden Prairie were on the women's team. The men's team was an all-Minnesota affair with John Shuster and Jason Smith of Chisholm, Chris Plys and Jeff Isaacson of Duluth and John Benton of St. Michael. Even their coach, Phil Drobnick is from Eveleth, MN.

Tony Benshoof of White Bear Lake is an Olympic luger. Kaylin Richardson of Edina was in her second Olympics, competing in alpine skiing. Wynn Roberts of Battle Lake was a competitor in the biathlon. Rebekah Bradford of Apple Valley is an Olympic speedskater. And Caitlin Compton and Garrett Kuzzy, each of Minneapolis, competed in cross-country skiing.

And there are many other Olympic athletes, like Lindsey Vonn, who have strong Minnesota ties but reside now in other States—which have mountains.

Yesterday marked the end of the 2010 Winter Olympic Games in Vancouver. I

am so proud to see that there were more athletes in this year's Olympics from Minnesota than from any other State. Twenty-one Minnesotans took part in these games. Most were in their first Olympics. A few others were in their second Games. Natalie Darwitz has been to three. Jenny Potter has now been to four, winning a medal every time. Isn't that something—four-time medal-winning Olympian and mother of two.

Twenty-one athletes from all over Minnesota who now will be going back to tending a bar or being a teacher or being an engineer or a mom. Natalie Nicholson will return to Red Lake Indian Reservation as a nurse practitioner. The men's ice hockey players will be going back to finish the National Hockey League season. John Shuster will be getting married. All will continue to inspire us.

I congratulate every single one of these competitors. Each has shown tremendous grit and determination to earn a place representing our Nation at these Winter Olympics. Whether you won a medal, or simply gave it your all and competed, each of you is a champion.

Olympians make the children of our State and Nation dream of what they might do, and grownups like me dream of what we wish we could do, all while fulfilling their dreams on the world's stage and representing our Nation admirably. We owe them thanks for their hard work, their perseverance, and most of all their heart. And I hope I have the chance in the coming weeks to meet with each of these Minnesota athletes so I can congratulate them in person.

#### RECOGNIZING JESSE WHITE TUMBLERS

Mr. DURBIN. Madam President, I rise to congratulate a well-loved Chicago institution on a landmark anniversary.

For 50 years, the Jesse White Tumblers troupe has delighted audiences in Illinois and beyond and opened doors of opportunity for thousands of young people.

Jesse White, the man who gave the team its name, is probably best known today as Illinois' secretary of state and the first African American ever elected to statewide office in the "Land of Lincoln."

As a child, Jesse White was studious and well behaved. He was also a phenomenal athlete. His passion for sports won him a scholarship to Alabama State University, where he was all-conference in baseball and basketball for all 4 years.

After college, Jesse White served 2 years in the U.S. Army as a paratrooper.

Then sports opened another door for him. Jesse White was able to fulfill

what for many of us is only a dream. He played professional baseball for the Chicago Cubs Triple-A farm team.

Returning to Chicago after his baseball days, Jesse White decided to become a Chicago Public Schools teacher. He also worked nights as a physical education teacher for the Chicago Park District.

In 1959, the park district asked him to create an acrobatic show. The result was so impressive that the troupe began performing on a regular basis. Its mission was—and remains—to keep children in school, off of drugs, and out of gangs in the Chicago area. And it has been a huge success.

A half century later, more than 11,000 young people have participated in the Jesse White Tumblers. Becoming a Jesse White Tumbler is no easy task. Thousands of young people apply every year but only a fraction are chosen. To make the team, members must stay in school and maintain at least a C average. They have to obey the law and stay out of gangs and away from drugs and alcohol. In exchange, the young athletes get to experience the excitement and glory of performing before appreciative fans. They also receive tutoring and college scholarship opportunities, performance fees, and a chance to travel and perform around the world.

The power of the Jesse White Tumblers to transform young lives and open new doors may be best illustrated by the story of three brothers. They performed together with the Tumblers, but at some point they decided together to drop out and join a gang. One of the brothers was murdered by a rival gang. The second brother, seeking to avenge his brother's death, killed an innocent man by mistake and ended up going to jail for murder. Instead of following in his brothers' footsteps, the third brother decided to rejoin the Jesse White Tumblers. The direction and discipline he received helped him not only avoid the pitfalls of his siblings but helped him earn a college education and eventually a law degree from the University of Notre Dame.

Multiply that story hundreds or even thousands of times and you begin to understand the importance of the Jesse White Tumblers.

The Jesse White Tumblers have earned their reputation as an icon in the State of Illinois. The program has done wonders, and I wish it another 50 years of continued success.

#### LIBRARY OF CONGRESS OFFICE IN JAKARTA, INDONESIA

Mr. LUGAR. Madam President, as my colleagues are aware, the Library of Congress, LOC, diligently works to keep the Congress fully informed on a plethora of issues. Today I would like to highlight the important work of a component of the LOC that is less

known to colleagues, and that is its operation in Southeast Asia. The work of this regional operation immensely contributes to U.S. understanding of Southeast Asia, the Pacific Islands, China and India, thereby facilitating our foreign policy objectives.

The LOC office is one of six overseas offices operated by the Overseas Operations Division of the LOC. Staff to the overseas offices "acquire, catalog, preserve and distribute library and research materials . . . and provide assistance to the U.S. Congress."

For too many Americans, Southeast Asia is a distant unknown. In reality, the region is of significant economic importance to the American people. The approximately 580-million citizens—and consumers—of the 10 nations comprising the Association of Southeast Asian Nations, ASEAN, represent the fourth largest market for American exports.

Based in Jakarta, the mission of the LOC regional operation is diverse. Primary among its responsibilities is to provide research and information services to the U.S. Congress and the Congressional Research Service. Jakarta LOC staff also manage the Cooperative Acquisitions Program, CAPSEA, whereby they acquire materials from countries in the region on behalf of the LOC and member institutions, which include 30 U.S. research libraries and 10 international research libraries.

It is important to note the ongoing, extensive assistance the Senate Foreign Relations Committee receives from the Jakarta LOC office. Research and preparation for committee projects on issues ranging from global food security, to international trade, non-proliferation, the Extractive Industries Transparency Initiative, EITI, counterterrorism and human trafficking, have been augmented by the diligent efforts of LOC staff in Jakarta and elsewhere in the region.

The Jakarta LOC office ensures that the U.S. Congress and the Congressional Research Service have up-to-date legal and legislative regional information, and it assists other U.S. Government agencies in providing and sharing open source information as well as acquiring publications.

The Jakarta LOC office has also worked with the House Democracy Partnership, HDP, and The Asia Foundation to create a legislative library for the National Parliament of Timor-Leste and to train the library staff, and is cooperating with the HDP to develop a parliamentary research service and an improved information technology system there.

Indonesia is a young democracy. Its Parliament is confronted with many challenges, including the development of its own operational and staff infrastructure. The LOC office in Jakarta serves as a bridge facilitating communications and meetings between the

staff of the U.S. Congress and the Indonesian Parliament. Our counterparts in the Indonesian Parliament have expressed appreciation for this initiative.

In conclusion, I am grateful for the assistance provided to the U.S. Senate by the Southeast Asia LOC office, and wanted to take this opportunity to openly convey my appreciation.

#### ADDITIONAL STATEMENTS

##### REMEMBERING SAM HAMILTON

• Mr. NELSON of Florida. Madam President, I speak today to commemorate the life of a true friend of Florida, Mr. Sam Hamilton, who passed away on Saturday. In September of last year, Mr. Hamilton became the Director of the United States Fish and Wildlife Service. That was a fitting position for a man who had dedicated 30 years to protecting the Nation's natural resources and wildlife.

Long before he was Director of Fish and Wildlife, Mr. Hamilton was committed to this country's wild spaces. Just last month, I was fortunate enough to attend the groundbreaking ceremony for an Everglades restoration project called the Picayune Strand, and Mr. Hamilton was there. It was a proud day for us all, but certainly for a man who had worked so long on Everglades issues and knew how much this project would benefit the endangered Florida panther. On that unusually cold morning, he spoke about his experience in the Youth Conservation Corps at 15 years old in Mississippi and how that molded his dedication to wildlife conservation. Mr. Hamilton started his career with the U.S. Fish and Wildlife Service in Texas. He moved up the ranks to become the southeast region's director based in Atlanta.

During his time in Atlanta, he oversaw the Service's role in restoring the Everglades ecosystem. He took the Service's role of advising Federal agencies with regard to the Endangered Species Act seriously. He knew the ins and outs of the Apalachicola-Chatahoochee-Flint River Basin, and worked to protect the threatened and endangered species that call that system home, like the gulf sturgeon and the purple bankclimber mussel.

Mr. Hamilton was an avid fisher and hunter, and this gave him perspective on how to work with people from different backgrounds towards a common goal of conserving America's wildlife and the habitat that sustains it. I know that I echo my friends at the Department of the Interior like Secretary Ken Salazar and the Assistant Secretary for Fish and Wildlife and Parks Tom Strickland when I say that Mr. Hamilton will be sorely missed and his great contributions to my state and the country at large will not be forgotten. And to his family: wife Becky,

sons Sam Jr. and Clay, and grandson Davis, you are in our thoughts during this difficult time. Thank you for helping your husband, father, and grandfather to serve this country. •

#### TRIBUTE TO KATHERINE PATERSON

• Mr. SANDERS. Madam President, I wish to acknowledge the lifetime work and recent achievements of Katherine Paterson of Barre, VT. Recently, Ms. Paterson was named National Ambassador for Young People's Literature by the Librarian of Congress James H. Billington.

Katherine Paterson's accomplishments as an author surely merit her appointment. She has twice been awarded the prestigious Newbery Medal, once for "Bridge to Terabithia" and a second time for "Jacob Have I Loved." In addition, she won the National Book Award, also twice, for "The Great Gilly Hopkins" and "The Master Puppeteer." Nor are these the only major recognitions of her importance as one of the major writers of our time. She has won 19 additional literary awards for other works, including the Hans Christian Andersen Medal, the Astrid Lindgren Memorial Award and the Governor's Award for Excellence in the Arts, which was awarded to her by her home State of Vermont.

Katherine Paterson was named a Living Legend by the Library of Congress in 2000.

Her most recent book is "The Day of the Pelican," a moving, dramatic story of a refugee family's flight from war-torn Kosovo to America. It is the 2010 selection for Vermont Reads, a statewide reading program.

Katherine Paterson has long been dedicated to promoting literacy among young people, which makes her appointment as National Ambassador for Young People's Literature particularly appropriate. She has chosen "Read for Your Life" as the theme for her platform for the upcoming 2 years as National Ambassador. Throughout her tenure, she will be a most articulate advocate for the importance of literature in young people's lives.

We in Vermont are proud of Katherine Paterson's accomplishments as a writer. We are proud of her dedication to literacy among young readers. And, at this moment, we are proud that our national library, the Library of Congress, has conferred upon her this new honor, and the enlarged task of being the Nation's leading advocate for young people's literature. •

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### PROPOSED CONSTITUTION FOR THE VIRGIN ISLANDS—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

*To the Congress of the United States:*

In accordance with the requirements of Public Law 94-584 (the "Act"), I hereby transmit to the Congress a proposed constitution for the United States Virgin Islands (USVI). The constitution, drafted by the Fifth Constitutional Convention of the United States Virgin Islands, was submitted to me on December 31, 2009, by Governor John P. deJongh, United States Virgin Islands. In submitting the proposed constitution, Governor deJongh expressed his concerns about several provisions of the proposed constitution, but he also expressed his hope that the people of the United States Virgin Islands continue to "move ahead towards [their] goal of increased local governmental autonomy."

The Act requires that I submit this proposed constitution to the Congress, along with my comments. The Congress then has 60 days to amend, modify, or approve the proposed constitution. If approved, or approved with modification, the constitution will be submitted for a referendum in the Virgin Islands for acceptance or rejection by the people.

In carrying out my responsibilities pursuant to the Act, I asked the Department of Justice, in consultation with the Department of the Interior, to provide its views of the proposed constitution. The Department of Justice concluded that several features of the proposed constitution warrant analysis and comment, including: (1) the absence of an express recognition of United States sovereignty and the supremacy of Federal law; (2) provisions for a special election on the USVI's territorial status; (3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry; (4) residence requirements for certain offices; (5) provisions guaranteeing legislative representation of certain geographic areas; (6) provisions addressing



territorial waters and marine resources; (7) imprecise language in certain provisions of the proposed constitution's bill of rights; (8) the possible need to repeal certain Federal laws if the proposed USVI constitution is adopted; and (9) the effect of congressional action or inaction on the proposed constitution.

To assist the Congress in its deliberations about this important matter, I attach the analysis of the Department of Justice, with which the Department of the Interior concurs. I believe that the analysis provided by the Department of Justice warrants careful attention.

I commend the electorate of the Virgin Islands and its governmental representatives in their continuing commitment to increasing self-government and the rule of law.

BARACK OBAMA.  
THE WHITE HOUSE, *February 26, 2010.*

**NOTICE RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 48**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2010.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in

force the sanctions to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, *February 26, 2010.*

**MESSAGE FROM THE HOUSE  
DURING ADJOURNMENT**

**ENROLLED BILL SIGNED**

Under the authority of the order of the Senate of January 6, 2009, the following enrolled bill, previously signed by the Speaker of the House, was signed on February 26, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD):

H.R. 3961. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

**MESSAGE FROM THE HOUSE**

At 2:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 227. Concurrent resolution supporting the goals and ideals of National Urban Crimes Awareness Week.

H. Con. Res. 238. Concurrent resolution recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation.

**MEASURES REFERRED**

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 227. Concurrent resolution supporting the goals and ideals of National Urban Crimes Awareness Week; to the Committee on the Judiciary.

H. Con. Res. 238. Concurrent resolution recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation; to the Committee on Veterans' Affairs.

**MEASURES PLACED ON THE  
CALENDAR**

The following bills were read the second time, and placed on the calendar:

H.R. 4626. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

**INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. 3050. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER:

S. 3051. A bill to suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 3052. A bill to address the establishment and maintenance of the Systemic Resolution Fund of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 3053. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to permit the Abandoned Mine Reclamation Fund to be used for transportation and use of dredged materials for abandoned mine reclamation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 3054. A bill to amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3055. A bill to require the Secretary of Commerce to award grants to municipalities to carry out community greening initiatives, and for other purposes; to the Committee on Environment and Public Works.

**SUBMISSION OF CONCURRENT AND  
SENATE RESOLUTIONS**

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. TESTER, Mr. DURBIN, Mr. ISAKSON, Mrs. MURRAY, Mr. REID, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. LEAHY):

S. Res. 427. A resolution designating the first week of April 2010 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

By Mr. LEMIEUX (for himself and Mr. COBURN):

S. Res. 428. A resolution expressing concern about violations of civil liberties taking place in Venezuela and commending the people of Venezuela for their steadfast support of democracy; to the Committee on Foreign Relations.

**ADDITIONAL COSPONSORS**

S. 384

At the request of Mr. LUGAR, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.



S. 405

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 621

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 841

At the request of Mr. KERRY, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 902

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 902, a bill to provide grants to establish veteran's treatment courts.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1643

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1966

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as

a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2794

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2794, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2961

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2961, a bill to provide debt relief to Haiti, and for other purposes.

S. 2998

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2998, a bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

S. 3021

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3021, a bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3043

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS) and the Senator from New

York (Mr. SCHUMER) were added as cosponsors of S. 3043, a bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education.

S. RES. 372

At the request of Mr. LEVIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 372, a resolution designating March 2010 as “National Autoimmune Diseases Awareness Month” and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed “Anti-Homosexuality Bill”, and for other purposes.

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 414, a resolution expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3053. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to permit the Abandoned Mine Reclamation Fund to be used for transportation and use of dredged materials for abandoned mine reclamation, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation concerning the beneficial use of materials derived from river dredging activities. This concept was the subject of a Committee Resolution passed by the Committee on Environment and Public Works on October 26, 2005.

This legislation relates directly to the deepening of the Delaware River, which was authorized in the 1992 Water Resources Development Act. The project deepens from 40 to 45 feet the main shipping channel of the Delaware River from Philadelphia and Camden, NJ, to the mouth of the Delaware Bay. Deepening the river will help sustain and grow the maritime economy of the Delaware Valley region, as the river's current depth, which has remained stagnant since 1941, does not accommodate the size of most modern ships.

Despite the tremendous benefit the deepening will have on the region, some concerns have been raised regarding the disposal of the dredge material that will be produced during the deepening process. Currently, the Army Corps of Engineers dredges the river every year to maintain the 40-foot depth and deposits materials in Corps-owned sites along the river. While capacity remains at these sites, there are compelling questions about whether dredge material may have other useful purposes.

On October 26, 2005, the Committee on Environment and Public Works passed a Resolution requesting the Army Corps of Engineers to study the beneficial uses of dredge material from the Delaware River, including the potential for use in coal and other mine restoration areas. The Corps has undertaken this study with funding I secured for the past several years and intend to request this year and in the future. The outcome of this study could yield tremendous benefits for the Nation, including in the Delaware Valley region and in Pennsylvania, where there are already proposals to use the dredge materials.

One such proposal involves using dredge material from the Delaware River Deepening project to reclaim abandoned mine lands in northeast Pennsylvania. One likely benefit would be stream quality improvement in the Pocono Mountains due to a reduction in acid mine flows. This proposal would also help advance an economic development project in Hazleton, PA, which could potentially create thousands of jobs and contribute to the economic development of a region still impacted by the decline of the coal industry. The use of dredge material for these purposes has been endorsed by numerous local elected officials, state legislators and members of the community.

The legislation I have introduced would authorize the use of funding under the Abandoned Mine Reclamation Fund for the transportation and use of dredge material in the reclamation of abandoned mines. Specifically, an eligible use of this funding would be for dredging material from the Delaware River for use in abandoned mines around the State of Pennsylvania. This use could significantly reduce the amount of additional dredge material deposited along the river as well as advance the mine cleanup effort which has been ongoing for decades in Pennsylvania.

I urge my colleagues to support this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 427—DESIGNATING THE FIRST WEEK OF APRIL 2010 AS “NATIONAL ASBESTOS AWARENESS WEEK”

Mr. BAUCUS (for himself, Mr. TESTER, Mr. DURBIN, Mr. ISAKSON, Mrs. MURRAY, Mr. REID, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 427

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the World Health Organization, the Environmental Protection Agency, and the Surgeon General currently state that there is no safe level of exposure to asbestos;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a “National Asbestos Awareness Week” will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2010 as “National Asbestos Awareness Week”;

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

**SENATE RESOLUTION 428—EX-PRESSING CONCERN ABOUT VIOLATIONS OF CIVIL LIBERTIES TAKING PLACE IN VENEZUELA AND COMMENDING THE PEOPLE OF VENEZUELA FOR THEIR STEADFAST SUPPORT OF DEMOCRACY**

Mr. LEMIEUX (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 428

Whereas since his election as the President of Venezuela in 1998, Hugo Chávez has systematically weakened democratic institutions in Venezuela by restricting individual rights and the activities of political parties, discouraging the free exchange of ideas, and centralizing and expanding the powers of the Executive over the other branches of government and the people of Venezuela;

Whereas Article 57 of the Constitution of the Bolivarian Republic of Venezuela guarantees the right of all citizens to freely express their thoughts and opinions;

Whereas Article 68 of the Constitution of the Bolivarian Republic of Venezuela guarantees the right of all citizens to peacefully demonstrate and prohibits the use of firearms or toxic substances to control peaceful demonstrations;

Whereas on May 24, 2007, the Senate approved by unanimous consent Senate Resolution 211, 110th Congress, expressing profound concern about the transgression against freedom of thought and expression that was being carried out in Venezuela by the refusal of President Chávez to renew the broadcasting license of "Radio Caracas Televisión", also known as RCTV;

Whereas on May 24, 2007, the European Parliament adopted a Resolution criticizing the non-renewal of the RCTV license for undermining the right of the press to hold the authorities to account;

Whereas Venezuela and Cuba are the only 2 Western Hemisphere countries listed in the United States Commission for International Religious Freedom "Watch List" as countries requiring close monitoring due to the nature and extent of violation of religious freedom engaged in or tolerated by their governments;

Whereas the 2009 Report of the United States Commission for International Religious Freedom states that in Venezuela, "religious communities and leaders viewed as political opponents are routinely targeted and harassed by government officials";

Whereas several international human rights organizations have consistently expressed serious concerns regarding weakening of respect for human rights in Venezuela;

Whereas on January 24, 2010, President Chávez ordered what amounted to a shutdown of "Radio Caracas Televisión Internacional" due to its failure to air one of his speeches;

Whereas on the night of January 25, 2010, 2 students were killed and 5 others were injured by gunfire during peaceful demonstrations against the order by President Chávez to shutdown RCTV Internacional;

Whereas the Government of Venezuela has increasingly failed to address the legitimate

needs of its people for greater economic, political, and social opportunities and has aggravated political divisions in Venezuela; and

Whereas the Government of Venezuela has engaged in a military build-up that goes beyond the reasonable security concerns of the Venezuelan state and threatens to launch a destabilizing regional arms race: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the recurring and ongoing repression of peaceful demonstrators in Venezuela by security forces and government-affiliated groups;

(2) mourns the loss of life resulting from actions taken by authorities in Venezuela to violently disband peaceful protestors, including the students killed on January 25, 2010, during demonstrations against President Chávez's decision to shutdown "Radio Caracas Televisión Internacional";

(3) urges both the people and the Government of Venezuela to choose a path towards democracy, transparency, and tolerance in order to begin the process of achieving national reconciliation and a rebuilding of democratic institutions in their country;

(4) urges the people of Venezuela to remain vigilant against further encroachments on their constitutional and internationally-recognized civil and human rights;

(5) urges President Barack Obama to clearly reject and call attention to the violent measures taken by authorities in Venezuela against citizens who are exercising their constitutionally guaranteed civil liberties;

(6) urges the United States Ambassador to the Organization of American States to call on the member states of the Organization of American States to investigate events taking place in Venezuela and adopt the necessary measures to ensure the Government of Venezuela abides by its commitments under the Inter-American Democratic Charter; and

(7) urges President Obama to provide robust support for peaceful civil society groups in Venezuela and to take measures that protect the flow of uncensored information among the people of Venezuela.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3335. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. COCHRAN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3336. Mr. BAUCUS proposed an amendment to the bill H.R. 4213, supra.

SA 3337. Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3338. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3339. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3340. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3341. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3342. Mr. WEBB (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3343. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3344. Mr. LEVIN (for himself, Mrs. SHAHEEN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3345. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 3335.** Ms. LANDRIEU (for herself, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 185, insert the following:

**SEC. 186. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking "January 1, 2011" and inserting "January 1, 2013".

**SA 3336.** Mr. BAUCUS proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "American Workers, State, and Business Relief Act of 2010".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—EXTENSION OF EXPIRING PROVISIONS**

**Subtitle A—Energy**

Sec. 101. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 102. Incentives for biodiesel and renewable diesel.

Sec. 103. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 104. Credit for refined coal facilities.

Sec. 105. Credit for production of low sulfur diesel fuel.

Sec. 106. Credit for producing fuel from coke or coke gas.

- Sec. 107. New energy efficient home credit.
- Sec. 108. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
- Sec. 109. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 110. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

#### Subtitle B—Individual Tax Relief

#### PART I—MISCELLANEOUS PROVISIONS

- Sec. 111. Deduction for certain expenses of elementary and secondary school teachers.
- Sec. 112. Additional standard deduction for State and local real property taxes.
- Sec. 113. Deduction of State and local sales taxes.
- Sec. 114. Contributions of capital gain real property made for conservation purposes.
- Sec. 115. Above-the-line deduction for qualified tuition and related expenses.
- Sec. 116. Tax-free distributions from individual retirement plans for charitable purposes.
- Sec. 117. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

#### PART II—LOW-INCOME HOUSING CREDITS

- Sec. 121. Election for refundable low-income housing credit for 2010.

#### Subtitle C—Business Tax Relief

- Sec. 131. Research credit.
- Sec. 132. Indian employment tax credit.
- Sec. 133. New markets tax credit.
- Sec. 134. Railroad track maintenance credit.
- Sec. 135. Mine rescue team training credit.
- Sec. 136. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 137. 5-year depreciation for farming business machinery and equipment.
- Sec. 138. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 139. 7-year recovery period for motor-sports entertainment complexes.
- Sec. 140. Accelerated depreciation for business property on an Indian reservation.
- Sec. 141. Enhanced charitable deduction for contributions of food inventory.
- Sec. 142. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 143. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 144. Election to expense mine safety equipment.
- Sec. 145. Special expensing rules for certain film and television productions.
- Sec. 146. Expensing of environmental remediation costs.
- Sec. 147. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 148. Modification of tax treatment of certain payments to controlling exempt organizations.

- Sec. 149. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.

- Sec. 150. Timber REIT modernization.

- Sec. 151. Treatment of certain dividends and assets of regulated investment companies.

- Sec. 152. RIC qualified investment entity treatment under FIRPTA.

- Sec. 153. Exceptions for active financing income.

- Sec. 154. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

- Sec. 155. Reduction in corporate rate for qualified timber gain.

- Sec. 156. Basis adjustment to stock of S corps making charitable contributions of property.

- Sec. 157. Empowerment zone tax incentives.

- Sec. 158. Tax incentives for investment in the District of Columbia.

- Sec. 159. Renewal community tax incentives.

- Sec. 160. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

- Sec. 161. American Samoa economic development credit.

#### Subtitle D—Temporary Disaster Relief Provisions

#### PART I—NATIONAL DISASTER RELIEF

- Sec. 171. Waiver of certain mortgage revenue bond requirements.
- Sec. 172. Losses attributable to federally declared disasters.
- Sec. 173. Special depreciation allowance for qualified disaster property.
- Sec. 174. Net operating losses attributable to federally declared disasters.
- Sec. 175. Expensing of qualified disaster expenses.

#### PART II—REGIONAL PROVISIONS

##### SUBPART A—NEW YORK LIBERTY ZONE

- Sec. 181. Special depreciation allowance for nonresidential and residential real property.
- Sec. 182. Tax-exempt bond financing.

##### SUBPART B—GO ZONE

- Sec. 183. Special depreciation allowance.
- Sec. 184. Increase in rehabilitation credit.
- Sec. 185. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.

##### SUBPART C—MIDWESTERN DISASTER AREAS

- Sec. 191. Special rules for use of retirement funds.
- Sec. 192. Exclusion of cancellation of mortgage indebtedness.

#### TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

##### Subtitle A—Unemployment Insurance

- Sec. 201. Extension of unemployment insurance provisions.

##### Subtitle B—Health Provisions

- Sec. 211. Extension and improvement of premium assistance for COBRA benefits.
- Sec. 212. Extension of therapy caps exceptions process.
- Sec. 213. Treatment of pharmacies under durable medical equipment accreditation requirements.
- Sec. 214. Enhanced payment for mental health services.

- Sec. 215. Extension of ambulance add-ons.
- Sec. 216. Extension of geographic floor for work.

- Sec. 217. Extension of payment for technical component of certain physician pathology services.

- Sec. 218. Extension of outpatient hold harmless provision.

- Sec. 219. EHR Clarification.

- Sec. 220. Extension of reimbursement for all Medicare part B services furnished by certain indian hospitals and clinics.

- Sec. 221. Extension of certain payment rules for long-term care hospital services and of moratorium on the establishment of certain hospitals and facilities.

- Sec. 222. Extension of the Medicare rural hospital flexibility program.

- Sec. 223. Extension of section 508 hospital reclassifications.

- Sec. 224. Technical correction related to critical access hospital services.

- Sec. 225. Extension for specialized MA plans for special needs individuals.

- Sec. 226. Extension of reasonable cost contracts.

- Sec. 227. Extension of particular waiver policy for employer group plans.

- Sec. 228. Extension of continuing care retirement community program.

- Sec. 229. Funding outreach and assistance for low-income programs.

- Sec. 230. Family-to-family health information centers.

- Sec. 231. Implementation funding.

- Sec. 232. Extension of ARRA increase in FMAP.

- Sec. 233. Extension of gainsharing demonstration.

#### Subtitle C—Other Provisions

- Sec. 241. Extension of use of 2009 poverty guidelines.

- Sec. 242. Refunds disregarded in the administration of Federal programs and federally assisted programs.

- Sec. 243. State court improvement program.

- Sec. 244. Extension of national flood insurance program.

- Sec. 245. Emergency disaster assistance.

- Sec. 246. Small business loan guarantee enhancement extensions.

#### TITLE III—PENSION FUNDING RELIEF

##### Subtitle A—Single Employer Plans

- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.

- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.

- Sec. 303. Lookback for certain benefit restrictions.

##### Subtitle B—Multiemployer Plans

- Sec. 311. Adjustments to funding standard account rules.

#### TITLE IV—OFFSET PROVISIONS

##### Subtitle A—Black Liquor

- Sec. 401. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit.

- Sec. 402. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor.

##### Subtitle B—Homebuyer Credit

- Sec. 411. Technical modifications to homebuyer credit.

##### Subtitle C—Economic Substance

- Sec. 421. Codification of economic substance doctrine; penalties.

Subtitle D—Additional Provisions

Sec. 431. Revision to the Medicare Improvement Fund.

**TITLE V—SATELLITE TELEVISION EXTENSION**

Sec. 501. Short title.

Subtitle A—Statutory Licenses

Sec. 501. Reference.

Sec. 502. Modifications to statutory license for satellite carriers.

Sec. 503. Modifications to statutory license for satellite carriers in local markets.

Sec. 504. Modifications to cable system secondary transmission rights under section 111.

Sec. 505. Certain waivers granted to providers of local-into-local service for all DMAs.

Sec. 506. Copyright Office fees.

Sec. 507. Termination of license.

Sec. 508. Construction.

Subtitle B—Communications Provisions

Sec. 521. Reference.

Sec. 522. Extension of authority.

Sec. 523. Significantly viewed stations.

Sec. 524. Digital television transition conforming amendments.

Sec. 525. Application pending completion of rulemakings.

Sec. 526. Process for issuing qualified carrier certification.

Sec. 527. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.

Sec. 528. Savings clause regarding definitions.

Sec. 529. State public affairs broadcasts.

Subtitle C—Reports and Savings Provision

Sec. 531. Definition.

Sec. 532. Report on market based alternatives to statutory licensing.

Sec. 533. Report on communications implications of statutory licensing modifications.

Sec. 534. Report on in-state broadcast programming.

Sec. 535. Local network channel broadcast reports.

Sec. 536. Savings provision regarding use of negotiated licenses.

Sec. 537. Effective date; noninfringement of copyright.

Subtitle D—Severability

Sec. 541. Severability.

**TITLE VI—OTHER PROVISIONS**

Sec. 601. Increase in the Medicare physician payment update.

**TITLE VII—DETERMINATION OF BUDGETARY EFFECTS**

Sec. 701. Determination of budgetary effects.

**TITLE I—EXTENSION OF EXPIRING PROVISIONS**

Subtitle A—Energy

**SEC. 101. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.**

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

**SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of sec-

tion 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 103. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.**

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

**SEC. 104. CREDIT FOR REFINED COAL FACILITIES.**

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

**SEC. 105. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.**

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

**SEC. 106. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.**

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

**SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.**

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

**SEC. 108. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.**

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 109. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.**

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after December 31, 2009.

**SEC. 110. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.**

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**Subtitle B—Individual Tax Relief**

**PART I—MISCELLANEOUS PROVISIONS**

**SEC. 111. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 112. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.**

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 113. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 114. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 115. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 116. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

**SEC. 117. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

**PART II—LOW-INCOME HOUSING CREDITS**

**SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.**

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR REFUNDABLE CREDITS.—“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “(42(n),” after “36A,”.

#### Subtitle C—Business Tax Relief

#### SEC. 131. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

#### SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 133. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

#### SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

#### SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 136. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

#### SEC. 137. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 138. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 139. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 140. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 141. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

#### SEC. 142. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

#### SEC. 143. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

#### SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 145. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

#### SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

#### SEC. 147. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 148. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

#### SEC. 149. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

#### SEC. 150. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and



all that follows and inserting “means December 31, 2010”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “in a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 151. TREATMENT OF CERTAIN DIVIDENDS AND ASSETS OF REGULATED INVESTMENT COMPANIES.**

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 152. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 154. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable

years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 155. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.**

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 156. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”, and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 158. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”, and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(B) by striking “2014” in the heading and inserting “2015”.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) EFFECTIVE DATES.—



(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 160. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**Subtitle D—Temporary Disaster Relief Provisions**

**PART I—NATIONAL DISASTER RELIEF**

**SEC. 171. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.**

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

**SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) \$500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) \$500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

**SEC. 173. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

**SEC. 174. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

**SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

**PART II—REGIONAL PROVISIONS**

**Subpart A—New York Liberty Zone**

**SEC. 181. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.**

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 182. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

**Subpart B—GO Zone**

**SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.**

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 184. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 185. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.**

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

**Subpart C—Midwestern Disaster Areas**

**SEC. 191. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.**

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008

(Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

**SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.**

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

**TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS**

**Subtitle A—Unemployment Insurance**

**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “December 31, 2010”; and

(B) in the heading for subsection (b)(2), by striking “FEBRUARY 28, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “July 31, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “February 28, 2010” and inserting “December 31, 2010”; and

(B) in the heading for paragraph (2), by striking “FEBRUARY 28, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “August 31, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “July 31, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “July 31, 2010” and inserting “May 31, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking “1009” and inserting “1009(a)(1)”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Department of Defense Appropriations Act, 2010 (Public Law 111-118).

**Subtitle B—Health Provisions****SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

(b) **CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.**—

(1) **CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: “or consists of a reduction of hours followed by such an involuntary termination of employment during such period”;

(B) in paragraph (16)—

(i) by striking clause (ii) of subparagraph (A), and inserting the following:

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under subparagraph (D)(ii), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).”; and

(ii) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and”;

(C) by adding at the end the following:

“(17) **SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.**—

“(A) **NEW ELECTION PERIOD.**—

“(i) **IN GENERAL.**—For purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 shall be treated as a qualifying event.

“(ii) **COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.**—In any case of an individual referred to in clause (i), the period of such individual’s continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

“(iii) **CONSTRUCTION.**—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

“(iv) **PREEXISTING CONDITIONS.**—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

“(B) **NOTICES.**—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual’s involuntary termination of employment, an additional notification described in paragraph (7)(A), including infor-

mation on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

“(C) **INDIVIDUALS DESCRIBED.**—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

(2) **CLARIFICATION OF PERIOD OF ASSISTANCE.**—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “of the first month”.

(3) **ENFORCEMENT.**—Subsection (a)(5) of such section is amended by adding at the end the following: “In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor’s or issuer’s receipt of the determination.”.

(4) **AMENDMENTS RELATING TO SECTION 3001 OF ARRA.**—

(A) Subsection (g) of section 35 is amended by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(B) Section 139C is amended by striking “section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(C) Section 6432 is amended—

(i) in subsection (a), by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”;

(ii) in subsection (c)(3), by striking “section 3002(a)(1)(A) of such Act” in subsection (c)(3) and inserting “section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009”;

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

“(e) **EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.**—For purposes of this section, in any case in which—

“(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee’s employment, and

“(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee’s employment.”.

(D) Subsection (a) of section 6720C is amended by striking “section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(c) **RULES RELATING TO 2010 EXTENSION.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) **RULES RELATED TO 2010 EXTENSION.**—

“(A) **ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.**—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after March 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).”.

“(B) **REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.**—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) **2101 TRANSITION PERIOD.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) **CONSTRUCTION.**—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) **NOTIFICATION.**—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendments made by paragraphs (2) and (3) of subsection (b) shall take effect on the date of the enactment of this Act.

**SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

**SEC. 213. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.**

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—  
(A) in clause (i)—  
(i) by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(ii) by striking “January 1, 2010” and inserting “January 1, 2011”; and

(iii) by striking “and” at the end;  
(B) in clause (ii)(II), by striking the period at the end and inserting “; and”;

(C) by inserting after clause (ii)(II) the following new clause:

“(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

“(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.”; and

(D) by adding at the end the following flush sentence:

“If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).”; and

(2) by adding at the end the following new subparagraph:

“(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

“(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

“(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

“(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

“(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.”.

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking “The” and inserting “Except as provided in the third sentence, the”; and

(2) by adding at the end the following new sentences: “Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.”.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of non-compliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

**SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

**SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.**

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “before January 1, 2010” and inserting “before January 1, 2011”; and

(B) in each of clauses (i) and (ii), by striking “before January 1, 2010” and inserting “before January 1, 2011”.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “ending on December 31, 2009” and inserting “ending on December 31, 2010”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking “2010” and inserting “2011”; and

(2) by adding at the end the following new sentence: “For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.”.

**SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by

striking “before January 1, 2010” and inserting “before January 1, 2011”.

**SEC. 217. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “and 2009” and inserting “2009, and 2010”.

**SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2010” and inserting “2011”; and

(B) in the second sentence, by striking “or 2009” and inserting “, 2009, or 2010”; and

(2) in subclause (III), by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: “In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.”.

**SEC. 219. EHR CLARIFICATION.**

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

**SEC. 220. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.**

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking “5-year period” and inserting “6-year period”.

**SEC. 221. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.**

(a) EXTENSION OF CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section

4302(a) of the American Recovery and Reinvestment Act (Public Law 111-5), is amended by striking “3-year period” each place it appears and inserting “4-year period”.

(b) **EXTENSION OF MORATORIUM.**—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111-5), in the matter preceding subparagraph (A), is amended by striking “3-year period” and inserting “4-year period”.

**SEC. 222. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.**

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking “2010, and for” and inserting “2010, for”; and

(2) by inserting “and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended” before the period at the end.

**SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.**

(a) **IN GENERAL.**—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) **SPECIAL RULE FOR FISCAL YEAR 2010.**—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

**SEC. 224. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.**

(a) **IN GENERAL.**—Subsections (g)(2)(A) and (1)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting “101 percent of” before “the reasonable costs”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2266).

**SEC. 225. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.**

(a) **IN GENERAL.**—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking “2011” and inserting “2012”.

(b) **TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.**—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

**SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.**

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is

amended, in the matter preceding subclause (I), by striking “January 1, 2010” and inserting “January 1, 2011”.

**SEC. 227. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.**

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services’ memorandum with the subject “2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans”) to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w-27(i)(2)) and that had enrollment as of January 1, 2010.

**SEC. 228. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

**SEC. 229. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.**

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note) is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

- “(i) for fiscal year 2009, of \$7,500,000; and
- “(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

- “(i) for fiscal year 2009, of \$7,500,000; and
- “(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

- “(i) for fiscal year 2009, of \$5,000,000; and
- “(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

- “(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

**SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “fiscal year 2009” and inserting “each of fiscal years 2009 through 2011”.

**SEC. 231. IMPLEMENTATION FUNDING.**

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

**SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.**

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”; and

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”; and

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” each place it appears and inserting “January 1, 2011”; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(3) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”; and

(B) in paragraph (2)—

(i) by inserting “of such Act” after “1923”; and

(ii) by adding at the end the following new sentence: “Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act shall not be considered to be required contributions for purposes of this section.”; and

(C) by adding at the end the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(4) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

**SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.**

(a) **IN GENERAL.**—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended by inserting “(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)” after “December 31, 2009”.

(b) **FUNDING.**—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting “and for fiscal year 2010, \$1,600,000,” after “\$6,000,000.”

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking “2010” and inserting “2014 or until expended”.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking “December 1, 2008” and inserting “18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking “May 1, 2010” and inserting “42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

#### Subtitle C—Other Provisions

#### SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) is amended—

(1) by striking “before March 1, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

#### SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

#### “SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

#### SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

#### SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”

#### SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term “disaster county” does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term “eligible producer” means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to excessive rainfall or related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitive-ness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 90 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) INSURANCE REQUIREMENT.—As a condition of receiving assistance under this subsection, eligible producers on a farm that—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)

(other than for a crop insurance pilot program under that Act) for each crop of economic significance (other than crops intended for grazing), shall obtain such a policy or plan for those crops for the next available crop year, as determined by the Secretary; or

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for each crop of economic significance (other than crops intended for grazing), shall obtain such coverage for those crops for the next available crop year, as determined by the Secretary.

(4) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$150,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall and related conditions affecting the 2009 crops.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2008 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed \$40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for

the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to

States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term “disaster county” includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1

monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) ADMINISTRATION.—

(1) REGULATIONS.—



(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$15,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

#### **SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.**

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Business Loans Program Account”, \$354,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section. *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

#### **TITLE III—PENSION FUNDING RELIEF**

##### **Subtitle A—Single Employer Plans**

#### **SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.**

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is

amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year

if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such



preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of

section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

“(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

“(II) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the

present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(I) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

“(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

“(II) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(1)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(1) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(1)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(1) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(1)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to

not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(1)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(1) of such Code.”.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by

the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

**SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.**

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment

which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

**Subtitle B—Multiemployer Plans**

**SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.**

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

#### TITLE IV—OFFSET PROVISIONS

##### Subtitle A—Black Liquor

#### SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF UNPROCESSED FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

“(II) the ash content of such fuel is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

#### SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

##### Subtitle B—Homebuyer Credit

#### SEC. 411. TECHNICAL MODIFICATIONS TO HOME-BUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking “or” at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

“(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

“(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).”.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking “returns for taxable years ending after the date of the enactment of this Act” and inserting “returns filed after the date of the enactment of this Act”.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

##### Subtitle C—Economic Substance

#### SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

“(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

“(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

“(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

“(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

“(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses

shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

“(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

“(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

“(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ECONOMIC SUBSTANCE DOCTRINE.—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

“(E) TRANSACTION.—The term ‘transaction’ includes a series of transactions.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.”.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

“(6) ANY DISALLOWANCE OF CLAIMED TAX BENEFITS BY REASON OF A TRANSACTION LACKING ECONOMIC SUBSTANCE (WITHIN THE MEANING OF SECTION 7701(O)) OR FAILING TO MEET THE REQUIREMENTS OF ANY SIMILAR RULE OF LAW.”.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

“(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

“(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.

“(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term ‘nondisclosed noneconomic substance transaction’ means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts af-

fecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

“(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.”.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking “section 6662(h)” and inserting “subsections (h) or (i) of section 6662”; and

(B) by striking “GROSS VALUATION MISSTATEMENT PENALTY” in the heading and inserting “CERTAIN INCREASED UNDERPAYMENT PENALTIES”.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)” in paragraph (4)(A), as so redesignated, and inserting “paragraph (3)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).”.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)(C)” in paragraph (4), as so redesignated, and inserting “paragraph (3)(C)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).”.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

#### Subtitle D—Additional Provisions

#### SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended by striking “\$20,740,000,000” and inserting “\$12,740,000,000”.

#### TITLE V—SATELLITE TELEVISION EXTENSION

#### SEC. 501. SHORT TITLE.

This title may be cited as the “Satellite Television Extension and Localism Act of 2010”.

#### Subtitle A—Statutory Licenses

#### SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

#### SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking “superstations and network stations for private home viewing” and inserting “distant television programming by satellite”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household’s local market and affiliated with that network of—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”.

(B) in subparagraph (B)—

(i) by striking “subsection (a)(14)” and inserting “subsection (a)(13).”; and

(ii) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(C) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

“(14) QUALIFYING DATE.—The term ‘qualifying date’, for purposes of paragraph (10)(A), means—

“(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and  
 “(B) January 1, 2011, for all other multicast streams.”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—”; and

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”;

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”;

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “March 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) PROCEDURE FOR ADOPTION OF FEES.—

“(I) PUBLICATION OF NOTICE.—Within”;

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) ADOPTION OF FEES.—The Copyright Royalty Judges”;

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “February 28, 2010” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—  
 (aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “May 3, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors—”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”; and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—”;

(iv) by amending clause (iii) to read as follows:

“(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation

to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”; and

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

“(8) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(14) MULTICAST STREAM.—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) PRIMARY STREAM.—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.



(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting “subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”; and

(II) by striking “paragraph (12)” and inserting “paragraph (11)”;

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant

to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) FUTURE APPLICABILITY.—

“(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber

elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”;

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”;

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking “and 509”.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause.”.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

#### SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking “**by satellite carriers within local markets**” and inserting “**of local television programming by satellite**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

“122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.”.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market

shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED STATIONS.—

“(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

“(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

“(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

“(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

“(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

“(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

“(i) on January 1, 2004, were in local markets principally comprised of counties in another State; and

“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

“(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

“(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

“(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

“(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.”

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking “station a list” and all that follows through the end and inserting the following: “station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.”

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting “FOR CERTAIN SECONDARY TRANSMISSIONS” after “REQUIRED”; and

(2) by striking “subsection (a)” and inserting “paragraphs (1), (2), and (3) of subsection (a)”.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of paragraph (2)(A),

(3), or (4) of subsection (a), or subject to"; and

(B) in subsection (g), by striking "section 119 or" and inserting the following: "section 119, paragraph (2)(A), (3), or (4) of subsection (a), or";

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking "which contracts" and inserting "that contracts";

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting "NON-NETWORK STATION;" after "NETWORK STATION;"; and

(C) by inserting "non-network station," after "network station,";

(4) by inserting after paragraph (2) the following:

"(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.";

(5) by inserting after paragraph (4) (as redesignated) the following:

"(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.";

(6) by amending paragraph (6) (as redesignated) to read as follows:

"(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.";

#### SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: "of broadcast programming by cable".

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

"111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.";

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking "or" and inserting "or section 122;"

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "A cable system whose secondary" and inserting the following: "STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary"; and

(ii) by striking "by regulation—" and inserting "by regulation the following:";

(B) in subparagraph (A)—

(i) by striking "a statement of account" and inserting "A statement of account"; and

(ii) by striking "and" and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

"(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

"(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

"(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

"(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

"(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

"(C) In computing amounts under clauses (i) through (iv) of subparagraph (B)—

"(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

"(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

"(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

"(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

"(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

"(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

"(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

"(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than \$10,400; and

"(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

"(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

"(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

"(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

"(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).";

(2) in paragraph (2), in the first sentence—

(A) by striking "The Register of Copyrights" and inserting the following "HANDLING OF FEES.—The Register of Copyrights"; and

(B) by inserting "(including the filing fee specified in paragraph (1)(G))" after "shall receive all fees";

(3) in paragraph (3)—

(A) by striking "The royalty fees" and inserting the following: "DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees";

(B) in subparagraph (A)—

(i) by striking "any such" and inserting "Any such"; and

(ii) by striking "and" and inserting a period;

(C) in subparagraph (B)—

(i) by striking "any such" and inserting "Any such"; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking "any such" and inserting "Any such";

(4) in paragraph (4), by striking "The royalty fees" and inserting the following: "PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees"; and

(5) by adding at the end the following new paragraphs:

"(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

"(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

"(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—  
(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—  
(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a tele-

vision broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”;

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission.”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the

late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”;

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multistation stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multistation stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPERNATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BE-

FORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

#### SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier’s efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with

the examinations required by this subparagraph.

“(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) FAILURE TO PROVIDE SERVICE.—

“(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity's efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

“(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the

entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”.

#### SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”.

#### SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

#### SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

#### Subtitle B—Communications Provisions

#### SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

#### SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “February 28, 2010” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “March 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

#### SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if

such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”.

(b) **RULEMAKING REQUIRED.**—Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

**SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.**

(a) **SECTION 338.**—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) **CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.**—

“(1) **SINGLE RECEPTION ANTENNA.**—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) **ADDITIONAL RECEPTION ANTENNA.**—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”.

(b) **SECTION 339.**—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”; and

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”; and

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”; and

(III) in the heading for clause (ii), by striking “ANALOG”; and

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”; and

(iii) by amending subparagraph (B) to read as follows:

“(B) **RULES FOR OTHER SUBSCRIBERS.**—

“(i) **IN GENERAL.**—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that

television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) **SPECIAL CIRCUMSTANCES.**—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”; and

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following:

“the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”;

(III) by amending clause (ii) to read as follows:

“(i) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”; and

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) **ELIGIBILITY AND SIGNAL TESTING.**—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section

73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) **TIME-SHIFTING PROHIBITED.**—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) **ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.**—

“(A) **PREDICTIVE MODEL.**—Within 180 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.



“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rule-making proceeding in ET Docket No. 06-94 within 180 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rule-making, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”; and

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

**SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.**

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and

“television network” have the meanings given such terms in section 339(d) of such Act.

**SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

Part I of title III is amended by adding at the end the following new section:

**“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

“(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the

households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) CERTIFICATION ISSUANCE.—

“(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) GOOD QUALITY SATELLITE SIGNAL.—

“(A) IN GENERAL.—The term ‘good quality satellite signal’ means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.”.

**SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE SATELLITE CARRIER.—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.”;

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”.

#### SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

#### SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting “STATE PUBLIC AFFAIRS,” after “EDUCATIONAL,” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) CHANNEL CAPACITY REQUIRED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection:”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broadcast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”.

#### Subtitle C—Reports and Savings Provision

##### SEC. 531. DEFINITION.

In this subtitle, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

##### SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consulta-

tion with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

##### SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

##### SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

##### SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) **TERMINATION.**—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) **FCC STUDY; REPORT.**—

(1) **STUDY.**—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) **REPORT.**—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) **DEFINITIONS.**—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

#### **SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.**

(a) **IN GENERAL.**—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) **LIMITATION.**—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

#### **SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.**

Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and all references to enactment of this Act shall be deemed to refer to such date unless otherwise specified. The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010 and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

### **Subtitle D—Severability**

#### **SEC. 541. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

### **TITLE VI—OTHER PROVISIONS**

#### **SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.**

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended—

(1) in subparagraph (A), by striking “February 28, 2010” and inserting “September 30, 2010”; and

(2) in subparagraph (B), by striking “March 1, 2010” and inserting “October 1, 2010”.

### **TITLE VII—DETERMINATION OF BUDGETARY EFFECTS**

#### **SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.**

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION.**—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

**SA 3337.** Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an amendment to SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### **SEC. 01. DISCRETIONARY SPENDING LIMITS.**

(a) **IN GENERAL.**—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

##### **“DISCRETIONARY SPENDING LIMITS**

“SEC. 316. (a) **DISCRETIONARY SPENDING LIMITS.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

“(b) **LIMITS.**—In this section, the term ‘discretionary spending limits’ has the following meaning subject to adjustments in subsection (c):

“(1) For fiscal year 2011—

“(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

“(B) for the nondefense category, \$529,662,000,000 in budget authority.

“(2) For fiscal year 2012—

“(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

“(B) for the nondefense category, \$533,232,000,000 in budget authority.

“(3) For fiscal year 2013—

“(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

“(B) for the nondefense category, \$540,834,000,000 in budget authority.

“(4) For fiscal year 2014—

“(A) for the defense category (budget function 050), \$598,249,000,000 in budget authority; and

“(B) for the nondefense category, \$550,509,000,000 in budget authority.

“(5) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

“(c) **ADJUSTMENTS.**—

“(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

“(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

“(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

“(2) **MATTERS DESCRIBED.**—Matters referred to in paragraph (1) are as follows:

“(A) **OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

“(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

“(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority;

“(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority; and

“(iv) with respect to fiscal year 2014, \$50,000,000,000 in new budget authority.

“(B) **EMERGENCY SPENDING.**—For fiscal year 2011, 2012, 2013, or 2014 for appropriations for discretionary accounts designated as emergency requirements, the adjustment for purposes of paragraph (1) shall be the total of such appropriations in discretionary accounts designated as emergency requirements, but not to exceed \$10,454,000,000 for 2011, \$10,558,000,000 for 2012, \$10,664,000,000 for 2013, and \$10,877,000,000 for 2014. Appropriations designated as emergencies in excess of these limitations shall be treated as new budget authority.

“(C) **INTERNAL REVENUE SERVICE TAX ENFORCEMENT.**—

“(i) **IN GENERAL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax

enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(i) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, for fiscal year 2013, \$7,315,000,000, and for fiscal year 2014, \$7,461,000,000.

“(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, \$908,000,000, for fiscal year 2013, \$917,000,000, and for fiscal year 2014, \$935,000,000.

“(D) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2011, \$276,000,000; for fiscal year 2012, \$278,000,000; for fiscal year 2013, \$281,000,000; for fiscal year 2014, \$287,000,000.

“(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, \$495,000,000; for fiscal year 2013, \$500,000,000; for fiscal year 2014, \$510,000,000.

“(iii) ASSET VERIFICATION.—

“(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

“(II) AMOUNTS.—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, for fiscal year 2013, \$35,030,000 and for fiscal year 2014, \$35,731,000.

“(E) HEALTH CARE FRAUD AND ABUSE.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

“(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, for fiscal year 2013, \$320,000,000, and for fiscal year 2014, \$327,000,000.

“(F) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes para-

graph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

“(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority; and

“(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority.

“(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority; and

“(iv) with respect to fiscal year 2014, \$53,000,000 in new budget authority.

“(G) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, 2013, or 2014 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

“(d) EMERGENCY SPENDING.—

“(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

“(2) EXEMPTION OF EMERGENCY PROVISIONS.—Subject to the limitations provided in subsection (c)(2)(B), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

“(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

“(4) DEFINITIONS.—In this subsection, the terms ‘direct spending’, ‘receipts’, and ‘appropriations for discretionary accounts’ mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(5) POINT OF ORDER.—

“(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(B) SUPERMAJORITY WAIVER AND APPEALS.—

“(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited

to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

“(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(6) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

“(i) necessary, essential, or vital (not merely useful or beneficial);

“(ii) sudden, quickly coming into being, and not building up over time;

“(iii) an urgent, pressing, and compelling need requiring immediate action;

“(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

“(v) not permanent, temporary in nature.

“(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

“(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(f) POINT OF ORDER IN THE SENATE.—

“(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly

chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.”

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Discretionary spending limits.”

**SA 3338.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end, insert the following:

**TITLE —ADDITIONAL BUSINESS TAX RELIEF**

**Subtitle A—General Provisions**

**SEC. —01. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.**

(a) PERMANENT INCREASE.—Subsection (b) of section 179 is amended—

(1) by striking “\$25,000” and all that follows in paragraph (1) and inserting “\$500,000.”

(2) by striking “\$200,000” and all that follows in paragraph (2) and inserting “\$2,000,000.”

(3) by striking “after 2007 and before 2011, the \$120,000 and \$500,000” in paragraph (5)(A) and inserting “after 2009, the \$500,000 and the \$2,000,000.”

(4) by striking “2006” in paragraph (5)(A)(ii) and inserting “2008”, and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “and before 2011”.

(c) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2008.

**SEC. —02. EXTENSION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 168(k), as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B), as so amended, is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”

(4) Subparagraph (B) of section 168(l)(5), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

**SEC. —03. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.**

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

“(a) EXCLUSION.—

“(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include the applicable percentage of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent, in the case of stock issued after August 10, 1993, and on or before February 18, 2009,

“(B) 75 percent, in the case of stock issued after February 18, 2009, and on or before the date of the enactment of the American Workers, State, and Business Relief Act of 2010, and

“(C) 100 percent, in the case of stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.

“(3) EMPOWERMENT ZONE BUSINESSES.—

“(A) IN GENERAL.—In the case of qualified small business stock acquired after December 21, 2000, and on or before February 18, 2009, in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer’s holding period for such stock, paragraph (2)(A) shall be applied by substituting ‘60 percent’ for ‘50 percent’.

“(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

“(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

“(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.”

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 1202 is amended by striking “PARTIAL”.

(B) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking “Partial exclusion” and inserting “Exclusion”.

(C) Section 1223(13) is amended by striking “1202(a)(2).”

(b) REPEAL OF MINIMUM TAX PREFERENCE.—Paragraph (7) of section 57(a) is amended by adding at the end the following: “The preceding sentence shall not apply to stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”

(c) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking “paragraph (1)(A) shall be applied by substituting ‘\$5,000,000’ for ‘\$10,000,000’” and inserting “the amount under paragraph (1)(A) shall be half of the amount otherwise in effect”.

(d) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking “\$50,000,000” each place it appears and inserting “\$75,000,000”.

(e) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2010, the \$15,000,000 amount in subsection (b)(1)(A), the \$75,000,000 amount in subsection (d)(1)(A), and the \$75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$1,000,000 such amount shall be rounded to the next lowest multiple of \$1,000,000.”

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (c) and (e) shall apply to taxable years ending after the date of the enactment of this Act.

**EC. —04. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.**

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

“(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

“(A) 9 percent of the lesser of—

“(i) the qualified production activities income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year, and

“(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

“(i) the eligible small business income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year.”

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

“(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

“(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term ‘eligible small business’ means, with respect to any taxable year—

“(A) a corporation the stock of which is not publicly traded, or

“(B) a partnership,

which meets the gross receipts test of section 448(c) (determined by substituting ‘\$50,000,000’ for ‘\$5,000,000’ each place it appears in such section) for the taxable year (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation).

“(2) ELIGIBLE SMALL BUSINESS INCOME.—

“(A) IN GENERAL.—For purposes of this section, the term ‘eligible small business income’ means the excess of—

“(i) the income of the eligible small business which—

“(I) is attributable to the actual conduct of a trade or business,

“(II) is income from sources within the United States (within the meaning of section 861), and

“(III) is not passive income (as defined in section 904(d)(2)(B)), over

“(ii) the sum of—

“(I) the cost of goods sold that are allocable to such income, and

“(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

“(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

“(i) Any income which is attributable to any property described in section 1400N(p)(3).

“(ii) Any income which is attributable to the ownership or management of any professional sports team.

“(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

“(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

“(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

“(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.”.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. —05. NONAPPLICATION OF CERTAIN LABOR STANDARDS.

Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is hereby repealed.

#### Subtitle B—Transfer of Stimulus Funds

#### SEC. —11. TRANSFER OF STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

**SA 3339.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . ARRA REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the head of an agency distributing recovery funds may impose a civil penalty in an amount not more than \$250,000 on a recipient of recovery funds from the agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—The head of an agency may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) GUIDELINES.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, the head of an agency shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any grant, contract, task order, or other type of funding mechanism—

“(i) made or entered into after the date of enactment of this paragraph (including any renewal of a grant, contract, task order, or other type of funding mechanism after the date of enactment of this paragraph); or

“(ii) that includes terms allowing the terms of the grant, contract, task order, or other type of funding mechanism to be modified by Act of Congress.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements

under paragraph (2)(B), each agency distributing recovery funds shall make available on a website of the agency a list of all recipients of recovery funds from the agency that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the head of the agency, the reason for noncompliance.

“(5) OMB GUIDANCE AND REPORTING.—

“(A) GUIDANCE.—Not later than 30 days after the date of enactment of this paragraph, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall promulgate regulations regarding implementation of this section by agencies.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(2) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

**SA 3340.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . ARRA PLANNING.

Section 1512(d) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 288) is amended—

(1) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;

(2) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—



“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(3) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”.

him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;

(B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(C) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”.

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the head of an agency distributing recovery funds may impose a civil penalty in an amount not more than \$250,000 on a recipient of recovery funds from the agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—The head of an agency may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) GUIDELINES.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, the head of an agency shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of

SA 3341. Mr. WARNER submitted an amendment intended to be proposed by



the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any grant, contract, task order, or other type of funding mechanism—

“(i) made or entered into after the date of enactment of this paragraph (including any renewal of a grant, contract, task order, or other type of funding mechanism after the date of enactment of this paragraph); or

“(ii) that includes terms allowing the terms of the grant, contract, task order, or other type of funding mechanism to be modified by Act of Congress.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), each agency distributing recovery funds shall make available on a website of the agency a list of all recipients of recovery funds from the agency that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the head of the agency, the reason for noncompliance.

“(5) OMB GUIDANCE AND REPORTING.—

“(A) GUIDANCE.—Not later than 30 days after the date of enactment of this paragraph, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall promulgate regulations regarding implementation of this section by agencies.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

**SA 3342.** Mr. WEBB (for himself and Mrs. BOXER) submitted an amendment

intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

# **TITLE —TAXPAYER FAIRNESS ACT**

## **SEC. 01. SHORT TITLE.**

This title may be cited as the “Taxpayer Fairness Act”.

## **SEC. 02. FINDINGS.**

Congress finds the following:

(1) During the years 2008 and 2009, the Nation’s largest financial firms received extraordinary and unprecedented assistance from the public.

(2) Such assistance was critical to the success and in many cases the survival of these firms during the year 2009.

(3) High earners at such firms should contribute a portion of any excessive bonuses obtained for the year 2009 to help the Nation reduce the public debt and recover from the recession.

## **SEC. 03. EXCISE TAXES ON EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

(a) IMPOSITION OF TAX.—Chapter 46 is amended by adding at the end the following new section:

### **“SEC. 4999A. EXCESSIVE 2009 BONUSES RECEIVED FROM MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

“(a) IMPOSITION OF TAX.—There is hereby imposed on any person who receives a covered excessive 2009 bonus a tax equal to 50 percent of the amount of such bonus.

“(b) DEFINITION.—For purposes of this section, the term ‘covered excessive 2009 bonus’ has the meaning given such term by section 2801(b).

“(c) ADMINISTRATIVE PROVISIONS AND SPECIAL RULES.—

“(1) WITHHOLDING.—

“(A) IN GENERAL.—In the case of any covered excessive 2009 bonus which is treated as wages for purposes of section 3402, the amount otherwise required to be deducted and withheld under such section shall be increased by the amount of the tax imposed by this section on such bonus.

“(B) BONUSES PAID BEFORE ENACTMENT.—In the case of any covered excessive 2009 bonus to which subparagraph (A) applies which is paid before the date of the enactment of this section, no penalty, addition to tax, or interest shall be imposed with respect to any failure to deduct and withhold the tax imposed by this section on such bonus.

“(2) TREATMENT OF TAX.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

“(3) NOTICE REQUIREMENTS.—The Secretary shall require each major Federal emergency economic assistance recipient (as defined in section 2801(d)(1)) to notify, as soon as practicable after the date of the enactment of this section and at such other times as the Secretary determines appropriate, the Secretary and each covered employee (as defined in section 2801(e)) of the amount of covered excessive 2009 bonuses to which this section applies and the amount of tax deducted and withheld on such bonuses.

“(4) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

“(A) to prescribe the due date and manner of payment of the tax imposed by this section with respect to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

“(B) to prevent—

“(i) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section.

“(ii) the treatment as other than an additional 2009 bonus payment of any payment of increased wages or other payments to a covered employee who receives a bonus payment subject to this section in order to reimburse such covered employee for the tax imposed by this section with regard to such bonus, or

“(iii) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading and table of sections for chapter 46 are amended to read as follows:

### **“CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION**

“Sec. 4999. Golden parachute payments.

“Sec. 4999A. Excessive 2009 bonuses received from major recipients of Federal emergency economic assistance.”.

(2) The item relating to chapter 46 in the table of chapters for subtitle D is amended to read as follows:

“Chapter 46. Taxes on certain excessive remuneration.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

## **SEC. 04. LIMITATION ON DEDUCTION OF AMOUNTS PAID AS EXCESSIVE 2009 BONUSES BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 is amended by adding at the end the following new section:

### **“SEC. 2801. EXCESSIVE 2009 BONUSES PAID BY MAJOR RECIPIENTS OF FEDERAL EMERGENCY ECONOMIC ASSISTANCE.**

“(a) GENERAL RULE.—The deduction allowed under this chapter with respect to the amount of any covered excessive 2009 bonus shall not exceed 50 percent of the amount of such bonus.

“(b) COVERED EXCESSIVE 2009 BONUS.—For purposes of this section, the term ‘covered excessive 2009 bonus’ means any 2009 bonus payment paid during any calendar year to a covered employee by any major Federal emergency economic assistance recipient, to the extent that the aggregate of such 2009 bonus payments (without regard to the date on which such payments are paid) with respect to such employee exceeds the dollar amount of the compensation received by the President under section 102 of title 3, United States Code, for calendar year 2009.

“(c) 2009 BONUS PAYMENT.—

“(1) IN GENERAL.—The term ‘2009 bonus payment’ means any payment which—

“(A) is a payment for services rendered,

“(B) is in addition to any amount payable to a covered employee for services performed by such covered employee at a regular hourly, daily, weekly, monthly, or similar periodic rate,

“(C) in the case of a retention bonus, is paid for continued service during calendar year 2009 or 2010, and

“(D) in the case of a payment not described in subparagraph (C), is attributable to services performed by a covered employee during

calendar year 2009 (without regard to the year in which such payment is paid).

Such term does not include payments to an employee as commissions, contributions to any qualified retirement plan (as defined in section 4974(c)), welfare and fringe benefits, overtime pay, or expense reimbursements. In the case of a payment which is attributable to services performed during multiple calendar years, such payment shall be treated as a 2009 bonus payment to the extent it is attributable to services performed during calendar year 2009.

“(2) DEFERRED DEDUCTION BONUS PAYMENTS.—

“(A) IN GENERAL.—The term ‘2009 bonus payment’ includes payments attributable to services performed in 2009 which are paid in the form of remuneration (within the meaning of section 162(m)(4)(E)) for which the deduction under this chapter (determined without regard to this section) for such payment is allowable in a subsequent taxable year.

“(B) TIMING OF DEFERRED DEDUCTION BONUS PAYMENTS.—For purposes of this section and section 4999A, the amount of any payment described in subparagraph (A) (as determined in the year in which the deduction under this chapter, determined without regard to this section, for such payment would be allowable) shall be treated as having been made in the calendar year in which any interest in such amount is granted to a covered employee (without regard to the date on which any portion of such interest vests).

“(3) RETENTION BONUS.—The term ‘retention bonus’ means any bonus payment (without regard to the date such payment is paid) to a covered employee which—

“(A) is contingent on the completion of a period of service with a major Federal emergency economic assistance recipient, the completion of a specific project or other activity for the major Federal emergency economic assistance recipient, or such other circumstances as the Secretary may prescribe, and

“(B) is not based on the performance of the covered employee (other than a requirement that the employee not be separated from employment for cause).

A bonus payment shall not be treated as based on performance for purposes of subparagraph (B) solely because the amount of the payment is determined by reference to a previous bonus payment which was based on performance.

“(d) MAJOR FEDERAL EMERGENCY ECONOMIC ASSISTANCE RECIPIENT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘major Federal emergency economic assistance recipient’ means—

“(A) any financial institution (within the meaning of section 3 of the Emergency Economic Stabilization Act of 2008) if at any time after December 31, 2007, the Federal Government acquires—

“(i) an equity interest in such person pursuant to a program authorized by the Emergency Economic Stabilization Act of 2008 or the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343), or

“(ii) any warrant (or other right) to acquire any equity interest with respect to such person pursuant to any such program, but only if the total value of the equity interest described in clauses (i) and (ii) in such person is not less than \$5,000,000,000.

“(B) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

“(C) any person which is a member of the same affiliated group (as defined in section 1504, determined without regard to subsection (b) thereof) as a person described in subparagraph (A) or (B).

“(2) TREATMENT OF CONTROLLED GROUPS.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single employer with respect to any covered employee.

“(e) COVERED EMPLOYEE.—For purposes of this section, the term ‘covered employee’ means, with respect to any major Federal emergency economic assistance recipient—

“(1) any employee of such recipient, and

“(2) any director of such recipient who is not an employee.

In the case of any major Federal emergency economic assistance recipient which is a partnership or other unincorporated trade or business, the term ‘employee’ shall include employees of such recipient within the meaning of section 401(c)(1).

“(f) REGULATIONS.—The Secretary may prescribe such regulations, rules, and guidance of general applicability as may be necessary to carry out the provisions of this section, including—

“(1) to prescribe the due date and manner of reporting and payment of any increase in the tax imposed by this chapter due to the application of this section to any covered excessive 2009 bonus paid before the date of the enactment of this section, and

“(2) to prevent—

“(A) the recharacterization of a bonus payment as a payment which is not a bonus payment in order to avoid the purposes of this section, or

“(B) the avoidance of the purposes of this section through the use of partnerships or other pass-thru entities.”.

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 280I. Excessive 2009 bonuses paid by major recipients of Federal emergency economic assistance.”.

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (F) of section 162(m)(4) is amended—

(A) by inserting “AND EXCESSIVE 2009 BONUSES” after “PAYMENTS” in the heading,

(B) by striking “the amount” and inserting “the total amounts”, and

(C) by inserting “or 280I” before the period.

(2) Subparagraph (A) of section 3121(v)(2) is amended by inserting “, to any covered excessive 2009 bonus (as defined in section 280I(b)),” after “section 280G(b))”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments of covered excessive 2009 bonuses after December 31, 2008, in taxable years ending after such date.

**SA 3343.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SMALL BUSINESS TECHNICAL ASSISTANCE.**

(a) MICROLOAN PROGRAM.—Section 7(m)(4)(B) of the Small Business Act (15 U.S.C. 636(m)(4)(B)) is amended—

(1) by striking “As a condition” and all that follows through “the Administration shall require” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require”; and

(2) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i).

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.”.

(b) WOMEN’S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking “As a condition” and inserting “Subject to paragraph (5), as a condition”; and

(2) by adding at the end the following:

“(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

“(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section.

“(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

“(i) the economic conditions affecting the recipient organization;

“(ii) the impact a waiver under this clause would have on the credibility of the women’s business center program under this section;

“(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

“(iv) the performance of the recipient organization.

“(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women’s business center program under this section.”.

**SA 3344.** Mr. LEVIN (for himself, Mrs. SHAHEEN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

# **TITLE VIII—STOP TAX HAVEN ABUSE**

## **SEC. 801. AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT IMPEDE UNITED STATES TAX ENFORCEMENT.**

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or impede United States tax enforcement”;**

(2) in subsection (a), by striking the subsection heading and inserting the following:

**“(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO IMPEDE UNITED STATES TAX ENFORCEMENT.—”;**

(3) in subsection (c), by striking the subsection heading and inserting the following:

**“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE IMPEDING UNITED STATES TAX ENFORCEMENT.—”;**

(4) in subsection (a)(1), by inserting “or is impeding United States tax enforcement” after “primary money laundering concern”;

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting “in matters involving money laundering,” before “shall consult”;

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

**“(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and”;**

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting “or to be impeding United States tax enforcement” after “primary money laundering concern” each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

**“(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—**

**“(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or**

**“(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such cor-**

**respondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.”;** and

(8) in subsection (c)(1), by inserting “or is impeding United States tax enforcement” after “primary money laundering concern”;

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking “bank secrecy or special regulatory advantages” and inserting “bank, tax, corporate, trust, or financial secrecy or regulatory advantages”;

(B) in clause (iii), by striking “supervisory and counter-money” and inserting “supervisory, international tax enforcement, and counter-money”;

(C) in clause (v), by striking “banking or secrecy” and inserting “banking, tax, or secrecy”;

(D) in clause (vi), by inserting “, tax treaty, or tax information exchange agreement” after “treaty”;

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting “or tax evasion” after “money laundering”;

(B) in clause (iii), by inserting “, tax evasion,” after “money laundering”;

(11) in subsection (d), by inserting “involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement” after “such action”.

**SA 3345.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## **TITLE VIII—SMALL BUSINESS LOANS**

### **SEC. 801. SHORT TITLE.**

This title may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

### **Subtitle A—Next Steps for Main Street Credit Availability**

#### **SEC. 821. SECTION 7(a) BUSINESS LOANS.**

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “75 percent” and inserting “90 percent”;

(B) in clause (ii), by striking “85 percent” and inserting “90 percent”;

(2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “90 percent” and inserting “75 percent”;

(B) in clause (ii), by striking “90 percent” and inserting “85 percent”;

(2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

#### **SEC. 822. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.**

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”;

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”;

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”;

(4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”;

(5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

#### **SEC. 823. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.**

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”;

(2) in paragraph (3)—

(A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”;

(B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”;

(3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

#### **SEC. 824. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.**

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

**“(e) INVESTMENT LIMITATIONS.—**

**“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—**

**“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and**

**“(B) that has obtained a financing from the Administrator.**

**“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—**

**“(A) the regulatory capital of the covered New Markets Venture Capital company; and**

**“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.**

#### **SEC. 825. ALTERNATIVE SIZE STANDARDS.**

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

**“(5) ALTERNATIVE SIZE STANDARD.—**

**“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.**

**“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—**

**“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and**

**“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal**

years before the date of the application is not more than \$5,000,000.”.

**SEC. 826. SALE OF 7(a) LOANS IN SECONDARY MARKET.**

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

**SEC. 827. ONLINE LENDING PLATFORM.**

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

**Subtitle B—Small Business Access to Capital**

**SEC. 841. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.**

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$4,000,000,000 of financing under this subparagraph for each fiscal year.”.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources, previously announced for February 9th, has been rescheduled and will now be held on Tuesday, March 16, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of P.L. 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Gina.Weinstock@energy.senate.gov](mailto:Gina.Weinstock@energy.senate.gov).

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

**SUBCOMMITTEE ON NATIONAL PARKS**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on Wednesday, March 17, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 553, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes;

S. 1017, to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana;

S. 1018, to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes;

S. 1537, to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, and for other purposes;

S. 1629, to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes;

S. 2892, to establish the Alabama Black Belt National Heritage Area, and for other purposes;

S. 2933, to authorize the Secretary of the Interior to conduct a special resource study

to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, and for other purposes;

S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes; and

H.R. 3804, to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [allison\\_seyferth@energy.senate.gov](mailto:allison_seyferth@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

#### ORDERS FOR TUESDAY, MARCH 2, 2010

Mr. BAUCUS. Madam President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 10 a.m. Tuesday, March 2; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session to consider the nomination of Barbara Keenan, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BAUCUS. Madam President, under a previous order, the time following morning business until 12:15 p.m. will be equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 12:15 p.m., the Senate will proceed to a roll-call vote on the motion to invoke cloture on the nomination of Barbara

Keenan to be a U.S. circuit judge for the Fourth Circuit.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAUCUS. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, March 2, 2010, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### OVERSEAS PRIVATE INVESTMENT CORPORATION

KATHERINE M. GEHL, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2010, VICE COLLISTER JOHNSON, JR., TERM EXPIRED.

MICHAEL JAMES WARREN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2011, VICE DIANE M. RUEBLING, TERM EXPIRED.

##### DEPARTMENT OF DEFENSE

MICHAEL J. MCCORD, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE (COMPTROLLER). (NEW POSITION)

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 2, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## MARCH 3

9:30 a.m.

## Appropriations

## Defense Subcommittee

To hold hearings to examine the Army budget overview for fiscal year 2011.

SD-192

## Homeland Security and Governmental Affairs

To hold hearings to examine chemical security, focusing on assessing progress and charting a path forward.

SD-342

## Appropriations

## Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Environmental Protection Agency.

SD-124

## Veterans' Affairs

To hold an oversight hearing to examine mental health care and suicide prevention for veterans.

SR-418

10 a.m.

## Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

## Environment and Public Works

To hold hearings to examine transportation investments relative to the national economy and jobs.

SD-406

## Finance

To hold hearings to examine the 2010 trade agenda.

SD-215

Commerce, Science, and Transportation  
Oceans, Atmosphere, Fisheries, and Coast  
Guard Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the National Oceanic and Atmospheric Administration and Fisheries Enforcement Programs and Operations.

SR-253

2:15 p.m.

## Judiciary

To hold hearings to examine encouraging innovative and cost-effective crime reduction strategies.

SD-226

2:30 p.m.

## Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine oversight challenges in the Medicare prescription drug program.

SD-342

3:30 p.m.

## Armed Services

## Strategic Forces Subcommittee

To hold hearings to examine the protective forces at the Department of Energy.

SR-232A

## MARCH 4

9:30 a.m.

## Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Air Force in review of the Defense Authorization and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

## Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Transportation.

SD-124

## Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

10 a.m.

## Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine funding and oversight of the Department of Commerce.

SD-138

## Energy and Natural Resources

To hold hearings to examine the Department of Energy's implementation of programs authorized and funded under the American Recovery and Reinvestment Act of 2009.

SD-366

## Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Energy.

SD-192

## Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold joint hearings to examine S. 2995, to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

SD-406

## Foreign Relations

To hold hearings to examine Middle East peace, focusing on ground truths, challenges ahead.

SD-419

## Health, Education, Labor, and Pensions

To hold hearings to examine childhood obesity, focusing on reversing the epidemic.

SD-430

## Judiciary

Business meeting to consider S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 1789, to restore fairness to Federal cocaine sentencing, S. 2772, to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 148, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, and the nominations of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Department of Justice, and Gloria M. Navarro, to be United States District Judge for the District of Nevada, Audrey Goldstein Fleissig, to be United States District Judge for the Eastern District of Missouri, Lucy Haeran Koh, to be United States District Judge for the Northern District of California, Jon E. DeGuilio, to be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

United States District Judge for the Northern District of Indiana, and Jane E. Magnus-Stinson and Tanya Walton Pratt, both to be United States District Judge for the Southern District of Indiana.

SD-226

Small Business and Entrepreneurship  
Business meeting to consider S. 2989, to improve the Small Business Act.

SR-485

1 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine disaster preparedness in the private sector.

SD-342

2 p.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Defense.

SD-608

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Transportation.

SR-253

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Office of the Secretary of the Senate, the Office of the Senate Sergeant at Arms, and the Office of the U.S. Capitol Police.

SD-138

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

## MARCH 5

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for February 2010.

SD-106

## MARCH 9

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Joint Forces Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SD-G50

## MARCH 10

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening.

SD-342

2:30 p.m.

Foreign Relations

International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold hearings to examine the future of U.S. public diplomacy.

SD-419

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, S. 2907, to establish a coordinated avalanche protection program, S. 2966 and H.R. 4474, bills to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and S. 2791 and H.R. 3759, bills to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers.

SD-366

## MARCH 11

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SD-G50

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1696, to require the Secretary of Energy to conduct a study of video game console energy efficiency, and S. 2908, to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

SD-366

## MARCH 16

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

10 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing foster care and family services in the

District of Columbia, focusing on challenges and solutions.

SD-342

## MARCH 17

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 553, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, S. 1017, to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana, S. 1018, to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, S. 1537, to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, S. 1629, to authorize the Secretary of the Interior to conduct a special resource study of the archaeological site and surrounding land of the New Philadelphia town site in the state of Illinois, S. 2892, to establish the Alabama Black Belt National Heritage Area, S. 2933, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and H.R. 3804, to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities.

SD-366

## MARCH 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SD-G50

## MARCH 23

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216



<i>March 1, 2010</i>	EXTENSIONS OF REMARKS, Vol. 156, Pt. 2	2175
MARCH 24	POSTPONEMENTS	the transfer of detainees held at the Guantanamo Detention Facility.
9:30 a.m.		SVC-217
Veterans' Affairs	MARCH 3	
To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.	2:30 p.m. Armed Services	
SR-418	To receive a closed briefing on policies, procedures, and practices relating to	

## HOUSE OF REPRESENTATIVES—*Tuesday, March 2, 2010*

The House met at 12:30 p.m. and was called to order by the Speaker.

### MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### DUAL PROCUREMENT OF TANKERS

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. ROGERS) for 2 minutes.

Mr. ROGERS of Alabama. Thank you, Madam Speaker.

I rise today to talk about what I think is the most important issue in America, and that is jobs, specifically something that this administration can do quickly to help alleviate our jobs problem. Many people in this country recognize that there has been a debate in Congress for the last few years about how to replace our aging tanker fleet in the Air Force. We have tankers that are over 50 years old and need to be replaced now. We have had a competition for the contract to replace those tankers ongoing for years that has been nothing but bureaucratic.

What I would like to urge the President to do is instruct his Defense Department to consider something that our late colleague Mr. Murtha supported, and that was dual procurement of these tankers. We can take the two major prime contractors, Boeing and Northrop Grumman, and allow both of them to proceed with tanker production to do a couple things: One, to immediately have an injection of jobs into the country, a bigger injection than we would have had by sole source procurement, but also we would more rapidly then get the fleet of tankers replaced.

Under the current construct, it would take 40 years. I don't think anybody wants the warfighter to be having to fly 80- and 90-year-old tankers. I understand that the Air Force would need its procurement budget plussed up because they currently are expecting only to be able to afford 15 tankers per year. I think the President could take some of the stimulus funds, which were ostensibly to be used for job creation, move that to the Air Force's budget so that we could, instead of having 15 per year, have 24 per year, which would allow each company to produce 12 tankers per year.

This would create an immediate influx of new jobs not just in the tanker procurement, but also in the surrounding supplier industries and in the communities. This would be an economic engine in the various States that this production would take place. It would be good for the warfighter, good for our economy, good for American jobs. The President ought to do it.

Mr. President, it is about jobs. I urge you to focus on this issue.

### TAKING RESPONSIBILITY FOR CONGRESSIONAL PAY ACT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Chair recognizes the gentlewoman from Arizona (Mrs. KIRKPATRICK) for 5 minutes.

Mrs. KIRKPATRICK of Arizona. Madam Speaker, every day this country is falling deeper in debt. Today we owe more than \$12.4 trillion, and by 2016 our debt could be as much as \$20 trillion. After more than a decade of mistakes and neglect by both parties, Washington can no longer afford to ignore this issue.

It is time for Congress to get serious about getting Federal spending under control. We should start with our own salaries. Today I am introducing the Taking Responsibility for Congressional Pay Act, which will cut pay for Members of the House and the Senate by 5 percent. This would be the first salary reduction for Members since April 1, 1933, in the heart of the Great Depression.

Restoring fiscal discipline in Washington will require some difficult decisions, and every agency has to do their part. Congress needs to lead by example to get the job done by taking action, and not just by making speeches. With this change we are fighting to change the culture in Washington and beginning to make the tough choices it takes to cut waste and find savings. It will be an important step toward bringing back real fiscal responsibility.

We are facing historic challenges. It will take historic action to address them. I urge my colleagues to join me in acknowledging the problem and taking responsibility for fixing it.

### EXPORTS PROMOTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. LARSEN) for 5 minutes.

Mr. LARSEN of Washington. Madam Speaker, trade creates jobs. In my

home State of Washington, one in three jobs is dependent on foreign trade. So as Congress continues to focus on ways to create jobs, we must help American businesses export their products and services.

This weekend I will travel to my own district to visit companies who have partnered with Federal programs to increase exports and create jobs. Western Chemical, for instance, a small business in Ferndale, is a leader in fish health products and biosecurity supplies. It recently received \$500,000 in financing from the Export-Import Bank. By utilizing the Ex-Im Bank, Western Chemical is able to maintain cash flow, export their products, and protect the jobs at their Ferndale location.

Exports drive Washington State's economy, accounting for over 30 percent of economic growth over the past decade in our State, and contributing to almost half of the new jobs created over the past 30 years in our State. So the recent establishment of the National Export Initiative, setting a goal to double U.S. exports in the next 5 years, is a step in the right direction. By finally utilizing the resources from the Department of Agriculture, the U.S. Trade Rep's office, the Department of Commerce, the Ex-Im Bank, and the Department of Energy, the administration has made it a priority to help farmers and small businesses increase their exports and create 2 million new jobs here at home.

Now, we in Congress must provide the resources to help them do just that. First, we should support the effort to hire trade experts to serve as advocates for U.S. companies and assist the more than 23,000 American companies who are trading to begin or grow their export sales in 2011.

However, we must not forget that the engine that drives our economy is small business, and that over the last two decades small- and medium-sized businesses have accounted for almost 65 percent of new jobs created here in the U.S. Last year I introduced legislation that directs the Department of Commerce to assist these SMEs in exporting their products, particularly to developing economies like China. From 2000 to 2007, Washington State exports to China grew by 406 percent. This created jobs in sectors like transportation equipment, crop production, and even processed foods. I know that the U.S. Trade Rep's office has launched an initiative specifically aimed at increasing exports by small- and medium-sized firms here in the U.S. I stand ready to help.

Lastly, our farmers will benefit as well. For every \$1 billion in ag exports, 9,000 jobs are created, and \$1.4 billion in economic activity is generated. Our farmers, our small business owners want to export their products and services. They want to create jobs here in the United States. I am urging my colleagues to help them do this by supporting the National Export Initiative, which will in turn create jobs and launch us on a path towards long-term economic growth.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MARKEY of Colorado) at 2 p.m.

#### PRAYER

Chaplain John Beaver, National Chaplain of the American Legion, Mobile, Alabama, offered the following prayer:

Our Lord God, we give You our praise for being so faithful and trustworthy. We give You our gratitude for displaying to us Your awesome presence in a very powerful way. We ask for Your wisdom to be given to each congressman and congresswoman in their deliberations today. Give them a compassionate heart, humility and discernment, and may we sense a unity through Your unending love.

We pray for the men and women in our military. Shield them from all dangers and give them the assurance of Your guidance and strength so that they may safely return home to their loved ones. Give comfort to our wounded warriors in body, mind, and spirit. Comfort those who are now grieving the loss of their loved ones.

Bless all our veterans and military organizations who serve from their hearts. Strengthen us in heart, mind, and spirit as we serve You, our God, and our beloved Nation. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Hawaii (Mr. ABERCROMBIE), the whole number of the House is 432.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,  
The Speaker, House of Representatives,  
Washington, DC 20515

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, March 1, 2010 at 2:15 p.m., and said to contain a message from the President whereby he transmits a report to the Congress regarding the National Emergency with respect to Zimbabwe.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

#### CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-96)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed no-

tice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2010.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, February 26, 2010.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, March 1, 2010 at 2:15 p.m., and said to contain a message from the President whereby he transmits a message to the Congress regarding a proposed Constitution for the United States Virgin Islands.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

#### CONSTITUTION FOR THE UNITED STATES VIRGIN ISLANDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and referred to the Committee on Natural Resources:

*To the Congress of the United States:*

In accordance with the requirements of Public Law 94-584 (the "Act"), I hereby transmit to the Congress a proposed constitution for the United States Virgin Islands (USVI). The constitution, drafted by the Fifth Constitutional Convention of the United States Virgin Islands, was submitted to me on December 31, 2009, by Governor John P. deJongh, United States Virgin Islands. In submitting the proposed constitution, Governor deJongh expressed his concerns about several provisions of the proposed constitution,

but he also expressed his hope that the people of the United States Virgin Islands continue to “move ahead towards [their] goal of increased local governmental autonomy.”

The Act requires that I submit this proposed constitution to the Congress, along with my comments. The Congress then has 60 days to amend, modify, or approve the proposed constitution. If approved, or approved with modification, the constitution will be submitted for a referendum in the Virgin Islands for acceptance or rejection by the people.

In carrying out my responsibilities pursuant to the Act, I asked the Department of Justice, in consultation with the Department of the Interior, to provide its views of the proposed constitution. The Department of Justice concluded that several features of the proposed constitution warrant analysis and comment, including: (1) the absence of an express recognition of United States sovereignty and the supremacy of Federal law; (2) provisions for a special election on the USVI's territorial status; (3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry; (4) residence requirements for certain offices; (5) provisions guaranteeing legislative representation of certain geographic areas; (6) provisions addressing territorial waters and marine resources; (7) imprecise language in certain provisions of the proposed constitution's bill of rights; (8) the possible need to repeal certain Federal laws if the proposed USVI constitution is adopted; and (9) the effect of congressional action or inaction on the proposed constitution.

To assist the Congress in its deliberations about this important matter, I attach the analysis of the Department of Justice, with which the Department of the Interior concurs. I believe that the analysis provided by the Department of Justice warrants careful attention.

I commend the electorate of the Virgin Islands and its governmental representatives in their continuing commitment to increasing self-government and the rule of law.

BARACK OBAMA.

THE WHITE HOUSE, February 26, 2010.

#### RECONCILIATION—DEMOCRATS CONSIDER MANEUVERS TO PASS GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, a government takeover of health care was rushed to happen last July, but during overflowing town hall meetings and then in Vir-

ginia, Massachusetts and New Jersey, the American people made it perfectly clear that a Big Government takeover of health care is not an option.

Almost a year later, this message unfortunately hasn't been received by the liberal majority. Instead of working across the aisle and reforming the bill to include less government and more commonsense bipartisan principles, liberal leaders are talking about bending the rules and rushing this by way of a process called reconciliation. This is a legislative maneuver that requires fewer votes than the regular process.

So the American people should listen this afternoon. The liberal majority knows the American people do not want this bill. They are left with a tricky maneuver that ignores what people have been fighting for and saying since last summer. I urge citizens to make their voices heard.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

My sympathy to the family and friends of Charles Hamel of Chapin, South Carolina, a dedicated patriot.

#### HAPPY BIRTHDAY SAM HOUSTON

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, it is Sam Houston's birthday. He was born in Virginia on March 2, 1793. He lived primarily in Tennessee, but he got to Texas as fast as he could.

Houston fought with Davy Crockett and Andrew Jackson during the Creek Indian wars of 1812. Later, he served as a Congressman and a Governor of Tennessee.

Sam spent time throughout his life living with the Cherokee Indians where the chief adopted him, naming him “the Raven.” He finally pulled up stakes and took off for Texas to help the Texas cause for independence against Mexico. In 1836, General Sam and the boys successfully led the Texi'ans at the Battle of San Jacinto against Mexico, and Texas became a free and independent nation.

Sam Houston was president of the Republic of Texas, and 9 years later, when Texas joined the Union, he became Governor and then a U.S. Senator. He is the only person in United States history to have served as a Governor and a Member of Congress from two States. The City of Houston and one of my grandsons, Barrett Houston, is named in his honor.

And that's just the way it is.

#### HAZARDS BILL REAUTHORIZATION

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise today in support of H.R.

3820, the Natural Hazards Risk Reduction Act of 2009, which we will be taking up later today.

This legislation reauthorizes and amends the National Earthquake Hazards Reduction Act and the National Windstorm Impact Reduction Act, ensuring agencies as diverse as FEMA, the U.S. Geological Survey, and the National Institute of Science and Technology have continuing appropriate authorizations to research the causes and forecasting of natural disasters, as well as ways to limit their negative impact.

The recent earthquakes in Haiti and Chile have certainly demonstrated the importance of developing improved methods of predicting and mitigating natural disasters. The contrast in outcomes between these two quakes has also demonstrated the clear benefit of preparedness and scientifically based building codes in containing casualties from a major disaster, if not the economic losses.

Nearly every part of the United States is susceptible to natural disasters in some form or another, and reauthorizing the programs in H.R. 3820 will ensure we remain at the forefront of this important research.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### NATURAL HAZARDS RISK REDUCTION ACT OF 2010

Mr. WU. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3820) to reauthorize Federal natural hazards reduction programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3820

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Natural Hazards Risk Reduction Act of 2010”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States faces significant risks from many types of natural hazards, including earthquakes, hurricanes, tornadoes, wildfires, and floods. Increasing numbers of Americans are living in areas prone to these hazards.

(2) Earthquakes occur without warning and can have devastating effects. According to the U.S. Geological Survey, two recent earthquakes, the Northridge Earthquake in 1994, and the Loma Prieta Earthquake in

1989, killed nearly 100 people, injured 12,757, and caused \$33 billion in damages. Nearly all States face some level of seismic risk. Twenty-six urban areas in 14 States have a significant seismic risk.

(3) Severe weather is the most costly natural hazard, measured on a per year basis. According to data from the National Weather Service over the last 10 years, tornadoes, thunderstorms, and hurricanes have caused an average of 226 fatalities and \$16 billion of property damage per year. The 2005 hurricane season was one of the most destructive in United States history, killing 1,836 people, and causing \$80 billion in damage.

(4) The United States Fire Administration reports that 38 percent of new home construction in 2002 was in areas adjacent to, or intermixed with, wildlands. Fires in the wildland-urban interface are costly. For example, the 2007 California Witch fire alone caused \$1.3 billion in insured property losses, according to the Insurance Services Office (ISO). In addition, Government Accountability Office reported in 2007 that the Federal spending for wildfire suppression between 2001 and 2005 was, on average, \$2.9 billion per year.

(5) Developing better knowledge about natural hazard phenomena and their effects is crucial to assessing the risks these hazards pose to communities. Instrumentation, monitoring, and data gathering to characterize earthquakes and wind events are important activities to increase this knowledge.

(6) Current building codes and standards can mitigate the damages caused by natural hazards. The Institute for Business and Home Safety estimated that the \$19 billion in damage caused by Hurricane Andrew in 1994 could have been reduced by half if such codes and standards were in effect. Research for the continuous improvement of building codes, standards, and design practices—and for developing methods to retrofit existing structures—is crucial to mitigating losses from natural hazards.

(7) Since its creation in 1977, the National Earthquake Hazards Reduction Program (NEHRP) has supported research to develop seismic codes, standards, and building practices that have been widely adopted. The NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures and the Guidance for Seismic Performance Assessment of Buildings are two examples.

(8) Research to understand the institutional, social, behavioral, and economic factors that influence how households, businesses, and communities perceive risk and prepare for natural hazards, and how well they recover after a disaster, can increase the implementation of risk mitigation measures.

(9) A major goal of the Federal natural hazards-related research and development effort should be to reduce the loss of life and damage to communities and infrastructure through increasing the adoption of hazard mitigation measures.

(10) Research, development, and technology transfer to secure infrastructure is vitally important. Infrastructure that supports electricity, transportation, drinking water, and other services is vital immediately after a disaster, and their quick return to function speeds the economic recovery of a disaster-impacted community.

#### TITLE I—EARTHQUAKES

##### SEC. 101. SHORT TITLE.

This title may be cited as the “National Earthquake Hazards Reduction Program Reauthorization Act of 2010”.

##### SEC. 102. FINDINGS.

Section 2 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701) is repealed.

##### SEC. 103. DEFINITIONS.

Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703) is amended by striking paragraphs (8) and (9).

##### SEC. 104. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

“(A) research and develop effective methods, tools, and technologies to reduce the risk posed by earthquakes to the built environment, especially to lessen the risk to existing structures and lifelines;

“(B) improve the understanding of earthquakes and their effects on households, businesses, communities, buildings, structures, and lifelines, through interdisciplinary and multidisciplinary research that involves engineering, natural sciences, and social sciences; and

“(C) facilitate the adoption of earthquake risk reduction measures by households, businesses, communities, local, State, and Federal governments, national standards and model building code organizations, architects and engineers, building owners, and others with a role in planning for disasters and planning, constructing, retrofitting, and insuring buildings, structures, and lifelines through—

“(i) grants, contracts, cooperative agreements, and technical assistance;

“(ii) development of standards, guidelines, voluntary consensus standards, and other design guidance for earthquake hazards risk reduction for buildings, structures, and lifelines;

“(iii) outreach and information dissemination to communities on location-specific earthquake hazards and methods to reduce the risks from those hazards; and

“(iv) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction.”; and

(B) by striking paragraphs (3) through (5);

(2) by amending subsection (b) to read as follows:

“(b) RESPONSIBILITIES OF PROGRAM AGENCIES.—

“(1) LEAD AGENCY.—The National Institute of Standards and Technology (in this section referred to as the ‘Institute’) shall be responsible for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute shall—

“(A) ensure that the Program includes the necessary components to promote the implementation of earthquake hazards risk reduction measures by households, businesses, communities, local, State, and Federal governments, national standards and model building code organizations, architects and engineers, building owners, and others with a role in preparing for disasters, or the planning, constructing, retrofitting, and insuring of buildings, structures, and lifelines;

“(B) support the development of performance-based seismic engineering tools, and work with the appropriate groups to promote the commercial application of such tools, through earthquake-related building codes, standards, and construction practices;

“(C) ensure the use of social science research and findings in informing research

and technology development priorities, communicating earthquake risks to the public, developing earthquake risk mitigation strategies, and preparing for earthquake disasters;

“(D) coordinate all Federal post-earthquake investigations; and

“(E) when warranted by research or investigative findings, issue recommendations for changes in model codes to the relevant code development organizations, and report back to Congress on whether such recommendations were adopted.

“(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—In addition to the lead agency responsibilities described under paragraph (1), the Institute shall be responsible for carrying out research and development to improve building codes and standards and practices for buildings, structures, and lifelines. In carrying out this paragraph, the Director of the Institute shall—

“(A) work, in conjunction with other appropriate Federal agencies, to support the development of improved seismic standards and model codes;

“(B) in coordination with other appropriate Federal agencies, work closely with standards and model code development organizations, professional societies, and practicing engineers, architects, and others involved in the construction of buildings, structures, and lifelines, to promote better building practices, including by—

“(i) developing technical resources for practitioners on new knowledge and standards of practice; and

“(ii) developing methods and tools to facilitate the incorporation of earthquake engineering principles into design and construction practices;

“(C) develop tools, technologies, methods, and practitioner guidance to feasibly and cost-effectively retrofit existing buildings and structures to increase their earthquake resiliency; and

“(D) work closely with national standards organizations, and other interested parties, to develop seismic safety standards and practices for new and existing lifelines.

“(3) FEDERAL EMERGENCY MANAGEMENT AGENCY.—

“(A) IN GENERAL.—The Federal Emergency Management Agency (in this paragraph referred to as the ‘Agency’), consistent with the Agency’s all hazards approach, shall be responsible for facilitating the development and adoption of standards, model building codes, and better seismic building practices, developing tools to assess earthquake hazards, promoting the adoption of hazard mitigation measures, and carrying out a program of direct assistance to States and localities to mitigate earthquake risks to buildings, structures, lifelines, and communities.

“(B) DIRECTOR’S DUTIES.—The Director of the Agency shall—

“(i) work closely with other relevant Federal agencies, standards and model building code development organizations, architects, engineers, and other professionals, to facilitate the development and adoption of standards, model codes, and design and construction practices to increase the earthquake resiliency of new and existing buildings, structures, and lifelines in the—

“(I) preparation, maintenance, and wide dissemination of design guidance, model building codes and standards, and practices to increase the earthquake resiliency of new and existing buildings, structures, and lifelines;

“(II) development of performance-based design guidelines and methodologies supporting model codes for buildings, structures, and lifelines; and

“(III) development of methods and tools to facilitate the incorporation of earthquake engineering principles into design and construction practices;

“(ii) develop tools, technologies, and methods to assist local planners, and others, to model and predict the potential impact of earthquake damage in seismically hazardous areas; and

“(iii) support the implementation of a comprehensive earthquake education and public awareness program, including the development of materials and their wide dissemination to all appropriate audiences, and support public access to locality-specific information that may assist the public in preparing for, mitigating against, responding to, and recovering from earthquakes and related disasters.

“(C) STATE ASSISTANCE GRANT PROGRAM.—The Director of the Agency shall operate a program of grants and assistance to enable States to develop mitigation, preparedness, and response plans, compare inventories and conduct seismic safety inspections of critical structures and lifelines, update building and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and encourage the development of multistate groups for such purposes. The Director shall operate such programs in coordination with the all hazards mitigation and preparedness programs authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), in order to ensure that such programs are as consistent as possible. In order to qualify for assistance under this subparagraph, a State must—

“(i) demonstrate that the assistance will result in enhanced seismic safety in the State;

“(ii) provide 50 percent of the costs of the activities for which assistance is being given, except that the Director may lower or waive the cost-share requirement for these activities in exceptional cases of economic hardship; and

“(iii) meet such other requirements as the Director of the Agency shall prescribe.

“(D) FEDERAL EMERGENCY MANAGEMENT AGENCY ROLE AND RESPONSIBILITY.—Nothing in this Act shall be construed to diminish the role and responsibility of the Federal Emergency Management Agency with regard to all hazards preparedness, response, recovery, and mitigation.

“(4) UNITED STATES GEOLOGICAL SURVEY.—The United States Geological Survey (in this paragraph referred to as the ‘Survey’) shall conduct research and other activities necessary to characterize and identify earthquake hazards, assess earthquake risks, monitor seismic activity, and provide real-time earthquake information. In carrying out this paragraph, the Director of the Survey shall—

“(A) conduct a systematic assessment of the seismic risks in each region of the Nation prone to earthquakes, including, where appropriate, the establishment and operation of intensive monitoring projects on hazardous faults, detailed seismic hazard and risk studies in urban and other developed areas where earthquake risk is determined to be significant, and engineering seismology studies;

“(B) work with officials of State and local governments to ensure that they are knowledgeable about the specific seismic risks in their areas;

“(C) develop standard procedures, in consultation with the Director of the Federal Emergency Management Agency, for issuing earthquake alerts, including aftershock advisories, and, to the extent possible, ensure that such alerts are compatible with the Integrated Public Alerts and Warning System program authorized by section 202 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132);

“(D) issue when justified, and notify the Director of the Federal Emergency Management Agency of, an earthquake prediction or other earthquake advisory, which may be evaluated by the National Earthquake Prediction Evaluation Council;

“(E) operate, as integral parts of the Advanced National Seismic Research and Monitoring System, a National Earthquake Information Center and a national seismic network, together providing timely and accurate information on earthquakes world-wide;

“(F) support the operation of regional seismic networks in areas of higher seismic risk;

“(G) develop and support seismic instrumentation of buildings and other structures to obtain data on their response to earthquakes for use in engineering studies and assessment of damage;

“(H) monitor and assess Earth surface deformation as it pertains to the evaluation of earthquake hazards and impacts;

“(I) work with other Program agencies to maintain awareness of, and where appropriate cooperate with, earthquake risk reduction efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries;

“(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance-based design approaches, and, to the extent possible, ensure that such maps are developed consistent with the multihazard advisory maps authorized by section 203(k) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(k));

“(K) conduct a competitive, peer-reviewed process which awards grants and cooperative agreements to complement and extend related internal Survey research and monitoring activities; and

“(L) operate, in cooperation with the National Science Foundation, a Global Seismographic Network for detection of earthquakes around the world and research into fundamental earth processes.

“(5) NATIONAL SCIENCE FOUNDATION.—The National Science Foundation shall be responsible for funding basic research that furthers the understanding of earthquakes, earthquake engineering, and community preparation and response to earthquakes. In carrying out this paragraph, the Director of the National Science Foundation shall—

“(A) support multidisciplinary and interdisciplinary research that will improve the resiliency of communities to earthquakes, including—

“(i) research that improves the safety and performance of buildings, structures, and lifelines, including the use of the large-scale experimental and computational facilities of the George E. Brown, Jr. Network for Engineering Earthquake Simulation;

“(ii) research to support more effective earthquake mitigation and response measures, such as developing better knowledge of the specific types of vulnerabilities faced by segments of the community vulnerable to earthquakes, addressing the barriers they face in adopting mitigation and preparation measures, and developing methods to better

communicate the risks of earthquakes and to promote mitigation; and

“(iii) research on the response of communities, households, businesses, and emergency responders to earthquakes;

“(B) support research to understand earthquake processes, earthquake patterns, and earthquake frequencies;

“(C) encourage prompt dissemination of significant findings, sharing of data, samples, physical collections, and other supporting materials, and development of intellectual property so research results can be used by appropriate organizations to mitigate earthquake damage;

“(D) work with other Program agencies to maintain awareness of, and where appropriate cooperate with, earthquake risk reduction research efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and

“(E) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions.”; and

(3) in subsection (c)(1) by inserting “on Natural Hazards Risk Reduction established under section 301 of the Natural Hazards Risk Reduction Act of 2010” after “Inter-agency Coordinating Committee”.

#### SEC. 105. POST-EARTHQUAKE INVESTIGATIONS PROGRAM.

Section 11 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705e) is amended by striking “There is established” and all that follows through “conduct of such earthquake investigations.” and inserting “The Program shall include a post-earthquake investigations program, the purpose of which is to investigate major earthquakes so as to learn lessons which can be applied to reduce the loss of lives and property in future earthquakes. The lead Program agency, in consultation with each Program agency, shall organize investigations to study the implications of the earthquakes in the areas of responsibility of each Program agency. The investigations shall begin as rapidly as possible and may be conducted by grantees and contractors. The Program agencies shall ensure that the results of the investigations are disseminated widely.”.

#### SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) by adding at the end of subsection (a) the following:

“(9) There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this Act—

“(A) \$10,238,000 for fiscal year 2010;

“(B) \$10,545,000 for fiscal year 2011;

“(C) \$10,861,000 for fiscal year 2012;

“(D) \$11,187,000 for fiscal year 2013; and

“(E) \$11,523,000 for fiscal year 2014.”;

(2) by adding at the end of subsection (b) the following:

“(3) There are authorized to be appropriated to the United States Geological Survey for carrying out this Act—

“(A) \$90,000,000 for fiscal year 2010, of which \$36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System;

“(B) \$92,100,000 for fiscal year 2011, of which \$37,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System;

“(C) \$94,263,000 for fiscal year 2012, of which \$38,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System;

“(D) \$96,491,000 for fiscal year 2013, of which \$39,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System; and

“(E) \$98,786,000 for fiscal year 2014, of which \$40,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System.”;

(3) by adding at the end of subsection (c) the following:

“(3) There are authorized to be appropriated to the National Science Foundation for carrying out this Act—

“(A) \$64,125,000 for fiscal year 2010;

“(B) \$66,049,000 for fiscal year 2011;

“(C) \$68,030,000 for fiscal year 2012;

“(D) \$70,071,000 for fiscal year 2013; and

“(E) \$72,173,000 for fiscal year 2014.”; and

(4) by adding at the end of subsection (d) the following:

“(3) There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

“(A) \$7,000,000 for fiscal year 2010;

“(B) \$7,700,000 for fiscal year 2011;

“(C) \$7,931,000 for fiscal year 2012;

“(D) \$8,169,000 for fiscal year 2013; and

“(E) \$8,414,000 for fiscal year 2014.”.

(b) CONFORMING AMENDMENT.—Section 14 of the National Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7708) is amended—

(1) by striking “(a) ESTABLISHMENT.—”; and

(2) by striking subsection (b).

## TITLE II—WIND

### SEC. 201. SHORT TITLE.

This title may be cited as the “National Windstorm Impact Reduction Act Reauthorization of 2010”.

### SEC. 202. PURPOSE.

Section 202 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15701) is amended to read as follows:

#### “SEC. 202. PURPOSE.

“It is the purpose of the Congress in this title to achieve a major measurable reduction in losses of life and property from windstorms through the establishment and maintenance of an effective Windstorm Impact Reduction Program. The objectives of such Program shall include—

“(1) the education of households, businesses, and communities about the risks posed by windstorms, and the identification of locations, structures, lifelines, and segments of the community which are especially vulnerable to windstorm damage and disruption, and the dissemination of information on methods to reduce those risks;

“(2) the development of technologically and economically feasible design and construction methods and procedures to make new and existing structures, in areas of windstorm risk, windstorm resilient, giving high priority to the development of such methods and procedures for lifelines, structures associated with a potential high loss of life, and structures that are especially needed in times of disasters, such as hospitals and public safety and shelter facilities;

“(3) the implementation, in areas of major windstorm risk, of instrumentation to record and gather data on windstorms and the characteristics of the wind during those events, and continued research to increase the understanding of windstorm phenomena;

“(4) the development, publication, and promotion, in conjunction with State and local

officials and professional organizations, of model building codes and standards and other means to encourage consideration of information about windstorm risk in making decisions about land use policy and construction activity; and

“(5) the facilitation of the adoption of windstorm risk mitigation measures in areas of windstorm risk by households, businesses, and communities through outreach, incentive programs, and other means.”.

### SEC. 203. DEFINITIONS.

Section 203(1) of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15702(1)) is amended by striking “Director of the Office of Science and Technology Policy” and inserting “Director of the National Institute of Standards and Technology”.

### SEC. 204. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

Section 204 of the National Windstorm Impact Reduction Act of 2004 (42 U.S.C. 15703) is amended to read as follows:

#### “SEC. 204. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

“(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program.

“(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

“(1) research and develop cost-effective, feasible methods, tools, and technologies to reduce the risks posed by windstorms to the built environment, especially to lessen the risk to existing structures and lifelines;

“(2) improve the understanding of windstorms and their impacts on households, businesses, communities, buildings, structures, and lifelines, through interdisciplinary and multidisciplinary research that involves engineering, natural sciences, and social sciences; and

“(3) facilitate the adoption of windstorm risk reduction measures by households, businesses, communities, local, State and Federal governments, national standards and model building code organizations, architects and engineers, building owners, and others with a role in planning for disasters and planning, constructing, retrofitting, and insuring buildings, structures, and lifelines through—

“(A) grants, contracts, cooperative agreements, and technical assistance;

“(B) development of hazard maps, standards, guidelines, voluntary consensus standards, and other design guidance for windstorm risk reduction for buildings, structures, and lifelines;

“(C) outreach and information dissemination to communities on site specific windstorm hazards and ways to reduce the risks from those hazards; and

“(D) development and maintenance of a repository of information, including technical data, on windstorm hazards and risk reduction;

“(c) RESPONSIBILITIES OF PROGRAM AGENCIES.—

“(1) LEAD AGENCY.—The National Institute of Standards and Technology (in this section referred to as the ‘Institute’) shall be responsible for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute shall—

“(A) ensure that the Program includes the necessary components to promote the implementation of windstorm risk reduction measures by households, businesses, communities, local, State, and Federal governments, national standards and model building code organizations, architects and engineers, building owners, and others with a role in planning and preparing for disasters,

and planning constructing, and retrofitting, and insuring buildings, structures, and lifelines;

“(B) support the development of performance-based engineering tools, and work with the appropriate groups to promote the commercial application of such tools, through wind-related building codes, standards, and construction practices;

“(C) ensure the use of social science research and findings in informing the development of technology and research priorities, in communicating windstorm risks to the public, in developing windstorm risk mitigation strategies, and in preparing for windstorm disasters;

“(D) coordinate all Federal post-windstorm investigations; and

“(E) when warranted by research or investigative findings, issue recommendations for changes in model codes to the relevant code development organizations, and report back to Congress on whether such recommendations were adopted.

“(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—In addition to the lead agency responsibilities described under paragraph (1), the Institute shall be responsible for carrying out research and development to improve model codes, standards, design guidance and practices for the construction and retrofit of buildings, structures, and lifelines. In carrying out this paragraph, the Director of the Institute shall—

“(A) support the development of instrumentation, data processing, and archival capabilities, and standards for the instrumentation and its deployment, to measure wind, wind loading, and other properties of severe wind and structure response;

“(B) coordinate with other appropriate Federal agencies to make the data described in subparagraph (A) available to researchers, standards and code developers, and local planners;

“(C) support the development of tools and methods for the collection of data on the loss of and damage to structures, and data on surviving structures after severe windstorm events;

“(D) improve the knowledge of the impact of severe wind on buildings, structures, lifelines, and communities;

“(E) develop cost-effective windstorm impact reduction tools, methods, and technologies;

“(F) work, in conjunction with other appropriate Federal agencies, to support the development of wind standards and model codes; and

“(G) in conjunction with other appropriate Federal agencies, work closely with standards and model code development organizations, professional societies, and practicing engineers, architects, and others involved in the construction of buildings, structures, and lifelines, to promote better building practices, including by—

“(i) supporting the development of technical resources for practitioners to implement new knowledge; and

“(ii) supporting the development of methods and tools to incorporate wind engineering principles into design and construction practices.

“(3) FEDERAL EMERGENCY MANAGEMENT AGENCY.—The Federal Emergency Management Agency, consistent with the Agency’s all hazards approach, shall support the development of risk assessment tools and effective mitigation techniques, assist with windstorm-related data collection and analysis, and support outreach, information dissemination, and implementation of windstorm



preparedness and mitigation measures by households, businesses, and communities, including by—

“(A) working to develop or improve risk-assessment tools, methods, and models;

“(B) work closely with other appropriate Federal agencies to develop and facilitate the adoption of windstorm impact reduction measures, including by—

“(i) developing cost-effective retrofit measures for existing buildings, structures, and lifelines to improve windstorm performance;

“(ii) developing methods, tools, and technologies to improve the planning, design, and construction of new buildings, structures, and lifelines;

“(iii) supporting the development of model wind codes and standards for buildings, structures, and lifelines; and

“(iv) developing technical resources for practitioners that reflect new knowledge and standards of practice; and

“(C) develop and disseminate guidelines for the construction of windstorm shelters.

Nothing in this Act shall be construed to diminish the role and responsibility of the Federal Emergency Management Agency with regard to all hazards preparedness, response, recovery, and mitigation.

“(4) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The National Oceanic and Atmospheric Administration shall support atmospheric sciences research and data collection to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines, including by—

“(A) working with other appropriate Federal agencies to develop and deploy instrumentation to measure speed and other characteristics of wind, and to collect, analyze, and make available such data;

“(B) working with officials of State and local governments to ensure that they are knowledgeable about, and prepared for, the specific windstorm risks in their area;

“(C) supporting the development of suitable wind speed maps and other derivative products that support building codes and other hazard mitigation approaches for buildings, structures, and lifelines, and, to the extent possible, ensure that such maps and other derivative products are developed consistent with the multihazard advisory maps authorized by section 203(k) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(k));

“(D) conducting a competitive, peer-reviewed process which awards grants and cooperative agreements to complement the National Oceanic and Atmospheric Administration's wind-related and storm surge-related research and data collection activities;

“(E) working with other appropriate Federal agencies and State and local governments to develop or improve risk-assessment tools, methods, and models; and

“(F) working with other appropriate Federal agencies to develop storm surge models to better understand the interaction between windstorms and bodies of water.

“(5) NATIONAL SCIENCE FOUNDATION.—The National Science Foundation shall be responsible for funding basic research that furthers the understanding of windstorms, wind engineering, and community preparation and response to windstorms. In carrying out this paragraph, the Director of the National Science Foundation shall—

“(A) support multidisciplinary and interdisciplinary research that will improve the resiliency of communities to windstorms, including—

“(i) research that improves the safety and performance of buildings, structures, and lifelines;

“(ii) research to support more effective windstorm mitigation and response measures, such as developing better knowledge of the specific types of vulnerabilities faced by segments of the community vulnerable to windstorms, addressing the barriers they face in adopting mitigation and preparation measures, and developing methods to better communicate the risks of windstorms and to promote mitigation; and

“(iii) research on the response of communities to windstorms, including on the effectiveness of the emergency response, and the recovery process of communities, households, and businesses;

“(B) support research to understand windstorm processes, windstorm patterns, and windstorm frequencies;

“(C) encourage prompt dissemination of significant findings, sharing of data, samples, physical collections, and other supporting materials, and development of intellectual property so research results can be used by appropriate organizations to mitigate windstorm damage;

“(D) work with other Program agencies to maintain awareness of, and where appropriate cooperate with, windstorm risk reduction research efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and

“(E) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, Alaska Native-serving institutions, and Native Hawaiian-serving institutions.”

#### SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the National Windstorm Impact Reduction Program of 2004 (42 U.S.C. 15706) is amended to read as follows:

#### “SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

“(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—

“(1) \$9,682,000 for fiscal year 2010;

“(2) \$9,972,500 for fiscal year 2011;

“(3) \$10,271,600 for fiscal year 2012;

“(4) \$10,579,800 for fiscal year 2013; and

“(5) \$10,897,200 for fiscal year 2014.

“(b) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this title—

“(1) \$9,682,000 for fiscal year 2010;

“(2) \$9,972,500 for fiscal year 2011;

“(3) \$10,271,600 for fiscal year 2012;

“(4) \$10,579,800 for fiscal year 2013; and

“(5) \$10,897,200 for fiscal year 2014.

“(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—

“(1) \$4,120,000 for fiscal year 2010;

“(2) \$4,243,600 for fiscal year 2011;

“(3) \$4,370,900 for fiscal year 2012;

“(4) \$4,502,000 for fiscal year 2013; and

“(5) \$4,637,100 for fiscal year 2014.

“(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this title—

“(1) \$2,266,000 for fiscal year 2010;

“(2) \$2,334,000 for fiscal year 2011;

“(3) \$2,404,000 for fiscal year 2012;

“(4) \$2,476,100 for fiscal year 2013; and

“(5) \$2,550,400 for fiscal year 2014.”

### TITLE III—INTERAGENCY COORDINATING COMMITTEE ON NATURAL HAZARDS RISK REDUCTION

#### SEC. 301. INTERAGENCY COORDINATING COMMITTEE ON NATURAL HAZARDS RISK REDUCTION.

(a) IN GENERAL.—There is established an Interagency Coordinating Committee on Natural Hazards Risk Reduction, chaired by the Director of the National Institute of Standards and Technology.

(1) MEMBERSHIP.—In addition to the chair, the Committee shall be composed of—

(A) the directors of—

(i) the Federal Emergency Management Agency;

(ii) the United State Geological Survey;

(iii) the National Oceanic and Atmospheric Administration;

(iv) the National Science Foundation;

(v) the Office of Science and Technology Policy; and

(vi) the Office of Management and Budget; and

(B) the head of any other Federal agency the Committee considers appropriate.

(2) MEETINGS.—The Committee shall not meet less than 2 times a year at the call of the Director of the National Institute of Standards and Technology.

(3) GENERAL PURPOSE AND DUTIES.—The Committee shall oversee the planning and coordination of the National Earthquake Hazards Reduction Program and the National Windstorm Impact Reduction Program, and shall make proposals for planning and coordination of any other Federal research for natural hazard mitigation that the Committee considers appropriate.

(4) STRATEGIC PLANS.—The Committee shall develop and submit to Congress, not later than one year after the date of enactment of this Act—

(A) a Strategic Plan for the National Earthquake Hazards Reduction Program that includes—

(i) prioritized goals for such Program that will mitigate against the loss of life and property from future earthquakes;

(ii) short-term, mid-term, and long-term research objectives to achieve those goals;

(iii) a description of the role of each Program agency in achieving the prioritized goals;

(iv) the methods by which progress towards the goals will be assessed;

(v) an explanation of how the Program will foster the transfer of research results onto outcomes, such as improved building codes;

(vi) a description of the role of social science in informing the development of the prioritized goals and research objectives; and

(vii) a description of how the George E. Brown, Jr. Network for Earthquake Engineering Simulation and the Advanced National Seismic Research and Monitoring System will be used in achieving the prioritized goals and research objectives; and

(B) a Strategic Plan for the National Windstorm Impact Reduction Program that includes—

(i) prioritized goals for such Program that will mitigate against the loss of life and property from future windstorms;

(ii) short-term, mid-term, and long-term research objectives to achieve those goals;

(iii) a description of the role of each Program agency in achieving the prioritized goals;

(iv) the methods by which progress towards the goals will be assessed;

(v) an explanation of how the Program will foster the transfer of research results onto

outcomes, such as improved building codes; and

(vi) a description of the role of social science in informing the development of the prioritized goals and research objectives.

(5) **PROGRESS REPORTS.**—Not later than one year after the date of enactment of this Act, and at least once every two years thereafter, the Committee shall submit to the Congress—

(A) a report on the progress of the National Earthquake Hazards Reduction Program that includes—

(i) a description of the activities funded for the previous two years of the Program, a description of how these activities align with the prioritized goals and research objectives established in the Strategic Plan, and the budgets, per agency, for these activities;

(ii) the outcomes achieved by the Program for each of the goals identified in the Strategic Plan;

(iii) a description of any recommendations made to change existing building codes that were the result of Program activities; and

(iv) a description of the extent to which the Program has incorporated recommendations from the Advisory Committee on Earthquake Hazards Reduction; and

(B) a report on the progress of the National Windstorm Impact Reduction Program that includes—

(i) a description of the activities funded for the previous two years of the Program, a description of how these activities align with the prioritized goals and research objectives established in the Strategic Plan, and the budgets, per agency, for these activities;

(ii) the outcomes achieved by the Program for each of the goals identified in the Strategic Plan;

(iii) a description of any recommendations made to change existing building codes that were the result of Program activities; and

(iv) a description of the extent to which the Program has incorporated recommendations from the Advisory Committee on Windstorm Impact Reduction.

(6) **COORDINATED BUDGET.**—The Committee shall develop a coordinated budget for the National Earthquake Hazards Reduction Program and a coordinated budget for the National Windstorm Impact Reduction Program. These budgets shall be submitted to the Congress at the time of the President's budget submission for each fiscal year.

(b) **ADVISORY COMMITTEES ON NATURAL HAZARDS REDUCTION.**—

(1) **IN GENERAL.**—The Director of the National Institute of Standards and Technology shall establish an Advisory Committee on Earthquake Hazards Reduction, an Advisory Committee on Windstorm Impact Reduction, and other such advisory committees as the Director considers necessary to advise the Institute on research, development, and technology transfer activities to mitigate the impact of natural disasters.

(2) **ADVISORY COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.**—The Advisory Committee on Earthquake Hazards Reduction shall be composed of at least 11 members, none of whom may be employees of the Federal Government, including representatives of research and academic institutions, industry standards development organizations, emergency management agencies, State and local government, and business communities who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Na-

tional Earthquake Hazards Reduction Program.

(3) **ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.**—The Advisory Committee on Windstorm Impact Reduction shall be composed of at least 7 members, none of whom may be employees of the Federal Government, including representatives of research and academic institutions, industry standards development organizations, emergency management agencies, State and local government, and business communities who are qualified to provide advice on windstorm impact reduction and represent all related scientific, architectural, and engineering disciplines. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the National Windstorm Impact Reduction Program.

(4) **ASSESSMENTS.**—The Advisory Committee on Earthquake Hazards Reduction and the Advisory Committee on Windstorm Impact Reduction shall offer assessments on—

(A) trends and developments in the natural, social, and engineering sciences and practices of earthquake hazards or windstorm impact mitigation;

(B) the priorities of the Programs' Strategic Plans;

(C) the coordination of the Programs; and

(D) and any revisions to the Programs which may be necessary.

(5) **REPORTS.**—At least every two years, the Advisory Committees shall report to the Director of the National Institute of Standards and Technology on the assessments carried out under paragraph (4) and their recommendations for ways to improve the Programs. In developing recommendations for the National Earthquake Hazards Reduction Program, the Advisory Committee on Earthquake Hazards Reduction shall consider the recommendations of the United States Geological Survey Scientific Earthquake Studies Advisory Committee.

(c) **COORDINATION OF FEDERAL DISASTER RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council shall submit a report to the Congress identifying—

(1) current Federal research, development, and technology transfer activities that address hazard mitigation for natural disasters, including earthquakes, hurricanes, tornados, wildfires, floods, and the current budgets for these activities;

(2) areas of research that are common to two or more of the hazards identified in paragraph (1); and

(3) opportunities to create synergies between the research activities for the hazards identified in paragraph (1).

#### **TITLE IV—NATIONAL CONSTRUCTION SAFETY TEAM ACT AMENDMENTS**

##### **SEC. 401. NATIONAL CONSTRUCTION SAFETY TEAM ACT AMENDMENTS.**

The National Construction Safety Team Act (15 U.S.C. 7301 et seq.) is amended—

(1) in section 2(a)—

(A) by striking “a building or buildings” and inserting “a building, buildings, or infrastructure”; and

(B) by striking “To the maximum extent practicable, the Director shall establish and deploy a Team within 48 hours after such an event.” and inserting “The Director shall make a decision whether to deploy a Team within 72 hours after such an event.”;

(2) in section 2(b)(1), by striking “buildings” and inserting “buildings or infrastructure”;

(3) in section 2(b)(2)(A), by striking “building” and inserting “building or infrastructure”;

(4) in section 2(b)(2)(D), by striking “buildings” and inserting “buildings or infrastructure”;

(5) in section 2(c)(1), by striking “the United States Fire Administration and”;

(6) in section 2(c)(1)(G), by striking “building” and inserting “building or infrastructure”;

(7) in section 2(c)(1)(J)—

(A) by striking “building” and inserting “building or infrastructure”; and

(B) by inserting “and the National Windstorm Impact Reduction Act of 2004” after “Act of 1977”;

(8) in section 4(a), by striking “investigating a building” and inserting “investigating building and infrastructure”;

(9) in section 4(a)(1)—

(A) by striking “a building” and inserting “a building or infrastructure”; and

(B) by striking “building” both of the other places it appears and inserting “building or infrastructure”;

(10) in section 4(a)(3), by striking “building” both places it appears and inserting “building or infrastructure”;

(11) in section 4(b), by striking “building” both places it appears and inserting “building or infrastructure”;

(12) in section 4(c)(1) and (2), by striking “building” both places it appears and inserting “building or infrastructure”;

(13) by amending section 4(d)(1) to read as follows:

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a Team investigation shall have priority over any other investigation which is related to the purpose and duties set forth in section 2(b) and undertaken by any other Federal agency.”;

(14) in section 4(d)(3) and (4), by striking “building” both places it appears and inserting “building or infrastructure”;

(15) in section 4, by adding at the end the following new paragraph:

“(5) **INFRASTRUCTURE INVESTIGATIONS.**—With respect to an investigation relating to an infrastructure failure, a Federal agency with primary jurisdiction over the failed infrastructure which is conducting an investigation and asserts priority over the Team investigation shall have such priority. Such priority shall not otherwise affect the authority of the Team to continue its investigation under this Act.”;

(16) in section 7(a), by striking “on request and at reasonable cost”;

(17) in section 7(c), by striking “building” and inserting “building or infrastructure”;

(18) in section 8(1) and (4), by striking “building” both places it appears and inserting “building or infrastructure”;

(19) in section 9, by striking “the United States Fire Administration and”;

(20) in section 9(2)(C), by striking “building” and inserting “building or infrastructure”;

(21) in section 10(3), by striking “building” and inserting “building and infrastructure”;

(22) in section 11(a), by striking “the United States Fire Administration and”; and

(23) by striking section 12.

#### **TITLE V—FIRE RESEARCH PROGRAM**

##### **SEC. 501. FIRE RESEARCH PROGRAM.**

Section 16(a)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278f(a)(1)) is amended—

(1) in subparagraph (D), by inserting “fires at the wildland-urban interface,” after “but not limited to,”; and

(2) in subparagraph (E), by inserting “fires at the wildland-urban interface,” after “types of fires, including”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Georgia (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

#### GENERAL LEAVE

Mr. WU. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3820, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

□ 1415

Mr. WU. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 3820, the Natural Hazards Risk Reduction Act of 2010. This bipartisan bill addresses a crucial need—securing our communities against earthquakes, hurricanes, tornadoes, and other natural phenomena.

As we saw last month in Haiti and just this past weekend in Chile, earthquakes can strike without warning, can cause massive damage and many, many casualties. Mitigation efforts, like advanced building codes, are crucial to preventing loss and injury. Preparation saves lives. The Chilean experience demonstrates the importance of preparation, of building codes, and of education.

H.R. 3820 reauthorizes two very important natural hazard mitigation programs—the National Earthquake Hazards Reduction Program and the National Windstorm Impact Reduction Program.

Since Congress created the National Earthquake Hazards Reduction Program, or NEHRP, in 1977, it has been used to study earthquake phenomena, to identify seismic hazards, and to develop building codes and practices to withstand earthquakes. This reauthorization will allow the U.S. Geological Survey, FEMA, the National Science Foundation, and the National Institute of Standards and Technology to continue their efforts to develop and to promote earthquake mitigation measures.

Created in 2004, the National Windstorm Impact Reduction Program, or NWIRP, is also a critical tool in countering the destructive forces of hurricanes, tornadoes, and other severe windstorms. Destructive windstorms are not limited to Florida, to the Gulf Coast, or to Tornado Alley in our Midwest. Two years ago, in my Pacific

Northwest, we experienced 150-mile-per-hour winds, a storm which killed 18 people and which caused nearly \$200 million in damage. Just last week, gusts of up to 90 miles per hour were reported in the Northeast, knocking out power for more than 87,000 New Yorkers and others in Pennsylvania through the Mid-Atlantic. The purpose of NWIRP is to study wind hazards and to develop building codes and practices to prevent damage.

The adoption of mitigation measures is the crucial last step in preventing losses from natural disasters. H.R. 3820 includes provisions to develop ways to cost effectively retrofit existing structures and to secure lifelines as well as provisions for research to identify the best methods to encourage homeowners, businesses, and communities to plan for natural disasters and to adopt mitigation and education measures.

H.R. 3820 also brings greater coordination to Federal natural hazards R&D efforts. It directs the relevant agencies to develop a multihazards research agenda and to identify where common research approaches are appropriate across different types of hazards. This will enable a research agenda where the lessons learned in one disaster will be applied to help prevent damage in another and, therefore, save lives. It will use scarce taxpayer dollars more effectively and more efficiently.

I would like to thank the ranking member of the Technology and Innovation Subcommittee, Mr. SMITH of Nebraska, for his hard work and support in helping us bring this bill to the floor.

I would also like to recognize my friend and colleague, Mr. BROWN of Georgia, who is here on the floor with us today.

I would similarly like to thank the chairman of the full Science and Technology Committee, Mr. BART GORDON of Tennessee, and the ranking member, Mr. HALL of Texas, the unforgettable Mr. HALL.

H.R. 3820 is supported by the American Society of Civil Engineers. I urge my colleagues to vote for its passage.

I reserve the balance of my time.

Mr. BROWN of Georgia. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3820, the National Hazards Risk Reduction Act of 2010.

Whether they come in the form of hurricanes, tornadoes, earthquakes, tsunamis, or other phenomena, natural hazards are infrequent and inevitable, and as illustrated by recent events in Haiti and in Chile, can be devastating to life and property.

The infrequency of such events is, of course, no excuse for complacency in taking steps to address them. The programs authorized in this legislation are the Federal Government's primary means of advancing science and tech-

nology to mitigate the risks of natural hazards. This legislation authorizes two programs—the National Earthquake Hazards Reduction Program, or NEHRP, and the National Windstorm Impact Reduction Program, NWIRP.

NEHRP was established in 1977 in response to growing concerns about the threat of damaging earthquakes. It is an agency effort consisting of four participating agencies; firstly, the National Institute of Standards and Technology, NIST, supporting problem-focused earthquake engineering research and development programs aimed at improving building design codes and construction standards; secondly, the National Science Foundation, NSF, supporting basic research in geoscience, engineering, economic, and social aspects of earthquakes; thirdly, the U.S. Geological Survey, USGS, conducting basic and applied Earth science and seismology research; fourthly, FEMA, which supports mitigation, response, education, outreach, and implementation of research results.

Similarly, the Windstorm Impact Reduction Program, created in 2004 and modeled after NEHRP, consists of four agencies—NIST, NSF and FEMA, as well as NOAA, the National Oceanic and Atmospheric Association, which funds research in the atmospheric sciences—to better understand, predict, and respond to hurricanes, tornadoes, and other windstorms.

The goals and activities of these two programs are clear. From engineering research to improve the structural resiliency of buildings, to the development of model building codes and standards, to recovery and response operations, the opportunities for leveraging earthquake mitigation and windstorm mitigation activities are numerous and substantial. Accordingly, the primary objective of this legislation is to establish an overarching coordination structure to improve communication, to exploit potential synergies, and to ensure that new knowledge developed from both programs can be translated into practice and, eventually, into decreased vulnerabilities.

Much progress has been made with the overall authorization levels in this bill, which have been reduced from prior authorization levels. In particular, at three of the four NEHRP agencies, authorized levels have been reduced to more realistic levels that still achieve its goals—a responsible approach given our ominous overall fiscal situation. At the fourth NEHRP agency, USGS, the authorization level has been modestly increased. This reflects a position by the lead authors of the bill that earthquake research should be a priority at USGS.

These two programs, if directed to the right priorities and implemented as a true, coordinated interagency effort, can become more effective and can be leveraged many times over.

I appreciate the hard work from my fellow members of the committee and staff to balance the need for minimizing the risk of these natural disasters with the fiscal reality of large deficits and debt.

Madam Speaker, I reserve the balance of my time.

Mr. WU. Madam Speaker, I yield 3 minutes to the chairman of the Research and Science Education Subcommittee of the Science Committee, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the chairman for yielding.

Madam Speaker, I have a background as an engineer. I actually have a master's degree in systems engineering. I understand the need for understanding how systems work and for understanding what can be done in preparation so that, in the case of Mr. WU's bill, we can do the best that we can to mitigate, to avoid the problems, and to deal with what happens in the aftermath of earthquakes and windstorms.

I thank Mr. WU for this bill, and I thank Chairman GORDON also for moving this bill forward and for bringing it to the House floor. I thank the Republicans for their work, and I thank Mr. BROWN here today.

I think this is something that we often forget about until after a disaster strikes. With the earthquake in Chile, we've heard so much talk about the planning beforehand, about the requirements that buildings have to be designed in a certain way to withstand earthquakes, and about the lives that were saved. Probably tens of thousands of lives were saved from this. This was all through a type of planning that can come through this bill.

I think it is also important—and I see this so often, not just in the NSF, NIST, USGS, or NOAA. We see all these silos—all these departments, agencies—which are doing separate work, and they don't oftentimes enough coordinate the work that they are doing. So I think this bill does a very good job of making sure that we have the coordination when it comes to planning for earthquakes and for looking into what we can do about that for windstorms.

So I thank Mr. WU for introducing this bill, and I urge my colleagues to support it.

Mr. BROWN of Georgia. Madam Speaker, I appreciate the hard work that my good friend from Oregon (Mr. WU) and my friend from Nebraska (Mr. SMITH) have put into this bill. Certainly, as a fiscal conservative, I am concerned about how the agencies within the Federal Government coordinate their activities and coordinate their communications. I congratulate Mr. WU on trying to bring overarching communications between these four governmental agencies.

Just today on Fox and Friends news, they had a seismologist who was pre-

dicting just in the very near future a major earthquake which would affect Mr. WU's home State of Oregon, the State of Washington, as well as the State of California. We've seen a tremendous number of earthquakes recently, and, I think, having the Federal Government agencies coordinate their efforts to try to find some way to communicate between those is absolutely a much needed process. I congratulate Mr. WU on his efforts to do that.

So, having said all of that, Madam Speaker, I am prepared to close, but I do just want to congratulate Mr. WU again on his hard work on this bill.

I yield back the balance of my time.

Mr. WU. I want to thank the gentleman from Georgia for his very kind remarks.

Madam Speaker, we do not and we actually should not agree all the time, because these are sincere differences which, I think, we reflect in our personal values and in the values of our constituents; but the legislation that we are dealing with today demonstrates this Congress' working at its best on those issues where we should be coming together, and we do.

I want to thank the gentleman. I want to thank Mr. SMITH and Mr. HALL on the minority side.

Mr. BROWN of Georgia. Would the gentleman yield?

Mr. WU. I would be happy to yield to the gentleman.

Mr. BROWN of Georgia. I agree wholeheartedly.

I wish we could get together on health reform and could get together and do something that's right for the American people. I wish we could get together on an economic stimulus package. Folks on our side would very much like to do so. It is unfortunate that we have such a philosophical divide on many issues.

Mr. WU, I have enjoyed working with you on the Science and Technology Committee. I love your State. I did my internship in Portland, Oregon, and I know that's where you live, in that area. I wish we could get together on many issues. I congratulate you on your leadership and for bringing together a bipartisan bill so that people do get together at least on this issue.

I commit to you, as well as to my Democratic colleagues, to work to try to find some commonsense solutions, market-based solutions, to health reform and to getting our economy back on course and other things. I hope that we can work together on these.

□ 1430

Mr. WU. I thank the gentleman for his kind remarks. Sometimes the largest things start in small ways, and the longest journey starts with a small step, and perhaps we are taking that step today, Mr. BROWN.

Storms teach us all sorts of things, and personal effort and caring matter a

lot. The snowstorms that paralyzed this city a couple of weeks ago in some respects are a metaphor for what has been going on with the political and policy mechanisms that also occupy this city.

I believe that in my home State, within a few hours of the storm being over, we would be out there starting to clean up, and we would be doing a reasonable job fairly soon. What happened here was paralysis for days at a time, schools closing for the rest of the week, and people complaining about the city not cleaning the streets.

But what I noticed was that in my neighborhood, folks did shovel their sidewalks, and it makes a big difference. Just take care of your own sidewalk, and maybe help your neighbor, if your neighbor is old or just not able to do these things for him or herself. In the second storm, I actually offered to pay my son a little bit of money to shovel the whole block. Shoveling the block was the second most important thing to do. I think the most important thing to do was to teach him civic virtue and what serving the broader good is all about.

This bill does serve the broader national good. The example of Chile demonstrates the importance of preparation. It demonstrates the importance of American technology, because the Chileans borrowed their designs from the United States. It also helps us understand where we need to get better, because their highways had a lot of collapses, just as our highways during the quake in Los Angeles unfortunately collapsed, and perhaps we can improve our designs for that.

Education is also a very, very important component of earthquake safety. In my State, it is estimated that we could have a 9.5 Richter scale quake, just like the world's largest quake ever recorded. That one was down in Peru and Chile, and it was 9.5 on the Richter scale. The scientists tell us that is what can happen in the Pacific Northwest, and it actually has happened in the past.

Since the last ice age, these quakes have occurred every 200 to 1,000 years, and the average period was 300 years. We didn't know that this was going to go on. When I moved to Oregon, we didn't know anything about problems like this. But this is the problem of science.

Through research on tree roots which were buried in mud and research on Japanese records, we found out that the last such earthquake occurred in January of 1701, 309 years ago. So if the average period is 300 years, we are in that zone, and we ought to be prepared.

Education is key. Preparation is key. And it is not just the buildings, it is not just design, but it is also about educating people about what to do before the quake, what to do during the quake, what to do after the quake, and

how do you prepare for a tsunami, how do you get out of the way.

It takes courage, and it takes overcoming fear, and there are different kinds of courage, and there are different kinds of fear. I know that some folks are concerned about what happens when we move to an all-hazards approach to these natural phenomena, and I can tell you that this Congress, this committee, Mr. BROWN and I, will stand united in providing the resources so that we can appropriately reduce risk across different phenomena, whether the risk is created by wind, by water, by earthquake, or by tsunami. That is the obligation of leadership, and we will provide the leadership to do that, because at the end of the day, the earthquakes, the wind and other hazards, they know no bounds, they know no geographic bounds, and they know no bounds with respect to age or income or any other hazard.

Madam Speaker, I ask all Members to vote in favor of this legislation.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3820, the "Natural Hazards Risk Reduction Act of 2010". This bill reauthorizes natural hazard risk reduction programs, in particular the National Earthquake Hazards Reduction Program and the National Windstorm Impact Reduction Program.

Members of the Committee on Transportation and Infrastructure and I have been strong advocates for the reduction of the risks our Nation faces from natural hazards. I commend the gentleman from Tennessee (Mr. GORDON), Chairman of the Committee on Science and Technology, and the gentleman from Oregon (Mr. WU), for bringing this bill before the House today and for the cooperative spirit in which they have worked with our committee on this legislation.

The "Natural Hazards Risk Reduction Act of 2010", and the programs it authorizes, will assist communities and citizens across the country in reducing their risk from several natural hazards, that, unfortunately, occur all too often in our Nation. Specifically, this legislation addresses the risks from three hazards: earthquakes, windstorms, and fires.

We have all recently seen the destruction that earthquakes can cause. On January 12, 2010, a catastrophic earthquake measuring 7.0 on the Richter scale struck the island nation of Haiti. This earthquake was the largest earthquake to hit Haiti in over 200 years. An estimated 230,000 people lost their lives in this disaster, which affected over three million people.

I have a deep, personal connection to the people of Haiti: before I went to work for people of Minnesota, I lived in Haiti for almost 3 years. Since that time, I have followed events in that nation and have maintained many good friendships with Haitian citizens. In fact, I was in Haiti shortly before the earthquake hit, in October 2009. When I accompanied Speaker PELOSI on a bipartisan, bicameral trip to Haiti last month, I was struck by visions of places I saw just three months prior that were unrecognizable as they lie in complete and utter ruin. These haunting images clearly demonstrate the power of an earthquake, and the

importance of ensuring we do everything we can to protect our citizens from such devastation.

This past weekend, another devastating earthquake struck Chile. This earthquake is believed to be hundreds of times more powerful than the earthquake that struck Haiti, yet early reports seem to indicate that the loss of life and destruction—while no less tragic—was less severe than in Haiti. There are likely a number of reasons for the reduced damage, including where the earthquake struck. However, it must also be recognized that Chile is a nation that is at great risk of seismic activity and has taken significant steps to reduce the risk that earthquakes pose to that nation and its citizens.

H.R. 3820 also addresses risks due to windstorms and wildfires. In my district in Minnesota, we have been unfortunate to bear witness to the devastating effects of both of these hazards, and how they can be related. On July 4, 1999, a straight line windstorm, also known as a derecho, struck the Boundary Waters Canoe Wilderness Area and downed millions of trees. Not only did this devastate the wilderness area and its surroundings, it also created a huge fire hazard from the fallen timber.

The citizens of Minnesota made every effort to reduce the risk of the fire. Residents in the affected areas utilized Federal Emergency Management Agency, FEMA, mitigation funds to install outdoor sprinkler systems to protect against wildfire. Unfortunately, although not unpredictably, in 2007, the Ham Lake Fire struck the area. The structures that had installed and maintained sprinkler systems were protected from the fire. This is another good example of how important it is to reduce the risk of natural hazards.

H.R. 3820 contains several amendments at the request of the Committee on Transportation and Infrastructure that will help ensure the earthquake, windstorm, and wildfire risk reduction programs authorized in this bill are consistent with FEMA's all-hazards approach. While the Federal Government currently administers risk reduction programs for earthquakes, floods, and windstorms as free-standing programs, it is important that such programs do not operate completely independently or in a "stove piped" manner. In the past, I have strongly opposed efforts by the Department of Homeland Security to channel Federal resources and focus away from all-hazards preparedness and response programs into terrorism programs, because this approach would segment by particular risk.

Specifically, H.R. 3820, as amended, will require that the National Earthquake Hazards Reduction Program and the National Windstorm Impact Reduction Program to be operated in coordination with the all-hazards mitigation and preparedness programs administered by FEMA and authorized by the Stafford Act. In this manner, States, communities, and citizens can utilize these programs in a coordinated manner. FEMA is already taking steps to coordinate among the agency's mitigation programs, by making the administrative requirements of its all-hazards and flood programs as consistent as possible. We anticipate FEMA will apply this sound approach to the programs authorized under this bill as well.

In addition, this legislation calls for the mapping of windstorm and earthquake risks. H.R. 3820, as amended, will require that, to the extent possible, these maps be developed consistent with the multi-hazard advisory maps authorized by the Stafford Act. It is not efficient or effective for communities to use separate maps identifying risk from each particular natural hazard the community may face. As hazard maps are now digitized, data for each type of risk can be easily superimposed on the same map, which will allow communities to use one common map in planning and identifying risks.

Finally, H.R. 3820 contains amendments to the National Construction Safety Teams Act and expands authority of the National Institute of Standards and Technology, NIST, to deploy teams to investigate infrastructure failure. NIST's current authority is limited to building collapse investigations. I am pleased that this bill, as amended, clarifies that the authority to deploy teams for infrastructure failure is limited to NIST's existing authority and expertise to investigate the structural causes of collapse, as well as building codes, and does not give NIST authority beyond that arena, such as a related transportation accident and incident investigation if there is also an infrastructure failure component. The amendment also ensures that if another Federal agency with jurisdiction over the infrastructure investigates the failure, such agency investigation will have priority over the NIST investigation. I look forward to continued work with the Committee on Science and Technology on this provision as we move ahead with this legislation.

I urge my colleagues to join me in supporting H.R. 3820, the "Natural Hazards Risk Reduction Act of 2010."

Mr. COSTA. Madam Speaker, I rise today in strong support of H.R. 3820, the Natural Hazards Risk Reduction Act of 2010. As a representative of a state that faces perhaps more natural hazard risk than any other—including not just from earthquakes, but also wildfires, windstorms, landslides, and tsunamis—I cannot overstate the importance of the programs authorized in this legislation, which are essential for protecting the lives and property of tens of millions of Californians.

Two tragedies over the past two months have shown us the dramatic difference that comes from being properly prepared for a natural disaster. The magnitude 7.0 earthquake in Haiti on January 12th struck a country that was woefully unprepared for such an event. Unreinforced buildings collapsed like houses of cards, and an almost unfathomable 200,000 people were killed. This past Sunday, a far stronger magnitude 8.8 earthquake hit Chile, and while this tragedy claimed the lives of over 700, the death toll was much lower than Haiti's because people were protected by buildings constructed to withstand that sort of shaking.

The United States has not suffered these sorts of staggering casualties from a seismic event in over a hundred years, in large part due to the work of the U.S. Geological Survey's Earthquake Hazard Program. We cannot predict when the next major earthquake will strike the United States. But we know where it is most likely. And we have been able to enact building codes in those areas to protect

people in their homes and offices. We have conducted preparedness drills so people know what to do when the Big One hits. We have been able to engineer pipelines, power lines, and roads to survive a major quake, so we can rebuild and recover as quickly as possible. The U.S. Geological Survey has helped make this all possible.

This legislation reauthorizes the National Earthquake Hazard Reduction Program, of which the U.S. Geological Survey's Earthquake Hazard Program is a part. When this legislation was first reported out of the Science and Technology Committee, I was concerned about the cut in authorization levels to the U.S. Geological Survey, which I believed reflected the wrong message about the importance of this critical program. I am pleased to say that after a hearing in my subcommittee on January 20th, my good friends BART GORDON, Chairman of the Science and Technology Committee, and DAVID WU, chief sponsor of this legislation, worked with me to increase the authorization levels and put the Earthquake Hazard Program on the path for continued growth. I would also like to thank the ranking member of my subcommittee, DOUG LAMBORN of Colorado, for working with me in this endeavor, as well as all the scientists and engineers who wrote to me expressing their support for this program.

Madam Speaker, in closing, I urge my colleagues to support this bill, but more importantly, I urge us all to help the people of Haiti and Chile in any way we can as they attempt to clean up and rebuild. The hopes and prayers of everyone in this Chamber are with them.

Mr. GORDON of Tennessee. Madam Speaker, I would like to thank Subcommittee Chairman DAVID WU, Subcommittee Ranking Member ADRIAN SMITH, and Ranking Member RALPH HALL for their hard work on this very important legislation that will do so much to help protect our communities from natural disasters. I also want to recognize the work of the Natural Resources Committee as well as the Transportation and Infrastructure Committee in arriving at the text we are considering today. Both Chairman RAHALL and Chairman OBERSTAR have been enormously helpful in getting this bill to the floor today. In addition, I want to recognize JIM COSTA, who chairs the Subcommittee on Energy and Mineral Resources at the Natural Resources Committee, and who has been a leader in working to protect our communities from earthquakes. At this time I would like to insert an exchange of letters between Chairman RAHALL and myself into the RECORD, and once again thank both Chairmen for their support.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, February 24, 2010.

Hon. BART GORDON,  
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 3820, the Natural Hazards Risk Reduction Act of 2009, which was referred to the Committee on Science and Technology, and in addition to the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, and knowing of your interest in expediting this

legislation, I am willing to waive further consideration of H.R. 3820 by the Committee on Natural Resources at this time. Of course, this waiver is not intended to prejudice any future jurisdictional claims over the provisions of this legislation or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 3820 and into the Congressional Record during consideration of the measure on the House floor.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,

Chairman, Committee on Natural Resources.

COMMITTEE ON SCIENCE  
AND TECHNOLOGY,

Washington, DC, February 24, 2010.

Hon. NICK J. RAHALL II

Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for your letter regarding H.R. 3820, the Natural Hazards Risk Reduction Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Natural Resources. I acknowledge that by discharging the Committee on Natural Resources from further consideration of H.R. 3820, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Natural Resources has jurisdiction. A copy of our letters will be placed in the Committee Report on H.R. 3820 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,  
Chairman.

Mr. WU. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and pass the bill, H.R. 3820, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### NATIONAL ENGINEERS WEEK

Mr. WU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1097), supporting the goals and ideals of National Engineers Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1097

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill the needs of society;

Whereas engineers have helped to address the major technological and infrastructural challenges of our time, including providing water, defending the Nation, and developing clean energy technologies that are needed to power the American people into the future;

Whereas engineers are a crucial link in research, development, and the transformation of scientific discoveries into useful products and jobs, as the people of the United States look more than ever to engineers and their imagination, knowledge, and analytical skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that promote global collaboration and support reliable infrastructures;

Whereas the sponsors of National Engineers Week are working together to transform the engineering workforce through greater inclusion of women and underrepresented minorities;

Whereas the 2009 National Academy of Engineering and National Research Council report entitled "Engineering in K-12 Education" highlighted the potential role for engineering in primary and secondary education as a method to improve learning and achievement in science and mathematics, increase awareness of engineering and the work of engineers, help students understand and engage in engineering design, build interest in pursuing engineering as a career, and increase technological literacy;

Whereas an increasing number of the approximately 2,000,000 engineers in the United States are nearing retirement;

Whereas National Engineers Week has developed into a formal coalition of more than 100 professional societies, major corporations, and Government agencies that are dedicated to ensuring a diverse and well-educated engineering workforce, promoting literacy in science, technology, engineering, and math, and raising public awareness and appreciation of the contributions of engineers to society;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that the first President, who was both a military engineer and a land surveyor, made to engineering; and

Whereas February 14, 2010, to February 20, 2010, has been designated as National Engineers Week by the National Engineers Week Foundation and its coalition members: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week to increase understanding of and interest in engineering careers and to promote technological literacy and engineering education; and

(2) continues to work with the engineering community to ensure that the creativity and contributions made by engineers can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.



The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 1097, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1097, supporting the goals and ideals of National Engineers Week.

I would first like to thank my friend and colleague, the chairman of the Subcommittee on Research and Science Education, Mr. LIPINSKI, for introducing this resolution. As one of only a handful of engineers in Congress, Mr. LIPINSKI has and will continue to be a strong advocate for engineers and engineering on the Science and Technology Committee and in Congress.

National Engineers Week, which was held from February 14 to February 20, has grown into a formal coalition of more than 100 engineering, education, and cultural societies, major corporations, and government agencies. Its goal is to raise public awareness of the significant positive contributions to society by engineers and encourage students to become engineers.

This resolution supports the goals and ideals of National Engineers Week. It also pledges that the House of Representatives will work with the engineering community to make sure that the creativity and contribution of the engineering community can be expressed through research, development, standardization, education, and innovation.

This is a vitally important cause for our country's future well-being. As China and India graduate record numbers of engineers, the number of engineering graduates in the United States is stagnant. This is a troubling sign for our ability to maintain our edge as the world's technologic leader.

I might add that numbers alone do not tell the story. Quality, as well as quantity, counts, and traditionally we in this country have focused on quality and maintaining the best education system and the best professional and technical communities that we can, and we intend to maintain that lead in quality also.

We also need to continue to highlight the importance engineers play in our society and encourage our young people to enter into these careers. Engineering is a challenging field, but one that can be truly rewarding for both the engineer and our society.

I ask you to join me in supporting this effort, and urge passage of House Resolution 1097.

I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 1097 supports the goals and ideals of National Engineers Week, which was celebrated this year February 14th through the 20th. The National Society of Professional Engineers established one of America's oldest professional outreach efforts, National Engineers Week, in 1951, to coincide with President George Washington's birthday. President Washington is considered our Nation's first engineer, notably for his survey work.

National Engineers Week is observed by more than 70 engineering, education, and cultural societies, and more than 50 corporations and governing agencies. The purpose of National Engineers Week is to call attention to the contributions to society that engineers make. It is also a time for engineers to emphasize the importance of learning math, science, and technical skills.

During this week, a wide range of activities are planned in order to promote interest in engineering and technology fields in the K-12 levels. Some of the events this year included Introduce a Girl to Engineering Day, which was held on February 18th. Schools and businesses around the country used this to spark interest and enthusiasm for science and engineering among young women.

Also Discover Engineering Family Day in Washington, D.C., occurred on February 20, 2010, at the National Building Museum. After a full day of hands-on activities and amazing demonstrations, kids and their parents went home with a new appreciation for the wonders of engineering.

Engineers are a vital part of the American economy. Everywhere you turn, there is evidence of the hard work of an engineer. From designing and constructing cardiac pacemakers to the very form of transportation we use to move us from one place to another, engineering is all around us.

I applaud our American engineers and their ingenuity and am pleased to see opportunities such as National Engineers Week that raise awareness and give credit to all of the engineers and their valuable work and contributions to society. I hope that the awareness spreads interest in this rewarding profession to all young people of this Nation.

I support the goals and ideals of National Engineers Week, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. WU. Madam Speaker, I now yield such time as he may consume to the

gentleman from Illinois (Mr. LIPINSKI), the Chair of the Research Subcommittee of the Science and Technology Committee.

Mr. LIPINSKI. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise today in support of H. Res. 1097, supporting the goals and ideals of National Engineers Week. As one of only a handful of engineers in Congress, as Chairman Wu mentioned, I am proud to again sponsor this resolution honoring National Engineers Week.

I would like to thank the gentleman from Michigan, Dr. EHLERS, for working with me on this resolution and on many other issues. Unfortunately for this institution and for America's science and technology policy, Dr. EHLERS announced a couple of weeks ago that he is retiring at the end of the year. We are going to miss his leadership and knowledge, especially in the area of science, technology, engineering, and math education. I will particularly miss working with him as a co-Chair of the STEM Ed Caucus. Promoting STEM Ed, and especially engineering education, is a big part of what National Engineers Week is all about.

Two weeks ago marked the 20th anniversary of National Engineers Week, and for each of the 5 years I have introduced this resolution, it seems to get more important.

□ 1445

We continue to fall behind other countries in the STEM fields, with China seemingly poised to overtake us as the leading producer of knowledge within a decade. Our infrastructure continues to languish, and we face serious energy and water challenges in our country. At the same time, we face an urgent need to create jobs.

If we want to solve these problems, any of these problems, we need engineers. Of course, engineers build bridges and airplanes, but they also are the ones who design our computer networks and turn new discoveries into products, industries, and jobs. The more than 2 million engineers in the U.S. have helped make our country great, but we need more of them, and we need to recognize the contributions they have made and continue to make to our Nation.

National Engineers Week seeks to address this problem through events aimed at educating youth and fostering public awareness about the vital contributions made by engineers to our quality of life and our economic prosperity. Through programs like Future City Competition, Introduce a Girl to Engineering Day, and the first robotics competition, the National Engineers Week Foundation confronts the challenge of encouraging more students to pursue careers in engineering. Engineering Week comprises numerous events like the ones I just mentioned.



Another example is students learning the value of teamwork as they work in groups to create creative and practical solutions to some of the most important problems facing our Nation and the world. Projects like designing future cities make engineering come alive for students, planting a seed that can lead to further studies or a career in engineering. In fact, research shows our children's early experience with science and engineering are a stronger prediction of long-lasting interest in science fields than aptitude tests. By drawing upon volunteers throughout country, Engineers Week reaches thousands of parents, teachers, and students, exposing them to the excitement of engineering in a real and tangible way.

I can attest that my own childhood experiences with science and engineering captivated me. As I grew up, I was always fascinated with the way things work. I remember going to the Museum of Science and Industry in Chicago. Touring the coal mine and watching the model trains run over this enormous track layout that they had were two of my favorite activities. These exhibits excited and captivated me. Most importantly, though, I remember the teachers in school who helped mold this childhood fascination into an interest in engineering. All these experiences instilled in me the knowledge, confidence, and intellectual curiosity needed to pursue an undergraduate degree in mechanical engineering at Northwestern University, and a master's degree in systems engineering at Stanford.

One of the central goals of National Engineers Week is to provide this kind of inspiration, inspiration that I had as a child, to inspire the next generation of students. We desperately need these students, since it's projected that by 2012, about 46 percent of all engineering jobs could become vacant due to retirement by the aging workforce. Educating and exciting America's youth about engineering and science needs to be a national priority. I understand personally that an engineering education is useful, no matter what someone decides to do. My education helps me understand science and technology issues, STEM education, transportation, manufacturing, and risk analysis.

But it is more than knowledge. Engineering is problem-solving. There are so many problems that we need to find solutions to, in our Nation and in the world, and engineers will be involved in finding all of these solutions.

Madam Speaker, I'd like to again thank the gentleman from Michigan, Dr. EHLERS, as well as the 27 other cosponsors of this resolution. I'd also like to thank Senator KAUFMAN for introducing a companion resolution in the Senate. Above all, I'd especially like to thank the engineers who have contrib-

uted so much to America and honor them for their commitment to continuing to better our society. I urge my colleagues to pass this resolution.

Mr. BROUN of Georgia. A lot of kids in this country think that engineers just drive trains, and it's unfortunate that that's true. But this bill, recognizing the work of engineers, is so important. Our service academies have big engineering departments—in all of our military service academies. In my own field of medicine, it's engineers in the medical field that create a lot of the new products that have helped save lives in America and has helped us have the best health care system in the world.

Bringing forth the idea of educating the American public to the importance of engineering, I think, is extremely valuable. We need to encourage our kids to consider careers in engineering because we owe, in our economy and in our society, a tremendous amount not only to those engineers that drive the trains around and help deliver the goods that we need throughout the country, but the other engineers that go to great lengths to help improve our lives and have made America the greatest Nation in the world for our innovation and our technology. And it's engineers that we owe just a tremendous debt of gratitude to for what they do for this society.

So I'm very eager to see this legislation pass. I'm very proud to be here on the floor managing this bill. And I encourage all of our Members to support this legislation so that young men and women across this Nation can understand the importance of engineering—that all of society can—and will help to develop interest in the engineering field so that young men and women will go into engineering so we can continue with the design and innovation that has made this country great and will continue the greatness of America.

With that, I congratulate Mr. LIPINSKI and my good friend, Dr. EHLERS, for this legislation. I ask all of our colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. WU. I yield myself such time as I may consume.

I want to agree with my good friend and colleague from Georgia that America does indeed, does indeed, have the best care system in the world, if you can pay for it. And the great struggle in which we find ourselves today is the challenge of coming together—of coming together to help all Americans be able to pay for their health care. And I want to thank my friend for his service as a physician and as a Member of this body.

I also want to thank Dr. EHLERS, a Ph.D. and physicist, for his service in this body. We have worked on many issues together in a bipartisan fashion because these tend to be the issues

which come before the Science and Technology Committee. For years, I was his ranking member and he was the chairman. For a few years, I was the chairman and he was my ranking member. It did not matter who was playing which role in our agreement or, quite frankly, in our disagreement. But we were always honest about it, and we were able to work together for the public good. Dr. EHLERS, VERN, thank you for your public service.

Today, I hope that my parents are actually watching C-SPAN because they are both research engineers. At a certain level, I remain concerned that they still regret that I left science and technology, first for law, and now for what I'll call public service. When I was here on this floor being sworn in, I can remember seeing them right there. And what was going through my head was, You know, I wonder if my dad is still angry that I left science and technology. He cares about it, and my mom does also, because they realize that engineering is hard and that it's important. Recognition in this resolution today is appropriate because it recognizes that engineering is hard.

All of us can remember that when we went through college, the engineers took these classes where they worked really, really hard, and they got three credits for it. We took some other things that weren't quite as hard, and we got five credits for it. So it is a difficult thing for a student, and it remains challenging as a young professional. I think that this body and this Nation should recognize and celebrate those things which are hard, at least in part just because they are hard. We should do some things because they are hard; we should do more of. That is the American way—to work your way through, to earn your way through, to step up to the challenge.

Today, we take a small step with this resolution of recognition. I ask that all Members support H.R. 1097.

I'm happy to yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman for yielding a moment.

I was just sitting here thinking, I'm sure Mr. WU's parents are extremely proud of him, and he can tell them that he is engaged in engineering. He's engaged in policy engineering and social engineering here in the U.S. House of Representatives. And I'm proud that he's my friend. We have a great time in Science and Technology because we can work together and can put personalities aside. Mr. WU has been just a phenomenal friend and member of this committee, and I congratulate him. I'm sure the Wu family is extremely proud of him, even though he's not in technical engineering. He's involved in some kind of engineering here in another form today.

Mr. WU. I thank the gentleman. I am concerned about my dad. I think my

mom realizes that I'm doing my best, and I'm just trying to keep science and technology and engineering well funded through this committee.

Mr. HARE. Madam Speaker, I rise today in strong support of H. Res. 1097, a resolution recognizing National Engineers Week and the great contributions of engineers across this nation. From increasing energy efficiency to designing world-class skyscrapers to launching the space shuttle, engineers have paved the way for American progress. Our modern society exists as a testament to their commitment to invention, imagination and scientific wonder. Engineers have written the pages of our history while also plotting the direction of our future. National Engineers Week recognizes the accomplishments of America's engineers and promotes a new generation of discovery.

Today, engineers are tackling the largest issues of our time. For example, Argonne National Laboratory, located in my home state of Illinois, is working with government, industry and international partners to provide nuclear energy that is safe, dependable and environmentally manageable. Educational institutions such as the Engineering Department at Western Illinois University have nurtured creativity and leadership among its students for decades. Western's reputation for excellence has drawn students from around the world and has produced not only fine engineers but also extraordinary leaders of business and science.

Among the many reasons I joined the Congressional Science, Technology, Engineering and Mathematics, S.T.E.M., Education Caucus was to promote ingenuity among the bright minds of the American people. Engineering is a key component to providing the solutions our nation needs to take on the challenges that lie ahead. I am proud to tout the impressive engineering feats that have taken place throughout my district in both the public and private sectors of West Central Illinois. I hope to continue working with my colleagues on the S.T.E.M. Education Caucus to craft bipartisan, pro-engineering legislation to boost America to the forefront of global competitiveness once more.

America's future is only bound by our imagination. The imagination and innovation of America's engineers will continue to promote the growth and development of America, ensuring that our future will have no limit. Engineers have not only contributed to our stride in science and technology, but to our economy, our culture and our lives.

Madam Speaker, I commend my colleague from Illinois, Representative DANIEL LIPINSKI for introducing this worthy resolution which merits congressional action. I invite all of our colleagues to recognize National Engineers Week so that we may honor their contributions, past, present and future.

Mr. BLUMENAUER. Madam Speaker, I strongly support H. Res. 1097, Supporting the goals and ideals of National Engineers Week. Throughout my career at the local, State and Federal level, I have worked with engineers in Oregon and around the country on some of the world's biggest challenges. From addressing climate change to creating livable communities to helping deliver clean water to poor people around the world, engineers are often

the first to roll up their sleeves and build solutions.

Over the past 10 years, I have seen a revolution within the engineering community, as both companies and individuals have been playing increasingly innovative roles. Organizations such as the American Council of Engineering Companies and the American Society of Civil Engineers have done a tremendous job of educating Members of Congress and the public about the infrastructure challenges this Nation faces as well as presenting commonsense solutions. I hope they will continue to work to leverage their colleagues and their communities to make even more progress on these fronts.

Engineers are leading the charge to renew and rebuild America in an economically and environmentally sustainable way, and I am pleased that we can honor them with this resolution highlighting National Engineers Week.

Ms. JACKSON LEE of Texas. Madam Speaker, I stand before you today in support of H. Res. 1097, "Supporting the goals and ideals of National Engineers Week."

Let me begin by thanking my colleague Rep. DANIEL LIPINSKI for introducing this resolution, as it is important that we acknowledge and recognize the great influence and importance engineers have had over the last century in the development of our nation.

It is also important that we recognize that Engineers and those involved in emerging research and science hold the keys to the future development of our great nation. That is why it is necessary that we continue to invest not only in the education of our children in the areas of math and science but also in engineering programs at the high school, university and graduate school levels. By increasing our collective body of knowledge in these areas we will help ensure that the United States will continue to grow, develop and create new opportunities and ideas for future generations and maintain our competitive edge globally.

Engineers have played a major role in my district in Houston, Texas. Had it not been for the many fine Texas engineers, scientists and construction workers, many of the large projects that directly benefit Houston and its citizens would not exist today.

One of the largest of such projects is the Port of Houston, which sees over 212 million tons of cargo pass through its gates every year. The Port of Houston and the economic activity generated by the port are also attributable to nearly 785,000 jobs in the State of Texas alone. These jobs generate over \$39 billion in personal income annually.

Madam Speaker, engineers in Houston have also played a vital role in the construction of a new Metro light rail service which runs over approximately 8 miles of track from Downtown Houston to the Texas Medical Center and Reliant Park. This project has greatly helped the people of my district by decreasing both the pollution as well as the amount of traffic on the highways during rush hour, and by creating new affordable travel options for Houstonians.

In the Houston area, engineers have also provided the expertise and know-how over the past several decades in the construction of over 575.5 miles of freeways and express-

ways in the 10-county Houston metropolitan area. This vast network of highways and expressways has further helped Houston to grow into the international transportation hub that it is today.

Madam Speaker, with the advent of globalization, it is important that we work together with engineers, engineering firms and governments around the globe to foster better relations as well as create reliable infrastructures. Creating a more global and standardized network of reliable infrastructure would seek to improve transnational relations through increased trade, communications and further opportunities for travel and exchange.

Officially establishing the week of February 14, 2010, to February 20, 2010 as "National Engineers Week" would seek to increase national awareness of the importance engineers have in improving the lives of our citizens through public works and infrastructure projects. Also, by refocusing our efforts in education to include more engineering, math and science courses and curriculum, we can help to ensure that the United States continues to serve as the model of state-of-the-art engineering to the world.

I urge my colleagues to support engineers and their families across our country and support this resolution.

Mr. WU. Madam Speaker, I ask all Members to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 1097.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WU. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1500

#### CONGRATULATING UNITED STATES MILITARY ACADEMY AT WEST POINT

Mr. MARSHALL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 747) congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 747

Whereas Forbes magazine has named the United States Military Academy at West Point as America's Best College for 2009;

Whereas U.S. News & World Report has named West Point as the Best Public Liberal Arts College in the United States;

Whereas U.S. News & World Report has consistently rated West Point's undergraduate engineering program as among the best in the United States;

Whereas the United States has had a military presence at West Point since the Revolutionary War because of its strategic position overlooking the Hudson River;

Whereas General George Washington selected Thaddeus Kosciuszko to design West Point's fortifications in 1778;

Whereas West Point is the oldest continuously occupied military post in America;

Whereas President Thomas Jefferson established the United States Military Academy at West Point in 1802;

Whereas West Point has educated many of the United States Army's commissioned officers;

Whereas West Point instructs 4,400 cadets per year in academics, military tactics, physical fitness, and leadership—all free of tuition;

Whereas 1,000 cadets graduate each year and are commissioned second lieutenants in the United States Army;

Whereas 2 Presidents of the United States, 74 Congressional Medal of Honor recipients, 88 Rhodes Scholars, 33 Marshall Scholars, and 28 Truman Scholars have graduated from West Point;

Whereas, in addition to academics and military training, West Point offers extracurricular activities that include 115 athletic and non-sport clubs and the Eisenhower Hall Theatre; and

Whereas West Point offers a well-rounded, highly regarded education to the next generation of the Nation's leaders: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the United States Military Academy at West Point on being named by *Forbes* magazine as America's Best College for 2009;

(2) supports West Point's mission "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army"; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution for appropriate display to the Superintendent of West Point.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Georgia (Mr. MARSHALL) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. MARSHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MARSHALL. Madam Speaker, I yield myself such time as I may consume.

I rise today to support House Resolution 747, which was introduced by the gentleman from New York (Mr. HALL), which honors the recent accomplishments of the United States Military Academy at West Point for being named by *Forbes* magazine as America's Best College for 2009. I would like to thank my friend and colleague from New York (Mr. HALL), who is a member of the Veterans' Affairs Committee, for authoring this resolution and bringing it to the House floor.

The tradition of the West Point Military Academy has always been one of great achievement, and I am happy to be here today to recognize their excellence. I am particularly pleased to be here because my father and grandfather are both West Point graduates, now deceased. I should add that both Mr. HALL and myself are members of the Board of Visitors at West Point. So as you might imagine, we were pleased by the news that West Point had been named America's Best College by *Forbes*.

West Point has a tremendous history. Since the establishment of the academy at the direction of President Thomas Jefferson in 1802, West Point has been educating some of our Nation's best and brightest, who have gone on to distinguished service as officers in our United States military. West Point's mission is, and I quote, "To educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country, and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army." This mission exceeds the scholastic aims of most academic institutions, and it reflects America's need for military leaders with integrity and a commitment to service.

West Point continues to provide exceptional education that prepares officers for their roles as future military leaders year after year. While many institutions have long traditions of academic success, few match the continued contributions West Point Military Academy graduates make year after year to their country. It is no wonder that two Presidents of the United States, 74 Congressional Medal of Honor recipients, 88 Rhodes Scholars, 33 Marshall Scholars, and 28 Truman Scholars have graduated from West Point.

Madam Speaker, I urge my colleagues to support this resolution.

With that, I reserve the balance of my time.

Mr. JONES. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 747, congratulating the United States Military Academy at West Point on being named by *Forbes* magazine as America's Best College for 2009.

I want to commend Representative JOHN HALL of New York for sponsoring this legislation.

As our history shows us, West Point has a tradition of excellence that began with its establishment in 1802. For more than 200 years, our Nation in peace and war has been made a better place by the excellence of the leaders produced by the Military Academy. This most recent recognition of West Point by *Forbes* magazine is just the latest indication that the tradition of excellence continues.

For those of us whose duty it is in the House to be in close contact with Military Academy graduates, this recognition by *Forbes* magazine comes as no surprise. We are reminded frequently of the professional excellence and commitment to this Nation that West Point graduates consistently demonstrate. Those qualities in and of themselves are reason enough that we should remain supportive of this institution that has traditionally and consistently inspired young men and women to live such lives. I urge all Members to support this worthy resolution.

Madam Speaker, at this time I reserve the balance of my time.

Mr. MARSHALL. Madam Speaker, I would like to yield such time as he may consume to Mr. HALL of New York, who is the author of this resolution. He is also a member of the Veterans' Affairs Committee, and chairs the Disability Assistance and Memorial Affairs Subcommittee of the Veterans' Affairs Committee. He is a great Member of Congress, and he is also a great member of the Board of Visitors at West Point.

Mr. HALL of New York. Thank you, Mr. MARSHALL, and thank you, Mr. JONES, for your kind words of support of my legislation, House Resolution 747. Thank you as well to Chairman SKELTON and Ranking Member MCKEON for bringing this legislation through the Armed Services Committee to the House floor.

Madam Speaker, H. Res. 747 recognizes the achievement of the United States Military Academy at West Point for being named *Forbes* magazine's best college in 2009. Not best military academy, but best college overall. In fact, the headline on the front of that issue of *Forbes* said, "Why West Point Beats Harvard." And I think it is something that many of us don't realize, that not only is the academy turning out exemplary officers who will serve this country with great creativity and loyalty and imagination and energy, but they are turning out well-rounded students who know about a variety of very important subjects that are taught as well or better at that school as at any public or private university in the country.

I have the honor of representing West Point in the 19th Congressional District of New York, and the 4,400 cadets

who make up the student body at the United States Military Academy. I also have the honor, along with my friend, the gentleman from Georgia (Mr. MARSHALL), of serving on the West Point Board of Visitors.

The Forbes rankings were based on evaluations of students, the success of the graduates of the school, and on the average debt incurred by graduates. It is a great tribute to the caliber of the cadets, the faculty, and the administration of West Point to be ranked with and now above the other great institutions of higher learning in this country based on these important criteria.

Graduates of West Point have served their Nation with the highest level of skill, honor, and devotion for more than 200 years. More than 70 West Point grads have received the Medal of Honor for their service to our country. Each of the senior commanding generals in Iraq and Afghanistan are alumni. And 74 West Point graduates have given their lives in Afghanistan and Iraq.

West Point's cadets fully embody the academy's motto, "Duty, Honor, Country." West Point is a national treasure and a jewel of the Hudson Valley, where today's heroes and tomorrow's leaders are trained. I am proud of their accomplishments and pleased that they have gotten the recognition that they have earned. I am especially proud of my nephew, who will be one of the graduates of the class of 2010.

I ask my colleagues to join us in supporting H. Res. 747.

Mr. JONES. Madam Speaker, I would like to yield 4 minutes to the gentleman from Illinois (Mr. SHIMKUS), a West Point graduate himself.

Mr. SHIMKUS. Madam Speaker, I am honored to come to the floor with my good friend, Congressman JONES, and also two members of the Board of Visitors, Congressman HALL, who also represents that area, and Congressman MARSHALL, who served honorably in the Vietnam conflict and is a great friend. They both serve on the Board of Visitors, which I have recently been named on. I look forward to doing the job I guess next week, when we meet to continue the job.

Congressman MARSHALL did mention the mission of the United States Military Academy, which is, "To educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country, and prepared for a career of professional excellence and service to the Nation as an officer of the United States Army."

As was noted, I graduated in 1980. I had many of my classmates who are major commanders and leaders in the areas of battle today. The number one responsibility of the Federal Government is the protection of our citizens.

We do that by having a standing military. We have learned that the importance of having a professional military force is critical. Thomas Jefferson learned that and instituted the development of the United States Military Academy in 1802. The important thing that Thomas Jefferson did that was different, though, was he focused on raising the professional military Army out of the regular citizens of our country, thus developing this process of which we nominate and we accept. So that it is not an elite from the elite, but it is a perspective of all Americans.

Every young man or woman who achieves good grades, are kids of character, strong moral conviction, athletically fit and sound can compete for this opportunity for an education, which has been noted by the magazine article. But they do it for more than just a good education, because it is at great risk. Because what they have agreed to do is serve their country. And that is not a small decision to make in this environment.

I would like to submit for the RECORD since the global war on terror, since September 11, 2001, a list of those West Pointers who fell in the line of duty.

Lieutenant Colonel (Ret.) William E. Bowers	USMA 1979
Colonel James W. Harrison, Jr., U.S. Army	USMA 1981
Lieutenant Colonel Dominic R. Baragona, U.S. Army	USMA 1982
Colonel Brian D. Allgood, U.S. Army	USMA 1982
Colonel Theodore S. Westhusing, U.S. Army	USMA 1983
Lieutenant Colonel Michael J. McMahon, U.S. Army	USMA 1985
Mr. Douglas B. Gurian	USMA 1986
Lieutenant Colonel Paul J. Finken, U.S. Army	USMA 1989
Lieutenant Colonel James J. Walton, U.S. Army	USMA 1989
Major Curtis D. Feistner, U.S. Army	USMA 1990
Major William F. Hecker III, U.S. Army	USMA 1991
Major Guy Barattieri, U.S. Army	USMA 1992
Major Stephen C. Reich, U.S. Army	USMA 1993
Major Jason E. George, U.S. Army	USMA 1994
Captain Bartt D. Owens, U.S. Army	USMA 1994
Captain James F. Adamouski, U.S. Army	USMA 1995
Captain John F. Kurth, U.S. Army	USMA 1995
Captain Joshua T. Byers, U.S. Army	USMA 1996
Captain Matthew J. August, U.S. Army	USMA 1997
Captain Philip T. Esposito, U.S. Army	USMA 1997
Captain Michael J. MacKinnon, U.S. Army	USMA 1997
Captain Mark C. Paine, U.S. Army	USMA 1997
Captain Eric T. Paliwoda, U.S. Army	USMA 1997
Captain Ian P. Weikel, U.S. Army	USMA 1997
Captain Nathan S. Dalley, U.S. Army	USMA 1998
Captain Stephen W. Frank, U.S. Army	USMA 1998

Captain Ralph J. Harting III, U.S. Army	USMA 1998
Captain Christopher B. Johnson, U.S. Army	USMA 1998
Captain Dennis L. Pintor, U.S. Army	USMA 1998
Captain David A. Boris, U.S. Army	USMA 1999
Captain Douglas A. Diczko, U.S. Army	USMA 1999
Captain Brian S. Freeman, U.S. Army	USMA 1999
Captain Benedict J. Smith, U.S. Army	USMA 1999
Captain Corry P. Tyler, U.S. Army	USMA 1999
First Lieutenant Leif E. Nott, U.S. Army	USMA 2000
Captain Benjamin D. Tiffner, U.S. Army	USMA 2000
First Lieutenant David R. Bernstein, U.S. Army	USMA 2001
Captain John L. Hallett III, U.S. Army	USMA 2001
Captain Andrew R. Houghton, U.S. Army	USMA 2001
Captain Joe F. Lusk II, U.S. Army	USMA 2001
Captain Andrew R. Pearson, U.S. Army	USMA 2001
First Lieutenant Michael R. Adams, U.S. Army	USMA 2002
First Lieutenant Todd Bryant, U.S. Army	USMA 2002
Captain Brian M. Bunting, U.S. Army	USMA 2002
Captain Mark A. Garner, U.S. Army	USMA 2002
Captain James M. Gurbisz, U.S. Army	USMA 2002
Captain Drew N. Jensen, U.S. Army	USMA 2002
First Lieutenant Kevin J. Smith, U.S. Army	USMA 2002
Captain Torre R. Mallard, U.S. Army	USMA 2002
Captain Timothy J. Moshier, U.S. Army	USMA 2002
Second Lieutenant Leonard M. Cowherd, U.S. Army	USMA 2003
First Lieutenant Derek S. Hines, U.S. Army	USMA 2003
Captain Rhett W. Schiller, U.S. Army	USMA 2003
First Lieutenant Laura M. Walker, U.S. Army	USMA 2003
First Lieutenant Garrison C. Avery, U.S. Army	USMA 2004
First Lieutenant Benjamin T. Britt, U.S. Army	USMA 2004
First Lieutenant Amos "Camden" R. Bock, U.S. Army	USMA 2004
Captain Michael A. Cerrone, U.S. Army	USMA 2004
Captain John R. Dennison, U.S. Army	USMA 2004
Captain David M. Fraser, U.S. Army	USMA 2004
Captain Paul W. Pena, U.S. Army	USMA 2004
First Lieutenant Robert A. Seidel III, U.S. Army	USMA 2004
Captain Adam P. Snyder, U.S. Army	USMA 2004
Captain Daniel P. Whitten, U.S. Army	USMA 2004
First Lieutenant Dennis W. Zilinski, U.S. Army	USMA 2004
First Lieutenant Jonathan W. Edds, U.S. Army	USMA 2005
First Lieutenant Matthew C. Ferrara, U.S. Army	USMA 2005
First Lieutenant Jacob N. Fritz, U.S. Army	USMA 2005
First Lieutenant Thomas M. Martin, U.S. Army	USMA 2005

First Lieutenant Phillip I. Neel,  
U.S. Army ..... USMA 2005  
Second Lieutenant Emily J. T.  
Perez, U.S. Army ..... USMA 2005  
First Lieutenant Timothy W.  
Cunningham ..... USMA 2006  
First Lieutenant Nick A.  
Dewhirst, U.S. Army ..... USMA 2006  
Second Lieutenant Michael R.  
Girdano, U.S. Army ..... USMA 2007  
First Lieutenant Daniel B. Hyde,  
U.S. Army ..... USMA 2007  
First Lieutenant Tyler E. Parten,  
U.S. Army ..... USMA 2007.

Notably, there are three from the class of 2007 so far in this campaign. So these are real patriots and these are young men and women who since the attacks—in fact, if you are at the academy and you go out to Lake Frederick and climb up on the hill and get on one of the old fire stands, you can see the outlines of New York City. And when I was there as a young man, you could see at that time the World Trade Center, which is no more.

West Point still inspires dedication, commitment, and young men and women who want to serve their country at a great institution of higher learning, being prepared to put their lives on the line in the defense of their country.

So I appreciate this time just to highlight what we do at West Point, but also at our other academies, the Naval Academy, the Air Force Academy—that is hard for me to say—Coast Guard Academy, Merchant Marine Academy. And we want to make sure that all our young men and women know that they have a great opportunity to serve their country, the best one being at West Point. And I look forward to working with my colleagues to make sure that commitment to excellence continues for many years to come.

I thank my colleague for giving me the time.

Mr. MARSHALL. Madam Speaker, I appreciate the words of Mr. SHIMKUS. I appreciate his service. I hope everybody takes those words to heart.

I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Speaker, I thank Mr. MARSHALL for recognizing me for this period of time.

I want to recognize Mr. HALL for his leadership in bringing this resolution to the floor and for his service to the congressional district which includes West Point, and Mr. JONES on the Republican side, who has been a good friend and colleague.

I have always taken pride in sending good young people to the service academies, including West Point. And now I can say that for those who are going to West Point that Forbes has selected your institution as the finest college in America in 2009. I do believe, though, that these young people who go to our service academies are there not only to get a great education, they are there

for service, and the highest kind of public service, because it puts them at great personal risk.

My first recollection of visiting West Point was at the age of 8. At that point I was an immigrant child. I am not sure that I knew English completely, but I could read well enough to read the stone, that not too large stone there that has a very large phrase on it: “Duty, Honor, Country,” the words that the United States military has lived by, under civilian leadership, for over 200 years. And I want to honor that long gray line that I saw in 1962. I just also wonder whether those academy graduates from the class of ’63 or ’64, whether there are any left in active service, and perhaps they would be a four-star today.

□ 1515

There is a long line of service. Thank you very much, Mr. MARSHALL and Mr. HALL, for bringing this resolution to us.

Mr. JONES. Madam Speaker, I just want to briefly thank Mr. HALL and everyone who has spoken today.

I do not know a bigger thrill for me, as a congressman, when I call a young person in my district, whom I have nominated to one of the three academies, to tell them to expect a letter of appointment. It is a thrill that every time I make the call, every time it is a thrill.

I want to thank Mr. HALL for this resolution today and also Mr. MARSHALL and those who have spoken.

I yield back the balance of my time.

Mr. MARSHALL. Madam Speaker, earlier this year, the President made an announcement concerning troop buildup, the proposed plan where Afghanistan is concerned and the plan to increase the presence of American soldiers there. He made the announcement in Eisenhower Hall at West Point. I was privileged, along with Mr. HALL and a few other Members of Congress, to attend that. I was really struck by the fact that the Commander in Chief, our President, was talking to thousands of young men and women, some of whom, for sure, will wind up being injured, protecting our country in Afghanistan.

I am wearing my infantry tie today. I have my CIB on. I had the privilege of having a couple years of service back during the Vietnam War. And I say it's a privilege, and I view it that way. People will often say to me, Thank you for your service. And sometimes I will respond, You don't really need to thank me. I got more out of this than I gave.

I encourage all young Americans to think about attending one of our academies. West Point has received its recognition as the best college in the United States, but all of the academies give wonderful educations, and they give you a wonderful opportunity to serve. It almost certainly will wind up

being the most extraordinary thing that you do during your lifetime should you choose to go through one of the academies and then serve in our military. That's certainly the case where I am concerned, and I have done a lot of things in my life.

The most extraordinary time in my life was when I was in service, particularly when I was in combat. So I thank the country for having given me that opportunity. And if you're a kid and you are thinking about college, you ought to think about our service academies. You not only get a great education, but you have an opportunity to serve in a way that you will not be able to serve in any other capacity in this country, and you will really feel good about it if you do it well.

So I thank Mr. JONES. He is a great member of the Armed Services Committee, a great Member of this Congress, and a real supporter of the military.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 747, “Congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009,” brought forth by my esteemed colleague, Representative JOHN HALL of New York.

Forbes Magazine describes the Academy as, “Marked by an intense work ethic and drive to succeed on all fronts.” This approach to learning is the representation of what these great United States was founded on and, in the present day, what we make every effort to maintain. The belief system of the United States Military Academy doesn't just prepare a group of students to become soldiers, but it prepares individuals for life and molds them into the moralistic citizens that will help reshape and reform the United States as we embark upon a new era in history. This academy is a leader in development and engineering with the mission to educate, train, and inspire future leaders.

I have always been an advocate for our troops and it just gives me such pride and joy to see that the origins and belief system, upon which all our troops are grounded, are on display as being the prime elements of success in these pressing times. Texas, as many may know, deploys the most soldiers to various parts of the world. So it does my heart a great service to know that the U.S. Military Academy at West Point equips our soldiers with the skills needed to protect and advance our nation's interest.

Madam Speaker, it is commendable that this top ranking school stresses among its students the importance of good solid values that seem to have lost their luster over time. For example, its policies include a curfew of 11:30 p.m. and no alcoholic beverages in the dorms; rooms must be meticulously clean; self-pride in students' appearance is a must and being a debtor is not an option—the only debt that is owed upon graduation is the debt of duty to one's country. It is not surprising that this institution is top ranked.

The United States Military Academy at West Point in the state of New York has earned the

title of Best College for 2009 because of its attention to detail and its great distinction in proficiency, in addition to their undisputed service to our nation. I can see no better way for this 111th Congress to acknowledge and praise this fine institution of "life learners," for its diligent work in producing well-rounded citizens, leaders, innovators and protectors than to congratulate the institution here on the House floor.

Mr. MARSHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 747.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MARSHALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING 139TH AIRLIFT WING

Mr. MARSHALL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 699) expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 699

Whereas the 139th Airlift Wing (AW), Air National Guard has its roots in the formation of the 180th Bombardment Squadron (Light), which was one of the first federally recognized Air National Guard units in the United States;

Whereas the 180th Bombardment Squadron deployed in support of the Korean War in December 1951;

Whereas in 1976, the unit was redesignated as the 139th Tactical Airlift Group (TAG);

Whereas in 1990, the 139th TAG assisted in troop deployment during Operation Desert Storm;

Whereas in 1992, the unit was redesignated the 139th Airlift Group (AG);

Whereas, between 1992 and 1996, the 139th AG supported humanitarian operations in Bosnia, Sarajevo, Africa, and Haiti;

Whereas in 1995, the unit officially became known as the 139th Airlift Wing;

Whereas, between 1998 and 2004, the 139th AW supported military operations alongside North Atlantic Treaty Organization (NATO) forces as part of Operation Joint Forge in Europe;

Whereas in 2002, the 139th AW deployed in support of Operation Enduring Freedom in Afghanistan;

Whereas in 2005, the 139th AW assisted with disaster relief efforts in response to Hurricane Katrina;

Whereas in December 2007, the 139th AW was enlisted to support efforts in response to

a devastating ice storm that struck Northwest Missouri; and

Whereas the 139th AW hosts the renowned Advanced Airlift Tactics Training Center (AATTC);

Whereas NATO air forces utilize the AATTC in support of training operations;

Whereas in 2008, the Headquarters United States Air Force General Officers' Steering Committee approved a Total Force Integration Initiative designating the AATTC as a blended unit of Air National Guard, Air Force Reserve, and Regular Air Force members;

Whereas in 2008, the AATTC was designated the Mobility Air Forces Tactics Center of Excellence;

Whereas nearly 2,500 civilians and military personnel from Northwest Missouri and Northeast Kansas serve selflessly in the 139th AW: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the exemplary service and sacrifice of the members of the 139th Airlift Wing and their families; and

(2) commends the members of the 139th AW and their families (and all of the other members of the Armed Forces who have served, or who are currently serving, in support of United States military contingency operations) for their service and sacrifice on behalf of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. MARSHALL) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. MARSHALL. I ask that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MARSHALL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 699, recognizing the service and sacrifice of the members of the 139th Airlift Wing of the Air National Guard. I would like to thank my colleague, the gentleman from Missouri (Mr. GRAVES), for bringing this resolution before the House.

Units of the Air National Guard play a critical role in America's wars and major contingencies as well as provide valuable assistance to their States in times of crisis. I'm extraordinarily proud of Georgia's Air National Guard and the 116th blended wing that's housed at Robins Air Force Base. The 139th Airlift Wing has roots in one of the federally recognized Air National Guard units in the United States, and it continues to be an important part of defense efforts at home and abroad.

The unit deployed in support Operation Enduring Freedom in Afghanistan and assisted in troop deployment during Operation Desert Storm. In the 1990s, the 139th supported humani-

tarian operations in Bosnia, Sarajevo, Africa, and Haiti. In addition to their efforts overseas, in 2005, they assisted with disaster relief efforts in response to Hurricane Katrina. Today, thousands of civilian and military personnel from northwest Missouri and northeast Kansas serve selflessly in the unit.

The 139th Airlift Wing provides essential support to maintenance and growth of the armed services. The unit is home to the Advanced Airlift Tactics Training Center that trains U.S. airlift crews and support personnel as well as NATO air forces in advanced tactics training.

House Resolution 699 recognizes the dedication and courage of not only the members of the 139th Airlift Wing and their families and service to the Nation, but also all of the members of the Armed Forces who have served or are currently serving in support of the United States military contingency operations. All our servicemembers and their families deserve our deepest gratitude and respect.

I urge my colleagues to join me in recognizing the exemplary service and sacrifices of the 139th Airlift Wing by supporting House Resolution 699.

I reserve the balance of my time.

Mr. JONES. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 699, which recognizes the service and sacrifice of the members of the 139th Airlift Wing, Missouri Air National Guard. I want to commend my friend SAM GRAVES of Missouri for sponsoring this legislation.

The 139th Airlift Wing is a remarkably diverse and capable unit. For example, one of its major subordinate units is the Advanced Airlift Tactics Training Center. That unit exemplifies the total force concept because its members come not only from the Air National Guard but also from the Air Force Reserve and the active Air Force. They provide advanced tactical training to improve the effectiveness and suitability of airlift crews from all components of the Air Force—the Special Operations Command, the Marine Corps, and 15 allied nations.

Members of the wing have deployed in support of operations in Iraq and Afghanistan, to include providing the security element for a Missouri agribusiness development team that returned last fall from a year-long mission in Afghanistan. The success of the 139th Airlift Wing is directly related to the dedication, sacrifice, and professionalism of the nearly 2,500 civilian and military personnel who carry out the unit's missions. Their efforts deserve our recognition and thanks. For that reason, I urge all Members to support this resolution.

Madam Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GRAVES) who introduced this resolution.



Mr. GRAVES. Madam Speaker, last July I was humbled and honored to introduce House Resolution 699, expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Missouri Air National Guard. Since World War II, the men and women of the 139th have been based at Rosecrans Memorial Airport in St. Joseph, Missouri, which is in my district.

First, I want to thank Chairman SKELTON and Ranking Member McKEON for allowing this important resolution to come to the floor today. And further, I want to thank my colleagues who joined me in cosponsoring this resolution and helping move forward such an important tribute. I would also like to recognize the 139th Airlift Wing's commanders—at least those whom I have been able to work with—General Steven McCamy, Colonel Davenport, General Stephen Cotter, and, most recently, the new commander, Colonel Mike McEnulty. Colonel McEnulty has been a dynamic leader in working to continue and expand the role of the Missouri Air National Guard, and he is an invaluable resource to my office, our military, and, obviously, the St. Joseph community.

The 139th Airlift Wing, initially designated as the 180th Bombardment Squadron, has been serving our Nation proudly since 1946, which makes it one of the first federally recognized Air National Guard units in the Nation. They have deployed, and it has already been pointed out, they have deployed and supported the Korean War, Operation Desert Storm, military operations alongside NATO forces as part of Operation Joint Forge in Europe, and Operation Enduring Freedom in Afghanistan. And the members of the 139th Airlift Wing have also assisted with humanitarian efforts in response to the great flood of 1993, Hurricane Katrina, severe storms that struck northwest Missouri in 2007, and most recently in response to the devastating earthquake in Haiti.

In 1984, the 139th Airlift Wing became home to the Advanced Airlift Tactics Training Center, which some have already pointed out today. The Advanced Airlift Tactics Training Center increases the warfighting effectiveness and the survivability of mobility forces in a combat environment and is utilized by our military and NATO forces from around the world. It is used by Reserve units and active duty units.

It's always interesting, whenever I have the opportunity to travel abroad, whether it's to Afghanistan or to Iraq, a lot of times Members of Congress would travel with C-17 crews or C-130 crews, and one of the things I always ask them is if they've been through the school at St. Joe, and 80 percent of the time they say, yes, they have. They've been to the Advanced Airlift Tactics Training Center, which has taught them survivability in those areas.

Lastly, I want to express my sincere gratitude to the nearly 2,500 civilian and military personnel from northwest Missouri and northeast Kansas which serve selflessly in the 139th Airlift Wing. I commend their exemplary service and sacrifice and that of their families and that of all other members of the Armed Forces who have served, who are currently serving and are supporting the United States military contingency operations at home and abroad.

Madam Speaker, please join me in thanking the men and women of the 139th Airlift Wing by supporting this important resolution.

Mr. JONES. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 699—honoring and recognizing the significant service and contribution of the men and women of the 139th Airlift Wing, Air National Guard. I would like to pay tribute to their historic past and mission-essential present.

Citizen-soldiers have played a central role in America's defense since the first English colonists settled in North America during the early 17th century. Subsequently, throughout most of our history, the American people have relied upon the militia and National Guard as well as volunteers to provide the vast bulk of their militia manpower in times of war.

These citizen-soldiers have also aided their states in coping with natural disasters and civil unrest. The dual mission—both state and federal—has served as a source of great pride among guardsmen for generations and has helped maintain the highest retention statistics among reserve components. This close relationship between the Guard and the states has also helped knit the fabric of the United States Armed Forces as one of the most trusted institutions in the federal government. The Air National Guard proudly represents the heritage of the citizen airman.

On 18 September 1947, the Air National Guard was born as an independent reserve component of the Air Force. It retained experienced aviators, maintainers and support personnel from World War II, allowing for a legitimate and ready national defense capability. These sons and daughters of America were prepared to defend their country on the front lines and the home front.

The 139th Airlift Wing, a military organization well worthy of recognition and praise, has a long and glorious history. Originally named the 139th Air Transport Group, it was a derivative of the 180th Bombardment Squadron, one of the first federally recognized Air National Guard units in the nation, and was allotted to the state of Missouri at Rosecrans Air National Guard Base, Saint Joseph, Missouri as a part of the Military Air Transport Service.

It was redesignated as the 139th Military Airlift Group on 1 January 1966 when the Military Air Transport Service was deactivated and superseded by the Military Airlift Command. It was redesignated again as the 139th Air Refueling Group on 6 September 1969 within the Tactical Air Command; it was a major contributor during the Vietnam war.

The 139th as an organization continued to lead the way in defending America as it under-

went a series of redesignations, inactivations and mission consolidations until its final designation as the 139th Airlift Wing on 1 October 1995 assigned to the Air Combat Command. Two years later the airlift mission with all C-130 units was changed from Air Combat Command to Air Mobility Command.

The 139th Airlift Wing has a long and outstanding record of getting airmen, soldiers and marines, equipment and supplies to and from the fight. This was clearly demonstrated with the massive troop deployment during Operation Desert Storm which was key in delivering a swift and virtually uncontested victory.

This unit served as the hub while America supported humanitarian operations in Bosnia, Sarajevo, Africa, and Haiti. It delivered tens of thousands of tons of relief support and medical and support personnel.

The 139th Airlift Wing deployed in support of Operation Enduring Freedom in Afghanistan with 215 missions and provided 918 sorties. Additionally, the wing is the host of the world renowned Advanced Airlift Tactics Training Center (AATTC). This center, a Total Force Integration Initiative, is a combination of Air National Guard, Air Force Reserve, and Regular Air Force members, and supports NATO air forces training operations.

The civilian airmen of the 139th Airlift Wing played a considerable role in supporting natural disasters and emergencies on the home front as well. They provided disaster relief in response to Hurricane Katrina and the devastating ice storm that struck Northwest Missouri.

The 139th Air Wing is currently supporting Operation Coronet Oak in Puerto Rico and was vital in the rapid relief to Haiti in support of Operation Unified Response. They provided 11 sorties and delivered 23,000 pounds of cargo to mitigate suffering in the middle of the devastated country.

Once again I am very proud of our Armed Services, especially the men and women that make up the 139th Airlift Wing. We pay tribute to our civilian airmen force for their courage, sacrifice and patriotism. We all owe you a debt of gratitude and our undying support.

Mr. MARSHALL. Madam Speaker, I certainly hope that the House will support House Resolution 699.

I just want to take this opportunity, on behalf of all members of the Armed Services Committee and all Members of the Congress, to thank the men and women of our National Guard, whatever branch, for the service that you provide this country and particularly the service that you are providing this country in our contingency operations. It's a strain on you. It's a strain on your families, and we're grateful. The Nation owes you. We appreciate your service.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 699, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.



Mr. MARSHALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING MILITARY WORKING DOG PROGRAM

Mr. MARSHALL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 812) recognizing the significant contributions of the Military Working Dog (MWD) Program to the United States Armed Forces, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 812

Whereas the Military Working Dog Program, or K-9 Corps, was developed in 1942, shortly after the United States entered World War II;

Whereas all four branches of the United States Armed Forces as well as other government agencies, including the Secret Service, Central Intelligence Agency, and Transportation Security Administration, use Military Working Dogs in service to the country;

Whereas Military Working Dogs are trained in explosive detection, narcotic detection, sentry, patrol, tracking, and other specific areas;

Whereas Military Working Dogs, through their training, have prevented injuries and saved the lives of thousands of United States citizens;

Whereas more than 19,000 Military Working Dogs were acquired by the United States Armed Forces during World War II and of those 19,000, a little more than 10,000 Military Working Dogs were utilized in the war effort;

Whereas more than 1,500 Military Working Dogs were employed during the Korean War and 4,500 in the Vietnam War;

Whereas, since September 11, 2001, Military Working Dogs have served in Iraq and Afghanistan and have been employed in detection work as part of homeland security and defense efforts;

Whereas today approximately 2,000 Military Working Dogs serve at nearly 170 United States military bases worldwide, including bases in 40 States and 3 United States territories;

Whereas retired Military Working Dogs are recognized for their lifetime of service in the United States Armed Forces; and

Whereas charitable organizations and community groups are recognized for their work in coordination with the Department of Defense to help bring Military Working Dogs stationed overseas home to the United States for adoption when their active duty days are over and provide support to active K9 military teams worldwide: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the significant contributions of the Military Working Dog Program to the United States Armed Forces;

(2) honors active and retired Military Working Dogs for their loyal service and dedication to protecting the men and women of the United States Armed Forces; and

(3) supports the adoption and care of these quality animals after their service is over.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. MARSHALL) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

##### GENERAL LEAVE

Mr. MARSHALL. I ask that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MARSHALL. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 812, recognizing the significant contributions of the Military Working Dog Program to the United States Armed Forces. I would like to thank my colleague from New Jersey (Mr. LANCE) for bringing this measure before the House.

Military working dogs contribute essential services to our Armed Forces through their capacity to detect explosives, illegal narcotics, and unwarranted persons beyond the capacity of any human patrol. They offer an invaluable ability for tracking missing people as well as fleeing suspects. Their support with sentry is crucial for the protection of our soldiers and civilians, and they are vital in so many different roles. Our military would not be as effective without them.

Military working dogs serve the four branches of the military, the Secret Service, the Central Intelligence Agency, and the Transportation Security Administration. Their service has developed and expanded since their implementation in 1942 during World War II and has since played important roles overseas in Korea, Vietnam, Iraq, and Afghanistan.

□ 1530

The Military Working Dog Program has increased its role in safeguarding our homeland. Since September 11, 2001, our expanded homeland and defense efforts would not be as effective if it were not for the expanded effort of the Military Working Dog Program. Thousands of dogs serve every year both in the United States and around the world, and I am glad to be here today in honor of their service.

I reserve the balance of my time.

Mr. JONES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 812, which recognizes the significant contribution of the Military Working Dog Program to the United States Armed Forces. Dogs have long been known as man's best friend. They are brave, loyal, and trustworthy. It is not a coincidence

that these are the same traits so valued by the United States military services. It is these qualities that have made our Armed Forces unsurpassed. It is no wonder that the natural bond between man and dogs and these shared characteristics have made military working dogs vital to the success of our Armed Forces since the K-9 Corps was established during World War II.

Prior to the Second World War, the only dogs employed by the military were sled dogs used by the Army in Alaska. War dogs, as they were called in World War II, were trained to be sentry dogs, scouts or patrol dogs, messenger dogs, and mine-detection dogs. Today, military working dogs provide critical services in explosives and narcotics detection, sentry, patrol, and tracking, not only to the military services but to the Secret Service, Central Intelligence Agency, and the Transportation Security Administration.

Currently there are over 2,000 military working dogs serving at military bases throughout the world. Over 250 are serving in Iraq and Afghanistan alongside our troops fighting to rid the word of tyranny and terrorism. These dogs are credited with saving countless American and coalition lives by their actions and are recognized as a true force multiplier and enabler.

Sadly, military working dogs experience the same hardships and horrors of combat as the men and women they work to protect, including paying the ultimate price with their lives. Since the beginning of the program, hundreds of dogs have been killed in action, 281 in the Vietnam War alone.

On a brighter note, Madam Speaker, today's military working dogs are retired after their lifetime of military service. With the help of the countless charitable and community agencies working with the Department of Defense, these dogs are placed for adoption after their active duty service is over. They bring joy to their adoptive families and serve as ambassadors for the Military Working Dog Program.

Madam Speaker, I would like to thank the gentleman from New Jersey for introducing this resolution to recognize the extraordinary military working dogs. I join him and all of my colleagues to honor these incredible dogs and their military handlers and to support adoption of military working dogs who have served this Nation so well. I therefore strongly urge all Members to support this resolution.

Madam Speaker, I yield 5 minutes to the gentleman who introduced this legislation, the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Speaker, I thank the gentleman from North Carolina and the gentleman from Georgia.

Madam Speaker, I rise today as the proud sponsor of House Resolution 812, legislation to honor and recognize the

significant contributions made by military working dogs to the United States military and to our Nation.

Dogs have been used by people to help protect themselves and their property since ancient times. Trained dogs have been used by most of the world's military forces since the first military units were organized. From these ancient beginnings, the U.S. Armed Forces adopted the Military Working Dog Program, called "the K-9 Corps," shortly after the attack on Pearl Harbor, when dog owners across the Nation donated their noble pets to assist soldiers and sailors in the World War II effort.

Since that time, military working dog training has been continually refined to produce a highly sophisticated and versatile extension of the warrior's own senses. Military working dogs are trained in explosives detection, narcotics detection, sentry, patrol, tracking, and other specific areas. Even the most complex machines remain unable to duplicate the operational effectiveness of properly trained working dogs.

The branches of the United States Armed Forces as well as several other governmental agencies incorporate military working dogs into their operations, including, as has been mentioned, the Secret Service, the Central Intelligence Agency, and the Transportation Security Administration.

The United States military utilized more than 10,000 dogs in World War II. More than 1,500 military working dogs were employed during the Korean War, and 4,500 in the Vietnam War. Since September 11, military working dogs have served not only in Iraq and Afghanistan but also in detection work as part of homeland security and defense efforts. Approximately 2,000 military working dogs currently serve at nearly 170 U.S. military bases worldwide, including bases in 40 U.S. States and three U.S. territories. Over the past six decades, these dogs have helped prevent injuries and have saved the lives of thousands of Americans.

This resolution to honor these brave canines was inspired by a military working dog that was adopted by a family in Fleming, New Jersey, in my congressional district. Military Working Dog Ben C020 was retired from the Air Force last July after nearly 11 years of loyal service in the military. Ben, trained as a narcotics and patrol dog, served with a security unit at Bolling Air Force Base. As the premium narcotics dog in the unit, he was selected to deploy to Texas to assist the United States Customs and Border Protection agency, where he detected and prevented 300 pounds of marijuana from being smuggled into the U.S. in one month. Ben also worked in law enforcement, foot patrols, and resource security to keep employees, residents, and visitors at the Air Force base safe. In September, the Air Force awarded

Ben with a medal of commendation to recognize the major achievements that he has achieved throughout his career.

House Resolution 812 also recognizes community organizations for their efforts to assist in the adoption process of retired military working dogs. J.T. Gabriel, a constituent of mine and Ben's new owner, is the chief executive officer and founder of K-9 Soldiers, a nonprofit organization that supports military K-9 troops worldwide. In addition to providing support for active military working dog units, K-9 Soldiers and many other community groups work closely with the adoption program at Lackland Air Force Base in Texas to help secure a home for military working dogs once they retire. Thanks to their efforts, hundreds of retired military working dogs have been able to find good homes and continue to lead happy and healthy lives after their years of loyal service to the Nation.

I thank the chairman and the ranking member for allowing us to bring this resolution to the floor, and the Members who are cosponsors of House Resolution 812. I encourage all of my colleagues to support this resolution and honor the thousands of active and retired military working dogs that have helped save lives and protected the members of our Armed Forces in harm's way.

Mr. MARSHALL. Madam Speaker, I yield myself such time as I may consume.

I simply observe that our very effective military dogs cannot function at all without their handlers, and so I would just like to recognize and thank those who work with these dogs and make them all they can be. The dogs are very important to security efforts by our Armed Forces, and without their handlers and the general support they receive from others, they would not be effective at all.

I reserve the balance of my time.

Mr. JONES. Madam Speaker, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today in support of House Resolution 812 recognizing the significant contributions of the Military Working Dog Program to the United States Armed Forces, and I thank my good friend from New Jersey for bringing forth this resolution.

As my colleagues have stated, military working dogs have served side by side with the brave men and women protecting our Nation. They serve as loyal companions in combat and beyond to their handlers. Many of these working dogs serve on the front lines as bomb sniffing dogs, detecting explosives and other threats, but also working narcotics detection, patrols, and even as sentries, alerting our brave soldiers when they are in danger.

Back in 2005, then Air Force Tech Sergeant Jamie Dana and her military working dog Rex were traveling in a convoy in Kirkuk, Iraq, after searching several villages for explosives. Rex, a 5-year old, 80-pound German shepherd, had been working with Dana for more than 3 years. Returning to base that evening, her Humvee was hit by an improvised explosive device. Dana was the most badly injured in the convoy, and was rushed to the operating room by helicopter, continuously asking if Rex had survived the blast.

"My heart was broken," Dana said. "He was my best friend. Rex and I were together 24/7, and my life was in his hands, just as his life was in mine. I thought he was dead."

Dana then went through several surgeries and defied the odds, continuing to improve and get better. During her recovery at Walter Reed, she awoke one day to find a big surprise: Rex was there, alive, with little more than a slight burn on his nose.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JONES. Madam Speaker, I yield an additional 2½ minutes to the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Dana's best friend, Rex, was alive. However, the reunion was short-lived as Rex was scheduled to be brought back into service.

Growing up in Smethport, Pennsylvania, in Pennsylvania's Fifth Congressional District, Dana has always loved animals, especially dogs and horses. During her recovery, she repeatedly asked to adopt Rex. However, she was not allowed to keep him until Congress, recognizing the importance of military working dogs, passed a measure that would allow certain exceptions for wounded veterans. Tech Sergeant Dana and others put their lives on the line every day in defense of this country, but so do their dogs. Their activities have truly touched the lives of so many, and I urge my colleagues to join me in supporting this resolution honoring military working dogs.

Mr. JONES. Madam Speaker, I would think it is appropriate that I might say to everyone who has spoken today, thank you for your comments, but also I would like to share that the House has passed legislation that would allow a war dog memorial to be built at no expense to the taxpayer, either the building of the memorial or the upkeep. With that I would like to say to the gentleman from Georgia, it is a pleasure to work with you. You are one of the gentlemen who I have a greatest respect for in this House for your integrity.

Madam Speaker, I yield back the balance of my time.

Mr. MARSHALL. Madam Speaker, I appreciate the gentleman from North Carolina saying that since he is widely viewed in the House as being nothing but integrity.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res. 812—to honor and recognize the significant contributions of the Military Working Dog, MWD, Program to the United States Armed Services in support of national security.

Throughout the histories of warfare, from the days of the Egyptians, the Greeks and the Persians and the conquests of the Roman Empire to the United Nation's Police Action in Korea, the war in Vietnam, the Gulf Wars, and more recently during the Overseas Contingency Operations, dogs have undergone active service at the sides of their masters, they have played the role of hero, by showing bravery under fire, saving lives (often by sacrificing their own), and bringing comfort to the injured and infirmed.

The call of modern warfare, as the Gulf Wars and later conflicts have demonstrated, exemplifies our use of the most sophisticated, technologically advanced equipment that the United States could procure to bring swift and decisive victory for a just cause. To this end, the U.S. had in the past expended every available resource to meet the ultimate goal while protecting the lives and resources of those fighting for it. Although the face of war has changed, some fundamental tools and weapons used in combat have not.

Canines or War Dogs were used in warfare throughout history supporting combat operations. Long before the invention of gunpowder, dogs were gathered in columns; many of them clad in armor and spiked collars by the military forces of the Roman Empire. One of the first uses of canines in the United States Armed Services was during the bleakest time in this country's history, the Civil War, where dogs were used as messengers, guards and as mascots.

Noting the overall contribution to the military forces' effectiveness the United States Armed Service made the canine force a formal part of the its military structure with the inception of the first War Dog Reception and Training Center established at Front Royal, Virginia in August of 1942. The completion of this center allowed for the training of 200 men and 500 dogs. But the enormous influx of dogs pushed these numbers up to 400 men and 900 dogs by June of 1943.

Within a year the Armed Forces had procured up 11,000 War Dogs to serve in a variety of capacities—Sentry Dogs, trained to assist in guard duty at arsenals, ammunition dumps, ration depots, and water works; Attack Dogs, early in the canine program these dogs were limited in production but were invaluable in beach patrols or in any situation where trespassers might be at a distance from the sentry; Tactical Dogs, used in combat situations; and Silent Scout Dogs, trained as tactical dogs to give silent warning to their handlers of the presence of enemy troops.

Additionally, there were also Messenger Dogs, trained to deliver messages on the battlefield as they were swift, sure of foot and could find their way in any type of weather. Casualty Dogs were trained to aid the medical corps in finding wounded soldiers on the battlefield and finding injured individuals in debris caused by bombings. The Sledge Dogs were particularly skilled in finding downed Airmen, Soldiers and marines in snowbound regions

inaccessible by normal means. Then there were the Pack Dogs, trained to transport loads of up to 40 pounds. They would be able to work with field units in carrying small machine guns, ammunition and food.

During the Gulf War, at least 150 highly trained German Shepherds were used by the United States Armed Services to guard and protect their troops, supplies and aircraft.

Military Working Dog, MWD, teams—dogs and handlers—perform a function vital for force protection. An estimated 2,300 working dogs were serving within the U.S. Department of Defense as late as 2004. These teams, from every military service, are deployed worldwide to support the war on terror, helping to safeguard military bases and activities and to detect bombs and other explosives before they inflict harm.

The MWD teams are an integral part of the U.S. mission in Iraq and Afghanistan, devoting many hours to carrying out all the traditional roles of military dogs. Guard duty is a basic MWD function, but their additional responsibilities include base security, individual and crowd control, tracking, and explosive and narcotic detection. Most dogs are dual-purpose trained: police dogs first, then with a specialty skill such as bomb detection.

In Iraq and Afghanistan, several hundred Military Working Dogs perform their duties in the same hazardous environment as their handlers and other soldiers. They take on small arms fire, are bombed, suffer through the heat and sandstorms and a list of other dangers. However, they serve next to their handlers and soldiers without wavering.

These warrior canines are truly an American treasure and after their patriotic service has expired and they are eventually retired we should all support their immediate adoption into a caring home.

Again, I am an avid supporter of our military in all capacities including the Military Working Dog Program. These highly trained canines and their handlers are on the front lines of our national security and should be commended for years of dedicated and courageous service.

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize some of the unsung heroes of our ongoing military campaigns in Afghanistan and Iraq: the Military Working Dogs (MWDs). For over 60 years, military dogs have been working, serving, and risking their lives alongside our brave servicemen and women around the world. Like their handlers, these Military Working Dogs have served this country with honor and distinction, keeping our country safe both at home and abroad.

During World War I, many dogs, beginning with the first military dog, Sergeant Stubby, served alongside American forces overseas. On March 13, 1942, the Army Quartermaster Corps officially recognized and incorporated the so-called K-9 Corps. Between 1942 and 1945, over 10,000 dogs were trained in the War Dogs program. Military dogs have continued to play an important role in the U.S. Armed Forces through the 20th century and into the 21st. Today, these four-legged soldiers serve alongside our soldiers overseas, searching for explosive components, drugs, and IEDs. As they do every day in our homes

and yards, these dogs have proven to be man's best friend on the battlefield as well.

I became aware of the important work of Military Working Dogs through Frank Yevchak, a constituent from Hewitt, NJ and founder of Support Our Four-Legged Soldiers. Frank and his organization have sent thousands of dollars of supplies to MWD handlers stationed in Balad, Iraq. Supplies range from cooling vests and blankets to toys and treats—whatever the handlers need to keep the dogs comfortable and able to complete their important jobs. Frank also includes letters and cards from local students in the care packages. Most recently, Frank has partnered with Macopin Middle School in West Milford. In the fall and winter, the "Paws of Love Campaign" at the school was able to raise \$1,200 for our soldiers and canine companions.

As a dog owner, I understand the important traits of loyalty, courage, and dependability that these dogs give to our Armed Forces. Today, one day shy of the Military Working Dogs' 68th birthday, I recognize the important work of Military Working Dogs and thank their owners, trainers, handlers, and supporters for all they do for our soldiers and our Nation.

Mr. MARSHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 812, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Recognizing the significant contributions of the Military Working Dog Program to the United States Armed Forces."

A motion to reconsider was laid on the table.

□ 1545

#### RECOGNIZING LOUISIANA STATE UNIVERSITY

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1072) recognizing Louisiana State University for 150 years of service and excellence in higher education, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1072

Whereas classes began at Louisiana State University, formerly named Seminary of Learning of the State of Louisiana, on January 2, 1860;

Whereas Louisiana State University is the flagship institution of the State of Louisiana, and is a land-grant, sea-grant, and space-grant institution;

Whereas Louisiana State University developed seven institutions of higher learning in the State of Louisiana so that educational opportunities would be available to the far reaches of the state;

Whereas Louisiana State University has instituted the "Pelican Promise" program providing financial assistance to the neediest of students so that they may receive the benefits of higher education;

Whereas Louisiana State University is designated a Research University by the Carnegie Foundation for the Advancement of Teaching and performs research for the benefit of the United States and the State of Louisiana;

Whereas Louisiana State University has 650 endowed chairs and professorships held by distinguished faculty in the comprehensive disciplines that support the economy, culture, policy, and scientific prosperity of the State;

Whereas Louisiana State University offers degrees in 72 baccalaureate programs, 78 master's programs, and 53 doctoral programs and has awarded more than 100,000 degrees since the institution's inception;

Whereas Louisiana State University administers 11 intercollegiate women's sports teams and 9 men's sports teams, and the "Tigers" have won 46 national championships, including 25 championships won by the women's track and field team;

Whereas Louisiana State University has answered the call to service whether it be officers for military service or operating the Nation's largest field hospital in the aftermath of Hurricane Katrina; and

Whereas Louisiana State University has provided a quality education, basic and applicable research, service to its State and Nation, and brought distinction upon the State of Louisiana: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes Louisiana State University for over 150 years of service and excellence in higher education, and

(2) congratulates Louisiana State University on the occasion of its 150th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

#### GENERAL LEAVE

Mr. COURTNEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1072 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1072, which celebrates Louisiana State University for 150 years of service and leadership in higher education.

Founded in 1860 as a seminary school and a military academy, the university has grown to educate more than 26,000 students annually, including more than 1,400 international students and over 4,000 graduate students. The students and faculty, past and present, guide LSU to its current standing as the flagship public university of the State of Louisiana.

LSU's dedication in the classroom is matched by its athletic excellence. The university fields 20 Division 1A sports teams and has earned over 46 national championships, including a recent 2009 national men's baseball championship.

LSU also demonstrates leadership and serves the communities of Louisiana. This was best exemplified by its role in the aftermath of Hurricane Katrina. In addition to accepting 2,300 displaced students from universities throughout the region, 3,000 LSU students volunteered to help injured Hurricane Katrina evacuees. LSU's support of the hardest hit communities in the Gulf Coast is critical to recovery, and I thank the university and its students for their service.

This year, Louisiana State University will celebrate 150 years of providing excellent education and cultivating young men and women who become local, State, and national leaders.

Madam Speaker, once again, I express my support for Louisiana State University and thank Representative CASSIDY for bringing this bill forward.

I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1072, recognizing Louisiana State University for 150 years of service and excellence in higher education.

Louisiana State University and Agricultural and Mechanical College had its origin in certain land grants made by the United States Government in 1806, 1811 and 1827 for use as a seminary of learning. In 1853, the Louisiana General Assembly established the Seminary of Learning of the State of Louisiana near Pineville, Louisiana. The institution opened on January 2, 1860. In 1870, the name of the institution was changed to Louisiana State University.

Today, LSU holds a prominent position in American higher education. One of only 25 universities nationwide designated as both a land grant and a sea grant institution, it also holds the Carnegie Foundation's Doctoral Research-Extensive designation. LSU offers degrees in 71 baccalaureate programs, 78 master's programs and 53 doctoral programs, and has awarded more than 100,000 degrees since 1860. The university is a recognized research institution with over 800 sponsored research projects.

LSU not only boasts an excellent academic program; it is a powerhouse in athletics as well. It administers 11 intercollegiate women's sports teams and nine men's sports teams. The Tigers have won 43 national championships, including 25 championships won by the women's track and field team.

LSU also holds a history of civic service through its 150 years of exist-

ence. Most recently, LSU operated the Nation's largest field hospital in the aftermath of Hurricane Katrina. In addition, the university accepted an additional 2,300 students from the greater New Orleans area who were displaced after that disaster.

Louisiana State University is ranked 128th in the national universities category by the 2010 U.S. News & World Report ranking of U.S. colleges, 64th among public universities. Additionally U.S. News & World Report ranked LSU as the 16th most popular university in the Nation.

I extend my congratulations to Louisiana State University on its 150th anniversary and wish all its faculty, staff, students, and alumni continued success in their endeavors.

Madam Speaker, it is my honor to yield such time as he may consume to my good friend from Louisiana (Mr. CAO).

Mr. CAO. Madam Speaker, today, I rise in honor of Louisiana State University, which is celebrating 150 years of academic achievement and service to the State of Louisiana. This celebration marks the culmination of many goals for LSU as they reach the end of their second major capital campaign, the Forever LSU Campaign, and their academic blueprint for the future, the Flagship Agenda.

LSU has had the longstanding goal of being designated as a tier 1 university by U.S. News & World Report, and for the past 2 years LSU has achieved this ranking. For the past 25 years, however, LSU has held the highest Carnegie Foundation classification, the designation of a "very high research activity" university.

LSU is the State of Louisiana's flagship institution; and as the international leader in research, LSU is one of only 30 universities to have the great distinction of being designated as a land, sea and space-grant institution. Most recently, LSU won \$10 million in grants and contracts related to the coast, including aquaculture, erosion, subsidence, storm modeling, and social resiliency to disasters. Further, LSU is deeply rooted in tradition and boasts a large percentage of students from the greater New Orleans area, which I represent.

Most notably and nobly for citizens of Louisiana, after Hurricane Katrina, LSU opened its doors to enroll an additional 2,700 students from the New Orleans area, and the LSU community housed thousands more. Overnight, LSU's Carl Maddox Fieldhouse became a special-needs shelter, and LSU's Pete Maravich Assembly Center became the largest acute care field hospital in American history. With 800 beds, 1,700 medical personnel from across the Nation, and thousands more volunteers working around the clock to serve and to care for all those affected by the storm, their motto became "just make

it happen." It was the epitome of goodness.

I am proud to represent approximately 8,000 LSU alumni living in Orleans and Jefferson Parishes. On behalf of the citizens of Orleans and Jefferson Parishes, I want to thank the LSU community for all they did for us during and after Hurricanes Katrina and Rita. The LSU community is proud of their traditions; and, today, they are and should be proud of their commitments to academic excellence and community service.

I want to congratulate my good friend, BILL CASSIDY, for bringing this important resolution to the floor. The Sixth Congressional District cannot find a more dedicated, more honorable Representative than BILL CASSIDY.

I strongly encourage my colleagues to vote for this resolution. Congratulations to the LSU community on its 150th anniversary.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COURTNEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 1072, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. COURTNEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONGRATULATING PENN STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON

Mr. COURTNEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1112) congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1112

Whereas the Penn State IFC/Panhellenic Dance Marathon, known as THON, is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect

money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer, and bringing awareness to countless thousands more;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and also funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised nearly \$68.9 million since 1977, when the two organizations first became affiliated;

Whereas in 2010, THON set a new fundraising record of over \$7.83 million, even after the previous record of \$7.5 million was set in 2009;

Whereas THON support has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital, and has helped support pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the Nation, ranging from high schools to colleges and beyond, and continues to encourage students across the country to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers and supporting organizations for their hard work putting together another recordbreaking THON.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

##### GENERAL LEAVE

Mr. COURTNEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1112 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1112, which recognizes Pennsylvania State University's Dance Marathon fund-raiser for its enthusiastic continued support of the Four Diamonds Fund at Penn State Hershey Children's Hospital. This is an event which was first started in 1972. It raised \$2,000 in that year, and since then has continued on an annual basis and has raised a staggering amount of money for an incredibly good cause,

the Children's Hospital at the Hershey Medical Center.

I know the gentleman from Pennsylvania (Mr. THOMPSON), the sponsor of this resolution, is far more familiar with the history of this extraordinary effort than I am, and I would just as soon defer to him to talk about this resolution.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today, proudly, in support of House Resolution 1112, congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon—or THON as it's referred to at Penn State—on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital.

Pennsylvania State University, or Penn State, is a public research university founded in 1855 as the Farmers' High School of Pennsylvania. The school was renamed Pennsylvania State College in 1875, and in 1889 it became Pennsylvania State University. Today, Penn State offers 160 different majors, and over 43,000 students are enrolled at the university's main campus in State College, Pennsylvania, just miles from my home town.

Penn State has a strong reputation for its academic, athletic, and civic excellence. It is known as one of "the public ivies" and also is known for its community involvement. The Penn State Hershey Children's Hospital at the Penn State Medical Center in Hershey, Pennsylvania, is the only Children's Hospital located in south central Pennsylvania and the home of the region's only level 1 NICU. The hospital is a leader in several specialties and has ranked higher than 90 percent in patient satisfaction.

The Four Diamond Fund for the Penn State Hershey Children's Hospital was established to conquer childhood cancer by assisting children and their families through treatment. The fund has helped more than 2,000 families by offsetting the cost of treatment and additional expenses incurred during treatment.

The Penn State Interfraternity Council and Panhellenic organize a yearly dance marathon known as THON to raise funds for the Four Diamond Fund. The first THON took place in 1973 and has raised more than \$68.9 million since then. THON now has 15,000 student volunteers and is part of a year-long effort to raise funds and awareness. This year's THON raised over \$7.8 million just last weekend for pediatric cancer patients. THON is the largest student-run philanthropy in the world and helps to make a difference in the lives of children with pediatric cancer.

□ 1600

As a proud Penn State alumnus and Member representing them here in

Washington, I want to congratulate Penn State—the dancers, the students, the individuals who make the donations, and the organizations involved in the THON event. I want to recognize them for their commitment to helping others. Their activities have truly touched the lives of so many.

I urge my colleagues to join me in supporting this resolution.

Mr. SHUSTER. Madam Speaker, a little over a week ago, I spent a very memorable and moving afternoon watching Penn State students taking part in THON, the annual Penn State IFC/Panhellenic Dance Marathon. THON at Penn State is no small event. It remains the largest student-run philanthropy in the world which since 1977 has raised over \$68 million for the Four Diamonds Fund at Penn State Children's Hospital to fight childhood cancer.

THON involves over 15,000 student volunteers from Penn State's University Park campus and its 19 commonwealth campuses. Over 700 dancers take part in THON's marquee event: a 46 hour dance marathon at the Bryce Jordan Center. Thousands of other students join in as moralers, family and public relations, entertainment, donor relations, finance, communication, hospitality, logistics, technology, rules and regulations, and 'OPP'erations team members. These students' year-long efforts culminate in THON weekend—truly an amazing and uplifting sight to see.

All of the student dancers, volunteers and sponsors who participated in this year's THON deserve recognition from Congress and the thanks of Americans everywhere for their work to help end the scourge of childhood cancer. Their hard work resulted in raising \$7.83 million this year, breaking last year's record of \$7.5 million.

I am proud to say that my own daughter was among the hundreds of students who took part in THON 2010. Ali served on the Morale Committee "Jule Runnings" and helped lift the spirits of exhausted dancers, massage tired feet, and lead the hourly line-dance to keep everyone moving to stay motivated for their cause.

Penn State students are joined by hundreds of Four Diamonds Families from Penn State Children's Hospital who look forward to THON all year round. Four Diamond Families often develop lifetime friendships with the Fraternities, Sororities, and organizations that "adopt" them and spend time with them throughout the year. At THON weekend you will find the kids running throughout the event, participating in talent shows, playing games with the dancers, getting piggyback rides and even starting water-pistol fights with unsuspecting volunteers. The culmination of the weekend is Family Hour—when families share the struggle in the fight against childhood cancer with everyone in attendance. This was a deeply emotionally moving hour that brought the struggle of childhood cancer into a personal light. Some of the stories had happy endings, some did not. But each story was an inspiration to keep fighting for the cure for childhood cancers. These children and families are why Penn State dances.

THON is a life changing event for anyone who attends or takes part in the event. And

while Penn State students are hoping to change the lives of children affected by childhood cancer, more often than not it's the students whose lives are changed by participating in THON. Love truly does "Belong Here." We Are Penn State—For the Kids.

Mr. THOMPSON of Pennsylvania. I yield back the balance of my time.

Mr. COURTNEY. Madam Speaker, again, I urge strong support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 1112.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SUPPORTING NATIONAL SCHOOL LUNCH PROGRAM

Mr. COURTNEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 362) expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 362

Whereas the National School Lunch Program is declared to be the policy of the United States Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs;

Whereas Federal regulations further state that participating schools shall ensure that children gain a full understanding of the relationship between proper eating and good health;

Whereas local educational agencies are responsible for collaborating with the school community to implement comprehensive nutrition and wellness policies in schools that participate in the National School Lunch Program;

Whereas all of the Nation's more than 49,000,000 pupils deserve access to high-quality, safe, nutritious meals available in the school setting, recognizing the link between adequate nourishment and educational performance;

Whereas children that experience hunger have been shown to be more likely to have lower math scores, decreased attentiveness, increased likelihood of repeating a grade, increased absences and tardiness, and more referrals to special education services;

Whereas in 2009, the National School Lunch Program in the United States provided over 31,000,000 meals to school children

daily, and must comply with rigorous State and Federal requirements, provide adequate food preparation and dining facilities, and cover costs to provide reimbursable meals including food, energy, transportation, labor, and other costs;

Whereas the National School Lunch Program must provide nutritious meals that are consistent with the goals of the most recent Dietary Guidelines for Americans;

Whereas the Institute of Medicine of the National Academies of Sciences recommends increased amounts of fruits, vegetables, and whole grains in the National School Lunch Program, and that measures to improve the quality of meals may increase program costs and the need for administrative support;

Whereas school food service must operate on a nonprofit basis, and it is expected that the Federal subsidy for a free meal will, on average, cover the costs of producing a reimbursable meal;

Whereas the U.S. Department of Agriculture identified that the full cost to produce a reimbursable lunch generally exceeds the Federal reimbursement for a free lunch; and

Whereas revenue deficits in school meal programs must be offset by generating additional revenue from other sources that may otherwise support classroom instruction: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of the National School Lunch Program; and

(2) recognizes that America's pupils deserve access to high-quality, safe, nutritious meals available in the school setting.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

##### GENERAL LEAVE

Mr. COURTNEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 362 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 362, which expresses the House of Representatives' support of the goals and ideals of the National School Lunch Program.

When it comes to education in our country, we traditionally focus on reading, writing, and extracurricular activities. We want to ensure that our students have access to well-trained teachers and to the tools they need to achieve academic success. However, we often forget that an essential tool to any child's academic success can also be found outside the classroom—in the school cafeteria.

Children who are hungry are at a disadvantage to their peers. Studies have shown that children who experience



hunger throughout the day have higher likelihoods of receiving lower math scores, of having decreased attentiveness, increased absences and tardiness, and a higher chance of having to repeat a grade. Children who are not well nourished are also more likely to need referrals to special education services.

We know that nearly one-third of our Nation's children today are overweight and obese. Obesity rates have soared over the past four decades among children of all age groups, increasing nearly five-fold among those who are ages 6 through 11. Teaching children to have a healthy relationship with food and nutrition has never been more important.

First Lady Michelle Obama has initiated an exciting new program to help solve this challenge. The "Let's Move!" campaign directs attention to four areas: helping parents make healthy family choices; serving healthier food in schools; improving access to healthy, affordable food in communities; and increasing physical activity.

The National School Lunch Program can have a central role in the First Lady's efforts to help children develop healthy behaviors and to achieve their highest potential. For over 60 years, the National School Lunch Program has served as a safeguard for the health and nutritional well-being of our Nation's children. Every day, over 31 million meals are served to schoolchildren across the country.

Madam Speaker, I would also like to take note of the changes we have seen in school food menus over the years. In cafeterias in all of our communities, you might find menus which offer salad bars with fresh fruit, whole wheat pizza, or freshly made chicken wraps. The days of "mystery meat" are past. Today, students want to eat in the school cafeteria because the food tastes good and there are many food options.

However, we know from the most recent report from the Institute of Medicine that healthy foods cost more. The U.S. Department of Agriculture has reported that the full cost to produce a reimbursable lunch generally exceeds that of the Federal reimbursement for free lunches. To help address this concern, the President has requested an additional \$1 billion for child nutrition programs to help improve nutrition quality and to make these programs accessible to more children. These funds will go a long way in school cafeterias across the country.

I look forward to working with the President and with my colleagues, particularly with those on the House Education and Labor Committee, on this initiative.

Lastly, Madam Speaker, this week, each of us may be receiving visits from our local school food service directors. I want to acknowledge the fine work of the school food service workers who help to educate our children on nutri-

tion and who work hard every day to serve them safe and healthy meals. They are the front line in these efforts, and they deserve our thanks.

Madam Speaker, I would like to thank Representative WATSON of California for introducing this important resolution, which highlights the need for this program, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 362, expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program.

The National School Lunch Program was first established by the National School Lunch Act in 1946. The program enables students to purchase school lunches at a free or reduced price, focusing on students whose families cannot afford the full price of school meals. The program also promotes a basic understanding of nutrition and healthful eating.

In fiscal year 2009, over 31.2 million children participated in the School Lunch Program every day; 19.4 million of those children received their meals for free or at a reduced rate. Participation has steadily grown over the years since the program was first established over 60 years ago. The School Lunch Program is administered in approximately 101,000 schools and institutions by the U.S. Department of Agriculture's Food and Nutrition Service. At the State level, it is administered by State education agencies through agreements with local school food authorities.

Public or nonprofit private schools, serving grades K through 12, and public or nonprofit private residential child care institutions may participate in the School Lunch Program. School districts and independent schools that participate in the Lunch Program receive cash subsidies from the U.S. Department of Agriculture for each meal or snack they serve and USDA foods or commodities. In return, they must serve lunches and snacks that meet Federal requirements, and they must offer free or reduced-price lunches to eligible children.

The National School Lunch Program helps to provide meals during the school day to students who may not otherwise be able to afford them. I stand in support of this resolution expressing support for the goals and the ideals of the National School Lunch Program and for the children that it serves. I ask for my colleagues' support.

Mr. Speaker, I yield back the balance of my time.

Mr. COURTNEY. Mr. Speaker, in closing, again, I urge strong support for the resolution. It is a timely meas-

ure because, as the gentleman from Pennsylvania knows, today the Education and Labor Committee is holding a hearing on reauthorizing the Child Nutrition Act. The School Lunch Program is really at the center of that effort. Again, I urge support of the resolution.

Ms. WATSON. Mr. Speaker, the National School Lunch Program, as established by the National School Lunch Act, has been serving our nation's children for more than 60 years. This program safeguards the health and well-being of children by providing balanced meals for free or at low cost. Just last year, the Program provided more than 31 million nutritious meals to children across the nation. My bill, House Resolution 362 recognizes the outstanding service of the National School Lunch Program.

Hunger is on the rise in the United States. A 2007 USDA report found that 12.4 million children live in households that are considered to be food insecure. In my state, California, the unemployment rate exceeds 12% and is on the rise. More families will be struggling to put nutritious meals on the table. The National School Lunch Program performs an exemplary service in providing for the children of these families. With H. Res. 362, Congress can send a strong message to schools showing our continued support and give local programs the initiative to improve and advance.

By providing school lunches, Congress plays a vital role in ensuring that our nation's children are healthy, which is more important now than ever. Both obesity and malnutrition are on the rise, increasing the rates of Type 2 diabetes and heart problems among children. The current generation of children and their parents are accustomed to processed, fast food; a fast stop for a hamburger and fries or a quick fix meal from a box. Though these meals may be cheap and easy, they often lack the proper nutrition a developing child requires.

Over the past few years, schools have made a conscious effort to ensure that children receive balanced and nutritious meals. For many children, their school lunch may be the most nutritious meal they will eat each day. Simply by including fresh fruits and vegetables in their diets daily encourages children to make healthy choices. The Program is a tool that can help educate children about eating well even when they are at home.

Providing meals in school also increases a child's ability to learn effectively. Children who experience hunger in school have been shown to have lower math scores, decreased attentiveness, increased likelihood of repeating a grade, increased absences and tardiness, and more referrals to special education services. Simply by providing nutritious meals, Congress can improve student performance in school.

Supporting the National School Lunch Program brings to life its mission "to safeguard the health and well being of our nation's children." This is one crucial way in which we can protect the health of children nationwide. I hope you will all join me in supporting the National School Lunch Program, H. Res. 362.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 362, a resolution



expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program. The National School Lunch Program is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions. It provides nutritionally balanced, low-cost or free lunches to children each school day. I support this resolution because it recognizes the fundamental role the National School Lunch Program plays in making sure that every child, regardless of socioeconomic status, has the energy and nutrients he or she needs to learn and grow as scholars.

The National School Lunch Program has been providing for children in our public schools for over sixty years. It was established under the National School Lunch Act signed by President Harry Truman in 1946. In 2008, the National School Lunch Program provided meals for more than 30 million American children. Parents who work two and three jobs just to put a roof over their children's heads do not have to worry that their children will not have lunch when they get to school every day. In 1998, Congress expanded this program to include reimbursement for snacks that children receive at afterschool programs. Children receive nutritious snacks so they have the energy and ability to focus during valuable tutoring sessions and enriching extra-curricular lessons.

Mr. Speaker, during these difficult economic times, the National School Lunch Program is even more important than usual. In September 2009, the Center on Budget and Policy Priorities released an analysis of how the recession had affected working families thus far. According to that report, the median household income declined 3.6 percent in 2008 after adjusting for inflation, the largest single-year decline on record. The poverty rate rose to 13.2 percent, its highest level since 1997. The number of people in poverty hit 39.8 million, the highest level since 1960. While Congress works to turn this recession around by passing landmark legislation like the American Recovery and Reinvestment Act and the Jobs for Main Street Act, programs such as the National School Lunch Program give working parents the peace of mind that comes with knowing that their children are taken care of. If a parent loses his job and his family falls into poverty, he does not have to worry that his children will have nutritious lunches and snacks provided every day at school. That is one less thing for hard-working families to worry about in these tough times.

Mr. Speaker, I applaud the National School Lunch Program for its dedication feeding our most valuable population in this country—our children. Without nutritious food, low-income children would have extreme difficulties focusing in school and therefore would be at a great disadvantage academically. The National School Lunch Program does its part to ensure that all children have the energy they need to learn and succeed every day in school. I ask my fellow colleagues to join me in supporting H. Res. 362.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in addressing the need for America's students to receive high-quality, safe, nutritious meals in school. I strongly sup-

port H. Res. 362 and urge my colleagues to support this important piece of legislation.

Many of our children depend on the National School Lunch Program for nutritious meals. In Fiscal Year 2007, more than 30.5 million children each day got their lunch through the National School Lunch Program. In my home state of Georgia, about 74 percent of public school students eat school lunch. In some counties, in the Fourth District of Georgia, up to 90 percent of students participate in the school lunch program. For many of the children in my District, school lunch fuels their day.

I applaud Representative WATSON for introducing this resolution. It recognizes the link between proper eating, good health, and educational performance. We should do all we can to ensure that our children continue to have nutritious meal options available through the National School Lunch Program.

I join the chairman in urging my colleagues to support this important piece of legislation.

Mr. COURTNEY. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WU). The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 362, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COURTNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### READ ACROSS AMERICA DAY

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1111) designating March 2, 2010, as "Read Across America Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1111

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention that has been proven effective through scientifically valid research and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2 to celebrate reading

and the birth of Theodor Geisel, also known as Dr. Seuss: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(2) honors the 13th anniversary of Read Across America Day;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the House of Representatives to building a Nation of readers; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

#### GENERAL LEAVE

Mr. COURTNEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1111 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1111, which recognizes March 2, 2010, as Read Across America Day and which encourages parents to read to their children in support of building a Nation of readers.

Read Across America Day was initiated in May 1998 by the National Education Association as a way to celebrate reading. The NEA provides support to parents and teachers to keep their children reading all year long through activities such as the Cat-A-Van. The Cat-A-Van travels across the country bringing the gift of reading to schoolchildren. The Cat-A-Van donates 20,000 books to children in need.

The NEA celebrates Read Across America Day on Dr. Seuss' birthday each year in honor of a man who contributed tremendously to children's literacy. Theodor Geisel, better known as "Dr. Seuss" by millions of children and parents around the world, began writing children's books in 1936, and has since inspired millions of children to embrace the joys of readings through such favorites as "The Cat in the Hat," "Green Eggs and Ham," and "Oh, the Places You'll Go."

We know from research that children who are exposed to reading before kindergarten become more successful readers. We also know that a child who fails at reading is more likely to drop out of school. Today, nearly 6 million adolescents are struggling readers, and more than 7,000 students drop out of

high school every day. This is unacceptable. Engaging children and reading to them when they are young will encourage them to read and to achieve more as adolescents and as adults.

This data demonstrates the importance of literacy and the value of Read Across America. This critical literacy project is supported by a range of partners, including the District of Columbia's the Afterschool Alliance, ASPIRA Association, Incorporated, and First Book. The NEA, along with the Pearson Foundation, has donated \$100,000 in funds and books to public school libraries across our country as 45 million children and adults are expected to participate in this year's 2010 program.

I want to particularly thank Representatives MARKEY and EHLERS for bringing this measure forward, and I encourage my colleagues to support this resolution.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1111, designating March 2, 2010, as "Read Across America Day."

Once upon a time, when there were no televisions or computers, reading was a primary leisure activity. People would spend hours reading books and using their imaginations to travel to lands far away. Today, many people do not have the same passion to read. This is unfortunate because reading offers a productive approach to improving vocabulary and word power.

Indulging in reading on a daily basis helps keep adults and children abreast of the various styles of writing and new vocabulary. Children who start reading from an early age are observed to have good language skills and to grasp the variances in phonics much better. Research has shown that children and teenagers who love reading have comparatively higher IQs and that they are more creative and excel in school and college.

Reading is an activity that involves greater levels of concentration, and it adds to the conversational skills of the reader. It is an indulgence that enhances the knowledge acquired consistently. The habit of reading also helps readers to decipher new words and phrases that they come across in everyday conversations. It helps us to stay in touch with contemporary writers as well as those from yesteryear.

Theodor Geisel, more famously known as "Dr. Seuss," is the most beloved children's book author of all time. His titles include "Green Eggs and Ham," "Fox in Socks," and "The Cat in the Hat." His use of rhymes makes his books an effective tool for teaching young children the basic tools they need to be successful and to develop a lifelong love of reading. Celebrating both Dr. Seuss and reading

sends a clear message to our children that reading is both fun and important.

I thank my colleague from Colorado (Ms. MARKEY) and my colleague from Michigan (Mr. EHLERS) for sponsoring this resolution, and I ask that all of my colleagues support its passage.

I reserve the balance of my time.

Mr. COURTNEY. Mr. Speaker, I yield such time as she may consume to the sponsor of this legislation, the gentlewoman from Colorado, Congresswoman BETSY MARKEY.

Ms. MARKEY of Colorado. Mr. Speaker, I rise today in support of a cat who is known worldwide for his red and white hat; in support of a fox who liked to wear socks, and his game-playing friend called Mr. Knox; in support of an elephant, Horton, who hears a Who, and a human, Mr. Brown, who proves he can moo; in support of those who hopped on pop, and the dad who yelled at them to stop; in support of those amusing sidekicks Thing One and Thing Two, and all of those folks with the last name of Who; in support of Marvin K. Mooney, who just wouldn't go, and those multiple colored fish we all know; in support of Cindy Lou Who and that mean, old Grinch, and the Lorax who speaks for the trees in a pinch.

These characters taught our children to read. In the field of children's literacy, Dr. Seuss took the lead.

Through the power of green eggs and ham, our children exclaim, "I can read, Sam I am."

Mr. Speaker, I come before the House today not to emulate Dr. Seuss but to honor his legacy with Read Across America Day. Today, March 2, would be Theodor Seuss Geisel's 106th birthday. This resolution honors his birth, and it promotes children's literacy by designating today as Read Across America Day.

I would like to thank my colleague, Congressman EHLERS, for his work with me on this resolution.

In schools across America today, millions of children will participate in Seussational reading events.

□ 1615

Reading skills are the keystone for future educational success, and it is critical that our children begin reading at a young age. I remember how my own children's eyes would light up with each book we read. My resolution encourages parents to read to their children for at least 30 minutes a day because, as Dr. Seuss himself said, "The more that you read, the more things you will know; the more that you learn, the more places you will go."

I have high hopes for this Nation's children and all the places that they will go. I urge all of my colleagues to vote "yes" on House Resolution 1111 and to celebrate Read Across America Day.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, having no further re-

quests for time, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to take this opportunity to acknowledge and celebrate Read Across America Day, designated as March 2nd, 2010, the birthday of Dr. Seuss. For the past thirteen years, thousands of schools, libraries, and community centers across our nation have participated in Read Across America Day by bringing together families and books. It is a pleasure to use this occasion to also recognize the importance of reading and the successes of reading interventions.

Read Across America Day focuses on motivating children and teens to read by providing parents, caregivers, and children the resources and activities they need to make reading a year-round event. Read Across America Day has encouraged more than fifty national nonprofit organizations and thousands more local partners to join in celebratory events to promote children's reading. An estimated forty-five million people will participate in the Read Across America program in 2010.

Members of our communities are working hard to motivate children to read because they know that reading is an important factor in student achievement. Children who spend more time reading do better in school and develop lifelong passions for reading. In order to prepare our youngest citizens for a successful academic career, it is critical that we encourage parents to read with their children on a consistent basis.

Theodor Geisel, known as Dr. Seuss, spent his life encouraging children of all ages to love reading. Through his playful prose and cheerful rhymes, Dr. Seuss created books that are an effective tool for teaching young children the basic skills they need to be successful. As we celebrate Dr. Seuss and reading, we send a clear message to America's children that reading is important and exciting.

The continued support of Read Across America Day is essential in creating more opportunities for children to thrive in education and become the leaders of tomorrow. Reading is a lifelong activity and children especially deserve us to contribute to their success. In the words of Dr. Seuss, "the more that you read, the more things you will know. The more that you learn, the more places you'll go."

Mr. COURTNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 1111.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COURTNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

# RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 17 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at 6 o'clock and 31 minutes p.m.

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4247, KEEPING ALL STUDENTS SAFE ACT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111-425) on the resolution (H. Res. 1126) providing for consideration of the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes, which was referred to the House Calendar and ordered to be printed.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1072, by the yeas and nays;

H.R. 3820, by the yeas and nays;

House Resolution 1097, de novo.

Remaining postponed questions will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

# RECOGNIZING LOUISIANA STATE UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1072, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 1072, as amended.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 48, as follows:

[Roll No. 75]

# YEAS—383

Ackerman	Delahunt	King (NY)
Aderholt	DeLauro	Kingston
Adler (NJ)	Dent	Kirk
Akin	Diaz-Balart, L.	Kirkpatrick (AZ)
Alexander	Diaz-Balart, M.	Kissell
Altmire	Dicks	Klein (FL)
Andrews	Dingell	Kline (MN)
Arcuri	Doggett	Kosmas
Baca	Donnelly (IN)	Kratovil
Bachmann	Doyle	Kucinich
Bachus	Dreier	Lamborn
Baird	Driehaus	Lance
Baldwin	Duncan	Langevin
Barrow	Edwards (MD)	Larsen (WA)
Bartlett	Edwards (TX)	Larson (CT)
Barton (TX)	Ehlers	Latham
Bean	Ellison	LaTourette
Becerra	Ellsworth	Latta
Berkley	Emerson	Lee (CA)
Berman	Eshoo	Lee (NY)
Berry	Etheridge	Levin
Biggert	Farr	Lewis (CA)
Bilbray	Fattah	Lewis (GA)
Bilirakis	Filner	Linder
Bishop (GA)	Flake	Lipinski
Bishop (NY)	Fleming	LoBiondo
Bishop (UT)	Forbes	Loeback
Blackburn	Fortenberry	Lofgren, Zoe
Blumenauer	Foster	Lowey
Blunt	Fox	Lucas
Boccieri	Frank (MA)	Luetkemeyer
Boehner	Franks (AZ)	Lujan
Bonner	Frelinghuysen	Lummis
Bono Mack	Fudge	Lungren, Daniel E.
Boozman	Gallegly	Lynch
Boren	Garrett (NJ)	Mack
Boswell	Gerlach	Maffei
Boucher	Giffords	Maloney
Boustany	Gingrey (GA)	Manzullo
Boyd	Gohmert	Markey (CO)
Brady (PA)	Gonzalez	Markey (MA)
Braley (IA)	Goodlatte	Marshall
Bright	Graves	Massa
Broun (GA)	Green, Al	Matheson
Brown-Waite,	Griffith	Matsui
Ginny	Guthrie	McCarthy (CA)
Buchanan	Hall (NY)	McCarthy (NY)
Burton (IN)	Halvorson	McClintock
Calvert	Hare	McCollum
Cantor	Harman	McCotter
Cao	Harper	McDermott
Capito	Hastings (FL)	McGovern
Capps	Hastings (WA)	McHenry
Capuano	Heinrich	McIntyre
Cardoza	Heller	McKeon
Carnahan	Hensarling	McMorris
Carney	Herger	Rodgers
Carson (IN)	Herseth Sandlin	McNerney
Carter	Higgins	Meek (FL)
Castle	Hill	Meeks (NY)
Castor (FL)	Himes	Melancon
Chaffetz	Hinche	Mica
Chandler	Hirono	Michaud
Childers	Hodes	Miller (FL)
Chu	Holden	Miller (MI)
Clay	Holt	Miller (NC)
Cleaver	Honda	Miller, Gary
Clyburn	Hoyer	Miller, George
Coble	Hunter	Minnick
Coffman (CO)	Inslee	Mitchell
Cole	Israel	Moore (KS)
Conaway	Issa	Moore (WI)
Connolly (VA)	Jenkins	Moran (KS)
Conyers	Johnson (GA)	Moran (VA)
Cooper	Johnson (IL)	Murphy (CT)
Costa	Johnson, E. B.	Murphy (NY)
Courtney	Johnson, Sam	Murphy, Patrick
Crenshaw	Jones	Murphy, Tim
Crowley	Jordan (OH)	Myrick
Cullar	Kagen	Nadler (NY)
Culberson	Kanjorski	Napolitano
Cummings	Kaptur	Neal (MA)
Davis (CA)	Kennedy	Neugebauer
Davis (IL)	Kildee	Nunes
Davis (KY)	Kilpatrick (MI)	Nye
Davis (TN)	Kilroy	Oberstar
DeFazio	Kind	Obey
DeGette	King (IA)	

Olson	Royce	Sutton
Oliver	Ruppersberger	Teague
Ortiz	Ryan (OH)	Terry
Owens	Ryan (WI)	Thompson (CA)
Pallone	Salazar	Thompson (MS)
Pascarell	Sanchez, Linda T.	Thompson (PA)
Pastor (AZ)	Sanchez, Loretta	Thornberry
Paul	Sarbanes	Tiahrt
Paulsen	Scalise	Tiberi
Payne	Schakowsky	Tierney
Pence	Schauer	Titus
Perlmutter	Schiff	Tonko
Perriello	Schmidt	Towns
Peters	Schock	Tsongas
Peterson	Schrader	Turner
Petri	Scott (GA)	Upton
Pingree (ME)	Scott (VA)	Van Hollen
Pitts	Sensenbrenner	Velázquez
Platts	Serrano	Visclosky
Poe (TX)	Sessions	Walden
Polis (CO)	Sestak	Walz
Pomeroy	Shadegg	Wasserman
Posey	Shea-Porter	Schultz
Price (GA)	Sherman	Waters
Price (NC)	Shimkus	Watson
Quigley	Shuler	Watt
Radanovich	Shuster	Waxman
Rahall	Simpson	Weiner
Rangel	Sires	Welch
Reichert	Skelton	Westmoreland
Richardson	Slaughter	Whitfield
Roe (TN)	Smith (NE)	Wilson (OH)
Rogers (AL)	Smith (NJ)	Wilson (SC)
Rogers (KY)	Smith (WA)	Wittman
Rogers (MI)	Snyder	Wolf
Rohrabacher	Souder	Woolsey
Rooney	Space	Wu
Ros-Lehtinen	Speler	Yarmuth
Roskam	Spratt	Young (AK)
Ross	Stearns	Young (FL)
Rothman (NJ)	Stupak	
Roybal-Allard		

# NOT VOTING—48

Austria	Engel	McCauley
Barrett (SC)	Fallin	McMahon
Brady (TX)	Garamendi	Mollohan
Brown (SC)	Gordon (TN)	Putnam
Brown, Corrine	Granger	Rehberg
Burgess	Grayson	Reyes
Butterfield	Green, Gene	Rodriguez
Buyer	Grijalva	Rush
Camp	Gutierrez	Schwartz
Campbell	Hall (TX)	Smith (TX)
Cassidy	Hinojosa	Stark
Clarke	Hoekstra	Sullivan
Cohen	Inglis	Tanner
Costello	Jackson (IL)	Taylor
Dahlkemper	Jackson Lee	Wamp
Davis (AL)	(TX)	
Deal (GA)	Marchant	

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1859

Messrs. CONAWAY and FRANK of Massachusetts changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# NATURAL HAZARDS RISK REDUCTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3820, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Oregon (Mr. WU) that the House suspend the rules and pass the bill, H.R. 3820, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 335, nays 50, not voting 46, as follows:

[Roll No. 76]

YEAS—335

Ackerman	Dicks	LaTourette
Aderholt	Dingell	Lee (CA)
Adler (NJ)	Doggett	Lee (NY)
Akin	Donnelly (IN)	Levin
Alexander	Doyle	Lewis (CA)
Altmire	Dreier	Lewis (GA)
Andrews	Driebehaus	Linder
Arcuri	Edwards (MD)	Lipinski
Baca	Edwards (TX)	LoBiondo
Bachmann	Ehlers	Loebach
Bachus	Ellison	Lofgren, Zoe
Baird	Ellsworth	Lowe
Baldwin	Emerson	Lucas
Barrow	Engel	Luetkemeyer
Bartlett	Eshoo	Lujan
Bean	Etheridge	Lungren, Daniel
Becerra	Farr	E.
Berkley	Fattah	Lynch
Berman	Filner	Mack
Berry	Fleming	Maffei
Biggart	Forbes	Maloney
Bilbray	Fortenberry	Markey (CO)
Bilirakis	Foster	Markey (MA)
Bishop (GA)	Frank (MA)	Marshall
Bishop (NY)	Frelinghuysen	Massa
Blackburn	Fudge	Matheson
Blumenauer	Gallely	Matsui
Blunt	Gerlach	McCarthy (CA)
Boccieri	Giffords	McCarthy (NY)
Boehner	Gingrey (GA)	McClintock
Bonner	Gonzalez	McCollum
Bono Mack	Graves	McCotter
Boozman	Green, Al	McDermott
Boren	Griffith	McGovern
Boswell	Guthrie	McHenry
Boucher	Hall (NY)	McIntyre
Boustany	Halvorson	McKeon
Boyd	Hare	McMorris
Brady (PA)	Harman	Rodgers
Braley (IA)	Harper	McNerney
Bright	Hastings (FL)	Meek (FL)
Brown-Waite,	Heinrich	Meeks (NY)
Ginny	Heller	Melancon
Buchanan	Herger	Michaud
Calvert	Herseth Sandlin	Miller (NC)
Cantor	Higgins	Miller, Gary
Cao	Hill	Miller, George
Capito	Himes	Minnick
Capps	Hinchee	Mitchell
Capuano	Hirono	Moore (KS)
Cardoza	Hodes	Moore (WI)
Carnahan	Holden	Moran (KS)
Carney	Holt	Moran (VA)
Carson (IN)	Honda	Murphy (CT)
Carter	Hoyer	Murphy (NY)
Castor (FL)	Hunter	Murphy, Patrick
Chandler	Inslee	Murphy, Tim
Childers	Israel	Myrick
Chu	Issa	Nadler (NY)
Clarke	Jenkins	Napolitano
Clay	Johnson (GA)	Neal (MA)
Cleaver	Johnson, E. B.	Nye
Clyburn	Kagen	Oberstar
Cole	Kanjorski	Obey
Connolly (VA)	Kaptur	Olson
Conyers	Kennedy	Oliver
Cooper	Kildee	Ortiz
Costa	Kilpatrick (MI)	Pallone
Courtney	Kilroy	Pascrell
Crowley	Kind	Pastor (AZ)
Cuellar	King (NY)	Paulsen
Cummings	Kirk	Payne
Davis (CA)	Kissell	Perlmutter
Davis (IL)	Klein (FL)	Perriello
Davis (KY)	Kline (MN)	Peters
Davis (TN)	Kosmas	Peterson
DeFazio	Kratovil	Pingree (ME)
DeGette	Kucinich	Pitts
Delahunt	Lance	Polis (CO)
DeLauro	Langevin	Pomeroy
Dent	Larsen (WA)	Posey
Diaz-Balart, L.	Larson (CT)	Price (GA)
Diaz-Balart, M.	Latham	Price (NC)

Quigley	Scott (VA)	Tierney
Radanovich	Sensenbrenner	Titus
Rahall	Serrano	Tonko
Rangel	Sessions	Towns
Reichert	Sestak	Tsongas
Richardson	Shadegg	Turner
Roe (TN)	Shea-Porter	Upton
Rogers (AL)	Sherman	Van Hollen
Rogers (KY)	Shuler	Velázquez
Rogers (MI)	Shuster	Visclosky
Rohrabacher	Simpson	Walden
Ros-Lehtinen	Sires	Walz
Roskam	Skeltton	Wasserman
Ross	Slaughter	Schultz
Rothman (NJ)	Smith (NE)	Waters
Roybal-Allard	Smith (NJ)	Watson
Royce	Smith (WA)	Watt
Ruppersberger	Snyder	Waxman
Ryan (OH)	Space	Weiner
Salazar	Speier	Welch
Sanchez, Linda	Spratt	Whitfield
T.	Stupak	Wilson (OH)
Sanchez, Loretta	Sutton	Wilson (SC)
Sarbanes	Teague	Wittman
Scalise	Terry	Wolf
Schakowsky	Thompson (CA)	Woolsey
Schauer	Thompson (MS)	Wu
Schiff	Thompson (PA)	Yarmuth
Schock	Thornberry	Young (FL)
Schrader	Tiahrt	
Scott (GA)	Tiberi	

NAYS—50

Barton (TX)	Goodlatte	Neugebauer
Bishop (UT)	Hastings (WA)	Nunes
Broun (GA)	Hensarling	Owens
Burton (IN)	Johnson (IL)	Paul
Castle	Johnson, Sam	Pence
Chaffetz	Jones	Petri
Coble	Jordan (OH)	Platts
Coffman (CO)	King (IA)	Poe (TX)
Conaway	Kingston	Rooney
Crenshaw	Kirkpatrick (AZ)	Ryan (WI)
Culberson	Lamborn	Schmidt
Duncan	Latta	Shimkus
Flake	Lummis	Souder
Foxx	Manzullo	Stearns
Franks (AZ)	Mica	Westmoreland
Garrett (NJ)	Miller (FL)	Young (AK)
Gohmert	Miller (MI)	

NOT VOTING—46

Austria	Fallin	McCauley
Barrett (SC)	Garamendi	McMahon
Brady (TX)	Gordon (TN)	Mollohan
Brown (SC)	Granger	Putnam
Brown, Corrine	Grayson	Rehberg
Burgess	Green, Gene	Reyes
Butterfield	Grijalva	Rodriguez
Buyer	Gutierrez	Rush
Camp	Hall (TX)	Schwartz
Campbell	Hinojosa	Smith (TX)
Cassidy	Hoekstra	Stark
Cohen	Inglis	Sullivan
Costello	Jackson (IL)	Tanner
Dahlkemper	Jackson Lee	Taylor
Davis (AL)	(TX)	Wamp
Deal (GA)	Marchant	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1908

Mr. WESTMORELAND changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1097.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 1097.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. DEGETTE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 382, noes 0, not voting 49, as follows:

[Roll No. 77]

AYES—382

Ackerman	Clay	Griffith
Aderholt	Cleaver	Guthrie
Adler (NJ)	Clyburn	Hall (NY)
Akin	Coble	Halvorson
Alexander	Coffman (CO)	Hare
Altmire	Cole	Harman
Andrews	Conaway	Harper
Arcuri	Connolly (VA)	Hastings (FL)
Baca	Conyers	Hastings (WA)
Bachmann	Cooper	Heinrich
Bachus	Costa	Heller
Baird	Courtney	Hensarling
Baldwin	Crenshaw	Herger
Barrow	Crowley	Herseth Sandlin
Bartlett	Cuellar	Higgins
Barton (TX)	Culberson	Hill
Bean	Cummings	Himes
Becerra	Davis (CA)	Hinchee
Berkley	Davis (IL)	Hirono
Berman	Davis (KY)	Hodes
Berry	Davis (TN)	Holden
Biggart	DeFazio	Holt
Bilbray	DeGette	Honda
Bilirakis	Delahunt	Hoyer
Bishop (GA)	DeLauro	Hunter
Bishop (NY)	Dent	Inslee
Bishop (UT)	Diaz-Balart, L.	Israel
Blackburn	Diaz-Balart, M.	Issa
Blumenauer	Dicks	Jenkins
Blunt	Dingell	Johnson (GA)
Boccieri	Doggett	Johnson (IL)
Boehner	Donnelly (IN)	Johnson, E. B.
Bonner	Doyle	Jones
Bono Mack	Dreier	Jordan (OH)
Boozman	Driebehaus	Kagen
Boren	Duncan	Kanjorski
Boswell	Edwards (MD)	Kaptur
Boucher	Ehlers	Kennedy
Boustany	Ellison	Kildee
Boyd	Ellsworth	Kilpatrick (MI)
Brady (PA)	Engel	Kilroy
Braley (IA)	Eshoo	Kind
Bright	Etheridge	King (IA)
Broun (GA)	Farr	King (NY)
Brown-Waite,	Fattah	Kingston
Ginny	Filner	Kirk
Buchanan	Flake	Kirkpatrick (AZ)
Burton (IN)	Fleming	Kissell
Calvert	Forbes	Klein (FL)
Cantor	Fortenberry	Kline (MN)
Cao	Foster	Kosmas
Capito	Foxx	Kratovil
Capps	Frank (MA)	Kucinich
Capuano	Franks (AZ)	Lamborn
Cardoza	Frelinghuysen	Lance
Carnahan	Fudge	Langevin
Carney	Gallely	Larsen (WA)
Carson (IN)	Garrett (NJ)	Larson (CT)
Carter	Gerlach	Latham
Castle	Giffords	LaTourette
Castor (FL)	Gingrey (GA)	Latta
Chaffetz	Gohmert	Lee (CA)
Chandler	Gonzalez	Lee (NY)
Childers	Goodlatte	Levin
Chu	Graves	Lewis (CA)
Clarke	Green, Al	Lewis (GA)

Linder  
Lipinski  
LoBlundo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye

## NOT VOTING—49

Austria  
Barrett (SC)  
Brady (TX)  
Brown (SC)  
Brown, Corrine  
Burgess  
Butterfield  
Buyer  
Camp  
Campbell  
Cassidy  
Cohen  
Costello  
Dahlkemper  
Davis (AL)  
Deal (GA)  
Edwards (TX)

□ 1917

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAFFEI) (during the vote). There are 2 minutes remaining in this vote.

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sutton  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 75, 76 and 77.

## RESOLUTION TO DEBATE WAR IN AFGHANISTAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. This Thursday, I will bring to the House a resolution which will finally give this House a chance to debate the war in Afghanistan.

We now have about 1,000 U.S. troops who have perished in the conflict. We have many innocent civilians who have lost their lives. We have a corrupt central government in Afghanistan that is basically stealing U.S. tax dollars.

The Washington Post had a story last week of how up to \$200 million is passing through airports from Kabul to Dubai, and it is suspected the money is either U.S. aid, money from drug traffic, or both. What a mess this is.

We are finally going to have a vote on the privileged resolution. It will be dropped on Thursday; it will lay over for the weekend. On Tuesday there will be a rule. On Wednesday we will have 3 hours of debate.

Let's get ready to debate Afghanistan, and let's get ready for Congress to get in the game and take Americans out.

## RECOGNIZING DR. BRUCE LOCKLEAR, PRINCIPAL OF EDINA HIGH SCHOOL

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise today to recognize Edina High School Principal Dr. Bruce Locklear, who was recently named the 2010 Minnesota High School Principal of the Year by the Minnesota Association of Secondary School Principals.

Members of the association chose Bruce for his collaborative leadership style and his effort to create a more personal school environment, and those traits have certainly paid off. Under the leadership of Principal Locklear, Edina High School has gained praise and recognition, both in Minnesota and throughout the Nation. Edina was ranked among the top 2 percent of high schools in the Nation last year by U.S. News & World Report, and ranked 91st overall in the latest poll by Newsweek. Additionally, Edina has introduced several innovative education programs and a new student leadership program during his tenure.

Mr. Speaker, I am proud to congratulate Dr. Locklear on this well-deserved achievement.

## RECOGNIZING RODNEY NAPIER FOR HIS EFFORTS TO HELP THE PEOPLE OF HAITI

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute.)

Mr. BOCCIERI. Mr. Speaker, today I rise in recognition of a fine businessman from Stark County, Ohio. His name is Rodney Napier. His service to the relief effort and helping those in Haiti who need long-term medical care as a result of the earthquake is a show of selfless and truly inspirational giving to the world.

Mr. Napier helped found the Granted Wish Foundation, a national non-profit whose mission is "to provide wishful fulfillment to disabled, disadvantaged and deserving individuals and families."

When the earthquake shocked Haiti and the world, Mr. Napier made his corporate jet available so that supplies, doctors, missionaries, and other relief workers could get to the island for help. Humbled by what he saw while volunteering himself, he realized he had to do more. He donated nearly \$70,000 to the relief effort. He also auctioned off three Super Bowl tickets, totaling \$12,000, and the Granted Wish Foundation collected more than \$63,000 for Haitians in need. Using these donations, two medical treatment vehicles went to Haiti so that physicians could rehabilitate permanently disabled children.

Mr. Napier proves that simple acts of charity can make the difference and save lives. He lives by the biblical lesson that "to whom much is given, much is expected." Whether in our local community or in Haiti, we need leaders like him.

## TRY DETAINEES IN CUBA

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, last week, my office introduced legislation to have all the detainees at Guantanamo Bay, Cuba tried in a military commission at Guantanamo Bay, Cuba.

Recently, when I was at Guantanamo Bay, Cuba, I visited the men and women who are serving in uniform guarding the prisoners at that facility in a facility that has cost taxpayers in the hundreds of thousands of dollars. We also have a state-of-the-art courtroom there to accommodate. I urge Members to support this bill, which is a commonsense resolution to a very controversial issue this year. Try the detainees in Cuba in a military court martial.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## TEXAS INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I rise today because this is a unique day in the history of the great State of Texas. Today, March 2, marks Texas Independence Day; and on this day 174 years ago, Texas declared its independence from Mexico and its dictator, Santa Anna.

In 1836, in the small farm village of Washington-on-the-Brazos, 54 Texans—as they called themselves—gathered to do something bold and courageous: they signed the Texas Declaration of Independence from Mexico and once and for all declared that the people of Texas do now constitute a free, sovereign and independent republic.

As these determined delegates met to declare independence, Santa Anna and his 6,000 enemy troops were marching on an old beat-up Spanish fort, a mission that we call the Alamo. There, Texas defenders stood defiant and stood determined. They were led by a 27-year-old lawyer by the name of William Barrett Travis. The Alamo and its 187 Texans were all that stood between the invaders and the Republic of Texas. And behind the cold, dark, damp walls of that Alamo, Commander William Barrett Travis sent the following letter to Texas requesting aid. Here is what this appeal said in part:

"To all the people of Texas and Americans throughout the world, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for over 24 hours, but I have not lost a man. The enemy has demanded surrender at its discretion, otherwise the fort will be put to the sword. I have answered that demand with a cannon shot, and the flag still waves proudly over the wall.

"I shall never surrender or retreat. I call upon you in the name of liberty and patriotism and everything dear to our character to come to our aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible and die like a soldier who never forgets what is due his honor and that of his country. Victory or death."—William Barrett Travis, Colonel, Texas Army.

After 13 days of glory at the Alamo, Commander Travis and his men sacrificed their lives on the altar of freedom. However, those lives would not be lost in vain. Their determination did

pay off, and because heroes like Travis, Davy Crockett and Jim Bowie held out so long, Santa Anna's forces took such great losses they became battered and demoralized. As Travis said, "Victory will cost them more dearly than defeat."

The Alamo defenders were from every State and 13 foreign countries. They were black, brown, and white. Their ages were 16 through 67, and they were all volunteers. They were mavericks, revolutionaries, farmers, shopkeepers, and freedom fighters; and they came together to fight for something they believed in: freedom and independence.

□ 1930

General Sam Houston, in turn, had the time he needed to devise a strategy to rally other Texas volunteers to ultimately defeat Santa Anna in the Battle of San Jacinto on April 21, 1836.

The war was over, and the Lone Star flag was visible all across the broad, bold, brazen plains of Texas.

Texas remained a nation for 9 years and claimed land that now includes part of New Mexico, Oklahoma, Colorado, Kansas, Wyoming, even up to the Canadian border.

In 1845, Texas was admitted to the Union by only one vote when a Louisiana Senator changed his mind. By treaty with the United States, Texas may divide into five States, and the Texas flag is to fly even with the U.S. flag and not below it.

So, today, we remember that Texas was a glorious nation once and won freedom and independence because some fierce volunteers fought to the death for liberty over tyranny.

One of my grandsons is named Barrett Houston in honor of Travis and General Sam.

In Colonel Travis' final letter from the Alamo, he signed off with 3 words: God and Texas, God and Texas, God and Texas.

Mr. BARTON of Texas. Will the gentleman yield?

Mr. POE of Texas. I will yield.

Mr. BARTON of Texas. As a sixth-generation native Texan, I want to commend you for honoring Texas Independence Day, March 2, the 174th birthday of the Republic of Texas. I commend you for the fine work that you do, not just for your constituency in the Houston area, but for the entire State and America.

God bless you, Congressman POE.

Mr. POE of Texas. In reclaiming my time, thank you.

And that's just the way it is, Mr. Speaker.

## NO WINNERS IN THE NUCLEAR ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, there is no greater security threat in the world than the continued development and proliferation of nuclear weapons. A single nuclear strike has the power to destroy the planet and to obliterate the human race.

The headline in Sunday's New York Times read, "White House is rethinking nuclear policy." Boy, did it need some rethinking.

After years of a grossly irresponsible nuclear strategy, we should all be grateful that the Obama administration seems poised on this issue to put us on a course toward peace and global security.

It appears that the President is prepared to dramatically reduce the size of the U.S. nuclear stockpile. All accounts are that there will be no development of new nuclear weapons on his watch. That includes the unnecessarily dangerous, expensive, and wasteful "bunker buster"—the pet nuke of the previous administration. While his predecessor thumbed his nose at the Comprehensive Test Ban Treaty and the Nuclear Nonproliferation Treaty, President Obama is sincere about honoring our multilateral obligations.

Not all the news is that encouraging, however. The emerging White House strategy looks like it will include an increased reliance on missile defense systems, which have proven themselves to be a failure and a waste of taxpayer money for going on 30 years now. Most ominously, there appears to be some reluctance in the White House to adopt a "no first use" policy. In other words, we would not specifically rule out the possibility of a preemptive nuclear strike. This should terrify all of us, Mr. Speaker, because it takes only a single nuclear attack to unleash untold human suffering, the likes of which the world has never seen.

What possible national security objective could be served by using weapons that could wipe out civilization?

I encourage the White House to be bold in its pursuit of a world free of nuclear weapons. Specifically, I want to see the administration adopt the principles of the "NO NUKES" resolution that I have introduced in this Congress—"NO NUKES," which stands for Nonproliferation Options for Nuclear Understanding to Keep Everyone Safe.

The resolution specifically declares that the United States would not use nuclear weapons first, regarding them as a deterrent against attack until their eventual complete elimination.

The resolution also calls for more aggressive multilateral negotiations toward disarmament, greater cooperation with Russia toward dismantling Cold War nuclear warheads, a reaffirmation of the moratorium on nuclear testing, and a ban on weapons in outer space.

Nuclear nonproliferation is one of the pillars of the Smart Security approach that I have been advocating from this

Chamber for years, Mr. Speaker. "Smart Security" means using more brains and less brawn to keep America safe. It treats war only as a last resort. It demands that we stop equating security with aggression or belligerence. It advances our security goals through humanitarian rather than military means—more development aid, more diplomacy, more conflict resolution, and a more vigorous commitment to stopping the spread of nuclear weapons.

There can be no winners in the nuclear arms race. We cannot afford to get this one wrong. I hope our President treats this issue with the urgency and the sensitivity that it deserves. Nothing less than the life of every man, woman, and child on Earth is at stake.

#### THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I want to thank 370 Members of the House of Representatives for joining me in an effort to rename the Department of Navy to be the Navy and Marine Corps.

I would also like to share with the House that last Thursday was a very exciting day for this effort, the reason being that Mike Blum, a Marine Corps League executive director, was the MC at a news conference that was attended.

One of the speakers was United States Marine General Tony Zinni.

Senator PAT ROBERTS, from the Senate, introduced an identical bill to the bill H.R. 24, which 370 Members cosponsored.

Also in attendance to speak was General Al Gray, a former commandant of the United States Marine Corps.

There was a very impressive young man from Texas, Sergeant Eddie Wright, a marine veteran and Bronze Star recipient, who lost both hands in combat in Iraq in 2004. Despite his injuries, he became a Marine Corps hand-to-hand combat instructor. He later retired and is now a defense contractor. Sergeant Wright explained the importance of teamwork between the Navy and Marine Corps because he said at the news conference, if he had not had the Navy corpsman there, he would not have been living today to appear at the news conference, calling for this relationship to be publicly respected—the Navy and Marine Corps.

There also was a father, Dick Linn, whose son, Karl, was killed in Iraq in 2005.

Tracy Della Vecchia, the MarineParents.com founder and executive director, was there. Her Web site has over 130,000-plus members. It provides support for parents of marines.

She also spoke on behalf of this legislation.

Mr. Speaker, the purpose of this news conference was to announce the national spokesman. The national spokesman was also in attendance, and he spoke as well—Lee Erme, known as the "Gunny," a Golden Globe-nominated actor and marine veteran. Erme is host of the History Channel's "Mail Call" and "Lock N' Load with R. Lee Erme." He is a star of major films, including "Full Metal Jacket," "Dead Man Walking," and "Toy Story." Lee Erme has become the national spokesman, and he intends to help us try to convince the Senate to accept three words: "and Marine Corps."

Mr. Speaker, I submit for the RECORD letters from IKE SKELTON, chairman of the Armed Services Committee, and also from Ranking Member BUCK MCKEON.

HOUSE COMMITTEE ON ARMED  
SERVICES,  
Washington, DC, January 26, 2010.

Hon. WALTER JONES,  
House of Representatives, 2333 Rayburn House  
Office Building, Washington DC.

DEAR WALTER: I wanted to take this opportunity to commend you on your continuing campaign to redesignate the Department of the Navy as the "Department of the Navy and Marine Corps." Since 2001, you have worked tirelessly to bring about this change, and I am proud that, as Chairman of the House Armed Services Committee, I have included it in the Chairman's mark of the National Defense Authorization Acts of Fiscal Years 2008, 2009 and 2010. I regret, however, that the Senate has not been as receptive to your effort, and so far, we have been unable to carry this provision into a Conference Report, and then into law.

Walter, your dedication to this matter has been steadfast, and I commend your sincere desire to recognize the men and women of the United States Marine Corps in this way. Hopefully, 2010 will be different. With over 360 co-sponsors of your bill H.R. 24, this effort has real momentum behind it, and I will be pleased to support its consideration on the House Floor and, of course, again carry it as part of the Chairman's mark of the national defense authorization bill for Fiscal Year 2011.

Very truly yours,

IKE SKELTON,  
Chairman.

HOUSE COMMITTEE ON ARMED  
SERVICES,  
Washington, DC, February 3, 2010.

Hon. WALTER B. JONES,  
2333 Rayburn House Office Building, Wash-  
ington, DC.

DEAR CONGRESSMAN JONES: It is with great pleasure that I join you and Chairman Ike Skelton in the effort to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. For the past eight years, I have worked with you to see this become a reality. Now is the time to move forward. Through blood and sacrifice, the United States Marine Corps deserves such recognition and I hope that this year it becomes a reality.

As you are aware, the House version of the National Defense Authorization Act (NDAA) has carried this language since 2001. However, the Senate has yet to agree to our position in order for this change to take effect.

Today, more than 360 members of the House have agreed with us that this change is necessary to reflect the true role of the Marine Corps within the Department of Defense, as a coequal with the Navy. I look forward to pushing this effort with you when it reaches the House Floor in the spring as a stand-alone measure and will continue to support the language in the FY11 NDAA.

Thank you for your steadfast dedication to this effort.

Sincerely,  
HOWARD P. "BUCK" MCKEON,  
Ranking Member.

In the letters from the chairman and ranking member, they state that they will bring this bill to the floor sometime in April as a suspension bill, will pass it on the floor, and will send it to the Senate. Then it will be up to the Senate to do what they will. Hopefully, they will understand what Senator ROBERTS said. All we are asking for are three words: "and Marine Corps."

Mr. Speaker, before I close, Dick Linn, who lost his son in Iraq in 2005, received condolence letters. He brought this up. I happen to have these three posters of fallen heroes from Camp Lejeune. They are marines who have died. Mr. Linn said that he was so disappointed and that, when he received these condolence letters, he was so proud of his son, who was a marine. I'll show you what he received.

Mr. Speaker, you can see on this letter—it's a blowup—the Secretary of the Navy, Washington, D.C., Navy flag. Nothing. There is absolutely nothing about the Marine Corps. Yet, the young man who died and many others who have died who were also marines received the same kind of letter, and there was nothing about the Marine Corps except in the body of the letter.

If this should become law—and I hope that the Senate will see the need for this, the need to recognize the Marine Corps and to say, Thank you, Marine Corps. You are one part of the fighting team, the Navy and Marine Corps. This is what it would have said:

The Secretary of the Navy and Marine Corps, Washington, D.C., with the Navy flag and the Marine flag. That's what it should be. I want to say before I close, Mr. Speaker, that the Navy and Marine Corps are one fighting team. They should be represented in name as one fighting team, Navy and Marine Corps.

Mr. Speaker, I want to close, but as I always do close with my heart aching for all who have given their lives for this country in Afghanistan and in Iraq, I ask God to please bless our men and women in uniform and for God to please bless their families.

God, please, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I ask God to please bless this House and Senate that we will do what is right in the eyes of God.

I ask God to please bless the President. Give him wisdom and strength to do what is right for this country.



Three times, I will ask God: God, please, God, please, God, please, continue to bless America.

#### SHAMELESS EXPLOITATIONS OF THE FILIBUSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. JOHNSON) is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, today, I am saddened as I rise in support and on behalf of the American people who do not believe that the fate of the Nation should be subject to the whims of just one single individual Senator.

The Senate filibuster was first used in 1837, and for more than a century, it has been used very sparingly and as a last resort. Even as recently as the 1960s, when the filibuster was used to obstruct historic civil rights legislation, it was used to block legislation in less than 10 percent of major bills, but a rule change in the 1970s opened up the floodgates for abuse. Suddenly, by simply threatening to filibuster, a single Senator could obstruct any bill that lacked 60 votes. Today, the filibuster is the last stand of special interests and is a platform for grandstanding by obstructionist Senators.

In 2009, the Party of No, the Senate Republicans, paralyzed the country, filibustering our political process—80 percent of major legislation filibustered.

Mr. Speaker, there is no doubt that the Founders of our Nation intended for the Senate to be a moderating influence on the process of legislating. So they gave Senators 6-year terms of office. At the same time, they gave House Members 2-year terms of office so that they could be closest to the will of the people. The Senate was to be the deliberative body.

George Washington is said to have argued that the Senate would cool legislation as a saucer cools hot tea. In that same spirit, James Madison explained that the Senate would be a necessary fence against the fickleness and passion of American politics. Yet the Senate no longer cools the tea of legislation. It freezes it cold—solid. It is no longer a fence against fickle passions; it is an impenetrable wall which is obstructing progress.

The prerogative of a single Senator to single-handedly block any bill is an affront to democracy. It is clear that the minority party, utterly incapable of governing effectively while in power, has decided to obstruct those of us who are here to solve problems. The filibuster is their weapon of choice. This week, we are witnessing what must surely have been one of the most shameless exploitations of the filibuster in American history.

Mr. Speaker, I rise this evening after witnessing this shameless exploitation

with sadness in my heart, with sadness at the absurd posturing of my friend, the retiring Senator from Kentucky, who has single-handedly blocked passage of highway jobs investment, unemployment insurance, and health coverage for Americans who have lost their jobs.

□ 1945

When this Senator and when the previous administration were running this country, they threw wild pitch after wild pitch—an unnecessary \$3 trillion war; runaway spending that turned a healthy surplus into a massive deficit; massive tax cuts for the rich that were not paid for; utter mismanagement of the economy; financial crisis and devastation to Main Street America—one wild pitch after another.

So the American people went to the bullpen. They put a pitcher with better stuff on the mound. He was a lefty, but he is throwing strikes straight down the middle with speed and accuracy.

But now the Senator is looking to get back into the game, and he has thrown a beanball straight down the throats of the American people. This week, in the midst of a deep recession, thousands of jobs have been furloughed, millions of unemployed Americans have feared the loss of their lifelines, their unemployment benefits, and construction projects ground to a halt.

All because a single, lame-duck Senator—ostracized even within his own party—wants some attention.

Well tonight I have an urgent message for the American people.

Call him. Call Senator BUNNING. Tell him Americans are suffering. Tell him Americans have no patience for his shameless games. Tell him America will not be held hostage. Tell him to be part of the solution or to get out of the way.

#### INDIANA HELPS ACHIEVE STATEHOOD FOR TEXAS BY ONE VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the Members that I admire the most is my good friend from Texas, Mr. POE. He is a real patriotic guy, and tonight he made a great speech on the independence of Texas. One of the things I would like to talk about real briefly is how Indiana had a hand in Texas becoming a free State, a free country.

Back when Texas was debating whether or not they should become an independent country and ultimately a State of the Union, we had a real contested election in Scott County, Indiana. The guy that was running for State representative of Scott County went around door-to-door, and he knocked on this one door and a man

was in bed, he was very ill and about to die.

When he asked for this man's vote, the man said, "How do you feel about Texas being admitted to the Union?" The fellow running for State representative said, "I am for Texas being admitted to the Union." And the guy said, "I am going to vote for you."

On election day, the man was on his deathbed, and he was literally carried to the polls and he voted for the gentleman who said he was going to vote for admission of Texas to the Union, and he was elected by one vote.

He went to the State legislature and there was a great debate over who was going to be the State senator from Indiana. In those days, the State legislature decided who was going to be the Senator. The debate raged on for a long time, and it was decided that the man who was running for senator who wanted to admit Texas to the Union was elected by the State legislature by one vote.

He went to the United States Senate and they debated the issue of Texas being admitted to the Union for a long time, and, as my colleague just said, Texas was admitted to the Union by one vote.

So when people tell you one vote doesn't matter, I hope they will remember that Texas was admitted to the Union by one vote, as Mr. POE just talked about a few minutes ago, and the man from Indiana who was the United States senator who was for Texas being admitted to the Union, he was elected to the U.S. Senate by the Indiana legislature by one vote, and the man who was a State representative who cast the vote that put him in the United States Senate was elected in Scott County, Indiana, by one vote.

Although I wouldn't want to take credit for Texas being a part of the Union because of Indiana, I did want to say to my good colleague from Texas tonight that Indiana did have a role in electing Texas to the United States of America. So I am very happy that tonight we celebrate the admission of Texas into the Union. And I must say to my colleague, don't ever forget that the United States of America got the great State of Texas because Indiana put a Senator there who voted for Texas by one vote.

#### COMMEMORATING LOUISIANA STATE UNIVERSITY'S 150TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 5 minutes.

Mr. CASSIDY. Mr. Speaker, as a proud graduate of Louisiana State University and LSU Medical School, I am honored to stand before the House today to thank my colleagues for commemorating LSU's 150th anniversary.

Since its first session in 1860, LSU has become the flagship university for our State, with over 650 endowed chairs and professorships held by distinguished faculty in disciplines that support the culture, government, and economy of Louisiana.

With more than 300 student organizations on campus, LSU plays a major role in our community. The Ag Center, for example, has conducted research which has resulted in greater yields and incomes for farmers across the world.

It operates the Safety Net Hospital System for the State of Louisiana, caring for the uninsured and under-insured in our State and sometimes surrounding States.

After Hurricane Katrina, LSU operated the Nation's largest field hospital and enrolled student evacuees from other universities who couldn't return to devastated areas in our State.

In addition to its excellent academic programs, LSU is renowned for its athletic achievements.

Lastly, Mr. Speaker, I would like the RECORD to reflect the proper spelling of our motto, which reflects not only our affection for LSU, but our French culture. When I say *Geaux Tigers*, it is *G-E-A-U-X Tigers*.

With that Mr. Speaker, *Geaux Tigers*, and I yield back.

#### A SECOND OPINION ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the minority leader for giving me the opportunity to spend some time with my colleagues tonight on the House floor talking about, yes, one of the most important issues not just of the day, but of the year, and in fact the past year-and-a-half, and that is, of course, the issue of health care in this country.

Colleagues, I know that we all watched very closely, as did men and women across the country last Thursday, when there was a health care summit at the Blair House. Leadership from both the majority Democratic Party and the minority Republican Party, my party, were invited to the White House, about 20 on each side of the aisle, moderated by none other than the President himself.

I think, Mr. Speaker, that that was a good thing. I commend the President for calling that summit. I think that each side, leadership and Members, particularly I think my colleagues from the Senate and our colleagues from the House, the medical doctors, did a great job of explaining their view and position on health care reform, al-

ternative ideas which I think the President listened very carefully to.

It is hard to know what actually came out of that particular session, seven hours of dialogue, the whole thing televised. But, again, Mr. Speaker, I think it was good that we showed that there can be some comity and bipartisanship in this body and in the Congress. Indeed, it was a good opportunity.

Well, here we are almost a week later and we get an announcement from the Associated Press just moments ago, Mr. Speaker. I was reading my BlackBerry, and apparently the President is going to come forward tomorrow yet again with some change to the health care plan even different from the 11-page change to the Senate bill that was posted on the Internet last Monday in anticipation of the health care summit on Thursday. I don't know what that is going to say, Mr. Speaker. I don't know what the President has in mind. Maybe we will spend a little bit of time this evening talking about that.

I am pleased that my good friend and fellow physician co-member of the House GOP Doctors Caucus and fellow OB-GYN specialist from the great State of Tennessee, Dr. PHIL ROE, has joined me, and we will engage in a colloquy.

But I just wanted to kind of set the stage tonight for our colleagues and say to both sides of the aisle, Mr. Speaker, and also to the administration, especially to the administration and to the President, again, I am not sure what we will see tomorrow, Mr. President. I look forward to very carefully looking at any proposals, especially if they are adopting some Republican ideas so that we can do these things, these important things for the American people, in a bipartisan way. We were elected to do that.

But I would very much liked to have been at the Blair House last Thursday. In fact, Mr. Speaker, the President knows that, or at least some of his staff knows. I don't know if he ever got to read my letter when I requested to come and speak on behalf of the Doctors Caucus in the House on the Republican side. I didn't get to go, but Dr. CHARLES BOUSTANY, our colleague from Louisiana, a cardiothoracic surgeon, was there, and did a great job. I am awfully proud of Dr. BOUSTANY.

But had I been there, had I had that opportunity to get my 5 minutes of fame or whatever, I would have said to the President, You know, one thing that you have done that I think is probably one of the most important things in regard to health care reform, that is money that was allocated, \$19 billion in fact, to try to get electronic medical records in the hands of every practicing physician in this country, all 750,000 of them, and every hospital in this country, so that we could clearly reduce medical errors, we could ulti-

mately save lives, and, in the long run, save money.

This is an idea that I think, at least from this Republican viewpoint, Mr. Speaker, is bipartisan, and I commend the President. President Bush had the same idea, and again it was a plan to get fully integrated medical records by the year 2014-2015. So we can do things in a bipartisan way.

There are a number of other things that Dr. ROE and I would like to talk about, Mr. Speaker, tonight. We don't need to spend \$1 trillion. That expenditure on electronic medical records is something like \$20 billion. Now, \$20 billion is a lot of money, but it is a long way from a thousand billion, and that is a conservative estimate by the CBO: \$1 trillion for this 2,700-page reform. We don't need that, Mr. Speaker.

Again, I am not sure what the President is going to say tomorrow, but I hope that finally he will be listening to the American people and realize that there are some targeted things that were mentioned, yes, by Democrats and Republicans, but the President I think wants to adopt some Republican ideas, and we are talking about things especially like medical liability reform.

The CBO gave a very conservative estimate of saving \$54 billion over 10 years. But if it is the kind of medical liability reform that is comprehensive, fair, absolutely fair and balanced, so that patients who are injured by practitioners of medicine and by facilities that are practicing below the standards of care, that they absolutely have a redress of their grievances and a decent recovery.

But the President, Mr. Speaker, in the bills that we are currently looking at, the House and Senate bills, there is just a pittance, like \$25 million worth of grants to States to look at it, to study. We keep creating these study commissions, but not even allowing States who have already capped non-economic damages, so-called pain and suffering—in many instances these are these frivolous lawsuits—those States wouldn't even be eligible for any of this \$23 million in grants.

So I hope his comments tomorrow include adoption in a new bill or a modification, and hopefully a vast shrinkage of the existing bill, and that it is true medical liability reform.

□ 2000

Because that's the only way we save lives and save money and bend that cost curve down in the right direction.

So with those opening remarks, Mr. Speaker, I want to yield time to my colleague from Tennessee, Representative PHIL ROE.

Mr. ROE of Tennessee. Thank you, Dr. GINGREY, for yielding. As I was sitting here, I think what we should do is go back a year. Obviously, last year when we first began this session we knew that health care reform was

going to be on the front burner. The arguments that I heard for the need of it being on the front burner were the same as I heard over 20 years ago, which were rising costs of care, decreased access to care. And we have viewed those things, I think, over a period of time and understand that we have the best quality health care in the world in the United States, but it is expensive. So the cost is a huge issue. And that's one of the things that I think in this current bill is not being addressed adequately, or has not been.

One of the great disappointments I had during the debate on this health care bill was the fact that in our Doctors Caucus on the Republican side we have 14 Members, now 10 physicians. We have an optometrist, dentist, psychologist. And not any of us were consulted in any meaningful way in putting together, on the House side, an over-2,000-page bill.

Let's summarize that bill a little bit. The House bill that was passed has a public option in there. That is not the case in the Senate bill. In the Senate bill and the House bill there are both individual and business mandates to purchase insurance. We have never in the history of this country on a Federal level—and you hear it compared to a State issue of car insurance. It's not the same thing. We've never done that before. So there are some distinct differences in these two bills. And they are now coming to the House. It passed in the House by 220-215; and in the Senate, 60-40.

Now the President, and Dr. GINGREY mentioned this, several of us have attempted on numerous occasions to go to the White House and sit down in a bipartisan manner and lay out literally hundreds of years of experience and go over with him what we saw work and what didn't work.

And what I saw in my State in Tennessee back 16 years ago was we looked at access, we look at rising costs, and people's inability—losing their insurance. The same issues as today. We asked for a waiver from the Health and Human Services to start a new managed care plan called TennCare. I've discussed it here on the House floor, and I'm not going to go into the details, but just to say that bill, that project, when it first started, was a \$2.6 billion project in the State of Tennessee to cover people. We had a lot of uninsured people. We wanted to get as many people covered as we could.

In doing that, in 10 budget years in the State of Tennessee that had gone to an \$8 billion program. It had tripled in costs. And so we found out unless people had some skin in the game, unless they had some different incentives than we had, the costs would escalate. As a matter of fact, it escalated so much that it took up one-third of the State budget, and every new State dollar we took in went to the health care.

So the Governor, who's a Democrat, and the legislature, which was Democrat and Republican, split, had to do something about it because the State simply couldn't afford it.

What I see in this current Senate bill is a massive expansion of the same program that failed in the State of Tennessee. And to show you how bad it is right now in our State, we're having to limit doctors visits. That's right now, currently, I'm talking about. Not with this added part. Remember, in the Medicaid program, the State has a match. That's why the Nebraska carve-out was such a problem for other States, because there is a match that's required in Medicaid: the Federal Government provides so much money, the State provides so much. Well, our State can't provide any more. So we've cut the rolls of over 200,000 simply because the State of Tennessee doesn't have the money for the current plan, not the very expansive plan that we've talked about.

I think last week—I agree with you, Dr. GINGREY, it was a year overdue. It should have happened a year ago. It was good going to show that there are philosophical differences between how you approach health care. Basically, do you want a larger—I won't say nanny State—but ever-expanding government to make those decisions, or individuals to make those decisions? Certainly, I believe that individuals should.

When you look at this plan that's there now, I can tell you it says it's budget neutral. There's some gimmicks that have been played. PAUL RYAN very clearly pointed those out in the \$500 billion that is being carved out of an already underfunded, failed Medicare plan; 2016, that goes upside down. In other words, more money is going out than coming in. If you take \$500 billion out of that, you've just created another liability for the Medicare program.

I will tell you, if you take that much money out, three things will occur. One, there will be decreased access to care because doctors are not going to be able to take the patients. They won't pay. Number two, the quality will go down if you can't go in. And, thirdly, the seniors will pay more for the care they're going to get because they'll have to. There won't be any other choice.

We talked about some simple things that I think we could do. As you pointed out already, there's a 2,700-page Senate bill out there. We can cover two-thirds of the people in that Senate bill with two paragraphs. Number one—and it's in the House bill—it's simply to allow young people who don't have health insurance after they get out of high school or college to stay on their parents' plan until they're 26 or 27 years old. Just pick your number. That will cover 7 million young people. Number two, sign up the people who are already eligible for SCHIP, the

State Children's Health Insurance Plan, or Medicaid. Already you have got those plans in place. Have adequate funding. That will cover, Dr. GINGREY, almost 20 million people. This complicated Senate plan covers 31 million people.

You hear people talk about bending the cost curve, keeping costs down. Dr. GINGREY talked about it a little bit on medical liability reform. Without liability reform you will never be able to completely reverse this cost escalation. Why? Because doctors will order tests to protect them in case there's no disincentive for them not to. Again, an experience we've had in our State: 35 years ago we formed a mutual company, State Volunteer Mutual Insurance Company, to protect physicians. When I first went into practice, my premiums were about \$4,000 a year, probably much like yours were. When we left, a physician who took my place was \$74,000. It's gone up almost 18 times, over that period of 30 years, the increase in premiums.

And what have we gotten for that? Well, over half the premium dollars that I paid in for 35 years, gone for attorneys, both defense and plaintiff attorneys, not to the injured party. Less than forty cents on the dollar actually went to the injured party. So we've got a bad system to basically compensate people who have been legitimately injured. So until you get that fixed, you're not going to ever completely bend the cost curve. You've got that to deal with.

I think the waste and fraud, everyone agrees with that. There's waste, fraud, and abuse in the Medicare program, absolutely. I do have the President's letter. And the four things that he agreed to discuss were waste, fraud, and abuse. I think we all agree on that. Both sides. I don't think you'll get any disagreement there. The liability reform is just more study. The study that he was talking about was to not limit attorneys' contingency fees and caps on damages. Well, that's the two problems that are causing the problem right now. And in Texas, which we've already done the experiment, in 2003 they passed liability reform. And what's happened in Texas? Well, premiums have gone down 30 percent and physicians have streamed into Texas. Almost 15,000 new doctors have applied for practice in Texas.

Mr. Speaker, the third thing that the President has in his letter is the inadequate payment for Medicaid patients. In our State, they pay less than 60 percent of the cost of actually providing the care. So physicians are not able to take as many of those patients, and many of them limit or don't see Medicaid patients. He said he would be willing to look at that if it's fiscally responsible. The other is to encourage health savings accounts, which has been one of the centerpieces of personal responsibility.

One of the things that has bothered me in this bill, that supposedly the President said in this chair here not long ago, that he wouldn't sign any legislation that wasn't budget neutral. Well, the sustainable growth rate, as you and I both know, are how doctors are paid by Medicare. As a matter of fact, right now there is no—we have had no “doc fix,” we call it. There's a 21 percent cut in the budget right now for that that will occur this week if we don't do something this week. If there's a 21 percent cut in those payments to our physicians, then you're going to see a lot less Medicare patients have access to their doctors. And that is a very bad thing.

So I think there are some good things about what the President said here. I agree with that. Then there's some things that just don't mesh with the current legislation.

I want to talk about one other thing, and then I'll yield back. One of the things that when you see CBO and you see all these estimates, you have to go back and just look at history. When Medicare was first debated on this very floor right here, and passed, it was a \$3 billion program. 1965. The estimates then were it would be a \$15 billion program in 1990. Flash forward to 1990. It was over a \$90 billion program. Today, it's over a \$400 billion program.

So if you look at those estimates and look at the history of our estimate in Tennessee that we were going to actually save money, keep premiums down. And, Dr. GINGREY, what's happened when the bigger—these programs that come along that don't pay the cost of the care. Medicare pays about 80, 90 percent of the cost of providing the care, and TennCare or Medicaid pays about 60 percent of the cost. Those costs get shifted. And they get shifted to business and individuals. We think, in Tennessee, it might add as much as \$1,800 per family who have private health insurance. So it's a hidden tax. We can't continue to do that, or you'll drive the insurance companies out of business.

Certainly, the insurance companies, we have every right, I think, to look at them very seriously. I know when I left practice, I had a case, and one of the last cases I did, I spent as much time getting the case approved as I did actually doing the case, almost. So there's some insurance reforms that need to be out there. You've experienced the same exact thing. A lot of frustration on my part there, also.

I yield back to the gentleman.

Mr. GINGREY of Georgia. Dr. ROE, thank you so much. I hope you will be able to stay with us for a little bit more time tonight as we continue the colloquy.

Mr. Speaker, I wanted to show a few slides to our colleagues. Of course, starting with the Second Opinion, the subtitle: When will the White House

listen to the American people? When, indeed, Mr. Speaker, will the White House listen to the American people?

In the second slide, let's just go back to last August, 7 months ago. Americans attended town hall meetings across the country in record numbers. In fact, my town hall meetings, instead of having 40 or 50 people there, I had 1,500. And I'm sure other Members experienced the same thing. These people were asking that the Democratic majority stop their plans to implement a government takeover of health care. And here's a quote, Mr. Speaker, from ABC News, and the date is August 5, 2009. That's when all these town hall meetings were going on across the country. I quote from the newspaper, There were no lobbyist-funded buses in the parking lot of Mardela Middle and High School on Tuesday evening, and the hundreds of eastern Maryland residents who packed the school's auditorium loudly refuted the notion that their anger over the Democrat health care reform plan is manufactured. That's what ABC News was saying back 6 months ago.

Now fast forward to today, March 2, 2010. Americans are still trying to be heard by the White House and Democratic leaders as Democrats continue to try and ram a government takeover of health care through the Congress by any way possible. This is a quote from Rasmussen, the polling guru. Everybody's familiar with the Rasmussen poll: February 23, 2010, just last week, Voters still strongly oppose the health care reform plan proposed by President Obama and congressional Democrats and think Congress should focus instead on a smaller plan, smaller bills, that address problems individually rather than a comprehensive plan.

Well, Mr. Speaker, that's what we're talking about tonight, that's what Dr. ROE is discussing, that's what I said in my opening remarks, about had I been at the Blair House, what I might have said, very respectfully, to the President, to Majority Leader REID, and to the Speaker of this House of Representatives, Ms. PELOSI.

□ 2015

The American people were not an angry mob, as they are not today, my colleagues. They are men and women, a lot of seniors, yes, very concerned about the massive takeover by the government. And that is the thing, the bottom line that the people fear the most, is having government take over every aspect of our lives. Indeed, colleagues, we are talking about, and we all hear this quote and don't argue with the statistics, this is one-sixth of our economy; \$2.5 trillion a year on health care.

We see the same thing, quite honestly, happening in education. We have a bill on the floor tomorrow, Mr.

Speaker, a bill with a special rule in regard to telling school systems all across this country how they can discipline children. I am sure there are some concerns and there may be some abusive behavior in very small pockets and a small problem. But we have this attitude up here, Mr. Speaker, that the Federal Government knows best, and we have these knee-jerk reactions to things, and all of a sudden we make this huge mountain out of a mole hill, I think, in some instances and say the Federal Government has to take over; that school boards, elected by a local community, can't run their local schools. I think that is hogwash, quite honestly.

The American people have spoken about this. They want us to correct the things that they can't deal with themselves. And yes, they want us, Mr. Speaker, to rein in the abuses, in this instance, of the health insurance industry. But you have to understand, colleagues, that there are a lot of good, honest, ethical men and women in this country who work in the insurance industry, whether they are selling life insurance or property and casualty, or health insurance. Independent agents.

And there are some great health insurance companies, large companies, small companies, probably over 3,000 total. We need to be careful that we're not beating up on them so bad that all of a sudden we destroy an industry, and how many hundreds of thousands of jobs in the process.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. GINGREY of Georgia. I would be proud to yield for comments from my colleague from Tennessee.

Mr. ROE of Tennessee. You make a great point. We are not here defending them. But to put this in perspective, if you took all the profits that the health insurance industry made, it would be 2 days of the health care of this country. That is how much it is: 2 days out of 365.

Mr. GINGREY of Georgia. I thank the gentleman for pointing that out. This is the kind of wisdom that we need to hear and need to stop and think.

Certainly Dr. ROE would agree, and I fully agree, Mr. Speaker, that if insurance companies are rescinding, is the word that is used, a rescission action, rescinding a policy after the fact. Somebody has got health insurance for their family, including their children, and they have a teenage daughter, and she, lo and behold, has to go into the hospital for an emergency appendectomy. The surgery is a success, everything goes fine, and they expect that the insurance company will pay whatever is above the copay and the deductible. And then all of a sudden they are told, “Well, no, we've looked back through your policy that you took out, Dad, for the family 10 years ago when

your teenager was just 3, and you gave us the wrong birth date, or you failed to dot an I or cross a T, and therefore this \$20,000 bill, you're on your own, buddy." Well, that has to stop. Of course it has to stop.

And this also not allowing people with preexisting conditions, particularly if they are in the individual market, just make it so impossible, either deny or make the premiums four times the standard rate, and that essentially is denial, too, isn't it, Mr. Speaker? Well, Dr. ROE and I agree, and everybody in this body, all 435 of us agree that we need to stop things like that. Those things can be done, but it doesn't take 2,700 pages and 32 additional Federal bureaucracies to deal with that.

Again, I don't know what the President is going to say tomorrow. I read that AP report that he is going to indeed address four subjects in maybe yet another bill, or maybe in addition to the current Senate bill, that were brought up last week on Thursday at the Blair House by the Republican Members that were there. Let me just on my BlackBerry, Mr. Speaker, refer to that. And just for my colleagues, maybe some of you had already read that.

The proposals President Obama listed are four: Number one, sending investigators disguised as patients to uncover fraud and waste. I want to get back to that, Mr. Speaker, in just a minute. Expanding medical malpractice reform pilot programs. Sounds good to me. Increasing payments to Medicaid providers. Absolutely. If we are going to have any Medicaid providers, I hope we will do that. And last, the fourth thing, and I am really interested in reading about this because I'm most in favor of it, expanding the use of health savings accounts.

But I do want to go back to that first one, Mr. Speaker, if I may. Sending investigators disguised as patients to uncover fraud, waste, and abuse. I know that was brought up at the Blair House by a Republican, but, quite honestly, if we don't already, Mr. Speaker, have enough Inspector Generals within CMS and other government programs, health care, TRICARE, the veterans program, CHIP program across the country, I think we could do a better job with combating waste, fraud and abuse than sending undercover patients into doctors' offices.

I haven't practiced in a while, but I spent 31 years, Mr. Speaker, as a medical practitioner, it has only been 7 or 8 years since I practiced, but I worried all the time about making sure that I didn't make a mistake, that I ordered the sufficient number of tests. And in fact, I practiced like everybody else, probably Dr. ROE as well, I welcome his comments on this, what we call defensive medicine. And many times getting a blood test, or an x-ray, or a CAT

scan, or an MRI, or something that I knew wasn't necessary. I hoped that it wouldn't be harmful to the patient. If you draw too much blood, you can certainly turn them into an anemic patient.

And, Lord knows, we had a hearing just last week, Mr. Speaker, in the Energy and Commerce Committee about x-ray exposure, particularly from MRIs and CAT scans and things that you really don't know if 10, 15, 20 years from now if that exposure couldn't indeed lead to a cancer that that patient might not otherwise have contracted. So all of that defensive medicine that we practice, and my colleagues, the OB/GYN specialists, are in town this week, and I have had the conversation with them, so I know that we need to stop that.

But this business of saying we're going to disguise people and have them go into a doctor's office as a fake patient, I sure hope they don't go in as a fake patient and decide to have a hemorrhoidectomy to see whether or not the doctor is qualified. Some of this stuff is a little bit ridiculous, I think.

I want to yield to my colleague from Tennessee, because he's got almost as much clinical experience as I have. I would like to know how he feels about that particular aspect of reducing waste, fraud, and abuse.

Mr. ROE of Tennessee. I would like to go on record tonight with you as naming this ramming this bill through this month March Madness. And I am not talking about basketball. It would be madness to do that now. And I will just tell you why I believe that.

Six o'clock the night after that summit last week, I just happened to have a telephone town hall and had 1,100 people vote in a poll. There were four questions: Number one, do you want to pass this bill as it is? Number two, do you want to take a clean sheet of paper and start over? Number three, do you want to just scrap it and work on jobs? Or number four, do you not have an opinion on this? Five percent of those 1,100 people who voted said to pass the bill as is. Thirty-eight percent said get a clean piece of paper and start over. Fifty-two percent said just stop altogether and let's get to working on getting people back to work in this country; start on jobs. And then 5 percent were undecided.

As you can see, that CNN poll right there showed 73 percent of Americans think we should start all over or do nothing. So it is not that much different than the very poll I did of 1,100 people voting. Mine was not a scientific poll. I want to point that out. It was just a telephone town hall poll. I don't want to pass it off as anything it is not.

Mr. GINGREY of Georgia. Thank you for sharing that with our colleagues in regard to the tele-town hall meeting

and the poll that you conducted with your constituents in Tennessee. You referred to this next slide that I have got titled, and I want to point it out to my colleagues, "What Americans Want." Just like Dr. ROE said, poll numbers, 73 percent of Americans think Congress should start over on health care reform, or if they can't start over and get it right, do nothing.

I mean for goodness sakes, this business of when you are talking about health care and somebody comes along and says to you, "Do something, even if it's wrong," think about that for a minute. Do something even if it's wrong? Regarding health care? Regarding an operation? Regarding a delivery of a child? No. Don't do something even if it's wrong. You better get it right. And if you can't get it right with what your plan is, drop the plan.

Then going on the bottom half of this slide, Mr. Speaker, 56.4 percent of people indicated they would prefer Congress to tackle health care reform on a step-by-step basis, not take the comprehensive approach as embodied in legislation that passed the House and Senate last year but is now stalled, thank God, for the past month.

I want to yield to my colleague so he can further elaborate on this.

Mr. ROE of Tennessee. Thank you for yielding.

One of the things that is not mentioned in the President's letter that I am looking at here is that certainly people who are either pro-choice or pro-life do not want, a vast majority do not want taxpayer dollars spent on federally funding abortions. The way the Senate bill is written, the way the House bill without the Stupak amendment, it does do that. The Stupak amendment in the House bill forbids that. The Senate bill does not. And nowhere in this language—why can't we just come out and say a vast majority of the people do not want that? And we should be able to come out and say that no Federal dollars will be used to fund abortions in this health care take-over. I think that is fairly simple.

We saw how the Stupak amendment passed with an overwhelming majority in the House. It did not do so in the Senate. But I think that is fairly simple. We ought to be able to say that. The President ought to be able to say that right now, tomorrow. He should be able to come out and say just that.

The second thing you brought up a moment ago were preexisting conditions. That is for you and I, where I would see it as a physician would be in a patient I diagnosed and would have a breast cancer and maybe lost her job or retired from teaching or whatever it may be, and then she is uninsurable. Well, that is unacceptable. That is absolutely unacceptable. I fought with that for 30 years in practice. Pre-existing conditions are a problem in the individual market. The year I ran

for Congress, I was in the individual market. It was tough to find insurance. It is expensive, and most people can't afford it. And small businesses. Seventy percent of our jobs are from small businesses. So how do you create a situation where small businesses can afford this and become larger groups?

□ 2030

Well, I know it doesn't make sense, and I have never been able to understand why anybody would care if you sell insurance across the State line. I use the example of Bristol, Tennessee and Virginia. There is a city in my district where State Street has a line right down the middle of the street. On one side, you are in Virginia, and on one side, you are in Tennessee. One side you've got a different insurance policy than the other side of the street. That makes absolutely no sense. You don't get your homeowners that way, your life insurance. Car insurance you can buy across State lines. It makes no sense.

I can see why the insurance industry wouldn't want you to do that because it creates competition. And then what you allow people to do once they can shop across State lines, because there are vast differences, you can get on the Internet and find out what a life insurance policy costs you anywhere in the country. You can evaluate whether the company is solid or not, and you know what you're buying. You can find out. It is transparent.

We need transparency in insurance rates, and we need to allow small businesses to form groups. You can call them association health plans, group plans or whatever. But if you can spread those risks over thousands of people, then the preexisting condition goes away. And I can't imagine why anybody would object to that. That's not here in the President's plan. He's got this exchange that's government regulated instead of the free market regulation. I think that's a huge difference in the way we look at this. Do we want government regulating it? Yeah, you want some. We have anti-trust laws. Absolutely you do. But we want the free market to work because it works much more efficiently, and that's two of the basic differences in these two—

Mr. GINGREY of Georgia. Dr. ROE, if you will yield back to me for just a second, I want to continue on this point that you are making. I think what you just said, if I understand it correctly, Mr. Speaker—what Dr. ROE just said is that if we would allow individuals to go online, they wouldn't have to get in their car. I wouldn't have to drive to Tennessee to apply, to sign up for a health insurance policy that's offered in Tennessee. From the comfort of your home, you do it over the Internet.

And if we would simply allow that—and also, by the way, allow small em-

ployers that maybe employ 10 or 15 people to come together with others in what we refer to as an association—and very quickly, you could get to 1,000 or more and form an association, and that way you spread the risk. You have some people that have preexisting conditions. You have some people that have had a heart attack or already have high blood pressure or whatever. But if you spread it among 1,000 people, you have lots of healthy people in that association, so you are able to bring down the cost.

And the same thing with individuals being able to buy across State lines because they're part of a—people all across the country in every one of the 50 States might be getting on that computer and buying a plan that's offered in the State of Tennessee or in the State of Georgia. And that way, as I understand what Dr. ROE is saying, Mr. Speaker, you wouldn't need these exchanges because that would be the exchange.

And then to sort of complete the thought, you also—within every State, or you could come together on a regional basis if you wanted to with neighboring States. You could have these high-risk pools within the State so that individuals that do have these preexisting conditions, these insurance companies, health insurance companies that offer their products within a State, they would have to participate, and they would have to agree that, Hey, you take one high-risk patient; I will take a high-risk patient. You take another one; I will take another one. And do it in a fair and balanced way and not have the premiums be more than, say, 2, 2½ times the most standard rates. Then if they are low-income, but yet they don't qualify for Medicaid because they're not quite that low but they certainly can't afford the premium, then the State and the Federal Government can help with some subsidies. But not this business of \$500 billion worth of subsidies. That's what's causing this bill to be so expensive. In fact, you know, you cut money out of Medicare, \$500 billion out of Medicare, tax the American people \$500 billion.

So, Mr. Speaker, Dr. ROE is offering us—it's a Republican idea, yeah, but it ought to be bipartisan. And we talked about it at the Blair House last week. So we really don't need these exchanges, do we, Dr. ROE? And I will yield back to you.

Mr. ROE of Tennessee. I can't imagine why anybody would mind if you bought your health insurance exactly like you buy any other insurance policy you want to. I don't know how you could possibly object to that. Let's take Realtors, for instance. Almost all realty shops are small businesses. In our community, 10 or 15 people would be a large realty store. There are over 500,000 Realtors in America. If they could come together as an association

and buy their insurance through that exchange or through that association, I should say, preexisting conditions would go away. It's just not an issue if you've got 100,000, 200,000 people.

People talk about the FEHBP, the plan that the Federal Government has. That is the same thing. You have 9 million people in that plan. You share those risks, and you can then negotiate lower rates.

Another thing I think that we need to talk about tonight are health savings accounts. I want to talk about that for just a minute because most people don't really understand it. You hear it's just for rich people and so on. That's a big argument you hear. Let me explain to people what a health savings account really is.

You are given money, whatever the number is. The way we've done since World War II is that we've gotten our insurance and we pay a small copay or deductible, and it is 80 percent up to a certain point and then it's 100 percent after that. Well, that means at the end of the year, if you have been totally well, the insurance company keeps all your money. That's your money you are paying in, and you are getting some of that in lieu of a salary. What that HSA does is, let's say you put \$3,000 or \$5,000 in. I have had a health savings account, and we put \$5,000 in that health savings account. If you got sick and used the \$5,000, you would pay 100 percent after that. So that is my money I am dealing with. At the end of the year, if I have been healthy, I have had a healthy lifestyle, I don't smoke, I exercise, I eat well, take care of myself, I get to keep the money. I roll it over, and then next year I can use it. And after a number of years, you may have many thousands of dollars that you can use for long-term care.

Now, again, the argument I hear is that only rich people do that. Well, let's look at my own office. We have 300 or so people that get insurance through our medical practice, and 84 percent use a health savings account. They manage their own health care dollars. They like it a lot because they then become negotiators for their health care costs. They come to my office, and they may negotiate a price for a visit. They may go to whatever procedure they may have. They may go to the hospital and say, I want your lowest price, and they can get that by negotiations, and that will bend the cost curve down. What continually makes the cost curve go up is that we're shielded from all the costs of the health care.

Mr. GINGREY of Georgia. Dr. ROE, if you will yield back, and I think you make a good point. And I hear the same argument, Well, only people that are well-to-do, well-off, high-income people can afford to have a health savings account in combination, Mr. Speaker, with that low monthly premium and a high deductible that Dr.

ROE just explained so well. But I have seen statistics, and I think they're accurate, that 50 percent of people that have these high deductible, low monthly premium combined with a health savings account make less than \$50,000 a year. And some 75 percent of them make less than \$75,000 or \$80,000 a year. So we're not talking about wealthy people. I think Dr. ROE makes a good point.

By the way, Mr. Speaker, as I was reading in the Associated Press about what the President might include tomorrow, these four things I did ridicule a bit, this idea of combating waste, fraud, and abuse with fake patients. I have embellished or maybe overstated, but I wanted to make a point, Mr. Speaker. But as far as expansion of health savings accounts, I say to the President, Kudos, Mr. President. I am looking forward to hearing about that, and I hope that this report from the Associated Press is true.

I also hope, Mr. President, that the report about expanding the medical liability reform is true, although I would guess that it doesn't go nearly far enough, because this report, if it's accurate, Mr. Speaker, says instead of \$23 million worth of grants to States to enact pilot programs on alternative ways of dealing with medical liability issues, it increases that amount to \$50 million. Well, that's not much, and that's not really, I don't think—and I think Dr. ROE would agree with me—going nearly far enough to do what we need to do in regard to caps on pain and suffering judgments, which sometimes can be in the millions of dollars in a frivolous case.

And then a couple of other issues, Mr. Speaker, regarding medical liability reform. The defendant in a medical malpractice case could include somebody that was just covering—let's say as an example, Dr. ROE has a patient and asked Dr. GINGREY to step in and say hello to that patient on Sunday morning while Dr. ROE takes his family to church, and Dr. ROE is going to operate on that patient the next day. Dr. GINGREY just walks by and says hello to the patient and lets her know that Dr. ROE will be in later in the evening, and that's the only contact that Dr. GINGREY has with this particular patient. Well, if something, Mr. Speaker—and it's not likely that anything would go wrong under the care of a doctor like Dr. ROE, but sometimes things do, and that Dr. GINGREY who just really had essentially nothing to do with the patient's care would be drug into court. And if he or she had the deepest pockets and the most liability coverage, then they would be the ones that would be responsible for most of the judgment and settlement or whatever. So we need some robust reform. And I hope that the President, Mr. Speaker, is talking about that.

I yield back to my friend to see what his thoughts are on that.

Mr. ROE of Tennessee. I thank the gentleman for yielding. I will just point out the California experiment. They did caps on pain and suffering in 1976, and premiums across the country for malpractice have gone up over 1,000 percent during that time. In California, it was about 300 percent. So it's been a huge decrease. Texas was similar. They have had a 30 to 50 percent reduction in malpractice premiums. And doctors—especially high-risk doctors like yourself and myself—many counties in Texas now have an obstetrician which before they did not have. Over half the counties in the State of Tennessee do not have an OB/GYN doctor in the county. So it is an access inequality problem when you can't get to a doctor. And many of our physicians are leaving the practice, which is very worrisome, because you want your most experienced people staying with it.

We have another problem, I think, with this plan. I do believe that from what I have heard in my own district, there is no question. I came out of church the week before Christmas, and one of my friends there said, Doc, he said to me, What's the Senate going to do with this health care bill? This is after the House had passed it, and it was about Christmas Eve when they were getting ready to vote. And I said, Well, I think that they're going to try to fix it. He grabbed me by my shirt, by my coat lapels, and he said, You fix your cat. You kill this bill. What he was saying was that this comprehensive, almost incomprehensible bill needed to be shelved, and we needed to start from scratch and go all over.

I think last week was a start, but it was a year too late. You had so many people that had put their neck out and said this absolutely has to be in a bill when it didn't have to be. I can think of four or five things we ought to be able to agree on in a minute, and those would be selling across State lines. I think certainly forming association health plans, doing away with pre-existing conditions. I think we all can agree on that. I think meaningful malpractice reform we can agree on. I think letting young people stay on their parents' health plan until age 27. I think just signing up people who currently are eligible for the current programs we already have. Those are five things right there that we ought to be able to agree on in a minute and we can do.

Mr. GINGREY of Georgia. Dr. ROE, yielding back to me for a second, we've already talked about the health savings plans and expanding that and allowing people—if there still is an exchange, and you and I have talked about it, Mr. Speaker. Dr. ROE and I have talked about it, and I hope our colleagues understand this. We don't think that we have to have this exchange, this expensive exchange where you have to subsidize people's pre-

miums. That's how the President was able to say last week, Mr. Speaker, that 47 percent of people in the exchange will be paying less than they currently are for their health insurance. Well, yeah, they are paying less out of their pockets, but they're reaching in everybody else's pockets—John Q. Taxpayer—to help them pay those premiums. So really when you do a little fact check on that, you find that most people under that plan are going to end up paying more.

And what Dr. ROE is talking about in the four or five things he mentioned, of course, even if you had an exchange, you shouldn't say to people that the only kind of policy that they can buy is a first dollar coverage, the most expensive kind of policy, when young people, healthy people and people who are just out of college or just out of high school or just back from the military and they are trying to pay for a car, they're trying to rent an apartment or buy a little starter home, or buy an engagement ring for their fiancée, and the last thing they can afford is \$15,000 a year for a first dollar coverage health insurance plan that they don't even need. So what's still in the bill, it prohibits a person from having one of these plans.

Mr. ROE of Tennessee. Would the gentleman yield?

Mr. GINGREY of Georgia. It's counterintuitive, isn't it, Dr. ROE?

And I yield back to you.

□ 2045

Mr. ROE of Tennessee. One of the things that this plan does, it mandates a certain level of coverage. You have to purchase a certain level of coverage, and it is a fairly expensive piece of coverage. An example would be for fertility. I can assure you that in my family, we don't need that coverage. I should be able to purchase the coverage that I need. There are issues in there that I just don't need any more. For example, pregnancy coverage is something I don't need. I should be able to go buy, or a person should be able to go buy, just like when they buy the homeowner's policy that they need, that is what they purchase. You should be able to do the same thing for health insurance.

That is one of the problems with mandates. Some States have as many as 60 State mandates that you have to have in an insurance policy to sell insurance in that State. One of the problems with it is if you are allowed to buy across State lines, you can go buy a policy that fits your needs and your family's needs. You make that decision; the government doesn't make it for you.

Mr. GINGREY of Georgia. That is exactly right, Dr. ROE. I have a daughter who lives in the great State of New York. Her health insurance policy covers so much more than many of the



policies cover in the State of Georgia, for example. And it is much, much, more expensive as a result of that. So Dr. ROE makes a good point of buying across State lines.

One thing before our time expires, Mr. Speaker, I want to just say again that hope springs eternal. I don't know what the President is going to say to us tomorrow, but I hope that I like what I hear because the American people need relief. But as we stand here tonight, what is still in these bills? Well, a government takeover, that is one thing. Price controls is another. Individual and employer mandates, and I don't know that it is really even constitutional to say to an individual in this country you, under the penalty of law, fines, and jail time, have to buy health insurance. We hope they do, and we hope we create the environment where we can bring down the price and people can afford—maybe it is a health savings account combined with a high deductible, low monthly premium, but to hold a gun to their head and say they have to do it, no, that is not right. That is not constitutional.

In the bill, there is no meaningful medical liability reform. Again, hope springs eternal, but the bill puts Washington bureaucrats in charge of defining quality health care. That is where those 32 new bureaucracies do their work. It cuts \$500 billion over all Medicare, but \$120 billion of that is cut out of Medicare Advantage, and 20 percent of our seniors get their care from Medicare Advantage. Why do they call it Advantage? Because it is an advantage. It covers wellness. It does screening, appropriate screening. It keeps people healthy so they are not spending all of that money in the last weeks or months of their life.

Finally, this bill raises taxes to pay for new entitlement programs, and it gives the government-run plan a beachhead to eliminate the private insurance market. And, unfortunately, many of our colleagues, Mr. Speaker, have said it loud and clear, whether members of Energy and Commerce, or Ways and Means, or Education and Labor, that they want the government to take over, just like it exists in Great Britain or Canada or other countries. The American people don't want that. They want us to do something in an incremental way, and I think we can do it and do it in a bipartisan way.

Mr. ROE of Tennessee. Just a very short comment. This weekend, Dr. GINGREY, Mr. Speaker, I had three friends, people I know, diagnosed with some very serious illnesses. It just happened. These three men that I know extremely well, all of them, are getting the highest quality care anywhere in the world, and they don't have to go far from home to get it. I think one of the things that the American health care system has brought to us are new innovations, lengthening of our life span,

and the procedures that are done today to extend and improve the quality of life. I am glad to hear no longer, and I heard it for a year, and it was very bothersome and troublesome to me, to hear the other side talk about how bad health care was in America. We certainly have a problem getting health care at an affordable price to all of our citizens, there is no question that is true, but the care that everyone gets is good care.

I can tell you that I have done it myself for people who couldn't pay. And I would stand here and hear people talk, and I am one of the few people on this House floor who had to get up and go to the emergency room at 3 in the morning and see a patient who doesn't have health insurance and try to work him through a system and get them care. It isn't easy. We can do better, and we sure can do better than this bill right here.

Mr. GINGREY of Georgia. I thank Dr. ROE for being with me tonight, Mr. Speaker. There are 14 health care providers on the Republican side. Ten of them are M.D.s. There are five M.D.s on the Democratic side. We have two doctors in the Senate. We probably have 500 years in clinical experience in the aggregate. Let us help.

In closing, I want to refer to my colleague who was here a number of years ago, Dr. Roy Rowland, a member of this body when the Democrats were in the majority. Back in the early 1990s, Dr. Rowland, a family practitioner from Dublin, Georgia, he had a bipartisan bill back then that he worked very closely on with his Democratic colleagues and his Republican colleagues, and he presented that bill. I think it was called the Bipartisan Health Reform Act of 1994, and he offered that in lieu of HillaryCare. Unfortunately, the Democratic majority didn't accept it. Don't make the same mistake this time, Mr. President. Let's do it in a bipartisan way and in a small, incremental way.

#### BLUEPRINT FOR RECOVERY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. BRALEY of Iowa. Mr. Speaker, I was very proud to found the Populist Caucus with a large group of my friends in the Democratic Caucus to focus on economic issues that affect Americans who either make up the middle class or are striving to enter the middle class. We all know that our country has historically been at its best when we have had a large middle class and our economic policies reflect middle class values, and that is why when we decided to settle upon our founding principles, we decided that we

wanted to fight for families by providing them access to quality, affordable health care; to provide them and their children with the type of world class education they will need to compete in a global economy; to make sure that we have a fair wage system for all employees in this country; to make sure that our trade policies provide a level playing field to American workers and American manufacturers who compete with trading partners who just frankly don't quite live up to our standards, whether it is child labor, exploitation of workers, environmental issues, those are the types of issues that we want to focus on as we chart a new future for this country to promote and expand the middle class that we all are so proud to have been a part of.

One of the things that we talked about as we were trying to dig ourselves out of the greatest economic crisis since the Great Depression was what type of a blueprint for recovery we wanted to offer to the American people that was going to be a reflection of the values that we grew up with and give a strong message that, after a bailing out Wall Street, the American taxpayers deserved help on Main Street, and that it was not unreasonable to ask the very people on Wall Street who got us into this mess to help pay for the tab on helping bail out Main Street.

I am proud to be joined by my friends, the gentlewoman from Ohio (Ms. SUTTON) and the gentleman from Wisconsin (Mr. KAGEN), but one of the things that I want to talk about at the beginning is the things that we hear over and over back in our district, because all of us have been out talking to our constituents, going to town hall meetings, Congress on Your Corner and the other events, and the one thing I hear from my constituents over and over is this question: When do I get my bailout?

This is a legitimate question that Americans deserve an answer to from Democrats and Republicans, because if you are somebody who has lost your job or you've lost your home or you've lost your business or you've lost your health care coverage during this crisis, you need to know what is my Federal Government doing to help me out. So when we talk about our response, we are going to do it by talking about these three core values: The Populist Caucus wants to find a blueprint for recovery that is going to spur job creation; it is going to implement fair compensation for executives who helped put us in this problem; and, finally, bring an end to excessive Wall Street speculation that drove our economy and drove the global economy off the cliff and put us into this deep hole that we have been digging ourselves out of.

So as millions of middle class families look to us and ask when their recovery effort will bring relief to their

town on their street, they deserve to know what we are going to be doing to spur job creation, insist on fair executive compensation, and end speculation on Wall Street.

Now, one of the things that we know is that it is very common for politicians and groups across the political spectrum to try to claim the populist mantle. But let me tell you, and I am going to let my colleagues expand on this, the Populist Caucus that we all came together to found was not based upon a bunch of people running through the streets with torches and pitchforks asking for blood. We are there because the problems of the middle class are real. The concerns of our constituents reflect the concerns of America, and we want to come together and talk about serious answers to real problems to help change the lives of middle class Americans.

So with that, I am going to yield to my colleague from Ohio before I yield to my colleague from Wisconsin to talk about some of the critical economic issues she is hearing about from her constituents and why this Populist Caucus response is so critical moving forward.

Ms. SUTTON. I thank the gentleman for yielding, and for your strong leadership of the Populist Caucus and the mission that we are on to restore the promise of the middle class, to stand up for the middle class, and to stand up for those who aspire to the middle class, to make our country work for those folks who are aspiring to the middle class.

We are not something that is complicated. The Populist Caucus believes that strong, immediate action must be taken to create jobs in the United States and to put an end to the excessive greed of Wall Street that brought us to the brink of disaster. And so I am proud to join with you, Representative BRALEY and Representative KAGEN, to stand up and speak to the American people about the fight we are waging on their behalf because that's what being a populist is really about.

When I go home, as when you go home, I hear all about the need to facilitate employment opportunity for the people that I represent in northeast Ohio. All they want is a government that will work with them and for them, to facilitate those jobs, jobs, jobs that are so needed out there. We have heard recently that there is a recovery underway, and there are some signs of recovery, and we have certainly seen a lot of signs of recovery on Wall Street, but there can be no such thing as a jobless recovery, and we have started to hear that term bounced about.

The Populist Caucus is here to say that there is no recovery if our folks don't have jobs, because this is not just about a country that stands up for the well-to-do. This is the People's House. This body is about making sure people

have opportunity, ordinary people have opportunity. And what we will discuss, and when we look back a little bit, it becomes apparent that the economy, even before the excesses of Wall Street came to their full fruition, even before the economy was not working for ordinary Americans, we saw a decade of flat wages in this country while we continued to see skyrocketing health care costs. We saw the GDP rise, and we saw productivity rise in this country, but the American people who were doing the work were not sharing in the prosperity.

□ 2100

So we look forward to developing policies—and that's what the blueprint is all about—that will help deliver sustainable, quality jobs for the American people that will fairly compensate them and put an end to the excessive and disparate compensation that those at the top of the food chain have been taking for far too many years at the expense of everyone else.

And so with that, I yield back to the gentleman. And I thank you again for your leadership; it's been stellar on this subject. I look forward to the mission ahead.

Mr. BRALEY of Iowa. I thank the gentlewoman for yielding.

I think one of the things that we've heard a lot about, Dr. KAGEN, is we've heard people try to explain what went wrong on Wall Street and this concept that sometimes big financial institutions are just too big to fail. Now, I don't know how it is up in northeastern Wisconsin; but in Iowa, if something is too big to fail, it's just too big. So maybe you can help enlighten us a little bit about some of the economic policies that we pursued as a country before Barack Obama became President that have contributed to the enormous challenge we have faced this past year in trying to stabilize the economy before we moved on to a broader response to real meaningful financial reform.

Mr. KAGEN. I thank the gentleman for yielding and for putting together the Populist Caucus.

Once again, as Mr. BRALEY has pointed out, we're populists because we are standing with our feet on the factory floor. We don't have our heads sitting in a board room on a corporation on Wall Street. We do not share their values. We have those working class values that ordinary people have.

This battle that we're in now, this battle for America's future to create the jobs that we need to work our way through today's troubled times and work our way back into prosperity, this battle that we're in didn't just start 10 years ago, it just didn't begin with 10 years of net zero job creation. I will take us back a century because it's really not 2010, it's 1910 all over again. In the words of Teddy Roosevelt, who,

on August 31, 1910, in his speech entitled, "The New Nationalism," set forward the idea of the progressive movement and the Populist Caucus—and I will quote him in part because it was a very long speech:

"Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics; that is one of our tasks today. Every special interest is entitled to justice, full, fair and complete. And now mind you, if there were any attempt by mob violence to plunder and work harm to the special interests, whatever it may be, that I most dislike. And the wealthy man, whomsoever he may be, for whom I have the greatest contempt, I would fight for him, and you would if you were worth your salt. He should have justice, for every special interest is entitled to justice, but not one is entitled to a vote in Congress, to a voice on the bench, or to representation in any public office. The Constitution guarantees protection to property, and we must make that promise good; but it does not give the right of suffrage to any corporation." We the people have rights, corporations don't.

Now, over the short period of history that we've been here in Congress, beginning in 2006, with Representatives SUTTON and BRALEY and WELCH, we took forward some ideas that we gathered from people. And everywhere I go in Wisconsin, Mr. BRALEY, people are telling me the same thing: We want our money back, we want our jobs back. For too long, our jobs have been shipped overseas. Instead of our values being shipped overseas, it's been our jobs. And here on my left is a short picture of where the jobs have gone.

During the previous administration under George Bush, just before President Obama came into office in January, we had lost 700,000-plus jobs; this January, 2010, 20,000. We are moving up in the right direction. And, yes, we need to generate more jobs, but how did we get into this mess that started really back in 1910 and we're not done yet? We've had two wars at the same time without paying a dime for it; we've had two tax cuts to the rich without paying for a penny; we've had a \$400 billion handout to the big drug companies on Wall Street without paying a nickel for it. And then at the tail end of the last administration we had a looting of the United States Treasury of nearly \$1 trillion while they fed their friends on Wall Street, again, without paying a single dime for it. Well, in Wisconsin, much like in Ohio and everywhere else across the country, including Iowa, we have a saying, you know, there is no free lunch, we have to pay our bills.

So we have to pay our bills, we have to live within our means; and to do that, the Populist Caucus has put forward a blueprint for America's future, and I yield back my time.

Mr. BRALEY of Iowa. Well, that's a great segue because we not only are talking about values; we are talking about solutions. We're talking about legislation that is going to help us create jobs by generating new revenues, not putting this on the back of the middle class, but helping the people who got us into this mess assume some of the responsibility. And I think one of the cornerstones of our blueprint for recovery is this issue of fair compensation. And my good friend from Vermont, Congressman PETER WELCH, has introduced a bill called Wall Street Bonus Tax Act. I am going to let him explain what that bill does and how it helps achieve this blueprint for recovery by putting some incentives for Wall Street to help rebuild Main Street.

Congressman WELCH, I yield to you at this time.

Mr. WELCH. Thank you very much. I appreciate the opportunity to speak about trying to get jobs to start going up along with the stock market.

You know, it was only 1 year ago in one week that Wall Street, the stock market was crashed to its lowest level in years. In that past year, it has recovered; but while it has recovered, unemployment is still hovering in the range of 10 percent, underemployment is in the range of 17 or 18 percent. There are over 27 million Americans who are seeking work or not working enough, and we are not going to have an economic recovery until those folks are back to work.

How did this happen? It happened, we know, because of the excessive lending, reckless lending largely engineered by Wall Street firms that stood to gain an awful lot of profit. What happened? We, the American taxpayer, had to bail out Wall Street, \$750 billion. People didn't want to do it, but they had a gun to the head of the American economy, and the collateral damage of inaction would have been much more havoc to people's pensions, to unemployment, and to Main Street. But 1 year later, Wall Street is back, but lending by Wall Street to our small businesses has gone down, not up. If we are going to get jobs back, if we are going to get people back to work, we need our banks—and it tends to be our local banks—to start doing some lending. They have been doing the job, but Wall Street hasn't.

What they've been doing in the past year—and quite successfully, they're very good at it—is returning to the casino economy. They've made an enormous amount of money by buying and selling derivatives, commodities, and currencies. And how did they do it? With the help of the American taxpayer: one, the \$750 billion TARP transfer; second, the open window at

the Federal Reserve where those banks had access to 0 percent interest money. Now, they've been so successful that they have set aside this past year for their bonus pool \$150 billion.

They had three choices as to what they could do with that money: one, they could have added it to their balance sheets, strengthened it in order to basically fight another day so that if there was a downturn, they would be able to absorb it themselves and not come hat in hand to the taxpayer. Second, they could have lent it out. If you're getting 0 percent interest money from the Fed, you've got a local small business or a young family trying to buy their first home and you lend it out at 5 or 6 percent, most people would say that's a pretty good return. They didn't do that.

The third thing that they could do—and unfortunately they did do—is decide to put that money in their pocket with a bonus. That's good for them, but it certainly hasn't been good for the American economy.

So our legislation, the Wall Street Bonus Act, is very simple. It says that all those bonuses on Wall Street that went to banks that received taxpayer assistance through the TARP program, those bonuses above \$50,000 would be taxed at 50 percent. And every single dollar that was collected would then be made available to the Small Business Administration to work with our local banks that have been making loans to lend to our job-creating small businesses around the country. So we would be taking a dividend for and on behalf of the taxpayers who basically put that money up in the first place, and we would be specifically making that money available for lending with a partnership of the SBA and our small banks.

Now, this is important for a couple of reasons: number one, the money that was made on Wall Street, that \$150 billion bonus pool, yes, it was smart people buying and selling and trading derivatives, but the question for us is, when we put taxpayer dollars to work, is it good for the American taxpayer? Is it good for the Main Street economy? And, obviously, if it just goes into the pockets of the Wall Street traders, it does a lot of good for them, but no good for our broad economy; and our fundamental responsibility is to help people get back to work.

The second is that the bonus culture really is very destructive because what it encourages is placing a big bet, bet red, bet black, if you win, you make a lot of money, if you lose, as we've seen, the banks can come to the taxpayer and get bailed out. And people are furious about that, rightly so. So it is time for us to make a basic statement here that will reward investment, will reward hard work, but we're not going to have the taxpayers be on the hook for people who want to gamble.

The final thing really is this: we face a question about what business model we want America to follow. Do we want a business model where you make money by financial engineering, by having the quickest computer trading program, by a lucky bet on a speculation? Or do we want a business model where folks make their money by showing up for work, by investing in their community, by hard work for the long term, by being satisfied with a steady and sustainable rate of return and profit—which we need in a capitalist economy—by treating their workers right and by paying our fair share? That's the question.

The Populist Caucus is very strongly united in the view that hard work should be rewarded, that entrepreneurs, job creators, people who make money because they invest in their economy, because they invest in their workers, that is to be rewarded and encouraged. In fact, we have to do it if we're going to have an economy that works and expands rather than an economy that is based on flipping trades, about speculation, and financial engineering.

So this Wall Street Bonus Act would put some money into lending and help our small entrepreneurs. And I am very grateful that we have the strong support of so many Members of Congress for this.

I yield back.

Mr. BRALEY of Iowa. Well, I thank you for those very insightful comments.

I think everything that we talked about earlier on why we formed the Populist Caucus, to promote and expand the middle class by emphasizing economic principles, that will create policies that help that to happen. We know that small businesses make up a huge part of the middle class. We also know that they are a huge driving engine for creating new jobs in our economy.

That is why I am happy to recognize my good friend from Florida, RON KLEIN, who has been a strong advocate for small businesses during his time in Congress and is going to be sharing with us some of the things that we can work on together to try to create the types of incentives that will help small businesses take the risk with sound economic principles and lead us on a path of job recovery.

With that, I would yield to my friend.

Mr. KLEIN of Florida. Well, I thank the gentleman from Iowa. And as always, it's great to be here with our friends from the Midwest and from the South. We represent the whole country, and it's such a great thing to be here, as we all got elected a couple of years ago and we have learned and listened very closely to what people are saying back home.

I know the gentleman from Wisconsin talked about jobs and sort of

where we've come from, and I know the gentlelady from Ohio did the same thing. The "where we've come from" part didn't just start in the last 13, 14 months; unfortunately, it has been going on for a long time. A lot of that was decisions made in some cases by government, sort of incentivizing big decisions to send business overseas, encourage that through tax policy, and some of it has just been people making decisions that we've lost that American ingenuity.

Well, we haven't lost it, we all know that. This is the greatest country in the history of the world and our economy is the strongest. And, yes, we are being challenged right now, but this is when we are at our best. And that's the exciting part. This is a moment for us all to come together, put our arms around each other and say, what's great about America? Our worth ethic, our ingenuity, our technology, our innovation, this is what makes it. But we have to recognize that some of these policies—certainly when this administration started, a mere 13 months ago, we were losing 720 jobs per month. That's incredible. Now we are in a place where fortunately it's moving in the right direction—I think it was 20,000 or 30,000 jobs per month. Now, that's not good, we want to gain, we want to be at 100,000-plus; but, boy, that is certainly moving in the right direction, and that is what I am glad to see.

□ 2115

Now, I come from a State, Florida, which had 15 years of incredible prosperity, a lot of growth. For the people in my community, their property values went up, and their businesses were expanding. All good. The American Dream was happening over and over and over again. Yet, when the banks stopped lending, as we've been talking about, well, guess what? The merry-go-round stopped, and a lot of people are hurting right now. They are hurting psychologically; they are hurting emotionally; they are hurting physically.

The worst thing, as I know the gentlelady from Ohio talks about, is not to have that job, not to have that ability as a provider, a man or woman of a household, to bring that paycheck home, to get up in the morning and know you're going to do something productive and to make that example for your children. We want to make sure that people have that opportunity, and that's what we are working toward right now.

Well, as to this "spur job creation" part of the Blueprint for Recovery, there are two points I want to bring up:

One is the "buy American" concept. It's real simple. Every opportunity, when it comes to sourcing goods, services, and things like that, needs to be done in the United States. If there is anything that we can certainly pro-

mote, it's our providing those goods and services—our local businesses. Your neighbor down the street, one you go to a church, to a synagogue, or to a supermarket with or one you coach Little League with is someone who works in the community. We want to give that businessperson and his or her employees or the people he works with an opportunity to be that source for government contracts and everything else—not to go overseas. We all understand the issue of free trade and all that, but free trade is fair trade, and we want to make sure that, in this country, we are doing everything we can to promote our businesses first. It's real simple. I think most Americans get it. I think we've gotten a little off track over this thing, but that's a principle we need to pass and support and hold to.

Second—

Mr. BRALEY of Iowa. Will the gentleman yield on that?

Mr. KLEIN of Florida. Absolutely.

Mr. BRALEY of Iowa. I think there is a big misperception that our trading partners and our competitors in the global economy don't have any "buy Chinese" trade policies or "buy Japan" trade policies; is that true?

Mr. KLEIN of Florida. Absolutely.

We all understand the real game here, and it's not just about what they call "tariffs." You may have heard of a "tariff." That's a tax. If you bring something into a country, there is a tax to make it less competitive. Well, there are a lot of other ways to stop our wonderful American goods from going to other countries. They have lots of obstacles. It goes on in the auto industry all the time with emissions and lots of things that just make it practically impossible for us to sell.

Now, we can't force someone in Korea to buy one of our cars, but we should give him that choice. If we have the best products, consumers will buy our products, just like some products come into this country, and consumers make a choice. Right now, there are a lot of things going on to stop our products from going to other countries.

Mr. KAGEN. Will the gentleman yield for a question?

Mr. KLEIN of Florida. Sure.

Mr. KAGEN. In Wisconsin, we have got a number of companies which have run into problems with regard to "buy American." We have buy American clauses in our government contracts today. Yet Miller Electric Company, which makes the finest welding apparatus in the world, put in a bid for a shipbuilding company, a government contract for the Navy. This foreign-owned shipbuilding corporation down in the South decided, instead of buying American, they would use a loophole, and they bought something from a competitor from Germany.

Can you explain how this bill, this Buy American Improvement Act,

would close the loopholes in these contracts?

Mr. KLEIN of Florida. That's exactly what it will do. I thank the gentleman for that example.

I have an example in my community, a company called Cross Match. It's a technology company. They make fingerprint equipment and things like that. They were bidding for a census contract, and a company that was sourcing it through a Korean company came in with all sorts of—not machinations—I would say, loopholes. This bill closes the loopholes, and I think that's exactly what we are all interested in.

The second thing I want to touch on, if I can, which the gentleman from Iowa (Mr. BRALEY) just talked about, is something which, I think, we all understand—the lifeblood of our economy. That is access to capital, to bank loans—to small business loans.

One thing I can say about this Congress is that I am really proud of the efforts that have been brought about through this Congress to make SBA, Small Business Administration, loans much easier to get. At this point, they are 90 percent guaranteed by the government. If you are a qualified veteran, 95 percent is guaranteed. These are good quality loans, but these aren't loans that are made by the government. They are made by banks, and they are guaranteed by the government.

We need to get our banks to start focusing on making these loans and other commercial loans. We are not asking banks to make ridiculous loans like some of those that took place before which were not properly collateralized. Yet, for good, credit-worthy people, there are loads of small businesses that have long histories in our local communities. They know the loan officers at the banks, and they can work together and make loans happen.

One of the ideas being suggested is to take some of the payback money from some of the big banks that paid some of this money back and start bringing it down to the local level—to Main Street, to small banks, to community banks. We're not just talking about giving them the money like it happened before. Instead, it's an incentive to make the loans. If they make the loans, then they get discounts on the interest rates. This is what we have to do.

Mr. BRALEY of Iowa. Will the gentleman yield for another question?

Mr. KLEIN of Florida. Absolutely.

Mr. BRALEY of Iowa. One of the things that is frustrating to many Americans is they just don't understand how their government can actually help stimulate economic development.

One of the best examples of this is, when I first came to Congress, I served on the Small Business Committee. I

was fortunate enough to chair the Contracting and Technology Subcommittee, and this is when the previous administration was in control of the executive branch. As I talked to people on the committee, it shocked me to learn that the former administrator of the Small Business Administration saw it as his job to bring about the end of the Small Business Administration. Many of the policies were designed to contract the agency whose sole purpose was to try to stimulate small business growth and development.

So, when we are talking about how we create capital and provide economic incentives for small businesses, we have come a long way in 3 years to get to the point where this agency is trying to fulfill its basic purpose, and I think that is going to be critical for achieving the types of results you've just talked about.

I hope you can enlighten us further on this.

Mr. KLEIN of Florida. I'll just conclude. There is so much more that everyone wants to say here, and there is so much to add. That's what's getting exciting about this work we're doing here.

Small businesses are the lifeblood of our economy. I mean many parts of our country do not have a lot of Fortune 500 companies. Those are great companies, and they add a lot of value to our country, but small businesses are going to be the businesses that get us out of this downturn, and we are beginning to see some good things. Bank lending is better than it was, but we need to encourage and find ways to make sure that the banks are lending so our small businesses can buy up some inventory, can buy up that capital equipment they need—a little deferred maintenance—and hire more people. That's the bottom line.

I just want to thank the gentleman for having this "spur job creation" because, I think, this is a huge part of how we are going to get our country back on track.

Mr. BRALEY of Iowa. Well, I think one of the things we know is that, in order to spur job creation, you have got to be able to have revenues that will help people create jobs through incentives that will help them take that risk.

One of the important things that the Populist Caucus' Blueprint for Recovery does is it talks not only about how you change behavior through the policies you implement but also how you transfer some of the burden from Main Street, which has been suffering so much in this recession, to the very speculators whose wild gambling, which is what most economists call what they were doing, drove us over the cliff.

That is why one of the key elements of this "ending speculation" piece is

one of the bills introduced by another vice Chair of the Populist Caucus, Congressman PETER DEFAZIO, who introduced his Let Wall Street Pay for the Restoration of Main Street Act. This is a very simple concept that existed in this country for almost 60 years, and it worked very successfully, including during the Great Depression.

What it says is that, if you are trading in excessive transactions on Wall Street, we are going to ask you to pay a small transaction fee on those high-volume trades so that we will have an incentive to keep you from engaging in excessive speculation that puts all of us at risk. His transaction fee is estimated to create somewhere between \$100 billion and \$150 billion in new revenues that can be used for two basic purposes:

One is job creation, which is what we all agree is going to create a huge emphasis for an economic recovery, because when people go back to work, they not only pay Federal taxes and reduce our burden at the Federal Treasury; they pay State and local taxes, too, to help relieve the burden on our States and cities. This is how you create economic incentives to change corporate behavior from excessive speculation, and this is also how you provide new revenues to stimulate economic development and help to reduce the deficit.

I am going to ask one of our newest members and youngest members of the Populist Caucus, our good friend from Virginia, TOM PERRIELLO, to talk about the importance of having a bill like this to guide us in a new direction for economic recovery and what that means to the people in his district of Virginia.

With that, I'll yield to my good friend.

Mr. PERRIELLO. Well, thank you very much for that news and for the news from our friends in the house of lords—I mean the Senate—that has just come this way. It's very, very exciting because we, as a caucus, have been fighting so hard to shift the focus from speculation on Wall Street to job creation on Main Street. We understand that two out of every three new jobs in this country are coming from small business. Now, they may not make the headlines. It may mean you have lots and lots of small businesses, but that's the engine of our growth.

One thing we still do better than any other country in the world is innovate. We are better entrepreneurs. We are really good at this. It's within our small businesses that we see this innovation taking place, and we need to make sure that we are giving the kind of support that small businesses need, whether that's through direct lending, whether that's through the suspension of capital gains tax for small business to bring nontraditional lenders in, or whether that's providing the infra-

structure and the workforce development that allows those small businesses to flourish. We also need to understand that the phrase "buy American" should not be seen as bad language.

I think it's timely that we look at this extension because, while there are many policies out there which may seem fancy, sometimes we have to get back to the basics. We are within weeks of the new building season's beginning, the spring building season leading into the summer building season. There are thousands of small businesses around this country that have held on and have taken losses for 2 years, whether it has been the construction firms, the engineering firms, the supply stores that have supplied those guys, or whether it has been the diners where folks have gone to eat. If we are not building anything in this country, we will not continue this path of recovery that we have worked so hard to lay out.

This is a chance, and we need to act here in Washington with the same urgency that the previous Congress did when Wall Street was in trouble. Well, Main Street is in crisis, and we need to understand that we can rebuild this country. We may not see housing start to pick up this summer in the way that some would like, but we can rebuild our infrastructure, and we can reinvest in the existing building stock, whether that's municipal, commercial, or residential, through major retrofit programs.

It puts people to work in rebuilding America's competitive advantage, because what you understand, Mr. BRALEY, from your experience in Iowa and around this country is that we have to reinvent America's competitive advantage. We will outcompete the world, but we cannot do it solely through supporting the financial sector. We have to start building things, making things, and growing things again. We can still do that better than anyone in the world, but we need a trade policy, and we need a workforce development strategy. We need an economic development strategy that understands that those are things we can still do. There are sectors, like the energy sector, in which we can outcompete the world, but everyone else is not playing for second place. They are looking to do the same thing we are trying to do, but we can do it better.

This is our time. This recession right here, that we are starting to crawl out of, is an opportunity for us to reinvest, to rebuild that competitive advantage and to reemploy America in the work that so many in this room have worked so hard to do. There are families out there right now who are proud, hard-working people who are looking for jobs. We can work together across the aisle to make this happen, but we must

have that commitment to basic commonsense things, like making sure we don't miss this summer's building season. We have that time, and we must have a deep sense of urgency because I know people out on Main Street do.

Mr. BRALEY of Iowa. I appreciate the gentleman's comments about investing in infrastructure because most of what I learned about the need for infrastructure improvements came when I was working for the Poweshiek County Secondary Roads Department to help pay my way through college.

One of the things that I learned was that, as you try to create opportunities for transportation improvements that are going to move goods, services, and people, you see a lot of trickle-down that happens from the Federal Government, to the State government, to the county government, to the city government as right-of-ways are transferred after they are abandoned for bigger and better infrastructure improvements like four-lane highways.

□ 2130

One of the cornerstones of our blueprint for recovery that deals with job creation is a bill introduced by Congresswoman ROSA DELAURO and co-sponsored by one of the vice chairs of the Populist Caucus, our friend from Minnesota, KEITH ELLISON, the National Infrastructure Development Bank Act.

What it does is it creates an opportunity to take advantage of existing infrastructure needs by identifying about 47,500 jobs and \$6.2 billion of potential economic activity that are currently ready, willing, and able to be acted upon, but because we have not had the opportunity to marry private development with public infrastructure projects, we are missing an opportunity to stimulate job growth through this National Infrastructure Bank.

So I would ask my colleagues who support investments in infrastructure improvements that cross the spectrum from expanding access to energy created by wind in the Midwest, by building out our ability to transfer that energy and electricity throughout the country, by building out our world broadband, by investing in roads, bridges, and public improvements, how this type of an investment development bank would make a difference in their districts.

I am going to yield to my friend from Ohio.

Ms. SUTTON. I thank the gentleman for yielding.

Infrastructure creates such ripple effects in our economy and spurs economic development and opportunity for the people that we represent. Every time I go home, people beg, Please, please, invest in our Nation's infrastructure. We know that the need is tremendous.

One of the bills, in addition to the National Infrastructure Bank bill,

which I think we should talk about more, but you mentioned Representative DEFAZIO's bill, the bill entitled Let Wall Street Pay for the Restoration of Main Street Act. I think this is also a bill that deals with infrastructure, because when we get the money from those transaction fees of those risky trades that are something that we would really like to have cut back on, we are going to use it to invest in infrastructure and all the good that goes with it.

But we also have in that bill, and I think it is important to tell people, that part of the revenue that would come in in addition to that huge amount going to invest in Main Street, you know, Main Street, after all, is who bailed out Wall Street, and we didn't do it because we were fans of their behavior. We did it so they would start lending. As we discussed, they didn't start lending, so we need to continue to push until things are right. But also in that bill, there is a part of the revenues raised that are going to go to deficit reduction. So we often hear this argument that it is all about the deficit.

Well, it is about jobs and the deficit. In order to get rid of the deficit, people do have to have jobs. Frankly, obviously people need to have jobs, because this is the United States of America, and that is the American dream, having a job and raising your family and aspiring to a quality of life that is second to none across this country. So, in that bill, in addition to putting money into infrastructure, we also take a piece of that money and let Wall Street help to pay down some of the deficits that were created by helping Wall Street get out of the mess that they were in.

So, back to the other bill that you mentioned, which is critically important, and you asked how important it was back in Ohio, in my district. It just can't be overstated. Just yesterday, I received a whole list of infrastructure projects that are ready to go that need funding.

The thing about infrastructure is that we all know that it can't be ignored indefinitely, right? But oftentimes we come to a place where we don't address it until a crisis occurs. And that doesn't make any sense either. So if we can put people to work doing that work that we know has to be done and spur greater economic development and recovery, why wouldn't we do that?

This National Infrastructure Bank legislation is a critical component of taking the idea, the concept that we all know makes sense, and really maybe that is what the Populist Caucus represents more than anything; it is about the common sense. People know what we need to do for our country, to strengthen the middle class and put people to work rebuilding our infra-

structure. Other countries are building their infrastructure. They are investing massively in their infrastructure, because they know the value that it creates beyond the jobs that are put forth just in doing the construction.

With that, I yield back to the gentleman.

Mr. BRALEY of Iowa. I think that is a great opportunity to talk about the importance, because when I served on the Transportation and Infrastructure Committee in the 110th Congress, our chairman, the legendary JIM OBERSTAR, always reminded us that our global competitors are investing massive amounts in infrastructure development.

The European Union had a 5-year, \$1 trillion infrastructure development plan. You look at China, which has just passed the United States as the leading consumer of automobiles, and you look at the ribbons of concrete that have been poured in that country to respond to growing consumer and commercial demand for transportation.

If we are competing with these people in a global market, Dr. KAGEN, we have to make similar types of commitments so that our infrastructure system can make us competitive. I know from visiting your district in northeast Wisconsin, it is a very spread out and remote area in some parts of your district, yet the constituents that you represent in those areas depend just as much on an infrastructure system as the people here in our Nation's Capital. I yield for your comments.

Mr. KAGEN. I thank you. I will just summarize what everyone here on the House floor understands. We are about \$2.1 trillion to \$2.2 trillion behind in our investment in our infrastructure, our roads, our bridges, our schools, our wastewater treatment plants. What good would it be if we generate several million jobs, even 10 million jobs, when we manufacture things and then we don't have the railroads or have the highways and the water infrastructure to transmit our goods to the world's marketplace? So we are indeed several trillion dollars behind in our infrastructure development.

I will just point out one of the facts about the American Recovery and Reinvestment Act that few people realize. Apart from the fact that it was the largest tax cut in American history, little known is the fact that the transportation and infrastructure investment, which was only 4 percent of that amount of money we invested in America, generated 25 percent of the jobs.

Nearly 900,000 people are working because of that American Recovery and Reinvestment Act of 2009. It put people back to work in our infrastructure. And that multiplier is significant. For every person working in transportation, that money turns over many times over.

So let me just see if I get this straight, if I understand where we are



going with our ideas about rewarding people or encouraging people with the taxation code.

If you are sitting in a boardroom on Wall Street and you are rewarding yourself for your failure with the taxpayers' money, according to the Populist Caucus, we would like to put a significant tax on that bonus and use that revenue and put it back into the American economy to generate small business activity through the SBA, put it back into people's hands.

We do believe that people are more important than profits. We should in fact reward work rather than wealth. If I understand the transfer tax on Wall Street speculators, it is one-quarter of one penny of each dollar being traded on nanosecond trades. This is not going to be a fee or a transfer tax placed on those who are speculating for the long-term investment. It is going to exclude any tax-favored retirement accounts, any HSA, Health Savings Account, any Education Savings Account, and would exclude the first \$100,000 of your income generated from your investment in America's future on our American exchanges.

Some people have pushed back against that Wall Street transfer fee by saying then people will trade overseas. In London, which is the most active trading floor in the world, they do have a transfer fee twice what we are suggesting.

So, again, the idea is we want to use the Tax Code to reward people for their good activity. And, most especially, we want to use existing structures like our community banks, our credit unions, and regional banks to find the finances and credit necessary for small businesses once again to have access to the credit they need to generate the economic activity and generate the jobs.

Don't think for a minute that the Federal or State government can employ you and work our way through this recession with government-sponsored jobs. We can't do that. So it is the role of government to set up a system wherein you are rewarded for your work rather than your wealth. By focusing on our transportation and infrastructure needs, we can begin to generate millions and millions of jobs to do just that. We want people to stay in their own homes once again, rather than have this foreclosure crisis come back and bite us.

Mr. BRALEY of Iowa. I appreciate those observations. I want to engage a couple of my colleagues in a conversation about behavior modification on Wall Street. I am going to start with my friend from Vermont, because he served on the Oversight and Government Reform Committee in the last Congress when we had the hearing with the CEOs of AIG, trying to explain why they stood by and watched as their London financial services division

drove this economy off a cliff by engaging in excess and speculative trading in high-risk credit default swaps and complex derivatives.

Now, one of the things we learned during that hearing from the economic experts who study those high-risk investments was that long before any of us came to Congress, Congress was confronted with the issue of how we provide some type of oversight of this highly complex and evolving marketplace, which at that time in the late 1990s was a small fraction of the \$100 trillion marketplace it has become.

But what was most shocking to me as they testified was when they said Congress was trying to decide what are these products. In a way, they are like an insurance product, because they are an agreement to pay upon a contingent future event. But they are really not insurance, because otherwise we could regulate them through the State insurance commissioners. Then they said, Well, these are kind of like stock trading, so we can have this regulated by the Securities and Exchange Commission. But it is really not a stock transaction.

So, what is it? Well, about 10 percent of these products, those experts testified, if you remember, Mr. WELCH, were real insurance products. And these economists testified the other 90 percent were pure gambling, people trying to make money by turning over transactions, betting on the come that at some point when those commitments came due, they would be able to generate a profit without adding anything of value, other than risk and a possible payment in the future.

So, why is it necessary, when we are talking about ending excessive speculation, to get to the very core, not only of how you do that with a tax policy and with a transfer fee, but also how you deal with the financial oversight of the marketplace to make sure this never happens again?

Mr. WELCH. Well, I appreciate that. You know, really what it is about is whether banking is going to be an activity that is about lending money to businesses, small businesses, families, to buy their first home, or it is going to be a mechanism for financial speculation. And it is really two totally different models.

I want to just take up on what you were saying. We need a banking system. We need a strong banking system. We need local bankers who are actually engaged in their community, who can make judgments about who is good for a loan. I want to give you an example of the local bank and the Wall Street operation.

In St. Albans, Vermont, we have a small bank, People's Bank. The president of that bank, Rick Manahan, his desk is in the entry of the bank. If you walk in, you see all the teller windows. There is a big vestibule area, the public

area. His desk is there. People do not have a hard time asking Rick what is going on. He knows the folks in his community.

His bank and his board of directors see a good day's work when, at the end of the day, they have been able to authorize a loan to a local business—it might be a retailer, it might be a construction company—knowing that that business is going to use that money to help create a local job. Or it is a young family getting started. They have to make a tough underwriting decision. But they know that family, and they know they are going to do their level best to be good for it. At the end of the day, a house has been sold, a family has got a new place to live, and they go home and sleep pretty good at night, knowing that they have made a real contribution in the community.

The other model, just to give you an example, one of our most esteemed Wall Street banks, is Goldman Sachs.

□ 2145

They have the best and brightest of folks doing the work there. But here's one of the things that they did—and it was very successful for them making money. They bought a mortgage origination company in the South. They hired 26, 30-year-old young people to go out, knock on doors, and sell mortgages. Generally, subprime mortgages that people couldn't afford and didn't need. They then brought those mortgages back to New York, and they bundled them into products that they then sold.

But before they sold them, they got the best and brightest MBAs to knock on the doors of the rating agencies and persuade the rating agencies that these toxic instruments were AAA. Then they went to their sales department and had them contact trusted investors, pension funds, and said, We've got some AAA products here. You ought to buy them. It's going to be a good return for your pensioners. And they sold them. Then they went to their trading room and they said, You know what? These are junk. How do we know? We sold them. And they bet short against the instruments they'd just sold long.

That would not happen at People's Trust in St. Albans, Vermont. They couldn't even imagine doing that, selling something that wasn't worth investing in. They couldn't do it. And I know that every single one of us, Republican and Democrat, have local bankers who've met that standard, where the goal is to serve the community. And they know that their responsibility with this trust that they have of depositor money is to put it to good work to build the economy.

Wall Street has a different point of view. Not that they're not necessary; they obviously are. But when they are helpful, they see that the work that they do should be in service of the



work that Main Street does. You know, that's why with the reforms that we must implement, whether it's a bonus tax, whether it's a Consumer Product Safety Commission, whether it's tightening up on the lending regulations and derivative trading, all of that, the bottom line is really very simple: Is the banking system going to be there to serve us, or are we going to be there to serve the financial engineering of the banking system? That's the question that this Congress faces and America wants an answer to. I yield back.

Mr. BRALEY of Iowa. I thank the gentleman for your comments. We are just about out of time so I'm going to ask my friend from Florida for some closing comments, especially on this critical issue that affects the middle class homeowners, and that's the mortgage foreclosure crisis.

Mr. KLEIN of Florida. I want to thank the gentleman. Just sort of as an add-on to what we're talking about, we all know that homeownership in the United States is crucial. It's crucial for people knowing where to plant their investment. They're working hard over the years to make sure they have a place to live, and hopefully it will increase in appreciation. But that same description that Mr. WELCH just gave us about banking practices, in some cases resulted in, unfortunately, a whole lot of people getting in way over their heads, a whole lot of lending that shouldn't have never been lent in the first place, and the foreclosure situation is really bad in many places.

I witnessed something over the weekend in West Palm Beach. In the West Palm Beach Convention Center a group came into town and said, We are going to bring together the lenders who, in many cases, have not been answering the phone, the line is busy or people haven't been getting answers, along with people that are having these real big problems, they can't make their mortgage payments. It's not like they're totally out of it. They may have had a job that was earning \$50,000 a year, and they lost it, and now they're earning \$35,000. Or, maybe a two-income household that they want to stay there. And we, as Americans, want them to stay there, if they can. We don't want abandoned houses. It just puts more pressure on the local streets and the local community.

At this event over the weekend—it was running for 5 days, 24 hours a day—and all the major lenders were there, except for one. It was really interesting; 5,500 people were in this building at one time. I'd never seen anything like this. And they had the lenders sitting across the table, here to here, and they were actually ironing out one after another. One guy had an 11 percent mortgage. It was reduced to 5½ percent. His payment went from \$2,100 to \$1,300. And I asked him, Can

you make do? He said, Yes. I'm keeping my house. I'm sleeping tonight. My children know they have a place, a roof over their head tonight.

Well, this has been frustrating, but help is on the way. Help is on the way. And I think that the model has now been created. It's working in different parts of the country. But I'm really gratified to see that some people in south Florida were given that opportunity. There's a lot more to work through in all of our communities, but I'm starting to see some success, and that's part of how our recovery is going to happen, by putting the necessary pressure for people to get together and make this work.

Mr. BRALEY of Iowa. And that's why the Blueprint for Recovery we've been talking about that the Populist Caucus has put forward—real solutions, concrete solutions, that are going to help us get out of this mess, by ending excessive speculation on Wall Street, making sure that we have a fair compensation system for the people who have gotten us into this mess, and spurring job creation with things like the Wall Street Bonus Tax Act, the National Infrastructure Development Act, the Make Wall Street Pay for the Restoration of Main Street Act, and the Buy American Improvement Act.

These four commonsense bills will make an enormous impact on the quality of life for middle class families. They also represent true populist policies that are about building America up, not tearing it down. It's about giving voice to the legitimate concerns of the American people who made this country great.

With that, I thank my colleagues, and I yield back the balance of our time.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

#### FISCAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. HEINRICH). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. It's a privilege and an honor to be recognized by you to address you on the floor of the House of Representatives. Having watched the collection of colleagues from the other side of the aisle over the last 60 minutes, a lot of subjects were brought up and I think delivered in a professional fashion by my colleagues, and I hope they know

I'm always open to dialogue if they have some things that they would like to exchange with me. I'm here. And I have often asked my colleagues to yield, and if they should ask me to yield, I'm happy to do so. I think it's important to have an exchange, a dialogue.

First, we learned last Thursday that Republicans have a lot of good ideas. We also learned that many of those good ideas are suppressed by the iron-fisted gavel of the Speaker of the House of Representatives.

Also, as I looked at the event as it unfolded, Mr. Speaker, that 6½ hours of discussion that took place last February 25, last Thursday, at Blair House, on health care, a number of things came to me, but looking at the data was quite interesting. Just to boil it down to raw numbers and regular comparison, it was this: that for every 2 minutes that a Republican spoke, the President spoke for an additional 2 minutes and another Democrat spoke for another 2 minutes. So it was really two-to-one in the time that was used. As the President said, well, it's okay if he talks a long time, even though the time was very limited to the others that were talking because, after all, he is the President. So the time doesn't charge against him. It's an interesting concept that I think that heretofore has not been uttered by the President of the United States and in any previous administration.

Another thing that struck me that appears to have not been mentioned by the pundits or the people that observed this were the number of times that the President interrupted those who were speaking. Now, I can identify with what this is like. I have a number of times in my legislative life run into the situation where there's a limited amount of time to speak and maybe the clock has 1 minute on it, 2 minutes, or 5 minutes, or, as it does right now tonight, it's got 60 minutes on it. So you watch the clock and you try to pack as much information into that period of time as you can. When something happens to break that up and change the rhythm and shorten the time that you have, you have to adjust your message to compress it down into the time that you have left.

I believe that the clock that was set for the Members of Congress to speak was set at 3½ minutes. I don't know that. I believe that. I was thinking of the moment that the Republican leader in the Senate, Senator McCONNELL, introduced Senator COBURN for his 3½ minutes to speak. I do remember the log on the time. It's pretty close to this. Senator COBURN spoke for a minute and fourteen seconds. He was interrupted by the President of the United States for something like 4 minutes and 20 seconds. And then he came back and he spoke again for a little bit more than a minute and he was

re-interrupted again by the President of the United States. That happened about one more time in that iteration. The time then that was left for Senator COBURN had expired. And it was the thought and the concept that was driven by Senator COBURN was completely split and delayed because the President interrupted and burned up the time. And even though they may have reset the stopwatch on Senator COBURN's time, it isn't the same as having 3 un-interrupted minutes.

The President claimed more than that on many occasions throughout the entire day, to where it came down to this: the President spoke as much as either Republicans or Democrats, altogether, and he interrupted Members of the House and Senate, Republicans and Democrats, without reservation. Apparently, he believes he's the President of the United States and he can do that. That may be true on certain occasions and to a limit. But there is a limit, Mr. Speaker. And the limit was this: the President of the United States interrupted those who were there to be heard 70 times, 70 in 6½ hours; a little more than 10 times an hour. And of all those interruptions, he interrupted Democrats 20 times, Republicans 50 times. Fifty interruptions. And the kind of way that it breaks up the rhythm and the flow of the message that's being delivered and the fashion that I've talked about with Senator COBURN whom, I have not had this discussion with, by the way. For all I know, he has no objection to the process that was there. But for me, I do, Mr. Speaker.

So it was not possible for a consistent, continual flow of cogent thought to flow through with the President interrupted on 70 different occasions over the course of 6½ hours. It's hard to get to the bottom of something; it's hard to make your point when you're continually interrupted.

But I listened to this last hour, and I think the gentlemen had an opportunity to make their case. And there were plenty of them. I don't know that anything was particularly stunning, except I looked at the gentleman from Wisconsin's poster that was on this easel just a few minutes ago. It showed the jobs that were either created or lost, not by the President of the United States, President Obama, or President Bush, but the jobs that were created or lost during their administration, which is a far more accurate way to discuss it. That span was over about a 2-year period of time.

It would have been hard to see the poster and understand it. I had to walk up very closely and analyze it, but it flowed back through 2009 and through 2008, into December of 2007. The curious thing about that chart, which showed an upside down parabolic curve of the bar graphs of jobs lost on under those two administrations, appeared to be

about equal—the last year of the Bush administration, the first year of the Obama administration.

The curious part was that on the chart there was only one month where there were actually jobs that increased. That was during the Bush administration. And we all know that if you would take that month and then you would go back into 2008 and on into 2007, 2006, 2005, 2004, 2003, 2002, all the Bush years, one would see that there was some up months and some down months. And an administration needs to be looked at on balance. But here is what happened. These are the real viewpoints on what happened with our economy. It seems to be ignored.

Now the gentleman that stood at this particular podium had on his chart that under the Bush administration we had two wars, two tax cuts, one drug entitlement, and an asterisk for the Wall Street bailout. Well, okay. First, I will bring us up to these two wars, Mr. Speaker, and I can do it fairly briefly, and that is this: when President Bush was elected in the year 2000, after we went through all of the recounts in Florida and the Supreme Court decision and the allegations that the President was an appointed President, not an elected President, which no recount or analysis would support, all of the reviews of the elections in Florida and everywhere else in the year 2000 support that George Bush won that election. It's too bad it was so close. It was too bad we had to have such a fight. It's too bad it had to go to the Supreme Court. But in the end no one has made a legitimate case that there was anything other than a legitimate election, and every State, including Florida, in a count that was 527 or 537—I think 537—was the difference in Florida. Very, very close. And it wasn't so close, of course, in 2004.

But in the year 2000, when George Bush was elected President, already we had seen the bursting of the dot.com bubble. Now this was this false sector of the economy that was created because the investors in America and around the world saw that we had developed the microchip. And with the microchip we had developed the ability to store and transfer information more effectively, more efficiently, and more quickly than ever before and more cheaply than ever before.

So the investors began to bet on the dot.com companies. As they invested in the dot.com companies, there were companies out there that had capital that they could utilize. And they invested it into the new industry that was growing. It was the information age. The information revolution. As that grew, it outgrew its ability of the technology we were developing, it outgrew its ability to produce a good or a service that could improve our productivity or efficiency.

□ 2200

So when that happened, it created a bubble. It was the investors' bubble created on the speculation that there would be a value that was inherent in our ability to store or transfer information better than ever before. There's more to be said about that, Mr. Speaker, but that was a description of the bubble.

The bubble was bursting at the end of the Clinton administration. That bubble was going to burst because the markets had to adjust to the irrational exuberance of the investment in the dot-com bubble. So as that bubble was bursting and George Bush was becoming President, we saw a decline in our economy. Alan Greenspan, Chairman of the Fed, saw the bursting of the dot-com bubble and concluded that something needed to be done to shore that up, to fill that hole that was created in our economy because the bubble was collapsing and shrinking. And to fill the hole, Alan Greenspan decided, with or without the support of President Bush, that we should create a housing market that would help shore this up. So we ended up with unnaturally low interest rates. While that was going on, it played into the hands of the people that were driving for lower underwriting standards, lower standards of capital. And this was contributing to, later on, the mortgage crisis that we saw unfold about a year and a half ago.

That builds us up to September 11, 2009, where I see on the gentleman from Wisconsin's chart where he said two wars. Well, we had a dot-com bubble that was bursting. We had a Chairman of the Fed and others who had decided to shore up the hole created by the bursting of the dot-com bubble. Which, by the way, that bubble was pierced by the lawsuit against Microsoft. The bubble was growing. It was big. It was fragile. It was going to burst, I believe, but the bubble was pierced by the lawsuit against Microsoft that was brought about by a collection of State attorneys general who decided to file a class action lawsuit and took Microsoft to task and took them to court, and it cost millions and millions of dollars. That accelerated the collapse of the dot-com bubble. And as that accelerated and it went down, something needed to fill that void or we would have seen a serious economic decline and a real recession.

Well, we saw an economic decline. Some would argue—and honestly, if look at the numbers, it technically probably was not a recession. But to fill the hole, the effort was made to create a housing bubble to fill the void that was created by the collapse of the dot-com bubble. That's what was taking place when George Bush was being inaugurated as President of the United States. He kept Alan Greenspan on, and I don't object to that, Mr. Speaker. I just make that as a point.

So as these two things are happening, the bubble was deflating. The dot-com bubble was deflating. The housing bubble was being created to fill the hole. While this was going on, along came the September 11 attack on the United States of America, the attack on what may have been this Capitol building or the White House. I think it would have been on the Capitol building. That's the plane that crashed in Pennsylvania. The attack on the Pentagon, where we lost our brave service personnel there, and the attack on the Twin Towers in New York, which causes us all to stop in reverent grief at the price that was paid by innocent Americans at the hands of the evil al Qaeda.

But, Mr. Speaker, that happened on President Bush's watch. I don't know that one could point to any act of omission or commission that contributed to that on the part of the administration. It happened. They found a vulnerability that had always existed, and al Qaeda exploited it. So we ended up at war. As the gentleman from Wisconsin's chart says, we were involved in two wars. We went immediately into Afghanistan. We drove al Qaeda out of Afghanistan and teamed up with the Northern Alliance, and with a very minimal number of troops in U.S. uniform, liberated the country of Afghanistan and eradicated Afghanistan of al Qaeda terrorists, these al Qaeda terrorists who needed some kind of habitat if they're going to operate. It was a just thing to do. It was a decision that had to be made early. It went very well, with a minimum number of American casualties, and Afghanistan was freed and liberated.

Then, because of intelligence worldwide, I found no one who disagreed with, because of a decision that was made, we went into Iraq. And not to deliberate on that, Mr. Speaker, and not to, let's say, kick that dead horse, but once we put our troops into action and asked them to put their lives on the line for us, for our liberty and for our freedom and for the destiny of America and the free world, it is our obligation to stand with them. And I have stood with our troops—not just our troops but also their mission—continually since the beginning of these operations as I came to this Congress and watched as the liberation of Iraq unfolded before our eyes on television.

So the poster that was here on this easel that said, well, under George Bush we lost all these jobs—well, the chart only shows the last year of the Bush administration—and we were under two wars, and that we had had two sets of tax cuts and a drug entitlement and a Wall Street bailout. All of that blamed on George Bush.

Well, I would like to think they could get over this and quit revising history, as a matter of fact. Yes, we have two wars. Which one would they have

avoided? Would they have avoided them both? Would anybody say we should not have gone into Afghanistan? Would you have just walked away and shrugged your shoulders and pointed your finger and said, This is a job for the Attorney General? After all, it must be a law enforcement operation. Surely there couldn't be a war against people that would annihilate the lives of 3,000 or more Americans on a single day. The worst attack on American homeland in the history of our country, and I see it listed here on the poster as if it were something we should not have been engaged in.

Mr. Speaker, it was nearly unanimous here in the House of Representatives to grant the authority for the President of the United States to engage in these operations. There was only one exception, so that's the only person that would get to come here to the floor and say, I told the you so. She'd be wrong. But there's only one person that has the credentials to even make that statement in this entire Congress. It's not the people that were down here tonight, Mr. Speaker.

Yes, two wars. The war in Afghanistan was necessary and unavoidable. The war in Iraq was a decision that was made off of the intelligence that we had, and that is a separate debate. But we engaged in those operations, and once we did, I throw my lot with our troops and their mission, and I do not believe, Mr. Speaker, that you can separate the two. And I think it's hypocritical to state that you are for the troops and opposed to the mission because you find yourself in a position where you're arguing that you support the troops but you're asking them to put their lives on the line for a mission that you do not agree with. And that, Mr. Speaker, is a line of dichotomy and hypocrisy that I cannot abide. So, yes, two wars. We know the reasons for each of them.

And another little bullet point on this poster that was here from the gentleman from Wisconsin is tax cuts, two tax cuts. Yes, we had them. We had an economy that needed some help. I'm not a great fan of the rebate that took place in 2001. I think it gives the economy just a little sugar high, and then it goes on the way it was. But I am a fan of the tax cuts that unfolded in 2003 that were signed into law by President Bush on May 28, 2003. Those were real tax cuts. Those were real economic stimulation tax cuts. They were the tax cuts that caused people to free up capital and reinvest it again and get this economy rolling again. Any data you look at supports that those tax cuts—those cuts in capital gains, those cuts in dividends, those cuts that let people invest money and with some confidence believe it was going to improve their return on investment—were smart, and they were prudent, and they were useful, and they worked. It is a

far, far better thing to stimulate our economy with tax cuts than it is to try to stimulate our economy with debt, as this current administration is seeking to do.

□ 2210

So the Bush administration had two series of tax cuts: 2001, which was essentially a rebate—they realized it didn't work; by 2003, they came back and asked for real stimulation tax cuts. We provided those in 2003, and they did work by any measure.

So when we look at the Bush administration, that little chart that shows only the last year of the Bush administration is not indicative of the Bush administration. Look at it on the balance. I don't have those numbers in my head. I just saw the chart. But that chart is indicative of the Obama administration. That is all we have to measure. We are in March, so we have 13 months of the Obama administration. There has been negative job growth every single month during the Obama administration. Now I'm not laying that all at his feet. He inherited a situation. The cycles of the global economy are part of this. The decisions that were made in this Congress is part of this. President Bush is not wholly to blame, if he is to blame at all. But what I saw happen was the recently admonished CHARLIE RANGEL, now chairman of the Ways and Means Committee, was the anticipated chairman of the Ways and Means Committee immediately in the aftermath of the Democrat takeover of the majority of the United States House of Representatives when NANCY PELOSI became Speaker. And CHARLIE RANGEL, the ranking member as I recall on the Ways and Means Committee, went on the national talk shows and he went over and over again. He went everywhere all the time. He talked about as much on the national talk shows as Newt Gingrich did when he became Speaker-elect of the House of Representatives.

And all of America watched and listened to CHARLIE RANGEL because they wanted to know. And the question was continually asked: Mr. RANGEL, which of these Bush tax cuts would you keep and which would you want to get rid of. And I don't recall a single straight answer, but I remember by November and December and January and part of February had rolled around, it had become clear to the analysts and pundits in America there was not one single tax cut of the Bush administration that CHARLIE RANGEL wanted to keep, not one.

From that period of time in November of 2006 until December of 2006, January and February of 2007, we saw industrial investment in America drop like a rock. Mr. Speaker, it did so because capital is smart. Capital is intelligent. It will do the wise thing. When

capital investment realized that the costs of investment were going to get higher and higher, then it backed away from the marketplace and slowed down dramatically in industrial investment. That industrial investment that was lacking was the precursor to this economy that we are in today. Now it is not the only factor. There are a whole series of factors. People on this side of the aisle can make their arguments, and people on this side of the aisle can make their arguments, too.

But I have laid out the scenario where there is a bursting of the dot-com bubble, accelerated by the lawsuit against Microsoft organized by some of the State attorneys general that started our economy down a decline, and the chairman of the Fed, Alan Greenspan, made a decision I believe to try to prop it up by creating a housing market to help bring this economy back up again with unnaturally low interest rates and favorable terms and lower underwriting requirements, and that I believe was a precursor to the subprime mortgage crisis that brought about this economic decline, all of the while while this was going on, we saw the majority change in the House, and then the CHARLIE RANGEL position of not being committed to preserving a single Bush tax cut. And the result was capital left investment out of the industrial side of this marketplace. It slowed down our industrial production.

Mr. Speaker, there is a person in the gallery that is making gestures up there that are inappropriate. I would like to ask him to be removed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Iowa will suspend.

The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate your attention to the decorum in the Chamber. I do revere this institution that we all are a part of. And to pick up where I left off if I may, there is a flow to this economy that is impossible to discern with the definitive analysis on how much of it belongs on this side of the aisle and how much belongs on this side of the aisle, and how much of it is the organism that is the free enterprise economy we have, coupled with the politics that churn back and forth.

So we make our arguments. We make them in the media, and when we go home to our districts, we trust that the American people will sort this out and that they will then come to a decision that will elect the people that come back to this Congress in the next cycle of our elections and be able to make even better decisions than in the past.

So when the argument here is that even though the people in this Cham-

ber and those who happen to be watching on C-SPAN have seen these bullets, the bullet points, to make it clear, on the chart of the gentleman from Wisconsin, who is a friend and who I actually have a good personal relationship with, two wars—this side will argue that they were both necessary, and on this side they will argue only one was necessary. And the tax cuts; I have argued that one was only a sugar high and the other one was very effective and necessary. Apparently the people on this side of the aisle will argue that neither one of them was effective and necessary and we should follow the Keynesian approach.

The drug entitlement language—as I recall, there were a number of Democrats who voted for that bill, and the argument was, would you actually set up a Medicare proposal that would not include prescription drugs today, as much as prescription drugs are involved in providing health care to everybody in America. You wouldn't imagine that the pharmaceuticals that are so much a part of the stability for our health care would not be part of Medicare. So that argument, I think, stands pretty clear.

Then we have the other bullet point that was on the chart, Wall Street bailouts. Well, I was not a fan of Wall Street bailouts, Mr. Speaker. I, among about half of the Republicans, voted "no" on the \$700 billion TARP legislation which, by the way, was only \$350 billion worth of TARP legislation, only \$350 billion, and that is a relative term, when you are looking at \$750 billion, you can say that. But this \$750 billion TARP proposal that came from the Secretary of Treasury, Henry Paulson, his request was for immediately \$750 billion with no strings attached and he would spend the money as he saw fit, and he was the only one who could save our economy from going into a downward spiral and the global collateral and global currency from crashing.

Well, this Congress pulled it back, held it to \$350 billion. I voted "no" on each component of that because I believed that there wasn't any entity in this country that was too big to be allowed to fail, that we should simply let them fail because if we do so, it would remove the implication, the inference that the Federal Government was going to provide a guarantee. And if they believe it is implicit that the Federal Government will bail out companies that are too big to fail, then they take greater and greater risks and the markets don't work any more because they are propped up by the government.

So Wall Street bailout, I stand here, Mr. Speaker, and about half of my Republican colleagues stood with me each time opposed to the \$750 billion TARP fund bailout.

□ 2220

And maybe about the same number of Democrats stood in opposition and in favor of it. So it was both parties, in roughly equal numbers—although not precisely—that supported the Wall Street bailout.

But, Mr. Speaker, then-Senator Obama—and now President Obama—did support the TARP bailout. He was in support of the \$700 billion. And when it came back, as the vote of \$350 billion now and \$350 billion to be requested by the next administration and approved by the next Congress, President Obama—then-Senator Obama—voted for that legislation; he was in favor of it.

When they went to the White House, JOHN MCCAIN and Senator Obama, to sit down with Speaker PELOSI and MITCH MCCONNELL, the leader in the United States Senate, and ROY BLUNT was there as well—and the list of people on the House side goes on—at that table, then-candidate Obama, Senator Obama was in agreement with the request for \$700 billion and voted for it. So it doesn't work very well for a Democrat to come to the floor of the House and point his finger at George Bush when he can clearly see that his President—and, by the way, my President—was in support of TARP. I was not. I stood in opposition to TARP.

The Wall Street bailout was approved by then-Senator Obama, the first half at \$350 billion, and then later on the other \$350 billion that was requested by the President to be elected later, which was President Obama, and approved by the Congress to be elected later, which was the Pelosi-Reid Congress, sent Henry Paulson another \$350 billion to go to the new Secretary of the Treasury. That Secretary, by the way, had tax troubles of his own.

So we can spin this a lot of ways, but what happened was at the end of the Bush administration and the beginning of the Obama administration and with the cooperation, support and assent of then-Senator and later on President-elect and then President Obama, here's what we saw happen. We saw that TARP funding approved in late September, early October of 2008 with the support of Obama and McCain and President Bush—not mine. We saw three large investment banks begin to be nationalized as the flow of this election came through. We saw the huge insurance company, AIG, nationalized, taken over by the Federal Government. We saw Fannie Mae and Freddie Mac nationalized, taken over by the Federal Government. And then, pretty soon we saw General Motors and Chrysler nationalized and taken over by the Federal Government.

We saw the bankruptcy court accept the deal that was proposed by the Obama White House without one jot or tittle amended no matter what the testimony was before the bankruptcy

court. A proposed package that was endorsed by—and for all I know shaped by—the White House to put these car companies through bankruptcy was, verbatim, approved by the bankruptcy court. Now, what a curious thing that the White House can write a prescription for a bankruptcy and a takeover of private sector companies, two proud American companies, and the bankruptcy court couldn't find a single flaw in that proposal, no matter what the testimony to end back up with exactly the language of the agreement that was proposed by the White House, and which, by the way, was supported by Speaker PELOSI. And the language that she used was: I am not going to allow the automakers to get bargaining leverage over the unions.

And so the secured creditors and the car companies lost their investment completely—lock, stock and barrel, wiped out, Mr. Speaker. And shares of stock were handed over to the United Auto Workers Union. How could that happen in a Nation that believes in the rule of law? How could that happen in a Nation that allows for collateral to be held for secured creditors? The people that held the collateral for those companies lost their collateral, and part of the reason was because the large investment banks that had been invested in those shares had also received a bailout from TARP—the Troubled Asset Relief Program in case there is anybody that needs to know that.

When that happened, then it was leveraged against these large investment banks to capitulate, give up their secured interest in that collateral for General Motors and Chrysler so that it could be transferred over to the unions, whose concession was they conceded claims, insurance claims in the future. That's it. No real-time, now transfer of anything; simply some concessions down the line that looked like—if they're able to pass socialized medicine will be irrelevant anyway.

That's what I saw happen. TARP, the Troubled Asset Relief Program, \$350 billion under Bush, \$350 billion under Obama, three large investment banks nationalized, AIG, the insurance company, nationalized, Fannie Mae, Freddie Mac, one of them lost \$16 billion in the last quarter, \$16 billion, Mr. Speaker, all of that out of the pockets of the taxpayers.

The taxpayers are on the hook to ensure that these now wholly owned government entities, Fannie Mae and Freddie Mac, whose liabilities have been accepted by executive order of President Obama last December in the amount of contingent liabilities of \$5.5 trillion, and still the taxpayers continue to go to work every day and send their money into the Federal Government, and still this Federal Government's heart is hardened and can't seem to come to grips with the massive responsibility that they have accepted

and transferred over onto the people of America.

And while all of this is going on, the Community Reinvestment Act, which was passed in the late seventies, “modernized” in the early nineties under Bill Clinton, that Community Reinvestment Act that was designed to put an end to redlining around districts in our inner cities—mostly inner cities, wouldn't have had to be exclusively that, Mr. Speaker—and it was an activity that I disagree with and object to, but there were lenders that could see that there were neighborhoods where the asset values were going down, inner city neighborhoods. Any of the inner city properties where the asset value was going down, they took, more or less, a red pen and drew a line around those areas in the inner city whose asset values were going down, they were redlining them. They would draw a boundary around them and then make a decision that they were not going to loan any money into that area because the collateral value was diminishing rather than appreciating.

So when that happened, and it became apparent here in this Congress, the hearts of the Members of Congress went out to the people that were trying to make a living and live in those areas and passed the Community Reinvestment Act, which essentially said if you're going to make loans and if you're going to expand your operations with branches or continue to go into other neighborhoods, then you need to comply with the Community Reinvestment Act, which means, in short, that lending institutions had to make bad loans in bad neighborhoods. That's the short version of what it is. There are a lot of nicer ways to say it, but that is the blunt version, Mr. Speaker.

So these lending institutions were having trouble defining what that meant. Well, ACORN was there to help them. They were there to shake down these lenders and push the lenders into making more bad loans in bad neighborhoods. But the problem was that the lenders couldn't make any more loans because they were having trouble selling these mortgages off into the secondary market, Fannie Mae and Freddie Mac, because the underwriting requirements for Fannie Mae and Freddie Mac were not loose enough to allow those mortgages to be sold into the Fannie and Freddie secondary loan market.

And so this wonderful organization called ACORN came to this Congress in the early nineties and lobbied the Congress—they weren't the only ones, but they were a very, very active and forceful organization—they lobbied the Congress to lower the underwriting and the collateral of down payment standards for the borrowers so that Fannie Mae and Freddie Mac could buy up these loans on the secondary market. And the loans that would be made by the

lending institutions that were seeking to comply with the Community Reinvestment Act, make those loans, bad loans in bad neighborhoods, sell them off to Fannie Mae and Freddie Mac, shed themselves of it, take their profit and their margins out and let Fannie and Freddie worry about that as they rolled them forward. All of that was going on, and it wasn't going fast enough.

But once the underwriting requirements for Fannie and Freddie were approved here in this Congress in the early nineties, then ACORN went to work and accelerated their effort to promote more and more bad loans in bad neighborhoods. While that was going on, the shakedown was being accelerated. But it wasn't enough to have a, let me say, lobbying operation here in Washington that was pushing to lower the standards for Fannie and Freddie, but there was an activist shakedown operation going on out there in the neighborhoods where ACORN's people were proudly saying that they went into lending institutions and they would shove the banker's desk over against the wall and all surround the lender and chant and scream at him to intimidate him into making more and more bad loans in bad neighborhoods.

□ 2230

So what did they do?

In an attempt to please or placate, the lenders made more bad loans in more bad neighborhoods. Then ACORN found themselves in a position where they could actually score the lenders as to whether they were in compliance with the Community Reinvestment Act.

Well, think about what that means—an outside organization that emerges today as a criminal enterprise, scoring lending institutions as to whether they're in compliance with the very vague language of the Community Reinvestment Act, and encouraging more and more bad loans in bad neighborhoods. Alan Greenspan is up there, lowering interest rates, extending the terms, lowering the standards for a downpayment. All of this accelerated bad loans in bad neighborhoods. Subprime mortgages made that all happen, and you had this snowball that was rolling along underneath the radar.

We saw this start to break apart a year and a half or so ago, Mr. Speaker. That's when Henry Paulson came to this Capitol and did his Chicken Little routine.

He said, The financial sky is falling, and I can prop it up with \$700 billion.

What's your guarantee?

He said, I have no guarantee, but it's the only thing that has any chance of working. You'll have to give me the money, and I'll do what I can with it.

That's the picture of what happened: The Community Reinvestment Act, the

shakedown of lenders, ACORN engaged in the middle of this, ACORN finding themselves as the broker for bad loans and the approver of the lending institutions that are making enough bad loans that it meets their standard. That's what we saw happen, and we saw this economy start to crack apart again. When it cracked apart and when the economy started to spiral downward, yes, that was under George Bush's watch, but it was also, Mr. Speaker, under NANCY PELOSI's watch, and it was under HARRY REID's watch.

I have stood here on this floor, have sat up in these seats and have listened to enough debate from this side of the aisle when, over and over again, Democrats in this Congress have said, Give us the gavels. We will make it better. We can fix this economy. We can grow this country. We will take care of our national defense. Everything will be right again. This is before President Obama was even elected to the United States Senate. There were declarations from this side of the aisle that you could fix everything if you could just get the gavels.

Well, you got the gavels. You got the gavels in 2006, and we saw industrial investments spiral downwards, and we saw the subprime mortgage crisis spiral even further downwards. By the way, in 2005, I stood on this floor and I supported raising the standards of underwriting for Fannie Mae and Freddie Mac, requiring them to have similar, not exactly the same, capital requirements as the other lending institutions and similar regulations of the other lending institutions.

What happened, Mr. Speaker, was that the now chairman of the Financial Services Committee, Mr. FRANK, came to this floor and vigorously opposed an amendment that was offered by Mr. Leach of Iowa, on October 26, 2005, which would have fixed Fannie Mae and Freddie Mac. Jim Leach understood what we needed to do. I understood what we needed to do. There were several dozen others who understood what we needed to do. Yet the defender of Fannie Mae and Freddie Mac would later on become the chairman of the Financial Services Committee, and he would continue to defend Fannie Mae and Freddie Mac, and he would open up authorizations to fund ACORN and to accelerate the downward spiral of our economy.

I come to this floor tonight, and I hear it's all George Bush's fault. Well, as you may know, Mr. Speaker, I'm having a little trouble with this logic.

So I'll just fast-forward to another circumstance that took place yesterday and the day before and the day before and the day before and that will be taking place tomorrow. It is the position that Senator JIM BUNNING has taken with regard to the extension of unemployment benefits. He has taken the position that, if you really believe

that we should pay as we go, then the people who are promoting that we should extend unemployment benefits should find a way to pay as we go. That's their pledge.

They passed PAYGO here. Of course it's a sham. They just simply bypass it, ignore it, or put a little language in the bill that says PAYGO doesn't apply, and they move on. They do whatever they want to do. There is no standard anymore. The integrity has diminished substantially.

JIM BUNNING said, Hold it. Before we extend unemployment benefits, find a way to pay for it.

This is an administration that has spent way out of proportion to any other. This is in the trillions of dollars. We have a President who is a Keynesian economist, if he is an economist at all, and he is on steroids. He has a voracious appetite to spend our grandchildren's future incomes.

Today, by my numbers, a baby born in America owes Uncle Sam for the birthright of being a natural born American citizen \$44,000. Somebody else's number is \$46,000. I'll stick with \$44,000. It's a conservative number. By the time that child starts the fifth grade, if the President's budget is approved, authorized, and appropriated, we will see that child owing the Federal Government \$88,000 when he walks in to meet his fifth grade teacher. \$88,000.

At the same time, this same administration laments the college debt that they have. Now, if you have a student who walks out of college and who gets his degree with \$88,000 worth of debt, that seems to be more than he wants to bear. The hardest thing is to come short of a degree and still have the college debt because you don't have the sheepskin to help you with the revenue stream, and you've got to find another way to do it.

I will say that I empathize with those college students who have high debt, but I even greater empathize with those American babies who are born every day in this country with a huge debt over their heads that they had nothing to say about. They don't really have a means to take that and call it an investment and a return on that investment. It is unconscionable that we would put our children and grandchildren in debt in the fashion that we have, and it is trillions of dollars, Mr. Speaker. The numbers work out to be something like this:

We've had something like an \$11.3 trillion national debt. That national debt has now been raised to around \$14 trillion. If you look at the Obama budget, when you project it out over a 10-year period of time, that takes it up to \$28 trillion. Now, this is a massive burden that we have. How do we work our way out of it?

We are going the wrong way—raising up mandatory wages. Let's say we raise

minimum wage a high percentage, 30-some percent or so. We have got a Davis-Bacon wage scale, the federally imposed union scale on every construction project in America that has 2,000 or more Federal dollars invested in it. It unnaturally inflates the cost of every project that has Federal dollars in it someplace between 8 and 35 percent. The most recent data shows an average of a 22 percent increase because of Davis-Bacon wage scales, which truly are union wage scales.

Then on top of that, while the Federal Government is managing minimum wage, managing imposing a union wage scale even on competitive contracts—and by the way, the Davis-Bacon wage scale is the last Jim Crow law in America. I know of no other Jim Crow law left in America. This is one. It is the remaining Jim Crow law. It was designed to lock African Americans out of the trade unions in New York City back in 1932. There was a Federal building contract that was let in the Depression era, and a contractor from Alabama was the low bidder on the project. He brought a lot of African American workers in from Alabama up to New York City to build that Federal building. They'd work cheaper. They came in.

The unions got together and lobbied. Somebody said they were both Republicans, and if so, I don't identify with them at all. Two New York legislators—a senator and a representative—called Davis and Bacon decided that they were going to impose a prevailing wage on America, which turns out to be the union scale on America, which is an increase of 22 percent.

So the decision we have is: Do we want to build 4 miles of road or 5? Do we want to build four bridges or five? Do we want to build four schools or five? Do you want to build 4 miles of bike trail or 5? Name your project. Do you want to build four buildings or five? How many shovel-ready projects do you want to go to work if they are of equal value—four or five? That's the difference between the non-Davis-Bacon merit shop and Davis-Bacon wages.

I am confronted with the chairman of the Financial Services Committee, who has consistently made the argument with many of his colleagues over on this side of the aisle that the Federal Government has no business injecting themselves in between two consenting adults. The two consenting adults should be able to do whatever they want to do. It doesn't hurt anybody else. That's their argument. What business is it of ours in this Congress if two consenting adults want to carry on in any fashion whatsoever, whether we can discuss it here into the RECORD or whether we can't, Mr. Speaker?

Well, the same individuals who make that argument seem to think that the Federal Government should inject

themselves into every transaction between two consenting adults, provided there are some 2,000 or more Federal dollars involved. So now we have Uncle Sam's telling David King what he has to pay his employees on a construction project in Iowa: If I want to go climb in his excavator on a project, and I say, Hey, Dave. I want to do this for nothing. I just enjoy doing this work. It takes me back to my roots, and I want to help this company, or if I say, Will you just pay me \$10 an hour? That'll make it work. It'll give me a little spending money and make it work.

□ 2240

He can't do it. It would be a violation of Federal law. I cannot enter into an agreement with my own son, two consenting adults, and work for \$10 an hour or \$20 an hour or nothing, because the Federal Government has decided they want to tell two consenting adults what they can do, what they will be paid for work that is done.

By the way, it changes dramatically from district to district. You might go across the road, the center of the centerline of a highway, and find out there is a 20, 30, or 40 percent difference in this thing called prevailing wage, which actually is union scale.

The Federal Government is messing up the works. The free enterprise system has got to be allowed to operate and flourish. There needs to be a floor that is established under labor that is supply and demand. There needs to be a wage and benefits package that is reflective of supply and demand, and the skills of the employee. That, sadly, is not the case when the Federal Government is involved.

So, Mr. Speaker, there are a lot of distortions that have been taking place here, and our Keynesian economist on steroids who is in the Oval Office has further distorted this. We need to take this country back, back to our roots, back to our origins, and let the free enterprise system work.

There are a series of flashcards that have been made available by the USCIS, Citizenship Immigration Services. Those flashcards are little red things about like this. They will ask you a question when you study to be a naturalized American citizen.

On one side it will say, Who is the Father of our Country? Snap it over and it will say, George Washington.

Who saved the Union? Snap it over, Abe Lincoln.

What is the economic system of the United States? Snap it over, free enterprise capitalism.

Mr. Speaker, it is hard to believe that would be a question that would be answered accurately in the White House today, given the nationalization of one-third of the private-sector profits in the country, given the effort to nationalize our bodies.

Now, there is a concept, Mr. Speaker, that has some people raise their eye-

brows. Now they are ready with their fingers on their keyboard, because they think that STEVE KING has said something that is completely outrageous. Well, it is completely thought through.

Here is the point. Ever since 1973, a significant percentage of Americans, albeit today in a minority, have continually made the argument that abortion should be available electively because no one has any business telling a woman what she can or can't do with her body. That is the argument.

The pro-choice crowd has continually argued you can't tell a woman what she can or can't do with her body. It is her body, a decision for her and for her doctor and for her pastor, priest, or rabbi. Funny that the father is not in this equation. But that is the argument; you can't tell a woman what she can or can't do with her body. It is a decision for her, her pastor, and her doctor.

Well, the same people, the same people that have been making that argument since 1973 that you can't tell a woman what she can or can't do with her body, it is her body, after all, are the ones that are now making the argument that the Federal Government should have the authority to tell everybody in America what we can or can't do with our body.

This is the nationalization of everybody's body. It is Uncle Sam taking over our bodies. The most private, personal thing we have is this physical body that we should be managing, taking care of, respecting, and be grateful and reverent for. And even in the legislation we see language that would tax your pop if it is not diet, or outlaw or tax trans fats, and try to manipulate behavior so that your body treats you in a fashion that is less of a demand on health care. This is the Federal Government telling us what we can and can't do with our body.

We have heard some talk about death panels, and I have not embellished that very much. But those panels would be a component of the thought process that I am discussing. You would have a Federal panel or committee that would be run by the Health Choices Administration czar who would determine when you could have tests, when you couldn't have tests; when a woman was too young for a mammogram, when a woman was too old for a mammogram, when she had had too many mammograms; tell you when you needed to be checked for colon cancer. They would put you through all these paces. It is the Federal Government managing our health care.

Why would we do that? Why would we give that up? Why would we let the Federal Government nationalize our bodies and decide what we will pay for health insurance premiums, what health insurance policies will be offered to us, and by those decisions they would decide then the cost of the pre-

miums, the benefits of the premiums, from what would be offered. The Federal Government takeover of the most personal and private thing that we have, and in fact are, would be the nationalization of everybody's body in America.

Now, what does that mean? Well, it is we the people. The people get their rights from God. We take those rights and we confer them upon government and they derive their just powers from the consent of the governed.

But if you look back at the old monarchies that were the precursors to this country, those subjects existed for the monarch, for the king. They were the king's subjects. He controlled them. He managed them for his own benefit at his own will. Some were benevolent and some were not. We have rejected the monarchy, and that is very clear if you read our Constitution.

But also the Communist state, where the individual exists for the benefit of the state and everybody's work and labor's for the benefit of the state. There isn't any system out there that respects and reveres the power of the individual and our individual rights that come from God, and how people confer, the people, confer their powers that come from God and the consent of the governed, and pass it over to our elected representatives. That is the system that we have.

Why would the people of the United States of America give up their sovereign rights to control their own persons in spite of all the things that are in the Bill of Rights that define our individual rights? Why would we give that up and hand over the management of our health care to the Federal Government? Why would anybody propose such a thing?

I will submit, Mr. Speaker, they would only propose such a thing if they were anti-liberty, if they were anti-freedom, if they were pro-some other form of government that didn't respect the sovereignty of the individual and the God-given liberties that are invested in all of us. So, this is an important debate that is before us.

Tomorrow, President Obama will unveil, as he has announced, another series of bullet points. The last time it was 11 pages, no legislative language, of principles he thinks that we all should agree to. And he would give some opportunity for Republicans to accept a few more dictates, and he has indicated he would be interested in a couple of changes. But, in the end, they have created a toxic stew that started with that tainted old soupbone of HillaryCare of 15 years ago, and they have added bells and whistles to it that are designed to try to attract more people into this.

But if you start out with something toxic, whatever you add to it, it dilutes it, but it is still toxic. This is a toxic stew, this National Health Care Act. It



needs to be thrown out, and we need to start fresh. Three out of four of the American people agree with me that we can't go forward with what we have in front of us. We have got to start all over again.

We need to start with tort reform and the lawsuit abuse, and allow people to really and truly and honestly and openly buy insurance across State lines. We need full deductibility of everybody's health insurance premiums. We need to expand Health Savings Accounts. We need to allow people to use HSAs. We need to set up a portability, so people can take their health insurance policies with them every time. And we need to address pre-existing conditions in a fashion that doesn't turn out to be socialized medicine.

All of that we can do, all of that we should do, but we should do it one bill at a time, standalone, very clear. Tort reform first; take this money out of the pockets of the trial lawyers, give it back to the ratepayers, and the taxpayers, and the patients. If we do that, that will be a powerful sign that this administration would finally be ready to work in a bipartisan fashion.

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Until I see that, Mr. Speaker, I do not believe that that is the case. I think the effort is socialized medicine. I don't think it's about the liberty of America, nor do I believe it's about the efficiency and the quality of health care.

So, with that, Mr. Speaker, I appreciate your indulgence, and I would yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today and March 3 on account of business in her district.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of primary in district.

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of family matters.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today on account of Texas primary election.

Mr. REYES (at the request of Mr. HOYER) for today on account of Texas primary.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. JOHNSON of Georgia, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. HARPER, for 5 minutes, March 3.

Mr. PAULSEN, for 5 minutes, March 3.

Mr. POE of Texas, for 5 minutes, March 9.

Mr. JONES, for 5 minutes, March 9.

Ms. ROS-LEHTINEN, for 5 minutes, March 3 and 4.

Mr. MORAN of Kansas, for 5 minutes, March 9.

Mr. BURTON of Indiana, for 5 minutes, today and March 3 and 4.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CASSIDY, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on February 26, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 3961. An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 3, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6312. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on progress toward com-

pliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention deadline of April 29, 2012, and not later than December 31, 2017, pursuant to Public Law 110-116, section 8119; to the Committee on Armed Services.

6313. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Definitions of Component and Domestic Manufacture (DFARS Case 2005-D010) (RIN: 0750-AF22) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6314. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006-D051) (RIN: 0750-AF80) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6315. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System — Amendments [Docket No.: FR-5351-F-02] (RIN: 2501-AD48) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6316. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Exception to the Maturity Limit on Second Mortgages (RIN: 3133-AD64) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6317. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Display of Official Sign; Temporary Increase in Standard Maximum Share Insurance Amount; Coverage for Mortgage Servicing Accounts; Share Insurance for Revocable Trust Accounts (RIN: 3133-AD54; RIN: 3133-AD55) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6318. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-605, Quarterly Survey of Foreign Direct Investment in the United States — Transactions of U.S. Affiliate With Foreign Parent [Docket No.: 090130108-91414-02] (RIN: 0691-AA70) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6319. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 20-09 informing of an intent to sign a Project Agreement with Israel; to the Committee on Foreign Affairs.

6320. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 04-10 informing of an intent to sign a Project Agreement with North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

6321. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

6322. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Foreign Affairs.

6323. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's General/Trust Fund Financial Statements for the First Quarter of FY 2010 ended December 31, 2009, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

6324. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Temporary Suspension of the Population Estimates and Income Estimates Challenge Programs [Docket Number: 0908171239-91412-02] (RIN: 0607-AA49) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6325. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2009 Audited Financial Statements; to the Committee on Oversight and Government Reform.

6326. A letter from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Changes in the Regulations Governing Falconry [FWS-R9-MB-2009-0002; 91200-1231-9BPP] (RIN: 1018-AW44) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6327. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Requirements for Subsurface Safety Valve Equipment [Docket ID: MMS-2007-OMM-0066] (RIN: 1010-AD45) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6328. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To List the Galapagos Petrel and Heinroth's Shearwater as Threatened Throughout Their Ranges [FWS-R9-ES-2009-0086; 90100-1660-1FLA] (RIN: 1018-AW70) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6329. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2010 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2010 Quota Adjustments; 2010 Summer Flounder Quota for Delaware [Docket No.: 0908191244-91427-02] (RIN: 0648-XR08) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6330. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Longline Fishery Closure [Docket No.: 090130102-91386-02] (RIN: 0648-XT01) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6331. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0812171612-9134-02] (RIN: 0648-XT31) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6332. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation; Pacific Whiting Seasons [Docket No.: 090428799-9802-01] (RIN: 0648-XT30) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6333. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States [Docket No.: 0909011267-91427-02] (RIN: 0648-AY19) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6334. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266-81485-02] (RIN: 0648-XT39) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6335. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea Pollock Total Allowable Catch Amount [Docket No.: 0810141351-9087-02] (RIN: 0648-XT40) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6336. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic

Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount [Docket No.: 0810141351-9087-02] (RIN: 0648-XT41) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6337. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts [Docket No.: 0910091344-9056-02] (RIN: 0648-XT52) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6338. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska [Docket No.: 080630798-91430-02] (RIN: 0648-AW92) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6339. A letter from the Assistant Secretary, Employment & Training Administration, Department of Labor, transmitting the Department's final rule — Temporary Agricultural Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6340. A letter from the Assistant Secretary, Employment & Training, Department of Labor, transmitting the Department's final rule — Temporary Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6341. A letter from the Clerk of Court, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit No. 08-3642 — Ortega v. Holder (January 15, 2010); to the Committee on the Judiciary.

6342. A letter from the Assistant CC for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Correction [Docket No.: PHMSA-2007-0065 (HM0224D) and PHMSA-2008-0005 (HM-215J)] (RIN: 2137-AE54) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Acting Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Precision Measurement Grants Program; Availability of Funds [Docket Number: 0911251416-91417-01] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6344. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Basic Entitlement; Effective Date of Induction Into a Rehabilitation Program; Cooperation in Initial Evaluation (RIN: 2900-AN13) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6345. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Self-Employment (RIN: 2900-AN31) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6346. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Periods of Eligibility (RIN: 2900-AM84) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6347. A letter from the Grants Management Officer, DHS Office of Grants Policy & Oversight, Department of Homeland Security, transmitting the Department's final rule — Department of Homeland Security Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No.: DHS-2007-0006] (RIN: 1601-AA46) received January 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

6348. A letter from the Acting Director, Infrastructure Security Compliance Division, Department of Homeland Security, transmitting the Department's final rule — Appendix to Chemical Facility Anti-Terrorism Standards [DHS-2006-0073] (RIN: 1601-AA41) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

6349. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Demonstration of Coverage of Chiropractic Services under Medicare; jointly to the Committees on Energy and Commerce and Ways and Means.

6350. A letter from the Acting Assistant Director, Directives and Regulations Branch, ORMS, Department of Agriculture, transmitting the Department's final rule — National Forest System Land and Resource Management Planning (RIN: 0596-AB86) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

6351. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1863-DR for the State of Louisiana; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 1126. Resolution providing for consideration of the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes (Rept. 111-425). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. DeFAZIO, Ms. NORTON, and Mr. CUMMINGS):

H.R. 4714. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself and Mr. LOBIONDO):

H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LAMBORN (for himself and Mr. COFFMAN of Colorado):

H.R. 4716. A bill to prohibit the further extension or establishment of national monuments in Colorado, except by express authorization of Congress; to the Committee on Natural Resources.

By Mrs. LUMMIS (for herself, Ms. HERSETH SANDLIN, and Mr. BISHOP of Utah):

H.R. 4717. A bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mrs. BONO MACK:

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 3 years; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. CUELLAR, Mr. TEAGUE, Mr. GRIJALVA, Mr. HINOJOSA, and Mr. REYES):

H.R. 4719. A bill to establish a Southwest Border Region Water Task Force; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4720. A bill to provide for a 5 percent reduction in the rates of basic pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H.R. 4721. A bill to direct the United States Postal Service to designate a single, unique ZIP Code for Flanders, New York; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. CAPUANO, Mr. CARNAHAN, Mr. COHEN, Mr. FILNER, Mr. LIPINSKI, and Mr. MORAN of Virginia):

H.R. 4722. A bill to direct the Secretary of Transportation to carry out an active transportation investment program to encourage a mode shift to active transportation within selected communities by providing safe and convenient options to bicycle and walk for routine travel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 4723. A bill to direct the Secretary of Commerce to study the Gulf of Mexico red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO:

H.R. 4724. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the conversion of leadership PAC funds to per-

sonal use; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 4725. A bill to provide for the acquisition by the Army Corps of Engineers of the hurricane barrier for the city of New Bedford, Massachusetts and the town of Fairhaven, Massachusetts; to the Committee on Transportation and Infrastructure.

By Mr. MCKEON:

H.R. 4726. A bill to authorize the Secretary of the Interior to participate in projects to encourage the design, planning, and construction of the North Los Angeles County Regional Water Recycling Project in the State of California; to the Committee on Natural Resources.

By Mr. NADLER of New York (for himself, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Ms. SCHWARTZ, Mr. ISRAEL, Mr. HASTINGS of Florida, and Mrs. LOWEY):

H.R. 4727. A bill to amend title 18, United States Code, to place limitations on the possession, sale, and other disposition of a firearm by persons convicted of misdemeanor sex offenses against children; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. GALLEGLY, Mr. ROYCE, Mr. WILSON of South Carolina, Mr. INGLIS, Mrs. MYRICK, and Mr. MASSA):

H.R. 4728. A bill to authorize assistance to promote counter-extremism efforts in the Balkan region, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LINDA T. SANCHEZ of California:

H.R. 4729. A bill to clarify the situations in which a corporation may be treated as a person under Federal law; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER:

H.R. 4730. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Ms. WATSON:

H.R. 4731. A bill to amend title XIX of the Social Security Act to ensure access to resin-based dental fillings that, at a minimum, is equal to the level of access to mercury-based dental fillings under such title; to the Committee on Energy and Commerce.

By Ms. WATSON:

H.R. 4732. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself and Mr. GALLEGLY):

H.R. 4733. A bill to promote the well-being of farm animals by requiring Federal agencies to procure food products derived from certain animals only from sources that raised the animals free from cruelty and abuse, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on

Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. PLATTS):

H.R. 4734. A bill to amend the Richard B. Russell National School Lunch Act to provide children from underserved areas with better access to meals served through the summer food service program for children and certain child care programs; to the Committee on Education and Labor.

By Mr. BARTON of Texas (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. CONAWAY, Mr. CULBERSON, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. FLAKE, Mr. FLEMING, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES, Mr. GRIFFITH, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HOEKSTRA, Mr. ISSA, Ms. JENKINS, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LATTI, Mr. LEWIS of California, Mr. LUCAS, Mr. LUTKEMEYER, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCOTTER, Mr. MCHENRY, Mrs. McMORRIS RODGERS, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. TIM MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRBACHER, Mr. SCALISE, Mr. SENBRENNER, Mr. SESSIONS, Mr. SHAD-EGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. UPTON, Mr. WESTMORELAND, Mr. WHITFIELD, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mrs. EMERSON, Mr. GOODLATTE, Mr. LINDER, Mr. MORAN of Kansas, and Mr. ROE of Tennessee):

H.J. Res. 77. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. BRIGHT (for himself, Mr. BISHOP of Georgia, Mr. BOYD, Ms. HERSETH SANDLIN, Mr. HILL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BARROW, Mr. MELANCON, Mr. CHILDERS, Mr. MINICK, Mr. BOSWELL, Mr. COOPER, Ms. MARKEY of Colorado, Mr. SALAZAR, Mr. TAYLOR, Mr. THOMPSON of California, Mr. MCINTYRE, Mr. MOORE of Kansas, Mr. MATHESON, Mr. TANNER, Mr. BOREN, Mr. ELLSWORTH, Mr. ROSS, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. MICHAUD, Mr. DONNELLY of Indiana, Ms. HARMAN, Mr. KRATOVIL, Mr. MARSHALL, Ms. GIFFORDS, Mr. NYE, Mr. CARDOZA, Mr.

WILSON of Ohio, Mr. CUELLAR, and Mr. COSTA):

H.J. Res. 78. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia:

H. Con. Res. 244. Concurrent resolution expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; to the Committee on Oversight and Government Reform.

By Mr. LANCE (for himself and Mr. HOLT):

H. Con. Res. 245. Concurrent resolution recognizing the life-saving role of ostomy care and prosthetics in the daily lives of hundreds of thousands of people in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRIELLO (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. COSTELLO, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. CARNEY, Mr. COHEN, Mr. GARAMENDI, Mr. HARE, Mr. HOLDEN, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. SIRES, Mr. CAPUANO, Mr. BISHOP of New York, Mr. FILNER, and Ms. TITUS):

H. Res. 1125. A resolution supporting the goals and ideals of National Public Works Week, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. CLYBURN, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. NEAL of Massachusetts, Mr. TOWNS, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. DAVIS of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. LYNCH, Mr. SERRANO, Mr. GONZALEZ, Mr. WALZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUELLAR, and Mr. ORTIZ):

H. Res. 1127. A resolution expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. FLAKE, Mr. DONNELLY of Indiana, Mr. COURTNEY, Mr. LANCE, Mr. PAUL, Mr. HARE, Mr. COBLE, Mr. MOORE of Kansas, Mr. BOSWELL, Mr. NYE, Mr. BOREN, Mr. MARSHALL, Mrs. LUMMIS, Mr. MELANCON, Mr. ARCURI, Ms. HIRONO, Mr. ELLSWORTH, Ms. WASSERMAN SCHULTZ, Mr. PASTOR of Arizona, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. MITCHELL, Mrs. CAPPS, Mr. BOUSTANY, Mr. GRIFFITH, Mr. DAVIS of Kentucky, Mr. FARR, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Ms. CHU, Ms. TSONGAS, Mr. SNYDER, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. VAN HOLLEN, Mr. MURPHY of New York, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. OLSON, Mr. JONES, Ms. WOOLSEY, Ms. HARMAN, Mr. BRADY of Texas, and Mr. ROE of Tennessee):

H. Res. 1128. A resolution thanking Vancouver for hosting the world during the 2010 Winter Olympics and honoring the athletes from Team USA; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado:

H. Res. 1129. A resolution expressing the sense of the House that the Secretary of the Treasury should direct the United States Executive Directors to the International Monetary Fund and the World Bank to use the voice and vote of the United States to oppose making any loans to the Government of Antigua and Barbuda until that Government cooperates with the United States and compensates the victims of the Stanford Financial Group fraud; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. MCGOVERN, Mr. TIERNEY, Mr. OLVER, Mr. COSTA, Mr. LANGEVIN, Mr. CARDOZA, Mr. LYNCH, and Mr. NUNES):

H. Res. 1130. A resolution expressing support for the people affected by the natural disasters on Madeira Island; to the Committee on Foreign Affairs.

By Ms. FUDGE:

H. Res. 1131. A resolution expressing support for designation of the week of April 18, 2010, through April 23, 2010, as National Assistant Principals Week; to the Committee on Education and Labor.

By Mr. HEINRICH (for himself, Mr. TEAGUE, and Mr. LUJÁN):

H. Res. 1132. A resolution honoring the USS New Mexico as the sixth Virginia-class submarine commissioned by the U.S. Navy to protect and defend the United States; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. DAVIS of Illinois, Mr. LIPINSKI, Ms. FUDGE, Mr. GRAYSON, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. BARROW, Mr. COHEN, Mr. MEEK of Florida, Mr. HARE, Ms. NORTON, Mrs. CHRISTENSEN, and Mr. KISSELL):

H. Res. 1133. A resolution recognizing the extraordinary number of African-Americans who have overcome significant obstacles to enhance innovation and competitiveness in the field of science in the United States; to the Committee on Science and Technology.

By Mr. MCCAUL (for himself and Mr. WALZ):

H. Res. 1134. A resolution mourning the loss of Vernon Hunter and honoring the service of Robin De Haven and the first responders to the attack on the Internal Revenue Service in Austin, Texas; to the Committee on Ways and Means.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. HINCHEY.  
H.R. 208: Mr. RAHALL.  
H.R. 227: Mr. MORAN of Kansas.  
H.R. 272: Mr. SMITH of Texas.  
H.R. 297: Mr. WALZ.  
H.R. 412: Mrs. LOWEY.  
H.R. 417: Ms. NORTON.  
H.R. 442: Mr. BOYD.  
H.R. 450: Ms. JENKINS.  
H.R. 537: Mr. DAVIS of Kentucky.  
H.R. 557: Mr. GRIFFITH, Ms. JENKINS, and Mr. ROGERS of Alabama.  
H.R. 572: Ms. NORTON.  
H.R. 658: Mr. MARSHALL.  
H.R. 667: Mr. OWENS and Mr. COURTNEY.  
H.R. 673: Mr. YOUNG of Alaska.  
H.R. 675: Mr. YOUNG of Alaska.  
H.R. 690: Mr. KIND.  
H.R. 734: Mr. TIM MURPHY of Pennsylvania, Mr. KIRK, Mr. SHERMAN, Ms. SPEIER, Mr. MITCHELL, and Ms. CHU.

- H.R. 795: Mr. CUMMINGS.  
H.R. 832: Mr. WEINER.  
H.R. 919: Mr. WEINER.  
H.R. 946: Ms. NORTON.  
H.R. 949: Mr. SCOTT of Virginia.  
H.R. 994: Mr. MCKEON.  
H.R. 1039: Mr. GERLACH.  
H.R. 1074: Mr. SAM JOHNSON of Texas, Mr. RAHALL, and Mr. GARRETT of New Jersey.  
H.R. 1083: Mr. ELLSWORTH.  
H.R. 1085: Mr. TIBERI.  
H.R. 1126: Mr. WEINER.  
H.R. 1137: Mr. LUCAS.  
H.R. 1175: Mr. MCGOVERN.  
H.R. 1177: Mr. HEINRICH.  
H.R. 1203: Mr. CARDOZA and Mr. SCOTT of Virginia.  
H.R. 1204: Mr. FORTENBERRY.  
H.R. 1205: Ms. DELAURO, Mr. KLEIN of Florida, and Mr. GUTIERREZ.  
H.R. 1206: Mr. KLINE of Minnesota.  
H.R. 1208: Mr. PITTS and Mr. LEE of New York.  
H.R. 1210: Mr. EHLERS.  
H.R. 1240: Mr. ADERHOLT, Mr. BISHOP of Utah, Mr. HARPER, and Mr. CHANDLER.  
H.R. 1283: Ms. BORDALLO.  
H.R. 1305: Mr. PASTOR of Arizona.  
H.R. 1314: Mr. BACA.  
H.R. 1340: Mr. OLVER.  
H.R. 1409: Mr. GARAMENDI.  
H.R. 1526: Ms. JACKSON LEE of Texas, Mr. BOREN, and Mr. WAXMAN.  
H.R. 1547: Mr. RUPPERSBERGER.  
H.R. 1552: Mr. BARTON of Texas.  
H.R. 1618: Ms. CHU.  
H.R. 1670: Mr. MILLER of North Carolina.  
H.R. 1681: Mr. MURPHY of Connecticut.  
H.R. 1775: Ms. NORTON.  
H.R. 1778: Ms. MARKEY of Colorado and Mr. TAYLOR.  
H.R. 1806: Mr. ISRAEL and Ms. RICHARDSON.  
H.R. 1826: Ms. KILROY.  
H.R. 1836: Ms. GIFFORDS.  
H.R. 1844: Ms. BORDALLO.  
H.R. 2000: Mr. INGLIS, Mr. WU, Mr. COSTELLO, Mr. OLVER, Mr. LOBIONDO, Mr. HINCHEY, Mr. CASTLE, Mr. ENGEL, and Mr. KING of New York.  
H.R. 2006: Mr. SCHAUER.  
H.R. 2030: Mr. MARKEY of Massachusetts.  
H.R. 2085: Mr. KANJORSKI.  
H.R. 2112: Mr. LEE of New York.  
H.R. 2149: Mr. MARKEY of Massachusetts.  
H.R. 2159: Mr. QUIGLEY.  
H.R. 2160: Mr. REHBERG.  
H.R. 2254: Mr. HILL and Mr. WU.  
H.R. 2324: Ms. WATERS.  
H.R. 2377: Mr. ROGERS of Michigan.  
H.R. 2378: Mr. TURNER.  
H.R. 2382: Mr. RAHALL.  
H.R. 2478: Mr. WELCH.  
H.R. 2555: Mr. BACA.  
H.R. 2565: Mr. KAGEN.  
H.R. 2567: Mr. LARSEN of Washington.  
H.R. 2754: Mr. WELCH.  
H.R. 2782: Mr. HEINRICH.  
H.R. 2799: Mr. PLATTS, Mr. TERRY, and Mr. NYE.  
H.R. 2824: Mr. LEE of New York.  
H.R. 2842: Mr. GINGREY of Georgia.  
H.R. 2859: Mr. FARR.  
H.R. 2891: Mr. DEFazio, Mr. COURTNEY, Mr. ARCURI, and Mr. HASTINGS of Florida.  
H.R. 2969: Ms. DELAURO.  
H.R. 2976: Mrs. CAPPS.  
H.R. 3048: Ms. SCHAKOWSKY.  
H.R. 3070: Ms. SHEA-PORTER.  
H.R. 3116: Mr. WILSON of Ohio.  
H.R. 3178: Ms. GIFFORDS.  
H.R. 3380: Mr. RAHALL, Mr. ROHRBACHER, Ms. SHEA-PORTER, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Mr. COHEN, Mr. STUPAK, Mr. ISSA, Mr. EHLERS, Ms. WOOLSEY, Mr. MEEKS of New York, Mr. BILBRAY, Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. MARKEY of Massachusetts, and Mrs. MCCARTHY of New York.  
H.R. 3415: Mr. GORDON of Tennessee and Mr. WHITFIELD.  
H.R. 3464: Mr. HOLDEN and Mr. OBEY.  
H.R. 3488: Mr. MOORE of Kansas.  
H.R. 3502: Mr. DRIEHAUS, Mr. COURTNEY, and Mr. OLVER.  
H.R. 3526: Ms. NORTON.  
H.R. 3586: Mrs. SCHMIDT.  
H.R. 3656: Ms. ZOE LOFGREN of California.  
H.R. 3657: Ms. SHEA-PORTER.  
H.R. 3721: Mr. BOSWELL.  
H.R. 3758: Mr. BOUCHER.  
H.R. 3764: Ms. WASSERMAN SCHULTZ, Mr. WELCH, and Mr. WAXMAN.  
H.R. 3765: Mr. GUTHRIE.  
H.R. 3790: Mr. GINGREY of Georgia, Mr. SPACE, and Mr. NUNES.  
H.R. 3813: Mr. BOREN.  
H.R. 3943: Ms. BALDWIN and Mr. LARSON of Connecticut.  
H.R. 3990: Mr. YOUNG of Alaska.  
H.R. 4001: Ms. MATSUI and Mr. GARAMENDI.  
H.R. 4028: Mr. MICHAUD.  
H.R. 4036: Ms. LEE of California.  
H.R. 4091: Ms. WASSERMAN SCHULTZ and Ms. ROS-LEHTINEN.  
H.R. 4109: Ms. NORTON.  
H.R. 4128: Mr. CAPUANO and Mr. FARR.  
H.R. 4149: Mr. GRIJALVA.  
H.R. 4189: Mr. HELLER.  
H.R. 4190: Mrs. CAPPS.  
H.R. 4196: Mr. JOHNSON of Georgia.  
H.R. 4197: Mr. DEFazio.  
H.R. 4202: Mr. MAFFEI, Mr. ROTHMAN of New Jersey, and Mr. STARK.  
H.R. 4203: Ms. CASTOR of Florida.  
H.R. 4241: Ms. TITUS, Mr. TOWNS, Mr. HINCHEY, and Mr. COOPER.  
H.R. 4255: Mr. BARRETT of South Carolina and Mr. KAGEN.  
H.R. 4274: Ms. JACKSON LEE of Texas, Ms. SCHAKOWSKY, and Ms. NORTON.  
H.R. 4278: Mr. MCDERMOTT.  
H.R. 4301: Mr. BLUMENAUER.  
H.R. 4309: Mr. KAGEN.  
H.R. 4321: Mr. ACKERMAN.  
H.R. 4329: Mr. GOODLATTE.  
H.R. 4343: Mr. LEWIS of Georgia and Ms. CLARKE.  
H.R. 4386: Mr. WAXMAN.  
H.R. 4400: Ms. RICHARDSON, Ms. DELAURO, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Ms. NORTON, and Mr. DOGETT.  
H.R. 4404: Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. AL GREEN of Texas, Mr. RUSH, Mr. BARROW, Mr. SABLON, Mr. FILNER, and Mr. BACA.  
H.R. 4405: Mr. GEORGE MILLER of California and Mr. PRICE of North Carolina.  
H.R. 4413: Mr. POLIS.  
H.R. 4420: Mr. DOYLE.  
H.R. 4446: Mr. GRIJALVA.  
H.R. 4465: Mr. COURTNEY.  
H.R. 4477: Mr. HINCHEY, Mr. ROTHMAN of New Jersey, Ms. SCHWARTZ, Mr. ELLISON, Mr. PAUL, and Mr. COHEN.  
H.R. 4488: Mr. YOUNG of Alaska.  
H.R. 4497: Mr. KISSELL, Ms. HERSETH SANDLIN, and Mr. KILDEE.  
H.R. 4509: Mr. GENE GREEN of Texas.  
H.R. 4529: Mr. PAULSEN and Mr. INGLIS.  
H.R. 4530: Ms. TITUS.  
H.R. 4537: Mr. FILNER, Mr. GRIJALVA, Mr. HIMES, Mr. HOLT, Mr. MILLER of North Carolina, Ms. ROYBAL-ALLARD, Mr. PASCRELL, and Mr. PAYNE.  
H.R. 4541: Mr. OWENS, Mr. COURTNEY, and Mrs. NAPOLITANO.  
H.R. 4545: Mr. PERRIELLO and Mr. THOMPSON of Mississippi.  
H.R. 4551: Mr. LATOURETTE.  
H.R. 4554: Mr. KAGEN.  
H.R. 4557: Ms. NORTON and Ms. SCHAKOWSKY.  
H.R. 4564: Ms. SHEA-PORTER, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Mr. ANDREWS, Mr. WU, Ms. KAPTUR, Mr. WATT, Ms. FUDGE, Ms. BALDWIN, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, Mr. SCHIFF, Mrs. DAVIS of California, Mr. BERMAN, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. HINCHEY, Mr. OLVER, Mr. CONYERS, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. ENGEL, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. CLYBURN, Mr. LOEBACK, and Ms. NORTON.  
H.R. 4572: Mr. WHITFIELD.  
H.R. 4573: Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. GARAMENDI, Mr. MOORE of Kansas, Mr. OBERSTAR, Mr. HINOJOSA, Mr. STARK, Mr. CAPUANO, Ms. NORTON, Ms. SPEIER, Mr. RUSH, Mr. SCOTT of Virginia, Mr. CROWLEY, and Mr. CLAY.  
H.R. 4601: Mr. WU, Mr. KING of New York, and Ms. SCHAKOWSKY.  
H.R. 4616: Mr. FILNER.  
H.R. 4629: Mr. STUPAK.  
H.R. 4630: Mr. HIMES.  
H.R. 4638: Mr. BISHOP of Georgia.  
H.R. 4640: Mr. MANZULLO, Mr. HEINRICH, and Mr. OLSON.  
H.R. 4647: Mr. KIRK, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, Mr. JOHNSON of Georgia, Mrs. LOWEY, and Mr. TANNER.  
H.R. 4648: Mr. CANTOR and Mr. BOEHNER.  
H.R. 4649: Mr. SHULER, Mr. BURTON of Indiana, Mr. WOLF, and Mr. KIRK.  
H.R. 4662: Mr. PAUL.  
H.R. 4674: Mr. HOLDEN.  
H.R. 4678: Mr. GARAMENDI and Mr. DAVIS of Tennessee.  
H.R. 4684: Mr. PALLONE.  
H.R. 4690: Mrs. CAPPS and Mr. CLEAVER.  
H.R. 4692: Mr. HINCHEY and Mr. KISSELL.  
H.R. 4693: Ms. NORTON, Mr. MCGOVERN, Mr. LUETKEMEYER, Mr. WILSON of South Carolina, Mrs. MCMORRIS RODGERS, Ms. GIFFORDS, Mr. FILNER, Mr. KISSELL, Mr. COURTNEY, Mr. KENNEDY, and Ms. MCCOLLUM.  
H.R. 4700: Mr. ANDREWS, Mr. WU, Mr. GRAYSON, Mr. POLIS, Mr. SMITH of Washington, Mr. MICHAUD, Mr. YARMUTH, Mr. HARE, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. LARSON of Connecticut, Mr. KENNEDY, Mr. PETERSON, and Mr. DAVIS of Tennessee.  
H.R. 4705: Mr. GRAVES.  
H.R. 4710: Mr. MEEK of Florida.  
H.J. Res. 43: Mr. MACK.  
H.J. Res. 74: Mr. WELCH and Mr. RYAN of Ohio.  
H.J. Res. 76: Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. HOLDEN, Mr. TAYLOR, and Mr. BRIGHT.  
H. Res. 111: Mr. MCGOVERN, Mr. CANTOR, and Mr. THOMPSON of Pennsylvania.  
H. Res. 362: Ms. MOORE of Wisconsin.  
H. Res. 615: Mr. MCCOTTER.  
H. Res. 699: Mr. TIAHRT and Mr. SNYDER.  
H. Res. 704: Mr. BACHUS, Mr. GUTHRIE, Mr. BAIRD, Mr. TIM MURPHY of Pennsylvania, Mr. SOUDER, Mr. RYAN of Ohio, Mr. KIRK, Mr. EHLERS, Mr. MAFFEI, Mr. KILDEE, Mr. SCHAUER, Ms. TSONGAS, and Mr. SCHIFF.  
H. Res. 747: Mr. SNYDER.  
H. Res. 764: Mr. MARKEY of Massachusetts.  
H. Res. 812: Mr. SNYDER and Mr. GONZALEZ.  
H. Res. 925: Mrs. MILLER of Michigan.  
H. Res. 936: Mr. MURPHY of New York and Mr. SMITH of Washington.  
H. Res. 947: Mr. FILNER.  
H. Res. 989: Mr. GRIJALVA and Mrs. MALONEY.  
H. Res. 1026: Mr. GARY G. MILLER of California and Mr. ALEXANDER.

H. Res. 1055: Mr. NYE and Mr. ENGEL.  
H. Res. 1063: Mr. BROUN of Georgia.  
H. Res. 1078: Mr. SNYDER, Mr. COBLE, Ms. FOXX, Mr. RUSH, Mr. BOUCHER, Mr. KISSELL, and Mr. CONAWAY.  
H. Res. 1079: Mr. HALL of Texas and Mr. SMITH of New Jersey.  
H. Res. 1086: Mrs. BONO MACK.  
H. Res. 1091: Mr. MCGOVERN, and Mr. PAYNE.  
H. Res. 1096: Mr. DRIEHAUS, Mr. POLIS, Mr. LARSON of Connecticut, Mr. SABLAN, Ms. EDWARDS of Maryland, and Mr. LEWIS of Georgia.  
H. Res. 1097: Ms. GIFFORDS, Mr. SMITH of Nebraska, Mrs. BIGGERT, and Mr. FOSTER.

H. Res. 1102: Ms. LEE of California.

H. Res. 1111: Mr. GERLACH.

H. Res. 1116: Mr. GRIJALVA, Mr. WALDEN, Ms. NORTON, Mr. TURNER, Mr. MCGOVERN, Mr. ELLISON, Mr. SERRANO, Ms. KILROY, Mr. VAN HOLLEN, and Mr. WOLF.

H. Res. 1120: Mr. MCCAUL, Mr. CARTER, Mr. PAUL, Mr. BURGESS, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. OLSON, Mr. CULBERSON, Mr. SMITH of Texas, Mr. BARTON of Texas, Ms. GRANGER, and Mr. SAM JOHNSON of Texas.

H. Res. 1122: Mr. STEARNS.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California, or a designee, to H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## SENATE—Tuesday, March 2, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. John L. Beaver, who is the national chaplain for the American Legion.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty Father, we thank You for life, truth, and love which comes from You, for love because it embraces all of us and for Your comforting assurance that You are guiding our great Nation.

We humbly ask for Your light of wisdom to be given to each Member of the Senate so that they may discern what is truth from error. Guide and direct our beloved Senators from across this Nation with a compassionate heart in making difficult decisions. Father, help us to learn and to know Your will in all things.

Lord, we ask for Your protective shield around our military men and women. Be with their families as they wait eagerly for their safe return and give comfort to our wounded warriors in body, mind, and spirit. Comfort those who are now grieving the loss of their loved ones.

Bless all our veterans and military organizations who serve from their hearts. Strengthen us in heart, mind, and spirit as we serve You, our God, and our beloved Nation. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. REID. Madam President, I have a few things to say, but it is my understanding that the distinguished Senator from Maine wishes to make a unanimous-consent request, so I will yield to her for that purpose.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Thank you, Madam President, and I thank the distinguished Democratic leader.

### UNANIMOUS-CONSENT REQUEST— H.R. 4691

Ms. COLLINS. Madam President, on my own behalf and on behalf of numerous members of the Republican caucus who have expressed concerns to me, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, with 1 hour of debate equally divided between the leaders or their designees, and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage.

Madam President, this is the House-passed bill that extends for 30 days the following expiring provisions: unemployment insurance, which is so important to those who are struggling—there are 500 Mainers whose benefits expired on Sunday; the COBRA health insurance extension subsidies for the unemployed; important flood insurance; highway funding; small business loans; the provisions of the American Recovery Act that include those small business loan provisions; the doctors fix. If we do not act, physicians all across this country are going to have a 21-percent cut in their Medicare reimbursements.

I hope we can act together for the American people. Again, I want to emphasize that this issue is so important to Senators on both sides of the aisle. Many of my colleagues have expressed concerns to me that this was not done last week when it should have been done. So, Madam President, I do propose the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader is recognized.

Mr. REID. Reserving the right to object, Madam President, I appreciate the efforts of my friend, the Senator from Maine, and I would hope my friend, the Senator from Kentucky, would reconsider. His point has been made. It has been adequately made. I would hope he would let us proceed on this because it is more than meets the eye. We have people lined up all over the country in unemployment lines who would not be there but for this.

I would also say it is broader than even that. As my friend mentioned, we have problems with doctors who are now refusing to take Medicare patients.

We have a bill that is on the floor now in which we are going to try to make a long-term decision soon on this. I have offered my friend from Kentucky a right to vote on this—I would be happy to have a vote on this—that it be paid for. But it is really not appropriate to object without even allowing the Senate to work. We talk about voting. That is why we need to vote.

I say to my friend from Kentucky, you have made your point. You have made it well. I understand how you feel that this should be paid for. The majority of the Senate disagrees with you. Let us either vote on that or withdraw your objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUNNING. There is. I object. And let me—

The ACTING PRESIDENT pro tempore. Objection is heard.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each. The Republicans will control the first half and the majority will control the second half. Following morning business, the Senate will turn to executive session to consider the nomination of Barbara Keenan to be a U.S. circuit judge for the Fourth Circuit, with the time until



12:15 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 12:15 p.m., the Senate will proceed to a cloture vote on the nomination. That will be the first vote of the day, unless something comes up in the interim that necessitates a vote.

#### UNEMPLOYMENT BENEFITS

Mr. REID. Madam President, just a few words on what has been happening here recently. Certainly, there is an emergency. Our economy is suffering. There is not a State that is not hurting. Some States are hurting worse than others. This is a filibuster, and we are in the middle of a very important piece of legislation. I do not think it would be appropriate to take 10 days—is what it would take, a week or 10 days—to try to get a 30-day extension when we have all these other things that are waiting to be done that relate directly to this. It just is not appropriate.

What is a filibuster? If you look in the dictionary, Madam President—this was handed to me by the distinguished Senator from Michigan, Ms. STABENOW—if you look in the Oxford English Dictionary, a filibuster is a “freebooter. One of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century.” A freebooter is “one who engages in unauthorized and irregular warfare against foreign states. A pirate craft.” In the United States: “To obstruct progress in a legislative assembly; to practice obstruction.” That is what this is all about—to practice obstruction. We are not preventing a vote. We are not preventing a vote. We want a vote to take place.

My friend from Kentucky has raised an issue. He thinks it should be paid for. I believe it is an emergency, as it always has been when people are out of work for long periods of time. It is an emergency. We should be able to vote on what the Senator feels is appropriate; that is, that this be paid for, that it is not an emergency. These long lines of people who are out of work is not an emergency is what he believes. I believe they are.

I think it is terribly inappropriate that this filibuster is being conducted. And to even make it worse, Madam President, we have people coming defending my friend from Kentucky. I will defend him on a lot of things but not on this. I think it is very out of line.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Madam President, the American people have spoken loudly and clearly on the issue of health care reform. They overwhelmingly favor a plan that addresses our problems step by step. They want a plan that lowers the cost of health care without expanding the role of government and without raising taxes or cutting Medicare. They want us to focus on cost.

Unfortunately, Democrats here in Washington either have not gotten the message or they are ignoring it. We know this because after a year of protests, three statewide elections in New Jersey, Virginia, and Massachusetts, and the clear verdict of every public opinion survey, Democrats in Washington are now planning one last-ditch effort to get their plan through Congress and past the American people.

The sad fact is that Washington Democrats are so wedded to the notion that they know better than the general public when it comes to health care that they are about to reject any pretense of bipartisanship in order to jam their plan through Congress by the narrowest margin possible whether people want it or not—a raw exercise of legislative power that Senator BYRD, our resident Senate historian, has described within the last year as an undemocratic outrage on a piece of legislation this far-reaching.

Some on the other side are clearly worried about the consequences of taking such a drastic step. They are wondering whether they should risk the full fury of the public by using these extreme tactics to circumvent the will of their constituents. Democratic leaders are telling them not to worry. They are telling them people will forget about the process once their plan becomes law. Well, they are wrong. Americans are not going to forget if Democrats do this to their health care system.

Wavering Democrats need to realize that there is a better way. Last week, the President and other Democrats acknowledged a number of areas of agreement between the two parties. These are the ideas that could form the solid basis of a fresh start on health care reform. These are the ideas that could form the basis of the kind of step-by-step bipartisan reform Americans really want.

Americans do not want the one-party bill Democrats in Washington are planning to force on them, or any variation of it, and they do not want Democrats to push it through with even more backroom deals. Americans are already seething about the kinds of deals that were used to get the earlier version of this bill through Congress. The “Cornhusker kickback” and the “Louisiana purchase” became household expressions. But using reconciliation to jam this health care plan through

would make the “Cornhusker kickback” look like an exercise in good government.

Using reconciliation to fundamentally change the health care of every American would be one of the most brazen single-party power grabs in legislative history. It would be the death of bipartisanship. And Americans will not stand for it. They know bills of this scope only work if they are done along bipartisan lines.

Medicare and Medicaid were created with the support of about half the members of the minority party. The Voting Rights Act passed with 30 Republican and 47 Democratic votes. Only Six Senators voted against the Social Security Act. Only eight voted against No Child Left Behind or the Americans with Disabilities Act. Only 12 voted against the Welfare Reform Act. Big bills are passed with big majorities, and rarely has there been a bigger bill than that. So if ever there was a time not to depart from a bipartisan approach, it is now—right now.

Democrats are saying they want a simple up-or-down vote on health care. What they want is to jam their vision of health care through Congress over the objections of a public they seem to think is too ill-informed to notice. If they go ahead with this plan, they will see how wrong they are. I know the argument has been made by the leaders on the other side: Let’s get this issue behind us; it will get better. If they pass this, it will not be behind them; it will be in front of them—right in front of them. Americans are engaged in this debate in a way I have never seen in my entire career here. They know exactly what is going on. They will make sure their voices and their will is felt one way or another.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Kentucky is recognized.

#### BIPARTISANSHIP

Mr. BUNNING. Madam President, I wish to respond to the Democratic leader, particularly in view of what my leader just said about bipartisanship.

It seems that last week there was a bipartisan agreement between the

members of the Finance Committee on the very issue the Democratic leader spoke on. It was called the Baucus-Grassley compromise bill. It never got to the floor of the Senate. That was a bipartisan bill that was set aside for a very partisan bill that Senator REID brought to the floor and rammed through instead of the bipartisan bill, which had all these extended benefits included in it: extended unemployment benefits, COBRA health care assistance, flood insurance, highway bill assistance, the Medicare doc fix, small business loans, distant network channel for rural satellite television, and other things.

It is hypocritical of the Democratic side of this aisle passing a pay-go bill. What does pay-go mean? It means you pay for the bills as they appear on the floor of the Senate. Then, to present a bill that is not paid for or just paid for a little bit—one-third of it is paid for—and that was the Reid jobs bill he presented to us. Five billion dollars was paid for; ten billion dollars was not. Then, immediately follows a UC, which is not—which is not—something we normally do. We have unanimous consents that are much different than this. This is a House bill they have asked unanimous consent to proceed on. Regular order could prevail and the leader of this Senate could put this bill under cloture and get his vote. He will get his 60-plus votes and normal procedure will occur. That is the normal way to deal with this bill.

Just so my colleagues understand that not all Americans feel the same as my dear friend from Maine and the majority leader of the Senate, I am going to read a letter into the RECORD from a constituent of mine from Louisville.

I am going to read it also because it is very important people understand there are other sides of this.

Dear Senator Jim Bunning:

I haven't worked a full 40-hour week in probably 2 years now, but I fully support your decision to stand up to those in Congress who want to do nothing more than to spend the taxpayers' money, even the money they do not have, on unemployment extension benefits.

So far this year I have worked a total of one week here in Louisville, Kentucky. My employer is a sheet metal fabrication plant with its main headquarters based in Cincinnati, Ohio. Normally the Louisville branch would employ upwards of fifty people on any given day if business were good. Recently that number has dwindled to about four.

This country is sooner or later going to implode because of the massive amount of debt run up over the past 40 to 50 years. Selling the Nation's soul to countries like Communist China in order to finance our life style and allow the government to further debase the currency is sheer lunacy. Throwing away hundreds of billions of dollars so executives on Wall Street can keep their multi-million dollar bonuses while others in society worry about keeping the electricity on and their children fed only helps to move this country closer to a long overdue revolu-

tion. The problem is by then we won't even own it anymore.

Politicians, on both sides, enjoy getting up in front of television cameras and talking about their support of the "pay as you go" plan, but when it comes down to actually doing what they say, they all run for cover and vote for anything they think will win them another vote or another term. Your stance in holding them to their words and expecting them to actually do what they voted for is a refreshing concept in an otherwise corrupt and hypocritical power base known as Washington, DC.

It is too bad Senator Mitch McConnell and some of the elected officials on your side of the aisle do not have your backbone or your sense of decency when it comes to keeping their promises to the American people.

For security's sake, I am just going to read his first name. It says: Sincerely, Robert, from Louisville.

There is no doubt in anybody's mind that I have supported extension of unemployment benefits, COBRA health care benefits, flood insurance, the highway bill. I was the one who proposed the Medicare doc fix on a permanent basis in the Finance Committee. I have supported small business loans and all the other things that are in this temporary bill.

I wish to set the record straight. The majority leader has all the tools in his kit and he normally exercises them and I think he is about to do that on the bill currently before us, which we call the large jobs bill. He soon will invoke cloture to cut off debate. He normally doesn't even allow amendments. He will file cloture, fill the tree—by filling the tree, that means the amendment tree which allows the Republicans no alternatives but to vote for cloture or not vote for cloture—and then, unfortunately, we have 30 hours of debate immediately following cloture.

#### UNANIMOUS-CONSENT REQUEST

I am going to propose, one more time, my unanimous-consent request.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk which offers a full offset be agreed to; the bill, as amended, be read for a third time and passed, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, reserving the right to object, I am sorry my friend from Kentucky has made this so personal because it shouldn't be the case, but let me review history a little bit.

The Senator from Kentucky talks about the bill we voted on and passed last week as being very partisan. That bill received 70 votes. It was a very nonpartisan bill. I should say it was a bipartisan bill. It received 70 votes. Why did it receive 70 votes? Because it did some great things for America. It extended the highway bill for 1 year, saving 1 million jobs. It gave small businesses the right to write off \$250,000

in purchases, stimulating small businesses all over America. It gave employers the ability to hire people who have been out of work for 60 days, and if they hired them, they wouldn't have to pay their FICA tax if they gave them 30 hours a week. Not only that, they get a \$1,000 tax credit at the end of the year. This is a good proposal. We also extended Build America Bonds, which are so important to the American Recovery Act, and Democrats and Republicans all over the country—Governors, mayors, county commissioners—loved that proposal. So it was certainly not a partisan bill. He is right. The other bill he talked about wasn't brought to the floor. I would also say this. It was paid for. Not a cent of deficit spending—not a cent.

It is interesting my friend would talk about pay-go. He voted against pay-go. He is talking about pay-go now. He voted against it. He voted against it right here on the Senate floor. If he so likes pay-go, why didn't he vote for it? He voted against it. The Senator from Kentucky voted against pay-go. It has no applicability to the jobs bill that passed because it was paid for.

The doc fix, he talks about having voted for it in committee. He voted against it on the floor.

So my friend is throwing around words such as "hypocrite." People can make their own decision as to who is a hypocrite. I am not calling anyone a hypocrite, although I am just stating the facts: Someone who boasts about the good of pay-go but votes against it and talks about the doc fix but votes against it.

So I would think my friend from Kentucky should get a different historian to help him with facts because they are simply wrong, and I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Kentucky.

Mr. BUNNING. Madam President, I will only continue for 2 minutes. Why would you vote for a bill when you know it is not going to be honored? Why would you vote for a bill you knew was going to be violated in the first bill brought to the floor after you passed it? As far as the doc fix is concerned, I have a history with the doc fix that I don't need to defend to the majority leader or to anybody in this body. Check with the Kentucky Medical Association and all my doctors whom I represent in Kentucky.

I think the letter of the gentleman from Louisville states the facts better than I. We want a country where my 40 grandchildren have the same abilities I did growing up. We want a country that doesn't owe everybody in the world for our existence.

The question I have been asked mostly is: Why now? Well, why not now? What better time to stand than now, when the majority leader has the ability to do exactly on this bill what he

has done on 25 bills in the last 5 months: file cloture, fill the tree, and vote yea or nay, get the 60 votes, pass the bill, and extend these temporary benefits. We may pass this other bill—I hope we do—that will extend them on a permanent basis for a year—until the end of the year, anyway.

I think it is very important that people understand that I have the same right he does. He was elected by the people in Nevada, with fewer people than in Kentucky. So I have the same right as any other Senator here on the floor. It is not a filibuster when you object. That ought to be brought out clearly. A filibuster is when you stand on this floor and you talk and talk and talk. I have not done that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I know my friends from Tennessee and Texas wish to speak, but I have to respond because I was mentioned again. I can't match, now or in the past, my friend's fast ball, his curve ball, or his 40 grandchildren. But I do have 16 grandchildren. I do think it is important to understand that the reasoning is a little unusual. He said I wouldn't vote for a bill that I thought would not be upheld at a later time, or procedures in the bill not followed. I don't know why anyone is entitled to be the judge and jury when you pass legislation. And if it is the law, there are ways of upholding that.

With pay-go, we have some experience. We know it works. It worked during the Clinton years. We paid down the national debt as a result of what happened during the Clinton years. Pay-go was dismissed during the Bush years.

My friend talks about the debt. He wants to make sure the debt doesn't go up. Where was he during the Bush years, with two unpaid-for wars, taxes unpaid for, running up trillions of dollars of red ink on the American people? We tried to address that. We asked for a debt commission to be established. We did that by legislation on the floor. My friend didn't vote for that. He didn't vote for pay-go. So we are trying on the floor—we have legislation that will resolve this issue.

What my friend said is a little unusual. He said why doesn't the leader file for cloture, use up a week or 10 days, waste that time, and then hold off getting to all of the other things. That doesn't make sense. It is without any sense, when, in fact, with the Senator withdrawing his objection, we could get it done just like that. We wouldn't have to wait a week or 10 days. He made his stand. I think he is wrong, as do the American people, and as do the people of Kentucky, in spite of the letter from Robert.

Madam President, so that I don't take advantage of my position as being

leader, I ask unanimous consent that the time I consumed in my back and forth with Senator BUNNING, which was under Republican control, be charged to leader time.

I wonder if the staff has heard whether Senators SESSIONS and LEAHY wish to take the full hour of time. How much time does my friend from Texas wish?

Mr. CORNYN. About 10 minutes.

Mr. REID. And the Senator from Tennessee is here. If we run into a shortage of time, we will be happy to try to work it out in some way with the minority.

Mr. SCHUMER. Will the leader yield for a brief statement?

Mr. REID. My friend from Texas has been so very patient.

The ACTING PRESIDENT pro tempore. The Republicans control the time.

The Senator from Texas is recognized.

#### TEXAS INDEPENDENCE DAY

Mr. CORNYN. Madam President, I want to take a few minutes to talk about Texas Independence Day. On this day in 1836, delegates from 59 Texas settlements signed a declaration of their right to live in liberty, and to take charge of their own destiny.

The document they produced shares much in common with the Declaration signed in Philadelphia six decades earlier. For example, both sets of Founders believed in fundamental human rights, including the right to address their government for grievances.

Both groups of Founders insisted on the obligation to change their form of government if it trampled on those rights.

Both groups of Founders created new nations and have been honored by successive generations for creating legacies of liberty.

Of course, there were differences between the conventions of 1776 and 1836, between Philadelphia and Washington-on-the-Brazos. For one thing, the Texans took action quickly. They adopted their declaration on the second day of their convention. They acted quickly because they knew the forces of tyranny were already in the field and at that moment were trying to crush their freedoms.

Less than 200 miles to the west, Santa Anna's army was laying siege to the Alamo. Its young commander, William Barret Travis, had sent out an inspiring letter 6 days earlier. In it he wrote:

Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna.

The enemy has demanded a surrender. . . . otherwise, the garrison are to be put to the sword. . . . I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat.

History tells us that death came to the defenders of the Alamo. But soon victory came for the people of Texas. On April 21 of that year, Sam Houston and about 900 Texas soldiers defeated the much larger Mexican army at the battle of San Jacinto. By this victory, Texans won the independence they had declared less than 2 months earlier.

Sam Houston, the commander of those troops and commander in chief of the battle at San Jacinto, served as a Congressman from Tennessee, he served as Governor of Tennessee, and after the battle of San Jacinto, he went on to be elected to the Republic of Texas and became one of the first Texans to serve in the Senate in the seat I currently occupy.

I believe that he and the other founders of our Republic and of our great State would be proud of the 24 million Americans who call Texas home. They would be proud that Texas remains a land of opportunity, and that we are outperforming the Nation in job creation. They would be proud of the fact that Texas remains a welcoming State for pioneers of all stripes, and we have led the Nation in population growth over the last 2 years, as people have voted with their feet and moved to the land of opportunity, otherwise known as Texas.

They would be proud that even during a severe recession we continue to build businesses, raise families, and make our communities even better places to live. Just like the founding generation, we are showing the world that, when faced with adversity, Texans do not retreat, we reload.

In honor of the founders of the Republic of Texas, and all who are free because of their vision and sacrifice, I say: God bless Texas and may God bless the United States of America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded; I ask unanimous consent that we reserve the Republican time and that I be able to speak for 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXTENSION OF UNEMPLOYMENT INSURANCE

Mr. SCHUMER. Madam President, I want to speak about the unemployment situation in my home State of New York. By mid-March, 54,000 people will lose their benefits if we don't move forward with the short-term extension of unemployment insurance. That is tragic. It is virtually inhumane.

I have been around my State meeting with people who are looking for work.

You look into their eyes and you feel their pain. Many of them are middle-class people who have had very good-paying jobs. Many of them have lost their jobs. Many lost their jobs more than a year ago and they have spent every day, 7 days a week, looking. I met a woman in Rochester. She was No. 2 in human resources for a big company. Her job was her life. She has been looking for 2 years and can't find a job. I plead with my colleague from Kentucky and all of my colleagues on the other side of the aisle—while we are debating a larger bill to extend unemployment benefits, we must allow this to go forward.

We must allow this short-term extension to go forward for the sake of those people who lost their jobs, through no fault of their own, and they are desperately looking for work, but in this awful economy they can't find it.

According to *The Hill* newspaper, New York is affected No. 1 by this. It is vital, vital, vital that we move this forward. I plead with my friend from Kentucky to reconsider and let the short-term extension move forward. We have done it before under the same conditions we have asked for this time.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I suggest the absence of a quorum and ask that the time during the quorum call not go against the morning business time of either side. I ask that the time now being used in morning business be equally divided.

Mr. BUNNING. Madam President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. I wish to understand what the Senator from New York is trying to do.

Mr. SCHUMER. Will the Senator yield?

Mr. BUNNING. Sure.

Mr. SCHUMER. I am just trying to equally divide the quorum call. I asked unanimous consent that I be allowed to speak for 2 minutes.

Mr. BUNNING. And that was granted.

Mr. SCHUMER. And we go back and everyone get their full allocation of morning business, and that was granted. There was no intention of a quorum call to be taken between either side.

Mr. BUNNING. But that is the normal procedure.

Mr. SCHUMER. I understand.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to now use time from morning business on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNEMPLOYMENT AND COBRA EXTENSIONS

Mrs. MURRAY. Madam President, right now, families across my home State and the entire country want nothing more than to see us come together and pass meaningful help for the people they see struggling every day. They want to see help for people such as their neighbors and friends and family members who, through no fault of their own, have found themselves out of a job and who, despite their best efforts, are unable to find one today. They want help for the seniors in their communities who are being turned away from doctors because of devastating cuts in Medicare reimbursement rates, or all those who are struggling to afford health care because they lost a job and are now facing the impossible task of affording care on their own.

Americans understand that during these difficult times people need help to make ends meet. They understand there needs to be a lifeline for people who never thought they would need assistance from the government but who now have nowhere else to turn. But what Americans and those in my home State of Washington do not understand is why Washington, DC, cannot seem to deliver; why, when they make hard choices every day in their own lives to support their families and help those in need, Washington, DC, cannot do the same; why, at a time when needs have never been greater, the only words they hear out of Washington, DC, are "gridlock," "stalemate," and "standstill."

Today we have a clear-cut example to show the American people what is wrong with Washington, DC; that is because today one single Republican Senator is standing in the way of the unemployment benefits of 400,000 Americans. One single Republican Senator is blocking an extension of COBRA benefits for 500,000 Americans. One single Republican Senator is forcing doctors to take a 21-percent cut in Medicare reimbursement rates that could force seniors to be turned away from the Medicare coverage on which they rely. One single Republican Senator is blocking an extension of critical highway funds that has construction workers and transportation employees at home today and that has cut critical payments to struggling States. One single Republican Senator has put posturing before people, politics before

families, and point scoring before the needs of struggling Americans.

The legislation we are trying so hard to pass is very straightforward. It is aimed at helping real families with real problems they face every day, and the consequences of it being blocked by one single Republican Senator are just as real.

The bill we are trying to pass includes an extension of unemployment insurance that, by the way, in my home State hundreds of thousands of individuals rely on to buy groceries and to pay their mortgages and to help pay for school for their kids. For years, these benefits have been routinely extended in tough times. And times, by the way, have rarely been tougher than they are now. But today families in every single one of our States are sitting around their kitchen table trying to figure out how they are going to make it through the weeks and the months ahead without these payments.

This package we are trying to pass also includes an extension of COBRA, health care for workers who lost their jobs through no fault of their own, and health care benefits that come with it. In my home State, thousands of unemployed workers have the ability to see a doctor solely because we have provided this important assistance. It is a provision that is critical because health care is often the single biggest cost that unemployed workers face. In fact, you should know on average a monthly health care premium payment to cover a family costs over \$1,000, which represents about 80 percent of the average unemployment check.

Another vital health care measure included in this bill we are trying to pass is a provision that would overturn a staggering 21-percent cut in payments to doctors who accept Medicare patients. Just yesterday my office heard from a doctor in a small community in my State, Poughkeepsie, NY, who is one of very few in the region who is taking new Medicare patients. He said he feared just what this cut would mean for him and his practice. He told my staff this cut would limit his ability to continue serving the needs of seniors in his area.

He is not alone. In Washington State that cut will affect over 60,000 employees, 700,000 Medicare patients, and nearly 350,000 TRICARE patients.

Finally, this bill also includes an extension of the Federal Transportation Funding Act, which is known as SAFETEA-LU. Allowing SAFETEA-LU to expire, which has now happened, not only hurts construction workers and contractors who are working on these major Federal highway projects in my State and across the country, it leaves our State governments bearing all the burden for the costs of these projects.

In Washington State, a reimbursement payment of \$13.5 million for federally sponsored projects that is due

tomorrow—tomorrow—is now in limbo, again, all because of one single Republican Senator.

Last October, I was out on this floor fighting for an extension of unemployment benefits, and I told the story of a woman from Seattle whose name is Kristina Cruz. At the time, Kristina had been unemployed for 20 months after spending over 10 years in human resources. Kristina had just written to my office and talked about going above and beyond in her job search, a skill, by the way, she picked up in her career in HR. Even with all her experience, interviews for her have been few and far between. Kristina talked about how she was not interested in living off the government long term and how, in the midst of this economic crisis, she did not have any other choice.

Since I talked last October, Kristina has stayed in touch with my office, and, unfortunately, today she is still having a hard time getting back to work. She recently wrote an e-mail to my office and said:

It's truly devastating to me that I've made choices in my life like getting good grades in school and getting my education, and building up professional experience only to find that I'm unable to get a job.

I thought I had made decisions to help ensure my success in life, and many times, I barely had enough money for food.

My family isn't rich and can't afford to support me. I literally do not know what I'm going to do.

Kristina went on to voice the frustration of so many about the needless holdups in getting this bill passed on providing assistance to struggling Americans. She said:

I find it to be really egregious that we live in a democratic society and yet a few misguided, outlying voices, despite overwhelming bipartisan majority support, can hold up and block a much needed unemployment extension. It really flies in the face of all the things I've learned about in my history books.

I'm not sure how I can survive many weeks and weeks of needless holdups when I have rent and bills to pay. Sometimes I feel that if some of these Senators were forced to walk a day in our shoes, then maybe they would have a sense of how it is to try and survive in this economy.

That opinion is not unique to my State, to one political party, or to an issue. Every evening, families across the country turn on the nightly news and hear another story about gridlock in our Nation's Capital. Oftentimes they have spent their days scanning through the classifieds, going to another job fair with long lines and few job opportunities, or working many times multiple jobs to meet their families' most basic needs. When they get home, they wonder just how we have spent ours.

What they see is this entire Congress forced to spend time fighting with one Republican Senator; a Congress that is forced to jump through procedural hoops and endure endless delay tactics

to get meaningful and, by the way, largely bipartisan legislation passed; the obstruction of a single Republican Senator who, by the way, voted to extend these same benefits in 2008 but who has now suddenly changed his mind.

The entire Republican Party, except for a few who have been out here courageously, sit idly by as one of their members brings this entire body to a halt. The American people are sick of this, and the backlash to the blockage of this bill is evidence of that. It is time for all of us to stop and think. Think about Kristina and all the other Americans who sent us here to go to work for them; the people who will watch the news tonight and think: What about me? What about all of us?

Kristina wrote to me again recently to say it seems as though government is broken. I know that sentiment is something we hear all the time now. But the truth is, it is only broken if we allow it to be. It is only broken if we allow stunts such as is happening now to rule the day. If we can come together and put an end to shortsighted political point scoring that says obstruction is good politics and partisanship trumps progress, then we can help struggling families.

If we can join the way we did to pass the Children's Health Insurance Program or fair pay for women in the workplace, we can then restore the faith of the American people. Until we put an end to delays such as the one we face by one Republican Senator today, Americans are going to continue to have every right to be fed up.

I come to the floor of the Senate today to ask the Senator from Kentucky to allow us to finally move forward with consent on this bill so that Americans can get access to the help they desperately need in these very tough economic times. This is critical. Families across our States are hurting, through no fault of their own, through an economic recession they did not make happen.

We all want our country to get back on its feet. We all want to be strong again. We all want this lifeline for our families so that when our country begins running strong again, they can use the skills they have been holding in abeyance and go back to work; so they can get the health care they need for their children and their families until they can get that job and get moving again; so these construction projects across our country do not come to a slamming halt causing more Americans to sit at home without a paycheck, more Americans who cannot go to the store and buy things; so more stores start to fail because they do not have the income they need, and restaurants where people cannot go because they do not have a paycheck.

We are asking that the Republican colleagues who worked with us on this

bill come to the floor and urge one Republican Senator to work with us to get consent so we can move past this and get to the job we have come here to do: to get people back to work, to make sure families have health care, to make sure we do the business of this government in a way that works for American families.

I yield the floor.

Madam President, I suggest the absence of a quorum and ask that it be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I ask unanimous consent to speak using the majority time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time to first thank the Democratic leadership for bringing forward a bill that would extend unemployment insurance; COBRA protection, which allows the unemployed to get health insurance; to extend our highway program, and the reimbursement structure for our physicians under Medicare so our seniors can continue to receive the health care they need.

We have a short-term extension that many of my colleagues have been talking about which would extend these programs so there would be no gap in the unemployment insurance protection Americans are currently receiving—or were receiving as of February 28—allowing them to continue getting the COBRA protections and to continue our highway programs. As has been pointed out, one Senator has exercised his right to object, which has caused major problems for this country, and I feel compelled to talk about this because there are real people being hurt by that decision.

We need a short-term extension so we can continue the orderly process. It is the right thing to do. We all talk about jobs; that we need jobs. Each of us is committed to bringing up legislation that will create more job opportunities for Americans, and the bill that would be on the floor would help us in that effort by extending important tax provisions so businesses can invest in more jobs for Americans, extending unemployment insurance.

Let me point out, for every dollar we spend in unemployment compensation, it brings back \$1.90 to our economy. It is the best stimulus dollar you can put out there. It is immediate. This is an insurance program where employees

and employers put money away during good times to pay for benefits during recessions and tough times and we are in a tough time. There are millions of Americans who can't find jobs, who are looking for jobs. Americans want to work but can't find work. Many have been looking for work for a long time—for over a year. Now, because of the objection of one Senator, the benefits that should be paid this week cannot be paid this week.

In my own State of Maryland, 16,405 people were cut off as of Monday from their unemployment compensation. Each one of these individuals represents a family, and this insurance provides them the ability to feed their families, to keep their house out of foreclosure. This is wrong. They can't find work because there are not enough jobs out there, and we need to extend this unemployment compensation. I feel confident we will, but it is wrong for us to have this gap because of the objections of one Senator.

This is hurting our economy. That money should be in our economy. The people who receive this unemployment insurance will use it to buy food, to make purchases that will help our economy. Those dollars are being lost because of the objection of one Senator.

The same thing is true with the COBRA protection. COBRA protection says to a person who is unemployed or who has lost their job that we are going to help them maintain their insurance for their family. Now, because of the objections of the Senator, that help is no longer available to those who are unemployed. As of January, there were 6.3 million Americans who had been unemployed for 6 months or longer. Think about that. How can you afford to pay your insurance premiums for health care if you have been unemployed for 6 months? That is why we passed COBRA protection, so those who had lost their jobs could maintain their health insurance for their families, keep them out of bankruptcy, and to make sure, if they had an emergency, their family could get the needed health care and that it is properly reimbursed.

We all agree that should be done, and the underlying bill we will take up today would extend that throughout the year, which is what it should do. But in the meantime, that protection expired on Monday because of the objections of an individual Senator.

There is the short-term extension of the highway program I wish to mention because 2,000 employees in the Department of Transportation got furlough notices because of our failure to extend that program. I can tell you what it means in my own State of Maryland. It halted work on Federal lands. We had a project—the Great Falls entrance road construction, a \$3.1 million project in Montgomery Coun-

ty—that was stopped as a result of the failure to pass this short-term extension.

I could talk about the situation in Medicare. CMS is doing everything they can to make sure the physicians—the 600,000 physicians who treat our seniors every day—will continue to participate in the Medicare system. But as of Monday, there was a 21.2-percent cut in physician reimbursement rates. That is unconscionable, unreasonable, and it will deny our seniors access to care.

We need to do this in an orderly way. The overwhelming majority of the Members of Congress supports the extension the majority leader and the assistant majority leader have made repeatedly on the floor to allow for this short-term extension. We need to move forward with that and then let us come to the floor and debate the longer term extensions. I have a feeling, when that vote comes up on the floor of this body, you will see an overwhelming number of Members voting in favor of the extension of unemployment compensation and insurance protection for the unemployed because it is the right thing to do.

It is the right thing to do as a nation in a recession. It is the right thing to do in order to strengthen our economy and create more job opportunities because that money is spent in our communities and it keeps and expands jobs. It must be part of our strategy in creating more job opportunities for Americans.

I take the floor to encourage my colleague to withdraw his objection, let us move forward in a way that is in the interest of the American people and in the interest of our economy so we can continue to see the types of improvements for job opportunity in America. That should be our priority. It is not a partisan issue. It shouldn't be a partisan issue. We need to work together—Democrats and Republicans—and it starts by removing the objection and letting us get this short-term extension and then coming to the floor to debate the bill on the floor that will extend it through the end of the year, as we should. That is what we should be doing today to help the people in Maryland and the people around this Nation and to help our economy grow.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I would like to echo the remarks of my very distinguished colleague from Maryland, who I know feels so passionately about this and whose own State will suffer dire individual consequences as the failure of unemployment insurance and COBRA and other things begin to hit home in the personal lives of the people in Maryland, the people in my home State of Rhode Island, and people across this country.

With so many Americans struggling to pay their bills, why—why—did thousands of the worst off, including hundreds of Rhode Islanders, have to wake on Monday morning to find their unemployment benefits and COBRA subsidies had expired? Why are people being kicked out of these essential, humane, lifeline programs before the economic storm that put them in that predicament has passed? The answer is, we have failed to do what is right for the American public, in part, because one Republican has chosen this time of great despair for millions of Americans to make a political point—to make a political point about the deficit—by hurting hard-working Americans who are struggling to get by. It appears it is actually more than just one Republican. Others have come to the floor to support him.

But on the home front, the cost is high. Many Rhode Islanders, through no fault of their own, struggle to find work. For many of them, unemployment insurance and COBRA are the lifeline for their ability to support their families, to keep food on the table, and to keep the family covered by health care. This is no abstract issue. It has had a serious impact in Rhode Island. We are a State of just over 1 million. In that State of just over 1 million people, there are 75,000 people, at least, unemployed and looking for work. These are hard-working people, many of whom have worked all their lives, but because of the recession they struggle to find work.

Margaret from North Providence is 61 years old, and she is 6 months away from being eligible for Social Security. She is years from Medicare eligibility. She has now been unemployed for 18 months and her unemployment benefits are expiring. COBRA, for her, has run out as well, so her health care is at risk. She has never been in this situation before in her life and she is, quite understandably, scared of where our irresponsible action leaves her.

Gretchen from Cranston is a laid-off teacher who was receiving COBRA benefits. That helps her pay for her health care. Because of a single Republican obstruction—apparently supported by others—her premiums have increased from roughly \$500 a month to over \$2,000 a month. She wrote to me saying:

How horrifying that I should work hard all my life, paying for my entire education, dedicate my career to helping children in poverty and find that my own may be among them.

Gretchen did not expect to be in poverty. She expected that her COBRA benefits would continue. But no, we have cut those off.

Richard in Warren wrote to me asking for us to move quickly on COBRA. Richard's wife has cancer, so they have no choice but to pay for health care coverage. Since he lost his job, Richard has been paying \$400 a month for their



health insurance, but the cost has tripled—tripled—with the expiration of COBRA subsidies. Richard should be able to worry about his family, to be able to help his wife through her cancer treatment. He should not have to worry about the political games being played in Washington and the skyrocketing cost he is looking at. He and his wife should be focusing on her care and her treatment. But no, sadly, obstruction and political point-scoring now come first for some of our colleagues.

Margaret, Gretchen, and Richard—and all those across the country who are facing similar situations—are wondering why they have to pay the price for Republicans to make this point about the deficit. Why them? When it was Halliburton's no-bid contracts in Iraq, for which money was borrowed to fund them, where was the concern about the deficit then? For Halliburton's no-bid contracts, the deficit is no problem, evidently. When it was Part D's colossal handout to the pharmaceutical industry—borrowed money—where was the concern then about the deficit? Not when it is the big interests.

When it was the tax cuts for CEOs—big tax cuts for CEOs, for big bankers, for derivatives traders, for hedge fund managers—where then was the concern about the deficit when those tax cuts were passed unfunded?

When the Bush administration inherited from the last Democratic President a balanced budget predicted to yield a zero national debt during the course of the Bush administration—a zero national debt during the course of the Bush administration—and instead the Republicans left us with \$12 trillion in national debt, where then was the concern about the deficit?

As one of my colleagues has said, this has been described as a point of principle. The way a principle is defined is that you always stand by it. If it is a sometime thing, it may be a lot of things; it may be an opinion, it may be a maneuver, it may even be an honestly held opinion, but it is not a principle if you only follow it selectively. If the only time you follow it is when struggling, working people are in the crosshairs. But when it is Haliburton's no-bid contracts, when it is tax cuts for CEOs and big bankers and fancy derivatives traders, and when it is the pharmaceutical industry, then it is all fine? That is not a principle. It may be a lot of things but it is no principle.

I urge my colleagues to put politics aside, to do what is right, and to help the millions of Americans who are so badly in need of a little help through this economic downturn that was no fault of their own—hard-working people, trapped in this recession through no fault of their own. I implore my Republican colleagues to start working constructively with us to end this un-

employment crisis, to put people back to work, and to help those who are in such dire circumstances now through no fault of their own. That is what we are sent here to do and that is what I will keep fighting for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mr. LEAHY. Has all time been used in morning business?

The ACTING PRESIDENT pro tempore. No, it has not.

#### CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Madam President, I ask to yield back any time remaining in morning business on either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, the nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit should be noncontroversial; her nomination should have been confirmed long ago. She has the support of her home State Senators. She has the support of Virginians from both parties, and many others. She was approved unanimously by the Senate Judiciary Committee over 4 months ago.

I suspect that like the confirmations of Judge Viken, Judge Lange, Judge Berger, Judge Honeywell, Judge Reiss, Judge Kallon, Judge Nguyen, Judge Seeborg, Judge Gee, Judge Peterson, Judge Martin and Judge Greenaway, this nomination could well be approved unanimously. Instead, in what has become a sorry and unacceptable attitude

on the part of Republicans, she has been filibustered. This nomination should have been approved unanimously. We will now have to vote to bring cloture on something that would normally have been done on a voice vote. I am willing to predict she will get an overwhelming vote when they finally allow us to vote on her.

Because of what has happened with these filibusters, the Senate is far behind where we should be in filling judicial vacancies, vacancies that skyrocketed to be more than 100 and more have been announced. We need to do better. The American people deserve better.

Here it is, March 2. On March 2 of President Bush's first term the Senate had confirmed 39 Federal circuit and district court nominations. We, the Democrats, were in the majority. We moved very hard to get those 39 through. That included the period of the 9/11 attacks and the anthrax attack upon the Senate. In spite of all the obstacles, by March 2, Senate Democrats had moved forward to help confirm 39 of President Bush's judicial nominees.

Although the Senate Judiciary Committee has favorably reported 29 of President Obama's Federal circuit and district court nominees to the Senate for final consideration, because of Republican obstruction, the Senate has confirmed only 15 Federal circuit and district court nominees. So, by March 2 of the second year of President Bush's first term, 39; by March 2 of the second year of President Obama's Presidency, 15. That is more than 60 percent fewer. This is despite the fact that President Obama began sending judicial nominations to the Senate 2 months earlier than President Bush, after President Obama's 13 months in office the Senate is has confirmed only 15 Federal circuit and district court judges.

The judiciary is supposed to be out of partisan politics. This is really unacceptable. In fact, I note that during 17 months of President Bush's first term when the Democrats were in charge, we confirmed 100 of his judges. During 31 months with the Republicans in charge, they confirmed approximately 100. We worked very hard to help President Bush though.

The return, instead, is that the Republicans have filibustered nominees, judicial nominees who, when they finally get a vote, get a unanimous vote. This has created a real crisis in the judiciary. Last year's total was the fewest judicial nominees confirmed in the first year of a Presidency in more than 50 years. Those 12 Federal circuit and district court confirmations were even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session. After that Presidential election year, Chief Justice Rehnquist began criticizing the pace of judicial confirmations and the partisan Republican tactics. I hope the Chief



Justice would do what Chief Justice Rehnquist, another Republican did when Republicans were slowing up judicial nominations, and speak to the need to do this.

I have spoken repeatedly to Senate leaders on both sides of the aisle and I made the following proposal: Agree to immediate votes on those judicial nominees who have been reported by the Senate Judiciary Committee without dissent and agree to time agreements to debate and vote on the others.

We are making a mockery of the Federal judiciary by bringing in such needless partisan politics. This is my 36th year and I have been here with both Republicans and Democrats in the majority, with both Republican and Democratic Presidents. I have never seen anything like this in 36 years. It involves the judiciary in partisan politics in a way that is unprecedented, but it also shames the Senate. The American people are right to ask why they are doing this. It makes no sense.

Among the frustrations is that Senate Republicans have delayed and obstructed nominees chosen after consultation with Republican home state Senators. Despite President Obama's efforts, Senate Republicans have treated his nominees much, much worse.

I noted when the Senate considered the nominations of Judge Christina Reiss of Vermont and Mr. Abdul Kallon of Alabama relatively promptly that they should serve as the model for Senate action. Sadly, they are the exception rather than the model. They show what the Senate could do, but does not. Time and again, noncontroversial nominees are delayed. When the Senate does finally consider them, they are confirmed overwhelmingly. Of the 15 Federal circuit and district court judges confirmed, 12 have been confirmed unanimously.

That is right. Republicans have only voted against 3 of President Obama's nominees to the Federal circuit and district courts. One of those, Judge Gerry Lynch of the Second Circuit, garnered only three negative votes and 94 votes in favor. Judge Andre Davis of Maryland was stalled for months and then confirmed with 72 votes in favor and only 16 against. Judge David Hamilton was filibustered in a failed effort to prevent an up-or-down vote.

The obstruction and delay is part of a partisan pattern. Even when they cannot say "no," Republicans nonetheless demand that the Senate go slow. The practice is continuing. This is the 17th filibuster of President Obama's nominees. That does not count the many other nominees who were delayed or are being denied up-or-down votes by Senate Republicans refusing to agree to time agreements to consider even noncontroversial nominees.

Senate Republicans unsuccessfully filibustered the nomination of Judge

David Hamilton of Indiana to the Seventh Circuit, despite support for his nomination from the senior Republican in the Senate, DICK LUGAR of Indiana. Republicans delayed for months Senate consideration of Judge Beverly Martin of Georgia to the Eleventh Circuit, despite her endorsement from both her Republican home State Senators. When Republicans finally agreed to her consideration on January 20, she was confirmed unanimously. Whether Jeffrey Viken or Roberto Lange of South Dakota, who were supported by Senator THUNE, or Charlene Edwards Honeywell of Florida, who was supported by Senators MARTINEZ and LEMIEUX, virtually all of President Obama's nominees have been prevented prompt Senate action by Republican objections.

But instead of making progress by promptly considering Justice Keenan's noncontroversial nomination, we are now facing yet another Republican filibuster. There is no explanation for these delays, nor could there be. Justice Keenan is currently a justice on the Supreme Court of Virginia; she has an impressive judicial background. She has been a judge for the last 29 years—half of her life—and has served on each of the four levels of the Virginia State courts. If confirmed, Justice Keenan would be the first woman from Virginia to serve on the Fourth Circuit. She was also the first female general district court judge in Virginia, the first female circuit court judge in that State, the first woman named to the Virginia Court of Appeals, and the second female justice on the Virginia Supreme Court.

The American Bar Association's Standing Committee on the Federal Judiciary has unanimously rated her "well qualified"—its highest rating—to sit on the Fourth Circuit. The Virginia State Bar rated her "highly qualified" by unanimous vote, and bar associations throughout the State gave her their highest recommendation. Many of the lawyers who make up those associations have practiced before Justice Keenan, so their strong support of her nomination is telling.

Republican Senators should act as we acted when we worked together to reduce vacancies during the Bush administration. In fact, our work led to a reduction in vacancies in nearly every circuit. When President Bush left office, we had reduced vacancies in 9 of the 13 circuits from when President Clinton left office. One of the circuits where we succeeded in reducing vacancies was the Fourth Circuit, the circuit to which Justice Keenan has been nominated.

Like the nomination of Steven Agee of Virginia to the Fourth Circuit, confirmed in President Bush's last year in office by a Senate with a Democratic majority, Justice Keenan's nomination should be able to be confirmed without further obstruction and delay. The

Senate proceeded quickly to consider the Agee nomination, even though it was a Presidential election year, because President Bush had cooperated with the home State Senators to withdraw the controversial nomination of Duncan Getchell and instead nominate Judge Agee. Mr. Getchell had been nominated over the objection of both Virginia Senators, a Republican and a Democratic, and his nomination was finally withdrawn after many wasted months. The Agee nomination also followed years of contentiousness, as President Bush insisted on nominations like those of Jim Haynes and Claude Allen. When a President from either party works with home State senators to identify noncontroversial, well-qualified nominees, the Senate should move quickly to consider them.

Regrettably, it has taken the Senate twice as long to consider Justice Keenan's nomination as it did Judge Agee's for a seat on the same Court. The Senate can and must do better for the American people and the rule of law.

There is an easy place to start. The Senate can virtually double its total by considering the 14 judicial nominees currently on the Senate Executive Calendar without additional delay. In December, I made several statements in this Chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others.

At the time there were six judicial nominees on the Senate Executive Calendar that no Republican member of the Judiciary Committee had opposed. Republicans refused. We have considered just three of those nominations in the last 3 months. They were each confirmed unanimously, without a single Republican Senator voting or speaking against them. It should not have taken 3 months to confirm three nominees unanimously. It has become the Republican strategy of delay—delay even those nominees they support. They delayed confirmation of Judge Beverly Martin of Georgia to the Eleventh Circuit until this year. They delayed confirmation of Judge Joseph Greenaway of New Jersey to the Third Circuit until last month. Still, three of the nominees who were reported unanimously last year are still stalled on the Senate Executive Calendar awaiting Republican agreement to vote on them.

I renew my proposal. There are now eight judicial nominations on the Senate Executive Calendar that were reported from the Senate Judiciary Committee without a single dissenting vote, including Barbara Keenan. When Republicans allow the Senate to consider them, they will all be approved

overwhelmingly, if not unanimously. I urge Republicans to agree to consider and confirm them today.

I further call upon Republicans to agree to time agreements on each of the other six judicial nominees ready for final Senate action. Only one Republican Senator in the Judiciary Committee voted against Judge Wynn of North Carolina; only three voted against Judge Vanaskie of Pennsylvania; only four voted against Ms. Stranch of Tennessee, who is supported by the senior Senator from Tennessee, a Republican and a member of the Senate Republican leadership. Senate Republicans should identify the time they require to debate the nominations of Justice Butler of Wisconsin, Judge Chen of California and Judge Pearson of Ohio, who are all well-qualified nominees for district court vacancies, which are typically considered and confirmed without lengthy debate.

During the debate on Judge Martin's nomination earlier this year, several misstatements were made on the floor of the Senate. I corrected the record on January 25. More recently, during Senate consideration of Judge Greenaway's nomination, additional misstatements were made here. It may be that some Republicans were unaware of the efforts by me, the Senators from New Jersey, and the Democratic leadership to consider Judge Greenaway's nomination earlier. Republicans were repeatedly asked to agree to consider both the Martin and Greenaway nominations. The majority leader stated so on January 22, as did I on January 25. Those efforts began long before January 22. Perhaps those Republicans who say it only took 2 weeks to schedule the Greenaway vote did not know of those discussions. But it still does not answer the question of why it took 2 weeks for Republicans to agree hold a vote that was unanimous.

In addition, the record should be clear that the New Jersey Senators had indicated their support for the Greenaway nomination since it was first announced, and were in no way a source of delay. Neither Senator "refused" or "failed" to send in their consent to proceed. To the contrary, the hearing on the Greenaway nomination was in September, because I honored Republicans' request that committee not to proceed with additional hearings in the summer, while a Supreme Court nomination was being considered. The fact is that during those months, it was Senate Republicans who were unprepared to proceed to a hearing on the Greenaway nomination. There is no cause to blame the Senators from New Jersey for delays in considering that nomination. Republicans' suggestion that Democrats are delaying in their consent to advance these nominations is also more than ironic since they have never acknowledged, nor accepted, responsibility for pocket filibuster

ing more than 60 of President Clinton's judicial nominees. In fact, when I became chairman of the Judiciary Committee, I made Senators' consent forms, or blue slips, public for the first time. I am still waiting for Republicans to agree to make public their blue slips from 1993 through 2000. Because of the change I made, the anonymous holds that obstructed so many of President Clinton's nominees did not continue under President Bush. Regrettably, unlike President Obama, his predecessor did not work with Senators of the other party on nominations. It is no secret that the reason the committee did not proceed on President Bush's nominee to the vacancy on the Third Circuit from New Jersey was because the New Jersey Senators did not consent.

So when Senator SESSIONS says that he respects me for consulting with home State Senators, and in the same statement criticizes me for consulting with home State Senators, it is a bit disturbing. When he asks me not to hold hearings and then criticizes me for supposedly delaying hearings, it is not fair. When the Republicans are not ready to proceed on a nomination and then attribute the delays to others, it is wrong. Maybe the lesson is that I should not accommodate Republican requests but press the schedule more quickly, because otherwise I risk being accused of going too slowly.

We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. The Senate was not allowed to complete action on short extensions of unemployment insurance benefits, the Satellite Home Viewer Act, and other needed measures last week because of Republican objection. Unfortunately, we have seen the repeated abuse of filibusters, and delay and obstruction have become the norm for Senate Republicans.

Just as Senate Republicans reversed themselves when it came time to vote on the deficit reduction commission that they had sponsored; just as Senate Republicans who voted for the USA PATRIOT Act Sunset Extension Act, S. 169, which was reported by the Senate Judiciary Committee last October, have reversed themselves and abandoned it; so, too, have Senate Republicans reversed themselves on filibusters against nominations. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can. They have ratcheted up their partisanship to delay and obstruct the President's nominees—once the Amer-

ican people elected a Democratic President.

The Republican practice of making supermajorities the new standard to proceed to consider many non-controversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, is having a debilitating effect on our government's ability to serve the American people. Hard-working Americans who seek justice in our overburdened Federal courts are the ones who will pay the price for Republicans' obstruction and delay. They deserve better.

Even after years of Republican pocket filibusters that led to skyrocketing judicial vacancies, Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. We worked hard to reverse the Republican obstructionism. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. During just the second year of President Bush's first term, the Democratic Senate majority confirmed 72 judicial nominations and helped reduce the vacancies left by Republican obstructionism of President Clinton's judicial nominees from over 110 to 59 by the end of 2002. Overall, as I have noted, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees. By comparison, the total number of Federal circuit and district court judges confirmed during the 13 months President Obama has been in office is barely 15 percent of that total.

Senate Democrats continued to work to reduce vacancies even during President Bush's last year in office. With Senate Democrats again in the majority, we reduced judicial vacancies to as low as 34, even though it was a presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits.

As matters stand today, judicial vacancies have spiked again, as they did due to Republican obstruction in the 1990s. These vacancies are again being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 104 current vacancies and another 22 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today and would be headed toward 180. That is the true measure of how far behind we have fallen.

Republican Senators insisted on stalling confirmation of the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. They insisted on stalling the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. They unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. They stalled Judge Beverly Martin's nomination for at least 2 months because they would not agree to consider it before January 20. They stalled for 3 additional weeks on Judge Greenaway's nomination before he was confirmed unanimously. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed overwhelmingly by the Senate once they are finally allowed to be considered.

I, again, urge Senate Republicans to reconsider their strategy and allow prompt consideration of all 14 judicial nominees awaiting Senate consideration, not just Barbara Keenan of Virginia, but also the following nominees: Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Judge William Conley, nominated to the Western District of Wisconsin; Justice Rogerie Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; and Justice Louis Butler, nominated to the Western District of Wisconsin; Nancy Freudenthal, nominated to the District of Wyoming; Denzil Marshall, nominated to the Eastern District of Arkansas; Benita Pearson, nominated to the Northern District of Ohio and Timothy Black, nominated to the Southern District of Ohio.

(The remarks of Mr. LEAHY and Mr. SESSIONS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I rise again to speak on behalf of Justice Barbara M. Keenan, the nominee to serve on the Fourth Circuit. I would like to point out this is the third time I have had the pleasure of outlining her qualifications and also would like to express my regret that the Senate is again being forced to waste valuable time that could be used toward solving greater problems in our country in order to go through these repeated delays on votes that are going to be, if not unanimous, certainly well above 90 of our body in favor of this type of nomination.

The American people are commenting about how the Congress is not addressing the true problems of the country. I think this is an example that perhaps all those who are interested in our political system can comprehend rather quickly, of obstructionism and of the unnecessary delay of the appointment of individuals who are vitally needed as we look at the state of our judicial system today.

Justice Keenan was voted out of committee in October of last year by a unanimous voice vote. Her nomination is noncontroversial. She has been a dedicated public servant, a fair and balanced jurist. Her nomination has broad bipartisan support not only in this body but also in the Commonwealth of Virginia. So I again believe it is critical we move forward as quickly as possible to confirm this nomination.

There are currently four vacancies on the Fourth Circuit—more than any other circuit in our country. This seat that Justice Keenan would fill has been vacant now for more than 2 years. She is an extraordinary choice to fill this vacancy.

She has been a State supreme court justice since 1991. She has been a trailblazer for women in the law throughout her career. At the age of 29, she was the first female general district court judge in Virginia, when she was selected for the Fairfax County bench in 1980. She became the first female circuit court judge when she was promoted to that court in 1982. In 1985, she was 1 of 10 judges named to the first Virginia Court of Appeals and was the only woman on that court when it was first created. She was selected for the State supreme court, the second female justice ever to serve there, in 1991. She was, in fact, the first judge to serve on all four levels of Virginia's courts.

As I pointed out in my previous floor remarks, I think it is very important for the understanding of this body to point out that when Governor McDonnell was recently sworn into office, he specifically requested that Justice Keenan deliver him that oath of office. In fact, Governor McDonnell has released a statement where he said:

Virginia Supreme Court Justice Barbara Keenan is one of the foremost legal minds in our Commonwealth. . . . Her nomination by

the President for the United States Court of Appeals for the Fourth Circuit is one that should be viewed favorably and acted upon expeditiously. Justice Keenan has dedicated her career to public service . . . I look forward to her service on the Fourth Circuit bench.

This is from Governor McDonnell, who is from the Republican Party, and I think it is a clear indication of the broad respect this individual has with in the Commonwealth.

I am mindful of the Senate's constitutional role in confirming executive nominations. This is vitally important. We have a robust vetting process. Debate is important and appropriate. We have conducted, inside the Virginia delegation, that kind of vetting process which resulted in Justice Keenan's name being moved forward.

Again, in the name of pragmatic bipartisanship and in the spirit of good governance in the way we should be spending valuable time on the Senate floor, with so many issues affecting this country, we need to move past these artificial barriers. We need to stop putting delays in front of the types of issues we should be confronting. Let's get on with the business of governing.

Again, as I pointed out in my previous statement, of the 876 Federal judgeships, there are currently 100 vacancies. These vacancies delay the administration of justice, they delay the resolution of disputes, and they diminish our citizens' right to a speedy trial. They affect the respect for our whole governmental process.

In light of the fact that my prediction is Justice Keenan will get, if not 100 votes in this body—I doubt she will get 1 or 2 negative votes in this whole body—there is no need for us to go through hours and hours of debate and delay in order to get her where she needs to be; that is, on the Fourth Circuit. So I am asking my colleagues across the aisle if we might not move this nomination forward in a timely way.

With that, I yield the floor.

Mr. CARDIN. Mr. President, I rise today to urge the Senate to invoke cloture on the nomination of Barbara Milano Keenan of Virginia to be a United States circuit judge for the Fourth Circuit.

I had the privilege to chair Justice Keenan's confirmation hearing on October 7 of last year. The Judiciary Committee reported out her nomination by voice vote on October 29 of last year. And here we are today over 4 months later, just now debating the nomination.

I take a special interest in the fourth Circuit, as it includes my home State of Maryland. In May 2008 I chaired the confirmation hearing for Justice Steven Agee, who also served on the Virginia Supreme Court and was confirmed to be a U.S. circuit judge for the Fourth Circuit. In April 2009 I chaired

the confirmation hearing for Judge Andre Davis of Maryland, who was overwhelmingly confirmed by the Senate by a 72 to 16 vote in November.

I mention these nominations by way of background for my colleagues, because the Fourth Circuit has one of the highest vacancy rates in the country today. Out of the 15 seats authorized by Congress, 4 are vacant, which means over one-quarter of the court's seats are now vacant. Our circuit courts of appeals are the final word for most of our civil and criminal litigants, as the Supreme Court only accepts a handful of cases. I had hoped that the Senate will move more quickly to nominate and confirm qualified candidates for these seats. I also look forward to increasing the diversity of the judges of the Fourth Circuit.

So I don't understand why the Senate has been moving so slowly on nominations, most of which are not controversial. Of the 15 Federal circuit and district court judges confirmed during President Obama's tenure, 12 have been confirmed unanimously. Republicans have only voted against three of President Obama's nominees to the Federal circuit and district courts. I expect that when Justice Keenan comes to a vote, she will be overwhelmingly confirmed, if not unanimously confirmed. So why is the Senate waiting more than 4 months to act on her nomination after it has been reported by the Judiciary Committee by a voice vote?

We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. Judicial vacancies are nearing record levels, with 102 current vacancies and another 23 already announced.

Justice Keenan comes to the Senate with an impressive amount of experience. She has served on each of the four levels of the Virginia State courts: General District Court, Circuit Court, Court of Appeals, and Supreme Court. She was admitted to the State Bar of Virginia in 1974. She first took the bench at the age of 29, and fittingly has served for a judge for the last 29 years. Before serving as a judge, she worked as an attorney in private practice and as a local prosecutor.

Justice Keenan has presided over an impressive amount of cases. She presided over several thousand cases of to judgment as a judge of the General District Court of Fairfax County, VA, which includes misdemeanors and smaller civil cases. As a circuit court judge, she presided over 600 cases that proceeded to verdict or judgment, and handled a wide range of criminal and civil cases, including both jury trials and bench trials. Finally, Justice Keenan now serves on the Virginia Supreme Court, a position she has held since 1991. I understand that under Virginia law, Supreme Court Justices

serve 12 year-terms, and then must seek reappointment by the State general assembly. Justice Keenan was unanimously reappointed by the general assembly.

If confirmed, Justice Keenan would be the first woman from Virginia to serve on the Fourth Circuit.

Justice Keenan earned her B.A. from Cornell University, her J.D. from the George Washington University Law School, and her L.L.M. from the University Of Virginia School Of Law.

She received a unanimous rating of "well qualified" by the American Bar Association's Standing Committee on the Federal Judiciary, which is their highest rating.

So I am pleased to join Senators WEBB and WARNER today on the floor in support of her nomination. I commend the Senators on the process they used to make recommendations to the White House for the Virginia vacancy.

I hope the Senate will invoke cloture on this nomination today, and then take final action to confirm this nomination without any further delay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes, using part of the Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise to speak in support of the nomination of Justice Barbara Keenan to serve on the U.S. Court of Appeals for the Fourth Circuit.

In the summer of 2009, my colleague and friend, Senator WEBB, and I had the honor of interviewing a number of potential candidates to serve on the U.S. Court of Appeals for the Fourth Circuit. We were enormously impressed by the quality of all the candidates being considered. But one candidate rose to the top of the list because of her extensive experience, her judicial temperament, and her commitment to the law. That candidate was Justice Barbara Keenan.

President Obama nominated Justice Keenan last September, and in late October the members of the Senate Judiciary Committee reported her nomination by unanimous consent.

Justice Keenan's nomination has been on the Senate Calendar for 4 months now. I believe it is time for this Chamber to consider the nomination and give Justice Keenan an up-or-down vote.

Justice Keenan has served with distinction at every level of State court in

Virginia. She has served as a justice on the Virginia Supreme Court since 1991. She also served on the Fairfax County General District Court, the Circuit Court of Fairfax County, and the Court of Appeals of Virginia. Every one of Virginia's bars, including the State bar and the State Bar Judicial Nominations Committee, have all recognized Justice Keenan and recommended her with their highest approval rating—either "highly qualified" or "highly recommended."

I might also mention in passing that Justice Keenan was the first woman appointed to the bench in Virginia and was one of the original 10 appointees to the Virginia Court of Appeals during its creation in 1985. Lest any of my colleagues on either side of the aisle think this falls on the partisan divide that so often I think stymies this body, Justice Keenan not only has the support of Senator WEBB and myself, but she has the support of our new Republican Governor, Governor McDonnell. Justice Keenan actually administered the oath of office to Governor McDonnell just 6 weeks ago.

I am a new Member of this body, and perhaps I sometimes don't always understand the rules and process. However, it does seem strange to me that a justice who is as highly regarded and recommended as Justice Keenan—someone whom the President nominated months and months ago and someone who has received unanimous support in the Senate Judiciary Committee and someone who has the support not only of both Senators from Virginia but our Republican Governor—has had to wait so long to get a vote.

So I am hopeful the Senate will act on this nomination. I look forward to casting my vote in support of Justice Barbara Keenan's nomination, and I encourage my colleagues on both sides of the aisle to vote for cloture so we can move to that very important vote and fill one more of these vacancies on a very important court in the Fourth Circuit.

Mr. President, I thank you for the time. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate

the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Ex.]

#### YEAS—99

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (NE)
Bennett	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagan	Reid
Brown (MA)	Harkin	Risch
Brown (OH)	Hatch	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCasikill	Wyden

#### NOT VOTING—1

Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. CARDIN. Mr. President, I ask unanimous consent that the vote on the confirmation of the nominee occur at 2:15 p.m. and that postcloture time be considered expired at that time; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; further, after this unanimous consent request is granted, the Senate then stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### EXECUTIVE SESSION

#### NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT—Continued

Mr. DODD. Mr. President, I ask for the yeas and nays on the pending nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Barbara Milano Keenan of Virginia to be United States Circuit Judge for the Fourth Circuit.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that each side be allowed 1 minute before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as with so many other nominations before the Senate, Justice Keenan has waited an extraordinary amount of time to be confirmed. Her nomination was reported without dissent by the Judiciary Committee more than 4 months ago. The unprecedented pattern of delay and obstruction by Senate Republicans on issue after issue—over 100 filibusters last year—has affected 70 percent of all Senate action. We have to file cloture just to bring up a non-controversial matter.

In addition to the Keenan nomination, 10 judicial nominations that received bipartisan support are being delayed. The Senate can almost double the total number of judicial nominations confirmed by stopping the filibusters—by not requiring that and vote up or down.

Americans elect us to vote yes or no, not to vote maybe, and when you have a filibuster, you vote maybe. We ought to have the guts to vote yes or vote no.

The nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit is noncontroversial. She should have been confirmed long ago. She has the support of her home State Senators and that of Virginians from both parties, and many others. She was approved unanimously by the Senate Judiciary Committee over four months ago. As I predicted, and as the Senators from Virginia predicted, the Senate unanimously voted to end the filibuster of this nomination, 99-0. No member of the Senate has spoken in opposition to her nomination. There is no reason she should not be confirmed unanimously.

Despite the overwhelming support for Justice Keenan, the Senate's consideration of her nomination was filibustered by Senate Republicans. Just as one Senator has objected to passing unemployment insurance and COBRA benefits and Medicare payments for doctors and extending the Satellite Home Viewer Act, Republicans refused to agree to debate and vote on the nomination of Justice Keenan. In fact, they have refused to consider any judicial nominations for the last three weeks. Delay and obstruction, obstruction and delay. Even for nominations that will be confirmed unanimously.

The Senate is far behind where we should be in helping to fill judicial vacancies. Vacancies have skyrocketed to more than 100, and more have been announced. We need to do better. The American people deserve better.

Instead of time agreements and the will of the majority, the Senate is faced with requiring cloture petitions and 60 votes to overcome a filibuster on issue after issue. In addition to the Keenan nomination, 10 judicial nominations that received strong bipartisan support in the Judiciary Committee—including seven that were reported without dissent—should be considered without delay. Debate should be scheduled, and votes taken on each of 14 judicial nominees stalled who have already been considered and favorably reported by the Judiciary Committee. Only 15 Federal circuit and district court judges have been considered by the Senate during President Obama's 13 months in office. By this date during President Bush's first term, the Senate had confirmed 39 judicial nominees. The Senate can almost double the total number of judicial nominations it has confirmed by considering the other judicial nominees already before the Senate awaiting final action. We should do that now, without more delay, without additional obstruction.

In December, I made several statements in this chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I

also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others. I, again, urge Senate Republicans to reconsider their strategy of obstruction and allow prompt consideration of all 14 judicial nominees currently awaiting final Senate consideration. There is no need for these to be dragged out week after week, month after month, with only a single nominee being considered every several weeks. End the blockage of this President's nominees and vote on them.

I congratulate Justice Keenan on her confirmation today. I look forward to the time when the 13 additional judicial nominees being stalled are released from the holds and objections that are preventing votes on their confirmations.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, after all we have done to work with the distinguished chairman of the Judiciary Committee, he still complains. I am amazed.

This nominee seems to be a solid nominee. The President has due deference on nominees, and I think she should be confirmed and I will support her. But President Bush's nominees, for example, to the circuit courts, waited an average of 350 days from nomination to confirmation. And that was just the average. President Obama's circuit nominees have been confirmed, on average, 100 days faster.

Indeed, some of President Bush's nominees to the circuit courts even received a hearing, despite being highly qualified and highly rated nominees. The majority of President Bush's first nominees waited years for confirmation—the first group he put up.

But besides that, as I told the chairman, I hope to end the tit-for-tats on this issue. He is having a good record of moving nominees who are good, and the ones who are opposed on this side will be vigorously opposed. But this nominee is qualified, and I support the nominee and urge my colleagues to do so.

I yield the floor.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—99

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (NE)
Bennett	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagan	Reid
Brown (MA)	Harkin	Risch
Brown (OH)	Hatch	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burriss	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskey	Wyden

NOT VOTING—1

Hutchison

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXPIRING PROVISIONS AND JOB CREATION

Mr. BAUCUS. We now return to the urgent legislation to create jobs and extend vital safety net and tax provisions.

This urgent legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs that expired Sunday. It would put cash into the hands of Americans who would spend it quickly, boosting economic demand.

It would extend critical programs and tax incentives that create jobs. Let me be specific. Just today, we received detailed estimates from the National Economic Council on what would happen if we fail to act. Unless we act, a half million workers who lose their jobs nationwide, including nearly 1,600 in Montana, would be ineligible for help paying for their health insurance under COBRA.

Unless we act, the average doctor in America would stand to lose more than

\$16,600 in payments for Medicare. The average doctor in Montana would lose about \$13,000. Unless we act, nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries nationwide would be affected. That includes nearly 144,000 Montanans with Medicare and nearly 33,000 Montanans with TRICARE.

Unless we act, 400,000 Americans would be ineligible for expanded unemployment insurance benefits. This is urgent legislation. We must extend this legislation, and soon.

We had a productive day on the bill yesterday. Senator SESSIONS offered his amendment to impose discretionary spending caps. This is essentially the same amendment the Senate rejected on January 28. A point of order lies against the amendment under section 306 of the Congressional Budget Act, which requires 60 votes to waive that point of order. At the appropriate time, I intend to raise that point of order against the Sessions amendment.

As well, Senator THUNE offered his amendment proposing business tax cuts offset by cutting back stimulus funding in the Recovery Act. This is essentially the same argument the Senator from Kentucky, Mr. BUNNING, has been raising on the narrower, short-term unemployment and COBRA extension bill. The Senator from South Dakota and the Senator from Kentucky both seek to cut back the Recovery Act.

I believe these efforts are mistaken. Let me tell you why. On issues relating to the budget and the economy, we turn to the nonpartisan Congressional Budget Office for the straight story. They are the neutral referees, and the CBO says the Recovery Act is working. That is why it would be a mistake to cut back on the Recovery Act.

Last month CBO issued its report on the effects of the Recovery Act in the fourth quarter. In that report, this is what the CBO said:

CBO estimates that in the fourth quarter of calendar year 2009, the Recovery Act added between 1 million and 2.1 million to the number of workers employed in the United States, and it increased the number of full-time equivalent jobs by between 1.4 million and 3 million.

That is what CBO says. They say the Recovery Act created or saved between 1 and 3 million jobs. That is real job creation. That means the Recovery Act is working. That is why we need to defeat efforts such as that made by the Senator from Kentucky and the Senator from South Dakota to cut back on the Recovery Act. Cutting back on a proven job creator is the last thing we would want to do right now.

We are working to line up votes on the pending amendments and an amendment the Senator from Kentucky seeks to offer on the short-term unemployment and COBRA bill. I am hopeful we may be able to reach an

agreement on these matters this afternoon. I thank all Senators for their cooperation.

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Illinois is recognized.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOVING FORWARD TOGETHER

Mr. BURRIS. Madam President, as a freshman Member of this body, I have a great deal of respect for those who have been a part of this institution for many years.

On both sides of the aisle, veteran Senators lend their experience, and their invaluable knowledge of procedure, to the debates that take place in this Chamber every day.

And, as anyone who knows the history of the Senate can tell you, this has always been a friendly place, no matter which party is in control.

This has always been a place where political leaders could disagree without being disagreeable, no matter how vast their differences happen to be. This Senate has always been governed by mutual respect, mutual trust, and mutual friendship. Without these key ingredients, it is impossible for us to work together.

Such was the genius of our Founding Fathers, who framed this system of government.

They knew that partisan politics would rage outside these walls, so they created the Senate to be a refuge for those who are prepared to move forward together to solve national problems.

The history of this Chamber is filled with legendary stories of compromise, of relationships across party lines that drove Senators from different backgrounds to find common purpose.

Our dear friend Senator Kennedy, the last lion of this Senate, was one of the greatest at forging bipartisan consensus and fostering mutual respect with the other side.

These stories remind us of the value of civil discourse. They speak to the necessity of working with one another, not against one another, to confront the challenges we face.

But, I am beginning to wonder if these stories are just stories.

Although I have served in this Chamber for only a short time, I recognize that the atmosphere in this body is not what it once was.

I hear the accounts of bipartisan cooperation in the past, but I see fewer and fewer examples of it today.

In fact, just last week, the country watched as two centuries of Senate procedure and privilege were abused for partisan gain.

My colleagues and I were trying to move forward with a bill that extended

unemployment benefits, health insurance for the unemployed, lending assistance for small businesses, and other important programs.

No part of this bill was new or controversial. No part of it would significantly change the existing programs that were in place, which were due to expire at the end of the week. We all knew that, if this Senate failed to take action, all of these programs would grind to a halt almost immediately.

Ordinary Americans across the country would stop getting their unemployment checks and their COBRA health benefits. Small businesses would see credit dry up literally overnight. In the middle of the worst economic crisis in decades, this would be a disaster. It would be the last thing that America needed as we tried to help people get back on their feet. But that is exactly what happened when my friend from Kentucky decided to raise objection. In an instant, a single Republican Senator slammed the door on the American people, and left thousands of ordinary folks out in the cold.

He cut off assistance for those who need it most. He denied unemployment insurance to those who lost their jobs through no fault of their own.

Just when folks were beginning to feel a bit more optimistic, my good friend from Kentucky held up his hand and said, "Not so fast."

As a result, on Sunday night, 15,000 Illinoisans lost their unemployment benefits. Another 15,000 will lose their benefits next week, and the week after, until my Republican friend drops his objection and allows us to pass an extension. These are folks who have felt the worst effects of the economic crisis. They are ordinary people, ordinary American families, who cannot afford to miss a check.

But the Senator from Kentucky has objected to continuing these programs. He has prevented the government from putting these checks in the mail. He has frozen the credit that will allow small businesses to create jobs and put more people back to work. He has sent thousands of Federal workers home without pay. He has shut down important highway projects all across America.

I have been in public service for almost 30 years. In all that time, I have never seen anything like this outrageous abuse of senatorial privilege.

We can argue about policy. We can debate legislation. We can discuss procedure and disagree about political tactics. But I believe it is wrong to play politics with people's lives. And I urge my friend from Kentucky to stop.

If my colleagues and I are able to overcome these objections and pass this bill in the next few days, we may be able to restore these benefits retroactively. But the damage has already been done. These programs are not designed to help people who can get by

without unemployment insurance for a few days here and there.

These programs are targeted at those who can barely survive paycheck to paycheck. They are for people who need help keeping food on the table, until they have the opportunity to get back on their feet. They are for people who do not have the luxury of waiting just a few more days to pay the bills, as my colleague seems to think.

The Senator from Kentucky has brought our economic recovery to a grinding halt. He is playing politics with hard-working Americans, and he is wasting the time of this distinguished body.

What has happened to the Senate of our forefathers?

What has happened to the atmosphere of friendship that drove past Senators to work together to solve big problems?

My colleagues and I have offered a solution that is acceptable to almost every Member of this Chamber. There are 99 Senators who either support this measure or would like to see an up-or-down vote. But my friend from Kentucky does not mind taking advantage of the rules of this Chamber to make a political point, even if it means adding to the misery of hundreds of thousands across this country, including his home State.

Perhaps we should not be surprised. After all, we have seen this kind of obstruction time and time again from our Republican colleagues, even on issues that are critical to the well-being of more than 30 million Americans.

So maybe it should come as no surprise that a Republican Senator would once again choose to manipulate Senate procedure for partisan gain. In many ways, I suppose that is all we can expect from a party that has refused to offer solutions of their own.

I believe the American people deserve much better than that. I believe regular folks expect us to help make their lives better, not worse. And I believe they are tired of obstructionism. They are tired of hearing that their representatives in Washington can not get things done.

I would urge all of my colleagues to reach for the generous spirit of our forefathers, which defined this Chamber as a friendly and inclusive place for so many decades.

I would urge my colleagues to debate the issues honestly and without resorting to distractions and obstructionism. No legislation will ever be perfect. But I believe it is irresponsible to hold up an important and fundamentally good bill for political reasons.

I ask my friend from Kentucky to drop his objection, as others in this Chamber have asked him many times over the last few days.

Let us move forward together. Let us be constructive. Let us recapture the friendly atmosphere that helped our



predecessors rise above partisan politics and achieve great things.

This is not how the Senate was intended to function. So let's prove to the world that this is still the greatest deliberative body on the planet. Let's reject these tactics and move forward together. And let's, without delay, stop the obstruction on this important legislation.

Madam President, I would like to speak on another issue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Thank you, Madam President.

#### HONORING THE ILLINOIS ATHLETES OF THE 2010 WINTER OLYMPIC GAMES

Mr. BURRIS. Madam President, we live in a world divided. International tension, mistrust, and even war too often separate nation from nation. But every 2 years, thousands of athletes from countries all over the world come together to celebrate the human spirit.

They meet in competition, arriving on the world stage from all five inhabited continents. Each of these five continents is represented by a simple, colored circle—a ring intertwined with four others to form the familiar symbol worn by every Olympic athlete.

The Olympic Games are a powerful force for world unity. And this year, for the 21st Winter Olympics, the eyes of the world turned to Vancouver, Canada—just across the border we share with our good friends to the north.

As always, the competition was fierce in every sport. The greatest athletes in the world tested their skills on some of the most challenging courses in history. Records were set and broken.

The world witnessed many triumphs—such as the success of a young Canadian figure skater, only days after the sudden loss of her mother.

We also came together in the face of great tragedy, mourning the shocking death of a young athlete from the Republic of Georgia.

Such Olympic moments, both triumphant and tragic, are blind to region or nationality. They remind us of the qualities and the limitations we share in every field of human endeavor. And at every moment, from the opening ceremonies until the Olympic flame was extinguished, these Winter Games served as a testament to all that we have in common. In a divided world, they served as an affirmation of the human spirit, and the value of friendship through sport.

I am proud to note that the United States Olympic team ended these games with a total of 37 medals—more than any other country, and a new record for the most medals won at a single Winter Games.

I would especially like to recognize and congratulate the Olympic athletes who hail from my home State of Illinois. These young men and women had the great honor of representing this country on the world stage, and they did us proud. In fact, 8 of the 37 total U.S. medals were won by Illinoisans.

From Champaign to Chicago—from Wheaton, to Glenview, to Plainfield, to Glencoe, to Naperville—these 10 athletes took to the ski slopes, and the ice rinks, and the bobsled tracks, and they gave it their all. Some came home with Olympic gold. Some fell short of the finals. But they are all Olympians, and they all represented our country—and our State—with honor, integrity, and sportsmanship.

So I take great pride in thanking the following Illinoisans for their dedication and hard work at this year's Olympic games: Lana Gehring, Katharine Reutter, Brian Hansen, Nancy Swider-Peltz, Jr., Shani Davis, Jonathon Kuck, Lisa Chesson, Evan Lysacek, James Moriarty, and Ben Agosto.

I ask my colleagues to join me in congratulating these 10 Illinoisans, along with their teammates, and every coach, parent, and supporter who contributed to the success of Team USA. I thank them for all they accomplished in Vancouver, and wish them nothing but continued success in the future.

There are few international spectacles as singular and as inspiring as the Olympic games. A force for unity in a world divided, these competitions have the power to bring us together as one people, celebrating the human spirit with one voice.

Thanks to the world-class athletes who took part, from the United States and more than 80 countries in every corner of the globe, this year's Winter games in Vancouver were no exception.

I hope that as the world's athletes return to their respective countries, and as we turn our attention back to the challenges we face in our daily lives, this Olympic spirit of unity will persist until we meet again on the world stage, in London, for the 2012 Summer games.

Congratulations to the Illinoisans and all of those who participated from the great United States of America in these games.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNEMPLOYMENT BENEFITS

Mrs. SHAHEEN. Madam President, last week Senate leadership reached agreement on a short-term extension of Federal unemployment benefits and other critical programs that were set to expire. But when we tried to pass the bill, sadly, one single Senator objected. Because of that one Senator and his filibuster, Federal unemployment benefits and health care subsidies for people who have lost their jobs have now expired. This Senator also single-handedly halted highway projects across the country and put workers' futures in jeopardy. The obstruction of this bill has brought to a standstill small business lending programs that have been successful at boosting the number of SBA-guaranteed loans since the Recovery Act was passed. Because of the Senator's actions, physicians will see their immediate care reimbursements slashed by over 21 percent, threatening the health care of too many seniors in New Hampshire and across this country.

There may be some people who don't realize the damage caused by these lapses, so I am here, as so many people have been here on the floor over the last several days, to talk about what is happening to too many people because of this filibuster.

First, this is about the struggles faced by individual workers and their families. Right now, with a record number of unemployed workers competing for each job, it has become harder than ever for people who lose a job to get back to work. Of the 16 million Americans who are out of work today, nearly 6 million—more than 1 in 3—have run through the benefits provided by their States. These 6 million people are the ones served by Federal unemployment, which is a critical safety net that helps families buy gas and groceries and helps them heat their homes and pay their mortgages and their rents while they look for the next job. Because of the actions of just one Member of this body—actions that I believe are irresponsible—more than 1.2 million people will get their last check during the month of March.

My office has heard from hundreds of constituents in the last week who are on the verge of losing their benefits, and their stories are heartbreaking. I wish to tell my colleagues about just one.

A woman named Linda wrote me. She said:

I've been unemployed for the first time in my life since August. I will be 60 on March 14, and I have not been able to find another full-time job. I own an older mobile home in Epping and don't have a retirement plan, a nest egg, or anything of that nature. The prospect of my unemployment benefits going away very soon (I may only have two to three weeks left) because of one Senator digging in his heels makes me feel sick. Please, please do everything you can to get an extension for unemployment benefits

passed. God has a plan for us all; I just pray that I don't lose everything, as many others have, and that one Senator isn't playing the partisan card just because he can. I'm not sure that America is the land of opportunity that it used to be.

That is the end of her quote.

While some may think it is no big deal to make people such as Linda wait a week or 2 weeks to get another unemployment check, even short-term expirations have damaging results. When State workforce agencies are forced to shut down and restart complicated Federal benefits programs, they experience huge backlogs in their systems that delay getting checks out the door. Phone lines at call centers are jammed with claimants, holding up others from filing for benefits, and lines at one-stop centers get longer and longer. In the best of circumstances, individuals who see their benefits lapse while this filibuster continues will have to wait weeks before they begin receiving checks again. That is a long time when you are living on unemployment.

Then there is the uncertainty and the fear that comes when someone opens the mail to find a notice that this check is the last one they will receive. Families can't make responsible budget choices when we abruptly interrupt safety net programs.

So this filibuster isn't just holding up benefits to those who are already out of work; it is causing more Americans to lose their jobs. By cutting off highway funding, one Senator has put thousands more Americans at risk of losing their jobs. For the first time in 20 years, construction projects across the country have halted. Without an extension of highway programs, construction companies in New Hampshire can't plan ahead. Workers in New Hampshire don't know whether there will be a job for them when construction season starts back up in the spring. Due to the actions of just one Senator, the future of these workers is uncertain.

This filibuster is especially egregious because it abuses the Senate rules, but, unfortunately, abusing the rules in order to prevent us from addressing the needs of families and small businesses has sadly become too routine. That is why I believe we need to take a very hard look at changing the Senate rules. It is time to stop playing political games with the lives of the American people. I hope that at least on this bill, every Member of the Senate can come together to support the millions of people who are counting on our leadership.

Thank you very much. I yield the floor and note the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The Senator from South Carolina.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GOVERNMENT SPENDING

Mr. DEMINT. Madam President, I know the Senate has been dealing with a difficult issue, and I wish to make some comments relative to the Senator from Kentucky, Mr. BUNNING, who I think has taken a lot of unfair criticism for asking our Democratic colleagues to abide by their own rules.

Much has been made in the Senate and in the Congress and at the White House over the last year about the unsustainable level of spending and borrowing and debt we have as a nation. Yet it seems that almost every week we create some new government program or expand spending in some area. I think it is time we expose the hypocrisy that is going on because we know the level of debt we have is going to eventually, sooner or later, bring our country down. Yet we don't seem to have the willpower to stop any spending.

Last week, we created a new government program, a new travel promotion agency. Now we are going to extend unemployment and COBRA benefits, which are good things. Certainly, in a down economy, we need to consider those around the country who are suffering and make sure we do everything we can that is fair to take care of them, but when we borrow the money to do it, we threaten the futures of our children and grandchildren, diminish their quality of life, and likely cause their unemployment in the future. We can hardly pat ourselves on the back for our compassion and generosity when we are not making any sacrifices or even any hard decisions in the Senate to pay for those things we say are a priority.

Instead of paying for this extension of unemployment benefits and COBRA, the Democrats want to pass it without any debate, without any vote. They don't want to pay for it. We are not even considering ways we can pay for this extension. Instead, we classify it as emergency spending at the last minute and try to force Congress into spending money we don't have. We brought it up at the very last minute at the end of last week and said, if we don't pass it now by unanimous consent, people will go without their unemployment and their COBRA.

This is not emergency spending. It was entirely predictable that these funds would run out, when existing funds would run out. Instead of acting prudently to extend these benefits in ways we could pay for them, the way my Democratic colleagues have promised we would with this pay-go rule, they are declaring an emergency at the last minute to ram it through without any debate and without a vote.

Moreover, they want to do this anonymously, through the process we call

unanimous consent. That means they don't want a rollcall vote. Why don't they want a rollcall vote? Because it shows who means what they say. It shows who believes in this idea of pay as we go that we call pay-go, and it will certainly damage prospects for November elections.

Senator BUNNING from Kentucky has taken a courageous stand to hold the Democrats—in fact, all of us—accountable to the things we say we believe. I believe, as does Senator BUNNING, that if we are going to renew these benefits, we should pay for them. We should look at areas of our government that we don't have to do and reduce them or eliminate them so we can pay for the things we feel we have to do. I think the names of the Senators who want to borrow the money to do this, who want to add to our debt to do this, should be recorded for the public to see.

This bill will cost \$10 billion. We could find the money to pay for this bill. We could repeal a very small part of the stimulus plan. We could repeal the TARP or the bailout money. We could cut some earmarks—some local parochial projects—or we could cut other government programs that have been deemed unnecessary or wasteful.

The Congressional Budget Office says the government would save \$12 billion if we allowed health insurance companies to compete in an interstate commerce fashion. We have talked about it a lot as part of the health care debate. If all we did—no taxpayer funds at all—is allowed interstate competition for health insurance, the government could save \$12 billion and more than pay for this bill we are talking about today. We could help people get insured, lower the cost of health insurance, help small businesses create jobs, and pay for the bill that extends unemployment benefits. But we are not even willing to talk about a responsible way to pay for a bill. Senator BUNNING says: Wait a minute. We have been talking about paying for these bills as we go, and the first two bills we brought up since we passed pay-go have not been paid for. He said we should at least bring it to the floor and have some debate and a vote. I think that is pretty reasonable.

Senator BUNNING was right to address this problem, and I commend him for it. I hope our colleagues will stop the hypocrisy, stop trying to create a crisis of our debt while we make that crisis worse every day, adding to the debt almost every week.

Now we have Members of this body looking at new ways to raise taxes or create new taxes on Americans. This is not the way to help our country, and it is not the way to lead. It is certainly hypocrisy. I thank Senator BUNNING for his stand. I ask all my colleagues to join us in looking at what this Federal Government has to do and to do those things well, to fund them properly, but

to take those things that don't have to be done at the Federal level and move them to the States or back to the people, as the tenth amendment says. We clearly cannot move forward as a Nation with the Federal Government doing more than it is doing today.

If we are going to survive and thrive as a Nation, the Federal Government will have to do less. That needs to begin here. It needs to start today. We can't keep expanding government, borrowing money every week, and complaining about the debt. Only in politics would that happen. We have to stop it here, this week. Again, I thank Senator BUNNING for his courage and clarity.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I just heard the Senator say, in defense of Senator BUNNING, that our side will not allow Senator BUNNING to have a vote. I want to clear up the record. That is not the case at all. As far as I am concerned, Senator BUNNING can have his vote. He can have his vote on his pay-for. The point is, does Senator BUNNING want an assurance that he has enough votes from the Democratic side so that his vote passes? Well, of course not. We vote here; that is what the Senate is for. Those in favor vote aye; those not in favor vote no. That is the democratic process. That is the process most Americans understand.

So if he wants his vote, he can ask for it and he can have that vote. I will not prejudge whether he will win or lose. As far as this Senator is concerned, he can have that vote. My expectation would be after that vote is concluded one way or another we can vote on the underlying 30-day amendment so we can finally get people their unemployment checks that are due, their COBRA benefits, and their health premium subsidies that are due. Finally, we can enable doctors to be paid so they can see Medicare patients.

This is a very simple solution. We can just vote. If Senator BUNNING wants to vote, I say: Fine, let's vote.

If he complains: Oh, no, I want to make sure I win, I don't think that is entirely proper. I think it is proper to have the votes, and Senators can vote their wishes and their views. We can have that vote. When that is concluded, we can go on to the 30-day resolution so that people can get the benefits they are due. That is the only responsible and reasonable way to deal with this. I hope we do that. We are waiting for the Senator from Kentucky

to indicate whether he would like to vote. It is pretty simple.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I came here in the hope that, as we begin work on this very important bill that is going to help reinvigorate our economy, we are making progress on getting Senator BUNNING to step down from his objection to a short-term extension of the number of programs that are essential to the well-being of our Nation.

Senator BUNNING says he is objecting to an extension of unemployment benefits and health subsidies for the jobless and, by the way, highway and transit programs and other programs because he wants to offset that extension with cuts in funding from the Economic Recovery Act.

I want to make the point that at a time when jobless rates are soaring, certain of these actions that we take are emergency actions. They are actions we take because the long-term unemployed are in big trouble. If we pay for this by slashing economic recovery funds that are already obligated or are about to go out, and they are about to start hiring people, then it seems to me we are taking one step forward and two steps back. I am willing to vote on this matter, and I hope Senator BUNNING will lift his objection if we get to vote. It is not a problem. Let's vote on it.

I have written to Senator BUNNING on a couple of occasions on behalf of the 201,000 Californians who have already seen their unemployment insurance benefits expire if we don't renew this. This is a very dangerous precedent to set. I noted to him that not only is he hurting people who are doing everything in their power to get work, but he is also shutting down transportation projects in California and in 16 other States because he will not agree to reauthorize the highway trust fund for just 30 days. This is an impossible situation.

I ask unanimous consent to have printed in the RECORD a list of the States already impacted by Senator BUNNING's objection to a 30-day extension for the highway trust fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### FEDERAL LANDS CONSTRUCTION HALTED BY FURLOUGH OF DOT INSPECTORS DUE TO BUNNING OBJECTION

State	Project	Cost
Alaska .....	Tongass National Forest road clean up.	\$1,100,000
Alaska .....	Coffman Cove Dock construction.	885,000
Arizona .....	Coronado National Monument Main Park entrance.	1,500,000
Arkansas .....	East Fly Gap and Gunner Pool Roads landslides restoration.	923,000
California .....	Sequoia National Park main entrance.	15,000,000
California .....	South Fork Smith River .....	13,800,000
California .....	Golden Gate National Recreation Area road construction.	8,700,000

#### FEDERAL LANDS CONSTRUCTION HALTED BY FURLOUGH OF DOT INSPECTORS DUE TO BUNNING OBJECTION—Continued

State	Project	Cost
District of Columbia .....	9th Street Bridge replacement	50,000,000
Georgia .....	Chickamauga & Chattanooga National Military Park construction.	634,000
Idaho .....	Salmon River Road Nez Perce National Forest construction.	20,133,000
Idaho .....	Little Salmon River Bridge Nez Perce National Forest intersection.	3,800,000
Idaho .....	Ferran Lakes Idaho Panhandle National Forest.	14,600,000
Illinois .....	McRaven Road reconstruction ..	1,100,000
Maryland .....	Great Falls Park entrance road construction.	3,100,000
Maryland .....	Piscataway National Park erosion and slope damage repair.	89,000
Mississippi .....	Natchez Trace Parkway resurfacing.	8,100,000
Mississippi .....	Natchez Trace Parkway trail construction (Ridgeland County).	5,600,000
Mississippi .....	Vicksburg National Military Park road rehabilitation and resurfacing.	5,000,000
Mississippi .....	Natchez Trace Parkway trail construction (Madison County).	4,700,000
New Mexico .....	Carlsbad Caverns National Monument roadway rehabilitation.	9,000,000
North Carolina .....	Newfound Gap road rehabilitation.	9,900,000
North Carolina .....	Blue Ridge Parkway reconstruction and resurfacing.	6,000,000
North Carolina .....	Goshen Creek Bridge replacement.	3,000,000
Ohio .....	Fitzwater Road bridges replacement.	4,400,000
Oregon .....	Beaver Creek Road Ochoco National Forest.	6,200,000
South Carolina .....	Ft. Sumter Historic Site entrance road and parking area rehabilitation.	262,000
Tennessee .....	Cades Cove Loop Road rehabilitation.	6,700,000
Tennessee .....	Shiloh National Park tour roads and parking area rehabilitation.	3,000,000
Tennessee .....	Catoosa Wildlife Management Area bridge replacement.	1,000,000
Utah .....	Bear River Access Road .....	13,800,000
Virginia/DC .....	George Washington Parkway Humpback Bridge replacement.	36,000,000
Virginia .....	Blue Ridge Parkway reconstruction and resurfacing.	12,000,000
Virginia .....	Petersburg Park tour road relocation.	1,500,000
Puerto Rico .....	Vieques National Wildlife Refuge road and bridge reconstruction.	6,000,000
Puerto Rico .....	El Yunque National Forest slide repair.	3,000,000
U.S. Virgin Islands .....	Christiansted Bypass construction.	14,000,000
U.S. Virgin Islands .....	Centerline Road reconstruction	9,000,000
U.S. Virgin Islands .....	St. John roundabout construction.	7,200,000
U.S. Virgin Islands .....	Long Bay Road reconstruction	5,500,000
U.S. Virgin Islands .....	University of Virgin Island sidewalk construction.	988,000
U.S. Virgin Islands .....	North Shore Road reconstruction.	448,000

Source: U.S. Department of Transportation, <http://www.dot.gov/affairs/2010/dot3610.htm>.

Mrs. BOXER. Madam President, in California, we are already seeing layoffs because the department of transportation had to lay off and furlough—they furloughed, temporarily I trust—2,000 Federal inspectors who are over-seeing in 17 of our States a number of important projects; for example, in Alaska, the Tongass National Forest road cleanup. Another project in Arizona is the Coronado National Monument main park entrance. In Arkansas, there is a shutdown. In California, there is the Sequoia National Park main entrance, the Southfork Smith River, and Golden Gate National Recreation Area road construction. In

DC, there is the 9th Street Bridge replacement.

One Senator is stopping these important construction projects. They are crucial safety projects that have been stopped in their tracks because one Senator has decided that it is his way or the highway.

We have to stop bringing this Senate to paralysis. We all have our opinions. I have mine and I know the Senator from Montana has his and the Senator from New York has his and the Senator from Michigan has hers; and we think we are right and we make our case. Once we have argued our cases, the will of the Senate has to go forward.

Senator BUNNING doesn't seem to think it is an emergency that the highway trust fund has run out of funds. He doesn't think it is an emergency that there are long-term jobless Americans. He doesn't agree. He doesn't agree that it is an emergency, I gather, that people cannot pay for their health care extension.

By the way, he also stopped—this is very important, and I know the Senator from Montana knows this well—the 21 percent to our doctors who take Medicare. I met with my doctors from California today. They cannot believe this is happening. In Ventura County our doctors are saying that because of this 21-percent cut they are facing in their reimbursements, they are only going to see emergencies. They are not

going to see someone who has a non-emergency. This is gamesmanship.

I call on Senator BUNNING to remove his objection to the extension of the highway trust fund and the transportation programs and the unemployment benefits and the cuts in Medicare reimbursement to our doctors. Each week that Senator BUNNING maintains his hold, each week that he insists he will stop this, 6,000 California families will lose their unemployment benefits. Let's end this today. Each week that Senator BUNNING maintains his hold, many California small businesses will not be able to get access to needed loans from the SBA and the flood insurance program was held up. Californians and Americans from every State will lose their health insurance coverage.

I can only marvel at this turn of events—and not marvel in a good way. It takes obstruction to the next level. It is a bridge too far. I think there are Members on the Democratic side who are willing to stand on their feet for as long as it takes to try to get this done today. We hope Senator BUNNING will back down. If he continues and keeps this up, if the highway program is shut down for just 1 month, tens of thousands of jobs are at stake.

I want to say what those jobs would be. In Arizona, it would be 1,400 jobs; in California, it would be 6,000; in Florida, 3,000; in Illinois, 2,000; in Kentucky—

the home State of Senator BUNNING, who is stopping the highway trust fund from being funded—it would be 1,198 jobs, if he keeps this behavior up for 1 month.

Senator BUNNING says he has every right to do this. Sure he does. He is a Senator and he can do it. But it is wrong. If each of us decided to throw a fit every time we didn't like something around here, who gets hurt? Not Senator BUNNING. He has a job and he has health care. He is not worried. He is not a physician who is getting held up either. He is fine and I am fine. It is the people of Kentucky, his State, and it is the people of California, my State, who get hurt.

If this keeps up for 1 month, there will be 6,000 job losses in Texas and 1,300 in Wisconsin. If this keeps up and we do not get our work done and we do not reauthorize the highway trust fund, as we did in the HIRE Act, we will lose 1 million jobs in America. That gets to be inexplicable in terms of “a world of hurt.”

I ask unanimous consent to have printed in the RECORD a chart prepared by AASHTO listing the impact of reductions in funding in all 50 States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

# Illustrative Impact of Federal Highway Funding Reduction

25-Feb-10

\*Jobs impact based on \$1 billion of Federal spending supporting 34,700 jobs

State	2009 Appropriations Pre-Rescission	2009 Rescission in 2009 Omnibus Appropriations	SAFETEA-LU Section 1012 Rescission	Total 2009 Rescissions	2009 Final Appropriations Post-Rescission	Pre- and Post-Rescission Percent Change	2010 Reduced Appropriation Amount (Annualized)	Estimated Jobs Impact	Program Shutdown (Foregone) Appropriation Per Month	Estimated Jobs Impact	Program Shutdown (Foregone) Appropriations March-September	Estimated Jobs Impact	Program Shutdown (Foregone) Appropriations March-December	Estimated Jobs Impact
Alabama	\$720,167,779	\$52,594,977	\$176,050,984	\$228,675,971	\$491,491,808	-31.9%	\$219,491,808	7,935	\$40,957,651	1,421	\$268,703,555	9,949	\$409,576,507	14,212
Alaska	\$334,714,920	\$33,964,710	\$80,939,451	\$114,904,161	\$219,810,759	-34.9%	\$219,810,759	3,987	\$16,317,563	636	\$128,222,943	4,449	\$183,175,633	6,356
Arizona	\$734,704,987	\$64,592,477	\$170,645,487	\$235,247,964	\$499,254,723	-32.0%	\$499,254,723	6,170	\$41,605,394	1,444	\$257,649,329	10,105	\$416,053,936	14,437
Arkansas	\$356,112,213	\$32,535,907	\$109,397,303	\$148,933,210	\$307,179,003	-32.7%	\$307,179,003	5,169	\$25,598,250	868	\$179,187,752	6,218	\$255,982,603	8,883
California	\$3,310,972,003	\$203,263,191	\$796,618,594	\$1,088,872,785	\$2,222,099,218	-32.9%	\$2,222,099,218	37,764	\$185,174,535	6,426	\$1,296,224,544	44,979	\$1,851,749,348	64,256
Colorado	\$468,420,872	\$44,593,148	\$116,618,999	\$168,565,147	\$309,051,725	-32.5%	\$309,051,725	5,502	\$27,487,644	954	\$192,414,081	6,077	\$274,976,438	9,538
Connecticut	\$466,061,951	\$44,603,308	\$110,705,144	\$164,308,453	\$301,753,498	-35.5%	\$301,753,498	5,702	\$27,146,125	873	\$195,412,566	6,108	\$271,461,248	9,256
Delaware	\$143,687,127	\$12,296,263	\$34,706,504	\$47,002,767	\$96,684,360	-32.7%	\$96,684,360	1,631	\$8,057,030	280	\$88,627,330	1,957	\$124,741,248	2,796
Dist. Of Col.	\$136,069,626	\$12,181,744	\$34,680,261	\$46,861,965	\$80,207,631	-34.4%	\$80,207,631	1,626	\$7,433,969	258	\$72,763,662	1,006	\$100,212,416	2,692
Florida	\$1,853,266,783	\$161,117,494	\$444,003,590	\$605,121,084	\$1,248,145,699	-32.7%	\$1,248,145,699	20,998	\$104,012,142	3,609	\$1,144,133,557	25,265	\$1,644,121,416	36,092
Georgia	\$1,251,860,739	\$109,107,524	\$316,695,581	\$425,803,104	\$825,057,634	-34.0%	\$825,057,634	14,785	\$68,819,970	2,388	\$756,237,664	16,715	\$1,094,877,598	23,378
Hawaii	\$146,371,519	\$15,345,464	\$38,647,517	\$53,992,981	\$92,379,538	-36.9%	\$92,379,538	1,874	\$7,698,212	267	\$84,681,326	1,870	\$122,079,752	2,671
Idaho	\$267,384,444	\$23,384,215	\$65,490,357	\$88,874,572	\$177,511,872	-33.6%	\$177,511,872	3,119	\$14,782,656	513	\$162,729,216	3,583	\$217,299,528	5,702
Illinois	\$1,215,875,275	\$109,421,749	\$290,642,478	\$400,064,227	\$815,811,048	-32.8%	\$815,811,048	13,882	\$66,317,687	2,371	\$749,493,361	16,594	\$1,082,306,626	23,706
Indiana	\$84,117,973	\$8,117,973	\$21,596,722	\$30,713,695	\$63,404,278	-32.4%	\$63,404,278	10,504	\$5,274,511	1,824	\$58,129,767	12,770	\$81,384,245	18,243
Iowa	\$415,284,967	\$35,532,869	\$97,803,350	\$134,336,219	\$280,948,748	-32.3%	\$280,948,748	4,661	\$23,412,396	812	\$257,536,352	5,697	\$341,364,140	8,124
Kansas	\$562,297,846	\$52,565,944	\$122,667,610	\$175,233,554	\$387,064,292	-34.9%	\$387,064,292	4,221	\$31,222,024	1,066	\$355,842,268	7,484	\$493,286,566	13,285
Kentucky	\$617,843,573	\$55,476,786	\$135,094,681	\$210,571,467	\$407,272,106	-32.9%	\$407,272,106	7,064	\$34,522,864	1,198	\$372,749,242	8,398	\$515,025,948	11,979
Louisiana	\$622,363,573	\$55,768,892	\$135,293,239	\$191,062,131	\$431,301,442	-30.7%	\$431,301,442	6,630	\$35,941,787	1,247	\$395,359,655	8,730	\$535,266,638	12,472
Maine	\$152,035,402	\$12,576,262	\$40,356,371	\$54,932,633	\$99,102,770	-34.8%	\$99,102,770	1,837	\$8,258,564	287	\$90,844,206	2,006	\$121,102,770	2,866
Maryland	\$560,270,302	\$50,679,943	\$124,609,482	\$195,289,325	\$365,980,977	-34.2%	\$365,980,977	6,645	\$30,731,740	1,066	\$335,249,237	7,465	\$465,730,722	10,664
Massachusetts	\$572,403,291	\$54,647,719	\$147,528,597	\$202,176,316	\$370,226,975	-35.3%	\$370,226,975	7,016	\$30,852,248	1,071	\$339,374,727	7,484	\$469,222,229	10,706
Michigan	\$1,005,579,924	\$85,408,835	\$263,354,345	\$348,763,180	\$656,816,744	-34.7%	\$656,816,744	12,102	\$54,734,895	1,899	\$601,581,849	13,285	\$837,348,953	18,933
Minnesota	\$381,453,128	\$47,733,647	\$133,119,494	\$180,853,141	\$301,666,987	-31.7%	\$301,666,987	6,276	\$25,336,832	1,158	\$276,330,155	8,108	\$351,698,823	11,584
Mississippi	\$406,486,581	\$35,109,932	\$102,966,636	\$138,076,568	\$268,411,013	-32.7%	\$268,411,013	4,826	\$22,284,259	843	\$246,126,764	5,899	\$328,702,268	8,427
Montana	\$946,329,512	\$74,160,262	\$202,262,565	\$276,422,827	\$522,906,685	-32.7%	\$522,906,685	9,592	\$47,492,274	1,648	\$475,414,411	11,538	\$622,422,594	16,480
Nebraska	\$263,951,548	\$31,910,046	\$84,812,320	\$116,722,366	\$229,234,983	-33.6%	\$229,234,983	4,022	\$19,127,915	664	\$210,107,068	4,646	\$281,348,637	6,637
Nevada	\$278,790,512	\$25,281,881	\$39,993,267	\$65,275,148	\$176,171,182	-33.3%	\$176,171,182	3,046	\$14,680,932	509	\$161,690,250	3,566	\$210,179,153	5,094
New Hampshire	\$158,183,841	\$14,211,376	\$41,209,722	\$55,421,100	\$102,762,541	-35.0%	\$102,762,541	1,923	\$8,553,545	297	\$94,209,000	2,080	\$122,221,525	2,972
New Jersey	\$344,995,954	\$85,242,502	\$233,394,133	\$328,636,635	\$613,360,319	-34.9%	\$613,360,319	11,161	\$51,113,360	1,774	\$562,246,955	12,415	\$763,579,870	17,736
New Mexico	\$345,328,513	\$30,509,789	\$82,534,516	\$113,044,305	\$232,284,208	-32.7%	\$232,284,208	3,923	\$19,357,017	672	\$212,927,191	4,702	\$252,644,208	6,717
New York	\$1,996,754,887	\$154,830,156	\$408,000,474	\$562,830,630	\$1,012,924,257	-35.3%	\$1,012,924,257	19,218	\$84,410,355	2,929	\$928,513,902	20,503	\$1,297,438,161	29,290
North Carolina	\$1,013,650,615	\$89,067,164	\$245,848,312	\$337,915,476	\$675,735,139	-33.3%	\$675,735,139	11,726	\$56,327,928	1,959	\$619,407,211	13,682	\$835,169,063	19,546
North Dakota	\$223,612,211	\$19,443,205	\$54,526,923	\$73,970,128	\$149,582,083	-33.1%	\$149,582,083	2,567	\$12,486,840	433	\$137,095,243	3,033	\$172,568,923	4,333
Ohio	\$1,271,866,664	\$111,197,305	\$308,022,912	\$419,252,217	\$812,614,447	-33.2%	\$812,614,447	14,548	\$71,059,704	2,466	\$741,554,743	17,260	\$1,083,673,667	24,558
Oklahoma	\$347,146,429	\$47,827,690	\$135,170,585	\$182,998,275	\$360,148,194	-33.6%	\$360,148,194	6,378	\$30,279,016	1,051	\$329,869,178	7,355	\$439,422,892	10,507
Oregon	\$410,254,119	\$35,305,573	\$98,715,618	\$134,021,191	\$275,232,928	-32.9%	\$275,232,928	4,685	\$22,936,077	796	\$252,296,851	5,571	\$329,180,773	7,959
Pennsylvania	\$1,561,501,663	\$138,715,427	\$405,749,854	\$544,465,281	\$1,017,036,382	-34.9%	\$1,017,036,382	18,893	\$84,753,032	2,941	\$932,283,350	20,587	\$1,297,036,382	29,409
Rhode Island	\$178,249,029	\$15,610,343	\$44,547,755	\$60,158,098	\$117,091,531	-34.3%	\$117,091,531	2,122	\$9,757,628	339	\$107,333,903	2,370	\$147,091,531	3,386
South Carolina	\$688,929,553	\$50,911,437	\$145,726,201	\$196,657,638	\$402,291,915	-32.9%	\$402,291,915	6,823	\$33,524,326	1,163	\$368,767,589	8,143	\$515,243,263	11,633
South Dakota	\$241,550,301	\$21,082,534	\$57,912,770	\$78,995,304	\$102,554,997	-32.7%	\$102,554,997	2,741	\$8,548,250	470	\$94,006,747	3,290	\$124,554,997	4,701
Tennessee	\$763,659,168	\$65,670,045	\$190,619,614	\$256,289,719	\$521,369,409	-32.9%	\$521,369,409	8,894	\$43,930,421	1,525	\$477,438,988	10,673	\$649,364,208	13,247
Texas	\$3,137,306,156	\$272,403,085	\$742,440,415	\$1,014,644,500	\$2,122,662,086	-32.3%	\$2,122,662,086	35,208	\$176,868,568	6,138	\$1,945,793,518	42,968	\$2,622,462,086	61,380
Utah	\$281,631,755	\$23,368,368	\$65,034,693	\$90,596,061	\$191,035,694	-32.2%	\$191,035,694	3,144	\$15,919,641	552	\$175,116,053	3,867	\$231,556,412	5,524
Vermont	\$146,537,637	\$12,128,205	\$36,599,510	\$48,727,716	\$97,809,921	-33.3%	\$97,809,921	1,691	\$8,150,827	283	\$89,659,098	1,980	\$124,969,098	2,828
Virginia	\$453,848,252	\$40,340,594	\$230,472,390	\$310,812,984	\$621,625,268	-32.6%	\$621,625,268	10,765	\$53,035,268	1,859	\$568,589,999	13,016	\$798,125,268	18,594
Washington	\$569,085,428	\$51,772,670	\$148,061,997	\$201,834,667	\$370,250,761	-33.7%	\$370,250,761	7,004	\$33,104,230	1,149	\$337,146,531	8,041	\$464,356,761	11,467
West Virginia	\$388,583,722	\$31,926,094	\$83,821,783	\$115,747,877	\$262,837,846	-32.4%	\$262,837,846	4,363	\$22,903,164	760	\$240,934,682	5,320	\$313,740,682	7,600
Wisconsin	\$703,347,039	\$61,015,614	\$171,525,330	\$232,540,940	\$470,086,105	-33.1%	\$470,086,105	8,083	\$39,200,509	1,360	\$430,885,606	9,522	\$580,005,088	13,603
Wyoming	\$245,264,943	\$25,022,296	\$57,022,296	\$82,044,592	\$169,069,888	-32.4%	\$169,069,888	2,761	\$14,807,671	470	\$154,262,217	3,354	\$183,069,888	4,791
<b>TOTAL</b>	<b>\$35,795,505,252</b>	<b>\$3,150,000,000</b>	<b>\$8,708,000,000</b>	<b>\$11,858,000,000</b>	<b>\$22,941,505,252</b>	<b>-33.1%</b>	<b>\$22,941,505,252</b>	<b>411,473</b>	<b>\$1,995,125,439</b>	<b>69,231</b>	<b>\$20,946,379,813</b>	<b>484,816</b>	<b>\$29,941,505,252</b>	<b>692,309</b>

Source: AASHTO

Mrs. BOXER. Madam President, as I stand here today, it would be pretty easy to solve this problem. Senator BUNNING needs to stand down. He just needs to stand down. He made his point. He argues that we should pay for emergency funding. I voted for pay-go, but we do have a clause that says if it is a real emergency, we do not have to pay for it.

The reason that is important is if we do what Senator BUNNING wants and we extend this jobless help and we extend the highway trust fund and, on the other hand, we cut the economic recovery moneys which are all obligated and on which work is about to start, we are not doing anything for the country.

Let's do this right. Many of us who are standing here saw terrible deficit and debt problems during the Clinton years. You know what we did? We fixed it. We had room for emergencies. But we fixed it by going to pay-go. When there were emergencies, we stepped back.

I think it is fair to note that Senator BUNNING is very agitated about the fact that we would extend jobless benefits without cutting spending in job creation. Yet when it was time for him to vote for tax breaks for the wealthiest people who earn over \$1 million, he could care less that it was put on Uncle Sam's credit card. When it was time to pay for the war in Iraq, oh, put it on the credit card of the country. But all of a sudden, it is help to our families who need it so desperately and we are going to have to cut other programs that are providing jobs. It does not make sense. It is not fair, and it is not consistent.

I renew my request that I have made twice now to Senator BUNNING. I ask unanimous consent to have printed in the RECORD my letters to him.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 26, 2010.

Hon. JIM BUNNING,  
U.S. Senator, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR BUNNING: On behalf of the 201,000 Californians who will see their unemployment insurance benefits expire in the month of March unless we act to renew them, I ask that you stand down immediately.

As you know, if you do not relent, these benefits will expire on Sunday. Unemployment insurance is a lifeline to the long-term unemployed whose families have been hit very hard by this recession.

Thank you for your immediate attention.

Sincerely,

BARBARA BOXER.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, March 1, 2010.

Sen. JIM BUNNING,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR BUNNING: I want to make sure you are aware that as a result of your

objections to a short-term extension of unemployment insurance, COBRA, and other help for people who have lost their jobs, not only are 1 million people—including 201,000 Californians—losing their unemployment benefits but the Department of Transportation has now furloughed without pay nearly 2,000 workers.

This is completely unacceptable. It is hurting people in your state, in my state and all across the country.

As a consequence of the furloughs, federal inspectors will be removed from critical construction projects across the nation, and work is already shutting down. I am attaching the Department of Transportation's list of some of the affected projects, which includes critical construction work in 17 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

We can't have an economic recovery if people can't make ends meet and if transportation projects grind to a halt. I am writing to you as Chairman of the Environment and Public Works Committee to ask you to stop this gamesmanship and remove your objection to the extension of the transportation authorization and unemployment benefits.

Sincerely,

BARBARA BOXER.

Mrs. BOXER. Madam President, I wrote to him on February 26 "On behalf of the 201,000 Californians who will see their unemployment insurance benefits expire" and telling him that the benefits will expire on Sunday, which was 2 days ago; that unemployment insurance is a lifeline to the long-term unemployed whose families have been hit hard by this recession. I thanked him for his immediate attention, and I hope he did, in fact, read this letter. And I hope he read my letter of March 1.

I wrote to him as chairman of the Environment and Public Works Committee. I wanted to make sure he knew that he also objected to reauthorizing the highway trust fund expenditures, and that means the Department of Transportation is starting to lay off people. They laid off inspectors, furloughed them. They will go back to work when we fix this mess. But what a mess.

Do you know what it is to shut down construction jobs midway? By the way, these are private sector employers, private sector workers who are doing this work. It is unacceptable. I told him, "It is hurting people in your State, in my State and all across the country." These Federal inspectors will be removed from critical projects across the Nation. Work is shutting down. I attached the Department of Transportation's list of the affected projects. I said:

We can't have an economic recovery if people can't make ends meet and if transportation projects grind to a halt.

We all know the housing sector is so weak. That construction is not going well. We need to construct the infrastructure of this Nation. These are not make-work projects. These are projects fixing bridges and highways and making sure our roads are safe. I asked him

to stop his gamesmanship and remove his objection to the extension of the transportation authorization and the unemployment benefits.

As I said today, I add to that the extension of the funding for our physicians who are relying on us not to allow a 21-percent cut for Medicare to go into place. The fact that we do not have a lot of leadership down here says to me they are working on this now. It says to me they are reaching out to Senator BUNNING and my Republican colleagues to see if they will stand down.

I want to say I hope he does. These are real people. These are real people who are suffering. There is no need for them to suffer. We are not going to turn our backs on the long-term jobless. We are not going to turn our backs at all. This is just political maneuvering which is making life very difficult for people whose lives have been pretty much shattered if they are long term unemployed and looking for work and trying desperately to get it.

Hopefully, Senator BUNNING will back down, and my Republican friends will agree that we can move forward. If they want a vote on Senator BUNNING's plan to cut economic recovery funds that have already been obligated to put people to work to pay for an emergency, I am willing to take that vote any day of the week.

I hope to be back later and have some comments. I hope those comments are: Good, we got past this crisis. But at the moment, it is 4 o'clock in the afternoon, and we are not through it yet. I am hopeful that maybe later we will get through this and extend these vital programs to the people who need them.

I am going to close. I thank the people who have worked so hard with me on getting this highway reauthorization done. It is Republicans and Democrats. It is the Chamber of Commerce. It is AASHTO. It is the general contractors. It is the construction unions. This is an amazing team of people. It is the AAA. It is the car riders associations. It is everyone—Republicans, Democrats, Independents. They want an end to these games. I hope today we will see the end. If we do not, then we are going to have a long, long night ahead of us to make the point that it is wrong for one Senator to stop our people, our American people from getting the help they deserve, from getting the jobs they deserve to have in the highway fund and the help they need while they are looking for work.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

#### MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to

speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### EXTENSION OF BENEFITS

Ms. STABENOW. Mr. President, before my friend from California leaves the floor, I first thank the Senator from California for her leadership in bringing together a bipartisan effort to create jobs and for coming to the floor to speak about one of the important elements that is being held up right now by Senator BUNNING and other Republicans who have come to the floor in support of his efforts.

I thank Senator BOXER for her leadership and her ability to bring people together to get things done and to speak to the fact that this is about jobs and we have a sense of urgency about what needs to happen going forward.

I wish to speak to that sense of urgency and speak first about what is happening for real people. Then I want to talk a little bit about the process as well, how could we be here, because people are looking and saying: How can one person or a group of people or the minority continue to hold up our ability to solve problems? That is a very good point that we need to talk about.

First, I want to share some comments from a distraught woman from Grand Rapids who called my office a little bit ago in tears because her unemployment benefits had expired. This has been her only source of income for over a year now. She has about 2 months left in savings before she loses her home. First she loses her job, and now she is about to lose her home. My guess is she has been struggling with health care as well.

She kept repeating: I was a productive member of society, but now I have nothing. She spoke about doing various temporary jobs since losing her full-time job as an administrative assistant back in 2007, having 18 years of work experience and she still has not qualified for a new job. Her search continues. She was pleading for the Senate to pass an unemployment extension before she loses her home.

In Michigan and all across this country, this is not a game. This is real. People are in a position today where they do not know if they are going to be able to keep their home, if they are going to be able to put food on the table at the end of the week, next week or be able to pay their rent or be able to keep the heat on. With the small amount of money that comes in from unemployment—an average about \$300 a week—that right now is the difference between whether people are on the street, in the cold with their families, or whether they have a roof over their head. That is the reality of what is happening for people in this coun-

try—not people who are lazy, not people who do not want to work but people who have found themselves caught in this huge economic tsunami that has hit our country.

We have over 15 million people currently receiving unemployment benefits who want to work, who are looking for work, who, on average, find there are six people looking for work for every job available. Just watch what happens when you announce there are 50 jobs or 100 jobs or maybe even 2 jobs available in a community. People line up around the block because they want to work. People are going back to school to gain different kinds of skills to fit in the new economy. They are doing everything they can, piecing it together with part-time work, two jobs, three jobs, trying to hold it together.

We also have people who are one paycheck away from being in the very same situation, who are holding their breath, who are holding back on the spending they would normally do that would generate economic activity in the economy because they do not know what is going to happen.

This is critical to families; people today who have done nothing but play by the rules, such as the woman who called my office, want to know when is their government going to be there for them.

Somehow, as has been said before, the Senator from Kentucky did not manage to make it to the floor when 1 percent of the public, the wealthiest in America, were getting huge tax cuts. He didn't manage to make it to the floor when we were talking about Wall Street and bailouts. But somehow he can come to the floor and hold up the ability for people who are unemployed to get some temporary help and put the entire weight of the Federal deficit on the backs of people who are out of work, who lost their breadwinner in their home. That is stunning to me, absolutely stunning to me. Whose side are we on here? What is this about if it is not to make sure that when disaster hits, we are willing to step up on behalf of American families and support them and do something about it?

Our colleague has said we should not add to the deficit; while other things have certainly added to the deficit, we should make sure this is paid for.

We are the party that balanced the budget in the nineties. We do not need a lecture from people about solving deficits. We are the ones who created the balanced budget and surpluses that then went right out the window in the last 8 years under the previous administration. We do not need lectures on how to deal with deficits. But we also know when there is a disaster, whether it is a flood, a hurricane, or another kind of disaster, and the reality is that people in this country have been hit by a disaster. So it is appropriate to treat

this as a disaster with disaster funding. I don't know what a disaster is if the more than 15 million people we know about right now, not counting the other 10 million or 15 million people who aren't being counted, is not a disaster.

I wish to talk for a moment about the process because we find ourselves in a situation where we have seen an abuse of the democratic process over and over here in the Senate by our minority party colleagues.

We have been brought to a point where now one person, although supported by others on the Republican side, has come to the floor and is objecting and putting us in a situation where we are going to have to either shut down the work of the Senate for a week to vote to override or to do something else. This has put us in a situation where people are being hurt because of partisan games.

The leader has come to the floor and said: If you have a concern, you should offer an amendment. We should debate that amendment. You can have an up-or-down vote on that amendment. That is the democratic process. And then we will vote.

Up until this point, the Senator has said no because he doesn't know if he will win that vote. Well, we don't know at any given time when we offer an amendment whether we will win. When you run for an election, you don't know if you will win. This is a democratic process.

So I challenge our colleagues to stop blocking democracy, to stop blocking the democratic process and just vote. Just vote. Majority vote. That is what the Founders created, a process for the majority to govern, with spirited debate—spirited debate—and up-or-down votes. Don't block democracy. That is exactly what is happening right now. It is time to vote. It is time to get things done. It is time to show the American people that we get what is going on in their lives. Let's just vote.

What has happened in the last couple of years? We have seen a process that in 1919 and 1920 was used two times in 2 years—two times in 2 years. Even in the first Senate, it was used zero times. We have seen a process that in the last number of years has gotten to a point where in the last Congress the process of blocking and obstructing—the filibuster—was used 139 times by our Republican colleagues, and that was the most ever. Look at that. It doubled any other time in the history of the country. Well, they are going to double it again. As of today, we have a situation where we have seen the party of no filibuster 118 times, and we are barely through 1 year of a 2-year cycle. So we are on the road to see it doubled and create a time of amazing historic obstruction we have never seen before.



This is an example today of what happens when that process, which is a legitimate process, is abused—people get hurt.

So I would call on colleagues to stop blocking democracy and to simply come and debate and vote. Let's decide and move on so that we can get things done for the American people.

The underlying bill in front of us is a bill that will extend unemployment benefits for 1 year, and that is the right thing to do. It will extend help for health care, for COBRA, for 1 year, and that is the right thing to do. It will extend help for States to pay for health care. It will extend it beyond the next 6 months of when we put help in place under the Recovery Act. It will make sure our doctors can continue to get paid a fair reimbursement to serve our seniors under Medicare. And it will allow us to keep jobs going and to extend important investment tax credits.

In reality, we have a lot of work to do here in the Senate. We need to dispose of this immediate situation of helping people. We need to make sure we put in place the short-term help on unemployment and health care and other provisions that have been talked about and then move quickly to the broader jobs bill because we know, in the end, everyone who is holding their breath right now about what we are going to do on unemployment is not saying to us: Gee, I hope you extend unemployment for years and years. Gee, I really want to live on \$300 a week. They want us to focus on jobs, affording them the integrity of work, the ability to bring home a paycheck, to be a breadwinner so they can care for their family, and all of the dignity that comes with that work.

So we need to get on about the business of focusing on jobs, but the first thing we need to do is to make sure we understand what is happening to people across our country. They are panicked about the obstruction that is going on here in the Senate. There are 135,000 people in Michigan who will lose their unemployment help by the end of March if we do not take action. That is an economic disaster if I have ever heard of one.

It is time to act. It is time to stop blocking the democratic process. It is time to vote and to get things done and let people know that we are on their side, that we understand what is going on in their lives, and that we are going to be here and work hard and get things done for them.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I stand before the Senate today to call for the passage of the Temporary Extension Act of 2010. This legislation would extend a number of very important benefits that families across the Nation rely on to get them through difficult economic times.

This bill includes an extension of unemployment benefits for millions of out-of-work families, including hundreds of thousands in the Midwest, an extension of COBRA benefits for those who lost their health care along with their jobs, and a number of important tax credits for businesses and individuals which are vital as we seek to generate economic activity.

I cannot tell you how many times I heard about this when I went around our State and spoke with small businesses. However, there is one program—I know our colleagues have focused on how important it is to get this program done, how important it is that one person should not be allowed to hold up something that is so worthy and expected and necessary for the American people—but there is one thing that has not been discussed as much, and that is the National Flood Insurance Program that is also included in this bill.

Homeowners insurance covers damage from various sources, but it does not cover damage that results from flooding. Sadly, in too many cases unknown Americans learn of this hole in their policy only after it is too late. In recognition of this major gap in coverage, Congress created the National Flood Insurance Program in 1968 to give home and business owners the chance to financially protect themselves, their property, and their families. For over 40 years, this program has helped communities recover after devastating natural disasters. I have been in some of these disasters: The flood in Rushford, MN. No one will forget Grand Forks. No one will forget how close we got last year with Fargo, and the Minnesota city of Moorhead; the floods in Iowa in the last 2 years. These are real disasters.

All regions of America are susceptible to flooding, whether it is torrential seasonal floods, rains, thunderstorms, or even the recent tsunami across the Pacific Ocean that struck after the tragic earthquake in Chile. We cannot escape the powerful forces of nature.

Flooding by its nature is unpredictable. Families and businesses need to know if the worst happens they will have the tools needed to help them get back on their feet. In my State, the Flood Insurance Program is vital to those who live in any area susceptible to flooding. However, at this time of year our attention is focused on families living across the Red River Basin in northwestern Minnesota.

Last spring, above-average rainfall compounded by an untimely melting of

snow resulted in, as we all saw on TV, devastating floods along the Red River which hit the highest level ever recorded. I was there with the people. It was an extraordinary effort, as you watched grandmothers taking the frozen sandbags and putting them in place. You saw people who were up for 48 hours to protect their homes. As the waters receded, President Obama declared 15 counties as disaster areas, and communities throughout the region began the lengthy cleanup process and solemnly faced the devastation. This is not the first time the Red River has overflowed its banks, and it certainly will not be the last.

We are working at this moment on a long-term plan so this doesn't happen in the future, but for now we are again facing a threat in the Red River. This winter's heavy snowpack has led to a gloomy outlook for flooding this spring, which does not bode well for these communities. Volunteers in Moorhead, MN, have already begun filling sandbags in preparation for this year's floods. Although the Red River runs between Moorhead, MN, and Fargo, ND, when it comes to this calamity, the area is one community. In a testament to the people of northwest Minnesota and eastern North Dakota, the river does not divide us; it unites us.

As honorable, tireless, and commendable these efforts are, they cannot do it alone, and they need and deserve our help. Facing the heartbreaking loss of a home, the National Flood Insurance Program at least provides participants the peace of mind that their livelihoods will not be equally destroyed, and they will have the financial resources to start over.

Sadly, the actions of one Member of this body have not only put in jeopardy this program but endanger all the communities and residents along the Red River, those who have not yet purchased their flood insurance—and believe me, there are still some people because they are calling our office.

Cherie, a resident of Moorhead, MN, contacted my office trying to understand how this legislative paralysis caused by one Member of this body will impact her neighbors and her community. As of Monday, this program has come to a halt. Certain policy renewals may move forward, but those seeking a new policy to protect their homes may be left out in the cold.

Because of this body's inability—because of one person's decision—to extend the authorization of this vital program, residents in the Red River Valley do not know if they are going to be able to get flood insurance by the time the waters begin to rise in late March and early April. The intricacy of this program complicates matters more. New policyholders must wait 30 days before they take effect. There is no time to spare for Minnesotans seeking to protect their families from the

upcoming floods. They may come at the end of the month. They may come at the beginning of April. We don't know.

There are other parts of this country where flooding comes later, and those people will be interested in purchasing policies. They don't know if their business is going to be able to survive another flood season or whether they will lose everything with no second chance to start over.

It is important to note that the National Flood Insurance Program saves taxpayer dollars. When communities implement flood plain management requirements and residents purchase flood insurance, the Federal Emergency Management Agency estimates that flood damage is reduced by \$1 billion each year. In fact, FEMA estimates that the Federal Government saves between \$3 and \$4 for every \$1 spent on flood mitigation in advance of a problem.

The Flood Insurance Program also provides building standards which, when followed, leads to 80 percent less damage annually than those structures not built according to these standards.

But this is not the only program being threatened by this stalemate. Because of Senator BUNNING's objections yesterday, roughly 2,000 Department of Transportation staff were furloughed, largely at the Federal Highway Administration, which is responsible for highway, bridge, and road construction projects across our Nation.

I know a little bit about those projects because I live six blocks from that bridge that fell down in the middle of the Mississippi River in the middle of a beautiful summer day—an eight-lane highway down the middle of the Mississippi River. We know how important these highway projects are to rebuilding safely, and we can just have one Member of the Senate who decides to stop these types of projects in their tracks?

Highway projects are financed by State departments of transportation, and Federal funds reimburse the States for work on their projects. With furloughed staffs, these reimbursements will come to a halt which will force State departments of transportation across the Nation to halt work. The reimbursements amount to \$190 million per day.

In addition, Senator BUNNING's actions will prevent the departments of transportation from making vital grant awards. I am a member of the Environment and Public Works Committee, which deals with roads and bridges, and I found the stopping of these programs particularly troubling. Ironically, on Wednesday, the committee will hold a hearing on the importance of transportation investment in the national economy.

If we are going to move forward to the next century's economy, we need to

have the next century's transportation system. I respectfully request the Senator from Kentucky allow an up-or-down vote on his amendment; that he stop stalling; that he let us vote so the people of the Red River Valley who have not yet purchased flood insurance can buy that insurance; the people who want their bridges built and their highways built can go ahead and have those things done; the people waiting on their unemployment benefits can have that unemployment compensation. I request he stop stalling so the Senate can resume work and extend these programs for the stop-gap emergency basis on which so many programs and so many Americans depend.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LOW-INCOME HOUSING TAX CREDIT

Ms. LANDRIEU. I rise to speak for a few minutes while we are in a quorum call and trying to decide how we are going to proceed on this bill, to speak about a very important amendment that, hopefully, at some time as this debate moves forward, could be considered.

It is an extremely important amendment, not just to the people of Louisiana but to the people of Mississippi and Alabama as well, three States that were very hard hit by a natural disaster 4½ years ago, when Katrina, one of the largest hurricanes ever recorded, slammed into actually the gulf coast, hit the State of Mississippi directly and then parts of Louisiana.

Then, 3 weeks later, we were hit by another category 4 storm, Hurricane Rita. We are 4½ years into that disaster and catastrophe, and the gulf coast is still struggling to recover.

People are very familiar with the scenes they are seeing in Haiti, and now, unfortunately, we are getting very familiar with the scenes we are seeing in Chile. So it was not that long ago that we were seeing similar scenes along the gulf coast, not as desperate a situation as Haiti. We are not clear about how the situation in Chile is playing out.

But we can all remember the terrible videos and slides of destruction. Having represented that State now for all this time, let me tell you, our work is still going on. That is what brings me to the floor today. In the underlying bill, there are some big issues that have gotten a lot of coverage: unemployment, COBRA, et cetera. These are all

very important. There are also some smaller pieces of this bill that are very important, the extension of some tax credits that help to restore tax credits in the region; a 1-year extension. There is a 1-year extension for low-income housing, a tax credit for the whole country.

But what is not in the bill, what is missing, is the piece I wish to talk about and ask my colleagues to consider adding to this bill when we get to a position where some amendments might be considered.

This amendment that I offer is not just offered by myself but offered by Senator COCHRAN and Senator WICKER and Senator VITTER. It was a bipartisan amendment and something the four of us feel very strongly about. In addition to the support it has from the four of us, it also, happily, has the support of the administration and the Secretary of HUD.

At this time, I would ask unanimous consent to have printed in the RECORD a very strong letter in support from Secretary Geithner and Secretary Donovan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 2, 2010.

Hon. MARY L. LANDRIEU,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for your letter of February 25, 2010, regarding the extension of the Gulf Coast Opportunity Zone (GO Zone) Low Income Housing Tax Credit (LIHTC) placed-in-service date. Please be assured that the Administration understands the critical need for the extension of the GO Zone tax credits, and also the negative impact that failing to extend the credits would have on New Orleans and other communities impacted by Hurricanes Katrina and Rita as they continue recovery efforts. You should also be assured that the Administration supports an extension of 2 years to December 31, 2012, of the GO Zone placed-in-service date and is committed to working with Congress to see that the extension is enacted as soon as possible.

As you mentioned in your letter, the economic activity spurred by the GO Zone credits has played an important stimulative role in the rebuilding of the Gulf Coast. These tax credits have fostered development in devastated areas and have enabled the return of people who love their communities and who are the drivers of local economies throughout the Gulf Coast. GO Zone projects have created jobs and stimulated the economic recovery in these areas. In New Orleans, specifically, the tax credits have played a central role in leveraging the financing needed to complete the rebuilding of the Big Four public housing developments: St. Bernard, C.J. Peete, Lafitte, and B.W. Cooper. The revitalized developments have not only spurred activity surrounding construction and will restore essential affordable housing, but have also encouraged the establishment of new businesses and improved civic life around these developments.

Since the beginning of the Administration, President Obama, Vice President Biden, Dr. Jill Biden, 13 other members of the Cabinet, and numerous agency heads, assistant secretaries, and other senior level administration

officials have visited New Orleans and the wider Katrina- and Rita-impacted area to see firsthand the scale of the recovery challenges that remain. Our respective agencies have made significant investments of staff and funding to support the recovery efforts. Many of these programs continue to provide meaningful resources to disaster survivors and the communities being rebuilt. Through these visits, we have come to recognize the dire impact that failing to extend this tax credit would have on Gulf Coast communities and individual families, many of whom were the hardest hit by Hurricanes Katrina and Rita and the recent recession. Not extending the GO Zone placed-in-service date would result in a major setback for the recovery, and would impact public housing residents, business, and communities. It would be unconscionable to let the work that has created so much progress, and so much hope, go unfulfilled.

We will continue to urge members of Congress to extend the GO Zone placed-in-service date and stand firmly behind such an extension. We are confident that with your help we will see the extension signed into law, and with it, continued economic activity and community revitalization in the Katrina affected Gulf Coast.

Sincerely,

TIMOTHY F. GEITHNER,  
*Secretary of the Treasury.*

SHAUN DONOVAN,  
*Secretary of Housing and Urban Development.*

Ms. LANDRIEU. They have written a very lengthy letter saying why the amendment I am offering is so important. In addition, I am happy to say, today we got a very strong editorial in the New York Times, which does not always write favorably about some things we have requested. But they have looked at this and have indicated this is something that should be done.

Let me take a minute to explain what we are asking for. Right after Katrina and Rita, the Congress, in its wisdom, said: Your situation is so bad down there, you have had so many houses destroyed, so many low-income houses destroyed, we are going to give you some extra low-income housing tax credits.

We normally get a formula of about \$2 per person in the country. Well, they gave us like \$18 per person in the country, which was wonderful. We needed the help. We needed those extra low-income housing tax credits to build housing for the very poor but also to build housing for the working middle class, people whom we rely on to help our hotels get started, our restaurants get started, our schools to run, our teachers, our firefighters, our police officers.

So the city and the region—this happened in New Orleans and lots of other parishes. It also happened along the gulf coast of Mississippi. Catholic Charities stepped to the plate, developers stepped to the plate and said: OK, we will use these low-income tax credits to build some housing.

Think about Haiti right now. Think about the scene you saw on CNN this

morning. I was just looking at the scene. There is no plan. The rainy season is coming. One million people have no shelter. All they have are those sad old little blue tarps we had along the gulf coast. But Congress, in its wisdom, instead of keeping them in tents in the Mississippi gulf coast said: OK, hire, private sector. Here are some tax credits. Go out and build houses for these people as fast as you can.

So the developers, of course, had to scramble. We all had to scramble because it was very chaotic. But we put plans together and we decided how—it would take us some time, but we figured out how to build good housing, smart housing, not the same old terrible housing we had but new housing.

That is wonderful. That is the good part of the story. The bad part of the story is, we have run out of time. But it is not our fault we ran out of time. We worked as hard as we could. But as soon as we were ready to go to the market with these tax credits, what happens? The market collapses. So then our developers could not even get the tax credits.

The problem for us, which is a big problem, is that now if we do not have all these units, what they call, in service, by the end of this year, we are going to lose over 7,000 housing units. That is a lot. Not 70, not 700 but 7,000 all through the city of New Orleans, all through the gulf coast.

People—seniors, policemen, firefighters, teachers, workers in the restaurants—will have no place to live. Everybody says: Oh, LANDRIEU, there you are crying wolf again. I am not crying wolf. This is going to happen. So that is why this amendment—I have been asking for it for a year. The team has been very supportive, but it is not in the bill.

So I am on the floor to shake the bells, rattle a little bit, to say: Please consider this amendment. We are not asking for any new credits. We are not asking for any special credits. We do not—well, we need some new credits, but we are not asking for new credits. We just need to have the credits we have that have already been put into place. We cannot lose them.

This amendment is going to cost about \$300 million. It has a cost to it. I am asking the Finance Committee to please see how we can pay for this. It is an emergency, but I understand we want to try to pay for things as we go on, things such as this. So I am asking the Finance Committee to think about how this can be paid for.

But, again, I submit, in conclusion, the letter from the administration supporting it, the letter from Secretary Donovan, the editorial we got in the New York Times, the articles I am going to submit from our newspapers that clearly say this is important.

I thank the Members of this body for at least considering this amendment. I

thank Senator COCHRAN, Senator WICKER, and Senator VITTER for joining in a bipartisan way to ask for it. I most certainly hope we can get this done because if not we are going to shut down these projects that are underway, we will lose 13,000 jobs, as well as lose the opportunity for over 7,000 families on the gulf coast to get good, affordable housing.

That is our argument, and I do not think there is any opposition. I hope not. Because it would be very important for us to get this amendment on this bill.

Mr. President, if there is no one here to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Thank you, Madam President.

#### HIGH-FREQUENCY TRADING

Mr. KAUFMAN. Madam President, I have spoken on the Senate floor many times about the importance of transparency in our markets. Without transparency, there is little hope for effective regulation. And without effective regulation, the very credibility of our markets is threatened.

But I am concerned that recent changes in our markets have outpaced regulatory understanding and, accordingly, pose a threat to the stability and credibility of our equities markets. Chief among these is high-frequency trading.

Over the past few years, the daily volume of stocks trading in microseconds—the hallmark of high-frequency trading—has exploded from 30 percent to 70 percent of the U.S. market. In the past few years, this trading has exploded from 30 percent to 70 percent of the entire U.S. trading market.

Money and talent are surging into a high-frequency trading industry that is red hot, expanding daily into other financial markets not just in the United States but in global capital markets as well.

High-frequency trading strategies are pervasive on today's Wall Street, which is fixated on short-term trading profits. Thus far, our regulators have been unable to shed much light on these opaque and dark markets, in part because of their limited understanding of the various types of high-frequency

trading strategies. Needless to say, I am very worried about that.

Last year, I felt a little lonely raising these concerns. But this year, I am starting to have plenty of company.

On January 13, the Securities and Exchange Commission issued a 74-page Concept Release to solicit comments on a wide range of market structure issues. The document raised a number of important questions about the current state of our equities markets, including:

Does implementation of a specific [high-frequency trading] strategy benefit or harm market structure performance and the interests of long-term investors?

The SEC also called attention to trading strategies that are potentially manipulative, including momentum ignition strategies in which “the proprietary firm may initiate a series of orders and trades (along with perhaps spreading false rumors in the marketplace) in an attempt to ignite a rapid price move either up or down.”

The SEC went on to ask:

Does . . . the speed of trading and ability to generate a large amount of orders across multiple trading centers render this type of a strategy more of a problem today?

The SEC raised many critical questions in its concept release, and I appreciate that the SEC is going to undertake a baseline review.

As its comment period moves forward, I am pleased to report that other regulators and market participants, both at home and abroad, have taken notice of the global equity markets’ recent changes, including the rise in high frequency trading.

In the United States, the Federal Reserve Bank of Chicago, in the March 2010 issue of its Chicago Fed Letter, argued that the rise of high-frequency trading constitutes a systemic risk, asserting:

The high frequency trading environment has the potential to generate errors and losses at a speed and magnitude far greater than that in a floor or screen-based trading environment.

In other words, high-frequency trading firms are currently locked in a technological arms race that may result in some big disasters.

Citing a number of instances in which trading errors occurred, the Chicago Fed stated:

A major issue for regulators and policy-makers is the extent to which high frequency trading, unfiltered sponsor access and co-location amplify risks, including systemic risk, by increasing the speed at which trading errors or fraudulent trades can occur.

Moreover, the letter cautions about the potential for future high-frequency trading errors arguing:

Although algorithmic trading errors have occurred, we likely have not yet seen the full breadth, magnitude, and speed with which they can be generated.

There is action internationally as well. On February 4, Great Britain’s Fi-

ancial Services Secretary, Paul Myners, announced that the British regulators were also conducting an ongoing examination of high-frequency trading practices, stating:

People are coming to me, both market users and intermediaries, saying that they have concerns about high frequency trading.

These developments come on the heels of another British effort targeting so-called “spoofing” or “layering” strategies in which traders feign interest in buying or selling stock in order to manipulate its price. In order to deter such trading practices, the Financial Services Authority, FSA, announced that it would fine or suspend participants who engage in market manipulation. Noting that some market participants may not be sure that spoofing or layering is wrong, the FSA spokesman said: “This is to clarify that it is.”

In Australia, market participants are also requesting clearer definitions of market manipulation, particularly with regard to momentum strategies such as spoofing. In a review of algorithmic trading published on February 8, the Australian Securities Exchange called on its regulators to “ensure that . . . market manipulation provisions . . . are adequately drafted to capture contemporary forms of trading and provide a more granular definition of market manipulation.”

It is critical our regulators understand the risks posed by high-frequency trading both in terms of manipulation and at a systemic level. As the Chicago Fed stated, the threat of an algorithmic trading error wreaking havoc on our equities markets is only magnified by so-called “naked” or unfiltered sponsored access arrangements, which allow traders to interact on markets directly—without being subject to standard pretrade filters or risk controls.

Robert Colby, the former Deputy Director of the FEC’s Division of Trading and Markets, warned last September that naked access leaves the marketplace vulnerable to faulty algorithms. In a speech given at a forum on the future of high-frequency trading, which was cited by the Chicago Federal Reserve’s recent letter, Mr. Colby stated that hundreds of thousands of trades representing billions of dollars could occur in the 2 minutes it could take for a broker-dealer to cancel an erroneous order executed through naked access.

According to a report released December 14 by the research firm Aite Group, naked access now accounts for a staggering 38 percent of the market’s average daily volume compared to only 9 percent—compared to 9 percent—only 4 years ago. That means in just 4 years, what has been determined to be a risky enterprise has increased from 9 percent of the market’s average daily volume to 38 percent. That is almost 40 percent of the market’s volume being executed

by high-frequency traders interacting directly on exchanges without being subject to any pretrade risk monitoring.

In January, the SEC acted to address this ominous trend by proposing mandatory pretrade risk checks for those participating in sponsored access arrangements. This move would essentially eliminate naked access, and I applaud the SEC for its proposal.

While I am pleased that the SEC has taken on naked access and has issued a concept release on market structure issues, there is much more work that still needs to be done in order to gain a better understanding of high-frequency trading strategies and the risks of front running and manipulation they may create. In the last few months, several industry studies aimed at defining the benefits and drawbacks of high-frequency trading have emerged. While these studies may not be the equivalent of a peer-reviewed academic study, they do have the credibility of real-world market experts, and they begin to shed light on the opaque and largely unregulated, high-frequency trading strategies that dominate today’s market.

In addition to the Aite Group study, reports by the research group, Quantitative Services Group, QSG; the investment banking firm, Jefferies Company; the dark pool operator, Investment Technology Group, ITG; and the institutional brokerage firm, Themis Trading, all raise troubling concerns about the costs of high-frequency trading to investors and reinforce the need for enhanced regulatory oversight of these trading practices.

Last November, QSG analyzed the degree to which orders placed by institutional investors are vulnerable to high-frequency predatory traders who sniff out large orders and trade ahead of them. Specifically, the study concluded that splitting large orders into several smaller ones not only enhances the risk of unfavorable changes in price but also increases “the chances of leaving a statistical footprint that can be exploited by the ‘tape reading’ HFT algorithms.”

While traders have long tried to trade ahead of large institutional orders, they now have the technology and models to make an exact science out of it.

In a study put forth on November 3, the Jefferies Company examined the advantages high-frequency traders gain by colocating their computer servers next to exchanges and subscribing directly to market data feeds.

Jefferies estimates that these advantages afford high-frequency traders a 100- to 200-millisecond advantage over those relying on standard data providers. As a result, Jefferies concludes, high-frequency traders enjoy “almost risk-free arbitrage opportunities.”

A Themis Trading white paper released in December elaborated on

Jefferies' conclusion, noting that the combination of speed and informational advantages allow high-frequency traders to "know with near certainty what the market will be milliseconds ahead of everybody else."

The studies and papers I have mentioned underscore the need for the Securities and Exchange Commission to implement stricter recording and disclosure requirements for high-frequency traders under a large trader authority, as Chairman Mary Schapiro promised in a letter to me on December 3. We need—and we need now—tagging of high-frequency trading orders and next-day disclosure to the regulators, and we need them now.

For investors to have confidence in the credibility of our markets—and that is absolutely key. America is great because of the credibility of our markets. If we don't have credible markets, we are in deep trouble. It is one of the things that makes America great and unique. For investors to have confidence in the credibility of our markets, regulators must vigorously pursue a robust framework that maintains strong, fair, and transparent markets.

I would make five points along these lines.

First, the regulators must get back in the business of providing guidance to market participants on acceptable trading practices and strategies. While the formal rulemaking process is a critical component of any robust regulatory framework, so, too, are timely guidelines that bring clarity and stability to the marketplace.

Colocation, flash orders, and naked access are just a few practices that seem to have entered the market and have become fairly widespread before being subject to regulatory scrutiny. For our markets to be credible—and it is essential that they remain credible—it is vital that regulators be proactive—rather be reactive, when future developments arise.

Second, the SEC must gain a better understanding of current trading strategies by using its "large trader" authority to gather data on high-frequency trading activity. Just as importantly, this data, once masked, should be made available to the public for others to analyze.

I am concerned that academics and other independent market analysts do not have access to the data they need to conduct empirical studies on the questions raised by the SEC in its concept release. Absent such data, the ongoing market structure review predictably will receive mainly self-serving comments from high-frequency traders themselves and from other market participants who compete for high-frequency volume and market share.

Evidence-based rulemaking should not be a one-way ratchet because all the "evidence" is provided by those whom the SEC is charged with regu-

lating. We need the SEC to require tagging and disclosure of high-frequency trades so that objective and independent analysts—at FINRA, in academia, or elsewhere—are given the opportunity to study and discern what effects high-frequency trading strategies have on long-term investors. They can also help determine which strategies should be considered manipulative.

Third, regulators must better define manipulative activity and provide clear guidance for traders to follow just as Britain's regulators have done in the area of scrutiny. By providing rules of the road, regulators can create a system better able to prevent and prosecute manipulative activity.

Fourth, the SEC must continue to make reducing systemic and operational risk a top regulatory priority. The SEC's proposal on naked access is a good first step, but exchanges must also be directed to impose universal pretrade risk tests. If that is solely in the hands of individual broker-dealers, a race to the bottom might ensue. We simply must have a level playing field when it comes to risk management that protects our equities markets from fat fingers or faulty algorithms. Regulators must therefore ensure that firms have proprietary operational risk controls to minimize the incidence and magnitude of any such errors while also preventing a tidal wave of copycat strategies from potentially wreaking havoc on our equity markets.

Fifth, the SEC should act to address the burgeoning number of order cancellations on the equities markets. While cancellations are not inherently bad—they can in fact enhance liquidity by affording automated traders greater flexibility when posting quotes—their use in today's marketplace, however, is clearly accessible and virtually a *prima facie* case that battles between competing algorithms, which use cancelled orders as feints and indications of misdirection, and have become all too commonplace, overloading the system and regulators alike.

According to the high-frequency trading firm T3Live, on a recent trading day only a little more than 1 billion of the over 89 billion orders on NASDAQ's book were ever executed, meaning a whopping 99 percent of total bids and offers were not filled. Cancellations by high-frequency traders, according to T3Live, are responsible for the bulk of these unfilled orders.

The high-frequency traders that create such massive cancellation rates might cause market data costs for investments to rise, make the price discovery process less efficient, and complicate the regulator's understanding of continuously evolving trading strategies. What is more, some manipulative strategies, including layering, rely on the ability to rapidly cancel orders in order to profit from changes in price.

Perhaps excessive cancellation rates should carry a charge. If traders exceed a specified ratio of cancellations to orders, it is only fair that they pay a fee. The ratio could be set high enough so that it would not affect long-term investors or even day traders and should apply to all trading platforms, including dark pools and ATSs, as well as exchanges.

The high-frequency traders who rely on massive cancellations are using up more bandwidth and putting more stress on the data centers. Attempts to reign in cancellations or impose charges are not without precedent. In fact they have already been implemented in derivatives markets where overall volume is a small fraction of the volume in cash market for stocks. The Chicago Mercantile Exchange's volume ratio test and the London International Financial Futures and Options Exchange's bandwidth usage policy both represent attempts to reign in excessive cancellations and might provide a helpful model for regulators wishing to do the same.

Finally, the high frequency trading industry must come to the table and play a constructive role in resolving current issues in the marketplace, including preventing manipulation and managing risk. In order to maintain fair and transparent markets and avoid unintended consequences, market participants from across the industry must contribute to the regulatory process. I am pleased that a number of responsible firms are stepping forward in a constructive way, both in educating the SEC and me and my staff. I look forward to continue to working with these industry players.

We all must work together, in the interests of liquidity, efficiency, transparency and fairness to ensure our markets are the strongest and best-regulated in the world. But we cannot have one with the other—for markets to be strong, they must be well-regulated. So with this reality in mind, I look forward to working with my colleagues, regulatory agencies, and people from across the financial industry to ensure our markets are free, credible and the envy of the world.

Madam President, I ask unanimous consent that links to some of the studies I have mentioned be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

[www.qsg.com](http://www.qsg.com)  
"Liquidity Charge® & Price Reversals: Is High Frequency Trading Adding Insult to Injury?" February 11, 2010

"Beware of the VWAP Trap," November 11, 2009

[http://www.themistrading.com/article/files/0000/0519/THEMIS\\_TRADING\\_White\\_Paper-Latency\\_Arbitrage\\_December\\_4\\_2009.pdf](http://www.themistrading.com/article/files/0000/0519/THEMIS_TRADING_White_Paper-Latency_Arbitrage_December_4_2009.pdf)  
[http://www.itg.com/news\\_events/papers/AdverseSelectionDarkPools\\_113009F.pdf](http://www.itg.com/news_events/papers/AdverseSelectionDarkPools_113009F.pdf)

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNEMPLOYMENT RELIEF

Ms. MIKULSKI. Madam President, I come to the floor of the Senate to say to my colleague from Kentucky: Let the unemployment bill go. Let's free the unemployment compensation bill, the bill that will fund COBRA health insurance benefits and put people back to work building highways, and let's pay doctors the fees they deserve for saving lives and improving lives. Of all of the bills in the United States of America, why are we holding up this one? I think it is outrageous, and I think it is egregious.

My Lord, look at this. Right now in the United States of America, 400,000 American citizens are not receiving their unemployment benefits. They have been laid off. They have been pushed around. They have been pushed out. And now the Senate will not act to extend their benefits.

Then there are the health insurance benefits called COBRA, and 500,000 Americans are not getting that. Who gets COBRA benefits? No, it is not a snake—although there are a lot of snakes around. It means that if you were laid off from a company, you have the opportunity to, with your own money out of your own pocket, be able to buy insurance and get a modest subsidy to help you through this. My gosh, why can't we do this?

Then there are the thousands of doctors who are not being paid. There are the highway people who are not being paid.

I gave you national statistics, but I am a Senator from Maryland. I want you to know that tonight there are 4,700 unemployed workers in my State who are not going to get their unemployment benefits—4,700 unemployed workers. That is money they could use to provide their families with a safety net for food, housing, heat, and for the expenses and activities of daily living. This isn't just a number. It is not a statistic. We are talking about 4,700 families who won't have a source of income to get them through this very difficult time.

Then there is COBRA. Again, COBRA pays 65 percent of the cost of health insurance for people who have lost their jobs. In Maryland, there are 9,282 people—close to 10,000—who have lost their benefits. COBRA makes sure they have health care. We are talking about someone, for example, who worked for a company all of his life, and then he was laid off because it was part of the

great layoff that is going on in my State. He went to buy health insurance, and he is buying it through COBRA. It costs almost four times what it cost where he worked. At the same time, he has health problems. He is a diabetic. He is a father. He wants to work and, most of all, he wants to have health insurance for himself and his family. But, oh, no, we are holding it up because of something called pay-go.

Then what else are we doing? We are not paying our doctors. Regardless of how one feels about health insurance reform, you can't have health reform without doctors.

The opposition to health care reform, like Mr. BOEHNER, says we have the best health care system in the world. If we have the best health care system, why aren't we paying our doctors what they deserve? These are highly skilled people who work sometimes day and night to be able to save lives or improve lives. They assume the risks of medical management of highly complex cases. Why are we cutting their pay by 21 percent? I don't see those guys over there cutting their pay 21 percent until we figure out how to pay for our salaries. Why are we cutting doctors 21 percent?

I am so frustrated about this. Whether it is job reform, health care reform, mortgage reform, in this body, when all is said and done, more gets said than gets done.

The American people are as mad as they can be, and they don't want to take it anymore. I feel the same way. I am sick and tired of all these obstruction tactics that prevent people from getting the benefits they need to take care of their families or fund the programs that create jobs.

If we are going to have job reform and health reform, I think we need Senate reform. I am old-fashioned. I believe the majority rules. I think 51 ought to be a magic number. I am so tired of the tyranny of the 60. Oh, we need 60 votes—60 votes, a super-majority every time, except for the Pledge of Allegiance. I come back to wanting the majority rule. This is why I stand four square for filibuster reform.

I am heart and soul a reformer, sometimes a little too mouthy. Some people say I am a little too feisty. But I want to get the job done. I am ready to duke it out in the arena of ideas, present our best arguments, present our best cases, take a vote, and see how it turns out.

I hope when I offer amendments I win, but if I lose because I get less than 51, I feel I have gotten a square deal. But if I have to go after 60, I feel I am inhibited by the tyranny of 60.

I believe the filibuster is a dated, arcane tactic that belongs to another century and another Senate. I wish to see the filibuster rule either ended or modified.

There are those on our side of the aisle who say: Don't do that. What happens if we lose control, we might need it. Maybe if majority ruled, we would not lose control. Most of all, maybe the American people would see us actually debating, discussing, amending, and voting on ideas. Right now, the other side hides behind procedure. It hides behind process, it muddies the water, and the people are starting to catch on.

I am calling on our institution to seriously consider Tom Harkin's legislation. I think Senator HARKIN is on to something. Senator HARKIN and I are great respecters of the Senate and its traditions. We understand the filibuster and when it was used for great and grand debates on, for example, the expansion of civil rights in our country.

Under the Harkin proposal, you would get four shots at it. I think my colleague from Kentucky would like it. He is a baseball icon. You get three strikes and you are out. Maybe we would get four bites at the apple. The first time you vote if you don't get 60, it would fail. The second time you would need 59 votes or it would fail. The third time you would need 57 votes or it would fail. The fourth time, 53 votes and then we would come back to 51.

We are not for throwing away the filibuster, but we are for modifying it. Hopefully, it will bring us to a Senate that wants more function as the greatest deliberative body in the world. Now we are the greatest delayed body in the world. We don't deliberate; we delay. We don't do constructive things; we do obstructive things. This is not the Senate the American people want. They want us to debate ideas. They want us to do due diligence on those ideas, to make sure they are sensible, that they are affordable, that we are doing something that accomplishes the great missions of our country. I want, again, majority to rule.

I call upon the Senator from Kentucky and the other party: Let this bill go. Bring it out. Please, let us have a vote on it so tonight, when the families in Maryland go to bed, they can be sure that tomorrow when they awaken, their safety net of unemployment compensation is there; that they can buy their health insurance through COBRA, that gifted and talented doctors will know they will be paid and reimbursed and acknowledged for the great services they are performing. That is what the United States should be doing. There is plenty of money for other things.

When they talk about how they want this to be pay as you go—I voted for pay-go. I did. But we are in an emergency situation, and I believe this calls us to act now, and I hope we act tonight.

I hope we can all work together, and when more is said, the less gets said and more gets done.



I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO AMBASSADOR ANNE PATTERSON

Mr. KAUFMAN. Madam President, I rise again to pay tribute to one of our Nation's great Federal employees.

From the day of its creation as the first executive department in 1789, the State Department has carried out the important work of American diplomacy, pursuing peaceful relations between the United States and other nations around the world. When our role as a world power grew in the late 19th century, our diplomats became peacemakers among nations. Since the end of World War II, we heavily invested our time, treasure, and human capital in the preservation of global peace during a time wrought with potential for war and mass destruction.

Today, in the aftermath of the Cold War and the September 11 attacks, our State Department personnel, and our Foreign Service officers in particular, work tirelessly to promote the American values of liberty and international cooperation.

Stationed in every region, they daily endure risks to their health and safety. They leave behind family and a familiar culture. These talented and dedicated men and women are the living embodiment of President Kennedy's declaration that, while we must never negotiate out of fear, we must never fear to negotiate.

Those in the Foreign Service must pass a rigorous examination and be prepared to serve in any of our 250 posts around the world. They have jobs as consular officers assisting Americans abroad, political or economic officers analyzing trends in foreign countries and promoting U.S. interests, management officers running our embassies or public diplomacy officers who share the story of America with foreign audiences.

The most senior and successful diplomats may become ambassadors, the public face of our Nation and the President's personal representatives abroad.

One distinguished Ambassador whose career exemplifies the work of our Foreign Service is Anne Patterson.

A native of Arkansas, Anne studied at Wellesley College and the University of North Carolina. She first joined the Foreign Service in 1973 as an economic officer. Her initial postings overseas included Saudi Arabia and the United Nations offices in Geneva, Switzerland. From 1991 to 1993, Anne served as the State Department's Director for Andean Countries and later was appointed

Deputy Assistant Secretary for Inter-American Affairs.

In 1997, Anne was nominated and confirmed as Ambassador to El Salvador, where she served for 3 years. She became our Ambassador to Colombia in 2000. While escorting the late Senator Paul Wellstone on a visit that year to a rural town, an explosive device was found nearby by local security forces. That incident underscores the reality of the many dangers our Foreign Service officers face while serving overseas.

Anne returned to Washington in 2003, where she served as deputy inspector general for the State Department. The following year, she was appointed Deputy Permanent Representative to the United Nations in New York. After U.N. ambassador John Danforth resigned in January 2005, Anne became acting ambassador, representing the United States at the United Nations. She continued to serve in that role for 6 months.

From 2005 to 2007, Anne led the State Department's Bureau of International Narcotics and Law Enforcement Affairs. In May 2007, after Ambassador Ryan Crocker left Islamabad to take up his post in Iraq, President Bush nominated Anne to serve as our Ambassador in Pakistan. She continues her work in Islamabad to this day, representing our Nation at a time of great importance with the United States-Pakistani relationship.

During the times I have had the honor of visiting her and our Embassy officials in Pakistan, I have been impressed by her dedication to furthering Americans' priorities in that country, to protecting our national security interests, and to managing our talented team on the ground.

The life of a Foreign Service officer is not easy. Anne and her husband and her two sons and stepdaughter can attest that Foreign Service families face many challenges during a career of living overseas and moving frequently. In addition, Foreign Service families must make significant sacrifices to serve in dangerous locales, such as Pakistan, Afghanistan, and Iraq, where there are restrictions on bringing spouses and children to post. These officers serve in the face of great hardship, not for financial reward but for the satisfaction of serving the United States of America, protecting its interests, and promoting peace among nations.

I hope my colleagues will join me in recognizing the enormous contribution made by Ambassador Anne Patterson and all those who serve in the Foreign Service and the State Department.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENIORS COLA INCREASE

Mr. SANDERS. Madam President, tomorrow I intend to call up an amendment within the discussion of the jobs bill which I think will have significant impact on the lives of many millions of our fellow Americans. As you know, this year for the first time in many decades, our senior citizens are not going to be seeing a cost-of-living increase. In this very severe recession, that is unfortunate. Seniors in Vermont and around the country have told me that because of rising health care costs, because of rising energy and heating costs, because of rising prescription drug costs—all issues which seniors and disabled veterans are particularly prone to—it is unfair they not get a COLA this year.

I am very happy to inform my colleagues that President Obama, in his budget, has made it very clear he understands the need for a \$250 emergency payment to go out to over 55 million seniors, veterans, and the disabled. I very much appreciate his support for this concept. And he is absolutely right, that in these very difficult times we cannot forget about some of the most vulnerable people in our society. There are a lot of lower income seniors out there who are struggling, as well as disabled veterans and disabled people in general.

This amendment, which essentially does this year what we did last year in the stimulus package, would provide a one-time \$250 payment. This amendment has very widespread support all over this country, and let me mention to you some of the organizations that are supporting it. The largest senior group in America is the AARP, and they are very vigorously supporting this concept, the American Legion and the Veterans of Foreign Wars are supporting this \$250 payment, the National Committee to Preserve Social Security and Medicare is supporting it, the Disabled Veterans of America—the DVA—is supporting it, the Older Women's League is supporting it, and many other organizations representing seniors, disabled people, and our veterans are supporting it.

This recession has forced more and more seniors out of the middle class and into poverty. In fact, according to a National Academy of Sciences formula, the poverty rate among Americans 65 and older is close to 19 percent—almost double the official poverty rate of 9.7 percent. One of the problems I have had in dealing with Social Security COLAs for many years, including when I was in the House, is I have long believed it is an error, a statistical problem, when we lump everybody together and formulate what a COLA is. If you lump everybody together, I think you can probably make



the argument that there is no inflation and in fact in some instances there is deflation.

We see that every day. Young people who go out and buy a laptop computer will probably pay less for that laptop today than they did a year ago. Prices may be going down. For wide-screen TVs, prices may be going down. For many items people buy, prices may be going down. But seniors have a different set of needs than ordinary Americans and 16-year-old kids have. Seniors are much more dependent on prescription drugs. The cost of prescription drugs is going up. Seniors are much more dependent on health care. The cost of health care is going up. Seniors are dependent—at least in the Northeast where I live, in Vermont—on keeping their homes warm, and the cost of fuel has gone up. So I think if you take a hard look at the needs of seniors, the needs of people with disabilities, the needs of disabled veterans, you will find they have seen increased costs over the year. And if we say to those folks: There is no COLA for Social Security, and we are not doing anything for you, they are going to find themselves in substantially worse shape than they were last year.

I did want to say that this amendment, as of now, is supported by Senators DODD, GILLIBRAND, LEAHY, and WHITEHOUSE, and we look forward to more support. This concept is in the President's budget, and the President has been very clear about the need to go forward with a \$250 payment. This amendment we will be offering tomorrow is supported by the AARP, the American Legion, the Veterans of Foreign Wars, the National Committee to Protect Social Security and Medicare, the Disabled Veterans of America, Older Women's League, and many other organizations.

We will be offering an amendment which simply says we are not going to leave America's seniors out in the cold. We are not going to leave America's disabled veterans out in the cold. And while there is no COLA this year, we are at least going to do what we did last year and provide them with a \$250 emergency payment. Not a whole lot of money in the great scheme of things, but, trust me, having just met with seniors on Monday, a lot of seniors in this country today are finding it very difficult to feed themselves and to take care of their basic needs. While this is not going to solve all of their problems by any means, it is going to help. So I would hope that tomorrow my colleagues will be supporting this amendment when we bring it forth.

Madam President, with that, I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HIGHWAY TRUST FUND EXTENSION

Mr. INHOFE. Mr. President, I cannot express how frustrated I am with Washington politics, as a result of, I believe, irresponsible behavior on the part of Democrats and Republicans, in the House and in the Senate. The Federal Highway Administration shut its doors on Monday, furloughing 2,000 employees, putting projects across the country at risk and stopping the highway program from paying States the money they are owed.

I have been in constant communication with Gary Ridley, Oklahoma's transportation secretary—I think the best one in the country. He flew here this week to help resolve this crisis. He told me if it is not worked out by Friday, there will be very serious consequences in my State of Oklahoma. There will be jobs that will be shut down, work that has already been contracted out that will be under default. I understand some of the Democrats are trying to make political hay out of this, but I want to set the record straight that a lone Republican Senator is being singled out for the blame, but in reality there is plenty of blame to go around.

Last week the Senate passed a jobs bill that included a number of tax cuts and long-term extension for the highway program. The House Democrats were divided on the bill and their leadership could not pass the bill. Given the chaos in their caucus, they passed a 30-day extension of the highway bill late last week. Because of this 30-day extension, it would add about \$10 billion to the outrageous \$13.2 trillion national debt.

A Republican Senator said he would only agree to it if it was offset. Senate Democrats refused to offset the package. Nobody was willing to back down. We find ourselves in this situation today.

Not only is there ample blame to go around on why Congress allowed the highway program and the FHWA to shut down, I think there is equal blame to go around on why it has taken us 6 months to pass a long-term extension.

We tried on numerous occasions to pass the extension. Frankly, this should not come as a surprise to anyone. I have been sounding the alarm for this ever since last July. We learned in July that there are a couple of Senators who are, frankly, opposed to the Federal Highway Program and want to see it underfunded, as has been the case this fiscal year.

I often said—there is no secret to this, even though I am considered to be quite a conservative—in some areas I have been a big spender. One is national defense. The other is infrastructure. That is what we are supposed to be doing here.

On the last day of the fiscal year before the 2005 highway bill expired, Senator BOXER and I, right here on the floor, attempted to pass a long-term extension of the highway program. Unfortunately, we were not successful. The same group of Senators who opposed the highway program demanded that the bill be offset. They suggested unobligated stimulus funds, but the Democrats objected to this. The chairman, that is BARBARA BOXER, and I were working hard to find offset. Senator BOXER got Democratic leadership to agree to use TARP as an offset.

I was very excited about this. I remember I thought that night—it was a Wednesday night, it was getting close to midnight. We had to do something or everything was going to fall apart. I thought we had it resolved. Unfortunately, many Republicans and some Democratic Senators object to this offset. As a result, we were stuck with a 30-day extension on the continuing resolution which funded the program at \$1 billion a month more than 2009 levels.

I have to say—and I now blame Republicans for this—I have often said one of the bad things that happened to this Senate happened on October 1 of 2008, when they passed the \$700 billion bank bailout bill. That is the TARP funds we are talking about. A lot of conservative Republicans objected to offsetting the TARP because that would be an admission that that money probably was not going to be repaid anyway. I think a lot of Republicans were trying to tell people back home—I didn't vote for this, by the way, but they did. Those who did—don't worry, everything is going to get paid back. It is all going to get paid back. I think we all should have known better. All you had to do was read that bill and that would have been the case.

So then it was the Republicans who refused to use that. The money was there. It could have been used and we wouldn't be facing this dilemma. We could have the 1-year loan extension. We would have time to put together a highway program, which is what we—we want to do.

Unfortunately, some do not. So it is clear the only way to get a long-term highway extension done is for Senator REID to dedicate a week of floor time to overcome the objections of two or three Republicans who opposed the highway program. To that end, all the chairmen and ranking members of the committees involved sent a bipartisan letter to Senator REID pointing out the problem we were facing and asking for floor time to overcome the objections. Senator REID ignored this request until

2 weeks ago when he abandoned the bipartisan Baucus-Grassley jobs bill in favor of his own bill that included a long-term highway extension. I wish to point out that this maneuver cost the highway extension the bulk of Republican support.

I wish to caution that it is very dangerous to turn a bipartisan issue such as this into a partisan one. Because the highway bill was included with a number of other issues, it got caught up in the House Democratic and second stimulus bill politics unrelated to the highway program. This just reinforces that it should have been done as a stand-alone measure.

Let me conclude by reading an excerpt of a Tulsa World editorial—that is Tulsa, my hometown. It states:

What's up with those geniuses in Congress? First they scurry around to get massive stimulus funding in the pipeline in an effort to quickly jump-start the economy, and then they fiddle around and let regular transportation funding that would further aid the recovery lapse. Not a good recipe for ensuring that the recovery will continue.

The editorial concludes:

Inhofe blamed the funding snafu on politics, which comes as no surprise. Apparently it was just too much to ask of our leaders to put politics aside for once in favor of rescuing the economy and thousands of jobs.

Let me tell you that editorial was from October of last year. It is amazing that Congress has allowed the months to go by since that time.

Right now, what we are facing in my State of Oklahoma is about \$415 million a week that is going to cost us. We have contracts that are already let, and we are in a dilemma now to know what to do. We are going to have to resolve this problem by, I would say, Thursday or Friday or it is going to be chaotic. I suggest it is not just my State of Oklahoma that has this problem; many other States do. I hope people set everything aside and try to get this thing done and do one of the things we are elected to do and do something about the infrastructure. Right now, it is in crisis. We are going to have to resolve it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TEMPORARY EXTENSION ACT OF 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 278, H.R. 4691, a 30-day extension of provisions that expired Sunday, February 28; that

the Bunning amendment regarding off-set, which is at the desk, be the only amendment in order; that there be 60 minutes for debate with respect to the amendment, with the time equally divided and controlled between Senators REID and BUNNING or their designees; that upon the use or yielding back of time, the time until 8:30 p.m. be for debate with respect to the bill, with the time equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees; that at 8:30 p.m., the Senate proceed to vote in relation to the Bunning amendment; that no further amendments be in order; that upon disposition of the Bunning amendment, the bill, as amended, if amended, be read the third time; that prior to passage, it be in order to raise an applicable budget point of order against the bill; further, that if the point of order is raised, then a motion to waive the applicable point of order be considered made, with no further debate in order; provided that if the point of order is waived, the Senate proceed to vote on passage of the bill, as amended, if amended; further, that when the Senate resumes consideration of H.R. 4213, the next two Democratic amendments be offered by Senators MURRAY and SANDERS and the next two Republican amendments be Bunning amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, briefly, I am pleased Senator BUNNING will have an opportunity to offer the amendments that he thinks are important and that he has been stressing for the last few days. I am glad we were able to work this out and move on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The bill clerk read as follows:

A bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3355

Mr. BUNNING. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 3355.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BUNNING. Mr. President, in a minute I will speak about my amendment to pay for this bill. First, I want to talk about how we got here.

Last week, I objected to the majority leader's request for unanimous consent to pass a 30-day extension of several expiring programs that was not paid for. I offered to pass the exact same bill that was paid for, and unfortunately he objected to my request.

There was nothing stopping him from using the tools at his disposal to overcome my objection. The leader could have filed cloture on the bill and brought it to the floor last week, instead of the travel bill that is a great giveaway to his State. If he had done that, this bill would have been signed into law already. He also could have filed cloture on the bill and worked through the weekend and it would already be law. The leader could have proceeded to the bipartisan Baucus-Grassley bill that paid for these programs and it would have been signed into law by now. He could have accepted my request to pay for the bill and we would not be here tonight. Instead, the leader decided to press ahead with a bill that adds to the debt and violates the principles of pay-go that everyone claims to care about.

Just over a month ago, the majority in the Senate passed pay-go legislation that supposedly says we are going to pay for what we spend. I support that idea, but I knew at the time that the legislation would be ignored. Unfortunately, I was right.

Barely 1 week after President Obama signed the pay-go law into effect, the majority leader proposed a bill that was not paid for. That bill passed and added \$10 billion to the deficit. That is \$10 billion your children and my children and grandchildren will have to pay for. That is \$10 billion on top of a \$14 trillion national debt. After passing \$10 billion more debt on to future generations, the majority leader proposed to pass another bill to add another \$10 billion to the debt. That is when I said enough is enough; we cannot keep adding to the debt and passing the buck to generations of future workers and taxpayers—my children and your children and our grandchildren.

As we all know, the national debt has grown at a record pace in recent years. A large part of that has been a result of a downturn in the economy a decade ago and then during the last few years. But increased government spending has been a major factor too. Over the last few days, several Senators on the other side of the aisle have blamed Republican spending for the debt and asked why we did not pay for things when we were in charge. They have a point. I wish we would have spent less and paid for more of it when we were in charge. There are some votes I wish I could have back, and I am sure many of my colleagues on this side of the aisle feel the same way. But it is not fair to blame Republican spending for all the drastic increases in our national debt. Our side has not controlled the Congress for more than 3 years, and the

current Congress is spending more and faster than ever before.

For example, last year, the majority pushed through a so-called stimulus bill, followed quickly by an omnibus spending bill that contributed to the government ending the year \$1.4 trillion in the red, the largest 1-year deficit in the history of the United States of America.

Clearly, we are not headed in the right direction. I do not want to turn this into a partisan debate because it is not a partisan issue. I only make these points to show that neither side has clean hands, and what matters is we get our spending problems under control.

As every struggling family knows, we cannot solve a debt problem by spending more. We must get our debt problems under control, and there is no better time than now. That is why I have been down here demanding that this bill be paid for. I support the programs in the bill we are discussing, and if the extension of those programs were paid for, I would gladly support the bill.

The unemployment rate in my State is well over 10 percent right now. Many rural families get their television through satellite providers in Kentucky. More than half our State is bordered by rivers, and flood insurance is vital to the people who live near those borders and any of the major-minor rivers in the State. In fact, I wrote the law that enacted the current version of the Flood Insurance Program. I care about it deeply.

I am concerned about all the other programs in this bill as well, as is every other Member of this body. That is all the more reason to pay for this bill. If we cannot pay for a bill that all 100 Senators support, how can we tell the American people with a straight face that we will ever pay for anything? That is what Senators say they want, and that is what the American people want. They want us to get our budgets in order, just like they have to get their budgets in order every day. But that is not what the majority is doing.

Tonight, tomorrow, and on every spending bill in the future, we will see whether they mean business about controlling our debt or if it is just words. We will see if pay-go has any teeth.

Tonight, I am offering a substitute amendment that pays for these important programs with Democratic ideas. Tomorrow, I will offer amendments to the offset, the longer term extender bill that was on the floor earlier today. I will be back on future spending bills demanding that they be paid for so future generations of Americans will not be burdened with our overspending.

As I said, my amendment pays for this bill with Democratic ideas. The 10-year cost of extending these programs for 1 month is \$10.26 billion. The offset I am offering will more than pay for

this cost, and the offset should be familiar to many. It has been proposed by Senator BAUCUS in his substitute amendment to the long-term extension bill. It was also proposed in the Obama administration's budget.

The offset would prevent black liquor, which is a byproduct of the pulp and paper process, from being eligible for the cellulosic biofuels producer tax credit. This will save the Treasury almost \$24 billion over 10 years, according to the Joint Tax Committee. As I said, this will more than pay for the cost of the bill, and there will be almost \$14 billion left over.

Under the pay-go rules, that \$14 billion will be available to be used to pay for the next bill Congress passes. I think we all expect that the next bill will be the long-term extension bill.

Some might say I am creating a \$24 billion hole in the next bill by using that offset now. That is not true. First, we are removing over \$10 billion in costs from that larger bill by enacting the 1-month extensions now, and we are also making \$14 billion available for that bill.

Members on this side of the aisle, including myself, have offered and will offer ways to completely pay for the cost of that more expensive, longer term extension bill.

This pay-for is a proposal made by the majority, and I hope and expect every one of them to support my amendment. Anyone who does not should be prepared to answer why the Senate does not have to make the tough decisions to balance the government's budget while every American family does. We must bring an end to the out-of-control spending, and there is no better time than now.

I urge my colleagues to join me in saying enough and restoring some discipline to Washington. I urge everyone in this body to support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I rise in opposition to the Bunning amendment. The Senator from Kentucky has decided, after 1 week, to accept exactly what was offered to him last week.

Last week, we said to the Senator from Kentucky: If you want to come up with a pay-for for unemployment benefits and health care benefits, offer an amendment. You will have your chance on the floor.

The Senator from Kentucky said: No, because I may lose. Therefore, I am not going to offer the amendment. I will only object to moving forward with temporary benefits for unemployment insurance and health care and several other things, and I stand by my objection.

The Senator from Kentucky just came to the floor and found four different ways to blame the Democratic

majority leader for his objection. He made the objection. I think he was the only Senator out of 100 who objected.

I don't question his motive or his sincerity, but I think, in all candor, let's understand where we are at this moment in time.

During this 1-week period of time while the Senator from Kentucky could have offered an amendment, he did not. As a result, on Sunday night, unemployment benefits were cut off for thousands of people across America, assistance for health care insurance cut off all across America, thousands of Federal employees were furloughed, Federal contracts for construction were suspended. Why? Because he did not want to offer the amendment he is offering tonight.

I am glad he is offering it, and I will tell you why I am going to oppose it. He knows and I know that if we do not pass this bill as it passed the House of Representatives, if we make a change in it, we are destined to send it over to the House to, at a minimum, wait several days or even longer for a conference committee to resolve his amendment. What happens to those unemployed people during that period of time? They don't receive checks.

Mr. President, 15,000 people in Illinois had their unemployment insurance cut off Sunday night because of Senator BUNNING's objection. In addition to that, thousands in my State lost the helping hand to pay for their health insurance. The Senator from Kentucky tonight is suggesting just take this little amendment; it will not hurt a thing; it is something you should like. While we mull over his change and move it between the House and the Senate, those people will continue to go without unemployment insurance and without health care assistance. Mr. President, 2,000 more each day are added to those rolls of unemployed people who are going to pay the price for this procedural move by the Senator.

I know there is also pain in his own State. I know many people are aware of the fact that there is high employment across the United States, millions of people who have lost their unemployment insurance. I know it has affected his State. I have seen the numbers.

As a result of the objection of the Senator from Kentucky, 4,300 unemployment insurance claimants will lose their unemployment insurance by March 13 if we do not complete action. What he has done tonight is to delay it. What is even worse about this amendment and the reason why it should be defeated is not just because it will once again delay unemployment benefits to people across America, it will once again create problems where people will lose their health insurance that they may never be able to obtain again because of preexisting conditions in their family.

What is worse, these Federal workers who cannot go to work are going to

suspend construction projects that create jobs across America, while this Senator from Kentucky offers this amendment to change.

Let's look at the heart of this amendment. Where did the Senator from Kentucky come up with the resources to pay for this unemployment insurance? He came up with it from the bill that is pending on the floor, where these revenues are already being raised to pay for unemployment insurance. He is not reducing our deficit. In this situation, we have already taken this source of money and put it in the next bill related to unemployment insurance to defray the cost of unemployment insurance. He does not reduce the deficit. He just adds a procedural hurdle that delays the payment of unemployment insurance to people across America.

This could have been done last week. He was offered this chance last week. He would not take it last week. As a result, a lot of people have suffered and a lot of them have gone through hardship.

It is his right to do it as a Senator, but I think the reaction on the floor of the Senate—I might add from both sides of the aisle—is a demonstration that sometimes just because we have the power to do things, we ought to think twice before we use that power. I have the power to put a hold on every nomination this President or any President seeks. I have the power to object to any unanimous consent request that comes to the floor of the Senate. But people elect us not just to make political judgment but to make good judgment. In this case, the political judgment was made that the unemployed people involved were expendable, they could wait, wait for days, if not weeks, until we get around to a political debate about the deficit.

I am troubled, too, by the argument that the Senator believes he is one of the few stalwarts on the floor of the Senate when it comes to deficit reduction. The record suggests he has voted for two wars under President Bush that were not paid for, costing the United States almost \$1 trillion, adding directly to our debt.

The Senator also has supported eliminating the estate tax on the richest people in America. Certainly, that is going to blow a hole in any budget and add to the deficit. The same was true with the Medicare prescription drug program. The Senator voted for that without paying for it, adding at least \$40 billion to the deficit.

You know, those of us who have been here for a while have cast many votes—and my critics will find plenty of things to criticize about my voting record—but before I would come to the floor and stop unemployment insurance for people who are wondering where their next meal is coming from, I would think twice about saving that debate so that the victims aren't the

most helpless people in America who have lost their job through no fault of their own.

I urge my colleagues, when this amendment comes for a vote later this evening, to think twice. If you vote with the Senator from Kentucky, who takes his revenue source from another bill that we will vote on tomorrow, you will delay the unemployment checks again. We will have come up with another excuse to say no.

The Senator from Kentucky has made it clear he doesn't believe unemployment compensation is an emergency need in America. I disagree. I think we are in an emergency situation in our economy. I have met with these unemployed people in my State and other States. These are desperate people. Some have been out of work for 2 years. They may lose everything before it is all over. I hope they don't. They are training for new jobs, they have exhausted their savings and are trying to keep their families together. A family I read about today said they put everything they own in one of those storage lockers because they lost their home. They moved from homeless shelters to live in the back of their car. Is that an economic emergency? Maybe not to Members of the Senate, because our lives are pretty comfortable, but it is certainly an emergency for those families.

The real question in this debate is who are we as a Nation? Do we care about these people, these breadwinners who are now down on their luck; these folks who have worked for years and are now out of work through no fault of their own, and doing everything they can legally to find a way to survive or is it just another political debate, another political issue, another chance to score a political point at the expense of some people who really aren't in a very strong position to defend themselves?

I just hope tonight we will defeat the Bunning amendment. Tomorrow, we will have a chance to put a substantial downpayment on unemployment benefits and COBRA benefits in the bill that Chairman BAUCUS brings to the floor. And I hope we understand that is the right way to do this. What an empty victory if we end up voting for the Bunning amendment and stop unemployment benefits as a result while we try to work out differences between the House and the Senate.

There is a lot more we can do here to help get this economy moving again. One of the things that holds us back is when we get embroiled in these procedural parliamentary tangles that eat up day after day and week after week, which leave us frustrated on the floor of the Senate and people across America angry that we aren't dealing with the real issues that count—issues such as creating jobs, issues such as making sure that there is affordable health care for everyone in this country. We should be dealing with that.

The Senator from Kentucky said: You know, the majority leader could have filed cloture, waited 48 hours, waited another 30 hours. Then we could have gone through the weekend. For what purpose? For what purpose? We have reached the point that was offered to the Senator from Kentucky from the start. He is going to get his vote, but a week has passed. A week has been wasted—a week where we should have rolled up our sleeves and done the things the people of America send us here to do.

What about the deficit and the debt? It is serious. The majority leader has asked me to serve on the deficit commission with Senators BAUCUS and CONRAD. It is a tough assignment. I don't think it is going to be easy to figure out how to deal with a \$14 trillion debt in this Nation. But I will tell you this: We will do a lot better with that national debt if we have a strong national economy and people back to work. We will be a lot better off as a nation if families can keep their kids in school and folks can get up and go to work. This notion that we are somehow going to balance our national budget on the backs of unemployed people—please. Aren't we better than that as a nation? I think we are.

Twice last year the Senator from Kentucky voted to extend unemployment benefits without paying for them. Tonight, he insists we pay for them. Everybody is entitled to change their mind. When Abraham Lincoln—who was born in Kentucky, raised in Illinois—was accused by his critics, his President, of changing his mind, he said: Yes, I did change my mind. But I would rather be right some of the time than wrong all of the time. So we do change our minds on these issues. But let's not change our minds at the expense of innocent, helpless Americans who are looking for a helping hand.

If a tornado swept across the State of Kentucky in the weeks ahead, God forbid, and the Senator from Kentucky came and said we have an emergency on our hands, I would stand up to help him, as I believe he would if it happened to my State. We do that because we care for one another in this Nation. We may have political differences—and there have been plenty of them—but they shouldn't be at the expense of our basic need to deal with the problems that we face.

The Governor of Kentucky sent Senator BUNNING a letter and a copy to me. In the letter, he says:

Facing an unemployment rate of 10.7 percent in Kentucky and 9.7 percent across the Nation, I urge you to allow passage of H.R. 4691, a vital extension of unemployment benefits to 1.2 million Americans, including tens of thousands right here in Kentucky.

The Governor of Kentucky, who wrote to Senator BUNNING, went on to say:

There are 119,230 Kentuckians currently receiving benefits through the Federal extension program. Without a further extension,

14,206 claimants will exhaust all extension benefits within 2 weeks.

It would take us 2 weeks, if the Bunning amendment is adopted, to finally get this done, if we get it done in that period of time. The Governor went on to write:

By the end of March, a total of 22,797 Kentuckians will exhaust their benefits; by mid-April 31,521 will exhaust their benefits; and by July 31, the remainder of those receiving benefits will exhaust them. Beyond the number of those receiving extension benefits, another 90,000 Kentuckians currently on unemployment insurance will not be eligible for the Federal extension program at all.

These unemployed Kentuckians come from hard-working families that have struggled for months to find new employment in the greatest economic recession in our lifetime. They are mothers and fathers who are trying to put food on the table for their children and seniors who are trying to pay the rent.

In addition to the extension of unemployment benefits, this bill also includes important extensions of Federal subsidies to pay health premiums for those unemployed people who lost health insurance when they lost their jobs, current Medicare payment rates for doctors, flood insurance, and small business loans.

The Governor closed his letter to Senator BUNNING, saying:

I urge you to reverse your position on this bill and would welcome any opportunity to provide you with further information on its tremendous necessity.

It is signed: Sincerely, Steven L. Beshear, Governor of Kentucky.

That letter could have come from any Governor in our Nation. That is the employment picture and the economic picture in my State and so many States across the Nation.

Please, when we get down to these budget debates, we should be sensitive to the fact that there are helpless victims to some of the procedural moves made on the floor of the Senate. It is time for us to stick together—both parties, I hope—in an effort to stand up for the unemployed and get this economy back on its feet.

I urge my colleagues to defeat the Bunning amendment. It will only slow down the unemployment benefits these people have been waiting for and are worried that they may not receive. It will mean that more and more people will fall out of coverage and health insurance, and it will mean that Medicare services won't be available to seniors across the Nation when doctors decide they are not being reimbursed enough. Those are some of the basics in this bill.

The revenue source Senator BUNNING uses is included in this jobs bill that is before us, as soon as this matter is over. If you believe that in helping to pay for unemployment benefits we should use this source, as the Finance Committee has suggested, and I certainly agree with it, you will have ample opportunity to do that immediately after we pass this bill. In the meantime, let us waste no time, waste

no effort in making sure that these needy people across America get the helping hand they deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 17 minutes 25 seconds.

Mr. BUNNING. I thank the Chair.

As the good Senator from Illinois knows, there is no need for a conference, since the House has already passed this bill and has already passed the language in this amendment. I am very sure that they would be willing to accept their own bill back and paid for.

He mentioned the fact that I objected four times. I objected more than four, but the majority leader objected four times to my request. That was nowhere in his statement.

And talking about Medicare Part D premiums and the cost of Medicare Part D, the majority party in this Senate has had 3 years to repeal Medicare Part D if it was a bad idea at the time we passed it. Certainly, with 60 full votes in the Senate, it could have repealed what they considered a bad bill. The fact it was not paid for was not to my liking. The fact that we were going to take care of Medicare senior citizens who couldn't afford their prescription drugs took precedence.

He spoke about the letter from the Governor of Kentucky. I didn't receive it. I had no knowledge of the letter until it was brought up by the Senator from Illinois. It is amazing to me the number of misstatements, and how the Governor—a Democratic Governor of the Commonwealth—could bring all these facts out to the Senator from Illinois and not the Senator from Kentucky.

There are so many things that I can say, but I have, I guess, 11 constituent communications here—either phone calls or letters, usually e-mails—and I am going to read a couple of them because I want to reserve some time in case the Senator from Illinois gets up again.

This is from Randall in Bardstown, KY.

Just want to thank you for your principled stand against the squandering of our country's wealth. Yes, we need to help those out of work; but no, we do not want to print more money to do it. I have two sons on unemployment at this time, yet we realize we cannot continue to spend money that doesn't exist.

Thank you very much, Senator Bunning, for having the guts to stand up for your principles and oppose further spending of money we simply do not have. In particular, I am glad you stood up against extending unemployment benefits, which would put us further in debt. Regards.

That was from Bob in Burlington, KY. And here is another:

I just want to send you some encouragement to hold your ground in the Senate on

renewing unemployment extension benefits. As a Kentucky taxpayer and a Federal taxpayer, I am tired of seeing unfunded and underfunded programs pass by Congress, and I am glad you are taking a stand. As an American and a Kentuckian, I believe the government has failed the American people almost totally, but at least in this instance you are not failing us. Please keep your resolve and don't let pressure and influence sway a good decision.

That was from William in Flemingsburg, KY.

I am surprised that you don't have more support when you are 100 percent correct; that if 100 men in agreement can't find a way to pay for a program, they will never pay for anything. Our deficit has got to stop, and now is always the best time to start. Thank you for standing up for us.

That was Mark from Independence, KY.

This will be the last one because I still have about three more pages of them:

Thank you for holding firm last night. You are very much appreciated for being willing to say no to extended benefits that no one knows how to pay for or who will foot the bill. It takes a very special individual to stand firm when everyone around you seems to be caving in.

That is from Debbie from Somerset, KY.

These are just a few. There are more. But there are a lot of really good people in the Commonwealth of Kentucky—4.2 million—who want their Senators, their Members of the House, to stand up for themselves. I appreciate hearing from each and every one of them. I thank them for their support.

I reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I also received some e-mail and letters from Kentuckians. It is a great State. It is the ancestral home of many Durbins—one hailed from Sunfish, KY, which is a pretty tiny town, I am told, and came up north to Illinois. It is a beautiful State, and I have enjoyed visiting there many times.

A lady named Joy from Florence, KY, contacted me and said:

Hello, I am 50 years old and I got let go a year and a half ago from my job because I was getting older and they could pay less for the younger workers. . . .

Most places I applied to won't hire by experience—they want a college degree.

I have an elderly mother and handicapped child. I am behind in all my bills and if there is not another extension I will not be able to pay any bills. I am hoping you will put through another extension—hopefully things will improve come spring.

A letter from someone named J.R.—didn't give a hometown, said he is from Kentucky. I will not read some portions of this letter, but I will read this part:

I would like to say I am unemployed and [unemployment insurance] has allowed me to keep my home etc. There still are no jobs that will allow me to live on. I have . . . cut back to just the basic needs—the Internet

next. And then I will start selling my belongings to get by.

I sit and wonder if everyone on unemployment gets cut off, do the Senate and Congress realize the war here in the United States will be worse than the one we are in overseas? There will be so much stealing and . . . no telling what else just for people to try and survive and feed their families.

God help us all.

There is a letter of desperation. It is an unimaginable scene that we would reach in any community here in this country in any State. But I think it reflects the fact that some people who write and say "cut them off" and "so what" are pretty fortunate people. They probably have a job. They probably have a home. They may not be worried about where their next meal is coming from. But for millions of Americans, that is not the story.

I understand the Senator from Kentucky sees this differently, but I take the issue of health insurance as an example. If you have ever had the experience as a parent having a sick child and having no health insurance, it is something you will never forget as long as you live. It happened to me when I was a law student. My wife and I were newly married, and we had no health insurance and a baby with a medical problem. I try to imagine what it would be like—ours was a temporary experience—what it would be like if that is what you had to face day-in and day-out, week-in and week-out, month after month, year after year. That is what these folks are up against. The only chance they have to hang on to health insurance is this COBRA program.

The COBRA program—let me add parenthetically, that was created through reconciliation. This process that has been condemned by some created the COBRA program and said we are going to provide health insurance for the unemployed people in America, and the President's stimulus package said we will help them pay for the premiums, and the objection of the Senator from Kentucky cut off those COBRA payments for thousands of people across America. I don't know what is going to happen now. I don't know, if some of them lost their health insurance and try to get it back, whether they are going to be denied coverage because of a preexisting condition. I hope that doesn't happen, but it will mean this was not just another political debate for them; it will mean they have lost the coverage which all of us want to have for all of our families.

COBRA coverage consumes nearly 84 percent of unemployment checks if you don't get a helping hand from the government. In Illinois, monthly unemployment benefits are just over \$1,300. The average monthly COBRA family health insurance premium is over \$1,100. So you can see it is impossible for a family with \$1,300 a month to pay a \$1,100-a-month premium. So 65 per-

cent of that cost is deferred by this program, and that program was stopped because of the objection by the Senator from Kentucky.

He said we should have gone through the cloture votes; in other words, we should have faced his filibuster head-on and taken all the time it took to resolve our way through it. And each hour of each day that we did that, more and more people would fall out of coverage of health insurance. We don't. As Members of Congress, we have a pretty generous health insurance plan. We share it with all the other Federal employees, 8 million of us and our families. It gives us the very best coverage, with the government picking up about two-thirds or three-fourths of the cost. We don't have to worry about gaps in coverage. As we receive our checks, we are going to be able to protect our families. But for the folks who are unemployed, that just is not the case.

The objection of the Senator from Kentucky also affected, as I mentioned, transportation across the United States. Federal reimbursement to States for highway and transit projects, on the order of hundreds of millions of dollars each day, is stopped because of Senator BUNNING's objection, forcing halts in construction work and layoffs of construction workers in the middle of the worst economic downturn since the Great Depression.

Today, the Secretary of Transportation, Ray LaHood, called to tell me of the need for an urgent response to get these people back to work so they can inspect projects and folks working for contractors and working across America can get back to work. They are stopped cold, dead in their tracks because of the objection by the Senator from Kentucky.

Now he wants to let this go on a little further—amend this bill; let's send it over to the House; let's see if they accept it; maybe they won't; maybe there will be a conference; maybe in a few days or a few weeks we can get it done. It is a 30-day extension, and it defeats its purpose if we accept this amendment and delay it because of those possibilities. He can no more guarantee that it will not happen than I can guarantee that it will, but why do we want to create that uncertainty for people who have been facing this uncertainty?

The objection of the Senator from Kentucky also stopped Small Business Administration assistance to small businesses in Illinois and Kentucky as well. The SBA has an outstanding loan waiting list from small businesses totaling \$140 million. Because of Senator BUNNING's objection, 3,000 small businesses this month will be denied access to loans they need to run their businesses, to pay their employees, and to create new jobs. In the middle of a recession, can we think of a worse thing to do than to cut off small businesses?

It did not have to happen. If Senator BUNNING would have taken the offer he had last week from the majority leader and offered this amendment last week, we could have avoided all of this. A week later, he has decided: All right, I will take the offer. But a lot of people have paid the price in the meantime.

We will not stop until we have provided the assistance that unemployed Americans need, that families in Illinois and Kentucky and across America desperately want us to bring. Eventually, we will prevail and we will care for those who are struggling.

In the meantime, I urge my colleagues, please do not support the amendment of the Senator from Kentucky. It is, unfortunately, a way to delay this critically needed assistance even further.

I reserve the remainder of my time and yield the floor.

Madam President, before I do, I ask unanimous consent that the last 5 minutes on the Democratic side be reserved for the chairman of the Senate Finance Committee, Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered. I note that the Senator from Illinois has 5 minutes 30 seconds.

Mr. BUNNING. I want to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUNNING. I want to understand what the Senator has proposed in plain English.

Mr. DURBIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. DURBIN. I have asked unanimous consent that the last 5 minutes on the Democratic side be reserved for Senator BAUCUS, the chairman of the Senate Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object, what 5 minutes is he talking about—his time or the time that is already reserved for the chairman of the Finance Committee and the ranking member of the Finance Committee?

Mr. DURBIN. All the time of debate on your amendment has been equally divided between Democrats and Republicans. I am not asking for your time. I am asking that, on the Democratic time, the last 5 minutes be given to Senator BAUCUS.

Mr. BUNNING. So I understand, on the time that is reserved for the Senator from Montana and the Senator from Iowa?

Mr. DURBIN. Yes.

Mr. BUNNING. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. I yield whatever time the Senator from Alabama will consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.



Mr. SESSIONS. Mr. President, there is always an easy way to get something done in this body, and that is to spend money and not pay for it. And I am sure that gets a lot of Democratic votes and they could just pass this bill right through the body. I am sure our House Members, the majority in the House, will just pass this legislation and we will just add \$10 billion more to the debt. That is what we are talking about.

Is this necessary? Senator BUNNING has made a number of suggestions about how this bill could be paid for. But it is not a question of delaying it, in my view; it is just simply a question of not wanting to use any of our existing moneys to pay for the extension of unemployment insurance. If we don't do that, if we don't pay for it, as we in the Senate are wont to say, then where does the money come from? We borrow it.

There is an interesting article in the Washington Times today, a front-page article talking about how much of our debt China owns. They say they own a good bit more of it than we have understood, that a lot of their money goes through other institutions, and then they buy U.S. Treasury bills, and really the amount owned by China is larger than we expect. Well, so be it. I don't know what that number is. But it is not healthy for the United States of America to incur the amount of debt we are now incurring. It is not healthy.

Just a few weeks ago, this very Senate, our Democratic majority, with great pride, passed the pay-go legislation saying that if we have additional expenditures, we will pay for it unless, of course, we deem it an emergency and we get a supermajority and then we don't have to pay for it.

Well, here we are just a few weeks later. We want to spend some more money to help out on unemployment insurance. I think that is a worthy goal, and I think it is something we need to do. But where do you get the money? I would suggest several places. Senator BUNNING has a place that I think my Democratic colleagues have supported—a tax credit account. I would say that has possibilities. I know he has also supported out of the unspent stimulus money—that could be a source of it.

But all of these things apparently are just being rejected. Why are they being rejected? I assume it is because my colleagues want to spend that money on something else, an additional new spending program that is not clear to us at this time; otherwise, why would there be an objection to it?

So I think the thing that has come to my mind is we can't keep going on like this. We really can't.

We just had a hearing in the Budget Committee. The witnesses—most of them were Democratically called witnesses, but every single one of them

said we are on an unsustainable financial course. We are spending more money than we are taking in at an unprecedented amount each year and we cannot sustain it. At some point, we have to decide if we are going to stop. At some point, we are going to have to decide, just like our families, our cities, our counties, our States; they are having to decide they don't have the money, and they either can't borrow more or they don't want to borrow more. And they actually, amazingly, may even reduce spending for a while. Do you think those counties and cities and States are no longer going to exist? Will they fall off the face of the planet? Senator BUNNING has been around a long time. He knows that is not so. Every day, businesses are having to cut back. Families are cutting back. We can't cut back at all, but we continue to expend greater and greater amounts.

The basic budget for this year has discretionary spending, nonmandatory spending, which goes up about 10 percent. On top of that is the \$800 billion stimulus package. All that is debt. The \$800 billion, we had none of it in our accounts or our banks. We had to borrow it. Every penny of that we pay interest on. This will be \$10 billion more.

Well, it is just \$10 billion. After \$800 billion, that is not very much, is it? Oh, yes, it is. Ten billion dollars is more than Alabama's State budget, and we are an average-sized State, about 4 or 5 million people. That is bigger than our State budget.

So one little whip—and Senator DURBIN, who is so eloquent, said: Well, we just need to pass it right now. We do not need to be talking about paying for it. If you say we want to pay for it, that might take an extra day to get the paperwork worked out with the House of Representatives. Somehow it is Senator BUNNING's fault that he has actually been asked to give his consent that this body would increase our debt by \$10 billion and let this bill pass.

Senator BUNNING says: I am not going to do it. You asked my consent. I am a Member of the Senate. I have a right to give that consent. If I have a right to give it, I have a right to withhold it, and I am going to withhold it unless you pay for this bill. So I do not think that is anything that should subject him to criticism.

Oh, yes, it slowed down the plan. The plan was all greased. We were going to zip this right through, pop another \$10 billion to the Nation's debt, and claim we have solved all our problems, at least for the moment.

But that is not a healthy approach. I think it is a healthy approach for someone with the gumption to stand and question what we are doing, to say: You have asked for my consent for something, I do not believe in it, and I am not going to give it. I think it is time for us to get on a more sound financial footing.

I just wish to say to Senator BUNNING, I respect the Senator's view on that. A lot of people do. I think it is interesting our colleagues like to quote letters from people in Kentucky, talking about that they are suffering as a result of unemployment and that is so painful.

But I am sure you got letters, as I have got letters. In my townhall meetings, people are coming up to me and saying: Are you people losing your minds? How much money do you think you can continue to spend? Time and time again, I hear that. Go through the airports: Keep fighting. Hold the line. Do not give in.

They are not talking about adding another \$10 billion to the debt because we will not even slow down long enough to figure out how to pay for it. That is not what my constituents are telling me. I am sure they are not telling Senator BUNNING that. So I think this is a big deal.

So when are we going to end this process? When does it stop? I say the time to begin to stop is now. I am going to be supportive of Senator BUNNING in his plan. I feel this matter is getting out of hand.

As I explained the other night, I serve on the Budget Committee. The budget numbers are not in dispute. The budget proposed by President Obama, a 10-year budget, analyzed over 10 years by the Congressional Budget Office, would conclude this: Last year we paid, in 1 year, interest on our debt of \$170 billion. According to the Congressional Budget Office, because we are tripling the national debt at the rate we are going, in 10 years the amount of interest we will pay on the debt is \$799 billion.

I think the American people understand this is unacceptable. They do not need an accountant or an economist or a bureaucrat to tell them this is an unsustainable path. They know it is. They have known it is for some time. Some people say: Well, this is just a populist revival. They do not understand. We understand better. You have to borrow, borrow, borrow to make our economy go back.

Well, what an individual from Alabama told me today out in the hall was the same thing a constituent told me a few weeks ago back in Evergreen. It is, you cannot borrow your way out of debt. You cannot borrow your way out of debt. This is a fundamental principle of life. We seem to have lost sight of it.

So we are on a path that is unsustainable. We see what has happened in Greece. It is destabilizing the entire European Union or it threatens it. We have seen other countries get in the same kind of trouble. Our country is not very far behind.

Moody's is already talking about downgrading our debt rating, the amount of money you have to pay to get insurance against credit, against



default against the U.S. government has tripled in the last few years. These are people who do this stuff for a profit. People are worried. So I would say to my friends and colleagues, it is not that complicated. We simply have to stop spending so much money. We have to stop spending so much money. We cannot do everything we would like to do. We do not have the money. Most people understand that in their lives, and most of our local governments understand that. But we in the Senate think we know better.

I would just say, with regard to the small business taxes and some of the things that probably would be somewhat helpful in creating economic growth, I am so disappointed we did not include more of that in the bill we passed when this stimulus bill passed. I remember coming to the floor quoting—right before the final vote—a major op-ed in the Wall Street Journal by a Nobel Prize laureate, Gary Becker, who said: This bill you are considering in the Senate does not have sufficient stimulative impact. He thought it would be much less than \$1 per \$1 in, and you should get well above \$1 in a good stimulus package. He warned it was not going to be a job creator.

Senator MCCAIN had a better bill, at half the cost, \$400 billion, targeted for jobs, targeted for economic growth, not a welfare bill, a stimulative bill, voted down by the Democratic majority.

Senator THUNE offered an amendment similar to the one Paul Ryan and others in the House of Representatives had put together, about half the cost of the bill we passed that would score, according to Christina Romer, President Obama's Chief Economic Adviser—her model of how you score these things would have created twice as many jobs for half as much money as this monstrosity we passed—others passed. My wife reminds me, do not say “we” when you voted against it.

So this is what we are now in. We have thrown out 400 or so billion, \$400 billion not yet spent. It is not getting the impact we wanted. That is so tragic. For everybody who is unemployed today, they need to wonder why this Congress insisted on passing legislation we were warned would not be effective in creating jobs, which is the key to our economic growth and prosperity.

So I would say: I know good people can disagree. Some people think that when we are in a recession, we should keep spending, no matter how long, no matter how much, and somehow this will make us come out of it. But when you are creating an \$800 billion-a-year interest payment, you realize it does not work that way.

If that was the way it worked, why did we not spend \$1.6 trillion in the stimulus package instead of \$800 billion? Why did we not spend \$1,600 billion in stimulus rather than 800? Because obviously that is a philosophy that has its limits.

I thank the Chair and I yield the floor. I am proud to support the Senator from Kentucky.

Mr. LEVIN. Mr. President, I am relieved that we are preparing to vote on this much-needed measure. I am disappointed that we have taken so long to get to this point.

There is very little opposition in this Chamber to the extension of unemployment and COBRA benefits. Few question the crisis we would kick off in homes across this country if we fail to extend these benefits. In the State of Michigan, 135,000 of these workers face the end of their unemployment benefits. Each of these homes is already dealing with a tragedy—the loss of a job. In most cases, these are mothers and fathers who have done what we expect American families to do: work hard, do their best, try to put food on the table and a roof over their family's heads, and hopefully ensure a better life for their children. This quintessentially American quest has been derailed by forces totally outside the control of most of those affected.

This extension means more than help to workers out of a job. It means help for our entire economy. Economists tell us that payments such as unemployment benefits are the most efficient way we can increase growth in our still-struggling economy. An unemployment check is more than just help for a family. It means local grocery stores still have customers, that unemployed workers can continue paying their bills. The consequences of an extension of these benefits—or a decision not to extend them—will ripple throughout the economy.

But above all, we should keep in mind those families who are afraid: wondering, worrying, about what is going to happen. In their moment of crisis, we can choose to reach out a much-needed helping hand. Or we can turn away. To have delayed this extension has been needlessly cruel. We owe a duty to these families now, a duty not to compound the tragedy they already face.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. How much time is left on our side?

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

There is 5 minutes 15 seconds remaining.

Mr. BUNNING. I reserve that time until the 10 minutes prior to the time expiring. In other words, the last 5 minutes is going to Senator BAUCUS. I reserve the time prior to the Baucus time. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, let me begin by addressing some of the arguments made by the other side of the

aisle against my amendment. First, the Senator from Illinois said that this would cause a needless delay in extending these programs, potentially causing a protracted negotiation with the House. With all due respect, that is nonsense. We all know the House can act very quickly. In fact, they did so when they sent this bill, H.R. 4691, to us. The House has already passed my black liquor offset. I want everybody to understand that we pay for the extension of unemployment benefits, COBRA assistance, health care assistance so everybody is covered. The larger bill that we are dealing with on the floor, the one we took off the floor to address this amendment and this bill, also extends these provisions longer than just a month—the highway bill, the doc fix on Medicare, the small business loans that we heard about that we are destroying with our objections, and the rural satellite TV viewers.

I sincerely believe if we can't find \$10 billion to pay for something that all 100 Senators support, we are in deep trouble. I think the Senator from Alabama made that very clear. I am on the Budget Committee also. I have heard those numbers over and over, not from just the Republican people who come before the Budget Committee but from the Democrats who testify before the committee. We are on an unsustainable path as far as the budget.

The question before the Senate is not whether Senators support unemployment benefits or all the other important things in this bill. The question is whether we as a Senate and as a government are going to pay for what we spend.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 1 minute 15 seconds.

Mr. BUNNING. I think everybody understands why I have been on this floor for so long. I have been here for 12 years and 12 years in the House. I don't think I have spent this much time on the floor in any one-week period in my life. Usually on the floor of the House you only get 2 minutes to say whatever you have to say. In the Senate you get as much time, usually, as you need. I have never needed this much time. But something so important, particularly after pay-go, and even the larger bill we have before us, \$104 billion of the \$108 billion expended in that bill is emergency spending. That is emergency spending that is not paid for. So when we get to the bigger bill, we will have some amendments for that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SIGNATURE AUTHORIZATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills and joint resolutions during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. How much time remains?

The PRESIDING OFFICER. There is 55 seconds remaining.

Mrs. BOXER. I want to say, on behalf of many of us on this side of the aisle, how glad we are that Senator BUNNING has changed his mind and taken the option he was presented with on Thursday; that is, to offer an amendment and then for us to get this done. Too much pain is out there with the unemployed. A lot of workers in my State and in States all across this Nation who are unemployed suffered a great deal of anxiety over this long weekend.

Mr. President, 2,000 Department of Transportation inspectors were furloughed. That led to stoppage of work on bridge and highway construction in 17 States, because Senator BUNNING didn't take the deal he is taking now. I am glad he is taking it.

I raise a point of order that the pending Bunning amendment violates section 311 of the Congressional Budget Act.

Mr. BUNNING. Mr. President, I am sorry. I wasn't on the floor. Could the Senator make her point of order.

Mrs. BOXER. I raise a point of order that the pending Bunning amendment violates section 311 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I move to waive the applicable section of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 53, as follows:

[Rollcall Vote No. 31 Leg.]

## YEAS—43

Alexander	DeMint	McCain
Barraso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Feingold	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lieberman	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

## NAYS—53

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	

## NOT VOTING—4

Byrd	Inhofe
Hutchison	Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of the bill.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 19, as follows:

[Rollcall Vote No. 32 Leg.]

## YEAS—78

Akaka	Brown (MA)	Chambliss
Baucus	Brown (OH)	Cochran
Bayh	Brownback	Collins
Begich	Burris	Conrad
Bennet	Cantwell	Dodd
Bingaman	Cardin	Dorgan
Bond	Carper	Durbin
Boxer	Casey	Feingold

Feinstein	LeMieux	Rockefeller
Franken	Levin	Sanders
Gillibrand	Lieberman	Schumer
Graham	Lincoln	Shaheen
Grassley	Lugar	Shelby
Hagan	McCain	Snowe
Harkin	McCaskill	Specter
Inhofe	Menendez	Stabenow
Inouye	Merkley	Tester
Isakson	Mikulski	Udall (CO)
Johnson	Murkowski	Udall (NM)
Kaufman	Murray	Vitter
Kerry	Nelson (NE)	Voinovich
Klobuchar	Nelson (FL)	Warner
Kohl	Pryor	Webb
Kyl	Reed	Whitehouse
Landrieu	Reid	Wicker
Leahy	Roberts	Wyden

## NAYS—19

Alexander	Cornyn	Johanns
Barraso	Crapo	McConnell
Bennett	DeMint	Risch
Bunning	Ensign	Sessions
Burr	Enzi	Thune
Coburn	Gregg	
Corker	Hatch	

## NOT VOTING—3

Byrd	Hutchison	Lautenberg
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The bill (H.R. 4691) was passed.

Mr. DURBIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TAX EXTENDERS ACT OF 2009—  
Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Sessions amendment No. 3337 (to amendment No. 3336), to reduce the deficit by establishing discretionary spending caps.

Thune amendment No. 3338 (to amendment No. 3336), to create additional tax relief for businesses.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3335 TO AMENDMENT NO. 3336

Ms. LANDRIEU. Madam President, I know we have returned to H.R. 4213. It is my intention to call up amendment No. 3335, sponsored by myself, Senator COCHRAN, Senator WICKER, and Senator VITTER.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. VITTER, Mr. WICKER, and Mr. COCHRAN, proposes an amendment numbered 3335 to amendment No. 3336.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend the low-income housing credit rules for buildings in GO Zones)

After section 185, insert the following:

**SEC. 186. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking "January 1, 2011" and inserting "January 1, 2013".

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I spoke at length about this amendment today, so it is not necessary for me to go into a great deal of detail. I offer it on behalf of several Senators from the gulf coast in order to help extend the placed-in-service state for several low-income housing units along the gulf coast. We are not asking for additional authority, we are not asking for new tax credits but just to allow us the tax credits that have already been allocated.

Without the State extension, we will lose literally thousands of affordable housing dwellings and approximately 13,000 jobs. Since we are focused on jobs and focused on economic growth and development, we thought this would be an appropriate amendment to this bill.

I have called up the amendment, and I will allow the leadership to decide when the appropriate time to vote on this amendment will be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### NATIONAL PEACE CORPS WEEK

Mr. BYRD. Madam President, this week, March 1 through March 7, is National Peace Corps Week. It marks the 49th anniversary of this unique and important government agency.

When proposing the creation of the Peace Corps to Congress, President John F. Kennedy declared that, "Our own freedom, and the future of freedom around the world, depends, in a very real sense, on the ability to build growing and independent nations where men can live in dignity, liberated from the bonds of hunger, ignorance, and poverty."

For 49 years, nearly 200,000 dedicated Americans have served in 139 countries around the world helping developing nations with health and sanitation projects, assisting them in increasing

their agricultural production, and educating their young. In pursuit of the Peace Corps goal of helping people help themselves, Peace Corps volunteers have served as school teachers, economic development advisers, agricultural and environmental specialists, and in various capacities as skilled laborers. Today, Peace Corps volunteers are working in countries around the world in emerging and essential areas such as information technology and business development.

In fulfilling the mission that President Kennedy established for it on March 1, 1961, the Peace Corps has become an enduring symbol of the American commitment to freedom through the encouragement of the social and economic progress of all nations. It is truly one of the most successful and influential programs in the history of our Nation.

Madam President, I use this opportunity, the 49th anniversary of the Peace Corps, to congratulate and to thank everyone ever involved in this program that provides such an important service to our country, as well as other nations, and to our fellow man.

### CONGRATULATIONS TO VERMONT OLYMPIANS

Mr. LEAHY. Madam President, on a happier note, I see the distinguished Senator from Vermont, Senator SANDERS, on the floor today. I want to congratulate the Vermonters who represented our country at the Winter Olympics in Vancouver.

The Olympics themselves were exciting. I know Marcelle and I watched hours and hours of them. But we watched especially, obviously, when we saw some of these young Vermonters.

These athletes carry on a long tradition of Vermonters participating in the Winter Olympics. Hundreds of Vermonters have competed in the 21 Winter Olympiads, and it is no secret that Vermont produces great winter sports athletes, thanks to our northern climate, beautiful rugged terrain, and also a healthy sports industry.

After all, the first ski lift in the United States was a rope tow built in the town of Woodstock. I remember what a thrill it was when then-President Gerald Ford told me that the first ski lift he was on was on that ski lift in Woodstock. It is a nice memory of a wonderful person, President Gerald Ford.

Thanks to Jake Burton Carpenter and his wife Donna, Vermont is the cradle of snowboarding and it is now a central Olympic event. The Carpenters have worked so hard to make this a real sport, and they have. Our schools in ski areas have hosted dozens of international snowboarding, Alpine, and Nordic ski competitions.

Many Vermonters have won medals at the Winter Olympics over the years.

These champions include alpine skier Andrea Meade Lawrence from Rutland who was the first American to win two gold medals in 1952, Brattleboro's Bill Koch who was the first American nordic skier to medal in 1976, and alpine skier Barbara Ann Cochran, slalom gold medalist in 1972.

The Cochran family is somewhat of an Olympic dynasty in its own right. Barbara Ann's sister Marilyn and brother Bob also competed in 1972 and her sister Lindy in 1976. Bob's son Jim raced in Saturday's slalom at his second Olympics. A member of the family is a member of my own staff and I cherish having him here.

There were 11 athletes in Vancouver this year who were born in Vermont or call Vermont home. Ten others attended high school or college in Vermont, we are going to take credit for them as well, and we are proud to do that.

Raised in Vermont are snowboarders Kelly Clark from West Dover, Lindsey Jacobellis from Stratton, Hannah Teter from Belmont and Ross Powers from Londonderry; alpine skiers Jimmy Cochran from Richmond, Nolan Kasper from Warren, and Chelsea Marshall from Pittsfield; nordic skiers Andy Newell from Shaftsbury, Liz Stephen from East Montpelier, Caitlin Compton from Warren; and freestyle skier Hannah Kearney from Norwich.

Vermont's colleges and universities, with a strong tradition of winter sports, have sent athletes, both in-state and out-of-state, to numerous games. Jim Cochran is a UVM alum, along with biathlete Lowell Bailey, nordic skier Kris Freeman and hockey goalie Tim Thomas. Nordic skiers Simi Hamilton and Garrott Kuzzy are Middlebury College graduates.

Vermont's ski academies, private high schools that are dedicated to winter sports training, attract hundreds of kids from out of State every year, and have produced hundreds of Olympians. Liz Stephen and Nolan Kasper skied at Vancouver and are graduates of Burke Mountain Academy, which was the first ski academy in the country, founded in 1970. Other ski academy graduates competing in Vancouver are snowboarder Louie Vito who attended Stratton Mountain School along with Andy Newell and Ross Powers; freestyle skier Michael Morse of the Killington Mountain School; and biathlete Laura Spector and skiercross racers Paul Casey Puckett and Daron Rahlves who attended the Green Mountain Valley School along with Chelsea Marshall. Jim Cochran represented the Mount Mansfield Winter Academy, and Kelly Clark the Mount Snow Academy.

Of course, all of Vermont wants to give a special hearty congratulations to those whose efforts resulted in medals—Hannah Kearney won gold in the mogul competition.

I spoke with her the morning after. I told her I had seen her great smile on

television that morning. She said I think it is going to take forever to get that smile off my face. The New York Times had a wonderful article showing Marty Candon driving her in a parade in Norwich this past weekend.

Hannah Teter and Kelly Clark won silver and bronze in the snowboard halfpipe. Our entire State is proud of your accomplishments on this international stage.

But I am proud of every Vermonter who was chosen for the Team. No matter what their results were, it has been a pleasure to watch them, and I know that each minute of competition we saw on television was preceded by hard work, sacrifice, dedication, and thousands of hours of training.

They have been great ambassadors for the United States, and fantastic role models to Vermont's kids. I say congratulations to all of them.

Finally, I want to take a moment to recognize two Vermonters who missed competing in Vancouver because of serious head injuries. Snowboarder Kevin Pearce of Norwich fell while training in Park City, UT, on December 31, and Cody Marshall, Chelsea's brother, of Pittsfield, an alpine slalom racer, was injured last summer. Both have come a long way since their injuries but have difficult recoveries ahead of them. I spoke with Kevin Pearce's mother Pia, and I know how the whole family has come together for him, just as Cody Marshall's family has come together for him. So I wish them and their families well, and I wanted them to know they are special inspirations to all of us. They are in all of our prayers and thoughts.

Vermont is a very small State—second smallest in the country—so it is almost like one big community in our sense of pride for these young people.

I see my distinguished colleague from Vermont on the floor. I yield to him.

Mr. SANDERS. I thank Senator LEAHY for yielding. There is not a lot more I can add to what he has already said.

As you well know, Vermont is a small State. We have 620,000 people—one of the smallest States in the country. But a lot of our young people grow up on the slopes of Vermont. They are involved in skiing and snowboarding from a very young age. My grandson is out there. He is 5. He is doing pretty well as a snowboarder. That is true all over the State.

I think people who have watched the extraordinary Olympics in Vancouver noted that a lot of the participants, a lot of the outstanding athletes came from the State of Vermont. The world watched as Hannah Kearney of Norwich won the first gold medal for the United States. She was closely followed in the women's snowboarding halfpipe when Vermont took both second and third place on the podium. That is

quite a feat for a small State. Kelly Clark of West Dover brought home the bronze, and Hannah Teter of Belmont, the silver medal. This is an incredible feat when you consider that there were a total of just eight women on the U.S. snowboarding team; three of them were from the Green Mountain State and two of them were in the top three. That is pretty good under anybody's definition of success.

In true Vermont fashion, our Olympians bring more than talent, excellence, and commitment to their sports. They showed exemplary dedication to their communities. In other words, these men and women are more than just athletes; they are people who are concerned about the world in which they are living and the communities in which they live. When Hannah Teter took gold in the Torino games in 2006, she combined her prize money with proceeds from maple syrup sales to start a charity called "Hannah's Gold" which brings aid to a village in Kenya. That is what Hannah Teter did. Liz Stephen, a cross-country skier from East Montpelier, supports "Fast and Female," a charity geared toward getting young girls involved in sports. Lindsey Jacobellis, a snowboarder from Stratton, VT, used her love of animals as motivation to get involved with the American Society for the Prevention of Cruelty to Animals. From charity efforts to hometown, family-owned restaurants, the impact of these outstanding individuals is felt by many.

The 11 athletes who are recognized today as Vermont Olympians are the following: in cross-country skiing, Caitlin Compton, Andy Newell; in Alpine skiing, Chelsea Marshall, Nolan Kasper, and Jimmy Cochran; in ski jumping, Nick Alexander; in freestyle skiing, gold medalist Hannah Kearney; and in snowboarding, silver medalist Hannah Teter, bronze medalist Kelly Clark, and Lindsey Jacobellis. It is with great pleasure that I congratulate these athletes on a spectacular job. The State of Vermont is very proud of you all.

#### TRIBUTE TO REVEREND JESSE SCOTT

Mr. REID. Madam President, I rise to acknowledge a respected voice and longstanding figure in the Las Vegas community; I rise to commend a leader of souls and a social advocate for civil rights and children for over 50 years; I rise to wish a happy 90th birthday to a man whom I and many in Las Vegas call their friend. I rise to honor Rev. Jesse Scott.

On March 3, 1920, Jesse Scott came into a world that is far different than what we see today. When I think of the challenges he and so many others have endured over the years, I am humbled by his strength, perseverance, and faith in God.

As a graduate of Southern University in Baton Rouge, LA, Reverend Scott has devoted his life to social justice. He was an organizer and president of the NAACP's Westside Branch in Los Angeles and later supervised the work of some thirty NAACP branches in southern California.

Eventually he came to Nevada, where he served as the executive director of the Las Vegas NAACP. Reverend Scott was on the front lines in efforts to move the city of Las Vegas through very challenging times. In fact he was part of a major effort to integrate the hospitality and entertainment industry. Later, Reverend Scott was selected to serve as executive director of the Nevada Equal Rights Commission and authored an autobiography, "Pioneer for Social Justice."

Today, Reverend Scott is the assistant pastor at Second Baptist Church of Las Vegas and is the former pastor of Second Christian Church in Las Vegas. He is still carrying out his life's mission of social advocacy by working with Nevada's nonviolent ex-offenders to provide job training and employment. He also promotes education for children and is aligned with initiatives that help students graduate from high school and provide scholarships to college-bound young men and women.

Madam President, I ask the Senate to join me in paying tribute to Reverend Jesse Scott for his lifetime of service to Nevada and our Nation.

#### NOMINATION OF BARBARA KEENAN

Mr. DURBIN. Madam President, today the Senate confirmed Justice Barbara Keenan to be a judge on the U.S. Court of Appeals for the Fourth Circuit by a vote of 99-0. But the vote took place only after an unsuccessful Republican filibuster of her nomination.

This is just the latest example of the new low to which Republicans have sunk when it comes to the treatment of judicial nominations.

When the Democrats were in the minority under President Bush, we voted against cloture on a handful of his judicial nominees, but only the most controversial and only those for appellate court positions.

Under President Obama, Senate Republicans have filibustered and stalled almost every judicial nominee sent forward, regardless of the court and regardless of the controversy.

Take the case of Virginia State Supreme Court Justice Barbara Keenan. You would be hard pressed to come up with someone less controversial for this Fourth Circuit vacancy.

Justice Keenan had the strong support of her home State Senators, JIM WEBB and MARK WARNER. She sailed through the Senate Judiciary Committee without a single vote of opposition. She received the highest possible

rating from the American Bar Association. And she will be the first woman from Virginia to sit on the Fourth Circuit.

Yet here we are—over 4 months after Justice Keenan was reported unanimously out of the Judiciary Committee—and the Republicans refused to agree to have an up-or-down vote on the Keenan nominee and forced the Democratic majority to waste time filing and voting on a cloture motion. They have used similar tactics with other judicial nominees.

Why are the Republicans making us jump through all these procedural hoops?

It is simple: the Republicans are trying to make us burn precious Senate floor time so we are unable able to work on pressing legislative business for the American people like job creation.

Justice Keenan had to wait 124 days between her Senate Judiciary Committee vote and her floor vote. Some other circuit court nominees of President Obama had to wait even longer than that. Fourth Circuit Judge Andre Davis was forced to wait 158 days—over five months—between his committee vote and his floor vote. Seventh Circuit Judge David Hamilton was forced to wait 168 days.

How does this compare with the treatment of President Bush's circuit court nominees?

Under President Bush, 61 judges were confirmed to the appellate courts. Their average wait time from committee vote to floor vote was a mere 29 days, according to statistics from the Congressional Research Service.

Justice Keenan was forced to wait over four times longer than the average Bush circuit court nominee who was confirmed.

This is part of a larger pattern of obstruction on judicial nominations. During President Obama's first year in office, due to Republican filibusters and holds, the Senate confirmed only 12 lower court judges. Only 12.

You have to go back to President Eisenhower to find a President who had so few judicial confirmations. President Eisenhower only had nine judicial confirmations during his first year in office. But President Eisenhower only made nine judicial nominations that year.

Every other President in the modern era had more judicial confirmations than President Obama during their first year in office.

President George W. Bush had 28, and that was with a Democratic Senate majority. President Clinton had 27, President George H.W. Bush had 15, President Reagan had 41, President Carter had 31, President Ford had 22, President Nixon had 25, President Johnson had 18, and President Kennedy had 56. But President Obama had only 12, due to unprecedented Republican obstruction.

Today is March 2. By this time in his Presidency, President George W. Bush had 39 judicial confirmations. And, it bears repeating, that was with a Democratic Senate majority. By contrast, President Obama has only 16 judicial confirmations, less than half as many as his predecessor.

There are 15 judicial nominations pending on the Senate floor. Most of them were approved in committee without a single vote of opposition. Yet, due to anonymous Republican holds, many have been waiting months and months for a vote.

This Republican obstructionism is unacceptable and it must be exposed.

#### WHEN DEFICITS BECOME DANGEROUS

Mr. KYL. Madam President, I recommend to my colleagues a February 11 Wall Street Journal column by Stanford economist Michael Boskin, entitled, "When Deficits Become Dangerous."

Boskin's premise is that the new taxes and "enormous deficits and endless accumulation of debt" in President Obama's budget will create a ripple effect of problems through our economy.

He explains that the debt will eventually force additional growth-smothering taxes: "Such vast debt implies immense future tax increases. . . . It's hard to imagine a worse detriment to economic growth."

Boskin also notes that "so worrisome is this debt outlook that Moody's warns of a downgrade on U.S. Treasury bonds, and major global finance powers talk of ending the dollar's reign as the global reserve currency." He describes President Obama's budget as "the most risky fiscal strategy in history."

I ask unanimous consent that this article be printed in the RECORD, and urge my colleagues to consider the facts and arguments it contains.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHEN DEFICITS BECOME DANGEROUS—DEBT-TO-GDP RATIOS OVER 90 PERCENT HAVE SIGNIFICANT IMPACT ON THE PACE OF ECONOMIC GROWTH

(By Michael J. Boskin, Feb. 11, 2010)

President Barack Obama's 2011 budget lays out a stunningly expensive big-government spending agenda, mostly to be paid for years down the road. He proposes to increase capital gains, dividend, payroll, income and energy taxes. But the enormous deficits and endless accumulation of debt will eventually force growth-inhibiting income tax hikes, a national value-added tax similar to those in Europe, or severe inflation.

On average, in the first three years of the 10-year budget plan, federal spending rises by 4.4 percent of GDP. That's more than during President Lyndon Johnson's Great Society and Vietnam War buildup and President Ronald Reagan's defense buildup combined. In those same three years, spending on average hits the highest level in American history (25.1 percent of GDP), save the peak of

World War II. The average deficit of \$1.4 trillion (9.6 percent of GDP) is over three times the previous 2008 record.

Remarkably, President Obama will add more red ink in his first two years than President George W. Bush—berated by conservatives for his failure to control domestic spending and by liberals for the explosion of military spending in Iraq and Afghanistan—did in eight. In his first 15 months, Mr. Obama will raise the debt burden—the ratio of the national debt to GDP—by more than Reagan did in eight years.

Some specific proposals are laudable: permanently indexing the Alternative Minimum Tax for inflation, part of the increased R&D funding, reform of agriculture subsidies, a future freeze on one-sixth of the budget (only after it balloons for two years). But these are swamped by the huge expansion and centralization of government.

True, as he often reminds us, President Obama inherited a recession and fiscal mess. Much of the deficit is the natural and desirable result of the deep recession.

As tax revenues fall much more rapidly than income, these so-called automatic stabilizers cushioned the decline in after-tax income and helped natural business-cycle dynamics and monetary policy stabilize the economy. But Mr. Obama and Congress added hundreds of billions of dollars a year of ineffective "stimulus" spending—more accurately characterized as social engineering and pork—when far more effective, less expensive options were available.

The Obama 10-year budget—unprecedented in its spending, taxes, deficits and accumulation of debt—is by a large margin the most risky fiscal strategy in American history. In his Feb. 1 budget message, Mr. Obama said, "We cannot continue to borrow against our children's future." But that is exactly what he proposes to do.

He projects a cumulative deficit of \$11.5 trillion by 2020. That brings the publicly held debt (excluding debt held inside the government, e.g., Social Security) to 77 percent of GDP, and the gross debt to over 100 percent. Presidents Reagan and George W. Bush each ended their terms at about 40 percent.

The deficits are so large relative to GDP that the debt/GDP ratio keeps growing and then explodes as entitlement costs accelerate in subsequent decades. So worrisome is this debt outlook that Moody's warns of a downgrade on U.S. Treasury bonds, and major global finance powers talk of ending the dollar's reign as the global reserve currency.

Ken Rogoff of Harvard and Carmen Reinhart of Maryland have studied the impact of high levels of national debt on economic growth in the U.S. and around the world in the last two centuries. In a study presented last month at the annual meeting of the American Economic Association in Atlanta, they conclude that, so long as the gross debt-GDP ratio is relatively modest, 30 percent–90 percent of GDP, the negative growth impact of higher debt is likely to be modest at best.

But as it gets to 90 percent of GDP, there is a dramatic slowing of economic growth by at least one percentage point a year. The likely causes are expectations of much higher taxes, uncertainty over resolution of the unsustainable deficits, and higher interest rates curtailing capital investment.

The Obama budget takes the publicly held debt to 73 percent and the gross debt to 103 percent of GDP by 2015, over this precipice. The president's economists peg long-run growth potential at 2.5 percent per year, implying per capita growth of 1.7 percent. A decline of one percentage point would cut this

annual growth rate by over half. That's eventually the difference between a strong economy that can project global power and a stagnant, ossified society.

Such vast debt implies immense future tax increases. Balancing the 2015 budget would require a 43 percent increase in everyone's income taxes that year. It's hard to imagine a worse detriment to economic growth.

Presidents and political parties used to propose paths to a balanced budget. After almost doubling it, Mr. Obama proposes to substitute stabilizing the debt/GDP ratio, a much weaker goal.

That goal requires balancing the budget excluding interest payments, the so-called primary budget. But he never achieves this, even after five and a half years of economic growth, withdrawal from Iraq and Afghanistan, and repaid financial bailouts. The 2015 budget still calls for a primary deficit of \$181 billion.

For perspective, returning 2015 spending to population growth plus inflation produces a primary surplus of \$645 billion (3.3 percent of GDP). Mr. Obama's spending turns a short-run crisis into a medium-term debacle.

Two factors greatly compound the risk from Mr. Obama's budget plan. He is running up this debt and current and future taxes just as the baby boomers are retiring and the entitlement cost problems are growing, which will necessitate major reform. (Mr. Obama didn't get any help from his predecessors: George W. Bush's growing Medicare prescription drug benefit was not funded, and Mr. Clinton's Social Security reform was a casualty of the Monica Lewinsky scandal.) And Mr. Obama's programs increase the fraction of people getting more money back from the government than the taxes they pay almost to 50 percent, just as the demographics on an aging population will drive it up further. That's an unhealthy political dynamic.

Former Senate Majority Leader Howard Baker famously called Reaganomics—with its defense buildup, tax cuts and budget deficits—a "riverboat gamble." (Which, by the way, worked out well.) Mr. Obama's fiscal strategy is more akin to the voyage of the Titanic. Let's hope he changes course soon enough to prevent disaster.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL JOSHUA BIRCHFIELD

Mr. BAYH. Madam President, I rise with a heavy heart to honor the life of Marine LCpl Joshua Birchfield from Westville, IN. Joshua was 24 years old when he lost his life on February 19 while serving in Afghanistan in support of Operation Enduring Freedom. He was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Today, I join family and friends in mourning his death. Joshua will forever be remembered as a loving son and a friend to many. He is survived by his parents, Bruce Birchfield and Michelle "Shelley" Hacker; his grandmother, Frances Birchfield of La Porte; two sisters, Rachael and Emily Birchfield, both of Westville; his stepfather, Ron Hacker, stepgrandparents, Howard and Martha Hacker, and step-great-grandmother, Mary Dickinson, all of Westville; and countless family and friends who were privileged to know him.

Joshua was a Westville native. Prior to entering the service in 2008, Joshua graduated from Westville High School in 2004. A talented athlete, Joshua excelled at baseball in high school. Friends remember Joshua's contagious passion for life.

Joshua served as a rifleman and was awarded the Purple Heart, the Combat Action Ribbon, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, and the NATO Medal.

While we struggle to express our sorrow over this loss, we can take pride in the example Joshua set as a marine, a son, and a brother. Today and always he will be remembered by family, friends, and fellow Hoosiers as a true American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of Joshua Birchfield in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. I pray that Joshua's family finds comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joshua.

CORPORAL GREGORY SCOTT STULTZ

Madam President, I further rise today with a heavy heart to honor the life of Marine Cpl Gregory Scott Stultz of Brazil, IN. Greg was 22 years old when he lost his life on February 19 while serving bravely in Afghanistan in support of Operation Enduring Freedom.

I join Greg's family and friends in mourning his death. Greg will be remembered as a loving son and a friend to many. He is survived by his mother Kim Stultz, and Kevin Jackson of Brazil; his father, Bill Stultz, Jr., of Spencer, IN; his brothers, Zach Stultz and Jeremiah Jackson of Brazil; his sisters, Jessie Stultz, Miriah Stultz, Haley Stultz, and Sienna Jackson, all of Brazil; and countless family and friends who were privileged to know him.

Greg was a Brazil native and graduated from Northview High School in 2006. He was a member of the football team and captain of the wrestling

team, and his athletic talent allowed him to attend Rend Lake Junior College on a wrestling scholarship. Greg actively participated in ministry at House of Hope in Brazil alongside his father and his brother Zach.

Corporal Stultz entered the Marine Corps in November of 2007 and became a decorated Recon Marine. He was awarded the Sea Service Deployment Medal, the Global War on Terrorism Medal, the National Defense Medal, and a Meritorious Mast certificate for his outstanding service.

While we struggle to express our sorrow over this loss, we can take pride in the example Greg set as a marine, a son, and a brother. Today and always he will be remembered by family, friends and fellow Hoosiers as a true American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of soldiers who lost their lives at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of Gregory Scott Stultz in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace.

I pray that Greg's family finds comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Greg.

SERGEANT JEREMY MCQUEARY

Madam President, I also rise with a heavy heart to honor the life of Marine Sgt Jeremy McQueary from Columbus, IN. Jeremy was 27 years old when he lost his life on February 19th in combat while serving in Afghanistan in support of Operation Enduring Freedom. He was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

Today, I join family and friends in mourning his death. Jeremy will forever be remembered as a loving husband, father, son, brother and a friend to many. He is survived by his wife Rae McQueary of Brown County and their 5-month-old son Hadley as well as his mother, Deborah Kleinschmidt, his stepfather, David Kleinschmidt, and his sister Rebecca Willison.

Jeremy was a Columbus native. Prior to entering the Marine Corps in January 2002, Jeremy graduated from Columbus East High School. His mother said he loved fishing, four-wheeling and his family.



Jeremy earned a Purple Heart after surviving a roadside bomb attack in Iraq. He nonetheless chose to return to combat after the incident, which speaks volumes about his courage.

While we struggle to express our sorrow over this loss, we can take pride in the example Jeremy set as a marine, a husband, a father, a son, and a brother. Today and always he will be remembered by family, friends, and fellow Hoosiers as a true American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of Jeremy McQueary in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace.

I pray that Jeremy's family finds comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces." May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeremy.

#### DEMOCRACY IN AFRICA

Mr. FEINGOLD. Madam President, I would like to note the many challenges to democracy we are seeing across Africa today. I have long said that promoting and supporting democratic institutions should be a key tenet of our engagement with Africa, as good governance is essential to Africa's stability and its prosperity. Africans are well aware of this, and that is why we have seen spirited democratic movements throughout the continent, even against great odds. It is also why African leaders have committed at the African Union with the Declaration on Democracy, Political, Economic and Corporate Governance that they will work to enforce "the right to participate in free, credible and democratic political processes."

The previous administration spoke often about its commitment to promote democracy in Africa and throughout the world. The current administration, too, has committed to encourage strong and sustainable democratic governments, though it has rightly acknowledged that democracy is about more than holding elections. In his speech in Ghana, President Obama said:

America will not seek to impose any system of government on any nation—the essential truth of democracy is that each nation determines its own destiny. What we will do is increase assistance for responsible individuals and institutions, with a focus on supporting good governance—on parliaments, which check abuses of power and ensure that opposition voices are heard; on the rule of law, which ensures the equal administration of justice; on civic participation, so that young people get involved . . .

I agree that we must take a more holistic approach in our efforts to promote and support democracy. Democracy is not just about a single event every few years; it is also about an ongoing process of governance that is accountable and responsive to the needs and will of citizens. And it is about citizens having the space, encouragement, and ability to educate themselves, mobilize, and participate in that process. We must help countries build such institutions and encourage such space, and we must be willing to speak out against erosions of democratic rights and freedoms—and not only once a country reaches a crisis point such as a coup.

While some African countries have made great democratic strides, I am concerned about the fragile state of democracy on the continent, especially within a number of countries set to hold elections over the next 15 months. In particular, I am concerned by the democratic backsliding in several countries that are close U.S. partners and influential regional actors. It is notable that the Director of National Intelligence included a section on "stalled democratization" in Africa in his public testimony last month to the Senate Intelligence Committee on annual threat assessments. He stated:

The number of African states holding elections continues to grow although few have yet to develop strong, enduring democratic institutions and traditions. In many cases the 'winner-take-all' ethos predominates and risks exacerbating ethnic, regional, and political divisions.

Elections are only one component of the democratic process, but still they are a significant one. The pre- and post-elections periods in many countries are ones in which democratic space and institutions are most clearly tested and face the greatest strains. They can be the periods in which democracy is at its best, but they can also be the periods in which democracy faces some of its greatest threats. This is the case not only in Africa; this is the case here in the United States, and that is why I have worked tirelessly to limit the power of wealthy interests to unduly influence our elections.

Among those African countries scheduled to hold national elections in 2010 are Ethiopia, Sudan, Togo, Central African Republic, Burundi, Rwanda, Tanzania, and Burkina Faso. Guinea, Madagascar, and Niger, three countries that have recently had coups, have also committed to hold elections this year.

And in early 2011, Benin, Djibouti, Uganda, Nigeria, and Chad are all scheduled to hold elections.

Of all these elections, Sudan's is already receiving significant attention, and for good reason. That election—the country's first multiparty one in 24 years—has the potential to be a historic step toward political transformation in Sudan if it is credible. However, restrictions on opposition parties and the continued insecurity in Darfur have many doubting whether the conditions even exist for credible elections. Furthermore, increasing violence within southern Sudan is very worrying. In any case, the results of Sudan's election in April will have a great influence on political dynamics within the country and region for years to come and will pave the way for southern Sudan's vote on self-determination, set for January 2011. The international community is rightly keeping a close eye on these elections, and we need to continue supporting efforts to make them credible and be prepared to speak out against any abuses or rigging.

Similarly, we need to keep a close eye on the other African countries holding important elections this year. Let me highlight four countries whose upcoming elections I believe also merit close attention and specific international engagement.

The first is Ethiopia, which is set to hold elections in May. In his testimony, the Director of National Intelligence stated:

In Ethiopia, Prime Minister Meles and his party appear intent on preventing a repeat of the relatively open 2005 election which produced a strong opposition showing.

Indeed, in Ethiopia, democratic space has been diminishing steadily since 2005. Over the last 2 years, the Ethiopian Parliament has passed several new laws granting broad discretionary powers to the government to arrest opponents. One such law, the Charities and Societies Proclamation, imposes direct government controls over civil society and bars any civil society group receiving more than 10 percent of its funding from international sources to do work related to human rights, gender equality, the rights, of the disabled, children's rights, or conflict resolution. Another law, the Anti-Terrorism Proclamation, defines terrorism-related crimes so broadly that they could extend to nonviolent forms of political dissent and protest.

Ethiopia is an important partner of the United States and we share many interests. We currently provide hundreds of millions of dollars in aid annually to Ethiopia. That is why I have been so concerned and outspoken about these repressive measures, and that is why I believe we have a stake in ensuring that Ethiopia's democratic process moves forward, not backward. With the elections just 3 months away, several



key opposition leaders remain imprisoned, most notably Birtukan Mideksa, the head of the Unity for Democracy and Justice Party. There is no way that elections can be fair, let alone credible, with opposition leaders in jail or unable to campaign freely. At the bare minimum, the international community should push for the release of these political prisoners ahead of the elections. If nothing changes, we should not be afraid to stand with the Ethiopian people and state clearly that an election in name only is an affront to their country's democratic aspirations.

The second country I want to highlight is Burundi. As many people will recall, Burundi was devastated by political violence throughout the 1990s, leaving over 100,000 people dead. Yet the country has made tremendous strides in recent years to recover and rebuild from its civil war. In 2005, it held multiparty national and local elections, a major milestone on its transition to peace. Burundians are set to head to the polls again this year. If these elections are fair, free, and peaceful, they have the potential to be another milestone along the path toward reconciliation, lasting stability, and democratic institutions. This would be good not only for Burundi but also for the whole of Central Africa. Burundians deserve international support and encouragement as they strive for that goal.

Still, many challenges remain. The tensions that fed and were fueled by Burundi's civil war have not entirely gone away. And there is some evidence that the parties continue to use the tools of war to pursue their political goals. According to a report by the International Crisis Group last month, "opposition parties are facing harassment and intimidation from police and the ruling party's youth wing and appear to be choosing to respond to violence with violence." Furthermore, there continue to be reports that the National Intelligence Service is being used by the ruling party to destabilize the opposition. If these trends continue, they could taint Burundi's elections and set back its peace process. The international community, which has played a big role in Burundi's peace process, cannot wait until a month before the election to speak out and engage the parties these issues. We need to do it now.

Burundi's neighbor to the north, Rwanda, is also slated to hold important elections this summer. Rwanda is another country that has come a long way. Since the genocide in 1994, the government and people of Rwanda have made impressive accomplishments in rebuilding the country and improving basic services. It is notable that Rwanda was the top reformer worldwide in the 2010 World Bank's "Doing Business Report." President Kagame has shown

commendable and creative leadership in this respect. On the democratic front, however, Rwanda still has a long way to go.

Understandably there are real challenges to fostering democracy some 15 years after the genocide, but it is troubling that there is not more space within Rwanda for criticism and opposition voices. The State Department's 2008 Human Rights Report for Rwanda stated, "There continued to be limits on freedom of speech and of association, and restrictions on the press increased." With elections looming, there are now some reports that opposition party members in Rwanda are facing increasing threats and harassment. The international community should not shy away from pushing for greater democratic space in Rwanda, which is critical for the country's lasting stability. We fail to be true friends to the Rwandan people if we do not stand with them in the fight against renewed abuse of civil and political rights. In the next few months in the runup to the elections, it is a key time for international donors to raise these issues with Kigali.

Finally, I would like to talk about Uganda, which is set to hold elections in February 2011. Uganda, like Rwanda, is a close friend of the United States, and we have worked together on many joint initiatives over recent years. President Museveni deserves credit for his leadership on many issues both within the country and the wider region. However, at the same time, Museveni's legacy has been tainted by his failure to allow democracy to take hold in Uganda. Uganda's most recent elections have been hurt by reports of fraud, intimidation, and politically motivated prosecutions of opposition candidates. The Director of National Intelligence stated in his testimony that Uganda remains essentially a "one-party state" and said the government "is not undertaking democratic reforms in advance of the elections scheduled for 2011."

Uganda's elections next year could be a defining moment for the country and will have ramifications for the country's long-term stability. The riots in Buganda last September showed that regional and ethnic tensions remain strong in many parts of the country. Therefore, it is important that the United States and other friends of Uganda work with that country's leaders to ensure critical electoral reforms are enacted. In the consolidated appropriations act that passed in December, Congress provided significant assistance for Uganda but also specifically directed the Secretary of State "to closely monitor preparations for the 2011 elections in Uganda and to actively promote . . . the independence of the election commission; the need for an accurate and verifiable voter registry; the announcement and posting of

results at the polling stations; the freedom of movement and assembly and a process free of intimidation; freedom of the media; and the security and protection of candidates."

Madam President, again these challenges are not unique to Africa. Here in the United States, we too have to work constantly to ensure the integrity of our elections and our democratic processes. But I believe these upcoming elections in a number of African states could have major ramifications for the overall trajectory of democracy on the continent as well as for issues of regional security. I also believe several of these elections could significantly impact U.S. policy and strategic partnerships on the continent. For that reason, I do not believe we can wait until weeks or days before these elections to start focusing on them. We need to start engaging well in advance and helping to pave the way for truly democratic institutions and the consolidation of democracy. This includes aligning with democratic actors that speak out against repressive measures that erode political and civil rights. The Obama administration has done this well in some cases, but we need to do it more consistently and effectively. In the coming months, I hope to work with the administration to ensure we have a clear policy and the resources to that end.

#### HUMAN RIGHTS

Mr. FEINGOLD. Madam President, although I know the Obama administration strongly supports human rights and adherence to the rule of law around the world, I have been struck by several very public examples where this important issue has gotten short shrift—most notably in senior State Department meetings with foreign governments. Perhaps the starkest example was the Secretary of State's visit to China last year, where she said that U.S. efforts to advance human rights "can't interfere on the global economic crisis, the global climate change crisis and the security crisis."

Since joining Congress in 1993, I have emphasized that human rights must be at the center of our foreign policy. The Obama administration shares this view, but I remain troubled that in certain instances human rights continue to take a back seat to other competing concerns deemed more pressing. As we seek to address the many crises we face both at home and around the world, we cannot afford to miss—or avoid—opportunities to raise human rights concerns. I do not believe quiet tradeoffs are necessary or consistent with the principles for which the United States stands. Moreover, whatever the perceived short-term benefit of remaining quiet when human rights are being undermined, there is often a long-term cost to us. Our commitment to and enforcement of international human

rights standards is part of our strength—when they are called into question, our own national security is undermined.

Human rights, good governance and the rule of law are important not only in their own right, but also for the positive contributions they can provide to our efforts on counterterrorism, stability, and development. As we continue the fight against al-Qaeda and its affiliates, a robust human rights agenda that is deeply intertwined with our broader national security goals will help us achieve our counterterrorism objectives. At the same time, our counterterrorism policies and those of our partners must respect basic, fundamental rights in order to be truly effective.

Developing a coherent and effective foreign policy that successfully incorporates trade, security, and human rights concerns is no easy task. But we cannot further perpetuate the current imbalance by remaining silent on critical human rights concerns. Silence speaks volumes and gives a free pass to those who commit such abuses, as well as those who might commit them in the future. We must voice our concerns loudly and consistently as we seek to build global partnerships rooted in policies that incorporate good governance, the rule of law, and human rights alongside our economic and security priorities. By downplaying the former in order to focus on the latter, the administration risks weakening a key pillar of American strength.

#### RECOGNIZING THE LEAGUE OF WOMEN VOTERS

Ms. MIKULSKI. Madam President, today I wish to commend and congratulate the League of Women Voters, in honor of the league's 90th anniversary. This nonpartisan political organization encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

The League of Women Voters was founded by Carrie Chapman Catt in 1920—just 6 months before the 19th amendment to the U.S. Constitution was ratified, giving women the right to vote after a 72-year struggle. It was designed to help 20 million women carry out their new responsibilities as voters. It encouraged them to use their new power to participate in shaping public policy. Today, there are 900 State and local Leagues in all 50 States.

While the league neither supports nor opposes candidates for office at any level of government, it works to influence policy through advocacy on issues such as voting rights, health care reform, global climate change, and election administration. This grassroots citizen network is directed by the consensus of its members nationwide.

In honoring the league, we commemorate the past achievements of women and highlight the successes of women today. From the suffragists who founded the league 90 years ago to the incredible women who work today to improve our communities and our country as elected officials and as volunteers, the league's women are making a profound and lasting civic impact. I wish the League of Women Voters continued success as they bring more women into the political arena as candidates, informed voters and advocates.

#### RECOGNIZING VIRGINIA TASK FORCES ONE AND TWO

Mr. WARNER. Madam President, I rise today to commend the efforts of Virginia Task Forces One and Two on their recent deployment to Haiti. Their combined efforts in the immediate aftermath of the devastating earthquake resulted in the successful rescue of 19 men, women, and children.

These teams are made up of over 150 firefighters, physicians, and structural engineers from Fairfax and Virginia Beach, VA.

Both teams were manned and ready within 24 hours of the call for help. That included preparing and staging over 100 tons of cargo and gear for airlift to Haiti.

One of the rescues involved Jens Christensen, a United Nations worker from Denmark who was trapped in the United Nations compound. The teams worked for over 8 hours to free him, and kept him alive by inserting a feeding tube through the rubble to provide him water during the rescue.

Acting on a tip from local residents, the team also rescued two children, "Kiki and Sabrina," almost a full week after the earthquake. These two Haitian girls were still alive in a building no one had previously searched.

Another woman was rescued from the rubble of a collapsed market, and the team was able to provide paramedics and physicians to treat her on site and stabilize the woman for transport to a local hospital.

These teams leveraged their countless hours of training to hit the ground running at full speed. They have extensive international and domestic disaster response experience, and are recognized throughout the United States and the world as leaders in readiness, response and recovery techniques.

This is an important capability—and just yesterday I understand the teams were put on ready alert to potentially deploy again, this time to Chile to help with search and rescue efforts.

Please join me in commending the heroic and humanitarian efforts of Virginia Task Force One and Virginia Task Force Two.

I offer sincere thanks to all the team members, support personnel, and the

families of these brave men and women.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARY SCOTT

• Mr. CARPER. Madam President, today I wish to recognize Mrs. Mary Scott, former Smyrna School District superintendent, whom I have been privileged to know for the past two decades. A role model of integrity, Mrs. Scott served the Smyrna School District in a series of roles of increasing responsibility from 1965 until July 1998, when she retired as the district's superintendent.

Born and in Wilmington, DE, Mrs. Scott attended public school until she was 10. When her family moved to Smyrna, a town some 40 miles south of Wilmington, she attended a two-room school there that housed grades 1 through 8 before attending the Booker T. Washington Elementary School in Dover for grades 9 and 10. Mary Scott graduated from the laboratory high school for students in grades 11 and 12 that was located on the campus of Delaware State College, now Delaware State University. Four years later, Mrs. Scott graduated from Delaware State College with a bachelor of arts degree in English and a minor in biology, after which she went on to receive her masters of arts degree in psychology from Washington College in Chestertown, MD.

The first minority educator to join faculty of the Smyrna District, Mrs. Scott began her career as an English teacher at Smyrna High School, the home of the Eagles. Later, she served the district as assistant to the president and as human relations counselor at the high school until 1978 when she became director of the Title 1 Program and supervisor of the Early Childhood Education Center, serving in that capacity until 1985. Next, she was appointed principal of North Elementary School and held that position until her promotion to the district's supervisor of education in 1988. Finally, from 1991 to 1994, Mary Scott served as the district's assistant superintendent until her appointment as the superintendent of schools in the Smyrna District in October of 1994. She was the first African-American to serve in that role in that district.

The Smyrna School District has served the towns of Smyrna and Clayton in Kent County for more than 125 years and currently includes more than 4,800 students in central Delaware.

The core values of the district include compassion, perseverance, respect, responsibility, and integrity. At the recent "I Love Smyrna School District Day," Mrs. Scott was honored as a role model of integrity. The Smyrna District community committee defines

integrity as "being honest, fair, good, and trustworthy." Mary Scott is the epitome of all of these things and more. A person of deep faith, Mary believes in giving back to her community, her church, and her State and has been recognized for her service to education by numerous educational, civic, and religious organizations. On top of all this, Mrs. Scott has been married to William L. Scott, a retired probation and parole officer, for 56 years. They are parents to 3 children, Sheldon, Jeffrey, and Rachel, grandparents to five, and great-grandparents to two.

Through her tireless efforts over a third of a century, Mary Scott has made a profound difference in the lives of thousands of students in the Smyrna District—many of whom remain dedicated and committed alumni of the district. Mrs. Scott leaves a legacy of commitment to public service for her children, grandchildren, students, and for the rest of us to follow. On behalf of all who have benefited from her tireless and enlightened leadership, I thank her for her commitment to educating every child and for the inspiration she provides through a lifetime of caring.

On behalf of all Delawareans, I congratulate her on being honored for her service and extend to her my very best wishes for every success in the future.●

#### REMEMBERING DR. DON C. GARRISON

● Mr. GRAHAM. Madam President, I would like to pay tribute to the life of Dr. Don C. Garrison of Easley, SC. On February 27, 2010, South Carolina lost a true visionary and leader who dedicated almost half of his life to improving higher education.

For more than three decades, Dr. Garrison devoted himself to nurturing and developing Tri-County Technical College, one of the largest community and technical colleges in South Carolina. In 1971, Dr. Garrison took over as president of Tri-County, which at the time was a rural technical school. During his tenure as president, Dr. Garrison expanded this institution to become one of the State's largest community colleges, providing degrees, diplomas, and certificate programs in a variety of subject areas.

Under his tutelage, Tri-County has become an exemplary 2-year technical institution that educates students across Pickens, Anderson and Oconee Counties. Dr. Garrison worked tirelessly to improve the lives of many South Carolinians and used his unique position to advocate for technical education.

Dr. Garrison was one of the early pioneers of technical schools in South Carolina, which quickly transformed South Carolina's economy. South Carolina's technical schools have always been some of the highest performing

schools in the nation, much to do with the leadership of Dr. Garrison. He was an optimist by nature, who always tried to find a way forward, no matter how difficult the problem. The people of South Carolina were well served by his leadership and vision.

Dr. Garrison will be remembered as a passionate educator, a steadfast advocate of education, and for the tremendous contributions he has made to countless members of our community. His legacy will be carried on by the many lives that he influenced. I truly admire his dedication to his students and to the State of South Carolina.

In his final commencement speech, Dr. Garrison told the graduating class, "The key to success in life is attaching yourself to a cause that is greater than yourself." Dr. Garrison was a shining example of this very statement. I was truly saddened to hear of the passing of Dr. Don Garrison and I want to take this opportunity to send my condolences to his wife Carol, his family, and friends. I also want to express my sincere appreciation for his long service to the State of South Carolina.●

#### TRIBUTE TO SANDI SANDERS

● Mrs. LINCOLN. Madam President, today I recognize Sandi Sanders of Fort Smith, AR, for her leadership on the U.S. Marshals Service National Museum to be located in Fort Smith. Because of her efforts, Sandi will be honored during a "Salute to Sandi" event hosted by the museum later this month.

In January 2007, Fort Smith was given a highly sought after opportunity: designation as the site for a national museum, the U.S. Marshals Museum. As the oldest Federal law enforcement agency in the Nation, the U.S. Marshals Service reflects the history of the United States. Throughout their 219-year history, U.S. marshals and deputy marshals have been involved in many of the Nation's most historic events. Within the history of the Service are powerful stories that touch and inspire all people.

Sandi's involvement with the museum dates back to 2007, when she was named director. She has worked tirelessly to create a museum that will educate all visitors about the history, values, and dedicated individuals of the U.S. Marshals Service. Although she no longer serves as director, Sandi has remained an integral part of the Nation's U.S. Marshals Museum.

Madam President, I salute Sandi and all of the residents of Fort Smith for their dedication and commitment to this project. The entire community of Fort Smith should be proud of its efforts to bring the U.S. Marshals Museum home where it belongs.●

#### TRIBUTE TO COLONEL ROBERT L. HOWARD

● Mr. SESSIONS. Madam President, today I pay tribute to COL Robert L. Howard. Colonel Howard grew up in Opelika, AL, and enlisted in the U.S. Army in 1956 at age 17. He retired as a full Colonel in 1992 after 36 years service. After retiring, Howard worked for the Department of Veterans Affairs. During Vietnam, he served in the U.S. Army Special Forces, Green Berets, and spent most of his five tours in the secret Military Assistance Command Vietnam Studies and Observations Group, also known as Special Operations Group, which ran classified cross-border operations into Laos, Cambodia, and North Vietnam.

These men carried out some of the most daring and dangerous missions ever conducted by the U.S. military. The understrength 60-man recon company at Kontum in which he served was the Vietnam war's most highly decorated unit of its size with five Medals of Honor. It was for his actions while serving on a mission to rescue a fellow soldier in Cambodia that he was submitted for the third time for the Medal of Honor for his extraordinary heroism. Colonel Howard was a sergeant first class in the Army's Special Forces on Dec. 30, 1968, when he rallied a badly shot-up platoon against an estimated 250 enemy troops. Despite being unable to walk because of injuries, he coordinated a counterattack while aiding the wounded and was the last man to board a helicopter, according to military records.

He served five tours in Vietnam and is the only soldier in our Nation's history to be nominated for the Congressional Medal of Honor three times for three separate actions within a 13-month period. He received a direct appointment from master sergeant to first lieutenant in 1969 and was awarded the Medal of Honor by President Richard M. Nixon at the White House in 1971. His other awards for valor include two awards of the Distinguished Service Cross, the Silver Star, the Defense Superior Service Medal, four awards of the Legion of Merit, four Bronze Star Medals and eight Purple Hearts. He was wounded 14 times while serving in Vietnam.

Colonel Howard, 70, died at a hospice in Waco, where he had been for about 3 weeks, suffering from pancreatic cancer. He was buried in Arlington on February 22, 2010. Colonel Howard is survived by his son, Army SGT Robert Howard, Jr., and daughters Melissa Gentsch, Rosslyn Howard, and Denicia Howard; and four grandchildren. I was also pleased to meet his brother Steve Howard, 6 years younger, who also volunteered at age 17. In an annual event, Steve was able to serve with his brother on one of his tours in Vietnam. It was wonderfully clear to one how much affection and respect Steve had for his big brother.

So, Madam President, it is my honor to pay tribute to this great Alabamian and, most of all, this great American. He, like so many today, went into harm's way, a courageous patriot, to effect the decided military positions of the United States. It is on the actions of such men that our liberty and prosperity depend. I am humbled to have the opportunity to express my appreciation for Colonel Howard's heroic and superb service to this country.●

#### RECOGNIZING GRANT COUNTY, OREGON

● Mr. WYDEN. Madam President, I would like to take a moment to praise the courage and commitment of a small community in Oregon.

Grant County is home to just 7,500 people. It is located in rural eastern Oregon. The county is larger than some States. With majestic mountains, rivers, and valleys, its beauty is unprecedented. Those who live there are proud of their home. They work hard and they watch out for each other. Last month, they proved it in a way that should make everyone proud to be an American.

A few weeks ago, a man came to town calling himself the national director of the Aryan Nations, one of the most infamous hate groups in America. He declared that he was looking for a place for a national headquarters and that Grant County would be perfect. Amazingly, he said the values of his organization and the values of Grant County were the same.

He couldn't have been more wrong.

Since the local newspaper, the Blue Mountain Eagle, reported on his visit, Grant County has risen as one to show this man that there is no way that their home is going to be the headquarters for hate.

To express their outrage, the residents of Grant County stood on street corners in the city of John Day waving flags and holding signs making it clear that the Aryan Nations was not welcome. The people of Grant County stood together in supporting diversity and tolerance in their community. All over the county, green ribbons symbolizing their support for equality streamed from car antennas, hung from fences, and pinned proudly to their clothes. Signs are in businesses and homes. Cars are emblazoned with messages of support for their community and opposition to hatred.

More than 1,000 people jammed into two public meetings held on February 26. They were there to learn how to make sure the Aryan Nations would not succeed. There were so many that the meeting room couldn't hold them all. You know there is something special going on when one out of every six residents of a small rural county comes, to learn how to protect their community from a group who would

destroy it. Since then, the Grant County Human Rights Coalition has been formed. It is a remarkable group of people, all working to make their home a better place.

The people of Grant County have shown us all what a community looks like. As an Oregonian and as their U.S. Senator, I could not be more proud of them.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 8:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

##### ENROLLED BILL SIGNED

At 9:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4826. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Registration, Five Year Terms" (RIN0580-AB03) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4827. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002" (RIN0584-AD30) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4828. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Technical Service Provider Assistance" ((7 CFR Part 652) (RIN0578-AA48)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4829. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Healthy Forests Reserve Program" ((7 CFR Part 652) (RIN0578-AA52)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4830. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Compliance with the National Environmental Policy Act" ((7 CFR Part 650) (RIN0578-AA55)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4831. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Management Assistance Program" ((7 CFR Part 1465) (RIN0578-AA50)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4832. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma asperellum strain ICC 012; Exemption from the Requirement of a Tolerance" (FRL No. 8800-9) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4833. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,2,3-Propanetriol, Homopolymer Diisooctadecanoate; Exemption from the Requirement of a Tolerance" (FRL No. 8813-8) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4834. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the assignment of women to submarines; to the Committee on Armed Services.

EC-4835. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S.

exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-4836. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-4837. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-4838. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Money Market Fund Reform" (RIN3235-AK33) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4839. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rules Requiring Internet Availability of Proxy Materials" (RIN3235-AK25) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4840. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Exception GOV to Provide Authorization for Exports and Reexports of Commodities for Use on the International Space Station (ISS)" (RIN0694-AE52) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4841. A communication from the Secretary, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to an order granting rehearing for further consideration; to the Committee on Energy and Natural Resources.

EC-4842. A communication from the Acting Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (3) three reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC-4843. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Federal Volatility Control Program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado, 1997 8-Hour Ozone Non-attainment Area" (FRL No. 9119-3) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC-4844. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction"

(FRL No. 9118-7) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC-4845. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Iowa" (FRL No. 9120-2) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC-4846. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio New Source Review Rules" (FRL No. 9107-4) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC-4847. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; NOx Budget Trading Program" (FRL No. 9116-8) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC-4848. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Control of Muscovy Ducks, Revisions to the Waterfowl Permit Exceptions and Waterfowl Sale and Disposal Permits Regulations" (RIN1018-AV34) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC-4849. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "General Provisions; Revised List of Migratory Birds" (RIN1018-AB72) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC-4850. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Control of Purple Swamphens" (RIN1018-AV33) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC-4851. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; States Delegated Falconry Permitting Authority" (RIN1018-AW98) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC-4852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "2010 Automobile Inflation Adjustments" (Rev. Proc. 2010-18) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC-4853. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Study and Report Relating to Medicare Advantage Organizations as Required by Section 4101(d) of the American Recovery and Reinvestment Act of 2009"; to the Committee on Finance.

EC-4854. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-4855. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0029-2010-0032); to the Committee on Foreign Relations.

EC-4856. A communication from the Coordinator of U.S. Assistance to Europe and Eurasia, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report on U.S. Government Assistance to and Cooperative Activities with Central and Eastern Europe; to the Committee on Foreign Relations.

EC-4857. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act" (RIN1215-AB66) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4858. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Astaxanthin Dimethylsuccinate; Confirmation of Effective Date" (Docket No. FDA-2007-C-0044) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4859. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-294, "Arthur Capper/Carrollburg Public Improvements Revenue Bonds Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-4860. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4861. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, and Extended Certification Periods" (RIN0584-AD12) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Indian Affairs.

EC-4862. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Temporary Agricultural Employment of H-2A Aliens in the United States" (RIN1205-AB55) received in the Office of the President of the Senate on February 25, 2010; to the Committee on the Judiciary.

EC-4863. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Registration Requirements for Importers and Manufacturers of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine" (Docket Number DEA-294F) received in the Office of the President of the Senate on February 24, 2010; to the Committee on the Judiciary.

EC-4864. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Crustacean Fisheries; 2010 Northwestern Hawaiian Islands Lobster Harvest Guideline" (RIN0648-XT33) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4865. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XT96) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4866. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an Identification Number in the Automated Export System (AES)" (RIN0607-AA48) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4867. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Products Containing Lead; Exemptions for Certain Electronic Devices" (16 CFR Part 1500) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 409. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes (Rept. No. 111-129).

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act (Rept. No. 111-130).

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes (Rept. No. 111-131).

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes (Rept. No. 111-132).

S. 782. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System (Rept. No. 111-133).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 853. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System (Rept. No. 111-134).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 874. A bill to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes (Rept. No. 111-135).

S. 940. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes (Rept. No. 111-136).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1053. A bill to amend the National Law Enforcement Museum Act to extend the termination date (Rept. No. 111-137).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1139. A bill to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes (Rept. No. 111-138).

S. 1140. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon (Rept. No. 111-139).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 111-140).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1405. A bill to redesignate the Longfellow National Historic Site, Massachusetts, as the "Longfellow House-Washington's Headquarters National Historic Site" (Rept. No. 111-141).

S. 1453. A bill to amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023 (Rept. No. 111-142).

S. 1757. A bill to provide for the prepayment of a repayment contract between the

United States and the Uintah Water Conservancy District, and for other purposes (Rept. No. 111-143).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1759. A bill to authorize certain transfers of water in the Central Valley Project, and for other purposes (Rept. No. 111-144).

H.R. 689. A bill to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes (Rept. No. 111-145).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 714. A bill to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes (Rept. No. 111-146).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1121. A bill to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes (Rept. No. 111-147).

H.R. 1287. A bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes (Rept. No. 111-148).

H.R. 1376. To establish the Waco Mammoth National Monument in the State of Texas, and for other purposes (Rept. No. 111-149).

H.R. 1442. A bill to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909 (Rept. No. 111-150).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 1593. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System (Rept. No. 111-151).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1694. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program (Rept. No. 111-152).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1945. A bill to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes (Rept. No. 111-153).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2330. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System (Rept. No. 111-154).



By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes (Rept. No. 111–155).

H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 111–156).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Ms. CANTWELL, Ms. MIKULSKI, Mr. CARDIN, Mr. DODD, and Mr. MERKLEY):

S. 3056. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 3057. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. INOUE, Mrs. LINCOLN, Mr. HATCH, Ms. STABENOW, Mr. SCHUMER, Mr. DURBIN, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHANNES, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. WARNER, Mr. BARRASSO, and Mr. BINGAMAN):

S. 3058. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. 3059. A bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 429. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

By Mr. CHAMBLISS:

S. Con. Res. 52. A concurrent resolution expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 557

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs.

LINCOLN) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 704

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1255

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1255, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 2805

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2805, a bill to amend the Food and Nutrition Act of 2008 to increase the amount made available to purchase commodities for the emergency food assistance program in fiscal year 2010.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2878

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2878, a bill to prevent gun trafficking in the United States.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2947

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2979

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2979, a bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes.

S. 2994

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3338 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs.



LINCOLN) was added as a cosponsor of amendment No. 3342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. CANTWELL, Ms. MIKULSKI, Mr. CARDIN, Mr. DODD, and Mr. MERKLEY):

S. 3056. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, along with Senators CANTWELL, MIKULSKI, CARDIN, DODD, and MERKLEY, I am reintroducing legislation that will repeal the authority granted to the Federal Energy Regulatory Commission, FERC, in the Energy Policy Act of 2005 to site Liquefied Natural Gas, LNG, terminals. Prior to enactment of these changes, States, such as Oregon, had authority to site these large energy facilities—a right that was preempted by the 2005 act. At the time, 45 Senators went on record saying that cutting State siting agencies out of the LNG siting process was a bad idea.

As citizens and their public officials in my State and those of my colleagues can attest, putting FERC in the driver's seat for LNG siting has been a colossal mistake. Rather than address the critical environmental and economic questions of whether these large, potentially dangerous natural gas storage facilities are even needed or whether energy supplies could be provided with less environmental impact and risk, FERC has taken the attitude that it's not its job to make such decisions. The result is the worst of all possible public policy worlds where FERC refuses to address the tough questions and the law limits the ability of our States to step where FERC fails.

Right now, in Oregon, we have three separate LNG projects. Two of those have been approved by FERC over the objections of citizens and State officials and one is still pending. Together, they would have a combined capacity of 3.3 billion cubic feet, BCF, of gas per day. Yet, the States of Oregon and Washington, together, only use 1.33 BCF per day. Natural gas prices in North America have significantly declined and supplies have increased since these projects were proposed. Yet, FERC categorically refuses to address the basic question of whether the three proposed facilities are even needed to serve our market. FERC also refuses to consider whether any of the competing interstate pipeline proposals to bring natural gas to Oregon

from the Rocky Mountains would be a better option. In fact, FERC asserts that it is not its job to determine which, if any, of these proposals best serves our market.

While the new chairman of FERC—Jon Wellinghoff—has been willing to vote against LNG siting proposals, the truth is that FERC continues to plow ahead with siting decisions that make no economic sense and which endanger forest lands, farms, vineyards, and residential neighborhoods. Given FERC's record, my colleagues and I believe that it is essential that Congress restore the local and State role in these critical decisions about where, and even whether, LNG facilities and the pipelines that connect them are to be built.

The legislative language is identical to the bill I introduced in the last Congress—S. 2822—and which garnered the support of a number of my colleagues including then-Senator Barack Obama. That bill was needed then, and it is needed now. I am going to be calling on the President for his help in fixing this serious mistake.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3056

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXPORTATION OR IMPORTATION OF NATURAL GAS.

(a) IN GENERAL.—Section 311 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 685) is repealed.

(b) APPLICATION.—The Natural Gas Act (15 U.S.C. 717 et seq.) shall be applied and administered as if section 311 of the Energy Policy Act of 2005 (and the amendments made by the section) had not been enacted.

By Mrs. BOXER:

S. 3057. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2010. This bill would resolve a twenty-year-old mining dispute between the City of Santa Clarita and CEMEX USA, and have numerous other benefits for communities in Los Angeles and San Bernardino Counties, CA.

In 1990, the Bureau of Land Management awarded CEMEX two 10-year consecutive contracts to extract 56 million tons of sand and gravel from a site in Soledad Canyon. The City of Santa Clarita strongly opposed CEMEX's expansion of mining in this area. After 2 decades of conflict and nearly a decade of litigation, the two parties an-

nounced a truce in early 2007, and started working out an agreement.

This legislation would implement the terms of that agreement. It would require the Secretary of the Interior to cancel CEMEX's mining contracts in Soledad Canyon and prohibit future mining at this site. The BLM would sell lands near Victorville, CA, that are currently on its disposal list, and would use the proceeds to compensate CEMEX for the cancellation of its mining contracts. The City of Victorville and County of San Bernardino would have the right of first refusal to purchase many of these parcels, which would help satisfy their future development needs. Some of these funds would also go towards the purchase of environmentally-sensitive lands in Southern California.

My legislation would settle a twenty-year-old dispute to all parties' satisfaction, complement future development plans in Southern California, help secure important lands for conservation, and do all of this without any cost to taxpayers. That is why it has already won the support of a diverse group of interests, including the City of Santa Clarita, CEMEX, the Santa Monica Mountains Conservancy, and the Sierra Club.

I have worked with Representative BUCK MCKEON in introducing this measure and look forward to working with my colleagues in the Senate to secure its passage.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. 3059. A bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join with the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in introducing the National Energy Efficiency Enhancement Act of 2010. This legislation would implement several agreements that have been negotiated between appliance manufacturers and energy efficiency advocates to increase national energy efficiency standards for a range of commercial products, strengthen our economy, create jobs, and reduce carbon dioxide emissions.

The major energy consuming products that would have standards established or enhanced by this legislation include furnaces, air conditioners, street lights, and external power supplies. The bill would also modify the Secretary of Energy's authority regarding administration of the program. For example, there would be changes to the criteria used by the Secretary when determining where to set a standard, so as to include consideration of the impact of a proposed standard on average energy prices and the impacts

of smart grid technology. A more detailed description section-by-section summary of the bill is included at the end of these remarks.

Representatives from the energy efficiency community, such as the American Council for an Energy Efficient Economy, ACEEE, the Alliance to Save Energy, and the National Resources Defense Council, along with industry representatives from the National Electric Manufacturers Association, the Air Conditioning, Heating and Refrigeration Institute, and the Association of Home Appliance Manufacturers and others, have done a commendable job in working through very difficult and technical issues to develop this remarkable consensus legislation. Their successes were set forth in several agreements that have been included in this bill. It is a testament to what can be achieved for the nation when interests groups work together with a commitment to the common good.

The savings from these new standards, if enacted, are estimated at 258 trillion Btu in 2020, and 677 trillion Btu in 2030. In addition, greenhouse gas emissions are estimated to be reduced by 14.6 million metric tons of CO<sub>2</sub> in 2020, and 39 million metric tons in 2030. Other benefits of increased efficiency include consumer savings due to lower energy costs and new jobs created by the use of consumer savings for other purchases and investments.

This legislation demonstrates the continuing commitment of the Energy Committee to build on the bipartisan bill it reported last June—the American Clean Energy Leadership Act of 2009, or ACELA. Title II of ACELA directs the Energy Department to establish new energy efficiency standards for portable lamps and commercial furnaces and would yield estimated energy savings in 2030 of 551 trillion Btu, and carbon dioxide emission reductions of 31.3 million metric tons. Combined, the savings from these two bills would be 1228 trillion Btu and 70 million metric tons in 2030. Note: all estimates by the American Council for an Energy Efficient Economy.

The energy efficiency provisions of ACELA when combined with this new legislation would substantially enhance one of the most powerful and cost-effective tools the Federal Government has to strengthen our economic and energy security.

The appliance standards program has been saving energy and money for families, businesses, and government consumers for more than 20 years. DOE currently administers standards for 35 products, and the American Council for an Energy Efficient Economy estimates cumulative program savings of 5.1 Quadrillion Btu through 2010. The ACEEE projects another 3 Quadrillion Btu of savings from current standards by 2020.

This program's savings in electricity are the most significant, with an esti-

mated reduction of nearly 16 percent in national electricity use by 2020 below what would have been used without the program.

Greater energy efficiency strengthens our economy, enhances our security, saves consumers money, creates jobs, and reduces greenhouse gas pollution. No single program or policy is going to completely end our nation's waste of energy or its carbon emissions, but increased energy efficiency through cost-effective energy standards for appliances and consumer products remains the single most-powerful tools for meeting these goals.

I look forward to working with my colleagues in the Energy Committee, in the Congress, and in the Administration to enact the National Energy Efficiency Enhancement Act of 2010. It would be a major enhancement to the energy savings anticipated from ACELA—more than doubling the savings—and both bills should be a part of any comprehensive national energy legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3059

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Energy Efficiency Enhancement Act of 2010”.

#### SEC. 2. ENERGY CONSERVATION STANDARDS.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) by striking paragraph (6) and inserting the following:

“(6) ENERGY CONSERVATION STANDARD.—

“(A) IN GENERAL.—The term ‘energy conservation standard’ means 1 or more performance standards that—

“(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

“(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

“(iii) for clothes washers and dishwashers—

“(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

“(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

“(B) INCLUSIONS.—The term ‘energy conservation standard’ includes—

“(i) 1 or more design requirements, if the requirements were established—

“(I) on or before the date of enactment of this subclause;

“(II) as part of a direct final rule under section 325(p)(4); or

“(III) as part of a final rule published on or after January 1, 2012; and

“(ii) any other requirements that the Secretary may prescribe under section 325(r).

“(C) EXCLUSION.—The term ‘energy conservation standard’ does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.”; and

(2) by adding at the end the following:

“(66) EER.—The term ‘EER’ means energy efficiency ratio.

“(67) HSPF.—The term ‘HSPF’ means heating seasonal performance factor.”.

(b) EER AND HSPF TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(19) EER AND HSPF TEST PROCEDURES.—

“(A) IN GENERAL.—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

“(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

“(ii) the HSPF shall be calculated based on Region IV conditions.

“(B) REVISIONS.—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.”.

(c) CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

“(4) CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

“(A) BASE NATIONAL STANDARDS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

“(I) Split Systems: 13 for central air conditioners and 14 for heat pumps.

“(II) Single Package Systems: 14.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

“(I) Split Systems: 8.2.

“(II) Single Package Systems: 8.0.

“(B) REGIONAL STANDARDS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

“(I) Split Systems: 14 for central air conditioners and 14 for heat pumps.

“(II) Single Package Systems: 14.

“(ii) ENERGY EFFICIENCY RATIO.—The energy efficiency ratio of central air conditioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

“(I) Split Systems: 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

“(II) Single Package Systems: 11.0.

“(iii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

“(C) AMENDMENT OF STANDARDS.—

“(i) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

“(ii) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

“(D) CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.—

“(i) FORUM.—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

“(ii) RECOMMENDATION.—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rule-making process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

“(iii) NO RECOMMENDATION.—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

“(E) NEW CONSTRUCTION LEVELS.—

“(i) IN GENERAL.—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

“(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.”

(d) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

“(5) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-

WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term ‘small duct, high velocity system’ means a heating and cooling product that contains a blower and indoor coil combination that—

“(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

“(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

“(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms ‘through-the-wall central air conditioner’ and ‘through-the-wall central air conditioning heat pump’ mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

“(I) is not weatherized;

“(II) is clearly and permanently marked for installation only through an exterior wall;

“(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

“(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

“(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

“(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

“(B) RULEMAKING.—

“(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be established or amended.

“(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.”

(e) FURNACES.—Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended by adding at the end the following:

“(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

“(A) BASE NATIONAL STANDARDS.—

“(i) NON-WEATHERIZED FURNACES.—The annual fuel utilization efficiency of non-weatherized furnaces manufactured on or after May 1, 2013, shall be not less than the following:

“(I) Gas furnaces: 80 percent.

“(II) Oil furnaces: 83 percent.

“(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas furnaces manufactured on or after January 1, 2015 shall be not less than 81 percent.

“(B) REGIONAL STANDARD.—

“(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—The annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating degree days equal to or greater than 5000 (specifi-

cally the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming) shall be not less than 90 percent.

“(ii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standard set forth in this subparagraph.

“(C) AMENDMENT OF STANDARDS.—

“(i) NON-WEATHERIZED FURNACES.—

“(I) IN GENERAL.—Not later than January 1, 2014, the Secretary shall publish a final rule to determine whether the standards in effect for non-weatherized furnaces should be amended.

“(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2019.

“(ii) WEATHERIZED FURNACES.—

“(I) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standard in effect for weatherized furnaces should be amended.

“(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

“(D) NEW CONSTRUCTION LEVELS.—

“(i) IN GENERAL.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

“(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.”

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

(1) in paragraph (3), by striking subparagraphs (B) through (F) and inserting the following:

“(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered product have an energy efficiency exceeding 1 of the following levels:

“(i) The applicable energy conservation standard established in or prescribed under section 325.

“(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

“(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

“(i) for residential furnaces, central air conditioners, and heat pumps, effective not earlier than January 1, 2013 and until such time as a level takes effect for the product under clause (ii)—

“(I) for the States described in section 325(d)(5)(B)(i)—

“(aa) 92 percent AFUE for gas furnaces; and

“(bb) 14 SEER for central air conditioners (not including heat pumps);

“(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for

the States of Arizona, California, Nevada, and New Mexico)—

“(aa) 90 percent AFUE for gas furnaces; and

“(bb) 15 SEER for central air conditioners;“(III) for the States of Arizona, California, Nevada, and New Mexico—

“(aa) 92 percent AFUE for gas furnaces;“(bb) 15 SEER for central air conditioners;“(cc) an EER of 12.5 for air conditioners

(not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

“(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

“(IV) for all States—

“(aa) 85 percent AFUE for oil furnaces; and

“(bb) 15 SEER and 8.5 HSPF for heat pumps;

“(ii) the building code levels established pursuant to section 325; or

“(iii) the applicable standards or levels specified in subparagraph (B).

“(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

“(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

“(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

“(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

“(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be specified in units of energy or its equivalent cost).”;

(2) in paragraph (4)(B)—

(A) by inserting after “building code” the first place it appears the following: “contains a mandatory requirement that, under all code compliance paths,”; and

(B) by striking “unless the” and all that follows through “subsection (d)”;

(3) by adding at the end the following:

“(5) REPLACEMENT OF COVERED PRODUCT.—Paragraph (3) shall not apply to the replacement of a covered product serving an existing building unless the replacement results in an increase in capacity greater than—

“(A) 12,000 Btu per hour for residential air conditioners and heat pumps; or

“(B) 20 percent for other covered products.”.

### SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.

(a) DEFINITIONS.—

(1) EFFICIENCY DESCRIPTOR.—Section 321(22) of the Energy Policy and Conservation Act (42 U.S.C. 6291(22)) is amended—

(A) in subparagraph (E), by inserting “gas-fired” before “pool heaters”; and

(B) by adding at the end the following:

“(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.”.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after paragraph (25) the following:

“(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term ‘coefficient of performance of heat pump pool heaters’ means the ratio of the capacity to power input value obtained at the following rating conditions: 50.0°F db/44.2°F wb outdoor air and 80.0°F entering water temperatures, according to AHRI Standard 1160.”.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) by inserting “gas-fired” before “pool heaters”.

(b) STANDARDS FOR POOL HEATERS.—Section 325(e)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)(2)) is amended—

(1) by striking “(2) The thermal efficiency of pool heaters” and inserting the following:

“(2) POOL HEATERS.—

“(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters”; and

(2) by adding at the end the following:

“(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.”.

### SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.

Section 325(u)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)) is amended—

(1) in subparagraph (A), by striking “(D)” and inserting “(E)”;

(2) by adding at the end the following:

“(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

“(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

“(I) IN GENERAL.—The term ‘security or life safety alarm or surveillance system’ means equipment designed and marketed to perform any of the following functions (on a continuous basis):

“(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

“(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

“(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

“(II) EXCLUSION.—The term ‘security or life safety alarm or surveillance system’ does not include any product with a principal function other than life safety, security, or surveillance that—

“(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

“(bb) does not operate necessarily and continuously in active mode.

“(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy effi-

ciency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

“(I) is an AC-to-AC external power supply;

“(II) has a nameplate output of 20 watts or more;

“(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

“(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the ‘Energy Star Program Requirements for Single Voltage External Ac-Dc and Ac-Ac Power Supplies’, published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

“(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

“(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

“(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.”.

### SEC. 5. PROHIBITED ACTS.

Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraphs (1) and (5), by striking “for any manufacturer or private labeler to distribute” each place it appears and inserting “for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute”;

(2) by redesignating paragraph (6) (as added by section 321(e)(3) of Public Law 110-140 (121 Stat. 1586)) as paragraph (7); and

(3) in paragraph (7) (as so redesignated), by striking “for any manufacturer, distributor, retailer, or private labeler to distribute” and inserting “for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute”.

### SEC. 6. OUTDOOR LIGHTING.

(a) DEFINITIONS.—

(1) COVERED EQUIPMENT.—Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended—

(A) by redesignating subparagraph (L) as subparagraph (O); and

(B) by inserting after subparagraph (K) the following:

“(L) Pole-mounted outdoor luminaires.

“(M) High light output double-ended quartz halogen lamps.

“(N) General purpose mercury vapor lamps.”.

(2) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) by striking “and” before “unfired hot water”; and

(B) by inserting after “tanks” the following: “, pole-mounted outdoor luminaires, high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps”.

(3) NEW DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

“(24) AREA LUMINAIRE.—The term ‘area luminaire’ means a luminaire intended for lighting parking lots and general areas that—

“(A) is designed to mount on a pole using an arm, pendant, or vertical tenon;

“(B) has an opaque top or sides, but may contain a transmissive ornamental element;

“(C) has an optical aperture that is open or enclosed with a flat, sag, or drop lens;

“(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

“(E) has photometric output measured using Type C photometry per IESNA LM-75-01.

“(25) DECORATIVE POSTTOP LUMINAIRE.—The term ‘decorative posttop luminaire’ means a luminaire with—

“(A) open or transmissive sides that is designed to be mounted directly over a pole using a vertical tenon or by fitting the luminaire directly into the pole; and

“(B) photometric output measured using Type C photometry per IESNA LM-75-01.

“(26) DUSK-TO-DAWN LUMINAIRE.—The term ‘dusk-to-dawn luminaire’ means a fluorescent, induction, or high intensity discharge luminaire that—

“(A) is designed to be mounted on a horizontal or horizontally slanted tenon or arm;

“(B) has an optical assembly that is coaxial with the axis of symmetry of the light source;

“(C) has an optical assembly that is—

“(i) a reflector or lamp enclosure that surrounds the light source with an open lower aperture; or

“(ii) a refractive optical assembly surrounding the light source with an open or closed lower aperture;

“(D) contains a receptacle for a photocontrol that enables the operation of the light source and is either coaxial with both the axis of symmetry of the light source and the optical assembly or offset toward the mounting bracket by less than 3 inches, or contains an integral photocontrol; and

“(E) has photometric output measured using Type C photometry per IESNA LM-75-01.

“(27) FLOODLIGHT LUMINAIRE.—The term ‘floodlight luminaire’ means an outdoor luminaire designed with a yoke, knuckle, or other mechanism allowing the luminaire to be aimed 40 degrees or more with its photometric distributions established with only Type B photometry in accordance with IESNA LM-75, revised 2001.

“(28) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term ‘general purpose mercury vapor lamp’ means a mercury vapor lamp (as defined in section 321) that—

“(A) has a screw base;

“(B) is designed for use in general lighting applications (as defined in section 321);

“(C) is not a specialty application mercury vapor lamp; and

“(D) is designed to operate on a mercury vapor lamp ballast (as defined in section 321) or is a self-ballasted lamp.

“(29) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term ‘high light output double-ended quartz halogen lamp’ means a lamp that—

“(A) is designed for general outdoor lighting purposes;

“(B) contains a tungsten filament;

“(C) has a rated initial lumen value of greater than 6,000 and less than 40,000 lumens;

“(D) has at each end a recessed single contact, R7s base;

“(E) has a maximum overall length (MOL) between 4 and 11 inches;

“(F) has a nominal diameter less than 3/4 inch (T6);

“(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

“(H) is not a tubular quartz infrared heat lamp; and

“(I) is not a lamp marked and marketed as a Stage and Studio lamp with a rated life of 500 hours or less.

“(30) MEAN RATED LAMP LUMENS.—The term ‘mean rated lamp lumens’ means the rated lumens at—

“(A) 40 percent of rated lamp life for metal halide, induction, and fluorescent lamps; or

“(B) 50 percent of rated lamp life for high pressure sodium lamps.

“(31) OUTDOOR LUMINAIRE.—The term ‘outdoor luminaire’ means a luminaire that—

“(A) is intended for outdoor use and suitable for wet locations; and

“(B) may be shipped with or without a lamp.

“(32) POLE-MOUNTED OUTDOOR LUMINAIRE.—

“(A) IN GENERAL.—The term ‘pole-mounted outdoor luminaire’ means an outdoor luminaire that is designed to be mounted on an outdoor pole and is—

“(i) an area luminaire;

“(ii) a roadway and highmast luminaire;

“(iii) a decorative posttop luminaire; or

“(iv) a dusk-to-dawn luminaire.

“(B) EXCLUSIONS.—The term ‘pole-mounted outdoor luminaire’ does not include—

“(i) a portable luminaire designed for use at construction sites;

“(ii) a luminaire designed to be used in emergency conditions that—

“(I) incorporates a means of storing energy and a device to switch the stored energy supply to emergency lighting loads automatically on failure of the normal power supply; and

“(II) is listed and labeled as Emergency Lighting Equipment;

“(iii) a decorative gas lighting system;

“(iv) a luminaire designed explicitly for lighting for theatrical purposes, including performance, stage, film production, and video production;

“(v) a luminaire designed as theme elements in theme or amusement parks and that cannot be used in most general lighting applications;

“(vi) a luminaire designed explicitly for hazardous locations meeting the requirements of Underwriters Laboratories Standard 844-2006, ‘Luminaires for Use in Hazardous (Classified) Locations’;

“(vii) a residential pole-mounted luminaire that is not rated for commercial use utilizing 1 or more lamps meeting the energy conservation standards established under section 325(i) and mounted on a post or pole not taller than 10.5 feet above ground and not rated for a power draw of more than 145 watts;

“(viii) a floodlight luminaire;

“(ix) an outdoor luminaire designed for sports and recreational area use in accordance with IESNA RP-6 and utilizing an 875 watt or greater metal halide lamp;

“(x) a decorative posttop luminaire designed for using high intensity discharge lamps with total lamp wattage of 150 or less, or designed for using other lamp types with total lamp wattage of 50 watts or less;

“(xi) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire designed for using high intensity discharge lamps or pin-based compact fluorescent lamps with total lamp wattage of 100 or less, or other lamp types with total lamp wattage of 50 watts or less; and

“(xii) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire with a backlight rating less than 2 and with the maximum of the uplight or glare rating 3 or less.

“(33) ROADWAY AND HIGHMAST LUMINAIRE.—The term ‘roadway and highmast luminaire’ means a luminaire intended for lighting streets and roadways that—

“(A) is designed to mount on a pole by clamping onto the exterior of a horizontal or horizontally slanted, circular cross-section pipe tenon;

“(B) has opaque tops or sides;

“(C) has an optical aperture that is open or enclosed with a flat, sag or drop lens;

“(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

“(E) has photometric output measured using Type C photometry per IESNA LM-75-01.

“(34) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term ‘specialty application mercury vapor lamp’ means a mercury vapor lamp (as defined in section 321) that is—

“(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

“(B) is marked and marketed for specialty applications only.

“(35) TARGET EFFICACY RATING.—The term ‘target efficacy rating’ means a measure of luminous efficacy of a luminaire (as defined in NEMA LE-6-2009).

“(36) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term ‘tubular quartz infrared heat lamp’ means a double-ended quartz halogen lamp that—

“(A) is marked and marketed as an infrared heat lamp; and

“(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principal interest.”

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

“(g) POLE-MOUNTED OUTDOOR LUMINAIRES.—

“(1) TARGET EFFICACY RATING, LUMEN MAINTENANCE AND POWER FACTOR REQUIREMENTS.—

“(A) DEFINITION OF MAXIMUM OF UPLIGHT OR GLARE RATING.—In this paragraph, the term ‘maximum of uplight or glare rating’ means, for any specific outdoor luminaire, the higher of the uplight rating or glare rating of the luminaire.

“(B) REQUIREMENTS.—Each pole-mounted outdoor luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall—

“(i) meet or exceed the target efficacy ratings in the following table when tested at full system input watts:

## “Area, Roadway or Highmast luminaires

Backlight Rating	Maximum of Uplight or Glare rating		
	0 or 1	2 or 3	4 or 5
0 or 1	38	38	38
2 or 3	38	38	42
4 or 5	38	42	43

## “Decorative Posttop or Dusk-to-Dawn luminaires

Backlight Rating	Maximum of Uplight or Glare rating		
	0 or 1	2 or 3	4 or 5
0 or 1	25	25	25
2 or 3	25	25	28
4 or 5	25	28	28;

“(ii) use lamps that have a minimum of 0.6 lumen maintenance, as determined in accordance with IESNA LM-80 for Solid State Lighting sources or calculated as mean rated lamp lumens divided by initial rated lamp lumens for other light sources; and

“(iii) have a power factor equal to or greater than 0.9 at ballast full power, except in the case of pole-mounted outdoor luminaires designed for using high intensity discharge lamps with a total rated lamp wattage of 150 watts or less, which shall have no power factor requirement.

## “(2) CONTROL REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each area luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall be sold—

“(i) with integral controls that shall have the capability of operating the luminaire at full power and a minimum of 1 reduced power level plus off, in which case the power reduction shall be at least 30 percent of the rated lamp power; or

“(ii) with internal electronics and connective wiring or hardware (including wire leads, pigtails, inserts for wires, pin bases, or the equivalent) that—

“(I) collectively enable the area luminaire, if properly connected to an appropriate control system, to operate at full power and a minimum of 1 reduced power level plus off, in which case the reduced power level shall be at least 30 percent lower than the rated lamp power in response to signals sent by controls not integral to the luminaire as sold, that may be connected in the field; and

“(II) have connections from the components that are easily accessible in the luminaire housing and have instructions applicable to appropriate control system connections that are included with the luminaire.

“(B) NONAPPLICATION.—The control requirements of this paragraph shall not apply to—

“(i) pole-mounted outdoor luminaires utilizing probe-start metal halide lamps with rated lamp power greater than 500 watts operating in non-base-up positions; or

“(ii) pole-mounted outdoor luminaires utilizing induction lamps.

“(C) INTEGRAL PHOTOSENSORS.—Each pole-mounted outdoor luminaire sold with an integral photosensor shall use an electronic-type photocell.

“(3) RULEMAKING COMMENCING NOT LATER THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall initiate a rule-

making procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

## “(B) FINAL RULE.—

“(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2013, or the date that is 33 months after the date of enactment of this subsection, whichever is later.

“(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2016, or the date that is 3 years after the final rule is published in the Federal Register, whichever is later.

## “(C) REVIEW.—

“(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

“(ii) FACTORS.—The review of the Secretary shall include consideration of—

“(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of non-standard lamps, as provided for in section 343(a)(10)(D)(i)(II);

“(II) statistical data relating to pole-mounted outdoor luminaires that—

“(aa) the Secretary shall request not later than 120 days after the date of enactment of this subsection from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires or, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association; and

“(bb) is considered necessary for the rulemaking; and

“(cc) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

“(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall

not be subject to subparagraphs (A) and (B) of this paragraph.

## “(4) RULEMAKING BEFORE FEBRUARY 1, 2015.—

“(A) IN GENERAL.—Not later than February 1, 2015, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

## “(B) FINAL RULE.—

“(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2018.

“(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2021.

## “(C) REVIEW.—

“(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

“(ii) FACTORS.—The review of the Secretary shall include consideration of—

“(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of nonstandard lamps, as provided for in section 343(a)(10)(D)(i)(II);

“(II) statistical data relating to pole-mounted outdoor luminaires that—

“(aa) the Secretary considers necessary for the rulemaking and requests not later than June 1, 2015, from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires and, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association; and

“(bb) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

“(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

“(h) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—A high light output double-ended quartz halogen lamp manufactured on or after January 1, 2016, shall have a minimum efficiency of—

“(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and

“(2) 34 LPW for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

“(i) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.”

(c) TEST METHODS.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

“(10) POLE-MOUNTED OUTDOOR LUMINAIRES.—

“(A) IN GENERAL.—With respect to pole-mounted outdoor luminaires to which standards are applicable under section 342, the test methods shall be those described in this paragraph.

“(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be those specified in—

“(i) IES LM-10-96—Approved Method for Photometric Testing of Outdoor Fluorescent Luminaires;

“(ii) IES LM-31-95—Photometric Testing of Roadway Luminaires Using Incandescent Filament and High Intensity Discharge Lamps;

“(iii) IES LM-79-08—Electrical and Photometric Measurements of Solid-State Lighting Products;

“(iv) IES LM-80-08—Measuring Lumen Maintenance of LED Light Sources;

“(v) IES LM-40-01—Life testing of Fluorescent Lamps;

“(vi) IES LM-47-01—Life testing of High Intensity Discharge (HID) Lamps;

“(vii) IES LM-49-01—Life testing of Incandescent Filament Lamps;

“(viii) IES LM-60-01—Life testing of Low Pressure Sodium Lamps; and

“(ix) IES LM-65-01—Life testing of Compact Fluorescent Lamps.

“(C) OUTDOOR BACKLIGHT, UPLIGHT, AND GLARE RATINGS.—For determining outdoor backlight, uplight, and glare ratings, the classifications shall be those specified in IES TM-15-07 - Luminaire Classification System for Outdoor Luminaires with Addendum A.

“(D) TARGET EFFICACY RATING.—For determining the target efficacy rating, the procedures shall be those specified in NEMA LE-6-2009 - ‘Procedure for Determining Target Efficacy Ratings (TER) for Commercial, Industrial and Residential Luminaires,’ and all of the following additional criteria (as applicable):

“(i) The target efficacy rating shall be calculated based on the initial rated lamp lumen and rated watt value equivalent to the lamp with which the luminaire is shipped, or, if not shipped with a lamp, the target efficacy rating shall be calculated based on—

“(I) the applicable standard lamp as established by subparagraph (E); or

“(II) a lamp that has a rated wattage and rated initial lamp lumens that are the same as the maximum lamp watts and minimum lamp lumens labeled on the luminaire, in accordance with section 344(f).

“(ii) If the luminaire is designed to operate at more than 1 nominal input voltage, the ballast input watts used in the target efficacy rating calculation shall be the highest

value for any nominal input voltage for which the ballast is designed to operate.

“(iii) If the luminaire is a pole-mounted outdoor luminaire that contains a ballast that is labeled to operate lamps of more than 1 wattage, the luminaire shall—

“(I) meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) calculated in accordance with clause (i) for all lamp wattages that the ballast is labeled to operate;

“(II) be constructed such that the luminaire is only capable of accepting lamp wattages that produce target efficacy ratings that meet or exceed the values in the table in section 342(g)(1)(A) calculated in accordance with clause (i); or

“(III) be rated and prominently labeled for a maximum lamp wattage that results in the luminaire meeting or exceeding the target efficacy rating in the table in section 342(g)(1)(A) when calculated and labeled in accordance with clause (i).

“(iv) If the luminaire is a pole-mounted outdoor luminaire that is constructed such that the luminaire will only accept an ANSI Type-O lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) when tested with an ANSI Type-O lamp.

“(v) If the luminaire is a pole-mounted outdoor luminaire that is marketed to use a coated lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) when tested with a coated lamp.

“(vi) If the luminaire is a solid state lighting pole-mounted outdoor luminaire, the luminaire shall have its target efficacy rating calculated based on the combination of absolute luminaire lumen values and input wattages that results in the lowest possible target efficacy rating for any light source, including ranges of correlated color temperature and color rendering index values, for which the luminaire is marketed by the luminaire manufacturer.

“(vii) If the luminaire is a high intensity discharge pole-mounted outdoor luminaire using a ballast that has a ballast factor different than 1, the target efficacy rating of the luminaire shall be calculated by using the input watts needed to operate the lamp at full rated power, or by using the actual ballast factor of the ballast.

“(E) TABLE OF STANDARD LAMP TYPES.—

“(i) IN GENERAL.—The National Electrical Manufacturers Association shall develop and publish not later than 1 year after the date of enactment of this paragraph and thereafter maintain and regularly update on a publicly available website a table including standard lamp types by wattage, ANSI code, initial lamp lumen value, lamp orientation, and lamp finish.

“(ii) INITIAL LAMP LUMEN VALUES.—The initial lamp lumen values shall—

“(I) be determined according to a uniform rating method and tested according to accepted industry practice for each lamp that is considered for inclusion in the table; and

“(II) in each case contained in the table, be the lowest known initial lamp lumen value that approximates typical performance in representative general outdoor lighting applications.

“(iii) ACTIONS.—On completion of the table required by this subparagraph and any updates to the table—

“(I) the National Electrical Manufacturers Association shall submit the table and any updates to the Secretary; and

“(II) the Secretary shall—

“(aa) publish the table and any comments that are included with the table in the Federal Register;

“(bb) solicit public comment on the table; and

“(cc) not later than 180 days after date of receipt of the table, after considering the factors described in clause (iv), adopt the table for purposes of this part.

“(iv) REBUTTABLE PRESUMPTION.—

“(I) IN GENERAL.—There shall be a rebuttable presumption that the table and any updates to the table transmitted by the National Electrical Manufacturers Association to the Secretary meets the requirements of this subparagraph, which may be rebutted only if the Secretary finds by clear and substantial evidence that—

“(aa) data have been included that were not the result of having applied applicable industry standards; or

“(bb) lamps have been included in the table that are not representative of general outdoor lighting applications.

“(II) CONFORMING CHANGES.—If subclause (I) applies, the National Electrical Manufacturers Association shall conform the published table of the Association to the table adopted by the Secretary.

“(v) NONTRANSMISSION OF TABLE.—If the National Electrical Manufacturers Association has not submitted the table to the Secretary within 1 year after the date of enactment of this paragraph, the Secretary shall develop, publish, and adopt the table not later than 18 months after the date of enactment of this paragraph and update the table regularly.

“(F) AMENDMENT OF TEST METHODS.—The Secretary may, by rule, adopt new or additional test methods for pole-mounted outdoor luminaires in accordance with this section.”

(d) LABELING.—Section 344 of the Energy Policy and Conservation Act (42 U.S.C. 6315) is amended—

(1) in subsections (d) and (e), by striking “(h)” each place it appears and inserting “(i)”;

(2) by redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(3) by inserting after subsection (e) the following:

“(f) LABELING RULES FOR POLE-MOUNTED OUTDOOR LUMINAIRES.—

“(1) IN GENERAL.—Subject to subsection (i), not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish labeling rules under this part for pole-mounted outdoor luminaires manufactured on or after the date on which standards established under section 342(g) take effect.

“(2) RULES.—The rules shall require—

“(A) for pole-mounted outdoor luminaires, that the luminaire, be marked with a capital letter ‘P’ printed within a circle in a conspicuous location on both the pole-mounted luminaire and its packaging to indicate that the pole-mounted outdoor luminaire conforms to the energy conservation standards established in section 342(g); and

“(B) for pole-mounted outdoor luminaires that do not contain a lamp in the same shipment with the luminaire and are tested with a lamp with a lumen rating exceeding the standard lumen value specified in the table established under section 343(a)(10)(E), that the luminaire—

“(i) be labeled to identify the minimum rated initial lamp lumens and maximum rated lamp watts required to conform to the energy conservation standards established in section 342(g); and



“(ii) bear a statement on the label that states: ‘Product violates Federal law when installed with a standard lamp. Use only a lamp that meets the minimum lumens and maximum watts provided on this label.’”.

(e) PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in the first sentence of subsection (a), by striking “The” and inserting “Except as otherwise provided in this section, the”; and

(2) by adding at the end the following:

“(i) POLE-MOUNTED OUTDOOR LUMINAIRES AND HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to pole-mounted outdoor luminaires and high light output double-ended quartz halogen lamps to the same extent and in the same manner as the section applies under part B.

“(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.”.

#### SEC. 7. ENERGY EFFICIENCY PROVISIONS.

(a) DIRECT FINAL RULE.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by adding at the end the following:

“(B) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

“(C) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

“(D) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).”.

(b) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (III), by adding before the semicolon “and the estimated impact on average energy prices”;

(ii) in subclause (VI), by striking “; and” and inserting a semicolon;

(iii) by redesignating subclause (VII) as subclause (VIII); and

(iv) by inserting after subclause (VI) the following:

“(VII) the net energy, environmental, and economic impacts due to smart grid technologies or capabilities in a covered product that enable demand response or response to time-dependent energy pricing, taking into consideration the rate of use of the smart grid technologies or capabilities over the life of the product that is likely to result from the imposition of the standard; and”; and

(B) in clause (ii)—

(i) by striking “(iii) If the Secretary finds” and inserting the following:

“(iii) REBUTTABLE PRESUMPTION.—

“(I) IN GENERAL.—Subject to subclause (II), if the Secretary finds”;

(ii) in subclause (I) (as designated by clause (i)), by striking “three” and inserting “4”; and

(iii) by striking the second sentence and inserting the following:

“(II) MULTIPLIER FOR CERTAIN PRODUCTS.—For any product with an average expected useful life of less than 4 years, the rebuttable

presumption described in subclause (I) shall be determined using 75 percent of the average expected useful life of the product as a multiplier instead of 4.

“(III) REQUIREMENT FOR REBUTTAL OF PRESUMPTION.—A presumption described in subclause (I) may be rebutted only if the Secretary finds, based on clear and substantial evidence, that—

“(aa) the standard level would cause substantial hardship to the average consumer of the product, or to manufacturers supplying a significant portion of the market for the product, in terms of manufacturing or product cost or loss of product utility or features, the aggregate of which outweighs the benefits of the standard level;

“(bb) the standard and implementing regulations cannot reasonably be designed to avoid or mitigate any hardship described in item (aa) (including through the adoption of regional standards for the products identified in, and consistent with, paragraph (6) or other reasonable means consistent with this part) and the hardship cannot be avoided or mitigated through the procedures described in section 504 of the Department of Energy Organization Act (42 U.S.C. 7194); and

“(cc) the same or a substantially similar hardship with respect to a hardship described in item (aa) would not occur under a standard adopted in the absence of the presumption, but that otherwise meets the requirements of this section.

“(IV) PROHIBITED FACTORS FOR DETERMINATION.—

“(aa) IN GENERAL.—Except as provided in item (bb), a determination by the Secretary that the criteria triggering a presumption described in subclause (I) are not met, or that the criterion for rebutting the presumption are met, shall not be taken into consideration by the Secretary in determining whether a standard is economically justified.

“(bb) EXCEPTION.—Evidence presented regarding the presumption may be considered by the Secretary in making a determination described in item (aa).”; and

(2) by adding at the end the following:

“(7) INCORPORATION OF SMART GRID TECHNOLOGIES.—The Secretary may incorporate smart grid technologies or capabilities into standards under this section, including through—

“(A) standards for covered products that require specific technologies or capabilities;

“(B) standards that provide credit for smart grid technologies or capabilities, to the extent the smart grid technologies or capabilities provide net benefits substantially equivalent to benefits of products that meet the standards without smart grid technologies or capabilities, taking into consideration energy, economic, and environmental impacts (including emissions reductions from electrical generation); and

“(C) multiple performance standards or design requirements to achieve—

“(i) the goals of—

“(I) reducing overall energy use; and

“(II) reducing peak demand; or

“(ii) other smart grid goals.”.

(c) OBTAINMENT OF APPLIANCE INFORMATION FROM MANUFACTURERS.—Section 326 of the Energy Policy and Conservation Act (42 U.S.C. 6296) is amended by striking subsection (d) and inserting the following:

“(d) INFORMATION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of carrying out this part, the Secretary shall promulgate proposed regulations not later than 1 year after the date of enactment of the National Energy Efficiency Enhancement Act of 2010, and after receiving public comment, final

regulations not later than 18 months after the date of enactment of that Act, under this part or other provision of law administered by the Secretary, that shall require each manufacturer of a covered product, on a product specific basis, to submit information or reports to the Secretary—

“(A) in such form as the Secretary may adopt; and

“(B) on—

“(i) an annual basis; or

“(ii) any other regular basis that is not less frequent than once every 3 years.

“(2) FORM AND CONTENT OF REPORTS.—The form and content of each report required by a manufacturer of a covered product under paragraph (1)—

“(A) may vary by product type, as determined by the Secretary; and

“(B) shall include information or data regarding—

“(i) the compliance by the manufacturer with respect to each requirement applicable pursuant to this part;

“(ii) the annual shipments by the manufacturer of each class or category of covered products, subdivided, to the extent practicable, by—

“(I) energy efficiency, energy use, and, if applicable, water use;

“(II) the presence or absence of such efficiency related or energy consuming operational characteristics or components as the Secretary determines to be relevant for the purposes of carrying out this part; and

“(III) the State or regional location of sale for covered products for which the Secretary may adopt regional standards; and

“(iii) such other categories of information that the Secretary determines to be relevant to carry out this part, including such other information that may be necessary—

“(I) to establish and revise—

“(aa) test procedures;

“(bb) labeling rules; and

“(cc) energy conservation standards;

“(II) to ensure compliance with the requirements of this part; and

“(III) to estimate the impacts on consumers and manufacturers of energy conservation standards in effect as of the reporting date.

“(3) REQUIREMENTS OF SECRETARY IN PROMULGATING REGULATIONS.—In promulgating regulations under paragraph (1), the Secretary shall consider—

“(A) existing public sources of information, including nationally recognized certification or verification programs of trade associations; and

“(B)(i) whether some or all of the information described in paragraph (2) is submitted to another Federal agency; and

“(ii) the means by which to minimize any duplication of requests for information by Federal agencies.

“(4) MINIMIZATION OF BURDENS ON MANUFACTURERS.—In carrying out this subsection, the Secretary shall exercise the authority of the Secretary under this subsection in a manner designed to minimize burdens on the manufacturers of covered products.

“(5) REPORTING OF ENERGY INFORMATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply with respect to information obtained under this subsection to the same extent and in the same manner as section 11(d) of that Act applies with respect to energy information obtained under section 11 of that Act.

“(B) ADMINISTRATION.—Subparagraph (A) shall apply to the extent that subparagraph

(A) does not conflict with the duties of the Secretary in carrying out this part.

“(6) COORDINATION WITH STATE AGENCIES.—In adopting reporting requirements under paragraph (1), the Secretary shall, to the extent practicable, coordinate with State agencies that conduct similar data gathering initiatives—

“(A) to ensure the uniformity of the requirements; and

“(B) to mitigate reporting burdens.

“(7) PERIODIC REVISIONS.—In accordance with each procedure and criteria required under paragraph (1), the Secretary may periodically revise the reporting requirements adopted under paragraph (1).”.

(d) WAIVER OF FEDERAL PREEMPTION.—Section 327(d)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)(1)) is amended—

(1) in subparagraph (B)—

(A) by inserting “(i)” before “Subject to paragraphs”; and

(B) by adding at the end the following:

“(ii) In making a finding under clause (i), the Secretary may not reject a petition for failure of the petitioning State or river basin commission to produce confidential information maintained by any manufacturer or distributor, or group or association of manufacturers or distributors, that the petitioning party has requested and not received.”; and

(2) in the matter following subparagraph (C)(ii), by adding at the end the following: “Notwithstanding the preceding sentence, the Secretary may approve a waiver petition submitted by a State that does not have an energy plan and forecast if the waiver petition concerns a State regulation adopted pursuant to a notice and comment rulemaking proceeding.”

(e) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

**“SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.**

“(a) JURISDICTION.—The United States district courts shall have original jurisdiction of a civil action seeking an injunction to restrain—

“(1) any violation of section 332; and

“(2) any person from distributing in commerce any covered product that does not comply with an applicable rule under section 324 or 325.

“(b) AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an action under subsection (a) shall be brought by—

“(A) the Commission; or

“(B) the attorney general of a State in the name of the State.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), only the Secretary may bring an action under this section to restrain—

“(i) a violation of section 332(a)(3) relating to a requirement prescribed by the Secretary; or

“(ii) a violation of section 332(a)(4) relating to a request by the Secretary under section 326(b)(2).

“(B) OTHER PROHIBITED ACTS.—An action under this section regarding a violation of paragraph (5) or (7) of section 332(a) shall be brought by—

“(i) the Secretary; or

“(ii) the attorney general of a State in the name of the State.

“(c) LIMITATION.—If an action under this section is brought by the attorney general of a State—

“(1) not less than 30 days before the date of commencement of the action, the State shall—

“(A) provide written notice to the Secretary and the Commission; and

“(B) provide the Secretary and the Commission with a copy of the complaint;

“(2) the Secretary and the Commission—

“(A) may intervene in the suit or action;

“(B) upon intervening, shall be heard on all matters arising from the suit or action; and

“(C) may file petitions for appeal;

“(3) no separate action may be brought under this section if, at the time written notice is provided under paragraph (1), the same alleged violation or failure to comply is the subject of a pending action, or a final judicial judgment or decree, by the United States under this Act; and

“(4) the action shall not be construed—

“(A) as to prevent the attorney general of a State, or other authorized officer of the State, from exercising the powers conferred on the attorney general, or other authorized officer of the State, by the laws of the State (including regulations); or

“(B) as to prohibit the attorney general of a State, or other authorized officer of the State, from proceeding in a Federal or State court on the basis of an alleged violation of any civil or criminal statute of the State.

“(d) VENUE; SERVICE OF PROCESS.—

“(1) VENUE.—An action under this section may be brought in the United States district court for—

“(A) the district in which the act, omission, or transaction constituting the applicable violation occurred; or

“(B) the district in which the defendant—

“(i) resides; or

“(ii) transacts business.

“(2) SERVICE OF PROCESS.—In an action under this section, process may be served on a defendant in any district in which the defendant resides or is otherwise located.”.

(f) TREATMENT OF APPLIANCES WITHIN BUILDING CODES.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended by adding at the end the following:

“(h) RECOGNITION OF ALTERNATIVE REFRIGERANT USES.—With respect to State or local laws (including regulations) prohibiting, limiting, or restricting the use of alternative refrigerants for specific end uses approved by the Administrator of the Environmental Protection Agency pursuant to the Significant New Alternatives Program under section 612 of the Clean Air Act (42 U.S.C. 7671k) for use in a covered product under section 322(a)(1) considered on or after the date of enactment of this subsection, notice shall be provided to the Administrator before or during any State or local public comment period to provide to the Administrator an opportunity to comment.”.

(g) TECHNICAL AMENDMENT.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended by redesignating the second paragraph (6) as paragraph (7).

**SECTION BY SECTION SUMMARY OF THE NATIONAL ENERGY EFFICIENCY ENHANCEMENT ACT OF 2010**

**Sec. 1. Short Title.**

**Sec. 2. Energy Conservation Standards.**

(a) Amends section 321 of EPCA for the definition of “energy efficiency standard” to allow DOE to establish more than one performance standard, and adds definitions for “EER” and “HSPF”.

(b) Amends section 323(b) to establish test procedures for EER and HSPF.

(c) Amends section 325(d) to establish regional and increased energy efficiency standards for central air conditioners and heat pumps, and related equipment, to be effective on or after Jan 1, 2015, and sets forth dates for the consideration of future standards.

(d) Amends section 325(d) to establish definitions for Through-the-Wall air conditioning and heat pump systems, and small-duct, high velocity systems, and directs DOE to set standards for these products to be effective on or after June 30, 2016.

(e) Amends section 325(f) to establish definitions and regional standards for non-weatherized gas and oil furnaces to be effective on or after May, 2013; and for weatherized gas furnaces, to be effective on or after January 1, 2015.

(f) Amends section 327(f) to provide that State building codes may provide for products that have efficiencies that exceed applicable Federal standards, within certain limits and if such State code provides for combinations of energy items to meet the code objectives that includes at least one combination that does not exceed Federal products standards.

**Sec. 3. Energy Conservation Standards for Heat Pump Pool Heaters.**

Amends sections 321 and 325 to provide definitions and establish efficiency standards for heat pump pool heaters.

**Sec. 4. Efficiency Standards for Class A external Power Supplies.**

Amends section 325(u) to provide a definition for “security or life safety alarm or surveillance system” and provides an exemption for certain such products from the “no load” portion of the Federal efficiency standards until July 1, 2017.

**Sec. 5. Prohibited Acts.**

Amends section 332 to clarify that representatives of manufacturers, distributors, and retailers, just as manufacturers and private labelers currently, are prohibited from the sale and distribution of products that do not meet the Federal minimum efficiency standards.

**Sec. 6. Outdoor Lighting.**

Amends sections 340, 342, 343, 344, and 345 to provide definitions, efficiency standards, rulemaking deadlines and effective dates, test methods, labeling and preemption treatment for pole-mounted outdoor lighting products (e.g. street and parking lot light fixtures, bulbs and controls). Also sets standards for double-ended halogen lamps (high wattage incandescent lamps generally used outdoors) and ends the production of standard mercury vapor lamps, effective 2016, completing the transition to higher efficiency lighting sources begun when inefficient mercury vapor fixtures and ballasts were phased out in EPCA 2005.

**Sec. 7. Energy Efficiency Provisions.**

(a) Direct Final Rule. Amends section 323 to permit DOE to accelerate the prescription of consensus test procedures and to direct the National Bureau of Standards to assist in developing or amending test procedures.

(b) Criteria for Prescribing New or Amended Standards. Amends section 325(o) to: (A) add “impact on average energy prices” and “impacts due to smart grid” as new criteria for setting efficiency standards, (B) establishes a rebuttable presumption for what DOE determines to be a minimum “technically feasible and economically justified” efficiency standard, and (C) authorizes DOE to include smart grid technologies into product standards, listing credits and other options for including these technologies.

(c) Obtainment of Appliance Information from Manufacturers. Amends section 326 to

direct DOE to require manufacturers to submit specific product information to DOE such as compliance, annual shipments, and energy use and efficiency, and to coordinate information gathering activities with State agencies.

(d) Waiver of Federal Preemption. Amends section 327(d) to clarify that DOE may not reject a State waiver petition for failure of the State to produce information that is confidentially maintained by any manufacturer or others and from whom the State has requested, but not received, the information.

(e) Permitting States to Seek Injunctive Enforcement. Amends section 334 to authorize and prescribe the procedures by which a State may seek an injunction to restrain certain violations of the DOE efficiency program.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 429—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 429

*Resolved*, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, and Mr. Graham.

#### SENATE CONCURRENT RESOLUTION 52—EXPRESSING SUPPORT FOR THE DESIGNATION OF MARCH 20 AS A NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Mr. CHAMBLISS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 52

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy,

information, and professional development to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress expresses support for—

(1) the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; and

(2) the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3346. Mr. LEAHY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3348. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3349. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3350. Ms. STABENOW (for herself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3351. Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3352. Mr. GRASSLEY (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ENSIGN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3353. Mr. SANDERS (for himself, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3354. Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3355. Mr. BUNNING proposed an amendment to the bill H.R. 4691, to provide a temporary extension of certain programs, and for other purposes.

SA 3356. Mrs. MURRAY (for herself, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3357. Mr. DODD (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3346.** Mr. LEAHY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 537, and insert the following:

#### SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) **EFFECTIVE DATE.**—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) **NONINFRINGEMENT OF COPYRIGHT.**—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

**SA 3347.** Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting "land held in trust for the Coquille Indian Tribe, land held in trust for the Confederated Tribes of Siletz Indians, land held in trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, land held in trust for the Klamath Tribes, and land held in trust for the Burns Paiute Tribe," after "lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,".

**SA 3348.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

#### SEC. 103. EMPLOYEE PAYROLL TAX RATE CUT.

(a) **IN GENERAL.**—For the 6-calendar-month period beginning after the date which is 60 days after the date of the enactment of this

Act, the Secretary of the Treasury shall reduce the rate of tax under section 3101(a) of the Internal Revenue Code of 1986 and 50 percent of the rate of tax under section 1401(a) of such Code by such percentage such that the resulting reduction in revenues to the Federal Old-Age and Survivors Insurance Trust Fund is equal to 100 percent of the amounts appropriated or made available and remaining unobligated under the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5) as of the date of the enactment of this Act.

(b) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(c) **REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.**—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded any remaining unobligated amounts as of the date of the enactment of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

(d) **EMERGENCY DESIGNATION.**—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, this section is designated as an emergency for purposes of pay-as-you-go principles.

**SA 3349.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 21, after the second period insert the following: “The amendment made by this section shall be considered to have taken effect on February 28, 2010.”

**SA 3350.** Ms. STABENOW (for herself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.**

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means with respect to any taxable year beginning in 2010, the lesser of—

“(A) a corporation’s minimum tax credit determined under subsection (b), or

“(B) 20 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) **CREDIT REFUNDABLE.**—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

“(5) **ELECTION.**—

“(A) **IN GENERAL.**—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

“(B) **INTERIM ELECTIONS.**—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

“(6) **AGGREGATION RULE.**—For purposes of this subsection—

“(A) all corporations which are members of an affiliated group of corporations filing a consolidated tax return, and

“(B) all partnerships in which more than 90 percent of the capital and profits interest in the partnership are owned by the corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect, shall be treated as a single corporation.

“(7) **APPLICATION TO PARTNERSHIPS.**—In the case of a partnership—

“(A) this subsection shall be applied at the partner level, and

“(B) each partner shall be treated as having for the taxable year an amount equal to such partner’s allocable share of the new domestic investment of the partnership for such taxable year (as determined under regulations prescribed by the Secretary).

“(8) **NO DOUBLE BENEFIT.**—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

“(9) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

“(10) **TERMINATION.**—This subsection shall not apply to any taxable year that begins after December 31, 2010.”

(b) **QUICK REFUND OF REFUNDABLE CREDIT.**—Section 6425 is amended by adding at the end the following new subsection:

“(e) **ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.**—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation’s AMT credit adjustment amount determined under section 53(g) for such taxable year.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.**

(a) **IN GENERAL.**—Section 6041 is amended by adding at the end the following new subsection:

“(h) **TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.**—

“(1) **IN GENERAL.**—For purposes of subsection (a), except as provided in paragraph (2), a person receiving rental income shall be considered to be in engaged in a trade or business of renting property.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to—

“(A) any individual who is an active member of the uniformed services,

“(B) any individual if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(C) any individual who receives rental income of not less than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(D) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made after December 31, 2010.

**SA 3351.** Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. REAUTHORIZATION OF NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 2000.**

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106-469) is amended by striking “the date that is 9 years after the date on which the Alliance is established” and inserting “February 6, 2011”.

**SA 3352.** Mr. GRASSLEY (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ENSIGN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

# **TITLE VIII—MEDICARE AND OTHER PROVISIONS**

## **SEC. 801. CONFORMING REPEAL.**

Sections 212 through 231, section 233, section 243, section 431, and section 601 of this Act are repealed.

## **SEC. 802. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE FOR THE LAST 10 MONTHS OF 2010.**

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended to read as follows:

“(10) UPDATE FOR 2010.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010, the update to the single conversion factor shall be 0 percent for 2010.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.”

## **SEC. 803. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

## **SEC. 804. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.**

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(ii) by striking “January 1, 2010” and inserting “January 1, 2011”; and

(iii) by striking “and” at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting “; and”;

(C) by inserting after clause (ii)(II) the following new clause:

“(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

“(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.”; and

(D) by adding at the end the following flush sentence:

“If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).”; and

(2) by adding at the end the following new subparagraph:

“(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

“(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales

for a previous period (of not less than 24 months) specified by the Secretary.

“(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

“(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

“(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.”

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking “The” and inserting “Except as provided in the third sentence, the”; and

(2) by adding at the end the following new sentences: “Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.”

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of non-compliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

## **SEC. 805. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

## **SEC. 806. EXTENSION OF AMBULANCE ADD-ONS.**

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “before January 1, 2010” and inserting “before January 1, 2011”; and

(B) in each of clauses (i) and (ii), by striking “before January 1, 2010” and inserting “before January 1, 2011”.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “ending on December 31, 2009” and inserting “ending on December 31, 2010”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking “2010” and inserting “2011”; and

(2) by adding at the end the following new sentence: “For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.”

## **SEC. 807. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2010” and inserting “before January 1, 2011”.

## **SEC. 808. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “and 2009” and inserting “2009, and 2010”.

## **SEC. 809. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2010” and inserting “2011”; and

(B) in the second sentence, by striking “or 2009” and inserting “, 2009, or 2010”; and

(2) in subclause (III), by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: “In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.”

## **SEC. 810. EHR CLARIFICATION.**

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D))

is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

**SEC. 811. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.**

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking “5-year period” and inserting “6-year period”.

**SEC. 812. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.**

(a) **EXTENSION OF CERTAIN PAYMENT RULES.**—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111-5), is amended by striking “3-year period” each place it appears and inserting “4-year period”.

(b) **EXTENSION OF MORATORIUM.**—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111-5), in the matter preceding subparagraph (A), is amended by striking “3-year period” and inserting “4-year period”.

**SEC. 813. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.**

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking “2010, and for” and inserting “2010, for”; and

(2) by inserting “and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended” before the period at the end.

**SEC. 814. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.**

(a) **IN GENERAL.**—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) **SPECIAL RULE FOR FISCAL YEAR 2010.**—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

**SEC. 815. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.**

(a) **IN GENERAL.**—Subsections (g)(2)(A) and (1)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting “101 percent of” before “the reasonable costs”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2266).

**SEC. 816. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.**

(a) **IN GENERAL.**—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking “2011” and inserting “2012”.

(b) **TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.**—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

**SEC. 817. EXTENSION OF REASONABLE COST CONTRACTS.**

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking “January 1, 2010” and inserting “January 1, 2011”.

**SEC. 818. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.**

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services’ memorandum with the subject “2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans”) to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w-27(i)(2)) and that had enrollment as of January 1, 2010.

**SEC. 819. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

**SEC. 820. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.**

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note) is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”.

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”.

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”.

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”.

**SEC. 821. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “fiscal year 2009” and inserting “each of fiscal years 2009 through 2011”.

**SEC. 822. IMPLEMENTATION FUNDING.**

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

**SEC. 823. STATE COURT IMPROVEMENT PROGRAM.**

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

**SEC. 824. EXTENSION OF GAINSHARING DEMONSTRATION.**

(a) **IN GENERAL.**—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended by inserting “(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)” after “December 31, 2009”.

(b) **FUNDING.**—

(1) **IN GENERAL.**—Subsection (f)(1) of such section is amended by inserting “and for fiscal year 2010, \$1,600,000,” after “\$6,000,000.”.

(2) **AVAILABILITY.**—Subsection (f)(2) of such section is amended by striking “2010” and inserting “2014 or until expended”.

(c) **REPORTS.**—

(1) **QUALITY IMPROVEMENT AND SAVINGS.**—Subsection (e)(3) of such section is amended



by striking “December 1, 2008” and inserting “18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking “May 1, 2010” and inserting “42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

**SEC. 825. REVISION TO THE MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended—

(1) in subparagraph (A), by striking “\$20,740,000,000” and inserting “\$2,940,000,000”; and

(2) in subparagraph (B), by striking “\$550,000,000” and inserting “\$4,550,000,000”.

**SA 3353.** Mr. SANDERS (for himself, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follow:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.**

(a) SHORT TITLE.—This section may be cited as the “Emergency Senior Citizens Relief Act of 2010”.

(b) EXTENSION AND MODIFICATION OF PAYMENTS.—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting “for each of calendar years 2009 and 2010” after “shall disburse”;

(B) by inserting “(for purposes of payments made for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made for calendar year 2010)” after “the date of the enactment of this Act”, and

(C) by adding at the end the following new sentence: “In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2010 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010.”

(2) in subsection (a)(1)(B)(iii), by inserting “(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made under this paragraph for calendar year 2010)” before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting “, or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address” after “Northern Mariana Islands”, and

(B) by striking “current address of record” and inserting “address of record, as of the date of certification under subsection (b) for a payment under this section”;

(4) in subsection (a)(3)—

(A) by inserting “per calendar year (determined with respect to the calendar year for which the payment is made, and without regard to the date such payment is actually paid to such individual)” after “only 1 payment under this section”; and

(B) by inserting “FOR THE SAME YEAR” after “PAYMENTS” in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting “(or, in the case of subparagraph (D), shall not be due)” after “made” in the matter preceding subparagraph (A),

(B) by striking subparagraph (A) and inserting the following:

“(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

“(i) for the most recent month of such individual’s entitlement in the applicable 3-month period described in paragraph (1); or

“(ii) for any month thereafter which is before the month after the month of the payment;

such individual’s benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);”;

(C) in subparagraph (B), by striking “3 month period” and inserting “applicable 3-month period”;

(D) by striking subparagraph (C) and inserting the following:

“(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

“(i) for the most recent month of such individual’s eligibility in the applicable 3-month period described in paragraph (1); or

“(ii) for any month thereafter which is before the month after the month of the payment;

such individual’s benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or”;

(E) by striking subparagraph (D) and inserting the following:

“(D) in the case of any individual whose date of death occurs—

“(i) before the date of the receipt of the payment; or

“(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual’s account.”;

(F) by adding at the end the following flush sentence:

“In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.”; and

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: “Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.”

(6) in subsection (a)(5)—

(A) by inserting “, in the case of payments for calendar year 2009, and no later than 120

days after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, in the case of payments for calendar year 2010” before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

“(B) DEADLINE.—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2010 shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.”;

(7) in subsection (b), by inserting “(except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial)” before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

“(4) PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.—Notwithstanding paragraph (3), any payment made under this section—

“(A) shall, in the case of a payment by direct deposit which is made after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

“(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.”;

(9) in subsection (e)—

(A) by striking “2011” and inserting “2012”;

(B) by inserting “section \_\_\_\_ (c) of the Emergency Senior Citizens Relief Act of 2010,” after “section 2202,” in paragraph (1), and

(C) by adding at the following new paragraph:

“(5)(A) For the Secretary of the Treasury, an additional \$5,200,000 for purposes described in paragraph (1).

“(B) For the Commissioner of Social Security, an additional \$5,000,000 for the purposes described in paragraph (2)(B).

“(C) For the Railroad Retirement Board, an additional \$600,000 for the purposes described in paragraph (3)(B).

“(D) For the Secretary of Veterans Affairs, an additional \$625,000 for the Information Systems Technology account”.

(c) EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.—

(1) IN GENERAL.—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting “2010” for “2009”), with respect to the first taxable year of such individual beginning in 2010, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be



applied by substituting “2010” for “2009” each place it appears.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting “, and any credit allowed to the taxpayer under section \_\_\_\_ (c)(1) of the Emergency Senior Citizens Relief Act of 2010” after “the American Recovery and Reinvestment Tax Act of 2009”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

(e) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 3354.** Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, after line 6, insert the following:

**SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the “Energy Efficiency in Housing Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 801. Short title and table of contents.

Sec. 802. Findings and purposes.

Sec. 803. Definitions.

Sec. 804. Implementation of energy efficiency participation incentives for HUD programs.

Sec. 805. Incentives for energy efficient mortgages and location efficient mortgages.

Sec. 806. Mortgage incentives for energy efficient multifamily housing.

Sec. 807. Energy efficiency and conservation demonstration program for multifamily housing projects assisted with project-based rental assistance.

Sec. 808. Additional credit for Fannie Mae and Freddie Mac housing goals for energy efficient mortgages.

Sec. 809. Duty to serve underserved markets for energy efficient and location efficient mortgages.

Sec. 810. Consideration of energy efficiency under FHA mortgage insurance programs and Native American and Native Hawaiian loan guarantee programs.

Sec. 811. Energy efficient mortgages education and outreach campaign.

Sec. 812. Collection of information on energy efficient and location efficient mortgages through Home Mortgage Disclosure Act.

Sec. 813. Energy efficiency certifications for housing with mortgages insured by FHA.

Sec. 814. Assisted housing energy loan pilot program.

Sec. 815. HOPE VI green developments requirement.

Sec. 816. Consideration of energy efficiency improvements in appraisals.

Sec. 817. Additional requirements for the Housing Assistance Council.

Sec. 818. Rural housing and economic development assistance.

Sec. 819. Revolving fund for loans to States and Indian tribes to carry out renewable energy sources activities.

Sec. 820. Competitive grant program to increase sustainable low-income community development capacity.

Sec. 821. Insurance coverage for loans for financing of renewable energy systems leased for residential use.

Sec. 822. Green banking centers.

Sec. 823. GAO reports on availability of affordable mortgages.

Sec. 824. Public housing energy cost report.

**SEC. 802. FINDINGS AND PURPOSES.**

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) making the United States energy efficient is essential for enhancing national security, fighting climate change, and creating jobs;

(2) unchecked use of energy resources poses a significant threat to the national security, economy, public health, and welfare of the people of the United States, the well-being of other nations, and the global environment;

(3) prompt, decisive action is critical to encourage energy efficiency and conservation and the development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; and

(4) it is possible and desirable to reduce energy consumption in the United States while employing—

(A) cost containment measures;

(B) periodic review of requirements;

(C) an aggressive program for deploying advanced energy technology; and

(D) programs to assist low- and middle-income energy consumers.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the use of energy efficiency and conservation methods in Federal housing programs;

(2) to expand the use of energy efficient mortgages;

(3) to provide for the development and installation of renewable energy sources for housing, commercial structures, and other buildings;

(4) to create sustainable communities;

(5) to support the creation of a stable “green jobs” sector by increasing demand for energy efficient products and professionals with expertise in green building standards; and

(6) to achieve these goals while preserving the development, benefits, and affordability of Federal housing programs.

**SEC. 803. DEFINITIONS.**

In this title, the following definitions shall apply:

(1) ENERGY AUDIT.—The term “energy audit” means an investment grade energy audit conducted for purposes of paragraph (2)(B)(iii), in accordance with such standards as the Secretary shall establish, after optional consultation with any advisory committee established pursuant to section 807(c)(2) of this title.

(2) ENHANCED ENERGY EFFICIENCY STANDARDS.—The term “enhanced energy effi-

ciency standards” means any one of the following:

(A) GREEN BUILDING STANDARDS.—Green building standards, as that term is defined in paragraph (3).

(B) RESIDENTIAL STRUCTURES.—In the case of a residential single family or multifamily structure, standards established by the Secretary, by regulation, that—

(i) impose requirements additional to, or more stringent than, minimum energy efficiency standards, as that term is defined in paragraph (6);

(ii) in the case of a newly constructed structure, are identical to the Energy Star standards established by the Environmental Protection Agency, or any successor thereto adopted by the Secretary by regulation;

(iii) in the case of an existing structure, require a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with minimum energy efficiency standards.

(C) NONRESIDENTIAL STRUCTURES.—In the case of a nonresidential structure, include such energy efficiency and conservation requirements, standards, checklists, or rating systems for nonresidential structures as the Secretary determines are necessary.

(3) GREEN BUILDING STANDARDS.—The term “green building standards” means systems and standards for residential and nonresidential structures that are established or adopted by the Secretary, by regulation, and that—

(A) require the use of sustainable design principles to—

(i) reduce the use of nonrenewable resources;

(ii) encourage energy efficient construction and rehabilitation and the use of renewable energy resources;

(iii) minimize the impact of development on the environment;

(iv) improve indoor air quality;

(v) maximize water conservation; and

(vi) encourage the selection of building materials that reduce adverse impacts on the environment;

(B) impose requirements additional to, or more stringent than, minimum energy efficiency standards, as that term is defined in paragraph (6);

(C) include—

(i) the national Green Communities criteria checklist for residential construction, which provides criteria for the design, development, and operation of affordable housing, or any successor thereto adopted by the Secretary by regulation;

(ii) the Leadership in Energy and Environmental Design (LEED) certification for new construction, the LEED for Homes rating system, the LEED for Core and Shell rating system, as applicable, or any successors thereto adopted by the Secretary by regulation;

(iii) the Green Globes assessment and rating system of the Green Building Initiative;

(iv) in the case of manufactured housing, the Energy Star standards established by the Environmental Protection Agency with respect to fixtures, appliances, and equipment in such housing, or any successor thereto adopted by the Secretary by regulation;

(v) the National Green Building Standard, only—

(I) if such standard is ratified under the American National Standards Institute process;

(II) upon expiration of the 180-day period beginning upon such ratification; and

(III) if, during such 180-day period, the Secretary does not reject the applicability of such standard for purposes of this paragraph; and

(vi) any other requirement, standard, checklist, or rating system for green building or sustainability that the Secretary—

(I) determines is necessary for a specific type of residential single family or multifamily structure; or

(II) may determine to adopt or apply not later than 180 days after the date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application; and

(D) may be waived by the Secretary, if the Secretary determines that waiver of such regulations would promote enhanced energy efficiency or conservation.

(4) HUD.—The term “HUD” means the Department of Housing and Urban Development.

(5) HUD ASSISTANCE.—The term “HUD assistance” means financial assistance that is awarded, competitively or noncompetitively, allocated by formula, or provided by HUD through loan insurance or guarantee.

(6) MINIMUM ENERGY EFFICIENCY STANDARDS.—

(A) IN GENERAL.—The term “minimum energy efficiency standards” has the meaning given that term by regulations of the Secretary.

(B) REGULATIONS FOR RESIDENTIAL STRUCTURES.—Regulations issued by the Secretary under subparagraph (A) shall, in the case of a residential single family or multifamily structure—

(i) require the structure to comply with the applicable provisions of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1-2007, or any successor thereto adopted by the Secretary, by regulation;

(ii) require the structure to comply with the applicable provisions of the 2009 International Energy Conservation Code, or any successor thereto adopted by the Secretary, by regulation;

(iii) in the case of an existing structure—

(I) where the Secretary determines such action is cost effective, require—

(aa) the structure to have undergone rehabilitation or improvements that are completed after the date of enactment of this title; and

(bb) the energy consumption for the structure to have been reduced by not less than 20 percent from the previous level of consumption, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption;

(II) if the structure has 4 stories or more, require the structure to demonstrate a 20 percent improvement in the proposed building performance rating when compared to a baseline building performance rating resulting from a whole building project simulation conducted in accordance with the Building Performance Rating Method in Appendix G of American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1-2004, or any successor thereto adopted by the Secretary, by regulation; and

(III) if the structure has fewer than 4 stories, require the structure to demonstrate, by modeling based on the Home Energy Rating System Index of the Residential Energy Services Network, a 20 percent improvement in the proposed building performance rating; and

(iv) require the structure to comply with any provisions of such other energy efficiency requirements, standards, checklists, or ratings systems as the Secretary determines are necessary for a specific type of residential single family or multifamily structure; and

(C) REGULATIONS FOR NONRESIDENTIAL STRUCTURES.—Regulations issued by the Secretary under subparagraph (a) shall, in the case of a nonresidential structure that is constructed or rehabilitated with HUD assistance—

(i) require the structure to be not less than 30 percent more energy efficient than required by local residential and commercial building codes regarding energy efficiency; and

(ii) require the structure to comply with such additional energy efficiency requirements, standards, checklists, or rating systems as the Secretary determines are applicable to nonresidential structures.

(7) NONRESIDENTIAL STRUCTURES.—The term “nonresidential structures” means only nonresidential structures that are appurtenant to single family or multifamily housing residential structures, or those that are funded by the Secretary through the HUD Community Development Block Grant program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(8) SECRETARY.—The term “Secretary”, unless otherwise specified, means the Secretary of Housing and Urban Development.

#### SEC. 804. IMPLEMENTATION OF ENERGY EFFICIENCY PARTICIPATION INCENTIVES FOR HUD PROGRAMS.

Not later than 180 days after the date of enactment of this title, the Secretary shall issue such regulations as may be necessary to establish annual energy efficiency participation incentives to encourage participants in programs administered by the Secretary, including recipients under programs for which HUD assistance is provided, to achieve substantial improvements in energy efficiency.

#### SEC. 805. INCENTIVES FOR ENERGY EFFICIENT MORTGAGES AND LOCATION EFFICIENT MORTGAGES.

(a) IN GENERAL.—The Secretary shall establish budget-neutral incentives for encouraging lenders to make, and homebuyers and homeowners to participate in, energy efficient mortgages and location efficient mortgages.

(b) INCENTIVES.—The incentives required under subsection (a) may include—

(1) fee reductions;

(2) fee waivers;

(3) interest rate reductions; and

(4) adjustment of mortgage qualifications.

(c) ADDITIONAL CONSIDERATION.—In establishing the incentives required under subsection (a), the Secretary shall consider the lower risk of default on energy efficient mortgages and location efficient mortgages in comparison to mortgages that are not energy efficient or location efficient.

(d) DEFINITIONS.—The terms “energy efficient mortgage” and “location efficient mortgage” have the same meaning as in section 1335(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565(e)) (as added by section 808 of this title).

#### SEC. 806. MORTGAGE INCENTIVES FOR ENERGY EFFICIENT MULTIFAMILY HOUSING.

(a) IN GENERAL.—The Secretary shall establish—

(1) incentives for increasing the energy efficiency of multifamily housing that is sub-

ject to a mortgage to be insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) so that such housing meets minimum energy standards; and

(2) incentives to encourage compliance of such housing with enhanced energy efficiency standards, to the extent that such incentives are based on the impact that savings on utility costs have on the operating costs of the housing, as determined by the Secretary.

(b) INCENTIVES.—The incentives required under subsection (a) may include, for any such multifamily housing that meets minimum energy efficiency standards—

(1) providing a discount on the chargeable premiums for the mortgage insurance for such housing from the amount otherwise chargeable for such mortgage insurance;

(2) allowing mortgages to exceed the dollar amount limits otherwise applicable under law to the extent such additional amounts are used to finance improvements or measures designed to meet the standards referred to in subsection (a); and

(3) reducing the amount that the owner of such multifamily housing is required to contribute.

#### SEC. 807. ENERGY EFFICIENCY AND CONSERVATION DEMONSTRATION PROGRAM FOR MULTIFAMILY HOUSING PROJECTS ASSISTED WITH PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORITY.—

(1) IN GENERAL.—For multifamily housing projects for which project-based rental assistance is provided under a covered multifamily assistance program, the Secretary shall, subject to the availability of amounts provided in advance in appropriation Acts, carry out a program to demonstrate the effectiveness of funding a portion of the costs of meeting enhanced energy efficiency standards.

(2) INDIAN HOUSING.—At the discretion of the Secretary, the demonstration program required under paragraph (1) may include incentives for housing that is assisted with Indian housing block grants provided pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), but only to the extent that such inclusion does not violate such Act, regulations promulgated pursuant to such Act, and the goal of such Act of tribal self-determination.

(b) GOALS.—The demonstration program under this section shall be carried out in a manner that—

(1) protects the financial interests of the Federal Government;

(2) reduces the proportion of funds provided by the Federal Government and by owners and residents of multifamily housing projects that are used for costs of utilities for such projects;

(3) encourages energy efficiency and conservation by owners and residents of multifamily housing projects and installation of renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(4) creates incentives for project owners to carry out such energy efficiency renovations and improvements by allowing a portion of the savings in operating costs resulting from such renovations and improvements to be retained by the project owner, notwithstanding otherwise applicable limitations on dividends;

(5) allows project owners and tenants to share the savings in operating costs resulting from such renovations and improvements in accordance with an appropriate ratio;

(6) promotes the installation, in existing residential buildings, of energy efficient and cost-effective improvements and renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(7) tests the efficacy of a variety of energy efficiency measures for multifamily housing projects of various sizes and in various geographic locations;

(8) tests methods for addressing the various, and often competing, incentives that impede owners and residents of multifamily housing projects from working together to achieve energy efficiency or conservation; and

(9) creates a database of energy efficiency and conservation, and renewable energy, techniques, energy savings management practices, and energy efficiency and conservation financing vehicles.

(c) APPROACHES.—In carrying out the demonstration program under this section, the Secretary may take the following actions:

(1) Enter into agreements with the Building America Program of the Department of Energy and other consensus committees under which such programs, partnerships, or committees assume some or all of the functions, obligations, and benefits of the Secretary with respect to energy savings.

(2) Establish advisory committees to advise the Secretary and any such third party partners on technological and other developments in the area of energy efficiency and the creation of an energy efficiency and conservation credit facility and other financing opportunities that—

(A) include representatives of homebuilders, realtors, architects, nonprofit housing organizations, environmental protection organizations, renewable energy organizations, State housing finance agencies, and advocacy organizations for low-income individuals, the elderly, and persons with disabilities; and

(B) are not subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(3) Develop a competitive process for the award of such additional assistance for multifamily housing projects seeking to implement energy efficiency, renewable energy sources, or conservation measures.

(4) Waive or modify any existing Federal regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances. Notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, non-discrimination, labor standards, or the environment, except pursuant to existing authority to waive nonstatutory environmental and other applicable requirements.

(d) REQUIREMENT.—During the 4-year period beginning 12 months after the date of enactment of this title, the Secretary shall carry out demonstration programs under this section with respect to not fewer than 50,000 dwelling units.

(e) SELECTION.—

(1) SCOPE.—

(A) IN GENERAL.—In order to provide a broad and representative profile for use in designing a program which can become operational and effective nationwide, the Secretary shall carry out the demonstration program under this section with respect to dwelling units located in a wide variety of geographic areas and project types assisted

by the various covered multifamily assistance programs and using a variety of energy efficiency and conservation and funding techniques to reflect differences in climate, types of dwelling units, technical and scientific methodologies, and financing options.

(B) INDIAN LANDS.—The Secretary shall ensure that the geographic areas included in the demonstration program under this section include dwelling units on Indian lands (as that term is defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501)), to the extent that dwelling units on Indian land have the type of residential structures that are the focus of the demonstration program.

(2) PRIORITY.—The Secretary shall provide priority for selection for participation in the program under this section based on the extent to which, as a result of assistance provided, the project will meet minimum energy efficiency standards or enhanced energy efficiency standards.

(f) USE OF EXISTING PARTNERSHIPS.—To the extent feasible, the Secretary shall—

(1) utilize the Partnership for Advancing Technology in Housing of the Department of Housing and Urban Development to assist in carrying out the requirements of this section and to provide education and outreach regarding the demonstration program authorized under this section; and

(2) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Army regarding utilizing the Building America Program of the Department of Energy, the Energy Star Program, and the Army Corps of Engineers, respectively, to determine the manner in which such programs might assist in carrying out the goals of this section and providing education and outreach regarding the demonstration program authorized under this section.

(g) REPORTS.—

(1) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this title, and for each year thereafter during the term of the demonstration program, the Secretary shall submit to Congress a report that describes and assesses the demonstration program under this section.

(2) FINAL REPORT.—Not later than 6 months after the expiration of the 4-year period described in subsection (d), the Secretary shall submit to Congress a final report assessing the demonstration program that—

(A) assesses the potential for expanding the demonstration program on a nationwide basis; and

(B) includes descriptions of—

(i) the size of each multifamily housing project for which assistance was provided under the program;

(ii) the geographic location of each project assisted, by State and region;

(iii) the criteria used to select the projects for which assistance is provided under the program;

(iv) the energy efficiency and conservation measures and financing sources used for each project that is assisted under the program;

(v) the difference, before and during participation in the demonstration program, in the amount of the monthly assistance payments under the covered multifamily assistance program for each project assisted under the program;

(vi) the average length of the term of the assistance provided under the program for a project;

(vii) the aggregate amount of savings generated by the demonstration program and the amount of savings expected to be generated by the program over time on a per-unit and aggregate program basis;

(viii) the functions performed in connection with the implementation of the demonstration program that were transferred or contracted out to any third parties;

(ix) an evaluation of the overall successes and failures of the demonstration program; and

(x) recommendations for any actions to be taken as a result of such successes and failures.

(3) CONTENTS.—Each annual report pursuant to paragraph (1) and the final report pursuant to paragraph (2) shall include—

(A) a description of the status of each multifamily housing project selected for participation in the demonstration program under this section; and

(B) findings from the program and recommendations for any legislative actions.

(h) COVERED MULTIFAMILY ASSISTANCE PROGRAM.—For purposes of this section, the term “covered multifamily assistance program” means—

(1) the program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for project-based rental assistance;

(2) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for assistance for supportive housing for the elderly;

(3) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities; and

(4) the program for assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year in which the demonstration program under this section is carried out.

(j) REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary shall issue any regulations necessary to carry out this section.

#### SEC. 808. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by striking “paragraph (5)” and inserting “paragraphs (5) and (6)”; and

(2) by adding at the end the following:

“(6) ADDITIONAL ENERGY EFFICIENCY CREDIT.—

“(A) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign—

“(i) more than 125 percent credit, for purchases that—

“(I) comply with the requirements of such goals; and

“(II) support housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010; and

“(ii) credit in addition to credit under clause (i), for purchases that—

“(I) comply with the requirements of such goals; and

“(II) support housing that complies with enhanced energy efficiency standards, as that term is defined in section 803 of such Act.

“(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase

any housing goal, subgoal, or target established under this subpart.”.

**SEC. 809. DUTY TO SERVE UNDERSERVED MARKETS FOR ENERGY EFFICIENT AND LOCATION EFFICIENT MORTGAGES.**

Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(D) MARKETS FOR ENERGY EFFICIENT AND LOCATION EFFICIENT MORTGAGES.—

“(i) DUTY.—Except as provided in clause (ii), the enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for energy efficient and location efficient mortgages on housing for very low-, low-, and moderate-income families, and for second and junior mortgages made for purposes of energy efficiency or renewable energy improvements.

“(ii) AUTHORITY TO SUSPEND.—Notwithstanding any other provision of this section, the Director may suspend the applicability of the requirement under clause (i) with respect to an enterprise, for such period as is necessary, if the Director determines that exigent circumstances exist and such suspension is appropriate to ensure the safety and soundness of the portfolio holdings of the enterprise.”;

(2) by adding at the end the following:

“(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) ENERGY EFFICIENT MORTGAGE.—The term ‘energy efficient mortgage’ means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by—

“(A) not less than \$1 for each \$1 of savings projected to be realized by the borrower as a result of cost-effective energy saving design, construction, or improvements (including use of renewable energy sources, such as solar, geothermal, biomass, and wind, super-insulation, energy-saving windows, insulating glass and film, and radiant barrier) for the home for which the loan is made; or

“(B) a ratio of income to savings determined by the Director.

“(2) LOCATION EFFICIENT MORTGAGE.—The term ‘location efficient mortgage’ means a mortgage loan under which—

“(A) the income of the borrower, for purposes of qualification for such loan, is considered to be increased by—

“(i) not less than \$1 for each \$1 of savings projected to be realized by the borrower because the location of the home for which the loan is made will result in decreased transportation costs for the household of the borrower; or

“(ii) a ratio of income to savings determined by the Director; or

“(B) the sum of the principal, interest, taxes, and insurance due under the mortgage loan is decreased by—

“(i) not less than \$1 for each \$1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower; or

“(ii) a ratio of principal, interest, taxes, and insurance due under the mortgage to savings projected to be realized by the borrower determined by the Director.”.

**SEC. 810. CONSIDERATION OF ENERGY EFFICIENCY UNDER FHA MORTGAGE INSURANCE PROGRAMS AND NATIVE AMERICAN AND NATIVE HAWAIIAN LOAN GUARANTEE PROGRAMS.**

(a) FHA MORTGAGE INSURANCE.—

(1) REQUIREMENT.—Title V of the National Housing Act is amended by adding after section 542 (12 U.S.C. 1735f-20) the following:

**“SEC. 543. CONSIDERATION OF ENERGY EFFICIENCY.**

“(a) UNDERWRITING STANDARDS.—In establishing underwriting standards for mortgages on single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are insured under this Act, the Secretary shall consider the impact that savings on utility costs has on the income of the mortgagor.

“(b) GOAL.—It is the sense of the Congress that, in carrying out this Act, the Secretary should endeavor to insure mortgages on single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, such that at least 50,000 such mortgages are insured during the period beginning on the date of enactment of such Act and ending on December 31, 2012.”.

(2) REPORTING ON DEFAULTS.—Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f-18(b)(2)) is amended by adding at the end the following:

“(C) With respect to each collection period that commences after December 31, 2011—

“(i) the total number of mortgages on single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are insured by the Secretary during the applicable collection period;

“(ii) the number of defaults and foreclosures occurring on such mortgages during such period;

“(iii) the percentage of the total of such mortgages insured during such period on which defaults and foreclosure occurred; and

“(iv) the rate for such period of defaults and foreclosures on such mortgages compared to the overall rate for such period of defaults and foreclosures on mortgages for single family housing insured under this Act by the Secretary.”.

(b) INDIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a) is amended—

(A) by redesignating subsection (1) as subsection (m); and

(B) by inserting after subsection (k) the following:

“(1) CONSIDERATION OF ENERGY EFFICIENCY.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single family housing that meet minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed under this section, the impact that savings on utility costs has on the portion of the income of the borrower that is available to service the mortgage debt.”.

(2) REPORTING ON DEFAULTS.—Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f-18(b)(2)), as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

“(D) With respect to each collection period that commences after December 31, 2011—

“(i) the total number of loans guaranteed under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a) for single family housing that meets enhanced energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010,

that are guaranteed by the Secretary during the applicable collection period;

“(ii) the number of defaults and foreclosures that occur on such loans during such period;

“(iii) the percentage of the total number of such loans guaranteed during such period on which defaults and foreclosures occurred; and

“(iv) the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single family housing guaranteed under section 184 of such Act.”.

(c) NATIVE HAWAIIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b) is amended by adding at the end the following:

“(m) ENERGY EFFICIENT HOUSING REQUIREMENT.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed under this section, the impact that savings on utility costs have on the income of the borrower.”.

(2) REPORTING ON DEFAULTS.—Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f-18(b)(2)), as amended by the preceding provisions of this section, is amended by adding at the end the following:

“(E) With respect to each collection period that commences after December 31, 2011—

“(i) the total number of loans guaranteed under section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b) on single family housing that meets enhanced energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed by the Secretary during the applicable collection period;

“(ii) the number of defaults and foreclosures occurring on such loans during such period;

“(iii) the percentage of the total of such loans guaranteed during such period on which defaults and foreclosures occurred; and

“(iv) the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single family housing guaranteed under such section 184A.”.

**SEC. 811. ENERGY EFFICIENT MORTGAGES EDUCATION AND OUTREACH CAMPAIGN.**

Section 513 of the Housing and Community Development Act of 1992 (12 U.S.C. 1701z-16 note) is amended by adding at the end the following:

“(g) EDUCATION AND OUTREACH CAMPAIGN.—

“(1) DEVELOPMENT OF ENERGY EFFICIENT MORTGAGE OUTREACH PROGRAM.—

“(A) COMMISSION.—The Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall establish a commission to develop and recommend model mortgage products and underwriting guidelines that provide market-based incentives to prospective home buyers, lenders, and sellers to incorporate energy efficiency upgrades in new mortgage loan transactions.

“(B) REPORT.—Not later than 24 months after the date of enactment of this subsection, the Secretary shall submit to Congress a written report on the results of work

of the commission established pursuant to subparagraph (A) and that identifies model mortgage products and underwriting guidelines that may encourage energy efficiency.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—After submission of the report under paragraph (1)(B), the Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall carry out a public awareness, education, and outreach campaign based on the findings of the commission established pursuant to paragraph (1) to inform and educate residential lenders and prospective borrowers regarding the availability, benefits, advantages, and terms of—

“(i) energy efficient mortgages made available pursuant to this section;

“(ii) energy efficient mortgages that meet the requirements of section 1334A of this Act; and

“(iii) other mortgages, including mortgages for multifamily housing, that have energy improvement features.

“(B) CONTRACTING.—The Secretary may enter into a contract with an appropriate entity to publicize and market such mortgages through appropriate media.

“(3) RENEWABLE ENERGY HOME PRODUCT EXPOSITIONS.—It is the sense of Congress that the Secretary of Housing and Urban Development should work with appropriate entities to organize and hold renewable energy expositions that provide an opportunity for the public to view and learn about renewable energy products for the home that are currently on the market.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$5,000,000 for each of fiscal years 2010 through 2013.”

**SEC. 812. COLLECTION OF INFORMATION ON ENERGY EFFICIENT AND LOCATION EFFICIENT MORTGAGES THROUGH HOME MORTGAGE DISCLOSURE ACT.**

(a) IN GENERAL.—Section 304(b)(1) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)(1)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(5) the number and dollar amount of mortgage loans for single family housing and for multifamily housing that are energy efficient mortgages (as such term is defined in section 1334A of the Housing and Community Development Act of 1992); and

“(6) the number and dollar amount of mortgage loans for single family housing and for multifamily housing that are location efficient mortgages (as such term is defined in section 1334A of Housing and Community Development Act of 1992).”

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to the first calendar year that begins after the expiration of the 30-day period beginning on the date of enactment of this title.

**SEC. 813. ENERGY EFFICIENCY CERTIFICATIONS FOR HOUSING WITH MORTGAGES INSURED BY FHA.**

Section 526 of the National Housing Act (12 U.S.C. 1735f-4(a)) is amended—

(1) in subsection (a)—

(A) by striking “, other than manufactured homes,” each place that term appears;

(B) by inserting after the period at the end the following: “The energy performance requirements developed and established by the

Secretary under this section for manufactured homes shall require Energy Star ratings for wall fixtures, appliances, and equipment in such homes.”;

(C) by striking “(a) To” and inserting the following:

“(a) ENERGY EFFICIENCY.—

“(1) IN GENERAL.—To”; and

(D) by adding at the end the following:

“(2) CERTIFICATION.—The Secretary shall require, with respect to any single family or multifamily residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy conserving improvements or any renewable energy sources, such as wind, solar energy, geothermal, or biomass, shall be conducted only by an individual certified by a home energy rating system provider that has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide, or by a licensed professional architect or engineer that has been accredited as a LEED Accredited Professional by the Green Building Certification Institute. If any organization makes a request to the Secretary for approval to accredit individuals to conduct energy efficiency or conservation ratings, the Secretary shall review and approve or disapprove such request not later than 6 months after receipt of such request.

“(3) LISTING.—Each regional office of the Department of Housing and Urban Development shall maintain a list of individuals certified by a home energy rating system provider that has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organizations or professionals as the Secretary may designate. Such list shall indicate that home energy rating system providers accredited by the Residential Energy Services Network are preferred by the Department of Housing and Urban Development.

“(4) PERIODIC EXAMINATION OF METHOD.—The Secretary shall periodically examine the method used to conduct inspections for compliance with the requirements under this section, analyze various other approaches for conducting such inspections, and review the costs and benefits of the current method compared with other methods.”; and

(2) in subsection (b)—

(A) by striking “, other than a manufactured home,”; and

(B) by striking “(b) The” and inserting the following:

“(b) HEALTH AND SAFETY.—The”.

**SEC. 814. ASSISTED HOUSING ENERGY LOAN PILOT PROGRAM.**

(a) AUTHORITY.—Not later than 12 months after the date of enactment of this title, the Secretary shall develop and implement a pilot program to facilitate the financing of cost-effective capital improvements for covered assisted housing projects to improve the energy efficiency and conservation of such projects.

(b) NUMBER OF LENDERS.—The pilot program under this section shall involve not less than 3 and not more than 5 lenders.

(c) LOANS.—The pilot program under this section shall provide for a privately financed loan to be made for a covered assisted housing project that—

(1) finances capital improvements for the project that meet such requirements as the Secretary shall establish, and may involve contracts with third parties to perform such capital improvements, including the design of such improvements by licensed professional architects or engineers;

(2) has a term to maturity that is—

(A) not more than 20 years; and

(B) necessary to realize cost savings sufficient to repay such loan;

(3) is secured by a mortgage subordinate to the mortgage for the project that is insured under title II of the National Housing Act; and

(4) provides for a reduction in the remaining principal obligation under the loan based on the actual cost savings realized from the capital improvements financed with the loan.

(d) UNDERWRITING STANDARDS.—The Secretary shall establish underwriting requirements for loans made under the pilot program under this section, which shall—

(1) require the cost savings projected to be realized from the capital improvements financed with the loan, during the term of the loan, to exceed the costs of repaying the loan;

(2) allow the designer or contractor involved in designing capital improvements to be financed with a loan under the program to carry out such capital improvements; and

(3) include such energy, audit, property, financial, ownership, and approval requirements as the Secretary considers appropriate.

(e) TREATMENT OF SAVINGS.—The pilot program under this section shall provide that the financial benefit from any reduction in the cost of utilities resulting from capital improvements financed with a loan made under the program shall be shared between the project owner and the tenants in accordance with an appropriate ratio, as determined by the Secretary.

(f) COVERED ASSISTED HOUSING PROJECTS.—For purposes of this section, the term “covered assisted housing project” means a housing project that—

(1) is financed by a loan or mortgage that is—

(A) insured by the Secretary under paragraph (3) or (4) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)), and bears interest at a rate determined under the proviso of section 221(d)(5) of such Act; or

(B) insured or assisted under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(2) at the time a loan under this section is made, is provided project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for 50 percent or more of the dwelling units in the project; and

(3) is not a housing project owned or held by the Secretary, or subject to a mortgage held by the Secretary.

**SEC. 815. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.**

(a) MANDATORY COMPONENT.—Section 24(e) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)) is amended by adding at the end the following:

“(4) GREEN DEVELOPMENTS REQUIREMENT.—

“(A) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements:

“(i) RESIDENTIAL CONSTRUCTION.—All residential construction under the proposed plan complies with—

“(I) all mandatory items of the national Green Communities criteria checklist for residential construction and rehabilitation and such nonmandatory items of such checklist as are necessary for a residential construction to receive—

“(aa) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

“(bb) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation; or

“(II) a substantially equivalent standard, as determined by the Secretary.

“(ii) NONRESIDENTIAL CONSTRUCTION.—All nonresidential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to subparagraph (C), as such systems and levels are in effect at the time of the application for the grant.

“(B) VERIFICATION.—

“(i) IN GENERAL.—The Secretary shall verify, or provide for verification sufficient to ensure, that each revitalization plan carried out with amounts from a grant under this section complies with the requirements under subparagraph (A).

“(ii) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall submit a report to Congress with respect to the compliance of each grantee—

“(I) not later than 6 months after execution of the grant agreement under this section for the grantee; and

“(II) on completion of the revitalization plan of the grantee.

“(C) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

“(i) IN GENERAL.—For purposes of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to ratings and standards for green buildings.

“(ii) CRITERIA.—In identifying the green rating systems and levels under clause (i), the Secretary shall take into consideration—

“(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph;

“(II) the ability of the applicable ratings system organizations to collect and reflect public comment;

“(III) the ability of the standards to be developed and revised through a consensus-based process;

“(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

“(aa) efficient and sustainable use of water, energy, and other natural resources;

“(bb) use of renewable energy sources;

“(cc) improved indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, including preference for materials with no added carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

“(dd) such other criteria as the Secretary determines to be appropriate; and

“(V) national recognition within the building industry.

“(iii) FIVE-YEAR EVALUATION.—At least once every 5 years, the Secretary shall conduct a study to evaluate and compare available third party green building rating systems and levels, taking into account the criteria listed in clause (ii).

“(iv) REVIEW AND UPDATE.—Within 90 days of the completion of each study required by clause (iii), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this paragraph, taking into account the conclusions of such study.

“(D) APPLICABILITY AND UPDATING OF STANDARDS.—

“(i) APPLICABILITY.—Except as provided in clause (ii), the national Green Communities criteria checklist and green building rating systems and levels referred to in subparagraph (A) that are in effect for purposes of this paragraph are such checklist systems and levels as in existence on the date of enactment of the Energy Efficiency in Housing Act of 2010.

“(ii) UPDATING.—The Secretary may, by regulation, adopt and apply for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to subparagraph (C).”

(b) SELECTION CRITERIA; GRADED COMPONENT.—Section 24(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)(2)) is amended—

(1) in subparagraph (K), by striking “and” at the end;

(2) by redesignating subparagraph (L) as subparagraph (M); and

(3) by inserting after subparagraph (K) the following:

“(L) the extent to which the proposed revitalization plan—

“(i) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in paragraph (4)(A)(i), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such paragraph; and

“(ii) in the case of nonresidential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to paragraph (4)(C), but only to the extent such compliance exceeds the minimum level required under such systems and levels; and”.

#### SEC. 816. CONSIDERATION OF ENERGY EFFICIENCY IMPROVEMENTS IN APPRAISALS.

(a) APPRAISALS IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS.—

(1) REQUIREMENT.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) that such appraisals be performed in accordance with appraisal standards that require, in determining the value of a property, consideration of the ongoing utility savings and increased value from the savings that result from—

“(A) any renewable energy sources for the property; or

“(B) energy efficiency or energy conserving improvements or features of the property; and”.

(2) REVISION OF APPRAISAL STANDARDS.—Each Federal financial institution regulatory agency shall, not later than 6 months after the date of enactment of this title, revise its standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1).

(b) APPRAISER CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (a), by inserting before the period at the end the following: “and meets the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources for, or energy efficiency or energy conserving improvements or features of, the property”;

(2) in subsection (c), by inserting before the period at the end the following: “, which shall include compliance with the requirements established pursuant to subsection (f) regarding consideration of any renewable energy sources for, or energy efficiency or energy conserving improvements or features of, the property”;

(3) in subsection (e), by striking “The” and inserting “Except as provided in subsection (f), the”; and

(4) by adding at the end the following:

“(f) REQUIREMENTS FOR APPRAISERS REGARDING ENERGY EFFICIENCY FEATURES.—The Appraisal Subcommittee shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider and are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy efficiency or energy conserving improvements or features of, the property.”.

(c) GUIDELINES FOR APPRAISING PHOTOVOLTAIC AND SOLAR THERMAL MEASURES AND TRAINING OF APPRAISERS.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following:

“(g) GUIDELINES FOR APPRAISING PHOTOVOLTAIC AND SOLAR THERMAL MEASURES AND TRAINING OF APPRAISERS.—The Appraisal Subcommittee shall, in consultation with the Secretary of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, establish specific guidelines for—

“(1) appraising off- and on-grid photovoltaic and solar thermal measures for compliance with the appraisal standards prescribed pursuant to section 1110(2);

“(2) requirements under section 1116(f) for certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider, and are qualified to consider, such photovoltaic and solar thermal measures in determining the value of a property; and

“(3) training of appraisers to meet the requirements established pursuant to paragraph (2) of this subsection.”.

**SEC. 817. ADDITIONAL REQUIREMENTS FOR THE HOUSING ASSISTANCE COUNCIL.**

The Secretary shall require the Housing Assistance Council—

(1) to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structure or building developed or assisted under projects, programs, and activities funded with such amounts complies with enhanced energy efficiency standards; and

(2) to establish incentives to encourage each such organization to provide that any such structure or building complies with enhanced energy efficiency standards.

**SEC. 818. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.**

The Secretary shall—

(1) encourage each tribe, agency, organization, corporation, and other entity that receives any assistance from the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development to provide that any structure or building developed or assisted under activities funded with such amounts complies with minimum energy efficiency standards; and

(2) establish incentives to encourage each such tribe, agency, organization, corporation, and other entity to provide that any such structure or building comply with enhanced energy efficiency standards.

**SEC. 819. REVOLVING FUND FOR LOANS TO STATES AND INDIAN TRIBES TO CARRY OUT RENEWABLE ENERGY SOURCES ACTIVITIES.**

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Alternative Energy Sources State Revolving Fund”.

(b) **CREDITS.**—The Fund shall be credited with—

(1) any amounts appropriated to the Fund pursuant to subsection (g);

(2) any amounts of principal and interest from loan repayments received by the Secretary pursuant to subsection (d)(7); and

(3) any interest earned on investments of amounts in the Fund pursuant to subsection (e).

(c) **EXPENDITURES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (d)(1).

(2) **ADMINISTRATIVE EXPENSES.**—Of the amounts in the Fund, not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of Housing and Urban Development to carry out this section.

(d) **LOANS TO STATES AND INDIAN TRIBES.**—

(1) **IN GENERAL.**—The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single family and multifamily housing, commercial properties, and public buildings to provide—

(A) renewable energy sources for such structures, such as wind, wave, solar, biomass, or geothermal energy sources, including incentives to companies and businesses to change their source of energy to such renewable energy sources and for changing the sources of energy for public buildings to such renewable energy sources;

(B) energy efficiency and energy conserving improvements and features for such structures; or

(C) infrastructure related to the delivery of electricity and hot water for structures lacking such amenities.

(2) **ELIGIBILITY.**—To be eligible to receive a loan under this subsection, a State or Indian tribe, directly or through an appropriate State or tribal agency, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) **CRITERIA FOR APPROVAL.**—The Secretary may approve an application of a State or Indian tribe under paragraph (2) only if the Secretary determines that the State or tribe will use the funds from the loan under this subsection to carry out a program to provide incentives described in paragraph (1) that—

(A) requires that any such renewable energy sources, and energy efficiency and energy conserving improvements and features, developed pursuant to assistance under the program result in compliance of the structure so improved with minimum energy efficiency standards; and

(B) includes such compliance and audit requirements as the Secretary determines are necessary to ensure that the program is operated in a sound and effective manner.

(4) **PREFERENCE.**—In making loans during each fiscal year, the Secretary shall give preference to States and Indian tribes that have not previously received a loan under this subsection.

(5) **MAXIMUM AMOUNT.**—The aggregate outstanding principal amount from loans under this subsection to any single State or Indian tribe may not exceed \$500,000,000.

(6) **LOAN TERMS.**—Each loan under this subsection shall have a term to maturity of not more than 10 years and shall bear interest at an annual rate, determined by the Secretary, that shall not exceed the interest rate charged by the Federal Reserve Bank of New York to commercial banks and other depository institutions for very short-term loans under the primary credit program, as most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release, preceding the date of a determination for purposes of applying this paragraph.

(7) **LOAN REPAYMENT.**—The Secretary shall require full repayment of each loan made under this section.

(e) **INVESTMENT OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such amounts in the Fund that are not, in the judgment of the Secretary of the Treasury, required to meet needs for current withdrawals.

(2) **OBLIGATIONS OF UNITED STATES.**—Investments may be made only in interest-bearing obligations of the United States.

(f) **REPORTS.**—

(1) **REPORTS TO SECRETARY.**—For each year during the term of a loan made under subsection (d), the State or Indian tribe that received the loan shall submit to the Secretary a report describing the State or tribal alternative energy sources program for which the loan was made and the activities conducted under the program using the loan funds during that year.

(2) **REPORT TO CONGRESS.**—Not later than September 30 of each year that loans made under subsection (d) are outstanding, the Secretary shall submit a report to Congress describing the total amount of such loans provided under subsection (d) to each eligible State and Indian tribe during the fiscal year ending on such date, and an evaluation on effectiveness of the Fund.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Fund \$5,000,000,000.

(h) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(2) **STATE.**—The term “State” means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

**SEC. 820. COMPETITIVE GRANT PROGRAM TO INCREASE SUSTAINABLE LOW-INCOME COMMUNITY DEVELOPMENT CAPACITY.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE COMMUNITY DEVELOPMENT ORGANIZATION.**—The term “eligible community development organization” means—

(A) a unit of general local government, as that term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704);

(B) a community housing development organization, as that term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704);

(C) an Indian tribe or tribally designated housing entity, as those terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(D) a public housing agency, as that term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437(b)).

(2) **LOW-INCOME COMMUNITY.**—The term “low-income community” means a census tract in which 50 percent or more of the households have an annual income that is less than 80 percent of the greater of—

(A) the median gross income for that year for the area in which the census tract is located; or

(B) the median gross income for that year for the State in which the census tract is located.

(3) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” has the same meaning as in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(b) **PROGRAM ESTABLISHED.**—The Secretary shall establish a competitive grant program to make grants to nonprofit organizations to—

(1) carry out a project described in subsection (c);

(2) train, educate, support, or advise an eligible community development organization that carries out a project described in subsection (c);

(3) provide planning and design assistance to eligible community development organizations;

(4) make loans or grants to eligible community development organizations; or

(5) carry out other activities consistent with this section, as the Secretary determines appropriate.

(c) **PROJECTS.**—The projects described in this subsection are projects—

(1) that take into consideration minimum energy efficiency standards, enhanced energy efficiency standards, and green building standards; and

(2) that—

(A) improve the energy efficiency of residential and nonresidential structures;



(B) promote resource conservation and reuse;

(C) include design strategies to maximize the energy efficiency of residential and non-residential structures;

(D) install or construct renewable energy improvements for residential and nonresidential structures, including wind, wave, solar, biomass, and geothermal energy sources; or

(E) promote the effective use of existing infrastructure in affordable housing and economic development activities in low-income communities.

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to activities that will result in compliance with minimum energy efficiency standards, enhanced energy efficiency standards, and green building standards.

(e) APPLICATION.—A nonprofit organization that desires a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(f) AWARD OF CONTRACTS.—Any contract for architectural or engineering services that is funded with amounts from grants made under this section shall be awarded in accordance with chapter 11 of title 40, United States Code (relating to selection of architects and engineers).

(g) FEDERAL SHARE.—

(1) AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of a project under this section may not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project under this section may be in cash or in-kind.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

**SEC. 821. INSURANCE COVERAGE FOR LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.**

(a) PURPOSES.—The purposes of this section are—

(1) to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners;

(2) to reduce carbon emissions and the use of nonrenewable resources;

(3) to encourage energy efficient residential construction and rehabilitation;

(4) to encourage the use of renewable resources by homeowners;

(5) to minimize the impact of development on the environment;

(6) to reduce consumer utility costs; and

(7) to encourage private investment in the green economy.

(b) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) AUTHORIZED RENEWABLE ENERGY LENDER.—The term “authorized renewable energy lender” means a lender authorized by the Secretary to make a loan under this section.

(2) RENEWABLE ENERGY SYSTEM LEASE.—The term “renewable system energy lease” means an agreement between an authorized renewable energy system owner and a homeowner for a term of not less than 5 years, pursuant to which the homeowner—

(A) grants an easement to such renewable energy system owner to install, maintain, use, and otherwise access the renewable energy system; and

(B) agrees to—

(1) lease the use of such system from such renewable energy system owner; or

(ii) purchase electric power from such renewable energy system owner.

(3) RENEWABLE ENERGY MANUFACTURER.—The term “renewable energy manufacturer” means a manufacturer of renewable energy systems.

(4) RENEWABLE ENERGY SYSTEM OWNER.—The term “renewable energy system owner” means a homebuilder, a manufacturer or installer of a renewable energy system, or any other person, as determined by the Secretary.

(5) RENEWABLE ENERGY SYSTEM.—The term “renewable energy system” means a system of energy derived from—

(A) a wind, solar (including photovoltaic and solar thermal), biomass (including biodiesel), or geothermal source; or

(B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).

(c) AUTHORITY.—

(1) IN GENERAL.—The Secretary may, upon application by an authorized renewable energy system owner, insure or make a commitment to insure a loan made by an authorized renewable energy lender to a renewable energy system owner to finance the acquisition of a renewable energy system for lease to a homeowner for use at the residence of such homeowner.

(2) TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions for insurance under paragraph (1) as are consistent with the purposes of this section.

(d) LIMITATION ON PRINCIPAL AMOUNT.—

(1) LIMITATION.—The principal amount of a loan insured under this section shall not exceed the residual value of the renewable energy system to be acquired with the loan.

(2) RESIDUAL VALUE.—For purposes of this subsection—

(A) the residual value of a renewable energy system is the fair market value of the future revenue stream from the sale of the expected remaining electricity production from the system, pursuant to the easement granted in accordance with subsection (e); and

(B) the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system shall be determined based on the net present value of the power output production warranty for such renewable energy system provided by the renewable energy manufacturer and the forecast of regional residential electricity prices made by the Energy Information Administration of the Department of Energy.

(e) EASEMENT.—The Secretary may not insure a loan under this section unless the renewable energy system owner certifies, in accordance with such requirements as the Secretary shall establish, consistent with the purposes of this section, that the systems financed will be leased only to homeowners that grant easements to install, maintain, use, and otherwise access the system that include the right to sell electricity produced during the life of the renewable energy system to a wholesale or retail electrical power grid.

(f) DISCOUNT OR PREPAYMENT.—To encourage the use of renewable energy systems, the Secretary shall ensure that a discount given to a homeowner by a renewable energy system owner or other investor or prepayment of a renewable energy system lease by a renewable energy system owner does not adversely affect the mortgage requirements of such homeowner.

(g) ELIGIBILITY OF LENDERS.—The Secretary may not insure a loan under this section unless the lender making the loan—

(1) is an institution that—

(A) qualifies as a green banking center under section 8(x) of the Federal Deposit Insurance Act (12 U.S.C. 1818(x)) or section 206(x) of the Federal Credit Union Act (12 U.S.C. 1786(x)); or

(B) meets such other requirements as the Secretary shall establish for participation of renewable energy lenders in the program under this section; and

(2) meets such qualifications as the Secretary shall establish for all lenders for participation in the program under this section.

(h) CERTIFICATE OF INSURANCE.—

(1) IN GENERAL.—The Secretary shall issue to a lender that is insured under this section a certificate that serves as evidence of insurance coverage under this section.

(2) CONTENTS OF CERTIFICATE.—The certificate required under paragraph (1) shall set forth the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system.

(3) FULL FAITH AND CREDIT.—The certificate required under paragraph (1) shall be backed by the full faith and credit of the United States.

(i) PAYMENT OF INSURANCE CLAIM.—

(1) FILING OF CLAIM.—The Secretary shall provide for the filing of claims for insurance under this section and the payment of such claims.

(2) PAYMENT OF CLAIM.—A claim under paragraph (1) may be paid only upon a default under the loan insured under this section and the assignment, transfer, and delivery to the Secretary of—

(A) all rights and interests arising under the loan; and

(B) all claims of the lender or the assigns of the lender against the borrower or others arising under the loan transaction.

(3) LIEN.—

(A) IN GENERAL.—Upon payment of a claim for insurance of a loan under this section, the Secretary shall hold a lien on the underlying renewable energy system assets and any associated revenue stream from the use of such system, which shall be superior to all other liens on such assets.

(B) RESIDUAL VALUE.—The residual value of such renewable energy system and the revenue stream from the use of such system shall be not less than the unpaid balance of the loan amount covered by the certificate of insurance.

(C) REVENUE FROM SALE.—The Secretary shall be entitled to any revenue generated by such renewable energy system from selling electricity to the grid when an insurance claim has been paid out.

(j) ASSIGNMENT AND TRANSFERABILITY OF INSURANCE.—A renewable energy system owner or an authorized renewable energy lender that is insured under this section may assign or transfer the insurance in whole or in part, to another owner or lender, subject to such requirements as the Secretary may prescribe.

(k) PREMIUMS AND CHARGES.—

(1) INSURANCE PREMIUMS.—

(A) IN GENERAL.—The Secretary shall fix and collect premiums for insurance of loans under this section, that shall be paid by the applicant renewable energy system owner at the time of issuance of the certificate of insurance to the lender and shall be adequate, in the determination of the Secretary, to cover the expenses and probable losses of administering the program under this section.

(B) DEPOSIT OF PREMIUM.—The Secretary shall deposit any premiums collected under this subsection in the Renewable Energy Lease Insurance Fund established under subsection (l).

(2) **PROHIBITION ON OTHER CHARGES.**—Except as provided in paragraph (1), the Secretary may not assess any other fee (including a user fee), insurance premium, or charge in connection with loan insurance provided under this section.

(1) **RENEWABLE ENERGY LEASE INSURANCE FUND.**—

(1) **FUND ESTABLISHED.**—There is established in the Treasury of the United States the Renewable Energy Lease Insurance Fund (referred to in this subsection as the “Fund”), which shall be available to the Secretary without fiscal year limitation, for the purpose of providing insurance under this section.

(2) **CREDITS.**—The Fund shall be credited with any premiums collected under subsection (k)(1), any amounts collected by the Secretary under subsection (i)(3), and any associated interest or earnings.

(3) **AVAILABILITY.**—Amounts in the Fund shall be available to the Secretary for fulfilling any obligations with respect to insurance for loans provided under this section and paying administrative expenses in connection with this section.

(4) **EXCESS AMOUNTS.**—The Secretary may invest in obligations of the United States any amounts in the Fund determined by the Secretary to be in excess of amounts required at the time of such determination to carry out this section.

(m) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall issue such regulations as may be necessary to carry out this section.

(2) **TIMING.**—Not later than 180 days after the date of enactment of this title, the Secretary shall issue interim or final regulations.

(n) **INELIGIBILITY FOR PURCHASE BY FEDERAL FINANCING BANK.**—Notwithstanding any other provision of law, no debt obligation that is insured or committed to be insured by the Secretary under this section shall be subject to the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.).

(o) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to insure and make commitments to insure new loans under this title shall terminate 10 years after the date of enactment of this title.

#### SEC. 822. GREEN BANKING CENTERS.

(a) **INSURED DEPOSITORY INSTITUTIONS.**—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following:

“(x) **GREEN BANKING CENTERS.**—

“(1) **IN GENERAL.**—The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of green banking centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

“(A) obtaining a home energy rating or audit for the residence for which such mortgage or loan is sought;

“(B) obtaining financing for cost-effective energy-saving improvements to such property; and

“(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

“(2) **INFORMATION AND REFERRALS.**—The information made available to consumers under paragraph (1) may include—

“(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

“(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

“(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

“(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personnel, reservists, and veterans by the Secretary of Veterans Affairs;

“(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

“(F) information about, and contact information for, the Energy Star Program of the Environmental Protection Agency;

“(G) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies; and

“(H) such other information as the agencies or the insured depository institution may determine to be appropriate or useful.”.

(b) **INSURED CREDIT UNIONS.**—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following:

“(x) **GREEN BANKING CENTERS.**—

“(1) **IN GENERAL.**—The Board shall prescribe guidelines encouraging the establishment and maintenance of green banking centers by insured credit unions to provide any member who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

“(A) obtaining a home energy rating or audit for the residence for which such mortgage or loan is sought;

“(B) obtaining financing for cost-effective energy-saving improvements to such property; and

“(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

“(2) **INFORMATION AND REFERRALS.**—The information made available to members under paragraph (1) may include—

“(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

“(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

“(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

“(D) information including eligibility information about, and contact information for, any conservation or renewable energy

programs, grants, or loans offered for qualified military personnel, reservists, and veterans by the Secretary of Veterans Affairs;

“(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

“(F) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies;

“(G) information about incentives or financial products that are available for projects that are consistent with or certified under minimum energy efficiency standards, enhanced efficiency standards, or green building standards, as those terms are defined in section 803 of the Energy Efficiency in Housing Act of 2010; and

“(H) such other information as the Board or the insured credit union may determine to be appropriate or useful.”.

#### SEC. 823. GAO REPORTS ON AVAILABILITY OF AFFORDABLE MORTGAGES.

(a) **STUDY.**—The Comptroller General of the United States shall periodically, as necessary to comply with subsection (b), examine the impact of this title and the amendments made by this title on the availability of affordable mortgages in various areas throughout the United States, including cities having older infrastructure and limited space for the development of new housing.

(b) **TRIENNIAL REPORTS.**—

(1) **REPORT REQUIRED.**—The Comptroller General shall submit a report once every 3 years to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) **CONTENTS OF REPORT.**—The report under paragraph (1) shall include—

(A) a detailed statement of the most recent findings pursuant to subsection (a); and

(B) if the Comptroller General finds that this title or the amendments made by this title have directly or indirectly resulted in consequences that limit the availability or affordability of mortgages in any area or areas within the United States, including any city having older infrastructure and limited space for the development of new housing, any recommendations for any additional actions at the Federal, State, or local levels that the Comptroller General considers necessary or appropriate to mitigate such effects.

(3) **TIMING.**—The first report under paragraph (1) shall be submitted not later than 3 years after the date of enactment of this title.

#### SEC. 824. PUBLIC HOUSING ENERGY COST REPORT.

(a) **COLLECTION OF INFORMATION BY HUD.**—

(1) **IN GENERAL.**—The Secretary shall obtain from each public housing agency, at such time as may be necessary to comply with the reporting requirement under subsection (b), information regarding the energy costs for public housing administered or operated by the agency.

(2) **TYPE OF INFORMATION.**—For each public housing agency, such information shall include the monthly energy costs associated with each separate building and development of the agency, for the most recently completed 12-month period for which such information is available, and such other information as the Secretary determines is appropriate in determining which public housing

buildings and developments are most in need of repairs and improvements to reduce energy needs and costs and become more energy efficient.

(b) **REPORT.**—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a report setting forth the information collected pursuant to subsection (a).

**SA 3355.** Mr. BUNNING proposed an amendment to the bill H.R. 4691, to provide a temporary extension of certain programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Temporary Extension Act of 2010”.

#### **SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “April 5, 2010”;

(B) in the heading for subsection (b)(2), by striking “FEBRUARY 28, 2010” and inserting “APRIL 5, 2010”; and

(C) in subsection (b)(3), by striking “July 31, 2010” and inserting “September 4, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “February 28, 2010” and inserting “April 5, 2010”;

(B) in the heading for paragraph (2), by striking “FEBRUARY 28, 2010” and inserting “APRIL 5, 2010”; and

(C) in paragraph (3), by striking “August 31, 2010” and inserting “October 5, 2010”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “April 5, 2010”; and

(B) in subsection (c), by striking “July 31, 2010” and inserting “September 4, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “July 31, 2010” and inserting “September 4, 2010”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking “1009” and inserting “1009(a)(1)”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) the amendments made by section 2(a)(1) of the Temporary Extension Act of 2010; and”.

#### **SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “February 28, 2010” and inserting “March 31, 2010”.

(b) **CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.**—

(1) **CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN**

**HOURS.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: “or consists of a reduction of hours followed by such an involuntary termination of employment during such period (as described in paragraph (17)(C))”; and

(B) by adding at the end the following:

“(17) **SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.**—

“(A) **NEW ELECTION PERIOD.**—

“(i) **IN GENERAL.**—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual on or after the date of the enactment of this paragraph shall be treated as a qualifying event.

“(ii) **COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.**—In any case of an individual referred to in clause (i), the period of such individual’s continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

“(iii) **CONSTRUCTION.**—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

“(iv) **PREEXISTING CONDITIONS.**—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

“(B) **NOTICES.**—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual’s involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

“(C) **INDIVIDUALS DESCRIBED.**—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred on or after the date of the enactment of this paragraph.”.

(2) **CODIFICATION OF CURRENT INTERPRETATION.**—Subsection (a)(16) of such section is amended—

(A) by striking clause (ii) of subparagraph (A) and inserting the following:

“(ii) such individual pays, the amount of such premium, after the application of paragraph (1)(A), by the latest of—

“(I) 60 days after the date of the enactment of this paragraph,

“(II) 30 days after the date of provision of the notification required under subparagraph (D)(ii), or

“(III) the end of the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986.”; and

(B) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and”.

(3) **CLARIFICATION OF PERIOD OF ASSISTANCE.**—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “of the first month”.

(4) **ENFORCEMENT.**—Subsection (a)(5) of such section is amended by adding at the end the following: “In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor’s or issuer’s receipt of the determination.”.

(5) **AMENDMENTS RELATING TO SECTION 3001 OF ARRA.**—

(A) Subsection (g)(9) of section 35 of the Internal Revenue Code of 1986 is amended by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(B) Section 139C of such Code is amended by striking “section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”;

(ii) in subsection (c)(3), by striking “section 3002(a)(1)(A) of such Act” and inserting “section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009”; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

“(e) **EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.**—For purposes of this section, in any case in which—

“(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee’s employment, and

“(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee, the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee’s employment.”.

(D) Subsection (a) of section 6720C of such Code is amended by striking “section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if

included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsection (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act;

(2) the amendments made by subsection (b)(2) shall take effect as if included in the amendments made by section 1010 of division B of the Department of Defense Appropriations Act, 2010; and

(3) the amendments made by subsections (b)(3) and (b)(4) shall take effect on the date of the enactment of this Act.

#### SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111–68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) EXCEPTION.—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

#### SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking “February 28, 2010” and inserting “March 31, 2010”; and

(2) in subparagraph (B), by striking “March 1, 2010” and inserting “April 1, 2010”.

#### SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2009” and inserting “March 31, 2010”.

#### SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended by striking “March 1, 2010” and inserting “March 31, 2010”.

#### SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting March 28, 2010, for the date specified in each such section.”.

#### SEC. 9. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “February 28, 2010” and inserting “March 28, 2010”.

(b) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Business Loans Program Account”, \$60,000,000, to remain available through March 28, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section, *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### SEC. 10. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “February 28, 2010” and inserting “March 28, 2010”; and

(B) in subsection (e), by striking “February 28, 2010” and inserting “March 28, 2010”.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking “February 28, 2010”, and inserting “March 28, 2010”.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking “February 28, 2010” and inserting “March 28, 2010”; and

(2) in paragraph (3)(C), by striking “March 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “March 29, 2010”.

#### SEC. 11. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF UNPROCESSED FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment; or

“(II) the ash content of such fuel is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

#### SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

**SA 3356.** Mrs. MURRAY (for herself, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend

the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for “Training and Employment Services” for activities under the Workforce Investment Act of 1998 (referred to in this section as the “WIA”), \$1,500,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—In particular, of the amount made available under subsection (a)—

(1) \$1,500,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(A) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(B) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed \$1,000,000,000;

(C) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”;

(D) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds; and

(E) an amount that is not more than 1 percent of the funds appropriated under subsection (a) may be used for the administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds; and

(2) funds designated for the purposes of paragraph (1)(E), together with funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, shall be available for obligation through September 30, 2012.

**SA 3357.** Mr. DODD (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 223 and insert the following:

#### SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) SPECIAL RULE FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

(2) EXCEPTION.—Beginning on April 1, 2010, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2010.—

(1) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(A) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by subsection (a); and

(B) the wage index applicable for such hospital for the period beginning on October 1, 2009, and ending on March 31, 2010, was lower than for the period beginning on April 1, 2010, and ending on September 30, 2010, by reason of the application of subsection (b)(2);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(2) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under paragraph (1) by not later than December 31, 2010.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources, previously announced for February 9th, has been rescheduled and will now be held on Tuesday, March 9, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine financial transmission rights and other electricity market mechanisms.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or

by e-mail to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov).

For further information, please contact Leon Lowery at (202) 224-2209 or Kevin Huyler at (202) 224-6689 or Gina Weinstock at (202) 224-5684.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 11, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review legislative proposals designed to create jobs related to energy efficiency, including a Majority Staff Draft on energy efficient building retrofits.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Rosemarie\\_Calabro@energy.senate.gov](mailto:Rosemarie_Calabro@energy.senate.gov).

For further information, please contact Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 2, 2010, at 9:30 a.m., to conduct a hearing entitled “Restoring Credit to Main Street: Proposals To Fix Small Business Borrowing and Lending Problems.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 2, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 2, 2010, at 11:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS’ AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on

Veterans’ Affairs be authorized to meet during the session of the Senate on March 2, 2010. The Committee will meet in room 345 of the Cannon House Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 2, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate on March 2, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Global Internet Freedom and the Rule of Law, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## MAKING MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 429, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 429) making minority party appointments for certain committees for the 111th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 429) was agreed to, as follows:

### S. RES. 429

*Resolved*, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON VETERANS’ AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, and Mr. Graham.

## ORDERS FOR WEDNESDAY, MARCH 3, 2010

Mr. SCHUMER. Madam President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. SCHUMER. Madam President, tomorrow, we will resume consideration of the tax extenders legislation. Currently, we have three amendments pending to the bill—the Thune amendment, the Sessions amendment, and the Landrieu amendment. Earlier today, we were able to reach agreement

on the next four amendments in order. Senators MURRAY and SANDERS will offer the next two Democratic amendments and Senator BUNNING will offer the next two Republican amendments. Rollcall votes are expected to occur throughout the day.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:33 p.m., adjourned until Wednesday, March 3, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF COMMERCE

MICHAEL C. CAMUÑEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DAVID STEELE BOHIGIAN, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOHN W. MORGAN III

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#### CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, March 2, 2010:

##### THE JUDICIARY

BARBARA MILANO KEENAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

## EXTENSIONS OF REMARKS

HONORING MR. ROBERT GEORGE

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Robert George. Mr. George served his constituency faithfully and justly during his tenure as a member of the Dunkirk City Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. George served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. George is one of those people and that is why, Madam Speaker, I rise to pay tribute to him today.

2009 GREAT COMEBACKS  
RECIPIENT FOR THE WEST REGION

### HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. BISHOP of Utah. Madam Speaker, I rise today to recognize Sylvia Prothro Hebert of Park City. Sylvia has been selected as a 2009 Great Comebacks Recipient for the West Region. This program honors annually a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

At age 9, Sylvia Prothro Hebert was diagnosed with Crohn's disease. At first Sylvia managed her symptoms with medication but flare-ups became a constant companion during college. Her weight dropped to 89 pounds, teeth loosened and hair fell out. At age 21, her intestines were punctured during a colonoscopy and she underwent ostomy surgery. "I awoke with this 'thing' on my side and was in shock—I thought my life was over," says Sylvia.

Since her diagnosis, Sylvia has triumphed over her illness, soaring to new heights to fulfill her dream of becoming a flight attendant—and by her records—the first Delta flight attendant with an ileostomy!

Today, Sylvia, 42, lives in Park City, UT with her husband Paul and their children, Reese, 5, Garrett, 3½, Renee, 1½. In addition to skiing, Sylvia has completed two half-marathons and a triathlon. "I feel healthier and happier than I've ever felt in my life," says Sylvia. "Ostomy surgery gave me freedom to do things I wanted—it's great to be alive."

I would like to congratulate Sylvia on her recent recognition as a 2009 Great Comebacks recipient.

IN HONOR OF DELAWARE'S  
MEDICAL RELIEF GROUPS

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CASTLE. Madam Speaker, it is with pride and admiration that I rise today to pay tribute to the Delaware medical groups that have traveled to Haiti over the past month to administer medical relief aid. To date, over five dozen individuals have gone to Haiti with Delaware's medical teams—including doctors and staff from Alexis I. duPont Hospital for Children, Bayhealth Medical Center, Christiana Care Health System, and St. Francis Healthcare Services—and a great many more have aided in preparing and assisting the teams with logistical planning and much needed medical supplies.

When news of Haiti's devastating earthquake reached members of Delaware's medical and disaster response community, plans of aid and assistance were immediately underway. Delaware medical professionals were on the ground, setting up emergency clinics and treating patients within ten days of the earthquake's occurrence, a remarkable feat considering the effect the earthquake had on travel into and out of the country.

These medical teams are comprised of truly dedicated individuals, individuals who are able to persevere despite the physically and mentally demanding nature of medical missions and the inevitable frustration and conflict that must attend a catastrophe such as this. Each day, all day, they see patients—administering aid and medications, performing desperately needed operations, and establishing local connections that will prove vital as relief work moves forward. They do this amidst logistical challenges and harsh conditions, contending with aftershocks, extreme weather, and a lack of shelter, supplies and running water. Their support, their efforts, and what they have been able to accomplish, including arranging for the transport and treatment of critical-need babies who require medical care not available to them in Haiti, are remarkable.

While I know there will be many more groups, organizations, and hospitals to thank going forward, I call attention today to the Delaware medical teams who have already responded with aid and resources in the wake of this major catastrophe. I wish to recognize these individuals for their quick response; they knew the importance of providing quality medical care and acted with great zeal. I wish to recognize them for their tireless dedication; they have worked day and night, performing

surgeries back-to-back. Finally, I wish to recognize them for their continuing compassion; they have set aside, without reservation, their own lives in order to help others. Their commitment to the Haitian population has been tenacious.

The efforts of Delaware's medical and disaster response community are nothing short of inspirational. These men and women are not just medical professionals; they are heroes and role models. They have donated their time, their energy, and their hearts. Their efforts have been tireless, and I am humbled by that which they have already accomplished. I feel great pride in representing a state whose citizens are aware of and responsive to the needs and affairs of our global community. Catastrophes call for banding together. Delaware's medical community has answered that call and, I have no doubt, will continue to do so in the coming weeks and months.

IN RECOGNITION OF DAN HENRY'S  
ACHIEVEMENTS IN THE FIELD  
OF DENTISTRY

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Dr. Dan Henry, a Northwest Florida community leader. Dr. Henry has spent his life serving others, and I am proud to honor his dedication, passion, and service.

Adopted at the age of seven by Sam and Helen Henry, Dan was raised in Crestview, Florida. He met his wife, Melinda, as an undergraduate at Florida State, and then went on to earn his Doctor of Dental Surgery degree from the University of Maryland in 1975. His family moved to the Pensacola area in 1977 and have remained an active part of our community ever since. Dan has received countless awards for his work as a dentist, and served as President of the Florida Dental Association in 2006 and 2007.

While Dr. Henry's list of honors, awards, and achievements are impressive by any standard, his most important work happens while serving the underprivileged. For 23 years, Dr. Henry has led dental missions overseas in association with the Methodist Church. In founding, inspiring, and orchestrating these missions, Dr. Henry has faced daunting challenges. Many of the areas in which he performed missions are without electricity or basic necessities needed for dental hygiene. Dr. Henry created portable equipment and invented power systems that allow the dental teams to set up clinics overseas. The missions are able to provide dental care to some of the poorest areas of the world because of Dr.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Henry's dedication and service. He has inspired a generation of volunteers to participate in similar overseas missions.

In addition to yearly missions overseas, Dr. Henry never forgets those in need throughout our local community. Dr. Henry leads a Dental Fair at Chumuckla United Methodist Church, providing free dental care for children, youth, and adults of the surrounding area. Hundreds of people are able to receive proper dental care because of the Healing Springs Dental Fair. Dr. Henry and the countless other volunteer dentists, dental assistants, and hygienists who give their time and their services deserve special recognition for all they do to ensure any member of our community can receive proper dental care.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Dr. Dan Henry as a Northwest Florida leader and international inspiration. My wife Vicki and I wish Dan, his wife Melinda, and his children Matthew and Kelly, all the best for continued success.

CELEBRATING THE 49TH ANNIVERSARY OF THE PEACE CORPS AND THE CONTRIBUTIONS OF SENATOR HARRIS WOFFORD

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. FATTAH. Madam Speaker, March 1 to 7 is Peace Corps Week, a time to officially celebrate one of the greatest ideas and most beloved international initiatives in our nation's history—49 years of hands-on good will by nearly 200,000 volunteers dispatched to 139 countries.

It is also an opportunity to pay tribute to my fellow Philadelphian Harris Wofford, the Father of National Service, who developed, nurtured and led the Peace Corps as it grew to reality from then-Senator John F. Kennedy's challenge to college students to serve in the cause of peace.

Harris Wofford has devoted his life and his creative energies to the civil society, civil rights and service to humanity. In addition to his seminal work in founding the Peace Corps, he served as Chief Executive Officer of the Corporation for National and Community Service—our domestic Peace Corps—which followed an all-too-brief and highly principled four years as United States Senator. He has continued his bipartisan advocacy for responsible and caring citizenship on behalf of America's Promise, Youth Service America, the Points of Light Foundation, and Experience Wave.

The 49th anniversary of the founding of the Peace Corps by President Kennedy on March 1, 1961, is a great cause for celebration. But it's also a time to recognize that the reason we are celebrating is that, for the past 49 years, every week has been Peace Corps Week—over 2,500 Peace Corps Weeks.

Today, more than 7,600 volunteers in 76 nations are carrying out the vision of President Kennedy, Senator Wofford and so many other great and little known Americans who have made the Peace Corps synonymous with

American service and sharing, American teaching and know-how, American compassion and peace work. I congratulate all these fine young—and not so young—men and women for their selfless efforts.

The Peace Corps has been the experience building and jumping off point for many prominent Philadelphians—including one notable alumnus from my hometown, "Hardball's" Chris Matthews. Today, I want to commend a dazzling dozen current Peace Corps volunteers who have traveled from their homes in the Second Congressional District of Pennsylvania, in Philadelphia and Montgomery County, for two years of service abroad.

They are Kaye Bullemeier, Darline Dameus and Noel C. Kuck, now in Malawi; Lauren J. McIlhenry and Benjamin J. Stollenberg, in Albania; Emily F. Haimowitz and Daniel R. Merin, Costa Rica; Cara A. George, Guatemala; Imani D. Hulty, Mozambique; Nancy Morisseau, Turkmenistan; Joo Weon J. Park, China; and Danielle Porreca, Jamaica.

I salute these men and women and join with all Americans in extending thanks to entire Peace Corps family, past, present and future. You do us proud.

PERSONAL EXPLANATION

**HON. CHARLES W. DENT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. DENT. Madam Speaker, I regret that I was unavoidably absent on the afternoon of Thursday, February 25, 2010, and all day on Friday, February 26, 2010 due to a death in my family. Had I been present I would have voted accordingly: Rollcall No. 67, Concurring in Senate Amendments to H.R. 3961—I would have voted "aye." Rollcall No. 68, H. Con. Res. 227, Supporting the goals and ideals of National Urban Crimes Awareness Week—I would have voted "aye." Rollcall No. 69, H. Amdt. 573 (REYES of Texas) to H.R. 2701—I would have voted "no." Rollcall No. 70, H. Amdt. 575 (HASTINGS of Florida) to H.R. 2701—I would have voted "aye." Rollcall No. 71, H. Amdt. 584 (SCHAUER of Michigan) to H.R. 2701—I would have voted "aye." Rollcall No. 72, Motion to Recommit with Instructions, H.R. 2701—I would have voted "aye." Rollcall No. 73, H.R. 2701, Intelligence Authorization Act for Fiscal Year 2010—I would have voted "no." Rollcall No. 74, H. Con. Res. 238, Recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation—I would have voted "aye."

TRIBUTE TO J. WILLIAM "BILL" TAYLOR

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a good friend, Cheraw,

South Carolina's 2009 Citizen of the Year, Mr. J. William "Bill" Taylor. Mr. Taylor received the Cheraw Chamber of Commerce's award last November.

Bill Taylor was recognized with this distinguished honor for the tremendous work he has done for nearly 29 years as Cheraw's town administrator. He has served in the post under four mayors and numerous members of the town council. Another longtime personal friend, Howard Duvall, the former Cheraw Mayor who hired Bill in May 1981, presented the Citizen of the Year award to him.

Duvall characterized Bill's greatest strength as his management style. He has instilled loyalty and respect among his staff, which has resulted in low turnover and many department heads who have worked for him nearly 20 years. Among his other accomplishments are erecting the Dizzy Gillespie statue honoring the hometown jazz legend, and the development of the Carolina Centre Industrial Park, the Cheraw Community Center, Arrowhead Park, and the Theatre on the Green. Bill earned a Bachelor's degree from Clemson University and a Master's in Public Administration from the University of Georgia. He came back to South Carolina to work for the Upper Savannah Council of Governments. He later worked for the city of Lancaster before becoming Cheraw's town administrator.

He is very involved in the community serving as a former president of the Cheraw Rotary Club, former chairman of the South Carolina Cotton Trail Committee, and as a former board member for the Girls Scouts of Eastern South Carolina. He is a current board member for the South Carolina Advanced Technology Education Center and is a member of the Cheraw Economic Development Corporation, the Carolinas Centre Industrial Park Corporation, and the Chesterfield County Extension Advisory Council.

Bill is also a member of a number of professional organizations including the Alliance for Innovation and the Governor's Drought Response Committee. He serves as the southeastern regional vice president for the International City & County Management Association and is a former member of the organization's executive board. He is also a former state president of the South Carolina City and County Management Association and is a graduate of the South Carolina Executive Institute. Bill and his beloved wife, Mindy, have three children—Olivia, Katie, and Brandon.

Madam Speaker, I ask you and my colleagues to join me in congratulating Bill Taylor on his selection as Cheraw's 2009 Citizen of the Year. This honor is recognition of his long commitment of service to his community and its people. I believe that the highest compliment you can be paid for your work is to be recognized by your peers. This award shows that Bill Taylor's peers appreciate his nearly 29 years of dedication and service. I am pleased to add my voice to those in Cheraw in thanking Bill Taylor for his tremendous contributions.

RECOGNIZING WOLCOTT MILL  
METROPARK

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mrs. MILLER of Michigan. Madam Speaker, I rise today to honor and recognize Wolcott Mill Metropark in Ray Township, Michigan. On December 8, 2009, Wolcott Mill was listed on the National Historic Places Register thanks to the hard work of volunteer Kathie Lucas of Armada and Supervising Interpreter Bill Thomas.

Wolcott Mill Metropark is a 2,380 acre park which includes a 250 acre working farm, an 18 hole golf course, 10 miles of equestrian trails, and is the home of "Camp Rotary," a camping area for organized youth groups. In 1847 the namesake mill was built and continued operating as a grain grinder until 1967.

This machinery is still viewable and offers visitors an opportunity to see firsthand the importance of old mills and the antique farming equipment used.

I am proud to have Wolcott Mill Metropark in my congressional district and I congratulate the Huron-Clinton Metropolitan Authority on this historic occasion.

Madam Speaker, I ask my colleagues to join me in honoring Wolcott Mill Metropark and congratulating them on this recognition.

HONORING ED GOTTHARDT

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CUELLAR. Madam Speaker, I rise today to honor the contributions of the late Ed Gotthardt, former Mayor of Seguin, Texas. Mayor Gotthardt served the community through his distinguished business career and great service as mayor for two terms in Seguin, Texas.

Mayor Gotthardt was born on January 1929 in Galle, Texas and passed away of natural causes February 2010 in New Braunfels, Texas. His accomplished lifetime as a businessman and mayor stemmed from his humble beginnings. His childhood was spent on a farm in Galle in a town between Seguin and San Marcos where he learned about produce. He received his education in the public schools of Guadalupe County, where he graduated from high school. At the age of twenty-one, the late Gotthardt was hired as a produce worker at a local grocery store. With a twelfth grade education, he rose through the ranks to store manager, unit director, to the corporate office as a buyer and then as Vice President of Produce Marketing. In the 1980s, he retired having lived during his career throughout the area in Seguin, San Antonio, and Corpus Christi. The late Gotthardt had a thirty-seven year career in the grocery business before serving two three-year terms as Mayor. After his retirement, he later served as President of the H-E-B grocery store retirees' organization.

In 1990, Gotthardt announced that he planned to run for mayor of Seguin. He had

not previously held any position in public office, but his involvement with the community and commitment to the people of Seguin aided to his election. His re-election was without opposition, serving as mayor until 1996. During his time in office, Mayor Gotthardt contributed to the city by ensuring that the Sebastopol State Historical Park in Seguin was renovated and dedicated much of his work for those who served their country in the military. He worked on the Veterans Memorial at the Guadalupe County Courthouse extensively. The late Mayor Gotthardt was recognized for his tireless efforts to ensure the community and people were provided the services needed.

Along with his business career and terms as Mayor of Seguin, the late Gotthardt was a member of Seguin Masonic Lodge AF&AM 109, Alzafar Shrine, Elks Lodge 1229, Order of the Eastern Star Chapter 555, the Seguin Chamber of Commerce, the Seguin Rotary Club and the Comal County Seniors Center. His leisure time was spent with the Seguin Chamber of Commerce, senior center, and with his family.

Madam Speaker, I am honored to have had this time to recognize the late Ed Gotthardt, former Mayor of Seguin, Texas on his contributions to the community. I thank you for this time.

COMMENDING THE NORTH  
CLACKAMAS CHAMBER COMMUNITY  
SAFETY HONOREES

**HON. KURT SCHRADER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. SCHRADER. Madam Speaker, for the third year, the North Clackamas Chamber of Commerce in my district is holding a Community Safety Luncheon to recognize the members of the community whose actions have improved public safety in our local neighborhoods. For some of these men and women, they're first responders and public safety employees who regularly go above and beyond the call of duty in their jobs. For others, they are tireless volunteers, giving up hours of their free time to improve the lives of their neighbors. But all of them are being recognized today because of the importance of what they do and because the support of community members like these is key to the success of public safety departments throughout the country.

I'd like to take a minute to recognize the brave and selfless men, women and organizations who are being honored by the North Clackamas Chamber today:

American Medical Response River Rescue, which worked to turn a local community swimming hole on the Clackamas River from a dangerous site where drowning deaths were an all too regular occurrence to a safe swimming location for the community.

Amy Bullard, a retired teacher from the Oregon Trail School District, who helped train over 1,000 students at Sandy High School in lifesaving skills when she incorporated CPR and first aid training into the tenth grade health classes.

Damascus Community Church, which has hosted shelter trainings and been a leader in the community in emergency management operations with their participation in community safety events.

Angela Fox, publisher of the Clackamas Review and Oregon City News, who works to provide the community with in-depth reporting on public safety issues, using the media to educate and inform the public.

Olga Gerberg, a volunteer from Sandy who has coordinated bike helmet fitting and child safety seat inspection workshops for the local community and regularly reaches out to her neighbors to share safety information about available resources and services.

Tom Hogan, the volunteer coordinator for the Gladstone Emergency Management Support team who volunteers his time to improve emergency preparedness in the community, training other volunteers and working to bring grant funding to the community.

Dale Kim, with the Clackamas County Juvenile Department, who serves as the lead organizer for the Sandy Youth Service Team and whose work reaching out to at-risk youth and intervention and prevention services have helped countless community youth. The Milwaukie Public Safety Foundation, which has raised over \$20,000 to start a K-9 program for the Milwaukie Police Department and supports the department by conducting an annual Office of the Year function and a Parent Awareness Night.

Jeff Oliver, with the Lake Oswego Police Department, who volunteers to assist at the monthly Child Safety Seat Fitting Station and has trained, certified, and re-certified 36 CPS technicians in North Clackamas County.

Portland Mountain Rescue, a volunteer organization that provides specialized search and rescue services to Mt. Hood and other areas in the region and participated in 10 mountain rescues in 2008, in addition to providing outdoor and wilderness safety training to the community.

And Larry Alexander, from the Boring Water District, who is the first recipient of the North Clackamas Chamber's Shining Star Safety Award, for his work in securing funding for the water district as well as his work in establishing an effective notification system to notify all Boring Water customers of an emergency in under one minute. He's also been an active volunteer in his home community, starting a neighborhood watch with the Clackamas County Sheriff's Office.

To these men and women as well as every other community safety volunteer who does their part to keep our neighborhoods safe, I say thank you for all that you do.

HONORING JAMES CARELLO

**HON. ERIC J.J. MASSA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. MASSA. Madam Speaker, I rise today to congratulate and pay tribute to a fine American, James Carello, on an occasion when he and his business have received a prestigious honor: the International Circle of Excellence Award for 2009.

The Circle of Excellence, which is awarded by the International dealer organization of Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Mr. Carello's business, Regional International Corporation, is headquartered in Henrietta, New York. Under his leadership, it has grown into one of the preeminent truck dealerships in western New York, with 160 employees and two secondary locations in Buffalo and Geneva. Jim is a recognized leader in the industry, as Regional spent six years on the Rochester Top 100, a listing of privately-owned companies recognized in the area. With this most recent award, Regional International has now received the Circle of Excellence Award a total of seven times.

An International dealer since 1989, Jim is a member of International's Dealer Development and Systems Advisory Board. Jim has achieved this level of accomplishment and recognition through years of hard work and service to his industry and community. An avid sports fan, Jim can frequently be found cheering for his favorite NASCAR driver or the Buffalo Bills. He also has a keen interest in a variety of other vehicles, including a 1934 Ford roadster, a customized motorcycle and two show trucks called Mayhem and Bad Habit. Both of his children, Jason and Gina, are now active in running the business, becoming the next generation of participants. Jim and his wife Lyn dote on their two grandchildren.

Through his dedication, hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. On behalf of the 111th United States Congress, I congratulate Mr. James Carello for his record of accomplishment.

#### THE TEJANO MUSIC INDUSTRY

#### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. RODRIGUEZ. Madam Speaker, I rise today in recognition of 30 years of honors by the Texas Talent Musician's Association. This San Antonio-based non-profit organization promotes excellence in the Tejano Music Industry.

Tejano music is known for its modern sound with influences from cumbia, rock and blues. This type of music originated along the Mexico-Texas border during the time of the Mexican-American Revolution in the 1840s. Not only is it a combination of different sounds, but also a fusion of Mexican, Texan, and even Eastern European cultures. Songs within Tejano music are known to be passed down from generation to generation, making sure those epic stories about political leaders, history, and current times are consistently being told through song. Tejano Music is truly an original American art form.

It is impossible to talk about Tejano music without mentioning Selena Quintanilla Perez,

the "Queen of Tejano Music." Selena was a proud Mexican-American woman who was born and raised in Texas. Although she did not speak Spanish, most of her music was in Spanish. She performed from the age of 8 until her death at the age of 23. In 1987 she won Female Vocalist of the Year at the Tejano Music Awards. Selena's contributions to the music industry are legendary and are commendable.

The Texas Talent Musicians Association has hosted the Tejano Music Awards every year since 1980. This year the 30th annual Tejano Music Awards will take place on July 11th in San Antonio, Texas, proudly known as the "Tejano Music Capital of the World".

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Tejano Music as truly an original American art form, Selena Quintanilla Perez as a legend of Tejano Music, and the Texas Talent Musician's Association for their international promotion of Tejano Music.

#### TRIBUTE TO DEMERY ORMROD OF ORANGE, CONNECTICUT

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Ms. DELAURO. Madam Speaker, I rise today to congratulate Demery Ormrod of Orange, Connecticut, a young woman from my district who, by virtue of her strong commitment to volunteer service, has been named a winner of a 2010 Prudential Spirit of Community Award.

An eighth grader at Amity Middle School, Demery raised more than \$20,000 to help provide cleft palate and lip surgeries for 86 children through the charitable organization Smile Train. She began these efforts while still in elementary school, making bookmarks, lollipops, cookies, and jewelry with her friends, which she then sold at her family's restaurant.

When news of Demery's good works spread throughout the community, other schools got involved, local businesses offered matching funds, and strangers sent along checks, all to help the cause. The playwright Henrik Ibsen once said that "A community is like a ship—Everyone ought to be prepared to take the helm." And that is exactly what Demery has accomplished here. Because she was moved to help children less fortunate than herself, and because she took the extra step to get involved on their behalf, Demery took the helm of her community, and ignited the whole State of Connecticut behind her efforts.

Demery is a perfect candidate for this Spirit of Community Award, and a great representative for the importance of volunteers. Created by Prudential Financial, in partnership with the National Association of Secondary School Principals, in 1995, to reward youths who give their time and talents back to their community, this award has honored nearly 100,000 young volunteers at the local, state, and national levels over the past 15 years.

I applaud Demery's good works and Prudential's commitment to recognizing her and other students like her. I congratulate her

on this award, and I very much hope she continues to give back to the community in the years to come.

#### PERSONAL EXPLANATION

#### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall votes on February 25, 2010 and February 26, 2010; and I would have voted as follows: Rollcall No. 67, "no"; rollcall No. 68, "yes"; rollcall No. 69, "yes"; rollcall No. 70, "yes"; rollcall No. 71, "yes"; rollcall No. 72, "no"; rollcall No. 73, "yes"; rollcall No. 74, "yes."

#### INTRODUCTION OF THE "ACTIVE COMMUNITY TRANSPORTATION ACT OF 2010"

#### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Active Community Transportation Act, legislation that will provide concentrated, long term funding for communities to implement active transportation systems. Communities across the country are realizing the importance of encouraging active lifestyles, for the health of their citizens, the environment, and the economic strength of the community itself. As only 68 percent of Americans are licensed drivers, we should provide transportation options for those who don't have access to a car, generally the elderly and the young. Since half of the trips taken in the United States today are within a 20-minute bicycle ride, and a quarter of all trips are within a 20-minute walk, there are plenty of opportunities to incorporate walking and biking into Americans' daily lives.

Americans will walk and bike if these modes are made safe and convenient. However, our nation has failed to invest adequately in pedestrian and bicycle networks to make active transportation a viable choice for routine travel. Too often we take for granted the value of being able to bike and walk to work. It is time for the federal government to support infrastructure investments to make walking and biking safe and convenient for all Americans. Investing federal dollars to create walkable and bikeable communities is also a cost-effective way to create jobs and transportation choices. In my hometown of Portland, Oregon, our investment of \$60 million created 274 miles of bike lanes, more than doubled the amount of people who commute by bike and provided between 850 and 1,150 jobs. This is just one of many stories I have heard about the impact that active transportation infrastructure has on people's health, their daily lives, and their pocketbooks.

The Active Community Transportation Act will help communities to implement comprehensive, strategic active transportation systems to make walking and bicycling safe, accessible and convenient for Americans, thereby increasing activity levels, lowering emissions and creating healthier, more vibrant communities.

#### RECOGNIZING THE AQUARIUM OF THE PACIFIC

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Ms. RICHARDSON. Madam Speaker, I rise today to salute the Aquarium of the Pacific located in my community of Long Beach, California, for receiving the prestigious Super Nova Star of Energy Efficiency from the Alliance to Save Energy, a coalition of prominent business, government, environmental, and consumer leaders who promote the efficient and clean use of energy to benefit consumers, the environment, economy, and national security. Each year the Alliance to Save Energy recognizes companies, learning institutions, state offices, and government programs for their efforts to promote energy efficiency domestically and globally. My constituents at the Aquarium of the Pacific received the Super Nova Star Award on September 17, 2009, at the Alliance to Save Energy Gala in Washington, DC.

Madam Speaker, the Aquarium was chosen for this globally recognized award because it is the most energy efficient business in the Nation with annual revenues under \$50 million. The Aquarium became the first among museums, zoos, and other aquariums in this country to certify its greenhouse gas emissions with a third-party, the California Climate Action Registry. This led to its being named as a Climate Action Leader with the Climate Action Registry in 2007. The Aquarium of the Pacific has used energy-efficient practices to maintain steady kilowatt-hour usage for the past 8 years despite rising visitor numbers.

It is no surprise to me that the Aquarium of the Pacific received such a prestigious award because it is a pioneer of marine education and energy efficiency in my district. In 2008, the Aquarium inaugurated a new environmental classroom that was recognized as Long Beach's first LEED-platinum certified building. The classroom achieved LEED-platinum certification because it uses solar power, a green roof, a rainwater capture system, and a highly efficient pool pump, among other energy and water efficiencies. The Aquarium is committed to achieving LEED platinum or gold certification for all future projects and is setting an excellent example for how other businesses and institutions in my district can prioritize and achieve energy efficiency.

Madam Speaker, the Aquarium of the Pacific is a vital part of my constituents' community environmental conservation efforts. The Aquarium's Green Team task force organizes environmentally friendly activities such as an annual street cleanup day, an Earth Day festival, a sustainable seafood initiative, and a

watershed and ocean literacy program. As the Aquarium continues to grow, one of the underlying objectives of the master plan is to increase attendance by expanding the facility's capacity and conservation programs without increasing energy and potable water usage.

Madam Speaker, I also want to commemorate the Aquarium of the Pacific for its ongoing efforts to broaden the public's understanding of the Pacific Ocean and its complex ecosystem. The Aquarium's mission is to instill a sense of wonder, respect, and stewardship for the Pacific Ocean, its inhabitants, and ecosystems. It is the largest aquarium in Southern California and the fifth largest in the nation. With 200,000 school children visiting annually, the Aquarium of the Pacific provides a fun and educational experience for students of all ages and backgrounds through its interactive exhibits and daily presentations. The Aquarium hosts a variety of educational programs, cultural festivals, classes and courses, offsite field trips, and renowned guest speakers to connect Long Beach's diverse community with the Pacific Ocean's diverse ecosystem.

I applaud the Aquarium of the Pacific for its hard work and dedication both to educating the community of Long Beach about marine environments and to mitigating the effects of climate change. I ask my fellow colleagues to join me in recognizing the Aquarium of the Pacific for having received the high honor of the Super Nova Star of Energy Efficiency.

#### COMMEMORATING THE SUMGAIT POGROM

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. SCHIFF. Madam Speaker, this past Sunday marked the twenty-second anniversary of the pogrom against Azerbaijanis of Armenian descent in the town of Sumgait, Azerbaijan. The 3-day massacre in the winter of 1988 resulted in the deaths of scores of Armenians, many of whom were burnt to death after being brutally beaten and tortured. Hundreds of others were wounded. Women and girls were brutally raped. The carnage created thousands of ethnic Armenian refugees, who had to leave everything behind to be looted or destroyed, including their homes, cars and businesses.

These crimes, which were proceeded by a wave of anti-Armenian rallies throughout Azerbaijan, were never adequately prosecuted by Azerbaijan authorities. Many who organized or participated in the bloodshed have gone on to serve in high positions on the Azeri government. For example, in the days leading up to the massacre, a leader of the Communist Party of Azerbaijan, Hidayat Orujev, warned Armenians in Sumgait: "If you do not stop campaigning for the unification of Nagorno Karabakh with Armenia, if you don't sober up, 100,000 Azeris from neighboring districts will break into your houses, torch your apartments, rape your women, and kill your children." Orujev is currently the State Advisor for Ethnic Policy to Azeri President Heidar Aliyev.

Despite efforts by the Government of Azerbaijan to cover up the events of February

1988, survivors of the pogrom have come forward with their stories. They told of enraged mobs, which threw furniture, refrigerators, television sets and beds from apartment balconies and set them afire. Armenians were dragged from their apartments. If they tried to run and escape, the mob attacked them with metal rods, knives and hatchets before the victims were thrown into the fire. One witness said of a victim, "He was still moving, trying to escape from fire, but five young men were pushing him back into the fire with metal rods." Others told of Interior Ministry troops, who stood by doing nothing.

The Sumgait massacres led to wider reprisals against Azerbaijan's ethnic minority, resulting in the virtual disappearance of Azerbaijan's 450,000-strong Armenian community, and culminating in the war launched against the people of Nagorno Karabakh. That war resulted in almost 30,000 dead on both sides and created more than one million refugees in both Armenia and Azerbaijan.

This April will mark the 95th Anniversary of the Armenian Genocide, a crime that Azerbaijan's ally and protector Turkey has devoted enormous political resources to deny. Just as we cannot allow the first genocide of the Twentieth Century to fade into history, the memory of the victims of Sumgait must not be forgotten either.

#### TRIBUTE TO DON THOMPSON

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to recognize an accomplished and talented corporate leader who is an outstanding role model as we celebrate Black History Month. Don Thompson is the recently appointed President and Chief Operating Officer for the McDonald's Corporation in Oak Brook, Illinois. Mr. Thompson is in charge of global strategy and operations for McDonald's 32,000 restaurants in 117 countries. He is tasked with maximizing profits for the company's many shareholders across the globe.

Don was raised in Chicago and Indianapolis by his grandmother. He credits his early success to her unwavering commitment to his education and wellbeing. Thanks to her determination and Don's hard work, he graduated from Purdue University with a degree in electrical engineering and got a job at the Northrop Corporation. He joined McDonald's in 1990 as a Restaurant Systems Engineer but soon realized his interest lay in restaurant operations.

In 1993, Don was named Director of Strategic Planning and Quality Management. Since then, he has risen quickly through McDonald's operational structure, performing beyond expectations in each position he has been given. In 1998 he was named the San Diego Regional Manager, a position that put him in charge of 300 area restaurants. Within a year, San Diego went from being McDonald's 39th most profitable market to its 2nd.

Five years later, Don was promoted to the position of Executive Vice President of Global

Innovation where he helped expand and improve McDonald's global operations. Under his guidance, foreign branches were retooled to satisfy local palates. McDonald's international sales soon grew as a result and many observers attributed this turnaround to Don's ambitious initiatives.

In 2006, Don became the President of McDonald's USA where he oversaw all of the company's 14,000 American locations. He helped steer the company to several years of positive domestic growth. Last month Don was named to his current position as President and Chief Operating Officer. He now plans McDonald's global strategy and helps execute its implementation.

Don has been recognized for his outstanding work at McDonald's by a number of media outlets and business associations. Black Enterprise named him Corporate Executive of the Year. In 2008 the Trumpet Foundation awarded Don the Corporate Executive award. Last year, he received the Presidential Inspiration Award from Alpha Phi Alpha Fraternity Incorporated.

Along with being a gifted businessman, Don is a committed member of his community and remains true to his humble beginnings. "Don't get into the pity party of what's going to be done for you, because there are so many things you can do for yourself," he has said. "Others will see what you do and will look to support and help you." He currently serves on the board of trustees for Purdue University and is a member of the Executive Leadership Council. He is a former member of the San Diego Ronald McDonald House Charities board of directors.

While reaching the upper echelons of American business, Don has remained a committed family man. He lives in the Chicago area with his wife Elizabeth and their two children.

Madam Speaker, I ask you and my colleagues to join me in congratulating Don Thompson on his recent appointment and the positive example he sets for all Americans. In this month, when we recognize the contributions of African Americans in this country, it is fitting and proper that we include corporate leaders like Mr. Thompson, who have broken barriers and opened doors for future generations to follow. I applaud his extraordinary accomplishments and the wonderful legacy he has built through hard work and perseverance.

#### EXTEND TAX CREDIT FOR THE PRODUCTION OF STEEL INDUSTRY FUEL

**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. DOYLE. Madam Speaker, I rise today to lend my support to a provision in the Extend-ers Bill that is being debated in the Senate to extend and clarify a tax credit for the production of Steel Industry Fuel, SIF. Last Fall, my colleagues and I introduced a similar bill to extend and clarify the SIF credit. SIF is used by the domestic steel industry as a feedstock for the manufacture of coke, which is coal that has been carbonized and is used as a fuel in steel making.

In October, 2008, Congress enacted a new refined coal tax credit under Section 45 of the tax code for the production of steel industry fuel, which is made from coal waste sludge and coal. The availability of the steel industry fuel tax credit provides a subsidy for projects that may not otherwise be commercially viable on account of materials, process, technology and other transaction costs. As originally enacted, the SIF credit was available for only one year. The placed-in-service period for the credit expired as of December 31, 2009, so new steel industry fuel projects cannot be brought on line without an extension of the credit.

The use of Steel Industry Fuel provides significant energy, environmental, and economic benefits, all of which argue for an extension of the SIF credit. The primary benefit of manufacturing SIF is that the production process recaptures the BTU content of coal waste sludge. The Environmental Protection Agency has approved the production of SIF as a method for disposing of coal waste sludge, and the production of SIF is the preferred method of coal waste sludge disposal. In addition, our domestic steel industry can become more competitive by using SIF because it lowers production and operation costs.

From an energy resource and environmental standpoint, the production of SIF is the superior method of disposing of coal waste sludge, it would otherwise be treated as a hazardous waste under applicable Federal environmental rules. The alternative methods of disposal are incineration and land-filling, each of which requires the physical conveyance of a waste product off-site. These disposal methods fail to recapture the energy content of the coal waste sludge because the coal waste sludge, which has a high BTU content, is not used as a fuel.

An extension of the Steel Industry Fuel tax incentive is of critical importance in the current economic downturn, and its expiration has had a negative impact on our domestic steel industry. Steel companies and coke plant operators have suffered large losses as steel demand has declined significantly. These companies have been forced to lay off thousands of workers in my State of Pennsylvania, as well as in Illinois, Indiana, Michigan, Ohio, West Virginia, Kentucky, and elsewhere. Domestic steel manufacturers have had to operate at low capacity utilization rates and coke batteries have been placed on "hot idle," which is a holding pattern to prevent the coke battery bricks from cooling and damaging the battery. The extension and clarification of the SIF credit will help these manufacturers mitigate their losses as the economy recovers.

The one-year credit period and short placed-in-service deadline for SIF facilities have had a negative impact on SIF producers' ability to attract the outside investment needed to finance SIF projects. This negative impact has been compounded by the economic conditions that have prevailed since the enactment of the credit. SIF projects typically involve lengthy negotiations to implement the transaction structure necessary to claim the SIF credit, address environmental considerations, and negotiate the relevant economic terms. This in turn effectively reduced the one-year credit period to a lesser period for certain projects. The short time period to place

projects in service—slightly over one year after the enactment of the credit—meant that there was too little time to get projects up and running. For these reasons, the intended subsidy of the SIF credit did not operate as designed and the extension of the credit—from one year to at least two years—and the extension of the placed-in-service deadline—from December 31, 2009 to December 31, 2010—are needed.

Included in the legislation I cosponsored is an important clarification on an issue that has slowed negotiations with respect to SIF projects. I very much hope that the final extenders package will include this and other clarifications. It is expected that, for the convenience of the parties and for environmental safety, facilities producing SIF will typically be located on land leased from a steel company or other owner of a coking operation. Such a lessor will not be treated as having an ownership interest in the SIF facility under the clarification because it leases land and related facilities, sells coal waste sludge or coal feedstock, and/or buys SIF so long as such person's entitlement to rent and/or other net payments is measured by a fixed dollar amount or a fixed dollar amount per ton, or otherwise not determined by reference to the profit or loss of the facility. Similarly, a licensor of technology will not be treated as having an ownership interest in the SIF facility because it is entitled to a royalty and/or other payment that is a fixed amount per ton or otherwise not determined by reference to the profit or loss of the facility. Such arrangements may also cause facilities that produce SIF to operate at a loss before the credit is taken into account. However, it is intended that the occurrence of such a "pre-tax loss" will not affect entitlement to this credit, regardless of whether such "pre-tax loss" is caused by the terms of the lease, license, supply or sales contracts between the parties. To that end, the bill provides necessary flexibility for varying circumstances of ownership interests and clarifies that the existence of such arrangements will not prevent the equity owner of a facility from receiving tax credits for its sales of SIF. This amendment would provide greater tax certainty to potential investors in SIF projects.

SIF is typically produced at facilities that are located on the premises of coke plants that are owned by integrated steel companies that are unrelated to the SIF producers. The SIF production facility is situated on or near conveyor belts that may be leased from the integrated steel company and production of SIF may occur while coal—and coal blended with petroleum coke—is transported on the conveyor belts. SIF producers may purchase coal from the integrated steel producer, taking title and having risk of loss while such coal is transported on the conveyor belt.

The bill provides a safe harbor that establishes that the SIF producer shall be treated as the producer and seller of SIF that it manufactures from coal to which it has taken title. The bill further clarifies that the sale of SIF shall not fail to qualify as a sale to an unrelated party for purposes of the SIF credit solely because the sale is to a party that is also a ground lessor, supplier, and/or customer.

Our bill also establishes that SIF may also be made using coal or coal that is mixed with

some petroleum coke or other coke feedstock. Such "pet coke" has traditionally been used by steel companies/coke operators in a blend with coal as a feedstock for coke. Steel companies also have explored and presently contemplate the use of other coke feedstocks to manufacture SIF. The bill provides that the use of pet coke or other coke feedstocks in the production of SIF does not invalidate or otherwise reduce the credit.

The steel industry is still prominent in my district in Pittsburgh and I'm hopeful that SIF projects will expand our domestic energy resources by using what would otherwise be a hazardous waste of the coking process in a fuel product. The availability of the tax credit will attract outside investment to the steel and coke production industries and promote job growth in the domestic steel production industry and in related industries that service the steel and coke production industries. The extension of the SIF credit will spur the investment of millions of dollars that will create hundreds of new jobs—in construction and processing—and maintain other jobs in the domestic steel industry, in Pittsburgh and around the country. I urge my colleagues to support this legislation and hope the Senate will extend this credit and make these much needed technical corrections.

#### RECOGNIZING THE KIWANIS CLUB OF FINDLAY ON ITS NINETIETH ANNIVERSARY

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I am honored to pay tribute to the Kiwanis Club of Findlay, Ohio, as it celebrates 90 years of service to the greater Findlay area.

Since 1915, Kiwanians have been dedicated to "changing the world one child and one community at a time." Chartered 90 years ago today, the Kiwanis Club of Findlay has answered this call from the start, playing a vital role in supporting youth programs throughout Hancock County.

Findlay's Kiwanians proudly sponsor local Key Clubs and K-Kids programs, support the University of Findlay's Circle K Club, and inspire our country's future leaders through the Hugh O'Brian Youth Leadership Program. For more than 70 years, they have sponsored Boy Scout Citizenship Day to help young people learn about the duties and responsibilities of their local government officials.

The club is well known for its outstanding scholarship programs, which to date have seen in excess of \$100,000 awarded to more than one hundred students. It developed this program in recognition of its longtime secretary and treasurer, Fred Brucklacher, a life-long advocate of higher education.

In 2007, in the aftermath of devastating flooding throughout the Findlay area, the Findlay Kiwanis led efforts to raise more than \$17,000 in cash and school supplies to donate to students and families in need.

Madam Speaker, the club will mark its anniversary with a dinner this evening, where

Kiwanis International Vice President Alan Penn and Ohio District Governor Donald Parker will lead the tributes to the club's long history of service. Among the honorees will be Dwight Snyder, Jr., a former state chapter officer who has compiled a 40-year record of perfect attendance at local meetings.

I invite my colleagues to join me in saluting the Kiwanis Club of Findlay on its ninetieth anniversary and wishing its members every success in the future.

#### HONORING THE LIFE OF RONALD CRABB

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. COURTNEY. Madam Speaker, I rise today with a heavy heart to mark the passing of my friend and constituent Ronald Crabb who died tragically while working on the site of the Kleen Energy Plant in Middletown on February 7, 2010. Ron was a devoted father, husband, and son, and his loss has been felt by countless individuals in his community and by those who called him a friend.

He was a skilled tradesman who exemplified hard work and citizenship by constantly giving back to the people of Colchester. As a pipefitter for the Connecticut Plumbers and Pipefitters Local 777, he took on leadership roles to ensure the safety and improve the lives of his fellow union members. Ron was also an active member of his community. He served on Colchester's Democratic Town Committee and, until recently, was a member of the Board of Finance for several years.

It was Ron's love for his wife, Jodi, and his two sons that made him so passionate and upbeat. Anyone fortunate enough to call him a friend would tell you that he kept their love with him no matter where he was or what he was doing. He loved spending time with them and spoke fondly of them in their absence.

On the job and in life, Ron had a seemingly endless desire and ability to help. He did this by putting his good values into practice and his town, friends, and family are better for it. He left us too early and we will miss him dearly. I ask my colleagues to join me in mourning the loss of Ronald Crabb.

#### HONORING THE ACCOMPLISH- MENTS AND LIFE OF NINA SIMONE

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. SHULER. Madam Speaker, I rise today to remember the life of legendary American Jazz musician and civil rights activist Nina Simone. A native of Tryon, North Carolina, Nina Simone was born Eunice Kathleen Waymon on February 21, 1933. In the United States House of Representatives, it is an honor to represent Ms. Simone's birthplace and the town where she began her legacy of musical innovation and civil rights activism.

Ms. Simone began playing the piano at age three and made her first classical piano debut at the age twelve. During this first recital she witnessed her parents being escorted from the front row to make room for a Caucasian family. Ms. Simone refused to play until her parents were seated in the front row. This event marked the beginning of a lifetime of civil rights activism.

As the sixth of seven children in a poor family, Ms. Simone began her musical career singing as an accompanist to earn extra income for her family. As the civil rights struggle developed in the United States, so did her music. In any number of her protest songs, one can hear her emotional response to the situations of African Americans in the United States.

By 1974, Ms. Simone was traveling the world. Her music, both in French and English, has been an inspiration for artists around the world. The Eunice Waymon-Nina Simone Project honors the legacy of Nina Simone in Tryon, her hometown in Western North Carolina. The Project honors her remarkable life and musical contributions. The Project also seeks to inspire and support talented youth to reach their full potential through a variety of scholarship programs. On the 21st of February they will be unveiling a life-size bronze statue of Ms. Simone. The Eunice Waymon-Nina Simone Project keeps her legacy alive in Western North Carolina.

Ms. Simone passed away on April 21, 2003 at the age of 70 in the French countryside. Her daughter, Lisa Celeste Stroud, is also an actress and singer. Born in New York, Ms. Stroud spent much time traveling the world with her mother before enlisting in the United States Air Force. Today, she is a successful singer with a resume that includes starring in the Tim Rice Musical "Aida."

Madam Speaker, I ask my colleagues to join me in celebrating Ms. Simone's 77th birthday, and celebrating her extraordinary accomplishments as both an extraordinary jazz musician and strong civil rights activist.

#### PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the week of Monday, February 22, 2010–Friday, February 26, 2010.

For Monday, February 22, 2010, I ask that the RECORD reflect that had I been present I would have voted "aye" on rollcall vote #49 (on motion to suspend the rules and agree to H.R. 4425), "aye" on rollcall vote #50 (on motion to suspend the rules and agree to H.R. 4238).

For Tuesday, February 23, 2010, I ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote #51 (on agreeing to H. Res. 1083, which provides for consideration of H.R. 2314), "aye" on rollcall vote #52 (on motion to suspend the rules and agree to H. Res. 1066), "aye" on rollcall vote

#53 (on motion to suspend the rules and agree to H. Res. 1059), "aye" on rollcall vote #54 (on motion to suspend the rules and agree to H. Res. 1039), "aye" on rollcall vote #55 (on motion to suspend the rules and agree to H. Res. 1046), "aye" on rollcall vote #56 (on agreeing to the Hastings (WA) amendment to H.R. 2314), "aye" on rollcall vote #57 (on agreeing to the Flake amendment to H.R. 2314), "no" on rollcall vote #58 (on agreeing to the Abercrombie amendment to H.R. 2314), "no" on rollcall vote #59 (on passage of H.R. 2314).

For Wednesday, February 24, 2010, I ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote #60 (on agreeing to H. Res. 1098, which provides for consideration of H.R. 4626), "aye" on rollcall vote #61 (on motion to suspend the rules and agree to H. Res. 1074), "aye" on rollcall vote #62 (on motion to suspend the rules and agree to H. Res. 944), "aye" on rollcall vote #63 (on motion to recommit H.R. 4626 with instructions), "aye" on rollcall vote #64 (on passage of H.R. 4626), "aye" on rollcall vote #65 (on motion to suspend the rules and agree to H. Res. 1085).

For Thursday, February 25, 2010, I ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote #66 (on agreeing to H. Res. 1105, which provides for consideration of H.R. 2701), "aye" on rollcall vote #67 (on motion to concur in Senate amendments to H.R. 3961), "aye" on rollcall vote #68 (on motion to suspend the rules and agree to H. Con. Res. 227).

For Friday, February 26, 2010, I ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote #69 (on agreeing to the Reyes (TX) amendment to H.R. 2701), "aye" on rollcall vote #70 (on agreeing to the Hastings (FL) amendment to H.R. 2701), "aye" on rollcall vote #71 (on agreeing to the Schauer amendment to H.R. 2701), "aye" on rollcall vote #72 (on motion to recommit H.R. 2701 with instructions), "no" on rollcall vote #73 (on passage of H.R. 2701), "aye" on rollcall vote #74 (on motion to suspend the rules and agree to H. Con. Res. 238).

HONORING EDWARD F. GORHAM

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Edward F. Gorham of Randolph, Maine on the occasion of his recent retirement as president of the Maine AFL-CIO.

For over forty years, Eddie Gorham has been a voice for working men and women in Maine. He has been tireless in fighting to ensure that ordinary Mainers have a chance to join the middle class, and he embodies the Maine values of fairness and equality. Born March 8, 1944 to Joe and Betty Gorham, strong union members with roots in Connemara, Ireland, Eddie grew up in the Munjoy Hill neighborhood of Portland. After graduating from the University of Maine with a degree in

history and government in 1966, Eddie heeded President John F. Kennedy's call to service and went to India as a volunteer with the Peace Corps. Back in Maine, Eddie joined Local 29 of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers and became a journeyman boilermaker.

In 1976, Eddie began his nearly thirty-five years of dedicated service to Maine workers at the Maine AFL-CIO. During his tenure there, he never stopped advocating for the Maine men and women who build our ships, make our paper and keep our state running. Eddie started out as a legislative liaison. He quickly and deftly learned the political and legislative process in Augusta, participating in labor committee sessions, researching and revising labor bills and lobbying for their passage. In 1977, he was elected Secretary-Treasurer, a position he held for twenty-two years until becoming president in 1999. During these years, Eddie's prowess in the halls of the State House in Augusta became legendary. He has forged coalitions, organized participation in hearings and provided key facts to legislators on labor issues. There is no doubt that Eddie's legislative skills have been a driving force behind the passage of major legislation benefiting Maine's working families, including the first in the country Chemical ID Law, Community Right To Know, minimum wage, severance pay, sexual harassment, toxic use reduction, VDT standards, workers' compensation and unemployment and training benefits.

In addition to his professional contributions, Eddie is a leader in his community. He currently serves as selectman in his hometown of Randolph, where he lives with his wife Diana and his three children, Matthew, Delia and James.

Madam Speaker, please join me in honoring Edward F. Gorham for his life-long dedication and service to the working people of Maine.

#### PERSONAL EXPLANATION

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. WESTMORELAND. Madam Speaker, I attended the grand opening events of the Kia Motors manufacturing facility in West Point, Georgia. As a result, I missed a number of votes. Had I been present, I would have voted the following: "Nay" on Agreeing to the Resolution providing for consideration of the bill (H.R. 2701) to authorize appropriations for FY 2010 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the CIA Retirement and Disability System, waiving a requirement of clause 6(a) of rule XIII. (rollcall No. 66);

"aye" on Motion to Concur in Senate Amendments to Medicare Physician Payment Reform Act. (rollcall No. 67); and

"aye" on Motion to Suspend the Rules and Agree, as Amended, Supporting the goals and ideals of National Urban Crimes Awareness Week (rollcall No. 68).

#### PERSONAL EXPLANATION

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote No. 67, on motion to concur in Senate amendments—H. R. 3961, Medicare Physician Payment Reform Act—I would have voted "aye."

Rollcall vote No. 68, on motion to suspend the rules and agree, as amended—H. Con. Res. 227, Supporting the goals and ideals of National Urban Crimes Awareness Week—I would have voted "aye."

#### OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,507,536,462,861.04.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,869,110,716,567.24 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

REVEREND DR. MAJOR A. STEWART

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Rev. Dr. Major A. Stewart as he is installed as pastor of Mt. Olive Missionary Baptist Church on Sunday, March 7th in my hometown of Flint, Michigan.

Pastor Stewart was raised in the Muskegon, Michigan, area. He confessed his call to preach the gospel in 1986, and was licensed to preach in 1992. He was ordained in December 1995. His ministry has included work as a youth pastor, associate minister, singles coordinator and assistant pastor, working in Michigan, California, Florida and Pennsylvania. His missionary work has taken him to Turkey, West Africa, and Liberia. He has also participated in a trip to Israel with the United Theological Seminary Pilgrimage Team.

In addition to his duties as senior pastor of Mt. Olive Missionary Baptist Church, Reverend Stewart also works at GM Parts World Headquarters and is an adjunct part-time instructor at Concordia University teaching accounting, business policy and marketing management.



Pastor Stewart holds a bachelor of business administration degree from Eastern Michigan University; a master of business administration degree from California Lutheran University; a master of arts in Christian education from Michigan Theological Seminary; and a doctor of ministry degree from United Theological Seminary.

Reverend Stewart and his wife, Carla Brooks Stewart, are the parents of Alexandria Janine, Mikaela Ann and Karissa Danielle Stewart.

Madam Speaker, I ask the House of Representatives to join me in congratulating Rev. Dr. Major A. Stewart as he is installed as the new pastor of the historic Mt. Olive Missionary Baptist Church. Mt. Olive has been a rock of hope and guidance for 102 years and I pray that under Pastor Stewart's leadership it will continue to spread the good news of Our Savior, Jesus Christ, throughout the Flint area for many, many years to come.

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TRIBUTE TO REVEREND JAMES GLOVER, JR.

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a true military hero, a constituent and a valued friend Reverend James Glover, Jr. passed away on February 6, 2010, and we all owe him a debt of gratitude his service to our nation and his commitment to his community. Mr. Glover was a member of the Montford Point Marines, African Americans members of the United States Marine Corp, who served in World War II.

James Glover, Jr. was born August 16, 1916, in Eutawville, South Carolina, the son of a prominent Baptist minister. Although he felt a strong pull to follow his father's footsteps, the call to serve his country during World War II changed his course as a young man.

He entered the military February 28, 1942, as one of the first African Americans to be permitted in the Marine Corp and his unit became known as the legendary Montford Point Marines. As a marine, Lance Corporal Glover endured great hardships to begin a legacy that has brought honor to the United States Marine Corps and all those who have served our nation.

Lance Corporal Glover and his fellow Black Marines succeeded despite enduring segregated training conditions at the Montford Point Camp, which is now part of Camp LeJeune, North Carolina. They were subjected to racial abuse and discrimination, yet persevered and earned the respect of the other Marines.

Lance Corporal Glover served honorably in the Pacific theatre in the 51st Defense Battalion authorized in 1942. As a member of the 27th Marine Depot Company, a combat support unit, he helped supply the front lines with food and ammunition. Under sometimes heavy enemy fire, he loaded and unloaded supplies, resupplied frontline units, and evacuated the dead and wounded.

He was honorably discharged from the Marines on December 1, 1945 and returned to

his beloved home in South Carolina where he pursued his calling in the ministry. Reverend Glover was called to pastor Mount Calvary Baptist Church in Orangeburg, SC in 1971. While ministering to his flock at Mount Calvary, Reverend Glover led the efforts to build a new church sanctuary. In addition, the church experienced tremendous growth under his leadership including: organizing numerous auxiliaries, clubs, and choirs. The church's educational center and children's choir have been named in his honor.

Reverend Glover resigned as pastor of Mount Calvary after 26 years of service in 1997, to devote all of his time to his home church, Spring Hill Baptist Church in Eutawville, South Carolina. He was appointed pastor of Spring Hill Baptist Church in 1973 following the rich legacy of his father, Reverend James S. Glover, Sr., and grandfather, Reverend John Glover. Because of the growth of the congregation while serving as the under-shepherd of Spring Hill Baptist Church, Reverend Glover also lead the efforts to build a new church sanctuary and educational building in 1990. He retired as pastor of Spring Hill Baptist in January 2002, after 29 years of dedicated service, and presently serves as pastor emeritus. In March 2002, Reverend Glover received the "Living Legends Award" from the Orangeburg Ministers' Fellowship Conference.

Reverend Glover was married to his beloved wife, Lillian, for 45 years. The couple had five (5) children, fourteen (14) grandchildren, and twenty-five (25) great-grandchildren.

Madam Speaker, I ask you and my colleagues to join me congratulating and expressing our deep and abiding gratitude and appreciation to Rev. James Glover, Jr., posthumously, for his leadership, valor, and enduring service to his country. He was a tremendous role model and has left a legacy of service and sacrifice that will live on as part of our nation's rich history.

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RECOGNITION OF THE GERMAN VILLAGE SOCIETY ON ITS 50TH ANNIVERSARY

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor the German Village Society for fifty years of dedication to preserving the unique, historical charm of the German Village community. German Village is one of the pre-eminent historic districts in the United States and is the first neighborhood in Ohio recognized by the White House as a "Preserve America Community."

Fifty years ago, community organizer Frank Fetch worried that the historical neighborhood south of downtown Columbus was deteriorating rapidly. He held a meeting to discuss ways to revive the neighborhood. This initial meeting led to the formation of the German Village Society, a group of devoted, preservation-minded residents intent on saving and restoring their neighborhood's historic charm.

Under the guidance of its charter members and with the dedication of local volunteers, German Village's historical preservation continues to this day. Residents donate more than 10,000 hours of their time annually to the community. Due to their passion and dedication to German Village, the entire 233-acre neighborhood is now on the U.S. Department of the Interior's Nation Register of Historic Places.

The German Village Society continues to enhance its reputation as one of central Ohio's best communities in which to live and work. The Haus Und Garten Tour event is recognized on the American Bus Association's "100 Best Events" list. The Society also hosts many free programs including Shakespeare in the Park, a summer series of Shakespeare's plays performed outdoors, and a weekly farmer's market. German Village is also home to the 23-acre Schiller Park, an anchor to the neighborhood for over 140 years, and numerous independent restaurants and businesses.

With the continued support of local residents, the German Village Society continues to enrich their neighborhood and promote "living" history. On January 10, 2010, the German Village Society celebrated its 50th anniversary. I am proud to recognize and honor the German Village Society and all of its dedicated volunteers for five decades of meaningful work to strengthen and preserve the thriving historical neighborhood of German Village.

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HONORING DR. FRANKLIN ODO

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. HONDA. Madam Speaker, I rise today to honor Dr. Franklin Odo for his 12 years of service as Director of the Smithsonian Asian Pacific American Program. The Asian Pacific American Program assists the Smithsonian's 19 museums and research centers with the collection of Asian Pacific Americans' artifacts, programs, research, and outreach. The program gives Asian Pacific American communities across the Nation access to the Smithsonian.

In addition to being the founding director of the Asian Pacific American Program at the Smithsonian Institution, Dr. Odo was the first and only Asian Pacific American curator at the National Museum of American History. Dr. Odo has dedicated his life to documenting, preserving, and presenting the histories of Asian Americans and Pacific Islanders. He has written numerous critically acclaimed books on the Asian American experience, taught at prestigious universities across the Nation, and brought to the Smithsonian cutting edge exhibits on Chinese Americans, Native Hawaiians, Korean Americans, Filipino Americans, and Japanese Americans.

As an educator myself, I understand and respect Dr. Odo's work. Whether as a professor or a curator, Dr. Odo has made teaching his priority. Through his work and vision, Dr. Odo has managed to engage thousands of people in the history, culture, and important contributions of Asian Pacific Americans. He is able to

translate scholarly work into publicly accessible formats. Dr. Odo has helped many of us tell our story and ensure that these important lessons continue to pass on from generation to generation.

Franklin Odo has been an activist and academic, and will continue to be a leader in our community. We hold a debt of gratitude to Dr. Odo for his incredible contributions.

#### STRATEGIC DESIGNATION OF THE PORT OF PORT ARTHUR

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. POE of Texas. Madam Speaker, today the Second District of Texas is proud to honor the Port of Port Arthur for their designation as a Strategic Seaport by the Department of the Army's Military Surface and Distribution Command. They join the nearby Port of Beaumont and the Port of Corpus Christi as the only Strategic Seaports on the Gulf Coast.

The Port of Beaumont is U.S.'s busiest shipper of military cargo, being home of the 842nd Transportation Battalion. The Port of Port Arthur has handled their overflow since November 2007, totaling 9 ships. Now after this honor, Port Arthur can continue to work on overflow while also receiving shipments directly.

The convenient connection between these two ports allow for the ability to quickly and efficiently mobilize and deploy military forces as well as equipment and supplies. The Sabine-Neches Ship Channel is the only one in the Nation with two Strategic Ports, making it the most vital military shipping portal in the U.S.

This designation for the Port of Port Arthur is shared with only a small percentage of U.S. seaports. Port Arthur beat out 11 other Gulf Coast ports, including ones in Houston and New Orleans, for the decoration. The Port of Port Arthur hopes to add jobs for those associated with the shipping industry, which would be an outstanding benefit for all of Southeast Texas.

The Port of Port Arthur has worked since 2000 to upgrade their facilities to meet the military's qualifications. They have worked hard to strengthen the port's ability to serve more customers and there's no more important customer than our nation's military.

The Second Congressional District of Texas commends the Port of Port Arthur and their employees for their hard work and dedication to make this designation possible. Port Arthur can now stand shoulder to shoulder with the finest ports in the world.

#### NATIONAL EATING DISORDERS AWARENESS WEEK

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Ms. WASSERMAN SCHULTZ. Madam Speaker, this week we observe National Eat-

ing Disorders Awareness Week; an opportunity for all Americans to educate themselves about unhealthy eating habits and arm themselves with the tools they need to stay healthy.

Unfortunately, in today's society, girls are especially prone to eating disorders. One organization in particular that has done a great deal of research on eating habits and how they relate to girls' body image and self-esteem is the Girl Scouts of the USA, through their Research Institute.

For the past decade, the Girl Scouts Research Institute has been a crucial center for research and public policy information on the healthy development of girls. Their most recent survey, Girls and Body Image, indicates that now, more than ever, young girls struggle with their body image and have unrealistic standards of beauty.

Specifically, the survey found that body dissatisfaction leads to unhealthy eating and dieting habits. More than half of girls (55 percent) admit they diet to lose weight, 42 percent of girls know someone their age who forced themselves to throw up after eating, 37 percent know someone who has been diagnosed with an eating disorder, and 31 percent admit to starving themselves or refusing to eat as a strategy to lose weight. Findings from the survey show girls feel pressure from mainstream media to have an ideal body type.

I am committed to working with Girl Scouts to advocate for media messaging to be more "girl-positive." This will lead to the healthy development of girls in terms of self-esteem and body image, respectful relationships, and leadership skills. As our nation reflects this week on the importance of healthy eating habits and the destructive effects of eating disorders, we are presented with a unique opportunity to empower girls to lead healthier lives. We recognize that the self-esteem issues in young women are getting worse and the time to take action is now.

It is in this spirit that I encourage all of my colleagues to partner with the Girl Scouts in their efforts to promote media messages that feature girls and women who have diverse body images and act as positive role models.

As co-chair of Troop Capitol Hill, the Honorary Congressional Girl Scout Troop for all women Members of Congress, it is an honor to partner with the Girl Scouts to promote policy solutions that improve girls' lives.

#### ORLANDO ZAPATA TAMAYO: A CUBAN HERO

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. WOLF. Madam Speaker, Friday's Washington Post featured an editorial which posed the following question: "Since the critique of the old Cuba policy was grounded in its supposed ineffectiveness, it seems fair to ask: Is the new, Castro-friendly approach working?"

The Post continued, "A good answer to that question came Tuesday, when Orlando Zapata Tamayo, a 42-year old Afro-Cuban political prisoner, died after an 83-day hunger strike."

Last week, just 90 miles off our shores, Mr. Tamayo's heroic protest against his treatment by the Cuban regime tragically ended.

Mr. Tamayo had been active in several dissident organizations and was arrested in 2003 during a government crackdown and sentenced to a lengthy prison term. Forced to endure what he described as repeated beatings among other abuses, he stopped eating solid foods on December 3. At the time of his death he was he was facing a total of 36 years in prison for a variety of baseless charges, among them "disobedience."

He was not alone in his repression. The U.S. State Department's annual human rights report outlines in grim detail the reality of life in a country where the government continues to deny its citizens the most basic human rights. The 2009 report indicated that at year's end there were "at least 205 political prisoners and detainees. As many as 5,000 citizens served sentences for 'dangerousness,' without being charged with a specific crime," according to the report.

I'd be curious to know how many of those political prisoners or their families have been visited by any of the international delegations, including U.S. congressional delegations, that frequent Havana.

I have long held the belief—in Democrat and Republican administrations alike—that America is most true to its defining principles when in the face of tyranny, fear and oppression, we boldly speak for those whose voices have been silenced. Ronald Reagan did this time and again with the Soviet Union. And when the Wall had crumbled, and the dust had settled, stories emerged of dissidents who found the hope to carry on when word reached their cells of this American president who had raised, by name, their individual plight.

Let us speak out for heroes like Mr. Tamayo who cannot speak for themselves.

#### ROSEHAVEN MANOR

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. KILDEE. Madam Speaker, I rise today to congratulate Rosehaven Manor on their 20th Anniversary as a retirement community in my hometown of Flint, Michigan. A celebration is planned for Thursday, March 4th to honor this milestone.

Associated Management recognized the need for senior housing in the Flint area and broke ground at the building site on December 20, 1988. The work was completed on the 123 units in February 1990 and the grand opening was held in March of that year. All the units were rented and at that time there was a waiting list. Today there are three original residents still living at Rosehaven Manor; my sister, June Crockett, Kathleen Shepard and Clarence Henderson.

Madam Speaker, I ask the House of Representatives to join me in congratulating the staff and Associated Management for providing senior housing to the Flint community. I commend them for their service to the residents of Rosehaven Manor for the past 20 years.

TRIBUTE TO REVEREND ABRAHAM  
BROWN

**HON. KATHY CASTOR**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the life and accomplishments of Reverend Abraham Brown—and to acknowledge his contributions to education, social progress, and to the community of Tampa Bay.

Rev. Brown was born in downtown Tampa, the youngest of 3 children. He graduated from Tampa's Middleton Senior High School in 1946 and continued his education as an All Conference Student Athlete at Florida Agriculture and Mechanical University (FAMU). He graduated in 1950 and ultimately earned a Master's Degree in Administration and Supervision.

Rev. Brown returned to Tampa and went to work for the students in the public Hillsborough County Schools for thirty-eight years as a Teacher, Coach and Administrator. His coaching promoted sixteen athletes to professional football. These professional players attribute their success to the firm foundation and inspirational teachings of Coach Abe Brown. "Coach" retired from Hillsborough's school system on January 29, 1988 as Dean of Boys at Chamberlain High School.

In 1976 a former player of Rev. Brown was charged with murder and Brown realized that he had taught young men how to play football but had not taught them how to live productive lives. In response to this he founded Prison Crusade Ministries, Inc. (now Abe Brown Ministries, Inc.) a non-profit organization that enables offenders, ex-offenders, their families, and others at risk, to achieve productive and spiritually fulfilling lives.

Rev. Brown continued his social outreach and in 1991, he received nationwide coverage and honor through an article in the Readers Digest regarding his active establishment and implementation of an effort to stop street drug sales in Tampa's College Hill community.

In 1993, he was awarded the America's Award ("The Nobel Peace Prize for Goodness") for dedication through the Norman Vincent Peale Foundation. Rev. Brown was named Father of the Year in 2007 by the 100 Black Men of Tampa Bay and was also honored by the Tampa Chapter of the NFL and Hall of Fame with the J. Rex Farrior Award. In 2008, Tampa's new Middleton High School stadium was named "Abe Brown Stadium" in his honor.

Rev. Brown is a tremendous role model for our youth and an inspiration to our community. He selflessly devoted his life to others and instead of abandoning those who had lost their way he worked tirelessly to help them get back on track. He not only helped numerous individuals, he helped an entire community. That is why I rise today to honor the life of Reverend Abraham Brown.

PERSONAL EXPLANATION

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. WESTMORELAND. Madam Speaker, I attended the grand opening events of the Kia Motors manufacturing facility in West Point, Georgia. As a result, I missed a number of votes. Had I been present, I would have voted the following:

Nay on Reyes of Texas Amendment, as Modified on Agreeing to the Amendment to H.R. 2701 (rollcall No. 69)

Aye on Hastings of Florida Amendment, on Agreeing to the Amendment to H.R. 2701 (rollcall No. 70)

Aye on Schauer of Michigan Amendment, on Agreeing to the Amendment to H.R. 2701 (rollcall No. 71)

Aye on Motion to Recommit with Instructions, the Intelligence Authorization Act for Fiscal Year 2010 (rollcall No. 72)

Nay on Passage, the Intelligence Authorization Act for Fiscal Year 2010 (rollcall No. 73)

Aye on Motion to Suspend the Rules and Agree to Recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation (rollcall No. 74)

HONORING WILSON COUNTY,  
TEXAS

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CUELLAR. Madam Speaker, I rise today to honor Wilson County, Texas on its sesquicentennial year. It was 150 years ago when Wilson County was founded in south Texas by an act of the state legislature. The area is rich in culture and history and serves a great part to the state of Texas.

Before the founding of the county, the first Spanish explorers traveled through the area in the early eighteenth century and used the land mostly for ranching. Most notably, the birthplace of commercial ranching took place at Rancho de las Cabras. This was a ranching outpost for Mission San Francisco de la Espada where the first ranches and cowboys settled near Floresville in Wilson County. By the 1800s, Anglo American, German and Polish settlers began moving into the area. Soon after, the state Legislature founded Wilson County on February 13, 1860. The county was named after James Charles Wilson, who was an early settler of Texas and a state legislator.

Throughout the years, Wilson County has played a significant role in south Texas history. After the Civil War, Wilson County's population underwent the greatest growth due to the completion of the San Antonio and Aransas Pass Railway, which reached Floresville in 1886. By the early nineteenth century, farmers who were once known for cotton crops as the most important cash crop, then diversified into

a wider range of peas, watermelons, and peanuts. Today, some call Floresville the "Peanut Capital of Texas." One of the county's best known natives is John Connally, who was born in 1917 near Floresville. Later Connally served as governor and survived a shot during President John F. Kennedy's assassination in 1963. One hundred and fifty years has shaped the county and development of Texas through its historical sites, involvement in diversified farming, ranching, and even oil discovery.

Wilson County includes towns and cities such as Carpenter, Floresville, La Vernia, Pandora, Poth, Saspamco, Stockdale, Sutherland Springs, Grass Pond Colony, Kicaster, Doseido Colony, and Sandy Hills. It totals 809 square miles and has a population of more than 40,000.

From a legacy in ranching, to its honorable natives and rich historical culture, Wilson County celebrating its sesquicentennial year is a milestone for the county and for Texas. I am honored to have had this time to recognize Wilson County on its sesquicentennial year. I thank you for this time, Madam Speaker.

TRIBUTE TO PATRICIA SOWELL  
HARRIS

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an outstanding business, civic and community leader who is a wonderful example of why we celebrate Black History Month. Patricia Sowell Harris is the global chief diversity officer for McDonald's Corporation in Oak Brook, Illinois. Under her leadership, McDonald's has become a global leader in workplace diversity.

I am proud to say that Patricia is a fellow South Carolinian and a good friend. She was born and raised in the small town of McBee. One of 11 children, she earned her bachelor's degree in public administration and personnel administration from Roosevelt University in Chicago. In 1976, she was hired by the McDonald's Corporation to work in its legal department. Nine years later, she was named the company's affirmative action manager. Pamela was appointed assistant vice president in 1997, and in 2001 she was appointed to her current position as global chief diversity officer.

Charged with spearheading McDonald's diversity initiatives, Ms. Harris responded with considerable resolve and her efforts have produced astonishing successes. As a result, McDonald's is widely recognized as a diverse and welcoming place to work. Fortune magazine listed McDonald's 2 years in a row as the no. 1 company for diversity. Other publications that have lauded McDonald's for its inclusive philosophy include Essence, Hispanic Business, Latina Style and Black Enterprise.

Patricia's hard work has not gone unnoticed in other quarters. In the course of her career she has been the recipient of many accolades and tributes. She was awarded the National Restaurant Association's Salute to Excellence and was inducted into their 2006 Hall of Diplomats. Working Mother magazine called Patricia one of the top 10 diversity champions in

the country. McDonald's presented her with the Eagle Award and named its annual award for achievements in diversity the "Pat Harris Diversity Award."

Her ascent through the ranks of the McDonald's Corporation is a testament to her professionalism and strong work ethic. Her extensive work in her community is a demonstration of her imitable character and strong moral foundation. She has said that "the best accomplishment one can receive is to be asked to serve and give back to the community." Her unyielding commitment to this philosophy is evident in her numerous philanthropic pursuits.

Patricia is a founding member and former chair of the Multicultural Foodservice and Hospitality Alliance and a founding member and past board member of the Women's Foodservice Forum. She is the chair of the NAACP ACT-SO Advisory Council and is the board president of the Y-Me National Breast Cancer Organization. She is also a board member of DePaul University's Business and Ethics Committee, the International Franchise Association's Diversity Institute and co-chair of the Rainbow/PUSH EXCEL board of directors.

In 2009, Wiley published her book *None of Us Is as Good as All of Us*, which documents her rise from humble beginnings as a farmer's daughter to the top ranks of American business. The book also details her corporate philosophy and the steps McDonald's has taken under her leadership to improve workplace diversity.

Patricia currently resides in Chicago and is a proud mother and grandmother to her son Dwayne and granddaughter Cydni.

Madam Speaker, I ask you and my colleagues to join me in congratulating Patricia Sowell Harris on her impressive career at McDonald's and her ongoing commitment to her community. I am proud to add my voice to the chorus of individuals, media outlets and organizations that have praised Ms. Harris for her many accomplishments. She serves as a tremendous example of why we celebrate the contributions of African Americans during Black History Month, and I commend her for all that she has done and will continue to do on behalf of people of color.

#### PERSONAL EXPLANATION

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. KING of New York. Madam Speaker, I was not present for votes on Friday, February 26, 2010. Had I been present, this is how I would have voted: On rollcall #69 I would have voted "no." On rollcall #70 I would have voted "yes." On rollcall #71 I would have voted "yes." On rollcall #72 I would have voted "yes." On rollcall #73 I would have voted "no." On rollcall #74 I would have voted "yes."

CONGRATULATIONS TO UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON FOR BEING ASKED TO JOIN THE TEXAS MEDICAL CENTER

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. PAUL. Madam Speaker, I am pleased to congratulate the University of Texas Medical Branch at Galveston (UTMB) for being approved for full membership in the Texas Medical Center, the world's largest medical complex. Texas Medical Center President and CEO Richard E. Wainerdi said of the decision to include UTMB in the Texas Medical Center, "We are proud to have The University of Texas Medical Branch join the Texas Medical Center as its 49th member institution. As a member of the Texas Medical Center, UTMB will be collaborating more closely with other member institutions and this relationship will further increase the combined level of expertise that will be a material benefit to citizens throughout Texas and beyond."

Working closely with UTMB as I do, I am not surprised that it has been asked to join the University of Texas Medical Center. The people of UTMB are consistently working to improve the lives and health of Texans and all Americans.

UTMB is one of the major centers of medical research in Texas and in the nation. UTMB features a multidisciplinary environment that enables scientists and clinicians to work on projects that often have immediate application to patient care. Among UTMB's areas of strength are neuroscience; pain management and stroke treatment; gastrointestinal health; environmental health and asthma; infectious diseases; vaccine development; cancer; molecular medicine; aging; and diabetes. Among its numerous activities, UTMB hosts summer science programs for middle school, high school, and undergraduate students to help encourage and develop the research workforce of tomorrow.

While UTMB's research program is impressive, many Texans primarily think of UTMB as a leading provider of quality health care. This is because UTMB offers services ranging from primary to specialized diagnostic care. Particularly impressive is UTMB's pioneering telemedicine programs.

In conclusion, Madam Speaker, I congratulate the University of Texas Medical Branch at Galveston for being asked to join the University of Texas Medical Center. I also extend my gratitude, on behalf of all the people of my district, for all that the people of UTMB are doing in both the field of medical research and in delivering quality health care to the people of Texas.

SID PRUITT—2010 INDUCTEE FOR THE BEACH DEEJAY HALL OF FAME

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. JONES. Madam Speaker, I have the privilege of representing a district with a very unique culture. The people of eastern North Carolina have fought to preserve this culture that focuses on beach life and the traditions that go along with the coastal and coastal piedmont region.

Beach Music and Shag Music is the very foundation for many of the traditions for the people who grew up in eastern North Carolina and this music remains a staple in the lives of my constituents to this day.

My wife JoeAnne and I would like to congratulate Mr. Sid Pruitt, of Wilmington, NC, who is being recognized as the 2010 Inductee to the Beach DeeJay Hall of Fame. I have known Sid for 15 years and have flown with him a number of times, as he is also a pilot. I have just learned of his other talent as a "Beach Music" deejay.

Beach DeeJay Hall of Fame inductees are to be of reputable character and conduct him/herself in a professional manner and I can attest to this with Sid Pruitt.

Again, I would like to congratulate my friend, Mr. Sid Pruitt and his wife, Kathy, on his induction into the Beach DeeJay Hall of Fame and thank him for upholding and preserving the traditions that are so dear to the people of eastern North Carolina.

#### PERSONAL EXPLANATION

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. STUPAK. Madam Speaker, on Thursday, February 25 and Friday, February 26, 2010, I was absent for eight votes for medical reasons. I rise today to state how I would have voted had I been able to vote.

House rollcall vote 67, I would have voted "no."

House rollcall vote 68, I would have voted "yes."

House rollcall vote 69, I would have voted "yes."

House rollcall vote 70, I would have voted "yes."

House rollcall vote 71, I would have voted "yes."

House rollcall vote 72, I would have voted "no."

House rollcall vote 73, I would have voted "yes."

House rollcall vote 74, I would have voted "yes."

## PERSONAL EXPLANATION

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 2010*

Mr. BISHOP of New York. Madam Speaker,  
I was unavoidably detained and not present in

the House chamber on Thursday, February  
25, 2010 to vote on rollcalls 66 through 73.

I would have voted "yea" on rollcalls 66, 67,  
68, 69, 70, 72 and 73. I would have voted  
"nay" on rollcall 71 had I been present.

## HOUSE OF REPRESENTATIVES—Wednesday, March 3, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SCHAKOWSKY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 3, 2010.

I hereby appoint the Honorable JANICE D. SCHAKOWSKY to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Imam Abdullah Antepli, Duke University, Durham, North Carolina, offered the following prayer:

Peace be with you all. Please join me in prayers.

O God of all nations, look with favor upon this esteemed Congress. Guide these important decision makers with Your divine light. Be their source of strength and comfort. Enable them to serve You and glorify Your name by serving the citizens of this great Nation and to the entire humanity, regardless of their gender, ethnicity, or religion.

O God, make them Your instruments to deliver Your divine mercy and compassion. Bless them with Your openness and humility. Fill their hearts and minds with passion and determination to improve the quality of the lives of their fellow human beings. Grant them success in their efforts to wipe out poverty, ignorance, racism, and hate in this country and beyond.

O God, make these women and men peacemakers, healers and bridge builders, so urgently needed in our wounded and broken times. Give them the strength that they need to keep what needs to be kept. Give them the courage that they need to change what needs to be changed. Give them the wisdom that they need to distinguish one from the other.

O God, if we forget You, do not forget us. In Your most holy and beautiful name we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESIGNATION AS CHAIR OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following resignation as chair of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,  
Washington, DC, March 3, 2010.

Hon. NANCY PELOSI,  
*Speaker of the House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: I respectfully request a leave of absence from my duties and responsibilities as Chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its findings on the review currently underway.

CHARLES B. RANGEL.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

### WELCOMING IMAM ABDULLAH ANTEPLI

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. PRICE) is recognized for 1 minute.

There was no objection.

Mr. PRICE of North Carolina. Madam Speaker, I wish to introduce to my colleagues my distinguished constituent and today's guest chaplain, Imam Abdullah Antepli. I also want to welcome in the gallery our many guests from the Duke University community, the Muslim community, the Turkish community, both from the triangle area of North Carolina and from the Washington area.

Imam Antepli has a long and distinguished record of faith-based and humanitarian service in countries ranging from his native Turkey to the Southeastern Asian nations of Burma and Malaysia. Since moving to the United States in 2003, he has been a true pioneer in the field of Muslim campus ministry, serving as the first Muslim chaplain at Wesleyan University and as the founding member of the Muslim Chaplains Association. He later

served at Hartford Seminary, where he completed his doctorate on the challenges and opportunities facing the Muslim campus ministry in the United States.

In July 2008, he came to Duke University to serve as the school's first full-time Muslim chaplain. Although he has been on campus less than 2 years, he has made an enormous impact on the university community. His role is obviously to facilitate worship and study for the school's Muslim students, but he has taken on much more than that. He counsels students of all faiths, fosters understanding of the Muslim faith, and is much in demand as a speaker and a participant in a variety of community events. This is a remarkable accomplishment at a time when religious differences still threaten to divide us from one another and from other nations.

I first met Imam Antepli last September at a meeting of Islamic study scholars in which he participated, and I was immediately struck by enthusiasm, his intellect and his readiness to engage. Throughout his career, he has truly exemplified the notion of faith in action and has made a habit of practicing the values of tolerance, understanding and respectful dialogue, which he preaches.

So, Madam Speaker, I am pleased on behalf of all of our colleagues to introduce and welcome Imam Abdullah Antepli to the House here today.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SERRANO). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### AFGHANISTAN, TO STAY OR TO GO

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. I am a proud Member of this institution. I believe in this Congress, and I believe in the Constitution of the United States. And I think moments arise in the history of this institution when we have to take a stand for the Constitution. That's why this Thursday I will introduce a privileged resolution that will call for Congress to reclaim its power under Article I, Section 8 as to whether or not we stay in Afghanistan.

Now, some people here may believe in that mission. I don't. Some people here

may believe in the surge. I don't. Some people here may believe that we should stay there for as long as it takes to do whatever we want. I don't. I believe that Congress, though, needs to speak and to have a debate on Afghanistan and to be able to decide in our wisdom, if we so choose, to get out of Afghanistan, which is what I hope that we do.

But whether you're for it or against it, Congress finally will have a chance to have that debate because the privileged resolution is being introduced on Thursday. It will lay over the week, and next week we will finally have a debate over whether to stay in Afghanistan or leave. And I hope we vote to leave.

#### HOME DEPOT PROMOTES JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Monday I will participate in a ribbon-cutting ceremony for Home Depot's Rapid Deployment Center. Located in the midlands of South Carolina, this Rapid Deployment Center will not only create new jobs for South Carolinians, but it will also give Home Depot stores more flexibility to control the products on their shelves and keep these products in stock.

Detailed by Home Depot, the new Rapid Deployment Center is a 465,000 square-foot facility located in West Columbia. It will provide 220 full-time jobs at startup; and as more stores are added to the program, this will increase to 400 jobs. I want to thank Home Depot for their continuing economic contributions to our State, and I welcome these in addition to the positions of 2,660 Home Depot associates already in South Carolina. In these tough times, it's important for lawmakers to give businesses like Home Depot the tools they need to help small businesses create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. The prayers of America are with the people of Chile.

#### CBO'S RECOVERY ACT ASSESSMENT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, at a recent hearing of the Joint Economic Committee, the Director of the Congressional Budget Office, Douglas Elmendorf, testified that CBO's latest assessment of the Recovery Act found that it had increased our real GDP by as much as 3.5 percentage points, increased the number of people employed by between 1 million and 2.1 million people, and lowered the unemployment

rate by as much as 1.1 percent. In short, the stimulus spending bill worked, but we need to do more to grow jobs now.

He also testified that one of the most powerful generators of job growth would be an employer tax credit for businesses that increased their payrolls similar to one I proposed in H.R. 4585 and to one Congress intends to send to the President. These historically difficult times and this growing, but fragile, economy cry out for us to take action, help create more private sector jobs, and get our economy working again for everyone.

#### THE THIRD FRONT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, as the war against international terrorism continues in Iraq and Afghanistan, I bring you news from the third front, the U.S.-Mexico border, the real inconvenient truth. Recently, the U.S. consular office in the border town of Reynosa, Mexico, closed indefinitely. U.S. officials are barred from the area. The reason, because there are kidnappings and murders and Old West-style shoot-outs in the streets, all on account of violent drug lords fighting over turf on the poorest border.

The United States is not doing enough to stop the international drug cartels and the human smugglers. The greatest Nation on Earth is failing the American people by not adequately protecting the border. Drugs and people are going north, and money and guns are going south. The border has become a war zone that affects good people on both sides of the border. We're sitting on a powder keg that we ignore at our own peril. While we have troops overseas to protect the borders of foreign countries, we should be just as concerned about our own sovereign border.

And that's just the way it is.

#### CONGRATULATING UNIVERSITY OF NEW MEXICO'S LOBO MEN'S BASKETBALL TEAM

(Mr. HEINRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEINRICH. Mr. Speaker, I am proud to stand on the House floor today to congratulate our University of New Mexico Lobos men's basketball team for winning the 2010 Mountain West Conference Championship. In this truly remarkable season, the Lobos tied the school record for consecutive conference wins. This is the second consecutive year that the Lobos have won the conference championship. And the team recently cracked the Nation's top 10 in both the AP and ESPN/USA

Today polls, a feat not accomplished in more than a decade.

To all the team members and to the academic all-American and team leader, senior Roman Martinez, and to all the UNM students, faculty and staff, I want to congratulate you on a tremendous season, and I look forward to your continued success in the rest of March Madness.

Finally, I want to wish the team good luck tonight in their game against TCU, and I join the rest of the Lobos nation in declaring, "Everyone's a Lobo. Woof, woof, woof."

#### HONORING CARLOS ARAGON

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. America lost one of its finest. Carlos Aragon, 19 years old, from Orem, Utah, was killed while serving as a Marine in the Helmand province. It's so sad when you hear these reports. Your hearts and your thoughts and your prayers go out to the family. But at the same time, your heart is filled with pride that these young men and women will step up at such a young age to fight and protect this country and fight and protect for the good of the United States of America.

I hope we do more to recognize these young men and women. I thank that family. May God bless them, and may God bless the United States of America.

□ 1015

#### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, the clock is ticking. Too many American families still don't have access to health care. We are at the goal line and we need to take the ball across the line on behalf of the American people. A step-by-step approach is not the answer, especially when families in my district face 14 percent unemployment and many are without health coverage.

In my home State of California, Anthem Blue Cross raised our premiums up to 39 percent. This must stop.

We must pass health care reform that ends discrimination based on pre-existing conditions; that makes health insurance affordable; that creates greater accountability on health insurance companies; that cuts the deficit by \$100 billion over the next 10 years; that allows doctors and patients, not insurance companies, to make important health care decisions; that does not break the bank for small businesses.

I urge my colleagues to stop partisan politics and deliver health care reform.



We need it now and for generations to come.

#### FEDERAL LAND GRAB

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, where will it all end? First the EPA decides to regulate breathing, and now we learn that the Department of the Interior is planning a land grab that is so brazen that it is difficult to believe.

By misusing the Antiquities Act, the White House is planning to lock up more than 13 million acres of land in 11 Western States, including more than 2.5 million in Montana alone, much of which is privately owned. And they can do it without so much as one single public hearing or a vote in Congress.

Some of that land belongs to private citizens who have no idea that the Federal Government is planning to kick them off their ranches. If the government can do this to them, what can it do to you?

When policies like cap-and-trade, government-run health care, and establishment of new Federal lands are unpopular, you don't merely bypass Congress or change the rule to ram it through. Americans are sick of secret bureaucratic overreach and Washington, D.C., tricks.

#### WOMEN'S HISTORY MONTH

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, Monday marked the kickoff of Women's History Month, and in celebration, every day of this month the House will be opened by a woman Member. As co-Chair of the Congressional Caucus on Women's Issues, I am honored to be a part of the largest number of women ever to serve in the House of Representatives. It is 76; still too few.

It is a testament to the women's rights movement that my female colleagues represent the full political spectrum, bringing a diversity of thoughts, ideas, and opinions to the House.

Women have made great strides in the last decade. Fifty years ago, high school and college students across the country were not given support for their sports activities; and yet last week, women of Team USA, our Olympiads, brought home 13 medals from Vancouver.

It was not long ago that girls were discouraged from obtaining a degree in higher education. Today, 57 percent of graduating undergraduates in this country are women; and according to the Center for American Women in Politics, the number of women serving in State legislatures has more than quintupled since 1971. And this is not just a

trend in the United States. Women across the globe are breaking barriers.

We have a long way to go, but we need to celebrate how far we have come.

#### NO GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, as most people know, Warren Buffett was an early adviser to President Obama. Just this week, Buffett said the President should scrap the health care bill and start over. He noted the American people are not behind this bill. He said the goal is to lower cost. I completely agree with Mr. Buffett. The American people don't want a trillion dollar government takeover of health care. Also, people don't want to raise taxes, cut Medicare, and giveaways to Washington special interests.

We need to reduce costs by taking a few simple steps: one, medical malpractice reform; two, increase competition; three, sell insurance across State lines; four, expand health savings accounts. That is a prescription the American people will support.

#### ARMENIAN GENOCIDE

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, my mother, Nancy Kanchelian, was born in 1915 in Fresno, California, the same year the Ottoman Empire began its systematic killing and deportation of millions of her fellow Armenians and members of her own family.

A year ago this week, my mother passed away at the age of 93. And for her entire life on Earth, her country, the United States of America, refused to officially acknowledge what we know to be true. Our own Ambassador to Armenia at the time, Henry Morgenthau, informed the Secretary of State: "... excesses against peaceful Armenians is increasing, and it appears that a campaign of race extermination is in progress."

Mr. Speaker, the facts here are not in dispute. The one thing left to question is not whether the Armenian genocide took place but, rather, if we in this Chamber have the moral and political backbone to stand for truth. The House Foreign Affairs Committee will have the opportunity this week to pass H. Res. 252 and stand up for truth.

#### FEEDING NEW ORLEANS' SOUL

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, I rise today in honor of Black History Month to recog-

nize Ms. Leah Chase. Known as the "Queen of Creole Cuisine," Ms. Chase is a chef, a television host, a cultural ambassador, and the owner of the famous Louisiana landmark Dooky Chase restaurant. Dooky Chase is located in the historic Tremé neighborhood of New Orleans and was immortalized in the television show "Frank's Place." But, it was established as a spiritual, cultural, and historical landmark long before television producers came knocking.

During the 1960s, Dooky Chase was a meeting place for civil rights activists and NAACP members coming from all around the region. And during segregation, notable African American artists such as Ella Fitzgerald and Lena Horne dined there.

When Hurricane Katrina flooded the restaurant, forcing it to close its doors for the first time since 1941, Ms. Chase could have left, leaving behind all of the history and prominence of this historic spot. But she returned, rebuilt, and reopened to serve, nourish, and inspire the bodies and souls of future generations.

Today, I am proud to recognize Leah Chase for her unwavering commitment to the recovery of Orleans and Jefferson parishes.

#### ENERGY EDUCATION LOAN FORGIVENESS ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, this week I introduced the Energy Education Loan Forgiveness Act, a bill to provide student loan forgiveness to skilled workers in advanced energy industries.

The United States is already facing a critical shortage of trained workers for jobs that focus on energy efficiency, and studies show that demand for such workers will only grow. We need more workers, but we have to educate them properly, and the cost of such an education is an obstacle to many.

My legislation would help ease this burden by establishing a student loan forgiveness program for energy students who go to work in the advanced energy field. This program would start at \$2,000 in forgiveness in the first year and go up to \$5,000 with 5 years.

If we want our country to lead the way in advanced energy technologies, we have to be willing to invest in that workforce through education.

Mr. Speaker, I urge my colleagues to support this important legislation.

#### OBAMACARE

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, today we will hear again from the President

about health care reform. However, moving forward on another version of these massive health care bills is not progress. Raising hundreds of millions of dollars in new taxes is not progress. Cutting half a trillion dollars from Medicare is not progress. Putting the government in charge of health care in this country is not progress.

We all know how flawed the Senate health care bill is, how it is full of backroom deals like the Cornhusker Kickback and the Louisiana Purchase and many others. Some say the American people will appreciate this bill after it becomes law.

Let's not pretend that the American people just don't know enough about this bill to make an informed decision. They are informed, and they reject it. Let's scrap this massive bill and start over, just like the American people would like us to.

#### WOMEN'S HISTORY MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today, I rise to recognize Women's History Month. This month we will be celebrating not only the accomplishments of women, but will also be raising the awareness of the various challenges that still exist and face women today.

Today, women make up about 12 percent of our 1.2 million active U.S. servicemembers.

Today, women like Tran Khai Thanh Thy are sacrificing their rights to fight for democracy and freedom in Vietnam.

Today, the United States Government is led by more women leaders than ever before.

But unfortunately, women today also continue to be challenged by discrimination, sexual assault, and violence. Despite all of the progress we have made, women and girls continue to be trafficked across international borders on a daily basis.

This month, I encourage all of my colleagues to not only recognize the progress women have made, but also to take action to expand the rights of women today and for future generations.

#### SCHOOL DISTRICTS FINANCIALLY STRAPPED

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, recently during my district work period, I met with officials from Matthews County Public Schools. Matthews County is representative of many of the communities in my district and around the Commonwealth that are dealing with difficult budget challenges.

The Matthews County school system is projected to lose \$1.2 million in the 2010-2011 budget year. For a small school district, this is a significant number. Unfortunately, in these cases, usually the only place left to trim the budget is personnel. This would mean less services and programs for children.

Over the years, the Federal Government has expanded its involvement in funding and has added requirements on public education. In some cases, Federal requirements leave school districts strapped for funding. The Federal requirements and mandates are not joined with Federal assistance. In my district, I have formed an Education Advisory Council to look at these tough issues.

Congress should carefully review these important programs and implement commonsense reforms to ensure that we are helping, not hurting, the education of our children. There are many counties like Matthews across Virginia's First Congressional District. We must be mindful of the impacts we have on their budgets.

#### RECOVERY ACT WORKING

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise this morning to share some success stories from the 20th Congressional District in Florida that show that the evidence is clear that the Recovery Act is working to cushion the greatest economic crisis since the Great Depression and lay a new foundation for economic growth.

In my State of Florida, we are creating jobs and investing in the infrastructure of our community. Indeed, in my district alone, there have been 130 Recovery Act grants that have been awarded. Even more importantly, in my congressional district, 61 small businesses have received more than \$21 million in loans. These loans to small businesses have allowed companies to stay open, keep people employed, and prevented an even deeper economic downturn.

Experts agree that the Recovery Act is already responsible for saving or creating 2 million jobs, and we remain on track to create and save at least an additional 3½ million jobs by the end of the year.

The Recovery Act, to be clear, was never meant to replace dollar for dollar or job for job what we have lost. But 1 year in, experts ranging from private forecasters to Governors on both sides of the aisle say the Recovery Act has helped pull us back from the brink of economic disaster and is helping us lay a firm foundation for our economic recovery.

□ 1030

#### SCRAP CURRENT HEALTH CARE BILL

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last year, I introduced House Resolution 615, a resolution that simply says, if you vote for a government-run health care system, you should be willing to be subject to it. As of today, over 3 million Americans have gone to [fleming.house.gov](http://fleming.house.gov) in support of this resolution.

This message continues to resonate across America for one simple reason: The people of this country are sick and tired of being the victims of bad laws while their elected representatives exempt themselves from the very same laws. If Congress feels increased taxes, higher premiums, and government-run health care are good enough for American families, then it should be good enough for them as well.

I urge the President and Democrat leadership to listen to this overwhelming uproar from the American public. Scrap the current legislation and go back to the drawing board to craft a true bipartisan bill that increases access and quality of health care while driving down costs for American families.

#### LEGISLATION TO HELP SMALL BUSINESSES

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, I rise to announce new legislation I'm introducing to help small businesses grow and make it easier for them to put people to work. New jobs mean less government spending on unemployment and health care. New employees spend much of what they earn, also boosting our local economies.

In my bill, tax credits are targeted for small business job creation. While we're suffering from high national unemployment, States like Michigan are being hit especially hard. That is why my bill gives bigger tax credits to employers that create jobs in high unemployment States like Michigan. My bill goes to the heart of our economy, helping small businesses, the engine of job creation in America.

#### BLACKLIST BLACKWATER

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, I rise with great concern that the Department of Defense is considering awarding a \$1 billion contract to Blackwater, now known as Xe Services, to train the Afghan National Police.

Blackwater-Xe is synonymous with abuse, unprovoked violence, and a "shoot first" attitude. Their personnel are directly responsible for killing dozens of innocent men, women, and children in Iraq. Clearly, they are not deserving of a U.S. contract to train the Afghan police.

Hiring Xe may irreparably damage our efforts to work cooperatively with the Afghan people and will serve as a propaganda tool for our enemies. They will be seen as representing the American people, which they do not. Given Xe-Blackwater's past performance, our government should not be doing business with Xe, and Secretary Gates should prevent this contract from going forward.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### CENSUS AWARENESS MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1096) encouraging individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and expressing support for designation of March 2010 as Census Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1096

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas an accurate census count is vital to the well-being of communities in the United States by helping planners determine where to locate schools, daycare centers, roads and public transportation, hospitals, housing, and other essential facilities;

Whereas businesses in the United States use census data to support new investments and growth;

Whereas census data ensure fair Federal, State, and local representation in the United States and help determine the composition of voting districts at each level;

Whereas census data directly affect how more than \$400,000,000,000 in Federal and State funding is allocated to communities for neighborhood improvements, public health, education, transportation, etc.;

Whereas census data help identify changes in a community and are crucial for the distribution of adequate services to a growing population;

Whereas the 2000 Census determined the United States had a total population of

281,421,906 and current estimates project the population has grown to 308,573,696;

Whereas the 2010 Census is fast, safe, and easy to complete, with just 10 questions, and requiring only about 10 minutes;

Whereas the 2010 Census data are strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the individual data obtained from the census are protected under United States privacy laws, cannot be disclosed for 72 years, or used against any person by any government agency or court;

Whereas neighborhoods with large populations of low-income, minority, or rural residents are especially at risk of being undercounted in the 2010 Census;

Whereas, in the 2000 Census count, Hispanics, African-Americans, Asian Americans, and rural Americans were the most difficult to count;

Whereas the goal of the 2010 Census is to count every person in the United States, including Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States once, and only once, and in the right place;

Whereas the goal of the 2010 Census is to eliminate undercounts and overcounts of specific population groups, problems that were apparent in the 2000 Census; and

Whereas the month of March 2010 would be an appropriate month to designate as Census Awareness Month: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010;

(2) urges State, local, county, and tribal governments, as well as other organizations to emphasize the importance of the 2010 Census and actively encourages all individuals to participate; and

(3) supports the designation of Census Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

##### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 1096 for consideration. The resolution encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and it expresses support for designation of March 2010 as Census Awareness Month.

House Resolution 1096 was introduced by my friend and colleague, Representative SILVESTRE REYES of Texas, on February 23, 2010, and it enjoys the support of over 50 Members of Congress.

Mr. Speaker, article I, section 2 of the United States Constitution requires an actual enumeration of the population of the United States every 10 years. The Founding Fathers deliberately placed this requirement in the Constitution in order to ensure fair and accurate Federal, State, and local representation, and the Census serves the same purposes today by establishing the composition of voting districts at every level of government. Accurate Census data is vital to the well-being of every person in the United States.

Census data directly affects how more than \$400 billion in Federal and State funding is allocated throughout our Nation. The information obtained in the Census assists planners in determining where schools, daycare centers, health centers, roads, public transportation, hospitals, housing, and other essential infrastructure should be located.

Businesses in the United States use Census data to support new investments, and Census data also helps determine how funds are distributed to communities for neighborhood improvements in public health, education, and transportation initiatives.

Census data also helps identify changes in community makeup and is essential for distribution of adequate services to our continually growing population. In fact, the Census currently estimates that the U.S. population has increased by over 27 million people since the 2000 Census.

The 2010 Census is extremely fast, safe, and easy to complete. It consists of just 10 questions and only requires about 10 minutes to fill out. 2010 Census data is strictly confidential, and Federal law prohibits the personal information from being shared with any entity. Individual data obtained from the Census is protected under United States privacy laws and cannot be disclosed for 72 years or used against any person by any government agency or court.

Given the ease and safety of the 2010 Census, every person in the United States, including individuals in Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and all other U.S. territories should also take time to fill out the form and be counted. It is especially important that residents of predominantly low income, minority, and-or rural neighborhoods participate in the Census because these groups are at the center of greater risk of being undercounted in the Census. This is extremely troubling considering the fact that the Census officials estimate that every individual who is not accounted for in the Census loses about \$1,500 per

year in Federal aid for their community. By taking just 10 minutes to complete the 2010 Census form, it can help ensure that everyone in America is properly represented and eliminate Census overcounts and undercounts.

Additionally, House Resolution 1096 expresses support for the designation of March as Census Awareness Month, which will raise public awareness about the importance of completing the Census.

Mr. Speaker, as Census Bureau Director Robert M. Groves has noted, "Taxpayers save \$85 million for every 1 percentage point increase in the national mail-back participation rate for the 2010 Census." With this in mind, let me take this opportunity to express my strong support for House Resolution 1096, which encourages individuals across the United States to participate in the 2010 Census and expresses support for designation of March 2010 as Census Awareness Month.

I urge passage of Mr. REYES' resolution.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with my colleague and fellow member of the Oversight and Government Reform Committee. I rise today in support of H.R. 1096, and I am proud to cosponsor this resolution encouraging full participation in the 2010 Census and expressing support of the designation of March as Census Awareness Month.

Our Constitution requires that every 10 years the Federal Government count every person residing in the United States once, and only once, and where they live. As a Nation, we have been doing this every decade since our very first Census in 1790. This is not new.

This week, the Census Bureau will begin the process of delivering the 2010 questionnaire from the Census all across America. By midmonth, the majority of the approximately 120 million households in the United States will receive their form by mail or by hand delivery from a Census Bureau employee.

The 2010 questionnaire is the shortest and simplest one the Bureau has ever sent out. There are only 10 easy questions that should take less than 10 minutes to fill out. And not only is it easy, but it's confidential, too. The individual information that respondents provide is protected by Federal law and cannot be shared with any other government agency.

Census data guides the distribution of more than \$400 billion in Federal funds, as my colleague mentioned, directs funds to State and local governments each year, and decides the makeup of representative districts from the United States Congress on down to the school board. Decisions to build new infrastructure such as roads, schools, and hospitals are dependent

upon population counts derived from the Census. When people do not participate in the Census, they only short-change themselves and their communities. A poor response rate means people cannot be accurately represented in Federal, State, and local districts when they are drawn. It means that a community may lose its fair share of Federal and State funding. It means a road that should be built won't. A 10-minute response can help avoid 10 years of underrepresentation and underfunding.

Mr. Speaker, I urge my colleagues to support this resolution, this very important resolution. The Census only comes around every 10 years. We have an obligation, as the people's representatives, to make sure that they know that this is going to happen.

Census day this year is April 1. Every American should get that form in the mail or hand-delivered. Simply fill it out, mail it back in, and you have done your patriotic duty.

Every individual in this country should respond. Let me make this clear: Every individual in this country should respond. It is a wonderful opportunity for you to simply do your patriotic duty. It is what the Founders insisted on. In order for us to have a representative democracy, we must know who we represent, how many people we represent, who's here. And that is our obligation to carry that message out, but it is the American people's obligation to share this message as well.

So with that, I urge my colleagues to support this resolution, this very important resolution.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate and thank the gentleman from North Carolina for his thoughtful remarks and for his support.

At this point, I would like to yield 5 minutes to the lead sponsor of this resolution, the gentleman from Texas (Mr. REYES), the chairman of our Intelligence Committee.

Mr. REYES. I thank the gentleman for yielding time this morning.

Mr. Speaker, I rise today in support of H. Res. 1096, which designates March, 2010, as the Census Awareness Month. I want to thank subcommittee Chair CLAY and Ranking Member MCHENRY for their leadership in getting this through committee. I also thank the 59 bipartisan Members who co-sponsored this very important resolution.

I introduced this bill to urge communities across the country to raise awareness about the upcoming Census and to encourage individuals to fill out their Census form to ensure an accurate and complete count beginning April 1.

Passage of this resolution will help raise awareness of the Census and its significance to communities all across the United States. Although the Census only happens every 10 years, it is

extremely important that we get an accurate count because the data derived from the Census affects political representation and directs the allocation of billions of dollars in government funding.

Every year, more than \$400 billion in Federal funds is awarded to States and communities based on Census data. That is more than \$4 trillion over a 10-year period. An accurate Census count is vital to U.S. communities because it helps us to plan for new hospitals, new schools, and new community projects. It is also used to determine which places receive additional social services, including development block grants.

□ 1045

Throughout the years, the goal of the census has remained unchanged—to count every person accurately and to collect information that will help us to better serve the needs of our people. The 2000 census counted more than 281 million people.

The census only takes 10 minutes to fill out, and it is strictly confidential. Unfortunately, despite these facts, Hispanics, African Americans, Asian Americans, and rural Americans are among those groups most likely to be undercounted and to be, thereby, underrepresented.

I call on our communities—from churches, schools, nonprofits, big and small businesses, to local, State and tribal governments—to please help us to promote the 2010 Census and to urge everyone to fill out their census forms. Together, we can ensure a complete and accurate count.

With that in mind, Mr. Speaker, I urge all Members to join me in voting in favor of H. Res. 1096.

Mr. MCHENRY. Mr. Speaker, this is not about partisanship. The census is important for every community across this country and for every State in this Nation. Every individual group within this country has something to gain or to lose in this census. It is not simply about how districts are drawn. It is about how Federal, State and local money is allocated. If you don't respond, if you don't mail your form back in, if you don't answer the door when somebody knocks to collect your census data, which is very basic information by the way, you are doing a disservice to yourself, to your family, to your community, to your State, and to your Nation by saying, I don't exist. So it is very important for individuals in this country to respond to the census.

Moreover, it is helpful to see that the President has recorded a PSA, encouraging folks to respond to the census. It shows the importance, from the White House on down to everyone else, for us to respond to the census.

Finally, I hope that the 2010 census is the most successful census we have ever had in our Nation's history. The

Bureau has done a solid task of putting together the logistics of getting millions of folks in this country to respond to the census. It's a costly endeavor, but it's one that the Founders insisted on for us to have a functioning democracy. Especially when the House of Representatives is based on population, they wanted to make sure that the population count was correct and accurate.

I thank the Bureau and all of the folks who are working all across every community in this country. Those folks who are working for the Bureau are wonderful, patriotic people, and we want to say thank you for your service to your country and to your community.

With that, I yield back the balance of my time.

Mr. LYNCH. I thank the gentleman from North Carolina for his courtesy and for his support.

Mr. Speaker, I do have a copy of the census form here. You can't see it, obviously, because of the size of the type, but it's mostly check-the-box answers. I commend the Census Bureau for simplifying this. As the gentleman from North Carolina has stated, it is probably the simplest version of the form that we have had in our history.

I also want to express the concern that we get about 80 to 90 percent of the forms back in the mail, and this is the most efficient way and the cheapest way to conduct the census. The costly part of the census count is in actually going out and knocking on doors and in trying to get people to respond who have not responded through the mail. That's the costly part. So, to the degree that people can cooperate, can help us out and can mail these back, it's a good use of taxpayer money. It's much cheaper. So there is a dual purpose.

Also, as the gentleman from North Carolina mentioned, the allocation of resources and the representation aspect of this is very important as well.

We have no further speakers. Just in closing, I would ask Members on both sides to support Mr. REYES in his resolution in supporting the census and in designating March as the official Month of the Census.

Mr. DINGELL. Mr. Speaker, I rise today to support H. Res. 1096, a resolution introduced by my colleague, Representative SILVESTRE REYES, which encourages individuals across the country to participate in the 2010 census to ensure an accurate and complete count beginning April 1, 2010.

Article I, Section 2 of the U.S. Constitution requires that the enumeration of every individual residing in the United States, is taken every ten years. This month, every household across the nation will have received a 10-question census form known as the Decennial Census.

The importance of correctly filling out and returning this form cannot be overstated. First, data from the Census directly affects how

more than \$400 billion in federal funds are spent, at all levels of government, and thus, helps determine how and what resources are allocated to a community. Put another way, if our community members don't fill out the census, they will find they are not getting funding to support their needs. Census data is used to determine which schools receive funding for improvements, where new hospitals and roads are built, what new maps are needed for first responders, and where economic investment should be made.

Second, the data from the Census dictates how the U.S. House of Representatives is reapportioned, how each state is redistricted, and how the Electoral College is distributed. I don't need to remind all of my constituents of the importance of ensuring they are properly represented on the federal, state, and local levels.

Filling out the Census is fast (taking most just 10 minutes to complete), safe (the information is treated by law as confidential) and easy to complete (there are just 10, simple questions).

I hope that elected officials at all levels of government, across the country and in Michigan's 15th Congressional District will educate their constituents about the importance of completing the 2010 Census, and, Mr. Speaker, I urge my colleagues in the House to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, it is with great pleasure that I rise today in strong support of this resolution encouraging everyone across the United States to participate in the 2010 Census and recognizing the month of March as 2010 Census Awareness Month. Since 1930, we have undertaken the monumental task of counting the total U.S. population every 10 years on April 1st. I urge everyone across the Nation to join in the count and I applaud the actions of Representative SILVESTRE REYES from Texas for introducing this resolution.

Active participation in the 2010 Census is especially important in minority communities, which have been historically underrepresented in previous counts. It is important that we do all we can to spread the word about the upcoming census count in these groups. In the year 2000, 3 million of our friends, family and neighbors were not included in the census count. We can no longer afford such oversights which prevent these individuals and their communities from receiving funding. This count affects more than \$400 billion in Federal and State funding for public investments, help planners across the Nation in determining the location of schools, hospitals and senior citizen centers, and assists in determining the makeup of local and national voting districts.

Mr. Speaker, fewer things in life are easier than filling out census forms. Answering these 10 questions is vital to attaining an accurate count of the American people. Let's go to work and make sure that everyone is counted.

I urge my colleagues to support its passage.

Ms. RICHARDSON. Mr. Speaker, I rise today as an original cosponsor of H. Res. 1096, which encourages all individuals in the United States to participate in the 2010 Census and expresses support for the designation of March 2010 as Census Awareness Month. This important legislation will help achieve an

accurate count of the United States population and ensure that communities across the country have the schools, infrastructure, and other vital resources they need to thrive.

I thank Chairman TOWNS for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congressman REYES, who has taken the time to increase public awareness on this crucial issue.

Mr. Speaker, an accurate count of all individuals living in the United States, as required by the Constitution, is critical to ensure the well-being of cities and communities throughout the country. The Census helps guarantee the accurate and fair composition of voting districts at the Federal, State, and local levels and the proper allocation of Federal resources to communities. Census data also helps city planners identify changes in population so that they can place schools, fire and police stations, and other city services in locations that will best serve their residents. Finally, accurate census data is essential to the long term prosperity of our country, as it is used by businesses to make effective decisions regarding investments and growth.

It is crucial that we increase public awareness of and achieve full participation in the 2010 Census. It is estimated that approximately 16 million individuals—the equivalent of nearly 27 Congressional districts—did not participate in the 2000 Census. Low-income communities—the communities that rely most on a fair distribution of resources and services—are at risk of being undercounted in this year's Census and, consequently, underserved for the next decade. This important legislation will help ensure that all communities get their fair share of resources and are equipped to achieve prosperity and growth.

I urge my colleagues to join me in support of H. Res. 1096.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1096, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1230

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 12 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION  
OF H.R. 4247, KEEPING ALL STUDENTS SAFE ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 1126

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. It shall be in order at any time through the legislative day of March 4, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is

waived with respect to any resolution reported through the legislative day of March 4, 2010.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

## GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1126.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1126 provides for consideration of H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, under a structured rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Education and Labor.

The rule makes in order the two amendments that were submitted for consideration and are printed in the Rules Committee report—a manager's amendment by Chairman MILLER and an amendment by Representative FLAKE.

The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI, and provides one motion to recommit with or without instructions.

The rule authorizes the Speaker to entertain motions that the House suspend the rules through the legislative day of Thursday, March 4, 2010. The Speaker shall consult with the minority leader on the designation of any matter for consideration pursuant to this rule.

The rule also provides for same-day consideration of any resolution reported from the Rules Committee through the legislative day of Thursday, March 4, 2010.

Madam Speaker, the bill before us today, the Preventing Harmful Restraint and Seclusion in Schools Act, responds to a shocking and urgent need to protect our children in their schools.

Last year, the Committee on Education and Labor held a hearing where they were told horrifying accounts of young, innocent children who were subjected to abusive uses of restraint and seclusion in their classrooms, and they were told of some who died as a result of this abuse.

These were, unfortunately, not isolated incidents. The committee also heard from the Government Account-

ability Office's managing director of Forensic Audits and Special Investigations, who testified that the GAO found "hundreds of cases of alleged abuse and death related to the use of these methods on schoolchildren." In Texas and in California alone, the GAO found there were over 33,000 reported incidents of restraint or seclusion during the school year of 2007–2008.

Madam Speaker, this is deplorable and inexcusable, and it is simply not humane. Even worse, parents may have no idea what is taking place in their children's classrooms. Sometimes the only signs parents may ever see are slow but stark behavioral changes in their children, at which point the children have been afflicted with deep psychological issues and damage.

I shudder at the thought that, while innocent children are supposed to be learning about reading, writing and arithmetic, they may be subjected to unspeakable abuse while they are at the hands of their trusted educators. It is abuse which will affect their lives forever. Our Nation's youth already have to overcome many obstacles in their lives, and they should not be subjected to such scars which may never ever heal.

If that weren't bad enough, consider the countless children with disabilities or special needs who are disproportionately restrained or secluded at school at far greater rates. Further, many of these children have no means whatsoever of communicating with their parents.

Madam Speaker, no child should ever be subjected to abuse or neglect, especially when in the care of those we are supposed to trust the most.

Despite what you may have heard from the other side of the aisle, the bill before us today is not about Federal control or about setting up a one-size-fits-all Federal mandate. It is about establishing flexible guidelines for States in order to help them raise the bar and to solve a problem that they simply have failed to adequately address on their own. There are 19 States which currently don't have any laws addressing seclusion or restraint in schools. No laws at all. In the 31 States which do, their laws are all over the map. In fact, some of them set guidelines so low they might as well not have any rules at all.

Madam Speaker, this bill, H.R. 4247, will remedy that problem once and for all. It will require States to meet minimum safety standards to prevent abuse by restraint and seclusion in schools across the country, similar to the protections already in place in medical- and community-based facilities.

H.R. 4247 specifically prohibits the use of mechanical, chemical, or physical restraints or any other restraint that restricts breathing, and it prohibits abusive behavioral interventions



that compromise the health and safety of the children. The bill does, however, allow for the temporary restraint or seclusion of a child under certain circumstances if the child possesses an imminent danger to himself or to others in the classroom.

The Secretary of Education will issue regulations establishing such standards, and the States will have 2 years to have their own policies in place to meet or to exceed these regulations.

In closing, I would like to commend the Committee on Education and Labor for its continued efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I thank the gentleman from California for yielding time.

I will urge my colleagues to vote "no" on this rule for many reasons which I will outline in my comments, but I certainly want to share with the gentleman from California and with the sponsors of this bill the feeling that all of us want to see that our children are protected, that all children are protected, particularly when they are in State-sponsored institutions, such as public schools or other such institutions. Nobody wants our children to be at any risk, and we want to make sure that the people who are looking after them take the proper precautions when they are dealing with them, especially in a physical way.

Madam Speaker, we are here today to debate the rule on H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically in the Tenth Amendment. The authors of this amendment, an amendment ratified in 1791, remembered what it was like to be under the thumb of a distant, all-powerful government, and they understood that a one-size-fits-all approach does not work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily and corrosively eroded the notion of States' rights and of our individual liberties. Nowhere in the Constitution does it empower the Federal Government to override States' rights.

When it comes to the education of our Nation's children, we can all agree again that students should be able to learn in a safe, productive, and positive environment. Teachers, principals, and other school personnel have a responsibility to ensure that the environment is maintained at all times. In many cases, it is vitally important that teachers and classroom aides use interventions and supports that are both

physically and emotionally safe for the children.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place which govern the use of seclusion and restraints in schools. An additional 11 States have policies and guidelines in place. In some cases, school districts may also have their own guidelines governing the use of such practices in the classroom.

Furthermore, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and on whether they result in child abuse, no matter the hyperbole used by people on the other side.

Last year, the U.S. Department of Education recognized this fact, and through the Office of Civil Rights issued a draft regulation requiring State and local educational agencies to collect data on the use of seclusion and restraints in schools. Moreover, last August, Secretary of Education Arne Duncan sent a letter to each chief State school officer, urging the officers to review their current policies and guidelines regarding the use of restraints and seclusion in schools to ensure every student is safe and protected.

However, instead of waiting until the Department of Education completes its review to see how widespread the problem of harmful seclusion and restraint techniques is, the bill establishes a Federal one-size-fits-all mandate to a problem for which there is not yet a thorough understanding and which would otherwise be handled at the State level.

We know increased Federal regulations do not equal results, especially when it comes to public education. Despite Washington's spending hundreds of billions in Federal dollars since 1965 on public education, the achievement gap has not closed, and test scores have not improved.

□ 1245

Instead, we should be focusing on enforcement of current State procedures addressing seclusion and restraint of students. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

At the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create the "most honest, most open, and most ethical Congress in history."

On page 24 of Speaker PELOSI's "New Direction for America" document issued in the 109th Congress, she calls for regular order for legislation.

"Bills should be developed following full hearings in open subcommittee and

committee markups with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.

"Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that offers the minority the right to offer its alternatives, including a substitute.

"Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.

"Floor votes should be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast their votes. No votes shall be held open in order to manipulate the outcome.

"House-Senate conference committees should hold regular meetings (at least weekly) of all conference committee members. All duly-appointed conferees should be informed of the schedule of conference committee activities in a timely manner and given ample opportunity for input and debate as decisions are made toward final bill language.

"The suspension calendar should be restricted to noncontroversial legislation, with minority-authored legislation scheduled in relation to the party ratio in the House."

Those were all the things that the majority promised us before taking over in the 110th Congress. And what do we get? We get this rule, which provides blanket martial law through Thursday.

This practice diminishes democracy. When major legislation is being considered that would add hundreds of billions of dollars to the debt or affect Americans in other ways, Members of Congress should have the opportunity to study the legislation for more than a couple of hours and know what they are voting on.

This rule is a structured rule and makes in order two amendments, one from Chairman MILLER and one from Representative FLAKE of Arizona. Chairman MILLER's amendment, among other things, would change the title of the bill from "Preventing Harmful Restraint and Seclusion in Schools Act" to the "Keeping All Students Safe Act." That is a promise that no Congress can fulfill.

Madam Speaker, we have a lot of problems with this bill and we have a lot of problems with this rule, and, again, I will urge my colleagues to vote "no" on the rule and "no" on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentlelady from North Carolina states that we have no statistics to back up



the point of why we are bringing this bill to the floor today. In just Texas and California, there were 33,000 cases reported to the committee in one year. If that is not a statistic that can make your hair curl, I don't know what is. Even Ranking Member KLINE said that we are in urgent need of further statistics, because he does believe that this is a serious question.

But just to make the point, to make the case even stronger, the gentlelady's State, North Carolina, the reason why we need this bill, she says some States have rules that already deal with this problem. Let me read you a little bit about what North Carolina's law says.

It says it allows for seclusion and restraint to maintain order or calm or comfort in the classroom and does not require that there be imminent danger or an emergency, and people can use it for discipline and to write it into IEP, or individualized education programs.

That is exactly why we need this, because some States, like her home State, don't understand that this shouldn't be the way we deal with children, children with special needs or other challenges. It shouldn't be the standard operating procedure in our schools.

Madam Speaker, I now would like to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the Chair of the committee.

Mr. GEORGE MILLER of California. Madam Speaker, I want to thank my colleague from California and the Rules Committee for reporting this rule that will allow us for the first time to have Federal guidelines for the protection of children while they are in school. It is important that we strive to keep all children safe while they are in school. I am honored to have worked with and thank her so much for her cooperation. Congresswoman CATHY McMORRIS RODGERS, who was so instrumental in bringing this bill together and bringing all various parts of the discussion on this legislation together to help us draft the legislation.

Not everybody agrees with it, but we have had wonderful cooperation and support from many parts of the educational community, recognizing the danger for the actions to continue that have put so many children in danger and have harmed so many children, without having an accurate reporting system, without having the proper training of teachers.

Teachers are very often put in a very, very difficult position with respect to what to do, but we cannot have children being taped to their chairs, children having duct tape put around their mouth, children being locked into dark closets or even smaller spaces for multiple hours of the day, for multiple days of the week, so they can establish the comfort in the classroom. That is not the right treatment of that child. And if you are doing it over and over

and over again and you are not changing the behavior, you are not getting the outcomes, you might want to rethink that policy. But, tragically, that is not happening in too many areas.

Yes, there are some State regulations in this area, but they are very incomplete. They are spotty. Some only address one school population, one particular disability maybe, or a particular age group, but not others. But we cannot have, and as the GAO tragically made so graphic to our committee, you cannot have very young children treated in this way. We were presented with the most graphic case of students who died while they were placed in seclusion, while they were placed in improper uses of restraint.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman from California 2 additional minutes.

Mr. GEORGE MILLER of California. We met with the parents and the caregivers of those children. And here is the final touch, that in many instances, these children were treated this way over and over and over again, and their parents, guardians were never notified.

In many instances, the first time they realized what was going on is when the child, in a very traumatic way, refused to go back to school, was frightened to go back to school. Some of these children never have really been able to return to a regular school setting. They have lost trust in people in those settings. Or a teacher might venture out and quietly tell a parent that something is wrong in your child's classroom or the way your child is being behaved.

That is not the kind of notification that parents are entitled to, and it is not the kind of notification that people believe gives them the authority to engage in this abusive behavior.

Also, we know that in a number of instances, medications were used without the involvement of a doctor, without the okay of the parent, without checking with the authorities prior to that.

We do recognize that in particular cases a child may be a threat to him- or herself, may be a threat to another student or to a teacher or to other school personnel, and we do allow them to take actions in that particular case.

But the idea that this ad hoc theory of locking kids in closets while they soil themselves, while they are denied food, while they are denied water, let's look at what this bill does. It says you can't deny water; you can't deny food; you can't deny them access to bathroom facilities. That is kind of basic, isn't it, in the treatment of a child? And think of what happens to a child when that is done. We are not always talking somehow about a worldly teenager here. We are talking about, in many instances, very young children,

children in many, many instances with disabilities who may not be able to communicate clearly.

We cannot allow us to proceed against those children without a policy being in place that protects the children and notifies the parents.

Again, I want to thank the gentleman and the Rules Committee for reporting this rule.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Madam Speaker, the American people get it. Last June 24, we, at 3 o'clock in the morning up in the Rules Committee, had dropped into our laps a 300-page amendment that no one had read just as the motion was being offered to move that so-called cap-and-trade legislation to the floor of the House.

Up until that time, being on the Rules Committee as I am, whenever I would talk about process in this institution, Members' eyes would glaze over, and I know that the American people would have their eyes glaze over, and I have even had colleagues of mine from both sides of the aisle say, Why do you talk about process?

Well, Madam Speaker, one of the things I have learned from being on the Rules Committee for more than a couple of years is that process is substance. The utilization of process plays a very critical role in determining the outcome of legislation.

The American people concluded after June 24, when the next day our distinguished Republican leader, the gentleman from Ohio, Mr. BOEHNER, stood here taking his 1-minute and went for an hour going through that 300-page amendment, the American people got the message and they said, You guys don't even take time to look at the legislation before you vote on it. Again, this happened at 3 o'clock in the morning, and within a matter of hours we had that measure on the House floor.

Well, Madam Speaker, why am I going through this? Because in the rule, and I understand that my friend from Grandfather Community has talked about this, but the fact is, in this rule, we have what is described affectionately from Members of both sides of the aisle as martial law rule.

What it means is, in this rule, any Member who votes for this rule is voting to give the majority the authority to, without any kind of consideration, move directly to the floor of the House with legislation. We don't know what that consists of.

In a colloquy I had with the distinguished Chair of the Committee on Rules last night, she said that it was going to be focusing on the jobs issue. But guess what, Madam Speaker? In this rule, there is no clear definition as to what legislation is going to be considered.

Now, this is a structure that is utilized by both sides of the aisle. I will plead guilty. We have used this kind of expedited procedure in the past when we were in the majority. But, Madam Speaker, it is almost always done only at the end of a session when there are very, very important time constraints that need to be addressed, and Members on both sides of the aisle usually end up agreeing to it.

Madam Speaker, I know that I speak for not only my Republican colleagues but the American people, Democrat, Republican, Independent, when I say that the notion of imposing a martial law rule, in what is now the third month of the second session of the 111th Congress, is a nonstarter. We should not be utilizing this kind of procedure at this point.

So, Madam Speaker, I am going to urge my colleagues to vote against this rule and bring back a structure that does in fact strike martial law, which is not what Americans, regardless of political party, want us to be utilizing in dealing with this very important issue.

There is bipartisan support for the underlying legislation, but there is very, very strong opposition, I hope, from both Democrats as well as Republicans because of the fact that the American people do not want us, especially at this time when we are focusing on very, very important legislation, to deal with job creation and economic growth utilizing martial law rule.

So I urge my colleagues to vote against the rule.

Mr. CARDOZA. Madam Speaker, I would like to point out that in the 109th Congress, the Republican Rules Committee, chaired by the gentleman who just spoke, my colleague from California, reported 21 rules that waived the two-thirds vote requirement for same day rules. Furthermore, five of those rules waived this requirement against any rule that was reported from the committee.

□ 1300

So I find it a bit ironic that my friends on the other side of the aisle are so outraged by this procedure that's been done routinely by both Republican- and Democratic-controlled Congresses.

The blanket waiver is to allow maximum flexibility in bringing legislation to the floor quickly—legislation to support the Federal highway transit programs, which provide much-needed jobs during these difficult times; or, legislation to extend vital social safety-net programs such as unemployment insurance and COBRA, programs which, thanks to the Senate and the filibuster that preceded the debates over there, allowed these programs to expire at the end of February, putting 200,000 workers off the job until we get this bill

passed. We aren't sure what form all these measures are going to take yet, but it is essential that we have maximum flexibility to respond to whatever legislative vehicles can best address these matters.

I want to point out that these are very, very difficult times. In my own district, we have 20 percent unemployment. Last night, I had a town hall meeting with my constituents. They're demanding answers and jobs. They want it today. They don't want it next week; they want it now. And all of the obfuscation, all of the delay tactics, all of the challenges to getting people back to work are not very tolerated by them these days.

Every day counts in America right now. We have to put our people back to work. I would suggest that we should be figuring out together how to expedite these processes rather than standing on parliamentary procedure tactics to say, No, let's wait some more. Let's put these bills off.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. CARDOZA. I would be happy to yield to the gentleman from California for questions.

Mr. DREIER. I thank my friend for yielding.

Let me first say that, as the gentleman knows, in my remarks that I made from this well just moments ago, I recognized that this is a process that has been utilized under both political parties. So I completely concur with that, and I said that that happened. The important distinction to make is that the five instances that my friend mentioned when we were in the majority, this was all done in the September-to-December timeframe, basically in the waning days of a Congress, or at least a session of Congress. And that played a big role, recognizing that that needed to happen.

Mr. CARDOZA. Madam Speaker, reclaiming my time, in response to the statement of the gentleman, I would just say that, yes, these are used for extraordinary situations, like when 200,000 people are put out of work because of a Senate filibuster for no particularly good reason.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding time to me.

Let me say I'd like to engage in a colloquy with my friend, if I might. And I'll be more than happy to yield to him whatever time he needs under our time, because I know he has to deal with these time constraints.

Let me say, Madam Speaker, at the outset, the notion of saying 200,000 people have been thrown out of work because of the actions taking place in the

Senate is not right. This had to do with an issue of spending. But let's not get into that. Let's focus on what it is the American people want us to do.

Madam Speaker, the gentleman is absolutely right: Job creation and economic growth is what the American people are talking about. I, too, last night held a telephone town hall meeting and was listening and talking with thousands of people in southern California. Our unemployment rate is not quite as high as the gentleman faces in the San Joaquin Valley. The part of the area I represent, the Inland Empire, just in suburban Los Angeles, has a 14.2 percent unemployment rate. It's a very serious issue.

We need to work together in a bipartisan way. And I consistently stood in this well saying that what we should be doing in a bipartisan way is utilizing the John F. Kennedy, a great Democratic President, and Ronald Reagan model to get our economy back on track. We know what it will take. It's not a dramatic increase in Federal spending. It is encouraging, through incentives, private-sector job creation and economic growth.

This procedure is virtually unprecedented at this early point in the Congress. And I will say, Madam Speaker, that last week, last week, I would have thought that the majority would have learned its lesson as it imposed martial law rule at the end of last week, and then had to come back, and my friend was in fact managing in what was a very unfortunate circumstance for the institution, the idea of pulling back on the McDermott amendment that was considered that clearly, Democrats and Republicans alike, recognized would have jeopardized the security of the courageous men and women who serve in our intelligence field around the world.

So I'd be happy to yield to my friend if he'd like to respond to any of my comments.

Mr. CARDOZA. Well, in response, Madam Speaker, I would just raise that it's my belief that the Senate voted 78 to some teen number. I'm not sure what the final tally was.

Mr. DREIER. It was 19.

Mr. CARDOZA. Nineteen, on behalf of the package, the jobs bill that we're contemplating bringing up tomorrow. Now, this illustrates the point that we've been frustrated for a long time. The gentleman is correct that both his district and my district are suffering from lack of jobs, too high unemployment. But when you get a constant slowing down of the process in the Senate to the point where we can't accomplish what the American people want us to accomplish in this Congress, then you will have this kind of situation where we get into a situation where 200,000 people have been put out of work because of lack of action by the other body.

Mr. DREIER. Madam Speaker, if I can reclaim my time, the gentleman is not talking about people being put out of work; what he's talking about is people who are not receiving these benefits.

Madam Speaker, let me just say that everyone acknowledges that we want to make sure that people who are struggling to find a job today and are unable to find a job are able to receive those benefits. No one wants to deny that. Our colleague in the other body who was raising concern about the spending issue and offsets and pay-as-you-go, which is something that I know my friend has regularly championed, is what led to this issue.

The question is: What is it that we do to get the economy back on track? We've seen a massive increase in spending in a wide range of areas. And guess what? We still have an unemployment rate at right around just under 10 percent nationally, 20 percent in my friend's district, and 14 percent-plus in part of the area that I represent. That's why I believe we should be utilizing this bipartisan John F. Kennedy-Ronald Reagan model. That's what we should do to address the shared concern that we have. But in saying this, Madam Speaker, I point to the fact that we should not be imposing martial law, undermining the ability for us to do what my friend said should be done, and that is working together in a bipartisan way. Because when you at this early point in the Congress, in this session of Congress, impose martial law rule, you undermine the ability for us to work together in a bipartisan way.

Mr. CARDOZA. I will just respond by saying that I'd love to work in a bipartisan way. But you need partners in a bipartisan process. Frankly, we've seen more push-back and diversion and obfuscation of the details and the merits of this legislation. A bill that passes 78-19, as the gentleman indicated, is one where there is significant agreement. Yet, the rules of the Senate often times allow there to be significant delays in very needed legislation to come to the aid of our constituents.

And so I would say that, yes, today or tomorrow we need to bring up a bill that deals with the unemployment benefit for my constituents and Mr. DREIER's and the rest of the Nation's as well. We need to put those transit workers back to work. We need to take care of the business before us. And when we constantly see the generally unfeeling situation where we're just going to have a filibuster in the Senate while folks will no longer get their unemployment benefits and suffer in the process, I don't think that's what the American people sent us here to do.

I believe that we must pass this rule. We must move the jobs bill as soon as humanly possible. And we need to also deal with the education bill that we brought up before the House and is the main purpose for why we're here today.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, the reason that the folks on the other side of the aisle are pushing through this martial law rule, same-day rule, is because they have problems in their own caucus. As the gentleman says, they're still contemplating what it is they want to do. Unfortunately, when the Democrats maybe get together and decide what it is they want to do, then they're just going to spring a bill on us and not even give us a day to read the bill. They just want to bring it onto the floor immediately and then be able to deal with it because, again, they don't know what they want to do. They have dissension in their own caucus.

Every time they can't get their act together, they blame it on the Republicans. They're totally in charge of this Congress, totally in charge of the executive branch, and yet every day we hear its the Republicans' fault that we can't get these things done. You all won't be bipartisan. We're very happy to be bipartisan. We're very happy to sit down and talk about what needs to be done. The American people are telling us every day. We're listening to what the American people are saying. It's obvious that the folks on the other side are not.

This bill, Madam Speaker, authorizes such sums as may be necessary for fiscal years 2011 through 2015 to establish grants to States to help some of their costs. "Such sums" is a blank check. We have the worst fiscal crisis we have had in this country in a long, long time. Again, we hear about it all the time on the other side of the aisle. But do they do anything to try to work on that fiscal crisis? No. They make it worse by continuing to authorize "such sums." And we have bills like this every day that continue to authorize more spending, more spending, more spending.

I will be submitting, Madam Speaker, a chart that shows how much money on other bills, such as No Child Left Behind, has been authorized, and then how much is actually spent, because we have a history of that. And we know that when you put out bills that say "such sums," with an estimate of what will be spent, that we always go over in that spending. I will submit that chart for the RECORD, Madam Speaker.

#### TITLE I, NO CHILD LEFT BEHIND FUNDING

[In million of dollars]

FY2001 .....	8,763
FY2002 .....	10,350
FY2003 .....	11,689
FY2004 .....	12,342
FY2005 .....	12,740
FY2006 .....	12,713
FY2007 .....	12,838
FY2008 .....	13,899
FY2009* .....	14,492
Total Funding .....	109,826

\*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

#### TOTAL NO CHILD LEFT BEHIND FUNDING

[In millions of dollars]

FY2001 .....	17,382
FY2002 .....	22,013
FY2003 .....	23,625
FY2004 .....	24,309
FY2005 .....	24,350
FY2006 .....	23,333
FY2007 .....	23,487
FY2008 .....	24,417
FY2009* .....	24,954
Total Funding .....	207,870

\*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

We, again, have colleagues on both sides of the aisle who support the underlying bill here. I have great respect for my colleagues on the Education Committee and some not on the Education Committee who will support this bill. I know that they have the best intentions. But sometimes good intentions can have insidious results. One of the insidious results that will come from this bill is to take away from the States the right they have to regulate education. That is given to them by the Constitution.

I don't think that we should be approving the underlying bill, and we certainly should not be voting for a rule that violates even the promises that the majority made, which sounded so good to the American people and which helped them win the majority in 2006 and gain seats in 2008. And every promise has been violated.

So I ask my colleagues to vote "no" on the rule and "no" on the underlying bill, although I know that I have colleagues who will vote for the bill.

With that, I yield back the balance of my time.

Mr. CARDOZA. I'd like to thank the gentlewoman from North Carolina for engaging with me today and my colleague from California in the discussion that we've had on both the underlying bill and the question of the need to bring jobs to the United States of America.

The minority would have you believe that we have totally clamped down on this process and would not allow them to bring up dissenting views on this bill. In fact, nothing could be further from the truth. In fact, the Rules Committee granted the minority the opportunity to submit a substitute. They chose not to.

□ 1315

We made in order both amendments that were submitted to the committee. So basically everything that was offered as a suggestion to improve the bill has been incorporated to this point.

The gentlelady chose not to respond when I pointed out that 19 States have no restrictions whatsoever on using child restraints. And her own State allows for seclusion and restraint to maintain order, and does not require that there be imminent danger or even an emergency in order to duct tape

children to seats, to lock them in closets, deny them food, deny them water, deny them access, without parental notification. That is the purpose of this underlying bill, to improve the situation that children are exposed to in our classrooms.

Just a few years ago, 33,000 children in just the two States of Texas and California were exposed to this kind of situation, or at least allegedly so. I would say that we need these guidelines, that we need to intervene, and we need to provide the States with the opportunity to understand what is happening. And we need to compile the statistics, all of which is included in the bill.

Madam Speaker, there is an urgent problem in many of the schools across the country that has gone unchecked for far too long and must be addressed. H.R. 4247 will go a long way towards ensuring the safety of our Nation's children. Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation. I urge a "yes" vote on the rule and on the previous question.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in strong opposition to this rule, as well as to the underlying legislation, H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act. As a former Marietta, Georgia School Board Member and as a grandfather with grandchildren in both public and private schools, I believe that it is critically important that students can feel safe in schools.

However, this legislation is not the right way to address this important matter. H.R. 4247 represents a "Washington knows best" solution and a one-size-fits-all approach to educational decisions where there is not precedence for federal action. Currently, there are 31 states that have actively taken a role in enacting policies that address the restraint and seclusion of students. Furthermore, 15 additional states—including my home State of Georgia—are planning on addressing this issue this year.

Madam Speaker, H.R. 4247 is a gross infringement on states' rights under the 10th amendment to the Constitution. This legislation tells our states that the work they do to keep our children safe is woefully inadequate and leaves them no flexibility to meet the individual needs of their students.

Additionally, I have grave concerns about the scope of this legislation as it relates to private schools. On page 9 of the bill, H.R. 4247 specifically defines a school subjected to this legislation as "public or private" and "receives . . . support in any form from . . . the Department of Education."

Madam Speaker, this clearly undermines the longstanding policy that limits federal intrusion into private schools. If this legislation passes, I fear that private schools will begin to limit services that their students are entitled to receive under federal law as a way to avoid being subjected to the law. Therefore, the federal safety standards afforded to children under H.R. 4247 will come at the sacrifice of the educational experience for those students who choose to be in private schools.

Make no mistake; the 10 cases that our colleagues on the Education and Labor Committee examined in their May 2009 hearing on this issue are absolutely tragic. My condolences go out to all of the victims of these horrific acts. There is no doubt that mechanisms should be put in place to protect the safety of both our students and faculty so that tragedies like the ones that have already occurred can be avoided in the future.

However Madam Speaker, I do not believe it is the job of this body or the federal government as a whole to tackle this issue when we leave educational decisions primarily to the states. Instead of passing H.R. 4247, we should be encouraging the 19 states that do not have existing policies on student restraint and seclusion to act as quickly and as swiftly as possible so that all states can keep their students safe in schools.

Madam Speaker, for the sake of the 10th amendment and states' rights, I ask that all of my colleagues oppose this rule, and I urge the defeat of the underlying legislation, H.R. 4247.

Mr. CORDOZA. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1127) expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1127

Whereas all Federal employees, and those from the Internal Revenue Service in particular, have experienced a terrible tragedy in the suicide plane attack on February 18, 2010;

Whereas Vernon Hunter, who lost his life in the terror attack, had 48 years of public service, including 20 years of serving in the United States Army and 2 tours in Vietnam;

Whereas Federal, State, and local officials have cooperated to respond promptly and professionally to the attack and provide assistance to Internal Revenue Service victims and families affected by the crash; and

Whereas Federal employees, from the Armed Forces to the Internal Revenue Service, serve their Nation with honor and commitment, and perform public service that benefits the entire Nation: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) strongly condemns the terror attack perpetrated deliberately against Federal employees of the Internal Revenue Service in Austin, Texas;

(2) honors Vernon Hunter, a victim of the crash, Shane Hill, who suffered severe injuries, and all those who were injured for their service to our Nation;

(3) commends Internal Revenue Service employees for their dedication and public service;

(4) recognizes the heroic actions of the first responders, emergency services personnel, Internal Revenue Service employees, and citizens on the ground in Austin such as Robin De Haven whose actions minimized the loss of life; and

(5) rejects any statement or act that deliberately fans the flames of hatred or expresses sympathy for those who would attack public servants serving our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

On February 18, the IRS family suffered a terrible tragedy. I rise today to express my deepest sympathies to the families of Vernon Hunter, Shane Hill, and the employees at the IRS in Austin, Texas. We as a Nation and as a people are much better than this. We should be better to each other. This type of attack is just wrong, and we must not tolerate violence against our public servants.

I understand that people may not like to pay their taxes, but we cannot take out our anger on IRS employees. They do not deserve this. The people who work at the Internal Revenue Service are mothers and fathers and brothers and sisters who work hard each and every day. They do their jobs, and they do them well. They perform a public service that benefits the entire

Nation. This Congress is committed to the safety of each and every person who serves this Nation.

I want to thank the IRS Commissioner for the steps he has taken to enhance security at all IRS sites around the country. We will continue to make sure that the Internal Revenue Service has the resources to improve security at its offices.

I was moved by the many stories of people who reached out and helped each other during this terrible tragedy. Even in the face of chaos and violence, people reached out and helped each other. First responders, emergency personnel, employees, and other citizens showed great courage and compassion to minimize the loss of life. I thank them all and honor them today.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I might consume.

Like all my colleagues here in the House of Representatives, I was shocked and horrified by the tragedy that occurred at the IRS office in Austin, Texas, on February 18. I especially want to offer my condolences to the family of Vernon Hunter, who lost his life in this senseless attack. Mr. Hunter dedicated his life to serving his country, including 20 years in the U.S. Army and two tours in Vietnam. I stand with my colleagues today to honor his service and his memory.

We should also recognize the courage and heroism of those men and women, including IRS employees, first responders, and others, who responded to the attack to ensure that our country did not suffer even greater losses.

I would like to associate myself with the words of President Obama to the employees of the IRS when he said, and I quote, "I am thankful for your dedication, courage, and professionalism as we rebuild in Austin. And as you continue your work, we will do what is needed to ensure your safety. We are grateful for your service to this country. May God bless you and the United States of America."

Madam Speaker, I reserve the balance of my time.

□ 1330

Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield such time as he may consume to my colleague and my friend, the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee and a sponsor of the resolution.

Mr. DOGGETT. I thank the gentleman from Georgia and the gentleman from Louisiana for their important comments. The recent suicide attack in my hometown of Austin, Texas, on an IRS building was a horrible tragedy. I authored this resolution to honor those who were victims, to recognize the courage that was displayed

by so many that day, and to condemn such cowardly acts of violence.

Seeing that building aflame after this premeditated suicide attack which was, in the words of Austin Mayor Lee Leffingwell, "perpetrated in rage without any regard for the sanctity of human life," I was just amazed that not more of our neighbors were harmed. In large measure, this was the result of the valor and professionalism amidst the flames and the chaos of the Federal workers, others who came upon the scene, and our local first responders.

Leaders of these well-trained professionals who rose to the call of duty that day include our Austin Police Chief, Art Acevedo; our Fire Chief, Rhoda Mae Kerr; our EMS Director, Ernie Rodriguez; and Travis County HAZMAT Chief, Gary Warren who, with the Westlake Fire Department, was fortunately near the site of the attack and raced into action. And I know that the neighboring Grace Covenant Church has already offered support and solace for many following the attack.

This resolution also recognizes Robin De Haven. Robin, an Iraqi veteran and a technician with Binswanger Glass, was driving by and was one of the first to rush to the scene as he saw the attack. Without a moment's hesitation, he stopped his truck, got out his ladder, and despite the fire, the heat, the smoke and the chaos, he rescued employees from the second floor of the building.

As the saying goes, "it's easy to be brave from a distance," but Robin showed his bravery close up, very close up, and in doing so, he helped many people escape injury. Last week he became the first Austinite to receive a "challenge coin," recognizing his quick thinking and courage from all three of the city's public safety organizations.

There is the spirit and courage of the Austin IRS employees, whose calm and orderly evacuation saved lives. They were recognized by the prompt visit of IRS Commissioner Doug Shulman, Treasury Secretary Geithner, and Colleen Kelley, the president of the National Treasury Employees Union, who heard firsthand what these employees experienced.

Frankly, all in the building that day were heroes, and we cannot know the names of all who acted with courage. But a few stories that were shared with me by the employees I think are typical: Alfredo Valdespino, who guided employees out of the building and then ran back inside to offer more help. Also returning to help a missing colleague was Richard Lee. David Irving carried a disabled coworker down the stairs and out of the building on his back. Armando Valdez, Jr., and Deborah Fleming yelled to other employees, "Follow my voice," as they guided them away from falling through the gaping holes in the floor. Andrew

Jacobson and Morgan Johnson broke out a window and allowed employees to climb out through Robin De Haven's ladder.

That tragic day, even as work continued at the scene, however, after this deadly assault on Federal employees, a Facebook page was created that lauded the killer. This response to violence is deplorable. Intense debate as we have here on this floor about our Tax Code is appropriate. That's what we do here in Congress and in gatherings across the country. There are many tax provisions that I have personally criticized in the strongest terms, and at times I have also criticized the way the IRS has administered the Tax Code. But to demonize and harm public servants who are serving our country at the IRS while praising a murderer or anyone else who would do them harm is outrageous.

Nor is such misconduct unique to this tragedy. According to the Wall Street Journal, the number of threats against IRS employees are on the rise. Just this week, the Austin American-Statesman reported about another local agent's necessary care in opening mail filled with razor blades and pushpins, about last year's phony anthrax attack on another Austin IRS building and an earlier plot to blow up another Austin IRS building. Each year, the Treasury Inspector General for Tax Administration, which oversees the IRS, investigates more than 900 threats against IRS employees, including violence.

Let me be clear: I'm not here today to glorify the IRS. I'm here to condemn unequivocally through this resolution those who would glorify violence against our public employees who are properly conducting their duties in service to our Nation.

There are many who will long bear the emotional scars from this attack, and some still cope with the physical burdens. I want especially to recognize Shane Hill, a 5-year investigator with the Texas State Comptroller's office who happened to be in the building that day and now with his family faces a very long physical recovery.

Vernon Hunter has been mentioned. Known by his friends as Vern, he lost his life in this senseless attack. At his funeral last Friday, he was described as the type of man who always woke up with a smile, always wanted to help others, and as a Texan, never left home without his cowboy hat. Coming from a family dedicated to uniformed service, he served in the U.S. Army for over two decades, which included two tours of duty in Vietnam. His four brothers and a son all served in the United States military, as does his son-in-law today who is actively serving in the United States Navy. After retiring

from the Army, he continued that service to his country for almost three decades with the Internal Revenue Service, where his wife Valerie has also worked.

The gentleman from Georgia is a particularly appropriate person to present this resolution today because after living through a life of segregation in South Carolina, Vern was present that day, JOHN LEWIS, when you along with Dr. Martin Luther King spoke down The Mall here in the famous "I Have a Dream" speech and the celebration at the Lincoln Memorial. His dream, he saw in his service to his country through the Army and through the Internal Revenue Service, was a dream rooted in freedom and justice; and 45 years after that speech, Vernon was able to witness America's progress when he himself served as a delegate for President Obama.

Dr. Martin Luther King once said: "The quality, not the longevity, of one's life is what is important." Because Vern Hunter cared enough to make a difference, Austin and this Nation that he loved so much and served his whole life was made better. In a remarkable statement at a moment of such great pain, the Hunter family expressed its personal forgiveness of the suicide attacker and expressed sympathy for the attacker's family. These moving words of peace reflect the power of their own faith and the strength of spirit, both of the Hunter family and the Greater Mount Zion Baptist Church family, led by Reverend Gaylon Clark. Vern, his life and his family are a testament about what is best in our country. In him, we have lost a true American hero.

Today I respectfully ask that my colleagues join in adopting this resolution to honor him, the other victims, the employees, and the rescuers and to renounce violence against those who are serving our country.

Mr. BOUSTANY. Madam Speaker, now I would like to yield such time as he may consume to the gentleman from Texas (Mr. McCAUL) in whose district this tragic event occurred.

Mr. McCAUL. I thank the gentleman for yielding. And I thank the gentleman from Austin, Mr. DOGGETT, for introducing this resolution. We share Austin, and we share in our grief and share in these tragic events that occurred on February 18. I was in Austin. I was driving, and I saw a bunch of smoke coming out of some Federal buildings where I used to work with the Joint Terrorism Task Force and the FBI, right next door to the IRS building.

I called the police chief that day, and I said, What happened? Police Chief Acevedo said that a plane had flown into the Federal building, and I said, Well, do you know if it was an accident? He said, No, Congressman, it was intentional. And at that point in time,

we knew that this was not just some accidental mishap, airplane getting off course, mechanical problems, but rather an intentional act of violence.

What I saw at the scene was quite astounding, and I'm sure the gentleman from Austin saw it as well. The airplane was a rather small aircraft, yet the damage that was done was massive, almost bringing the entire Federal building down. As it was in flames that fateful day, it reminded me a bit of Oklahoma City. It also looked like a sort of smaller version of 9/11. As the flames went up, as the glass blew out, a technician by the name of Robin De Haven, probably one of the great heroes that day, removed glass from the back side of the building and saved five employees of the IRS.

Our thoughts and prayers go to the Hunter family. Vernon Hunter served his country and served in the IRS. He also served in the United States Army for 20 years. His office was right above where the airplane crashed into that building. The plane literally skipped off the top of a car and went into the first floor of the building in an intentional act to kill people.

And I was asked a question at the press conference with the police chief and the fire department, Well, Congressman, was this an act of terrorism? Well, I guess it's all how you define "act of terrorism." But what I said was, Anytime somebody flies an airplane intentionally into a Federal building to kill people, I think that is an act of terror. And if you ask the Federal employees that day what they thought, well, they certainly thought it was an act of terror as well. We need to stop this in this country. We need to stop this.

The heroism on the part of the Austin Police Department, the fire department, the FBI and the first responders in responding to this tragic scene and saving so many lives when we saw this massive destruction, the great miracle that day was that more people were not killed. Those first responders saved countless lives, and we owe them a debt of gratitude for their great, great service to not only the city of Austin but to the American people.

So with that, let me again thank the gentleman from Austin for introducing this resolution. It's very timely. We do share that city together. We work well together, and I think, again, we share the grief of the loss. We share the tragic event, and we also share the belief that this was really an intentional act, an act of terror that we need to stop in this country.

Mr. BOUSTANY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of Georgia. Having no further requests for time, Madam Speaker, I yield the balance of my time to the gentleman from Texas to close.

Mr. DOGGETT. I thank both gentlemen. I want to applaud the remarks of

my colleague Mr. McCAUL, both the remarks that he made here today and the remarks that he made on the afternoon of this tragedy, under what I know was a very stressful situation.

□ 1345

I believe that we share a common purpose here. No one was looking to see which party, a member of the IRS was that day, or what part of the City of Austin. It affected our entire community. I had not used the term earlier, but I must say I also agree with his conclusion that like the much larger-scale tragedy in Oklahoma City, this was an act of domestic terrorism. But let's not quibble over the terms; it was the harm that was done and the promotion of that harm and violence. There is nothing noble about terror. Any expression to the contrary deserves our condemnation.

As I read the statement that the pilot put up on his website, which was a rather confusing diatribe, I noticed particularly his quotation, "violence not only is the answer, it is the only answer," and in response almost immediately, some folks set up a Facebook page and called themselves "fans" of this suicide attacker. Sporting a "Don't Tread on Me" flag, the so-called "fan page" to the murderer misappropriated Thomas Jefferson's famous words that "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." This resolution soundly rejects, in a bipartisan manner, such appalling tributes.

The patriots were working in the building that day, not working to kill public servants. The heroes were people like Vern Hunter who were doing their job on behalf of their country, not trying to destroy their fellow human beings.

I believe we must turn down the volume on hate if we are to avoid recurrence of such baseless terror attacks. In our country, there is room for wide and vigorous political discourse and disagreement—our democracy thrives on it—but there is no room for violence or the dangerous incitement to violence. We get change through the ballot box, not by bullets, not by suicide airplane attacks. Let us speak today with one strong, unequivocal voice renouncing this attack. We reject the path of hate, and we reject the call to violence.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DOGGETT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

adoption of H. Res. 1126, by the yeas and nays;

motion to suspend the rules on H. Res. 747, by the yeas and nays;

motion to suspend the rules on H. Res. 1096, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 4247, KEEPING ALL STUDENTS SAFE ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1126, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 184, not voting 19, as follows:

[Roll No. 78]

YEAS—228

Ackerman	Cohen	Halvorson
Adler (NJ)	Connolly (VA)	Hare
Altmire	Conyers	Harman
Andrews	Cooper	Hastings (FL)
Arcuri	Costa	Heinrich
Baca	Costello	Higgins
Baird	Courtney	Himes
Baldwin	Crowley	Hinchee
Barrow	Cuellar	Hirono
Bean	Cummings	Hodes
Becerra	Davis (CA)	Holden
Berkley	Davis (IL)	Holt
Berman	Davis (TN)	Honda
Berry	DeFazio	Hoyer
Bishop (GA)	DeGette	Inslee
Bishop (NY)	Delahunt	Israel
Blumenauer	DeLauro	Jackson (IL)
Bocchieri	Dicks	Johnson (GA)
Boren	Dingell	Johnson, E. B.
Boswell	Doggett	Kagen
Boucher	Doyle	Kanjorski
Boyd	Edwards (MD)	Kaptur
Brady (PA)	Edwards (TX)	Kennedy
Braley (IA)	Engel	Kildee
Brown, Corrine	Etheridge	Kilpatrick (MI)
Butterfield	Farr	Kilroy
Capps	Fattah	Kind
Capuano	Filner	Kissell
Cardoza	Foster	Klein (FL)
Carnahan	Frank (MA)	Kosmas
Carney	Fudge	Kucinich
Carnahan (IN)	Gonzalez	Langevin
Castor (FL)	Gordon (TN)	Larsen (WA)
Chandler	Grayson	Larsen (CT)
Chu	Green, Al	Lee (CA)
Clarke	Green, Gene	Levin
Clay	Grijalva	Lewis (GA)
Cleaver	Gutierrez	Lipinski
Clyburn	Hall (NY)	Loebsack

Lofgren, Zoe	Owens	Shea-Porter
Lowey	Pallone	Sherman
Lujan	Pascarell	Simpson
Lynch	Pastor (AZ)	Skelton
Maffei	Payne	Slaughter
Maloney	Perlmutter	Smith (WA)
Markey (CO)	Perriello	Smith (TX)
Markey (MA)	Peters	Snyder
Marshall	Peterson	Space
Massa	Pingree (ME)	Speier
Matheson	Polis (CO)	Spratt
Matheson	Pomeroy	Stark
McCarthy (NY)	Price (NC)	Stupak
McCollum	Quigley	Sutton
McDermott	Rahall	Tanner
McGovern	Rangel	Teague
McIntyre	Reyes	Thompson (CA)
McNerney	Richardson	Thompson (MS)
Meek (FL)	Rodriguez	Tierney
Meeks (NY)	Ross	Titus
Melancon	Rothman (NJ)	Tonko
Michaud	Roybal-Allard	Towns
Miller (NC)	Ruppersberger	Tsongas
Miller, George	Rush	Van Hollen
Minnick	Ryan (OH)	Velázquez
Mollohan	Salazar	Visclosky
Moore (KS)	Sánchez, Linda	Walz
Moore (WI)	T.	Waters
Moran (VA)	Sanchez, Loretta	Watson
Murphy (CT)	Sarbanes	Watt
Murphy, Patrick	Schakowsky	Waxman
Nadler (NY)	Schauer	Weiner
Neal (MA)	Schiff	Welch
Nye	Schrader	Wilson (OH)
Oberstar	Schwartz	Woolsey
Obey	Scott (GA)	Wu
Oliver	Scott (VA)	Yarmuth
Ortiz	Sestak	

NAYS—184

Aderholt	Emerson	Lungren, Daniel
Akin	Flake	E.
Alexander	Fleming	Mack
Austria	Forbes	Manzullo
Bachmann	Fortenberry	Marchant
Bachus	Fox	McCarthy (CA)
Bartlett	Franks (AZ)	McCaul
Barton (TX)	Frelinghuysen	McClintock
Biggart	Gallely	McCotter
Bilbray	Garrett (NJ)	McHenry
Bilirakis	Gerlach	McKeon
Bishop (UT)	Giffords	McMorris
Blackburn	Gingrey (GA)	Rodgers
Blunt	Gohmert	Mica
Boehner	Goodlatte	Miller (FL)
Bonner	Granger	Miller (MI)
Bono Mack	Graves	Miller, Gary
Boozman	Griffith	Mitchell
Boustany	Guthrie	Moran (KS)
Brady (TX)	Hall (TX)	Murphy (NY)
Bright	Harper	Murphy, Tim
Broun (GA)	Hastings (WA)	Myrick
Brown (SC)	Heller	Neugebauer
Brown-Waite,	Hensarling	Nunes
Ginny	Herger	Olson
Buchanan	Herseth Sandlin	Paul
Burgess	Hill	Paulsen
Burton (IN)	Hunter	Pence
Buyer	Inglis	Petri
Calvert	Issa	Pitts
Camp	Jenkins	Platts
Cantor	Johnson (IL)	Poe (TX)
Cao	Johnson, Sam	Posey
Capito	Jones	Price (GA)
Carter	Jordan (OH)	Putnam
Cassidy	King (IA)	Radanovich
Castle	King (NY)	Rehberg
Chaffetz	Kingston	Reichert
Childers	Kirk	Roe (TN)
Coble	Kirkpatrick (AZ)	Rogers (AL)
Coffman (CO)	Kline (MN)	Rogers (KY)
Cole	Kratovil	Rogers (MI)
Conaway	Lance	Rohrabacher
Crenshaw	Latham	Rooney
Culberson	LaTourette	Ros-Lehtinen
Davis (KY)	Latta	Roskam
Dent	Lee (NY)	Royce
Diaz-Balart, L.	Lewis (CA)	Ryan (WI)
Diaz-Balart, M.	Linder	Scalise
Donnelly (IN)	LoBiondo	Schmidt
Dreier	Lucas	Schock
Driehaus	Luetkemeyer	Sensenbrenner
Duncan	Lummis	Sessions
Ehlers		Shadegg
Ellsworth		Shimkus

Shuler	Taylor	Westmoreland
Shuster	Terry	Whitfield
Simpson	Thompson (PA)	Wilson (SC)
Smith (NE)	Thornberry	Wittman
Smith (NJ)	Tiahrt	Wolf
Smith (TX)	Tiberi	Young (AK)
Souder	Upton	Young (FL)
Stearns	Walden	

NOT VOTING—19

Barrett (SC)	Fallin	Napolitano
Campbell	Garamendi	Serrano
Dahlkemper	Hinojosa	Sullivan
Davis (AL)	Hoekstra	Turner
Deal (GA)	Jackson Lee	Wamp
Ellison	(TX)	Wasserman
Eshoo	McMahon	Schultz

□ 1416

Messrs. ROGERS of Alabama and CHILDERS changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McMAHON. Madam Speaker, on rollcall No. 78, had I been present, I would have voted “yes.”

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote No. 78 on March 3, 2010. I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 78, I would have voted “yes.”

#### CONGRATULATING UNITED STATES MILITARY ACADEMY AT WEST POINT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 747, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 747.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 79]

YEAS—416

Ackerman	Berry	Brady (TX)
Aderholt	Biggart	Braley (IA)
Adler (NJ)	Bilbray	Bright
Akin	Bilirakis	Broun (GA)
Alexander	Bishop (GA)	Brown (SC)
Altmire	Bishop (NY)	Brown, Corrine
Andrews	Bishop (UT)	Brown-Waite,
Arcuri	Blackburn	Ginny
Austria	Blumenauer	Buchanan
Baca	Blunt	Burgess
Bachmann	Bocchieri	Burton (IN)
Bachus	Boehner	Buyer
Baird	Bonner	Calvert
Baldwin	Bono Mack	Camp
Barrow	Boozman	Cantor
Bartlett	Boren	Cao
Barton (TX)	Boswell	Capito
Bean	Boucher	Capps
Becerra	Boustany	Capuano
Berkley	Boyd	Cardoza
Berman	Brady (PA)	Carnahan



Carney	Hastings (WA)	McMahon	Schrader	Souder	Upton	Bartlett	Ehlers	Latham
Carson (IN)	Heinrich	McMorris	Schwartz	Space	Van Hollen	Barton (TX)	Ellison	LaTourette
Carter	Heller	Rodgers	Scott (GA)	Speier	Velázquez	Bean	Ellsworth	Latta
Cassidy	Hensarling	McNerney	Scott (VA)	Spratt	Visclosky	Becerra	Emerson	Lee (CA)
Castle	Herger	Meek (FL)	Sensenbrenner	Stark	Walden	Berkley	Engel	Lee (NY)
Castor (FL)	Hereth Sandlin	Meeks (NY)	Serrano	Stearns	Walz	Berman	Eshoo	Levin
Chaffetz	Higgins	Melancon	Sessions	Stupak	Waters	Berry	Etheridge	Lewis (CA)
Chandler	Hill	Mica	Sestak	Sutton	Watson	Biggert	Farr	Lewis (GA)
Childers	Himes	Michaud	Shadegg	Tanner	Watt	Bilirakis	Fattah	Lipinski
Chu	Hinchev	Miller (FL)	Shea-Porter	Taylor	Waxman	Bishop (GA)	Filner	LoBiondo
Clarke	Hirono	Miller (MI)	Sherman	Teague	Weiner	Bishop (NY)	Flake	Loeback
Clay	Hodes	Miller (NC)	Shimkus	Terry	Welch	Blackburn	Fleming	Lofgren, Zoe
Cleaver	Holden	Miller, Gary	Shuler	Thompson (CA)	Westmoreland	Blumenauer	Forbes	Lowe
Clyburn	Holt	Miller, George	Shuster	Thompson (MS)	Whitfield	Blunt	Fortenberry	Lucas
Coble	Honda	Minnick	Simpson	Thompson (PA)	Wilson (OH)	Boccheri	Foster	Luetkemeyer
Coffman (CO)	Hoyer	Mitchell	Sires	Thornberry	Wilson (SC)	Boehner	Fox	Lujan
Cohen	Hunter	Mollohan	Skelton	Tiahrt	Wittman	Bonner	Frank (MA)	Lummis
Cole	Inglis	Moore (KS)	Slaughter	Tiberi	Wolf	Bono Mack	Franks (AZ)	Lungren, Daniel
Conaway	Insee	Moore (WI)	Smith (NE)	Tierney	Woolsey	Boozman	Frelinghuysen	E.
Connolly (VA)	Israel	Moran (KS)	Smith (NJ)	Titus	Wu	Boren	Fudge	Lynch
Conyers	Issa	Moran (VA)	Smith (TX)	Tonko	Yarmuth	Boswell	Gallegly	Mack
Cooper	Jackson (IL)	Murphy (CT)	Smith (WA)	Towns	Young (AK)	Boucher	Garrett (NJ)	Maffei
Costa	Jenkins	Murphy (NY)	Snyder	Tsongas	Young (FL)	Boustany	Gerlach	Maloney
Costello	Johnson (GA)	Murphy, Patrick				Boyd	Giffords	Manzullo
Courtney	Johnson (IL)	Murphy, Tim				Brady (PA)	Gingrey (GA)	Marchant
Crenshaw	Johnson, E. B.	Myrick	Barrett (SC)	Fallin	Sullivan	Brady (TX)	Gonzalez	Markey (CO)
Crowley	Johnson, Sam	Nadler (NY)	Butterfield	Garamendi	Turner	Brady (IA)	Gonzalez	Markey (MA)
Cuellar	Jones	Napolitano	Campbell	Hinojosa	Wamp	Bright	Gordon (TN)	Marshall
Culberson	Jordan (OH)	Neal (MA)	Dahlkemper	Hoekstra	Wasserman	Brown (GA)	Granger	Massa
Cummings	Kagen	Neugebauer	Davis (AL)	Jackson Lee	Schultz	Brown (SC)	Graves	Matheson
Davis (CA)	Kanjorski	Nunes	Deal (GA)	(TX)		Brown, Corrine	Grayson	Matsui
Davis (IL)	Kaptur	Nye				Buchanan	Green, Al	McCarthy (CA)
Davis (KY)	Kennedy	Oberstar				Burgess	Green, Gene	McCarthy (NY)
Davis (TN)	Kildee	Obey				Burton (IN)	Griffith	McCaul
DeFazio	Kilpatrick (MI)	Olson				Butterfield	Grijalva	McClintock
DeGette	Kilroy	Oliver				Buyer	Guthrie	McCollum
DeLauro	Kind	Ortiz				Calvert	Gutierrez	McCotter
Dent	King (IA)	Owens				Camp	Hall (NY)	McDermott
Diaz-Balart, L.	King (NY)	Pallone				Cantor	Hall (TX)	McGovern
Diaz-Balart, M.	Kingston	Pascarell				Cao	Halvorson	McHenry
Dicks	Kirk	Pastor (AZ)				Capito	Hare	McIntyre
Dingell	Kirkpatrick (AZ)	Paul				Capps	Harman	McKeon
Doggett	Kissell	Paulsen				Capuano	Harper	McMahon
Donnelly (IN)	Klein (FL)	Payne				Cardoza	Hastings (FL)	McMorris
Doyle	Kline (MN)	Pence				Carnahan	Hastings (WA)	Rodgers
Dreier	Kosmas	Perlmutter				Carney	Heinrich	McNerney
Driehaus	Kratovil	Perriello				Carson (IN)	Heller	Meek (FL)
Duncan	Kucinich	Peters				Carter	Hensarling	Meeks (NY)
Edwards (MD)	Lamborn	Peterson				Cassidy	Herger	Melancon
Edwards (TX)	Lance	Petri				Castle	Hereth Sandlin	Mica
Ehlers	Langevin	Pingree (ME)				Castor (FL)	Higgins	Michaud
Ellison	Larsen (WA)	Pitts				Chaffetz	Hill	Miller (FL)
Ellsworth	Larson (CT)	Platts				Chandler	Himes	Miller (MI)
Emerson	Latham	Poe (TX)				Childers	Hinchev	Miller (NC)
Engel	LaTourette	Polis (CO)				Chu	Hirono	Miller, Gary
Eshoo	Latta	Pomeroy				Clarke	Hodes	Miller, George
Etheridge	Lee (CA)	Posey				Clay	Holden	Minnick
Farr	Lee (NY)	Price (GA)				Cleaver	Holt	Mitchell
Fattah	Levin	Price (NC)				Clyburn	Honda	Mollohan
Filner	Lewis (CA)	Putnam				Coble	Hoyer	Moore (KS)
Flake	Lewis (GA)	Quigley				Coffman (CO)	Hunter	Moore (WI)

Posey	Schiff	Terry
Price (GA)	Schmidt	Thompson (CA)
Price (NC)	Schock	Thompson (MS)
Putnam	Schrader	Thompson (PA)
Quigley	Schwartz	Thornberry
Radanovich	Scott (GA)	Tiahrt
Rahall	Scott (VA)	Tiberi
Rangel	Sensenbrenner	Tierney
Rehberg	Serrano	Titus
Reichert	Sessions	Tonko
Reyes	Sestak	Towns
Richardson	Shadegg	Tsongas
Rodriguez	Shea-Porter	Upton
Roe (TN)	Sherman	Van Hollen
Rogers (AL)	Shimkus	Velázquez
Rogers (KY)	Shuler	Visclosky
Rogers (MI)	Shuster	Walden
Rohrabacher	Simpson	Walz
Rooney	Sires	Waters
Ros-Lehtinen	Skelton	Watson
Roskam	Slaughter	Watt
Ross	Smith (NE)	Waxman
Rothman (NJ)	Smith (NJ)	Weiner
Roybal-Allard	Smith (TX)	Welch
Royce	Smith (WA)	Westmoreland
Ruppersberger	Snyder	Whitfield
Rush	Souder	Wilson (OH)
Ryan (OH)	Space	Wilson (SC)
Ryan (WI)	Speier	Wittman
Salazar	Spratt	Wolf
Sánchez, Linda T.	Stark	Woolsey
Sanchez, Loretta	Stearns	Wu
Sarbanes	Stupak	Yarmuth
Scalise	Sutton	Young (AK)
Schakowsky	Tanner	Young (FL)
Schauer	Taylor	
	Teague	

## NOES—1

Paul

## ANSWERED "PRESENT"—1

Bishop (UT)

## NOT VOTING—20

Barrett (SC)	Fallin	Linder
Bilbray	Garamendi	Pomeroy
Brown-Waite,	Gohmert	Sullivan
Ginny	Hinojosa	Turner
Campbell	Hoekstra	Wamp
Dahlkemper	Jackson Lee	Wasserman
Davis (AL)	(TX)	Schultz
Deal (GA)	Kingston	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1435

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PARLIAMENTARY INQUIRIES

Mr. CARTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CARTER. Mr. Speaker, the gentleman from New York (Mr. RANGEL) submitted a letter to the Speaker of the House, Nancy PELOSI, that states, "I request leave of absence from my duties and responsibilities as chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its finding on the review currently underway."

This morning, that letter to the Speaker was read into the proceedings,

and at that time the Speaker pro tem, Ms. SCHAKOWSKY, in accepting the letter stated, "The resignation is accepted."

I have a parliamentary inquiry regarding the nature of the resignation. Under this morning's procedure, is Mr. RANGEL the chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. This morning, the House accepted the resignation of the gentleman from New York as chair of the Committee on Ways and Means. He has resigned from the chairmanship of the Committee on Ways and Means.

Mr. CARTER. So does that mean the answer is no, he is not the chairman?

The SPEAKER pro tempore. That is correct.

Mr. CARTER. Further parliamentary inquiry, under House rule X, clause 5(c), which states, "In the absence of the member serving as chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair."

Mr. Speaker, under the rules of the House, who is currently the chair of the Committee on Ways and Means?

The SPEAKER pro tempore. In the case to which the inquiry alludes, the member of the committee next in rank is the gentleman from California (Mr. STARK), so he would currently act as chair.

Mr. CARTER. Mr. Speaker, further parliamentary inquiry, under House Resolution 24, the gentleman from California (Mr. STARK) ranks next after Mr. RANGEL on the resolution electing the members of the committee. Under that resolution and by operation of House rule X, clause 5(c), Mr. STARK is currently the chairman of Ways and Means as I understand the answer. Is that correct?

The SPEAKER pro tempore. The gentleman from California is acting chair. Clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

Mr. CARTER. Further parliamentary inquiry, in light of Mr. RANGEL's letter to the Speaker, which states in relevant part that he requests a leave of absence, does reinstating the gentleman from New York (Mr. RANGEL) to the chairmanship of the Committee on Ways and Means require, as a necessary action, the adopting of a resolution by the full House of Representatives electing him as chair?

The SPEAKER pro tempore. The gentleman is stating a hypothetical. The Chair will not comment.

Mr. CARTER. Final parliamentary inquiry, under House rule X, clause 5, does Mr. STARK assume the chairmanship of the Committee on Ways and Means immediately and without any further vote or ratification of the House of Representatives?

The SPEAKER pro tempore. Mr. STARK is acting chair. As the Chair stated before, clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

KEEPING ALL STUDENTS SAFE  
ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1126, I call up the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the bill is considered read. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

## H.R. 4247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "Preventing Harmful Restraint and Seclusion in Schools Act".*

## SEC. 2. FINDINGS.

*Congress finds the following:*

(1) Physical restraint and seclusion have resulted in physical injury, psychological trauma, and death to children in public and private schools. National research shows students have been subjected to physical restraint and seclusion in schools as a means of discipline, to force compliance, or as a substitute for appropriate educational support.

(2) Behavioral interventions for children must promote the right of all children to be treated with dignity. All children have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical restraint or seclusion imposed solely for purposes of discipline or convenience.

(3) Safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings. Staff training focused on the dangers of physical restraint and seclusion as well as training in evidence-based positive behavior supports, de-escalation techniques, and physical restraint and seclusion prevention, can reduce the incidence of injury, trauma, and death.

(4) School personnel have the right to work in a safe environment and should be provided training and support to prevent injury and trauma to themselves and others.

(5) Despite the widely recognized risks of physical restraint and seclusion, a substantial disparity exists among many States and localities with regard to the protection and oversight of the rights of children and school personnel to a safe learning environment.

(6) Children are subjected to physical restraint and seclusion at higher rates than adults. Physical restraint which restricts breathing or causes other body trauma, as well as seclusion in the absence of continuous face-to-face monitoring, have resulted in the deaths of children in schools.

(7) Children are protected from inappropriate physical restraint and seclusion in other settings, such as hospitals, health facilities, and

non-medical community-based facilities. Similar protections are needed in schools, yet such protections must acknowledge the differences of the school environment.

(8) Research confirms that physical restraint and seclusion are not therapeutic, nor are these practices effective means to calm or teach children, and may have an opposite effect while simultaneously decreasing a child's ability to learn.

(9) The effective implementation of school-wide positive behavior supports is linked to greater academic achievement, significantly fewer disciplinary problems, increased instruction time, and staff perception of a safer teaching environment.

### SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) prevent and reduce the use of physical restraint and seclusion in schools;

(2) ensure the safety of all students and school personnel in schools and promote a positive school culture and climate;

(3) protect students from—

(A) physical or mental abuse;

(B) aversive behavioral interventions that compromise health and safety; and

(C) any physical restraint or seclusion imposed solely for purposes of discipline or convenience;

(4) ensure that physical restraint and seclusion are imposed in school only when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; and

(5) assist States, local educational agencies, and schools in—

(A) establishing policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(B) providing school personnel with the necessary tools, training, and support to ensure the safety of all students and school personnel;

(C) collecting and analyzing data on physical restraint and seclusion in schools; and

(D) identifying and implementing effective evidence-based models to prevent and reduce physical restraint and seclusion in schools.

### SEC. 4. DEFINITIONS.

In this Act:

(1) **CHEMICAL RESTRAINT.**—The term “chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician.

(2) **EDUCATIONAL SERVICE AGENCY.**—The term “educational service agency” has the meaning given such term in section 9101(17) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(17)).

(3) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given the term in section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(5) **MECHANICAL RESTRAINT.**—The term “mechanical restraint” has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting “student's” for “resident's”.

(6) **PARENT.**—The term “parent” has the meaning given the term in section 9101(31) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(31)).

(7) **PHYSICAL ESCORT.**—The term “physical escort” has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting “student” for “resident”.

(8) **PHYSICAL RESTRAINT.**—The term “physical restraint” has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

(9) **POSITIVE BEHAVIOR SUPPORTS.**—The term “positive behavior supports” means a systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.

(10) **PROTECTION AND ADVOCACY SYSTEM.**—The term “protection and advocacy system” means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(11) **SCHOOL.**—The term “school” means an entity—

(A) that—

(i) is a public or private—

(I) day or residential elementary school or secondary school; or

(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, educational service agency, or other educational institution or program; and

(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education; or

(B) that is a school funded or operated by the Department of the Interior.

(12) **SCHOOL PERSONNEL.**—The term “school personnel” has the meaning—

(A) given the term in section 4151(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(10)); and

(B) given the term “school resource officer” in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)).

(13) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(14) **SECLUSION.**—The term “seclusion” has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

(15) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(16) **STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.**—The term “State-approved crisis intervention training program” means a training program approved by a State and the Secretary that, at a minimum, provides—

(A) evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

(B) evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(D) first aid and cardiopulmonary resuscitation;

(E) information describing State policies and procedures that meet the minimum standards es-

tablished by regulations promulgated pursuant to section 5(a); and

(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(17) **STATE.**—The term “State” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(18) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given the term in section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41)).

(19) **STUDENT.**—The term “student” means a student enrolled in a school defined in section 11, except that in the case of a private school or private program, such term means a student enrolled in such school or program who receives support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(20) **TIME OUT.**—The term “time out” has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting “student” for “resident”.

### SEC. 5. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

(a) **MINIMUM STANDARDS.**—Not later than 180 days after the date of the enactment of this Act, in order to protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this Act, the Secretary shall promulgate regulations establishing the following minimum standards:

(1) School personnel shall be prohibited from imposing on any student the following:

(A) Mechanical restraints.

(B) Chemical restraints.

(C) Physical restraint or physical escort that restricts breathing.

(D) Aversive behavioral interventions that compromise health and safety.

(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

(C) such physical restraint or seclusion is imposed by school personnel who—

(i) continuously monitor the student face-to-face; or

(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

(D) such physical restraint or seclusion is imposed by—

(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)); or

(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(E) such physical restraint or seclusion end immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

(3) States and local educational agencies shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)) to meet the needs of the specific student population in each school.

(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

(A) procedures to provide to the parent of the student, with respect to each such incident—

(i) an immediate verbal or electronic communication on the same day as each such incident; and

(ii) within 24 hours of each such incident, written notification; and

(B) any other procedures the Secretary determines appropriate.

(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

(1) time out (as defined in section 4(20)); or

(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(A) restraints for medical immobilization;

(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

(A) in the—

(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

(ii) lawful exercise of law enforcement duties; and

(B) less restrictive interventions would be ineffective.

#### SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.

(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

(1) assurances to the Secretary that the State has in effect—

(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 5(a); and

(B) a State mechanism to effectively monitor and enforce the minimum standards;

(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

(3) a description of the State plans to ensure school personnel and parents, including private

school personnel and parents, are aware of the State policies and procedures.

(b) REPORTING.—

(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the information described in paragraph (2).

(2) INFORMATION REQUIREMENTS.—

(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

(B) DISAGGREGATION.—

(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

(aa) that resulted in injury;

(bb) that resulted in death; and

(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 5(a)(2)(D)(i); and

(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(bb) age; and

(cc) disability status (which has the meaning given the term “individual with a disability” in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

(I) be carried out in a manner to ensure an unduplicated count of the—

(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

(c) ENFORCEMENT.—

(1) IN GENERAL.—

(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

#### SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 12, the Secretary may award grants to State educational agencies to assist the agencies in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a);

(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a).

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(3) Carrying out the reporting requirements under section 6(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

(g) **ADDITIONAL AUTHORIZED ACTIVITIES.**—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decision-making related to behavioral supports and interventions in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

(h) **EVALUATION AND REPORT.**—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a); and

(2) submit to the Secretary a report on such progress.

(i) **DEPARTMENT OF THE INTERIOR.**—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

#### **SEC. 8. NATIONAL ASSESSMENT.**

(a) **NATIONAL ASSESSMENT.**—The Secretary shall carry out a national assessment to determine the effectiveness of this Act, which shall include—

(1) analyzing data related to physical restraint and seclusion incidents;

(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

(b) **REPORT.**—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

(1) an interim report that summarizes the preliminary findings of the assessment described in subsection (a) not later than 3 years after the date of enactment of this Act; and

(2) a final report of the findings of the assessment not later than 5 years after the date of the enactment of this Act.

#### **SEC. 9. PROTECTION AND ADVOCACY SYSTEMS.**

Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this Act.

#### **SEC. 10. HEAD START PROGRAMS.**

(a) **REGULATIONS.**—The Secretary of Health and Human Services, in consultation with the Secretary, shall promulgate regulations with respect to Head Start agencies administering Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.) that establish requirements consistent with—

(1) the requirements established by regulations promulgated pursuant to section 5(a); and

(2) the reporting and enforcement requirements described in subsections (b) and (c) of section 6.

(b) **GRANT AUTHORITY.**—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of Health and Human Services to assist the Head Start agencies in establishing, implementing, and enforcing policies and procedures to meet the requirements established by regulations promulgated pursuant to subsection (a).

#### **SEC. 11. LIMITATION OF AUTHORITY.**

(a) **IN GENERAL.**—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

(b) **APPLICABILITY.**—

(1) **PRIVATE SCHOOLS.**—Nothing in this Act shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(2) **HOME SCHOOLS.**—Nothing in this Act shall be construed to—

(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

(B) consider parents who are schooling a child at home as school personnel.

#### **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2011 and each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part A of House Report 111-425, if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The amendment printed in part B of House Report 111-425, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

#### **GENERAL LEAVE**

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4247.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members of the House, I rise today in strong support of this bipartisan legislation that will make our classrooms safer for our children and our teachers. But first I would like to tell the story of Cedric. This is a picture of Cedric, who was a young man from Killeen, Texas, who died in his classroom when he was just 14 years of age.

Cedric was living with a foster family after an early childhood filled with abuse. Among other things, his biological family had neglected him by denying him food. Despite knowing this, on the morning he died, Cedric's teacher punished him for refusing to do his work by delaying his lunch for hours. When Cedric tried to leave his classroom to find food, his teacher put him face down in restraint and sat on him in front of his classmates. He repeatedly cried out that he could not breathe. He died minutes later on the classroom floor.

Now I would like to tell you the story of Paige. Paige was a bright, energetic, and happy young girl who started a new school in Cupertino, California. But Paige, who has Asperger's Syndrome, came home from her school the first week with bruises complaining that her teacher hurt her.

Paige's parents confronted the teacher, who denied causing the bruising. She did admit to restraining Paige for simply wiggling a loose tooth. Her parents were shocked to learn later that the teacher had lied and that she had actually held Paige face down and sat on her. Sitting on a 7-year-old for wiggling a loose tooth. Paige barely weighed 40 pounds.

Over the course of many months, Paige was repeatedly abused and injured during restraint incidents until her parents finally pulled her out of the school. She survived, but she still bears the emotional scars of this abuse.

Cedric's and Paige's stories are not isolated incidents in America's schools today. Last May, the Government Accountability Office told our committee about the shocking wave of abuse of children in our public and private schools. This abuse was happening at the hands of untrained school staff who were misusing restraint and seclusion.

Hundreds of students across the U.S. have been victims of this abuse. These

victims include students with disabilities and students without disabilities. Many of these victims were children as young as 3 and 4 years of age. In some cases, children died.

Restraint and seclusion are complicated practices. They are emergency interventions that should be used only as a last resort and only by trained professionals. But GAO found that too often these techniques are being used in schools under the guise of discipline or convenience.

Last year, in my home State of California, there were more than 14,300 cases of seclusion, restraint, and other "emergency interventions." We don't know how many of these cases were actual emergencies.

We have Federal laws in place to prevent these types of abuses from happening in hospitals and other community-based facilities that receive Federal funding, but currently there are no Federal laws on the books to protect children from these abuses in the schools, where they spend most of their time.

Without a Federal standard, State policies and oversight, they vary widely, leaving children vulnerable. Of the 31 States that have established some law or regulation, many are not comprehensive in approach and several only address restraint or address seclusion, not necessarily both.

□ 1445

For example, in one State there are rules only for children enrolled in pre-K. In another, only children with autism are protected. In yet another example, only residential schools are covered. Many States allow restraints or seclusion in nonemergency situations, simply to protect property or to maintain order. No child should be subject to these extreme interventions for simple noncompliance, like the 7-year-old who died after being restrained for blowing bubbles in her milk.

Mr. Speaker, when these abuses occur, it isn't just the individual victim who suffers. It hurts their classmates who witness these traumatizing events. It undermines the vast majority of teachers and staff who are trying to give students a quality education. It's a nightmare for everyone involved. We are here today to try and end this nightmare. We are here today to make sure that no other children suffer the same fate as Cedric and Paige. The Keeping All Students Safe Act will ensure that all children are safe and protected in schools.

This bill takes a balanced approach to addressing a very serious problem. For the first time, it will establish minimum safety standards for schools, similar to Federal protections in place for children in other facilities. Under this legislation, physical restraint and seclusion can only be used to stop imminent danger of injury. The bill pro-

hibits mechanical restraints, such as strapping children to their chairs or duct-taping parts of their bodies, and any restraint that restricts their breathing. It also prohibits chemical restraints, using medication to control behavior without a doctor's prescription. The bill also will require students to notify parents after a restraint or seclusion incident so that parents don't learn about these abuses from whistleblowing teachers or from their own children's bruises.

Mr. Speaker, we all agree that teachers play the single most important role in helping students grow, thrive, and succeed. Teachers support this bill because it focuses on keeping both students and staff safe, giving teachers the support they need to do their jobs. It asks States to ensure that enough personnel are properly trained to keep both students and staff safe and encourages the schools to implement positive approaches to managing these behavioral issues.

Mr. Speaker, I'm very proud that we worked on this legislation in a bipartisan way. I want to thank Congresswoman CATHY MCMORRIS RODGERS for her leadership, her diligence, her persuasion, and her hard work in fashioning this legislation. I would also like to thank the National Disability Rights Network for bringing this abuse to our attention; the National School Boards Association; and more than a hundred other organizations for their support.

Everyone in this Chamber can agree that nothing is more important than keeping our children safe. It's time to try to end this abuse. I believe that this legislation will go a long way in setting the standard and showing States the way, and hopefully in the next 2 years the States will develop their own standards that at least meet these minimum standards of not depriving these children of the cushion of safety that they are entitled to and that their parents and family expect when they go to school on a daily basis.

So I would like to once again remind us of what happened to Cedric and to Paige at their age; their vulnerabilities, their history, and what happened to them one day when they went to school.

I reserve the balance of my time.

Mr. KLINE of Minnesota. I rise today in opposition to H.R. 4247, and I yield myself such time as I may consume.

Let me begin by stating unequivocally that the incidents uncovered by the GAO are unacceptable. No child should be put in physical danger by the use of seclusion or restraints in school. The tragic stories just related by the chairman of Cedric and Paige are unacceptable everywhere.

In each of the cases reviewed by the GAO, there was a criminal conviction, a finding of civil or administrative li-

ability, or a large financial settlement. In other words, everyone agrees that what happened is simply wrong. We do not need a change in Federal law for such behavior to be condemned. Sometimes the most powerful tool we have as elected officials is the bully pulpit, and Chairman MILLER and Mrs. MCMORRIS RODGERS have certainly availed themselves of it. They have worked hard to call national attention to the misuse of seclusion and restraints in our schools.

States clearly recognize the need to proactively limit the use of these disciplinary tools. Today, 31 States have policies and procedures in place to govern when and how seclusion or restraint techniques may or may not be used. Another 15 States will have such protections in place in the near future. Many, many independent school districts and school boards have such procedures in place.

The question today is: Who is best equipped to create and enforce those policies? To answer that question, I would point to a letter from the Council of the Great City Schools, which States, "Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of Federal law." In fact, until recently, the U.S. Department of Education was not even collecting data on the use of seclusion and restraint tactics in schools. The Department has no experience or expertise regulating in this area. Yet, H.R. 4247 would establish a new, one-size-fits-all Federal framework that overrules the work of these States.

I will include the letter from the Council of the Great City Schools in the RECORD, along with letters from the U.S. Conference of Catholic Bishops, the American Association of School Administrators, the Council for American Private Education, the American Association of Christian Schools, the Association of Christian Schools International, and the National Conference of State Legislatures.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,  
Arlington, VA, March 2, 2010.  
HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: The American Association of School Administrators, representing more than 13,000 school administrators and local educational leaders, would like to express serious concerns with HR 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, which is expected to be considered in the next few days. We ask that the voices of rank-and-file teachers, principals, superintendents and school board members be heard and that HR 4247, as reported from Committee, be defeated.

The need to establish these particular federal regulations for seclusion and restraint has not been established by objective, carefully gathered and analyzed data. For example, the report by the National Disability Rights Network upon which HR 4247 partially relies mixes data from regular public



schools with data from schools for children with serious behavioral disorders and institutions for students who are regularly violent. Further, the incidents took place over an unknown period of time—perhaps a decade or more. It seems to us that most of those cases took place in settings serving either the small percentage of students with serious behavior disorders or the even smaller percentage of students who are a violent danger to themselves or others. Finally, the NDN report counts incidents of seclusion and restraint without noting whether those events took place over a decade or some other time period.

The Office of Civil Rights within the U.S. Department of Education is preparing to gather more objective information this coming school year. We urge the House to await objective, uniformly reported and analyzed data from OCR before acting. Based on experience, we are sure that a student in a regular public school is extremely unlikely to be physically harmed, secluded in a windowless room, taped to a chair or handcuffed to a fence by a teacher or administrator. Just how unlikely such events are is unknown because objective, uniformly gathered and analyzed data simply are not available.

In addition, the report recently released by the U.S. Department of Education states that 31 states currently have policies in place to oversee the use of seclusion and restraint and 15 states are in the process of adopting policies and protections. Given this massive state action, AASA questions the need for federal involvement on this issue.

Reviews of HR 4247 by state-based teacher, administrator and school board associations have identified a number of serious flaws, which they have raised to their congressional delegations, but so far their voices have not been included in the discussions.

HR 4247 includes a prohibition against including seclusion and restraint in the Individualized Education Plan (IEP) or behavioral plan. The IEP and behavioral plans are the communication platform for parents and school staff to discuss the students' needs and corresponding school interventions. Prohibiting the inclusion of seclusion and restraint in the IEP or behavioral plans where past behavior clearly indicates a need will only lead to further conflicts and misunderstandings between parents and school staff.

The Protection and Advocacy agencies are given broad undefined authority to enforce the new law. P&A agencies have long monitored and investigated on behalf of disabled students, but enforcement is new. Enforcement of federal law has been the sole responsibility of state or federal agencies. A bigger problem for school systems is that the meaning of enforcement is undefined. For example, does the enforcement authority permit P&A staff to enter schools without checking in with appropriate school personnel? Arrest authority? Authority to change school policy on the spot?

HR 4247's prohibition against mechanical restraints is too broad and could prevent appropriate use of restraints in emergency situations where students must be restrained to protect themselves and others.

This legislation applies to both the special education and regular education populations, and thus raises mandate training and reporting costs for school districts. These increased fiscal and operational burdens are accompanied by minuscule authorization and few prospects for an appropriation. A huge, new, unfunded mandate is difficult to justify at a time when schools are cutting

teaching staff and stretching resources to balance budgets.

HR 4247 also prescribes a debriefing session for school personnel and parents within 72 hours of the use of seclusion or restraint, to address documentation of the antecedents to the restraint or seclusion and prevention planning (although it cannot involve the IEP). School staff are already over-committed in their daily schedules. Imposing short, mandatory timelines for extensive meetings will likely result in the cancellation of other instructional commitments or missed timelines and new litigation.

Finally, the tone of HR 4247 is relentlessly negative toward teachers and administrators. This tone indicting all teachers and administrators is unwarranted by plain observation, is unsupported by any credible data and should be eliminated. AASA is certain that every member of the House knows at least one teacher or administrator who has dedicated his or her professional life to the education and development of children and who has never restrained or secluded a single student, even if his or her career spanned over 40 years.

Thank you for your consideration. If there are any questions, please do not hesitate to contact me for further discussion of this important issue.

Yours truly,

DAN DOMENECH,  
*Executive Director.*

COUNCIL OF THE GREAT CITY  
SCHOOLS,  
*Washington, DC, March 1, 2010.*

HOUSE OF REPRESENTATIVES,  
*Washington DC.*

Subject: HR 4247—Restraint and Seclusion bill.

DEAR REPRESENTATIVE: It is unusual that the Council of the Great City Schools, the coalition of the nation's largest central city school districts, cannot support an education-related bill pending before the House of Representatives, but H.R. 4247, the restraint and seclusion bill, is not supportable in its current form. The bill is overly broad and will override numerous state and local policies that already address this issue and will do so in ways that will be hard to predict.

Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of federal law. Testimony before the Education and Labor Committee clearly points out that the extent of the use of inappropriate restraints and seclusion in schools could not be specifically determined. The Government Accountability Office (GAO) report provided only ten case studies—three of which involved incidents occurring between ten and fifteen years ago; two involved residential facilities that were not regular public schools; and one involved a school volunteer. The National Disability Rights Network study in January 2009 provided information on multiple incidents, but failed to cite either the year or the decade of the occurrence. In recognition of the limited data on the scope of inappropriate restraints and seclusion, the U.S. Department of Education has undertaken a formal data-collection initiative that may provide more up-to-date information on this issue. The Council suggests that it is premature for Congress to act until the Department's data collection effort is complete. At that time, depending on the results, the Council may revise its position.

Moreover, the requirements in the pending bill present serious concerns for the thou-

sands of school districts and school officials, including school board members, charged with the responsibility of and subject to the potential liability of implementing the federally-crafted definitions and assurances. Section 9 of the bill will subject the nation's schools to an extraordinary outsourcing of investigations, monitoring, and enforcement actions to protection and advocacy attorneys under the Developmental Disabilities Act, in addition to oversight and enforcement by each state educational agency and the U.S. Department of Education—a new authority likely to result in additional disputes and litigation that may involve any student or employee, as well as contractors, service providers, other agencies, and potentially on-site community services and volunteers.

The Council also questions the assignment of policies, procedures, and requirements currently applicable to psychiatric hospitals, mental health programs, and medical facilities onto the nation's elementary, secondary and pre-schools, which are not designed, equipped, or staffed to implement these requirements, and are often excluded from the federal mental health funding or Medicaid reimbursements for related services that could assist in implementation. All current state and local restraint and seclusion laws, policies, guidelines, and procedures will have to be reviewed and aligned with this federal legislation.

In addition, H.R. 4247 mandates, without funding, a major training and certification program in order to comply with the proposed legislation. Again, the nation's schools will have to train and state-certify an unspecified number of personnel and then periodically re-certify each one. Moreover, this bill requires that each of these individuals from every school receive first aid and CPR training—an entirely new federal requirement for schools and one not directly related to restraints and seclusion. School responsibilities for training and certification extend to school contractors as well.

The Council is unable to adequately project how many school employees and service providers would have to be trained and certified in restraint and seclusion techniques, conflict resolution, first aid, and CPR in schools serving thousands of students. This broad unfunded mandate would be questionable under the best of circumstances, but in the current economic environment, where schools are laying off thousands of teachers and other support staff and seeing class sizes rise, such new federal requirements are also untimely.

Congress could achieve the same basic objective by requiring local school districts and/or state educational agencies to adopt, implement and monitor policies for appropriate and restricted use of restraints and seclusion in disruptive, violent, and emergency circumstances—much like the federal gun-free schools policy or school prayer policy.

Appropriate restraint and seclusion policies, restrictions, and procedures are already in widespread use among the Great City Schools and a large number of states, though few if any as wide-ranging as H.R. 4247. The Council suggests that a bill requiring the limited number of states and/or other school districts without such policies to adopt and implement restraint and seclusion policies would likely garner broader support from school officials. We have offered to assist in developing such legislation that would be more workable. However, we cannot support H.R. 4247 as currently crafted.

Sincerely,

JEFFREY A. SIMERING,  
*Director of Legislative Services.*



NATIONAL CONFERENCE OF STATE  
LEGISLATURES,  
March 3, 2010.

Hon. NANCY PELOSI,  
*Speaker of the House,*  
*Washington, DC.*  
Hon. JOHN BOEHNER,  
*House Minority Leader,*  
*Washington, DC.*

The National Conference of States Legislatures (NCSL), representing state legislators in the nation's 50 states, commonwealths and territories, is deeply troubled by the federal preemption of state policy in the Preventing Harmful Restraint and Seclusion in Schools Act (HR 4247).

HR 4247 is a well intended effort by the U.S. House of Representatives that ignores the leadership and progress made by states to protect students from harm during seclusion and restraint. Furthermore, the need to establish the federal regulations identified in the legislation is not supported by objective or carefully analyzed research. The U.S. Department of Education is in the process of gathering such information in the coming school year, and we strongly urge the House to allow this process to be completed and to make an informed decision based on sound research to determine whether federal legislation is needed to address this issue.

According to the U.S. Department of Education, 31 states currently have policies in place to oversee the use of seclusion and restraint with another 15 in the process of adopting similar policies and protections. HR 4247 would preempt these efforts in favor of federal guidelines that have little basis in research and would require states to adopt them within two years irrespective of the varying conditions in the states and without any consideration given to the costs associated with compliance.

State legislators, who have the constitutional responsibility to establish and fund the nation's system of public education, are concerned about another unfunded mandate and continued federal overreach into the daily operations of schools. HR 4247 is the latest example of this approach. The National Conference of State Legislators urges members of the U.S. House of Representatives to vote against HR 4247.

Sincerely,

Representative LARRY M.  
BELL,  
*Chair, Education Com-*  
*mittee, North Caro-*  
*lina General Assem-*  
*bly; Chair, NCSL*  
*Standing Committee*  
*on Education.*

COUNCIL FOR AMERICAN  
PRIVATE EDUCATION,  
February 17, 2010.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Council for American Private Education (CAPE), a coalition of 18 major national organizations (listed left) and 32 state affiliates that serve religious and independent PK-12 schools, writes to express strong concerns regarding H.R. 4247. At the start, we must be clear that as a matter of ethical principle, moral law, and basic human decency, the private school community is unreservedly committed to the safety and well-being of students. Parents willingly entrust the education and care of a child to a religious or independent school because they know the school will act to ensure the child's best interests. Thus, with respect to

the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose.

CAPE is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., “a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely”). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) specifying when and under what circumstances and by whom such ordinary, protective action may lawfully be carried out could effectively serve to inhibit such instinctively shielding behavior by causing the adult to hesitate or second-guess herself out of fear she might be violating federal law. Hesitation in such circumstances could be dangerous.

Our read of this bill is that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions.

Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious and independent schools.

The class of schools that would be affected by this bill is broad. Based on the definition of “school” found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA.

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state (see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious and independent schools for any reason.

Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of “physical restraint” encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states

are obligated to report on the number of instances “for each local educational agency and each school not under the jurisdiction of a local educational agency.”

Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above.

We urge you to oppose this legislation unless it is amended to address these important concerns.

Sincerely,

JOE MCTIGHE,  
*Executive Director.*

AMERICAN ASSOCIATION OF  
CHRISTIAN SCHOOLS,  
March 2, 2010.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: The American Association of Christian Schools writes to express concern over H.R. 4247, “Preventing Harmful Restraint and Seclusion in Schools Act.” The goal of the bill—to protect children from suffering abuse at the hands of the educators—is a point of strong agreement that we share with the sponsors. Our schools are committed to providing safe environments for their students, and as a national organization, AACCS is supportive of efforts to ensure that children are protected and free from harm.

As the bill has moved through the Education and Labor Committee and to the House Floor, we have appreciated the opportunity for many discussions on how best to protect all students and still maintain protections for private schools against unwarranted federal intrusion. We appreciate the efforts to mitigate the effect of this bill on private education, and we are grateful for the inclusion of language that does specify protection for those private schools which do not receive federal funds.

However, we are concerned that there still may be unintended negative consequences for those private schools whose teachers or students may be benefiting from a federal education program. It seems that the language of the bill opens the door for these schools to become subject to training and reporting requirements of the government: For example, a school which receives instructional materials or professional development services under any ESEA title could be subject to the regulations set forth in this bill. Further, any school who serves a Title I student could also be required to adhere to the reporting and training requirements. While private school regulation may not be the intention of the bill, this could set a dangerous precedent for future federal regulation of private education.

Private schools, including our Christian schools, have enjoyed marked success in providing excellent education for students of all ages and abilities. Their freedom and ability to maintain their autonomy contributes greatly to this success, and the opportunities that thereby are provided for the students. The language of H.R. 4247 seems to set unwarranted intrusion of the federal government into this autonomy.

We believe the intent of the sponsors of this bill was not to establish federal intrusion on private schools; however, we are concerned that this will be an unintended consequence. For this reason, we cannot support

the bill. We appreciate your consideration of our concerns.

Sincerely,

KEITH WIEBE,  
President, American Association  
of Christian Schools.

COMMITTEE ON CATHOLIC EDUCATION,

February 25, 2010.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: As Chairman of the Committee on Catholic Education of the United States Conference of Catholic Bishops I wish to acknowledge the efforts of the Members of the House Education and Labor Committee to reduce the use of harmful and dangerous restraint and seclusion in schools. We agree completely with your desire to protect and enhance the safety and well-being of all students enrolled in both public and private schools.

However, we must urge you to vote against H. 4247 in its present form.

We believe it would be unprecedented and intrusive for the Federal government to involve itself in some of the activities that would be required by H.R.4247, such as:

Sec. 3(5)(C)—collecting and analyzing data from private schools;

Sec. 4(11)(A)(II)(i)—extending the requirements of this legislation to every private school which has even one student or one teacher participating in a program administered by the U.S. Department of Education; and

Sec. 5(a)—requiring school personnel to be certified in crisis intervention, although federal education law has never before imposed certification requirements on private school educators.

It is clear from the language of ESEA and IDEA that it was Congress' intent, and properly so, to avoid federal involvement in the internal administration of private (non-public) schools. By ignoring that principle, H.R. 4247 in its present form crosses a dangerous line, without any demonstrated need to do so. The only private schools cited in the report of the U.S. Government Accountability Office (GAO-09-719T) that apparently led to the drafting of H.R. 4247 were either residential facilities or schools which served emotionally disturbed teens.

I urge you to alter the scope of this unnecessarily intrusive legislation so that it focuses directly on the dangerous types of situations referenced in the GAO report, rather than imposing intrusive and onerous data collection, coverage, and certification requirements on private schools.

Sincerely,

Most Reverend THOMAS J. CURRY,  
Auxiliary Bishop of  
Los Angeles; Chair-  
man, USCCB Com-  
mittee on Catholic  
Education.

ASSOCIATION OF CHRISTIAN SCHOOLS

INTERNATIONAL.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

Hon. MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Association of Christian Schools International, an active member of the Council for American Private Education (CAPE), writes to express strong concerns regarding H.R. 4247. ACSI must be clear that as a matter of ethical principle, biblical mandates, and basic human decency, the Christian school community is unreservedly com-

mitted to the safety and well-being of our students. Parents willingly entrust the education and care of a child to our religious schools because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose(s).

ACSI is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., “a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely”). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) could lead an adult to hesitate or hold back out of fear of violating this federal law. Such hesitation could be dangerous.

We agree with CAPE's read of this bill, that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions. Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious schools. The class of schools that would be affected by this bill is broad. Based on the definition of “school” found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA, (aka: “No Child Left Behind”).

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state(see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious or independent schools for any reason. Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint or seclusion was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of “physical restraint” encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide

the data, since states are obligated to report on the number of instances “for each local educational agency and each school not under the jurisdiction of a local educational agency.” Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above. We urge you to oppose this legislation unless it is amended to address these important and draconian concerns.

Sincerely,

Rev. JOHN C. HOLMES,  
ACSI Director of Gov-  
ernment Affairs.

Taken together, the concerns raised by these groups paint a picture of premature legislating and Federal overreach, in essence, attempting to solve a problem we do not fully understand in a way that could actually make it more difficult for teachers to keep their classrooms safe.

I'm especially concerned that H.R. 4247 would extend its new system of mandates into private schools. Historically, independent schools have been free from the Federal mandates attached to Federal education dollars. Private school teachers are entitled to services, but no direct funding, under the Individuals with Disabilities Education Act and other laws. Yet, under H.R. 4247, schools whose students receive services would be subject to the same prescriptive rules on the use of seclusion and restraints, despite the fact that these private schools receive no Federal funding. This is a major departure from longstanding Federal education policy.

The Council for American Private Education explains it this way: “A religious school with even a single student receiving math or reading instruction under title 1 of the Elementary and Secondary Education Act would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title.”

Another likely consequence of H.R. 4247 is increased litigation. The bill's vague and overly broad language is an invitation to trial lawyers who will eagerly take every opportunity to sue school districts who grapple with confusing and stringent new requirements. H.R. 4247 creates a climate of legal dispute by expanding the role of the protection and advocacy system of State-based trial lawyers, a clear recognition that seclusion and restraint are to become litigation magnets. In fact, there's a very real danger that schools will stop addressing safety issues entirely out of fear they could be sued. Instead, schools may resort to law enforcement to manage physically disruptive or threatening students. This will mean fewer students in the classroom and more students in police handcuffs.

Mr. Speaker, it is clear that teachers and school leaders need training and

guidance on how to keep classrooms safe. Seclusion and restraint are never the first choice for promoting positive behavior, but if they must be used, they must be used safely. It is just as clear that States, and not the Federal Government, should take the lead on developing and implementing these policies.

H.R. 4247 is a bill with good intentions, but at the end of the day it is simply not the most direct and effective way to keep our classrooms safe.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to a member of the committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. First of all, I want to thank the chairman of the Education and Labor Committee, Mr. MILLER, for his leadership on this legislation.

The hearing which was held at the Education and Labor Committee was one of the most stunning, amazing, eye-opening events, I think, of this Congress. The bipartisanship which came together after that hearing to craft this legislation, again, I think is a testament to your leadership and the bipartisanship that you have created on that committee.

Mr. Speaker, back in 1998, The Hartford Courant won a Pulitzer Prize for a four-part investigation of seclusion and restraint all across the country. The name of the series was "A Nationwide Pattern of Death," which I'd like to offer a copy of for the RECORD, and which, again, in chapter and verse, laid out the shocking, uneven application of this type of force against America's schoolchildren. In Connecticut, it actually resulted in action in terms of legislation which was put into place. Many of the minimum standards which are included in the legislation we're voting on today were incorporated into that measure. But, clearly, as a Nation, we have much more work to be done.

[From the Hartford Courant, Oct. 11, 1998]

#### A NATIONWIDE PATTERN OF DEATH

(By Eric Weiss)

Roshelle Clayborne pleaded for her life.

Slammed face-down on the floor, Clayborne's arms were yanked across her chest, her wrists gripped from behind by a mental health aide.

I can't breathe, the 16-year-old gasped.

Her last words were ignored.

A syringe delivered 50 milligrams of Thorazine into her body and, with eight staffers watching, Clayborne became, suddenly, still. Blood trickled from the corner of her mouth as she lost control of her bodily functions. Her limp body was rolled into a blanket and dumped in an 8-by-10-foot room used to seclude dangerous patients at the Laurel Ridge Residential Treatment Center in San Antonio, Texas.

The door clicked behind her.

No one watched her die.

But Roshelle Clayborne is not alone. Across the country, hundreds of patients have died after being restrained in psy-

chiatric and mental retardation facilities, many of them in strikingly similar circumstances, a Courant investigation has found.

Those who died were disproportionately young. They entered our health care system as troubled children. They left in coffins.

All of them died at the hands of those who are supposed to protect, in places intended to give sanctuary.

If Roshelle Clayborne's death last summer was not an isolated incident, neither were the recent deaths of Connecticut's Andrew McClain or Robert Rollins.

A 50-state survey by The Courant, the first of its kind ever conducted, has confirmed 142 deaths during or shortly after restraint or seclusion in the past decade. The survey focused on mental health and mental retardation facilities and group homes nationwide.

But because many of these cases go unreported, the actual number of deaths during or after restraint is many times higher.

Between 50 and 150 such deaths occur every year across the country, according to a statistical estimate commissioned by The Courant and conducted by a research specialist at the Harvard Center for Risk Analysis.

That's one to three deaths every week, 500 to 1,500 in the past decade, the study shows. "It's going on all around the country," said Dr. Jack Zusman, a psychiatrist and author of a book on restraint policy.

The nationwide trail of death leads from a 6-year-old boy in California to a 45-year-old mother of four in Utah, from a private treatment center in the deserts of Arizona to a public psychiatric hospital in the pastures of Wisconsin.

In some cases, patients died in ways and for reasons that defy common sense: a towel wrapped around the mouth of a 16-year-old boy; a 15-year-old girl wrestled to the ground after she wouldn't give up a family photograph.

Many of the actions would land a parent in jail, yet staffers and facilities were rarely punished.

"I raised my child for 17 years and I never had to restrain her, so I don't know what gave them the right to do it," said Barbara Young, whose daughter Kelly died in the Brisbane Child Treatment Center in New Jersey.

The pattern revealed by The Courant has gone either unobserved or willfully ignored by regulators, by health officials, by the legal system.

The federal government—which closely monitors the size of eggs—does not collect data on how many patients are killed by a procedure that is used every day in psychiatric and mental retardation facilities across the country.

Neither do state regulators, academics or accreditation agencies.

"Right now we don't have those numbers," said Ken August of the California Department of Health Services, "and we don't have a way to get at them."

The regulators don't ask, and the hospitals don't tell.

As more patients with mental disabilities are moved from public institutions into smaller, mostly private facilities, the need for stronger oversight and uniform standards is greater than ever.

"Patients increasingly are not in hospitals but in contract facilities where no one has the vaguest idea of what is going on," said Dr. E. Fuller Torrey, a nationally prominent psychiatrist, author and critic of the mental health care system.

Because nobody is tracking these tragedies, many restraint-related deaths go unre-

ported not only to the government, but sometimes to the families themselves.

"There is always some reticence on reporting problems because of the litigious nature of society," acknowledged Dr. Donald M. Nielsen, a senior vice president of the American Hospital Association. "I think the question is not one of reporting, but making sure there are systems in place to prevent these deaths."

Typically, though, hospitals dismiss restraint-related deaths as unfortunate flukes, not as a systemic issue. After all, they say, these patients are troubled, ill and sometimes violent.

The facility where Roshelle Clayborne died insists her death had nothing to do with the restraint. Officials there say it was a heart condition that killed the 16-year-old on Aug. 18, 1997.

Bexar County Medical Examiner Vincent DiMaio ruled that Clayborne died of natural causes, saying that restraint use was a separate "clinical issue."

But that, too, is typical in restraint cases. Medical examiners rarely connect the circumstances of the restraint to the physical cause of death, making these cases impossible to track through death certificates.

The explanations don't wash with Clayborne's grandmother.

"I'll picture her lying on that floor until the day I die," Charlene Miles said. "Roshelle had her share of problems, but good God, no one deserves to die like that."

With nobody tracking, nobody telling, nobody watching, the same deadly errors are allowed to occur again and again.

Of the 142 restraint-related deaths confirmed by The Courant's investigation:

Twenty-three people died after being restrained in face-down floor holds.

Another 20 died after they were tied up in leather wrist and ankle cuffs or vests, and ignored for hours.

Causes of death could be confirmed in 125 cases. Of those patients, 33 percent died of asphyxia, another 26 percent died of cardiac-related causes.

Ages could be confirmed in 114 cases. More than 26 percent of those were children—nearly twice the proportion they constitute in mental health institutions.

Many of the victims were so mentally or physically impaired they could not fend for themselves. Others had to be restrained after they erupted violently, without warning and for little reason.

Caring for these patients is a difficult and dangerous job, even for the best-trained workers. Staffers can suddenly find themselves the target of a thrown chair, a punch, a bite from an HIV-positive patient.

Yet the great tragedy is that many of the deaths could have been prevented by setting standards that are neither costly nor difficult: better training in restraint use; constant or frequent monitoring of patients in restraints; the banning of dangerous techniques such as face-down floor holds; CPR training for all direct-care workers.

"When you look at the statistics and realize there's a pattern, you need to start finding out why," said Dr. Rod Munoz, president of the American Psychiatric Association, when told of The Courant's findings. "We have to take action."

Mental health providers, who treat more than 9 million patients a year at an annual cost of more than \$30 billion, judge themselves by the humanity of their care. So the misuse of restraints—and the contributing factors, such as poor training and staffing—offers a disturbing window into the overall

quality of the nation's mental health system.

For their part, health care officials say restraints are used less frequently and more compassionately than ever before.

"When it comes to restraints, the public has a picture of medieval things, chains and dungeons," said Dr. Kenneth Marcus, psychiatrist in chief at Connecticut Valley Hospital in Middletown. "But it really isn't. Restraints are used to physically stabilize patients, to prevent them from being assaultive or hurting themselves."

But in case after case reviewed by The Courant, court and medical documents show that restraints are still used far too often and for all the wrong reasons: for discipline, for punishment, for the convenience of staff.

"As a nation we get all up in arms reading about human rights issues on the other side of the world, but there are some basic human rights issues that need attention right here at our back door," said Jean Allen, the adoptive mother of Tristan Sovern, a North Carolina teen who died after aides wrapped a towel and bed sheet around his head.

Others have a simple explanation for the lack of attention paid to deaths in mental health facilities.

"These are the most devalued, disenfranchised people that you can imagine," said Ron Honberg, director of legal affairs for the National Alliance of the Mentally Ill. "They are so out of sight, so out of mind, so devoid of rights, really. Who cares about them anyway?"

Few seemed to care much about Roshelle Clayborne at Laurel Ridge, where she was known as a "hell raiser."

But Clayborne had made one close friendship—with her roommate, Lisa Allen. Allen remembers showing Clayborne how to throw a football during afternoon recess on that summer afternoon in 1997.

"She just couldn't seem to get it right and she was getting more and more frustrated. But I told her it was OK, we'd try again tomorrow," said Allen, who has since rejoined her family in Indiana.

Within three hours, Clayborne was dead. She had attacked staff members with pencils. And staffers had a routine for hell raisers.

"This is the way we do it with Roshelle," a worker later told state regulators. "Boom, boom, boom: [medications] and restraints and seclusion."

After she was restrained, Roshelle Clayborne lay in her own waste and vomit for five minutes before anyone noticed she hadn't moved. Three staffers tried in vain to find a pulse. Two went looking for a ventilation mask and oxygen bag, emergency equipment they never found.

During all this time, no one started CPR.

"It wouldn't have worked anyway," Vanessa Lewis, the licensed vocational nurse on duty, later declared to state regulators.

By the time a registered nurse arrived and began CPR, it was too late. Clayborne never revived.

In their final report on Clayborne's death, Texas state regulators cited Laurel Ridge for five serious violations and found staff failed to protect her health and safety during the restraint. They recommended Laurel Ridge be closed.

Instead, the state placed Laurel Ridge on a one-year probation in February and the center remains open for business. In a prepared statement, Laurel Ridge said it has complied with the state's concerns—and it pointed out the difficulty in treating someone with Clayborne's background.

"Roshelle Clayborne, a ward of the state, had a very troubled and extensive psychiatric history, which is why Laurel Ridge was chosen to treat her," the statement said. "Roshelle's death was a tragic event and we empathize with the family."

With no criminal prosecution and little regulatory action, the Clayborne family is now suing in civil court. The Austin chapter of the NAACP and the private watchdog group Citizens Human Rights Commission of Texas are asking for a federal civil rights investigation into the death of Clayborne.

Medications and restraint and seclusion. Clayborne's friend, Lisa Allen, knew the routine well, too.

For six years, Allen, now 18, lived in mental health facilities in Indiana and Texas, where her explosive personality would often boil over and land her in trouble.

By her own estimate, Allen was restrained "thousands" of times and she bears the scars to prove it: a mark on her knee from a rug burn when she was restrained on a carpet; the loss of part of a birthmark on her forehead when she was slammed against a concrete wall.

Exactly two weeks after Roshelle Clayborne's death, Lisa Allen found herself in the same position as her friend.

The same aide had pinned her arms across her chest. Thorazine was pumped into her system. She was deposited in the seclusion room.

"It felt like my lungs were being squished together," Allen said.

But Lisa Allen was one of the lucky ones. She survived.

The fact of the matter is that today, 19 States have no laws or regulations related to the use of seclusion or restraints in school. Seven States place some restrictions on restraint, but do not regulate seclusions. That's within the 31 that was referred to by Mr. KLINE. Seventeen States require that selected staff receive training before being permitted to restrain children. The rest do not. Thirteen States require schools to obtain consent prior to foreseeable or nonemergency physical restraints, while 19 require parents to be notified afterwards. Only two States require annual reporting on the use of restraints. Eight States specifically prohibit the use of prone restraints or restraints that impede a child's ability to breathe.

I would argue, Mr. Speaker, that as a government, as a Nation that provides massive amounts of education dollars across the country, we would never countenance racial discrimination or gender discrimination by any institutions that receive those funds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 1 additional minute.

Mr. COURTNEY. I don't think it's too much to say that we should not allow these types of practices which, in some instances, result in, as the chairman said, actual deaths and traumatic lifelong injuries, to be countenanced by the American taxpayer. This measure establishes minimum standards. It establishes transparency. It gives us as a

country the opportunity to allow States to take leadership in terms of implementing their own rules and regulations. But it says as a Nation we are not going to tolerate this type of behavior, of which schools themselves are mandated reporters. If it was happening in a child's home, and as a teacher became aware of it, they would be required by law to report it to child protection agencies as a result of Federal law. We can do at least as much for the school environment which children go to every day in this country.

I urge a strong, powerful bipartisan vote in support of this legislation so that we can raise our children to a new level as they go to school every day.

□ 1500

Mr. KLINE of Minnesota. Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Children Safe Act, and I urge my colleagues to support it as well.

When is it appropriate to lock up or tie up a child, or handcuff a child to a desk? Common sense tells us these extreme measures should not ever be used against children with autism or Down syndrome or other learning disabilities. Yet the truth is there are thousands of incidents reported involving the inappropriate use of seclusion and restraint. Reports by the National Disability Rights Network, GAO, and others reveal that our children are at risk for serious injury and even death in the school setting.

The bill we are considering today outlines minimum standards that must be included in guidelines issued by the Department of Education. States then have the flexibility to determine how best to proceed. For the 10 States that already have comprehensive policies, all they need to do is show what they have already done. For the other States, the law will put in motion a review of current practices and a chance to put in place adequate guidelines. I would like to emphasize that these are guidelines. These are standards, like parents should be notified, that seclusion and restraints should only be used as a last resort, that training needs to be given to staff. I believe more often than not staff don't even know how to respond. And I would also like to emphasize that there is no private cause of action. This bill is not opening up all these lawsuits.

When we send our son Cole to school, my husband Brian and I send him with the expectation that he is safe from danger. We entrust him to teachers, and principals, and aides. And I know that those school personnel have done an outstanding job to keep him safe. But this has not been the case for other children.

Students have been traumatized, injured, and even died in the classroom. Ignorance is not bliss for the children who have been harmed. And many times parents are not even aware of these practices. More than anything, I want teachers and school administrators to have the support for children who become anxious and unruly. If they better understand the situation, they will know that there are more positive choices to teach children rather than using harmful techniques such as restraint and seclusion.

Under the Children's Health Act, current law includes these kind of protections for children in public and private hospitals, medical and residential facilities. And this bill would add those same protections for our children in schools.

There are some that believe this is an unprecedented expansion of Federal authority, but I disagree. The Federal Government is involved in the schools. The Federal Government is the one that mandated that every child should have access to an education, including those with special needs. When we enacted the Individuals with Disabilities Education Act, we committed to ensuring that children with special needs have access to a free, appropriate public education. This bill ensures those children, as well as all students, are safe.

I urge my colleagues to protect our children by supporting the Keeping All Students Safe Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 10 seconds.

I thank the gentlewoman from Washington. I don't believe she was in the Chamber at that time, but I want to again thank her, while she is here, for all of her work and all of her effort to bring this bill to the floor. I enjoyed working with her.

At this time I would like to yield 2 minutes to the gentleman from New Jersey (Mr. SIREs).

Mr. SIREs. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act. I would like to thank Chairman MILLER as well as the members and staff of the Education and Labor Committee for their leadership on this crucial piece of legislation.

Last year, Chairman MILLER requested that the GAO investigate allegations of abuse in schools. The GAO report revealed many cases of abuse and harmful restraint, and most of those cases involved children with disabilities. Additionally, the GAO report found that no Federal agency or other entity collects comprehensive information on these practices that occur in our schools. Without consistent data collection, it is impossible to calculate an accurate number of children, families, and schools that have been affected by these harmful practices.

Just one instance of harmful restraint of our children is one too many.

Unfortunately, there have been hundreds of allegations, and some children have even died. Unlike federally funded institutions such as hospitals, schools have no Federal laws that address minimum safety standards in schools. Instead, State laws and regulations vary tremendously, which leave our children vulnerable. Indeed, New Jersey is one of the 19 States with no laws or regulations related to seclusion or restraint in schools. It is imperative that we protect our children and provide them with a safe place to grow and develop.

As a former teacher, I know that teachers and other school employees have the best interests of the children at heart. This legislation can address the problems of harmful restraints and ensure the safety of both children and school professionals. This bill will provide grants for professional development training and also give States and local districts the flexibility to determine training needs. Our children deserve to learn in a secure, protected environment, and a Federal solution to this problem is long overdue.

I urge my colleagues to support this legislation.

Mr. KLINE of Minnesota. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank my colleague for yielding time.

No one wants children to be in danger in this country, especially children who are in public institutions designed to serve them. Teachers, principals, and other school personnel have a responsibility to ensure the environment is maintained at all times. In many cases, it is vitally important, though, that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the child.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place that govern the use of seclusion and restraints in schools. An additional 11 have policies and guidelines in place, and in some cases school districts may also have their own guidelines governing the use of such practices in the classroom.

In addition, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and whether they result in child abuse. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically the 10th amendment. The authors of this amendment, ratified in 1971, remem-

bered what it was like to be under the thumb of a distant, all-powerful government and understood that a one-size-fits-all approach just doesn't work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily, and insidiously eroded the notion of States' rights and our individual liberties. What we need to focus on, as the distinguished ranking member talked about earlier, is the strong punishment of those who do wrong, but not to create costs to the local units of government who must comply with Federal rules and regulations, and in addition giving the Federal Government authority it should not have.

This bill is not needed. The States and the localities can handle these situations. They will look after the children. They are the people closest to the children that they are serving. They will do it. If they don't do it, the community will be up in arms and will require them to do that.

I urge my colleagues to vote "no" on this legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. I thank the chair.

Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act, and I am proud to be a cosponsor of this very important piece of legislation.

Mr. Speaker, I want to begin by acknowledging the sponsor of this bill, Chairman MILLER. Because of his commitment to protecting students from abuse, our schools are safe havens once again.

Mr. Speaker, restraint and seclusion in schools is often unregulated and is too frequently used for behaviors that do not pose danger to the children or others. These emergency interventions are also disproportionately used on some of our most vulnerable students, children with disabilities.

Today Fragile X advocates, including my constituent, Holly Roos, are here to lobby Congress to pass H.R. 4247. Holly's son Parker was diagnosed with Fragile X Syndrome, the most common known cause of inherited mental impairment in the world. I met with Holly today, and she is concerned that Parker, her son, was inappropriately restrained at school because he seemed to be exhibiting aggressive behavior after a possible seizure.

Mr. Speaker, Parker is a real life example that speaks to the importance of adopting minimum safety standards for the use of restraint and seclusion in our schools.

Mr. Speaker, I am pleased that this bill also makes an investment in positive behavior supports, an evidence-based approach designed to create a positive school climate that reinforces good behaviors and supports academic

achievement. My State of Illinois has effectively reduced the majority of behaviors which resulted in the use of seclusion and restraint by implementing this preventative approach throughout the school system.

This bill ensures our schools are safer and more effective learning environments. I urge all my colleagues to vote for H.R. 4247.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield now 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Minnesota for yielding, and I appreciate the stance that he is taking on this bill, H.R. 4247.

First, Mr. Speaker, I would say a couple of words about the 10th amendment and those rights that are reserved for the States or to the people respectively. What are the States doing wrong? How is it that the States, that now 31 of them have some type of controlling legislation, another 15 States are taking a look at this, that adds up to 46 States that could potentially have this resolved each in their own fashion, what is the crisis that requires Uncle Sam to step in and ignore the direct guidance in the 10th amendment of the Constitution itself?

So I am going to stand on the States' rights side. And if I were in one of these States, and if this legislation were to pass, my response would be to the Federal Government, Keep your money. We don't need these strings attached, because it is one thing after another after another after another. And pretty soon it is a national curriculum with Federal mandates and imposing cultural impositions at the school level in every accredited district in the country.

And one of the cases in point will be, if this is about keeping our students safe, if this is about the Keeping All Students Safe Act, which is the title of it, then we ought to take a look at the President's czar. The President has appointed a Safe and Drug-Free Schools czar. His name is Kevin Jennings. I don't know what Kevin Jennings says about this particular bill, but if he is appointed to this task, I would think he would have been the person that testified before the hearings. But I suspect that the President of the United States isn't interested in having Kevin Jennings come before the cameras here in the United States Congress because he has made a totality of his life about promoting homosexuality within the schools, and much of it at the elementary school level.

He has written a foreword in a book called *Queering Elementary Education* in a favorable fashion, which aims to indoctrinate elementary students with homosexuality. Additionally, Kevin Jennings has written several other books. One of them is *Mama's Boy*, *Preacher's Son*, where he describes his own use of illegal and illicit drugs, and

written about it in a cavalier fashion. He has not retracted those statements.

If he is going to be about safe and drug-free schools, there should be something he had to offer about safety for kids and drug-free for kids. That could possibly be something that we could take up in here. But the czar of Safe and Drug-Free Schools has another agenda. It is the promotion of homosexuality within our schools.

Kevin Jennings has spoken in a favorable way about Harry Hay, who was on the cover of NAMBLA magazine, the North American Man/Boy Love Association magazine. Kevin Jennings said of Harry Hay that he is always inspired by Harry Hay. Additionally, some of these things, Mr. Speaker, I am just not going to say into the record. If I did so, I imagine somebody, at least on my side of the aisle, would move to take my words down. Some of it is that revolting. And this is the Safe and Drug-Free Schools czar, who has crossed the line over and over again, made a complete career about advocating for homosexuality in our schools, much of it in our elementary schools. This is the man that the President of the United States has appointed as the Safe and Drug-Free Schools czar.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. Children with autism, many of whom are nonverbal or have other communications challenges, are especially vulnerable to dangerous interventions at school by staff who can at times be ill-prepared to deal with unique behavioral issues.

I sat recently with a constituent from Greenwich, whose autistic daughter suffered terrible isolation and trauma in her school years, and who herself founded a group of volunteer advocates whose sole mission is to prevent other autistic children from suffering these same abuses.

The GAO study cited by my colleagues included stories which shock the conscience: a 7-year-old who died after being held face down for hours by school staff, and 5-year-olds allegedly being tied to chairs with bungee cords and duct tape by their teacher and suffering broken arms and bloody noses. These could have been your children or mine.

This legislation is an important step toward ending inhumane treatment of children with autism and other disabilities who, like all students, should be able to trust their educators and feel completely safe in their school environments.

There are, of course, rare and extreme emergencies where it may be necessary to physically intervene. But we affirm today, Mr. Speaker, that any behavioral intervention must be con-

sistent with a child's right to be treated with dignity and to be free from abuse.

□ 1515

With the help of this bill, teachers and school personnel will be trained regularly, and parents will be kept informed on the policies which keep our schools orderly and safe and on the alternatives available to traditional forms of restraint and seclusion.

I'm grateful to my friends in the autism advocacy community, including Autism Speaks and the Greenwich-based Friends of Autistic People, for their tireless work on this issue. Children with autism deserve the same rights available to all children, a free and appropriate education, safety and dignity. This bill is a step in the right direction, and I urge my colleagues to support it.

Mr. KLINE of Minnesota. Mr. Speaker, before I yield to the gentleman from Texas, I would like to yield myself a minute.

My friend from Illinois was just here. I'm sorry that he left. He underscored for me one of the many problems with this legislation. It turns out that Illinois is one of those States that actually has a very strong seclusion and restraint law. They passed it in 2001. It went into effect in 2002; and in 2006, there was an incident, one of those reported by the GAO, where a teacher restricted a child inappropriately. The teacher was prosecuted, found guilty, and yet I find it interesting that even today, or the last look that we had at this, she still has a teacher's certificate to be a substitute teacher in Illinois, something which this bill doesn't address either. We need to get these teachers out of the teaching business.

It just makes a point that when you pass a law, it doesn't automatically keep kids safe. You have got to enforce that law. You've got to educate folks, and you've got to have people locally take an active interest.

At this time, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman from Minnesota.

Truly, the examples that were given here today of children who have lost their lives, children who have suffered is untenable. There is nobody in this body that I can imagine who would think this is appropriate. Of course it is not. Our hearts go out to the families, all of us who have raised children, had children go through school. I have a great fear of something like that.

But there was also a fear that our Founders had. There was a fear of even coming together for the Constitutional Convention because they were afraid that it would allow for a Constitution that would set in motion a Federal Government that would continue to take away the powers of the people in the local government and the State



government. So the only way they were able to come together on this Constitution was to assure the people there that if they would pass the Constitution, they would put together 10 amendments to make sure that the Federal Government would never do the very things we're doing here.

There is no State that would put up with this knowingly. Every State would say, This is ridiculous; of course we don't want children killed in school. But what gets me is during my first 2 years here when we were in the majority in this body, I was one of the few Republicans that said No Child Left Behind is not appropriate. And I was joined by many across the aisle who said the Federal Government shouldn't have a program like No Child Left Behind. You don't know more here in Washington than people know back in the school districts. And I appreciated the support of my colleagues across the aisle. I told that to the White House. That's an area we are going to disagree on because you should not be mandating back to the States and the local governments and the local school boards, because they are competent.

I know that it's not the intent of this bill, but the underlying message is, You people back in your States and local school boards and local governments are a bunch of morons. You can't figure out that sitting on a precious little child and killing them is inappropriate. So the big, smart Federal Government has to come in and let you know that that's not appropriate. We don't need that. We didn't need No Child Left Behind as a mandate rammed down the throats of the State and local government. We don't need this. We need logic and reason, and we need proper schooling; but it doesn't come at the tip of a fist mandate from Washington.

We need to encourage the States to do the right thing. But under the 10th Amendment, the power is not delegated to the United States by the Constitution nor prohibited by it to the States or reserved to the States. We doggone sure ought to respect that.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from California for his leadership on this measure.

Mr. Speaker, I rise today in support of H.R. 4247, the Keeping All Students Safe Act. This bill is aimed at restricting some of the most abusive practices still employed in certain schools around the country: negligent restraint and abusive seclusion.

Last spring, the Education and Labor Committee heard testimony from the Government Accountability Office, which investigated the use of these practices in schools. What the GAO found was stunning. There were many instances of serious injury and abuse

and even some accounts of death. Even more troubling to me, as a strong supporter of disability rights in special education, was that many of the victims were students with intellectual disabilities.

This bill is meant to protect our most vulnerable students against the worst kinds of abuse. The committee heard about a 4-year-old girl with cerebral palsy and autism who was restrained in the chair with leather straps for being uncooperative at school. The girl suffered bruises and was later diagnosed with post-traumatic stress disorder.

In another instance, five children, ages 5, 6 and 7, were gagged and duct taped for misbehaving in another school. At a school in my State of New York, a 9-year-old child with a learning disability was put in a time-out room for hours on end for whistling, slouching and hand waving. The child's hands became blistered when he tried repeatedly to escape the room described as smelling of urine. Finally, the committee heard the case of a 14-year-old boy who, because he did not stay seated in class, was restrained by his teacher. The 230-pound teacher put the boy face-down on the floor and lay on top, restricting his breathing and ultimately suffocating him. At the time the committee heard this testimony, the teacher was still teaching in the suburbs of Washington, D.C.

This is the kind of restraint and seclusion we're saying cannot be used. We cannot allow this neglect and abuse of our Nation's children to continue one more day. Please support this bill to keep our students and our schools safe.

Mr. KLINE of Minnesota. Mr. Speaker, can I inquire as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes left, and the gentleman from California has 12 minutes left.

Mr. GEORGE MILLER of California. If I might just yield to myself to respond to the inquiry. We have Mr. LANGEVIN who is waiting to speak, and I think Mrs. MCCARTHY is on her way.

Mr. KLINE of Minnesota. I will be yielding to Mr. SOUDER momentarily, and then I will close.

Mr. Speaker, at this time I am very pleased to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member, Mr. KLINE, and our chairman, Mr. MILLER.

This is one of these bills you kind of go, Well, how could you possibly favor tying kids up and putting tape across them or letting people abuse them? That isn't what this is really about. I am going to make four basic points, which I know we have been making all afternoon, but there is no harm with repetition because they are important.

One, there is no reliable data on how much use there is of these techniques.

We've heard all sorts of individual horror stories that my sociology prof used to call "my Aunt Annie stories." We have some real cases of abuse that need to be addressed. We have others of a wide variety. I, for example, would abhor most of them. I don't find being made to stand in a corner quite the same as some others might, but I think there is a wide range. We need to know how many of these are serious, how many of these justify intervention, and how many of them are things where there is a difference of opinion. It also fails to acknowledge in this bill that 31 States have had this, and this is a one-size-fits-all, and that many other States who don't have it are doing it. This is the ultimate arrogance.

We are saying that basically State legislators believe that their kids should be tied up, mouths taped, they should be abused, and they're too ignorant to fix this. Since when do we get to always determine the speed and kind of satisfactory level of intervention that a State does, particularly since we don't have the data to prove our case?

Thirdly, it doesn't exempt private schools. Even though there is no direct funding from the Federal Government, we have to have some kind of a clause or a hook that the Federal Government is going in and taking over this since they would be covered by State law on human rights or student rights cases. Private schools generally don't even get direct funding or indirect funding, although some do. And about half of the private, independent schools would fall under that hook, and the danger, of course, is that it could be broader.

Lastly, the bill fails to clarify or delete language that may open States and school districts up to additional litigation. In other words, adverse behavioral interventions that compromise health and safety is undefined and would have to be litigated.

But I want to come back to a basic thing. Number one is, What is the constitutional justification? We have this debate in education a lot that things are reserved to the States that aren't given to the Federal Government. Now we're going to a second degree in the education. Now maybe this comes under the clause that says, If States don't move as fast as we would like them to, then we can intervene and take over their jurisdiction. Maybe it comes under the clause that as we get emotionally upset about something, and we're emotionally moved about a case we saw on TV, therefore the Federal Government and Congress have a right to take it over.

It is truly tragic in thinking that we're the only ones to address this. We had a clause, after the Republicans had first taken over Congress, that we were trying to put in and had in, briefly, that says, Put the constitutional justification of why this is uniquely the problem of the Federal Government



and how the Constitution, in effect, justifies that intervention. And generally speaking, what we saw was, Promote the general welfare. Promote the general welfare. Promote the general welfare. Promote the general welfare.

Now, Thomas Jefferson said that this clause, in a letter which I believe was to Madison, was the most pernicious, I believe was the word he used, clause in the Constitution and it would be abused by future generations to justify Federal intervention wherever they felt they wanted to intervene and that ultimately, unless that "promote the general welfare" was restrained by Congress itself and by the courts, that Congress would intervene on a regular basis, and ultimately everything that is reserved for the States would be at the Federal level.

I believe there are times, such as in civil rights cases, where there were clear, systemic, systematic, multigenerational interventions that we needed to get in; that many times those who were more States' rights-oriented defended their positions based on States' rights.

But what we're looking at today is insufficient data. We're looking at the States actually addressing it. Thirty-one States have addressed it. A number of others—the bulk of the rest of them actually have laws up at this time. And I see no reason, no compelling evidence of why we need to do this as opposed to the State legislators. I see no compelling constitutional justification for it. And I believe that Thomas Jefferson, were he here, would call this a pernicious use of promoting the general welfare even though the end-all in the hearts of the people who are doing this are motivated for the right reasons. They care about the safety of the kids. They're worried about whether kids are going to be harmed in the schools, and we all are, and so, quite frankly, are State representatives and State senators.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. As a cosponsor, I am certainly pleased that for the first time this bipartisan legislation will protect all children in schools from harmful uses of restraint and seclusion.

The need for this legislation was highlighted by a recent GAO report that found hundreds of cases of schoolchildren being abused as a result of inappropriate uses of restraint and seclusion, often involving untrained staff. One of these cases included a locked isolation room in a school basement at a school in Rhode Island, my home State. This room was used to restrict a student who was deemed overly aggressive and another who showed undesirable behavior.

Well, this bill will provide the proper guidance to ensure that our schools and educators are treating children appropriately. I have been a strong advocate in Congress to educate colleagues on the value that individuals with developmental disabilities can bring to society with the right system of support. The bill that's before us today represents an important step in ensuring that these children are treated fairly and given the opportunities they deserve to succeed in school. I look forward to continuing working together on our work to make sure that our children with developmental disabilities receive the care that they need to reach their full potential.

□ 1530

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time to close.

I wanted to touch on a couple of things that we have talked about in the course of this debate that I find to be interesting. We have heard an appeal from one of the Members here on the floor, I think it was the gentleman from Illinois, who said he was applauding this evidence-based approach. And yet we have heard other Members say we have insufficient data. I must admit that I fall in the latter category. We really don't know the extent of the situation.

We have heard the numbers quoted. California, for example, is quoted as having 14,000 incidents. We really don't know what is in those 14,000. These include emergency interventions. So we don't know if that's the case of a teacher breaking up a fight or stopping an argument. It is certainly not 14,000 cases of taping children to their chairs, and I don't think anybody in this body believes that is the case.

But the point is we don't know. We don't know, and yet we are using numbers as though they were gospel.

Look, on this issue let's start with what we agree on. We agree students and teachers should be safe at school. We agree children with disabilities are especially vulnerable because they may struggle with behavioral and communication problems that are difficult for teachers to control. As a result, children with disabilities have been more likely to be restrained or placed in seclusion when, in many cases, positive behavioral interventions could be much more successful and pose a lower risk to students.

We also agree that teachers must be able to protect students with serious behavioral problems from injuring themselves or their classmates or their teachers.

The only real disagreement, outside some dispute over the data and the evidence and the GAO report, and I find the GAO report particularly interesting because it cited 10 incidents of really egregious behavior in seclusion

and restraint. Of course, one of those incidents was 18 years ago, two were 12 years ago, and the most recent was 4 years ago. It just seems to me, when we are going to enact this kind of legislation, this sort of Federal overreach, in my judgment, we ought to have better data.

So our only real disagreement is who should address the use of seclusion and restraint in schools. I believe States and local school districts have an obligation to keep their classrooms safe. I have seen real progress from the 46 States that have or will soon have their own policies to train teachers on how to handle difficult behavior and to ensure seclusion or restraints are only used to protect children from harming themselves or others.

I believe the Federal Government has historically limited its reach into private schools, and it would be a mistake to start applying new Federal mandates to independent schools that do not receive taxpayer funding. I also believe that we do not protect schools by empowering trial lawyers.

For all of these reasons, I continue to oppose H.R. 4247. Through hearings and public outreach, Members of Congress have successfully spurred a national dialogue about the dangers of these strategies for controlling student behavior. That dialogue is a positive step, as is the action it has prompted at the State and local level. Let's not discard the work of these States and districts.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the argument against this legislation is that somehow 31 States have taken care of this problem and that we all share the concern. The facts are that 31 States have not taken care of this problem. As we pointed out, in a number of States, it only goes to one particular population in that school, in that setting, or to an age bracket, or to just reporting, what have you. These are not laws that are designed to protect these children in this situation.

Illinois has been cited. Illinois is very close to what you would like to see have happen, and they have spent a lot of effort trying to do that.

But in my own State, we talk about the 14,000. When you ask the person responsible for this, they say, We don't use the data. So is that sufficient for Members of Congress? California has "addressed the problem"? Yes, they collect data that they refuse to characterize or do anything else with.

Paige could have been in that data. She could have been one of those 14,000.

So I think we have to understand. I appreciate there is a difference here about the approach. But as Mr. COURTNEY pointed out, in 1998 we had a national discussion, an expose of many of

the same behaviors that are going on today, it is 12 years later, and children are still being abused, dramatically abused. Restraint and seclusion is being dramatically misused. It is being used by people who don't know what to do in that situation. They have not been trained.

I find it interesting that the school boards who have to live with this problem on an everyday basis support this legislation. The classroom teachers who have to live with this on an everyday basis support this legislation. People who are on the front lines want this legislation passed because it will bring them greater understanding, greater knowledge, greater skill, and greater training to deal in these situations. An understanding, yes, there are situations where, in an emergency case, where there is a danger to the individual student or to others, that this may be proper. But it also takes training to understand that and how you use it.

I refuse to believe that was the 14,000 incidents in California, that each one of those was an emergency, dangerous situation. They may say it is an emergency, but in California they don't describe what an emergency is. So compliance with current law all across this country is not a big deal. It is not doing much for the families of these children. It is not doing much to protect these children.

That is why we move. We move with some minimum standards about taping children, mechanical restraints of children, about secluding very young children in darkness for hours at a time, maybe repeatedly for days on end. You should not be able to do that.

We have other investigations in the committee where the simple withdrawal of water has killed children because of dehydration. So we ought not to withdraw water here. We ought to not withdraw food as a means of punishment. We ought not deny them the use of the bathroom facilities. We ought not have them in a situation where they are soiling themselves in front of their classmates, where they are humiliated, where circles are drawn around their chair and they sit in the classroom tied down by duct tape, while they are humiliated and pointed at by the teacher. These are 4- and 5- and 6-year-old kids. None of us would stand for this with our children or our grandchildren, not for a minute. But many of these parents are never notified that this is happening to their children. Many of the grandparents are never notified that this is happening to a child that they were caring for. Many of the foster parents are never notified that their children are in danger, in peril. Think about it. Just put the vision of your child, your grandchild, your next-door neighbor child in this picture.

And you want to say, We have addressed it; the States have addressed it;

there is no role for the Federal Government. Well, who the hell is going to step in and protect these children? They can't do it themselves.

This may not be perfect, but we ought to take this step to put us on record that we are prepared to do something to end this practice, this abuse, this torture, of very young children, in many instances children with disabilities, children who are unable to communicate in an effective fashion. Just think about that. Think about your family. You don't have to take this to the abstract. These children cannot defend themselves against this practice, and their parents can't speak for them if they don't know. These children can't control themselves if they are denied the use of a bathroom facility.

That is what this legislation is about. It is about whether or not we are going to take this step, whether or not this step is important, and I do not believe that you can nullify this by suggesting that somehow because 31 States have done something, that this problem need not be addressed, need not have our attention. We cannot do this to these children and these families.

I urge my colleagues to vote for this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, first, I want to applaud Chairman MILLER on this important, bipartisan bill.

As we know, the use of seclusion and restraint has resulted in harm to schoolchildren, and also death in some cases.

This is wrong, and I am glad we are taking this important step to change it.

I am proud to have been one of the first cosponsors of the bill.

I also want to thank the Committee for working with me to include a technical change important to New York.

The definition of Chemical Restraint would have required that only a "licensed physician" be allowed to administer any medication prescribed by the physician for the standard treatment of a student's medical condition.

However, in New York and other states, we allow health professionals other than physicians, such as nurse practitioners, to prescribe drugs.

I am glad we have been able to correct the bill to allow states this flexibility.

While I am happy the House is moving ahead on this important bill, I want to say a word about the issue of corporal punishment—that is hitting of children in schools. Each year in the United States, hundreds of thousands of schoolchildren in twenty states are hit in public schools according to the Department of Education.

However, thirty, including my state of New York, states have appropriately banned this practice.

Often this is called "paddling" and the student is struck with a wooden paddle, which can result in bruises, other medical complications that may require hospitalization.

Just as with seclusion and restraint, paddling can cause immediate pain, lasting physical injury, and on-going mental distress.

Gross racial disparity exists in the hitting of public school children.

Further, public school children with disabilities are hit at approximately twice the rate of the general student population in some States.

Corporal punishment is associated with increased aggression in the punished child, physical and emotional harms, and higher rates of drop out, suspension, and vandalism of school property.

The federal government has outlawed physical punishment in prisons, jails and medical facilities.

Yet our children sitting in a classroom are targets for hitting.

We know safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

Hitting children humiliates them.

Hitting children makes them feel helpless.

Hitting children makes them feel depressed.

Hitting children makes children angry.

Hitting children teaches them that it is a legitimate way to handle conflict.

We are adults.

We shouldn't be hitting kids in schools.

One of my other concerns is that by placing restrictions only on seclusion and restraint and allowing hitting to continue, we may be encouraging hitting.

Instead, we, as a nation, should move toward these alternative strategies when it comes to our schoolchildren.

I plan to introduce legislation in the next few weeks to ban the use of corporal punishment in schools and look forward to hearings in the Committee on this topic.

In the meantime, I urge all my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4247, the Keeping All Students Safe Act. At the outset, let me thank Chairman MILLER, Congresswoman MCCARTHY, Congresswoman MCMORRIS RODGERS, and Congressman PLATTS for their leadership on this bill.

Last year, the Committee on Education and Labor held a hearing that examined the disturbing and shocking use of restraint and seclusion in schools. The hearing made clear that federal and state officials have little information about the frequency, nature, or effectiveness of these potentially deadly practices in educational settings. Witnesses expressed concerns that certain groups of children and youth—especially those in special education—may be at heightened risk to experience these interventions. The hearing further presented numerous studies, including one by the Government Accountability Office, documenting the need to restrict these practice to emergencies, provide staff training, and report data about which students experience these practices.

Given that minority students are disproportionately referred to special education and given that minority students are disproportionately suspended and expelled, a number of my colleagues within the Congressional Black Caucus and I have serious concerns that minority children disproportionately experience these harmful and sometimes deadly restraint and seclusion practices. Given our concerns, we asked Chairman MILLER to lead a federal

effort to document these practices and limit abuses. This bill provides such leadership. Passage of this important legislation will help regulate the use of seclusion and restraint, further document its use, and eventually eliminate the use of abusive restraint and seclusion through appropriate training.

H.R. 4247 provides basic protections for students within schools while still giving states and local districts the flexibility to tailor policies and procedures to meet their needs. This bill provides a balanced approach. It recognizes that there are times when danger is imminent and when restraint may be necessary. It also recognizes that seclusion and restraint are not educational services or therapeutic treatments and, consequently, should be administered by trained personnel and should be monitored.

The Keeping All Students Safe Act is bipartisan legislation that provides overdue federal leadership to document and regulate these techniques and to eliminate abusive tactics.

Mr. TERRY. Mr. Speaker, I rise today to oppose H.R. 4247, the "Keeping All Students Safe Act."

I have spoken with officials from the Nebraska Department of Education and superintendents in my District and the overwhelming conclusion that I reached was that my local school districts are doing a good job of dealing with student discipline. The guidelines and procedures that are now in place are intended to keep every student safe in the school environment.

Like many states, Nebraska makes any form of corporal punishment illegal and teachers or staff can be disciplined for unprofessional behavior or even be terminated for any verbal or physical abuse of a student. Based on the information provided by my school officials, there has not been any significant problems with the treatment of students in my district. Therefore, I really do not see the need for this legislation. It will become just one more federal intrusion into our local education systems.

Mr. CONYERS. Mr. Speaker, today I rise to commend Chairman MILLER and Congresswoman MCMORRIS RODGERS for their work and dedication on this issue. We all want our children to have the highest quality education and educational experience available. That cannot happen in an environment where students, paraprofessionals, teachers and administrators are not safe.

This bill establishes standards that will ensure that those in classroom settings are safe and will prevent and reduce inappropriate restraint and seclusion by establishing minimum safety standards in schools, similar to protections already in place in hospitals and non-medical community-based facilities. By establishing minimum standards for situations that require the seclusion of students, this bill offers support to the nineteen states that have no standards set for such situations.

Special education students are at a higher risk of being harmfully restrained. Because minority children are disproportionately placed in special education, this bill will offer them protection against harmful actions such as being denied food in order to punish or preempt behaviors. By setting minimum standards that apply to the whole student body, H.R. 4247 protects students without singling out anyone

or placing a stigma on a child or a group of children.

I am sensitive to the concerns of those who worry that they may lose the ability to implement certain behavioral interventions. I wish to continue this discussion with an eye toward further improvements in safety. This bill's parent notification provision is a positive step towards a continual dialogue between educational stakeholders that we in Congress can participate in. To those who have expressed concern over this bill, I want you to know that this bill is part of the on going conversation about students' safety in school and does not signal the end of our efforts to protect students.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to support the Keeping All Students Safe Act, a commonsense measure to provide guidance for teachers and schools on the use of seclusion and restraints.

Last year, the Government Accountability Office found hundreds of cases of alleged abuse of seclusion and restraints, including cases that resulted in death. And while federal law provides minimum safety standards for the use of these interventions in hospitals and other facilities supported by federal dollars, there are no federal rules for public or private schools.

Today's bill sets basic standards and gives states 2 years to implement their own policies, procedures, monitoring, and enforcement systems to meet them. It provides grants to help train school staff and implement positive behavior support programs. And it increases transparency and oversight by requiring states, for the first time, to collect and report data annually to the Secretary of Education.

With these measures, we can ensure the safe learning environment that all our students deserve. I encourage my colleagues to join me and support this bill.

The SPEAKER pro tempore. All time for debate on the bill, as amended, has expired.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part A of House Report 111-425 offered by Mr. GEORGE MILLER of California:

Page 3, beginning on line 4, strike "Preventing Harmful Restraint and Seclusion in Schools Act" and insert "Keeping All Students Safe Act".

Page 7, line 3, insert ", or other qualified health professional acting under the scope of the professional's authority under State law," after "physician".

Page 7, line 7, insert "or other qualified health professional acting under the scope of the professional's authority under State law" after "physician".

Page 9, line 13, insert "local educational agency," before "educational service agency".

Page 10, line 22, insert "training in" before "evidence-based".

Page 11, line 1, insert "training in" before "evidence-based".

Page 11, line 9, insert "training in" before "first aid".

Page 14, line 15, strike "and local educational agencies" and insert ", in consultation with local educational agencies and private school officials.".

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

The manager's amendment makes minor technical corrections and clarifications. It renames the bill Keeping All Students Safe Act. The amendment adds clarifying language to the definition of "chemical restraint" to exclude medications prescribed and administered by qualified health professionals acting under State law. It fixes the definition of "school" to include all schools and programs under the jurisdiction of the local educational agency. It clarifies language describing "State-approved crisis intervention training program," and the amendment requires States to consult with private school officials on determining that a sufficient number of personnel are trained to meet the needs of the student population.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise to claim the time in opposition, although I will not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. I yield myself such time as I may consume.

I agree with the chairman. This is a technical amendment. It changes the short title of the bill and some other technical and clarifying changes to the bill. While I still cannot support the underlying bill, we have no objection to this. I will vote for it and encourage my colleagues to vote for it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part B of House Report 111-425 offered by Mr. FLAKE:

Add at the end the following:

**"SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.**

**"(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this**

Act will be awarded using competitive procedures based on merit.

“(b) REPORT TO CONGRESS.—If grants are awarded under this Act using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

**“SEC. 14. PROHIBITION ON EARMARKS.**

“None of the funds appropriated to carry out this Act may be used for a congressional earmark as defined in clause 9e, of Rule XXI of the rules of the House of Representatives of the 111th Congress.”.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

This amendment is noncontroversial in nature. Section 7 of the bill would create a new discretionary grant program to assist State education agencies in meeting the regulations established in the bill, collecting and analyzing data, and implementing the schoolwide positive behavior support approach. This grant program is to be funded out of the authorization provided in the bill for such sums as necessary.

While State agencies will have to apply for these grants, it is unclear if the grants will be awarded on a competitive basis or a merit-based approach.

We have seen in the past, unfortunately, when these grant programs have been established, even if it is stipulated that they should be competitive or merit based, oftentimes later Members of Congress will come in and earmark funds directly, and some of these accounts we have for competitive grant programs, merit-based grant programs are completely earmarked just a few years later, so organizations and individuals, nonprofit agencies or State agencies can't even compete for them because all of that money has been earmarked.

We need to look no further than FEMA's National Pre-Disaster Mitigation Program. It was a competitive grant program designed to “save lives and reduce property damage by providing for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.” Again, this was going to be a competitive grant program. The fiscal 2010 Homeland Security appropriation bill appropriated \$100 million for this program. Almost \$25 million of that was earmarked for projects in Members' home districts, leaving fewer funds available for localities that wished to legitimately apply for the funding.

A grant program to establish the Emergency Operation Center established by Congress in the fiscal 2008 Homeland appropriation spending bill,

60 percent of the funds in that grant program were earmarked.

Again, these are grant programs that are typically set up to be competitively bid on for the agencies to assess on a merit-based basis, and yet they are earmarked.

So this amendment would simply say none of the funds available or authorized by this legislation would be available to be earmarked.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to claim the time in opposition to the gentleman's amendment, although I do not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I support this amendment. Obviously, I am a very strong believer in this legislation and the terrible situation that we are trying to rectify, and I would hope and I think with the gentleman's language we can hopefully be assured that these grants would be based upon a healthy competition and would be based upon the request of the States for technical assistance and for other assistance in dealing with this legislation. So I support the amendment by the gentleman from Arizona.

I yield back the balance of my time.

□ 1545

Mr. FLAKE. I thank the gentleman for supporting the amendment. I think it is important that we do this on this legislation and all programs like this that are authorized by the Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 24, not voting 16, as follows:

[Roll No. 81]

YEAS—391

Ackerman	Bartlett	Blunt	Broun (GA)	Guthrie	McIntyre
Adlerholt	Barton (TX)	Bocciari	Brown (SC)	Gutierrez	McKeon
Adler (NJ)	Bean	Boehner	Brown-Waite,	Hall (NY)	McMahon
Akin	Becerra	Bonner	Ginny	Hall (TX)	McMorris
Alexander	Berkley	Bono Mack	Buchanan	Halvorson	Rodgers
Altmire	Berman	Boozman	Burgess	Hare	McNerney
Andrews	Berry	Boren	Burton (IN)	Harman	Meek (FL)
Arcuri	Biggert	Boswell	Butterfield	Harper	Meeks (NY)
Austria	Bilbray	Boucher	Buyer	Hastings (WA)	Melancon
Baca	Bilirakis	Boustany	Calvert	Heinrich	Mica
Bachmann	Bishop (GA)	Boyd	Camp	Heller	Michaud
Bachus	Bishop (NY)	Brady (PA)	Cantor	Hensarling	Miller (FL)
Baird	Bishop (UT)	Brady (TX)	Cao	Herger	Miller (MI)
Baldwin	Blackburn	Braley (IA)	Capito	Herseth Sandlin	Miller (NC)
Barrow	Blumenauer	Bright	Capps	Higgins	Miller, Gary
			Capuano	Hill	Miller, George
			Cardoza	Himes	Minnick
			Carnahan	Hinchey	Mitchell
			Carney	Hirono	Mollohan
			Carson (IN)	Hodes	Moore (KS)
			Carter	Holden	Moran (KS)
			Cassidy	Holt	Moran (VA)
			Castle	Honda	Murphy (CT)
			Castor (FL)	Hoyer	Murphy (NY)
			Chaffetz	Hunter	Murphy, Patrick
			Chandler	Inglis	Murphy, Tim
			Childers	Inslee	Myrick
			Chu	Israel	Nadler (NY)
			Clay	Issa	Napolitano
			Coble	Jackson (IL)	Neal (MA)
			Coffman (CO)	Jenkins	Neugebauer
			Cole	Johnson (GA)	Nunes
			Conaway	Johnson (IL)	Nye
			Connolly (VA)	Johnson, Sam	Obey
			Cooper	Jones	Olson
			Costa	Jordan (OH)	Olver
			Costello	Kagen	Ortiz
			Courtney	Kanjorski	Owens
			Crenshaw	Kaptur	Pallone
			Crowley	Kennedy	Pascarell
			Cuellar	Kildee	Pastor (AZ)
			Culberson	Kilroy	Paulsen
			Cummings	Kind	Payne
			Davis (CA)	King (IA)	Pence
			Davis (KY)	King (NY)	Perlmutter
			Davis (TN)	Kingston	Perriello
			DeFazio	Kirk	Peters
			DeGette	Kirkpatrick (AZ)	Peterson
			Delahunt	Kissell	Petri
			DeLauro	Klein (FL)	Pingree (ME)
			Dent	Kline (MN)	Pitts
			Diaz-Balart, L.	Kosmas	Platts
			Diaz-Balart, M.	Kratovil	Poe (TX)
			Dicks	Lamborn	Polis (CO)
			Dingell	Lance	Pomeroy
			Doggett	Langevin	Posey
			Donnelly (IN)	Larsen (WA)	Price (GA)
			Doyle	Larson (CT)	Price (NC)
			Dreier	Latham	Putnam
			Driehaus	LaTourrette	Quigley
			Duncan	Latta	Rahall
			Edwards (TX)	Lee (NY)	Rangel
			Ehlers	Levin	Rehberg
			Ellison	Lewis (CA)	Reichert
			Ellsworth	Linder	Reyes
			Emerson	Lipinski	Richardson
			Engel	LoBiondo	Rodriguez
			Eshoo	Loeb sack	Roe (TN)
			Etheridge	Loftgren, Zoe	Rogers (AL)
			Farr	Lowe y	Rogers (KY)
			Fattah	Lucas	Rogers (MI)
			Filner	Luetkemeyer	Rohrabacher
			Flake	Lujan	Rooney
			Fleming	Lummis	Ros-Lehtinen
			Forbes	Lungren, Daniel	Roskam
			Fortenberry	E.	Ross
			Foster	Lynch	Rothman (NJ)
			Fox	Mack	Roybal-Allard
			Frank (MA)	Maffei	Royce
			Franks (AZ)	Maloney	Ruppersberger
			Frelinghuysen	Manzullo	Ryan (OH)
			Gallegly	Marchant	Ryan (WI)
			Garrett (NJ)	Markey (CO)	Salazar
			Gerlach	Markey (MA)	Sanchez, Linda
			Giffords	Marshall	T.
			Gingrey (GA)	Matheson	Sanchez, Loretta
			Gohmert	Matsui	Sarbanes
			Gonzalez	McCarthy (CA)	Scalise
			Goodlatte	McCarthy (NY)	Schakowsky
			Gordon (TN)	McCaul	Schauer
			Granger	McClintock	Schiff
			Graves	McCollum	Schmidt
			Grayson	McCotter	Schock
			Green, Al	McDermott	Schrader
			Green, Gene	McGovern	Schwartz
			Griffith	McHenry	Scott (VA)

Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shinkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space

Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas

Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Watson  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Woff  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—24

Brown, Corrine  
Clarke  
Cleaver  
Clyburn  
Cohen  
Conyers  
Davis (IL)  
Edwards (MD)

Fudge  
Grijalva  
Hastings (FL)  
Johnson, E. B.  
Kilpatrick (MI)  
Kucinich  
Lee (CA)  
Lewis (GA)

Moore (WI)  
Oberstar  
Paul  
Rush  
Scott (GA)  
Waters  
Watt  
Woolsey

## NOT VOTING—16

Barrett (SC)  
Campbell  
Dahlkemper  
Davis (AL)  
Deal (GA)  
Fallin

Garamendi  
Hinojosa  
Hoekstra  
Jackson Lee  
(TX)  
Massa

Radanovich  
Sullivan  
Turner  
Wamp  
Wasserman  
Schultz

□ 1615

Messrs. KUCINICH and DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. WATT and SCOTT of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Ms. WOOLSEY, and Messrs. COHEN, LEWIS of Georgia, and HASTINGS of Florida changed their vote from “yea” to “nay.”

Mr. SHERMAN changed his vote from “nay” to “yea.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4247 will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 1127.

The vote was taken by electronic device, and there were—yeas 262, nays 153, not voting 16, as follows:

[Roll No. 82]

## YEAS—262

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccieri  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Butterfield  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)

Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Heinrich  
Hereth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslie  
Israel  
Jackson (IL)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebback  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (MA)  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim

Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Wilson (SC)  
Woolsey  
Wu  
Yarmuth

## NAYS—153

Aderholt  
Akin

Alexander  
Austria

Bachmann  
Bachus

Bartlett  
Barton (TX)  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dreier  
Driehaus  
Duncan  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte

Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Linder  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Markey (CO)  
Marshall  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mitchell  
Moran (KS)  
Myrick  
Neugebauer

Nunes  
Olson  
Paul  
Paulsen  
Pence  
Perlmutter  
Petri  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schneider  
Sensenbrenner  
Sessions  
Shadegg  
Shinkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Souder  
Stearns  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Upton  
Walden  
Westmoreland  
Whitfield  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—16

Barrett (SC)  
Campbell  
Dahlkemper  
Davis (AL)  
Deal (GA)  
Fallin

Garamendi  
Hinojosa  
Hoekstra  
Jackson Lee  
(TX)  
Massa

Radanovich  
Sullivan  
Turner  
Wamp  
Wasserman  
Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. HALVORSON) (during the vote). There is 1 minute remaining in this vote.

□ 1632

Mr. PAUL changed his vote from “yea” to nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1127, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr.

LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 21, as follows:

[Roll No. 83]

YEAS—408

Ackerman	Conyers	Himes
Aderholt	Cooper	Hinchee
Adler (NJ)	Costa	Hirono
Akin	Costello	Hodes
Alexander	Courtney	Holden
Altmire	Crenshaw	Holt
Andrews	Crowley	Honda
Arcuri	Cuellar	Hoyer
Austria	Culberson	Hunter
Baca	Cummings	Inglis
Bachmann	Davis (CA)	Islee
Bachus	Davis (IL)	Israel
Baird	Davis (KY)	Issa
Baldwin	Davis (TN)	Jackson (IL)
Barrow	DeFazio	Jenkins
Bartlett	DeGette	Johnson (GA)
Barton (TX)	Delahunt	Johnson (IL)
Bean	DeLauro	Johnson, E. B.
Becerra	Dent	Johnson, Sam
Berkley	Diaz-Balart, L.	Jones
Berman	Diaz-Balart, M.	Jordan (OH)
Berry	Dicks	Kagen
Biggert	Dingell	Kanjorski
Bilbray	Doggett	Kaptur
Bilirakis	Donnelly (IN)	Kennedy
Bishop (GA)	Doyle	Kildee
Bishop (NY)	Dreier	Kilpatrick (MI)
Bishop (UT)	Driebeaus	Kilroy
Blackburn	Duncan	Kind
Blumenauer	Edwards (MD)	King (IA)
Blunt	Edwards (TX)	King (NY)
Boccheri	Ehlers	Kingston
Boehner	Ellison	Kirk
Bonner	Ellsworth	Kirkpatrick (AZ)
Bono Mack	Emerson	Kissell
Boozman	Engel	Klein (FL)
Boren	Eshoo	Kline (MN)
Boswell	Etheridge	Kosmas
Boucher	Farr	Kratovil
Boustany	Fattah	Kucinich
Boyd	Filner	Lamborn
Brady (PA)	Flake	Lance
Brady (TX)	Fleming	Langevin
Braley (IA)	Forbes	Larsen (WA)
Bright	Fortenberry	Larson (CT)
Brown (GA)	Foster	Latham
Brown (SC)	Fox	LaTourrette
Brown, Corrine	Frank (MA)	Latta
Brown-Waite,	Franks (AZ)	Lee (CA)
Ginny	Frelinghuysen	Lee (NY)
Buchanan	Fudge	Levin
Burgess	Galleghy	Lewis (CA)
Burton (IN)	Garrett (NJ)	Lewis (GA)
Butterfield	Gerlach	Linder
Buyer	Giffords	Lipinski
Calvert	Gingrey (GA)	LoBiondo
Camp	Gohmert	Loeb
Cantor	Gonzalez	Lofgren, Zoe
Cao	Goodlatte	Lowe
Capito	Gordon (TN)	Lucas
Capps	Granger	Luetkemeyer
Capuano	Graves	Lujan
Cardoza	Grayson	Lummis
Carnahan	Green, Al	Lungren, Daniel
Carney	Green, Gene	E.
Carter	Griffith	Lynch
Cassidy	Grijalva	Mack
Castle	Guthrie	Maffei
Castor (FL)	Gutierrez	Maloney
Chaffetz	Hall (NY)	Manzullo
Chandler	Hall (TX)	Marchant
Childers	Halvorson	Markey (CO)
Chu	Hare	Marshall
Clarke	Harman	Matheson
Clay	Harper	Matsui
Cleaver	Hastings (FL)	McCarthy (CA)
Clyburn	Heinrich	McCarthy (NY)
Coble	Heller	McCauley
Coffman (CO)	Hensarling	McClintock
Cohen	Herger	McCollum
Cole	Herseth Sandlin	McCotter
Conaway	Higgins	McDermott
Connolly (VA)	Hill	McGovern

McHenry	Pomeroy	Sires
McIntyre	Posey	Skelton
McKeon	Price (GA)	Slaughter
McMahon	Price (NC)	Smith (NE)
McMorris	Putnam	Smith (NJ)
Rodgers	Quigley	Smith (TX)
McNerney	Rahall	Smith (WA)
Meek (FL)	Rangel	Snyder
Meeks (NY)	Rehberg	Souder
Melancon	Reichert	Space
Mica	Reyes	Speier
Michaud	Richardson	Spratt
Miller (FL)	Rodriguez	Stark
Miller (MI)	Roe (TN)	Stearns
Miller (NC)	Rogers (AL)	Stupak
Miller, Gary	Rogers (KY)	Sutton
Miller, George	Rogers (MI)	Tanner
Minnick	Rohrabacher	Taylor
Mitchell	Rooney	Teague
Mollohan	Ros-Lehtinen	Terry
Moore (KS)	Roskam	Thompson (CA)
Moore (WI)	Ross	Thompson (MS)
Moran (KS)	Rothman (NJ)	Thompson (PA)
Moran (VA)	Roybal-Allard	Thornberry
Murphy (CT)	Royce	Tiahrt
Murphy (NY)	Ruppersberger	Tiberi
Murphy, Patrick	Rush	Tierney
Murphy, Tim	Ryan (OH)	Titus
Myrick	Ryan (WI)	Tonko
Nadler (NY)	Salazar	Towns
Napolitano	Sánchez, Linda	Tsongas
Neal (MA)	T.	Upton
Neugebauer	Sanchez, Loretta	Van Hollen
Nunes	Sarbanes	Velázquez
Nye	Scalise	Visclosky
Oberstar	Schakowsky	Walden
Obey	Schauer	Walz
Olson	Schiff	Waters
Oliver	Schmidt	Watson
Ortiz	Schock	Watt
Owens	Schrader	Waxman
Pallone	Schwartz	Weiner
Pastor (AZ)	Scott (GA)	Welch
Paulsen	Scott (VA)	Westmoreland
Payne	Sensenbrenner	Whitfield
Pence	Serrano	Wilson (OH)
Perlmutter	Sessions	Wilson (SC)
Perriello	Sestak	Wittman
Peters	Shadegg	Wolf
Peterson	Shea-Porter	Woolsey
Petri	Sherman	Wu
Pitts	Shimkus	Yarmuth
Platts	Shuler	Young (FL)
Poe (TX)	Shuster	
Polis (CO)	Simpson	

NAYS—2

Paul Young (AK)  
NOT VOTING—21

Barrett (SC)	Hastings (WA)	Pingree (ME)
Campbell	Hinojosa	Radanovich
Carson (IN)	Hoekstra	Sullivan
Dahlkemper	Jackson Lee	Turner
Davis (AL)	(TX)	Wamp
Deal (GA)	Markey (MA)	Wasserman
Fallin	Massa	Schultz
Garamendi	Pascarell	

□ 1640

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MARKEY of Massachusetts. Madam Speaker, on rollcall No. 83, I did not vote, but intend to vote "yes."

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRIGHT). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote

or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the week.

□ 1645

#### CONGRATULATING NFL CHAMPION NEW ORLEANS SAINTS

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1079) congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1079

Whereas, on February 7, 2010, the New Orleans Saints defeated the Indianapolis Colts by a score of 31 to 17 to win the National Football League (NFL) Championship;

Whereas the Saints' victory is the first championship in the franchise's 43-year history;

Whereas the 2009 season was the best in Saints franchise history, including an unprecedented 13-game winning streak;

Whereas Saints owners Tom Benson and Rita Benson LeBlanc have invested in the success of the Saints and have been remarkable in revitalizing this storied franchise and promoting a strong and united New Orleans and Louisiana;

Whereas Saints General Manager Mickey Loomis has been successful in building an outstanding team by drafting new players and signing key free agents;

Whereas Doug Thornton, Senior Vice President of Stadiums and Arenas, helped the Saints return to New Orleans through his integral role in rebuilding the Superdome after Hurricane Katrina;

Whereas Coach Sean Payton, with the help of Defensive Coordinator Gregg Williams, Offensive Coordinator Pete Carmichael, Jr., and all of the Saints' coaching staff, led the team to its first National Football Conference (NFC) Championship and first ever Super Bowl victory through leadership and a winning philosophy;

Whereas the Saints led the league with an average of 31.9 points and 403.8 yards per game during the 2009 regular season;

Whereas, in the 2009 regular season, the Saints eclipsed team records in most points and most touchdowns in a season and most interceptions returned for a touchdown in a game;

Whereas Saints quarterback Drew Brees set an NFL record by completing 70.6 percent of his passes during the 2009 regular season;

Whereas Drew Brees, Darren Sharper, Jahri Evans, Jonathan Vilma, and John Stinchcomb of the Saints were named to the 2010 NFC Pro Bowl squad;

Whereas Drew Brees was named the Most Valuable Player for Super Bowl XLIV;

Whereas during Super Bowl XLIV—(1) the Saints accumulated a total of 332 yards;

(2) quarterback Drew Brees passed for 288 yards, threw 2 touchdowns, and tied a Super Bowl record with 32 pass completions;

(3) Marques Colston led the Saints in receiving with 7 catches for 83 yards;

(4) Saints kicker Garrett Hartley set a Super Bowl record with 3 field goals of over 40 yards each; and

(5) Thomas Morstead's perfectly executed onside kick to start the second half and Tracy Porter's 74-yard interception for a touchdown late in the fourth quarter were integral in the Saints' victory and will forever be remembered by the "Who Dat" faithful;

Whereas Saints owner Tom Benson, during the Lombardi Trophy presentation at mid-field, said "Louisiana, by the way of New Orleans, is back. And this shows the whole world. We're back.";

Whereas the Saints' motto all year has been "Finish Strong";

Whereas the Saints repeatedly have been called a beacon of hope for the city of New Orleans and a catalyst for recovery throughout Louisiana and the Gulf Coast Region;

Whereas the Saints have positively influenced and lifted the morale of the people in New Orleans and throughout Louisiana and the Gulf Coast Region;

Whereas the New Orleans Saints are headquartered in the 1st Congressional District of Louisiana in Metairie, Louisiana;

Whereas ESPN's Wright Thompson in his article "Saints the Soul of America's City" captured the essence and importance of the Saints to the city of New Orleans and noted the resilience of this year's team by stating, "It's perfect, isn't it? The expansion team whose first roster was created from players unwanted by other teams has finally found success with a similar group."; and

Whereas the 2009 Saints are evidence of what can be accomplished when self is set aside and a teamwork mentality is adopted by all of the players: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the New Orleans Saints, the team's coaches and players, and the loyal members of the "Who Dat" Nation on winning Super Bowl XLIV; and

(2) recognizes—

(A) the New Orleans Saints as the soul of New Orleans; and

(B) the significant contributions made by the team in the recovery efforts of New Orleans, Louisiana, and the Gulf Coast Region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MELANCON).

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 1079 for consideration. This resolution congratulates the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

House Resolution 1079 was introduced by my friend and colleague, Represent-

ative JOSEPH CAO of Louisiana, on February 9, 2010, and enjoys the support of over 70 Members of Congress.

Mr. Speaker, on February 7, 2010, after a hard fought and dramatic game, the New Orleans Saints, playing in their first ever championship game, defeated the Indianapolis Colts by a score of 31-17 to win Super Bowl XLIV. The victory is the first championship in the Saints' 43-year history and caps a truly remarkable season for the franchise. The Saints finished the regular season with a franchise best 13 wins and 3 losses.

During the 2009 season, they led the National Football League in average points per game and yards per game. Furthermore, the 2009-2010 Saints set franchise records for most points and most touchdowns in a season, as well as most interceptions returned for a touchdown in a single game. Still, it was during the Super Bowl that the Saints truly distinguished themselves as the best team in the NFL. Despite facing a formidable opponent in the Indianapolis Colts, led by a New Orleans native, Peyton Manning, the Saints relied on head coach Sean Payton's aggressive game plan and the outstanding play of starting quarterback Drew Brees to win the game.

Brees, who was named Super Bowl MVP, passed for 288 yards, threw two touchdown passes, and tied a Super Bowl record with 32 pass completions. Along with Brees' impressive performance, Saints kicker Garrett Hartley set a Super Bowl record by making three field goals of over 40 yards. The Saints also successfully executed a risky onside kick to start the second half of the game. And Tracy Porter's—a Port Allen native—74-yard interception return for a touchdown ensured the Saints' victory.

The New Orleans Saints' success in Super Bowl XLIV stands as a testament to what can be achieved through hard work, dedication, and a never-say-never spirit. In fact, the Saints' motto throughout the 2009-2010 season was "Finish Strong." And they certainly did. The Saints' commitment to teamwork and to the achievement of excellence is both inspiring and commendable.

Furthermore, their victory has helped raise the spirits of the City of New Orleans and the entire State of Louisiana in the midst of the region's continued reconstruction efforts following Hurricane Katrina and subsequent hurricanes. For all these reasons, the New Orleans Saints' achievement deserves our praise. And personally, I want to applaud the team's players, coaches, management, and all those who helped them accomplish this historic event.

Mr. Speaker, let us as a body take the opportunity to commend this year's Super Bowl champions through the passage of House Resolution 1079,

which congratulates the New Orleans Saints on winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1079, congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and bringing New Orleans its first Lombardi Trophy in franchise history. As a New Orleanian and Representative to Congress for Orleans and Jefferson Parishes, I am honored to congratulate the Saints on their historic season.

I want to thank the 22 original cosponsors and 75 total cosponsors of House Resolution 1079 for joining me to congratulate and support the Saints. I would also like to thank my colleagues in the entire Louisiana delegation for their dedication to the recovery of south Louisiana. We have collaborated in Congress on efforts to rebuild our region, and I hope to continue working with them in the future.

The Saints' motto all season has been "Finish Strong." And they did that very thing with a 31-17 victory over the Indianapolis Colts in Super Bowl XLIV. The Saints' Super Bowl victory not only shows the dedication and hard work of the organization, coaches, and players, but also represents a beacon of hope for the City of New Orleans and a catalyst for recovery throughout Louisiana. House Resolution 1079 emphasizes the positive influence that the Saints have had on people in New Orleans and the Gulf Coast region.

I introduced House Resolution 1079 to congratulate the Saints because for the past 5 years the Saints have symbolized the City of New Orleans through their pride, resiliency, traditions, suffering, faith, loyalty, and hope.

This resolution congratulates Saints owners Tom Benson and Rita Benson LeBlanc for their investment in the future of the Saints and their dedication and commitment to a strong and united New Orleans. This resolution also congratulates Doug Thornton, Senior Vice President of Stadiums and Arenas, for helping the Saints return to New Orleans by playing an integral role in rebuilding the Superdome after Hurricane Katrina.

House Resolution 1079 also brings attention to the individuals who made this season a success. I want to specifically thank head coach Sean Payton for his love and commitment to the people and the City of New Orleans, and to congratulate him in being the lone head coach in Saints history to open a season with 13 straight wins and holding the all-time winning percentage record for a Saints head coach.

This resolution also highlights statistics from the Saints' regular season



and Super Bowl XLIV, such as Drew Brees completing 70.6 percent of his passes during the regular season, which is an NFL record; Darren Sharper setting an NFL record for most interception return yardage in a regular season with 376 yards; the Saints leading the league in 2009 with 31.9 points per game and 403.8 yards per game; the 2009 Saints surpassing team records for most points in a season, most touchdowns in a season, longest winning streak, most interception return yards, and most interceptions returned for a touchdown in a game.

Other statistics from Super Bowl XLIV were Drew Brees setting a Super Bowl record with 32 pass completions, Marques Colston leading the Saints in receiving yards with 83, the team rushing for a total of 51 yards on 18 carries, and Garrett Hartley setting a Super Bowl record with three field goals of over 40 yards.

For the past several months, I have been reading statements on the House floor about the importance of the Saints and their positive impact on New Orleans and I want to continue that tradition with a few statements from my district.

Ms. Loretta Brehm writes, "The whole Saints organization exemplifies leadership, professionalism, and a 'never give up attitude.' They have brought together all parts of our community, regardless of race, religion, or economic status. Much has been given to our community by their generous spirit and positive actions. If we as a community can model from their success, there is no limits to what we can accomplish."

Ms. Melissa Smith writes, "All those involved with the Saints organization took a chance on the City of New Orleans. Doug Thornton performed a miracle and ensured that the team had a facility to play in. The Bensons returned the team to New Orleans. And the team as a whole provided an avenue for all of us to come home and gave us the faith we need to overcome certain odds."

New Orleanians remark about the resurgence of the team and how they spur the resurgence of the city. "The New Orleans Saints gave this city hope during a time when we didn't have this hope in ourselves. They provided people with a plan that depends on discipline, dedication, and determination. We may be tired and poor right now, but we are contenders. We are New Orleans. We are America."

I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield 2 minutes to my friend from Indiana (Mr. CARSON) to express his gratitude for the New Orleans Saints winning. I think that is what he wants to say.

Mr. CARSON of Indiana. Mr. Speaker, I come here today as a proud American, a proud Hoosier, and most importantly a proud Colts fan. But I also

come donning a New Orleans Saints tie given to me by my friend and colleague, Representative SCALISE of Louisiana, based on an agreement that was made between the both of us. The Indianapolis Colts indeed are a legendary team. Yes, they are iconic and a juggernaut in their own right, but I too must acknowledge the Saints great ability on the football field in winning the Super Bowl. And I want to commend the New Orleans Saints, as well as the residents of Louisiana, for their resilience in a time of great trial, and just to tell them to keep up the great work, Who Dat, and Go Colts.

Mr. CAO. Mr. Speaker, I would like to yield 1 minute to my good friend from Indiana, Mr. DAN BURTON. He and I entered into a little bet, and the bet was 5 pounds of Indiana steaks for 5 pounds of Louisiana shrimp. And I must say this past weekend the steaks were very, very delicious.

Mr. BURTON of Indiana. This may take more than 1 minute, Mr. CAO. But let me just say that I have been in Congress a long time, and this truly is one of the most humbling moments of my career. I was so confident that the Indianapolis Colts were going to beat the Saints that you wagered 5 pounds of shrimp against 5 pounds of Fisher Farms steaks from Jasper, Indiana. And I was so confident that I was going to be eating shrimp, I invited all my friends in and bought a bunch of shrimp sauce. And now I have got enough shrimp sauce for 5 pounds of shrimp and no shrimp. So it is a humbling experience.

What really adds insult to injury, though, is your quarterback, Drew Brees, went to Purdue University in Indiana. It is almost unholy for him to do that to us. And the second thing is the fellow that intercepted the pass that won the game for you went to Indiana University. I just don't understand this. The gods just weren't looking at us favorably that day. But in all seriousness, I hope you don't choke on that steak you got from me. I hope you enjoy it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAO. I yield the gentleman 1 additional minute.

Mr. BURTON of Indiana. This is a great time for New Orleans. They have had some real tough times over the past several years. And I think Drew Brees and that team really does them proud. And if any team was going to win the Super Bowl other than the Colts, I am glad it was the New Orleans Saints. So congratulations. But let me just end by saying this: We will be back next year.

Mr. MELANCON. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman has 16 minutes remaining.

Mr. MELANCON. Let me just start by saying in New Orleans we have what

is known as the Who Dats. That is the people that have been loyal since day one. We now have in New Orleans a group called the Renew Dats, which is the group that wasn't sure every year, and the Saints had to try and prove themselves. And we now have a group of people in New Orleans and Louisiana and in the South and in the Nation for that matter called the New Dats, who have now become believers in the Saints.

My 92-year-old mother-in-law has been a fan of the Manning family, since she comes from North Mississippi, and it took her until Super Bowl Sunday morning to reconcile how she handled the daughters, particularly the one that lives in Louisiana, my wife, and the New Orleans Saints versus the Baltimore Colts and Peyton Manning. That Sunday morning she called her daughter and said, "Peachy, I figured it out. Peyton has a Super Bowl ring, so I will pull for the New Orleans Saints today." And Peachy turned around and said, "It looks like we're going to win it."

So with that, New Orleans has seen an historic occasion. It is euphoric in its mood. It is in a new time, if you would, because of the excitement, the love of the franchise, the team players themselves, the coaches, and the people that have made this such a great and wonderful year.

Mr. Speaker, I yield back the balance of my time.

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to my distinguished colleague from the State of Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank my friend, Mr. CAO, for proposing this resolution, and for having this debate today, and certainly other members from our delegation.

Let me just say parenthetically, in response to our good friend from Indiana (Mr. BURTON) that there is another irony that goes along with this as well, and that is that Peyton Manning, the quarterback for the Colts, is the son of none other but Archie Manning, who was present for the Saints from the very beginning of its franchise. So we have ironies boiling over here.

What I would like to do is congratulate the World Champion New Orleans Saints on winning the franchise's first Super Bowl. The New Orleans Saints beat the Indianapolis Colts by a score of 31-17 on February 7, 2010. The Saints are an inspiration to all of us on and off the field.

After not playing a single game in their home stadium in 2005 after Hurricane Katrina, the Saints came back in 2006 to a revitalized Superdome and carried that momentum to rebuilding a city and its people. The team donated money to charities and their time into renewing their city. The adversity they overcame is enormous, but the hope they gave was even greater. I certainly

congratulate the Saints on winning Super Bowl XLIV, and I also welcome everyone in America to the Who Dat Nation.

□ 1700

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to my dear friend from Louisiana (Mr. CASSIDY). He has been a wonderful friend as well as a wonderful supporter of me in the past year.

Mr. CASSIDY. I thank the gentleman from Louisiana.

Mr. Speaker, I rise today in support of Mr. CAO's resolution, honoring the Super Bowl champion, the New Orleans Saints. You know, I remember as a child watching the Saints play in the old Tulane football stadium. And between the time I was a child and now, there have been some rough times. But this year was different. They started off with 13 wins. They had three hard-fought postseason victories.

I am especially pleased to say that the victory in the NFC championship and Super Bowl was due in great part to decisive interceptions by Tracy Porter, who played football at Port Allen High School in West Baton Rouge Parish. I represent that area. And Mr. BURTON is right, he went to Indiana. But to atone the sin of doing so, he came back and had a Pick Six against the Colts. Mr. Porter, by the way, has also participated, in the week going up to the Super Bowl, in a relief effort for the victims of the Haiti earthquake. So not only is he a great football player but is also a fine person.

That said, good things do come to those who wait. No one knows that better than the Who Dat Nation. Congratulations to the players, coaches and of course the Saints fans back home in Louisiana and across the country.

Mr. CAO. Mr. Speaker, I cannot find a more ardent Saints fan than the next speaker, Mr. STEVE SCALISE. He represents about 10 percent of New Orleans and a good part of Jefferson Parish. And most of the fans of New Orleans comes from the parishes that Mr. SCALISE represents.

I yield 5 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I want to thank Mr. CAO, my colleague from New Orleans, for bringing the resolution. It's really a special time. If you have been in and around the city of New Orleans—and of course so many people have been focused on New Orleans in looking at the bad things that happened to our city after Hurricane Katrina. But we've had such an outpouring over the years of people who have been rooting for and pulling for the city to come back. I think what's been the most special thing about this past year with the Saints in their success that they've had on the football field is that it's really galvanized the

city, but it's also galvanized the rest of the country.

I brought a football here, it has the Super Bowl logo, and it represents the fact that the Saints won the Super Bowl. And of course here we're today congratulating the Saints on winning the Super Bowl. But this victory was much more than a football game. Not only do I remember back during the years that my dad took me to Tulane Stadium when I was a little kid, and as my colleague, Congressman CASSIDY, talked about some of those leaner years, I think it's the resilience of the team, but it really starts at the top.

We would be remiss if we didn't emphasize the importance to our community that the owner, Tom Benson, has meant. The fact that he bought the team back in the 1980s, but then the fact that even through some of those tough years, he made a dedication to excellence, that he was going to build a team—and he said it many times—that would win a Super Bowl. And there were a lot of people that wondered if that would ever happen. There were a lot of people that were crying in the city of New Orleans not only when the Saints won the NFC championship game, but when the Saints went to the Super Bowl and won the Super Bowl, because there were so many who just thought it never would happen. But it did happen.

I think the Times-Picayune, our local paper, said it best the morning after the Super Bowl victory. The headline was "Amen" because many people's prayers were answered. Of course, the Saints are named after the saints. I think we had a lot of prayers from above, but those prayers were answered.

In a lot of ways, those prayers were answered by the organization that Tom Benson and his wife Gayle and his granddaughter Rita Benson LeBlanc and Dennis Lauscha and so many others with the Saints organization who made that commitment to build a world-class football team. And if you just go through and you look at some of the great talent that's been amassed now, you start with the coach, Sean Payton. He did one of the more unselfish acts of actually giving up some of his own salary to bring in a defensive coordinator who truly helped transform that defense into what so many people saw and admired on the field.

But I think that as I talk about a few of the players that I really want to feature and commend, it's not so much the acts that they did on the field because we saw what they did on the field, and it inspired people in the city of New Orleans. It inspired people all across the Nation. And Drew Brees winning the MVP and putting up record numbers and 32 completions, a Super Bowl record. And Garrett Hartley with three-for-three field goal attempts and three over 40 yards, setting a Super Bowl record.

And who can forget Tracy Porter's interception return for a touchdown? And of course the gutsy call that Sean Payton made to start the second half to do an onside kick. All of those were great plays. But it's what the Saints have done off the field that has really formed a unique bond between the Saints and their fans, and it's something that we've seen after Katrina.

You know, for those of us who were in the Super Bowl that night in 2006 for the Atlanta Falcons game when they reopened the dome, when people said the Superdome would never open again; when many people said New Orleans would never have an NFL team again, in fact, when many people said that New Orleans wasn't going to come back, that really was one of those watershed moments that galvanized the city, and it told so many other people that they could come back, they could rebuild because the Saints came back. Since then, they've served as great role models off the field, and that's something important because we don't see that enough in sports.

But Sean Payton's got a Payton's Pay It Forward Foundation, and he has donated hundreds of thousands of dollars to do great things in the community, giving money to other organizations that do great things in the community. We've seen Drew Brees. And of course Drew Brees, he has gotten so many accolades on the field. But off the field, he has gotten accolades as well. His Brees Dream Foundation has donated \$4.5 million to various causes throughout the city, done wonderful things, helped young kids. He was the 2006 Walter Payton Man of the Year, just an incredibly high-quality person who has gotten involved in the community.

I want to talk about Reggie Bush finally. Today, by the way, is Reggie Bush's birthday. Reggie Bush wears number 25 on the field, and today is his 25th birthday. So we want to say happy birthday to Reggie Bush. But through Reggie Bush's 619 Foundation, he has donated hundreds of thousands of dollars to the community. And in fact, Tad Gormley Field, which is a field where many of the high schools in New Orleans play their football games, he donated \$86,000 to rebuild that field after Katrina so that so many young people not only can look up to athletes as role models but also can have the opportunity to go and participate and learn about sports.

So it's been an incredible opportunity. We appreciate what the Saints have done on the field, but we also appreciate what Tom Benson and his leadership and the team have done off the field too.

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to the distinguished Member from the State of Louisiana, Dr. BOUSTANY. Dr. BOUSTANY has been a wonderful friend to me as well as a

wonderful mentor, and it's always good to know that there will always be a great person for me to lean on.

Mr. BOUSTANY. Mr. Speaker, I thank my friend and colleague Mr. CAO for giving me time and for bringing this resolution to the floor which I wholeheartedly support, congratulating the New Orleans Saints for winning Super Bowl XLIV and bringing this long overdue NFL championship to south Louisiana.

You know, I was talking to some businessmen back home in my district who told me after the victory that they're starting to see out-of-state business opportunities come up as a result of the new-found spirit that's come about following this great Super Bowl victory, and it's a wonderful thing for Louisiana.

After 43 years without reaching the Super Bowl, the Saints did it. They finally did it, and it's been a great victory for all of us. It's great for our State. Leading that charge was Super Bowl MVP quarterback Drew Brees, who completed 32 out of 39 pass attempts for 288 yards, two touchdowns. And Louisiana native Tracy Porter, whose 74-yard interception returned for a touchdown sealed this game.

But I am really especially proud of one player from my district. He is a graduate of Opelousas High School, wide receiver Devery Henderson. He is in his sixth season with the Saints. He caught 68 passes for 867 yards this year and four touchdowns, and he played a key role on offense in the Super Bowl, catching seven important passes for a total of 63 yards.

This is truly a very special occasion for the Who Dat Nation, all of our Saints fans in Louisiana and around this great country. We want to honor Sean Payton for his genius and what he has brought to the Saints organization, and for the entire Saints family, the organization, for what they've done for New Orleans and the rest of the Saints. We are exceedingly proud of what has happened. We commend the families and the players, the coaches and the support staff and the loudest and most loyal fans of all, the Who Dat Nation.

Mr. Speaker, I rise today in support of House Resolution 1079—Congratulating the New Orleans Saints for winning Super Bowl 44 and bringing this long overdue NFL championship to South Louisiana.

After 43 years without reaching the Super Bowl, the Saints defeated the AFC Champion Indianapolis Colts 31 to 17 on February 7th to grasp their 1st Lombardi Trophy in franchise history.

Leading the charge was Super Bowl MVP Quarterback Drew Brees, who completed 32 out of 39 pass attempts for 288 yards and 2 touchdowns—and Louisiana native Tracy Porter, whose 74-yard interception return for a touchdown sealed the game for the Saints.

I am especially proud of one player from my district, Opelousas High School graduate—Wide Receiver Devery Henderson. In his 6th

season with the Saints, Devery caught 58 passes for 867 yards and 4 touchdowns. He was also an offensive centerpiece in the Super Bowl, catching 7 key passes for a total of 63 yards.

This championship is very special to Saints fans, also known as the Who Dat Nation, and the great State of Louisiana. It is my honor to recognize Coach Sean Payton and the 2009 New Orleans Saints for all of their accomplishments this season and for bringing home the Lombardi Trophy which Coach Payton has yet to let out of his sight.

I also want to commend the families of these players, coaches and support staff, and the loudest and most loyal fans in the NFL.

Mr. CAO. I thank the gentleman very much. And because the Saints have been so important to my constituents, I will be making official copies of the resolution to be available to them. They can receive a copy by contacting my office in Washington or New Orleans.

I want to close with a prayer for the Saints, delivered by Archbishop Philip Hannan at the first Saints and Sinners Banquet in 1968. It reads:

"Our heavenly Father, who has instructed us that the 'saints by faith conquered kingdoms and overcame lions,' grant our Saints an increase of strength and faith so that they will not only overcome the Lions, but also the Bears, the Rams, the Giants, and even those awesome people in Green Bay. May they continue to tame the Redskins and fetter the Falcons as well as the Eagles. Give to our owners and coaches the continued ability to be as wise as serpents and simple as doves, so that no good talent will dodge our draft. Grant to our fans perseverance in their devotion and unlimited lung power, tempered with a sense of charity to all, including the referees. May our beloved Bedlam Bowl be a source of good fellowship, and may the 'Saints Come Marching In' be a victory march for all, now and in eternity."

Mr. Speaker, I rise today in honor of the great city of New Orleans and our great State of Louisiana, and her beloved Super Bowl Champions, the New Orleans Saints. The bond between this great city and her team is a special one indeed. In the past few years, both have worked together hand in hand to rebuild and inspire our city. No players in the NFL and their community have had a greater bond and love for each other than do ours. Because, from out of the devastation of Katrina, we have all grown and cried together . . . and so has our love for each other. The Saints season this year in many ways has mirrored New Orleans and its climb from out of the abyss. This year's Super Bowl was not only one of the greatest, but also the largest watched event in the history of television. I ask that this poetic tribute penned by Albert Caswell of the Capitol Guide Service be placed in the RECORD in honor of them.

Fat Sunday,

When, Dat Da Saints Came Marching In!

A day they'll long remember, as The Football God's will contend there!

When a Cool Brees blew into town . . . as number "9", Drew, and gunned . . . Gunned Da Colts Down!

As The Saints corralled em, and put em out to pasture . . . a real "Who Dat?" Disaster!

You see, everybody was dissing . . . this Cajun Country's football team's edition. . .

But, from this City of The Saints . . . where pain and heartache has so been. . .

When, came a rising . . . as a team and a city rebuilding, with but tears in eyes then, their dreams realizing!

For in this land of The Bayou, where hope and dreams and faith somehow never ends . . . Why Who!

As the Colts came into town, as everyone thought they were the real studs to be found. . .

But, from those ocean breezes . . . you could hear those "Who Dat" heart's a beating!

Fat Sunday, When Dat Da Saints Came Marching In. . .

Getting behind early, when Coach Payton . . . said Don't Do Dat . . . Worry!

As Garrett was showing his Hartley, kicking two fields in the first half . . . To Do Dat his part, he!

An onside kick by Morsted, playing to win! Be Bold! For that's how the coach has always been!

As The Saints Came Marching In!

As Drew Daddy, took em down the field . . . so cool and so unreal . . . as he refused to yield!

As the defense was Vilmanizing, all those horses, making them losing stride then. . .

Leaving the Colts offense, with but tears in their eyes then!

For on the bench it so seemed, like Peyton . . . lost his dream. . .

Was forever waiting . . . awaiting to get in. . .

As Thomas showed his promise, as number "23" went 16 yds for a TD. . .

When, in the 4th quarter, touchdown . . . as The Shockey treatment was in order. . .

As it was getting close . . . with Peyton, moving in for the tying score . . . it meant the most!

As he threw the ball, you could hear his heart call . . . "WHO DAT?"

As it was number "22" Porter, saying Peyton, your our of order!

Running the ball back, all the way back to The French Quarter. . .

Gator Got You Manning! As Archie cried . . . When I played, where were you guys then?

As it was one heck of a game, with courageous hearts like Fereeny to be seen. . .

As a City on this night, took one more giant step towards the light!

And Healing It Would Seem!

With, all of that darkness of a past . . . she could smile and she could laugh. . .

And, let it be said, no more paper bags over heads . . . for The Saints. . .

ARE NOT THE AINT'S . . . ANYMORE!

And the world so surely knows, Who Dat? Who Da Does?

Dat Da Saints! Dat Da World Championaints!

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 1079, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AMERICA SAVES WEEK

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1082) supporting the goals and ideals of the fourth annual America Saves Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1082

Whereas financial security is one of the most important issues for most Americans, whether it involves saving for a college education, an unforeseen emergency, a house, or for retirement;

Whereas personal savings as a percentage of disposable income has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009, according to the Bureau of Economic Analysis;

Whereas according to the Employee Benefit Research Institute, the percentage of workers very confident about having enough money for a comfortable retirement fell to 13 percent in 2009, down from 18 percent in 2008, and more workers expect to work longer to supplement their income in retirement;

Whereas older Americans are more likely to live within 200 percent of poverty than any other age group, according to the 2009 Employee Benefit Research Institute's Databook, and more than 60 percent of the current elderly population relies on Social Security for over three-fourths of their annual income, according to a 2009 Social Security Administration report;

Whereas the average savings of retirees remains at \$50,000 according to the Federal Reserve Board's Survey of Consumer Finances for 2007, and recent financial instability has diminished those funds;

Whereas America Saves, managed by the Consumer Federation of America, was established nine years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American Savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security;

Whereas over 2,000 local, State, and national organizations, including government agencies, financial institutions, and nonprofits, have motivated more than 245,000 people to enroll as American Savers through events such as financial literacy classes, financial fairs, free tax preparation assistance programs, and deposit campaigns; and

Whereas encouraging automatic and habitual savings is a primary focus for this year's America Saves Week, February 21, 2010, through February 28, 2010, and that focus is reflected in the work of the Financial and Economic Literacy Caucus, America Saves, and American Savings Education Council's Choose to Save Campaign: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the importance of savings to financial security;

(2) supports the goals and ideals of "America Saves Week"; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, non-profit organizations, businesses, other entities, and the people of the United States to observe America Saves Week with appropriate programs and activities with the goal of increasing the savings rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself as much time as I may need at this point.

I rise today in strong support of House Resolution 1082, which supports the goals and ideals of the fourth annual America Saves Week, which was held February 21 through February 28 of this year.

Mr. Speaker, the primary focus of this year's America Saves Week is encouraging automatic and habitual savings, a great need at this time in the history of our country. This is a theme that is reflected in the work of our Financial and Economic Literacy Caucus; the Treasury's Office of Financial Education; as well as the Financial Literacy Education Commission; and Federal agencies and nonprofit community-based groups, private sector organizations, the Consumer Federation of America, and the Employee Benefits Research Institute and its American Savings Education Council "Choose to Save" campaign, a wonderful coalition of great Americans who are focusing us on a great need today.

□ 1715

Mr. Speaker, financial literacy is one of the most important issues for Americans today, whether it involves saving enough money for our children's college education, saving for an unforeseen medical or family emergency, a house, maybe a car, or one's retirement.

The current economic instability in our Nation today highlights even more to all Americans the necessity of having a savings plan, some emergency savings, and the value of making savings automatic.

Research has found that there are higher- and middle- and lower-income savers; and there are spenders, middle, higher, and lower, and almost all have the ability to build wealth through contributions to workplace retirement programs, building home equity, and other savings, if nothing more than just a simple savings account starting at a very young age for our children to get them in the habit of saving.

Older Americans are more likely to live within 200 percent of poverty than any other age group, and more than 60 percent of the current elderly population relies on Social Security for three-fourths of their annual income. And what I find even more alarming, Mr. Speaker, is that the average savings of retirees remain at \$50,000, and the current financial crisis is draining these funds every day; hence, the need to help address the financial challenges that older Americans face.

To shed light on all of these shortcomings, as well as provide ways to address them, America Saves, managed by the Consumer Federation of America, was established 9 years ago as an annual nationwide campaign that encourages consumers, especially lower-income households, to enroll as American savers and establish a personal savings goal in an effort to build personal wealth and to enhance financial security. Nothing is more important than savings.

America Saves now has 53 local, State, and national campaigns working with over 500 mainstream financial institutions that provide no-fee or low-fee or low-opening-balance savings accounts that allow small savers to achieve great success. Government and nongovernment entities at the local, State, and national levels organize America Saves campaigns to encourage individuals to open savings accounts, to participate in workplace retirement programs, and to devise a good savings plan. As a result of America Saves, over 1,000 local, State, and national organizations have motivated more than 145,000 people to enroll as American savers.

I am very pleased that Federal agencies, States and localities, schools, nonprofit organizations, business and other entities, and the people of the United States of America observe the fourth annual America Saves Week with a goal of increasing the savings rate for individuals of all ages and all walks of life.

So, Mr. Speaker, I want to take this opportunity to thank Chairman BARNEY FRANK and the staff of the Financial Services Committee for their assistance in bringing this important resolution to the floor, especially Rick Maurano and Tom Duncan.

I also want to express my sincere appreciation for all that my good friend, Congresswoman JUDY BIGGERT, has done. She has been at the forefront of

literacy for many years. In terms of her entire service here in the Congress, JUDY BIGGERT has been in a leadership role on financial literacy and the importance of saving, and has worked over the years to help improve the financial literacy rate of all individuals across these United States at all stages of life. Mrs. JUDY BIGGERT certainly deserves our commendation. She and Congressman RUBÉN HINOJOSA co-founded and currently cochair the Financial and Economic Literacy Caucus, of which I am a member.

Congressman HINOJOSA could not be with us here today because yesterday was the Texas primary. I am pleased to announce to all of us that he won his primary yesterday. So congratulations to Congressman HINOJOSA, and we are glad to move on and carry this torch in his stead today.

I also want to take this opportunity to thank Congresswoman BIGGERT's staff, Nicole Austin and Zach Cikanek, as well as Chris Crowe on Congresswoman EDDIE BERNICE JOHNSON's staff. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has done an admiral job in pushing this legislation and she deserves to be commended for all of her hard work in this area, and what they all are doing, what we all are doing to help the financial and economic Literacy Caucus attain its goals. This is a tremendous bill for a tremendous purpose.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Georgia (Mr. SCOTT) for his kind words and all he does in the Financial Services Committee on this type of issue and for his management of this resolution.

I rise today to join not only Mr. SCOTT but also my good friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), in support of this year's resolution making the fourth annual America Saves Week. I am pleased to join Congresswoman JOHNSON as a cosponsor of the resolution, and I urge my colleagues to give it their full support.

Mr. Speaker, as most of my colleagues are aware, I have been working for some years now to make financial literacy a top priority both in the classroom and here on Capitol Hill. In 2005, I joined the gentleman from Texas (Mr. HINOJOSA), a cosponsor of today's resolution, to form the Financial and Economic Literacy Caucus to help equip students and consumers with the tools that they need to prosper in today's sophisticated marketplace.

Since then, the term "financial literacy" has become an integral part of our legislative lexicon, especially as the need for financial literacy has become clearer than ever with more and more American families relying on depleted savings to weather this period of

financial hardship. When it comes to preparing against economic uncertainty, recognizing deceptive practices, building credit, or making dozens of other day-to-day financial decisions, nothing protects consumers and their financial security more effectively than arming them, even as young students, with a sound foundation in financial literacy, and that lesson begins with saving.

Sixty percent of preteens do not even know the difference between cash, credit cards, and checks; and yet only 26 percent of students are actively learning financial literacy from their parents. It is little wonder why 10 million U.S. households remain completely unbanked or without access to standard financial tools like a savings account. And that is what makes initiatives like America Saves Week important. It represents a special opportunity for financial leaders, from the FDIC and the Federal Trade Commission to the University of Illinois and the JumpStart Coalition, to share important resources and lessons with future savers who may be able to ride out the next financial downturn, buy a home, or retire more comfortably thanks to the financial tools they gained access to today.

As the text of today's resolution suggests, the national savings rate has risen slightly as Americans spend more conservatively in the down economy. But as we recover, the next step must be to help families set goals, plan effectively, and invest wisely during those times when they are most able to build an economic buffer against future needs.

Mr. Speaker, I would like to take a brief moment here to urge my colleagues to consider joining the Financial and Economic Literacy Caucus, if they haven't already, by contacting either me or my distinguished cochairman, Mr. HINOJOSA.

As my colleagues are aware, just last week, the FTC teamed with our caucus to showcase consumer protection resources available to our constituents across America. Now we are getting ready for another exciting Financial Literacy Month, this April, with events and briefings to help Americans of all ages educate themselves on how to become more confident, savvy, and safe investors and consumers. I hope every Member will be able to find time to participate or send staff to learn more about how Members of Congress can help promote financial literacy in their own way.

And I would also like to take a moment to honor a departed colleague and friend, the late Congresswoman Stephanie Tubbs Jones. In previous years, she championed this resolution in the House and was a strong advocate for financial literacy through her career. I know that I am not alone in saying that her presence is missed here on the House floor.

Mr. Speaker, let me just say once again that I urge my colleagues to join Congresswoman JOHNSON, Congressman HINOJOSA, and me in supporting this resolution and sound saving habits during America Saves Week and throughout the year.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, it is my pleasure to introduce to you and yield to her such time as she may consume, the sponsor and author of this bill, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who has put in just a tremendous amount of work on this effort. She is certainly to be commended for her hard work and dedication to this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1082, supporting the goals and ideals of the fourth annual America Saves Week, which really runs from February 21 through February 28.

I want to take this opportunity to thank Chairman FRANK for his assistance in bringing this important and timely resolution to the floor. I also would like to thank Congressman HINOJOSA and Congresswoman BIGGERT and Congressman SCOTT for their tireless efforts for consumer protection and financial literacy.

America Saves was established 9 years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security.

America Saves focuses on saving, a focus which creates a national culture of financial responsibility, which is incredibly important in these difficult economic times. I believe that a financially literate public is a key component to having a strong and robust economy. We really are only as rich as our poorest citizens.

Resolutions like America Saves promote broad-based financial literacy initiatives and are absolutely necessary for the well-being of our country. A recent survey done by the National Foundation for Credit Counseling has shown that only 42 percent of adults say they keep close track of their spending, and roughly 7 percent of the adult population, or about 16 million people, don't know how much they spend on food, housing, and entertainment.

Other statistics show even more distressing trends: 26 percent of the adults, or 58 million people, admit to not paying all of their bills on time, and 6 percent of the households carry credit card debt of \$10,000 or more from month to month.

I am always surprised to hear statistics like this. It is alarming because they are very simple things that people

can do to save money and lead more financially stable lives.

My father said to me when I was a little girl: Whatever you make, large or small, save some of it. That really started me with a little trend, so now for the last 40-plus years, I give a piggy bank to all newborns of my family and friends so that saving money becomes an institutionalized activity for small children.

□ 1730

And there is some good news; personal savings, as a percentage of disposable income, has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009. And I might say, Mr. Speaker, that that is one of the reasons why the economy is not that great, because people are saving their money.

It is important to provide the public with education on financial matters and developing unbiased and successful financial literacy programs, and that will only increase in importance in the coming years. I hold very frequent summits and workshops on financial literacy with adults throughout the Dallas area, and our Dallas Independent School District has made it now a part of the curriculum. So I want to acknowledge and thank all the people involved.

Again, I would like to acknowledge former Congresswoman Stephanie Tubbs Jones, who worked hard to improve the overall economic situation for all those residing in the United States.

Mr. Speaker, I believe that together we can continue to make a difference and help empower people to take control of their financial lives. I thank you, I thank all of the people involved.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Indiana, Mr. ANDRE CARSON.

Mr. CARSON of Indiana. Thank you, Representative SCOTT.

Mr. Speaker, I come to the floor in support of House Resolution 1082, supporting the goals and ideals of the fourth annual America Saves Week.

The economy in the last couple of years has increased everyone's awareness of the need to take control of their personal finances. Rather than spending more than they have coming in, households are making a concerted effort to save.

Learning to be a disciplined saver is the key to building wealth. It really does not make a difference how much your paycheck is each month if you're not saving a portion of it for the future. Most importantly, we should be able to teach our kids how to save. They should be able to understand the concept of money and investment in early childhood. This will prepare them

to learn money management, especially as they grow older and begin to think about credit cards, car loans, and mortgages.

I also have legislation that will provide grants to programs and financial literacy education for young adults and families, as it is of utmost importance we begin the financial literacy learning process early in life. I applaud this resolution's core principles.

Mrs. BIGGERT. Mr. Speaker, having no further requests for time, I would just, in closing, say I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1082, "Supporting the goals and ideals of the fourth annual America Saves Week" and for other purposes, introduced by my distinguished colleague from Texas, Representative JOHNSON.

"America Saves Week" was established 9 years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American Savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security.

During the 9 years "America Saves Week" has been in existence, over 2,000 local, state, and national organizations, including government agencies, financial institutions, and nonprofits, have motivated more than 245,000 people to enroll as American Savers through events such as financial literacy classes, financial fairs, free tax preparation assistance programs, and deposit campaigns. Encouraging automatic and habitual savings was a primary focus for the 2010 America Saves Week that began on February 21, 2010 and concluded on February 28, 2010.

The primary focus of "America Saves Week" is reflected in the work of Financial and Economic Literacy Caucus, America Saves, and the American Savings Education Council's Choose to Save Campaign. Financial security is one of the most important issues for most Americans, whether it involves saving for a college education, an unforeseen emergency, a house, a new vehicle, or even retirement. Personal savings as a percentage of disposable income has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009, according to the Bureau of Economic Analysis. The Employment Benefit Research Institute stated that the percentage of workers very confident about having enough money for a comfortable retirement fell to 13 percent in 2009, down from 18 percent in 2008, and more workers expect to work longer to supplement their income in retirement.

Mr. Speaker, encouraging Americans to save has become even more important. Older Americans are more likely to live within 200 percent of poverty than any other age group, and more than 60 percent of the elderly population relies on Social Security for over three-fourths of their annual income, according to the 2009 Employee Benefit Research Institute's Databook and the 2009 Social Security Administration Report. The 2007 Federal Reserve Board's Survey of Consumer Finances

findings show that the average savings of retirees remains at \$50,000 and recent financial instability has diminished those funds. I would like to take this opportunity to commend the Consumer Federation of America for managing the program, and to every local, state, and national organization, including government agencies, financial institutions, and nonprofits, that have promoted and supported the goals and ideals of the "America Saves Week," and for taking the time to educate Americans about the importance and impact of financial literacy.

Last year, I sponsored a bill during the 111th Congress (H. Res. 1325 that was referred to the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness) that would have required colleges and universities to provide at least 4 hours of financial counseling to students. Student loan borrowers would have received lessons on how to invest, budget, and manage debt, including credit cards and student loans. I personally felt this was important because many lack sufficient knowledge about financial markets, and I believe that we have a responsibility to equip our young people with the necessary tools.

Mr. SCOTT of Georgia. Mr. Speaker, having no further requests for time, I yield back the balance of my time, and I would urge a positive vote on this very, very important and timely legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1082.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2010

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2554) to reform the National Association of Registered Agents and Brokers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2554

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Association of Registered Agents and Brokers Reform Act of 2010".

#### SEC. 2. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

##### "Subtitle C—National Association of Registered Agents and Brokers

#### "SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

"(a) ESTABLISHMENT.—There is established the National Association of Registered



Agents and Brokers (hereafter in this subtitle referred to as the 'Association').

"(b) STATUS.—The Association shall—

"(1) be a nonprofit corporation;

"(2) have succession until dissolved by an Act of Congress;

"(3) not be an agent or instrumentality of the United States Government; and

"(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-301.01 et seq.).

#### **"SEC. 322. PURPOSE.**

"The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other non-resident insurance producer qualification requirements and conditions can be adopted and applied on a multi-state basis (without affecting the laws, rules, and regulations pertaining to resident insurance producers or appointments or producing a net loss of producer licensing revenues to States), while preserving the right of States to license, supervise, discipline, and establish licensing fees for insurance producers, and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

#### **"SEC. 323. MEMBERSHIP.**

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—Any insurance producer licensed in its home State shall, subject to paragraphs (2) and (4), be eligible to become a member of the Association.

"(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Subject to paragraph (3), an insurance producer is not eligible to become a member of the Association if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

"(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

"(A) the State insurance regulator reissues or renews the license of such producer in the State in which the license was suspended or revoked; or

"(B) the suspension or revocation is subsequently overturned.

"(4) CRIMINAL BACKGROUND RECORD CHECK REQUIRED.—

"(A) IN GENERAL.—An insurance producer shall not be eligible to become a member of the Association unless the producer has undergone a national criminal background record check that complies with regulations prescribed by the Attorney General under subparagraph (L).

"(B) CRIMINAL BACKGROUND RECORD CHECK REQUESTED BY HOME STATE.—An insurance producer who is licensed in a State and who has undergone a national criminal background record check in compliance with such requirements as a condition for such licensure shall be deemed to have undergone a national criminal background record check for purposes of subparagraph (A).

"(C) CRIMINAL BACKGROUND RECORD CHECK REQUESTED BY ASSOCIATION.—

"(i) IN GENERAL.—The Association shall, upon request by an insurance producer licensed in a State, submit identification information obtained from such producer, and a request for a national criminal background record check of such producer, to the Federal Bureau of Investigation.

"(ii) BYLAWS OR RULES.—The board of directors of the Association shall prescribe by-

laws or rules for obtaining and utilizing identification information and criminal history record information, including the establishment of reasonable fees required to perform a criminal background record check and appropriate safeguards for maintaining confidentiality and security of the information.

"(D) FORM OF REQUEST.—A submission under subparagraph (C)(i) shall include such identification information as required by the Attorney General concerning the person about whom the record is requested and a statement signed by the person authorizing the Association to obtain the information.

"(E) PROVISION OF INFORMATION BY ATTORNEY GENERAL.—Upon receiving a submission under subparagraph (C)(ii) from the Association, the Attorney General shall search all records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation that the Attorney General deems appropriate for criminal history records corresponding to the identification information provided under subparagraph (D) and provide all information contained in such records that pertains to the request to the Association.

"(F) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—The Association may use information provided under subparagraph (E) only—

"(i) for purposes of determining compliance with membership criteria established by the Association;

"(ii) to disclose to State insurance regulators, or Federal or State law enforcement agencies, in conformance with applicable law.

"(G) APPLICANT ACCESS TO CRIMINAL HISTORY RECORDS.—Notwithstanding subparagraph (F), a producer shall have the right to obtain from the Association a copy of any criminal history record information concerning the producer that is provided to the Association under subparagraph (E).

"(H) PENALTY FOR IMPROPER USE OR DISCLOSURE.—Whoever knowingly uses any information provided under subparagraph (E) for a purpose not authorized in subparagraph (F), or discloses any such information to anyone not authorized to receive it, shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

"(I) RELIANCE ON INFORMATION.—Neither the Association nor any of its directors, officers, or employees shall be liable in any action for using information provided under subparagraph (E) as permitted under subparagraph (F) in good faith and in reasonable reliance on its accuracy.

"(J) FEES.—The Attorney General may charge a reasonable fee to defray the expense of conducting the search and providing the information under subparagraph (E), and any such fee shall be collected and remitted by the Association.

"(K) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State insurance regulator to perform criminal background checks under this section; or

"(ii) limiting any other authority that allows access to criminal background records.

"(L) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this paragraph, which shall include—

"(i) appropriate protections for ensuring the confidentiality of information provided under subparagraph (E); and

"(ii) procedures providing a reasonable opportunity for a producer to contest the accuracy of information regarding the producer provided under subparagraph (E).

"(M) INELIGIBILITY FOR MEMBERSHIP.—

"(i) IN GENERAL.—The Association may, under reasonably consistently applied standards, deny membership to an insurance producer on the basis of criminal history information provided under subparagraph (E).

"(ii) RIGHTS OF APPLICANTS DENIED MEMBERSHIP.—The Association shall notify any producer who is denied membership on the basis of criminal history record information provided under subparagraph (E) of the right of the producer to—

"(I) obtain a copy of all criminal history record information provided to the Association under subparagraph (E) with respect to the producer; and

"(II) challenge the accuracy and completeness of the information.

"(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that—

"(1) bear a reasonable relationship to the purposes for which the Association was established; and

"(2) do not unfairly limit the access of smaller agencies to the Association membership, including imposing discriminatory membership fees on smaller insurance producers.

"(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

"(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

"(2) CATEGORIES.—

"(A) SEPARATE CATEGORIES FOR PRODUCERS PERMITTED.—The Association may establish separate categories of membership for producers and for other persons within each class, based on the types of licensing categories that exist under State laws.

"(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members which are depository institutions or for employees, agents, or affiliates of depository institutions.

"(d) MEMBERSHIP CRITERIA.—

"(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience.

"(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall consider the NAIC Producer Licensing Model Act and the highest levels of insurance producer qualifications established under the licensing laws of the States.

"(3) ASSISTANCE FROM STATES.—

"(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating a prospective member's eligibility for membership in the Association.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

"(4) DENIAL OF MEMBERSHIP.—The Association may, based on reasonably consistently applied standards, deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

"(e) EFFECT OF MEMBERSHIP.—

"(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—



“(A) authorize an insurance producer to sell, solicit, negotiate, effect, procure, deliver, renew, continue, or bind insurance in any State for which the member pays the licensing fee set by such State for any line or lines of insurance specified in such producer’s home State license, and exercise all such incidental powers, as shall be necessary to carry out such activities, including claims adjustments and settlement, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

“(B) be the equivalent of a nonresident insurance producer license issued in any State where the member pays the licensing fee; and

“(C) subject an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation or suspension of a member’s ability to engage in any activity within the scope of authority granted under this subsection and to all State laws, regulations, provisions and actions preserved under paragraph (5).

“(2) **DUPLICATIVE LICENSES.**—No State, other than the member’s home State, may require an individual member to obtain a business entity license or membership in order to engage in any activity within the scope of authority granted in paragraph (1) or in order for the member or any employer, employee, or affiliate of the member to receive compensation for the member’s performance of any such activity.

“(3) **AGENT FOR REMITTING FEES.**—The Association shall act as any member’s agent for purposes of remitting licensing fees to any State pursuant to paragraph (1).

“(4) **REGULATOR NOTIFICATION.**—The Association shall notify the National Association of Insurance Commissioners (hereinafter in this subtitle referred to as the ‘NAIC’) or its designee when a producer becomes a member and identify, on an ongoing basis, the States in which the member is authorized to operate.

“(5) **PRESERVATION OF STATE CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.**—No provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate market conduct or unfair trade practices or establish consumer protections to the extent that such law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle, and then only to the extent of such inconsistency.

“(f) **BIENNIAL RENEWAL.**—Membership in the Association shall be renewed on a biennial basis.

“(g) **CONTINUING EDUCATION.**—

“(1) **IN GENERAL.**—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

“(2) **STATE CONTINUING EDUCATION REQUIREMENTS.**—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than such member’s home State.

“(3) **RECIPROCITY.**—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the member’s home State that have been satisfied by the member during the applicable licensing period.

“(4) **LIMITATION ON ASSOCIATION.**—The Association shall not directly or indirectly offer

any continuing education courses for insurance producers.

“(h) **PROBATION, SUSPENSION AND REVOCATION.**—

“(1) **DISCIPLINARY ACTION.**—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke such producer’s membership in the Association, as the Association determines to be appropriate, if—

“(A) the producer fails to meet the applicable membership criteria of the Association; or

“(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator.

“(2) **REPORTING TO STATE REGULATORS.**—The Association shall notify the NAIC or its designee when a producer’s membership has been suspended, revoked, and otherwise terminated.

“(i) **CONSUMER COMPLAINTS.**—

“(1) **IN GENERAL.**—The Association shall—

“(A) receive and, when appropriate, investigate complaints from both consumers and State insurance regulators related to members of the Association;

“(B) refer any proper complaint received in accordance with subparagraph (A) and make any related records and information available to the NAIC or its designee and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

“(C) refer, when appropriate, any such complaint to any additional appropriate State insurance regulator.

“(2) **TELEPHONE AND OTHER ACCESS.**—The Association shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet web page.

#### “SEC. 324. BOARD OF DIRECTORS.

“(a) **ESTABLISHMENT.**—There is established the board of directors of the Association (hereafter in this subtitle referred to as the ‘Board’), which shall have authority to govern and supervise all activities of the Association.

“(b) **POWERS.**—The Board shall have such of the Association’s powers and authority as may be specified in the bylaws of the Association.

“(c) **COMPOSITION.**—

“(1) **IN GENERAL.**—The Board shall consist of 11 members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom—

“(A) 6 shall be State insurance commissioners appointed in the manner provided in paragraph (2),

“(B) 2 shall be representatives of property and casualty insurance producers,

“(C) 1 shall be a representative of life or health insurance producers,

“(D) 1 shall be a representative of property and casualty insurers, and

“(E) 1 shall be a representative of life or health insurers.

“(2) **STATE INSURANCE REGULATOR REPRESENTATIVES.**—

“(A) Before making any appointments pursuant to subparagraph (A) of paragraph (1), the President shall request a list of recommended candidates from the NAIC, which shall not be binding on the President. If the NAIC fails to submit list of recommendations within 15 days of the request, the President may make the requisite appointments without considering the views of the NAIC.

“(B) Not more than 3 members appointed to membership on the Board pursuant to

subparagraph (A) of paragraph (1) shall belong to the same political party.

“(C) If fewer than 6 State insurance commissioners accept appointment to the Board, the President may appoint the remaining State insurance commissioner members of the Board from among individuals who are former State insurance commissioners, provided that any former insurance commissioner so appointed shall not be employed by or have a present direct or indirect financial interest in any insurer or other entity in the insurance industry other than direct or indirect ownership of, or beneficial interest in, an insurance policy or annuity contract written or sold by an insurer.

“(3) **PRIVATE SECTOR REPRESENTATIVES.**—In making any appointments pursuant to subparagraphs (B) through (E) of paragraph (1), the President may seek recommendations for candidates from national trade associations representing the category of individuals described, which shall not be binding on the President.

“(4) **STATE INSURANCE COMMISSIONER DEFINED.**—For purposes of this subsection, the term ‘State insurance commissioner’ means a person who serves in the position in State government, or on the board, commission, or other body that is the principal insurance regulatory authority for the State.

“(d) **TERMS.**—

“(1) **IN GENERAL.**—The term of each Board member shall be for 2 years, except that—

“(A) the term of—

“(i) 3 of the State insurance commissioner members of the Board initially appointed under subparagraph (A) of paragraph (1),

“(ii) 1 of the property and casualty insurance producer members of the Board initially appointed under subparagraph (B) of paragraph (1), and

“(iii) 1 of the insurer representative members of the Board initially appointed under subparagraphs (D) and (E) of paragraph (1),

shall be 1 year, as designated by the President at the time of the nomination of such members;

“(B) a member of the Board may continue to serve after the expiration of the term to which such member was appointed until a successor is qualified; and

“(C) any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.

“(2) **SUCCESSIVE TERMS.**—Board members may be reappointed to successive terms.

“(e) **MEETINGS.**—

“(1) **IN GENERAL.**—The Board shall meet at the call of the chairperson, as requested in writing to the chairperson by at least four members of the Board, or as otherwise provided by the bylaws of the Association.

“(2) **QUORUM REQUIRED.**—A majority of directors shall constitute a quorum.

“(3) **VOTING.**—Decisions of the Board shall require the approval of a majority of all directors present at a meeting, a quorum being present.

#### “SEC. 325. OFFICERS.

“(a) **POSITIONS.**—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, an executive director, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

“(b) **MANNER OF SELECTION.**—Each officer of the Board and the Association shall be elected or appointed at such time, in such manner, and for such terms as may be prescribed in the bylaws of the Association.

**"SEC. 326. BYLAWS, RULES, AND DISCIPLINARY ACTION.**

“(a) ADOPTION AND AMENDMENT OF BYLAWS.—

“(1) COPY REQUIRED TO BE FILED.—The board of directors of the Association shall submit to the President and the NAIC any proposed bylaw or rules of the Association or any proposed amendment to the bylaws or rules, accompanied by a concise general statement of the basis and purpose of such proposal.

“(2) EFFECTIVE DATE.—Any proposed bylaw or rule or proposed amendment to the bylaws or rules shall take effect, after notice published in the Federal Register and opportunity for comment, upon such date as the Association may designate, unless suspended under subsection (c) of section 330.

“(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

“(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a ‘disciplinary action’) or to determine whether a member of the Association should be placed on probation, the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

“(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

“(A) any act or practice in which such member has been found to have been engaged;

“(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

“(C) the sanction imposed and the reason for such sanction.

**"SEC. 327. POWERS.**

“In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the following powers:

“(1) To establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations.

“(2) To adopt, amend, and repeal bylaws and rules governing the conduct of Association business and performance of its duties.

“(3) To establish procedures for providing notice and opportunity for comment pursuant to section 326(a).

“(4) To enter into and perform such agreements as necessary to carry out its duties.

“(5) To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification; and to establish the Association’s personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.

“(6) To borrow money.

“(7) To secure funding from board member organizations and other industry associations for such amounts that the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

**"SEC. 328. REPORT BY ASSOCIATION.**

“(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and the

NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

“(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

**"SEC. 329. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.**

“(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

“(b) LIABILITY OF DIRECTORS, OFFICERS, AND EMPLOYEES.—No director, officer, or employee of the Association shall be personally liable to any person for any action taken or omitted in good faith in any matter within the scope of their responsibilities in connection with the Association.

**"SEC. 330. PRESIDENTIAL OVERSIGHT.**

“(a) REMOVAL OF BOARD.—If the President determines that the Association is acting in a manner contrary to the interests of the public or the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, in accordance with section 324 and with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

“(b) REMOVAL OF BOARD MEMBER.—The President may remove a member of the Board only for neglect of duty or malfeasance in office.

“(c) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the purposes of this subtitle.

**"SEC. 331. RELATIONSHIP TO STATE LAW.**

“(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

“(b) PROHIBITED ACTIONS.—

“(1) IN GENERAL.—No State shall—

“(A) impede the activities of, take any action against, or apply any provision of law or regulation arbitrarily or discriminatorily to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

“(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association;

“(C) impose any continuing education requirements on nonresident insurance producers; or

“(D) impose any licensing, registration, or appointment requirements upon any nonresident insurance producer that sells, solic-

its, negotiates, effects, procures, delivers, renews, continues, or binds insurance for commercial property and casualty risks to an insured with risks located in more than 1 State, if such nonresident insurance producer is otherwise licensed as an insurance producer in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

“(2) STATES OTHER THAN A HOME STATE.—No State, other than a member’s home State, shall—

“(A) impose any licensing, integrity, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

“(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in such State, including any requirement that such insurance producer register as a foreign company with the secretary of state or equivalent State official; or

“(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in such State.

**"SEC. 332. COORDINATION WITH OTHER REGULATORS.**

“(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association may—

“(1) establish a central clearinghouse, or utilize the NAIC or any other appropriate entity as a central clearinghouse, through which members of the Association may pursuant to section 323(e) disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

“(2) establish a national database for the collection of regulatory information concerning the activities of insurance producers or contract with the NAIC or any other entity to utilize such a database.

“(b) COORDINATION WITH THE FINANCIAL INDUSTRY REGULATORY AUTHORITY.—The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the requirements of this subtitle and the Federal securities laws.

**"SEC. 333. RIGHT OF ACTION.**

“(a) RIGHT OF ACTION.—Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

“(b) ASSOCIATION INTERPRETATIONS.—In any such action, the court shall give appropriate weight to the Association’s interpretation of its bylaws and this subtitle.

**"SEC. 334. DEFINITIONS.**

“For purposes of this subtitle, the following definitions shall apply:

“(1) HOME STATE.—The term ‘home State’ means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

“(2) INSURANCE.—The term ‘insurance’ means any product, other than title insurance, defined or regulated as insurance by the appropriate State insurance regulatory authority.

“(3) INSURANCE PRODUCER.—The term ‘insurance producer’ means any insurance agent or broker, excess or surplus lines

broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

“(4) STATE.—The term ‘State’ includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

“(5) STATE LAW.—

“(A) IN GENERAL.—The term ‘State law’ includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

“(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.”

(b) CLERICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

“Subtitle C—National Association of Registered Agents and Brokers

“Sec. 321. National association of registered agents and brokers.

“Sec. 322. Purpose.

“Sec. 323. Membership.

“Sec. 324. Board of directors.

“Sec. 325. Officers.

“Sec. 326. Bylaws, rules, and disciplinary action.

“Sec. 327. Powers.

“Sec. 328. Report by association.

“Sec. 329. Liability of the association and the directors, officers, and employees of the association.

“Sec. 330. Presidential oversight.

“Sec. 331. Relationship to State law.

“Sec. 332. Coordination with other regulators.

“Sec. 333. Judicial review and enforcement.

“Sec. 334. Definitions.”

#### SEC. 3. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my fellow colleagues in bringing this important legislation to the floor for a vote today. This legislation is timely since the issue of insurance regulatory reform has remained crucial for some time now.

I am pleased to introduce H.R. 2554, the National Association of Registered Agents and Brokers Reform Act, with Congressman NEUGEBAUER to help guarantee adequate agent broker licensing as well as ensure increased competition. That is the important word in this, Mr. Speaker, “increased competition.”

Insurance regulatory reform is an issue many involved agree requires action, and this bill is a good starting point for leveling the playing field for insurance agents and brokers. H.R. 2554 would simply establish the National Association of Registered Agents and Brokers to provide for nonresident insurance agent and broker licensing while preserving the rights of States to supervise and discipline insurance agents and brokers.

This legislation will benefit consumers through increased competition among agents and brokers, leading to greater consumer choice. This legislation is straightforward. Insurance agents and brokers who are licensed in good standing in their home States can apply for membership to the National Association of Registered Agents and Brokers, which we call NARAB. This will allow them to operate in multiple States. Membership will be voluntary and will not affect the rights of a non-member producer under any State license.

This legislation will benefit policyholders by increasing marketplace competition and consumer choice by enabling insurance producers to more quickly and responsibly serve the needs of consumers. A private nonprofit NARAB entity consisting of State insurance regulators and marketplace representatives will serve as a portal for agents and brokers to obtain nonresident licenses in additional States. This is provided that they pay the required State nonresident licensing fees and that they meet the NARAB standard for membership.

This bill also would establish membership criteria which would include standards for personal qualifications, education, training, and experience. And further, member applicants would be required to undergo a national criminal background check.

This very important bill clarifies current State consumer protection, and market conduct regulation would be preserved. NARAB board members would include a narrow majority of State insurance regulators. All bylaws and reports of the association will be filed with the National Association of Insurance Commissioners. This legislation directs the NARAB board to con-

sider utilizing the NAIC as the entity that the association will collaborate with on a central clearinghouse and a national database for regulatory information. NARAB would not be a part of nor would be required to report to any Federal agency, nor would it have any Federal regulatory power.

Congress endorsed this concept through its passage of the Gramm-Leach-Bliley Act in 1999, which would have created NARAB if a number of States did not reach a certain level of licensing reciprocity. At that time, enough reciprocity was provided to avoid the creation of NARAB, but it has become clear that follow-up legislation is necessary.

So my bill addresses market entry procedures only, and it would not impact the daily regulation of insurance. Insurance agents would still be subject to the consumer protection laws of each of the States. This legislation passed in the 110th Congress by a voice vote, but this version has some important improvements. Among these improvements, sections have been added to ensure that State regulators are notified when a producer becomes a NARAB member, becomes authorized to operate in new States, or a membership is suspended or revoked. Also, this version makes revisions concerning NARAB's board of directors to clarify certain provisions, namely, that the President would formally make the appointments, and references to private-sector trade associations are eliminated.

Again, I want to thank my Republican colleague, Congressman NEUGEBAUER, for his work on this legislation. He has done an excellent job, and I have enjoyed working with him. I urge its passage in the House once again.

CONGRESS OF THE UNITED STATES,

COMMITTEE ON THE JUDICIARY,

Washington, DC, March 2, 2010.

Hon. BARNEY FRANK,  
Chairman, Committee on Financial Services,  
House of Representatives,  
Washington, DC.

DEAR CHAIRMAN FRANK: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2554, the National Association of Registered Agents and Brokers Reform Act of 2009, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2554 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,  
Chairman.

COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, March 2, 2010.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your letter concerning H.R. 2554, the "National Association of Registered Agents and Brokers Reform Act of 2009." This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I acknowledge that portions of the bill fall within the jurisdiction of the Committee on the Judiciary and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed with a markup on this bill will not prejudice the Committee on the Judiciary with respect to its prerogatives on this or similar legislation. I would support your request for an appropriate number of conferees in the event of a House-Senate conference.

I will include a copy of this letter and your response in the CONGRESSIONAL RECORD. Thank you again for your cooperation.

BARNEY FRANK,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 2554, and I also want to thank my colleague from Georgia (Mr. SCOTT) for his leadership on this legislation.

We introduced this legislation almost 1 year ago with strong bipartisan support. Mr. SCOTT has worked with the House leadership to help get this bill to the floor today, and I certainly appreciate his efforts.

This bill sets up a private nonprofit insurance system that will help insurance agents and brokers do business across State lines more efficiently. Not only does this help reduce regulatory burden for agents, but it also helps consumers by giving them more choices.

At its core, this is really a small business bill. Most insurance agents and brokers are independent small businesses; they don't have a lot of employees. So when they have to file paperwork for multiple States in order to do business across State lines, that only adds more cost for their compliance. Under this bill, they can register with the new National Association of Registered Agents and Brokers, NARAB, and that will serve as a portal for them to be licensed more easily in other States.

In today's economy, this bill makes sense for small businesses. If a customer moves to another State but wants to keep his insurance agent that has worked for him for years, this bill

will streamline the process for that agent to be licensed in other States. If a customer wants that agent's trust to help them with policies for an elderly parent that they are caring for who lives in another State, this bill also makes that feasible.

H.R. 2554 provides a way to streamline insurance agent licensing across State lines without creating a new government bureaucracy, with no cost to the taxpayers, with consistent consumer protections, and without new mandates on States. This bill empowers insurance agents and their customers without making the government bigger or more expensive.

The option for NARAB was first included in the 1999 Gramm-Leach-Bliley Act, but the bar was not set high enough. Congress realized that in 2008 when the House passed this legislation by voice vote. While the Senate did not take up the bill last time, my hope is that broad bipartisan support in the House again will move this much-needed bill forward.

We've had a lot of debate and discussion in the Financial Services Committee about the big picture for insurance regulation. There are a lot of perspectives on that issue. The good news about this bill, however, is that this is one insurance reform that we can all agree on.

I urge my colleagues to support this bill. It's good for small businesses, it's good for our community agents, and it's good for the customers that they serve.

I also again want to thank Mr. SCOTT for his cooperation and this bipartisan bill, and I urge my colleagues to support H.R. 2554.

I yield back the balance of my time.

Mr. SCOTT of Georgia. In closing, Mr. Speaker, let me again thank my colleague, Congressman NEUGEBAUER, for his distinguished work on this. It has been a pleasure.

Again, as he articulated eloquently a few minutes ago, the two things that this bill really does is it helps American consumers by increasing competition in the marketplace—that is really what we need as we deal with the very topical issue of insurance. And it provides the American people, the American consumer, with choice. So competition and choice are certainly the great beneficiaries of this legislation.

I might add that our act has garnered support from both sides of the aisle. We have both Democrats and Republicans working together on this. Forty-eight of us are sponsors to this bill, and 27 of us belong to the Financial Services Committee, where we have done work on it.

□ 1745

This bill has the support of NAIC, as I said earlier. It shows that the State insurance regulators, themselves, believe that this type of legislation has

needed reform. In addition, the Independent Insurance Agents and Brokers of America supports this bill. The National Association of Insurance and Financial Advisors supports the bill. The National Association of Mutual Insurance Companies, the Property Casualty Insurance Association of America, the Council of Insurance Agents and Brokers, as well as a number of individual insurance companies, all are in support of this bill.

I am proud to have had an opportunity to work with and to have brought this bill before the House. I ask, certainly, for favorable support.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2554, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING USE OF EMANCIPATION HALL TO PRESENT CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 239) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 239

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF EMANCIPATION HALL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for a ceremony on March 10, 2010, to present the Congressional Gold Medal to the Women Airforce Service Pilots.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from Florida (Ms. ROSS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

to revise and extend their remarks in the RECORD on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 239. As Chair of the House Armed Services Subcommittee on Military Personnel and as co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to recognize their service.

We are all familiar with the icon of Rosie the Riveter, working in war factories during World War II. Her motto was, "We can do it."

Well, the Women Airforce Service Pilots did it, too. Almost 70 years ago, they became pioneers for women's equality in the armed services. As civilian pilots under the direction of the U.S. Army Air Forces, flying noncombat missions from 1942 to 1944, they bravely stepped into service while their male counterparts were sent to combat.

The Women Airforce Service Pilots are referred to as the "WASP." Unlike many acronyms used in the military, this is an apt name. For like WASP, their work demanded a unique combination of feistiness and strength, underlined by loyalty to their fellow WASP and their country. They flew every type of military aircraft in every kind of mission except combat. They ferried aircraft from factories to military installations. They towed aerial targets, transported cargo, and served in training exercises.

There were 38 of the, roughly, 1,100 women who lost their lives during the war. There are only about 300 surviving WASP. I am astounded by their tenacity and by their bravery. Yet, despite that dedication, these women have encountered difficulties in being recognized for their service. The WASP corps only received full military status for their service in 1977 after having their records kept secret in classified archival files for more than 35 years.

Next week, on March 10, we will honor their legacy as the first female aviators in American military history with the award of the Congressional Gold Medal. This is the highest civilian honor Congress can give, and it is both well deserved and, certainly, long overdue.

I was proud to have been a co-lead with Congresswoman ILEANA ROS-LEHTINEN on the bill awarding them this honor. It is wonderful to see this come to fruition.

Last year, the Union-Tribune in San Diego highlighted several of these women from my district, some of whom will be attending the ceremony next week. I look forward to meeting them,

and I hope all of my colleagues will come and meet the WASP from their districts.

To quote Vivian Eddy, one of these intrepid women from my district, their desire to serve our country was "not so much to prove anything to anybody but just to fly."

This ceremony will be an illustrative example of our indebtedness to their fearless, selfless service. This group of unsung heroines demonstrates the courage of women in the past, the integrity with which women continue to serve today, and the enthusiasm of the young women who dream of serving this great Nation in the future.

I hope all of my colleagues will join me in thanking the WASP and their families by offering their support for this resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi (Mr. HARPER) will control his 20 minutes.

There was no objection.

Mr. HARPER. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

Today, I rise in support of this resolution, which will authorize the use of Emancipation Hall in the Capitol Visitor Center for an event recognizing the Women Airforce Service Pilots as recipients of the Congressional Gold Medal.

The WASP program, as it was known, was the first introduction of female pilots into the United States armed services. During World War II, these women flew noncombat missions in support of the United States military. WASP pilots numbered in the thousands during World War II, and each woman who served in this capacity freed up one of her male counterparts for combat services and other duties. Just as many women performed operational roles on domestic U.S. bases, these female pilots played a critical role in helping to mobilize servicemen for deployment to the European and Pacific theatres of war.

I am pleased that Congress is able to host this exceptional group of women as they are honored for their contribution to our Nation. I hope my colleagues will join me both in thanking these women for their service to our Nation and in supporting this resolution.

I reserve the balance of my time.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentlewoman from California and the gentlewoman from Florida for bringing this forward.

Mr. Speaker, I would just like to stand in recognition of these wonderful women who provided such an important role in this war.

I would also like to specifically acknowledge Debbie Holthouse from Boynton Beach, Florida. She resides in my congressional district, and she is going to be honoring her mother.

Her mother is Bette Nogard, who served as a pilot during World War II. Bette Nogard died without any veterans benefits even though she risked her life for our freedom. She was a true hero. I am proud that Congress will be honoring her as well as these other women. I look forward to seeing her here in Washington.

Mr. HARPER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida, Representative ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank my good friend for yielding.

Mr. Speaker, as the House author of legislation awarding the Congressional Gold Medal to the Women Airforce Service Pilots, WASP, I rise in strong support of today's resolution.

I would like to thank my wonderful friend from California, my colleague, my collaborator, Congresswoman SUSAN DAVIS of California, for her dedicated work in support of the WASP.

Today's bill authorizes the use of Emancipation Hall, a historic place for a historic group of ladies, for an event that will honor a most unique sisterhood of women pioneers. Next, Wednesday, March 10, Mr. Speaker, the United States Congress will present the Congressional Gold Medal to the surviving members of the Women Airforce Service Pilots, WASP. This award serves as a small token of our tremendous appreciation of the remarkable courage and sacrifice made by these women during the perilous times of World War II.

The WASP were the first women in history to fly America's military aircraft. Between the years of 1942 and 1944, these courageous women volunteered to fly noncombat missions so that every available male pilot could be deployed in combat. More than 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted.

Unlike their male counterparts, women applicants were required to be qualified pilots before they could apply for the Army Air Forces' military flight training program. That's what it was called, it sounds odd to say. Although 1,102 women earned their wings and went on to fly over 60 million miles for the Army Air Forces, equal to some 2,500 times around the globe, they never got the recognition that they deserved. Their performances were equal in every way to those of their male pilots. With the exception of direct combat missions, the WASP flew the same aircraft with the same missions as male pilots. Women pilots were used to tow targets for male pilots who were using live ammunition for searchlight missions, for chemical missions, engineering test flying, and for countless other exercises.

In 1944, the WASP were disbanded. Their service records were sealed and classified. By the time the war ended, 38 women pilots had lost their lives while flying for our country. Although they took the military oath and were promised military status, the WASP were never recognized as true military personnel. These 38 women who died in the service of our country during World War II were denied death benefits, including proper military funerals. Not even an American flag covered their coffins, and their survivors never received a single dime.

As a former WASP, Mary Alice Putnam Vandeventer noted in a recent letter, fellow WASP would circulate a "collection hat to make sure that a fallen sister pilot received a proper burial."

It was not until 1977, more than 30 years after the WASP had served, when another woman pioneer, Congresswoman Lindy Boggs, introduced legislation to grant the WASP veterans status. Now, more than 30 years from that important occasion, the United States Congress, on behalf of the American people, will present the WASP with the recognition they deserve and with the recognition, indeed, they have earned.

The WASP are true pioneers, whose examples paved the way for the Armed Forces to finally lift the ban on a woman attending military flight training in the 1970s.

□ 1800

Today, women in the military fly every type of aircraft, from F-15s to the space shuttle. My daughter-in-law, Lindsay Nelson, a Marine Corps pilot, is part of this lasting legacy of the WASP. Lindsay is a graduate of the United States Naval Academy. She served combat tours in Iraq and in Afghanistan, where she flew the F-18 fighter jet. I am so proud of Lindsay and of all of our servicewomen, past and present, who continue to inspire young women to achieve what was heretofore unimaginable.

Of the 1,102 WASP, less than 300 are still alive today, and they are residing in almost every State of our beautiful Union.

I have had the honor and the privilege of meeting WASP from my congressional area of south Florida. Last August, Mr. Speaker, I presented Frances Rohrer Sargent, Ruth Shafer Fleisher and Helen Wyatt Snapp with framed, signed copies of the WASP Congressional Gold Medal legislation. I cannot tell you how delighted I am that Frances, Ruth, and Helen will be traveling to Washington next week, along with more than 170 of their fellow WASP.

Join me in paying homage to these trailblazers and true patriots who served our country without question and with no expectation of recognition or praise. I hope that all of our colleagues will join us next week to do so.

Mr. Speaker, I urge my colleagues to join me and my good friend from California, Mrs. DAVIS, in voting "yes" on this important recognition. We have taken a long time to recognize these brave pioneers, but that date has finally come, thanks to all of our Members.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, but I certainly wanted to say, and I appreciate the wonderful words of my colleague, Ms. ROS-LEHTINEN, that we are finally having an opportunity to recognize these women in a way that we should have done a long time ago. But we are going to be recognizing the Women Air Force Service Pilots with a Congressional Gold Medal of Honor. I certainly hope our colleagues will join us on March 10 in Emancipation Hall for a very special day, I know, to see and hear from these women who were far more than trailblazers; they served their country and they did it courageously. We are very proud of them and want to let them know how much we care about that service.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### PERMITTING USE OF CAPITOL ROTUNDA FOR VICTIMS OF HOLOCAUST COMMEMORATION

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 236

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 15, 2010, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such condi-

tions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H. Con. Res. 236, a resolution to allow the Capitol Rotunda to be used on April 15 for the purpose of the annual congressional ceremony to commemorate the Holocaust. The congressional commemoration of the Holocaust is a poignant reminder of the atrocities committed by the Nazis and the harrowing experiences of the survivors.

This year, we will be celebrating the heroism of those who liberated the Nazi death camps. The theme for this year's ceremony, *Stories of Freedom: What You Do Matters*, highlights the experience of Allied soldiers who risked their lives for the cause of freedom.

The stories of these soldiers that many of us have heard are inspiring. These soldiers confronted evil and physically saw despair in the eyes of every survivor they encountered. And these soldiers gave the survivors hope. The actions of these liberators changed the lives of the survivors and the course of human history.

Last year, on Veterans Day, I participated in a ceremony that honored American World War II veterans, including Dr. Bernard Metrick of Boca Raton, Florida, who helped liberate a subcamp of Buchenwald while serving in the 8th Armored Tank Division. Dr. Metrick will be joining me in Washington in April to participate in the Days of Remembrance. What Dr. Metrick did, what all of the Allied liberators did, mattered back then, and each and every one of us must learn from their lessons. What we do matters. And that is the message that this ceremony will inspire: What you do matters.

This is both our individual and collective responsibility. Never again can we allow a Holocaust to occur on our watch. All my life, I personally have felt moved to spread the message of "Never Again." In the Florida Legislature when I served, I passed legislation to mandate Holocaust education in our Florida public schools so that students



from all walks of lives and backgrounds could learn the lessons of the Holocaust.

Here in Congress in my capacity as cochair of the Congressional Task Force Against Anti-Semitism, I worked with my cochairman, Congressman MIKE PENCE of Indiana, to organize an annual visit to the U.S. Holocaust Memorial Museum for Members of Congress and their families. This is a unique form of Holocaust education, where the museum serves as a teaching tool to educate U.S. Representatives who have not been to the museum before about how the Holocaust is relevant to their lives and the lives of their constituents.

I am grateful to Speaker PELOSI for appointing me to serve on the U.S. Holocaust Memorial Commission with other Members of the House and Senate and other citizens around the United States, and I hope to advance the cause of Holocaust education in this new role.

I would also like to thank Chairman BRADY and Ranking Member LUNGREN for moving this resolution to the floor today. As a sponsor of this legislation and a member of the U.S. Holocaust Memorial Council, I would like to thank the other cosponsors of this legislation: Congresswoman GABRIELLE GIFFORDS of Arizona, Congressman STEVE LATOURETTE of Ohio, Congressman ERIC CANTOR of Virginia, and, of course, Congressman HENRY WAXMAN, who worked closely with me on this resolution.

I urge my colleagues to support this resolution, and I encourage my colleagues to attend the ceremony on April 15 in the Capitol Rotunda so that we may mourn those who perished and recognize those who sacrificed so much for freedom in the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this very important resolution. Under Congress' direction, the United States Holocaust Memorial Museum has organized and annually led the National Days of Remembrance ceremony in the Capitol Rotunda. The theme chosen by the museum this year is *Stories of Freedom: What You Do Matters*.

What we do does matter, Mr. Speaker. On occasions like this, there aren't appropriate enough words to share on behalf of the millions of victims of the Holocaust. Yet we here today and those in the Rotunda next month will once again commemorate the lives taken and the lives that suffered due to the unspeakable brutality and evil of that dark moment in history.

Mr. Speaker, this year is the 65th anniversary of the liberation of the Nazi concentration camps. Sixty-five years have passed since the doors were

opened and the inhumane was laid bare for human eyes.

Just as the theme this year is *What You Do Matters*, so it mattered what others did then. We think of those like Oskar Schindler, Dietrich Bonhoeffer, and so many others who did their part in this effort; heroic efforts, which forever mattered to the lives they saved and the truth they pursued, some to their own death.

Mr. Speaker, we too must do our part in this body and uphold the ideals upon which our Nation was founded. This ceremonial Days of Remembrance reminds us what happens when the rule of law and the commitment to ordered liberty upon which it rests are defiled. Let us also remember that this ceremony is not reflective of one event or one tragedy. We remember the entire scope of mankind's history and use it as a reminder that human life is precious, and that we must never allow a travesty like this to ever happen again.

Through this resolution and this commemoration, we remember the Night of Broken Glass, the Warsaw ghetto uprising, the methodical devouring and destruction of a whole continent, and the labor, concentration, and death camps as Auschwitz, Treblinka and Buchenwald, to name only a few. May our actions and may our remembrance honor the courage and bravery shown by the millions murdered only seven decades ago.

Mr. Speaker, just as our 34th President, General Eisenhower, made sure the things he had seen were not quickly forgotten, may this year's ceremony in the Capitol Rotunda be a solemn and fitting reminder of the victims of the Holocaust. I am pleased to support this bipartisan resolution, and encourage the support of my colleagues.

Mr. Speaker, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I would like to thank Mr. HARPER of Mississippi for his very supportive words and his heartfelt support of this important bipartisan resolution. I look forward to being at the event with you in the Rotunda.

Mr. Speaker, again, I just thank the Chamber for their support and look forward to the opportunity of again supporting this very important event in the Rotunda.

Mr. BRADY of Pennsylvania. Mr. Speaker, the resolution before us allows for the use of the rotunda of the Capitol for the annual commemoration of the victims of the Holocaust. The Holocaust is one of the most shameful and horrifying events of human history. As we stop to reflect on this heinous event, let it serve as a reminder that there is no room for prejudice, oppression and hatred. As Americans and world citizens, it is important that future generations be called upon to remember the atrocities of the Holocaust and the similarities in the hate crimes we see today.

Despite hatred, the human spirit is unwavering in the face of adversity. History has shown

us that in times of despair, humanity prevails and always, always looks towards a brighter future.

There is no better place than the United States Capitol rotunda to embody the reverence and dignity so deserved in honoring the victims of the Holocaust. The United States Capitol has stood as a symbol of freedom and liberty, and a symbol of hopes and dreams. It is important, Mr. Speaker, that as we recognize one of the most notable tragedies in human history, we honor the memory of those who died so senselessly and pledge anew to stop atrocities like genocide, from occurring again.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 236, to permit the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

It has been over 60 years since the Holocaust. For many of the survivors, the Holocaust remains an everyday reality. Year-round the Jewish people persistently teach and inform others about the horrors of the Holocaust. The Days of Remembrance is one day in the year when special effort is made to remember those that endured, struggled and died. Six million Jews were murdered and many families were completely devastated.

There are many ways in which this day is observed. Generally the Day of Remembrance, or *Yom Hashoah*, has been observed with candle lighting, speakers, poems, prayers, and singing. Six candles are lighted to represent the six million individuals who lost their lives and Holocaust survivors speak about their experiences or share in the readings.

This Congress established the Days of Remembrance as our nation's annual commemoration of the Holocaust. The United States Holocaust Memorial Museum is a lasting living memorial to the victims and Congress has authorized that the museum will take the lead in commemorating the Days of Remembrance and also to encourage and sponsor suitable ceremonies throughout the United States.

This concurrent resolution is an affirmation of our continued support as we stand together with our Jewish brothers and sisters. Also, it allows for the Holocaust Memorial Museum to continue the annual commencement of the Days of Remembrance by initiating the week, which starts April 11, this year, with a memorial service in the U.S. Capitol Rotunda. The Holocaust Memorial Museum has been organizing and leading the national Days of Remembrance ceremony in the Rotunda since 1982; and it is my desire to maintain this tradition.

Mr. KLEIN of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.



# TRADEMARK TECHNICAL AND CONFORMING AMENDMENT ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2968) to make certain technical and conforming amendments to the Lanham Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2968

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Trademark Technical and Conforming Amendment Act of 2010.”

## SEC. 2. DEFINITION.

For purposes of this Act, the term “Trademark Act of 1946” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Lanham Act”; 15 U.S.C. 1051 et. seq.).

## SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CERTIFICATES OF REGISTRATION.—Section 7 of the Trademark Act of 1946 (15 U.S.C. 1057) is amended—

(1) by inserting “United States” before “Patent and Trademark Office” each place that term appears;

(2) in subsection (b), by striking “registrant’s” each place that appears and inserting “owner’s”;

(3) in subsection (e)—

(A) by striking “registrant” each place that term appears and inserting “owner”; and

(B) in the third sentence, by striking “or, if said certificate is lost or destroyed, upon a certified copy thereof”; and

(4) by amending subsection (g) to read as follows:

“(g) CORRECTION OF PATENT AND TRADEMARK OFFICE MISTAKE.—Whenever a material mistake in a registration, incurred through the fault of the United States Patent and Trademark Office, is clearly disclosed by the records of the Office a certificate stating the fact and nature of such mistake shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration and such corrected registration shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Director a new certificate of registration may be issued without charge. All certificates of correction heretofore issued in accordance with the rules of the United States Patent and Trademark Office and the registrations to which they are attached shall have the same force and effect as if such certificates and their issue had been specifically authorized by statute.”.

(b) INCONTESTABILITY OF RIGHT TO USE MARK UNDER CERTAIN CONDITIONS.—Section 15 of the Trademark Act of 1946 (15 U.S.C. 1065) is amended—

(1) by striking “right of the registrant” and inserting “right of the owner”;

(2) by amending paragraph (1) to read as follows:

“(1) there has been no final decision adverse to the owner’s claim of ownership of such mark for such goods or services, or to

the owner’s right to register the same or to keep the same on the register; and”;

(3) in paragraph (2), by inserting “United States” before “Patent and Trademark Office”.

(c) APPEAL TO COURTS.—Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071) is amended—

(1) by inserting “United States” before “Patent and Trademark Office” each place that term appears;

(2) in subsection (a)(1), by inserting “or section 71” after “section 8”; and

(3) in subsection (b)(4), by striking “If there be” and inserting “If there are”.

(d) CONFORMING REQUIREMENTS FOR AFFIDAVITS.—

(1) DURATION, AFFIDAVITS AND FEES.—Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

### “SEC. 8. DURATION, AFFIDAVITS AND FEES.

“(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Director unless the owner of the registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

“(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of registration under this Act or the date of the publication under section 12(c).

“(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of registration, and each successive 10-year period following the date of registration.

“(3) The owner may file the affidavit required under this section within the 6-month grace period immediately following the expiration of the periods established in paragraphs (1) and (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

“(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

“(1)(A) state that the mark is in use in commerce;

“(B) set forth the goods and services recited in the registration on or in connection with which the mark is in use in commerce;

“(C) be accompanied by such number of specimens or facsimiles showing current use of the mark in commerce as may be required by the Director; and

“(D) be accompanied by the fee prescribed by the Director; or

“(2)(A) set forth the goods and services recited in the registration on or in connection with which the mark is not in use in commerce;

“(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

“(C) be accompanied by the fee prescribed by the Director.

“(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the owner of the registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

“(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of registration and notice of publication under section 12(c).

“(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify any owner who files any affidavit required by this section of the Director’s acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

“(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the owner is not domiciled in the United States, the owner may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the owner does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.”.

(2) AFFIDAVITS AND FEES.—Section 71 of the Trademark Act of 1946 (15 U.S.C. 1141k) is amended to read as follows:

### “SEC. 71. DURATION, AFFIDAVITS AND FEES.

“(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each extension of protection for which a certificate has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Director unless the holder of the international registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

“(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of issuance of the certificate of extension of protection.

“(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of issuance of the certificate of extension of protection, and each successive 10-year period following the date of issuance of the certificate of extension of protection.

“(3) The holder may file the affidavit required under this section within a grace period of 6 months after the end of the applicable time period established in paragraph (1) or (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

“(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

“(1)(A) state that the mark is in use in commerce;

“(B) set forth the goods and services recited in the extension of protection on or in connection with which the mark is in use in commerce;

“(C) be accompanied by such number of specimens or facsimiles showing current use of the mark in commerce as may be required by the Director; and

“(D) be accompanied by the fee prescribed by the Director; or

“(2)(A) set forth the goods and services recited in the extension of protection on or in connection with which the mark is not in use in commerce;

“(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

“(C) be accompanied by the fee prescribed by the Director.

“(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the holder of the international registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

“(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

“(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify the holder of the international registration who files any affidavit required by this section of the Director's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

“(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the holder of the international registration of the mark is not domiciled in the United States, the holder may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the holder does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.”.

#### SEC. 4. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Intellectual Property Enforcement Coordinator, shall study and report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which small businesses may be harmed by litigation tactics by corporations attempting to enforce trademark rights beyond a reasonable interpretation of the scope of the rights granted to the trademark owner; and

(2) the best use of Federal Government services to protect trademarks and prevent counterfeiting.

(b) RECOMMENDATIONS.—The study and report required under paragraph (1) shall also include any policy recommendations the Secretary of Commerce and the Intellectual Property Enforcement Coordinator deem appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and in-

clude extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we seek to correct a technical and unintentional mistake in the trademark laws that could result in inadvertent abandonment for trademark owners who registered under our international agreement on trademarks, which is called the Madrid Protocol.

At the expiration of their trademark registration term, trademark owners are required to submit affidavits to the United States Patent and Trademark Office stating that they have continuously met the statutory requirements of use in commerce or, alternatively, excusable nonuse.

□ 1815

Such affidavits are essential to maintain current trademark registrations and to clear the register of inactive trademarks. However, due to a technical mistake in the Lanham Act, our trademark laws unintentionally prevent trademark owners who file these affidavits for registering extensions under the Madrid Protocol from having the same rights as other U.S. trademark owners. Compliance with regulations should not reduce the rights of trademark owners. Today, we will harmonize our laws with the Madrid Protocol so that this particular injustice no longer occurs.

Additionally, this legislation gives the Director of the USPTO discretion to allow applicants to correct good-faith and harmless errors that otherwise would have severe and unreasonable intellectual property ramifications. The Intellectual Property Organization and the American Intellectual Property Law Association both support this legislation. In their letter in support of this bill, the American Intellectual Property Law Association stated that this bill is, “a highly desirable amendment to the Trademark Act,” and refers to this legislation as a “cure” for specific technical inconsistencies for trademark owners.

However, the bill is not perfect. It includes a study provision regarding alleged trademark lawsuit abuse and small businesses. While we don't want to delay the necessary relief to the trademark owner that this bill will provide by immediate passage of S. 2968, the ranking member and I are committed to working with Senator LEAHY to refine the text of this study provision at our soonest opportunity.

It is time to finally give our trademark owners who register under the Madrid Protocol the rights they should have had originally. This legislative

update accomplishes just that, and bolsters the rights of all U.S. trademark owners.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I rise in support of S. 2968, and recognize myself for such time as I may consume.

This legislation, Mr. Speaker, makes technical but important revisions to the Madrid Protocol Implementation Act, which Congress passed in 2002. The Act is one of the most significant legislative accomplishments in the trademark realm in the past 15 years.

By way of background, the United States is a signatory to the Madrid Protocol, an international treaty that allows a trademark owner to seek registration in any of the countries that joined the Protocol. This means an American trademark owner pays the Patent and Trademark Office in Alexandria, Virginia, a nominal fee to expedite the necessary paperwork overseas. This process makes it easier and less expensive for U.S. trademark owners to acquire protection for their intellectual property in other countries.

The 2002 Act that implements the Protocol has functioned well through the years, but must be updated. The main purpose of the bill is to bring provisions for maintaining extensions of protection under Madrid in conformity with provisions for maintaining registrations. Maintenance filings with the PTO by the trademark owner are necessary to perpetuate protection on the trademark. This bill also authorizes the PTO Director to permit applicants to correct good-faith and harmless errors.

Finally, Mr. Speaker, the legislation includes a study provision that was inserted at the behest of the other body. It directs the Intellectual Property Enforcement Coordinator and the Department of Commerce to evaluate and report on treatment of smaller businesses involved in trademark litigation. Along with Chairman CONYERS and the chairman of the subcommittee, the distinguished gentleman from Georgia, I believe the study text could be clarified further. I'm happy to report that Senator LEAHY has agreed to work with us on making the necessary minor revisions to improve the language. We intend to move this language at a later date on a different vehicle. We just don't want to delay further consideration of S. 2968 by requiring the other body to pass the bill for a second time.

In closing, I urge the Members to support S. 2968.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 2968.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### COMMENDING CALIFORNIA STATE UNIVERSITY SYSTEM

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1117) commending and congratulating the California State University system on the occasion of its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1117

Whereas the California State University system will be celebrating its 50th anniversary during 2010 and 2011;

Whereas the individual California State Colleges were brought together as a system by the Donahoe Higher Education Act of 1960 of the State of California;

Whereas, in 1972, the system became the California State University and Colleges, in 1982, the system became the California State University (CSU), and today the 23 campuses of the CSU include comprehensive and polytechnic universities and, since July 1995, the California Maritime Academy, a specialized campus;

Whereas the system's oldest campus—San Jose State University—was founded in 1857 and became the first institution of public higher education in California, while the system's newest campus—California State University, Channel Islands—opened in the fall of 2002;

Whereas today the CSU is the Nation's largest and most diverse university system, with 23 campuses and 7 off-campus centers, almost 433,000 students, and 44,000 faculty and staff;

Whereas the CSU draws its students from the top third of California's high school graduates and is the State's primary undergraduate teaching institution;

Whereas each CSU campus—California State University Bakersfield, California State University Channel Islands, California State University Chico, California State University Dominguez Hills, California State University East Bay, California State University Fresno, California State University Fullerton, Humboldt State University, California State University Long Beach, California State University Los Angeles, California Maritime Academy, California State University Monterey Bay, California State University Northridge, California State Polytechnic University, Pomona, California State University Sacramento, California State University San Bernardino, San Diego State University, San Francisco State University, San Jose State University, California Polytechnic State University, San Luis Obispo, California State University San Marcos, Sonoma State University, California State University Stanislaus—has its own identity, but all share the same mission—to provide high-quality, affordable higher education to meet the changing workforce needs of California;

Whereas with 91,000 annual graduates, the CSU is California's greatest producer of bachelor's degrees and drives California's economy in information technology, life sciences, agriculture, business, education,

international trade, public administration, hospitality, engineering, entertainment, and multimedia industries;

Whereas the CSU reaches out to California's growing, underserved communities, providing more than half of all undergraduate degrees granted to California's Latino, African-American, and Native American students, and offering affordable opportunities to pursue and attain a college degree;

Whereas the CSU is noted for pioneering outreach efforts, including starting the Early Assessment Program (which enables 11th graders to assess their college readiness in English and math) and the Educational Opportunity Program (an access and retention program that supports low-income, educationally disadvantaged students, many of whom are first-generation college students), distributing millions of "How To Get to College Posters" in multiple languages, hosting Super Sunday events at churches throughout the State as part of its African-American initiative, partnering with the Parent Institute for Quality Education (PIQE), which helps strengthen parent involvement in elementary and middle school students' education, and actively engaging in the State's Troops to College efforts on behalf of veterans;

Whereas the CSU offers more than 1,800 bachelor's and master's degree programs in some 357 subject areas, as well as teaching credential programs and its own independent education doctorate program;

Whereas the CSU has awarded nearly 2,500,000 bachelor's, master's and joint doctoral degrees since 1961;

Whereas the CSU's renowned faculty members are well known for their teaching skills as well as their significant contributions to research, CSU staff and administrators provide the vital infrastructure to fulfill the CSU mission, and faculty and staff together have made the CSU a leader in high-quality, accessible, student-focused higher education;

Whereas CSU students participate in 32,000,000 hours of community service annually at more than 3,560 community sites, including tutoring children and adults in English as a second language, working in hospitals and community health clinics, teaching computer literacy, cleaning up rivers and beaches, serving meals to the homeless, and building houses;

Whereas the CSU returns \$4.41 for every \$1 the State invests, the CSU sustains more than 200,000 jobs in the State, and CSU-related expenditures create \$13,600,000,000 in economic activity;

Whereas the CSU has more than 2,000,000 alumni, representing one in 10 members of California's workforce and the majority of the State's teachers;

Whereas the California State University has dedicated itself to helping foster improvement in the educational, economic, and cultural life of California;

Whereas the Chancellor and the Board of Trustees have led the CSU during extremely difficult economic times that have caused the CSU to cut admission rates and raise costs, as they have launched initiatives to increase the system's graduation rates and help underrepresented students complete college; and

Whereas the California State University is developing not only college graduates, but responsible citizens and leaders for California and the Nation: Now, therefore, be it

*Resolved*, That the House of Representatives commends and congratulates the California State University system on the occasion of its 50th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1117 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1117, authored by Congresswoman ZOE LOFGREN, a bill that celebrates California State University, CSU, for 50 years of service and leadership. In 1960, California developed its master plan for higher education. Since that time, this plan has provided access to higher education for the State's diverse array of students. In that same year, Mr. Speaker, with the passage of the Donahoe Higher Education Act, California's individual State colleges were brought together to form the esteemed CSU system.

Since its inception, California State University has grown into an exemplary set of higher education institutions. The CSU boasts 23 campuses, seven off-campus centers, and over 433,000 students. In addition, the system maintains 44,000 faculty and staff, offering 1,800 bachelors and master's degree programs in some 357 subject areas, making it the largest and most diverse university system in the United States.

Each campus in the CSU system provides its own unique experience and enrolls a diverse set of students. CSU attracts the best and brightest students the great State of California produces. These students are not only leaders inside the classroom, but they also lead in service to their communities. Annually, CSU students participate in over 32 million hours of community service, providing an economic impact of over \$634 million to a multitude of California neighborhoods.

Under the current leadership of Dr. Charles Reed and the Board of Trustees, the California State University system remains dedicated to providing access to all students, regardless of financial need. I applaud this continued commitment, particularly in this time of economic turmoil. Many representatives of the CSU system are visiting with us today, including Dr. Charles Reed and Dr. Ruben Arminana, who is the president of Sonoma State University in my district. Mr. Speaker, we owe them a great deal of thanks for their amazing work and for their support of California's students.

Mr. Speaker, once again, I express my support of the California State University system. I thank Representative LOFGREN for bringing this bill forward.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

I rise today in support of House Resolution 1117, commending and congratulating the California State University system on the occasion of its 50th anniversary. The Weekly Normal School, today San Jose State University, became the first institution of higher education established by the State of California in 1862. The California State University system was established in 1960 as the California State College system.

Today, the system is comprised of 23 campuses, with almost 433,000 students and 44,000 faculty and staff. Cal State's campuses stretch from Humboldt in northern California to San Diego. It is the Nation's largest and one of the most affordable university systems. The California State University system offers more than 1,800 degree programs in 357 different subjects. CSU draws its students from the top two-thirds of California's high school students and graduates 91,000 students annually.

The CSU system prepares approximately 60 percent of the teachers in the State, 40 percent of the engineering graduates, and more graduates in business, agriculture, communications, health education, and public administration than any other college or university in California. The California State University system undoubtedly makes an invaluable contribution to the education of the people of California and the Nation.

California State University also makes significant outreach efforts to inform and promote college attendance to middle and high school students, minority populations, and veterans. CSU's outreach to growing and underserved communities also provides a pathway for students from diverse backgrounds to pursue an education.

I am pleased to congratulate CSU on the 50th anniversary of the University system's founding. I extend my congratulations to the California State University system, all the alumni, students, faculty, and staff at each of the 23 campuses, and to the people of California. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I'm delighted to recognize for such time as she may consume the sponsor of H. Res. 1117, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I want to thank Ms. WOOLSEY from California, a cosponsor and great supporter of this resolution and of education in California.

Mr. Speaker, I rise today as the proud sponsor of the resolution con-

gratulating the California State University system on 50 years of providing high-quality, accessible, and affordable education. I want to thank my colleague, WALLY HERGER, for introducing this resolution with me. As has been mentioned, the CSU system is the Nation's largest and most diverse university system. It includes 23 campuses and seven off-campus centers, with 44,000 faculty and staff and almost 433,000 students.

The California State University system was created in 1961 under the master plan, about 50 years ago, but San Jose State University preceded it. San Jose State University is the oldest university in the system. It's in my district, and it's in my neighborhood. It was founded in 1857 in the basement of a high school in the Bay area. That first class had four graduates, all women, and San Jose State has obviously grown since that time. It's based in the heart of what is now Silicon Valley. San Jose State now is the single largest provider of engineers in Silicon Valley. The university sits on a 154-acre campus in downtown San Jose and has over 30,000 diverse students. It is ranked by U.S. News and World Report as a top 15 master's level public institution in the West.

San Jose State's population, like many of the other CSU campuses, is a representation of the diverse community that it serves. Many of its students are from immigrant families and are the first in their families to attend or graduate from college. San Jose State University is also redefining what a traditional student is, as over a quarter of the undergraduates at the university are over the age of 24.

□ 1830

Surrounded by Silicon Valley, students are able to supplement their classroom knowledge with hands-on experiences at many of the innovative firms and agencies in the Valley through internships, summer programs, and research assistance.

All of the CSUs, including San Jose State, play a critical role in preparing students for California's economy. With 91,000 annual graduates, the CSU is the State's greatest producer of bachelor's degrees. These students then help drive California's economy. And according to CSU, for every \$1 the State invests into the CSU system, the CSU returns \$4.41. CSU sustains more than 200,000 jobs in the State. And CSU-related expenditures create \$13.6 billion in economic activity.

Often referred to as the "People's University," CSU reaches out to California's growing underserved communities. CSU provides more than half of all undergraduate degrees granted to California's Latino, African American, and Native American students. In fact, the Chancellor, Dr. Charles Reed, is here with us today and told us at our

delegation meeting today about the outreach efforts into African American churches on Sunday to tell families, 100,000 families in California about the opportunity that CSU presents to those families. Minority enrollments and graduation and success is up among Latino families, among African American families, among families who didn't really see a way for their kids to move forward.

We know that there have been cutbacks, but the California delegation and President Obama have worked to preserve and improve affordability. Almost 190,000 CSU students will pay no fee increases due to increases in the State University Grants, Federal grants, and CSU fee waivers. So the Recovery Act has provided millions of needed dollars to the CSU. It has provided an additional \$81 million for 120,000 of CSU's neediest students through the Pell Grant program. It also provided \$76.5 million to restore classrooms that would have been cut so that students can graduate in 4 years.

Mr. Speaker, I gave the commencement speech at San Jose State last year. And as I looked out over the student body, I saw thousands of young people, and some not so young, who had a dream, whose family never thought that their kids would have a chance to get an education and bite off a part of the American dream. Because of the CSU system, they are really part of our future.

I am really thrilled to be part of honoring CSU, and also noting that the entire California Democratic delegation has cosponsored this resolution. I thank my colleague for allowing me to speak, and I urge passage of the resolution.

Mr. ROE of Tennessee. Mr. Speaker, just one comment.

There are a lot of things about our education system in America that is not right. And we deal with it every day. We had the Secretary in front of our committee this afternoon. But one of the things that is right is the higher education system in America. And I will tell you that without a system like California's, I wouldn't be standing here today. I was given an opportunity to succeed. And I know so many students in California that don't have the opportunity because of cost to attend a private university, get a great education in that system. And not only is the State of California better, America is better because of this. I would urge my colleagues to support this. I once again congratulate the CSU system.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from Tennessee for his remarks. If you were educated in California, look at who you are. Thank you.

Mr. Speaker, I am pleased to recognize for 2 minutes the gentlewoman

from California (Ms. CHU), a member of the Education and Labor Committee.

Ms. CHU. Mr. Speaker, I rise today to honor California State University on its 50th anniversary. The CSU system is a model for States across the country. With 23 campuses, 430,000 students, and 44,000 faculty and staff, it is the largest and most diverse university system in the Nation.

In fact, California State University Los Angeles is located right in my district and has been educating students for over 50 years. I once taught there, and I know firsthand that this is one of the most affordable and diverse Cal State universities in the state, if not the Nation.

Since most Cal State LA students come from families with incomes under \$50,000, this university plays a critical role in making it possible for every student to attain their dream of a college education. Many of these students go on to successful careers in high demand fields such as nursing, IT, and the life sciences, and help make up the backbone of the workforce in Los Angeles County.

I commend California State University Los Angeles and the entire CSU system for serving California so well for over half a century.

Ms. WOOLSEY. Mr. Speaker, with that, I urge my colleagues to support H. Res. 1117, which celebrates the California State University system for 50 years of service and leadership, and to thank Representative LOFGREN for introducing this very meaningful piece of legislation.

Ms. LEE of California. Mr. Speaker, I rise in support of House Resolution 1117 to applaud and honor the California State University system on the occasion of its 50th anniversary.

Achieving equal access to education has always been one of my top legislative priorities and I am proud to recognize the California State University's leadership in providing high-quality, accessible, student-focused higher education to the people of California and our nation.

The growth of the California State University System over the past 50 years provides an extraordinary example of the great success that can come to institutions that prioritize equity and excellence. With 23 campuses, over 430,000 students, and 44,000 faculty and staff, the California State University System is the largest, the most diverse, and one of the most affordable university systems in the country.

The California State University has a significant impact not only on the regions immediately surrounding CSU's 23 campuses, but on the state as a whole. Because many CSU students remain in-state after graduation, California greatly benefits from the skills and knowledge of CSU alumni. With 91,000 annual graduates, the California State University is California's highest producer of bachelor's degrees and helps drive California's economy in fields such as information technology, business, and education.

Additionally, CSU students perform 32 million hours of community service annually,

equating to an economic impact of \$624 million. CSU's community service efforts have not gone unnoticed, as 16 CSU campuses were rightly named to the 2008 President's Higher Education Community Service Honor roll in recognition for their innovative and effective community service and service-learning programs.

As the Chair of the Congressional Black Caucus, I am particularly proud to say that CSU provides more than half of all undergraduate degrees granted to California's Latino, African American and Native American students. Additionally, as part of its African American Initiative, CSU has partnered with churches throughout California to bring awareness to students, parents and families about the importance of early preparation for college. Clearly, CSU is committed to providing an excellent education to all of California's students.

In this challenging economic climate, the relevancy of the California State University is becoming ever more apparent. The CSU deserves continued support in its vital role in the growth and development of California's communities and economy. The California State University offers unlimited opportunities to help students of all backgrounds achieve their goals, and I am proud to join my colleagues in celebrating the achievements of this extraordinary institution.

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues from the California congressional delegation today to recognize the 50th anniversary of the California State University system.

The state's individual State Colleges were incorporated into what is today known as the California State University system by the Donahoe Higher Education Act of 1960, designed as part of the California Master Plan for Higher Education to meet the future needs of a growing state. That bill was authored by my father, George Miller, Jr., who served in the State Senate for many years.

Today, the campuses of the Cal State system can be found throughout California, and they make up the country's largest and most diverse university system. In my district's backyard, CSU East Bay is providing opportunities for young people from around the Bay Area, preparing them for the future.

I am pleased to recognize the 50th anniversary of the California State University system, and I look forward to working with the CSU system and others in California and across the country to make college more affordable and accessible for students today and for generations to come.

Mr. HONDA. Mr. Speaker, I rise today to congratulate the California State University on its 50th anniversary. I am a proud alumnus of the CSU system—I earned my bachelor's degrees in biological sciences and Spanish, and my master's degree in education from San Jose State University. The California State University, the largest state university system in the nation, plays a significant role in California's success, with graduates numbering one in every ten members of California's workforce. The California State University is also on the forefront of ensuring the opportunity to receive a quality college education for the state's increasingly diverse population. With 23 distinct campuses, from my alma mater in

San Jose to CSU Long Beach and the California Maritime Academy in Vallejo, the CSU system brings higher education to a diverse student body of nearly 400,000 students every year. In 2002–03, more than half of all undergraduate degrees granted to Latino, African American and Native American students in California were awarded by the CSU.

The impact of the CSU far exceeds the number of students it educates. The CSU provides more than 200,000 jobs for Californians, and research by CSU faculty and staff is solving critical problems for the state and creating innovative solutions for business and industry. Additionally, CSU students give back to their communities by participating in 32 million hours of service annually.

In conclusion, Mr. Speaker, it is with great pride that I rise today to commend the California State University system on 50 years of not only providing high-quality, affordable higher education to meet the changing workforce needs of California, but also preparing students to become engaged members of their community, state and nation.

Mrs. CAPPAS. Mr. Speaker, I rise in strong support of H. Res. 1117 and to personally congratulate the California State University system on its 50th anniversary. As a Californian, I am proud to commemorate this wonderful occasion.

California is honored to be home to 23 world-class universities in the California State University (CSU) system. As the largest university system in the country, CSU serves nearly 433,000 students annually and provides jobs to almost 44,000 faculty and staff.

I am privileged to represent the students and faculty of two of these outstanding institutions—California State University Channel Islands and California Polytechnic State University, San Luis Obispo (Cal Poly). As the newest California State University, students at CSU Channel Islands benefit from top notch classroom instruction, up-to-date technology and successful local business partnerships that provide a pathway to a well-rounded education. As a nationally ranked university, Cal Poly San Luis Obispo has become a proven leader in engineering, architecture, and agriculture.

During these tough economic times, the CSU system is critical to ensuring our nation's long-term economic prosperity. As the most diverse and affordable system in the country, CSU provides us with a future robust workforce. These graduates will play a vital role in the growth and development of the economy and our local communities in California and across the nation.

I urge my colleagues to pass H. Res. 1117 and commemorate this wonderful achievement.

Mr. GARAMENDI. Mr. Speaker, 50 years ago today, the State of California made a decision that would alter the course of a nation. By establishing the California State University system to work in conjunction with the University of California and California's community colleges, our state's forward thinking policymakers declared that California would be a state where higher education was the birthright of every qualified resident.

Since then, CSU has awarded nearly 2.5 million degrees, about 90,000 annually. Because leaders in California's past had the vision of what a better California could look like, the Golden State has become the world's great innovator in computers, biotechnology, space exploration, and clean technology.

The history of human civilization is replete with examples of great societies that fell into decline when they no longer prioritized education. We know that CSU returns \$4.41 for every dollar the state invests in it, and CSU creates \$13.6 billion in economic activity. What will happen to us if we continue to systematically defund the 23 CSU campuses that produce our future teachers, nurses, and engineers? What will happen to California if our leaders fail to recognize the fierce urgency of now?

I was proud to serve as a California State University trustee, and it was saddening to witness almost yearly increases in student fees. I never voted for an undergraduate student fee increase—essentially a tax on students—because when we tell qualified students that we can't afford to give them the education they deserve, we don't just harm the individual. When we tell more than 40,000 qualified students that they are no longer welcome to an education in California, as we did in 2009, we are really saying that California is no longer prepared to be a leader in our global economy.

Today is a day for celebration. CSU has been a pillar of growth for California for 50 years, and I congratulate all the administrators, faculty, staff, and students that have made it a success. But today must also be a call to action. We must unite to say it's time to increase investment in education and California's future.

Mr. HERGER. Mr. Speaker, I am pleased to express my support for H. Res. 1117, a resolution congratulating the California State University system on its 50th anniversary. Its Chico campus is located in the Northern California Congressional District I represent and provides residents of the North State with exceptional academic opportunities. In fact, 69 percent of students currently attending CSU Chico are from Northern California.

CSU Chico is a vital part of the community. It was established in 1887 and offers its 15,797 full-time students over 300 academic programs and 66 undergraduate majors. To better enrich the lives of its students, the university is home to almost 240 student organizations. Its commitment to academic excellence, coupled with the many opportunities it offers students, enable CSU Chico to produce informed and well-rounded individuals that contribute greatly to our local communities and the Nation.

I offer my congratulations to the entire CSU system on this noteworthy occasion, and wish it many more years of providing a high quality education to students from California and across our Nation.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1117.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE 482ND FIGHTER WING

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to congratulate Homestead's Air Reserve Base 482nd Fighter Wing for receiving the Department of Defense Reserve Family Readiness Award. Through the vigilance of these brave men and women in uniform every day, Americans can live with a greater peace of mind. The safety of our families is dependent on them. And it is heartwarming to know that our military families are given the extra support that they need.

The strong leadership of Wing Commander BG William B. Binger has made this distinction possible. He serves as an inspiration and motivation for such a remarkable unit and support personnel.

Again, congratulations to the 482nd Fighter Wing of the Homestead Air Reserve Base for this well-deserved honor. Congratulations, ladies and gentlemen.

#### REMEMBERING PENNSYLVANIA STATE TROOPER PAUL G. RICHEY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is with a heavy heart that I rise today and speak of the death of Pennsylvania State Trooper Paul G. Richey. On January 13, Richey responded to a domestic dispute call. He volunteered because he had taken a call at that residence outside Oil City, Pennsylvania, in the past. This time he was shot in the neck as he stepped out of his car, and never had the time to react. In the residence, the shooter killed his wife and then himself.

Richey was a native of Venango County, born and reared in Sandy Creek Township, and a graduate of Franklin High School. He graduated from Edinboro University with a degree in criminology, and then from the Pennsylvania State Police Academy. He was married to Carrie Cornell for more than 15 years, and he left two children: Conner, age 9, and Catherine, 6. He was active in his church and Scouting with his son. He is also survived by his parents, Clinton and Nancy Garmong Richey.

Richey lived up to the call of honor of the Police Academy, which states, "I must serve honorably, faithfully, and if

need be, lay my life down as others have done before me." My thoughts and prayers are with the family.

#### INTERNATIONAL WOMEN'S DAY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize International Women's Day and to highlight the needs of mothers around the world.

Every minute somewhere in the world a woman dies in pregnancy or childbirth. Most of these deaths are preventable with targeted, cost-effective interventions and increased access to maternal health care. I applaud President Obama's newly announced global health initiative and its focus on maternal health issues. These programs will make sustainable changes in the daily lives of women around the world.

Now I call on my colleagues to take the next step and fully fund the initiative and the programs that are meeting the dire needs of women in need worldwide. We owe the women of the world no less.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### CORPORAL DUSTIN LEE MEMORIAL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I have introduced H.R. 4639. It is known as the Corporal Dustin Lee Memorial Act, to amend title 10, United States Code, to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog.

Mr. Speaker, 3 years ago I got involved with a family from Mississippi. It was somewhat by accident really. It was brought to my attention that Rachel and Jerome Lee, the husband, had lost a son named Dustin Lee, and that Dustin was killed for this country in Iraq. He was a dog handler, and the dog was wounded as well.

The Marine Corps took the dog, named Lex, to the funeral in Mississippi of Dustin Lee, the Marine who was killed. And at that time the daddy, Jerome Lee, and the mama, Rachel Lee, wanted to have the dog stay with them. Well, it wasn't possible because the rules and regulations said that the



dog, which was owned by the Air Force, leased to the Marine Corps, had to be retired.

So when the family, the mother and dad, asked for the dog that their son loved so much, the Marine Corps said we need 2 more years of service by the dog Lex. And when I heard about it, I called the family in Mississippi. And my heart went out to the family. I asked the family what could we do to help. And I don't want to take credit for this, Mr. Speaker, I want to give credit to General Mike Regner, who right now is serving in Afghanistan for this country. He is responsible for this happening. I just made a phone call.

Lex was retired 2 years ago this December at a ceremony down in Georgia, and the family now has the dog. In fact, Mrs. Lee is going to bring Lex and come to Walter Reed on the 12th of April. She wants to take the dog to visit the troops at Walter Reed, which I think is very magnanimous of the mom and dad. They want to let the soldiers and the Marines there know what happened with their son Dustin and say thank you, but also take Lex so that Lex can say thank you to the soldiers and Marines at Walter Reed.

□ 1845

Mr. Speaker, I am going to yield back my time in just a second. I am going to ask my colleagues in the House to please join us on H.R. 4639. This, again, is to honor the families who have given a child who happened to be a dog handler the opportunity to own that dog almost immediately after the dog is cleared. And if it should be a wounded soldier, marine, or airman or seaman, they would have the same opportunity.

So this is a photograph, Mr. Speaker, of Lex looking at the headstone of the grave of Dustin Lee, and Dustin is there on his knees with his hands around the head of the dog which was Lex. This is very special, and that's why I wanted to bring it to the floor. I ask my friends, again, to join me in this legislation, H.R. 4639.

Mr. Speaker, as I always do on the floor of the House, I want to ask God to please bless our men and women in uniform. I want to ask God to please bless the families of our men and women in uniform. I want to ask God in his loving arms to hold the families who have given child, dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I want to ask God to please bless the House and the Senate, that we will do what is right in the eyes of God for his people throughout this country. And I want to ask God to give wisdom, strength and courage to the President, Mr. Obama, that he will do what is right in the eyes of God for God's people in this country. And three times I ask God, Please, God, please, God, please, God, continue to bless America.

#### HARVEST MARKET OF GRAINFIELD, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I am here this evening to recognize the Harvest Market for its service to the community and the citizens of Grainfield, Kansas. The Harvest Market represents everything that makes a small-town business work—community support, dedicated employees and a desire to maintain a quality of life for those living in and around Grainfield and Gove County, Kansas.

During my travels throughout our congressional district, the community grocery store has proven itself to be the cultural center of rural Kansas. I frequently hear from Kansans who contact me following a conversation they've heard at the grocery store. Many times the grocery store, along with the local barber shop, provides patrons with the day's current events and activities. Economic development within the First Congressional District of Kansas can easily be seen as whether a community does or doesn't have a grocery store. And I know my colleagues here in Washington, D.C., at least some of them, find that hard to believe that that can be an issue in a community.

The viability of rural Kansas depends upon fresh and affordable food as well as the jobs a grocery store provides. When we lose our grocery store, we begin to lose our town. Grainfield is no exception to this rule. In this tiny community of 300 people, Harvest Market provides the people of Grainfield with everything from a cup of coffee from the in-store shop to the food that will make the evening's dinner.

Dan Godek and his wife, Nicole, own and operate the Harvest Market. The Godeks continue to work hard by supplying a wide variety of affordable produce with meats and dairy products in order to make the local shopping experience more enjoyable. With people in rural Kansas willing to travel to other communities featuring larger stores, maintaining that competitive edge is vital to both the store and the community.

The couple has also made efforts to make the store more energy efficient. They've installed more efficient coolers and are making plans for freezers and reusable grocery bags. These changes for efficiency reflect the long-term goal of maintaining a thriving business in this small town. Store efficiency will help cut down on costs, allowing the Godeks to put the extra money back into the store. This increased input means additional choices for their shoppers.

Harvest Market is a socially important component to Grainfield as well. The store serves as a community cen-

ter for people to visit with their neighbors. It is here that residents discuss local news and run into old friends. The Godeks also participate and help sponsor community events as their way of giving back to the townspeople. Just a few of their civic activities include organizing and sponsoring Cruise, Shoes and BBQs, as well as sponsorship of the Harvest Pie Festival on Labor Day weekend.

While the Godeks work hard to maintain the success of the store, their fellow residents also have chipped in to help around the store. Dan says that he is very impressed with the locals and how much they've supported him. Customers are more than willing to lend a helping hand by retrieving items from the back and straightening the shelves. One Grainfield resident commented, It's not just my store; it's everybody's store. They're all proud of it too. Even Dan's mother-in-law makes the point to stop in to help stock shelves.

The willingness of the Grainfield residents to partner with the Godeks to help one another succeed is a great example of the many values that rural America lives by. They can be proud of their achievements, just as I am proud to represent these kinds of people. Congratulations to Dan and Nicole in their efforts at Harvest Market and the services they bring to Grainfield. And thank you to the town of Grainfield and the citizens of Gove County for the support of the Godeks and the Harvest Market.

#### NATIONAL FRAGILE X FOUNDATION ADVOCACY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. HARPER) is recognized for 5 minutes.

Mr. HARPER. Mr. Speaker, as you may know and many of you may know, my wife, Sidney, and I are blessed with a precious 20-year-old son named Livingston and a wonderful 18-year-old daughter named Maggie. Early in Livingston's life, we noticed that he was not reaching developmental milestones as quickly as the other children his age. He was slow to walk, slow to talk, and at times, he would flap his hands, rock back and forth, and chew on a terrycloth doll that he had. Doctors continuously informed Sidney and me that he was developmentally delayed and that he would grow out of it. We were told not to be concerned.

When Livingston was nearly 19 months old, and we were 3 months pregnant with Maggie, our doctor informed us that something could be wrong. At that time, he didn't know what it was but assured us that he would begin searching for what the diagnosis was. Over the next 2 years, our lives were consumed with occupational therapy and speech therapy and visits to the doctor, trying to find out what



we had, along with other diagnostic tests. Livingston was misdiagnosed with mild cerebral palsy and was said to be a near miss on autism. My strong and loving wife dealt with these issues on a daily basis and dealt with the brunt of the day-to-day activity with Livingston. After almost 2 years, we were finally able to get a correct diagnosis of fragile X syndrome.

Most fragile X families have shared similar stories of delayed diagnosis. This is why I support the work of the Fragile X Clinical and Research Consortium. Fragile X associated disorders are genetic, resulting in behavioral, developmental and language disabilities throughout a person's life. It is linked to a mutation on the X chromosome and is the most commonly inherited form of intellectual disabilities. Fragile X is also linked to reproductive problems in women, including early menopause and a Parkinson's-like condition in older male carriers. Today over 100,000 Americans live with fragile X syndrome, and over 1 million Americans carry a fragile X mutation and either have or are at risk for developing a fragile X associated disorder. Further, as many as one in 130 women are estimated to be carriers of the fragile X mutation, according to current studies.

Over 140 fragile X advocates visited Capitol Hill today, educating their Members of Congress on the potential for effective treatments, raising awareness of this disorder, and sharing their very personal stories. As one of the co-chairman of this bipartisan Fragile X Caucus, I am committed to improving the health of children and adults across the country living with this disorder.

Last year our caucus, united with the National Fragile X Foundation, reached many of our targeted objectives. Working with Senator THAD COCHRAN of Mississippi and other Members of Congress, we secured funding for a national postsecondary education demonstration program which was authorized in the 2008 Higher Education Opportunities Act but was previously not funded. This program will give hope to families and will allow young adults with intellectual disabilities to perhaps enjoy the opportunity and the experience of going to college.

The Fragile X Caucus supported funding for the Centers for Disease Control to establish public health activities for fragile X syndrome, obtaining \$1.9 million for the current fiscal year. Our coalition obtained report language in support of efforts at NIH for the implementation of their research plan on fragile X. And we succeeded in adding fragile X to the list of disorders eligible for medical research projects under the Department of Defense's Peer Reviewed Medical Research Program.

These accomplishments have had a significant impact on the fragile X

community, but I assure you that this is only the beginning of our very promising journey. This year the Fragile X Caucus will work with other Members of Congress to push the NIH research plan on fragile X syndrome and associated disorders and will urge Congress to continue funding translational research that shows significant promise of a safe and effective treatment for this disorder. We will request that the Department of Defense expand the Peer Reviewed Medical Research Program to include fragile X-associated disorders in the eligible research topics for their fiscal year 2011. And we will advocate for continued support to grow the National Fragile X Public Health Initiative and the Fragile X Clinical and Research Consortium in order to expand to geographically underserved regions.

I commend the ongoing research being conducted in drug therapy, and we hope that it will lead to successes. We must continue to focus on efforts to enhance the lives of these families who are blessed with a fragile X child. As the only Member of Congress who has a child with fragile X syndrome, I understand the challenges that many families face who experience this condition. For our family, fragile X has become a lifelong labor of love and daily blessings. Every day we thank God for our son, Livingston. My family's commitment to these courageous individuals is that we will work tirelessly to increase awareness of this genetic disorder.

#### RECOGNIZING DR. BARTH GREEN'S EFFORTS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the tremendous contributions of the relief efforts in Haiti made by Dr. Barth Green and the University of Miami's Global Institute's Project Medishare and the Miller School of Medicine at the University of Miami. When Haiti was devastated by the earthquake which struck on January 12, Dr. Barth Green, cofounder of the UM Global Institute's Project Medishare for Haiti, and a team of 11 doctors and nurses immediately sprung into action. Arriving the very next day, they were the first medical team in Haiti following this catastrophic earthquake, and within less than 24 hours at the request of Haitian President Rene Preval and the Haitian Ministry of Health, Project Medishare had set up a field trauma hospital on the grounds of the Port-au-Prince Airport. This 300-bed critical care hospital is now reportedly the country's largest functioning urgent care hospital. It is working closely with the U.S. military in Haiti, providing important triage services in collaboration with the U.S. Navy ship *Comfort*.

Under Dr. Green's leadership, Project Medishare has deployed over 500 medical, administrative and logistical personnel to staff the hospital, and they have effectively treated hundreds of patients on a daily basis. So far, more than 2,000 earthquake survivors have received care at the University of Miami Hospital. In addition, the Project Medishare UM Global Institute Hospital has served as an important clearing house and staging point for medical evaluations and for other hospitals that are operating in the Port-au-Prince area.

But it doesn't stop there, Mr. Speaker. Because Project Medishare has been engaged in health and development work in Haiti for over 15 years, they were able to quickly grow their emergency response efforts across all of Haiti. They were able to expand their longstanding programs in Cap Haitien and in the central plateau to care for earthquake-injured individuals who had left the capital city to be with their families elsewhere.

Similarly, because the UM Global Institute has been working in Haiti for nearly 40 years now, it is uniquely positioned to work with the Government of Haiti, the U.S. military and other organizations to help organize medical teams on the ground and implement field hospital plans around the capital city.

□ 1900

Notably, Project Medishare is also making an effort to integrate medical staff with the Haitian Ministry of Health and other local Haitian doctors and nurses in an effort to better train each other.

As Dr. Green himself explained, "We're beginning to train our Haitian colleagues so, when we hand off these hospitals in the next couple of months, they'll be there forever. We're not rebuilding Haiti the way it was; we're rebuilding a different Haiti."

Dr. Green has also said that they plan to leave with your colleagues in Haiti every piece of the transported equipment used for their relief efforts. This will help to transition the immediate relief assistance they have provided into real, longstanding, sustainable progress for the people of Haiti.

I was so proud to coordinate Dr. Green's efforts with our U.S. military personnel on the ground and in my district at the U.S. Southern Command. I applaud the many individuals who have participated in the relief efforts headed by Dr. Green, by the University of Miami, by the Global Institute's Project Medishare, and by the U.M. Miller School of Medicine. The work of private individuals and organizations such as these is key to the broader U.S. response to the crisis in Haiti.

Again, I would like to recognize the tremendous contributions made by Dr.

Green and his partners at the University of Miami, especially U.M. President Donna Shalala, to the relief efforts in Haiti. My sincere gratitude for their selfless dedication to this cause. Congratulations, U.M.; congratulations, Mr. Barth Green.

#### RECOGNIZING MINNESOTA'S 34TH INFANTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, the amount of sacrifice given to this Nation by those serving in our Armed Forces is truly inspiring. American men and women in uniform are a remarkable symbol for our country, and we are truly proud of their dedication.

The Minnesota National Guard's 34th Infantry Division, known as the Red Bulls, have served our State and our country with honor and are truly the best our Nation has to offer. Their dedication to ensure freedom has been a momentous task, and they continue to succeed with utmost bravery.

This responsibility is no small task. Indeed, ensuring democracy in a fragile state is something that takes courage and trust.

Most recently, more than 1,000 members of the Red Bulls were deployed to Basra, Iraq, where they took command of 14,000 troops in nine of Iraq's 18 provinces. After serving long hours and giving up days and years of their lives, the Red Bulls have finally returned home to Minnesota, and it was a joyous occasion. Families and friends were reunited after serving our country and representing our State. These heroes took part in the Minnesota National Guard's nationally recognized "Return to Yellow Ribbon" reintegration program which helps soldiers ease back into everyday life.

To give thanks for their extended service, in January 2007, the Post-Deployment Mobilization Respite Absence program, PDMRA, was implemented to offer extra pay for those who served extended time overseas during deployments in Iraq and Afghanistan.

But despite this promise, more than 23,000 troops did not receive the benefits they were promised due to the bureaucracy and the red tape within the Department of Defense. Troops that were owed thousands of dollars, they didn't see a dime. This was entirely unacceptable. This type of delay, whatever the excuse, was certainly outrageous. And although this was not a new issue, I was proud to work on this issue as soon as I arrived in Congress. In fact, the effort was led by Representatives JOHN KLINE and TIM WALZ from Minnesota, along with the rest of the Minnesota delegation, and Representative BRUCE BRALEY from Iowa, whose tireless work on this issue should not go unnoticed.

Mr. Speaker, when it comes to our veterans' issues, partisan politics are not an option. We all share a common goal in Congress to support our troops, and have worked together to ensure that those who serve our Nation get the respect and the recognition that they deserve.

While we authored legislation that would have provided an immediate fix for this issue, a major hurdle was that many Members of Congress did not know the problem ever existed. Despite the fact that 19 States had 500 or more constituents who had not received money, many Members were unfortunately unaware, which was a major hurdle in passing this legislation. And so we made it our mission personally to educate Members of Congress about the problem, and we tried to raise awareness about the issue.

We also sent numerous letters to the Defense Appropriation and authorization committees so we could begin to address the problem in Congress, while thousands, in the meantime, continued to wait for the DOD to act. In the House, we were successful in getting language in the Defense authorization bill, and we got money allocated in the Defense appropriation bill. Unfortunately, the Senate authorization bill had language to fix the problem but their appropriations bill did not include the funding. Sadly, after all of our efforts, the final Defense appropriations bill that the President signed into law did not contain the funding that was needed to provide the fix to this problem for our troops.

But we kept on fighting. We did not give up, and the issue was raised in a question by Representative KLINE to Defense Secretary Gates during a House Armed Services Committee hearing recently, and it was just shortly after that the Department of Defense announced it was changing its policy and that they would end these burdensome regulations in order for the soldiers to get the money that they were promised a long time ago.

So I am proud to report that now the first checks have been mailed out to our deserving troops. The Red Bulls, without a doubt, deserve every dollar they will be receiving after this 3-year wait. I want to take this opportunity to thank them again for their service and pledge to them that we will fight to make sure that a similar situation never happens again in the future.

#### HONORING THREE PENNSYLVANIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, some say that America is successful because of what we do here in Washington. I couldn't disagree

more. America is successful because of her citizens. And tonight, I want to share and talk about and recognize three such individuals from Clinton County, Pennsylvania.

Mr. Speaker, the first is Donald Mellott. On Friday, February 12, 2010, veteran fire policeman Donald G. Mellott made the ultimate sacrifice in the line of duty while serving the citizens and communities of Clinton County, Pennsylvania. Mr. Mellott tragically lost his life while working to control the traffic scene of a two-vehicle crash on Lusk Run in Bald Eagle Township.

A long-time public servant in Clinton County, he most recently served as captain of the Woolrich Fire Police Association. Captain Mellott was instrumental in shaping the future of the Clinton County Fire Police Association.

He began his public service at the age of 16 and served his communities for 46 years. His involvement originated in his home community of Flemington, and he has been an active member of the Lock Haven Citizens, Dunnstown, and Woolrich fire departments. He was also involved in public service as a member of the local Masonic Lodge.

Captain Donald Mellott's life embodies that of a true American hero. He lived and served with a commitment to making a difference in the lives of both his neighbors and complete strangers. He sacrificed personally, missing family time, meals, and full nights of rest when called upon to serve those in need.

While we mourn the loss of this American hero, we celebrate his lifetime record of service and his principles of public service. The families of all fire and emergency personnel share in the service and sacrifices of their loved ones. To the Mellott family, please know that I am keeping you in my prayers during this very difficult time.

The second individual, Mr. Speaker, I rise to honor today is Jerry Updegraff, who has spent 20 years raising funds to advance the causes of Lock Haven University in Pennsylvania.

He plans to retire with a balance sheet of more than \$40 million in contributions and other income that has come to the university during his tenure as executive director of the Lock Haven University Foundation.

Jerry represented the university on the Council for the Advancement and Support of Education and was past chair of the Clinton County Economic Partnership. Last month, he received a lifetime service award from CASE for his contributions to higher education over the course of his 42-year career.

I also know him as a former member of the executive board of the Susquehanna Council of the Boy Scouts of America, where he served with honor.

Prior to joining Lock Haven, Jerry had public relations and fundraising responsibilities at the University of Toledo, Bowling Green State University, and the University of Charleston.

Jerry recently surpassed the \$10 million fundraising goal in Lock Haven University's capital campaign by helping to raise \$11.6 million. We thank Jerry for his dedication and his outstanding service to Lock Haven, and wish him well on his retirement.

Finally, Mr. Speaker, I recognize Lock Haven University President Keith T. Miller. Keith has been an outstanding representative for the college. Enrollment has grown under his tenure, as has the honors program. Lock Haven has achieved All-Steinway status and qualified for National Science Foundation grants since Dr. Miller arrived in 2004.

He is a warm individual whose dedication to the school was always in evidence. He never stopped promoting and believing in the mission of the university. I am pleased for Dr. Miller that he is going to assume the reins of Virginia State University in Petersburg, Virginia, in July. Their gain is our loss.

Before Lock Haven, Miller was provost and vice chancellor of the University of Wisconsin-Oshkosh, dean of the College of Business at Niagara University in New York, and associate dean of the School of Business at Quinnipiac College in Hamden, Connecticut.

He holds a bachelor's, a master's, and a Ph.D. from the University of Arizona, but he has also worked in sales for Proctor & Gamble. He counted that as good experience for teaching business. I can continue to describe his distinguished career and many attributes, but suffice it to say that Lock Haven and Lock Haven University will miss Dr. Miller, as will I.

#### HEALTH CARE TAKEOVER

THE SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it is a pleasure to be able to join you, my colleagues, and those gathered in various places around the buildings here near the Capitol.

I have had the opportunity, having served in government as a legislator for a number of years, to serve both in the majority, in the minority, but also in the wilderness. This last year and a half has been different; I have served in the wilderness because we have actually come up to the edge of the abyss with a piece of legislation that promises to be so threatening and so destructive to our country that should we decide to swallow this poison pill and pass this piece of legislation, America will never be the same.

I have seen, in the majority and in the minority, pieces of legislation which are harmful and that may be poor solutions to some particular problem or solutions to a problem that doesn't exist or excuses just to have more taxes and more government control, but we have never quite seen a threat like the threat that confronts America today, and we, you and I, my friends, who love the red, white, and blue, are looking off the edge.

I don't know if you have ever stood on the edge of the rim of the Grand Canyon and looked thousands of feet downward, or if you have ever been on the top of some high skyscraper or bridge and looked off into empty space, but that is where we stand tonight. That is where we stand this week or next week in America. We are standing looking into the abyss, into a piece of legislation which is quite possibly going to be passed. And if it is passed, it will leave our Nation very, very weak, much weaker and unlike anything that we have seen before.

It threatens to do two major things: to destroy the quality of health care in America, and to destroy the fiscal integrity of our very country. I am talking, of course, about an old topic, a topic that has been debated now for more than half a year here in Congress. It has absorbed the attention of the Nation, and it is an interesting topic because the more that it has been around, it seems the more the public is aware of it, and the more they see of it, the more they don't like it. In fact, as you start to take the covers off the legislation on health care, it becomes a very ugly picture, and the American public is wise. In fact, the statistical information suggests that at least 20 percent more Americans believe that we would be better not passing this piece of legislation and a great majority think we should just scrap it and start over again by systematically defining a problem and fixing it rather than having government take over all of health care.

□ 1915

Now, the process, the way that the legislature works historically has been so boring that none of the American public pay any attention to it, but that has changed since we have been in the days of looking into the abyss, the abyss of the destruction of health care and the destruction of our economy. And people are becoming conscious of how it is that bills are passed and how they become law.

What would be required to have this health care bill passed would be a process that people call reconciliation. What that means essentially is that the bill would end-run or bypass a safety process in the U.S. Senate. The U.S. Senate has a very conservative way of operating, and that is that you can have a bill that you have 51 Senators

who would vote for it—so it would pass if you had a chance to vote on it—but they put this extra caveat, that you have to have 60 Senators agree to bring it up for a vote. So in a sense, everything in the Senate requires a 60 percent approval before it goes to a final vote.

Now, there is an exception to that, and that is because of the necessity of dealing with the budget and spending and taxing and some of those issues, that on certain financial kinds of transactions, because of the fact that we can't afford a gridlock, we allow a 50-vote majority to be able to move something along, and that's called reconciliation. But it is not a process that is typically used for a completely new bill on a very broad subject, which is not just specifically a financial kind of thing.

We have this quote from our President on this subject of reconciliation, he says, "Reconciliation is, therefore, the wrong place for policy changes." Now, wait a minute now, this is the President saying "reconciliation is, therefore, the wrong place for policy changes. Isn't the health care bill a policy change? I guess it is. It's a whale of a big policy change."

In short, the reconciliation process appears to have lost its proper meaning. A vehicle designed for deficit reduction and fiscal responsibility has been hijacked to facilitate reckless deficits and unsustainable debt. Well, I wish the President would pay attention to his own words. This is what he said, Reconciliation is not a place for policy changes, and yet the health care bill is a massive policy change. It will take over about one-sixth of the U.S. economy. The government will step in and effectively run one-sixth of the U.S. economy with all kinds of rules and regulations and bureaucracies. I guess that's a policy change, Mr. President.

In short, the reconciliation process appears to have lost its proper meaning. Indeed, it does. A vehicle designed for deficit reduction and fiscal responsibility, that's what the reconciliation process was supposed to be about, and in fact it's going to be hijacked. It's been hijacked to facilitate what? To facilitate jamming down the throats of the American public a bill that America clearly does not want us to do. They want to take the reconciliation process as a mechanism to jump with all of America into the abyss.

So I think it's interesting that after the votes, particularly the vote in Massachusetts where the Democrats do not have 60 votes in the Senate, they don't have one Republican that would support this bill, not one, for people who have served in the legislature, that is a huge warning sign. When you see a total party line vote on something, that means there's some problems.

Usually in the legislative process, if it's been done properly, a lot of people

have a chance for input, people have a chance to improve and say this part seems to be a little radical, let's go back this way. Usually what you have is more of a mix of people. When you see something being jammed in a process that is not designed—that is, reconciliation—for this massive policy change, and you see not one Republican voting for it, that should be a warning sign for people everywhere, and it is a misuse of reconciliation.

And so while the public is saying in poll after poll, survey after survey, phone call after phone call from our districts, stop this train, do not jump into the abyss, do not allow the Federal Government to take over one-sixth of the economy, and yet, what do we see? We see a tremendous determination to jam this bill through, whether the procedure fits or not. But it's my way or the highway, and we're going to do it because we know what's best for you.

This is a very high-handed approach, and it is something that does not—never does and never will—produce a good consensus in America. It will be something that will divide America, create a tremendous amount of tension and pressure, end up with lousy health care, and a Federal budget that is even more out of control.

Now, if you take a look down here, we have another quote from the Speaker of the House, NANCY PELOSI, and it says, "This will take courage." In other words, for the Democrats to vote for this bill, it will take courage. What does that mean, it will take courage? Well, if it takes courage, it means somebody is going to be mad, somebody is not going to like it. And so you have to be courageous and stand up to somebody who doesn't want you to vote for this bill. Who do you think the "somebody" is? Is it the Republicans? The Republicans don't like it, but we have 80 votes less than the Democrats, so we can't say much of anything about it other than explaining why we don't like it. But our votes don't make the difference.

NANCY PELOSI has a whole lot of extra votes. She could have 20 or 30 people vote no and still pass this bill. So why does this take courage? Well, it takes courage because somebody doesn't want it, somebody very much doesn't want it, and they're going to be mad if it's jammed down the throats of the American people. Who is the somebody going to be? You got it, the American public.

People are not going to like this bill. So if you vote for it, the point she's making is you're risking your seat because people are going to be mad. It's interesting when the leader is saying it's going to take courage. That says somebody doesn't like it.

Now, are there some reasons why people don't like the bill? Well, first of all, this is a rough flowchart trying to

describe what happens when the government takes over one-sixth of the U.S. economy. Obviously, there's a whole lot of things being done by private institutions which will be replaced with government institutions, and they've got to figure out how to replace it all. So no wonder it takes almost 3,000 pages of bill to try to put some sort of a scheme together for the government to be running the health care business.

Now, on the surface of the whole situation with this bill, this is not an easy sell. As you know, this bill has been around for more than half a year—I guess it's three-quarters of a year. People don't like it very well. The President thinks it's a beautiful bill, but the more that people see it, the less they like it; they think it's an ugly bill.

Well, let's just think about the logic of this, stand way back away from all the details of health care. We've got Medicare and Medicaid, both of those have to do with medicine. They are both very large Federal entitlements, Medicare, Medicaid. In fact, the great challenge to the American budget are three entitlements. People say earmarks is what it's all about. Earmarks are 1 percent. Earmarks are not the thing that's really a threat to the budget. The thing that's a threat to the budget are three entitlements: Social Security, Medicare, and Medicaid. Two of those have to do with health care—Medicare and Medicaid. And what's the problem with Medicare and Medicaid? Well, they're financially broken, and if they continue as they are right now without changing those laws, they will bankrupt our country.

So we've got Medicare and Medicaid, government programs that are currently bankrupting our country. And so what are we trying to sell the American public? Oh, hey, we've got the government running Medicare and Medicaid, they're bankrupting our country, so let's take over all of health care with the government. There is something intuitively counterintuitive about that, isn't there? Why would you want the government to take over something that it's already messing up, that not working financially, that is in the process of bankrupting our country. If you can't do it in a smaller area of Medicare and Medicaid, why do you want to expand it to everybody?

So this is kind of a hard sell for the President, and that's why it's taking a lot of courage and why this bill is not moving any too fast and why the public doesn't like it. But there are many, many other reasons. You can see the complexity here, and as you can imagine, when you start to look at the details, you find that it is full of a lot of little devils. One of the things that you find—and I think one of the little devils that is perhaps most noxious to a lot of American people—are the special

deals. You see, when you have a piece of legislation that's going to take a lot of courage, you have to put some sugar in it to make people vote for it. And the sugar, of course, comes in the special deal form.

So what you find in the legislation—to the best of our knowledge, because the idea about transparency and openness we have not seen, and so we don't actually see exactly what's in this bill in its final form, but you see what it was like in the House, we saw what it was like in the Senate. But we find that it has some of these special little things, that is, that it's going to take \$500 billion out of Medicare, but is it taking \$500 billion out of Medicare all the way across the country? No. In fact, in the State of Florida, it's not going to take any money out of Medicare Advantage at all. So it won't be coming out in Florida, but in the other States, they do take it out. Well, that was a special deal for somebody in Florida.

Then we've got special deals for—I think it was called Louisiana Purchase II for Louisiana; special deals for Massachusetts that Medicare gets these special reimbursements there; going to build a hospital, as I recall, in New Jersey, but not in other places. So you have special deals. That's one of the things that makes this look ugly to the voters because you're not treating every State the same; you're making some States pay more and other ones don't, and you're making some special adjustments for various people.

You find there are special adjustments for people who work in a labor union, but somebody who works the same kind of job in a company that's not in a union doesn't get the same break as if you are in a union. So again, this is one of those special deals. The American people in general see that and say that isn't fair, that isn't right, that isn't good legislation, that's special deals. We don't like special deals because they don't treat people equally before the law.

Now, when you take a look at the complexity of this chart, what it suggests is that this is going to be expensive. Not only is it going to be expensive, if you've got a problem and you fall through the crack somewhere, you may never get over to getting any health care at all because it has got so much redtape and bureaucracy. And so the whole idea of this kind of a system working well and providing good quality service is a little bit hard to understand. And when you take a look at the failings of Medicare and Medicaid in terms of the projected way that they're going to take our country into bankruptcy, do you really want to expand all of health care into these categories? So there is a fiscal sanity kind of component.

One of the ways to take a look at the bill and to ask some questions and to

get a sense of what's going on as to why this bill is unpopular as people study it and see more and more of it, these are some comparisons of what the health care proposal does. This is the old Democrat bill, this is the President's new online bill, and this would be the Republican alternative, or alternatives. So we have three different bills in comparison here, and a comparison based on a number of different criteria. I think it may be helpful to take a look at some of those.

First of all, it says here that it imposes half a trillion in Medicare cuts. We talked about that just a minute ago. This bill is going to cut Medicare. You always heard the Democrats saying the Republicans are going to take your Medicare away. That didn't turn out to be true, we have not done that, but this bill does. This bill is going to cut \$500 billion out of Medicare, and the answer to this of course is yes, the old Democrat bill did that. That's the yes. The President's new bill is going to do the same thing. So it's going to impose a half a trillion in Medicare cuts. The Republican alternative does not.

□ 1930

So this is one of those situations where people are a little uncomfortable. Medicare is having trouble financially, and doctors are not being reimbursed very much in Medicare, so they're starting to not accept new patients because they're not being reimbursed enough to make it worth their while to take patients. If that's a problem in Medicare, why are we going to pull half a trillion dollars out of it? That's one of the ways you can look at these bills. So there is a difference. The Republicans are not proposing that, but both the President's new online bill and the Democrats' bill do that.

Then it also enacts job-killing tax hikes and government regulations, costing hundreds of billions of dollars. It's a \$1 trillion bill, which is a conservative estimate. This bill is going to cost a lot more than \$1 trillion. How do you pay for it? Guess what. By tax increases—right?—and with cuts to Medicare. So the tax increases here are going to come from where? Well, a lot of them come from small businesses. When you tax small businesses a whole lot for their employees, guess what's going to happen? They're not going to be able to hire as many employees, so this bill then has the effect of causing unemployment.

So, in our particular climate, with unemployment near 10 percent in America and with not a lot of sense of hope that that employment is going to turn around in a hurry because of very badly shaped policies by the Federal Government, particularly policies which hammer small business owners, to have this bill which is going to tax heavily small business owners and

which is going to put tremendous new government regulations on them which will cost billions of dollars is not something, from an unemployment point of view, that is a very good idea.

This is going to be done by the old Democrat bill and the President's new proposal. The Republican alternative, it won't surprise you, is not enthused about tax increases, and we don't know that that's the best way to be dealing with some of our problems in medicine.

I am joined by a very good friend of mine, Congressman BISHOP. I would very much appreciate his perspective as to what we are talking about.

I've just been saying—and I don't think I am overdramatizing this—that, to a degree, it's my sense that America is standing on the edge of an abyss, like looking over the Grand Canyon or something, and that, if we step off the edge and misuse this reconciliation process, we are going to damage our country in a way unlike anything that we have seen before.

Please join me.

Mr. BISHOP of Utah. I appreciate being able to join the gentleman from Missouri here, and I appreciate his efforts so far in explaining the differences in these particular bills.

I want to echo that I agree with you that we are in a precarious situation. There are those who would tell us that the most important thing we could do right now is to pass something. A lot of bad pieces of legislation and policy changes have happened when we have simply passed something that was there. Our goal on this particular issue should be to pass the right type of reform, not just something. Until we get the right type of reform, we should never actually quit looking to form a way that is best in providing options and choices to the American people.

I am assuming, when you started, that you talked about some of the four supposed, alleged, Republican proposals that were added today. You know, when I first saw that, I thought somebody was pulling my leg. It was a joke. I find it ludicrous and somewhat insulting to the American people that there are actually those who believe, if you take a \$1 trillion program which transfers power from the American people to bureaucrats in Washington, by adding more spending for a few studies and for a few small, little tweaks here and there, that that's actually better and that that's going to buy people's support.

I think one of the things, maybe, we have done too long in both Houses of this Chamber, perhaps with both parties, is we've spoken too long about it. We've been giving speech after speech as if that's going to convince Americans to go along with this program. What we should do now is listen to the reasons Americans have complaints about the core program that is before us.

I appreciate what you're doing up there. You're going through some of the core problems in this particular bill—that a few little add-ons, which cost even more money, are not going to sell this core problem issue.

If I could say just one more thing—go ahead.

Mr. AKIN. It sounds like what you're saying is that you can chrome-plate a pig, but it's still a pig when you're done. Go ahead. Yes.

Mr. BISHOP of Utah. I've actually been trying to think of a lot of metaphors here, and I don't think any of them really work terribly well.

Except I do remember one time when my oldest kid was about 3 or 4. He had been given a candy bar and was supposed to participate in a program, and he didn't want to go up and join the other kids in the program. So I took his candy bar away. I said, If you go up there and perform, I'll give you a candy bar. Of course, he was dumb enough to accept that, and he waddled right up there and did the program, and I gave him his candy bar back.

I hope that people don't think, just by giving me my candy bar back, I'm going to buy this program, because the program hasn't changed. It is still fundamentally flawed.

A reporter just asked me, Don't you think these bills should have an up-down vote? Well, here in the House, everything is an up-down vote.

Also, the bills that have been introduced by Representative SHADEGG and by Representative PRICE have a different approach to solving the problem and to reforming our system, which is based on giving power to the people so that people can make choices. Representative AKIN, I think they deserve an up-down vote in this body as well. Instead, they have been prohibited from even being discussed in committee or on the floor.

Mr. AKIN. So, in other words, what's happening is you have other approaches to solving some of the problems of health care, not trying to have the government take it all over but, rather, to fix various component parts. We have a Rules Committee. If you want to offer a suggestion, for instance, they prohibit you from offering it as an amendment to get an up-or-down vote on it; is that correct?

Mr. BISHOP of Utah. Yes. I would simply suggest to the leaders of our Congress and to the President, instead of saying, If you have ideas, give them to me, and I'll make a choice on whether they're good or not, put the ideas on the floor.

Mr. AKIN. Well, that's the way the process has worked. Yes. Go ahead. Right.

Mr. BISHOP of Utah. Put those ideas on the floor, and let all of those ideas be fully debated in front of the American people. Give an up-down vote on every idea that's out there. Just perhaps, just perhaps, we will find that

there is a needed reform to our health care system that actually meets the needs of the American people, that does not cost them out of existence, that does not cut jobs, and that does not move power away from the people back here to Washington. It allows people and their doctors to chart their own futures.

I have said it a couple of times when I've talked to you on the floor here on this issue: the State of Utah launched last year a reform of the health care system based on Utah's unique demographics. We have the youngest State in the Nation. Our median age is younger. We also have probably more small businesses which don't provide insurance than in most States. We need something specifically for our need, and we have launched a program that is well designed with fundamentals. It still needs to be tweaked, and it still needs to be worked on, but it is based on our needs and on our demographics. If either the Senate or the House bill, these one-size-fits-all programs, were to pass in any form, it would totally destroy what the State is trying to accomplish.

We are not the only ones with brilliance here. We are not the only ones who care about people. We should be partnering with States to come up with new and creative ideas to meet the individual needs of our people in their individual areas, and we flat out are not allowing that to take place.

Mr. AKIN. We are basically muzzling a lot of the representative process.

As you said, there have been different analogies. You talked about your son with a candy bar. Another one was the idea of a kitchen that has a broken sink. When you hire a plumber to fix the broken sink, you don't remodel the entire kitchen. Of course, that's the model that the Democrats have been using. It's the concept of, Ha, the sink is broken. Therefore, we can remodel the whole kitchen. They have the idea of remodeling the kitchen, and they've been wanting to do that for a very long time. The broken sink is now the excuse to remodel the whole kitchen.

I think the point of the matter is that the American people would be more comfortable and the legislative process would work better if we were to say, "Let's define a specific problem in the health care system." Instead of having the government take it all over, let's try to solve that one individual problem. I guess it depends on how you explain it or say it.

If I were to ask, Gentleman, would you like the government to buy you a house, you might be tempted to say, Well, that sounds pretty good. Yet, if I were to ask, Would you like to live in government housing, you might think, I'm not so sure I want that. That may be a little bit of an analogy to explain what we've got here.

The idea is to say, "Hey, don't you want free health care?" But the other

way of looking at it is, Do you really want the government making health care decisions, or would you prefer that your doctor makes those decisions? So it depends how you say it, but the American public has gotten wise to this, and that's why you've got at least 20 percent more in the number of Americans who don't want this program.

Mr. BISHOP of Utah. Well, I think the gentleman has also brought the other chart down here, which you probably used earlier, which is how the system would be structured. Now, when the first bill was presented by our good friends on the other side, that was the structure. I hate to say this. Over all the times we've just discussed it, that typical Washington approach of convoluted, complex patterns and about people making decisions hasn't changed at all. As we have come through and have supposedly come up with this new idea that has a few tweaks from the Republican side, there has been no compromise on the basic problem, which is that structure.

Mr. AKIN. You know, I kind of like this chart because I think that some entrepreneur could make money with this chart. If you were to just shrink it down a little smaller and add some additional lines, you could start over here. These are the consumers. These are the people who are sick. The medical professionals are over there. You could sell it to restaurants as a placemat and give people crayons, and customers could try and draw and see if they could get through the maze to get over to the health care professionals, because that's a little bit how this looks.

Now, maybe that sounds like a silly thing to say; but, gentleman, you're in the business in your office—among other parts of the work that we do as Congressmen, we get phone calls from our constituents. Our constituents want us to help them solve problems that they're having with the Federal Government. I'm thinking, if this system gets put in, I'm going to have I don't know how many thousands of people every day on my phone, saying, "I need this kind of medical care, and I can't get through this system". They're going to ask me to help them do it. I'm going to say, "Fat chance. This is a mess."

Mr. BISHOP of Utah. I think you're absolutely right, and I think that's one of the reasons a lot of people have changed their opinions. A lot of people have grave concerns about this type of a program, a one-size-fits-all, Washington-based program.

I've also had some other people calling me, a lot of people with grave concerns and with a great deal of anger over everything that's going on. There are some who have simply asked, "Why can't you just sit down and compromise? Why can't you work things

out?" I think I join with you in saying I am more than happy to sit down and work with anybody who will work with me.

The bottom line is we have not been allowed to work together, which is why I was saying earlier to let those other ideas, the other bills, have an up-down vote as well. Bring them to the floor and allow a true debate on all ideas. Don't siphon the ideas down to what is allowable by the leaders of Congress. Allow us to actually work together. As I think you intimated, there are some things, certain provisions, on which both Republicans and Democrats do agree. Let them stand by themselves and see what we can actually accomplish without taking an idea on which we basically all agree and then adding 10 or 15 bad ideas on which we fundamentally disagree and saying, Okay, it's take it or leave it.

Mr. AKIN. Well, you know, I hate to admit how many years I've served in the legislative body. I started by saying I've served in the majority, in the minority and now in the wilderness.

As to most legislation I've seen that works pretty well, surprisingly enough, people are sold on it. There is a process of a bunch of people coming together, defining a problem, working on a solution. Frequently when they start, the bills are pretty rough, are pretty hard to understand, and have a lot of questions and problems in them; but as more and more people have a chance to work on them, to roll their sleeves up and have input in them, the bills get refined.

In the business world, if you want to mess something up, you send it to a committee. In the political world, when committees work on legislation, they tend to refine the product. After a period of time, what happens is you have certain ideas that some people just can't tolerate, and you tend to throw the radical stuff out. What you can agree to comes together. When that happens and particularly when it happens across party lines, you don't have major fundamental reform, but you change, and you fix things in ways that solve people's problems.

What happened this year is we had 80 less seats than the Democrats, so they thought, We don't need the Republicans. The dickens with the Republicans. We've got such a majority that we can do whatever we want. As they've marched off to totally change all of health care, now they've gotten kind of in a jam because they're realizing the public is not agreeing with it, and they don't have one Republican vote. That's very, very unusual politically that there is not at least one Republican who would vote for a bill.

That says that this has been such a partisan kind of approach, and that's why there is cause to scrap it. It's not that people are going to go back to ground zero in health care, but they're

saying this approach right here is just too much.

Mr. BISHOP of Utah. I would be very hesitant to try and ascribe any motives as to why things happened the way they did.

What we do know is, historically, when major changes of policy have taken place, even when they have been hotly debated, even sometimes when cloture has been approached over in the Senate, the final product has had a lot of majority and minority votes coming together.

□ 1945

It was not this divisive of an issue that was trying to be pushed through in, once again, a very partisan and divisive way.

I think you are right. What Republicans are saying is there are other ideas that still have to be out there, and what is more important for us is to do the system and do the reform the right way the first time. It is very difficult once something is established to go back and fix it. It is best to do it right the first time, and we are not doing that here.

Mr. AKIN. You are right. The thing about legislation, because it affects so many people, it is so expensive and what you sometimes create can never be taken back, it is absolutely crucial that we get this thing right the first time. We would be far better off—I guess it is maybe a little bit like choosing a wife. You want to be sure you choose the right one the first time. It is less expensive that way.

This is something you want to get it right the first time, and if there is doubt, if there are questions, then it says it is probably better to slow up and take a good look at what you are doing.

Now, there are some things about the bill that are being proposed here that are just completely anathema to many, many Americans. I think if you have to say, well, what would some of those things be, I mentioned the special deals. People don't like that.

But if you get to the heart of what is going on in health care, it is that relationship between you when you are sick and your doctor. We call it the doctor-patient relationship. I think that is fundamental to our understanding of what good health care has to start with, and that is that you have got qualified, professional doctors who work with somebody who is ill. The family and the doctor come together and they put together a solution as to what is going to happen and what the doctors can do to help you with your health.

Now, one of the things that gets people very upset, and with good reason, is when somebody butts in to that doctor-patient relationship. One of the examples that we have seen too frequently is that we have allowed insurance compa-

nies sometimes to jump into that doctor-patient relationship, and they say, oh, we are not jumping into the doctor-patient relationship; it is just that we are deciding what we will fund and what we won't fund. In other words, the doctor says you need to do X, Y, and Z, and the insurance company says, oh, you don't need to do that. So we don't like it when somebody who is not a medical professional starts to superintend over our health care and we don't have any control of it.

What is even worse is that when the doctor makes a medical mistake, he is going to get sued, but when the insurance company says you don't need to do that and then you up and die and your relatives say, hey, the insurance companies just cost a life, well, it turns out they don't have any medical liability. That is not a good situation.

But it is not the worst situation. Something worse could happen. It is this. This is what is worse. Instead of an insurance company, which, if you want to, if you have to, you can change your insurance company, this is going to put a government bureaucrat between you and your doctor, and that is something that I don't know a single Republican that likes that idea.

We don't think we want government bureaucrats getting between you and your doctor. And how is that going to happen? Well, because the bureaucrats have got their calculators, and as they calculate, they say, how old are you? What are the statistical chances of this? Whoops, you don't get this care.

So the bureaucrats say, we are not going to allow you to get this kind of health care. And the doctor says, no, I understand the statistics, but in this case this particular medical treatment is necessary. And the bureaucrat says, no, you can't get it. That is one of the reasons why in the United Kingdom health care death rates are much higher than they are in America, because of the fact that the bureaucrats say, no, you can't get any care.

Mr. BISHOP of Utah. If I could get the gentleman to yield for just one second.

Mr. AKIN. I do yield to my good friend from Utah.

Mr. BISHOP of Utah. I think it is well to reemphasize that fact that not everyone will get what they want in this particular program. I was told that once again today, the President, in his remarks, said, if you like your plan, you keep your plan; if you like your doctor, you can keep your doctor.

Now, if that line sounds familiar, it is because it was a staple in the rhetoric for all of last year, with a couple of problems. I have been told that media outlets like the Associated Press and ABC News debunked that claim, showing that that cacophony of programs and lines going through, that that simply was not the case. And the White House then said, well, we are not

taking that line literally, and eventually it was removed.

It is coming back now, but it still is not accurate. The problem is, if you like what you have, you may not end up keeping what you like. You may end up being told what to do, which is the problem every time when you try and transfer power from individuals back to Washington to tell us what is best for us. We sometimes may not agree. And that is the sad part.

That is the fundamental problem that a few tweaks around the edges can't solve. But that is a significant problem. And I think the gentleman from Missouri hit the nail on the head when he said this is one of those fundamental issues, which is why this program should not be forced through, but you should back up and start again with something that doesn't have that premise of Washington being empowered to tell us how we will live our lives.

There are 8,000 State legislators out there, all of whom are bright, all of whom can come up with programs for their States. Allow the States to be the laboratory of democracy that Louis Brandeis used to talk about. We can do better. We can do better. This is not good enough for us to force through, just so we can say we did something. There is a better approach to it.

I yield back.

Mr. AKIN. I couldn't agree with you more, and I do think that is a fundamental question. And when people talk about compromise, I would picture people on the outside of Congress saying, why can't those people just get together, solve a problem, bury their partisan hatchets and just serve the American public?

Part of the reason why you don't see that is because there are really fundamental differences of opinion on what you do with health care, and one of the very, very big ones is that question: Is it going to be between you and your doctor or is it going to be between you and the Federal Government and some doctor that they choose? And that is a very, very big difference in opinions on health care, and this system forces the Federal Government between you and your doctor, and it is why it doesn't have any support, among other reasons, from Republicans.

There are a couple of other things here we probably ought to talk about, because when we talk about health care being too expensive, one of the things that really increases the cost of health care has been attorneys, particularly trial attorneys who are going to sue doctors for having done the wrong thing.

Now, there are times when doctors do the wrong thing. There are times when doctors do the wrong thing. They need to fix it and need to pay for some of the damages that their actions caused. But this is more than that. These are these



punitive lawsuits with millions of dollar claims. And what does that do? It adds a tremendous cost to the cost of health care. So, one of the ideas, if you want to reduce the cost of health care, is that you want to have what is called tort reform.

We were promised in Baltimore by the President that certainly he believed in tort reform. But as we take a look at the legislation that we have got, one of the things that you find is that the supposed tort reform in this bill, the old Democrat bill, and I believe the President's new bill, although I am not sure this is in there, is the fact that the States that have enacted tort reform, such as my own State of Missouri, the States that have enacted tort reform, they cannot keep that tort reform in place when this medical bill goes in. So it gets rid of tort reform instead of making tort reform.

Now, I said that costs a whole lot of money if you don't have tort reform, or tort reform is a good idea to reduce the cost of health care. In the State of Missouri, it has dropped the cost of health care significantly, I am talking in excess of 10 or so percent, States that have decent tort reform. It reduces the cost of medicine. So, that is a reform that Republicans wanted to do, and it is not included in the bill, which is the tort reform.

I do yield.

Mr. BISHOP of Utah. If I could maybe add to that, because I think you have hit on one of the things I think is essential if we are really going to reform the health care system, because we do have two problems. One is people being covered by insurance, but the second one is the overall cost of the system. If you don't address both of those problems, you haven't really done a good health reform.

Mr. AKIN. The cost of the system, and what is the other?

Mr. BISHOP of Utah. Coverage of individuals, being covered and having the costs overall. Because even if you have insurance, it still is very expensive, and the costs keep going up. So we have to deal with both of them.

A key element, a crucial element that everyone within the medical community will tell you, is if we don't do cost reform dealing with tort issues, if we don't deal with the massive amount of litigation that forces doctors to do more and more procedures just so they are covered just in case someone decides to sue them, we will never actually get a handle on the costs of health care that keep going up.

Once again, the President has said in past speeches he is willing to look at that. But in one of the four proposals he seemed to add as a sweetener to this deal, it was not to actually have malpractice resolutions, but simply to study alternative malpractice resolutions.

Now, that ain't it. A study, we have been doing that for a long time. We know what the problem is.

Mr. AKIN. It seems to me the study has already occurred. Various States have done it, tried it, and it saved a lot of money. What more do we need to study on it?

Mr. BISHOP of Utah. So adding that as something to improve the system doesn't improve the system at all. It is nothing. What we need to do is actually implement those. And you are right. Once again, even my home State, the legislature once again is addressing on a State issue that concept of tort reform and litigation limitations. It is essential, and we need to do that.

That is one of the issues on which I think both parties could easily come together and make a resolution, if we were allowed to discuss real litigation reform. But, once again, that is not on the table. That is not discussable on the floor, if "discussable" is a word, which it probably isn't.

Mr. AKIN. Well, but it is something that needs to be dealt with. If we just kind of run through that, I think people can understand. You are a doctor. You have somebody who is ill, and you think, well, I am pretty sure this is what is wrong with them, but it could be five other things, so I am going to run all these tests, some of them are very expensive tests, just in case, no matter what, so if anything goes wrong, anybody gets me in a courtroom, I can say I did absolutely everything that anybody could do, and a whole lot more besides.

Well, of course, that costs a whole lot more money, and they are doing it strictly to cover their tails because they don't want to be sued and have millions and millions of dollars thrown against them and run their cost of insurance up.

Now, if their insurance goes up and up and up, guess how they have to pay for that insurance? By charging the patients more money. So that is how this tort reform can save in various States. We don't have to study it. It saved a whole lot of money in a great number of States.

So those are some things that I think are important. I talked a little bit about reconciliation, the misuse of that process. I had a good quotation here from a prominent Senator. A prominent Senator was looking at reconciliation. That is the process the Democrats are talking about doing. And this prominent Senator, you have got it, it is the President, says, "Reconciliation is, therefore, the wrong place for policy changes."

I think the government taking over one-sixth of the U.S. economy would probably qualify as a policy change.

He says, in short, the reconciliation process appears to have lost its proper meaning, a vehicle designed for deficit reduction and fiscal responsibility.

This doesn't seem like deficit reduction and fiscal responsibility. It seems like it is a policy change.

We have to agree with the President that this is not the place for reconciliation. And yet, guess what? In spite of the fact that Massachusetts has even voted on this, we are going to jam this bill through, whether you want it or not, using this process, the misuse of this process called reconciliation, which most people have never heard of before, but it is by hook and by crook and not by a legitimate method.

Here it benefits trial attorneys, by failing to enact meaningful lawsuit reform. That is that tort reform. The old Democrat bill does not put it in; the new one does not. The Republican believes, yes, we should have tort reform.

Here is another one. Protects backroom deals with Washington special interests. There have been a lot of special deals in these particular bills. I think the one that I find most offensive was an agreement made with insurance companies that said if an insurance company makes a decision that overrides the doctor-patient relationship—that is, they say, yeah, we recognize the doctor-patient relationship; we are just not going to pay for it—if they do that and something goes wrong, the insurance company cannot be sued. So the doctor gets sued for everything. But if the insurance company that is not a medical authority makes a decision, the decision turns out to be bad, yes, the doctor said your wife should go to the hospital but we said we are not going to cover it, she doesn't really need to go to the hospital, and then she gets really, really sick because she should have been in the hospital, guess what happens? The insurance company has no liability whatsoever. So that is one of the backroom deals that is particularly upsetting.

The other one we talked about puts the government bureaucrats in charge of personal health care decisions. The Democrat bills are doing that. That is why Republicans—this isn't a matter of, hey, can't you just be a little open minded? No, I can't be open minded. I don't want the government involved in health care decisions with my body.

□ 2000

The Republican proposals don't do that. We're joined—I don't know whether he wants to join us yet or not—by a good friend of mine from Texas. No, he's not quite ready. Will you talk to us in a few minutes? We'd like to have you as part of our discussion. But you're going to do another hour.

Here's one. This is: Breaks President Obama's pledge to not raise taxes on those who make less than \$250,000. I recall in the campaign he said, I'm not going to tax anybody who makes less than \$250,000. And I thought, Man, am I glad about that, because I don't make

\$250,000. I'm going to skate free for 5 years. No taxes. It's not going to be a big deal.

Well, the trouble was the House passed a bill not so long ago that was going to get you. If you flipped the light switch, you were going to get taxed. That doesn't have anything to do with \$250,000. This bill is going to tax a whole lot of people making less than \$250,000. Yes, it does. And the old Democrat bill, the President's new bill, yes, it is taxing people under \$250,000 very heavily. In fact, it mandates that you have to buy a government product, which is unconstitutional. The Republican bill doesn't do that.

My good friend from Utah.

Mr. BISHOP of Utah. If I could add just one element to that concept of \$250,000, because I agree with you, if \$250,000 was a salaried employee, that's pretty good money. The only problem is, in all of these equations it applies to the business world as well, in which almost every small businessman is grossing at least \$250,000. I know in my district—once again, I said Utah has more small businesses on average than most States do. And in my district, almost 98 percent of those, according to the IRS, will have a bottom line that's above \$250,000. So it means the taxes that are imposed are also imposed to the business community. It's one of the reasons why the State of Utah, when they looked at a reform for health care in the State of Utah, tried to come up with a policy that would give a consistent number to small business so they knew how to plan for what the health care cost would be and can come up with a defined contribution level they could give their employees, who could then go to the exchange and buy something that fits into what they need. But that consistency is extremely important.

It's very difficult for small business to provide health care for their employees when they don't know what the escalating and skyrocketing, almost roller coaster costs, will be to them. They cannot plan for that so they basically don't do it at all. And if indeed we add a tax to them at this stage of the game, that means we are making it even harder for the business community to recover, to provide jobs, to grow our economy, and to get people working again. That's why when we say this thing hurts job performance, that's why it hurts job performance. It can be devastating to job creation.

Mr. AKIN. I really appreciate your highlighting this question of unemployment because I really think that a whole lot of Americans would think we were more effective and that they would have more respect for Congress if we were dealing with the fact that we've got a 10-plus percent unemployment rate out there. And in fact that number is probably conservative because of the fact that if you haven't

had a job in a year, you're no longer part of the statistic. So as people get more and more discouraged, don't get a job, they fall off those numbers, and we still have a 10 percent unemployment rate.

So I think a lot of the public would say, Hey, why don't you guys pay attention to unemployment. Well, here's a way to pay attention to unemployment. We've got a bill here that, on the face of it, economists have rated it's going to cost 5 million jobs. Why in the world would this proposal cost 5 million jobs? Well, you just hit it. But do it again, gentleman, so people can make that connection.

You have got to understand, this is going to increase unemployment in America. Is that what the public wants, more unemployment? I don't think so. But please run through that again. You're a small businessman and this bill passes, and what does that mean?

Mr. BISHOP of Utah. That means there will be an extended cost of doing business associated with this particular plan. Even though when we say anyone making over \$250,000 will not be taxed, it will be taxed. Once again, if that was simply a salaried employee—a salaried employee—that sounds pretty good. But that covers almost all the businesses we have who are small in this country, and large as well.

Once again, it does go to the point we tried to make a little bit earlier. The Shadegg bill, the Price bill, the other Republicans' bills that should have been allowed to be debated, they don't have any of those provisions. So that negative anti-job aspect that is definitely a part of this bill if it's pushed through does not necessarily have to be there if you simply allowed the other ideas to be debated, discussed openly here on the floor.

Mr. AKIN. Right. So we don't have to create unemployment and deal with health care. It's just that this approach is going to create unemployment. Now let's take a look at how that works. There's a number of ways that unemployment is going to be driven. The first is you're going to tax the guy that owns the business. When you tax somebody that owns a business, it means he's got to give money to Washington, D.C. That means he can't take that same money and put it back in his business to add a wing to the business, to buy a new machine tool to create a new process to create more jobs, because instead of taking the money to build the small business, you're taking it to give to the government to run health care. So when you take money away from the owner of a small business, you're going to kill the job creation process.

What else does it do? Well, it creates a lot of redtape for business owners. And when you create redtape, that also makes it so that it's harder for them to

be efficient and competitive. And so that tends to hurt job creation. You also, because this bill has been sitting around and been hanging, scaring everybody to death for three quarters of a year, it creates a sense of tension and a restlessness, so that business owners are saying, I don't know what the business climate is going to look like in 6 months. I don't dare take a risk because I see threats on the horizon to the financial stability of my company.

Mr. BISHOP of Utah. The gentleman from Missouri also has those last two points on your chart, which reemphasizes the very statements that you were just making.

Mr. AKIN. It forces individuals to purchase government-approved health insurance. Let's talk about that for a minute. Yeah, the old Democrat plan forced you, it forces everybody in America to buy something. And the President's new version forces you to buy something. The Republican does not force you to. And aside from the fact that Americans don't like to be told that you have to buy something, there's a small detail: It's not constitutional. When can the government tell you that you have to go out and buy a gun or you have to go buy a watermelon or something? That's not constitutional for the government to tell you you have to buy something. Yet, that's what's going on here.

Mr. BISHOP of Utah. At times we have talked in the past about this concept of constitutionality in two ways. One, that it violates the concepts of federalism. But the second one deals with specifically the commerce clause. I think that's been brought to our attention before. That even in court cases, and maybe somebody will correct me here when it's his turn, in court cases there are usually two principles that are involved on whether the commerce clause is justifiably used. One: Does it have an impact on interstate commerce? I think everybody admits this would have an impact on interstate commerce. But the second is: Is there a willing participant in this program? This is why this is different, because for the first time you are threatening to fine people, throw them in jail, for not doing anything. For doing nothing. I don't know how many negatives I put in those sentences. But for someone just living their life who does not want to participate, they will now be fined for doing that. The government has never done that. And that is what I think exacerbates and expands the commerce clause beyond recognition and beyond fairness to individuals at the same time.

Mr. AKIN. Well, I think we have had a chance to take a look tonight at what I started out by saying that we are standing as Americans on the edge of an abyss. I recall standing on the rim of the Grand Canyon and seeing a thousand feet of open space in front of

me. And in a sense, that's where we stand today, with America perhaps politically poised to push forward using a misuse of a process to force this government takeover of health care down the throats of many, many Americans who do not want to see this take place.

This is a very serious moment in American history. I can recall historically there's been other very, very serious moments in American history. The Pilgrims standing on the frozen shore of Plymouth with the dream of creating a new kind of civilization; our President-to-be, President George Washington, on his knees at Valley Forge, praying for his little army. And even old skeptic Ben Franklin at the Constitutional Convention asking for prayer each day.

In all of these cases, Americans discovered that in their hour of need they turned to God for his help and his guidance. I believe as we stand on the abyss tonight, for those Americans who are wont to turn to God for answers, that this is a time to be doing that. To ask for his help supernaturally so that we don't make this fatal step pushing our Nation into socialized medicine, creating a precedent for our citizens to be continually handcuffed to a government health care in a system which no politician that's freely elected could ever reverse because the public would say, "You're going to take my government health care away. I won't elect you. That's been the experience of other countries. It completely changes the nature of the freedom and the nature of the quality of health care in America if we'd fall off this abyss. And it's time for some prayers."

God bless you all. Thank you. And good night.

#### HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. It is a privilege to be on the floor any time when you know the history of this place and what all is going on before us. I'm so grateful for my friend from Missouri, my friend from Utah pointing out such important things about the health care debate that is ongoing. It is critical. We're talking about the lives of Americans. This is not something that should be considered lightly or done too quickly.

It is incredibly ironic to realize here we are now into March of 2010, and beginning back over a year ago we were told there is no time to waste. We do not have time for Republicans to have any input. We don't really want to hear from Americans. This is too important, we were told, to delay. We have got to have this done by May. Well, even though the Democrats have plenty of votes to more than pass this bill, they

didn't get it done by May. They could have done it without any votes from Republicans, yet it was the Democrats themselves that were not able to pass this bill, and the reason is there were Democrats who were also concerned about what was in this bill, just as many of them are still very concerned that what's in the bill is not appropriate and not good for the people in their districts or their States. So here we are.

Then we heard, Well, we need to get this done by July 4th. Then we heard we need to get it done by the August recess. Then, we need to get it done before Halloween. Well, then we need to get it done by Thanksgiving. Each time, the need to pass it immediately was given as a reason that there just wasn't time to incorporate any Republican ideas.

The trouble is, these were not Republican ideas. These are ideas that come from some of the smartest people in the country; that come from doctors, that come from economists, people that have worked through these issues, and yet still the effort has been made to ask America—not ask, but demand America stick out your tongue and say “ah” while we cram this down your throat.

It needs to be looked at even more closely. And there is a technique that's been known in debate world as creating a straw dog. You create the straw dog and say that's what your opponent believes and is trying to do. You get righteously indignant, and you beat up the straw dog, showing how you tore your opponent up because your opponent had this ridiculous idea. The problem was, in that debate device it's simply not accurate because that is not what the opponent was saying.

In this case, I don't really see us as having opponents. We are out here trying to do what is best for America, and yet most of America, through their representatives, have not had a chance to be heard. That includes many represented by Democrats.

We are joined by my friend from Utah. And I would be glad to yield such time as Mr. BISHOP might use.

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Mr. BISHOP of Utah. I appreciate the gentleman from Texas not only for his insights he is going to present on this particular bill, but you have a special talent that I think the gentleman from Missouri and I did not have a little bit earlier in this with a legal background. First of all, I appreciate you bringing up the fact that there is bipartisanship in their concern for this particular bill.

Mr. GOHMERT. Sure.

Mr. BISHOP of Utah. I also appreciate the fact that sometimes we present arguments and I need to have a specific legal expert explaining them to me.

We talked a little bit earlier about the fact that apparently in his speech

today, the President once again said, If you like your plan you can keep your plan. If you like your doctor you can keep your doctor. That if you are on an insurance company right now and you are happy with that, it will not change. And maybe I can ask you now as an attorney, as someone who reads this stuff for a living and tries to understand the gobbledygook that we always pass, if you can tell me if that is really accurate. Is it indeed the fact that if you like your plan you will be able to stay on that plan? And insurers who have private insurance plans will be able to maintain that commitment to people if either the Senate or the House version were to pass?

Mr. GOHMERT. The answer is that yes, you can keep your plan if you like it for maybe a year, then you lose it. Maybe 2 if you are lucky. On the other part, if you like your doctor—and the gentleman from Utah has quoted it exactly. I have the text of the President's speech here. He said, “If you like your plan you can keep your plan. If you like your doctor you can keep your doctor.” The thing is nobody, not even my dear friends here on the floor with me, can promise you that if you like your doctor you get to keep your doctor. I will give you one good reason why.

I have talked to numerous doctors that are my age and older who have told me, many of them, that I have not accumulated what I had hoped to by this time. But they are very sincere, and they say, But it has gotten so frustrating dealing with the government over Medicare and Medicaid, and even dealing with insurance companies, they've had enough. And I have been told, I am sure my friends have been, too, that if this bill passes they are walking away from the practice of medicine. They are walking away. It will not be worth it. I have heard that from so many people.

So for somebody to say if we pass this bill, and I don't care who it is, any Democrat or any Republican that were to say if we pass this bill and you like your doctor you can keep him, it is wrong. You can't make that promise because many of the doctors you like the best have already said we are walking away.

Mr. BISHOP of Utah. If I can add a follow-up question to that, in the law that is proposed to be passed, either the House or the Senate version, does it allow me to maintain my insurance in the present form if I want to maintain that insurance in the present form?

Mr. GOHMERT. One of the things I love about being on the same committee with the gentleman from Utah is he may not be a lawyer, but he has incredible insight and discernment and can shoot right to the crux of an issue. So when we do that, as the gentleman has asked, and we look at page 91 of

the House bill, and I have asked others, look at the 11-page summary the President proposed and then look at the 19-page summary of the summary that the White House gave to us, both the 11-page summary and the White House 19-page summary of the summary, and see if you can tell if one single letter of the law under section 202 of the House bill is changed.

I have been told by attorneys that have looked at it, it does not appear the President is proposing any change to page 91 of the House bill. So when you look for the answer, Do you keep your insurance?, well, you look to the language. And the language is this:

“Section 202, Protecting the Choice to Keep Current Coverage.

“(a) Grandfathered Health Insurance Coverage Defined. Grandfathered health insurance coverage means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met.” And Y1 is just the day that the new bill starts.

“Number one, Limitation on New Enrollment.” In order to keep your insurance if you like it, number one, and I quote, “The individual health insurance issuer offering such coverage does not enroll any individual in such coverage if the first effective date of coverage is on or after the first day of Y1.” So if you add a single additional insured to the policy that you have—you are on a company policy, or if you are like a couple of guys that told me recently that their unions negotiated a fantastic health care plan, they love it, they are not worried about the rest of the country because they get to keep their plan. Unfortunately, as I asked, Does anybody ever get added to your health care policy?

And they said, Well, yeah, people retire all the time and they get in there and we all have the same great policy.

I had to explain, Bad news. As soon as they add one more person on your health care policy, you lose your policy. And then that throws you over under the Federal insurance exchange program that the government controls.

There will be private insurance companies that will be allowed initially, until they go broke, they will be allowed to offer policies, but they are mandated exactly what they have to provide in those policies.

But here is the real kicker, the second limitation on changes in terms or conditions. The second condition about keeping your policy is this, and I quote, “The issuer does not change any of its terms or conditions, including benefits and cost sharing.” Now, that is why I replied to the gentleman earlier, the answer is you might get to keep your insurance policy for a year, 2 years if you're lucky. But there is no way that you could have an insurance policy go for more than a couple of years without having to make some changes in their terms and conditions.

For one thing, we know that health care, with medicine, knowledge, and practice changes all the time. We find out that some types of procedures are more dangerous than we knew. And so a policy said we will no longer cover that because the benefits do not outweigh the risks that are involved. Another thing is you have new technology, sometimes less expensive ways to treat something. Well, obviously you want those included in your coverage. They would be added. That changes a term or condition. So within 1 year or 2 years everybody in the country that liked their policy, just as the President promised, get to keep it for about a year or 2, and then they lost it.

So when the President says you get to keep it, that is accurate. He just doesn't tell you you won't keep it very long.

I would be glad to yield to my friend from Missouri (Mr. AKIN).

Mr. AKIN. I just appreciate your discipline, and having worked through specifically and exactly what the bill says. Because it is easy to say that this bill isn't going to cost a dime because somebody can say it isn't going to cost a dime. Well, that is because it is going to cost a trillion dollars instead. And you are clarifying the importance of words here.

But let me ask you this question: Is it true that the policy defines what insurance has to cover? And therefore, does the Federal Government tell you that you have to have this, this, and this in your policy, and therefore force the policy to be changed even if you didn't want to change it?

Mr. GOHMERT. The gentleman asks a good question. I appreciate the question, because once again, that affords great insight. If you look over at page 167 of the bill that was passed in the House, and as best I can tell, even though all we have is the 11-page summary and then the 19-page summary of the summary—

Mr. AKIN. The summary of the summary is longer than the summary of the bill.

Mr. GOHMERT. The gentleman is correct.

Mr. AKIN. So if we had the summary of the summary of the summary, would that be 3,000 pages?

Mr. GOHMERT. Absolutely. We would have even more information. And that would be more helpful. But the best we can tell, since the President did not propose a specific bill, once again very elusive in what is being proposed, page 167 does not appear to have been changed. And that says the commissioner shall specify—that is the Federal commissioner under this bill—the benefits to be made available under the Exchange-participating health benefits plans.

Now, that means every plan that has had a term or condition change or has

added an additional insured, those have been lost, and then within a couple of years everybody is under this. So the commissioner shall, one of about 3,000 or so “shall” in the bill, specify benefits to be made available. And then it goes on and says the entity offers only one basic plan for such service. So the commissioner is going to require that everybody provide exactly the same plan.

Mr. AKIN. So this is a one-size-fits-all.

Mr. GOHMERT. One-size-fits-all for the area.

Mr. AKIN. Then using your logic, the one-size-fits-all then has to change existing policies. And when you change those policies, then you don't have the same policy that you were promised you could keep.

Am I getting the drift of this right?

Mr. GOHMERT. The gentleman is exactly correct.

If you go on further, everybody that is offering insurance in an area has to offer the same exact basic plan. It is a basic plan. And then if an insurance company provides that one basic plan, they may offer one enhanced plan. But again, the commissioner specifies exactly what that plan is. And if you offer an enhanced plan, you may also have one premium plan for such area.

But the bottom line is there will be many areas in the country, once everybody loses their own health insurance within a couple of years, everybody goes under this plan, the commissioner tells everybody what has to be in their plan. Everybody. And you have no choice, you have to go with what they said. And so the other thing is that once an insurance company provides that, they have no flexibility.

Now there is debate about whether or not there would be a public option or a publicly financed insurance company to compete. We know how that works. We saw it with flood insurance. When the Federal Government comes in and provides that alternative, that competition, you run the private insurance companies out of business because the Federal Government operates in the red, run the private businesses out, and then the Federal Government does as our Federal flood insurance program has, continue to run deeper and deeper into red ink.

Mr. AKIN. So you have got one choice. It is a little bit like Henry Ford's automobile. You can get any color you want as long as it's black. In this case, you can get any health insurance you want as long as it's the government policy.

Mr. GOHMERT. The gentleman is correct.

And one of the great ironies in this is we have so many friends across the aisle that I know are very sincere when they believe with all their hearts they want to help what they call the little guy in America. I am sure they haven't

read this bill as thoroughly as I have. But if they will trouble themselves to do so, they will see that under the bill that passed the House that we just had to rush through, if you make just above the poverty line as determined in the bill so you don't get free health insurance, but you don't make enough to buy the policy that the Federal Government mandates, you pay an extra percentage, I believe it is 2 percent on your income tax. We are talking about low middle class, some of those folks working two and three jobs just to keep food on the table.

And what is the majority going to do to them? Why, if you can't afford as good a plan as we order you to get, we're going to increase your income tax.

□ 2030

You can't afford insurance, and yet you're going to increase the income tax? I just know that there are people that care deeply about the poor, those who are the working poor, doing what they can to struggle to get by. And yet they're going to hammer those very people. It's just ludicrous.

Mr. AKIN. So what you are really talking about is a mandate, isn't it? This is a mandate that says that you've got to buy the government product.

Mr. GOHMERT. That's exactly right. And I know the President before us mentioned—well, you know, States require you to buy car insurance. The fact is, you buy insurance for the privilege, as the law has determined, to drive on the road. You don't have to drive just to live in America. If this bill passes, you will have to buy insurance just to live in America, or you will be fined; you will be hammered with the extra amount of money you will have to pay.

And let me finish one other thing about that insurance. There is no State in the United States of America that requires anyone to insure their car for damages to their own car or damages physically to themselves. The only requirement in any State is for insurance to cover against the damage you may do to someone else. So once again, this will be breaking brand-new ground, never done in history, not envisioned by the Constitution, not anywhere in the enumerated powers. You have to buy insurance on yourself just to live. So I yield to my friend.

Mr. AKIN. Well, actually, you got to the point that I was going to ask. I know that you are not only an attorney, but you have also served as a judge, as well as a Congressman that we've come to respect. And so what I was going to ask is, is it constitutional for the Federal Government to tell somebody that they have to buy insurance this way? And what I'm thinking I'm hearing you say is that this would be something, if the Supreme Court

would look at it—and I know you don't know exactly how they think or what they're going to rule, but if you use the basis of the Constitution, this would be marginally and maybe not constitutional. Is that what I'm hearing you saying?

Mr. GOHMERT. If the Supreme Court takes a fair and literal look at the Constitution, they will know this was not an enumerated power reserved to the Federal Government. Therefore, under the 10th Amendment, it's reserved to the States and the people.

I would like to point out one other thing. In this article that was already out, that came out so quickly after the President's speech today—it's from CNN. It can be found on the CNN Web site. But they point out that the President is proposing four different things. First of all, combating waste, fraud and abuse, and I will come back to that. But this article says: "Obama is also considering a Republican-supported idea to appropriate \$50 million to help States find alternative resolutions to medical malpractice disputes, including health costs."

Well, when this information came out today during the President's speech, I was in a meeting with about 50 other Republican Members of Congress, and I couldn't believe that statement. He said this was a Republican idea, and he said, You know, we're embracing this Republican idea.

I want to know which one of my moronic Republican friends proposed such a ridiculous program as that. Nobody knew of any Republican who proposed that. I know the President wouldn't lie, but I'm sure there is a Republican somewhere in the country—maybe somebody that deems themselves half socialist, half Republican that proposed this. I can't find anybody who knows of a Member in Congress who has proposed this bill because we don't need to give the Secretary of Health and Human Services \$50 million, \$50 billion or one red dime to come up with a way to help States find alternative resolutions for medical malpractice disputes. That's already in the House bill, and what this provides is a fund for the Secretary of Health and Human Services to bribe States—that's my word. Any State that has a cap on attorneys' fees or a cap on noneconomic damages, the Secretary is authorized to pay whatever sums are necessary, in her opinion, basically to reward a State that gets rid of any caps like that. That's what it boils down to.

Mr. AKIN. That's the punitive damages, right?

Mr. GOHMERT. No. Actually, pain and suffering is noneconomic damages. So attorneys' fees and things like pain and suffering, which is hard to put a figure on.

Mr. AKIN. So we have got not tort reform but reverse tort reform, where the States that have enacted tort re-

form and have reduced the cost of health care accordingly are now going to be told that they're going to have to reverse that legislation so there is a tort reform. Isn't this the reverse?

Mr. GOHMERT. Well, the gentleman is accurate. It is the reverse, but the States are not going to be told, You have to get rid of your caps. We have already seen in Texas and California medical malpractice insurance rates come plummeting down.

Mr. AKIN. Missouri has enacted the same thing. We've had the same experience. It's dropped the cost of health care.

Mr. GOHMERT. I'm sure the gentleman then would agree there is no need for further study or to try to look for ways to have alternative resolutions to medical malpractice disputes. We've seen what works, and yet it's not going to force States to get rid of their caps on pain and suffering or attorneys' fees. It merely will allow the Secretary of Health and Human Services to generously reward any State that will get rid of their caps on damages and attorneys' fees.

Let me also mention this, that is only one of the proposals. Another is that health care exchange plans are what is being proposed in this supposedly cut-down bill. The health care exchange plan is the skeletal structure that allows the government to take over health care. So to say it's scaled back, you know, the snake is still in there. It's just going to have to go a little further to bite you. So this is not a good proposal. It's not a fair proposal.

And one other thing in the President's speech that I thought was very unfair, he says, On the other end of the spectrum, there are those—and this includes most Republicans in Congress. Now I prefer to speak for myself and not have somebody who profoundly disagrees with me tell me what I believe. But according to this, the President's speech, this includes most Republicans in Congress who believe the answer is to loosen regulations on the insurance industry.

The gentleman from Missouri and I have been on this floor many times, and in the last 5 years—particularly that I've been here, I know the gentleman's been here longer than I have—but repeatedly I know we have all said, I don't want the government between me and my doctor, and I want the insurance company restricted so they're not between me and my doctor. I don't want the insurance company to just run amok and run wild. I want us to get back to a doctor-patient relationship.

So when somebody speaks for us and in the next paragraph, the President says, I don't believe—as opposed to the crazy Republicans he mentioned in paragraph four—I don't believe we should give government bureaucrats or

insurance company bureaucrats more control over health care in America, we've been saying that same thing for years. We agree on that. We don't want the government, we don't want insurance companies to have more control over our health than we do. It's time to put the patients back in charge.

Mr. AKIN. Didn't you start by saying that there is this sort of fallacious line of reasoning where you create a straw horse; is that correct?

Mr. GOHMERT. Yeah, I called it a straw dog. A straw horse, I have heard that used as well.

Mr. AKIN. A straw dog or a straw horse. And you say that your opponents think this, and then you beat it up. Yet you and I have been here. I have been a Republican now—this is my 10th year. I have never heard Republicans say, We want to reduce or relax what health insurance companies are doing. We've been railing on the fact that we don't want them to get somebody who is not a medical person between a doctor and a patient. We've been trying to defend that point, and certainly we wouldn't do what this bill does, which allows an insurance company to get between a doctor and a patient, make a medical decision in practice and then not be held accountable for that decision.

I don't know where the President comes up with this idea or who it is who writes the speeches for him, but it just isn't really true.

Mr. GOHMERT. Well, I would direct your attention to the Declaration of Health Care Independence. I know my friend Mr. AKIN was there when we unveiled that declaration here in the Capitol when I think we've got 100 or more Members of Congress that have signed on to that. There are thousands and thousands of people across the country that have gone online and looked for a Declaration of Health Care Independence and found Web sites where they could sign on so that people could keep building the pressure.

So the truth is, I'm very gratified by some of the comments the President made here because, once again, he is embracing many of the things that we have had in this Declaration of Health Care Independence for some time. And the wonderful thing about these 10 points that we asked people to pledge who signed this is that the President has already said that he supports these things. I would just like to run through these 10 again.

Number one, protect the vital doctor-patient relationship. As the President should know, we have signed a pledge to that effect. That's what we want. So we're gratified to see him include it in his speech today, but we've been there. We were hoping we could get him to sign it before now to join with us to show that we are of one accord. I yield to my friend.

Mr. AKIN. But the problem is, it's one thing with lip service to say that

you like the doctor-patient relationship. It's another thing to try to substitute a bureaucrat in between that relationship. And that's what we've been objecting to all the way along.

Mr. GOHMERT. Well, and I heard the brilliant gentleman Frank Luntz at a focus group that analyzed the summit. Fifteen of the people in there had voted for President Obama, 15 of them had voted for JOHN MCCAIN, and it was interesting to hear some of the observations. I loved what one gentleman said. He didn't sound like a lawyer. He just sounded like a good commonsense person. He said, I just know that I have never been in a government office in line to get some service and seen a government employee come running out and say, Let me open another window. This line is too long. But he said, You know, we've seen that in private businesses because if you make somebody wait in the line too long, they'll go to the next business and not stay in your business. And his point was, he did not want those people who would not come around and open an extra window to be the ones that are in charge of his health care. I thought it was a beautiful point.

Mr. AKIN. It paints a vivid picture. And as much as you and I have always railed against insurance companies making health care decisions, that's not quite so bad, because if you don't like the insurance company, you can change to a different insurance company. You might have to change your job to do it. But you can change your insurance company. It's not so easy to change the U.S. Federal Government.

Mr. GOHMERT. Well, we sure know about that, don't we.

Number two on the list of pledges is, Reject any addition to the crushing national debt heaped upon all Americans. And I know there's been—in the summit there are all these wonderful, glowing things that were said about the Congressional Budget Office, CBO. Everybody talks about the CBO scoring. Well, the CBO scoring says this. CBO scoring is sacrosanct, and I know people have paid great tribute to it. But I still remember last year when the President was not happy with CBO and called the Director over to the White House. There was a little woodshedding that apparently went on. We were not allowed to see that on C-SPAN. That would have been a real interesting conversation.

Mr. AKIN. I bet you a lot of people would have wanted to tune in on that.

Mr. GOHMERT. I sure would have tuned in to watch that. But of course if it had been on C-SPAN, the content of the conversation may have been a whole lot different. But we do know what has occurred in this Congress since last year. Now, it bugs me to no end to continue to hear, as I did—and I heard a friend from across the aisle say in just a ridiculous misrepresentation

that the Republicans—again, they don't have any plans. They don't want any changes. That is absolutely ridiculous.

In our Republican Study Committee—the more conservative of the Republican Members of Congress is generally the way it's touted. There are Republicans that aren't conservative that aren't part of the RSC. But we have just a summary of 70 bills to help reform health care, not to give more control to the insurance companies, not to give more control to government, but to help reform health care so that it's patient controlled, and it's affordable, accessible, all of these things.

□ 2045

These are real bills. They have numbers on them. Let me just share with you, I had addressed I guess probably around November the fact that I had been trying to get my health care bill scored since August. I realize who is in the majority and with that comes lots of privilege. We sure know about that. It is hard to get a meeting room, the kind we used to have, and the kind we used to provide to the other side, just to have a meeting. But we do with what they allow us to have. But we can meet outside. That doesn't stop us from doing what we need to do.

But when it comes to CBO, I appreciated getting a call from the Director of CBO and I appreciated all of the glowing things that were said about the wonderful bipartisan gentleman he is, but the trouble is you have to look at what has been produced since that woodshedding at the White House. I really do believe he wants to be fair, and I really believe he thinks he is fair. But when it comes to health care bills, there have been 50 bills that have been formally scored that are Democrat-requested scores for their bills, and there have been six Republican bills formally scored. We have been able to get about one-tenth of the bills scored that the Democrats have. I have been trying since August. I made the request in writing of CBO back in August.

Then eventually I am told, well, you don't have the highest ranking Republican on the committee of jurisdiction requesting it. So I talked to JOE BARTON, our highest ranking member of the Energy and Commerce Committee where Chairman WAXMAN rammed this thing through the committee. He sent a letter requesting that CBO score my bill. We waited awhile. Okay, do you have it in the works? Is it coming? Then we were told you don't have a request from the highest ranking Republican on the Joint Tax Committee. So I asked DAVE CAMP, a wonderful colleague. DAVE said absolutely. He shoots a letter over to CBO and says score GOHMERT's bill. That was back in September. And since then, on a spur of the moment, it could be a Democratic



Senator or the Speaker or Chairman WAXMAN or somebody down here, man, they request one, they won't even have a full bill, and until just last week when they were given an 11-page summary and 19-page summary of the summary, thank God CBO finally did the appropriate thing and said that we can't score a summary and a summary of a summary. We don't have enough to work with to give you a score. Thank goodness they finally said that, because they have sure scored some stuff that wasn't appropriate to be scored.

Mr. AKIN. And yet they have still not scored your bill that has been sitting there since last summer.

Mr. GOHMERT. And they have still not scored my bill. I would go ahead and point out that it is not just in health care that CBO has scored 50 Democratic bills and six Republican bills, which does not include mine, despite the efforts and the requests from the highest ranking Republicans. From the legislation that has formally been scored by CBO in the 111th Congress, there have been a total of 530 bills scored; 442 of those were Democratic bills and 88 were Republican bills.

So I appreciate very much the Director of CBO, Mr. Elmendorf. He sounds very sincere that he is doing everything that he can to be fair and objective. But you as the CBO Director, knowing that you really probably would rather not be woodshedded again at the White House and knowing that if you do not allow any of these wonderful Republican ideas to be scored, you can profoundly change the discussion on health care in America. You can prevent some of the best ideas in America on health care that didn't just come from the people whose names are on the bill. The ideas on my health care bill, they came from brilliant people from around the country who have dealt with the issue. I appreciate Newt Gingrich sending friends of his over, some of the brightest minds on health care helping come up with some of the best proposals. I appreciated Newt's help and those he sent over. And now you get a score and see what you've got. I appreciated his direction. I can't get a score because the so-called fair and objective CBO wants to score 50 Democratic bills, six Republican bills, and one of those will not be mine. It could make a difference.

Now I realize, and I have waited a long time to get loud and vocal about the ignoring that Republicans have had from CBO because I know by making such a big deal about their lack of objectiveness in the number of Republican bills scored by CBO that I am inviting CBO to come in, and there are so many variables in any bill, Democrat or Republican, where they can take a presumption and that presumption can just run the cost right through the roof or run it right down through the floor, and that is all dependent upon the pre-

sumptions that they make. So I realize by coming forward there is a good chance that if one day a rather angry and upset CBO finally gets around to scoring my bill, they are probably going to fix my wagon. I understand that. I understand that the presumptions might not be what they should be in order to give the bill a proper scoring to my way of thinking, but I just felt like we had to say something to point out that the emperor doesn't have the beautiful set of clothes that everyone is going around saying he has. There is a lack of objectivity certainly in the bills that are being scored.

Mr. AKIN. That makes it awfully awkward, because let's say that some of these bills were scored. You know this well, some of these bills would save a lot of money. And somebody is going to ask: We have a President who wants to spend a trillion dollars at the cost of \$5 million in jobs to pass a government takeover of health care, and the Republicans have a plan that is actually going to cut the cost of health care, doesn't have tax increases in it, why not take the less expensive plan? Somebody is going to ask that question. But it is a lot easier if the Republican bills have not had a chance to be scored.

Interestingly, there is a guy who is scoring the President's bill who is not CBO, and he is a Democrat. I don't know if you have heard of him, but he is the Democratic Governor of Tennessee. Why would he say anything bad about the Democrats' health care bill, the President's health care bill? The reason is because, guess what, Tennessee is going to have to pay for this government takeover of health care. That trillion dollar price tag that CBO hooked on this bill is not all the cost because some of it is hidden. And guess who is going to pick up some of the pieces of that, it is going to be the various States, and the various States like Tennessee that have tried this government-run scheme of health care. They know it is a disaster. It wrecked health care in Tennessee and Massachusetts. It ran the cost of health care in Tennessee and Massachusetts way up. So that Democrat Governor, who also could be taken to the woodshed, says no, this is a bad idea. This is going to be very expensive, and States have balanced budgets, how are we going to pay for this thing.

So there is somebody that is scoring the bill and it is not CBO; it is a Democrat. And he is saying no, it is too expensive.

Mr. GOHMERT. I appreciate that observation from my friend from Missouri. I would like to finish the declarations, the pledges that he and I have both made.

Number 3 is improve, rather than diminish, the quality of care that Americans enjoy.

Now, we have heard so many horror stories, terrible situations where someone did not get proper health care. And nobody wants to see that happen. But despite the problems, most of us here contend that we have the best health care available of anywhere in the world. It is right here in America. We saw a good example of that after years and years of hearing some friends say we need to have a health care system like Canada. We need to have a health care system like England. Well, you start hearing stories like the secretary in Tyler. She told me she immigrated from England. She said her mother had cancer in England. And what happens in that scenario, you are put on a list. You are put on a list to get a mammogram, to have surgery, a biopsy, to get radiation or chemo. Whatever you are going to get, you are put on a list. She said my mother died from cancer not because it was not curable, but because she lived in England.

She said I was found to have cancer. I didn't have to wait on some list to get it taken care of. She said I know I'm alive because I moved to America and didn't stay in England, which brings me to an article in February. This was from the National Post, "Newfoundland Premier Danny Williams will undergo heart surgery later this week in the United States. Mr. Williams, 59, has said nothing of his health in the media. The Premier's press secretary confirmed the report Monday evening. Deputy Premier Kathy Dunderdale confirmed the treatment at a news conference Tuesday, but would not reveal the location of the operation or how it will be paid for. Ms. Dunderdale will become acting Premier while Williams is away. He is expected to be away from 4 to 6 weeks. For many, the Premier's need for heart surgery comes as a surprise, especially in light of the fact that he is an avid hockey player and has shown no outward signs of illness as of late. On Friday, Mr. Williams met with Prime Minister Stephen Harper and while speaking to reporters seemed healthy and in good spirits. A decision to leave Canada for the surgery, especially if it is available here, raises questions about the Premier's confidence in Newfoundland's health care system."

So you have a Premier from Canada, his health care is important to him. He wants to keep being the Premier, and so he comes to the United States, or already has. As I understand it, he already has had the surgery here in the United States. We have the best health care that has ever been anywhere in the world in time or in geography. It's here.

Mr. AKIN. You are making a point here, my friend. I don't know if you knew that you left off to preaching and went on to meddling, because when you talk about cancer, I am a cancer survivor myself.



If you take a look at cancer survival rates in England, you find they tend to be about 20 percent worse than they are in America. Why is that? Well, you have explained it very accurately, and that is cancer is particularly sensitive. When you diagnose it, you want to get to it quickly before it spreads or gets too bad. The idea of putting someone on a long waiting list is deadly when you are dealing with cancer.

So if you have cancer, you have a much, much higher percent of dying from that if you are in Canada or particularly in England, and it is because of the waiting list. Governments have a little bit of sensitivity to them. Instead of telling you that they are going to deny your health care, they say no, you have to get in line. You can get a free Cæsarian section; you just have to wait 12 months. But I needed it in 9. Well, that is a problem, isn't it.

So what you are talking about is a sensitive subject to me because I had cancer in this country. When they discovered it, I thought it was time to take care of it right away and so did the doctor and so did the hospital. I had it on spring break. I had an operation to try to get rid of the cancer back 9 years ago, my very first spring break down here.

□ 2100

But in America, when you get cancer, something the doctor says is, it's time to move, let's go. That's why we have such better survival rates, and that's why the guy from Canada wants to come here to get health care.

Mr. GOHMERT. Well, and it is so important that people understand that. To say that no one will be denied care or coverage is accurate to a point, but the fact is they're told in Canada and England, gee, we're not going to deny you treatment or care, we just have to put you on this list.

The gentleman brings up an important point about how much greater the survivability rates are in the United States from diseases like cancer, but some want to try to compare apples and onions and say they both taste and smell alike when they're not at all the same. The fact is, when you hear some people say, well, in this country—England, Canada, you know, these other countries—they apparently have much better health care, even though they have government-run health care, because people have a longer average life span. Well, that's not exactly fair to put that on the health care in the country because it's sad, but true, when you make those comparisons, we have a much higher murder rate in America than they do in England or Canada. Those numbers go into the statistics.

Another involves what was explained by a health care expert that most countries do not include preemies, premature babies, the death of premature

babies in their numbers. Well, we sure do here because every little baby born counts, premature or otherwise, unless it's one of those horrible tragedies where somebody aborts a baby and realizes they're alive and goes ahead and takes action to make sure they're killed or allowed to die on their own without proper care.

But number four on the pledges of the Declaration of Health Care Independence is, "Be negotiated publicly, transparently, with genuine accountability and oversight and be free from political favoritism." Well, we saw an effort last Thursday at the summit to look like there was going to be a publicly, transparently negotiated health care bill, but the President announced beforehand, here's the bill we're going with and the summary of what we're going to do to that, and the summary of the summary. It had all been negotiated behind closed doors. You had a union representative, an AARP representative who said, oh, we've already worked this out in secret behind closed doors where nobody saw what was negotiated. Now we're going to bring the Republicans in and put a little window dressing on it.

Well, I don't know how many people or Members of Congress who are certified as mediators or have been through the certification process. It's pretty extensive to become an arbitrator, an international arbitrator, but I've been through those processes. And I can tell you that what happened last Thursday was not a negotiation or a mediation. It was structured to look like perhaps it was, with the President being the objective and all-caring mediator in the middle, but the trouble is the mediator kept cutting off one side when they said something that he didn't want to go there.

I'll tell you the most gratifying comment to me that just touched me deeply—and I was so proud of the President because it meant a lot to me to hear him realize this—when JOHN MCCAIN was speaking and the President pointed out that the President had finally realized, for the first time since November of 2008, that we're not campaigning anymore. That meant a lot to me that the President finally realized it was time for him to quit campaigning and actually work on the bills rather than the campaign. But then, after that I read this weekend that the White House is already preparing the next campaign for 2012, so apparently maybe it only lasted a day or two they weren't campaigning.

But number five, "Treat private citizens at least as well as political officials." Well, Americans weren't fooled, went in—and this is just one volume; there are four volumes of this, the House bill, and I don't have time to pull out the other—but in there, to address America's concern that Congress was being treated more specially than

rank-and-file citizens, they added a line in there that said, Under the Federal Insurance Exchange program, that Members of Congress may be covered under that if they want to be. Most people, no matter how low you read what was in the bill, they pick up on that pesky little word "may."

Mr. AKIN. You know, it's sort of a "shall" bill.

Mr. GOHMERT. Over 3,000 "shalls," but that was a big little "may" there.

Mr. AKIN. One little "may" sitting in there. And the American public picks up on that and says, well, maybe you're not that sure that this bill is such a good thing. It doesn't seem like it's good for you guys.

I think you have really been pretty humble here in talking about that Declaration of Health Care Independence because you're one of the people that wrote it, and you're laying out those basic principles.

I had a chance to speak this last weekend to a pretty good size crowd back in St. Louis, and one of the things that I wanted to talk about or mention was the fact that if Republicans have made the mistakes, it seemed to me we have made just one mistake, but we make it over and over, and that is when we don't stick to basic principles that we believe in.

What you took time to do, gentleman—and I want to just let people know that the guy from Texas that worked on writing this declaration of health care rights, what you're doing is you're laying out these basic principles. You talk about transparency; that's something that is supposed to have been promised to us. You talk about if it's good enough for everybody else, it ought to be good enough for those of us in Congress. That's kind of a basic principle you're talking about that you should not get in the way of the doctor-patient relationship. You're laying out those basic principles in this health care Declaration of Independence, and I think you have—and I was in the meetings where we were writing it too. The point is, other people can write it, other people can sign their name on the bottom, too; isn't that correct?

Mr. GOHMERT. That is absolutely correct.

And we just have a few minutes left, let me finish the 10 here.

Number six, "Protect taxpayers from funding of abortion or abortion coverage." And one might wonder, well, is the President really on board with that? He has said it more than once. He said it standing right there at that podium right behind the gentleman from Missouri that no abortions would be funded by Federal tax dollars. Well, this is just getting him to agree, if he would, to what he said was the real case.

Number seven, "Reject all new mandates on patients, employers, individuals or States." Now, the President, in

his speech today, said we want to loosen all the controls on insurance. No, we want to loosen the controls on patients; that's what we want to loosen. Patients need more control, not the insurance companies and not the government.

And then eight, "Prohibit expansion of taxpayer-funded health care to those unlawfully present in the United States." One of the things in my bill, if you're going to get a visa to come into this country, then you will do—and some countries already require it—then you have to show that you will have health care insurance coverage while you're in this country or you don't get a visa. And if your health care insurance expires while you're here, the visa does too—you've gotta go.

It also provides that since we've been told there are probably 1.5 billion people in the world that would love to emigrate to the United States—and that would destroy this country because we can't handle that many immigrants, even temporarily. We can't let people bankrupt this country, and therefore, another provision in my bill says, if you're illegally in this country and you present for health care—we believe in following the law, the courts have said it, we believe we've followed the law—we will provide you health care coverage even if you're illegally here that one time. And when you're well enough to travel, you're going to be deported. And if you're ever found back in this country again after you were here illegally and got free health care, it's a prison sentence. We can't let people bankrupt this country or there is no hope for those other 1.5 billion that want to at least come here at some point.

And then number nine, "Guarantee equal protection under the law and the Constitution."

Ten, "Empower, rather than limit, an open and accessible marketplace of health care choice and opportunity."

I know the Speaker knows that we begin our practice every day with prayer, and that it goes back to 1787—I believe it was June 28 at the Constitutional Convention. They had gone on for about 5 weeks and accomplished nothing. And some people say Ben Franklin was a deist. He said these words: "I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth: God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

He went on, and Franklin said, "We have been assured, sir, in the sacred writing that except the Lord build the house, they labor in vain that build it." He said, "I firmly believe this. And I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel." And he went on to speak longer and then said, "I, therefore, move henceforth we begin every day with prayer in this room." And from that day, June 28, 1787, to this day today that we are about to wrap up, we begin with prayer.

So America works when people let their elected representatives hear from them and let them know their mind. It works when we do what Ben Franklin suggested. That doesn't sound like a deist.

With that, Mr. Speaker, I yield back.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

- Ms. BERKLEY, for 5 minutes, today.
- Mr. DEFAZIO, for 5 minutes, today.
- Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

- Mr. POE of Texas, for 5 minutes, March 10.
- Mr. JONES, for 5 minutes, March 10.
- Mr. MORAN of Kansas, for 5 minutes, March 10.
- Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 2, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 4691. To provide a temporary extension of certain programs, and for other purposes.

H.R. 1299. To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, March 4, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 2544, the National Association of Registered Agents and Brokers Reform Act of 2010, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2554, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact .....	0	–4	–3	0	0	0	0	0	0	0	0	–7	–7

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6352. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency, Case Number 07-01, pursuant to 31

U.S.C. 1517(b); to the Committee on Appropriations.

6353. A letter from the Under Secretary, Department of Defense, transmitting requests for remediation on U.S. foreign training sites regarding used depleted uranium weapons; to the Committee on Armed Services.

6354. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside

the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

6355. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending December 31, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6356. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy,

Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

6357. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN: 0991-AB58) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6358. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-28, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6359. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-03, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6360. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition to the List of Validated End-Users in the People's Republic of China (PRC) [Docket No.: 0908111226-91431-01] (RIN: 0694-AE70) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6361. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-10, 2009 Benchmark Survey of U.S. Direct Investment Abroad [Docket No.: 090130089-91425-02] (RIN: 0691-AA71) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on Foreign Affairs.

6363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 702 of the Foreign Relations Authorization Act for FY 2003 (Pub. L. 107-228), a report on the 2009 U.S.-Vietnam Human Rights Dialogue Meetings; to the Committee on Foreign Affairs.

6364. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on its fiscal year 2009 Competitive Sourcing efforts, as required by Section 647(b) of the Consolidated Appropriations Act, FY 2004; to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6366. A letter from the Assistant Director, Executive & Political Personnel, Depart-

ment of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6367. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6368. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6369. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6370. A letter from the Director, Office of National Drug Control Policy, transmitting update to the September 2009 final addendum for the Fiscal year 2008 Performance Summary Report; to the Committee on Oversight and Government Reform.

6371. A letter from the Chief Operating Officer, President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2009 Audited Financial Statements; to the Committee on Oversight and Government Reform.

6372. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XT97) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6373. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Fisheries; Regulatory Restructuring [Docket No.: 071220872-91431-03] (RIN: 0648-AU71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6374. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Service's final rule — Pipeline Safety: Editorial Amendments to the Pipeline Safety Regulations [Docket No.: PHMSA-2009-0265; Amdt Nos. 190-15; 192-111; 195-92, 198-5] (RIN: 2137-AE51) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Senior Trial Attorney, Office of Aviation Enforcement, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections [Docket No.: DAT-OST-2007-0022] (RIN No.: 2105-AD72) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2009-0699 Directorate Identifier 2009-CE-042-AD; Amendment 39-16169; AD 2009-21-08 R1] (RIN: 2120-AA64) received Janu-

ary 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines [Docket No.: FAA-2008-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16161; AD 2010-01-04] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, and -800 Series Airplanes [Docket No.: FAA-2008-0669; Directorate Identifier 2007-NM-350-AD; Amendment 39-16166; AD 2010-01-08] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0788; Directorate Identifier 2009-NM-193-AD; Amendment 39-16167; AD 2010-01-09] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus (Type Certificate Previously Held by Airbus Industrie) Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-1230; Directorate Identifier 2009-NM-088-AD; Amendment 39-16165; AD 2010-01-07] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2009-1226; Directorate Identifier 2009-NM-149-AD; Amendment 39-16164; AD 2008-10-10 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2009-0655; Directorate Identifier 2008-NM-192-AD; Amendment 39-16157; AD 2010-01-01] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes [Docket No.: FAA-2009-1252; Directorate Identifier 2009-NM-248-AD; Amendment 39-16173; AD 2010-02-02] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6384. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian

Federation, Tajikistan, and Uzbekistan; to the Committee on Ways and Means.

6385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Directive on Total Return Swaps ("TRs") Used to Avoid Dividend Withholding Tax [LMSB Control No.: LMSB-4-1209-044] received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6386. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-4) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6387. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-5) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-6) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6389. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-8) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6390. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Study and Report Relating to Medicare Advantage Organizations As Required by Section 4101(d) of the American Recovery and Reinvestment Act of 2009"; jointly to the Committees on Energy and Commerce and Ways and Means.

6391. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1862-DR for the Commonwealth of Virginia; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. ISSA, Mr. PITTS, Mr. HENSARLING, Mr. BISHOP of Utah, Ms. FOXX, and Mr. ROONEY):

H.R. 4735. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. WILSON of Ohio:

H.R. 4736. A bill to amend the Higher Education Act of 1965 to authorize student loan forgiveness for certain individuals employed in advanced energy professions; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. CAPUANO, Mr. CLAY, Mr. CLEAVER, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, and Mr. WATT):

H.R. 4737. A bill to reauthorize assistance for capacity building for community development and affordable housing under section 4 of the HUD Demonstration Act of 1993, and for other purposes; to the Committee on Financial Services.

By Mr. McKEON (for himself, Mr. WITTMAN, Mrs. McMORRIS RODGERS, Mr. BISHOP of Utah, Mr. SHUSTER, Mr. AKIN, Mr. FLEMING, Mr. HUNTER, Mr. LOBIONDO, Mr. COFFMAN of Colorado, Mr. TURNER, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. ROONEY, Mr. CONAWAY, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota):

H.R. 4738. A bill to prohibit the use of Department of Defense military installations in the United States, its territories or possessions for the prosecution of individuals involved in the September 11, 2001, terrorist attacks; to the Committee on Armed Services.

By Mr. CAPUANO:

H.R. 4739. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. RUSH, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. FUDGE, Mr. CLAY, and Mr. BRADY of Pennsylvania):

H.R. 4740. A bill to provide grants to cities with high unemployment rates to provide job training, public works, and economic development programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4741. A bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 4742. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4743. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. MARCHANT:

H.R. 4744. A bill to require, as a condition for purchase of a home mortgage loan by

Fannie Mae or Freddie Mac, and insurance of a home mortgage loan under the National Housing Act, that the mortgagor be verified under the E-Verify program; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. BISHOP of New York, Mr. PETERS, Mr. TIAHRT, Mr. CLEAVER, Mr. MORAN of Kansas, Mr. MEEKS of New York, Mr. ETHERIDGE, Mr. ARCURI, Mr. PIERLUISI, Mr. JONES, Mr. THOMPSON of California, Mrs. MCCARTHY of New York, Mr. BARROW, Mr. SKELTON, Mr. RANGEL, Ms. JENKINS, Mr. MCGOVERN, and Mr. FILNER):

H.R. 4745. A bill to award a Congressional Gold Medal in honor of the recipients of assistance under the Servicemen's Readjustment Act of 1944 (commonly referred to as the "GI Bill of Rights") in recognition of the great contributions such recipients made to the Nation in both their military and civilian service and the contributions of Harry W. Colmery in initiating actions which led to the enactment of that Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4746. A bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4747. A bill to amend the Controlled Substances Import and Export Act to prevent the use of Indian reservations located on the United States borders to facilitate cross-border drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. THOMPSON of Mississippi, Mrs. McMORRIS RODGERS, Mr. PASCRELL, and Ms. KAPTUR):

H.R. 4748. A bill to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. CASTLE, Ms. SHEA-PORTER, Mr. PLATTS, Mr. CAPUANO, and Mr. OWENS):

H.R. 4749. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. SCHAUER (for himself, Mr. MCMAHON, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. CONNOLLY of Virginia, and Ms. SUTTON):

H.R. 4750. A bill to amend the Federal Meat Inspection Act and Poultry Products Inspection Act to improve food safety by supporting efforts by entities that purchase beef, pork, or poultry products to further examine the products to ensure they remain safe for human consumption and to prohibit interference with such examination efforts, and for other purposes; to the Committee on Agriculture.

By Mr. TONKO (for himself, Mr. DAVIS of Illinois, and Ms. BERKLEY):

H.R. 4751. A bill to amend the Internal Revenue Code of 1986 to encourage the deployment of highly efficient combined heat and power property, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mrs. EMERSON, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GRIJALVA, Mr. HINCHAY, Mr. CONYERS, Mr. WILSON of Ohio, Ms. BALDWIN, Mr. HODES, Ms. TITUS, Mr. TAYLOR, Mr. ELLISON, Mr. MOORE of Kansas, Ms. SCHWARTZ, Mr. LIPINSKI, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. OLVER, Mr. LANGEVIN, Mr. WU, Mr. KLEIN of Florida, Ms. PINGREE of Maine, Ms. KAPTUR, Ms. HARMAN, Mr. LOEBACK, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Mr. HALL of New York, Mr. OBERSTAR, Mr. BRALEY of Iowa, Mr. HARE, Mr. HEINRICH, Mrs. CAPPS, Ms. SUTTON, Mr. STUPAK, Mr. ARCURI, Ms. SHEA-PORTER, Mr. CARDOZA, Mr. DEFazio, Mr. RYAN of Ohio, Mr. CARNEY, Mr. VAN HOLLEN, Mr. KAGEN, Mr. BOSWELL, Mr. DOYLE, Mr. ISRAEL, Mr. DELAHUNT, Mr. BISHOP of New York, Ms. DELAURO, Mr. MICHAUD, Mr. BERRY, Mr. CAPUANO, Mr. CHANDLER, Mr. MARKEY of Massachusetts, Mr. KILDEE, Mr. FILNER, Mr. CARNAHAN, Mr. WEINER, Mr. McDERMOTT, Mr. YARMUTH, Ms. WOOLSEY, Mr. FARR, Mr. LARSEN of Washington, Mr. KENNEDY, Mr. COURTNEY, Mr. SCOTT of Virginia, and Ms. KILROY):

H.R. 4752. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. PENCE, and Mr. CAMPBELL):

H.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. SESSIONS):

H. Con. Res. 246. Concurrent resolution supporting the goals and ideals of World Glaucoma Day; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia:

H. Res. 1135. A resolution amending the Rules of the House of Representatives to require that Members take the same annual ethics training as senior staff; to the Committee on Rules.

By Mr. BISHOP of Utah (for himself, Mr. CHAFFETZ, and Mr. MATHESON):

H. Res. 1136. A resolution recognizing the 100th anniversary of the establishment of the McKay-Dee Hospital in northern Utah; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. MATSUI and Mr. NEAL of Massachusetts.

H.R. 272: Mr. BACHUS.

H.R. 303: Mr. SCHRADER.

H.R. 336: Mr. PAYNE and Mr. HALL of New York.

H.R. 442: Mr. GARRETT of New Jersey and Mr. RAHALL.

H.R. 476: Ms. WOOLSEY.

H.R. 484: Mr. MORAN of Kansas, Mr. HASTINGS of Florida, and Mr. OBERSTAR.

H.R. 606: Ms. LEE of California.

H.R. 622: Mr. MURPHY of New York.

H.R. 1079: Mr. HILL.

H.R. 1082: Mr. CAPUANO.

H.R. 1169: Mr. MICHAUD.

H.R. 1210: Ms. MCCOLLUM and Mr. LARSEN of Washington.

H.R. 1289: Mr. BAIRD.

H.R. 1324: Mr. ROSS.

H.R. 1458: Mr. ACKERMAN, Mrs. MALONEY, Mr. MCGOVERN, and Mr. SIREN.

H.R. 1523: Ms. CHU.

H.R. 1587: Mr. JONES.

H.R. 1751: Ms. NORTON.

H.R. 1806: Mr. HOLDEN, Mr. RUPPERSBERGER, and Ms. JACKSON LEE of Texas.

H.R. 1835: Mr. BOSWELL, Mr. ADLER of New Jersey, and Mr. HOLT.

H.R. 1875: Mr. HARE, Mr. KAGEN, and Mr. PERRIELLO.

H.R. 1884: Mr. ROTHMAN of New Jersey.

H.R. 2089: Ms. SCHAKOWSKY.

H.R. 2110: Mr. CRENSHAW.

H.R. 2132: Ms. NORTON.

H.R. 2149: Mr. BISHOP of Georgia and Ms. SPEIER.

H.R. 2156: Ms. CORRINE BROWN of Florida and Ms. NORTON.

H.R. 2305: Mr. PRICE of Georgia.

H.R. 2377: Mr. UPTON, Mr. CONAWAY, Mrs. MILLER of Michigan, and Mr. PERRIELLO.

H.R. 2478: Mr. MCNERNEY.

H.R. 2515: Ms. NORTON.

H.R. 2565: Mr. BROWN of South Carolina.

H.R. 2672: Ms. JACKSON LEE of Texas.

H.R. 2695: Mr. SESTAK.

H.R. 2782: Mr. PETERSON.

H.R. 2819: Ms. RICHARDSON.

H.R. 2906: Mr. KAGEN and Mr. DRIEHAUS.

H.R. 3001: Ms. NORTON.

H.R. 3017: Ms. MARKEY of Colorado.

H.R. 3043: Mr. GENE GREEN of Texas.

H.R. 3077: Mr. GARAMENDI and Ms. NORTON.

H.R. 3100: Ms. SCHAKOWSKY.

H.R. 3147: Mr. MEEKS of New York, Mr. BERMAN, and Ms. NORTON.

H.R. 3202: Mr. BISHOP of New York.

H.R. 3268: Ms. BEAN.

H.R. 3339: Mr. BAIRD and Mr. TEAGUE.

H.R. 3343: Mr. COURTNEY.

H.R. 3351: Mr. KAGEN and Mr. PETERS.

H.R. 3380: Mr. HOLT.

H.R. 3486: Mr. HOEKSTRA.

H.R. 3488: Mr. FILNER and Mr. NADLER of New York.

H.R. 3519: Ms. MCCOLLUM and Mr. OWENS.

H.R. 3564: Mr. SCOTT of Virginia.

H.R. 3666: Mr. POE of Texas and Mr. MURPHY of Connecticut.

H.R. 3697: Mr. SIMPSON.

H.R. 3712: Mrs. EMERSON, Mr. GARY G. MILLER of California, Mr. BISHOP of Georgia, Mr. UPTON, Mr. CASTLE, and Mr. PETRI.

H.R. 3715: Mr. GERLACH.

H.R. 3720: Mr. GRAVES.

H.R. 3731: Mr. WEINER, Mr. BERMAN, Mr. GARAMENDI, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. WATERS, Mr. GRAYSON, Ms. WATSON,

Mr. SCOTT of Virginia, Mr. FALEOMAVAEGA, Mr. NADLER of New York, Mr. TOWNS, Ms. KILPATRICK of Michigan, Mr. ARCURI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BUTTERFIELD, Mr. KAGEN, Mr. CLEAVER, and Mr. POLIS of Colorado.

H.R. 3745: Ms. ZOE LOFGREN of California and Mr. MARKEY of Massachusetts.

H.R. 3790: Mr. SIREN, Ms. KOSMAS, Mr. BISHOP of Utah, and Mr. THORNBERRY.

H.R. 3799: Ms. WOOLSEY.

H.R. 3839: Mr. COURTNEY and Mr. ISRAEL.

H.R. 4038: Mr. SHIMKUS.

H.R. 4058: Mr. LARSEN of Washington.

H.R. 4088: Mr. TIAHRT and Ms. SCHAKOWSKY.

H.R. 4098: Ms. NORTON.

H.R. 4129: Ms. SCHAKOWSKY and Mr. BOREN.

H.R. 4140: Mr. CAPUANO.

H.R. 4149: Mr. POLIS of Colorado.

H.R. 4150: Mr. BURGESS.

H.R. 4189: Mr. JONES.

H.R. 4229: Mr. WILSON of Ohio, Mr. MEEKS of New York, Mr. MOORE of Kansas, and Mr. PUTNAM.

H.R. 4267: Mr. TIAHRT.

H.R. 4274: Mr. BOUCHER and Mr. WEINER.

H.R. 4278: Mr. KIND.

H.R. 4306: Mr. CRENSHAW.

H.R. 4318: Ms. NORTON.

H.R. 4320: Mr. ISRAEL, Ms. KILPATRICK of Michigan, Mr. GRAYSON, Mr. ROTHMAN of New Jersey, Mr. COHEN, Mr. OWENS, and Ms. SHEA-PORTER.

H.R. 4332: Mr. KILDEE.

H.R. 4351: Mr. PERRIELLO and Mr. ARCURI.

H.R. 4359: Mr. ARCURI.

H.R. 4371: Mr. TAYLOR, Mr. ROONEY, Mr. TEAGUE, Mr. BOYD, and Mr. PUTNAM.

H.R. 4399: Mr. WEINER.

H.R. 4400: Ms. ROS-LEHTINEN.

H.R. 4426: Ms. BALDWIN.

H.R. 4427: Mr. FLEMING.

H.R. 4430: Mr. PITTS, Mrs. SCHMIDT, Mr. LATTI, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. LAMBORN, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mr. HUNTER, Mrs. LUMMIS, Mr. CONAWAY, Mr. OLSON, Mr. PENCE, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. JONES, Mr. GARRETT of New Jersey, Mr. ROGERS of Kentucky, Mr. BROUN of Georgia, and Mr. FORBES.

H.R. 4466: Mr. LEE of New York.

H.R. 4472: Mr. PAULSEN.

H.R. 4502: Ms. SCHAKOWSKY.

H.R. 4505: Ms. BERKLEY, Mr. TIAHRT, and Mr. MINNICK.

H.R. 4538: Ms. SCHAKOWSKY.

H.R. 4541: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4556: Mr. HASTINGS of Washington.

H.R. 4573: Mr. DRIEHAUS, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. LARSEN of Washington, Mr. ROTHMAN of New Jersey, Ms. BALDWIN, Ms. DELAURO, Mr. ENGEL, Mr. JOHNSON of Georgia, and Mr. DAVIS of Illinois.

H.R. 4586: Mr. CULBERSON.

H.R. 4588: Mr. BURTON of Indiana, Mr. POE of Texas, Mr. CHAFFETZ, Mr. POSEY, Mr. MANZULLO, Mr. AKIN, Mr. PITTS, Mr. LAMBORN, Mr. MARCHANT, Mr. LATTI, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mrs. MYRICK, Mr. CONAWAY, Mr. GOHMERT, and Mr. BISHOP of Utah.

H.R. 4598: Mr. PERLMUTTER, Mr. LUJÁN, and Ms. KILROY.

H.R. 4621: Ms. ROYBAL-ALLARD, Mr. ISSA, and Mr. CHAFFETZ.

H.R. 4629: Mr. SCHAUER.

H.R. 4638: Mr. PUTNAM.

H.R. 4649: Ms. LORETTA SANCHEZ of California, Mr. POE of Texas, Mr. COSTA, Mr. McCAUL, and Mr. INGLIS.

H.R. 4653: Ms. FOXX, Mr. SAM JOHNSON of Texas, Mr. OLSON, and Mrs. LUMMIS.

H.R. 4657: Mr. RUSH.

H.R. 4692: Ms. KILROY.

H.R. 4693: Mrs. HALVORSON, Ms. KILPATRICK of Michigan, Mr. GERLACH, and Mr. MCNERNEY.

H.R. 4694: Mr. ELLISON.

H.R. 4700: Ms. WOOLSEY, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. RUSH, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. BACA, Mr. GUTIERREZ, and Mr. FARR.

H.R. 4705: Mr. POE of Texas.

H.R. 4717: Mr. SIMPSON and Mr. THOMPSON of Pennsylvania.

H.J. Res. 61: Ms. SUTTON.

H.J. Res. 74: Mr. FILNER, Mr. HEINRICH, and Mr. HINCHEY.

H.J. Res. 76: Mr. PAULSEN, Mr. FORTENBERRY, Mr. DENT, Mr. MORAN of Kansas, Mr. BOOZMAN, Mr. BURGESS, Mrs. BIGGERT, and Ms. HERSETH SANDLIN.

H. Con. Res. 230: Mr. TAYLOR.

H. Con. Res. 242: Mr. CONYERS, Ms. LEE of California, Mr. GONZALEZ, Ms. CLARKE, Mr. WATT, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Mr. RUSH, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. RODRIGUEZ, Mr. GRAYSON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. PASCARELL, Mr. FRANK of Massachusetts, Mr. LEVIN, Ms. JACKSON LEE of Texas, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Ms. WATERS, Mr. FATTAH, Mr. BACA, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. RYAN of Ohio, Mr. HIGGINS, and Mr. GRIJALVA.

H. Con. Res. 244: Mr. BURTON of Indiana, Mr. GOHMERT, Mr. LAMBORN, Mr. BRADY of Texas, Mr. CHAFFETZ, Mr. BISHOP of Utah, Ms. FOXX, Mrs. MYRICK, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. LATTA, Mr. AKIN, Mr. POSEY, Mr. ROONEY, Mr. MARCHANT, Mr. CONAWAY, Mr. HENSARLING, and Mrs. BLACKBURN.

H. Res. 792: Mr. SHUSTER, Mr. TIBERI, Mr. BACHUS, Mr. HUNTER, Mr. ROONEY, Mr. ROHRABACHER, Mr. CASSIDY, Mr. JONES, Mr. HENSARLING, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. JORDAN of Ohio, Mr. OLSON, Mr. AUSTRIA, Mr. PITTS, Mr. HARPER, Mr. LANCE, Mrs. BIGGERT, Mr. LEWIS of California, Ms. JENKINS, Mr. BRADY of Texas, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. PENCE, Mr. BILIRAKIS, Mr. MCCARTHY of California, Mr. THOMPSON of Pennsylvania, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. AKIN, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. ROSKAM, Mr. BUCHANAN, Mr. KING of Iowa, Mr. FORBES, Mr. LUETKEMEYER, Mr. DREIER, Mr. MCCOTTER, Mr. DENT, Mr. COLE, Mr. BOREN, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. MICA, Mr. SMITH of Nebraska, Mr. STEARNS, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. GUTHRIE, Mr. FORTENBERRY, Mr. YOUNG of Florida, and Mr. CRENSHAW.

H. Res. 888: Mr. REICHERT.

H. Res. 904: Mrs. DAHLKEMPER, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. ISRAEL, Ms. SPEIER, and Mr. SCHIFF.

H. Res. 1016: Ms. SCHAKOWSKY.

H. Res. 1041: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. BARROW, Mr. MELANCON, Ms. KOSMAS, and Mr. PETERSON.

H. Res. 1042: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. MELANCON, Mr. BARROW, Ms. KOSMAS, and Mr. PETERSON.

H. Res. 1052: Mr. REYES, Mr. DEFazio, and Mr. CONAWAY.

H. Res. 1053: Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SCHAKOWSKY.

H. Res. 1064: Ms. TSONGAS, Mr. MICHAUD, Mr. MURPHY of Connecticut, and Mr. KAGEN.

H. Res. 1075: Mr. KING of Iowa, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. HILL, Mr. PETERSON, Mr. SMITH of Nebraska, Mr. ROONEY, Mr. WITTMAN, and Mr. TAYLOR.

H. Res. 1086: Ms. MCCOLLUM.

H. Res. 1088: Mr. MORAN of Virginia.

H. Res. 1100: Mr. HASTINGS of Florida.

H. Res. 1102: Mr. SCOTT of Virginia.

H. Res. 1103: Mr. DAVIS of Tennessee, Mr. GRIFFITH, and Mr. BARTON of Texas.

H. Res. 1104: Mr. PAYNE and Mr. TOWNS.

H. Res. 1116: Mr. BISHOP of Georgia, Mr. KIRK, and Mr. TOWNS.

H. Res. 1119: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MYRICK.

H. Res. 1120: Mr. CUELLAR.

H. Res. 1124: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 1127: Mr. HIGGINS, Mr. STARK, Mr. REYES, Mr. LEVIN, Mr. ETHERIDGE, Mr. SCHIFF, Ms. LEE of California, Mr. BECERRA, and Mr. VAN HOLLEN.

H. Res. 1128: Mr. HOLDEN, Ms. WATSON, Mr. TANNER, and Mr. CARNAHAN.

H. Res. 1133: Ms. EDWARDS of Maryland.

**SENATE—Wednesday, March 3, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of every good gift, thank You for quiet harbors of peace where we may bow in prayer and seek Your grace and wisdom.

Guide our Senators during this season when vast issues are at stake. As they serve You and country, keep them mindful of the great tradition in which they stand, enabling them to rise to greatness of vision and action.

Lord, with confidence, we commit ourselves and our Nation to You, who knows the road we travel and has promised to bring us to a desired destination. May we continue to expect great things from You, as we attempt great things for You.

We pray in Your gracious Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 3, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, we will move directly to the bill. If Senator MCCONNELL wishes to speak, he has that right. We will move to H.R. 4213, the Tax Extenders Act. Last night, we were able to reach agreement on the next amendments in order. Those amendments will be offered soon, and I hope we will be able to reach agreement to vote in relation to the pending amendments. I am going to offer an amendment on behalf of Senator MURRAY. Senator SANDERS will offer one. Then there will be two Republican amendments. We have to kind of clear the decks. There will be no more amendments until we can make some arrangement to dispose of what has already been laid down. We have three. These four more means seven amendments. There will be two Democratic amendments this morning, two Republican amendments. That will mean a total of seven amendments. We have to take a pause then and try to get rid of some of these, voting on them before we move to others.

We can now move to the bill, Mr. President.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**TAX EXTENDERS ACT OF 2009**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

**Pending:**

Baucus amendment No. 3336, in the nature of a substitute.

Sessions amendment No. 3337 (to amendment No. 3336) to reduce the deficit by establishing discretionary spending caps.

Thune amendment No. 3338 (to amendment No. 3336) to create additional tax relief for businesses.

Landrieu amendment No. 3335 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to extend the low-income housing credit rules for buildings in the GO Zones.

**AMENDMENT NO. 3356 TO AMENDMENT NO. 3336**

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator MURRAY and others. This is No. 3356.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. MURRAY, for herself, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS, proposes an amendment numbered 3356 to amendment No. 3336.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for summer employment for youth)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TRAINING AND EMPLOYMENT SERVICES.**

(a) **ADDITIONAL AMOUNT.**—There is appropriated for fiscal year 2010, for an additional amount for “Training and Employment Services” for activities under the Workforce Investment Act of 1998 (referred to in this section as the “WIA”), \$1,500,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) **ACTIVITIES.**—In particular, of the amount made available under subsection (a)—

(1) \$1,500,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(A) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(B) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed \$1,000,000,000;

(C) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”;

(D) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds; and

(E) an amount that is not more than 1 percent of the funds appropriated under subsection (a) may be used for the administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds; and

(2) funds designated for the purposes of paragraph (1)(E), together with funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, shall be available for obligation through September 30, 2012.

Mr. REID. This amendment I offer on behalf of Mrs. MURRAY, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS. This, of course, is to the



amendment proposed by Senator BAUCUS.

AMENDMENT NO. 3353 TO AMENDMENT NO. 3336

(Purpose: To provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of cost-of-living adjustment for such year, and for other purposes)

I ask unanimous consent that amendment No. 3353 be called up now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. This is on behalf of Senator SANDERS, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SANDERS, for himself, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND, proposes an amendment numbered 3353 to amendment No. 3336.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of March 2, 2010, under "Text of Amendments.")

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Mr. President, most Americans breathed a sigh of relief in January when it looked like the Democrats' partisan plan for health care was done for. Most people saw the outcome of the Massachusetts Senate race as an opportunity to start over on what they wanted, which is a step-by-step plan that would target costs without raising taxes or insurance premiums, without cutting Medicare, and without using taxpayer dollars to cover the cost of abortions.

Unfortunately, the proponents of this plan are still determined to force this distorted vision of health care reform on a public who is already overwhelmingly opposed to it. So this afternoon the President will outline yet another version of the Democratic health care plan we have been hearing about all year long. The sales pitch may be new, but the bill is not.

We got a preview of the administration's new sales pitch yesterday in a letter from the President, in which he said he is now willing to incorporate a few Republican ideas into the Democratic bill. But this is not what the American people are asking for.

Americans do not want us to tack a few good ideas onto a bill that reshapes one-sixth of the economy, vastly expands the role of government, and which raises taxes and cuts Medicare to pay for all of it. They want us to scrap the underlying bill—scrap it altogether—and start over with step-by-step reforms that target cost and expand access.

This whole exercise is unfortunate and completely unnecessary. It is also a disservice to the American people. The fact is, the longer the Democrats cling to their own flawed vision of reform, the longer Americans will have to wait for the reforms they want.

Last week's health care summit could have served as the basis for a series of step-by-step reforms that both parties could support and which the general public would embrace. Unfortunately, Democrats in Washington have decided to press ahead on the same kind of massive bill they were pushing before the summit. Even worse, they now seem willing to go to any length necessary—any length necessary—to force the bill through Congress.

Well, Americans do not know how else to say it: They do not want the massive bill. It is perfectly clear. They want commonsense, bipartisan reforms that lower costs, and they want us to refocus our energy on creating jobs and the economy. They have had enough of this year-long effort to get a win for the Democratic Party at any price to the American people. Americans have paid a big enough price already in the time we have lost focusing on this bill.

They do not want it, and they will not tolerate any more backroom deals or legislative schemes to force it through Congress on a partisan basis. History is clear: Big legislation always requires big majorities. This latest scheme to lure Democrats into switching their votes in the House by agreeing to use reconciliation in the Senate will be met with outrage.

So we respectfully encourage the administration to consider a new approach to reform, one that does not cut Medicare to fund a trillion-dollar takeover of the health care system or impose job-killing taxes in the middle of a recession, and one that will win the support of broad majorities in both parties. We encourage the administration to join Republicans and Democrats in Congress in listening to what the American people have been telling us for more than a year now.

At the risk of being redundant, here is what they are saying: Americans are telling us to scrap the bills they have already rejected and start over with

commonsense, step-by-step reforms we can all agree on. Now is not the time to repeat the same mistakes that brought us here. It is time to listen to the people and to start over.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, last night, I met the mayor of Kankakee, IL. She told me about a problem she has. Kankakee has 28,000 residents. The economy has hurt them. They have lost sales tax revenues. They do not have the income they had just last year. Their annual budget is \$20 million for the city of Kankakee. That is for all the services they provide.

Ten percent of that budget—\$2 million—goes for the health insurance of the workers in that town; about 200 of them—10 percent, \$2 million. So they went to their insurance company and said: What will the insurance cost us this year? The health insurance company said: Your rates are going up 83 percent—83 percent. What had cost them \$2 million last year will cost them almost \$4 million this year.

When I listened to the speech from the minority leader, the Republican leader, who says: Start over, go slow, baby steps, we do not want to do anything that is big or addresses this problem in any kind of comprehensive way, I think to myself: Does he understand the reality of what businesses, families, small towns, and large cities are facing across America? The Kankakee example is not unique. Just a couple weeks ago, in California, Anthem Blue Cross and Blue Shield announced a 39-percent increase in health insurance premiums next year.

If you look at what the average family paid for health insurance 10 years ago, it was about \$6,000 a year—\$500 a month. It is a lot of money. But that was 10 years ago, and it has doubled in the last 10 years. It is now \$12,000, the average premium paid by a family of four across America.

But what will happen in the next 8 to 10 years? It will double again. Can you imagine the job you will need 10 years from now that will generate \$2,000 a month just for health insurance premiums, before you take the first penny home to pay your mortgage or feed your family or provide for your kids' college education? That is the reality of the call by the Republican side of the aisle to go slow, start over.

No. Their go slow, start over can be translated into two words: "Give up." We are not going to give up. They call for common sense. Our approach to health care reform is grounded in common sense. Let me tell you what the basics are.

The basics are, small businesses across America need to have choice and competition. We create insurance exchanges. I went to the President's

health care summit last week, and I listened to the Republicans say: Do you know what is wrong with the health care reform bill? No. 1, it is a government-run program. Well, it is not. It is private health insurance companies brought together by the government to compete for the business of individuals and small businesses. They said: Do you know what else is wrong? They put minimum requirements on health insurance plans, minimum requirements of what they will cover. You ought to let the health insurance companies offer whatever they want. If they want to offer something that is virtually worthless, that is their business. Let the consumers decide.

I said at that health care summit meeting: Isn't it amazing that Members of Congress, who are part of the Federal Employees Health Benefits Program, including the Republican House and Senate Members who sat in that summit, have their families protected by a government-run health care plan, which establishes minimum requirements for health insurance to protect our families? Yet when we suggest doing that for the rest of America, the conservative Republicans say: You have gone too far. That violates some basic values and principles.

If they were honest about it, they would have walked right out of that summit and turned in their Federal Employees Health Benefits Program cards and said: We are out of here. This is socialism. We are not going to be part of it. But, no, they want to enjoy the benefits of a government-run plan, with minimum benefits outlined and described for their families. They do not want other people to have it. That is wrong. It is not only wrong, but it is unfair. It is unfair to the families across America who deserve the same kind of protection in health insurance Members of Congress have.

So the first commonsense part of our health care reform is insurance exchanges, where private companies compete for the health insurance business of small businesses and individuals—competition and choice.

The second commonsense part of health care reform says, it does no good to own a health insurance policy which isn't there when you need it. You pay a lifetime of premiums, and with one accident, one diagnosis, you are stuck with a huge amount of medical bills, and the health insurance company says: We took a close look at your application for health insurance, and you failed to disclose you had acne as a teenager—I am not making this up—so we are going to deny you coverage for the cancer therapy you are going to need—I am not making this up—or they say: You didn't tell us you had an adopted child in your family. That is another preexisting condition. Did you know that? It is. In the list of preexisting conditions, it includes

things such as that, and that is what happens—the tricks and traps in health insurance that yank coverage from you when you need it the most.

This bill, the health care reform bill we are working on, starts to change that relationship and gives the consumers across America a fighting chance to fight back when they are denied coverage for a preexisting condition, to fight back when they say there is a cap on the total amount they are going to pay in your lifetime, to fight back when they say you cannot take your insurance with you when you leave a job, to fight back when parents realize when their kids get out of college, the family health insurance plan cannot cover them anymore.

Those are basic health insurance reforms that embody common sense. The Senator from Kentucky, Mr. McCONNELL, comes here and says: We have to junk this big government plan. It is so wildly unpopular. Is it unpopular to offer choice and competition to small businesses? Is it unpopular to give consumers a fighting chance against health insurance companies?

There is a third aspect too. We asked the Republicans at the health care summit: If you accept the obvious—that 50 million uninsured Americans get sick, go to hospitals, are treated, and the cost of their care is then passed on to everyone else—if you accept that, what are you going to do about it? They said: Oh, we have an answer to that. Fifty million uninsured Americans? We will deal with that. We will take care of 3 million of them—3 million of them. Six percent of them we will take care of.

Well, the bill we are supporting, the health care reform bill we are supporting, takes care of 30 million. I wish it were 50 million, but it takes care of 60 percent, over half of them. The hospital administrator at Memorial Medical Center in Springfield, IL, said to me: Senator, if I don't have to give out all this charity care, I can contain my costs and build the hospital and even make it greater for this community. But I have to absorb charity care for uninsured people because we do that in America. Put more of them on insurance and we will have more revenue coming in. I would not have to transfer their cost burden to other families. I will do better as a hospital. We will do better as a community.

I think he is right. It is common sense. The Senator from Kentucky says we need common sense. That is part of it. I think we also need common sense when it comes to Medicare. Medicare, of course, was created almost 50 years ago. Those who opposed it said: Too much government. Those who supported it said: How else can we provide for the elderly and retired, giving them basic health care protection, if we do not have an insurance plan across America that we contribute to as we

work and is available for us when we retire?

What happened when Medicare was passed? Senior citizens started living longer, better, more independent lives. The record is there. It is clear. It worked. We want it to continue to work. But the problem is, as the costs of health care skyrocket because of baby steps and no steps recommended by the other side of the aisle, as the costs skyrocket, Medicare costs do as well. It only has about 9 years left before it goes into the red.

Well, the bill we are proposing, the health care reform bill, will extend the life of Medicare another decade. I wish it were longer. But it certainly is a step in the right direction. How do we extend the life of Medicare? We look at the waste in Medicare today, and there is waste. Let me give you a couple numbers to compare. These numbers reflect the average cost for each Medicare recipient annually in each community. In my hometown of Springfield, IL—central Illinois, small town America I am honored to represent—\$7,600 a year, average cost per Medicare recipient. Rochester, MN—home of one of the greatest hospitals in America, the Mayo Clinic, a place I dearly love and respect for the treatment they have given to my family—it is about the same, \$7,600 a year, average cost for Medicare recipients. Now go to Chicago—a big city—\$9,600 a year, average cost for Medicare recipients.

Now go to Miami, FL. The average cost for Medicare recipients, \$17,000 a year. It costs more to live in Miami than it does in Springfield or even Rochester, MN, but twice as much? No. Something is wrong. Overpayments are obvious in Miami, FL, in McAllen, TX.

We can pick them out, and we can see we are wasting our tax dollars with too many tests, too many procedures, not focusing on quality but quantity. Can we make this a better system? Can we keep seniors healthy and reduce costs? Of course we can. We can eliminate a lot of the waste. We can raise questions about self-dealing by doctors who make sure they send their patients to their own laboratories, using their own machines over and over again. We can do that. In doing so, we are not going to compromise the basic care Medicare recipients want.

So the Senator from Kentucky says: Too big. It is a big government program. We need to go step by baby step here. No. We need to take a look at the obvious. If we do not address Medicare and reform it the right way, in 9 years it will be in the red, going broke. We cannot let that happen. Baby steps from the other side of the aisle will not take us on this important journey to the goal we all share.

I also wish to say a word about the deficit. President Obama said to us when we started this debate: I know what our goals are, but in reaching

those goals, do not add to America's debt. We came up with ways to reduce health care costs, to increase taxes on people making over \$200,000 a year; not dramatic increases but, in fact, increases in taxes for them. The Congressional Budget Office says that as a result, in the first 10 years, our bill, the health care reform bill, will reduce the deficit by \$130 billion, and in the second 10 years it will reduce it by \$1.3 trillion, the largest deficit reduction in the history of the United States. This approach is fiscally sensible, fiscally sound.

A word before I close—I see my colleague from Iowa is on the floor and I wish to yield to him—about reconciliation. Senator GRASSLEY is on the Finance Committee. He has served on that committee for a number of years and he understands how the Senate works. When President Reagan wanted to initiate his tax cuts, he used a process called reconciliation. Reconciliation basically says no filibuster; you come to the floor, you offer your amendments and, ultimately, it is a majority vote. That is what reconciliation says.

So President Reagan used reconciliation for tax cuts. Speaker Newt Gingrich used reconciliation for his Contract With America. We have used reconciliation to create the COBRA program to provide health insurance for unemployed workers across America. Time and again we have used reconciliation for major issues involving taxes and revenue. It has been done 21 times in the last couple decades. More often, it is used by the Republican side of the aisle than the Democratic side of the aisle. To brand this process as somehow un-American and unfair is to suggest that all of the efforts by the Republicans to use this process have been un-American and unfair. I don't think that is true. It wasn't true then; it isn't true now.

What we have is a bill that has passed the Senate, the health care reform bill, which is now over in the House. The House of Representatives will decide whether they can enact the Senate version of health care reform. The follow-on bill is likely to be the reconciliation bill which will make some changes in that health care bill. It is not the total health care bill, but it will include changes. Some of the changes that are being contemplated are ones that I think most Members on both sides agree to. Should we close the doughnut hole? Well, what is the doughnut hole? It is a gap in coverage in Medicare prescription drug coverage for seniors. Should we close that gap? I think we should. That is part of it.

Second, should we try to make health insurance more affordable? Our underlying bill puts almost \$450 billion in tax cuts on the table for small businesses and for individuals who cannot afford their premiums. The reconcili-

ation bill will try to make it even more affordable.

Can we help the States with their Medicaid burdens? We should. In my State of Illinois, in Iowa, and in New Mexico, Governors are struggling. With folks on unemployment, more and more people need Medicaid. We should help to pay for it.

None of these ideas behind reconciliation—and there are other aspects to them; we are working out details on them—is radical. None of them is comprehensive in terms of changing health care dramatically in America, but they do improve on a bill that has already passed in the Senate.

The Republican leader comes to the floor and tells us this is un-American and unfair. I couldn't disagree more. Every time we hear the Republican side of the aisle say start over, I ask them, how much longer should America wait? We have been at this in the Senate now almost nonstop for over a year. The Senator from Iowa, Senator GRASSLEY, was part of a bipartisan effort, with Senator BAUCUS, a Democrat, that went through 61 separate meetings to try to find bipartisan agreement, and it didn't. I salute Senator GRASSLEY and others for trying, but it didn't. We had to move forward.

So should we start over? Should we give up the things I have talked about? Should we give up this effort to give small businesses choice and competition? Should we give up on the effort to make sure we have a fighting chance against insurance companies? Should we give up on the effort of trying to make sure that a substantial number of uninsured Americans have that protection? Should we give up on the effort of extending the life of Medicare for 10 years? Should we give up on the effort to reduce our deficit by reducing health care costs, not only for our government but for businesses and families? No. We cannot give up. We cannot give up on America. We cannot give up on this challenge. I urge my colleagues to stay the course.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we now on the pending legislation?

The ACTING PRESIDENT pro tempore. Yes, we are.

AMENDMENT NO. 3352 TO AMENDMENT NO. 3336

Mr. GRASSLEY. I ask unanimous consent—and I think this has been cleared with the other side—that the pending amendment be set aside for the purpose of my offering an amendment and giving short debate on my amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. CRAPO, Mr. ENSIGN, Mr. HATCH,

and Mr. ROBERTS, proposes an amendment numbered 3352 to amendment No. 3336.

Mr. GRASSLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, March 2, 2010, under "Text of Amendments.")

Mr. GRASSLEY. Mr. President, a couple of days ago I stated that I had worked in early February to put together a bipartisan package with my colleague, Finance Committee Chairman BAUCUS, to address some time-sensitive matters that needed to be considered. So I find it surprising we are taking up a package this week that, as was last week's exercise, is still a partisan product belonging to the Senate Democratic leadership. We are not taking up the bipartisan package I put together with Finance Committee Chairman BAUCUS.

The Senate Democratic leadership arbitrarily 2 weeks ago decided to replace the Baucus-Grassley bipartisan bill with one that is dramatically different. That partisan package is almost three times the size and significantly greater in cost than the bipartisan bill Senator BAUCUS and I announced on February 11. It is unfortunate that the Democratic leadership failed to ensure that these critically needed Medicare provisions were extended at the end of last year, and then they failed to extend the provisions that had expired in 2009 for over 2 months.

So, today, this present situation I just described brings me to the offering of this amendment. This amendment would ensure that Medicare provisions are fully offset, and my amendment would also extend the physicians update through the end of this year. The words "physician update" are directly related to the formula used to determine Medicare payments to physicians. On February 28, the extension expired and physician payments were scheduled to be cut by 22 percent under the existing formula, except just recently that was extended so that doesn't actually happen. But this on-again, off-again situation that doctors are put in ought to end, and this amendment I offer will make sure that doesn't happen through all of 2010.

I wish to make very clear this isn't just for doctors, even though it affects just doctor payment. These provisions are also essential to the health and well-being of every Medicare beneficiary. This is the fiscally responsible way to extend them. We ought to pay for them.

These Medicare provisions have been routinely supported by both sides, fully offset, and passed repeatedly in recent years. Now, of course, it is March 3. Medicare beneficiaries around the country are suffering from the Democratic leader's decision to abandon the

Baucus-Grassley bipartisan package my colleagues and I had worked out weeks ago.

First, there is the urgently needed physician payment update, and sometimes around this town we refer to this as the doctors fix for short, to fix the formula, to bring the formula up to date so those 22-percent cuts don't go into effect. There was a doctors fix at the end of last year through a 2-month extension that expired, as I said, on February 28. So as of March 1, physicians and nurses and other health care professionals were subject to these severe cuts of 22 percent. Then, because we get a lot of calls—and my office got these calls as well—from doctors concerned about how they are going to keep their offices open, we now have a 30-day extension passed last night so these physician payments that would have been a 22-percent cut now, for 3 days, won't take place until, unless we act, the end of March. That is not a very good way to do business if you have to worry about a doctor, particularly in rural America, keeping their offices open and paying their help, so we ought to do it on a more consistent basis instead of running month to month.

These cuts to physician payments cannot be allowed to occur, and as damaging as these would be to beneficiary access to care anywhere, these cuts are even more disastrous for access to care in rural America such as in Iowa where Medicare reimbursement is already at least 30 percent lower than in other areas.

I am appalled that seniors' access to physicians and needed medical care has been handled this way because of political games that are being played by the majority leadership. Should these cuts remain in place, they will have a truly devastating effect on the ability of seniors to find doctors who take Medicare patients. Many beneficiaries have already been affected by Medicare provisions that the Senate Democratic leadership allowed to expire even last December.

One of the most urgent situations involves limitations that Medicare places on the amount of certain kinds of treatments for beneficiaries. Medicare places annual limits on the amount of outpatient physical therapy, speech language pathology therapy, and occupational therapy that a beneficiary can receive. In other words, the government is saying, regardless of how much health care you need in these areas of therapy, you can only get up to so much dollar amount.

Well, laws that have lapsed have allowed special cases to be taken care of contrary to what the law specifically says on dollar limit. In 2005, the law was changed to provide an exception process to these therapy caps for situations when additional therapy is medically needed, and that needed protec-

tion for beneficiaries then expired when the doctors fix expired on December 31. Medicare beneficiaries who have suffered strokes or serious debilitating injuries such as a hip fracture have significant rehabilitation needs.

So we are in this situation of extending this doctor fix from month to month. Situations where patients need this rehabilitation have already exceeded the caps for 2010.

Those with the greatest need for therapy will be the hardest hit. Here, again, with the 30-day extension bill having passed last night, this problem has been only temporarily fixed. This is another case where Congress is playing political games with Medicare. These should have been taken care of at the end of last year, and they could have already been resolved if the Senate had taken up the original Baucus-Grassley bill instead of replacing it with a cutback, partisan piece of legislation that the Senate handled last year or, one might say, being handled right now with this legislation now on the floor of the Senate to which my amendment is being added.

Other essential provisions we need to be looking at for extension are additional payments for mental health services. This benefits Medicare beneficiaries in need of mental health counseling, as well as veterans suffering from post-traumatic stress and other disorders since TRICARE is based on Medicare rates.

Another issue concerns additional payments for ambulance services that many ambulance providers need to keep their doors open. Those provisions also expired at the end of last year, but they were not extended in the 30-day bill voted on last night.

Another important issue affects community pharmacies. Pharmacies that have not gone through the accreditation process will soon be forced to turn away Medicare beneficiaries. A provision in my amendment would ensure that beneficiaries who need vital medical supplies, such as diabetic test strips, canes, nebulizers, and wound care products, can continue to have access to these products through their community pharmacy.

Many eligible professionals, such as physicians, nurse practitioners, physical therapists, and others, have been specifically exempted from this accreditation requirement. This provision would also exempt community pharmacies under certain conditions.

A number of other expired provisions are extended in this package. They include improved payments for hospitals, especially rural hospitals, that rely on these provisions just to keep their doors open. Like many others, these problems are not fixed in the simple 30-day bill passed last night. These problems remain.

The impact of a hospital shutting its doors would be especially hard on rural

and underserved areas where hospitals offer the only access to health care.

We need to pass this critically needed and fiscally responsible amendment now. I urge my colleagues to support it. That is what I have to say on my amendment.

I would like to take a couple minutes to respond to a couple issues that Senator DURBIN brought up. I am not here to refute anything he said but to give an addendum to what he said on a couple points.

One is the use of reconciliation and the opposition that I think is pretty unified on this side of the aisle that the name of the game should not be changed. He did not say anything inaccurate. But when it comes to reconciliation on a massive 2,700-page bill that we call health care reform—that is a partisan bill—the same bill that passed Christmas Eve in this body, never has reconciliation been used to reorganize one-sixth of the entire economy. In other words, about \$2.5 trillion out of a \$14 trillion economy is being reorganized by that health care reform bill.

I say to Senator DURBIN, that is quite a bit different than using reconciliation for a tax bill or for a Medicare reform bill or to save money on certain entitlement programs. It is like peanuts compared to a massive restructuring of one-sixth of the economy. That is why we say reconciliation should not be used.

A second point for not using reconciliation is the fact that this bill has been turned down by the vast majority of the American people. There is overwhelming opposition to this 2,700-page bill, albeit not overwhelming opposition to the issue: Is the present health care system adequate and should it be changed. I think a slight portion of the American people would say yes, and I think most of the 100 Senators would say yes to that. But for this 2,700-page bill, 70 percent of the American people have said it needs to be started over again with a clean sheet of paper.

Then on the issue he brought up of extending Medicare for 10 years, that is true if you use the double accounting in the bill. The Congressional Budget Office has stated that it is using double accounting. That is not the way you can intellectually count money twice. The Congressional Budget Office, in a paper I read to the President at the summit last week, claims it is double accounting. That is not the way to do business.

You can extend the viability of any program by a lot if you are going to count money twice, but you cannot do that. Some of the problems with the 2,700-page bill, the American people understand. That is why they rejected it. That is why we say reconciliation should not be used, and that is why we say we should start over and do things incrementally.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3353

Mr. SANDERS. Mr. President, the amendment I want to speak on is No. 3353. This amendment is extremely simple and it is extremely straightforward.

At a time when millions of senior citizens, veterans, and persons with disabilities have slipped out of the middle class and into poverty; at a time when the cost of prescription drugs, medical care, and heating oil have gone through the roof in many parts of our country; at a time when millions of seniors have seen the values of their pensions, their homes, and their life savings plummet; at a time—and here is the important point—for the first time in 36 years, seniors will not be receiving a COLA in their Social Security benefits.

The amendment I am offering today with Senators DODD, LEAHY, SCHUMER, KERRY, WHITEHOUSE, MIKULSKI, GILLIBRAND, LAUTENBERG, and BEGICH will provide over 55 million senior citizens, veterans, and persons with disabilities \$250 in much needed emergency relief. This \$250 emergency payment is equivalent to a 2-percent increase in benefits for the average Social Security retiree, and it is, as you will recall, the same amount seniors received last year as part of the Recovery Act. In other words, what we are doing now is exactly the same as we did last year with the Recovery Act.

I do not know about New Mexico, but I do know that in Vermont, a lot of senior citizens and disabled veterans are wondering this year why they are not receiving a COLA. They have written to my office and they are saying to me: Hey, I don't know what you are talking about because my costs have increased over the last year. That is because, in fact, while inflation may not have gone up in general, those areas elderly people and people who have health problems utilize—prescription drugs, health care, other health-related issues—those costs have gone up very substantially. I think there is an awareness all over this country that we cannot, in the midst of this recession, turn our backs on disabled veterans and seniors.

This amendment has widespread support from organizations representing tens of millions of Americans. Among the organizations that are supporting this amendment are the AARP, the largest senior group in America; the American Legion, the largest veterans

group in America; the Veterans of Foreign Wars; the National Committee to Preserve Social Security and Medicare; the Disabled American Veterans; AMVETS and OWL and many other organizations.

Money directed to this population will go almost immediately into the economy. So when we talk about stimulus, I don't know of a better way to get money out into the economy than passing this amendment.

I am also very happy and delighted that President Obama is very strongly supportive of a \$250 emergency payment to seniors. As you know, the President has spoken out on this issue, he has also included it in his budget, and he has also recommended that it be included in the underlying legislation we are debating today.

Here is what President Obama has said about this issue:

Even as we seek to bring about recovery, we must act on behalf of those hardest hit by this recession. That is why I am announcing my support for an additional \$250 in emergency recovery assistance for seniors, veterans, and people with disabilities to help them make it through these difficult times. These payments will provide aid to more than 50 million people in the coming year, relief that will not only make a difference for them, but for our economy as a whole, complementing the tax cuts we've provided working families and small businesses through the Recovery Act. This additional assistance will be especially important in the coming months as countless seniors and others have seen their retirement accounts and home values decline as a result of this economic crisis.

That is the end of the quote by President Obama. I very much appreciate the President speaking out and fighting for senior citizens and the disabled with regard to this issue.

I can tell you that just on Monday I had a meeting with senior citizens and senior citizens organizations in the State of Vermont. It was a very distressing meeting. When we talked, for example, about nutrition programs, the Meals on Wheels program or the congregate meals programs by which seniors come to senior citizens centers to get a decent lunch, what people are telling me is that for the first time in many years, when seniors are asked to put money into an envelope—and very carefully, the senior centers don't want to know what people contribute. They ask for, say, \$2 or \$3, but people can contribute whatever they want. What they are noticing now is that more and more seniors are putting nothing into the envelope or maybe just \$1. They are seeing the same process when people get out in their cars and they deliver Meals on Wheels to very fragile and frail people, often in rural areas, and people don't even have the money, now, to even pay \$2 for a lunch.

All over this country, seniors are hurting. I think they are upset and distressed that they are not getting a COLA this year. Essentially, what this

payment is about is a substitute for a COLA. It is a 1-year payment, and it is the equivalent of about a 2-percent COLA.

Let me mention the response of some of the veterans organizations. This amendment, importantly, will be helping our disabled veterans. Here is what the VFW said in support of this amendment:

This year, veterans and seniors will not receive a COLA. This could not come at a worse time. Your legislation would provide a one-time check of \$250 to 1.4 million veterans, 48.9 million Social Security recipients, and 5.1 million SSI recipients. We believe that this will provide some relief to those veterans and seniors living on fixed incomes who rely on a COLA to keep up with daily living expenses. The VFW commends you for concentrating on changes that can positively impact the lives of others and looks forward to working with you and your staff to ensure passage of this legislation.

I thank the Veterans of Foreign Wars for the great work they do and for supporting this amendment. We appreciate their support.

Let me quote a letter I recently received from another organization that has been very strong for many years in fighting for senior citizen rights; that is, the National Committee to Preserve Social Security and Medicare. This is what the national committee says:

The National Committee strongly urges you to pass legislation to provide a \$250 payment to our Nation's seniors who did not receive a COLA this year. It is vitally important that we provide help for seniors of modest means who have been adversely affected by the economic recession and rapidly rising health care costs. Seniors have been especially hard hit by the 20 percent to 30 percent decline in the value of employer pensions, IRAs and 401(k)s, as well as the steep drop in housing values. And, unlike younger Americans, the elderly are much less likely to recover their savings losses due to their shorter economic horizon.

That is from the National Committee to Preserve Social Security and Medicare. We very much appreciate their support for this amendment.

Here is a quote from the AARP, which represents over 40 million Americans, and we very much appreciate their support. This is what the AARP says:

For over three decades, millions of Americans have counted on annual increases to help make ends meet. In this economy, having this protection is even more critical for the financial security of all older Americans. AARP applauds the President for urging Congress to extend for 2010 the \$250 economic relief provided to older Americans last year. The 65-plus population is facing extreme financial hardship. Older Americans are paying more out of pocket for medical care, have experienced a real decline in their retirement accounts and in housing values, face longer periods of unemployment for those who need work, and low returns on interest bearing accounts. Without relief, millions of older Americans will be unable to afford skyrocketing health care and prescription drug costs as well as other basic necessities. AARP will continue to work with

Members of Congress from both sides of the aisle to provide \$250 in economic relief to millions of seniors who count on Social Security to pay their bills.

Here is the point, the point the VFW has made, the national committee has made, the AARP has made. Some people may say \$250 is not a lot of money, but the truth is, if you are a senior in the State of Vermont or in any other State in this country and your health care costs are going up and your prescription drug costs are going up and your heating bills are going up and you are not getting any COLA this year, you are in trouble. You are in real trouble. I do not want to give any illusion that this \$250 is going to turn people's lives around. It is not. But it is going to make a real difference in giving people a little bit of support, making their lives just a little bit easier.

This is extremely important legislation, and it is important legislation that I hope can have widespread bipartisan support.

Once again, I thank all the organizations that are supporting this amendment; that is, the AARP, the American Legion, the Veterans of Foreign Wars, the National Committee to Preserve Social Security and Medicare, the Disabled American Veterans, AMVETS, and OWL as well.

The bottom line is, we are in the midst of a very serious recession. We are doing our best to try to figure out ways to create the millions of good-paying jobs working people need. We are going to pass COBRA to make sure when people lose their jobs they do not lose their health insurance. We are going to extend unemployment benefits. But in the middle of all of that, let's not forget our parents and our grandparents. Let's not forget senior citizens and disabled veterans. Let's pass this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REFORMING THE SENATE

Mr. BENNET. Mr. President, I would like to take a couple of minutes this morning to talk about something that not only affects the legislation currently on the floor but everything we are currently working on in the Senate.

Before coming to the Senate a little over a year ago, I spent my life in the real world—the world of business, of

local government, of public schools and, most importantly of all, of family. But since coming to Washington, I have discovered that many people learn to live in an entirely different world, an echo chamber, shut off from the reality of life in America that defies common sense at every turn and uses anonymous holds to defy the rule of reason.

I used to tell my little girls that "Alice in Wonderland" was just a fairy tale. But now I am not so sure. If you come from the real world, when you get to Washington, to Wonderland, the logic can seem upside down or inside out or just plain wrong. Here, it turns out that folks attack you when you do not cut backroom deals at the taxpayers' expense. Here, a lot of people seem to think that saying they are for doing something, such as extending unemployment benefits or passing a jobs bill, is exactly the same thing as actually rolling up their sleeves and getting it done. They think that blaming failure on their opponent is the same thing as fighting for real change.

Coloradans and Americans are reading their papers and watching their televisions, and what they see drives them nuts. It should because all they find are talking heads yelling at each other on cable news and cynical, reckless partisanship paralyzing their government. This phony political conversation will not do when we need real change.

But Washington cannot seem to get out of its own way. That is why I will introduce legislation to end lobbyist abuses, reform the ways of the Senate, stop the outside influences of special interests, and put Washington to work for the people of Colorado.

First, we need to hold Congress accountable. We should freeze the pay and office budgets of every Member of Congress until we have four quarters of job growth. Our salaries and office budgets should not go up when the rest of the country is struggling. Members of Congress should lose their taxpayer-funded health insurance until we pass health insurance reform. If Congress cannot get its act together on health care, then the American people should not subsidize health care for Congress. That goes for Democrats and Republicans. It turns out the dysfunction in Washington is just another kind of pre-existing condition that allows the insurance companies to get their way.

Second, we need real lobbying reform that restores power to the voters. We need to ban Members of Congress from becoming lobbyists when they leave office. We need to do something about the revolving door between Congress and K Street. We need stronger rules and tighter standards for lobbyist registration and real penalties for those who break the rules. We need to end the corporate subsidy for Members of Congress who fly on corporate jets.

Every Member of Congress should pay their fair share and disclose every person who is on the plane with them.

Third, real reform will not be complete without earmark reform. The people of Colorado pay taxes, and they deserve a government that works for them. I have no issue with Members of Congress fighting for projects they think are valuable for their States or for their districts. I am proud, for example, of the funding we secured for projects, such as the Arkansas Valley Conduit, which languished in the Senate since President Kennedy first promised it to the people of Colorado. But this funding should be done in the light of day, completely transparent and accountable, not behind closed doors, hidden from the American people.

Under my legislation, Members of Congress will be required to post every earmark request they receive and every request they make for funding. But we should not wait for the law to change. There is no reason to wait for the law to change. We can start doing this now.

Second, every earmark should be listed in earmarks.gov. The Web site should be easily searchable and user friendly.

Third, Members of Congress should be held accountable for their requests. Larger earmark requests should go before the Appropriations Committee, and we should end airdrops of earmarks in conference committee.

Finally, earmark recipients should be held accountable. This means randomly auditing earmarks every year and publishing the results for our constituents to see.

Next, we need to deal with the challenge of passing real campaign finance reform that reduces the outside influence of special interests. I intend to support the bill that Senator SCHUMER and Congressman VAN HOLLEN have put together, and I urge my colleagues to do the same.

Finally, we need to reform the institution of the Senate itself. The filibuster has been used in the Senate for quite some time. It has been used by the minority to slow down debate, have their voices heard, and, in some cases, stall legislation.

I would remind members of my own party that just the threat of a filibuster stopped the privatization of Social Security. However, during this session of Congress, the right to filibuster has been abused. It has become a normal part of business, a way to stall every piece of legislation and simply slow the Senate to a crawl.

Three months ago, we spent weeks debating the extension of unemployment benefits. The bill passed 98 to 0. The Senate has spent days, weeks, and sometimes months holding up nominees who passed with more than 90



votes. To add insult to injury, one Senator held up the entire Senate, preventing us from extending unemployment benefits and COBRA. The country deserves much better than that.

I will introduce legislation that reforms Senate procedure to encourage the two parties to work together to get things done. It will eliminate anonymous holds. If Senators want to single-handedly stop a nominee from being approved, then they should have the courage to do so publicly.

It will introduce a new procedure to allow us to reduce the time of debate so we can move on legislation that has broad bipartisan support.

Third, it will eliminate the filibuster on the motion to proceed. It is one thing to try to block a piece of legislation; it is another thing to prevent it from even being debated in the first place.

Finally, my legislation would change the rules of the filibuster to force the two parties to actually talk to each other and not past each other. The President reminded us during the State of the Union that our job is not to get elected. I have heard the same thing from thousands of Coloradans in hundreds of living rooms and townhalls. It is easy to throw our hands up in the air and wait for someone else to make the big changes we need. But we all know the American people deserve better. I know the people of Colorado expect much more. They know the Senate needs a big dose of Colorado common sense.

I know this is not easy. I know there are 100 different reasons, maybe 1,000 different reasons. Some will say: We cannot get this done. But I also know our country needs a government that works for them. I hope my colleagues from both sides of the aisle will work with me and others to make sure we get it done.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET.) Without objection, it is so ordered.

AMENDMENT NO. 3337

Mr. SESSIONS. Mr. President, we have been talking about having a bipartisan effort to rein in spending and some of the things that we can do in that regard. So I am pleased to share a few thoughts today on the legislation that my Democratic colleague, CLAIRE McCASKILL of Missouri, and I have offered that would ensure that we show some fiscal discipline in our spending habits.

It is not a dramatic change in what we should be doing and what I think we

can do, but I think it is an action that would send a message to the financial markets in the world that we are beginning to get the message from our constituents that this recklessness and this kind of spending cannot continue.

Our legislation received bipartisan support last time. Fifty-six Senators voted for it, which is a pretty good number. But you do need to get 60 votes to pass the legislation. I think this time, with our new colleague from Massachusetts, we might be at 57 or 58, and at this point, I think others may be evaluating whether this is the kind of action they would like to support.

Let me take a minute or two to explain what our legislation attempts to do, how it can work, how it has worked in the past, and why this step is important. It would set a much firmer cap on spending. It would make it more difficult to enact spending levels that violate the budget. I wish to explain why it is something Members of both parties can support.

What we are talking about is moving beyond the budget caps that are only good for 1 year and take those budget caps, extend them for 4 years and make them statutory. It is not something that can't be changed. If there is an emergency, we can vote to change them. In fact, Congress can, with 60 votes, eliminate the whole statute and write a new statute, if we believe it is too severe. So Congress clearly would have the ability to act, if it chooses, to get around these limits on spending.

Back in the early 1990s, legislation was passed that put a statutory cap on spending. I have a chart I will show. It is kind of upside down in a way. This shows the deficits in the early 1990s. This is when we passed the legislation, the statutory cap on spending. The deficits went down until we hit surplus for 4 years in the late 1990s, early 2000.

Then this statutory cap expired. That is when deficits started going up, and they are continuing to rise. Last year's deficit was three times this amount from the year before—three times that amount—one thousand four hundred billion in debt last year, and it is expected to be one thousand five hundred billion in deficit this year, for 1 year. This is an unsustainable path.

This is a proven technique to gain control of spending. Why it was allowed to expire and not extended in 2002, I do not know. I know a number of people argued that it should be kept, and it was not.

Secondly, what is the cap? What would it be? The limit we would place on spending would be the amount President Obama asked for in his budget. It is 1 to 2 percent in the spending accounts. If you went above that, you would have to have a serious bipartisan vote of two-thirds to break that cap the President has set as the proper goal. Parenthetically, since the President submitted that budget, he has in-

dicated he wishes to see a freeze on spending, on nondefense discretionary accounts, a flat freeze. I would be supportive of that. I would support the President in that. First, if we can get a hard limit on the 1 to 2-percent increase, we believe we will have done something worthwhile.

How would this work? If somebody came in and proposed spending levels that exceeded the specific budgetary limits as set by President Obama's budget, it could only be surpassed by waiving the statutory cap. That takes a two-thirds vote. This would have some teeth to it. We have gone back and checked. For the last 30 years and every time there has been an emergency, such as an earthquake, an ice storm or a hurricane, the Congress has waived the budget and enacted emergency legislation with 90 votes, 100 votes, high 70 votes every single time. It is unlikely that we would see a genuine emergency not being promptly funded with emergency spending, if the Nation has to do that. I don't think that is a problem.

What we are saying is, when we have legislation come up that is not paid for, that is not accounted for, a person would be able to make a budget point of order and say: You should not have expended moneys at more than a 1-percent or 2-percent increase in this budget account, and I make a budget point of order. It would take a two-thirds vote of the Senate to waive it. It gives some real teeth to the President's budget, the same kind of teeth President Clinton had during his time in office, his or the congressional budget that was actually passed by the Senate and the House. That budget was enforceable. When it was enforceable, we achieved a surplus.

Let's be frank. It will be more difficult today to achieve a budget surplus than in the 1990s. We have a lot of different factors at work here. One of them is that the deficit is so much larger, and we have some real problems getting there. But we have to begin.

You say: Well, you have a budget. Why is this a problem? Why can't you use your budget point of order and stop spending and contain it through a rate close to inflation and lower rates than we have seen in the past?

It didn't work last year. This chart is the 2010 base increases in the year we are in today, the fiscal year 2010. It shows you how spending has increased. The chart I have does not include the breathtakingly huge \$800 billion stimulus bill. Each one of these accounts got money out of that bill. I haven't even included those amounts. But look what we did the year we are in. The budget had levels below this, but eventually this is what we passed: Foreign operations, foreign aid, State Department got a 32.8-percent increase. Interior Department got a 16.6-percent increase. CJS, Commerce-Justice-State,



is a 12.3-percent increase. THUD, Transportation, Housing and Urban Development, received a 23-percent increase. Agriculture received a 14.5-percent increase. Defense, the lowest one, received a 4.1-percent increase. All of these are well above the inflation rate.

What I am saying is, this is unsustainable. Every witness we have had at the Budget Committee hearing, Democrats and Republicans, Brookings and Heritage Foundation, all of them are saying: This is an unsustainable course. It has the potential to threaten our economy and our political future. One of the witnesses recently said: When you run up debts, such as we are doing today, and you get to the very top of the amount of debt this Nation can carry—and we are heading to that direction—bad things can happen quickly, unanticipated. You have a serious collapse in Greece. The New York Times today reports real instability with regard to the Brits and their debt. If you think Greece has an impact on our economy because of their reckless spending, the British economy is far larger and would have an even greater impact. We are not far behind. In fact, in some ways we are ahead of the Brits in the amount of money we are spending and the amount of debt we are accumulating. We are threatening our economy, if we don't watch it, in a way that we can't anticipate.

There were some private prognosticators who predicted the dramatic events of 2007 and 2008, when we had the Wall Street collapse and the financial collapse. Some people saw the balloon that was rising and predicted bad things would happen. But none of our leaders did. Mr. Bernanke is supposed to be so great and they brag about him. If he is so smart, where was he when all that happened? Our people are suffering today because of bad decisions.

I have a simple view. That is, nothing comes from nothing, and nothing ever could. Everything you take today, somebody has paid for and bought. If you don't have the money today and you grasp something of value, somebody is paying for it. In our case, we are borrowing the money.

We can do better. We did better in the 1990s. We are not going to be able to slash spending in record amounts, but in some of our accounts, we absolutely could eliminate spending. Some of the government programs have been

independently evaluated as being not worth the money we are spending on them. They should be ended. We should not be spending money on a program that doesn't produce a return worthy of the investment we are putting into it. Even if we call it a jobs bill, if we are going to help people have jobs, if it doesn't produce jobs, how can we spend money on it? We need to be more vigorous in analyzing it.

Please look at this amendment. A few more votes and we could have a bipartisan statement that we are going to stick by the budget we passed, the budget President Obama submitted. If the President comes in and helps us and we battle for it, maybe we can spend less than even this legislation would control. We could even reduce spending in certain accounts. I hope that is possible.

This isn't the final word, but it would send a message to the world, to Wall Street, and to our constituents that we hear their concerns. We are going to take firm steps. We are not going to be waltzing in here every week or two with some other bill that is not paid for and treating it as an emergency and increasing our debt.

I see Senator BUNNING. A lot of people didn't understand what it was he objected to with regard to the bill containing unemployment insurance. The legislation that came up essentially declared that this was an emergency, that we are going to spend another \$10 billion on top of the budget amounts, and the budget would not apply to it. Every bit of that would have to be financed by borrowing on the world market. Senator BUNNING said: I am willing to support an unemployment insurance extension, but I wish to start paying for it for a change and end this cycle of increasing debt and the ease by which we go about it.

We are in a big battle right now. Let me say a bipartisan word about my legislation. Because there is so much intensity this year about our spending, Senator McCASKILL and I have altered the legislation from the one we voted on a few weeks ago that got 56 votes, 17 Democrats voting for it. We have altered it so it begins next year. So we will have this fight this year and each bill will have its own battle. We will have our own votes over it, but it only applies to next year. I think that is a good-faith way to reach-out to our col-

leagues and say: Let's at least do that. Let's at least take the caps that we put in place as part of our budget, as part of President Obama's budget, and let's put them into effect. We will start it next year.

If we go above that and somebody has an idea of going above it, it won't be so easy. It will take a two-thirds vote to do so. So if you don't believe we ought to make it tougher to bust the budget, don't vote for it. But if you believe, as I think most constituents believe, we are showing too little fiscal discipline, then you should vote for it. It would give us a proven ability to contain spending and get us beginning on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3360 AND 3361 TO AMENDMENT NO. 3336

(Purpose: To offset the cost of the bill)

(Purpose: To provide additional offsets)

Mr. BUNNING. Mr. President, I ask unanimous consent that the pending amendments be set aside so I can call up my two amendments which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes amendments numbered 3360 and 3361 to amendment No. 3336 en bloc.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendments are printed in today's RECORD under "Text of Amendments.")

Mr. BUNNING. Mr. President, anyone who has paid attention to the floor of the Senate for the last week knows what my amendments are about. I am offering Senators two ways to pay for this spending bill.

First of all, I would like to submit for the RECORD the CBO scoring of this current bill that is before us—both the scoring and the offsets. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**CBO Estimate of the Statutory Pay-As-You-Go Effects for the the American Workers, State, and Business Relief Act of 2010**  
**Senate Amendment 3336, as introduced by Senator Baucus as a substitute for H.R. 4213**  
*(based on legislative language MAT10192, March 1, 2010)*

(Millions of dollars, by fiscal year)

REVISED 1:00 pm, March 2, 2010

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010 - 2015	2010 - 2020
<b>Net Impact on the On-Budget Deficit</b>													
Total On-Budget Changes	56,532	75,524	-5,124	-4,993	-8,230	-4,877	-1,028	-671	-18	402	219	108,833	107,736
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians 1/	5,750	1,560	0	0	0	0	0	0	0	0	0	7,310	7,310
Designated as Emergency Requirements 2/	36,369	66,022	576	756	443	219	169	-1	-6	0	0	104,385	104,547
<b>Statutory Pay-As-You-Go Impact</b>	<b>14,412</b>	<b>7,942</b>	<b>-5,700</b>	<b>-5,749</b>	<b>-8,673</b>	<b>-5,096</b>	<b>-1,197</b>	<b>-670</b>	<b>-12</b>	<b>402</b>	<b>219</b>	<b>-2,863</b>	<b>-4,121</b>

Sources: Congressional Budget Office and Joint Committee on Taxation.

Notes: Positive numbers for "Net Impact on the Deficit" denote an increase in the deficit; negative numbers denote a decrease in the deficit.

Components may not sum to totals because of rounding.

These estimates are relative to current law; some of the estimates will change if any short-term "extension" legislation is enacted first.

1. Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.
2. Section 701 of the American Workers, State, and Business Relief Act of 2010 would designate sections 201, 211, and 232 of the bill as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

**Budgetary Effects of the American Workers, State, and Business Relief Act of 2010**  
**Senate Amendment 3336, as introduced by Senator Baucus as a substitute for H.R. 4213**  
(Millions of dollars, by fiscal year)

REVISED 1:00 pm, March 2, 2010

(For March 1 legislative language: MAT10192)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010- 2014	2010- 2015	2010- 2019	2010- 2020
<b>CHANGES IN REVENUES</b>															
Title I—Extension of Expiring Provisions	-8,088	-13,029	-1,984	-1,040	-768	-441	-13	76	-182	-153	-108	-24,909	-25,350	-25,622	-25,730
Title II—Unemployment Insurance, Health, and Other Provisions	-5,034	-4,758	-1,242	-661	-443	-219	-169	1	6	0	0	-12,139	-12,358	-12,520	-12,520
Title III—Pension Funding Relief	60	405	832	853	597	447	347	137	-368	-831	-688	2,747	3,194	2,479	1,791
On-budget revenues	60	345	688	693	483	366	286	120	-265	-617	-510	2,269	2,635	2,160	1,649
Off-budget revenues	0	60	144	160	114	81	61	17	-103	-214	-178	478	559	319	142
Title IV—Offset Provisions	74	7,196	7,020	5,976	3,581	2,075	1,002	582	597	613	630	23,847	25,922	28,716	29,346
Title V—Satellite Television Extension	24	108	113	117	119	93	14	14	14	14	14	481	574	630	644
<b>TOTAL CHANGES IN REVENUES 1/</b>	<b>-12,964</b>	<b>-10,078</b>	<b>4,739</b>	<b>5,245</b>	<b>3,086</b>	<b>1,955</b>	<b>1,181</b>	<b>810</b>	<b>67</b>	<b>-357</b>	<b>-152</b>	<b>-9,973</b>	<b>-8,018</b>	<b>-6,317</b>	<b>-6,469</b>
On-budget revenues	-12,964	-10,138	4,595	5,085	2,972	1,874	1,120	793	170	-143	26	-10,451	-8,577	-6,636	-6,610
Off-budget revenues	0	60	144	160	114	81	61	17	-103	-214	-178	478	559	319	142
<b>CHANGES IN DIRECT SPENDING (OUTLAYS)</b>															
Title I—Extension of Expiring Provisions	3,214	1,360	0	0	0	0	0	0	0	0	0	4,574	4,574	4,574	4,574
Title II—Unemployment Insurance, Health, and Other Provisions															
Subtitle A—Unemployment Insurance	30,925	34,940	0	0	0	0	0	0	0	0	0	65,865	65,865	65,865	65,865
Subsubtitle B—Health Provisions	1,870	27,080	-550	150	110	90	80	80	70	70	70	28,660	28,750	29,050	29,120
Subsubtitle C—Other Provisions	1,808	430	67	24	1	0	0	0	0	0	0	2,330	2,330	2,330	2,330
Subtotal, Title II	34,603	62,450	-483	174	111	90	80	80	70	70	70	96,855	96,945	97,245	97,315
Title III—Pension Funding Relief	0	0	-60	-120	-180	-240	-120	-90	-30	90	150	-360	-600	-750	-600
Title IV—Offset Provisions	0	0	0	0	-5,260	-2,960	0	0	0	0	0	-5,260	-8,220	-8,220	-8,220
Title V—Satellite Television Extension	1	16	14	38	71	107	132	132	112	99	25	140	247	722	747
Title VI—Other Provisions—Medicare Payments to Physicians	5,750	1,560	0	0	0	0	0	0	0	0	0	7,310	7,310	7,310	7,310
<b>TOTAL CHANGES IN OUTLAYS</b>	<b>43,568</b>	<b>65,386</b>	<b>-529</b>	<b>92</b>	<b>-5,258</b>	<b>-3,003</b>	<b>92</b>	<b>122</b>	<b>152</b>	<b>259</b>	<b>245</b>	<b>103,259</b>	<b>100,256</b>	<b>100,881</b>	<b>101,126</b>
<b>NET CHANGE IN DEFICITS FROM REVENUES AND DIRECT SPENDING</b>															
<b>NET CHANGES IN DEFICITS 2,3/</b>	<b>56,532</b>	<b>75,464</b>	<b>-5,268</b>	<b>-5,153</b>	<b>-8,344</b>	<b>-4,958</b>	<b>-1,089</b>	<b>-688</b>	<b>85</b>	<b>616</b>	<b>397</b>	<b>113,232</b>	<b>108,274</b>	<b>107,198</b>	<b>107,595</b>
On-budget deficit change	56,532	75,524	-5,124	-4,993	-8,230	-4,877	-1,028	-671	-18	402	219	113,710	108,833	107,517	107,736
Off-budget deficit change	0	-60	-144	-160	-114	-81	-61	-17	103	214	178	-478	-559	-319	-142

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

## Notes:

Components may not sum to totals because of rounding.

1. Negative numbers denote a DECREASE in federal revenues; positive numbers denote an increase in revenues.

2. Positive numbers denote an INCREASE in the budget deficit; negative numbers denote a decrease in the deficit.

3. These estimates are relative to current law; some of the estimates will change if any short-term "extension" legislation is enacted first.

Mr. BUNNING. The first amendment is to use unspent stimulus funds and the second is by shutting down unnecessary or duplicate Federal programs. In other words, I am saying we should use money we have already set aside that has not been spent or eliminate wasteful spending to pay for the benefits that are in this current bill.

Over the last few days, many Senators on the other side of the aisle have come to the floor and said unemployment benefits are the best form of stimulus available. They say the families who are getting those benefits turn around and spend the money immediately. Well, if that is true, I cannot think of a better use of the money from last year's so-called stimulus bill. Why leave that money sitting around unused in a government account somewhere when those funds could get into the hands of people who need them the most and will put them into the economy right away? What is so sacred about the stimulus bill that we should keep that money sitting around until it can be spent later this year or next year or even in 2012 and beyond? Why not help the people now?

But for the Senators who think the stimulus money is so sacred that it cannot be touched, I am proposing another way to pay for this bill. Senator COBURN, my colleague from Oklahoma, has identified well more than \$120 billion worth of savings from waste, fraud, and abuse. These savings include closing the Federal employee tax gap; that is, making sure all Federal employees pay all the taxes they owe, and stopping the payment of benefits to people and companies that are not entitled to those benefits.

The amendment would also be paid for by ending Federal programs that are no longer needed or duplicates of other government programs and making existing programs run more efficiently. I think the President's budget itself has hit on many of those programs he would like to see eliminated or partially eliminated. I think it is safe to call that wasteful spending, and I think the taxpayers who are footing the bill for those programs would agree.

Families all across America have to tighten their budgets when times get tough, and government should do the same. That is all I am trying to do with these two amendments.

I am sure some will accuse me of being against the programs in this bill. But the record should be clear by now that I support helping people in their time of need. In fact, every Member of the Senate who was able to make the votes last night supported extension of those benefits, either in my pay-for version or in the version that added to the debt. My amendments are not about whether we should extend these programs. No. My amendments are about whether we should pay for ex-

tending these programs or whether we should keep piling more debt on top of the \$14 trillion-plus debt we have already. I think the answer is very clear.

Last night, I thought we had a deal worked out to give me an up-or-down vote on my amendment to pay for the short-term extender bill. Instead, one Senator raised a budget point of order against the amendment, and I expect someone will try to do the same thing today with my amendments. That was her right as a Senator, but it is certainly not within the spirit of the agreement I tried to reach to find a way forward on these important programs.

But I think the larger question raised by that move is, What are the 53 Senators who voted to block my amendment afraid of? Are they afraid the Senate might pay for something we do? Are they afraid we might take a step toward balancing the Federal budget? Are they afraid we will bring Washington spending, which is out of control, just a little bit under control and live under the same rules as ordinary American families?

Is it too much to ask that we pay for what we spend? Last night, 53 Senators said yes, it is too much to ask for. But I think it is not. Today, every Senator will have an opportunity to join me in saying it is not too much to ask or they can vote against my amendments and add another \$100 billion-plus to the national debt. That is the emergency spending in this present bill—over \$100 billion. So that goes onto the bottom line of the Federal debt.

I urge every Senator to vote for my amendments to pay for this spending, to put away the taxpayers' credit card, and to put an end to the debt madness. I have examples of those spending rescissions.

As an example, there is \$245 million from congressional office budgets, to end some of the perks congressional leadership and congressional offices have; to end the Forest Service Economic Action Program, \$5 million. I think the President put this in his budget. The program duplicates an existing USDA program—Urban and Community Forestry—that has been poorly managed.

Another is to end the Public Telecommunications Facilities Grant Program, \$18 million. I am positive this was in the President's budget. This program is intended to help public broadcasting stations construct telecom facilities. Since the transition to digital broadcasting has been completed, there is no more need for this program.

On down the line—end HUD's Brownfields Economic Development Initiative, \$17 million; reduce the historic preservation services within the Interior Department by \$55 million. This is a grant program duplicated by other programs at the Interior Department.

This is one I am very familiar with because when I was in the House, we thought this was a necessary program to put our economic footing on foreign soil, the same as other foreign-based companies did when they came to America. End the Overseas Private Investment Corporation, \$52 million. The Overseas Private Investment Corporation loans private U.S. companies funding for foreign investments and insurance. The U.S. Trade and Development Agency does the very same thing.

Another is to eliminate \$28 million in the Department of Transportation that has been directed at transportation museums—museums. I do not think we should be building new museums with Department of Transportation funds. I think we should be building roads.

Those are just a few examples of some of the rescissions I would like to see in the second amendment I have offered today. I think there will be ample time to discuss these later on, but I wanted to make sure we offered these amendments early on so we could have a good and thorough debate on these programs as this bill proceeds through the Senate.

I thank the Presiding Officer and yield the floor.

AMENDMENT NO. 3356

Mrs. MURRAY. Mr. President, I rise this morning because I am offering an amendment on youth summer jobs that will build on and extend the extremely successful summer jobs program we included in last year's Recovery Act. Last summer's program put over 313,000 young people to work and provided a much needed shot in the arm to them, their families, and businesses and communities around the country. I have personally heard stories from young men and women who participated in the program who told me how much it changed their lives and gave them the skills and the experience they know they need to exceed in school and in the workforce. That is why, while we are focusing on legislation that will support unemployed Americans and help workers get back on the job, we should also continue investing in a successful program that helps our young people get to work.

The amendment I am offering today will provide \$1.5 billion through the Workforce Investment Act to create 500,000 temporary jobs for young people across the country. It will invest in critically needed employment and learning programs that will help stimulate our local economies while providing meaningful short-term work and learning experiences for the young people who really need it the most.

In addition to the summer jobs program, this amendment also supports year-round employment and longer term efforts to help our young people obtain a postsecondary degree or credential.

Growing up, I had every different kind of summer job you can ever imagine. I started out working in my father's five-and-ten-cent store on Main Street in Bothell, and, along with my brothers and sisters, I did everything from stocking the shelves, to working the cash register, to sweeping the floor. Later on, I worked at a summer job at Sacajawea State Park in Pasco, where I did weeding, kept the restrooms clean, and helped make the park presentable. One summer, I answered phones at a glass company in my hometown of Bothell. I also, one summer, worked at a psychiatric ward at the VA during a summer in college.

Looking back, I can tell that each one of those jobs I held as a young person helped me in a very unique way. Each one of them taught me skills and lessons I have been able to use throughout my life. Those jobs taught me everything from the value of hard work to the daily challenges of running a small business, how to dress and act in a professional work setting, but, most of all, those jobs helped me be exposed to new experiences and new people and new challenges. In fact, my time working at the Seattle VA that summer gave me an appreciation of our veterans and health care workers that has driven me to fight for them every single day I am in the Senate now.

It is not just me. Summer jobs have been proven to teach skills and life lessons for everyone. Studies have shown that people who get early work experience as teenagers make more money as adults. In fact, early work experience has been shown to raise earnings 10 to 20 percent over a lifetime.

However, as we all know, today teens are finding it especially difficult to find a job. Over the past 2 years, the number of employed teens in the United States has declined by nearly 25 percent, and their overall employment rate fell to a new post-World War II low of 25 percent by the end of last year, more than 18 percentage points below the rate in 2000. In fact, the total proportion of young people who were employed last July, the traditional peak time for youth jobs, was only 51.4 percent. That is the lowest July rate on record.

Today, with families who are cutting their spending so they can pay their bills and businesses having to freeze hirings so they can pay theirs, that means even fewer jobs for young people today.

I don't think we should forget teen jobs will help stimulate our local economies because, as anybody who has had a teenager at home knows, young people are a lot more likely to spend their paychecks in their communities than pocket them. When a young person does, in fact, save their wages, oftentimes they are saving for college or making a critical contribution to their families in this very difficult time.

Sometimes I hear people talk about these big national programs and too often forget there are real people being impacted, real families being helped, and real young people being offered such an important helping hand. I wished to share with everyone a story about what this funding meant for a program in King County, WA, last year for a young man who had the opportunity to participate because of the funding we provided last year.

Back in 2007, King County was able to provide 200 local youth jobs for that year. They were able to provide about the same number—200 or so—in 2008. Then, last summer, with the funding we secured for them in the Recovery Act and under the leadership of a great CEO, Marlena Sessions, they were able to provide 900 young people with summer work experience. Nine hundred young people in King County last summer had the opportunity to productively engage in their community and avoid that high risk in criminal activity we worry about and, importantly, learn the 21st century skills employers value, such as critical thinking and teamwork and problem solving and communication.

One of those participants in King County was a young man named Ryan. He spent his summer last year working at a maritime supply company in Seattle, a company called Washington Chain. Ryan had gotten into a lot of trouble in his life in the past. He was actually on work release from prison. He didn't have many of the skills employers are looking for in employees, so he went out and applied for job after job, fast food restaurants and more of the same. He actually put out 200 applications in total without a single one willing to take a chance on him after they found out about his record.

Well, Ryan heard about the Seattle King County Summer Jobs program, and you know what. It changed his life. Ryan was accepted into a program that was a partnership between a youth service provider and a community college. He spent 3 weeks in class, followed by 3 weeks in a paid internship at Washington Chain. The company wasn't planning on hiring any new full-time employees, but at the end of last summer, this experience changed Ryan so much and they were so impressed with Ryan and his work capability that the company found a full-time job for him. It was a real job for Ryan, with a decent salary and good benefits and a future. For the first time in his life, Ryan was able to take pride in his work and finally support himself and his young children.

After the program was over, Ryan said the program was "one of the best things that ever happened to me." His boss at Washington Chain said the company was lucky to find Ryan. He said Ryan had been "willing to do just about everything we have asked him."

The summer jobs program we passed last year gave Ryan and many more like him an opportunity they would not otherwise have had. It is a new lease on life for him, and doors opened to him that had always been closed to him. Ryan is far from alone. There are hundreds of thousands of young people around the country whose lives were changed by the experiences they had last summer.

So if this amendment I am offering today passes, there will be 500,000 more by this time next year. Five hundred thousand young people will be providing much needed services in hospitals and daycare centers, in senior centers, in parks, in public and in private organizations, staying off the streets, helping their communities, gaining the skills and the experiences they need to put them on a better path to success in school and life. Yes, by the way, they will be spending those paychecks and contributing to our economic recovery.

I urge our colleagues to support this amendment. The underlying bill we are considering today is going to help millions of families across the country who need some help right now getting back on their feet. This amendment will help young people across this country start their professional lives by firmly planting them on moving toward a successful, productive, and fulfilling career. I hope all our colleagues take the time to think back and think about what happened to them and people they know in their lives, where they had a summer job experience that helped set them on a path they may have never thought available to them and that it is our responsibility, in this Chamber, to now provide that same opportunity for young people who are following in our footsteps.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, first, I wish to thank Senator THUNE. He gave me permission to speak before him. I will be brief in my strong support for the Murray amendment to provide \$1.5 billion for youth jobs programs through the Workforce Investment Act for summer and year-round employment.

This amendment will help create up to 500,000 temporary jobs for young people.

We know the youth jobs program works. Funds included in the Recovery Act for youth jobs provided over 300,000 young adults with employment opportunities last summer, stimulating local economies all across the country. Young adults who work not only help supplement family incomes, they also spend the money they earn in their communities. According to the Northeastern University Center for Labor Market Studies, every dollar earned by a young adult returns \$3 to the local economy.

Youth jobs programs also help disadvantaged young adults become active members of their communities.

The many local workforce investment groups in my State of California not only provide disadvantaged young adults with short-term employment, they also offer job training and mentoring programs, help them advance their careers with educational opportunities, and teach critical life skills.

We also know right now there are not enough work opportunities for teens and young adults. The unemployment rate for 16- to 19-year-olds is above 25 percent. For 16 to 19-year-old African Americans, the unemployment rate is nearly 50 percent. Youth jobs programs help keep our kids off the streets, which is important to all our communities.

I wish to highlight one of the many Recovery Act youth jobs success stories in California. The Placer Herald reported that last summer the Golden Sierra Investment Board worked with 23 disadvantaged teens in Rocklin, CA, to construct a permanent storage facility at a local high school. The participants helped design the facility using computer design technologies. They built the mainframe, painted and dry-walled and installed solar lighting. Without Recovery Act youth job funds, this program wouldn't have been possible.

I ask unanimous consent to have printed in the RECORD the article from the Rocklin, CA, Placer Herald. It is a wonderful story about the high school students taking on this building project.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Placer Herald, July 30, 2009]  
HIGH SCHOOL STUDENTS TAKE ON BUILDING PROJECT  
(By Lauren Weber)

With a little strength, time and sweat, a group of youth from Rocklin have created a permanent structure for Whitney High School.

It took more than 200 hours of service, but 23 teens built a 24-by-48-foot storage center to house the ground's equipment for the school. The hands-on project had the students framing the structure, installing solar lighting, putting up dry walls and painting the exterior green.

"They really did this from the ground up," said Sherry Mauser, Whitney High School assistant principal.

Mauser oversaw the process and was instrumental in getting the \$25,000 grant that funded the project. She contacted Golden Sierra, an employment and training service for people in Placer, Alpine and El Dorado counties and a partnership was formed.

Sharon Williams, a summer youth coordinator for Golden Sierra, said President Barack Obama's stimulus project gave money for summer programs.

"They encouraged the agencies to get bids on either in-school projects or some of our projects are out-of-school projects," Williams said.

The grant went toward the purchase of materials, safety equipment like hard hats and

salaries for the adults on-site, Mauser said. The district also contributed some money from their facilities fund for the construction of a larger building.

The teens are paid as well and for many it was their first job.

"It's been a real learning project for these kids," Williams said.

Williams was on-site to also oversee that child labor laws were upheld, such as no one under 18-years-old on the ladder.

Many of the students, both from Rocklin and Whitney high schools, had never taken on construction jobs before. But with a little assistance from experts, they became knowledgeable in Computer-Aided Design drawings, how to put up dry wall and build the frame.

Kyle Balance, 19, and a recent Whitney High School grad, said his favorite aspect of the project was the framing and said he was impressed with how quickly it went up.

Rocklin High School junior Alessio Alba said he enjoyed the more computer-related aspect.

"I liked using the CAD system," he said.

The group came up with computer drawings, which paved the way for the beginning of the project in June.

From start to finish, the students were deeply involved, Mauser said.

"Everybody worked as a team on this one," she said.

Last week, the students were in the last stages, finishing up the drywall and getting ready to paint the interior. Whitney High School student Mike Mello said although he'd never been part of a construction project, it is something he has enjoyed.

"This is fun," he said. "I like working with my hands, being out in the field."

Rocklin High School student John Wong has a four-mile commute on his bike to get to the project site everyday, but has been dedicated, Mauser said.

His father owns a door company, so he's been around construction before and may pursue a career in the construction field, he said. This hands-on opportunity may have aided his future career.

Construction of the space was complete Wednesday and the students will be recognized at the Rocklin Unified School District school board meeting Aug. 5.

Mrs. BOXER. So this amendment is very important. As our economy continues to recover, we all know jobs are lagging. We need to do all we can to try to replicate what happened in Rocklin, CA.

When you give a young person opportunity, a job opportunity, I think it stays with them the rest of their life. I remember the jobs I held when I was a teenager. One gave me a sense of self that I could help the company I was working for. I did many different jobs as a youngster in the summer. I was very fortunate to have that experience that I brought to other jobs later in my career.

So this amendment will create up to 500,000 summer jobs. It will strengthen local economies.

I do thank Senator MURRAY and the other cosponsors in the Senate. In closing, I wish to acknowledge Congresswoman BARBARA LEE and the Congressional Black Caucus, who are leading the fight in the House to support critical youth job programs for our disadvantaged young people. When I

talked to Congresswoman LEE, she said: BARBARA, can you do something in the Senate. I remembered Senator MURRAY had this bill, and I called Senator MURRAY. We have this amendment here. I think the fact that it has been offered early in this bill is good because this is something we can do for our young people. They want so much to get job experience. They are struggling so much in this recession.

I wish to congratulate Senator MURRAY and the other cosponsors. I hope we have strong bipartisan support for this amendment.

Again, I thank Senator THUNE for allowing me to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3338, AS MODIFIED

Mr. THUNE. Mr. President, I have an amendment I introduced yesterday at the desk and I have some modifications to it which are also at the desk. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end, insert the following:

**TITLE —ADDITIONAL BUSINESS TAX RELIEF**

**Subtitle A—General Provisions**

**SEC. —01. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.**

(a) PERMANENT INCREASE.—Subsection (b) of section 179 is amended—

(1) by striking "\$25,000" and all that follows in paragraph (1) and inserting "\$500,000";

(2) by striking "\$200,000" and all that follows in paragraph (2) and inserting "\$2,000,000";

(3) by striking "after 2007 and before 2011, the \$120,000 and \$500,000" in paragraph (5)(A) and inserting "after 2009, the \$500,000 and the \$2,000,000";

(4) by striking "2006" in paragraph (5)(A)(ii) and inserting "2008"; and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking "and before 2011".

(c) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2008.

**SEC. —02. EXTENSION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 168(k), as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking "January 1, 2011" in subparagraph (A)(iv) and inserting "January 1, 2012"; and

(2) by striking "January 1, 2010" each place it appears and inserting "January 1, 2011".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168, as amended by the American Recovery and Reinvestment Tax Act of 2009, is

amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B), as so amended, is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”

(4) Subparagraph (B) of section 168(l)(5), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3), as so amended, is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. —03. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

##### (a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

##### “(a) EXCLUSION.—

“(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include the applicable percentage of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

“(A) 50 percent, in the case of stock issued after August 10, 1993, and on or before February 18, 2009,

“(B) 75 percent, in the case of stock issued after February 18, 2009, and on or before the date of the enactment of the American Workers, State, and Business Relief Act of 2010, and

“(C) 100 percent, in the case of stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.

##### “(3) EMPOWERMENT ZONE BUSINESSES.—

“(A) IN GENERAL.—In the case of qualified small business stock acquired after December 21, 2000, and on or before February 18, 2009, in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer’s holding period for such stock, paragraph (2)(A) shall be applied by substituting ‘60 percent’ for ‘50 percent’.

“(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

“(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

“(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.”

##### (2) CONFORMING AMENDMENTS.—

(A) The heading for section 1202 is amended by striking “PARTIAL”.

(B) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking “Partial exclusion” and inserting “Exclusion”.

(C) Section 1223(13) is amended by striking “1202(a)(2).”.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—Paragraph (7) of section 57(a) is amended by adding at the end the following: “The preceding sentence shall not apply to stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

##### (c) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking “paragraph (1)(A) shall be applied by substituting ‘\$5,000,000’ for ‘\$10,000,000’” and inserting “the amount under paragraph (1)(A) shall be half of the amount otherwise in effect”.

(d) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking “\$50,000,000” each place it appears and inserting “\$75,000,000”.

(e) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

##### “(k) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2010, the \$15,000,000 amount in subsection (b)(1)(A), the \$75,000,000 amount in subsection (d)(1)(A), and the \$75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$1,000,000 such amount shall be rounded to the next lowest multiple of \$1,000,000.”.

##### (f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (c) and (e) shall apply to taxable years ending after the date of the enactment of this Act.

#### SEC. —04. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

“(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

“(A) 9 percent of the lesser of—

“(i) the qualified production activities income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year, and

“(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

“(i) the eligible small business income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year.”.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

“(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

“(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term ‘eligible small business’ means, with respect to any taxable year—

“(A) a corporation the stock of which is not publicly traded, or

“(B) a partnership,

which meets the gross receipts test of section 448(c) (determined by substituting ‘\$50,000,000’ for ‘\$5,000,000’ each place it appears in such section) for the taxable year (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation).

##### “(2) ELIGIBLE SMALL BUSINESS INCOME.—

“(A) IN GENERAL.—For purposes of this section, the term ‘eligible small business income’ means the excess of—

“(i) the income of the eligible small business which—

“(I) is attributable to the actual conduct of a trade or business,

“(II) is income from sources within the United States (within the meaning of section 861), and

“(III) is not passive income (as defined in section 904(d)(2)(B)), over

“(ii) the sum of—

“(I) the cost of goods sold that are allocable to such income, and

“(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

“(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

“(i) Any income which is attributable to any property described in section 1400N(p)(3).

“(ii) Any income which is attributable to the ownership or management of any professional sports team.

“(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

“(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

“(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

“(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.”.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. —05. NONAPPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT.

(a) TAX-FAVORED BONDS.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is hereby repealed.

##### (b) STIMULUS PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subchapter IV of chapter 31 of title 40, United States Code, shall not apply to any project funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the American Recovery and Reinvestment Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1606 of division A of the American Recovery and Reinvestment Act of 2009 is hereby repealed.

(3) EFFECTIVE DATE.—This subsection shall apply to contracts entered into after the date of the enactment of this Act.



**Subtitle B—Transfer of Stimulus Funds****SEC. —11. TRANSFER OF STIMULUS FUNDS.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

Mr. THUNE. Mr. President, I also ask unanimous consent that Senators BENNETT and ROBERTS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, yesterday, one of my colleagues criticized me for trying to redirect unspent stimulus funding to pay for tax relief for small businesses by citing all the jobs the stimulus bill supposedly created. I, as many people do, have my doubts about some of these estimates, but I can guarantee this much: none of these jobs have been created or saved by the unspent funds.

There is a lot of money in the stimulus bill that has yet to be spent, according to [recovery.org](http://recovery.org), which is the administration's Web site. About 38 percent of the stimulus money approved last year out of that \$1 trillion amount—round numbers—has been spent. So there is a lot of unspent and unobligated money.

Frankly, many of us, at the time it passed last year, suggested it would be a much wiser use of those funds if we directed those toward small businesses. Small businesses are the creators of jobs in our economy. They create two-thirds of the jobs. They are the economic engine that drives the economy in this country. Ironically, less than 1 percent of that \$1 trillion that was approved last year in stimulus funding was directed at incentives for small businesses to create jobs. We put money into all kinds of other things which, to date, have shown little evidence that any jobs have been created. It seems to me, at least, and the argument that was made at the time by many of us, was that allowing or creating more of these incentives, putting more policies in place that would incentivize small businesses to create jobs would have been a much better use of stimulus money.

What my amendment very simply says is, of those unspent, unobligated funds—and that universe of funds represents about \$160 billion that has not only not been spent but not obligated—we use some of those funds to do what we should have done in the first place; that is, to create incentives for small businesses to hire new people, to put people back to work, and to make capital investments.

I take issue with what was said on the floor yesterday, that somehow my

amendment was going to cut the Economic Recovery Act short. It doesn't do that at all. In fact, what this does is simply say those funds that have not been spent, not been obligated in the stimulus bill that was passed last year, be redirected toward these particular provisions that will provide incentives for small businesses to create jobs. Very simply, what are those? It extends by 1 year the bonus depreciation that allows small businesses to accelerate the way they write off equipment purchases; accelerated depreciation schedules so they can take more of that cost upfront as a deduction.

It also makes permanent the section 179 deduction and increases that as well so that small businesses are able to expense more of those types of investments—again, an incentive for them to invest more, hopefully to create jobs.

It eliminates the capital gains tax on investment in small businesses. By the way, that is something the President, in his State of the Union speech, came out in support of. So this is something the White House has already endorsed.

Finally, it provides for a 20-percent deduction for small businesses against their income. Why is that necessary? Many small businesses, and, in fact, half of small business income, we are told, when tax rates go up next year would be subject to that higher tax. If a small business that passes through their income to their individual tax return is currently paying at the 33-percent tax rate, they are going to see that tax rate go up to 36 percent of that income. If they are currently paying at the 35-percent tax rate, they are going to see their tax rate go up to 39.6 percent starting next year, in 2011. This allows them to take a 20-percent deduction against their income that will help in some ways limit or mitigate the impact of the higher tax rates that they will be subject to beginning in 2011.

Again, I think it is a fairly straightforward amendment, and I simply argue, again, to my colleagues that it makes sense for us, in my view, to be making investments, be putting policies in place that will incentivize job creation in this country, and that job creation, again, occurs in the private economy with small businesses.

Small businesses, we are told, create two-thirds of the jobs in our economy and, in fact, about half of the people in this country who work, who are employed currently, work for small businesses. They have a tremendous impact on our economic well-being, on job creation.

It is important, in my view, that we take steps here that will add to the ability of our small businesses to get out there and do what they do best; that is, make investments and create jobs.

I take issue with what was said yesterday about this amendment: that it

would cut short the Economic Recovery Act. It does not do that at all. These are not funds that have currently been spent or obligated. These are funds that are unspent, unobligated out of the \$1 trillion bill passed last year which, as we all know, to date has not created the jobs promised. In fact, since the bill passed last year, we have lost 2.7 million jobs in our economy.

I think, frankly, one of the reasons for that is it was misdirected in the first place. We should have been focused on job No. 1, and that is helping those job creators in our economy, which are small businesses.

I want to point out that the National Federation of Independent Business, which is the largest trade organization representing small businesses in this country, at least the largest small business advocacy organization, has written a letter in support of my amendment. I want to read one paragraph from that letter. It says:

The Thune amendment is a necessary step in helping to provide more certainty to small businesses about their future tax liability, whether to make long term capital expenditures, and hire more workers. We hope this amendment will provide momentum to clear other obstacles in the path to job creation.

I guess what I would say by way of closing is that although there is a great debate here about how best to create jobs, I think we can all agree a lot of the \$1 trillion stimulus bill that passed last year has not been spent. The argument that it would be timely, targeted, and temporary, I think all of those criteria have not been met. More important, the ultimate metric by which I think we judge whether it has been a success or not has not been met either, and that is job creation.

Look at the economy today. Unemployment stands at 9.7 percent. The commitment made when the bill was passed a year ago was that if we pass this stimulus bill, we will hold unemployment below 8 percent. We know it is well past that.

If you look again at the job numbers and the number of people in this country still looking for work, still struggling, still struggling with the loss of income, the best thing we can do is get them back to work, and the best way to do that is not to create jobs in Washington, DC, or invest in government programs; it is, frankly, to get the small businesses in our economy, the creators of jobs, the engine that drives this economy forward, liberated in a way, providing certainty with regard to tax policy so they know that in 2011, when their tax rates go up—at least those who pass their income through their individual tax return—they are going to have some relief, allowing some relief with regard to capital gains taxes by exempting small business investment, allowing for bonus depreciation so they can write off business purchases, and increasing

section 179 expensing, that deduction that currently exists in the Tax Code making that permanent.

Those are all steps, small steps, but at least important steps, in my view, that will move this economy forward and do what I think many of us want to see done; that is, create the conditions and the economic climate where jobs can be created where we get people back to work.

We are going to have a vote on this amendment this afternoon. Again, my colleagues who were debating an underlying bill that has tax extenders, COBRA extension, unemployment benefits extension—all of those sorts of things, all of which I understand are important, particularly right now when we have a lot of people who are out of work. But, again, the best remedy we can offer to the American people is to create jobs and get people back to work. That will make it less necessary for us to act on the legislation we have to act on today that addresses all the economic dislocation and hurt the American people are experiencing as a result of this economy.

A year ago when this stimulus bill passed, less than 1 percent of the money was directed toward small businesses. We can fix that today with this amendment by directing these tax incentives, using unspent, unobligated stimulus money to do it. It is all paid for. It is all offset. It does not pass debt to future generations. It does not add to the deficit. It is all paid for. It puts the money where it should have been put in the first place and directs it in a way that will be adding to job creation in this country.

I ask my colleagues to support this amendment. I think it will be voted on in a couple of hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I will offer an amendment to the pending legislation, amendment No. 3342. It is my intention to call up that amendment after the votes on the pending amendments this afternoon, but I would like to take a few minutes to explain to my colleagues the nature of this amendment and why I believe it is important.

This amendment basically says if you are an executive at one of the companies that received more than \$5 billion in the TARP bailout, the financial bailout that occurred when we began our economic crisis, and if you receive in addition to your compensation a bonus in excess of \$400,000, then that amount above \$400,000—which is the approximate compensation of our President—will be taxed at 50 percent, and the amount it is taxed will be returned to the American taxpayers for deficit reduction.

It is a very simple amendment. It is a one-time amendment based on a unique situation in this country when

the American taxpayers had to bail out our major companies in order to stabilize our economy.

This is not class warfare. It is not a continuing windfall profits tax. But I believe it is very proper for us to institute this on a one-time basis. Estimates we have had, when I offered this amendment as independent legislation a short while ago, along with Senator BOXER, were that you could recoup in the neighborhood of \$10 billion back into our economy by this very fair tax assessment.

I want to go back to two opinion pieces that have been written over the last couple of years from people with great standing in the financial community and great philosophical differences. Then I want to remind my colleagues the process we had to enter into when the TARP legislation was first voted on.

On July 14, 2008, Paul Krugman, a Nobel Prize-winning economist, wrote a piece in the New York Times. I came to the floor at that time and quoted from his piece. He was talking about the beginning of what became our crisis, and he made the point:

It's the belief of investors—

He was talking at this point about the situation with Fannie and Freddie, to quote from his article.

It's the belief of investors if they fail, the federal government will come to their rescue.

Then he wrote:

The implicit guarantee means that profits are privatized while losses are socialized.

What he meant by that and what we actually have seen play out as our economy, thankfully, has begun to recover is, with the situation we entered into with TARP, risk was socialized. That means the average worker in this country—the person out there driving a truck, the nurse working in a hospital, the people doing the day-to-day work—had to put their tax dollars in to stabilize these banking systems, but the reward from the stabilization has become personalized to the executives who were running these companies, who then have benefited through these large bonus systems once our economy began to stabilize.

It is my strong belief, as someone who is a supporter of people who are willing to take risks and create the right kind of environment for growth in our economy, that they should be happy once they have reached a point where they have been compensated and they have had a \$400,000 bonus. They should be happy to take the money beyond that \$400,000 bonus and divide it up with the average worker out here who may not even own stock who had to put their tax dollars in to stabilize the economy.

The second article I would like to quote from is from the Financial Times which, as all of my colleagues will rec-

ognize, is one of the most conservative newspapers in the world when it comes to capitalist enterprise, risk taking, rewarding the people who get out and lead in our business sector.

Martin Wolf wrote an editorial on November 19, 2009, not that long ago. I ask unanimous consent to have printed in the RECORD the entire article after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEBB. Mr. President, Martin Wolf said this:

Windfall taxes are a ghastly idea. . . . No sensible person should support them. So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it really does look different.

Mr. Wolf goes on to point out:

Ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. . . . The public finances will be devastated for decades: taxes will be higher and public spending lower. Meanwhile, bankers are about to reap huge rewards. This damages the legitimacy of the market economy.

Mr. Wolf went on to support the very concept I am putting on the table today; that is, a one-time windfall profits tax on moneys that were earned in 2009 when this American taxpayer rescue of our financial system occurred, when earnings that occurred through work in 2009, which are paid in 2010—this is not a retroactive tax; one shot, balance the playing field and reward the people who stepped forward to help save our economy.

Sometimes it is hard for us to remember the circumstances that took place when we were asked to vote for TARP back in September of 2008 because so much has happened to our economy and to the debate in this country since then. But we should remember that in September of 2008, Secretary Paulson and Chairman Bernanke put us all on a conference call. They told us if we did not put \$700 billion of taxpayer money into a program to assist our major Federal financial institutions that the world as we knew it economically was going to fall into cataclysm. We voted in support of this \$700 billion—I voted for it—in order to help these financial institutions solve the problems, undo their systems of bad assets—which had taken place, quite frankly, through a lot of bad judgment in their leadership—free up our economic system and get credit going again. And we did it with the explicit understanding that it was the American taxpayers who were putting the money in and who, when the system righted itself, would get their money back. So this one-shot deal is designed to help do that.

It is fair to all parties. It allows the executives in these 13 companies that received more than \$5 billion each of

taxpayer money to still reward their executives and at the same time share these profits, or these benefits that go beyond a \$400,000 bonus, with the people who basically pulled their fat out of the fire.

I hope we can get a vote on this amendment. I trust my colleagues will understand the care with which it was designed and the equity we are trying to deal with.

I yield the floor.

#### EXHIBIT 1

[From the Financial Times, Nov. 19, 2009]

#### TAX THE WINDFALL BANKING BONUSES

(By Martin Wolf)

Windfall taxes are a ghastly idea. They are a sop to prejudice, a burden on risk-taking and a form of arbitrary confiscation. No sensible person should support them. So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it really does look different.

First, all the institutions making exceptional profits do so because they are beneficiaries of unlimited state insurance for themselves and their counterparties. As Andrew Haldane of the Bank of England argues, the state has "become the last resort financier of the banks". In the UK, total support amounted to a staggering 74 per cent of gross domestic product. These must be the largest business subsidies ever.

Second, the profits being made today are in large part the fruit of the free money provided by the central bank, an arm of the state. The state is giving the surviving banks a licence to print money.

Third, the case for generous subventions is to restore the financial system—and so the economy—to health. It is not to enrich bankers, particularly not those engaged in the sorts of trading activities that destroyed the financial system in the first place.

Fourth, ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. What makes them yet more so is that the crisis has devastated the prospects of tens, if not hundreds, of millions of innocents all over the globe. The public finances will be devastated for decades: taxes will be higher and public spending lower. Meanwhile, bankers are about to reap huge rewards. This damages the legitimacy of the market economy.

Fifth, it is hard to argue in favour of exceptional interventions to bail out the financial sector at times of crisis, and also against exceptional interventions to recoup costs when the crisis is past. "Windfall" support should be matched by windfall taxes.

Finally, these are genuine windfalls. They are, as George Soros has said, "hidden gifts" from the state. What the state gives, the state is entitled to take back, if it is not used for the state's purposes.

So the question, in my mind, is not whether a windfall tax can be justified but whether it can be designed successfully. All taxes have unintended consequences. One must be particularly careful with this one.

Since the aim of policy is to recapitalise the banks, the tax should not reduce their ability to do so. It would be far better then to impose a tax on contributions made to the bonus pool. There is no public interest in such payments. Since it would be a one-off event, it should not affect incentives (unless banks plan to create systemic crises every few years). If the tax applied to all banks op-

erating within a given jurisdiction, it would not affect competitiveness among them. The case seems strong—even more so if the tax could be implemented across major jurisdictions, simultaneously.

Yet windfall taxes cannot contain financial excess, precisely because their goal is not to affect incentives. So what is to be done?

As Mr. Haldane notes, we have seen "a progressive rise in banking risk and an accompanying widening and deepening of the state safety net". As the liabilities of the banks have become ever more socialised and so equity cushions have become increasingly redundant, the incentive for both limited liability shareholders and employees to game the taxpayer has risen greatly. It is rational for banks to choose risky strategies because they take the upside and taxpayers much of the downside.

Over the past half century, UK bank capital has remained at between 3 per cent and 5 per cent of assets, these assets have risen tenfold, relative to GDP, and returns on equity have averaged 20 per cent. Such high returns, in an established industry, must mean either high barriers to entry or excessive risk-taking. The former are undesirable and the latter terrifying, particularly in view of the huge rise in the state's exposure to the risks.

We will never have a better opportunity than now to redress the deteriorating terms of trade between the banks and the state. A big part of the solution must be to shift incentives. The more credible are the pre-announced limits on support from government, the more effective will be the changes in incentives inside banks, and vice versa. The less we are able to shift these incentives, the more important it will be to impose heavy regulation. The combination of today's incentives with today's safety nets and yesterday's "light touch" regulation was devastating.

Yet, regardless of the success of reforms of incentives in—and regulation of—the financial sector, it is reasonable to recoup not only the direct fiscal costs of saving banks but even some of the wider fiscal costs of the crisis. The time has come for some carefully judged populism. A one-off windfall tax on bonuses would make the pain ahead for society so very much more bearable. Try it: millions will love it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank Senator WEBB for offering this amendment, which is the same text as our bill that we introduced about a month ago. I think Senator WEBB has made an excellent case for this very important amendment which will reduce the deficit. It is an amendment that I believe reflects fairness and justice and the American way.

In 2008 and 2009, the financial sector, as well as the automobile industry, received generous and unprecedented aid from taxpayers. It was done in order to stave off another Great Depression. It was a tough vote to make, and we did it because we believed we were on the brink of another Great Depression and, frankly, a financial collapse. If we remember back to those days, credit was frozen, businesses couldn't borrow, and we were hearing predictions that this could be the end of capitalism. We heard that from Republicans and

Democrats alike. So what we did has worked. We have avoided a Great Depression. The economy is growing, although we are very worried about the slow pace of job creation, which is why we are working so hard to continue to create new jobs.

But if we take a look at the financial institutions which received this huge bailout, what we see is they showed a resounding economic recovery in 2009. Thanks to taxpayer assistance, many of these companies are posting record profits. So you have these companies posting record profits, that benefited when times were bad with taxpayer help, and now they are paying out multimillion dollar bonuses to their top executives.

The United States pays its President—our highest paid Federal official—\$400,000. These company leaders are earning millions of dollars, and then, on top of that, bonuses. So what Senator WEBB and I are saying is this: If you have received a bonus of \$400,000 or more from one of the top recipients of the taxpayer bailout, you should pay a special one-time fee—50 percent of that bonus, which is on top of your salary. Fifty percent of the bonus of \$400,000 or more should go back to the taxpayers and reduce our deficit.

It is hard for me to imagine how these financial companies, which were bailed out by taxpayers, could have such a deaf ear to the plight of America's workers and why they would embark upon these enormous bonuses, especially since they are not lending the monies that we think they ought to lend to businesses. They are actually cutting back on lending to qualified businesses—I think it is an 18-percent reduction in loans to businesses—yet they are paying out these enormous bonuses. So what Senator WEBB and I are saying is we want a one-time, 50-percent fee paid on the bonus that exceeds \$400,000. This fee would only affect those recipients at the largest and most major companies who received this bailout.

I want to reiterate this. The fee is paid on the bonuses that exceed \$400,000. We don't touch the bonuses \$400,000 or less. We are making a point. And even though we have been fair, it will return to the Treasury about \$10 billion, is our estimate, over time.

It is only fair that these institutions, which were so greatly assisted in 2009, should help our Nation with our fiscal problems. We inherited those problems from this economic collapse. We know that when President Bush handed the keys over to President Obama there already was a huge deficit in place, but President Obama had to act. We had to pass an economic recovery act. We had to make sure credit was flowing. So it added still more to the debt, and it seems to me only fair that people who are at those institutions that were bailed out—which only exist because of

the generosity of taxpayers, because we knew if they failed there would be big trouble—if their bonuses are over \$400,000 they ought to pay this special one-time fee back to taxpayers.

Reducing the deficit is important and fairness is important. I want to thank my colleague from Virginia for working with me on this legislation, and I urge the Senate, in a bipartisan way, to join us in supporting this common-sense measure. We hear a lot of talk around here about the deficit, the deficit, the deficit. That is a very important priority for us—to reduce this deficit. Here is a way to do it that is totally fair and just. People who work at the institutions that got the biggest bailouts from Uncle Sam to save them, and those people who are now getting these enormous bonuses, ought to make a contribution to deficit reduction. We need it, we think it is right, and we hope there will be a big bipartisan vote in favor of the Webb-Boxer amendment.

I yield the floor.

AMENDMENT NO. 3338

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise to speak in opposition to the amendment submitted by the Senator from South Dakota, Mr. THUNE.

This amendment cloaks itself in the guise of fiscal responsibility, but nothing could be further from the truth. The amendment would rescind funding from the American Recovery Act—the so-called stimulus bill—to pay for the cost of program increases for small businesses. We can all agree that we should do more to support small business, but it is nonsensical to rescind funding from the Recovery Act, which is also creating jobs. I understand all too well that some on the other side of the aisle have argued that the stimulus bill was a mistake, but the facts are proving just the opposite.

Last week, the Congressional Budget Office—the CBO—released a report on the impact of those stimulus funds which have already been spent. The Congressional Budget Office report notes the extremely beneficial impact from this act. The report states that the stimulus funds are responsible for an increase of somewhere between 1.5 and 3 percent in the gross domestic product during the last quarter of 2009, and with an estimated increase in this first quarter of up to 3.9 percent. Moreover, the CBO states that the stimulus bill accounted for an increase of at least 1 million jobs in the fourth quarter of 2009, and possibly as many as 2.9 million jobs. This is something to ponder.

The one thing the American people all agree upon is that we need to be doing more to create jobs. The American Recovery Act is doing just that. CBO estimates that the level of jobs created through 2010 from stimulus

funds could be as high as 3.4 million jobs. That would mean a decline in unemployment of 1.8 percent in this country. No other action by this Congress has provided this kind of positive impact on the job market. So what possible logic is there in rescinding funds from this act which is providing so many benefits to the American people? Why would we support an amendment to cut funding from the act which is clearly helping to reduce devastating job losses?

No one can argue that the stimulus bill isn't working. The proof is at least a million jobs created last quarter. It has had an immensely favorable impact on our economy. I know some of those who oppose the bill don't want to hear it, but that is reality. The numbers from CBO tell the story.

The Thune amendment fails to offer any guidance to which programs it would cut. That is a rather strange amendment. Clearly, it is more politically expedient to simply cite a dollar figure to cut rather than identifying which specific programs the amendment would impact. The Thune amendment offers no direction as to which recovery programs it would shut down. The result could be cuts to the highway funding, new energy technology or reversing efforts to make government buildings and low-income housing more energy efficient.

Moreover, this amendment doesn't even allow the Congress to determine how the funds should be reduced. Instead, it directs the Office of Management and Budget—OMB—to determine where to reduce funding. I cannot believe the authors of this amendment want the Senate to give up the power of the purse to the bureaucrats at OMB to determine where we should spend our taxpayers' funds, but this is what this amendment would do.

For many reasons, this is a bad amendment. It is exactly what the country does not need at this time. We all know that the No. 1 malady facing the country today is unemployment. We now have proof from the Congressional Budget Office that the stimulus bill was the exact right medicine to treat this illness. I urge my colleagues to reject this amendment and allow our stimulus funds to work as planned: making wise investments in America and putting our people back to work.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Arizona.

Mr. MCCAIN. Mr. President, as we all know, yesterday the President issued a letter that said he was agreeing on "four policy priorities identified by Republican Members at the meeting" that we had. And he said, "I am exploring. I said throughout this process," I quote from the President's letter, "that I'd continue to draw on the best ideas from both parties, and I'm open to these proposals in that spirit."

So he mentioned several of them. In it, he talks about the four areas he would be considering: One by Senator COBURN, a proposal; another one that a number of people had discussed concerning demonstration projects through Health and Human Services for resolving medical malpractice disputes; one on Medicaid reimbursements; and then expanded health savings accounts.

He said: "That's why my proposal does not include the Medicare Advantage provision, mentioned by Senator MCCAIN at the meeting, which provided transitional extra benefits for Florida and other States. My proposal eliminates those payments, gradually reducing Medicare Advantage payments across the country relative to fee-for-service Medicare," et cetera.

Then he says, "In addition, my proposal eliminates the Florida FMAP provision, replacing it with additional federal financing" in all States.

Of course, this raises, I think, first of all, the legitimate question: How did this stuff get in there to start with? How did it take weeks of examining a 2,400-page bill? What about the other sweetheart deals that were included behind closed doors in this 2,400-page legislation? What about the deal for Vermont, a 2.2-percent Medicaid bonus for 6 years for their Medicaid Program? What about the Massachusetts deal, a .5-percent Medicaid bonus for 3 years? Hawaii? It adds money for Hawaii hospitals. Hospitals in Michigan and Connecticut have the option to benefit from higher payments; Connecticut, \$100 million for a university hospital. The Senate beneficiary of this provision was not originally known. Montana, South Dakota, North Dakota, Wyoming had increased Medicare payments for those States.

What is unique about those States? Libby, MT, Medicare coverage for individuals exposed to environmental health hazards, asbestos mining. That may be a worthy cause, but shouldn't it be the subject of an authorization and debate and appropriations?

Then, of course, we had the special deals that were cut with the special interests, not just PhRMA. The White House negotiators—the White House negotiators not congressional negotiators—extracted an \$80 billion deal to gain more offsets from the drug industry, and their \$2-million-a-year lobbyists confirmed the deal in news reports. In exchange for PhRMA supporting the Democratic Senate bill, PhRMA spent \$150 million in advertising support. And to further lock in the deal, the White House and Senate Democrats agreed to oppose drug reimportation and a shorter pathway for generic biologics.

To sum all this up, there is no better description of it than what is by the majority leader of the Senate, who, on Christmas Eve, when these deals became known as we examined the 2,400

pages, Senator REID, the majority leader, said—this, I think, encapsules, summarizes the entire process they went through:

A number of States are treated differently from other States. That's what legislation is all about. That's compromise.

I want to repeat that. I want to repeat that quote from Senator REID.

A number of States are treated differently from other States. That's what legislation is all about. That's compromise.

That is not compromise. That is not the word. "Compromise" is an agreement between two parties on both sides of the aisle who reach an agreement. This is backroom wheeler dealing, special interest influence, and vote buying. That is what this was. Why would a State be treated differently from another State? Why would we have disparate impact on different States?

One of the reasons I have focused a lot of my attention on the 800,000-person carve-out in the State of Florida, as the President has said that would be changed, is because there are 330,000 Medicare Advantage enrollees in my State. Why should it ever happen that the residents of one State who are in the same program, the exact same Federal program, have different advantages over another State?

I am pleased the President's letter concerning the issue of the 800,000 people in Florida who will receive different coverage, that that would be fixed. But I also point out, as I just chronicled, that is one of many proposals, many sweetheart deals, many backroom deals. It has to be put in the context of the fact that the President of the United States promised the American people that we would change the climate in Washington. Eight times the President of the United States said all of these negotiations on health care reform will take place with C-SPAN cameras in the room.

My understanding of the process now is that there is going to be a vote in the House on the Senate bill and then there will be a reconciliation of 51 votes, which, of course, is offensive to the American people. But I assume, then, the Senate bill as passed will have all of these provisions in it that are these secret, backroom, unsavory deals that were made.

So let me just say it is disappointing, the contrast of the President's statement, when we have learned that last week's health care summit was not really a true effort. In other words, the summit at the Blair House did not reflect what the overwhelming majority of the American people are demanding; that is, we start over and we stop what has been done.

One of the reasons they want it stopped is because they have become aware of these special deals for special interests and vote purchasing. That is what they have become aware of. So that is one of the major reasons they want us to start over.

At the townhall meetings I have, people are as upset about the process we went through as they are the actual legislative outcome, although they are very unhappy about that.

Let me just say I know a bit about working in a bipartisan fashion. I know people want us to get things done together. I know the approval ratings of Congress are extremely low, and there is a great disconnect between the people of this country and what we are doing in Washington, and they want us to work together, adhering to principle and addressing the enormous challenges that face them. But that means starting over.

We did identify areas on which we could agree. We did identify the fact that there are some areas. But unless we start over, then how in the world can we put lipstick on a pig? It is still a pig. It is still a bad and unsavory process that we went through in order to reach the legislative package we have now.

What we really need to do is start over and then we can get rid of all of these. We can get rid of the "Louisiana purchase," and Vermont and Massachusetts and Hawaii and Michigan, Connecticut—Connecticut twice, one \$100 million for a hospital and then higher payments—Montana, South Dakota, North Dakota, Wyoming. We can get rid of all of these if we start over.

I point out, finally, because we are going to be talking a lot about this—and I know other colleagues of mine are waiting to speak—I just point out again this whole issue of reconciliation. A lot of Americans had never heard that word before, certainly not in this context before this came up. But the word "reconciliation" means we would reconcile differences on small issues between the two bodies. It was the product of Senator ROBERT BYRD, who has said unequivocally that health care—that Medicare and health care should not be included in this process. It was Senator ROBERT BYRD who specifically exempted Social Security from being a part of reconciliation. He said, and I quote from Senator ROBERT BYRD:

I was one of the authors of the legislation that created the budget reconciliation process in 1974 and I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

That was the author. Of course, all during the time when the other side of the aisle was in the minority they complained bitterly, and I think with some justification, that reconciliation was used as a means of getting legislation through this body, bypassing the 60-vote requirement.

I would like to point out—and it may be a bit self-serving, but I would like to point out that when the so-called nuclear option was up, we would move to a process that only 51 votes would be

required in order to confirm judges in this body, I and 13 others joined in a bipartisan fashion, and we said no. We will have circumstances that will attend our votes on confirmation and, for the good of the body, we preserved the 60-vote majority rule that has been the custom in this institution of the Senate in modern times.

The American people are watching very carefully what we are doing. There may be some belief that a lot of Americans are not appreciating what apparently is the plan, and that is to move serious legislation through the Senate with a 51-vote majority, legislation that would affect one-sixth of our gross national product.

I urge my colleagues, as I did when we were considering the "nuclear option on judges," that this nuclear option also be rejected and go back to the 60 votes and maintain the 60-vote majority requirement that basically governs our proceedings in the Senate.

Let's start over. Let's listen to Warren Buffett, a strong supporter of the President of the United States. He noted that this legislation includes nonsense, backroom deals for special interests.

He said:

Democrats should cut off all the kinds of things like the 800,000 special people in Florida or the Corn Husker kickback, as they called it, or the Louisiana Purchase, and we are going to get rid of the nonsense. We are just going to focus on costs and we are not going to dream up 2,000 pages of other things.

I hope we will heed the words of Warren Buffet, which basically is that he and the American people want us to start over. They certainly do not want to have legislation enacted by a bare majority. Again, I would remind my colleagues of history. Every major reform that has been enacted by this body, whether it be the Civil Rights Act, whether it be Medicare, whether it be other major reform, it has always been done with overwhelming bipartisan support.

It is not too late. Let's go back to the beginning. Let's start over. We have identified areas we can work together on and certainly reject this idea of 51 votes governing the way this body functions. I think it poses great danger to the future of this institution that all of us who have the privilege of serving here love as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3353, AS MODIFIED

Mr. SANDERS. Mr. President, I ask unanimous consent that my amendment which is pending, No. 3353, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. —. EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Emergency Senior Citizens Relief Act of 2010”.

(b) **EXTENSION AND MODIFICATION OF PAYMENTS.**—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting “for each of calendar years 2009 and 2010” after “shall disburse”,

(B) by inserting “(for purposes of payments made for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made for calendar year 2010)” after “the date of the enactment of this Act”, and

(C) by adding at the end the following new sentence: “In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2010 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010.”

(2) in subsection (a)(1)(B)(iii), by inserting “(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made under this paragraph for calendar year 2010)” before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting “, or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address” after “Northern Mariana Islands”, and

(B) by striking “current address of record” and inserting “address of record, as of the date of certification under subsection (b) for a payment under this section”,

(4) in subsection (a)(3)—

(A) by inserting “per calendar year (determined with respect to the calendar year for which the payment is made, and without regard to the date such payment is actually paid to such individual)” after “only 1 payment under this section”, and

(B) by inserting “FOR THE SAME YEAR” after “PAYMENTS” in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting “(or, in the case of subparagraph (D), shall not be due)” after “made” in the matter preceding subparagraph (A),

(B) by striking subparagraph (A) and inserting the following:

“(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

“(i) for the most recent month of such individual’s entitlement in the applicable 3-month period described in paragraph (1); or

“(ii) for any month thereafter which is before the month after the month of the payment;

such individual’s benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social

Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);”

(C) in subparagraph (B), by striking “3 month period” and inserting “applicable 3-month period”;

(D) by striking subparagraph (C) and inserting the following:

“(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

“(i) for the most recent month of such individual’s eligibility in the applicable 3-month period described in paragraph (1); or

“(ii) for any month thereafter which is before the month after the month of the payment;

such individual’s benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or”

(E) by striking subparagraph (D) and inserting the following:

“(D) in the case of any individual whose date of death occurs—

“(i) before the date of the receipt of the payment; or

“(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual’s account.”

(F) by adding at the end the following flush sentence:

“In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.”

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: “Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.”

(6) in subsection (a)(5)—

(A) by inserting “, in the case of payments for calendar year 2009, and no later than 120 days after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, in the case of payments for calendar year 2010” before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

“(B) **DEADLINE.**—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2010 shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.”

(7) in subsection (b), by inserting “(except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the

time of such denial)” before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

“(4) **PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.**—Notwithstanding paragraph (3), any payment made under this section—

“(A) shall, in the case of a payment by direct deposit which is made after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

“(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.”

(9) in subsection (e)—

(A) by striking “2011” and inserting “2012”,

(B) by inserting “section \_\_\_\_\_(c) of the Emergency Senior Citizens Relief Act of 2010,” after “section 2202,” in paragraph (1), and

(C) by adding at the following new paragraph:

“(5)(A) For the Secretary of the Treasury, an additional \$5,200,000 for purposes described in paragraph (1).

“(B) For the Commissioner of Social Security, an additional \$5,000,000 for the purposes described in paragraph (2)(B).

“(C) For the Railroad Retirement Board, an additional \$600,000 for the purposes described in paragraph (3)(B).

“(D) For the Secretary of Veterans Affairs, an additional \$625,000 for the Information Systems Technology account”.

**(c) EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.**—

(1) **IN GENERAL.**—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting “2010” for “2009”), with respect to the first taxable year of such individual beginning in 2010, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be applied by substituting “2010” for “2009” each place it appears.

(2) **CONFORMING AMENDMENT.**—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting “, and any credit allowed to the taxpayer under section \_\_\_\_\_(c)(1) of the Emergency Senior Citizens Relief Act of 2010” after “the American Recovery and Reinvestment Tax Act of 2009”.

**(d) EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.**—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

(e) **EMERGENCY DESIGNATION.**—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (P.L. 111–139), and designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.



Mr. SANDERS. I ask unanimous consent that Senator MENENDEZ of New Jersey be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. SANDERS. Madam President, as senior citizens and disabled veterans all over this country know, this is the first year since 1975—36 years ago—that there will not be a Social Security cost-of-living adjustment or COLA. In my view, the fact that people in need—seniors, disabled veterans, people who have disabilities—will not be receiving a COLA this year is wrong and it is an issue we have to address and I hope we will address it successfully this afternoon, in terms of the amendment I will offer.

The reality is, in recent years, senior citizens, veterans, and persons with disabilities have slipped out of the middle class and into poverty. That is a reality—out of the middle class and into poverty. The reality is, today prescription drug costs are soaring, medical care costs for seniors and disabled people are soaring, and heating oil has gone through the roof, especially relevant to those of us in cold-weather States.

At a time when millions of seniors have seen the value of their pensions, their homes, and their life savings plummet, we cannot turn our back on some of the most vulnerable people in this country. They are hurting and they need our emergency support and that is why I am offering, today, along with Senators DODD, LEAHY, WHITEHOUSE, GILLIBRAND, LAUTENBERG, BEGICH, STABENOW, and MENENDEZ, an amendment which will provide over 55 million seniors, veterans, and persons with disabilities \$250—a one-time payment—in much needed emergency relief. This \$250 emergency payment is equivalent to a 2-percent increase in benefits for the average Social Security retiree, and it is the same amount seniors received last year as part of the Recovery Act.

Two percent is not a lot of money, but it will, in fact, provide much needed help to millions of people who are demanding we not turn our back on them. This amendment is supported by a wide array of seniors and veterans organizations representing tens of millions of Americans. Let me give some of the organizations that are supporting this amendment: the AARP, which is the largest senior group in

America; the American Legion, the largest veterans group in America; the Veterans of Foreign Wars; the National Committee to Preserve Social Security and Medicare; the American Federation of Teachers Program on Retirement and Retirees; the Disabled American Veterans; the Alliance for Retired Americans; Easter Seals; the Military Officers Association; the Vietnam Veterans of America; the National Council on Aging; AMVETS; and many other organizations.

One of the side benefits of this amendment is that funds directed to this population will go almost immediately into the economy. These are folks who will spend that money, providing the quickest possible stimulus to local economies and thus creating jobs in every community in our country. President Obama is strongly supportive of this \$250 in emergency relief to seniors. The President has included it in his budget, and he has also recommended it be included in the underlying legislation we are debating today.

Here is what the President has said about this issue:

Even as we seek to bring about recovery, we must act on behalf of those hardest hit by this recession. That is why I am announcing my support for an additional \$250 in emergency recovery assistance to seniors, veterans, and people with disabilities to help them make it through these difficult times.

I very much appreciate the President's support for what we are trying to do here today.

In Vermont and all across this country, ordinary people believe the Congress is way out of touch with the realities of their lives. They believe that we just do not get it, that we do not understand that all over this country millions of people are hurting and that sometimes they are hurting desperately, that people are frantically trying to keep bread on their tables. People are trying to make sure they and their families can live with dignity, and they wonder if we in Congress get it. They know we are there for Wall Street. They know that. They know we are there to take care of big banks and insurance companies and drug companies, but they are not quite sure we are there to take care of vulnerable people who are elderly and who are disabled veterans.

Let me read some quotes from organizations and individuals on this issue. This is what the VFW has to say in support of this legislation:

This year veterans and seniors will not receive COLA. This could not come at a worse time. Your legislation would provide a one-time check of \$250 to 1.4 million veterans, 48.9 million Social Security recipients, and 5.1 million SSI recipients. We believe that this will provide some relief to those veterans and seniors living on fixed incomes. . . .

We thank the VFW very much for their support.

Let me quote very briefly from the National Committee to Preserve Social Security and Medicare:

The National Committee strongly urges you to pass legislation to provide a \$250 payment to our Nation's seniors who did not receive a COLA this year. It is vitally important that we provide help for seniors of modest means who have been adversely affected by the economic recession and rapidly rising health care costs.

Here is a quote from AARP, a group that represents over 40 million Americans age 55 and older, in support of this amendment. This is what they say:

For over three decades, millions of Americans have counted on annual increases to help make ends meet. In this economy, having this protection is even more critical for the financial security of all older Americans. AARP applauds the President for urging Congress to extend for 2010 the \$250 economic relief provided to older Americans last year.

Let me quote again from another statement by AARP which I think makes this case very cogently. I think they nail it, and they tell us why it is absolutely imperative that we pass this legislation.

Last year, the Social Security Administration announced that for the first time since it began in 1975, seniors will not receive an automatic cost of living adjustment for 2010. Although the lack of a COLA was triggered by low overall inflation—

And here is the point—

the costs of the things seniors depend on most—prescription drugs and health care—have continued to increase above inflation. Seniors spend an average of 30 percent of their income on health care costs, 6 times greater than what those with employer-sponsored health care coverage spend, and these prescription drug costs, premiums, and copays have skyrocketed.

I think that is the main point to be made today. That is why we should support this one-time payment.

AARP, of course, is a large national organization.

Let me give some quotes from letters I have received from Vermont and from around the country.

A gentleman from central Vermont writes:

As you know, Social Security has not given a COLA increase on benefits in 2010, based on the CPI. I did some research and found these increases from January 2009 to January 2010.

This is what he has calculated.

Power rates are up by 7 percent; heating oil up by 15 percent; propane up by 24 percent; property taxes up 3.7 percent; gasoline up 16.6 percent; food up, conservatively speaking, 3 percent.

Here is where he said:

The CPI was obviously done by statisticians on vacation in Jamaica while sipping some tropical concoctions that impaired their judgment. These things above add up to nearly \$3,000. To cover this, I would require a 12 percent increase in my disability benefits.

This is from central Vermont. I do not agree with the writer of this letter that the statisticians came to their



conclusions by sipping tropical concoctions in Jamaica. I don't think that is the case. But I do believe he is correct in suggesting that the methodology by which COLAs for seniors are established is not right. Here is why. COLA increases are determined by a look at the purchasing practices of the entire population—all of us—and that is not fair to seniors today, whose purchasing needs are very different from the average person's. As the AARP pointed out, seniors spend a very disproportionate amount of their limited incomes on health care, prescription drugs, et cetera. Those costs have gone up. In other words, while costs may have gone down for younger people who may be purchasing laptop computers, IPODs, GPSs, flatscreen TVs, cell phones, and other products, they have not gone down for millions of seniors who are dependent and spend a whole lot on health care. By the way, that is why, when I was in the House, I offered legislation which received very strong bipartisan support to create a separate index for seniors in determining their COLAs. I do believe that is the direction we have to go.

I have received many letters. Let me read one more.

This comes from New Jersey. This is Claire from New Jersey:

I am 82 years old. Having been widowed and bankrupt at age 37 to raise my 3 young children alone, I thought that with my Social Security and my small pension plus by savings, I would never have to depend on my children to care for me in my old age. But now that my savings have been depleted by 30 percent and my health care insurance is costing me \$3,200 a year, I am very worried if my savings will last me much longer.

Elizabeth in Spur, TX, writes:

Social Security is my main source of income. I have bills that I couldn't pay if it wasn't for this income. I think that it is a disgrace that the Government will bail out the banks and car manufacturers but not sure if the elderly will get a COLA. The elderly are the people that have kept this country together for years and they are considering not giving them a little raise? I wish that some Members of the Congress and the Senate had to live on the income that we have to and see how they can manage, like the saying goes, if the shoe was on the other foot.

Let me conclude by pointing out that there is bipartisan support for the concept we are talking about today, especially in the House of Representatives. In that body, in the House, Congressmen WALTER JONES, RODNEY ALEXANDER, PHIL GINGREY, and ROSCOE BARTLETT—all Republicans—have introduced legislation which, frankly, goes further than the amendment I am offering. Instead of a one-time payment, they are proposing a 2.9-percent COLA for Social Security, which ends up, obviously, costing a lot more than a one-time payment of about 2 percent.

Here is what Congressman ALEXANDER, a Republican from Louisiana, said about his legislation:

Although the annual adjustment is a small increase, it is a much-needed benefit for our Nation's seniors to help them compensate for inflation and to sustain the skyrocketing prices of health care and prescription drugs. It is evident that the current Social Security system is not keeping up with our seniors' basic needs. Congress must take action today so that our Social Security beneficiaries are protected tomorrow.

That is from Congressman ALEXANDER, a Republican from Louisiana. I agree with the Congressman, and I hope all of my colleagues, Democrats and Republicans, will agree that seniors need emergency relief and they need it now.

Over 90 percent of the individuals who will receive this emergency relief make less than \$75,000 and over 8 million who will receive help under this amendment make less than \$14,000 a year.

That is where we are. Millions of people are wondering whether, in their times of need, when their costs are going up, when they are struggling to maintain their dignity—they are wondering whether a Congress that was there for Wall Street, a Congress which over a period of years has been there for the wealthiest people in this country, whether that same Congress will be there for disabled veterans and our seniors. I hope and believe we will be, and I ask for support for the amendment that will be voted on soon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

#### AMENDMENT NO. 3352

Mr. BAUCUS. Mr. President, I understand we will have two amendments we will be voting on shortly; they will be the Thune amendment and the Grassley amendment. Let me say a few words about each—first, the Grassley amendment.

The Grassley amendment essentially extends the formula under which doctors are paid, reimbursed for Medicare services, by 3 more months. The underlying bill, in the formula known as sustainable growth rate, otherwise known as SGR, extends it for 7 months. Frankly, it is my preference, strange as it may sound, that the extension be not 7 months but 3 months, but when we negotiated out these provisions, it turns out the extension was 7 months.

You might ask why I favor a 3-month extension rather than 7 months. There are two reasons. The main reason is that I firmly expect health care reform to be passed within 3 months. If the formula, the sustainable growth rate, is extended for 3 months, that enables us, as soon as health care reform is passed, to then address how we then get a much better solution to the SGR, the sustainable growth rate, and my preference would be a permanent solution. I am afraid if we extend this for, say, 10 months and then health care reform is passed, fixing the permanent

formula will not have the same urgency as it otherwise would.

So I do very much believe what we have now in the bill—7 months—is better than a 3-month extension. Another way of saying it, as much as I admire my good friend from Iowa, it would not be appropriate to adopt his amendment. In fact, I do not favor his amendment.

The second reason is probably more compelling, and that is, although he does pay for his amendment by extending the formula for 3 more months, he does so by taking the funds out of a fund which is used for Medicare. It is called the MIF, the Medicare Improvement Fund.

The Medicare Improvement Fund is very—it is almost essential so that we have funds to pay for the underlying health care bill. It is very important that the underlying health care bill be deficit neutral. We are working on certain modifications to the health care reform bill, the bill that has passed the Senate. As we know, it is over in the House.

As the President announced just a few minutes ago, he wants us—I think it is the right thing to do—to pass a modification to that bill by a majority vote. If we are going to do that, we have to make sure it is deficit neutral. In fact, I would like it even better than deficit neutral; that is, that it would reduce the deficit. This Medicare Improvement Fund can help very much toward assuring us that the underlying bill, the health reform bill, is in fact deficit neutral.

So for those two reasons: One, I think it is better for us to pass health care reform using some of the funds in the Medicare Improvement Fund so we can make it deficit neutral, pass it, and then we can work on improving and finding a permanent solution to the sustainable growth rate formula, a formula that has bedeviled us for many years.

For those two reasons, I very much urge us to—as much as I appreciate the efforts of my good friend from Iowa, discretion is the better part of valor here. It would be better for us not to adopt that amendment because we do need those dollars to help make sure we can pay for the underlying health care reform bill.

There is another amendment we will be voting on soon. It is No. 3338, the Thune amendment. I support many of the small business tax relief concepts outlined by Senator THUNE. In fact, many of these will be discussed as part of the small business jobs bill to be introduced quite shortly. By that I mean in the next maybe week or two. I am not sure exactly when, but quite soon the Finance Committee will be marking up a small business jobs bill.

I spoke with Senator LANDRIEU, who is the chairperson of the Small Business Committee. We put together a

small business jobs package which we think will be quite effective in helping small business people be more prosperous and have more people able to work for small business firms.

I might say, however, that Senator THUNE's amendment is problematic for two reasons. First, his amendment makes several provisions permanent. This is not the time for that discussion. Making these provisions permanent is expensive, and, therefore, permanent provisions need to be discussed as part of comprehensive tax reform.

Second, Senator THUNE's amendment would be offset with unspent and unallocated mandatory spending of stimulus funds. I might say there is growing evidence that the recovery package is working. There has been some debate over that proposition, but I think the wave of evidence is that the stimulus funds in the recovery package have had a significant positive effect. The Congressional Budget Office has said so.

Over the last 6 months of 2009, for example, the overall economy grew at an annual rate of 4 percent. I am quite confident that had we not passed the stimulus measure, the growth rate would not be at that rate; it would be lower.

In the fourth quarter of 2009, the gross domestic product grew at an annual rate of 5.7 percent. Now, that might be somewhat artificially high because of inventory, but, nevertheless, that was the number. One year earlier, in the fourth quarter of 2008, it was actually declining at an annual rate of more than 5 percent.

Manufacturing in the United States expanded in August for the first time in 19 months. Just think of that. Manufacturing in our country expanded in August for the first time in 19 months.

Housing prices in many parts of the country have stabilized; some are even increasing. The Case-Shiller index of home prices has now risen 7 months in a row.

Unemployment is improving. According to the Congressional Budget Office, last year's Recovery Act added between 1 million and 2.1 million people to our country's payroll. The Recovery Act—that is the stimulus bill I am talking about—lowered the unemployment rate by between .5 percent and 1.5 percentage points from where it otherwise would have been.

In addition, the Federal Reserve and many independent economists have credited the stimulus with playing a role in stabilizing the economy. But we still have work to do. The national unemployment rate stands at 9.7 percent. The CBO estimates that 8 million jobs have been lost over the course of the "Great Recession." They also say unemployment may not be in its natural state of 5 percent until the year 2016.

Revoking stimulus funds now would send exactly the wrong signal to the

American economy and to unemployed people in our country. Just think of that. Revoking stimulus funds now. Just think of the signal that would send. We know there are more funds in the pipeline. The stimulus program is working. We take that away, just think of the signal that would send across our country.

We passed stimulus to give a needed boost to our economy. The bill is designed to work over 2 years—2 years. We are in the second year now, just beginning the second year now. We have successfully started down the road to recovery, and the economy would falter if these funds were withdrawn.

I urge my colleagues to oppose this amendment.

#### AMENDMENT NO. 3338, AS FURTHER MODIFIED

Mr. President, I ask unanimous consent that at 2:45 p.m., the Senate proceed to vote in relation to the following amendments, in the order listed, with no amendments in order to the amendments prior to this vote; that prior to each vote there be 4 minutes of debate equally divided and controlled in the usual form: Thune amendment No. 3338, as modified, and that prior to the vote it be further modified with the changes at the desk; and the Grassley amendment No. 3352.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

#### AMENDMENT NO. 3336, AS FURTHER MODIFIED

At the end, insert the following:

#### TITLE —ADDITIONAL BUSINESS TAX RELIEF

##### Subtitle A—General Provisions

#### SEC. —01. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) PERMANENT INCREASE.—Subsection (b) of section 179 is amended—

(1) by striking "\$25,000" and all that follows in paragraph (1) and inserting "\$500,000".

(2) by striking "\$200,000" and all that follows in paragraph (2) and inserting "\$2,000,000".

(3) by striking "after 2007 and before 2011, the \$120,000 and \$500,000" in paragraph (5)(A) and inserting "after 2009, the \$500,000 and the \$2,000,000".

(4) by striking "2006" in paragraph (5)(A)(ii) and inserting "2008", and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking "and before 2011".

(c) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2008.

#### SEC. —02. EXTENSION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k), as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking "January 1, 2011" in subparagraph (A)(iv) and inserting "January 1, 2012", and

(2) by striking "January 1, 2010" each place it appears and inserting "January 1, 2011".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking "JANUARY 1, 2010" and inserting "JANUARY 1, 2011".

(2) The heading for clause (ii) of section 168(k)(2)(B), as so amended, is amended by striking "PRE-JANUARY 1, 2010" and inserting "PRE-JANUARY 1, 2011".

(3) Subparagraph (D) of section 168(k)(4) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

"(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

"(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof."

(4) Subparagraph (B) of section 168(l)(5), as so amended, is amended by striking "January 1, 2010" and inserting "January 1, 2011".

(5) Subparagraph (C) of section 168(n)(2), as so amended, is amended by striking "January 1, 2010" and inserting "January 1, 2011".

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking "January 1, 2010" and inserting "January 1, 2011".

(7) Subparagraph (B) of section 1400N(d)(3), as so amended, is amended by striking "January 1, 2010" and inserting "January 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. —03. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

"(a) EXCLUSION.—

"(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include the applicable percentage of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent, in the case of stock issued after August 10, 1993, and on or before February 18, 2009,

"(B) 75 percent, in the case of stock issued after February 18, 2009, and on or before the date of the enactment of the American Workers, State, and Business Relief Act of 2010, and

"(C) 100 percent, in the case of stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.

"(3) EMPOWERMENT ZONE BUSINESSES.—

"(A) IN GENERAL.—In the case of qualified small business stock acquired after December 21, 2000, and on or before February 18, 2009, in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (2)(A) shall be applied by substituting '60 percent' for '50 percent'.

"(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

"(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

"(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be

treated as an empowerment zone for purposes of this paragraph.”.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 1202 is amended by striking “partial”.

(B) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking “Partial exclusion” and inserting “Exclusion”.

(C) Section 1223(13) is amended by striking “1202(a)(2)”.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—Paragraph (7) of section 57(a) is amended by adding at the end the following: “The preceding sentence shall not apply to stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

(c) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking “paragraph (1)(A) shall be applied by substituting ‘\$5,000,000’ for ‘\$10,000,000’” and inserting “the amount under paragraph (1)(A) shall be half of the amount otherwise in effect”.

(d) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking “\$50,000,000” each place it appears and inserting “\$75,000,000”.

(e) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2010, the \$15,000,000 amount in subsection (b)(1)(A), the \$75,000,000 amount in subsection (d)(1)(A), and the \$75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$1,000,000 such amount shall be rounded to the next lowest multiple of \$1,000,000.”.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (c) and (e) shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. —04. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.**

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

“(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

“(A) 9 percent of the lesser of—

“(i) the qualified production activities income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year, and

“(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

“(i) the eligible small business income of the taxpayer for the taxable year, or

“(ii) taxable income (determined without regard to this section) for the taxable year.”.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

“(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

“(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term ‘eligible small business’ means, with respect to any taxable year—

“(A) a corporation the stock of which is not publicly traded, or

“(B) a partnership,

which meets the gross receipts test of section 448(c) (determined by substituting ‘\$50,000,000’ for ‘\$5,000,000’ each place it appears in such section) for the taxable year (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation).

“(2) ELIGIBLE SMALL BUSINESS INCOME.—

“(A) IN GENERAL.—For purposes of this section, the term ‘eligible small business income’ means the excess of—

“(i) the income of the eligible small business which—

“(I) is attributable to the actual conduct of a trade or business,

“(II) is income from sources within the United States (within the meaning of section 861), and

“(III) is not passive income (as defined in section 904(d)(2)(B)), over

“(ii) the sum of—

“(I) the cost of goods sold that are allocable to such income, and

“(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

“(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

“(i) Any income which is attributable to any property described in section 1400N(p)(3).

“(ii) Any income which is attributable to the ownership or management of any professional sports team.

“(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

“(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

“(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

“(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.”.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. —05. NONAPPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT.**

(a) TAX-FAVORED BONDS.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is hereby repealed.

(b) STIMULUS PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subchapter IV of chapter 31 of title 40, United States Code, shall not apply to any project funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the American Recovery and Reinvestment Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1606 of division A of the American Recovery and Reinvestment Act of 2009 is hereby repealed.

(3) EFFECTIVE DATE.—This subsection shall apply to contracts entered into after the date of the enactment of this Act.

**Subtitle B—Transfer of Stimulus Funds**

**SEC. —11. TRANSFER OF STIMULUS FUNDS.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues resulting from the enactment of this title.

Mr. BAUCUS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 3358, that it be pending, and then set it aside.

Mr. BAUCUS. Mr. President, reserving the right to object, first, will the Senator tell me the content of the amendment?

Mr. COBURN. I am sorry?

Mr. BAUCUS. Reserving the right to object, tell me the content.

Mr. COBURN. This is an amendment that discusses the amount that the Secretary of the Senate will put up on our Web site, the amount of new programs; that we publish the total amount of spending, discretionary and mandatory, passed by the Senate that has not been paid for.

Mr. BAUCUS. I appreciate that. This is something that I do not like doing. I am constrained to object, however, because we have had requests from other Senators who wish to bring up their amendments, and, frankly, we have asked them to defer temporarily so we can set up a reasonable order back and forth of Senators.

Regrettably, I do not like objecting, but I do feel constrained to object to the Senator's request.

The ACTING PRESIDENT pro tempore. Objection is heard.

AMENDMENT NO. 3358 TO AMENDMENT NO. 3336

Mr. COBURN. I ask again unanimous consent to call up amendment No. 3358, and immediately after it is called up it be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3358 to amendment No. 3336.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Senate to be transparent with taxpayers about spending)

At the appropriate place, insert the following:

**SEC. . SENATE SPENDING DISCLOSURE.**

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

Mr. COBURN. I thank my colleague from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

**AMENDMENT NO. 3342 TO AMENDMENT NO. 3336**

(Purpose: To amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes)

Mr. BAUCUS. I ask unanimous consent to set aside the pending amendment and call up amendment No. 3342 offered by Senators WEBB and BOXER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. WEBB and Mrs. BOXER, proposes an amendment numbered 3342 to amendment No. 3336.

Mr. BAUCUS. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in the RECORD dated March 1, 2010, under "Text of Amendments.")

**AMENDMENT NO. 3338**

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 3338, as further modified, offered by the Senator from South Dakota, Mr. THUNE.

Who yields time? If no one yields time, time will be charged equally.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the first two votes will be on the Thune amendment and the Grassley amendment. The Thune amendment has its heart in the right place. It is trying to help small businesses and provide jobs. But, frankly, it has two very significant problems. Therefore, I urge it not be adopted.

First, it makes permanent many provisions of the tax law that actually should be considered in tax reform. This is not the place to be writing tax reform. Our code is riddled with inconsistencies. Many of the provisions in the code fit together. Some don't. There are loopholes. There is a lot of overhaul needed, if we are going to have significant tax reform. We should address those issues at the right time and the right place but not here. It does not make sense to make certain provisions in the Tax Code permanent.

The second flaw is, to pay for his provisions, Senator THUNE uses excess stimulus funds, funds out of the Recovery Act. The CBO says the Recovery Act is working well.

Last month CBO issued its report on the effects of the Recovery Act in the fourth quarter. In that report, CBO said:

CBO estimates that in the fourth quarter of calendar year 2009, the [Recovery Act] added between 1 million and 12.1 million to the number of workers employed in the United States, and it increased the number of full-time-equivalent jobs by between 1.4 million and 3 million.

They say the Recovery Act created or saved between 1 and 3 million jobs. That is why we need to defeat efforts such as those of the amendment offered by the Senator from South Dakota. The Recovery Act is working. Most economists say it is working. If it is working, we should let it continue working. We should not take away dollars from it.

I urge the Thune amendment not be adopted.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time in favor of the amendment?

Mr. BAUCUS. I don't see Senator THUNE. It may be a bit presumptuous, but I ask unanimous consent that the time be yielded back, although it is not my place to make that request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Mr. President, I understand he is on his way.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I was going to inquire of the chairman if he had locked in a speaker after the vote.

Mr. BAUCUS. No, it has not been locked in, but I will do so right now. I ask unanimous consent that the Senator from North Dakota, Senator DORGAN, be recognized to speak immediately after the next series of votes and that the Senator from New Hampshire, Mr. GREGG, be recognized to speak thereafter.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

All time has expired.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Thune amendment violates section 311 of the Congressional Budget Act.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I move to waive the applicable section of the Budget Act with respect to the amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 61, as follows:

[Rollcall Vote No. 33 Leg.]

**YEAS—38**

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bennett	DeMint	McConnell
Bond	Ensign	Nelson (NE)
Brown (MA)	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Kyl	Wicker
Corker	LeMieux	

**NAYS—61**

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johanns	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

**NOT VOTING—1**

Hutchison

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and

sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment fails.

AMENDMENT NO. 3352

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate prior to a vote in relation to amendment No. 3352 offered by the Senator from Iowa, Mr. GRASSLEY. The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose the Grassley amendment for two reasons. I oppose it reluctantly. Senator GRASSLEY is a very decent man. His heart is almost always in the right place. It is in the right place here, but I oppose this amendment.

First, the amendment seeks to extend a stopgap measure for the payments of doctors under Medicare, but we should not prolong stopgap measures. We should pass a short-term stopgap, and then we should make meaningful payment reform for the payment of doctors under Medicare. That is what doctors want. That is what would be very much in the best interests of seniors, and that is the responsible way to govern.

Second, the Grassley amendment takes its offsets away from the underlying health care bill; that is, the bill we are trying to pass in this next several weeks. Thus, it would undercut health care reform. We need the savings we included in the health care bill, especially the health reform bill. We should not be robbing the health care bill of its offsets. For those reasons, I oppose the Grassley amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, I ask unanimous consent to add Senators BOND and BENNETT as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, my amendment extends critically needed Medicare provisions for all of 2010, not just part of it. It replaces the provisions that are not fully offset with fully offset provisions, and it adds an additional 3 months for the physician update through the end of 2010. This amendment draws additional funds from the Medicare improvement fund to ensure these provisions are fully offset.

My friend from Montana said that is not the place to take the money from, but his substitute amendment takes money from the very same fund. I take a little bit more, yes, but I don't think a few billion in funding needed here will make much of a difference when it comes to the \$2.5 trillion cost of health care reform, as was suggested earlier. So I don't see that as a valid argument for not paying for these Medicare provisions.

Going back to the situation at hand, the 30-day extension that passed last night only prevents payment cuts until

the end of March. Physicians and Medicare beneficiaries need to have certainty and be ensured access to care. This is the fiscally responsible way to pay for these important Medicare provisions.

We need to pass this very essential amendment now, so I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time do I have remaining?

The PRESIDING OFFICER. There is 57 seconds remaining.

Mr. BAUCUS. Mr. President, this is very simple: \$10 billion is \$10 billion. This amendment takes \$10 billion away from health care reform. We must pass health care reform this year, and we need the dollars we can get. Ten billion dollars is a lot. Right now, as we are trying to put this bill together, we are very close to making sure this budget is deficit neutral. In fact, we would like it to be better than deficit neutral. This \$10 billion counts. We should not rob health care reform in order to pay for an extension of the doc fix that is not needed at this time. We will take care of the doc fix after we take care of health care reform.

Mr. GRASSLEY. Mr. President, do I have some time?

The PRESIDING OFFICER. The Senator from Iowa has 26 seconds remaining.

Mr. GRASSLEY. Good. I am glad I have 26 seconds. His amendment takes \$8 billion away from the Medicare improvement fund, mine takes \$10 billion away.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, for all those reasons, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—54

Akaka	Carper	Harkin
Baucus	Casey	Inouye
Bayh	Conrad	Johnson
Begich	Dodd	Kaufman
Bennet	Dorgan	Kerry
Boxer	Durbin	Klobuchar
Brown (OH)	Feingold	Kohl
Burr	Feinstein	Landrieu
Byrd	Franken	Lautenberg
Cantwell	Gillibrand	Leahy
Cardin	Hagan	Levin

Lieberman	Reed	Stabenow
McCaskill	Reid	Tester
Menendez	Rockefeller	Udall (CO)
Merkley	Sanders	Udall (NM)
Mikulski	Schumer	Warner
Murray	Shaheen	Whitehouse
Pryor	Specter	Wyden

NAYS—45

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bingaman	Enzi	Nelson (NE)
Bond	Graham	Nelson (FL)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NOT VOTING—1

Hutchison

The motion was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is that following my presentation, Senator GREGG is going to be recognized, or a Republican speaker. I ask unanimous consent that following the Republican speaker, Senator STABENOW be recognized on our side. I do that with the consent of the chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COBELL LAWSUIT

Mr. DORGAN. Mr. President, I wish to discuss two amendments, one of which I have filed and one of which I will file shortly. Before I do that, I have spoken with Senator INOUE, Senator FEINSTEIN, and some others about something that is very important. It is the settlement of the Cobell lawsuit. The Cobell lawsuit has been in the Federal courts for 13 years. After a long period of negotiation between the Secretary of the Interior, other parts of our Federal Government, and the plaintiffs in lawsuit, there is finally an agreement that has been reached. The agreement would provide \$3.4 billion to settle outstanding claims and address issues going back well over 100 years in which the Federal Government was supposed to be taking care of the trust accounts of American Indians. Some of those trust accounts were fleeced, stolen, and mismanaged.

This lawsuit has been going on for a long period. The agreement settles the claims of American Indians who lost their money, lost their assets, and lost their income. Many American Indians have died during the process of this lawsuit.

Now that a settlement has been reached, there is an April 16 deadline.

The parties to the settlement agreement set an end date by which the Congress must act, or the parties may return to litigation. My hope is that the Congress will be able to meet that deadline. We really do need to put this issue behind us. It is a sorry chapter in this country's history. For over a century we have mismanaged the property, income, and royalties of American Indians. All of this resulted in the filing of a lawsuit.

I commend the Secretary of the Interior, Secretary Salazar, who has worked so hard to reach this agreement.

Having said that, let me describe two amendments I wish to offer to this legislation. One is an amendment I have offered on a number of occasions over the years. It is important to offer it again this year and get it done.

President Obama mentioned during his State of the Union Address that he wanted this legislation passed by the Congress. It is painfully simple. My amendment says when an American business shuts down its manufacturing plant in this country, locks the doors, fires the workers, and then moves the jobs overseas someplace for the purpose of selling the product they produce overseas back into our country, they should not get a tax break. Yet, under today's Tax Code, they, in fact, are rewarded with a tax break.

This amendment would end that ill-advised tax break and say: You are not going to be rewarded anymore in our Tax Code by shipping jobs overseas and then selling the product back into our marketplace. This should have been corrected long ago. It should be corrected now.

The amendment I filed is amendment No. 3375. My hope is we will be able to debate and vote on this amendment.

I described the other day this issue we have of trying to find new jobs and seeing how we can incentivize the creation of new jobs in our country. About 17 million people woke up this morning in this country without work, without a job, and wanting a job and are going to spend today looking for work and not be able to find it. We are trying to find ways to incentivize the creation of jobs. That bill is the faucet, trying to put more jobs in this economy.

What about the drain? What about all these jobs leaking out of this economy to China and elsewhere? Let me describe some of them, if I might. These are well known. I have told other stories on the floor many times.

Levis, the product of America. America invented Levis. People wear Levis all around the world, except Levis are made virtually everywhere in the world except the United States. They are all gone. We do not make one pair of Levis in the United States. Fruit of the Loom underwear; gone to Mexico; gone to Asia. Samsonite went to Mexico, then to China. Maytag now makes

their appliances in Mexico and Korea. Hershey's chocolate. You know, Hershey's chocolate advertises York Peppermint Patties and they say: The cool, refreshing taste of mint dipped in dark chocolate will take you miles away. Well, apparently so many miles it ends up in Mexico—Mexico.

I have mentioned often the cookies made by the Nabisco Company—Fig Newtons. If somebody says to you: How about going to have a Mexican dinner, just buy a package of Fig Newtons. They left New Jersey and went to Mexico. I don't know if it is cheaper to shovel fig paste in Mexico than it is in New Jersey, but it is made by a company called Nabisco. You know what that stands for? The National Biscuit Company. Except the national biscuit, in this case, is made in Mexico.

Well, the list goes on and on and on. Hallmark Cards. Hallmark Cards was here for a century—a privately held Kansas City, MO, company, founded by a high school dropout who started the company in 1910 with a shoebox full of postcards. He made a living by selling them while working out of a YMCA in Kansas City, and it became an unbelievably successful greeting card company. All of us know that. Under its current management, despite annual revenues, I understand, of over \$4 billion, they started to move jobs from Kansas City to three plants in China. You know, the company who cares enough to send you the very best? In this case, it sends you the very best from China.

My point is that I understand there are a whole lot of companies going to search for people who work for 50 cents an hour and whom they can work 7 days a week, 12 to 14 hours a day, and that is better for their bottom line. It enhances their profit when they can do that. But when they leave America, deciding they are going to produce Etch A Sketch in Shenzhen, China, and then ship it back to a Walmart here in the United States to sell—when that happens, and that town in Ohio that was known for producing Etch A Sketch, the little toy that all of us have used as a child—we ought not be saying good for you, we will give you a tax break.

When the Radio Flyer little red wagon—the wagon we have all ridden in, started by a guy in Chicago, and for 110 years they made Radio Flyer little red wagons in the United States—when they moved the production of little red wagons to China, we shouldn't give a tax break for those that are sold back into this country—a company that moves their jobs elsewhere in order to produce and then sell back into our country. We ought to say: You know what, you are not going to get a tax break for that.

Let me give an example of two companies, and two companies that make bicycles; all right? They are made in

factories that are on the same street corner but on different sides of the street. One is called Huffy Bicycles. Most people have known the Huffy Bicycles and ridden them in their youth. The other is ABC Bicycle, hypothetically. Huffy Bicycles decides they are paying \$11 an hour to their American workers, plus benefits, and they think that is way too much to pay an American worker so they leave America and go to China. And by the way, that is true. They did. The other company stays here and says: No, we are going to keep our American workers and keep our American plant open and keep these jobs in America. What is the difference between the two? When they are competing at Sears or Walmart or Kmart in this country, what is the difference between the two bicycles? Well, one was rewarded with a tax break because their production was sent overseas, and the other has a competitive disadvantage because it was made here by American workers. And that ought not stand.

This President asked during his State of the Union Address for us to plug this hole. It raises money, reduces the Federal budget deficit and finally says to American workers: We are on your side. We are not going to give a tax break to companies that ship their jobs overseas and sell their products back in America.

It is a very simple amendment. I don't know anyone who would wish to vote against this amendment. Yet, interestingly enough, I have offered it for many years and have not been successful for a number of reasons. Occasionally, we have had a vote, but most often it gets thrown off in a parliamentary procedure of some type. But this is a bill that is open to amendment on revenue issues, and my hope is that at last—at long, long last—at a time when so many millions of Americans wish they had a job and don't, at a time when we still have so many companies moving their jobs away from our country to other countries only to sell back into our country that which they made in China or elsewhere, my hope is that finally we will say we won't allow this to happen any more with a reward in our Tax Code for those that do it.

I was on an airplane a while back, and I sat next to a guy who was wearing casual clothes—sweat pants and so on—and we said hello to each other. I said: Where are you headed? He said: Asia. That is why I am dressed this way; I have 25 more hours of flying. I said: What are you going to do when you reach Asia? He said: Well, I am going to Thailand, Singapore, and I am going to China. He said: What we are trying to do with my company is we are trying to move our jobs from the United States to Asian locations and save some money in the production of these products we make. So I am going out now to Thailand and Singapore and



China to scout out locations for our new manufacturing plants in Asia because we are going to move our jobs.

I was sitting next to this guy thinking: You know, there will be hundreds and hundreds of American workers who, that morning, instead of getting on an airplane as he and I did, are going to a manufacturing plant somewhere to make a product for his company, but they don't know yet that he is on an airplane to try to find a way how to move their jobs to Singapore or to China or to Thailand. And isn't that a shame?

Some will listen to this and say: Well, that is just protectionism. Listen, closing a tax break that rewards people from moving jobs overseas isn't protectionism. Keeping that tax break open is, in my judgment, ignorance. Standing up for fair play and standing up for American jobs is not protectionism, it is doing everything we ought to do to be supportive of the kind of economy we want and the kind of good jobs we want in this country's future.

That is one amendment. The second amendment deals with an issue that most people, I am sure, can hardly believe their ears when they hear about it. This is an issue I have spoken about previously, and some of this issue has been resolved but not all of it. As is usually the case when something abusive is happening, it gets shut down in part but not in total, because you say: Okay, let's stop it as of this date.

I am talking about something called SILOs and LILOs especially SILOs, or sale-in/lease out transactions. Most people don't know what that means—sale in, lease out. It doesn't mean they aren't smart. It is a title in the Tax Code that describes an activity that was created by some people who wanted to avoid paying U.S. taxes. They want everything America has to offer, they just don't want to pay taxes to their country.

Let me describe what has been happening in the last couple of decades, and this is almost a perfect description of the perversion in our economy and the greed in our economy by some—not all, but by some—who steered this place into the ditch. Here it is: A cross-border lease of Dortmund, Germany's streetcars—a company called First Union Bank, which is now something else because it has been bought two additional times. So First Union Bank in America wants to lease streetcars in Germany. Why would it want to lease streetcars in Germany? Because it wants to run German streetcars? No, because from a German city it can lease the city's streetcars and take those assets in a lease-in/leaseback transaction and get tax breaks so it can avoid paying U.S. taxes.

Transactions involving streetcars is one thing, but here is a tunnel that one of our American companies bought—a

tunnel in Antwerp, Belgium. Think of that, an American company deciding to buy a tunnel in Antwerp, Belgium. Why? Because they like tunnels, know something about tunnels? They don't have the foggiest idea about Belgian tunnels. It is a sale leaseback transaction used to avoid paying U.S. taxes.

But here is one that really struck my interest. Wachovia Bank which, by the way, has now been purchased by someone else. They ended up with a belly full of bad assets. And we ought to ask the question how did that happen? How did it happen that a massive amount of toxic bad assets landed in the belly of this bank—Wachovia Bank? But Wachovia Bank bought a sewer system in Bochum, Germany. Why would Wachovia Bank want to own a sewer in Germany? Because they have people on the board of directors who are experts in German sewers? I don't think so. Do we think maybe they have hired a new class of MBAs who are specialists in sewer valuations in Germany? I don't think so. An American bank wants to buy a German sewer system for the fact that it is a sale and leaseback. The German sewer system is sold to an American bank. Does this bank ever go over and seize possession of a sewer pipe? They never even see a sewer pipe. All they want is a paper transaction so they can depreciate the property to avoid paying U.S. taxes. And in this case it is reported on Frontline that Wachovia Bank saved \$175 million by this scam of buying a German city's sewer system. Unbelievable.

By the way, this has been going on for some while before we were able to shut most of it down. I would also say that I often speak of the fact that there are some companies that are now stepping forward to the IRS—I believe about 45 companies have now stepped forward—and said they are willing to pay for the benefits they received, even prior to the time this was shut down. But there are some transactions that were allowed to continue, and we have American companies that continue to get the benefit of those transactions. My position is simple: This is abusive, it is unmitigated greed, and it should have been shut down—all of it shut down. The Internal Revenue Service, by the way, is still going back even beyond that date which was in the Federal law and challenging these in court. In fact, there are a couple of very large companies at this point that are still disputing this and saying these are perfectly reasonable transactions. Shame on them. This doesn't meet a third grade laugh test—an American company picking up a German sewer system.

In fact, one American company bought a city hall from a German town, and the auditor in that town said: Well, we don't understand it, but if that is what the Americans want to do with their money, God bless them.

It wasn't their money. What they were doing was sucking money out of the coffers of this government, because in many cases they are companies that are trying to find every way possible to avoid their Federal tax obligations. Yes, they want all the benefits America has to offer, except they don't want the obligation of paying their full measure of taxes, as most people do.

Most people who go to work in the mornings work an honest day, they come home, and at the end of the year, when it is time, they file their tax return. They have had their withholdings and they pay their taxes to our country, to our government. But there are a whole lot of interests that are much bigger that find ways to send people around the world not only to move their jobs to where they can find 50-cent-an-hour labor, but perhaps while they are there, they might pick up a sewer system to boot so they can avoid paying U.S. taxes. That way they can move your job overseas and avoid paying taxes at the same time, because you get a tax break for shutting your American plant down and moving your American jobs overseas, which I hope to shut down with my first amendment; and then you get a tax break by buying a German sewer system and depreciating it and getting a tax break under the Tax Code.

Both of these amendments deserve to be passed. Both would raise money for the Federal Government, both would reduce the Federal deficit and both have substantial merit. Will I get a vote on these? I hope so. One is now filed and the other will be filed in a short period of time. I hope very much that I will be able to get the opportunity to have a vote here in the Senate and close these tax breaks.

Let me say that there are a whole lot of businesses in this country that are working very hard to make it. Many American businesses have had to steer through very difficult times. This is the deepest recession since the Great Depression, and there are a lot of businesses, large, medium, and small, that are struggling every day to try to navigate through this deep economic abyss. Boy, I give them great credit. Many of these owners have risked their entire life savings to run their business. They get up in the morning and put the key in the door and open their businesses.

So, look, what I want to have happen is for us to recognize good businesses in this country that do the right thing every day—that hire American workers, produce products and strengthen this country's economy. My point is those businesses are at a significant disadvantage if we continue to say to the business across the street: Move to China and produce these products in China and, by the way, we will give you a tax break for doing it. And we say to those who stay here: You know what, you shouldn't have stayed here, because you would have gotten a tax



break if you had left. That is exactly the wrong message. What we should do for those who stay is to reward them. They are the heroes. They make up the economy, the foundation, the strength of what America is, instead of rewarding those who do exactly the wrong thing for this country.

These are my two amendments that I would like to offer.

Let me just, finally, say this. I know I get upset sometimes when I talk about the abusive pieces of this tax policy and the abuse, I think, of trade policy that has resulted in the loss of more than 5 million manufacturing jobs. By the way, the loss of 1.5 million manufacturing jobs in the last 12 to 15 months—think of that. Think of 1.5 million households in which someone wakes up and says: I am jobless. I don't have a job anymore. I used to make furniture but that furniture manufacturer is gone. I used to make tool and die machines—gone. You name it.

I told the story the other day on the floor of the Senate about Pennsylvania House furniture, which is such a great example of what is happening in this country. Governor Wendell did everything he could to keep this great furniture company in Pennsylvania. They use Pennsylvania wood, so Pennsylvania House furniture was known as an upscale furniture manufacturer that used special wood from Pennsylvania. Then they were purchased by La-Z-Boy. By the way, La-Z-Boy is also leaving, but that is a different story.

They were purchased by La-Z-Boy, and La-Z-Boy decided they were moving Pennsylvania House furniture to China and just going to ship the Pennsylvania wood to China and put together the furniture and ship the furniture back. Governor Wendell did everything he could to prevent that from happening, but it happened.

The last day of work at the factory where they had spent a century, the craftsmen who put that furniture together got together, and the last piece of Pennsylvania House furniture that came off the manufacturing line every employee in that company gathered around, they tipped it upside-down, and every one of them signed the bottom. Somebody in this country, perhaps, has a piece of furniture they don't quite understand. It has the signature of every last craftsman to work in that manufacturing plant in this country.

That pride of production and contribution to this country is by workers who just want a job, who want a country that does not move its manufacturing jobs elsewhere but values its manufacturing jobs in this country.

In 2008, La-Z-Boy said in the next 2 years it would move 1,050 employees in Dayton, OH, to the plant in the Mexican State of Coahuila. They previously moved other jobs to China, but they did say this:

We regret the impact the moves will have on the families and lives of those employed

affected, and greatly appreciate the contribution each of them made with their dedicated services.

So 1,050 people discovered their jobs were gone. But the same company, then, is the one who moved the Pennsylvania House furniture long before that.

We have a lot to fix in this country, but we will. I am convinced our country's better days are ahead if we make the right judgments. If we pass both of these amendments I have offered, it will make a contribution significantly toward things that matter a lot in American families: good jobs that pay well that give them some confidence in the future.

I suspect I can't ask unanimous consent to pass both pieces, both amendments at the moment, so I will negotiate with the chairman of the committee to see if we can't get votes on both in the days to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3382 TO AMENDMENT NO. 3336

Ms. STABENOW. I realize Senator GREGG is up to speak. I do not see him on the floor. I will be only a few minutes, and then I will ask unanimous consent he be recognized after me when he comes to the floor.

Mr. President, in a few moments I am pleased I am going to be offering an amendment that is strongly supported by Members on both sides of the aisle to focus on jobs and investments in equipment for companies that are currently not making a profit—which, unfortunately, is too many across the country right now. We want to make sure they have an opportunity to have the capital they need to be able to grow as well.

I thank Senator HATCH and Senator SCHUMER, Senator CRAPO, Senator SNOWE, and Senator RISCH for working with me on an amendment that would provide companies with an immediate source of capital to make increased investments in our country and spur job creation.

Since the start of the recession in December of 2007, the Nation has lost more than 8 million jobs, as we know. It is an economic tsunami, what has happened to families in this country. The national unemployment rate skyrocketed from 5 percent to 10 percent as companies are forced to cut costs and to lay off workers to remain viable just to keep the ship afloat.

Our State, of course, the great State of Michigan, is much worse since we are at about a 14.6-percent unemploy-

ment rate right now, and we certainly are feeling the brunt of what has been happening. These companies also continue to face significant challenges in raising much-needed capital for new investments to be able to keep people working.

This amendment would allow struggling companies of all kinds that do not benefit from other similarly designed incentives—such as bonus depreciation or expanding the NOL carryback period, and other things—to utilize their existing AMT credits based on new investments they make in 2010. So if they make investments, we would allow them to use credits they cannot use right now because those credits can only be used against a profit, and they don't have a profit.

In addition to encouraging companies to increase investments to maintain and expand jobs, the amendment also makes available a badly needed source of capital. We have all been talking about access to capital. This is an important way we can make this available at no real cost to the Federal Government. I think that is what is important about this amendment. AMT credits are actually prepayments of tax which the taxpayer can offset with future tax liability, dollar for dollar. So these are prepayments.

Normally, if they were making a profit they would be able to offset their taxes and maintain additional revenue and capital, but they are not in a position to do that right now. So at some point we, in fact, would be giving them credit, and they would be able to use these credits and be able to keep capital. But they cannot right now. So in a sense we are just moving up the day by which they can access the capital that is available with AMT credits. Since the credits never expire, the proposal merely accelerates when the credits are used.

This amendment would allow companies to be able to cash in their built-up tax credit so they can build factories, buy equipment, and create jobs. Specifically, it will allow companies to utilize their existing AMT credits up to 10 percent of a new investment that they make in a manufacturing facility and in equipment purchased this year, in 2010. No company would be able to claim more than 50 percent of the value of the credit.

To accelerate the economic impact of allowing companies to be able to access this capital and use the credits, the proposal would allow for an expedited refund process similar to current law rules for net operating losses.

A company that elects the 5-year, net-operating year-loss carryback enacted earlier, which I supported strongly, would not be eligible to claim the benefits of this proposal. So it would be only those who cannot access other proposals we put forward because of the critical nature of helping companies not making a profit, being able to

help them access capital. The amendment would be offset by improving tax compliance from individuals who receive rental income from properties.

The provision, originally proposed in the President's fiscal year 2009–2010 budgets, would require people who received rental income on real estate to be subject to the same information reporting requirements as taxpayers who receive income from a trade or business.

This proposal would benefit a broad range of companies, including airlines, manufacturers, energy companies, high-tech companies—across the board, companies large and small that currently find themselves in a position where they are not making a profit but have built up these prepaid credits.

We have support from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Association of Manufacturing Technology, Association of Equipment Manufacturers, and Motor and Equipment Manufacturers Association. Some of the many U.S. employers who support the proposal are American Airlines, Applied Micro Devices, Arch Coal, Associated Builders and Contractors, Bosch, Cliffs Natural Resources, CMS Energy, Consul Energy, Delta Airlines, Daimler, General Motors, Goodyear, Micron, National Mining Association, Owens Illinois, Peabody Energy, Qwest, T-mobile, and Xerox.

These are all major companies employing thousands, tens or hundreds of thousands of people who are needing access to capital. They have prepaid these credits. They need access to capital now so they can maintain their workforce and, hopefully, expand it and invest in the equipment that will allow them to grow.

This amendment, again, is one that has broad bipartisan support. It will allow us to essentially move forward the ability for companies to use these AMT credits that they have already paid into, the dollars they have already paid. This is something that will allow companies to get the equipment, the tools that are necessary; so as they are using that jobs credit we passed and hiring people or continuing to be able to grow and invest in the business and keep the employees they have, that they will be able to get some assistance within the legislation we are passing.

Again, let me just indicate that I very much appreciate colleagues who have joined me. Senator HATCH, Senator SCHUMER, Senator CRAPO, Senator SNOWE, Senator RISCH, and we have others, I know, who are very interested in joining us as well.

I believe at this point I have not heard for sure if we are in a position to actually call up the amendment at this point.

At the moment, if we are in a position to call up the amendment? I am looking to staff to determine whether

we are in a position to do that at this point? We are? All right.

Then, Mr. President, I ask unanimous consent the pending amendment be set aside, and I will call up amendment No. 3382.

Mr. BAUCUS. Mr. President, I don't know that we are in that position yet at this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3382.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. HATCH, and Mr. SCHUMER, proposes an amendment numbered 3382 to Amendment No. 3336.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments, and for other purposes)

At the end of title VI, add the following:

**SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.**

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

“(g) ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.—

“(1) IN GENERAL.—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

“(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means with respect to any taxable year beginning in 2010, the lesser of—

“(A) 50 percent of a corporation's minimum tax credit determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

“(5) ELECTION.—

“(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

“(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

“(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, any corporation's allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

“(7) NO DOUBLE BENEFIT.—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

“(9) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.”

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

“(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.**

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

“(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2010.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3335, AS MODIFIED

Ms. LANDRIEU. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 3335 for the purposes of modification only.

I have already spoken about the amendment at length. I have already submitted a lot of documents to the RECORD about the importance of this amendment. But to recap, the amendment I am offering on behalf of myself and Senators VITTER, COCHRAN, and WICKER is an amendment that will help the recovery effort of the gulf coast, particularly as it relates to Louisiana, Mississippi, and Alabama.

If we do not get this amendment on this bill or the next bill—I prefer it on this bill—we will literally shut down 7,000 units that are under construction today of low-income and moderate housing along the gulf coast, from Mobile to Waveland to Gulfport to New Orleans, all the way over to Cameron Parish, the entire gulf coast. Many people witnessed the terrible catastrophe that happened in our State just 4½ years ago, and we will be marking the fifth anniversary of Katrina. The wounds seem a little bit fresh watching the scenes from Haiti and Chile. The situation in Haiti is much more disastrous in many ways than what happened in the gulf coast, but we most certainly went through our own horrors. Five years seems like a long time, but when you are digging out of rubble such as we see happening right now and when the flood waters don't recede, in some places for 3 months, and people can't return to their neighborhoods for 9 months, you can understand why it has taken us a little time to rebuild some of this housing. It has taken longer than we ever imagined.

In addition, despite the fact that we have worked as hard and as fast as we can, in the middle of rebuilding some of these multifamily units—we are trying to build them better, smarter, and more energy efficient, in a much better way than they were before for both public housing and low-income housing—the market collapsed, which is not the fault of the people of Louisiana. We don't work on Wall Street. We don't

live on Wall Street. We are just busy trying to build our communities back. Wall Street collapses.

As a result, tax credits, which the Congress was so generous to give us some years ago to do this work, if we don't get this extension of a placed-in-service date, the developers—which includes the Catholic Church, nonprofit developers, not just for-profit developers—will lose their opportunity to sell these credits in the marketplace for the financing necessary to finish construction. That is sort of the long and short of it.

I am not here asking for additional credits. We are grateful, those of us from the Gulf Coast States, for what the Congress has already given us. But if this amendment, a 2-year extension, is not attached to this bill, 7,000 units currently under construction and we estimate about 13,000 jobs along the gulf coast will be lost.

So since this is a jobs bill, I thought it would be a good place to put this amendment because it will save 13,000 jobs, building great apartments for rent and purchase that our people need in the gulf coast. That is what the amendment does.

I ask unanimous consent for the amendment to be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in GO Zones, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

#### SEC. \_\_\_\_ . EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

#### SEC. \_\_\_\_ . INCREASE IN INFORMATION RETURN PENALTIES.

(a) **FAILURE TO FILE CORRECT INFORMATION RETURNS.**—

(1) **IN GENERAL.**—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) **REDUCTION WHERE CORRECTION WITHIN 30 DAYS.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) **REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) **AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.**—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”;

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”; and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) **PENALTY IN CASE OF INTENTIONAL DISREGARD.**—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) **ADJUSTMENT FOR INFLATION.**—Section 6721 is amended by adding at the end the following new subsection:

“(f) **ADJUSTMENT FOR INFLATION.**—

“(1) **IN GENERAL.**—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) **ROUNDING.**—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

Ms. LANDRIEU. At the appropriate time, I will call up the amendment for a vote and further debate. I wished to make sure we have the modification in. I have now suggested a pay-for for it. I again thank Members for being helpful to us. We thought actually these units would be finished by now. Of course, the people trying to move into them want them to be finished. But between us trying to get ourselves organized after the catastrophe and then with the market collapsing, we need additional time. That is all this amendment does.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3368 TO AMENDMENT NO. 3336

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 3368.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3368 to amendment No. 3336.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks)

At the appropriate place, insert the following:

**TITLE —RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT**

**SEC. 01. DEFINITION.**

In this title, the term "earmark" means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

**SEC. 02. RESCISSION.**

Any appropriated earmark provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year.

**SEC. 03. AGENCY WIDE IDENTIFICATION AND REPORTS.**

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, the year when the funding expires, if applicable, and recommendations and justifications for whether each earmark should be rescinded or retained in the next fiscal year;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator COBURN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I have offered an amendment to take a small step toward addressing the growing problem of the Federal deficits. The underlying bill we are considering would extend many vitally important programs, including various tax provisions, unemployment benefits, COBRA health benefits, and other provisions to help the millions of Americans who have lost jobs or who are struggling in this economy to get back on their feet again. While I support these provisions, I am disappointed the bill is not fully paid for. My amendment will not cover the whole cost of the bill, but it will make a small dent as we try to get our

financial house in order and make the tough choices to avoid hamstringing future generations with this debt.

There is no single or easy solution to the massive deficits we face, but one thing we should be doing is taking a hard look at the Federal budget for wasteful or unnecessary spending. Hard-working American families have to make these kinds of decisions every week to make ends meet, whether it is skipping a trip to the movies or clipping coupons or paying attention to the sale ads. But in the end, by cobbling together a series of small actions, they try to get their budget back in line. I think we in Congress should be doing the same thing.

My proposal to rescind old, unwanted transportation earmarks would bring down our deficit by a modest sum by Washington, DC, standards—around \$600 million and perhaps a few billion dollars over time. But this is real money back in Wisconsin and one step on a path that is going to have to include many additional cuts.

I have put together a number of proposals for where we should begin tightening our belt, including the one for this amendment in a piece of legislation I introduced last fall called the Control Spending Now Act. The combined bill would cut the Federal deficit by about \$½ trillion over 10 years.

This amendment that is before us now would build off a proposal put forward in President George W. Bush's fiscal year 2009 budget proposal to rescind \$226 million in highway earmarks that were over a decade old and still had less than 10 percent of the funding utilized. Transportation Weekly did an analysis of these earmarks at the time. They found that over 60 percent of the funding—\$389 million—was in 152 earmarks that had no funding spent or obligated from them. These clearly are either unwanted or a low priority for the designated recipients. This is nothing against transportation funding either. I fully realize the need for investment in our crumbling infrastructure and its potential for job creation in hard-hit segments such as construction, but having hundreds of millions of dollars sit untouched in an account at the Department of Transportation does nothing to address our infrastructure needs and it does nothing to put people back to work.

So what I have done is build on President Bush's concept a little. My amendment expands this rescission to all transportation earmarks that are over 10 years old with unobligated balances of more than 90 percent. At a hearing recently before the Budget Committee, I asked Transportation Secretary Ray LaHood about these unwanted and unspent earmarks and whether he supported my proposal to rescind them. Secretary LaHood responded:

The answer is, yes, we are supportive of your proposal, and we have identified significant millions of dollars' worth of earmarks.

It is unclear exactly how many hundreds of millions or even billions of dollars could be saved by this proposal being expanded to other transportation earmarks in addition to the previous estimate of \$626 million that would be rescinded from unwanted highway earmarks in the first year. This proposal would also be permanent so there would likely be additional savings as the unwanted earmarks in the most recent highway bill reach their 10-year anniversary.

I think this is a very modest proposal, going after just the lowest of the low-hanging fruit, and I would support going even further to make it cover all Federal agencies. But with the uncertainty about how many of these unwanted and unspent earmarks there might be across the whole Federal Government, my amendment simply requires an annual report by the OMB to collect information from each agency and include recommendations on whether these other unobligated earmarks should also be rescinded.

So as my colleagues can see, there is bipartisan support from the last two administrations for this proposal, and there is bipartisan support in this Senate for this amendment. This shouldn't be a hard decision, and I hope to have more strong bipartisan support in the Senate. If we can't agree to take old earmarks that no one wants and use the money to pay down the deficit, then how are we ever going to get our fiscal house in order?

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3391 TO AMENDMENT NO. 3336

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so that I may call up my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. BROWN] proposes an amendment numbered 3391 to amendment No. 3336.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a 6-month employee payroll tax rate cut, and for other purposes)

At the end of title I, add the following:

**SEC. 103. EMPLOYEE PAYROLL TAX RATE CUT.**

(a) IN GENERAL.—For the 6-calendar-month period beginning after the date which is 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall reduce the rate of tax under section 3101(a) of the Internal Revenue Code of 1986 and 50 percent of the rate of tax under section 1401(a) of such Code by such percentage such that the resulting reduction in revenues to the Federal Old-Age and Survivors Insurance Trust Fund is equal to 90 percent of the amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5) (other than under title X of such division A) as of the date of the enactment of this Act.

(b) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(c) RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded 100 percent of the remaining unobligated amounts as of the date of the enactment of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

(d) EMERGENCY DESIGNATION.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, this section is designated as an emergency for purposes of pay-as-you-go principles.

Mr. BROWN of Massachusetts. Mr. President, I intend to come back tomorrow and explain the pending amendment and allow my colleagues an opportunity to review the amendment.

I yield the floor.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3389 TO AMENDMENT NO. 3336

Mr. BURR. Mr. President, I ask unanimous consent to set the pending

amendment aside and to call up amendment No. 3389.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3389 to amendment No. 3336.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide Federal reimbursement to State and local governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements)

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.**

(a) IN GENERAL.—The Secretary shall reimburse each State for 75 percent of the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) DETERMINATION AND TIMING OF REIMBURSEMENT.—

(1) PREDETERMINED AMOUNT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) 75 percent of the amount of State and local sales tax payable and collected in such State during the same period in 2009 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) RECONCILIATION AMOUNT.—Not later than July 1, 2010, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) 75 percent of the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than the first day of the sales tax holiday period of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sell-

ers with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than June 1, 2010, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than July 1, 2010, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2010 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) DETERMINATION OF REIMBURSEMENT OF LOCAL SALES TAXES.—For purposes of subsection (c)(4), a local government's share of the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) DEFINITIONS.—For purposes of this section—

(1) HOME RULE STATE.—The term "home rule State" means a State that does not control imposition and administration of local taxes.

(2) LOCAL.—The term "local" means a city, county, or other subordinate revenue or taxing authority within a State.

(3) SALES TAX.—The term "sales tax" means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois, but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) **SALES TAX HOLIDAY PERIOD.**—The term "sales tax holiday period" means the period—

(A) beginning on the first Friday which is 30 days after the date of the enactment of this Act, and

(B) ending on the date which is 10 days after the date described in subparagraph (A).

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury.

(6) **STATE.**—The term "State" means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) **USE TAX.**—The term "use tax" means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

**SEC. \_\_\_\_ . RESCISSION OF DISCRETIONARY AMOUNTS APPROPRIATED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

(a) **IN GENERAL.**—All discretionary amounts made available by the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; Public Law No: 111-5) that are unobligated on the date of the enactment of this Act are hereby rescinded.

(b) **ADMINISTRATION.**—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) administer the reduction specified in subsection (a); and

(2) submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to subsection (a).

Mr. BURR. Mr. President, I am going to set this amendment aside and talk on it later.

I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3390 TO AMENDMENT NO. 3336

(Purpose: To provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of cost-of-living adjustment for such year, to provide an offset using unobligated stimulus funds, and for other purposes)

Mr. BURR. Mr. President, I call up amendment No. 3390.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3390 to amendment No. 3336.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BURR. Mr. President, there is an amendment pending by Senator SANDERS to offer a \$250 stipend to seniors,

veterans, and those disabled to replace the lack of a cost-of-living increase, a COLA increase. As we are all aware, the formulas that drive the cost-of-living increase are predominantly affected by inflation. With the lack of inflation, seniors, veterans, and the disabled did not receive a cost-of-living increase for this year.

Senator SANDERS' amendment is very clear. He wants to provide a \$250 stipend. That has broad-based support within the Senate body, but I think it is responsible to say that to do this, we should pay for it. To do this, we should not print more money, borrow that money just to provide a \$250 check. I think most of our Nation's seniors, veterans, and disabled would agree with that statement.

To ignore the fact that we are not paying for it would be to say that we are going to pass this stipend on to our children and our grandchildren; that we are going to take the money we are going to borrow and the debt and the obligation for that debt and we are going to pass it generationally down. As a parent of a 25-year-old and a 24-year-old, I do not think they deserve it. At some point, I hope they are both going to have children, and I do not think their children deserve for me to shove this down. And I think most Members of the Senate probably agree that it is time we start paying for it.

How does this get back? Senator SANDERS makes this an emergency declaration to spend. We have a lot of priorities, and there is probably not a priority that does not deserve us to pay for it, to find somewhere where we have prioritized and decided, here is how we are going to pay for it, versus to continue to go out and borrow.

Let me remind my colleagues, we have the largest debt we have ever had. It continues to climb every day. Of every dollar we spend, we borrow 43 cents. Over the next 10 years, right now our country is obligated at \$5 trillion in interest payments. That is trillion with a "t." I am reminded that the most popular bumper sticker in Washington today is "Don't tell Congress what comes after a trillion." I am not sure we know yet. At the rate we are going, we are going to find out. Do you know who is going to be saddled with that debt? It is going to be our children and our grandchildren. Nobody wants to leave our seniors, our veterans, and the disabled without the means they need to live. But I think even the people who are the recipients of these checks would look at us and say: Pay for it; don't put it on my grandchildren or my great grandchildren.

My amendment No. 3390 is very simple. It says this: Pay for the \$250 stipend and use the unobligated stimulus money, the money we have already appropriated. We cannot borrow it twice; we can only borrow it once. Use the unobligated stimulus money, a little over

\$14 billion—I think it is about \$14.4 billion—to pay for the stipend. Let's do the COLA, but let's, in fact, make sure that COLA is paid for. The amendment is almost identical to Senator SANDERS' amendment which provides the emergency benefit; it just pays for it. I don't think there is anything unreasonable on that. The Congressional Budget Office estimates the cost of the Sanders amendment to be at 12.7 billion. I understand the Sanders amendment was modified, so that might be slightly higher. Millions of seniors and veterans are struggling on fixed incomes in this troubled economy. This amendment also provides them the ability to get through those tough times but it also gives them the comfort of looking at their grandchildren and their great-grandchildren and saying: I am not a burden on you because this was paid for. We accounted for it.

Senator BUNNING came to the floor yesterday—I think we were talking about \$10 billion yesterday—and he said: How can a country this great not find a way to pay for \$10 billion? Well, we didn't. And as that makes its way through, we are going to borrow that \$10 billion, and that \$10 billion is going to equate to \$10 billion of interest payments over the next 10 years. Let me say that again. What we did yesterday is going to compute to \$10 billion worth of interest payments over the next 10 years. No payment down of principal, just an obligation of interest on the debt.

Maybe some are smart enough here to tell me exactly what the interest rates are going to be in the open marketplace as we finance our debt 3 years, 5 years, 10 years down the road. I don't think it is going to be where it is today. There is every indication it is going higher. So when I state the number \$5 trillion over the next 10 years, you have to understand that is a static interest rate that we have applied to it. It is 3.45, is the projection of the Congressional Budget Office. And they have said if it averages at this point, then we are going to, as a nation, owe \$5 trillion, if we didn't borrow another dime. Well, not only do we continue to borrow money, but the likelihood is, with the economic conditions and with the fragile nature of the international economy, anybody who buys our debt, anybody who loans us their money is probably going to want to require more than 3.45 percent to take the risk. When countries such as Greece are on the precipice of default, it drives the international market up. It drives the cost of risk up. It will drive the cost of our risk up. What is \$5 trillion today—we might not borrow another dime—may end up being next week, next month, next year \$10 trillion over 5 years, just with the change in interest rate; just with what it costs us to go out and attract somebody to loan us this money.



I think I have given us a best-case scenario of saying we owe \$5 trillion in the next 10 years. Excuse me, \$5 trillion plus 10 more billion that we spent last night. The question is: Today, are we going to add another \$14 billion to it? That is the decision in front of the Congress. My amendment, No. 3390, provides a \$250 stipend. What it does that the Sanders amendment doesn't do, is it pays for it. It assures every recipient—senior, veteran, disabled person—that they are not putting the obligation of their check on their grandchildren and their great grandchildren; that we are taking the responsibility now to fund that.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, the Baucus substitute amendment gives preferential treatment to the extension of three programs: unemployment insurance, COBRA, and what is known as FMAP, which is the Federal Government's aid that it provides to States in the payment of Medicaid. These are laudable things to do, especially in this difficult economic environment. In my home State of Florida, we have nearly 12 percent unemployment. It is the highest anyone can remember, and people are struggling. So these are laudable things to do. The challenge is we are not going to pay for these spending programs. We are going to put them on the backs of our children and grandchildren, as my colleague Senator BURR remarked in his comments.

A couple of weeks ago, we passed a bill here in the Senate called pay-go, and the President just signed this bill into law. I struggled with my vote on pay-go, being a new Member to the Senate and being very concerned about spending, and I thought about voting for it. I thought about voting for it because anything that cuts spending around here, on its face, seems like a good idea to me. But the challenge for me came in learning from some of my colleagues that we don't enforce pay-go. They came to me and said: Look, they are not going to use this as a real measure to control spending. So the bill passed along party lines. And although I didn't support it, I hoped for the best.

But here we are, a couple of weeks after the President signed the pay-go law, and I want to remind the Senate of the comments of Majority Leader REID upon arguing for the passage of the bill. He said: This pay-go—pay-as-you-go rule—we are proposing for the government is the same one Americans use every day in their individual lives; the same ones we teach our children. In order to spend a dollar, we have to have that dollar in our wallet. This law will enforce that commonsense approach.

Sounds reasonable. Sounds like the right thing to do. The President, when

he signed the law, said: You have to make hard choices about where to spend and where to save.

Well, here we are, a few weeks later, and unfortunately the prediction of my colleagues that this was not a true enforcement mechanism on spending has come true. Because we are going to designate the extension of these three programs as emergencies. They are emergencies. And if they are emergencies, then we don't have to make them play by the rules. We don't have to cut spending in order to pay for these programs.

Unfortunately, we seem to designate whatever we choose as an emergency and, therefore, we don't have to do the things Leader REID said. We don't have to do the things President Obama said. But families sitting around their tables who have bills to pay can't say: This is an emergency; therefore, I can go and spend money I don't have. Families can't do that. Businesses can't do that. Even State governments, that have to balance their budgets, can't do that.

So what is an emergency? What does the law tell us is proper to designate? Certainly we could think of circumstances that could be an emergency: a situation of war, the financial meltdown we had a couple of years ago. Certainly things such as that would justify being an emergency. Well, the Budget Act of 1974 lays out five different criteria that must be met. First, necessary, essential, or vital; second, sudden, quickly coming into being and not building up over time; three, an urgent pressing and compelling need, requiring immediate attention; four, unforeseen, unpredictable, unanticipated; five, not permanent, temporary in nature.

None of these three extensions is that. We saw these coming. To say this is an emergency is like putting \$5 of gasoline in your car and then running out of gasoline and saying: I have an emergency. I couldn't foresee that the \$5 wasn't going to get me very far.

Again, these are laudable programs, and the point of order I am about to make is not going to stop this going forward. All it is going to say is that you can't declare something an emergency that is not an emergency, and that we should pay for this by the end of the year. What a commonsense idea to bring to Washington and perhaps to the Congress, that we pay for the programs we decide need funding, that we don't balance it on the backs of our kids and grandkids. As Senator BURR said, we shouldn't borrow \$10 billion to spend \$10 billion. The spending in Washington is unsustainable.

Let's do these good programs, but let's take a novel approach and let's pay for them.

Mr. President, at this time I wish to make a point of order. Pursuant to section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I raise a point of

order against the emergency designation provision contained in the pending substitute amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the substitute amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. BAUCUS. Mr. President, this is a killer motion the Senator from Florida is making. This amendment kills jobs. This amendment tells people who are currently unemployed: You are not going to get an unemployment check. This amendment tells people who are trying to get health insurance under COBRA: Sorry, no more. This amendment tells doctors who are trying to take care of patients, Medicare patients, that they are not going to get paid what they should be paid.

Let me give a few numbers. Our legislation will help half a million workers who lose their jobs get help under COBRA. That is the health insurance substitute provision for those who have lost their jobs. But the amendment of the Senator from Florida says to those half a million workers who lose their jobs today that they will not get insurance benefits under COBRA.

This amendment also will have the effect, if adopted, of preventing nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries from getting access to their doctors—40 million seniors and about 9 million military personnel under TRICARE.

This amendment will also prevent 400,000 Americans from getting unemployment insurance benefits.

That is just for starters. This motion, if adopted, is not a poison amendment, it is a killer amendment. It kills the bill we are trying to pass in a short period of time. The bill is basically to extend unemployment benefits, to extend the COBRA benefits, and to make sure that people who should get relief under current law are able to maintain that.

This is very similar to the situation we faced because of efforts of the Senator from Kentucky not long ago. We finally resolved that. That was a 30-day extension, and the Senate voted 78 to 19 to continue those benefits under that 30-day provision. The Senator from Kentucky tried to stop it. Finally, the Senator relented and the Senate agreed by a vote of 78 to 19 that we should proceed, and it passed that 30-day continuation.

This is an emergency. We are now in an economic emergency. Unemployment is close to 10 percent. This economy is still in a recession. It is slowly



getting better, but if this amendment were to pass—if the amendment offered by the Senator from Florida were to become law—then, frankly, think of the signal that would send to Americans who are now relying upon COBRA benefits and unemployment benefits.

This point of order is a killer, and that is why we need to waive the budget point of order so we can vote for a bill that would come before us later on this evening. I urge Senators, when the vote comes on this waiver, that we waive the budget point of order, because otherwise the provision of the Senator from Florida will send a terrible signal to millions of Americans.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. With all due respect to my colleague, the chairman of the Finance Committee, my point of order will not stop these programs from being extended. What it will do is it will make sure we have to pay for them by the end of the year—a novel idea, that we actually pay for a program. So we will have to look at programs we have now, perhaps, and we cut other programs. Do we not think there is some inefficiency in the administration of the Federal Government? We had a proposal we tried to pass last year to require all the agencies of the Federal Government to cut 5 percent—just 5 percent—when they have had 5, 10, 15 and 20-percent increases year after year after year. Surely governing and leadership is about making decisions.

I voted for the 30-day extension. I want to vote for this bill, but I want to pay for it. I want to make sure we are not borrowing money from the children and grandchildren of Floridians and other Americans to pay for this bill. I want to make sure we are not going to be paying interest to the Chinese to pay for this bill. I think it makes perfectly good sense that we are required, by the end of the year, to find the money to pay for this.

Every dollar we spend is a choice. It is a choice on what we should spend it on. In this body and in this Congress it is a choice, unfortunately, to put a burden upon our children and grandchildren because we spend much more than we have.

I am supportive of extending unemployment compensation. I am supportive of extending COBRA, which is health care. I am supportive of helping out the States with Medicaid payments. All I am asking is let's pay for it. Surely, there is some other program, duplicative in government, inefficiencies we can find to offset this payment.

This is not a killer, this is just responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I hope we can vote on this fairly soon. Basically, let's remind

ourselves this is an emergency. We have lost over 7 million jobs in this recession. We are not out of the recession. Unemployment is close to 10 percent. We hope it comes down. This is an emergency and in emergency situations you take emergency action and that is why this legislation is necessary now.

I hope when the economy does recover we have the fortitude to start to live within our means, as we should. Nobody debates that. But we are in a situation now where we have to make sure we extend those benefits and that Medicaid dollars go to the States right now because we are still in an emergency.

I urge, frankly, the motion to waive the point of order. I hope it is successful.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak about 5 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. BURRIS pertaining to the introduction of S. 3065 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### AMENDMENT NO. 3390

Mr. GRASSLEY. Mr. President, in October of 2008, the Social Security Administration, SSA, announced that beneficiaries would receive a 5.8-percent COLA in 2009, the biggest increase since 1982.

This increase was primarily due to record high energy prices. Energy prices have since declined resulting in a 2.1-percent year-over-year decline in the consumer price index, CPI, as determined by the Bureau of Labor Statistics.

Because current law precludes a negative COLA, the SSA announced this past October that there will be no COLA in 2010.

It was also announced that there will be no increase in Medicare Part B premiums for current beneficiaries, except for those with incomes greater than \$85,000—single—and \$170,000—married.

I understand the concerns about Medicare Part D and Medigap premiums. Unlike Part B premiums—which cannot go up when there is no COLA—these other premiums are not subject to such a restriction.

However, beneficiaries have other options to reduce these premiums. For example, there may be a competing drug plan with lower premiums. I always encourage people to reevaluate their coverage on an annual basis to see if there is another plan that offers the benefits they need at a lower price. Or, there may be a Medicare Advantage plan that covers both prescription drugs and provides coverage similar to a Medigap plan for a lower premium.

As an aside, senior citizens at my town hall meetings frequently ask about congressional COLAs. I remind them that Congress did not receive a COLA this year either. I have consistently voted against automatic COLAs for Congress.

However, I recognize the financial need of many seniors who rely on Social Security. A \$250 check would be roughly equal to a 2 percent COLA for the average beneficiary.

Congress enacted the automatic COLA in 1972 in order to provide an objective, nonpartisan way to determine benefit adjustments. The annual COLA has been based on the CPI calculations of the Bureau of Labor Statistics ever since.

Any decision to change, or override, the current process needs to be carefully vetted. History shows Congress has often played partisan politics with Social Security without regard to the solvency of the program or the burden placed on future taxpayers.

I understand the desire to send \$250 checks to current Social Security beneficiaries to compensate for the lack of a COLA. But, we are also facing an annual budget deficit in excess of \$1 trillion for the second year in a row.

We cannot continue to add to our deficit without any regard to the consequences.

The Sanders amendment fails to include an acceptable way of offsetting the \$13 billion cost of this proposal.

The amendment offered by Senator BURR would offset the cost by reducing unspent stimulus funds.

Last year, CBO scored the stimulus bill at \$787 billion. But earlier this year CBO revised its estimate to \$862 billion.

CBO estimates that we have already spent \$200 billion in 2009 and we will spend \$400 billion in 2010. That leaves more than \$250 billion for future years.

This amendment would simply reduce the unspent balance by \$13 billion.

It has been suggested by some on the other side of the aisle that we should not use stimulus money to pay for other things.

They insist the stimulus money is needed to create jobs. Given the fact we have lost nearly 4 million private sector jobs since last year, I doubt the stimulus money has created any net new jobs. But for those who choose to believe government spending can create more jobs than it destroys, CBO says payments that can be made quickly are more effective than those that take a long time.

By that standard, using less effective stimulus dollars to pay for more effective stimulus dollars is the best alternative.

I urge my colleagues to support this amendment which is fully paid for, and reject the amendment of my colleague from Vermont that needlessly increases the deficit.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think we will soon be entering an order to vote on several amendments. I would like to point out the theme of these amendments, most of which are offered by the other side, are to cut back Recovery Act dollars, cut back stimulus dollars, take away stimulus dollars.

We know the stimulus program has created millions of jobs. At least that is what CBO says. Certainly, it has created a great number of jobs. When these amendments come up, I would like all Members to know the basic theme of these amendments is to pay for them by cutting stimulus dollars, which I think is a bad idea. We should not be cutting stimulus dollars. We should be maintaining the Recovery Act and stimulus program. We will soon get an order so we can start voting on amendments.

Mr. President, I ask unanimous consent that at 5:55 p.m. this evening the Senate proceed to vote in relation to the following amendments and the Baucus motion to waive in the order listed, that prior to each vote in the sequence, there be 2 minutes of debate divided and controlled in the usual form, and after each vote in the sequence the remaining votes be 10 minutes' duration.

I might say the 2 minutes of debate, equally divided and controlled, be amended to 4 minutes of debate, equally divided and controlled, with respect to the two Bunning amendments. Those two Bunning amendments are Nos. 3360 and 3361.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, just to make it clear what the amendments are, it is Burr amendment No. 3390; Sanders amendment No. 3353, as modified; Bunning amendment No. 3360; Bunning amendment No. 3361, and Baucus motion to waive the Budget Act.

I thank the Chair.

For the information of all Senators, the first vote will be on the Burr amendment, which is similar to the Sanders amendment. One big difference, that Burr amendment takes stimulus dollars to pay for the Sanders amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are 2 minutes, equally divided, prior to a vote on the Burr amendment.

The Senator from North Carolina.

Mr. BURR. Mr. President, I will take my minute to simply say my amendment does exactly what the Sanders

amendment does. It provides a \$250 stipend to seniors, veterans, the disabled who did not receive a cost-of-living increase because the inflation formula did not provide one this year. The difference between mine and Sanders is novel—I actually pay for the \$14 billion we are paying out to seniors, veterans, and the disabled. I am saying to every recipient of a check, we are not going to bill this to your children and grandchildren, we are going to pay for it now with money that is unobligated but already appropriated by the Congress. I think this is a reasonable approach. I think every Member should support it. We should be pleased we are doing a stipend to seniors, but we should sleep well tonight because we paid for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senate voted yesterday, 53 to 43, against the Bunning amendment to cut back Recovery Act funds for the 30-day extension bill. Earlier today, the Senate voted 61 to 38 against the Thune amendment to cut back Recovery Act funds to pay for tax cuts, and now we have the pending Burr amendment to cut back Recovery Act funds. In all three cases, we turned away those efforts to cut back Recovery Act/stimulus funds. I think we should do the same here, so people can get their benefits—excuse me, so the Sanders amendment gets passed.

Mr. President, I raise a point of order against the emergency provisions in the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. I move to waive the appropriate provisions in the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 59, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—38

Barrasso	Corker	Lincoln
Bayh	Cornyn	Lugar
Bennet	Crapo	McCain
Bennett	DeMint	McCaskill
Brown (MA)	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Nelson (NE)
Burr	Hatch	Nelson (FL)
Chambliss	Isakson	Pryor
Cochran	Klobuchar	Risch
Collins	LeMieux	

Roberts	Snowe	Vitter
Shelby	Thune	Webb

NAYS—59

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Gregg	Reed
Bingaman	Hagan	Reid
Boxer	Harkin	Rockefeller
Brown (OH)	Inhofe	Sanders
Burris	Inouye	Schumer
Byrd	Johanns	Shaheen
Cantwell	Johnson	Specter
Cardin	Kaufman	Stabenow
Carper	Kerry	Tester
Casey	Kohl	Udall (CO)
Coburn	Kyl	Udall (NM)
Conrad	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Dorgan	Leahy	Whitehouse
Durbin	Levin	Wicker
Ensign	Lieberman	Wyden
Feingold	Menendez	

NOT VOTING—3

Bond	Hutchison	Sessions
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The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Burr amendment violates the pay-as-you-go provisions, of S. Con. Res. 21, 110th Congress, the concurrent resolution on the budget for fiscal year 2009.

The PRESIDING OFFICER. The point of order is sustained.

The amendment falls.

AMENDMENT NO. 3353

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What is the regular order?

The PRESIDING OFFICER. There is 2 minutes evenly divided with respect to the Sanders amendment No. 3353, as modified.

Who yields time?

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, for the first time in 36 years, seniors and disabled veterans and persons with disabilities will not be receiving a cost-of-living adjustment, a COLA on their benefits. The argument for that is that they are not seeing inflationary costs. Go back home and talk to seniors, talk to disabled veterans. They will tell you they are paying sky-high costs for prescription drugs and health care. This amendment is supported by AARP, the American Legion, the VFW, the National Committee to Preserve Social Security, and a wide number of veterans organizations and senior citizens organizations that know it is wrong to turn our backs on seniors in this moment of economic difficulty.

Mr. LEAHY. Mr. President, Social Security represents a strong commitment to our nation's seniors. Ever since Ida May Fuller of Vermont received the first Social Security check issued, vulnerable seniors have had a safety-net to fall back on in retirement

and to supplement individual retirement savings or pensions. Nearly 70 percent of beneficiaries depend on Social Security for at least half of their income, and Social Security is the sole source of income for 15 percent of recipients.

Social Security is an immensely important program, one that has helped millions of Americans stay out of poverty once entering retirement. While facing the rising costs of health care, food and fuel, Social Security has been a successful safety net for more than 70 years. However, for the first time in its history, this year Social Security recipients will not receive a cost-of-living adjustment, COLA, due to the economic deflation, rather than inflation, our economy experienced this past year. Since the COLA will not go into effect this year, Congress needs to act to ensure those who need it most will receive this essential benefit.

That is why I was proud to join Senator SANDERS in cosponsoring the Emergency Senior Citizens Relief Act, which would provide all Social Security recipients, railroad retirees, SSI beneficiaries and adults receiving veterans' benefits with a one-time additional check for \$250 in 2010, similar to the payment beneficiaries received as a part of the American Recovery and Reinvestment Act passed last year. Today, we have the opportunity to include this important emergency relief in legislation aimed at helping all struggling Americans. This amendment represents our continued commitment to providing a safety net to our nation's seniors and those with disabilities in this uncertain economy.

I urge my fellow Senators to support the Sanders amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this amendment would add billions of dollars to the deficit which would have to be paid for by our children. Of course, the reason the COLA is not being given this year is because the law says it should not be. Therefore, I raise a point of order that the Sanders amendment violates section 403(a) of the budget resolution.

Mr. SANDERS. Pursuant to section 904 of the Congressional Budget Act of 1964 and section 4(g)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from

Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 50, as follows:

[Rollcall Vote No. 36 Leg.]

#### YEAS—47

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burr	Kerry	Schumer
Byrd	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Lincoln	Udall (NM)
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Franken	Murray	

#### NAYS—50

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskey
Bayh	Enzi	McConnell
Bennet	Feingold	Murkowski
Bennett	Feinstein	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shaheen
Carper	Inhofe	Shelby
Chambliss	Johanns	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Vitter
Collins	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Wicker
Crapo	Lugar	

#### NOT VOTING—3

Bond	Hutchison	Isakson
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The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The emergency designation is stricken.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I make a point of order that the amendment violates section 201 of S. Con. Res. 21 of the 110th Congress.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

#### AMENDMENT NO. 3360

The PRESIDING OFFICER. There will now be 4 minutes equally divided before a vote in relation to the Bunning amendment No. 3360.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, it is my understanding that there are 4 minutes equally divided on these two amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BUNNING. Thank you, Mr. President.

Amendment No. 3360 is simple. It contains all of the extensions in the Baucus substitute, but rather than adding over \$100 billion in cost to the deficit and debt, which the Baucus sub-

stitute does, my amendment pays for the spending in this bill by rescinding unspent stimulus funding.

My colleagues on the other side of the aisle have stated repeatedly that CBO considers money spent on extending unemployment benefits to be one of the best kinds of stimulus because the people who receive it are likely to immediately spend it. So let's redirect money from an ineffective stimulus bill in which some of the funding won't be spent until fiscal year 2013 or beyond. Let's stimulate the economy now and prevent a massive increase in the debt at the same time.

I am having a hard time understanding why some Senators believe stimulus funding is so sacred. Was the stimulus brought down from the mountaintop by Moses? If that is the case, why did the majority raid stimulus money to pay for an extension of cash for clunkers?

I will be the first to admit that neither side of the aisle has clean hands when it comes to out-of-control spending. We can't control what was done in the past, but we can control what happens today. It is time to take a stand—a stand for our children and grandchildren so they won't have to pay back trillions more in debt.

I am tired of China holding the mortgage on our country. I am tired of the massive national debt that will be doubled in 5 years and tripled in 10. It is hard for me to look my grandchildren in the eye when I know this generation is handing them a country where they won't have the same opportunities to succeed and prosper as I did. It has to stop.

I urge my colleagues to support my amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUNNING. Mr. President, our spending has to stop.

I urge my colleagues to support my amendment, and I yield back.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this Bunning amendment is the fourth attempt in 2 days to pay for emergency safety net programs by cutting back stimulus spending, by cutting back from the Recovery Act. This is the same amendment. We have voted on this basic topic four times.

Yesterday the Senate voted 53 to 43 against the Bunning amendment to cut back Recovery Act funds for the 30-day extension bill. Earlier today the Senate voted 61 to 38 against the Thune amendment to cut back Recovery Act funds, and just a few minutes ago the Senate voted down the Burr amendment. Now we have the Bunning amendment to cut back Recovery Act funds again to pay for the pending bill.

CBO does say the Recovery Act has added jobs. Between 1 million and 2.1 million jobs have been added to our

economy because of the Recovery Act. Just to repeat, the CBO says the Recovery Act added between 1 million and 2 million to the number of Americans employed in the fourth quarter of last year. CBO also says the Recovery Act increased the number of full-time equivalent jobs by between 1.4 and 3 million jobs. The Recovery Act is creating jobs, so I think the last thing we should do is scale back something that is working. If it is working, don't change it. If it is working, let's continue with it.

I move to table the Bunning amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 37 Leg.]

#### YEAS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

#### NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Wicker
Cornyn	Lugar	

#### NOT VOTING—3

Bond	Hutchison	Isakson
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The motion was agreed to.

AMENDMENT NO. 3361

The PRESIDING OFFICER. There will now be 4 minutes equally divided prior to a vote in relation to Bunning amendment No. 3361.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, let me briefly describe my amendment No.

3361. Like other amendments, this amendment contains all the extensions in the Baucus substitute, and it also completely pays for that spending. But it provides a different alternative for paying for it: eliminating wasteful and duplicative government programs.

Many of these programs are the ones President Obama has recommended terminating, and others have been highlighted by the CBO and the Congressional Research Service as wasteful.

I thank Senator COBURN publicly for the good work he has done compiling this list of programs.

We voted on a similar spending reduction when the Senate passed a record \$1.9 trillion increase in the debt limit to \$14.3 trillion. I hope we have a different outcome today. I hope my colleagues will not choose bloated bureaucracy over our children and grandchildren. They will face over \$100 billion more in debt and compounding interest on the debt if we do not pay for this bill. Enough is enough.

If we cannot find the money to pay for programs, we ought to make the hard choices to reduce the deficit and debt.

I hope my colleagues will make the right choice today and support my amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUE. Mr. President, we find ourselves debating an amendment that we voted down just last month. Proponents make the rescissions sound like good policy when you listen to them. But Members need to understand this amendment causes harm to our national and international security and to our economy.

First, this amendment proposes rescissions throughout the agencies that are completely random and based on subjective assumptions.

Second, rescinding discretionary funds that have been available for more than 2 years will jeopardize our national defense, our homeland security, and the well-being of our citizens.

This is simply irresponsible governing. For example, a ship is not built in a year or 2 years. A hospital is not built in a year. And if they are not built in a year, these funds are rescinded.

This amendment proposes to cut billions in funding the Congress voted on and agreed to provide just months ago. This amendment is not based on careful review and, if adopted, would have serious consequences on our procurement process and many critical programs for fiscal year 2010.

The majority of the Members acted responsibly in January and rejected the same approach. I urge my colleagues to do the same today.

Accordingly, Mr. President, I move to table the Bunning amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 38 Leg.]

#### YEAS—61

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (NE)	

#### NAYS—36

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McCaskill
Brown (MA)	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker

#### NOT VOTING—3

Bond	Hutchison	Isakson
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The motion was agreed to.

BAUCUS AMENDMENT NO. 3336

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on the motion to waive a budget point of order on amendment No. 3336.

Who yields time?

Mr. LEMIEUX. Mr. President, I made this point of order not because I am not in favor of the extension of the unemployment insurance or the COBRA or the money for Medicaid but only that it be paid for.

Just a few weeks ago, this Chamber voted to pass a pay-go bill, which the President signed, and it said we will pay as we go. But we have designated each of these three extensions as emergencies. They are not emergencies under the 1974 Budget Act requiring that it be sudden, quickly coming, unforeseen, or unpredictable. It is not an emergency.

All my point of order does is to say that by the end of the year, we will

have to pay for these. It will not stop them from going forward, but it will make sure we have to pay for them, just as the pay-go law requires. These are nonemergencies.

I urge my colleagues to oppose the motion to waive the point of order.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a killer point of order. This point of order would kill the underlying substitute amendment. It would prevent people from getting COBRA benefits. It would prevent people from getting their unemployment checks. It would cause doctors to have their payments for Medicare patients cut 21 percent. It endangers access for 40 million Medicare beneficiaries. It will kill unemployment insurance benefits for 400,000 Americans. This is a point of order that will, in effect, kill the bill. That is why it is vitally important that Senators vote to waive the point of order so we can pass the bill.

Mr. LEMIEUX addressed the Chair.

The PRESIDING OFFICER. The Senator has no time.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 39 Leg.]

#### YEAS—60

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskey	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

#### NAYS—37

Alexander	Chambliss	Ensign
Barrasso	Coburn	Enzi
Bennett	Cochran	Graham
Brown (MA)	Corker	Grassley
Brownback	Cornyn	Gregg
Bunning	Crapo	Hatch
Burr	DeMint	Inhofe

Johanns	Murkowski	Thune
Kyl	Risch	Vitter
LeMieux	Roberts	Voinovich
Lugar	Sessions	Wicker
McCain	Shelby	
McConnell	Snowe	

#### NOT VOTING—3

Bond	Hutchison	Isakson
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. I move to reconsider that vote.

Mrs. LINCOLN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

#### AMENDMENT NO. 3400

Mr. SPECTER. Mr. President I have sought recognition to speak on an amendment I am offering to H.R. 4213, the Tax Extenders Act. This amendment would create a loan guarantee program to maintain the domestic manufacturing capacity for shipbuilding.

With the U.S. economy still struggling to recover, manufacturing investments can have an immediate impact. Manufacturers have lost more than 2 million jobs since the recession began in December of 2007, so there is an opportunity to create a large number of jobs in the industry and to simultaneously revitalize our economy and overall global competitiveness. One area where benefits can immediately be seen is the shipbuilding industry. U.S. shipyards play an important role in supporting our Nation's maritime presence by building and repairing our domestic fleet; and the industry has a significant impact on our national economy by adding billions of dollars to U.S. economic output annually.

These shipbuilding investments are vital to the United States, creating thousands of good-paying jobs across the country. The commercial shipbuilding and ship repair industry is a pillar of the American skilled labor workforce employing nearly 40,000 skilled workers; and the ships produced domestically are an integral part of commerce, international trade, the Navy, Coast Guard, and other military and emergency support. With more than 80 percent of the world's trade carried in whole or part by seaborne transportation, the shipbuilding industry has always had and will continue to have a large industrial base that can support significant job creation and economic growth.

Since the mid 1990s, the industry has been experiencing a period of expansion and renewal. The last expansion was largely marketdriven, backed by long-term customer commitments. Those new assets created much more productive and advanced ships than those they replaced. For example, articulated double-hull tank barge units re-

placed single-hull product tankers in U.S. coastal trades, and new dual propulsion double-hull crude carriers replaced 30 plus-year-old, steam propulsion single-hull crude carriers. The new crude carriers are larger, faster, more fuel efficient and have a fourfold increase in efficiency over the vessels they replaced.

During the last expansion, the Department of Transportation's Maritime Administration touted the success of Aker Philadelphia Shipyard as a great achievement for the American shipbuilding industry. In 2000, Aker Philadelphia Shipyard was rebuilt on the site of a closed U.S. Navy shipyard. In a few short years, the shipyard became the country's most modern shipbuilding facility employing 1,200 highly skilled professional workers. Since 2003, it has built more than 50 percent of the large commercial vessels produced in the United States. Additionally, the shipyard contributes over \$230 million annually to the Philadelphia region, \$5 to 7 million per month in local purchases, \$8.6 million in annual tax revenues to the city of Philadelphia, and supports over 8,000 jobs throughout the region. Today, Aker Philadelphia Shipyard is one of only two companies producing large commercial vessels in the United States and is a critical asset to the economic viability of the mid-Atlantic region and the domestic shipbuilding industry.

Despite these successes, the economic collapse has stalled the shipbuilding industry by delaying planned ship acquisitions, constraining the credit markets, and making large vessel acquisitions impossible to finance. The long-term customer-driven commitments that drove the last expansion are not a possibility in this economic climate. As a result, this industry, which is a part of the national security industrial base, supports thousands of highly skilled jobs, and is critical to the industrial fabric of our Nation, is struggling to survive.

Since the economic downturn, shipyards such as the Aker Philadelphia Shipyard do not qualify for loan guarantees under existing programs at the Department of Transportation. Without assistance, shipyards will be forced to begin reducing their highly skilled workforce, apprentice programs, and vendor and supplier contracts, at a time when we can least afford additional job losses. If this situation persists and companies like Aker were to cease operations, our Nation's ability to construct commercial vessels would be severely limited and the investments we made to build this state-of-the-art facility would be lost.

At the same time, there is a strong and direct correlation between the performance of shipbuilding and the global economy and trade. Shipbuilding activities rise when global trade and

economy grow. Likewise, shipbuilding will be among the first activities to suffer when trade slumps and the economy stutters. This puts shipbuilding at the forefront of one of the world's key and most important economic activities, and a reliable barometer of economic performance.

As the economy recovers, so will the need for ships and our domestic shipbuilding capacity. The Maritime Administration has recognized that construction of vessels for the Nation's marine highway system could result in significant new opportunities for U.S. shipyards. The shipbuilding industry is also developing vessel portfolios that can be leveraged by the government including military vessels to meet the Nation's needs in time of national emergency. For example, the Navy's Littoral Combat Ship and Joint High Speed Vessel programs are based on commercially designed and available vessels. There will also be a need for additional ships as almost \$5 billion worth of double-hull construction and conversion work will need to take place by 2015 to meet the double-hull requirement under the Oil Pollution Act of 1990.

To address the dire situation facing the domestic shipbuilding industry, I am seeking the establishment of a loan guarantee program, where the Secretary of Transportation can issue a loan guarantee for \$165 million to qualifying shipyards. Because of loan guarantees leverage funding, the program would require only \$15 million to leverage \$165 million. This \$15 million is offset by reprogramming previously appropriated funds, so there is no additional spending associated with this program.

The Federal assistance would be a short-term financing bridge to enable shipyards to remain in operation and meet the future anticipated demand for domestically produced ships. I encourage my colleagues to help maintain the commercial shipbuilding capacity of the United States through the inclusion of a loan guarantee program.

Mr. BEGICH. Mr. President, I am pleased to have filed an amendment that would give Alaska Native corporations, ANCs, parity for an important tax incentive encouraging the permanent protection of land through the charitable donation of a conservation easement.

America's wildlife, waters, and land are an invaluable part of our Nation's heritage. It is imperative to preserve these natural treasures for future generations. Congress long ago concluded that it was good public policy to encourage the charitable contribution of conservation easements to organizations dedicated to maintaining natural habitats or open spaces help protect the Nation's heritage. A conservation easement creates a legally enforceable land preservation agreement between a

willing landowner and another organization. The purpose of a conservation easement is to protect permanently land from certain forms of development or use. The property that is the subject to the easement remains the private property of the landowner. The organization holding the easement must monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

In 2006, Congress enhanced the charitable tax deduction for conservation easements in order to encourage such gifts. With the 2006 legislation, Congress temporarily increased the maximum deduction limit for individuals donating qualified conservation easements from 30 percent to 50 percent of the taxpayer's adjusted gross income. Congress also created an exception for qualified farmers or ranchers, which are nonpublicly traded corporations or individuals whose gross income from the trade or business of farming is greater than 50 percent of the taxpayer's gross income. In the case of a qualified farmer or rancher, the limitation increased from 30 percent to 100 percent. The 2008 farm bill extended the temporary rules for 2 additional years to charitable contributions made before December 31, 2009.

Unfortunately, the way the law was crafted has disadvantaged a number of important landowners in my home State. Alaska Native corporations, ANCs, own nearly 90 percent of the private land in Alaska, including some of the most scenic and resource rich. However, although they are very similar to the small communal family farms that are eligible, subsistence-based Alaskan Native communities are ineligible for these important new tax incentives. For thousands of years, Alaska has been home to Native communities, whose rich heritages, languages, and traditions have thrived in the region's unique landscape. Members of Alaska Native communities continue to have a deeply symbiotic relationship with the land even today. Much like their ancestors, many Native Alaskan communities engage in traditional subsistence activities, with nearly 70 percent of their food coming from the land or adjacent waters. For many communities, subsistence is an economic necessity considering both the lack of economic development and the cost and difficulty involved in purchasing food. For example, in Kotzebue a community in northwestern Alaska, milk costs nearly \$10 per gallon. In Buckland, a village home to approximately 400 people, a pound of hamburger—when it is actually available—costs \$14.

In Alaska, the Native corporations have an important role to be stewards of the land. Their shareholders see themselves as the caretakers of the land and water as their ancestors have

for thousands of years. Nonetheless, in Alaska today this means they have to balance the need for resource development and the need to cultivate the land for subsistence activities. The traditional lifestyles of Native Alaskans are under increasing stress from outside influences. Population growth and the pressure to pursue cash-generating activities have increased the desire for substantial development, significantly adding to the ecological stress on already fragile ecosystems. Without permanent protection, their lands could be developed in a manner that would destroy its ability to support the traditional ways and subsistence lifestyles crucial to Alaskan Native communities. Making use of tax incentives available to other Americans will make it easier for Native communities to make the right decisions for their shareholders.

Today, Alaska Native communities are not eligible for the 50 percent deduction available to individuals because they are federally chartered as C corporations under the Alaska Native Claims Settlement Act of 1971, ANCSA. This leaves Alaska Natives without the ability to convert to an eligible entity as other landowners can. In addition, most Alaska Native corporations do not have sufficient gross income from the trade or business of what is considered traditional farming to be eligible for the 100 percent deduction available to qualified farmers or ranchers. This is in spite of the fact that as a group the Alaska Native shareholders of Alaska Native corporations receive far more in subsistence benefits than they receive in income from the Alaska Native Corporation. As a result, Alaska Native corporations do not have the same ability to offset the cost to permanently protect their properties, which contain important wildlife, fish, and other habitats, through donations of qualified conservation easements.

This amendment will allow Alaska Native corporations to protect these important wildlife habitats, many used for subsistence, by providing an enhanced deduction for qualified conservation easements. The amendment modifies section 170(b)(2) of the Internal Revenue Code by creating a new subsection that provides Alaska Native corporations with a deduction for donations of certain qualified conservation easements. In order to be eligible, a qualified charitable conservation contribution must: (1) otherwise qualify under section 170(h)(1); (2) be made by a Native corporation; and (3) be land that was conveyed by ANCSA. The corporations would be limited to 10 percent of their land allotment under ANCSA. Under section 170(b)(2)(iii)(I), "Native Corporation" is defined by ANCSA, section 3(m). Under section 170(b)(2)(i), the maximum deduction limit would be set at 100 percent of the taxpayer's adjusted gross income. If the taxpayer

has deductions in excess of the applicable percentage-of-income limitation, section 170(b)(2)(ii) would allow the taxpayer to carry-forward the deduction for up to 15 years.

Congress must act to assist Alaska Native communities in permanently protecting their culturally, historically, and ecologically significant land, preserving the communities and their rich traditions in the process. I urge my colleagues to support this important amendment.

#### MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING CONGRESSMAN JOHN PATRICK MURTHA

Mr. DODD. Mr. President, I rise in commemoration of the life of John Patrick Murtha.

John Murtha gave nearly six decades to the country he loved. At the age of 20, he left college to join the Marines. As soon as he arrived, the Marines knew they had a gem of a young man on their hands. Routed to Officer Candidate School, he became a leader of his peers, earning the American Spirit Honor Medal during training.

Although his duty to the Marines ended in 1955, his desire to serve did not. He remained in the Reserves for the next decade, and then volunteered for service in Vietnam.

There, he cemented his reputation as an American hero, earning the Bronze Star, the Vietnamese Cross of Gallantry, and two Purple Hearts.

John's service in the Reserves lasted long into his political career. He didn't retire until 1990, at which time he was awarded the Navy Distinguished Service Medal. But when he returned from Vietnam, he decided that serving the people of the State of Pennsylvania was another way to give back to his country.

He came to Congress roughly a year before I did, the first Democrat to hold that seat since World War II. As long as I have been here, it seems like John has been as much of a fixture in the House Chamber as the desks themselves.

John being a marine, it is probably not surprising that he never stopped fighting to give our troops in the field the resources they needed to do their jobs. He became the chairman of the Defense Appropriations Subcommittee, and was a reliable advocate for our military—and for the people of his district.

His deep passion for our military and his commitment to making sure they

had the resources they need reached as far as Connecticut, where we make the finest submarines and aircraft in the world. He knew that the products we make there are critical to the success of our military, and he was always there alongside me, standing up for our defense workforce and the fine products they make.

Many of us will remember with great admiration the courage John showed when he came to the floor in November 2005 to call for an end to a war he had supported. Colleagues on both sides knew that John Murtha would never make a statement like that lightly, and his bold stance played a large role in bringing towards an end that misguided war.

Of course, most Americans never got to know John Murtha's soft side. But his beloved wife Joyce—they were married for 55 years—and his three wonderful children knew him as his colleagues did: as a funny, warm man who loved his job, loved his constituents, and loved his country.

A colleague of his, Congressman BOB BRADY, said, "There will never be another Jack Murtha." And he is right. But we can all carry on his work, impressed by his long record of service and inspired by his deep patriotism and commitment.

I was proud to know John Murtha, and we were all lucky to have him.

#### HONORING OUR ARMED FORCES

##### PRIVATE FIRST CLASS ZACHARY LOVEJOY

Mr. UDALL of New Mexico. Mr. President, in the almost 9 years our Nation has been at war in Afghanistan, thousands of men and women have volunteered for service in defense of our country and the freedoms we hold so dear. These brave men and women sacrifice time with their families, with their wives and husbands and children and friends. They put their own safety on the line to protect the safety of others—to protect the safety of all who call the United States home. Tragically, some of these men and women make the ultimate—sacrifice giving their lives for a country and a people they love.

PFC Zachary Lovejoy was one of those brave soldiers. He was 20 years old when he died February 2, while serving in Zabul Province. His vehicle was struck by a roadside bomb. Private First Class Lovejoy spent the last day of his life doing what he loved. While his life may have ended too soon, his legacy will live on though the people who loved him, and through all of us who owe him our own lives and safety and freedom.

That is why today, I honor Zachary Lovejoy by telling the people of America about a young man who—from early in life—loved his country and dreamed of being a soldier.

Private First Class Lovejoy was born in Indiana but moved to my home

State of New Mexico when he was three. He grew up in Albuquerque, the beloved son of Terry and Mike Lovejoy, and brother to Ashley. He was an active teen who loved football and wrestling and camping and skiing. He was an enthusiastic member of his school's ROTC program. Private First Class Lovejoy was a happy-go-lucky kind of guy, whose fun-loving attitude and zest for life was contagious, according to his family.

Even before he graduated from La Cueva High School, Private First Class Lovejoy knew what he wanted to do with his life. He enlisted in the Army during his senior year in high school and began basic training in August 2008. Private First Class Lovejoy was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division at Fort Bragg, NC. He received his first deployment to Afghanistan in August 2009.

Private First Class Lovejoy's dedication to our country and its ideals made his family, his community, and everyone who knew him proud. Upon hearing of his death, the people of New Mexico—especially those who knew Lovejoy from high school—were shocked and saddened. They turned out in droves to leave messages for his family in a special memory book. And it is those messages that offer an intimate view of the legacy Private First Class Lovejoy leaves behind.

"You had such a big and amazing heart," one person wrote.

"You put an incredible amount of living in your all too short life," said another.

"It is an honor to have been a part of a true hero's life," wrote a third.

But there was one message that I believe sums up Private First Class Lovejoy's life best: "Your last name described you so perfectly. You loved all your friends deeply, and spread joy around every place you went."

To Private First Class Lovejoy's parents and sister and grandparents and fiancée Kaitlin, I offer my deepest sympathies for your loss, and my deepest thanks for your loved one's service to our country. You are forever in our hearts, and we are forever in your debt.

#### 49TH ANNIVERSARY OF THE PEACE CORPS

Mr. CARDIN. Mr. President, today I rise to celebrate service—specifically the dedication of Americans volunteering in the Peace Corps, which this week marks its 49th year of connecting committed volunteers with meaningful work around the globe.

There are a lot of ways to give of ourselves. We donate food. We donate money. We donate time. But the Peace Corps takes community service—global service, really to another level, with volunteers committing 27 months to



improve the quality of life in developing countries.

Some projects focus on agriculture; others business. Some improve health, while others emphasize education or the environment, but all programs build a unique international relationship with a spirit of volunteer service at its core.

As Chairman of the U.S. Helsinki Commission, I recently saw one program up close during a congressional delegation I led to Morocco, which is an active Mediterranean partner country in the Organization for Security and Cooperation in Europe.

Meetings with local government officials there were informative. And the briefings from the embassy staff were important. But the time we spent with a Peace Corps volunteer in rural Aitourir was nothing short of inspiring.

The Youth Development Program there run by Peace Corps volunteer Kate Tsunoda, with help from local community volunteers, is giving children from kindergarten through high school critical education, language, and art skills.

Inside a small community center, below a library still in need of dictionaries and elementary schoolbooks, we sat down with a group of young men, some in college, some recently graduated. In a part of the world where unemployment tops 15 percent, these are the people one may see as most susceptible to recruitment by extremists, but not these men. They spoke of dreams that included higher education, better jobs, and a transforming of their local towns.

These men credit the Peace Corps program for empowering them and building their language skills. I credit the Peace Corps for something even greater—forging international understanding, something the Peace Corps has excelled at now for 49 years in 139 countries through 7,671 volunteers.

On the other side of town, several members of our delegation visited a start-up small business, the brainchild of retiree and Peace Corps volunteer Barbara Eberhart, whose second career is dedicated to empowering the women of Morocco.

The group visited a fabric and embroidery shop developed by a community of Berber women aided by a micro-credit loan and Barbara's guidance and unbounded energy. These women, unable to read or write and essentially marginalized in Moroccan society, have formed a cooperative where they create fine embroidered goods and sell them in local markets. Their small business not only provides desperately needed income, but gives these women a stronger sense of themselves, their community and hope for their future and that of their children.

With Peace Corps volunteers coming from all backgrounds, ages and various

stages of life, this program is as diverse as our country. The local citizen collaboration inherent in all Peace Corps work helps build enduring relationships between the United States and Peace Corps partner countries.

The Peace Corps invests time and talent in other countries, but it pays dividends back here in the United States as well. Those who are taught or helped by Peace Corps volunteers are likely to have more favorable opinions of the United States. More than that, many of the volunteers themselves are inspired to public service upon their return to this country, some becoming Governors and Members of Congress, including our own colleague and fellow Helsinki Commissioner, Senator DODD of Connecticut.

I left Aitourir thinking Kate was the exemplary Peace Corps volunteer with her welcoming smile, passion for service and genuine love for the Moroccan people. But aware of the success of so many other Peace Corps programs around the world, I know Kate is one of many volunteers—all of whom would have left as great an impression.

The Peace Corps is a program that works. Volunteers year in and year out continue to fulfill the Peace Corps mission of bringing training and education to interested countries and strengthening understanding between Americans and our neighbors in the global community. Congratulations to the Peace Corps for 49 remarkable years. I look forward to its continued success.

#### RECOGNIZING VISTA ON ITS 45TH ANNIVERSARY

Mr. BEGICH. Mr. President, I wish to speak on a resolution I have cosigned celebrating Volunteers In Service To America, or VISTA, on its 45th anniversary and recognizing its contribution to the fight against poverty.

This resolution will demonstrate the great appreciation this country has for its volunteers, specifically honoring the 45th anniversary of the VISTA Program.

Last year nearly 50 VISTA volunteers provided service in Alaska. These citizens are vital to fighting poverty in our State. The success of this program is evident in the programs it has left behind such as Head Start, job training plans, and credit unions. From its beginnings in 1965 to today, VISTA has dedicated hard work, time, and innovation to lift Americans all over the country out of poverty.

While the mission to fight against poverty has a long history, VISTA has continued to adapt to various localities and challenges to provide new and inspired solutions. Alaska boasts many past and present VISTA volunteers. Many of them have become prominent in Alaska's public and private sectors.

In Alaska, John Shively came to the state with VISTA from New York

State with the intention of staying for 1 year. He became involved in local government in Alaska and was involved in the Native lands settlements of early statehood. He later became the commissioner of the Alaska Department of Natural Resources, overseeing more than 80 million acres of State land. He has also been a regent for the University of Alaska, and the Alaska State Chamber of Commerce was proud to award John Shively the title "Outstanding Alaskan of the Year" in 2009.

Willie Hensley is an Alaska Native and one of the many successful residents of Alaska. He was a VISTA volunteer and went on to serve in the Alaska State Legislature. He founded the NANA Native Corporation after working hard to ensure equitable settlement of Alaska Native land claims. He is one of the founding members of the Alaska Federation of Natives and is a well known author.

John Shively and Willie Hensley are just two examples of the thousands of VISTA volunteers who have served Alaska and her people. VISTA is a program serving all Americans with the focus on lifting poor Americans out of poverty so their futures can be as bright as the northern lights. VISTA's 45 years of service to the country has made a difference in so many lives, in Alaska and across the Nation.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SYLVIA PROTHRO HEBERT

• Mr. BENNETT. Mr. President, today I wish to recognize my constituent, Sylvia Prothro Hebert, who has been selected as a 2009 Great Comebacks Recipient for the West Region. This program honors individuals who are living with intestinal diseases or recovering from ostomy surgeries, procedures that reconstruct bowel and bladder function through the use of a specially fitted medical prosthesis. Sylvia is one of over 700,000 Americans, from young children to senior citizens, who have an ostomy. The Great Comeback Awards celebrate the spirit and courage with which a patient embraces life after ostomy surgery. Sylvia and the other Great Comebacks Awardees are Americans who live life to the fullest despite the daily challenges presented by their respective conditions.

At age 9, Sylvia was diagnosed with Crohn's disease. She managed her symptoms with medication, but experienced constant flare-ups during college. At age 21, her intestines were punctured during a colonoscopy and she underwent ostomy surgery. Following this surgery, Sylvia was emotionally distraught; however, she entered counseling and learned how to cope with her stoma. Sylvia has since triumphed over her illness, and

achieved her dream of becoming a flight attendant. By her records, she's the first Delta SkyTeam flight attendant with an ileostomy. Additionally, Sylvia joined the Delta Ski and Snowboard team and has earned ribbons in many competitions. Sylvia has also completed two half-marathons and a triathlon.

Today, Sylvia lives in Park City, UT, with her husband Paul and their children, Reese, Garrett, and Renee. I commend Sylvia and the other Great Comebacks Regional Award Recipients. Their personal stories are inspirational and will raise awareness about the great comebacks being made by those living with intestinal diseases or recovering from ostomy surgery.●

#### REMEMBERING HARRY AGGANIS

● Ms. COLLINS. Mr. President, there is a mid-winter tradition throughout New England and across my home State of Maine—talking baseball. Not just any baseball, of course, but Boston Red Sox baseball.

These discussions, whether they take place around the kitchen wood stove or the office water cooler, range from the team's storied history to the prospects for the upcoming season. The heroes of the past, Yastrzemski, Williams, and so many more, are recalled, as are the more recent stars, such as Schilling and Ramirez.

At times, fans reminisce about a young man who, although his career was cut tragically short, continues to inspire through his athleticism, competitive spirit, and generosity. His name was Aristotle George Agganis. His friends called him Harry. He will always be remembered as the Golden Greek.

Harry Agganis was born in Lynn, MA, in 1929. Although he is known as a baseball player, he first made his mark in football as a star quarterback for Boston University. As a sophomore in 1949 he set a school record for touch-down passes. He left school in 1950 to enlist in the U.S. Marine Corps.

When he completed his service to our nation, he returned to college, setting a school record for passing yards, winning the Bulger Lowe Award as New England's outstanding football player, and becoming Boston University's first All-American in football. Upon his graduation, he was offered a lucrative contract to play football for the Cleveland Browns but chose instead to sign with the Red Sox so he could remain near his widowed mother.

Here are a few stories that illustrate the character of this young man and the esteem in which he is held.

While still a student in 1953, Harry Agganis was inducted into the new Boston University Hall of Fame. He declined gifts of a car and \$4,000 from his classmates and instead asked that the cash equivalent be put toward estab-

lishing a scholarship for Greek-American students with financial need.

On June 6, 1954, he homered at Fenway Park and scored the winning run as the Red Sox beat the Detroit Tigers. Following the game, he changed into a cap and gown in the Sox clubhouse, ran down Commonwealth Avenue in time for the graduation ceremonies on the B.U. campus, and received his bachelor's degree in education.

As the 1955 season opened, he was off to a good start, but on June 2 he was hospitalized with pneumonia. He rejoined the team 10 days later but fell ill again. He died on June 27 of a pulmonary embolism. Ten thousand mourners attended his wake.

His career was brief, but his name lives on. In 1956, a 1,000-seat baseball facility, Harry Agganis Stadium, was dedicated in his honor at Camp Lejeune, NC, where he served. A memorial plaque placed at the field reads, "Endowed with peerless talent, Corporal Agganis exemplified the finest in competitive spirit and sportsmanship. An All-American football player, and later a professional baseball player, his outstanding accomplishments in the field of athletics were an inspiration to other Marines who served and were teammates with him during his career in the Marine Corps."

He was inducted posthumously into the College Football Hall of Fame in 1974. In 1995, Gaffney Street in Boston was re-named Harry Agganis Way. In 2004, Agganis Arena was dedicated in his honor on the Boston University campus. Each year, members of the New England Sportswriters Association present the Harry Agganis Award to the outstanding New England college football senior.

His character and accomplishments have been set to music by a talented songwriter and devoted Red Sox fan in Bangor, ME, named Joe Pickering, Jr. Joe recently retired after 30 years of dedicated service as executive director of Community Health and Counseling Services in Bangor. It is my pleasure to have printed his inspiring lyrics into the RECORD:

#### THE GOLDEN GREEK

Time washes away people who depart  
You who remain cherish heroes of the heart  
They seldom grace earth but, not for long  
The Golden Greek lives in this song

Too many athletes spell team as m-e  
The Golden Greek knew team meant only we  
This All-American truly stood apart  
The Golden Greek was simply pure of heart  
Four hundred churches honored for forty days

The man who touched many hearts in so many ways

Fifty thousand said goodbye as his church choir

Sang love for the man who set the sports world afire

Harry Agganis stirred heart and soul  
Did God take him so he would never grow old?

Heroes live forever though Harry died young  
The song of the Golden Greek will always be sung

Thousands of marines in the Carolina sun  
Named a field for the marine who left no deed undone

The first Olympic heroes won olive wreaths  
His silver wreath from the king and queen of Greece

The seventh child of immigrants born in Lynn

Learned playing the game right was the way to win

He hit major league pitching at fourteen years of age

Then went on to glory on the sports page

This Hall of Famer scrambled forty yards from the pocket

He threw feather passes or shots like a rocket

Though he looked and played like a Greek god

This flesh and blood hero was one with the lord

He gave to the poor and church, gifts he received

Harry lived the golden rule, as he believed

His smile warm and bright like sunshine in July

Why at twenty-six did this Red Sox star die?

The NFL played games in honor of his name  
All for a man who never played a pro game

He planned to play for the Sox and the NFL  
What might have been only God can tell

This hero of the heart was like no other

His last words: were "take care of my mother"

In the pantheon of sports, the Golden Greek reigns

His mem'ry glowing like the Olympic flame●

#### TRIBUTE TO LATOYA LUCAS

● Mr. UDALL of Colorado. Mr. President, I wish to recognize Latoya Lucas of Colorado Springs, who will be awarded today with the 2009 Tony Snow Public Service Award. This distinction was created to "honor extraordinary individuals who are passionate about serving their country while dealing courageously with debilitating intestinal diseases and ostomy surgery."

In 2003, Latoya was a new mother and an Army specialist serving in Operation Iraqi Freedom when her humvee was attacked by rocket-propelled grenades. She thankfully survived the incident, but her injuries resulted in a colostomy and 2 years of intensive rehabilitation. Latoya's brave service has been recognized by such honors and distinctions as the Purple Heart Medal, the Meritorious Service Medal, and the Soroptimist International Woman of Distinction Award. In 2005, she became the first female recipient of the Military Order of the Purple Heart's Region V Patriot of the Year Award.

After her retirement from the Army, Latoya became a motivational speaker and writer to share her remarkable story with others and encourage people to draw strength from their struggles. Latoya's book, "The Immeasurable Spirit: Lessons of a Wounded Warrior about Faith and Perseverance," received the Gold Medal Award from the

Military Writers Society of America. Additionally, Latoya is the chair of the Wounded Warrior Welcome Home Social. She has inspired so many others to draw strength from adversity. As Latoya has said, "There are so many soldiers who come back home with injuries and untold numbers having ostomy surgery. I answer questions they have and show them that they can lead a full life with an ostomy."

There are thousands of veterans and Active-Duty members who call Colorado home, a fact that is a source of pride for me. Coloradans like Latoya are a testament to the bravery and strength of our veterans and their remarkable ability to deal with life-changing injuries. Latoya has become a leader and a source of strength for fellow citizens who face similar injuries, and I want to thank her for her service to this country. I am proud to have this opportunity to share just some examples of Latoya's bravery and achievements, and I congratulate her and the other Great Comebacks Award recipients.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3820. An act to reauthorize Federal natural hazards reduction programs, and for other purposes.

At 6:14 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 239. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3820. An act to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4868. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "Fiscal Year 2009 Financial Report of the U.S. Government"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4869. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Housing Associates, Core Mission Activities and Standby Letters of Credit Rule" (RIN2590-AA33) received in the Office of the President of the Senate on March 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4870. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (75 FR 5890)" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4871. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4872. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility for Failure to Maintain Adequate Floodplain Management Regulations" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4873. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (75 FR 6120)" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4874. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rules 201 and 200(g) of Regulation SHO—Short Sale-Related Circuit Breaker That Imposes a Short Sale Price Restriction" (RIN3235-AK35) re-

ceived in the Office of the President of the Senate on March 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4875. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties; Adjustment for Inflation" (RIN0605-AA27) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4876. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Video Programming, Order Suspending Effective Date" (FCC 09-71) received in the Office of the President of the Senate on February 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4877. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC-4878. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a fiscal year 2009 report relative to the General Service Administration's Alternative Fuel Vehicle program; to the Committee on Energy and Natural Resources.

EC-4879. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations" (RIN0648-AW51) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Environment and Public Works.

EC-4880. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Computerized Tribal IV-D Systems and Office Automation" (RIN0970-AC32) received in the Office of the President of the Senate on February 25, 2010; to the Committee on Finance.

EC-4881. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual report relative to its operations and financial condition; to the Committee on Finance.

EC-4882. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2010 Trade Policy Agenda and 2009 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC-4883. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-4884. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the

export of defense articles, including, technical data, and defense services to Russia relative to the design, manufacture, and repair of the RD-180 Liquid Propellant Rocket Engine Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4885. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4886. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties Under ERISA Section 502(c)(8)" (RIN1210-AB31) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4887. A communication from the Human Resources Specialist, Office of Inspector General, Department of Labor, transmitting, pursuant to law a report relative to a vacancy in the position of Inspector General of the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*Patricia A. Hoffman, of Virginia, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

\*Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. REID):

S. 3060. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. ENSIGN):

S. 3061. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BROWN of Ohio, and Ms. COLLINS):

S. 3062. A bill to extend credits related to the production of electricity from offshore

wind, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MERKLEY, Ms. MURKOWSKI, and Mr. WYDEN):

S. 3063. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. CARPER, and Ms. COLLINS):

S. 3064. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of energy from deep water offshore wind; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. BURRIS, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LEAHY, Mr. SPECTER, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. FRANKEN, and Mr. CARDIN):

S. 3065. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. AKAKA:

S. 3066. A bill to correct the application of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) to employees paid saved or retained rates; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mr. JOHANNES):

S. 3067. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mr. KYL (for Mrs. HUTCHISON):

S. 3068. A bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. CASEY, Mr. BROWN of Ohio, Mr. TESTER, and Mr. SPECTER):

S. 3069. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for the preservation and creation of jobs in the United States for projects receiving grants for specified energy property; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. 3070. A bill to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 430. A resolution commending the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for their efforts to modernize agriculture and sustainable farming practices in Afghanistan and their dedication and service to the United States; to the Committee on Armed Services.

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 431. A resolution expressing profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake; to the Committee on Foreign Relations.

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. Res. 432. A bill supporting the goals and ideals of the Year of the Lung 2010; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself, Mr. CARDIN, Mrs. GILLIBRAND, and Mrs. BOXER):

S. Res. 433. A resolution supporting the goals of "International Women's Day"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 688

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 688, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 742

At the request of Mr. CHAMBLISS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 742, a bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 941, a bill to reform the Bureau of

Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1567

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2898

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2898, a bill to provide for child safety, care, and education continuity in the event of a presidentially declared disaster.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Pennsyl-

vania (Mr. SPECTER) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3014

At the request of Ms. STABENOW, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3014, a bill to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain United States jobs, and for other purposes.

S. 3027

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3027, a bill to prevent the inadvertent disclosure of information on a computer through certain "peer-to-peer" file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill," and for other purposes.

AMENDMENT NO. 3337

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. BROWN), the Senator from Nebraska (Mr. JOHANNES) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 3337 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARASSO) were added as cosponsors of amendment No. 3338 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3344

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3344 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3350

At the request of Ms. STABENOW, the names of the Senator from Ohio (Mr.

BROWN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3350 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3352

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3352 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3352 proposed to H.R. 4213, supra.

AMENDMENT NO. 3353

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 3353 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 3353 proposed to H.R. 4213, supra.

At the request of Mr. SANDERS, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 3353 proposed to H.R. 4213, supra.

AMENDMENT NO. 3356

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3356 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. REID):

S. 3060. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Thorium Energy Security Act of 2010 with my good friend and colleague Senator HARRY REID as an original cosponsor. Our legislation would establish a regulatory framework and a development program to facilitate the introduction of thorium-based nuclear fuel in existing and future nuclear power plants in the U.S.

The U.S. is dependent on foreign sources for about 90 percent of its uranium fuel needs. However, the most recent U.S. Geological Survey Thorium Mineral Commodity Survey confirms that the U.S. has the largest thorium deposits in the world.

I have been a longtime supporter of our Nation's nuclear power industry, and I expect to see a long future for nuclear power in this nation. I believe that future is enhanced with the possibility of thorium nuclear power as new source of nuclear power in the future.

Thorium-based nuclear fuel will remain in the reactor about three times as long as conventional nuclear fuel, thereby cutting the volume of spent nuclear fuel coming out of reactors by as much as two-thirds. Thorium nuclear fuel could also significantly reduce the possibility that weapons grade material would result from the process. Finally, a thorium fuel cycle can be used as a very effective and efficient means for disposing of existing plutonium stockpiles.

For these reasons, a number of governments throughout the world are aggressively seeking to establish thorium nuclear power as an element of their power supply. These governments want the benefits of nuclear power, without the difficulties associated with large volumes of waste, much of which can be turned to weapons grade material. Our aim with this legislation is to ensure that the U.S. does not fall behind the movement. I hope my colleagues will take a look at the potential for thorium-based nuclear power.

By Mr. DODD (for himself and Mr. ENSIGN):

S. 3061. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleague Senator ENSIGN, to introduce legislation that will provide children with safe, healthy, and academically focused afterschool programs.

The Improving 21st Century Community Learning Centers Act of 2010 is endorsed by the Afterschool Alliance, an organization representing more than 25,000 public, private, and non-profit afterschool providers dedicated to expanding access to high quality afterschool programs, as well as a broad coalition of other local and national organizations.

They, and I, have committed to providing quality afterschool care because the record is clear: students who regularly attend afterschool programs have better grades and behavior in school, better peer relations and emotional adjustment, and lower incidences of drug use, violence, and pregnancy. When kids have something productive to do

in the hours between when they are let out of school and when their parents get home from work, they are more likely to avoid the traps of risky behavior, more likely to be physically healthy and academically successful, and more likely to fulfill their potential.

As co-chairs of the Afterschool Caucus, Senator ENSIGN and I have worked to expand awareness of these benefits by organizing annual briefings, sharing research, and advocating fiercely for a focus on afterschool care when we talk about how to give our kids the best opportunities possible.

While we know that afterschool care works, the truth is that too many American kids don't have access to good programs. More than 15 million children—from kindergarten through 12th grade—spend time unsupervised in the hours after school. That includes an incredible 40,000 kindergartners and nearly 4 million middle school students in grades six to eight.

When the bell rings and the school day ends, these kids face some 3 hours of unscheduled, often unsupervised time before their parents get home from work. Those are rarely productive hours, and, worse, those are the hours during which these children are most likely to experiment with risky behaviors.

We can do better for our kids.

The Improving 21st Century Community Learning Centers Act of 2010 has three goals. First, to enhance the quality and sustainability of afterschool programs. Second, to emphasize physical fitness and wellness programs as part of our nationwide effort to reduce childhood obesity, and third, to encourage service learning.

Our legislation provides States with tools designed to keep quality programs going. It would allow program grantees the ability to renew their grants if they can show that the programs are working. It gives states the option to expand technical assistance functions to improve the quality of afterschool programs.

Our legislation will increase opportunities for young Americans to be more physically active. The administration has put a focus on reducing obesity—one of the easiest medical conditions to recognize, but one of the most difficult to treat—among our children. Obesity costs our society as much as \$147 billion each year—and the best way to stop it is to encourage our kids to be more active. Afterschool programs offer a tremendous opportunity to do just that, and our legislation includes such wellness efforts in the list of programs that can receive support.

Our legislation encourages kids to get involved in service learning and youth development activities. Service learning integrates student-designed service projects with academic studies. This type of program has been shown

to strengthen student engagement, enhance student achievement, lower drop-out and suspension rates, develop workforce and leadership skills, and provide opportunities for teamwork.

Of course, as we offer this legislation, I must also remind my colleagues that afterschool programs only work with sufficient funding. In a difficult economy, it is even more important to focus on empowering these programs. Studies have shown that afterschool care can reduce worker absenteeism by as much as 30 percent and reduce worker turnover by up to 60 percent. Decreased worker productivity related to parental concerns about afterschool care costs our economy up to \$300 billion each year. Approximately 1 in 10 children is currently enrolled in afterschool care. However, 2/3 of parents with children who do not participate in a program would enroll their children in afterschool if they had that option. We should work to give them that option.

The Improving 21st Century Community Learning Centers Act is a positive step towards offering all of our children the chance to spend their afternoons safely and productively. It is a step towards making good on the most important promise: the one we make to our kids. I hope that my colleagues will join me in support of this important legislation.

By Mr. REID (for himself, Mr. BEGICH, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MERKLEY, Ms. MURKOWSKI, and Mr. WYDEN):

S. 3063. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I am pleased to introduce bipartisan legislation that will protect the unique ecosystems of the American West from the harmful effects of invasive, non-native species. I am joined by my cosponsors Senators BEGICH, BENNETT of Colorado, BENNETT of Utah, FEINSTEIN, MERKLEY, MURKOWSKI, and WYDEN.

The Invasive Species Emergency Response Fund provides resources to prevent the introduction and spread of harmful invasive species; protect susceptible habitats; and establish early detection and rapid response capabilities to combat incipient invasive species populations.

As global climate change patterns shift, particular habitats in the West will be especially vulnerable to the impacts of new species introductions. Hence, the new paradigms in invasive species management provided via this legislation are critically needed. When it comes to invasive species management, history is replete with examples illustrating the adage that "an ounce



of prevention is worth a pound of cure.”

The impact of invasive species in the U.S. is now widespread. More than 6,500 non-native, invasive species have become established populations throughout the U.S. Studies show that the damage caused by these pests and their associated control costs total more than \$100 billion annually. The unique ecologies of the West are particularly vulnerable to their harmful effects.

My home State of Nevada is at the center of this ecological storm. Non-native species decrease rangeland capacity; lower water tables; reduce water quality; increase fuel loads; and displace native plants and wildlife habitats. Some in the environmental community have identified the Great Basin as the third most endangered ecosystem in the U.S. due, in part, to the dominance of invasive species.

Moreover, once invasive species have gained a foothold in Western States, they exacerbate other critical issues, including water quantity and quality, and wildfire. Zebra mussels in Lake Mead are poised to wreak havoc on the lake's water quality. Tamarisk's long tap roots infiltrate deep water tables, exploiting up to 200 gallons of water per tree per day. Millions of acres of cheatgrass and beetle-killed trees stand ready to burn if sparked. In fact, the fire cycle in the Great Basin has shortened from 25–50 years to only 3–5 years as a direct result of the take-over of invasive weeds.

These few examples underscore the need for this long overdue legislation. State and local agencies and organizations that fight invasive species need access to resources when a new threat is identified, not when funds are available based on bureaucratic budget cycle.

The revolving loan program established with this bill will provide qualified organizations with the resources they need to tackle invasive species threats within 90 days. The Secretary of the Interior will ensure that these funds are being used for appropriate projects based on vetted review criteria.

Bark beetles, quagga mussels, and Medusahead have no respect for budget cycles or State lines. Hence, I urge my colleagues to support this critical legislation. It is paramount if we want to protect our unique Western landscape.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3063

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Invasive Species Emergency Response Fund Act”.

#### SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the introduction and spread of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish early detection and rapid response capabilities to combat incipient harmful invasive species.

#### SEC. 3. INVASIVE SPECIES EMERGENCY RESPONSE FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term “ecosystem” means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term “eligible State” means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term “Fund” means the Invasive Species Emergency Response Fund established by subsection (b).

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term “introduction”, with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term “invasive species” means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term “qualified organization” means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem impacted by an invasive species.

(B) INCLUSIONS.—The term “qualified organization” includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and

(vi) other organizations, as the Secretary determines to be appropriate.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) STAKEHOLDER.—The term “stakeholder” includes—

(A) State, tribal, and local governmental agencies;

(B) the scientific community; and

(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the “Invasive Species Emergency Response Fund”, consisting of—

(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and

(2) interest earned on investments of amounts in the Fund under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—

(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section;

(B) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of offices of the Governors of eligible States to carry out this section; and

(C) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(f) USE OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as may be required by application requirements established by the Secretary, after taking into account the recommendations of the Governors of eligible States.

(ii) GUBERNATORIAL RECOMMENDATIONS.—In reviewing the applications under clause (i), the Governor may recommend to the Secretary for approval any application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—

(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;

(II) that uses early detection and response mechanisms that seek to prevent—

(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or

(bb) the spread of an established invasive species into an eligible State;

(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to



which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;

(IV) in rare or unique habitats, such as—  
(aa) desert terminal lakes;  
(bb) rivers that feed desert terminal lakes;  
(cc) desert springs;  
(dd) alpine lakes;  
(ee) old growth forest ecosystems; and  
(ff) special land allocations, such as wilderness, wilderness management areas, research natural areas, and experimental forests;

(V) that is likely to prevent or resolve a problem relating to invasive species;

(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);

(VII) to remediate the spread of terrestrial invasive species within important forest ecosystems, including wilderness, wilderness management areas, research natural areas, and experimental forests;

(VIII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;

(IX) to assess and reduce invasive species-related changes in wildlife habitat and aquatic, terrestrial, and arid ecosystems;

(X) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;

(XI) to improve the overall capacity of the United States to address invasive species;

(XII) to promote cooperation and participation between States that have common interests regarding invasive species;

(XIII) that addresses or enhances the efforts of qualified organizations, States, or landscape-level initiatives that have invasive species responsibility, authority, or prevention, remediation and control strategies, and applicable plans in place; or

(XIV) to educate the public regarding the negative effects of invasive species, to help prevent and mitigate the introduction and spread of invasive species into or near high-risk aquatic, terrestrial, and arid ecosystems.

(iii) TRANSMISSION TO THE SECRETARY.—The Governor shall transmit to the Secretary all applications received by the Governor under clause (i).

(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—

(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;

(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and

(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).

(D) PETITIONS.—

(i) ACTION BY GOVERNOR.—Not later than 30 days after the receipt of an application recommended for approval by the Secretary

under subparagraph (B)(ii), the Governor of an eligible State shall submit to the Secretary, on behalf of all qualified organizations, a petition, together with copies of the recommended application, to receive a loan under this paragraph.

(ii) APPROVAL.—Not later than 30 days after the date of receipt of a petition under clause (i), the Secretary, at the sole discretion of the Secretary, may approve the petition.

(iii) ACTION ON APPROVAL.—Not later than 30 days after the date of approval of a petition under clause (ii) or the approval by the Secretary of an application otherwise transmitted by a Governor under subparagraph (B)(ii), the Secretary shall provide to the qualified organization a loan under this paragraph.

(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).

(2) REQUIREMENTS.—

(A) LOAN REPAYMENT.—

(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—

(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and

(II) such other services as the Secretary considers to be appropriate.

(ii) REPAYMENT.—Subject to clause (iii), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iii) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) and (ii) with respect to 1 qualified organization.

(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.

(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.

(g) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, and annually thereafter through September 30, 2015, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$80,000,000 for each of fiscal years 2011 through 2015.

By Ms. SNOWE (for herself, Mr. CARPER, and Ms. COLLINS):

S. 3064. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of energy from deep water offshore wind; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to speak about legislation that I am introducing today, the Deepwater Wind Incentive Act, which will provide a critical long-term renewable production tax credit for developing deep-water wind facilities in the U.S.

Deepwater wind refers to a new offshore wind technology that utilizes advanced floating technologies to remove restrictions on the depth of the water and expand our offshore wind resource by nearly a magnitude of six. Last year, Popular Science named deep-water wind one of the eight technologies that can revolutionize our energy paradigm. I am pleased to have worked with Senators CARPER and COLLINS, two longtime leaders on offshore wind development, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

Currently, there is a race to develop deepwater offshore wind facilities that could eventually be placed throughout our world's oceans and our Great Lakes. A Norwegian company is now moving forward with deployment of the first deep-water offshore floating turbine, which will be located in more than 328 feet of water. The key point is that if you can successfully develop a floating turbine at that depth it can be replicated throughout the world. Our competitors are recognizing this opportunity and are aggressively pursuing this technology. In fact, earlier this year the European Union Industrial Initiative announced a roughly 6 billion euro plan to invest in next generation wind technologies, including deepwater wind, with a goal of supplying 20 percent of its electricity through wind power.

Deepwater wind is a resource that provides a tremendous potential for our country and provides a more consistent resource than onshore and near shore wind. Specifically, the U.S. has over 1500 gigawatts of deepwater offshore wind generation within 50 nautical miles of the coastline, and if our country can develop these deepwater technologies, we will have the equivalent of 1500 medium sized nuclear power plants available within a close proximity to the electricity demand of the U.S.

Accordingly, I have modeled this legislation after the current tax credits available for nuclear power that exists in the tax code. Specifically, the Energy Policy Act of 2005 provided a production tax credit for the first 6,000 megawatts from advanced nuclear power. The Deepwater Wind Incentive Act, follows this template and provides a 50 percent bonus renewable production tax credit for advanced offshore wind facilities that are placed in service in more than 60 meters of water. The credit is capped at the first 6,000 megawatts to provide an incentive for companies to expeditiously research and deploy this technology.

Time after time, the Department of Energy has indicated that wind can provide a substantial amount of electricity in our country. The Department's "20 percent Wind Energy by 2030," outlined the policy steps that would move wind to be a major source of American power. In the report, the DOE states that the wind industry "has responded positively to policy incentives when they are in effect." This tax policy provides a consistent and clear tax credit to achieve the 20 percent by 2030 that is considered in the report. I thank Senator CARPER and Senator COLLINS for their assistance in crafting this legislation and I look forward to working with them to enact this legislation into law.

By Mr. LIEBERMAN (for himself,  
Mr. LEVIN, Mr. UDALL of Colo-

rado, Mrs. GILLIBRAND, Mr. BURRIS, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LEAHY, Mr. SPECTER, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. FRANKEN, and Mr. CARDIN):

S. 3065. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

Mr. BURRIS. Mr. President, we just had a press conference this afternoon with reference to don't ask, don't tell, the action we want to take in the Senate for our military people. I would like to make some brief remarks in that regard.

I come to the floor today because I believe in a basic principle, not just a political cause. I come to the floor because courage and valor are blind to race, religion, philosophy, and sexual orientation. I believe every single man and woman who puts on a military uniform is equally deserving of our thanks and our respect, and that when we dismiss the sacrifices made by those with a different sexual orientation, we undermine the strength of our fighting forces. When we fail to recognize the brave contributions gay and lesbian soldiers continue to make every single day, we diminish ourselves as much as we diminish their service. That is why I am pleased to join the following colleagues: Chairman LIEBERMAN, Chairman LEVIN, Senator GILLIBRAND, Senator UDALL of Colorado, and Senator WYDEN in introducing legislation to repeal the military's don't ask, don't tell policy, a policy which is discriminatory, outdated, and detrimental to our national security.

Let me start by addressing every service man and woman, to those who have served in our Armed Forces in the past. Let's give them a big shout out and a big thank-you. This Nation honors the service and sacrifice of all our veterans and those who are still serving today. Let me say the days of serving in silence—those days are numbered. This legislation will recognize that every soldier, sailor, airman, and marine is equal to every other warrior, so no one will be forced to lie about who they are if they wish to serve this country.

I know there are some who believe this is too big a change, that it is not right and we need to wait. To them I would say it boils down to basic fairness. I remind them that the U.S. military has made policy changes before and with resounding success. The repeal of don't ask, don't tell is not just another vote for me, it is a very personal issue of basic fairness. When I was about 6 or 7 years old, I have a vivid memory of my family members

who went off to war, my uncles and uncles-in-law and great uncles who chose to go to war and defend our country, regardless of the color of their skin or occupation or who they were as an individual. That choice defined them as patriots.

I have never forgotten their patriotism or their commitment to this country. But I have also never forgotten that the U.S. military was very different in those days. My family members volunteered to protect this Nation, but simply because of who they were, they had limited opportunities to serve. For all their skill, their talent, their intelligence, and their valor, they were forced to choose among two or three roles. They were forced to either be a cook or forced to dig ditches or forced to drive trucks. The only thing that separated my uncles from their brothers in arms was the color of their skin. But in those days, some people argued that racial integration would undermine the cohesion of our fighting forces. Yet the U.S. military came to recognize this was not the case and successive generations proved that everyone who volunteered to serve was capable of the same patriotism, bravery, and heroism.

That memory is especially crisp as I stand in this Chamber to bring an end to this discriminatory policy that forces our best and brightest to be willing to die for our Nation, while denying they are who they truly are. This, too, is an issue of basic fairness.

More than 60 years ago, President Truman recognized the wisdom of integrating the Armed Forces. He understood that in so doing, the Armed Forces grew stronger and the Nation safer. Today we recognize it is time to end don't ask, don't tell. This repeal of don't ask, don't tell will allow our servicemembers to live their lives openly, honestly, and still fight for the country we all love. So, regardless of sexual orientation or race or any other factor, today we stand to say we are grateful to the brave patriots who chose to defend our Nation and we salute them.

This is about fairness. This is about more than right versus left or Republican versus Democrat. This is about fighting for those who fight for us every day. Ending this policy is the fair thing to do, it is the right thing to do, and it is long overdue.

Mrs. FEINSTEIN. Mr. President, I rise to state my strong support for the Military Readiness Enhancement Act of 2010, which would repeal the "Don't Ask, Don't Tell" policy in our Armed Forces.

I am one who believes that the "Don't Ask, Don't Tell" policy has done more harm than good. The policy has forced American citizens to choose between serving their country and being honest about who they are; and, even worse, it has led to the discharge

of some 13,000 brave men and women because their sexual orientation was discovered.

The criteria for serving in our Armed Forces should be competence, courage, and a willingness to serve; not race, gender, or sexual orientation.

The Military Readiness Enhancement Act of 2010 would finally repeal "Don't Ask, Don't Tell" and create a policy of nondiscrimination in the military. That is the right thing to do, and I will support this legislation every step of the way.

The Military Readiness Enhancement Act of 2010 would repeal the 1993 "Don't Ask, Don't Tell" policy; allow people who were removed under "Don't Ask, Don't Tell" to re-enter the military; establish a policy of nondiscrimination in the Armed Forces to prevent discrimination on the basis of sexual orientation; and require a Pentagon working group established by the Department of Defense to issue recommendations on how to implement repeal throughout the military.

The bill would also require the Secretary of Defense to report to Congress 180 days after enactment on what actions are being taken to ensure that any school that does not allow a ROTC unit on its campus does not receive Federal funds.

It is important for people to realize that "Don't Ask, Don't Tell" is not an abstract policy. This policy has had real and harmful effects on our military readiness by denying able and willing men and women the opportunity to serve, and by requiring the discharge of brave individuals who have served courageously and even risked their lives for their country.

Let me give you just a few of the thousands of examples:

Anthony Woods, of Fairfield, CA, graduated from the U.S. Military Academy at West Point and went on to serve two tours of duty in Iraq, including in Operation Iraqi Freedom. He earned the Bronze Star and Army Commendation Medal, and all 81 soldiers who served under his leadership in Iraq returned home safely to the United States. Mr. Woods was discharged from the U.S. Army in 2008 because of "Don't Ask, Don't Tell."

MAJ Margaret Witt joined the U.S. Air Force in 1987 and served as a flight nurse for 18 years. She received numerous awards, including the Meritorious Service Medal, Air Medal, and the Air Force Commendation Medal. In 2003, President Bush noted in citation that her "airmanship and courage directly contributed to the successful accomplishment of important missions under extremely hazardous conditions." Major Witt was discharged 6 years ago after the Air Force received a tip that she was gay. Major Witt has challenged her case in court because, as she says, "I joined the Air Force because I wanted to serve my country. I have loved

being in the military—my fellow airmen have been my family. I am proud of my career and want to continue doing my job. Wounded people never asked me about my sexual orientation. They were just glad to see me there." The case is currently pending before the Ninth U.S. Circuit Court of Appeals in San Francisco, CA.

LT Daniel Choi, originally from Orange County, CA, also graduated from the U.S. Military Academy at West Point. He is an Arabic linguist and served as an infantry officer in Iraq in 2006 and 2007, but he was recommended for discharge from the U.S. Army after announcing last year that he was gay. Lieutenant Choi has said that: "The lessons of courage, integrity, honesty and selfless service are some of the most important. . . . I refuse to lie to my commanders. I refuse to lie to my peers. I refuse to lie to my subordinates. I demand honesty and courage from my soldiers. They should demand the same from me." The New York National Guard has recently indicated that they will allow Lieutenant Choi to begin participating in drills with the unit again. LTC Paul Fanning, a spokesperson for the New York Guard, has stated: "We do not have an issue with it. It's a deeply personal thing. To us a soldier is a soldier is a soldier."

Veteran U.S. Marine Bob Lehman, of San Diego, CA, served in the gulf war in the 1990s and was never dismissed for being gay. He has explained that, "Nobody in my unit knew artillery better than I did, including the officers. During combat, the gay thing didn't even exist. My biggest fear was bringing my guys home alive." However, Mr. Lehman has said he believes that the "Don't Ask, Don't Tell" policy forces U.S. soldiers into a moral dilemma. "Marines don't lie, cheat or steal. It was hard to lie . . . There was a lot of denial and depression because of the inability to be out openly, (the fear) that I might get fired."

Courageous men and women like these should be applauded for their service, not discharged for their sexual orientation. The Military Readiness Enhancement Act of 2010 would ensure that is the case and would require the military to readmit anyone who was discharged solely because of their sexual orientation and is otherwise willing and able to serve.

The "Don't Ask, Don't Tell" policy has long been a contentious one, and I do not state my support for repeal lightly.

It is absolutely essential that we undertake this project with great care, so that repeal of the policy will enhance military readiness and the effect will be positive for all of our servicemembers in the field.

I am confident that we are up to the task of doing so.

In the last few months alone, high ranking officials from various compo-

nents of the military have come forward to say that repeal is not only feasible, it is the right thing to do. For example:

ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, testified before the Senate Armed Services Committee that, "Speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens."

Secretary of Defense Robert Gates testified at the same hearing that, "I fully support the president's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it."

Secretary of the Navy Ray Mabus has said, "I support the repeal of "Don't Ask, Don't Tell." I do think the President has come up with a very practical and workable way to do that to work through the working group that the Secretary of Defense has set up, to make sure that we implement any change in the law that Congress makes in a very professional and very smooth manner, and without any negative impacts on the force."

Retired General Colin Powell issued an official statement expressing that "In the almost 17 years since the "Don't Ask, Don't Tell" legislation was passed, attitudes and circumstances have changed. I fully support the new approach presented to the Senate Armed Services Committee this week by Secretary of Defense Gates and Admiral Mullen."

These military leaders believe repeal is not only feasible, it is right. According to the University of California, military leaders in many other countries agree. Twenty-five countries currently have policies allowing gay servicemembers to serve openly in their militaries, including 15 NATO countries, Australia and Israel.

This year, Secretary Gates has appointed a Pentagon working group to study in great detail how repeal can be implemented in a manner that will enhance the readiness and effectiveness of our troops. This group, led by Army General Carter Ham and Pentagon General Counsel Jeh Johnson, is tasked with engaging troops and their families at all levels of the Armed Forces to determine what changes will be necessary in regulations, in education and training practices, and in military policy to implement a policy of nondiscrimination on the basis of sexual orientation in our Armed Forces. The study will be careful, and the review will be comprehensive.

The time has come to repeal "Don't Ask, Don't Tell." I urge my colleagues

to join me in supporting the Military Readiness Enhancement Act of 2010. I am confident that our military will be stronger and better when this bill becomes law.

By Mr. KYL (for Mrs. HUTCHISON):  
S. 3068. A bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I am introducing legislation today that is intended to chart what I believe to be the proper course for the future of the nation's human space flight programs. This bill would provide an alternative to the Administration's proposed course of ending the government role in Human Space Flight and avoid the complete reliance on other nations or an as-yet-unproven commercial capability to launch American astronauts and scientists into space. It would also reaffirm the goals of moving beyond low-earth orbit and restore the kind of exciting vision that will help inspire young people to excel in Science, Technology, Engineering and Mathematics. The bill echoes the decision of the Obama administration to support the International Space Station, ISS, through at least the year 2020, as we endorsed in our NASA Authorization Act, passed in 2008. But the administration's proposal does nothing to ensure that we can fully maintain and utilize the space station, especially during the next 5 years. This bill would correct that, and ensure that full use of the space station is not an empty promise.

Since the release of the fiscal year 2010 Budget last year, the future of human space flight programs has been in question. As part of that Budget Request, the administration announced it would establish an independent review panel, chaired by my good friend Mr. Norman Augustine, to review U.S. Human Space Flight Plans and provide options for how those programs should proceed in the future.

The Augustine Panel completed its review in late August of last year, and provided its Summary Report to NASA, the White House, and the Congress on September 8, 2009. Shortly thereafter, the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation held a hearing on the report with Mr. Augustine appearing as our witness. The Augustine Panel released its full report at the end of September, and we have all been awaiting the response of the Obama administration to the report.

When the fiscal year 2010 Budget was submitted in 2009, the budget request for Exploration Systems included a notation that the amount requested was a "placeholder" number, and that, once

the Human Space Flight Plans Review Committee completed its work, the Administration would submit an amended budget request to support the programmatic decisions made as a result of that report. That never happened. Instead, the response to the Augustine Panel Report was left to the fiscal year 2011 Budget request, which we received on February 1st. Because of the administration's failure to offer a budgetary blueprint until the fiscal year 2011 budget, we will now experience yet another year's delay in undertaking the steps necessary to advance beyond the uncertainty about the future of human space flight programs that prompted the review.

The Augustine Panel provided five basic options for consideration, with an additional two options that were modifications of these five basic options. The Augustine Panel thus provided a total of seven approaches that could be taken to ensure America's continued leadership in space—to establish a space program "worthy of a great nation," as suggested by the title of their final report. None of those options leapt out as the obvious, consensus answer to the mix of vehicle development options and strategies necessary to meet the challenges of the next generation of human space flight. There was, however, a clear consensus on two important points.

First, the Panel found that, without a significant increase in the total amount of funding made available to NASA, none of the options presented could be expected to succeed—including the current plans and programs for developing the Ares I and Ares V launch vehicles and the Orion Crew Exploration Vehicle. The Panel's conclusion underscored what we in the authorizing committees have been saying for the past five years, and which formed the basis for the funding levels that we authorized in both our 2005 and 2008 NASA Authorization Acts, which would have led to a more timely and successful level of development for the vehicles to replace the space shuttle systems. The Bush administration, however, simply never requested that level of funding. In fact, the prior Administration even reduced the level of funding for those programs that had been projected in the run-out estimates included in the fiscal year 2005 Budget Request, which initiated the "Vision for Exploration" announced by President Bush on January 14, 2004.

Second, the Panel recommended that a decision be made to formally extend U.S. plans to operate and utilize the ISS through at least the year 2020. This was also consistent with guidance the authorizing committees provided in the 2008 NASA Authorization Act, where we directed NASA to take no steps to preclude operations of ISS through at least 2020, and directed the Agency to provide a plan which would

outline how they would prepare to support and utilize the space station for that extended period of time. Up to that point, NASA's internal planning—and budget guidance from the Office of Management and Budget—was to cease operations aboard the space station in 2015, just five years after its assembly and outfitting would finally be completed by the remaining space shuttle flights.

Some of the good news in the fiscal year 2011 Budget Request is that the Obama administration agrees with the need to continue supporting the space station to at least 2020, and to expand and increase its utilization for research. That is welcome news. The problem is that the request does not provide the means to ensure that the extension and full utilization of the space station can be realized.

It is worth noting that after the budget reductions were made for Exploration in the 2006 Budget Request, the number of flights planned to complete space station assembly were reduced—at the direction of OMB for purely budgetary reasons—from 28 remaining flights to 17 flights, plus an optional added flight to conduct a final mission to service the Hubble Space Telescope. The effect of those reductions was to force NASA to change the planned payloads for those remaining 17 flights to try to accommodate the most important spare parts and replacement parts from the 10 "cancelled" flights, for ensuring the safe and effective operation and utilization of the station. Ten flights' worth of flight-ready payloads—averaging between 40,000 to 50,000 pounds per flight—were essentially relegated to storage warehouses where most of them remain today, ready to fly, ready to use, but with no guaranteed "ticket to ride" to be of any use to the station. Over 1,400 parts and pieces of equipment, Mr. President! What is most important to remember, is that the decisions about which instruments and equipment to swap into the remaining flights were based on the internal assumption of the need to support the ISS through 2015—not through 2020.

The result of this is that we do not know how many, or which, of those "grounded payload" items might actually be needed in order to ensure the station can be supported and maintained until 2020. Not only that, we do not know which, or how many, of them are simply too large or too heavy to be carried to orbit by any existing vehicle other than the space shuttle. And finally, we do not know what additional items might need to be ordered, manufactured and delivered in the future, or what launch vehicle capacity will be needed to deliver them to the station.

This is not the way a great nation should conduct its civil space program. This is not the way to ensure that a decision and pronouncement to continue

operations through 2020 will not become an empty gesture due to the deterioration, damage, or failure of equipment and systems vital to providing the oxygen, water, power to make the ISS habitable and to support scientific research in the period following 2015.

This is just one example of the type of considerations that preparations that the Obama administration appears to have ignored while preparing its response to the Augustine panel Report. It is an issue I propose to address, among many, in the legislation being introduced today.

Since last May, when the President announced the appointment of a Committee to review U.S. Human Space Flight Plans, we have all been waiting for clear policy direction based on the report of that Committee, which was released in late September. Throughout that time, at my direction, my committee staff carefully followed the public meetings and briefings of the Augustine panel, and considered the implications of the various options discussed and eventually included in the panel's final report.

In the course of that ongoing review, as well as our Committee hearing last September, I began forming my own conclusions about the correct path for the future of U.S. human space flight programs, as is my responsibility as the Ranking Republican on the policy and oversight committee for NASA. The key factors driving my position regarding that path forward have been: the need to maintain U.S. leadership in space exploration, which I believe is essential to our economic and national security; the need to ensure we do not lose the skills, expertise and industrial capacity that are necessary to conduct space exploration; the need to ensure, as our Committee has in the previous two NASA Authorization bills we have developed and seen enacted into law, that NASA has both a balanced range of activities across its full mission responsibilities, and was authorized the funds needed to carry out that range of activities; and the need to protect—and capitalize on—our massive investment in the ISS, which, along with our international partners, is close to \$100 billion. Now that it is almost completed and has a six-person permanent crew, we can begin to conduct the research that we have anticipated all these years during its construction. Research that has the potential to fundamentally change and enhance our understanding of physical processes, vaccine development, and a whole host of other research.

In order to meet those needs, we must first take steps to ensure we do not have an extended period of time during which there is no capability within the United States to launch humans into space, whether to the space station or any other destination. The easiest, most logical and obvious an-

swer in the short term is to continue to use the one launch vehicle that already exists, has a proven history of 98.7 percent probability of success for each mission, and upon which the space station was designed, assuming the shuttle's availability throughout the station's on-orbit lifetime to provide support and maintenance.

Prematurely and voluntarily ending the space shuttle program without a near-term U.S.-built alternative on the horizon simply seems irresponsible, and that is an issue that I believe the Congress must address. While the Space Shuttle will never be completely safe, just as with any vehicle that must carry humans into the harsh environment of space, it is currently flying as safely, if not more safely, than it ever has.

The legislation I am introducing today would ensure that a final decision on the timing of the space shuttle retirement, or even the number of missions it might still be required to fly, would not be made until the issues involved are fully considered and resolved and we are fully convinced that the shuttle's capability is no longer needed. In particular, we must answer the question of how we support, maintain, and fully utilize the ISS, not just in 5 or more years, when any new commercially-developed vehicle might be available, but right now, as we are about to cut the ribbon on it as a finally completed research facility.

I have already mentioned the lack of complete information regarding the ability to adequately ensure the availability and deliverability of spare and replacements parts needed between now and 2020 to keep the space station fully and safely functional. All this is to underscore that the issue of whether to continue flying the shuttle, and the number of additional shuttle flights that are needed, is not simply a matter of shortening the gap between shuttle retirement and the availability of its replacement, or protecting a vitally important workforce. This issue also requires policy makers to understand what the space shuttle can do—and possibly do exclusively in the case of large, heavy replacement systems and structures—to ensure that the promise to extend the ISS to 2020 can actually be fulfilled. We must be certain the ISS can be kept alive and fully functioning over the next 10 years. Again, the administration's Budget Request offers no answers to how we will be able to deliver all the equipment necessary to extend the life of the ISS if the shuttle is not available.

I am also very concerned about the proposal to simply cancel the Constellation programs of Ares 1, the low-earth orbit crew launch vehicle, the Ares V Heavy Lift vehicle for enabling flights beyond low-Earth orbit, and the Orion Crew Exploration capsule to carry the crews for both of those mis-

sions. It is very clear that many of my colleagues are also deeply concerned about this part of the President's budget. I simply believe any decision to terminate those projects needs much more consideration than I believe it has gotten during the preparation of the Obama administration's proposal for NASA.

The approach of the administration—their so-called “bold new initiative”—is to turn to an entirely new approach based exclusively on the development of commercially-developed crew launch systems. There appears to have been little thought given to how we might leverage the \$9 billion already spent on the Constellation vehicles in the identification of potential providers for those commercial systems. I believe that is wasteful and irresponsible and all but guarantees that commercial developments will start from scratch—and therefore take much longer to develop and be much more costly, in the long run, to the American taxpayers.

Another concern with this new approach is that we do not yet have any details about how the \$6 billion proposed in the Budget Request for commercial space flight over the next 5 years will be allocated and what it will be expected to support. We don't know whether this will be a collaborative program, creating incentives for matching funding from the private sector, or whether it will represent more of a government subsidy to develop systems for which there may not be a sustainable market for those services beyond what NASA would purchase. I am philosophically and fundamentally opposed to such government subsidies, particularly when it is not clear that taxpayer funding for an approach like this won't have to be followed by even more taxpayer dollars to keep the systems available to meet the needs of the space station, or other government space projects.

The legislation I am proposing will address that issue by directing NASA to consider “commercial” options that include the possibility of agreements not only with the “entrepreneurial” start-up companies like SpaceX, which represent an exciting but still unproven set of vehicles designed to service a still non-existent commercial market, but also with other, longer-standing and experienced commercial companies. The key aerospace companies with whom NASA currently has development contracts might well be able to jointly develop a new launch system as a modification of their existing contracts under the Constellation program. They could combine their expertise and capability to transition their efforts toward developing a new launch capability based on existing shuttle main engines, external tank manufacturing capability, solid rocket motors, and the Orion crew vehicle. Something like that has been, I am

told, a subject of informal conversations among those companies for some time. I believe we need to ensure through legislation that such an alternative will be fully evaluated and considered as one possible approach to the new "commercial" space systems development. We have not been given details of this possible approach, because those discussions are apparently still ongoing. But I believe we need to make sure there is a legislative underpinning that would at least allow the full consideration of that approach.

I would not view such an approach as precluding the continued pursuit of the current COTS, Commercial Orbital Transportation Systems, activities being pursued with SpaceX and Orbital Sciences Corporation for cargo delivery services for the Space Station. I have consistently supported that development and believe we should continue to do so. My concern, one I know that of a number of my colleagues share, is to ensure we have redundant and alternative means of providing U.S. human spaceflight capability. If one of those can be more fully commercial in nature, and something that can stand on its own without the taxpayers being responsible for their success, so much the better.

I will be working with my colleagues in the Senate, and reaching out to our counterparts in the House of Representatives, to ensure all of these issues are put on the table for discussion, using the vehicle of this legislation to provide an alternative view to that proposed by the Obama Administration.

This legislation actually tracks closely with the President's request, in terms of the amounts authorized for NASA. It authorizes programs largely at funding levels already enacted for fiscal year 2010, with some very minor exceptions, and at the same base account levels requested by the administration for fiscal year 2011 and fiscal year 2012.

What my legislation adds is the authorization levels necessary to implement the potential continuation of space shuttle flights, at a greatly reduced annual level of flights and associated costs, as well as modest increases in the short-term for the establishment and support of an enterprise to be developed to manage and operate the U.S. National Laboratory.

The greatest difference, as I have indicated, is that this legislation points the way to what I believe is a more measured and reasoned approach that ensures the best use of investments we have already made, provides the Congress and the administration with necessary information to inform our judgments on alternative launch vehicle developments, and provides a means of avoiding severe economic dislocations in the aerospace industry and the highly skilled and dedicated workforce that

has provided the capability for this nation to be the world leader in space exploration.

I strongly encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3068

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Space Flight Capability Assurance and Enhancement Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Statement of human space flight policy.
- Sec. 4. Space Shuttle operations.
- Sec. 5. International Space Station operations.
- Sec. 6. International Space Station utilization.
- Sec. 7. Transportation systems development.
- Sec. 8. Definitions.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Application with other laws.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States Human Space Flight program has, since the first Mercury flight on May 5, 1961, has been a source of pride and inspiration for the Nation.

(2) The extraordinary challenges of achieving access to space both motivated and accelerated the development of technologies and industrial capabilities that have had widespread applications which have contributed to the technological excellence of the United States.

(3) It is essential to the economic well-being of the Nation that the aerospace industrial capacity, highly skilled workforce, and embedded expertise remain engaged in demanding, challenging, and exciting efforts that ensure United States leadership in space exploration and related activities.

(4) The completion of the International Space Station, the ability to sustain a crew of at least 6 members, and the ability to conduct unique microgravity research that can only be accomplished in the space environment, provides an opportunity for scientific and technological advancement that must be immediately and fully exploited.

(5) The designation of the U.S. Segment of the International Space Station as a National Laboratory, as provided in section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767) and as further provided in subtitle A of title VI of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17751 through 17753), provides an opportunity for multiple United States government agencies, University-based researchers, commercial research organizations, and others to utilize the unique environment of microgravity for fundamental scientific research and potential commercial developments.

(6) In order to assure the full and complete utilization of the International Space Station, including the ability to sustain the sys-

tems and physical infrastructure of the vehicle, effective and timely transportation systems are required, which must be able to deliver the full range of logistics, support, and maintenance items which may be necessary through the year 2020.

(7) For some potential replacement elements necessary for Space Station sustainability, the Space Shuttle represents the only vehicle, existing or planned, capable of carrying those elements to the International Space Station in the near term.

(8) In order to ensure effective utilization of Space Station research facilities, the capability for returning processed experiment samples and research-related equipment to Earth is essential.

(9) The maintenance of human exploration goals, such as a return to the Moon, a voyage to Mars, or other celestial bodies or locations is essential for providing the necessary long-term focus and programmatic robustness of the United States civilian space program.

(10) The United States must develop, as rapidly as possible, replacement vehicles capable of providing both human and cargo launch capability to low-Earth orbit and, by expansion or modification of core design features, capable of delivering large payloads into low-earth orbit or to destinations beyond low-Earth orbit.

(11) While commercial transportation systems may contribute valuable services, it is in the United States' national interest to maintain a government-operated space transportation system for crew and cargo delivery to low-Earth orbit and beyond.

#### SEC. 3. STATEMENT OF HUMAN SPACE FLIGHT POLICY.

(a) USE OF NON-U.S. HUMAN SPACE FLIGHT TRANSPORTATION CAPACITY.—It is the policy of the United States that reliance upon and use of non-United States human space flight capability shall only be undertaken as a temporary contingency in circumstances where no United States-owned and operated human space flight capability is available, operational, and certified for flight by appropriate Federal agencies.

(b) U.S. HUMAN SPACE FLIGHT CAPACITY.—The Congress reaffirms the policy stated in section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(a)), that the United States shall maintain an uninterrupted capability for human space flight and operations in low-earth orbit, and beyond, as an essential instrument of national security and the ability to ensure continued United States participation and leadership in the exploration and utilization of space.

#### SEC. 4. SPACE SHUTTLE OPERATIONS.

(a) RETENTION OF SPACE SHUTTLE OPERATIONS CAPABILITY.—

(1) IN GENERAL.—The Administrator shall take all necessary steps to ensure that all Space Shuttle Program activities and operations are able to continue, or to be resumed, including flight operations and support, pending the completion of the reviews, requirements, and reports of this section.

(2) CURRENT SHUTTLE MANIFEST FLIGHT ASSURANCE.—The Administrator shall take all steps necessary to ensure shuttle launch capability through fiscal year 2011 to enable launch, at a minimum, of all payloads manifested as of February 28, 2010. In fulfillment of this requirement, the Administrator is prohibited from terminating any contractor support which will endanger or inhibit the launching of shuttle payloads manifested as of February 28, 2010, should launches be required after the first quarter of fiscal year 2011.



(b) **CERTIFICATION OF SPACE SHUTTLE SYSTEMS; VALIDATION OF FLIGHT READINESS DETERMINATION PROCEDURES.**—No later than 30 days after the date of enactment of this Act the Administrator shall ask the National Academies of Science to appoint a Flight Certification Review Committee, consisting of 5 individuals with appropriate engineering expertise and experience in certification of space flight vehicle hardware, systems, and equipment testing and validation procedures, to review space shuttle certification activities undertaken or initiated after February, 2003. The Committee shall provide an assessment regarding the adequacy of those validation procedures in assuring vehicle durability, flight-worthiness, and sustainability for continued operations through a period of up to 5 years beyond the space shuttle flight manifest planned as of February, 2010. The Committee shall take into account current and historical trends in anomaly detection and resolution within major components of the space shuttle systems.

(c) **COMPLETION OF CERTIFICATION REVIEW AND REPORTING REQUIREMENT.**—The Committee appointed under subsection (b) shall complete its task within 90 days of its appointment and shall provide its findings and determinations concurrently to the Administrator and to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(d) **SPACE SHUTTLE CAPABILITY RETENTION.**—Notwithstanding any other provision of law, to the extent practicable NASA shall operate the Space Shuttle program at a flight rate of no more than 2 missions in any consecutive 12-month period beginning during the fiscal years for which appropriations are authorized under section 9 of this Act.

(e) **EXISTING HARDWARE COMPONENTS.**—The Administrator shall ensure that hardware components in existence as of March, 2010, remain available for use in connection with any additional flights required under subsection (g)(2) beyond those on the current flight manifest schedule.

(f) **PROHIBITION OF SCHEDULED TERMINATION.**—The Administrator may not terminate the Space Shuttle Program as of a scheduled date certain.

(g) **TERMINATION CONDITIONS.**—Termination of space shuttle missions operations shall be contingent upon—

(1) completion of the space shuttle flights planned as of February 28, 2010;

(2) delivery of remaining manufactured orbital replacement units, research instrumentation, and other maintenance materials and equipment originally scheduled for delivery to the International Space Station in the flight manifest schedule prepared no later than November, 2005, and which are identified in the review required by section 5(b)(2) and deemed essential for maintenance and support of the International Space Station through the end of fiscal year 2020, and which require the payload capability of the space shuttle Orbiter for delivery to the International Space Station; and

(3) a determination by the President that termination of space shuttle missions in support of International Space Station operations—

(A) is consistent with paragraph (2) of this subsection, and any other provision of this Act regarding the provision of human space flight capabilities; and

(B) will not cause a degradation of the equipment, logistics, cargo up-mass and down-mass delivery capability necessary to provide full utilization of international

space station science and research capabilities for both United States National Laboratory and International Partner scientific research and experimentation which the United States is obligated by international agreement to provide.

(h) **ADDITIONAL DETERMINATION REQUIREMENTS.**—The President shall include in such a determination a detailed description of alternate means for the provision of necessary support for the conduct of full utilization of the International Space Station for research and development in science, engineering, and technological development, the scheduled availability of such alternative means of support, and such materials as may be necessary to justify the determination.

(i) **NOTICE TO CONGRESS.**—The President shall provide any determination under this section to the committees of jurisdiction, which shall review such determination and consider whether to recommend legislative action to establish further conditions for termination of space shuttle operations.

(j) **TERMINATION.**—The Administrator may not take steps to terminate the Space Shuttle Program before the later of—

(1) the date that is 60 legislative days after receipt of the determination by the Congress; or

(2) the date on which the Congress has taken final action with respect to any bill reported by a committee of jurisdiction pursuant to subsection (i).

(k) **DECOMMISSIONING OF ORBITER VEHICLES.**—

(1) **IN GENERAL.**—Upon the termination of the Space Shuttle program as provided in this section, the Administrator shall assume responsibility for decommissioning the remaining orbiter vehicles according to established safety and historic preservation procedures prior to their designation as surplus government property. The remaining orbiter vehicles shall be made available and located for display and maintenance by a competitive procedure established pursuant to the disposition plan developed under section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)), with priority consideration given to eligible applicants meeting all conditions of that plan which would provide for the location, display, and maintenance of one orbiter at or near the Johnson Space Center, in Houston, Texas, and one orbiter at or near the Kennedy Space Center near Titusville, Florida.

(2) **DISPLAY AND MAINTENANCE.**—The orbiter vehicles made available under paragraph (1) shall be displayed and maintained through agreements and procedures established pursuant to section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)). NASA shall be responsible for the costs of safely decommissioning, transporting, and re-assembling the orbiter vehicle for display.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to NASA such sums as may be necessary to carry out this subsection.

(l) **PRESERVATION OF VEHICLE AND SYSTEMS DESIGN AND ENGINEERING DATA.**—The Administrator shall immediately take all necessary steps to ensure the collection and preservation of space shuttle structures, systems, and infrastructure design, manufacturing, testing, and maintenance data for historical archival purposes and for possible use as technical resource material and programmatic lessons learned and technical interchange applicability for future space vehicle design and operations.

## SEC. 5. INTERNATIONAL SPACE STATION OPERATIONS.

(a) **POLICY STATEMENT.**—It shall be the policy of the United States, in consultation with its International Partners in the International Space Station program, to support full and complete utilization of the Space Station through at least the year 2020.

(b) **MAINTENANCE OF U.S. SEGMENT.**—

(1) **IN GENERAL.**—The Administrator shall take all steps necessary to ensure the safe and effective operations, maintenance, and maximum utilization of the United States Segment of the International Space Station through fiscal year 2020.

(2) **VEHICLE AND COMPONENT REVIEW.**—In carrying out paragraph (1), the Administrator shall, immediately upon enactment of this Act, conduct an in-depth assessment of all essential modules, operational systems and components, structural elements, and permanent scientific equipment on board or planned for delivery and installation aboard the International Space Station, including both United States and international partner elements, to determine anticipated spare or replacement requirements to ensure complete, effective, and safe function and full scientific utilization of the ISS. The Administrator shall enable the Comptroller General to monitor and, as appropriate, participate in the review required by this paragraph in such a way as to enable the Comptroller General to provide an independent assessment of the review to the committees of jurisdiction.

(3) **REPORTING REQUIREMENTS.**—No later than 90 days after the date of enactment of this Act the Administrator shall provide the completed assessment to the committees of jurisdiction. The results of the required assessment shall include, at minimum, the following:

(A) The identification of spare or replacement elements and parts currently produced, in inventory, or on order, and the state of readiness and schedule for delivery to the ISS, including the planned transportation means for such delivery. Each element identified shall include a description of its location, function, criticality for system integrity, and specifications regarding size, weight, and necessary configuration for launch and delivery.

(B) The identification of anticipated requirements for spare or replacement elements not currently in inventory or on order, a description of their location, function, criticality for system integrity, the anticipated cost and schedule for design, procurement, manufacture and delivery, and specifications regarding size, weight, and necessary configuration for launch and delivery, including available launch vehicles capable of transportation of such items to the International Space Station.

(c) **RESEARCH FACILITIES AND CAPABILITIES.**—Utilization of research facilities and capabilities aboard the International Space Station other than exploration-related research and technology development activities, and associated ground support and logistics, shall be planned, managed, and supported by the organizations described in section 6.

## SEC. 6. INTERNATIONAL SPACE STATION MANAGEMENT AND UTILIZATION.

(a) **ESTABLISHMENT OF OFFICE OF RESPONSIBILITY FOR UNITED STATES SPACE STATION NATIONAL LABORATORY.**—The Administrator shall establish responsibility for the International Space Station United States National Laboratory within the Space Operations Mission Directorate, ISS Program Office at NASA Headquarters, or any successor



entity within NASA. The head of the Office shall be an official, designated by the Administrator, who shall serve as a Deputy Associate Administrator for International Space Station, or at an equivalent rank, and to whom responsibility shall be delegated for, at a minimum, the conduct of ISS operations, maintenance and utilization by both NASA and non-NASA organizations. The Officer shall serve as the formal liaison to the organization specified in subsection (b).

(b) **ESTABLISHMENT OF NATIONAL LABORATORY MANAGEMENT ENTITY.**—The Administrator shall execute an agreement with a cooperative organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code to manage the activities of the ISS United States National Laboratory. The organization shall be designed specifically for the unique purpose of developing and implementing research and development projects utilizing the International Space Station U.S. Segment, and to be engaged exclusively in this enterprise without other organizational objectives or responsibilities on behalf of the organization or any parent entity. The head of the office established by subsection (a) is responsible for liaison and management of the agreement. The Administrator shall delegate, at a minimum, the following responsibilities to the organization, which shall carry out its responsibilities in cooperation and consultation with the head of the office established by subsection (a):

(1) Planning and coordinating the ISS National Laboratory research activities.

(2) Development and implementation of guidelines, selection criteria, and flight support requirements for non-NASA scientific utilization of International Space Station research capabilities and facilities available in United States-owned modules or in partner-owned facilities allocated to United States utilization by international agreement.

(3) Interaction with and support of the International Space Station National Laboratory Advisory Committee, established under section 602 of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17752), and the review and implementation of recommendations provided by that Committee under the terms of the enabling legislation and subsequent organizational documents, negotiation, approval, and implementation of memoranda of understanding, Space Act agreements, or other authorized cooperative mechanisms, with non-NASA United States government entities, academic institutions or consortia, and commercial entities, leading to utilization of the United States International Space Station National Laboratory facilities.

(4) Coordination of transportation requirements in support of the United States International Space Station National Laboratory facilities, including provisions for delivery of instrumentation, logistics support, and related experiment materials, and provisions for return to Earth of collected samples, materials, and scientific instruments in need of replacement or upgrade.

(5) Cooperation with NASA, other Federal Agencies, States, or commercial entities in ensuring the enhancement and sustained operations of non-exploration-related space-station research payload ground support facilities, including the Space Life Sciences Laboratory, Space Station Processing Facility and Payload Operations Control Center and any other ground facilities critical to the utilization of the International Space Station.

(6) Development and implementation of scientific outreach and education activities designed to ensure effective utilization of International Space Station research capabilities, through such instruments as memoranda of understanding, Space Act agreements executed by NASA, or other cooperative agreements, and through the conduct of scientific assemblies, conferences, etc., for presentation of research findings, methods and mechanisms for dissemination of non-restricted research findings, and development of educational programs, course supplements, interaction with educational programs at all grade levels, including student-focused research opportunities for conduct of research in the United States International Space Station National Laboratory managed facilities.

(c) **RESEARCH FACILITIES ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.**—

(1) **ALLOCATION OF ISS RESEARCH FACILITIES.**—Beginning as soon as practicable after the date of enactment of this Act, United States International Space Station National Laboratory managed experiments shall be guaranteed access to, and utilization of, 50 percent of the United States research facilities allocation and requisite crew time through fiscal year 2014. Beginning with fiscal year 2015, the percentage allocation shall increase by an additional 10 percent per year through fiscal year 2020.

(2) **ADDITIONAL RESEARCH CAPABILITY.**—If the head of the ISS Program Office determines that there are NASA research plans that would require research capability beyond the percentage allocation under paragraph (1), those research plans shall be prepared in the form of requested research opportunities submitted to the established process for consideration of proposed research within the allocations and capabilities of the International Space Station National Laboratory, as provided in paragraph (1). These research proposals may include the establishment of partnerships with non-NASA institutions eligible to propose research to be conducted within National laboratory allocated research facilities. Until fiscal year 2020, the head of the Office may grant exceptions to this requirement if the proposed experiment is deemed essential for purposes of preparing for exploration beyond low Earth Orbit, as determined by joint agreement between the organization described in subsection (a) and the head of the office established under subsection (b).

(3) **RESEARCH PRIORITIES AND ENHANCED FACILITIES.**—The organization described in subsection (b) and the head of the office established under subsection (a) shall take into account recommendations of the National Academies of Science Decadal Survey on Life and Microgravity Sciences in establishing research priorities and in developing proposed enhancements of research facilities and opportunities.

(4) **RESEARCH PAYLOAD RESPONSIBILITY.**—NASA shall retain its roles and responsibilities in providing research payload transportation integration and operations processes essential to ensure safe and effective flight readiness and vehicle integration of research facilities and activities approved and prioritized by the organization described in subsection (b) and the head of the office established under subsection (a).

## **SEC. 7. TRANSPORTATION SYSTEMS DEVELOPMENT.**

(a) **IN GENERAL.**—The Administrator shall take steps to ensure that the development of space transportation vehicles, systems, and infrastructure shall occur in such a way as

to ensure the availability of complementary and, where necessary, redundant transportation systems capable of delivering crew and cargo to low-Earth orbit, in particular to the International Space Station, and to destinations beyond low-Earth orbit. Systems developed and operated by the United States Government shall be the primary means for delivering crew and cargo to destinations in low-Earth orbit until such time as commercial entities demonstrate, through a successful flight regime, as determined by established milestones within current Space Act Agreements, that they have the capability to deliver cargo to destinations in low-Earth orbit, including the International Space Station. Systems developed and operated by the United States government shall be the primary means for delivering crew and cargo to destinations beyond low earth orbit. Commercially developed launch systems, such as those being developed under NASA's Commercial Orbital Transportation System, for which the United States government will serve primarily as a customer, shall be the primary means for delivering cargo to the International Space Stations once they have successfully demonstrated that capability, as required by this subsection.

(b) **NATIONAL SPACE TRANSPORTATION SYSTEM.**—The Administrator is directed to develop a plan, no later than 90 days after the date of enactment of this Act, for the establishment of a National Space Transportation System. The National Space Transportation System shall include—

(1) an architecture of government developed and operated space transportation systems, including one or more launch vehicles and associated crew and cargo carriers;

(2) a streamlined approach to development and acquisition of such systems funded and overseen by the United States Government, including possible adoption or modification of effective acquisition practices utilized by the Department of Defense, where appropriate, to more effectively meet civil space transportation requirements;

(3) an operational concept that utilizes existing government and industry personnel and infrastructure in an efficient and cost effective manner;

(4) continuation or modification of ongoing programs, associated contracts, and testing and evaluation plans initiated under the Constellation Program, including the Orion Crew Exploration Vehicle and the Ares-1 Crew Launch Vehicle, to the extent that such elements are determined to be cost effective and operationally effective;

(5) a plan for incrementally upgrading initially developed and deployed systems so that such systems can be made operational with existing technology at the earliest possible opportunity and then upgraded over time to fulfill more demanding missions and incorporate new technology as it becomes available; and

(6) a United States Government managed approach for overseeing and ensuring crew safety, including oversight of human ratings requirements established under subsection (f)(1)(C) of this section.

(c) **TECHNOLOGY DEVELOPMENT TO SUPPORT NATIONAL SPACE TRANSPORTATION SYSTEMS EVOLUTION.**—The Administrator shall develop and keep up to date a technology development plan to support the evolving requirements of the National Space Transportation System, both for low-Earth orbit requirements and for missions beyond low-Earth orbit. Technology funding provided pursuant to this subsection shall be determined based on the specific mission benefits

and the performance requirements needed to achieve clearly identified mission objectives, such as planning to reach destinations beyond low-Earth orbit. There are authorized to be appropriated to the Administrator such amounts for technology funding for propulsion elements as may be necessary to advance the state of the art in propulsion elements as a priority over developments of current state of the art in propulsion systems.

(d) **HEAVY-LIFT VEHICLE DEVELOPMENT.**—

(1) **REVIEW.**—As part of the National Space Transportation system required in subsection (b) of this section, the Administrator is directed to conduct a review of alternative heavy lift launch vehicle configurations that may be developed by the United States government to transport crew and cargo to low-Earth orbit and beyond.

(2) **CONTENT.**—The review shall—

(A) include shuttle-derived vehicles which use existing United States propulsion systems, including liquid fuel engines, external tank, and solid rocket motor technology and related ground-based manufacturing capability, launch and operations infrastructure, and workforce expertise;

(B) take into consideration technologies developed under the Constellation Program, including those developed for the Ares I system;

(C) include consideration of the degree to which alternative vehicles may be developed in an evolutionary fashion with the objective of supporting initial crew and cargo transportation to the International Space Station by the end of 2013 and missions beyond low-Earth orbit by the end of 2018; and

(D) include comparative development and projected operational costs.

(e) **NATIONAL SPACE TRANSPORTATION SYSTEM AUTHORITY TO PROCEED.**—The Administrator is directed to select a heavy lift launch vehicle and accompanying crew vehicle design concept and to initiate detailed design activities no later than 6 months after the date of enactment of this Act. If ongoing program development elements and activities from the Constellation Program are to be included in such a National Space Transportation System, the Administrator shall take appropriate steps to extend or modify existing contracts to facilitate this objective.

(f) **COMMERCIALLY-DEVELOPED SPACE TRANSPORTATION VEHICLES.**—

(1) **LAUNCH AND DELIVERY SYSTEMS.**—The Congress restates its commitment, expressed in the National Aeronautics and Space Administration Acts of 2005 and 2008, to the development of commercially-developed launch and delivery systems to the International Space Station for crew and cargo missions, known as the Commercial Orbital Transportation System.

(2) **PRELIMINARY REQUIREMENTS FOR COMMERCIAL CREW CAPABILITY DEVELOPMENT.**—Before undertaking any development activity in support of commercially-developed crew transportation systems, the Administrator shall ensure that, at a minimum, the following steps are completed:

(A) **HUMAN RATING REQUIREMENTS.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and make publicly available detailed human ratings requirements to guide the design of commercially-developed crew transportation capabilities. The requirements shall be at least equivalent to proven requirements in use as of the date of enactment of this Act.

(B) **COMMERCIAL MARKET ASSESSMENT.**—The Administrator shall initiate, using an appro-

priate and qualified independent entity, an assessment of the potential non-government market for commercially-developed crew and cargo space transportation systems and capabilities. The assessment shall—

(i) include activities associated with potential private sector utilization of International Space Station research and technology development capabilities and other potential activities in low-Earth orbit; and

(ii) be completed and provided to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(C) **PROCUREMENT SYSTEM REVIEW.**—The Administrator shall review established government procurement and acquisition practices and processes, including Space Act Agreement authorities, to determine the most cost-effective means of procuring commercial crew capabilities and related services which will ensure appropriate accountability, transparency, and maximum efficiency in the procurement of such services. The review shall include a description of proposed measures to address risk management processes and the means of indemnification for third party commercial entities, and processes for quality control, safety oversight, and application of Federal oversight processes within the jurisdiction of other Federal agencies. A description of the proposed procurement process and justification for its selection shall be included in any proposed initiation of procurement activity for commercially-developed crew transportation services and shall be subject to review by the committees of jurisdiction before the initiation of any competitive process to procure such services. In support of the committee review, the Comptroller General shall undertake an assessment of the review required by this subparagraph and provide a report to the committees of jurisdiction within 90 days after the date on which the Administrator provides the description and justification to the committees of jurisdiction.

(D) **USE OF GOVERNMENT-SUPPLIED CAPABILITIES AND INFRASTRUCTURE.**—In evaluating any proposed development activity for commercially-developed crew or cargo launch capabilities, the Administrator shall identify the anticipated contribution of government personnel, expertise, technologies, and infrastructure to be utilized in support of design, development, or operations of such capabilities. The Administrator shall include details and associated costs of such support as part of any proposed development initiative for the procurement of commercially-developed crew or cargo capabilities or services.

(E) **ESTABLISHMENT OF FLIGHT DEMONSTRATION AND READINESS REQUIREMENTS.**—The Administrator shall establish appropriate milestones and minimum performance accomplishments which must be completed before any authority is granted to proceed to procurement of commercially-developed crew transportation systems or capabilities.

(3) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that the development of commercial capabilities for the use of space may be of value in maximizing the utility and productivity of the International Space Station by providing a commercial means of enabling crew transfer and crew rescue services for the International Space Station. The Congress further believes that once such commercial services have demonstrated the capability to meet established ascent, entry, and International Space Station proximity operations safety requirements the United States should make use of domestic commercially-provided crew transfer and crew rescue services to the maximum extent prac-

ticable. The Congress further believes that the National Aeronautics and Space Administration should expedite, where possible, the use of domestic commercially provided International Space Station cargo missions, and that upon the certification by appropriate Federal agencies of operational flight readiness for the provision of commercial crew transportation capabilities, the Administrator should limit, to the maximum extent practicable, the use of a United States government crew transportation vehicle to missions carrying crew beyond low Earth orbit.

(4) **LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS.**—No funds authorized to be appropriated by this Act may be obligated or expended for the purpose of procuring a commercially-developed crew transportation vehicle prior to completion of the requirements of paragraph (2) of this subsection.

(g) **CARGO RETURN CAPABILITY.**—The Administrator is directed to conduct a study of alternative means for development of the capability for a soft-landing return for return research samples or other derivative materials, and small to mid-sized (up to 1,000 kilograms) equipment for return and analysis, or refurbishment and redelivery to the ISS. If the Administrator decides that an independent study is appropriate, the results of the study shall be transmitted to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(h) **REPORT TO COMMITTEES OF JURISDICTION.**—The Administrator shall submit a report to the committees of jurisdiction on plans for implementing the requirements of this section no later than 90 days after the date of enactment of this act.

**SEC. 8. DEFINITIONS.**

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of NASA.

(2) **COMMERCIAL ENTITY.**—The term “commercial entity” means a for-profit entity operating in such a way that—

(A) private capital is at risk in the provision of a product, activity, or service;

(B) there are existing or potential non-governmental customers for the product, activity, or service conducted or provided by the entity;

(C) the commercial market ultimately determines the viability of such product, activity, or service; and

(D) primary responsibility and management initiative for the entity resides with the private sector.

(3) **COMMITTEES OF JURISDICTION.**—The term “committees of jurisdiction” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science and Technology of the House of Representatives.

(4) **DOWN-MASS.**—The term “down-mass” means physical elements, such as equipment removed for repair, replacement or analysis, experiment products, samples and devices, tools, personal crew items, manufactured goods, or other non-disposable items, including historically significant materials or items, whether the property of the United States or an international partner, or a non-government or commercial entity.

(5) **ISS.**—The term “ISS” means the International Space Station.

(6) **ISS NATIONAL LABORATORY.**—The term “ISS National Laboratory” means the International Space Station United States National Laboratory Enterprise.

(7) **LEGISLATIVE DAY.**—The term “legislative day” means any calendar day on which the Senate and the House of Representatives are in session.

(8) NASA.—The term “NASA” means the National Aeronautics and Space Administration.

(9) SPACE ACT.—The term “Space Act” means the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(10) UNITED STATES SEGMENT OF THE INTERNATIONAL SPACE STATION.—The term “United States Segment of the International Space Station” includes all structural elements, supporting equipment, external attachment locations, pressurized modules, and associated contents, purchased or manufactured by or for the United States, and partner-supplied facilities allocated for utilization as determined through bilateral and multilateral agreements.

(11) UP-MASS.—The term “up-mass” means physical elements, such as equipment, spare parts, replacement parts, experimental facilities, and associated materials, and various supplies necessary for the operation and maintenance of the space station vehicle, modules, hardware, and crew support.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) FY 2010.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2010:

- (1) Space Science Mission Directorate, \$4,493,300,000.
  - (2) Exploration Systems Mission Directorate, \$3,779,800,000.
  - (3) Space Operations Mission Directorate, \$6,180,600,000.
  - (4) Aeronautics and Space Research and Technology Mission Directorate, \$682,200,000.
  - (5) Education Programs, \$183,800,000.
  - (6) Cross-Agency Support, \$2,919,900,000.
  - (7) Construction and Environmental Compliance and Restoration, \$448,300,000.
  - (8) Office of Inspector General, \$35,000,000.
- (b) FY 2011.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2011:

- (1) Space Science Mission Directorate, \$5,005,600,000.
- (2) Exploration Systems Mission Directorate, \$4,263,400,000.
- (3) Space Operations Mission Directorate, \$4,887,800,000.
- (4) Aeronautics and Space Research and Technology Mission Directorate, \$1,151,800,000.
- (5) Education Programs, \$145,800,000.
- (6) Cross-Agency Support, \$3,111,400,000.
- (7) Construction and Environmental Compliance and Restoration, \$397,300,000.
- (8) Office of Inspector General, \$36,000,000.

(c) FY 2012.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2012:

- (1) Space Science Mission Directorate, \$5,248,600,000.
- (2) Exploration Systems Mission Directorate, \$4,577,400,000.
- (3) Space Operations Mission Directorate, \$4,290,200,000.
- (4) Aeronautics and Space Research and Technology Mission Directorate, \$1,596,900,000.
- (5) Education Programs, \$145,800,000.
- (6) Cross-Agency Support, \$3,189,600,000.
- (7) Construction and Environmental Compliance and Restoration, \$363,800,000.
- (8) Office of Inspector General, \$36,000,000.

(d) SPACE SHUTTLE SUSTAINING OPERATIONS.—For purposes of implementing section 4, there are authorized to be appropriated an additional \$200,000,000 for Space Shuttle operations in fiscal year 2010, \$1,200,000,000 for Space Shuttle Operations in fiscal year 2011, and \$2,000,000,000 for Space Shuttle Operations in fiscal year 2012.

(e) ISS OPERATIONS.—For purposes of implementing section 5, there are authorized to be appropriated an additional \$36,000,000 for fiscal year 2010 for procurement of necessary spares, replacement units, and associated transportation costs of elements necessary to ensure viable sustained vehicle maintenance and operations, \$100,000,000 for fiscal year 2011, and \$100,000,000 for fiscal year 2012.

(f) ISS UTILIZATION.—For purposes of implementing section 6, there are authorized to be appropriated an additional \$20,000,000 in fiscal year 2010, \$15,000,000 for fiscal year 2011, and \$15,000,000 for fiscal year 2012.

(g) NO FISCAL YEAR LIMITATION ON FUNDING.—All funds appropriated pursuant to this section shall remain available until expended.

(h) TRANSFER OF FUNDS.—The Administrator may transfer funds among any of the accounts identified in this section if, not less than 30 days before the date of any such transfer, the Administrator provides a detailed explanation of the needs for the transfer, the amount proposed to be transferred, and an analysis of the impact on activities from which funding is proposed to be transferred, to the committees of jurisdiction of the House of Representatives and the Senate. No such transfer shall occur until the Administrator has received an affirmative response indicating agreement to the proposed transfer from the chairs of the committees of jurisdiction.

#### SEC. 10. APPLICATION WITH OTHER LAWS.

The proviso under the heading “EXPLORATION”, under the heading “SCIENCE” in the matter dealing with the National Aeronautics and Space Administration in the Science Appropriations Act, 2010 (title II of division B of the Consolidated Appropriations Act, 2010; Public Law 111-117) shall not apply to any activity authorized under this Act.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 430—COM-  
MENDING THE MEMBERS OF THE  
45TH AGRI-BUSINESS DEVELOP-  
MENT TEAM OF THE OKLAHOMA  
NATIONAL GUARD, FOR THEIR  
EFFORTS TO MODERNIZE AGRI-  
CULTURE AND SUSTAINABLE  
FARMING PRACTICES IN AF-  
GHANISTAN AND THEIR DEDICA-  
TION AND SERVICE TO THE  
UNITED STATES

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 430

Whereas members of the 1-45th Agri-Business Development Team (ADT) took control of the ADT mission in the Paktya and Paktika provinces of eastern Afghanistan from the 1-16th ADT from the Tennessee National Guard on December 21, 2009, and members of the 2-45th ADT are planned to take over their mission in the summer of 2010;

Whereas the members of the ADT of the Oklahoma National Guard are experts in civilian agriculture practices and will provide important resources to the Afghan population in fostering sustainable agriculture practices, improving food production and processing, providing secure storage facilities and controlled temperature facilities,

and ensuring secure and legal economic growth;

Whereas the International Agricultural Program at Oklahoma State University in Stillwater, Oklahoma, has provided valuable training for the 45th ADT pre-deployment and has provided a valuable educational research tool for Guardsmen and women deployed to Afghanistan;

Whereas agriculture accounts for 45 percent of the gross domestic product of Afghanistan and over 80 percent of the population of Afghanistan is engaged in farming and agriculture;

Whereas the 45th ADT works closely with the Provincial Director of Agriculture in Afghanistan to ensure farmers and ranchers in Afghanistan are receiving valuable assistance in rebuilding and restoring the agricultural economy of Afghanistan; and

Whereas the ADTs partner with the United States Department of Agriculture and the United States Agency for International Development (USAID) to provide interagency support to farmers in Afghanistan and are critical to the overall success to the mission in Afghanistan: Now, therefore, be it

*Resolved*, That the Senate commends the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for—

(1) their efforts to modernize agriculture and sustainable farming practices in Afghanistan; and

(2) their dedication and service to the United States.

SENATE RESOLUTION 431—EX-  
PRESSING PROFOUND CONCERN,  
DEEPEST SYMPATHIES, AND  
SOLIDARITY ON BEHALF OF THE  
PEOPLE OF THE UNITED STATES  
TO THE PEOPLE AND GOVERN-  
MENT OF CHILE FOLLOWING THE  
MASSIVE EARTHQUAKE

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 431

Whereas the massive 8.8-magnitude earthquake that struck Chile in the early hours of Saturday, February 27, 2010, has claimed approximately 800 lives, according to government officials of Chile, and the death toll is expected to continue to rise as assessments of the devastation continue;

Whereas the earthquake hit most strongly in 6 central and south regions, from the capital, Santiago, and the nearby port of Valparaíso in central Chile, to the Bernardo O'Higgins, Maule, Bio Bio, and Araucanía regions of the south;

Whereas the regions most strongly hit are home to about 60 percent of the 17,000,000 inhabitants of Chile and account for approximately 70 percent of the gross domestic product of Chile;

Whereas the earthquake generated some tsunami activity, in addition to the earthquake, and several hundred people were killed in the coastal towns of Constitución and Talcahuano as a result;

Whereas many of the villages in the Juan Fernández archipelago were destroyed by tsunami activity;

Whereas the earthquake left an estimated 2,000,000 people homeless and damaged more than 1,000,000 homes, 1/3 of which may have to be demolished;

Whereas the earthquake, classified as a "megathrust" earthquake, unleashed an estimated 50 gigatons of energy and broke about 340 miles of the fault zone, according to the United States Geological Survey's National Earthquake Information Center;

Whereas aftershocks have continued, seriously complicating efforts to survey the damage and rescue survivors despite the noble efforts of local teams;

Whereas the Department of Defense has estimated that reconstruction costs could exceed \$30,000,000,000, equivalent to 20 percent of the 2009 gross domestic product of Chile;

Whereas damage to ports and other infrastructure will hinder important exports and economic recovery;

Whereas Secretary of State Hillary Clinton visited Chile on March 2, 2010, and promised an extensive aid package, and the United States Ambassador to Chile requested emergency relief funding;

Whereas Chile enjoys excellent relations with the United States since its transition back to democracy, and both countries have emphasized similar priorities in the region, designed to strengthen democracy, improve human rights, and advance free trade;

Whereas Chile and the United States also maintain strong commercial ties, which have become more extensive since a bilateral free trade agreement between the two countries entered into force in 2004;

Whereas since 2004, the Government of Chile has worked with the Government of the United States and the international community as part of the multinational peace-keeping force in Haiti, first as a part of the Multinational Interim Force-Haiti (MIFH) and subsequently as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH), committing more human material resources to MINUSTAH than it has to any previous peacekeeping mission; and

Whereas the Government of Chile and the Government of the United States and other regional partners have worked together in recent years to resolve a number of political issues in the Western Hemisphere, including crises in Venezuela, Bolivia, and Honduras, among others: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake;

(2) applauds the friendship between the Governments and people of the United States and Chile and recommends to mutually beneficial cooperation in bilateral, multilateral, and Hemispheric contexts;

(3) strongly encourages the United States Government, with full consideration of the necessary institutional instruments, to offer all appropriate assistance, if requested by the Government of Chile, to aid in the immediate rescue and ongoing recovery efforts undertaken by the Government of Chile; and

(4) encourages the international community to join in relief efforts as determined by the Government of Chile.

#### SENATE RESOLUTION 432—A BILL SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE LUNG 2010

Mrs. LINCOLN (for herself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

#### S. RES. 432

Whereas millions of people around the world struggle each year for life and breath due to lung diseases, including tuberculosis, asthma, pneumonia, influenza, lung cancer and chronic obstructive pulmonary disease (COPD), pulmonary fibrosis, and more than 8,100,000 die each year;

Whereas lung diseases afflict people in every country and every socioeconomic group, but take the heaviest toll on the poor, children, the elderly, and the weak;

Whereas lung disease is a serious public health problem in the United States that affects adults and children of every age and race;

Whereas lower respiratory diseases are the fourth leading cause of death in the United States;

Whereas the economic cost of lung diseases is expected to be \$177,000,000,000 in 2009, including \$114,000,000,000 in direct health expenditures and \$64,000,000,000 in indirect morbidity and mortality costs;

Whereas nearly half of the world's population lives in or near areas with poor air quality, which significantly increases the incidence of lung diseases such as asthma and COPD, and more than 2,000,000 people die prematurely due to indoor and outdoor air pollution;

Whereas tuberculosis, an airborne infection that attacks the lungs and other major organs, is a leading global infectious disease;

Whereas no new drugs have been developed for tuberculosis in more than 5 decades and the only vaccine is nearly a century old, yet there were 9,400,000 new cases in 2008, and this curable disease kills 1,800,000 each year;

Whereas an estimated 12,000,000 adults in the United States, are diagnosed with COPD, and another 12,000,000 have the disease but don't know it;

Whereas COPD kills an estimated 126,000 people in the United States each year, is currently the fourth leading cause of death in the Nation, is the only one of the 4 major causes that is still increasing in prevalence, and is expected to rise to become the third leading cause of death in the United States;

Whereas lung cancer is the second most common cancer in the United States and the most common cause of cancer deaths;

Whereas the leading cause of lung cancer is long-term exposure to tobacco smoke;

Whereas about 23,400,000 people in the United States have asthma, a prevalence which has risen by over 150 percent since 1980;

Whereas asthma is the most common chronic disorder found in children, with 7,000,000 affected;

Whereas flu and pneumonia together are the eighth leading cause of death in the United States;

Whereas about 190,000 people in the United States are affected by acute respiratory distress syndrome (ARDS) each year, a critical illness that results in sudden respiratory system failure, which is fatal in up to 30 percent of cases;

Whereas about 75,000 people in the United States die as a result of acute lung injury, a disease that can be triggered by infection, drowning, traumatic accident, burn injuries, blood transfusions, and inhalation of toxic substances, which kills approximately the same number of people each year as die from breast cancer, colon cancer, and prostate cancer combined;

Whereas of the 10 leading causes of infant mortality in the United States, 4 are lung diseases or have a lung disease component;

Whereas pulmonary fibrosis (PF) is a relentlessly progressive, ultimately fatal disease with a median survival rate of 2.8 years that has no life-saving therapy or cure;

Whereas more than 120,000 people are living with PF in the United States, 48,000 are diagnosed with it each year, and as many as 40,000 die annually, the same as die from breast cancer;

Whereas the cause of sarcoidosis, an inflammatory disease that occurs most often in the lungs and has its highest incidence among young people aged 20 to 29, is unknown;

Whereas 15 years ago, people with pulmonary hypertension lived on average less than 3 years after diagnosis;

Whereas new treatments have improved survival rates and quality of life for those living with this condition, but it remains a severe and often fatal illness;

Whereas Lymphangioleiomyomatosis (LAM), a rare lung disease that affects women exclusively and is also associated with tuberous sclerosis, has no treatment protocol or cure and is often misdiagnosed as asthma or emphysema;

Whereas Hermansky-Pudlak Syndrome, a genetic metabolic disorder which causes albinism, visual impairment, and serious bleeding due to platelet dysfunction, has no cure and no standard of treatment;

Whereas children's interstitial lung disease, a group of rare lung diseases, has many different forms, including surfactant protein deficiency, chronic bronchiolitis, and connective tissue lung disease, and is thus difficult to diagnose and treat;

Whereas the Centers for Disease Control and Prevention estimates that 50,000,000 to 70,000,000 adults in the United States suffer from disorders of sleep and wakefulness;

Whereas insufficient sleep is associated with a number of chronic diseases and conditions, including diabetes, cardiovascular disease, obesity, and depression;

Whereas the average cost of treating severe COPD is 5 times higher than treating mild COPD;

Whereas the appropriate medication and disease management of asthma can reduce health care costs, including hospitalization, emergency room visits, and physician visits, by half;

Whereas the flu vaccine can prevent 60 percent of hospitalizations and 80 percent of deaths from flu-related complications among the elderly;

Whereas advances in medical research have significantly improved the capacity to fight lung disease by providing greater knowledge about its causes, innovative diagnostic tools to detect the disease, and new and improved treatments that help people survive and recover from this disease;

Whereas there is no cure for major lung diseases including asthma, COPD, and lung cancer;

Whereas chronic lung diseases are a leading cause of death and yet the quality of palliative and end-of-life care for patients with chronic lung disease is significantly worse than patients with other terminal illnesses;

Whereas the National Institutes of Health, through its many institutes and centers, through basic, clinical, and translational research, plays a pivotal role in advancing the prevention, detection, treatment, and cure of lung disease;

Whereas the Department of Veterans Affairs is actively engaged in research in respiratory diseases that impact the Nation's veterans;

Whereas the Environmental Protection Agency establishes air quality standard and

enforcement programs to ensure the quality of the air we breathe;

Whereas the Centers for Medicare and Medicaid Services, provides essential health insurance benefits for millions of patients with respiratory disorders;

Whereas the Centers for Disease Control and Prevention, through its many centers and programs, provides valuable prevention and surveillance programs on diseases of the lung;

Whereas an international collaboration of medical professional and scientific societies is working to enhance the general public's understanding of respiratory diseases, their causes, prevention, treatment, and impact respiratory disease play in human health; and

Whereas the initiative, The Year of the Lung, seeks to raise awareness about lung health among the public, initiate action in communities worldwide, and advocate for resources to combat lung disease including resources for research and research training programs worldwide: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of the Year of the Lung.

#### SENATE RESOLUTION 433—SUPPORTING THE GOALS OF "INTERNATIONAL WOMEN'S DAY"

Mrs. SHAHEEN (for herself, Mr. CARDIN, Mrs. GILLIBRAND, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 433

Whereas there are more than 3,300,000,000 women in the world;

Whereas women around the world participate in the political, social, and economic life of their communities and play the predominant role in providing and caring for their families;

Whereas women, as both farmers and caregivers, play a leading role in advancing food security for their families and communities;

Whereas the ability of women to realize their full potential is critical to the ability of a nation to achieve strong and lasting economic growth and political stability;

Whereas according to the 2009 World Economic Forum Global Gender Gap Report, "[A] nation's competitiveness depends significantly on whether and how it educates and utilizes its female talent. To maximize its competitiveness and development potential, each country should strive for gender equality—that is, to give women the same rights, responsibilities and opportunities as men.";

Whereas, also according to the same report, "Every year of schooling increases a girl's individual earning power by 10% to 20%, while the return on secondary education is even higher, in the 15% to 25% range. Additionally, women reinvest 90% of their income back into the household, whereas men reinvest only 30% to 40%.";

Whereas according to President Barack Obama, "Our daughters can contribute just as much to society as our sons, and our common prosperity will be advanced by allowing all humanity—men and women—to reach their full potential.";

Whereas according to Secretary of State Hillary Rodham Clinton, "[I]nvesting in the potential of women to lift and lead their societies is one of the best investments we can make.";

Whereas despite some achievements made by individual women leaders, women around

the globe are still vastly underrepresented in high level positions and in national and local legislatures and governments and, according to the Inter-Parliamentary Union, account for only 18.7 percent of national parliamentarians;

Whereas although strides have been made in recent decades, women around the world continue to face significant obstacles in all aspects of their lives including discrimination, gender-based violence, and denial of basic human rights;

Whereas women are responsible for 66 percent of the work done in the world, yet earn only 10 percent of the income earned in the world;

Whereas women account for approximately 70 percent of individuals living in poverty world-wide;

Whereas women account for 64 percent of the 774,000,000 adults world-wide who lack basic literacy skills;

Whereas girls account for 57 percent of the 72,000,000 primary school aged children in the world who do not attend school;

Whereas in Sub-Saharan Africa only 17 percent of girls enroll in secondary school;

Whereas women receive less than 10 percent of all available credit in Africa, own less than 2 percent of the land in the world, and account for only 15 percent of the agricultural extension agents in the world, yet produce the majority of the food crops in the world, including 70 percent of the food crops in Africa;

Whereas women in developing countries are disproportionately affected by global climate change;

Whereas according to the Joint United Nations Programme on HIV/AIDS, women account for 50 percent of HIV or AIDS infections worldwide, and nearly 60 percent of HIV infections in Sub-Saharan Africa;

Whereas according to the Department of State, 56 percent of all forced labor victims are women and girls;

Whereas according to the United Nations, 1 in 3 women in the world will be beaten, coerced into sex, or otherwise abused in her lifetime;

Whereas according to the International Center for Research on Women, there are more than 60,000,000 child brides in developing countries, some of whom are as young as 7 years old;

Whereas March 8 is recognized each year as International Women's Day, a global day to celebrate the economic, political, and social achievements of women past, present, and future and a day to recognize the obstacles that women still face in the struggle for equal rights and opportunities; and

Whereas, the United Nations theme for International Women's Day 2010 is "Equal rights, equal opportunities: Progress for all"; Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of "International Women's Day";

(2) recognizes that the economic growth and empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy;

(3) recognizes and honors the women in the United States and around the world who have worked throughout history to strive to ensure that women are guaranteed equality and basic human rights;

(4) reaffirms the commitment to end gender-based discrimination in all forms, to end violence against women and girls worldwide; and

(5) encourages the people of the United States to observe International Women's

Day with appropriate programs and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3358. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3359. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3360. Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3361. Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3362. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3363. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3364. Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3365. Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3366. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3367. Mr. THUNE (for himself, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3345 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3368. Mr. FEINGOLD (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3369. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3370. Mr. ROCKEFELLER (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3371. Mr. ROCKEFELLER (for himself, Mr. SPECTER, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3372. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3373. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3374. Mr. BAYH (for himself, Mrs. LINCOLN, Mr. WICKER, Mr. VITTER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 3338 submitted by Mr. THUNE to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3375. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3376. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3377. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3378. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3379. Mr. NELSON, of Florida (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3380. Mr. NELSON, of Florida (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3381. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3382. Ms. STABENOW (for herself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. BROWN of Ohio, Mr. ENZI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3383. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3384. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3385. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3386. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3387. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3388. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3389. Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3390. Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3391. Mr. BROWN, of Massachusetts proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3392. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3393. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3394. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3395. Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. STABENOW, Mr. CRAPO, Mr. CORNYN, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROBERTS, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3396. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3397. Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3398. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3399. Mr. NELSON, of Florida (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3400. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3401. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3358.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency

designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

**SA 3359.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—PENSION BENEFIT GUARANTY CORPORATION GOVERNANCE IMPROVEMENT

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Pension Benefit Guaranty Corporation Governance Improvement Act of 2010”.

##### SEC. 802. BOARD OF DIRECTORS OF THE PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Section 4002(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(d)) is amended to read as follows:

“(d)(1) The board of directors of the corporation consists of—

“(A) the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce;

“(B) a member that is a representative of employers offering defined benefit plans;

“(C) a member that is a representative of organized labor and employees; and

“(D) 2 other members.

“(2)(A) The members of the board of directors described under subparagraphs (B) through (D) of paragraph (1)—

“(i) shall be appointed by the President by and with the advice and consent of the Senate—

“(I) at the beginning of the second year of the President’s term of office, with respect to such members described under subparagraphs (B) and (C) of paragraph (1); and

“(II) at the beginning of the fourth year of the President’s term of office, with respect to such members described under subparagraph (D) of paragraph (1); and

“(ii) shall serve for a term of 4 years.

“(B) Not more than 2 members of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall be affiliated with the same political party.

“(C) Each member of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall not have a direct financial interest in the decisions of the corporation.



“(3) Each member of the board of directors described under subparagraph (A) of paragraph (1) shall designate in writing an official, not below the level of Assistant Secretary, to serve as the voting representative of such member on the board. Such designation shall be effective until revoked or until a date or event specified therein. Any such representative may refer for board action any matter under consideration by the designating board member.

“(4) The members of the board of directors described under—

“(A) subparagraph (A) of paragraph (1), shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board; and

“(B) subparagraphs (B) through (D) of paragraph (1) shall, for each day (including traveltime) during which they are attending meetings or conferences of the board or otherwise engaged in the business of the board, be compensated at a rate fixed by the corporation which is not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(5)(A) The Secretary of Labor is the chairman of the board of directors.

“(B) The President shall designate 1 of the members appointed under paragraph (2) as the vice-chairman of the board of directors.

“(6) The Inspector General of the corporation shall report to the board of directors, and not less than twice a year, shall attend a meeting of the board of directors to provide a report on the activities and findings of the Inspector General, including with respect to monitoring and review of the operations of the corporation.

“(7) The General Counsel of the corporation shall—

“(A) serve as the secretary to the board of directors, and shall advise such board as needed; and

“(B) have overall responsibility for all legal matters affecting the corporation and provide the corporation with legal advice and opinions on all matters of law affecting the corporation, except that the authority of the General Counsel shall not extend to the Office of Inspector General and the independent legal counsel of such Office.

“(8) Notwithstanding any other provision of this Act, the Office of Inspector General and the legal counsel of such Office is independent of the management of the corporation and the General Counsel of the corporation.”.

(b) **NUMBER OF MEETINGS; PUBLIC AVAILABILITY.**—Section 4002(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(e)) is amended—

(1) by striking “The board” and inserting “(1) The board”;

(2) by striking “the corporation.” and inserting “the corporation, but in no case less than 4 times a year with a quorum of not less than 5 members. Not less than 1 meeting of the board of directors during each year shall be a joint meeting with the advisory committee under subsection (h).”; and

(3) by adding at the end the following:

“(2) The chairman of the board of directors shall make available to the public the minutes from each meeting of the board, unless the chairman designates a meeting or portion of a meeting as closed to the public,

based on the confidentiality of the matters to be discussed during such meeting.”.

(c) **ADVISORY COMMITTEE.**—

(1) **ISSUES CONSIDERED BY THE COMMITTEE.**—Section 4002(h)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(1)) is amended—

(A) by striking “, and (D)” and inserting “, (D)”;

(B) by striking “time to time.” and inserting “time to time, and (E) other issues as determined appropriate by the advisory committee.”.

(2) **JOINT MEETING.**—Section 4002(h)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(3)) is amended by adding at the end the following: “Not less than 1 meeting of the advisory committee during each year shall be a joint meeting with the board of directors under subsection (e).”.

**SEC. 803. AVOIDING CONFLICTS OF INTEREST.**

Section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following:

“(j) The Director of the corporation, and each member of the board of directors described under subparagraphs (B) through (D) of subsection (d)(1), shall agree in writing to recuse him or herself from participation in activities which present a potential conflict of interest or appearance of such conflict, including by not serving on a technical evaluation panel.”.

**SEC. 804. SENSE OF CONGRESS.**

(a) **FORMATION OF COMMITTEES.**—It is the sense of Congress that the board of directors of the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should form committees, including an audit committee and an investment committee, to enhance the overall effectiveness of the board of directors.

(b) **RISK MANAGEMENT POSITION.**—It is the sense of Congress that the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should establish a risk management position that evaluates and mitigates the risk that the corporation might experience. The individual in such position should coordinate the risk management efforts of the corporation, explain risks and controls to senior management and the board of directors of the corporation, and make recommendations.

**SA 3360.** Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the first word and insert the following:

**1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “American Workers, State, and Business Relief Act of 2010”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

## TITLE I—EXTENSION OF EXPIRING PROVISIONS

### Subtitle A—Energy

- Sec. 101. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.
- Sec. 102. Incentives for biodiesel and renewable diesel.
- Sec. 103. Credit for electricity produced at certain open-loop biomass facilities.
- Sec. 104. Credit for refined coal facilities.
- Sec. 105. Credit for production of low sulfur diesel fuel.
- Sec. 106. Credit for producing fuel from coke or coke gas.
- Sec. 107. New energy efficient home credit.
- Sec. 108. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
- Sec. 109. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 110. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

### Subtitle B—Individual Tax Relief

#### PART I—MISCELLANEOUS PROVISIONS

- Sec. 111. Deduction for certain expenses of elementary and secondary school teachers.
- Sec. 112. Additional standard deduction for State and local real property taxes.
- Sec. 113. Deduction of State and local sales taxes.
- Sec. 114. Contributions of capital gain real property made for conservation purposes.
- Sec. 115. Above-the-line deduction for qualified tuition and related expenses.
- Sec. 116. Tax-free distributions from individual retirement plans for charitable purposes.
- Sec. 117. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

#### PART II—LOW-INCOME HOUSING CREDITS

- Sec. 121. Election for refundable low-income housing credit for 2010.

### Subtitle C—Business Tax Relief

- Sec. 131. Research credit.
- Sec. 132. Indian employment tax credit.
- Sec. 133. New markets tax credit.
- Sec. 134. Railroad track maintenance credit.
- Sec. 135. Mine rescue team training credit.
- Sec. 136. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 137. 5-year depreciation for farming business machinery and equipment.
- Sec. 138. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 139. 7-year recovery period for motorsports entertainment complexes.
- Sec. 140. Accelerated depreciation for business property on an Indian reservation.
- Sec. 141. Enhanced charitable deduction for contributions of food inventory.



- Sec. 142. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 143. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 144. Election to expense mine safety equipment.
- Sec. 145. Special expensing rules for certain film and television productions.
- Sec. 146. Expensing of environmental remediation costs.
- Sec. 147. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 148. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 149. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
- Sec. 150. Timber REIT modernization.
- Sec. 151. Treatment of certain dividends and assets of regulated investment companies.
- Sec. 152. RIC qualified investment entity treatment under FIRPTA.
- Sec. 153. Exceptions for active financing income.
- Sec. 154. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 155. Reduction in corporate rate for qualified timber gain.
- Sec. 156. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 157. Empowerment zone tax incentives.
- Sec. 158. Tax incentives for investment in the District of Columbia.
- Sec. 159. Renewal community tax incentives.
- Sec. 160. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 161. American Samoa economic development credit.
- Subtitle D—Temporary Disaster Relief Provisions**
- PART I—NATIONAL DISASTER RELIEF**
- Sec. 171. Waiver of certain mortgage revenue bond requirements.
- Sec. 172. Losses attributable to federally declared disasters.
- Sec. 173. Special depreciation allowance for qualified disaster property.
- Sec. 174. Net operating losses attributable to federally declared disasters.
- Sec. 175. Expensing of qualified disaster expenses.
- PART II—REGIONAL PROVISIONS**
- SUBPART A—NEW YORK LIBERTY ZONE**
- Sec. 181. Special depreciation allowance for nonresidential and residential real property.
- Sec. 182. Tax-exempt bond financing.
- SUBPART B—GO ZONE**
- Sec. 183. Special depreciation allowance.
- Sec. 184. Increase in rehabilitation credit.
- Sec. 185. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- SUBPART C—MIDWESTERN DISASTER AREAS**
- Sec. 191. Special rules for use of retirement funds.
- Sec. 192. Exclusion of cancellation of mortgage indebtedness.
- TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS**
- Subtitle A—Unemployment Insurance**
- Sec. 201. Extension of unemployment insurance provisions.
- Subtitle B—Health Provisions**
- Sec. 211. Extension and improvement of premium assistance for COBRA benefits.
- Sec. 212. Extension of therapy caps exceptions process.
- Sec. 213. Treatment of pharmacies under durable medical equipment accreditation requirements.
- Sec. 214. Enhanced payment for mental health services.
- Sec. 215. Extension of ambulance add-ons.
- Sec. 216. Extension of geographic floor for work.
- Sec. 217. Extension of payment for technical component of certain physician pathology services.
- Sec. 218. Extension of outpatient hold harmless provision.
- Sec. 219. EHR Clarification.
- Sec. 220. Extension of reimbursement for all Medicare part B services furnished by certain Indian hospitals and clinics.
- Sec. 221. Extension of certain payment rules for long-term care hospital services and of moratorium on the establishment of certain hospitals and facilities.
- Sec. 222. Extension of the Medicare rural hospital flexibility program.
- Sec. 223. Extension of section 508 hospital reclassifications.
- Sec. 224. Technical correction related to critical access hospital services.
- Sec. 225. Extension for specialized MA plans for special needs individuals.
- Sec. 226. Extension of reasonable cost contracts.
- Sec. 227. Extension of particular waiver policy for employer group plans.
- Sec. 228. Extension of continuing care retirement community program.
- Sec. 229. Funding outreach and assistance for low-income programs.
- Sec. 230. Family-to-family health information centers.
- Sec. 231. Implementation funding.
- Sec. 232. Extension of ARRA increase in FMAP.
- Sec. 233. Extension of gainsharing demonstration.
- Subtitle C—Other Provisions**
- Sec. 241. Extension of use of 2009 poverty guidelines.
- Sec. 242. Refunds disregarded in the administration of Federal programs and federally assisted programs.
- Sec. 243. State court improvement program.
- Sec. 244. Extension of national flood insurance program.
- Sec. 245. Emergency disaster assistance.
- Sec. 246. Small business loan guarantee enhancement extensions.
- TITLE III—PENSION FUNDING RELIEF**
- Subtitle A—Single Employer Plans**
- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
- Sec. 303. Lookback for certain benefit restrictions.
- Subtitle B—Multiemployer Plans**
- Sec. 311. Adjustments to funding standard account rules.
- TITLE IV—OFFSET PROVISIONS**
- Subtitle A—Black Liquor**
- Sec. 401. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit.
- Sec. 402. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor.
- Subtitle B—Homebuyer Credit**
- Sec. 411. Technical modifications to homebuyer credit.
- Subtitle C—Economic Substance**
- Sec. 421. Codification of economic substance doctrine; penalties.
- Subtitle D—Additional Provisions**
- Sec. 431. Revision to the Medicare Improvement Fund.
- TITLE V—SATELLITE TELEVISION EXTENSION**
- Sec. 501. Short title.
- Subtitle A—Statutory Licenses**
- Sec. 501. Reference.
- Sec. 502. Modifications to statutory license for satellite carriers.
- Sec. 503. Modifications to statutory license for satellite carriers in local markets.
- Sec. 504. Modifications to cable system secondary transmission rights under section 111.
- Sec. 505. Certain waivers granted to providers of local-into-local service for all DMAs.
- Sec. 506. Copyright Office fees.
- Sec. 507. Termination of license.
- Sec. 508. Construction.
- Subtitle B—Communications Provisions**
- Sec. 521. Reference.
- Sec. 522. Extension of authority.
- Sec. 523. Significantly viewed stations.
- Sec. 524. Digital television transition conforming amendments.
- Sec. 525. Application pending completion of rulemakings.
- Sec. 526. Process for issuing qualified carrier certification.
- Sec. 527. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.
- Sec. 528. Savings clause regarding definitions.
- Sec. 529. State public affairs broadcasts.
- Subtitle C—Reports and Savings Provision**
- Sec. 531. Definition.
- Sec. 532. Report on market based alternatives to statutory licensing.
- Sec. 533. Report on communications implications of statutory licensing modifications.
- Sec. 534. Report on in-state broadcast programming.
- Sec. 535. Local network channel broadcast reports.
- Sec. 536. Savings provision regarding use of negotiated licenses.
- Sec. 537. Effective date; noninfringement of copyright.
- Subtitle D—Severability**
- Sec. 541. Severability.
- TITLE VI—OTHER PROVISIONS**
- Sec. 601. Increase in the Medicare physician payment update.
- TITLE VII—DETERMINATION OF BUDGETARY EFFECTS**
- Sec. 701. Determination of budgetary effects.

## TITLE VIII—OFFSET

Sec. 801. Rescission.

## TITLE I—EXTENSION OF EXPIRING PROVISIONS

## Subtitle A—Energy

## SEC. 101. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

## SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

## SEC. 103. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

## SEC. 104. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

## SEC. 105. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

## SEC. 106. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

## SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

## SEC. 108. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended

by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

## SEC. 109. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after December 31, 2009.

## SEC. 110. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

## Subtitle B—Individual Tax Relief

## PART I—MISCELLANEOUS PROVISIONS

## SEC. 111. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

## SEC. 112. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

## SEC. 113. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

## SEC. 114. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

## SEC. 115. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

## SEC. 116. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

## SEC. 117. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

## PART II—LOW-INCOME HOUSING CREDITS

## SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR REFUNDABLE CREDITS.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “(42(n))” after “36A.”.

## Subtitle C—Business Tax Relief

## SEC. 131. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.**

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 133. NEW MARKETS TAX CREDIT.**

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

**SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.**

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

**SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.**

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 136. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) **IN GENERAL.**—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2009.

**SEC. 137. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.**

(a) **IN GENERAL.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 138. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) **IN GENERAL.**—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 139. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.**

(a) **IN GENERAL.**—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 140. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 141. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 142. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.**

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 143. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.**

(a) **IN GENERAL.**—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) **IN GENERAL.**—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 145. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) **IN GENERAL.**—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to productions commencing after December 31, 2009.

**SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) **IN GENERAL.**—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

**SEC. 147. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) **IN GENERAL.**—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 148. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) **IN GENERAL.**—Clause (iv) of section 512(b)(13)(E) is amended by striking “Decem-

ber 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

**SEC. 149. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.**

(a) **IN GENERAL.**—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property acquired after December 31, 2009.

**SEC. 150. TIMBER REIT MODERNIZATION.**

(a) **IN GENERAL.**—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010.”

(b) **CONFORMING AMENDMENTS.**—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “in a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 151. TREATMENT OF CERTAIN DIVIDENDS AND ASSETS OF REGULATED INVESTMENT COMPANIES.**

(a) **IN GENERAL.**—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 152. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) **IN GENERAL.**—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) **AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.**—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) **IN GENERAL.**—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 154. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 155. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.**

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 156. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”, and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 158. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”, and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(B) by striking “2014” in the heading and inserting “2015”.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1)

is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 160. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**Subtitle D—Temporary Disaster Relief Provisions**

**PART I—NATIONAL DISASTER RELIEF**

**SEC. 171. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.**

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

#### SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) \$500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) \$500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

#### SEC. 173. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

#### SEC. 174. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

#### SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

### PART II—REGIONAL PROVISIONS

#### Subpart A—New York Liberty Zone

#### SEC. 181. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 182. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

#### Subpart B—GO Zone

#### SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

#### SEC. 184. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

#### SEC. 185. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

#### Subpart C—Midwestern Disaster Areas

#### SEC. 191. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

#### SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

### TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

#### Subtitle A—Unemployment Insurance

#### SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “FEBRUARY 28, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “July 31, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “February 28, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “FEBRUARY 28, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “August 31, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “July 31, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “July 31, 2010” and inserting “May 31, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking “1009” and inserting “1009(a)(1)”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Department of Defense Appropriations Act, 2010 (Public Law 111-118).

#### Subtitle B—Health Provisions

#### SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: “or consists of a reduction of hours followed by such an involuntary termination of employment during such period”;

(B) in paragraph (16)—

(i) by striking clause (ii) of subparagraph (A), and inserting the following:

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under subparagraph (D)(ii), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).”; and

(ii) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and”;

(C) by adding at the end the following:

“(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

“(A) NEW ELECTION PERIOD.—

“(i) IN GENERAL.—For purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 shall be treated as a qualifying event.

“(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any

case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

“(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

“(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

“(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

“(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

(2) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “of the first month”.

(3) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: “In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.”.

(4) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 is amended by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(B) Section 139C is amended by striking “section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(C) Section 6432 is amended—

(i) in subsection (a), by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”;

(ii) in subsection (c)(3), by striking “section 3002(a)(1)(A) of such Act” in subsection (c)(3) and inserting “section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009”; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

“(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

“(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

“(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.”.

(D) Subsection (a) of section 6720C is amended by striking “section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(c) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) RULES RELATED TO 2010 EXTENSION.—

“(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual's qualifying event was on or after March 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual's 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) 2101 TRANSITION PERIOD.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of

clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendments made by paragraphs (2) and (3) of subsection (b) shall take effect on the date of the enactment of this Act.

#### SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

#### SEC. 213. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(ii) by striking “January 1, 2010” and inserting “January 1, 2011”; and

(iii) by striking “and” at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting “; and”;

(C) by inserting after clause (ii)(II) the following new clause:

“(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

“(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.”; and

(D) by adding at the end the following flush sentence:

“If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).”; and

(2) by adding at the end the following new subparagraph:

“(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

“(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.



“(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

“(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

“(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.”.

(b) **CONFORMING AMENDMENTS.**—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking “The” and inserting “Except as provided in the third sentence, the”; and

(2) by adding at the end the following new sentences: “Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.”.

(c) **ADMINISTRATION.**—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) **RULE OF CONSTRUCTION.**—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

(e) **WAIVER OF 1-YEAR REENROLLMENT BAR.**—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of non-compliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

#### **SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

#### **SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.**

(a) **IN GENERAL.**—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “before January 1, 2010” and inserting “before January 1, 2011”; and

(B) in each of clauses (i) and (ii), by striking “before January 1, 2010” and inserting “before January 1, 2011”.

(b) **AIR AMBULANCE IMPROVEMENTS.**—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “ending on December 31, 2009” and inserting “ending on December 31, 2010”.

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking “2010” and inserting “2011”; and

(2) by adding at the end the following new sentence: “For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.”.

#### **SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2010” and inserting “before January 1, 2011”.

#### **SEC. 217. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554, as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “and 2009” and inserting “2009, and 2010”.

#### **SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

(a) **IN GENERAL.**—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2010” and inserting “2011”; and

(B) in the second sentence, by striking “or 2009” and inserting “, 2009, or 2010”; and

(2) in subclause (III), by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.**—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: “In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.”.

#### **SEC. 219. EHR CLARIFICATION.**

(a) **QUALIFICATION FOR CLINIC-BASED PHYSICIANS.**—

(1) **MEDICARE.**—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) **MEDICAID.**—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether in-

patient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

#### **SEC. 220. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.**

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking “5-year period” and inserting “6-year period”.

#### **SEC. 221. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.**

(a) **EXTENSION OF CERTAIN PAYMENT RULES.**—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111-5), is amended by striking “3-year period” each place it appears and inserting “4-year period”.

(b) **EXTENSION OF MORATORIUM.**—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111-5), in the matter preceding subparagraph (A), is amended by striking “3-year period” and inserting “4-year period”.

#### **SEC. 222. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.**

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking “2010, and for” and inserting “2010, for”; and

(2) by inserting “and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended” before the period at the end.

#### **SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.**

(a) **IN GENERAL.**—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) **SPECIAL RULE FOR FISCAL YEAR 2010.**—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

#### **SEC. 224. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.**

(a) **IN GENERAL.**—Subsections (g)(2)(A) and (1)(8) of section 1834 of the Social Security



Act (42 U.S.C. 1395m) are each amended by inserting "101 percent of" before "the reasonable costs".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2266).

**SEC. 225. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.**

(a) **IN GENERAL.**—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking "2011" and inserting "2012".

(b) **TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.**—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking "December 31, 2010" and inserting "December 31, 2011".

**SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.**

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking "January 1, 2010" and inserting "January 1, 2011".

**SEC. 227. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.**

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services' memorandum with the subject "2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans") to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w-27(i)(2)) and that had enrollment as of January 1, 2010.

**SEC. 228. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

**SEC. 229. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.**

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note) is amended by striking "(42 U.S.C. 1395w-23(f))" and all that follows through the period at the end and inserting "(42 U.S.C. 1395w-23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

- "(i) for fiscal year 2009, of \$7,500,000; and
- "(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended."

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119 is amended by striking "(42 U.S.C. 1395w-23(f))" and all that follows through the period at the end and inserting

"(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

- "(i) for fiscal year 2009, of \$7,500,000; and
- "(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended."

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119 is amended by striking "(42 U.S.C. 1395w-23(f))" and all that follows through the period at the end and inserting "(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

- "(i) for fiscal year 2009, of \$5,000,000; and
- "(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended."

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119 is amended by striking "(42 U.S.C. 1395w-23(f))" and all that follows through the period at the end and inserting "(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

- "(i) for fiscal year 2009, of \$5,000,000; and
- "(ii) for fiscal year 2010, of \$2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended."

**SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking "fiscal year 2009" and inserting "each of fiscal years 2009 through 2011".

**SEC. 231. IMPLEMENTATION FUNDING.**

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

**SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.**

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

- (1) in subsection (a)(3), by striking "first calendar quarter" and inserting "first 3 calendar quarters";
- (2) in subsection (c)—
  - (A) in paragraph (2)(B), by striking "July 1, 2010" and inserting "January 1, 2011";
  - (B) in paragraph (3)(B)(i), by striking "July 1, 2010" each place it appears and inserting "January 1, 2011"; and
  - (C) in paragraph (4)(C)(ii), by striking "the 3-consecutive-month period beginning with January 2010" and inserting "any 3-consecutive-month period that begins after December 2009 and ends before January 2011";
- (3) in subsection (g)—
  - (A) in paragraph (1), by striking "September 30, 2011" and inserting "March 31, 2012";
  - (B) in paragraph (2)—
    - (i) by inserting "of such Act" after "1923"; and
    - (ii) by adding at the end the following new sentence: "Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act

shall not be considered to be required contributions for purposes of this section."; and

(C) by adding at the end the following:

"(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds."; and

(4) in subsection (h)(3), by striking "December 31, 2010" and inserting "June 30, 2011".

**SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.**

(a) **IN GENERAL.**—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended by inserting "(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)" after "December 31, 2009".

(b) **FUNDING.**—

(1) **IN GENERAL.**—Subsection (f)(1) of such section is amended by inserting "and for fiscal year 2010, \$1,600,000," after "\$6,000,000,".

(2) **AVAILABILITY.**—Subsection (f)(2) of such section is amended by striking "2010" and inserting "2014 or until expended".

(c) **REPORTS.**—

(1) **QUALITY IMPROVEMENT AND SAVINGS.**—Subsection (e)(3) of such section is amended by striking "December 1, 2008" and inserting "18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010".

(2) **FINAL REPORT.**—Subsection (e)(4) of such section is amended by striking "May 1, 2010" and inserting "42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010".

**Subtitle C—Other Provisions**

**SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) is amended—

- (1) by striking "before March 1, 2010"; and
- (2) by inserting "for 2011" after "until updated poverty guidelines".

**SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) **IN GENERAL.**—Subchapter A of chapter 65 is amended by adding at the end the following new section:

**"SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

"(a) **IN GENERAL.**—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

"(b) **TERMINATION.**—Subsection (a) shall not apply to any amount received after December 31, 2010."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

#### SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

#### SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”.

#### SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term “disaster county” does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term “eligible producer” means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to excessive rainfall or related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitive-ness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and En-

ergy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 90 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) INSURANCE REQUIREMENT.—As a condition of receiving assistance under this subsection, eligible producers on a farm that—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (other than for a crop insurance pilot program under that Act) for each crop of economic significance (other than crops intended for grazing), shall obtain such a policy or plan for those crops for the next available crop year, as determined by the Secretary; or

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for each crop of economic significance (other than crops intended for grazing), shall obtain such coverage for those crops for the next available crop year, as determined by the Secretary.

(4) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$150,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall and related conditions affecting the 2009 crops.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2008 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Sec-

retary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed \$40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term “disaster county” means a county included in the geo-

graphic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term “disaster county” includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$15,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

**SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.**

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Business Loans Program Account”, \$354,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section, *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

### TITLE III—PENSION FUNDING RELIEF

#### Subtitle A—Single Employer Plans

#### SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the

case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments

(after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved

(directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

“(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

“(II) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required

contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with

respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account

of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

“(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

“(II) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among



such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

**SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.**

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

**“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.**

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased un-

funded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’

shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

**SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.**

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.



(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in

either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in ad-

dition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multi-employer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

## TITLE IV—OFFSET PROVISIONS

### Subtitle A—Black Liquor

#### SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF UNPROCESSED FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

“(II) the ash content of such fuel is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

#### SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

### Subtitle B—Homebuyer Credit

#### SEC. 411. TECHNICAL MODIFICATIONS TO HOME-BUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking “or” at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

“(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

“(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).”.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking “returns for taxable years ending after the date of the enactment of this Act” and inserting “returns filed after the date of the enactment of this Act”.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

### Subtitle C—Economic Substance

#### SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

“(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

“(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

“(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

“(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

“(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

“(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

“(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

“(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ECONOMIC SUBSTANCE DOCTRINE.—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

“(E) TRANSACTION.—The term ‘transaction’ includes a series of transactions.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.”.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

“(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.”.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

“(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

“(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.

“(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term ‘nondisclosed noneconomic substance transaction’ means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

“(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.”.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking “section 6662(h)” and inserting “subsections (h) or (i) of section 6662”; and

(B) by striking “GROSS VALUATION MISSTATEMENT PENALTY” in the heading and inserting “CERTAIN INCREASED UNDERPAYMENT PENALTIES”.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)” in paragraph (4)(A), as so redesignated, and inserting “paragraph (3)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).”.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)(C)” in paragraph (4), as so redesignated, and inserting “paragraph (3)(C)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).”.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

#### Subtitle D—Additional Provisions

#### SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended by striking “\$20,740,000,000” and inserting “\$12,740,000,000”.

#### TITLE V—SATELLITE TELEVISION EXTENSION

##### SEC. 501. SHORT TITLE.

This title may be cited as the “Satellite Television Extension and Localism Act of 2010”.

##### Subtitle A—Statutory Licenses

##### SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

##### SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking “superstations and network stations for private home viewing” and inserting “distant television programming by satellite”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household’s local market and affiliated with that network of—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”;

(B) in subparagraph (B)—

(i) by striking “subsection (a)(14)” and inserting “subsection (a)(13),”; and

(ii) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(C) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

“(14) QUALIFYING DATE.—The term ‘qualifying date’, for purposes of paragraph (10)(A), means—

“(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

“(B) January 1, 2011, for all other multicast streams.”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—”; and

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”; and

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”; and

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”; and

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) **ADJUSTMENT OF ROYALTY FEES.**—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “March 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) **VOLUNTARY AGREEMENTS; FILING.**—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(i) **PROCEDURE FOR ADOPTION OF FEES.**—

“(I) **PUBLICATION OF NOTICE.**—Within”;

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) **PUBLIC NOTICE OF FEES.**—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) **ADOPTION OF FEES.**—The Copyright Royalty Judges”;

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “February 28, 2010” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “May 3, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors—”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”; and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) **ESTABLISHMENT OF ROYALTY FEES.**—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—”;

(iv) by amending clause (iii) to read as follows:

“(iii) **EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.**—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”; and

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) **ANNUAL ROYALTY FEE ADJUSTMENT.**—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) **DEFINITIONS.**—

(1) **SUBSCRIBER.**—Section 119(d)(8) is amended to read as follows:

“(8) **SUBSCRIBER; SUBSCRIBE.**—

“(A) **SUBSCRIBER.**—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) **SUBSCRIBE.**—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) **LOCAL MARKET.**—Section 119(d)(11) is amended to read as follows:

“(11) **LOCAL MARKET.**—The term ‘local market’ has the meaning given such term under section 122(j).”.

(3) **LOW POWER TELEVISION STATION.**—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) **MULTICAST STREAM.**—Section 119(d), as amended by paragraph (3), is further amend-

ed by adding at the end the following new paragraph:

“(14) **MULTICAST STREAM.**—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) **PRIMARY STREAM.**—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) **PRIMARY STREAM.**—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) **CLERICAL AMENDMENT.**—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.

(g) **SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.**—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) **REMOVAL OF CERTAIN PROVISIONS.**—

(1) **REMOVAL OF PROVISIONS.**—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) **CONFORMING AMENDMENTS.**—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting “subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) **INITIAL LISTS.**—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”; and

(II) by striking “paragraph (12)” and inserting “paragraph (11)”;

(B) in subsection (b)(1), by striking the final sentence.

(I) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) FUTURE APPLICABILITY.—

“(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the

secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”;

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”;

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking “and 509”.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause,”.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

#### SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking “BY SATELLITE CARRIERS WITHIN LOCAL MARKETS” and inserting “OF LOCAL TELEVISION PROGRAMMING BY SATELLITE”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

“122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.”.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED STATIONS.—

“(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station’s local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber’s satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept

or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

**“(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—**

**“(A) IN GENERAL.—**Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

**“(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—**Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

**“(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—**A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

**“(4) SPECIAL EXCEPTIONS.—**A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

**“(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—**In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

**“(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—**In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

**“(C) ADDITIONAL STATIONS.—**In the case of that State in which are located 4 counties that—

**“(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and**

**“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,**

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

**“(D) CERTAIN ADDITIONAL STATIONS.—**If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

**“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and**

**“(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.**

**“(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—**In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

**“(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—**The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.”

**(c) REPORTING REQUIREMENTS.—**Section 122(b) is amended—

(1) in paragraph (1), by striking “station a list” and all that follows through the end and inserting the following: “station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.”

**(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—**Section 122(c) is amended—

(1) in the heading, by inserting “FOR CERTAIN SECONDARY TRANSMISSIONS” after “REQUIRED”; and

(2) by striking “subsection (a)” and inserting “paragraphs (1), (2), and (3) of subsection (a)”.

**(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—**

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to”; and

(B) in subsection (g), by striking “section 119 or” and inserting the following: “section 119, paragraph (2)(A), (3), or (4) of subsection (a), or”.

**(f) DEFINITIONS.—**Section 122(j) is amended—

(1) in paragraph (1), by striking “which contracts” and inserting “that contracts”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting “NON-NETWORK STATION;” after “NETWORK STATION;”; and

(C) by inserting “‘non-network station,’” after “‘network station,’”;

(4) by inserting after paragraph (2) the following:

**“(3) LOW POWER TELEVISION STATION.—**The term ‘low power television station’ means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.”;

(5) by inserting after paragraph (4) (as redesignated) the following:

**“(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—**The term ‘noncommercial educational broadcast station’ means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

**“(6) SUBSCRIBER.—**The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.”.

**SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.**

(a) **HEADING RENAMED.**—

(1) **IN GENERAL.**—The heading of section 111 is amended by inserting at the end the following: “**OF BROADCAST PROGRAMMING BY CABLE**”.

(2) **TABLE OF CONTENTS.**—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

“111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.

(b) **TECHNICAL AMENDMENT.**—Section 111(a)(4) is amended by striking “; or” and inserting “or section 122”.

(c) **STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.**—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: “STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary”; and

(ii) by striking “by regulation—” and inserting “by regulation the following.”;

(B) in subparagraph (A)—

(i) by striking “a statement of account” and inserting “A statement of account”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

“(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

“(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

“(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

“(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

“(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

“(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

“(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

“(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the

basis of the subscribers in those communities where the cable system provides such secondary transmission; and

“(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

“(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(ii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

“(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

“(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than \$10,400; and

“(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

“(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

“(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

“(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

“(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(2) in paragraph (2), in the first sentence—

(A) by striking “The Register of Copyrights” and inserting the following “HANDLING OF FEES.—The Register of Copyrights”; and

(B) by inserting “(including the filing fee specified in paragraph (1)(G))” after “shall receive all fees”;

(3) in paragraph (3)—

(A) by striking “The royalty fees” and inserting the following: “DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees”;

(B) in subparagraph (A)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking “any such” and inserting “Any such”;

(4) in paragraph (4), by striking “The royalty fees” and inserting the following: “PRO-

CEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees”; and

(5) by adding at the end the following new paragraphs:

“(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘3.75 percent rate’ and the ‘syndicated exclusivity surcharge’, respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

“(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

“(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”.

(d) **EFFECTIVE DATE OF NEW ROYALTY FEE RATES.**—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.



(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—

(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “cable system”;

(3) in the third undesignated paragraph—

(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”;

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission,”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and

such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream’s typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the

interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

#### SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier’s efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that im-

posed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier’s conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action

under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) **SUBSEQUENT EXAMINATION.**—If the report includes the Comptroller General’s statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(vi) **COMPLIANCE.**—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

“(C) **AFFIRMATION.**—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) **COMPLIANCE DETERMINATION.**—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) **PLEADING REQUIREMENT.**—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) **BURDEN OF PROOF.**—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) **FAILURE TO PROVIDE SERVICE.**—

“(A) **PENALTIES.**—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in

sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) **EXCEPTION FOR NONWILLFUL VIOLATION.**—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity’s efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) **PENALTIES FOR VIOLATIONS OF LICENSE.**—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) **LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.**—For purposes of this subsection:

“(A) **IN GENERAL.**—An entity provides ‘local-into-local service to all DMAs’ if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) **HOUSEHOLD COVERAGE.**—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) **GOOD QUALITY SATELLITE SIGNAL DEFINED.**—The term ‘good quality signal’ has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

#### **SEC. 506. COPYRIGHT OFFICE FEES.**

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”

#### **SEC. 507. TERMINATION OF LICENSE.**

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

#### **SEC. 508. CONSTRUCTION.**

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of

any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

### **Subtitle B—Communications Provisions**

#### **SEC. 521. REFERENCE.**

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

#### **SEC. 522. EXTENSION OF AUTHORITY.**

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “February 28, 2010” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “March 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

#### **SEC. 523. SIGNIFICANTLY VIEWED STATIONS.**

(a) **IN GENERAL.**—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) **SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.**—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) **SERVICE LIMITATIONS.**—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”.

(b) **RULEMAKING REQUIRED.**—Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

#### **SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.**

(a) **SECTION 338.**—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) **CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.**—

“(1) **SINGLE RECEPTION ANTENNA.**—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) **ADDITIONAL RECEPTION ANTENNA.**—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”.

(b) **SECTION 339.**—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”;

(ii) in subparagraph (A)—  
 (I) in the heading for clause (i), by striking “ANALOG”;

(II) in clause (i)—  
 (aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”;

(III) in the heading for clause (ii), by striking “ANALOG”;

(IV) in clause (ii)—  
 (aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”;

(iii) by amending subparagraph (B) to read as follows:

“(B) RULES FOR OTHER SUBSCRIBERS.—

“(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”;

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following: “the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”;

(III) by amending clause (ii) to read as follows:

“(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”;

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”;

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

“(A) PREDICTIVE MODEL.—Within 180 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06-94 within 180 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber’s request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test verifying the subscriber’s inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”;

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

#### SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and

section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) **TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.**—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) **DEFINITIONS.**—As used in this subtitle:

(1) **LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.**—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) **NETWORK STATION; TELEVISION NETWORK.**—The terms “network station” and “television network” have the meanings given such terms in section 339(d) of such Act.

**SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

Part I of title III is amended by adding at the end the following new section:

**“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.**

“(a) **CERTIFICATION.**—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) **INFORMATION REQUIRED.**—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) **CERTIFICATION ISSUANCE.**—

“(1) **PUBLIC COMMENT.**—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) **DEADLINE FOR DECISION.**—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) **SUBSEQUENT AFFIRMATION.**—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) **DEFINITIONS.**—For the purposes of this section:

“(1) **DESIGNATED MARKET AREA.**—The term “designated market area” has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) **GOOD QUALITY SATELLITE SIGNAL.**—

“(A) **IN GENERAL.**—The term “good quality satellite signal” means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable

television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) **DETERMINATION.**—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.”.

**SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**

(a) **IN GENERAL.**—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) **NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**—

“(A) **EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.**—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) **NEW INITIATION OF SERVICE.**—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”.

(b) **DEFINITIONS.**—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) **ELIGIBLE SATELLITE CARRIER.**—The term “eligible satellite carrier” means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.”;

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) **QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.**—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”.

#### **SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

#### **SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.**

Section 335(b) is amended—

(1) by inserting “**STATE PUBLIC AFFAIRS,**” after “**EDUCATIONAL,**” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) **CHANNEL CAPACITY REQUIRED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) **REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.**—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection.”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broadcast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”.

#### **Subtitle C—Reports and Savings Provision**

##### **SEC. 531. DEFINITION.**

In this subtitle, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

##### **SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.**

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

##### **SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.**

(a) **STUDY.**—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the re-

sults of the study, including any recommendations for legislative or administrative actions.

##### **SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.**

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

##### **SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.**

(a) **REQUIREMENT.**—

(1) **IN GENERAL.**—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) **TERMINATION.**—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) **FCC STUDY; REPORT.**—

(1) **STUDY.**—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) **REPORT.**—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) **DEFINITIONS.**—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

##### **SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.**

(a) **IN GENERAL.**—Nothing in this title, title 17, United States Code, the Communications

Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) **LIMITATION.**—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

#### **SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.**

Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and all references to enactment of this Act shall be deemed to refer to such date unless otherwise specified. The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010 and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

#### **Subtitle D—Severability**

#### **SEC. 541. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

#### **TITLE VI—OTHER PROVISIONS**

#### **SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.**

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended—

(1) in subparagraph (A), by striking “February 28, 2010” and inserting “September 30, 2010”; and

(2) in subparagraph (B), by striking “March 1, 2010” and inserting “October 1, 2010”.

#### **TITLE VII—DETERMINATION OF BUDGETARY EFFECTS**

#### **SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.**

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION.**—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

#### **TITLE VIII—OFFSET**

#### **SEC. 801. RESCISSION.**

(a) **UNOBLIGATED AMOUNTS.**—Any amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of such division A), are hereby rescinded.

(b) **DEOBLIGATION.**—

(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall deobligate a total of not less than \$20,000,000,000 of the amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of such division A)—

(A) that are not expended as of October 1, 2012; or

(B) relating to which the Director determines, on or after October 1, 2012, that the amounts are not being expended for the purpose for which the amounts were appropriated or made available.

(2) **RESCISSION.**—Any amounts deobligated under paragraph (1) are hereby rescinded.

**SA 3361.** Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the first word and insert the following:

#### **1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “American Workers, State, and Business Relief Act of 2010”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

#### **TITLE I—EXTENSION OF EXPIRING PROVISIONS**

##### **Subtitle A—Energy**

Sec. 101. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 102. Incentives for biodiesel and renewable diesel.

Sec. 103. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 104. Credit for refined coal facilities.

Sec. 105. Credit for production of low sulfur diesel fuel.

Sec. 106. Credit for producing fuel from coke or coke gas.

Sec. 107. New energy efficient home credit.

Sec. 108. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 109. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 110. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

##### **Subtitle B—Individual Tax Relief**

##### **PART I—MISCELLANEOUS PROVISIONS**

Sec. 111. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 112. Additional standard deduction for State and local real property taxes.

Sec. 113. Deduction of State and local sales taxes.

Sec. 114. Contributions of capital gain real property made for conservation purposes.

Sec. 115. Above-the-line deduction for qualified tuition and related expenses.

Sec. 116. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 117. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

##### **PART II—LOW-INCOME HOUSING CREDITS**

Sec. 121. Election for refundable low-income housing credit for 2010.

##### **Subtitle C—Business Tax Relief**

Sec. 131. Research credit.

Sec. 132. Indian employment tax credit.

Sec. 133. New markets tax credit.

Sec. 134. Railroad track maintenance credit.

Sec. 135. Mine rescue team training credit.

Sec. 136. Employer wage credit for employees who are active duty members of the uniformed services.

Sec. 137. 5-year depreciation for farming business machinery and equipment.

Sec. 138. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 139. 7-year recovery period for motor-sports entertainment complexes.

Sec. 140. Accelerated depreciation for business property on an Indian reservation.

Sec. 141. Enhanced charitable deduction for contributions of food inventory.

Sec. 142. Enhanced charitable deduction for contributions of book inventories to public schools.

Sec. 143. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.

Sec. 144. Election to expense mine safety equipment.

Sec. 145. Special expensing rules for certain film and television productions.

Sec. 146. Expensing of environmental remediation costs.

Sec. 147. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 148. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 149. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.

Sec. 150. Timber REIT modernization.

Sec. 151. Treatment of certain dividends and assets of regulated investment companies.

Sec. 152. RIC qualified investment entity treatment under FIRPTA.

Sec. 153. Exceptions for active financing income.



- Sec. 154. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 155. Reduction in corporate rate for qualified timber gain.
- Sec. 156. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 157. Empowerment zone tax incentives.
- Sec. 158. Tax incentives for investment in the District of Columbia.
- Sec. 159. Renewal community tax incentives.
- Sec. 160. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 161. American Samoa economic development credit.
- Subtitle D—Temporary Disaster Relief Provisions
- PART I—NATIONAL DISASTER RELIEF
- Sec. 171. Waiver of certain mortgage revenue bond requirements.
- Sec. 172. Losses attributable to federally declared disasters.
- Sec. 173. Special depreciation allowance for qualified disaster property.
- Sec. 174. Net operating losses attributable to federally declared disasters.
- Sec. 175. Expensing of qualified disaster expenses.
- PART II—REGIONAL PROVISIONS
- SUBPART A—NEW YORK LIBERTY ZONE
- Sec. 181. Special depreciation allowance for nonresidential and residential real property.
- Sec. 182. Tax-exempt bond financing.
- SUBPART B—GO ZONE
- Sec. 183. Special depreciation allowance.
- Sec. 184. Increase in rehabilitation credit.
- Sec. 185. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- SUBPART C—MIDWESTERN DISASTER AREAS
- Sec. 191. Special rules for use of retirement funds.
- Sec. 192. Exclusion of cancellation of mortgage indebtedness.
- TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS
- Subtitle A—Unemployment Insurance
- Sec. 201. Extension of unemployment insurance provisions.
- Subtitle B—Health Provisions
- Sec. 211. Extension and improvement of premium assistance for COBRA benefits.
- Sec. 212. Extension of therapy caps exceptions process.
- Sec. 213. Treatment of pharmacies under durable medical equipment accreditation requirements.
- Sec. 214. Enhanced payment for mental health services.
- Sec. 215. Extension of ambulance add-ons.
- Sec. 216. Extension of geographic floor for work.
- Sec. 217. Extension of payment for technical component of certain physician pathology services.
- Sec. 218. Extension of outpatient hold harmless provision.
- Sec. 219. EHR Clarification.
- Sec. 220. Extension of reimbursement for all Medicare part B services furnished by certain Indian hospitals and clinics.
- Sec. 221. Extension of certain payment rules for long-term care hospital services and of moratorium on the establishment of certain hospitals and facilities.
- Sec. 222. Extension of the Medicare rural hospital flexibility program.
- Sec. 223. Extension of section 508 hospital reclassifications.
- Sec. 224. Technical correction related to critical access hospital services.
- Sec. 225. Extension for specialized MA plans for special needs individuals.
- Sec. 226. Extension of reasonable cost contracts.
- Sec. 227. Extension of particular waiver policy for employer group plans.
- Sec. 228. Extension of continuing care retirement community program.
- Sec. 229. Funding outreach and assistance for low-income programs.
- Sec. 230. Family-to-family health information centers.
- Sec. 231. Implementation funding.
- Sec. 232. Extension of ARRA increase in FMAP.
- Sec. 233. Extension of gainsharing demonstration.
- Subtitle C—Other Provisions
- Sec. 241. Extension of use of 2009 poverty guidelines.
- Sec. 242. Refunds disregarded in the administration of Federal programs and federally assisted programs.
- Sec. 243. State court improvement program.
- Sec. 244. Extension of national flood insurance program.
- Sec. 245. Emergency disaster assistance.
- Sec. 246. Small business loan guarantee enhancement extensions.
- TITLE III—PENSION FUNDING RELIEF
- Subtitle A—Single Employer Plans
- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
- Sec. 303. Lookback for certain benefit restrictions.
- Subtitle B—Multiemployer Plans
- Sec. 311. Adjustments to funding standard account rules.
- TITLE IV—OFFSET PROVISIONS
- Subtitle A—Black Liquor
- Sec. 401. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit.
- Sec. 402. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor.
- Subtitle B—Homebuyer Credit
- Sec. 411. Technical modifications to homebuyer credit.
- Subtitle C—Economic Substance
- Sec. 421. Codification of economic substance doctrine; penalties.
- Subtitle D—Additional Provisions
- Sec. 431. Revision to the Medicare Improvement Fund.
- TITLE V—SATELLITE TELEVISION EXTENSION
- Sec. 501. Short title.
- Subtitle A—Statutory Licenses
- Sec. 501. Reference.
- Sec. 502. Modifications to statutory license for satellite carriers.
- Sec. 503. Modifications to statutory license for satellite carriers in local markets.
- Sec. 504. Modifications to cable system secondary transmission rights under section 111.
- Sec. 505. Certain waivers granted to providers of local-to-local service for all DMAs.
- Sec. 506. Copyright Office fees.
- Sec. 507. Termination of license.
- Sec. 508. Construction.
- Subtitle B—Communications Provisions
- Sec. 521. Reference.
- Sec. 522. Extension of authority.
- Sec. 523. Significantly viewed stations.
- Sec. 524. Digital television transition conforming amendments.
- Sec. 525. Application pending completion of rulemakings.
- Sec. 526. Process for issuing qualified carrier certification.
- Sec. 527. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.
- Sec. 528. Savings clause regarding definitions.
- Sec. 529. State public affairs broadcasts.
- Subtitle C—Reports and Savings Provision
- Sec. 531. Definition.
- Sec. 532. Report on market based alternatives to statutory licensing.
- Sec. 533. Report on communications implications of statutory licensing modifications.
- Sec. 534. Report on in-state broadcast programming.
- Sec. 535. Local network channel broadcast reports.
- Sec. 536. Savings provision regarding use of negotiated licenses.
- Sec. 537. Effective date; Noninfringement of copyright.
- Subtitle D—Severability
- Sec. 541. Severability.
- TITLE VI—OTHER PROVISIONS
- Sec. 601. Increase in the Medicare physician payment update.
- TITLE VII—DETERMINATION OF BUDGETARY EFFECTS
- Sec. 701. Determination of budgetary effect.
- TITLE VIII—ADDITIONAL OFFSETS
- Sec. 801. Repeal of increase of the office budgets of Members of Congress.
- Sec. 802. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Agriculture.
- Sec. 803. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Commerce.
- Sec. 804. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Education.
- Sec. 805. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Energy.
- Sec. 806. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Health and Human Services.

- Sec. 807. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Homeland Security.
- Sec. 808. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Housing and Urban Development.
- Sec. 809. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Interior.
- Sec. 810. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Justice.
- Sec. 811. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Labor.
- Sec. 812. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of State.
- Sec. 813. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Transportation.
- Sec. 814. Repeal of excessive overhead, elimination of wasteful spending, and consolidation of duplicative programs at the Department of Treasury.
- Sec. 815. Rescission of unspent and uncommitted funds Federal funds.
- Sec. 816. Implementation of rescissions.

## TITLE I—EXTENSION OF EXPIRING PROVISIONS

### Subtitle A—Energy

#### SEC. 101. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

#### SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

#### SEC. 103. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elec-

tricity produced and sold after December 31, 2009.

#### SEC. 104. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

#### SEC. 105. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

#### SEC. 106. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

#### SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

#### SEC. 108. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

#### SEC. 109. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after December 31, 2009.

#### SEC. 110. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

### Subtitle B—Individual Tax Relief

## PART I—MISCELLANEOUS PROVISIONS

#### SEC. 111. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 112. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 113. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 114. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

#### SEC. 115. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 116. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

#### SEC. 117. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

## PART II—LOW-INCOME HOUSING CREDITS

#### SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR REFUNDABLE CREDITS.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to

amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36A,”.

#### Subtitle C—Business Tax Relief

##### SEC. 131. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

##### SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 133. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

##### SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

##### SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 136. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

##### SEC. 137. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 138. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010;”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 139. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 140. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 141. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

##### SEC. 142. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

##### SEC. 143. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

##### SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

##### SEC. 145. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

##### SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

##### SEC. 147. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 148. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

##### SEC. 149. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

##### SEC. 150. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “in a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

##### SEC. 151. TREATMENT OF CERTAIN DIVIDENDS AND ASSETS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by

striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 152. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) **IN GENERAL.**—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) **AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.**—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) **IN GENERAL.**—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENT.**—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 154. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) **IN GENERAL.**—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 155. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.**

(a) **IN GENERAL.**—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) **APPLICATION OF SUBSECTION.**—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

**SEC. 156. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) **IN GENERAL.**—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”, and

(2) by striking the last sentence of subsection (h)(2).

(b) **INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.**—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(2) by striking “2014” in the heading and inserting “2015”.

(c) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 158. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) **IN GENERAL.**—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—

(A) **IN GENERAL.**—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) **PARTNERSHIPS AND S-CORPS.**—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) **FIRST-TIME HOMEBUYER CREDIT.**—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) **ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.**—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) **HOMEBUYER CREDIT.**—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.**

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”, and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(B) by striking “2014” in the heading and inserting “2015”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

**SEC. 160. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) **IN GENERAL.**—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**Subtitle D—Temporary Disaster Relief Provisions**

**PART I—NATIONAL DISASTER RELIEF**

**SEC. 171. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.**

(a) **IN GENERAL.**—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) **TECHNICAL AMENDMENT.**—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) **RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

**SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

**SEC. 173. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.**

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

**SEC. 174. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.**

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

**SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

**PART II—REGIONAL PROVISIONS**

**Subpart A—New York Liberty Zone**

**SEC. 181. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.**

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 182. TAX-EXEMPT BOND FINANCING.**

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

**Subpart B—GO Zone**

**SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.**

(a) **IN GENERAL.**—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 184. INCREASE IN REHABILITATION CREDIT.**

(a) **IN GENERAL.**—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 185. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.**

(a) **IN GENERAL.**—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

**Subpart C—Midwestern Disaster Areas**

**SEC. 191. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.**

(a) **IN GENERAL.**—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

**SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.**

(a) **IN GENERAL.**—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

**TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS**

**Subtitle A—Unemployment Insurance**

**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “FEBRUARY 28, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “July 31, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “February 28, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “FEBRUARY 28, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “August 31, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “February 28, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “July 31, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “July 31, 2010” and inserting “May 31, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking “1009” and inserting “1009(a)(1)”; and

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Department of Defense Appropriations Act, 2010 (Public Law 111-118).

**Subtitle B—Health Provisions**

**SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

(b) **CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.**—

(1) **CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: “or consists of a reduction of hours followed by such

an involuntary termination of employment during such period”;

(B) in paragraph (16)—

(i) by striking clause (ii) of subparagraph (A), and inserting the following:

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under subparagraph (D)(ii), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).”; and

(ii) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and”;

(C) by adding at the end the following:

“(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

“(A) NEW ELECTION PERIOD.—

“(i) IN GENERAL.—For purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 shall be treated as a qualifying event.

“(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual’s continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

“(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

“(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

“(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual’s involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

“(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

(2) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking “of the first month”.

(3) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end

the following: “In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than \$110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor’s or issuer’s receipt of the determination.”.

(4) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 is amended by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(B) Section 139C is amended by striking “section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(C) Section 6432 is amended—

(i) in subsection (a), by striking “section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009”;

(ii) in subsection (c)(3), by striking “section 3002(a)(1)(A) of such Act” in subsection (c)(3) and inserting “section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009”;

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

“(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

“(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee’s employment; and

“(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee’s employment.”.

(D) Subsection (a) of section 6720C is amended by striking “section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009” and inserting “section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009”.

(c) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) RULES RELATED TO 2010 EXTENSION.—

“(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA

continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after March 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) 2101 TRANSITION PERIOD.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendments made by paragraphs (2) and (3) of subsection (b) shall take effect on the date of the enactment of this Act.

#### SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

#### SEC. 213. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(ii) by striking “January 1, 2010” and inserting “January 1, 2011”; and

(iii) by striking “and” at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting “; and”;



(C) by inserting after clause (ii)(II) the following new clause:

“(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

“(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.”; and

(D) by adding at the end the following flush sentence:

“If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).”; and

(2) by adding at the end the following new subparagraph:

“(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

“(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

“(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

“(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

“(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.”.

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking “The” and inserting “Except as provided in the third sentence, the”; and

(2) by adding at the end the following new sentences: “Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.”.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of non-compliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

#### SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

#### SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “before January 1, 2010” and inserting “before January 1, 2011”; and

(B) in each of clauses (i) and (ii), by striking “before January 1, 2010” and inserting “before January 1, 2011”.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “ending on December 31, 2009” and inserting “ending on December 31, 2010”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking “2010” and inserting “2011”; and

(2) by adding at the end the following new sentence: “For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.”.

#### SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2010” and inserting “before January 1, 2011”.

#### SEC. 217. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), and section 136 of the Medicare Improvements for Patients and

Providers Act of 2008 (Public Law 110-275), is amended by striking “and 2009” and inserting “2009, and 2010”.

#### SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2010” and inserting “2011”; and

(B) in the second sentence, by striking “or 2009” and inserting “, 2009, or 2010”; and

(2) in subclause (III), by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: “In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.”.

#### SEC. 219. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

#### SEC. 220. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking “5-year period” and inserting “6-year period”.

#### SEC. 221. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) EXTENSION OF CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111-5), is amended by striking “3-year period” each place it appears and inserting “4-year period”.

(b) EXTENSION OF MORATORIUM.—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111-5), in the matter preceding subparagraph (A), is amended by striking “3-year period” and inserting “4-year period”.

#### SEC. 222. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking “2010, and for” and inserting “2010, for”; and



(2) by inserting “and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended” before the period at the end.

**SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.**

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) SPECIAL RULE FOR FISCAL YEAR 2010.—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

**SEC. 224. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.**

(a) IN GENERAL.—Subsections (g)(2)(A) and (1)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting “101 percent of” before “the reasonable costs”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2266).

**SEC. 225. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.**

(a) IN GENERAL.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking “2011” and inserting “2012”.

(b) TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

**SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.**

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking “January 1, 2010” and inserting “January 1, 2011”.

**SEC. 227. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.**

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services’ memorandum with the subject “2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local

Coordinated Care Plans”) to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w-27(i)(2)) and that had enrollment as of January 1, 2010.

**SEC. 228. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

**SEC. 229. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.**

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note) is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f), to the Centers for Medicare & Medicaid Services Program Management Account—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f), to the Administration on Aging—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

**SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “fiscal year 2009” and inserting “each of fiscal years 2009 through 2011”.

**SEC. 231. IMPLEMENTATION FUNDING.**

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the

Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

**SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.**

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” each place it appears and inserting “January 1, 2011”; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(3) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2)—

(i) by inserting “of such Act” after “1923”; and

(ii) by adding at the end the following new sentence: “Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act shall not be considered to be required contributions for purposes of this section.”; and

(C) by adding at the end the following:

“(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(4) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

**SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.**

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended by inserting “(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)” after “December 31, 2009”.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting “and for fiscal year 2010, \$1,600,000,” after “\$6,000,000.”.

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking “2010” and inserting “2014 or until expended”.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking “December 1, 2008” and inserting “18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking “May 1, 2010” and inserting “42 months after the date

of the enactment of the American Workers, State, and Business Relief Act of 2010".

#### Subtitle C—Other Provisions

#### SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) is amended—

- (1) by striking "before March 1, 2010"; and
- (2) by inserting "for 2011" after "until updated poverty guidelines".

#### SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

#### "SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

"(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

#### SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

- (1) in subsection (c)(2)(A), by striking "2010" and inserting "2011"; and
- (2) in subsection (e), by striking "2010" and inserting "2011".

#### SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking "by substituting" and all that follows through the period at the end, and inserting "by substituting December 31, 2010, for the date specified in each such section."

#### SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term "disaster county" means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term "disaster county" does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term "eligible aquaculture producer" means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial

percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term "eligible producer" means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term "eligible specialty crop producer" means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to excessive rainfall or related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term "specialty crop" has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 90 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) INSURANCE REQUIREMENT.—As a condition of receiving assistance under this subsection, eligible producers on a farm that—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (other than for a crop insurance pilot program under that Act) for each crop of economic significance (other than crops intended for grazing), shall obtain such a policy or plan for those crops for the next available crop year, as determined by the Secretary; or

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for each crop of economic significance (other than crops intended for grazing), shall obtain such coverage for those crops for the next available crop year, as determined by the Secretary.

(4) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$150,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall and related conditions affecting the 2009 crops.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2008 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed \$40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) **DISTRIBUTION OF ASSISTANCE.**—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) **PAYMENT RATE.**—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) **COUNTY-ELIGIBLE PRODUCTION.**—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) **AQUACULTURE ASSISTANCE.**—

(1) **GRANT PROGRAM.**—

(A) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) **NOTIFICATION.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) **PROVISION OF GRANTS.**—

(i) **IN GENERAL.**—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) **TIMING.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) **REDUCTION IN PAYMENTS.**—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) **REPORT TO CONGRESS.**—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) **HAWAII TRANSPORTATION COOPERATIVE.**—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) **LIVESTOCK FORAGE DISASTER PROGRAM.**—

(1) **DEFINITION OF DISASTER COUNTY.**—In this subsection:

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) **INCLUSION.**—The term “disaster county” includes a contiguous county.

(2) **PAYMENTS.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) **CRITERIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) **DROUGHT INTENSITY.**—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) **AMOUNT.**—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) **RELATION TO OTHER LAW.**—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) **EMERGENCY LOANS FOR POULTRY PRODUCERS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ANNOUNCEMENT DATE.**—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) **POULTRY INTEGRATOR.**—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) **LOAN PROGRAM.**—

(A) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) **TERMS AND CONDITIONS.**—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) **LOANS.**—

(A) **IN GENERAL.**—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) **ELIGIBILITY.**—

(i) **IN GENERAL.**—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) **REQUIREMENT TO OFFER LOANS.**—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) **ADDITIONAL REQUIREMENTS.**—

(A) **IN GENERAL.**—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender.

(B) **CONVERSION OF THE LOAN.**—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) **ADMINISTRATION.**—

(1) **REGULATIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section.

(B) **PROCEDURE.**—The promulgation of the regulations and administration of this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this paragraph, the Secretary shall use the authority

provided under section 808 of title 5, United States Code.

(2) **ADMINISTRATIVE COSTS.**—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$15,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) **PROHIBITION.**—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

**SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.**

(a) **APPROPRIATION.**—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Business Loans Program Account”, \$354,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section, *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) **EXTENSION OF PROGRAMS.**—

(1) **FEEES.**—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) **LOAN GUARANTEES.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “February 28, 2010” and inserting “December 31, 2010”.

**TITLE III—PENSION FUNDING RELIEF**

**Subtitle A—Single Employer Plans**

**SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.**

(a) **AMENDMENTS TO ERISA.**—

(1) **IN GENERAL.**—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) **SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.**—

“(i) **IN GENERAL.**—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amorti-

zation base is the annual installment determined under the applicable clause for that year for that base.

“(ii) **2 PLUS 7 AMORTIZATION SCHEDULE.**—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) **15-YEAR AMORTIZATION.**—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) **ELECTION.**—

“(I) **IN GENERAL.**—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) **AMORTIZATION SCHEDULE.**—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) **OTHER RULES.**—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) **ELIGIBLE PLAN YEAR.**—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) **REPORTING.**—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) **INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.**—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) **INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.**—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) **INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.**—

“(A) **IN GENERAL.**—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) **TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.**—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) **INSTALLMENT ACCELERATION AMOUNT.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) **LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.**—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) **CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.**—

“(I) **IN GENERAL.**—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(II) **CAP TO APPLY.**—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to

other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of

nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

“(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

“(II) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization

schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(iii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

“(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes

of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

“(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

“(II) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year.



“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the man-

ner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or



“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher ad-

justed funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan’s funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the

election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subparagraphs (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would

have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

#### TITLE IV—OFFSET PROVISIONS

##### Subtitle A—Black Liquor

#### SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF UNPROCESSED FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

“(II) the ash content of such fuel is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

#### SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

##### Subtitle B—Homebuyer Credit

#### SEC. 411. TECHNICAL MODIFICATIONS TO HOME-BUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking “or” at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

“(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for

such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

“(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).”.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking “returns for taxable years ending after the date of the enactment of this Act” and inserting “returns filed after the date of the enactment of this Act”.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

##### Subtitle C—Economic Substance

#### SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

“(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

“(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

“(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

“(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

“(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

“(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

“(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

“(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ECONOMIC SUBSTANCE DOCTRINE.—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

“(E) TRANSACTION.—The term ‘transaction’ includes a series of transactions.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.”.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

“(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.”.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

“(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

“(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.

“(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term ‘nondisclosed noneconomic substance transaction’ means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

“(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.”.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking “section 6662(h)” and inserting “subsections (h) or (i) of section 6662”; and

(B) by striking “GROSS VALUATION MISSTATEMENT PENALTY” in the heading and inserting “CERTAIN INCREASED UNDERPAYMENT PENALTIES”.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)” in paragraph (4)(A), as so redesignated, and inserting “paragraph (3)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).”.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)(C)” in paragraph (4), as so redesignated, and inserting “paragraph (3)(C)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).”.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

#### Subtitle D—Additional Provisions

#### SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended by striking “\$20,740,000,000” and inserting “\$12,740,000,000”.

#### TITLE V—SATELLITE TELEVISION EXTENSION

##### SEC. 501. SHORT TITLE.

This title may be cited as the “Satellite Television Extension and Localism Act of 2010”.

##### Subtitle A—Statutory Licenses

##### SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

##### SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking “**superstations and network stations for private home viewing**” and inserting “**distant television programming by satellite**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household’s local market and affiliated with that network or—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”;

(B) in subparagraph (B)—

(i) by striking “subsection (a)(14)” and inserting “subsection (a)(13),”; and

(ii) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(C) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

“(14) QUALIFYING DATE.—The term ‘qualifying date’, for purposes of paragraph (10)(A), means—

“(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

“(B) January 1, 2011, for all other multicast streams.”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—”;

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”;

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”;

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “March 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) PROCEDURE FOR ADOPTION OF FEES.—

“(I) PUBLICATION OF NOTICE.—Within”;

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) ADOPTION OF FEES.—The Copyright Royalty Judges”;

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “February 28, 2010” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “May 3, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”;

(ee) by striking “distributors” and inserting “distributors”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—”;

(iv) by amending clause (iii) to read as follows:

“(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”;

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty

fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

“(8) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(14) MULTICAST STREAM.—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) PRIMARY STREAM.—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting “subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”; and

(II) by striking “paragraph (12)” and inserting “paragraph (11)”;

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET

AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) FUTURE APPLICABILITY.—

“(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”.

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”;

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking “and 509”.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause.”.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

#### SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking “by satellite carriers within local markets” and inserting “of local television programming by satellite”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

“122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.”.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED STATIONS.—

“(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

“(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

“(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

“(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made

by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

“(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

“(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

“(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

“(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

“(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

“(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if

such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

“(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.”

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking “station a list” and all that follows through the end and inserting the following: “station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.”

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting “FOR CERTAIN SECONDARY TRANSMISSIONS” after “REQUIRED”; and

(2) by striking “subsection (a)” and inserting “paragraphs (1), (2), and (3) of subsection (a)”.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to”; and

(B) in subsection (g), by striking “section 119 or” and inserting the following: “section 119, paragraph (2)(A), (3), or (4) of subsection (a), or”.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking “which contracts” and inserting “that contracts”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting “NON-NETWORK STATION;” after “NETWORK STATION;”; and

(C) by inserting “‘non-network station,’” after “‘network station,’”;

(4) by inserting after paragraph (2) the following:

“(3) **LOW POWER TELEVISION STATION.**—The term ‘low power television station’ means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.”;

(5) by inserting after paragraph (4) (as redesignated) the following:

“(5) **NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.**—The term ‘noncommercial educational broadcast station’ means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

“(6) **SUBSCRIBER.**—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.”.

#### **SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.**

(a) **HEADING RENAMED.**—

(1) **IN GENERAL.**—The heading of section 111 is amended by inserting at the end the following: “**of broadcast programming by cable**”.

(2) **TABLE OF CONTENTS.**—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

“111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.

(b) **TECHNICAL AMENDMENT.**—Section 111(a)(4) is amended by striking “; or” and inserting “or section 122;”.

(c) **STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.**—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: “**STATEMENT OF ACCOUNT AND ROYALTY FEES.**—Subject to paragraph (5), a cable system whose secondary”; and

(ii) by striking “by regulation—” and inserting “by regulation the following;”;

(B) in subparagraph (A)—

(i) by striking “a statement of account” and inserting “A statement of account”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary trans-

missions of primary broadcast transmitters, as follows:

“(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

“(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

“(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

“(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

“(C) In computing amounts under clauses (i) through (iv) of subparagraph (B)—

“(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

“(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

“(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

“(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

“(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

“(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

“(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

“(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system’s gross receipts be reduced to less than \$10,400; and

“(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

“(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

“(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

“(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

“(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”;

(2) in paragraph (2), in the first sentence—

(A) by striking “The Register of Copyrights” and inserting the following “**HANDLING OF FEES.**—The Register of Copyrights”; and

(B) by inserting “(including the filing fee specified in paragraph (1)(G))” after “shall receive all fees”;

(3) in paragraph (3)—

(A) by striking “The royalty fees” and inserting the following: “**DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.**—The royalty fees”;

(B) in subparagraph (A)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking “any such” and inserting “Any such”;

(4) in paragraph (4), by striking “The royalty fees” and inserting the following: “**PROCEDURES FOR ROYALTY FEE DISTRIBUTION.**—The royalty fees”; and

(5) by adding at the end the following new paragraphs:

“(5) **3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.**—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘3.75 percent rate’ and the ‘syndicated exclusivity surcharge’, respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

“(6) **VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.**—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

“(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;



“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor’s report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—

(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—

(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the

following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”; and

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission,”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio

of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream’s typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”;

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast

station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary trans-

mission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

#### SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier’s efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier’s conduct during the period beginning on the date on

which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General’s statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

“(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-to-local service to all DMAs.

“(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-to-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) FAILURE TO PROVIDE SERVICE.—

“(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-to-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-to-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity’s efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

“(A) IN GENERAL.—An entity provides ‘local-to-local service to all DMAs’ if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-to-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term ‘good quality signal’ has

the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

#### SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”

#### SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking “February 28, 2010” and inserting “December 31, 2014”.

#### SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

#### Subtitle B—Communications Provisions

#### SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

#### SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “February 28, 2010” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “March 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

#### SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”.

(b) RULEMAKING REQUIRED.—Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

#### SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

“(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”;

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”;

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”;

(III) in the heading for clause (ii), by striking “ANALOG”;

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”;

(iii) by amending subparagraph (B) to read as follows:

“(B) RULES FOR OTHER SUBSCRIBERS.—

“(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the

local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”;

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following:

“the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”;

(III) by amending clause (ii) to read as follows:

“(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”;

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

“(A) PREDICTIVE MODEL.—Within 180 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06-94 within 180 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber’s request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test verifying the subscriber’s inability to receive

a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”; and

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

#### SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and “television network” have the meanings given such terms in section 339(d) of such Act.

#### SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

##### “SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

“(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) CERTIFICATION ISSUANCE.—

“(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to

section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) GOOD QUALITY SATELLITE SIGNAL.—

“(A) IN GENERAL.—The term “good quality satellite signal” means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.”.

#### SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified non-commercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite

carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE SATELLITE CARRIER.—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.”;

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”.

#### SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

#### SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting “STATE PUBLIC AFFAIRS,” after “EDUCATIONAL,” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) CHANNEL CAPACITY REQUIRED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial

authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection.”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broadcast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”.

#### Subtitle C—Reports and Savings Provision

##### SEC. 531. DEFINITION.

In this subtitle, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

##### SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

##### SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

##### SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

##### SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.



(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

#### SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

#### SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and all references to enactment of this Act shall be deemed to refer to such date unless otherwise specified. The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010 and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

#### Subtitle D—Severability

#### SEC. 541. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

#### TITLE VI—OTHER PROVISIONS

#### SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a)

of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), is amended—

(1) in subparagraph (A), by striking “February 28, 2010” and inserting “September 30, 2010”; and

(2) in subparagraph (B), by striking “March 1, 2010” and inserting “October 1, 2010”.

#### TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

#### SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION.—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

#### TITLE VIII—ADDITIONAL OFFSETS

#### SEC. 801. REPEAL OF INCREASE OF THE OFFICE BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111-68 for the legislative branch, \$245,000,000 in unobligated balances are permanently rescinded: *Provided*, That none of the funding available for the Legislative Branch be available for any pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend.

#### SEC. 802. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF AGRICULTURE.

Of the funds made available under Public Law 111-80 for the Department of Agriculture, \$1,342,800,000 in unobligated balances are permanently rescinded: *Provided*, That as proposed by the President's FY 2010 budget, no funding may be available for the Economic Action Program, which is duplicative of USDA's Urban and Community Forestry program, has been poorly managed, and has funded questionable initiatives such as music festivals: *Provided further*, That no funding may be available for the High Energy Cost grant program, which is duplicative of the \$6,000,000,000 in low interest loan programs offered by the USDA's Rural Utilities Service: *Provided further*, That as included in the Congressional Budget Office's August 2009 Budget Options document, which states that the program “merely replaces private spending with public spending”, no funding may be available for the Foreign Market Development Program, which also duplicates the Foreign Agriculture Service's Market Access Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department relating to encouraging conservation, including the Conservation Stewardship Program, which the Government Accountability Office revealed in 2006 is duplicative of other USDA conservation efforts,

including the Conservation Reserve Program, the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Program, and the Grassland Reserve Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to bioenergy promotion, including the Department of Energy's Biomass Program, the Department of Agriculture's Biomass Crop Assistance Program, the Biorefinery Program for Advanced Fuels Program, and the Biobased Products and Bioenergy Program, the Biorefinery Repowering Assistance Program, the New Era Rural Technology Competitive Grants Program, and the Feedstock Flexibility Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to alternative energy, including the Department of Energy's Geothermal Technology Program, Wind Energy Program, and the Solar Energy Technologies Program, and the Department of Agriculture's Rural Energy for America Program: the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department that provide food assistance to foreign countries, including the USDA Foreign Agricultural Service, the food for Progress Program, the McGovern-Dole International Food for Education and Child Nutrition Program, the food for Peace programs, the Bill Emerson Humanitarian Trust, and the Local and Regional Procurement Projects: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

#### SEC. 803. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF COMMERCE.

Of the funds made available under Public Law 111-117 for the Department of Commerce, \$697,850,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with the Secretary of Agriculture to consolidate and reduce the cost of administering the programs administered by both Departments that provide rural public telecom grants, including eliminating USDA's grants to rural public broadcasting stations, as proposed by the President's FY 2010 budget, which duplicates the Department of Commerce's Public Telecommunications Facilities Program, and the Corporation for Public Broadcasting, which also receives Federal funding: *Provided further*, That no funding may be made available for the Hollings Manufacturing Extension Partnership Program, which duplicates the Small Business Administration's Small Business Development Centers and which has been found by the Office of Management and Budget to “only serve a small percentage of small manufactures each year”: *Provided further*, That the Secretary shall work with the Secretaries of Housing and Rural Development and Agriculture to consolidate and reduce the cost of administering the programs administered by these Departments relating to Economic Development, including the following programs, the Economic Development Administration, the Community Development Block Grants, Rural Development Administration grants, the National Community Development Initiative, the



Brownfields Economic Development Initiative, the Rural Housing and Economic Development grants, the Community Service Block Grants, the Delta Regional Authority, the Community Economic Development grants, and the Historically Underutilized Business Zone program: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 804. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF EDUCATION.**

Of the funds made available under Public Law 111-117 for the Department of Education, \$3,213,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 30 Federal programs that provide financial assistance to students to support postsecondary education in the forms of grants, scholarships, fellowships, and other types of stipends, including the 15 such programs at the Department of Education, such as the Academic Competitiveness Grants, the TEACH grants, the Federal Supplemental Education Opportunity Grants, the Leveraging Educational Assistance Program, the Javits Fellowships Program, Graduate Assistance in Areas of National Need program, as well as the three similar programs administered by the National Science Foundation, such as the Robert Noyce Teacher Scholarship program, as well as a program at the Department of Justice and one at the Health Resources Administration: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 69 Federal programs dedicated in full or in part to supporting early childhood education and child care, as outlined by the Government Accountability Office, which found that these 69 education programs are spread across 10 different agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 105 Federal science, technology, math, and engineering education programs, as outlined by the Academic Competitiveness Council, which found that these 105 education programs are spread across numerous Federal agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the numerous student foreign exchange and international education programs, including the at least 14 programs at the Department, including the American Overseas Research Centers, Business and International Education, Centers for International Business Education, the Foreign Language and Area Studies Fellowships, the Institute for International Public Policy, the International Research and Studies, the Language Resource Centers, the National Resource Centers, the Technological Innovation and Cooperation for Foreign Information Access, and the Undergraduate International Studies and Foreign Language Program, the State Department's Benjamin A. Gilman International Scholarship Program, the Boren National Security Education Trust Fund, and exchange programs administered by the Na-

tional Science Foundation's Office of International Science and Engineering.

**SEC. 805. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF ENERGY.**

Of the funds made available under Public Law 111-85 for the Department of Energy, \$1,321,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal weatherization efforts, including Federal funding for State-run weatherization projects, the Department of Energy's Energy Conservation and Weatherization grants, as well as the Department of Energy's building Technologies Program, the LIHEAP weatherization efforts, the National Park Service's Weatherization and Improving the Energy Efficiency of Historic Buildings program, and the Department of Housing and Urban Development's Energy Innovation Fund: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various energy grant programs, including the Tribal Energy grant program, which overlaps with the Department's Energy Efficiency and Conservation Block Grants, and the Energy Start Energy Efficient appliance Rebate Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various vehicle technology programs at the Department, including the Vehicle Technologies program, the Advanced Battery Manufacturing grants, the Advanced Technology Vehicles Manufacturing Loans Program, and the Innovative Technology Loan Guarantee Program.

**SEC. 806. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Of the funds made available under Public Law 111-117 for the Department of Health and Human Services, \$4,116,950,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the programs that support nonresidential buildings and facilities construction, including the 29 programs across 8 Federal agencies identified by the Government Accountability Office. The Secretary, in coordination with the Secretary of HUD and USDA and other appropriate departments and agencies, shall consolidate duplicative programs intended to reduce poverty and revitalize low-income communities, including the HHS Community Services Block Grant, the HUD Community Development Block Grant, and USDA Rural Development program: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal programs, across multiple agencies, that funded childhood obesity programs, either as the main focus or as one component of the Federal program.

**SEC. 807. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.**

Of the funds made available under Public Law 111-83 for the Department of Homeland Security, \$2,205,000,000 in unobligated balances are permanently rescinded: *Provided*,

That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal homeland security programs, as identified by the Office of Management and Budget, which states that "a total of 31 agency budgets include Federal homeland security funding in 2010".

**SEC. 808. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

Of the funds made available under Public Law 111-117 for the Department of Housing and Urban Development, \$2,302,450,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal programs aimed at addressing homelessness, including the Supportive Housing Program, the Shelter Plus Care Program, the Single Room Occupancy Program, the Emergency Shelter Grant Program, programs at Health and Human Services such as the Basic Center Program, Projects for Assistance in Transition from Homelessness, and the Street Outreach Program, and also including the more than 23 housing programs identified by the Government Accounting Office that target or have special features for the elderly.

**SEC. 809. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF INTERIOR.**

Of the funds made available under Public Law 111-88 for the Department of Interior, \$606,200,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the cost of administering the at least 11 historic preservation programs at the Department, including the 9 preservation programs at the Heritage Preservation Services, such as the Federal Agency Preservation Assistance Program, the Historic Preservation Planning Program, the Technical Preservation Services for Historic Buildings, as well as the Save America's Treasures Grant Program, the Advisory Council on Historic Preservation, and the Preserve America program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various climate change impact programs at the Department, including the Bureau of Indian Affairs office Tackling Climate Impacts Initiative, the U.S. Geological Survey's National Climate Change and Wildlife Science Center, the U.S. Fish and Wildlife Service climate change initiatives, and the state and tribal wildlife conservation grants which are being provided to entities to adapt and mitigate the impacts of climate change on wildlife: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the dozens of invasive species research, monitoring, and eradication programs at the Department, including the eight programs administered by the U.S. Fish and Wildlife Services, the similar programs administered by the Bureau of Land Management, the National Park Service, and the 4 Federal councils created to coordinate Federal invasive species efforts, the National Invasive Species Council, the National Invasive Species Information Center, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Aquatic Nuisance Species Task Force.

**SEC. 810. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF JUSTICE.**

Of the funds made available under Public Law 111-117 for the Department of Justice, \$1,385,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Attorney General in coordination with the heads of other Departments and agencies, shall consolidate Federal offender reentry programs, including those authorized by the Second Chance Act, the DOJ Office of Justice Programs Bureau of Justice Assistance Prisoner Reentry Initiative, the Department of Labor Reintegration of Ex-Offenders program, the Department of Education Lifeskills for State and Local Inmates Programs, and the HHS Young Offender Reentry Program: *Provided further*, That the Attorney General shall consolidate the four duplicative grant programs, including the State Formula Grant program, the Juvenile Delinquency Prevention Block Grant program, the Challenge/Demonstration Grant program, and the Title V grant program, administered under the Juvenile Justice and Delinquency Prevention Act and reduce the cost of administering such programs: *Provided further*, That the Attorney General, in coordination with the Secretary of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP), shall consolidate Federal programs that assist state drug courts, including substance abuse treatment services for offenders, such as the HHS Adult, Juvenile, and Family Drug Court program, the Substance Abuse and Mental Health Services Administration Drug Court Treatment Program, the DOJ Drug Court Program, the ONDCP National Drug Court Institute: *Provided further*, That the Attorney General shall eliminate the National Drug Intelligence Center (NDIC) which duplicates the activities of 19 other drug intelligence centers and reassign any essential duties performed by NDIC.

**SEC. 811. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF LABOR.**

Of the funds made available under Public Law 111-117 for the Department of Labor, \$679,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the 18 programs administered by the Department and ten programs administered by other agencies that support job training and employment, such as the Adult Employment and Training Activities program, Dislocated Worked Employment and Training Activities, Youth Activities, YouthBuild, and the Migrant and Seasonal Farmers program and reduce the cost of administering such programs.

**SEC. 812. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF STATE.**

Of the funds made available under Public Law 111-117 for the Department of State, \$1,318,550,000 in unobligated balances are permanently rescinded: *Provided*, That in accordance with the President's FY 2010 budget, no funding may be made available for the Center for Cultural and Technical Interchange Between East and West, which duplicates the State Departments cultural exchanges: *Provided further*, That no funding may be made available for the Asia Founda-

tion, which duplicates efforts at USAID and the National Endowment for Democracy: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 813. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TRANSPORTATION.**

Of the funds made available under Public Law 111-117 for the Department of Transportation, \$1,090,500,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the costs of various duplicative highway programs, including the regionally specific development programs, the Federal-Aid Highway Programs under chapter I of title 23, United States Code, the Research programs authorized under title V of Public Law 109-59: *Provided further*, That the Secretary shall consolidate and reduce the costs of various rail-line relocation grant programs, including the Rail-Line Relocation and Improvement Capital Program, and the Highway-Rail Crossings Program, the Railroad Rehabilitation and Improvement Financing program.

**SEC. 814. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TREASURY.**

Of the funds made available under Public Law 111-117 for the Department of Treasury, \$677,650,000 in unobligated balances are permanently rescinded.

**SEC. 815. RESCISSION OF UNSPENT AND UNCOMMITTED FUNDS FEDERAL FUNDS.**

Notwithstanding any other provision of law, of the \$657,000,000,000 in Federal funds unobligated at the end of fiscal year 2009, the discretionary, unexpired funds available for more than 2 consecutive fiscal years, as of the date of enactment of this Act, are permanently rescinded.

**SEC. 816. IMPLEMENTATION OF RESCISSIONS.**

All rescissions required by this title—  
(1) shall come from discretionary amounts appropriated; and  
(2) should be rescinded not later 14 days after the date of enactment of this title.

**SA 3362.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 131, insert the following:

**SEC. 131A. INCREASE IN ALTERNATIVE SIMPLIFIED RESEARCH CREDIT.**

(a) INCREASED CREDIT.—Paragraph (5) of section 41(c) (relating to election of alternative simplified credit) is amended—

(1) by striking “14 percent (12 percent in the case of taxable years ending before January 1, 2009)” in subparagraph (A) and inserting “17 percent”; and

(2) by striking “6 percent” in subparagraph (B)(ii) and inserting “8.5 percent”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SA 3363.** Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Ms. STABE-

NOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. —. TREATMENT OF CERTAIN SMALL BUSINESS STOCK.**

(a) INCREASE IN EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Paragraph (3) of section 1202(a) is amended to read as follows:

“(C) SPECIAL RULES FOR 2009 AND 2010.—

“(i) 75 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after February 17, 2009, and before the date of the enactment of the American Workers, State, and Business Relief Act of 2010—

“(I) paragraph (1) shall be applied by substituting ‘75 percent’ for ‘50 percent’, and

“(II) paragraph (2) shall not apply.

“(ii) 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired on or after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and before January 1, 2011—

“(I) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’, and

“(II) paragraph (2) shall not apply.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to stock acquired after the date of the enactment of this Act.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking “, (5), and (7)” and inserting “and (5)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to stock issued after December 31, 2009.

(c) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—

(1) IN GENERAL.—Section 1202(c) is amended by adding at the end the following new paragraph:

“(4) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding any other provision of this subsection or subsection (e), the term ‘qualified small business stock’ shall include stock of a corporation—

“(A) held by a small business investment company licensed and operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) or held by a company engaged in the licensing process under such Act where the investment has been approved by the Small Business Administration, and

“(B) issued after December 31, 2009, and before January 1, 2011.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to stock issued after December 31, 2009.

**SA 3364.** Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_\_. REMOVAL OF CELLULAR TELEPHONES (OR SIMILAR TELECOMMUNICATIONS EQUIPMENT) FROM LISTED PROPERTY.**

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) (defining listed property) is amended by inserting “and” at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2009.

**SA 3365.** Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. GAO STUDY.**

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

(1) the pattern of job loss in the New England States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the region; and

(3) recommendations to attract industries and bring jobs to the region.

**SA 3366.** Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**SEC. 6 \_\_\_\_\_. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.**

(a) PRE-DISASTER HAZARD MITIGATION HOME IMPROVEMENTS.—Section 412(9) of the Energy Conservation and Production Act (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking “and” after the semicolon at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

“(J) pre-disaster hazard mitigation home improvements designed to decrease the loss of life or property resulting from a natural disaster (as defined in section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a)) if the home improvements result in increased energy efficiency or weatherization, including wind resistant and energy efficient windows, window coverings, doors, and roofing (including secondary roof water barriers); and”.

(b) LIMITATION ON EXPENDITURES.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended in the first sentence by striking “\$6,500” and inserting “\$8,500”.

**SA 3367.** Mr. THUNE (for himself, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3345 proposed by Ms. LANDRIEU and intended to be proposed

to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE VIII—SMALL BUSINESS LOANS**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

**SEC. 802. SECTION 7(a) BUSINESS LOANS.**

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “75 percent” and inserting “90 percent”; and

(B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and

(2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “90 percent” and inserting “75 percent”; and

(B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and

(2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

**SEC. 803. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.**

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”; and

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”; and

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

**SEC. 804. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.**

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”; and

(2) in paragraph (3)—

(A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and

(B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and

(3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

**SEC. 805. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.**

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New

Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

**SEC. 806. ALTERNATIVE SIZE STANDARDS.**

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

**SEC. 807. SALE OF 7(a) LOANS IN SECONDARY MARKET.**

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

**SEC. 808. ONLINE LENDING PLATFORM.**

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

**SEC. 809. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.**

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$4,000,000,000 of financing under this subparagraph for each fiscal year.”

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

#### SEC. 810. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (1) and inserting the following:

“(1) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

“(I) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible intermediary’—

“(i) means a private, nonprofit entity that—

“(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

“(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

“(ii) includes—

“(I) a private, nonprofit community development corporation;

“(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

“(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

“(B) the term ‘Program’ means the small business intermediary lending pilot program established under paragraph (2).

“(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

“(3) PURPOSES.—The purposes of the Program are—

“(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

“(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

“(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

“(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

“(i) the type of small business concerns to be assisted;

“(ii) the size and range of loans to be made;

“(iii) the interest rate and terms of loans to be made;

“(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

“(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

“(vi) the qualifications of the applicant to carry out this subsection.

“(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed \$1,000,000 during the participation of the eligible intermediary in the Program.

“(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

“(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

“(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

“(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

“(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2010, 2011, and 2012, the Administrator may make loans under the Program—

“(i) to not more than 20 eligible intermediaries; and

“(ii) in a total amount of not more than \$20,000,000.

“(5) LOANS TO SMALL BUSINESS CONCERNS.—

“(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

“(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than \$200,000 to any 1 small business concern.

“(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

“(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

“(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.”

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(1) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

#### SEC. 811. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this title or the amendments made by this title shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out this title or an amendment made by this title.

(2) DEFINITION.—In this subsection, the term “covered amounts” means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

**SA 3368.** Mr. FEINGOLD (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

#### TITLE —RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

##### SEC. 01. DEFINITION.

In this title, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

##### SEC. 02. RESCISSION.

Any appropriated earmark provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year.

##### SEC. 03. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publicly post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, the year when the funding expires, if applicable, and recommendations and justifications for whether each earmark should be rescinded or retained in the next fiscal year;

(2) the number of rescissions resulting from this title and the annual savings result-

ing from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

**SA 3369.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 3 through 13.

**SA 3370.** Mr. ROCKEFELLER (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

#### SEC. —. MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

“(vi) the credit determined under section 45N.”.

(b) ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

“(vii) SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.—Clause (i) shall not apply to amounts deductible under section 179E.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SA 3371.** Mr. ROCKEFELLER (for himself, Mr. SPECTER, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

#### SEC. —. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”, and

(2) by striking “2010” and inserting “2011”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

**SA 3372.** Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

#### SEC. 6 —. QUALIFYING TIMBER CONTRACT OPERATIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser’s written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

**SA 3373.** Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. 01. 10-YEAR CARRYBACK OF OPERATING LOSSES OF SMALL BUSINESSES.**

(a) IN GENERAL.—Section 172(b)(1) is amended by adding at the end the following new subparagraph:

“(I) CARRYBACK FOR 2010 AND 2011 NET OPERATING LOSSES OF SMALL BUSINESSES.—

“(i) IN GENERAL.—If a small business (as defined in subparagraph (F)(iii) determined by applying such subparagraph for a 10-taxable year period) elects the application of this subparagraph with respect to an applicable 2010 or 2011 net operating loss—

“(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 11 for ‘2’,

“(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for ‘2’, and

“(III) subparagraph (F) shall not apply.

“(ii) APPLICABLE 2010 OR 2011 NET OPERATING LOSS.—For purposes of this subparagraph, the term ‘applicable 2010 or 2011 net operating loss’ means—

“(I) the taxpayer’s net operating loss for any taxable year ending in 2010 or 2011, or

“(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer’s net operating loss for any taxable year beginning in 2010 or 2011.

“(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer’s return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable. Any election under this subparagraph may be made only with respect to 2 taxable years.”.

(b) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary’s designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2009.

(2) TRANSITIONAL RULE.—In the case of a net operating loss for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term “applicable date” means the date which is 60 days after the date of the enactment of this Act.

**SEC. 02. TRANSFER OF STIMULUS FUNDS.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

**SA 3374.** Mr. BAYH (for himself, Mrs. LINCOLN, Mr. WICKER, Mr. VITTER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 3338 submitted by Mr. THUNE to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

**SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.**

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR REFUNDABLE CREDITS.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i)

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “(42(n))” after “36A.”.

**SEC. 122. LOW-INCOME HOUSING GRANT ELECTION.**

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase in the State housing credit ceiling for 2009 attributable to any State housing credit ceiling returned in 2009 to the State by reason of section 1400N(c) of such Code (including as such



section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008" after "1986" in subparagraph (A), and

(2) by inserting " , plus any increase in the State housing credit ceiling for 2009 attributable to any additional State housing credit ceiling made by reason of the application of such section 702(d)(2) and 704(b)" after "such section" in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

"For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

**SA 3375.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

**SEC. \_\_\_\_ . TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.**

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting " , and" , by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

"(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5))."

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end the following new subsection:

"(j) IMPORTED PROPERTY INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(5), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property;

"(B) the sale, exchange, or other disposition of imported property; or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) IMPORTED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PER-

SONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States; or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term 'imported property' does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

"(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income."

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) imported property income, and"

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j))."

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) is amended by inserting "or imported property income" after "passive category income".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

"(II) imported property income."

(2) The last sentence of paragraph (4) of section 954(b) (relating to exception for certain income subject to high foreign taxes) is amended by striking "subsection (a)(5)" and inserting "subsection (a)(4)".

(3) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

**SA 3376.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXTENSION OF THE RURAL COMMUNITY HOSPITAL DEMONSTRATION PROGRAM.**

(a) IN GENERAL.—Section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2272) is amended by adding at the end the following new subsection:

"(g) FIVE-YEAR EXTENSION OF DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall conduct the demonstration program under this section for an additional 5-year period (in this section referred to as the '5-year extension period') that begins on the date immediately following the last day of the initial 5-year period under subsection (a)(5).

"(2) EXPANSION OF DEMONSTRATION STATES.—Notwithstanding subsection (a)(2), during the 5-year extension period, the Secretary shall expand the number of States with low population densities determined by the Secretary under such subsection to 20. In determining which States to include in such expansion, the Secretary shall use the same criteria and data that the Secretary used to determine the States under such subsection for purposes of the initial 5-year period.

"(3) INCREASE IN MAXIMUM NUMBER OF HOSPITALS PARTICIPATING IN THE DEMONSTRATION PROGRAM.—Notwithstanding subsection (a)(4), during the 5-year extension period, not more than 30 rural community hospitals may participate in the demonstration program under this section.

"(4) HOSPITALS IN DEMONSTRATION PROGRAM ON DATE OF ENACTMENT.—In the case of a rural community hospital that is participating in the demonstration program under this section as of the last day of the initial 5-year period, the Secretary—

"(A) shall provide for the continued participation of such rural community hospital in the demonstration program during the 5-



year extension period unless the rural community hospital makes an election, in such form and manner as the Secretary may specify, to discontinue such participation; and

“(B) in calculating the amount of payment under subsection (b) to the rural community hospital for covered inpatient hospital services furnished by the hospital during such 5-year extension period, shall substitute, under paragraph (1)(A) of such subsection—

“(i) the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the first day of the 5-year extension period, for

“(ii) the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the implementation of the demonstration program.”.

(b) CONFORMING AMENDMENT.—Subsection (a)(5) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2272) is amended by inserting “(in this section referred to as the ‘initial 5-year period’) and, as provided in subsection (g), for the 5-year extension period” after “5-year period”.

**SA 3377.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 601, insert the following:

**SEC. 602. NON-PROFIT COMMUNITY DEVELOPMENT ACTIVITIES IN REMOTE NATIVE VILLAGES.**

For purposes of subchapter F of chapter 1 of the Internal Revenue Code of 1986, any trade or business substantially related to the participation and investment in fisheries in the Bering Sea and Aleutian Islands Management Area carried on by a Community Development Quota entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D) (as in effect on the date of the enactment of this Act) shall be considered substantially related to the exercise or performance of the purpose constituting the basis of such entity's exemption under section 501(a) of such Code if the conduct of such trade or business is in furtherance of one or more of the purposes specified in section 305(i)(1)(A) of such Act. For purposes of this section, trades or businesses substantially related to participation or investment in fisheries include harvesting, processing, transportation, sales, and marketing of fish and fish product.

**SA 3378.** Mr. NELSON of Florida submitted an amendment intended to be proposed to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, insert the following:

**SEC. 4. EXECUTIVE COMPENSATION PAID BY SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTIONS.**

(a) SHORT TITLE.—This section may be cited as the “Wall Street Compensation Reform Act of 2010”.

(b) EXECUTIVE COMPENSATION PAID BY SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Subsection (m) of section 162 is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR APPLICATION TO SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTIONS.—

“(A) IN GENERAL.—In the case of an employer which is a systemically significant financial institution, this subsection shall apply with the following modifications:

“(i) NON-PUBLIC ENTITIES.—Paragraph (1) shall be applied by substituting ‘employer’ for ‘publicly held corporation’.

“(ii) COVERED EMPLOYEES.—Paragraph (3) shall be applied—

“(I) by substituting ‘such employee is among the 25 highest compensated employees’ for so much of subparagraph (B) as precedes ‘for the taxable year (other than the chief executive officer).’; and

“(II) in addition to the individuals described in such paragraph (including the individuals described in subclause (I) of this clause), by treating any employee whose actions have a material impact on the risk exposure of the taxpayer as a covered employee.

Any employee whose applicable employee remuneration for the taxable year exceeds \$1,000,000 is presumed to engage in actions which have a material impact on the risk exposure of the taxpayer unless the taxpayer submits an information return to the Secretary which describes the role and responsibilities of such employee and the reason such employee should not be considered to have a material impact on the risk exposure of the taxpayer. Such return shall be deemed to have been approved unless the Secretary notifies the taxpayer in writing within 90 days of the submission of such return. For purposes of this clause, the term ‘employee’ includes employees within the meaning of section 401(c)(1).

“(iii) REMUNERATION PAYABLE ON COMMISSION BASIS.—Subparagraph (B) of paragraph (4) shall not apply.

“(iv) DEFERRED DEDUCTION EXECUTIVE REMUNERATION.—In the case of any deferred deduction executive remuneration (as determined under rules similar to the rules of paragraph (5)(F), if executive remuneration for purposes of such paragraph included remuneration of covered employees as defined in clause (ii) of this paragraph, and if the year in which the applicable services were performed were treated as an applicable taxable year), rules similar to the rules of paragraph (5)(A)(ii) shall apply by substituting ‘\$1,000,000’ for ‘\$500,000’.

“(B) SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTION.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘systemically significant financial institution’ means an entity which engages primarily in activities which are financial in nature (as determined under section 4(k) of the Bank Holding Company Act of 1956), and which—

“(I) owns or controls assets greater than \$25,000,000,000, or

“(II) owns or controls assets greater than \$10,000,000,000 and maintains a ratio of debt to equity which is greater than 20 to 1.

“(ii) CLASSIFICATION.—A taxpayer which is a systemically significant financial institution for any taxable year shall be a systemically significant financial institution for purposes of all subsequent taxable years.

“(C) SPECIAL RULES FOR PERFORMANCE-BASED COMPENSATION.—Remuneration payable solely on account of the attainment of one or more performance goals (hereinafter ‘performance-based remuneration’) which is

paid by any systemically significant financial institution to any covered employee (as determined under subparagraph (A)(ii)) shall not be excluded under subparagraph (C) of paragraph (4) from treatment as applicable employee remuneration unless the following requirements are met:

“(i) PERFORMANCE-BASED COMPENSATION POOL.—The amount and allocation of the taxpayer's performance-based remuneration for covered employees are determined by the compensation committee required under paragraph (4)(C)(i) by taking into account—

“(I) the cost and quantity of capital required to support the risks taken by the taxpayer in the conduct of the financial activities of the taxpayer,

“(II) the cost and quantity of the liquidity risk assumed by the taxpayer in the conduct of such activities, and

“(III) the timing and likelihood of potential future revenues from such activities.

“(ii) MATERIAL TERMS.—The material terms of performance-based remuneration paid to covered employees specify that—

“(I) not less than 50 percent of such remuneration must vest no earlier than 5 years after the date of payment,

“(II) the proportion of such remuneration payable under vesting arrangements must increase based on the level of seniority or responsibility of the employee,

“(III) such remuneration payable under vesting arrangements must vest on a basis no faster than pro rata over the specified number of years of such arrangement (not to be less than 5),

“(IV) such remuneration is contingent on a formal agreement between the taxpayer and the employee which forbids the use of personal hedging strategies, remuneration-related insurance, or liability-related insurance which undermines the risk alignment effects of this paragraph,

“(V) in the case of an employer which is a publicly held corporation, not less than 50 percent of such remuneration must be in the form of stock in the employer, and

“(VI) in the case of remuneration paid to a chief executive officer or chief financial officer (if such chief financial officer is a covered employee) of a publicly held corporation, such remuneration must be subject to substantial forfeiture requirements in the event the taxpayer is required to prepare an accounting restatement due to material non-compliance, as a result of misconduct, with any financial reporting requirement under Federal securities laws.

For purposes of this clause, the date on which remuneration is deemed to have vested is the first date on which such remuneration is not subject to a substantial risk of forfeiture (within the meaning of section 409A(d)(4)).

“(D) SPECIAL RULE FOR PERFORMANCE-BASED COMPENSATION PAID BY NON-PUBLIC ENTITIES.—In the case of a systemically significant financial institution which is not a publicly held corporation, in addition to the requirements of subparagraph (C), paragraph (4)(C) shall be applied by substituting the following for clauses (i) through (iii) thereof:

“(i) the taxpayer commissions an annual, external review of its compensation policies and practices, including an examination and analysis of the taxpayer's compliance with the requirements of this subsection, and

“(ii) the taxpayer obtains certification from an unrelated third party commissioned to evaluate compensation practices that performance goals and other material terms under which the remuneration is to be paid

are satisfied before any payment of such remuneration is made.”.

For purposes of the preceding sentence, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (b) or (c) of section 414 shall be treated as related taxpayers.

“(E) COORDINATION WITH RULES FOR EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.—In the case of any systemically significant financial institution to which paragraph (5) applies for any taxable year, this paragraph shall not apply to any payment of remuneration to which such paragraph applies.

“(F) REGULATORY AUTHORITY.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary shall prescribe such guidance, rules, or regulations of general applicability as are necessary to carry out the purposes of this paragraph, including—

“(i) the method for valuing assets for purposes of subparagraph (B)(i),

“(ii) the method for calculating the ratio described in subparagraph (B)(i)(II),

“(iii) criteria for use in determining whether the actions of an employee have a material impact on the risk exposure of the taxpayer, and for determining what constitutes a substantial forfeiture requirement with respect to executive remuneration,

“(iv) criteria for determining whether a remuneration agreement constitutes a hedging strategy, and

“(v) anti-abuse rules to prevent the avoidance of the purposes of this paragraph, including by use of independent contractors.

“(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply—

“(i) in the case of an entity which is a systemically significant financial institution in calendar 2010, to remuneration for services performed in calendar years beginning after 2010, and

“(ii) in the case of an entity which becomes a systemically significant financial institution in a calendar year after 2010, to remuneration for services performed in calendar years beginning with the second calendar year after the year in which such entity first becomes a systemically significant financial institution.”.

(2) CONFORMING AMENDMENT.—Subparagraph (G) of section 162(m)(5) is amended by adding at the end the following: “Paragraph (6) shall not apply to any payment of remuneration to which this paragraph applies.”.

(C) REPORT ON PERFORMANCE-BASED COMPENSATION PAID BY PUBLICLY HELD CORPORATIONS.—

(1) IN GENERAL.—Each systemically significant financial institution which is a publicly held corporation shall submit to the Chairman of the Securities and Exchange Commission, and shall make publicly available, an annual report on compensation policies and practices which describes—

(A) the process used to develop and modify such institution's compensation policies, including the composition and the mandate of such institution's compensation committee,

(B) the actions taken by such institution to comply with section 162(m)(6) of the Internal Revenue Code of 1986,

(C) any additional actions taken to implement the Principles for Sound Compensation Practices adopted by the Financial Stability Board established by the G-20 Finance Ministers and Central Bank Governors,

(D) the most important design characteristics of such institution's compensation policies, including criteria used for performance measurement and risk adjustment, the link-

age between pay and performance, vesting policy and criteria, and the parameters used for allocating cash versus other forms of remuneration,

(E) aggregate quantitative information on remuneration paid by such institution, differentiating between remuneration paid to senior executive officers and to employees whose actions have a material impact on the risk exposure of such institution, which indicates the amounts of remuneration for the financial year (divided into fixed and variable remuneration) and the number of employees to which such remuneration was paid, and

(F) the amount of remuneration paid by such institution during the financial year preceding the year of the report which was nondeductible by reason of section 162(m) of such Code.

(2) TIMING OF REPORT.—The report required under paragraph (1) shall be submitted beginning in calendar year 2011 (or, if later, the calendar year after the year in which an entity first becomes a systemically significant financial institution which is a publicly held corporation), at such time during such year and each subsequent year as the Chairman of the Securities and Exchange Commission shall specify.

(3) DEFINITIONS.—Any term used in this subsection which is also used in section 162(m)(6) of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section.

(4) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to remuneration for services performed after December 31, 2010.

**SA 3379.** Mr. NELSON of Florida (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_.** **CLEAN RENEWABLE WATER SUPPLY BONDS.**

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 54G. CLEAN RENEWABLE WATER SUPPLY BONDS.**

“(a) CLEAN RENEWABLE WATER SUPPLY BONDS.—For purposes of this subpart, the term ‘clean renewable water supply bond’ means any bond issued as part of an issue if—

“(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

“(2) the bond is issued by a qualified issuer,

“(3) the issuer designates such bond for purposes of this section, and

“(4) in the case of a bond issued by a qualified issuer before 2019, the bond is issued—

“(A) pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable water supply bond limitation under subsection (b), and

“(B) not later than 6 months after the date that such qualified issuer receives an allocation under subsection (b).

“Any allocation under subsection (b) not used within the 6-month period described in paragraph (4)(B) shall be applied to increase

the national clean renewable water supply bond limitation for the next succeeding application period under subsection (b)(2)(B).

“(b) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) IN GENERAL.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

“(A) \$0 for 2009,

“(B) \$100,000,000 for 2010,

“(C) \$150,000,000 for 2011,

“(D) \$200,000,000 for 2012,

“(E) \$250,000,000 for 2013,

“(F) \$500,000,000 for 2014,

“(G) \$750,000,000 for 2015,

“(H) \$1,000,000,000 for 2016,

“(I) \$1,500,000,000 for 2017, and

“(J) \$1,750,000,000 for 2018.

“(2) ALLOCATION OF LIMITATION.—

“(A) IN GENERAL.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified projects as provided in this paragraph.

“(B) METHOD OF ALLOCATION.—For each calendar year after 2009 for which there is a national clean renewable water supply bond limitation, the Secretary shall publish a notice soliciting applications by qualified issuers for allocations of such limitation to qualified projects. Such notice shall specify a 3-month application period in the calendar year during which the Secretary will accept such applications. Within 30 days after the end of such application period, and subject to the requirements of subparagraph (C), the Secretary shall allocate such limitation to qualified projects on a first-come, first-served basis, based on the order in which such applications are received from qualified issuers.

“(C) ALLOCATION REQUIREMENTS.—

“(i) CERTIFICATIONS REGARDING REGULATORY APPROVALS.—No portion of the national clean renewable water supply bond limitation shall be allocated to a qualified project unless the qualified issuer has certified in its application for such allocation that as of the date of such application the qualified issuer or qualified borrower has received all Federal and State regulatory approvals necessary to construct the qualified project.

“(ii) RESTRICTION ON ALLOCATIONS TO LARGE PROJECTS OR TO INDIVIDUAL PROJECTS.—

“(I) IN GENERAL.—Except as provided in subclause (III), for any calendar year the Secretary shall not allocate more than 60 percent of the national clean renewable water supply bond limitation to 1 or more large projects, more than 18 percent of such limitation to any single project that is a large project, or more than 12 percent of such limitation to any single project that is not a large project.

“(II) DEFINITION OF LARGE PROJECT.—For purposes of subclause (I), the term ‘large project’ means a qualified project that is designed to deliver more than 10,000,000 gallons of water per day.

“(III) EXCEPTION TO RESTRICTION.—Subclause (I) shall not apply to the extent its application would cause any portion of the national clean renewable water supply bond limitation for the calendar year to remain unallocated, based on applications for allocations of such limitation received by the Secretary during the application period referred to in subparagraph (B).

“(3) CARRYOVER OF UNUSED LIMITATION.—If the clean renewable water supply bond limitation for any calendar year exceeds the aggregate amount allocated under paragraph

(2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

“(c) MATURITY LIMITATION.—

“(1) IN GENERAL.—A bond shall not be treated as a clean renewable water supply bond if the maturity of such bond exceeds 20 years.

“(2) COORDINATION WITH SECTION 54A.—The maturity limitation in section 54A(d)(5) shall not apply to any clean renewable water supply bond.

“(d) REFINANCING RULES.—For purposes of paragraph (a)(1), a qualified project may be refinanced with proceeds of a clean renewable water supply bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

“(e) DEFINITIONS.—For purposes of this section—

“(1) GOVERNMENTAL BODY.—The term ‘governmental body’ means any State or Indian tribal government, or any political subdivision thereof.

“(2) LOCAL WATER COMPANY.—The term ‘local water company’ means any entity responsible for providing water service to the general public (including electric utility, industrial, agricultural, commercial, or residential users) pursuant to State or tribal law.

“(3) QUALIFIED BORROWER.—The term ‘qualified borrower’ means a governmental body or a local water company.

“(4) QUALIFIED DESALINATION FACILITY.—The term ‘qualified desalination facility’ means any facility that is used to produce new water supplies by desalinating seawater, groundwater, or surface water if the facility’s source water includes chlorides or total dissolved solids that, either continuously or seasonally, exceed maximum permitted levels for primary or secondary drinking water under Federal or State law (as in effect on the date of issuance of the issue).

“(5) QUALIFIED GROUNDWATER REMEDIATION FACILITY.—The term ‘qualified groundwater remediation facility’ means any facility that is used to reclaim contaminated or naturally impaired groundwater for direct delivery for potable use if the facility’s source water includes constituents that exceed maximum contaminant levels regulated under the Safe Drinking Water Act (as in effect on the date of the enactment of this section).

“(6) QUALIFIED ISSUER.—The term ‘qualified issuer’ means—

“(A) a governmental body, or

“(B) in the case of a State or political subdivision thereof (as defined for purposes of section 103), any entity qualified to issue tax-exempt bonds under section 103 on behalf of such State or political subdivision.

“(7) QUALIFIED PROJECT.—

“(A) IN GENERAL.—The term ‘qualified project’ means any facility owned by a qualified borrower which is a—

“(i) qualified desalination facility,

“(ii) qualified recycled water facility,

“(iii) qualified groundwater remediation facility, or

“(iv) facility that is functionally related or subordinate to a facility described in clause (i), (ii), or (iii).

“(B) ENVIRONMENTAL IMPACT.—A project shall not be treated as a qualified project under subparagraph (A) unless such project is designed to comply with regulations issued under subsection (f) relating to the minimization of the environmental impact of the project.

“(8) QUALIFIED RECYCLED WATER FACILITY.—“(A) IN GENERAL.—The term ‘qualified recycled water facility’ means any wastewater treatment or distribution facility which—

“(i) exceeds the requirements for the treatment and disposal of wastewater under the Clean Water Act and any other Federal or State water pollution control standards for the discharge and disposal of wastewater to surface water, land, or groundwater (as such requirements and standards are in effect on the date of issuance of the issue), and

“(ii) except as provided in subparagraph (B), is used to reclaim wastewater produced by the general public (including electric utility, industrial, agricultural, commercial, or residential users) to the extent such reclaimed wastewater is used for a beneficial use that the issuer reasonably expects as of the date of issuance of the issue otherwise would have been satisfied with potable water supplies.

“(B) IMPERMISSIBLE USES.—Reclaimed wastewater is not used for a use described in subparagraph (A)(ii) to the extent such reclaimed wastewater is—

“(i) discharged into a waterway or used to meet waterway discharge permit requirements and not used to supplement potable water supplies,

“(ii) used to restore habitat,

“(iii) used to provide once-through cooling for an electric generation facility, or

“(iv) intentionally introduced into the groundwater and not used to supplement potable water supplies.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations promulgated in consultation with the Administrator of the Environmental Protection Agency to ensure the environmental impact of qualified facilities is minimized.”

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (D), by inserting “or” at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

“(F) a clean renewable water supply bond.”

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking “and” at the end of clause (iv), by striking the period at the end of clause (v) and inserting “, and”, and by adding at the end the following new clause:

“(vi) in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).”

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 54G. Clean renewable water supply bonds.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

**SA 3380.** Mr. NELSON of Florida (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . INCLUSION OF ALGAE-BASED BIOFUEL IN DEFINITION OF CELLULOSIC BIOFUEL.**

(a) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) GENERAL RULE.—Paragraph (4) of section 40(a) of the Internal Revenue Code of 1986 is amended by inserting “and algae-based” after “cellulosic”.

(2) DEFINITIONS.—Paragraph (6) of section 40(b) of such Code is amended—

(A) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading,

(B) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The cellulosic and algae-based biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of—

“(i) qualified cellulosic biofuel production, and

“(ii) qualified algae-based biofuel production.”

(C) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (I), (J), and (K), respectively,

(D) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading of subparagraph (I), as so redesignated,

(E) by inserting “or algae-based biofuel, whichever is appropriate,” after “cellulosic biofuel” in subparagraph (J), as so redesignated,

(F) by inserting “and qualified algae-based biofuel production” after “qualified cellulosic biofuel production” in subparagraph (K), as so redesignated, and

(G) by inserting after subparagraph (E) the following new subparagraphs:

“(F) QUALIFIED ALGAE-BASED BIOFUEL PRODUCTION.—For purposes of this section, the term ‘qualified algae-based biofuel production’ means any algae-based biofuel which is produced by the taxpayer, and which during the taxable year—

“(i) is sold by the taxpayer to another person—

“(I) for use by such other person in the production of a qualified algae-based biofuel mixture in such other person’s trade or business (other than casual off-farm production),

“(II) for use by such other person as a fuel in a trade or business, or

“(III) who sells such algae-based biofuel at retail to another person and places such algae-based biofuel in the fuel tank of such other person, or

“(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified algae-based biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

“(G) QUALIFIED ALGAE-BASED BIOFUEL MIXTURE.—For purposes of this paragraph, the term ‘qualified algae-based biofuel mixture’ means a mixture of algae-based biofuel and gasoline or of algae-based biofuel and a special fuel which—

“(i) is sold by the person producing such mixture to any person for use as a fuel, or

“(ii) is used as a fuel by the person producing such mixture.

“(H) ALGAE-BASED BIOFUEL.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘algae-based biofuel’ means any liquid fuel, including gasoline, diesel, aviation fuel, and ethanol, which—

“(I) is produced from the biomass of algal organisms, and

“(II) meets the registration requirements for fuels and fuel additives established by the

Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

“(ii) **ALGAL ORGANISM.**—The term ‘algal organism’ means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).

“(iii) **EXCLUSION OF LOW-PROOF ALCOHOL.**—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.”.

(3) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (D) of section 40(d)(3) of such Code is amended—

(i) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading,

(ii) by inserting “or (b)(6)(F)” after “(b)(6)(C)” in clause (ii), and

(iii) by inserting “or algae-based” after “such cellulosic”.

(B) Paragraph (6) of section 40(d) of such Code is amended—

(i) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading, and

(ii) by striking the first sentence and inserting “No cellulosic and algae-based biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic or algae-based biofuel unless such cellulosic or algae-based biofuel is produced in the United States and used as a fuel in the United States.”

(C) Paragraph (3) of section 40(e) of such Code is amended by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading.

(D) Paragraph (1) of section 4101(a) of such Code is amended—

(i) by inserting “or algae-based” after “cellulosic”, and

(ii) by inserting “and 40(b)(6)(H), respectively” after “section 40(b)(6)(E)”.

(b) **SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.**—Subsection (l) of section 168 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “AND ALGAE-BASED” after “CELLULOSIC” in the heading,

(2) by inserting “and any qualified algae-based biofuel plant property” after “qualified cellulosic biofuel plant property” in paragraph (1),

(3) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively,

(4) by inserting “or qualified algae-based biofuel plant property” after “cellulosic biofuel plant property” in paragraph (7)(C), as so redesignated,

(5) by striking “with respect to” and all that follows in paragraph (9), as so redesignated, and inserting “with respect to any qualified cellulosic biofuel plant property and any qualified algae-based biofuel plant property which ceases to be such qualified property.”,

(6) by inserting “or qualified algae-based biofuel plant property” after “cellulosic biofuel plant property” in paragraph (10), as so redesignated, and

(7) by inserting after paragraph (3) the following new paragraphs:

“(4) **QUALIFIED ALGAE-BASED BIOFUEL PLANT PROPERTY.**—The term ‘qualified algae-based biofuel plant property’ means property of a character subject to the allowance for depreciation—

“(A) which is used in the United States solely to produce algae-based biofuel,

“(B) the original use of which commences with the taxpayer after the date of the enactment of this paragraph,

“(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after

the date of the enactment of this paragraph, but only if no written binding contract for the acquisition was in effect on or before such date, and

“(D) which is placed in service by the taxpayer before January 1, 2013.

“(5) **ALGAE-BASED BIOFUEL.**—

“(A) **IN GENERAL.**—The term ‘algae-based biofuel’ means any liquid fuel which is produced from the biomass of algal organisms.

“(B) **ALGAL ORGANISM.**—The term ‘algal organism’ means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).”.

(c) **EFFECTIVE DATES.**—

(1) **CELLULOSIC BIOFUEL PRODUCER CREDIT.**—The amendments made by subsection (a) shall apply to fuel produced after the date of the enactment of this Act.

(2) **SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.**—The amendments made by subsection (b) shall apply to property purchased and placed in service after the date of the enactment of this Act.

**SA 3381.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—DC OPPORTUNITY SCHOLARSHIP PROGRAM**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Scholarships for Opportunity and Results Act of 2010” or the “SOAR Act”.

**SEC. 802. FINDINGS.**

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education. In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) Public school records raise persistent concerns regarding health and safety problems in District of Columbia public schools. For example, more than half of the District of Columbia’s teenage public school students attend schools that meet the District of Columbia’s definition of “persistently dangerous” due to the number of violent crimes.

(4) While the per student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statis-

tics, reported in its 2007 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2007 NAEP, 61 percent of fourth grade students scored “below basic” in reading, and 51 percent scored “below basic” in mathematics. Among eighth grade students, 52 percent scored “below basic” in reading and 56 percent scored “below basic” in mathematics. On the 2007 NAEP reading assessment, only 14 percent of the District of Columbia fourth grade students could read proficiently, while only 12 percent of the eighth grade students scored at the proficient or advanced level.

(5) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126) to provide opportunity scholarships to parents of students in the District of Columbia that could be used by students in kindergarten through grade 12 to attend a private educational institution. The opportunity scholarship program under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that would give families in the District of Columbia a range of choices with regard to the education of their children.

(6) The opportunity scholarship program was established in accordance with the U.S. Supreme Court decision, *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(7) Since the opportunity scholarship program’s inception, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. A rigorous analysis of the program by the Institute of Education Sciences (IES) shows statistically significant improvements in parental satisfaction and in reading scores that are even more dramatic when only those students consistently using the scholarships are considered.

(8) The DC opportunity scholarship program is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. It is the sense of Congress that this program should continue as 1 of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

**SEC. 803. PURPOSE.**

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section

1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

#### SEC. 804. GENERAL AUTHORITY.

(a) **AUTHORITY.**—From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 805 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

(b) **DURATION OF GRANTS.**—The Secretary shall make grants under this section for a period of not more than 5 years.

(c) **MEMORANDUM OF UNDERSTANDING.**—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the design of, selection of eligible entities to receive grants under, and implementation of, a program assisted under this title.

(d) **SPECIAL RULE.**—Notwithstanding any other provision of law, funding appropriated for the opportunity scholarship program under the Omnibus Appropriations Act, 2009 (Public Law 111-8), the District of Columbia Appropriations Act, 2010 (Public Law 111-117), or any other Act, may be used to provide opportunity scholarships under section 807 to new applicants.

#### SEC. 805. APPLICATIONS.

(a) **IN GENERAL.**—In order to receive a grant under this title, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) **CONTENTS.**—The Secretary may not approve the request of an eligible entity for a grant under this title unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 806;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 806;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities and how the entity will ensure that parents receive sufficient information about their options to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 807(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will—

(i) seek out private elementary schools and secondary schools in the District of Columbia to participate in the program; and

(ii) ensure that participating schools will meet the reporting and other requirements of this title;

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under this title effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia;

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 809; and

(3) an assurance that site inspections of participating schools will be conducted at appropriate intervals.

#### SEC. 806. PRIORITIES.

In awarding grants under this title, the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) give priority to students whose household includes a sibling or other child who is already participating in the program of the eligible entity under this title, regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 809;

(3) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(4) provide students and families with the widest range of educational options.

#### SEC. 807. USE OF FUNDS.

##### (a) SCHOLARSHIPS.

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under this title shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2010–2011. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such eligible entity's program under this title to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) **PAYMENTS TO PARENTS.**—An eligible entity receiving a grant under this title shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) **AMOUNT OF ASSISTANCE.**—

(A) **VARYING AMOUNTS PERMITTED.**—Subject to the other requirements of this section, an eligible entity receiving a grant under this title may award scholarships in larger

amounts to those eligible students with the greatest need.

(B) **ANNUAL LIMIT ON AMOUNT.**—

(i) **LIMIT FOR SCHOOL YEAR 2010–2011.**—The amount of assistance provided to any eligible student by an eligible entity under a program under this title for school year 2010–2011 may not exceed—

(I) \$9,000 for attendance in kindergarten through grade 8; and

(II) \$11,000 for attendance in grades 9 through 12.

(ii) **CUMULATIVE INFLATION ADJUSTMENT.**—

The limits described in clause (i) shall apply for each school year following school year 2010–2011, except that the Secretary shall adjust the maximum amounts of assistance (as described in clause (i) and adjusted under this clause for the preceding year) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) **PARTICIPATING SCHOOL REQUIREMENTS.**—None of the funds provided under this title for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) has financial systems, controls, policies, and procedures to ensure that Federal funds are used according to this title;

(E) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree; and

(F) is in compliance with the accreditation and other standards prescribed under the District of Columbia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools.

(b) **ADMINISTRATIVE EXPENSES.**—An eligible entity receiving a grant under this title may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students; and

(4) compiling and maintaining financial and programmatic records.

(c) **PARENTAL ASSISTANCE.**—An eligible entity receiving a grant under this title may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the program under this title and assisting parents through the application process under this title during the year, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) **STUDENT ACADEMIC ASSISTANCE.**—An eligible entity receiving a grant under this title may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance in the students' new schools. If there are insufficient funds to pay for these costs for all such students, the eligible entity shall give priority to students who previously attended an elementary school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) as of the time the student attended the school.

**SEC. 808. NONDISCRIMINATION.**

(a) **IN GENERAL.**—An eligible entity or a school participating in any program under this title shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) **APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) **SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) **APPLICABILITY.**—For purposes of this title, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this title as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this title.

(c) **CHILDREN WITH DISABILITIES.**—Nothing in this title may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) **RELIGIOUSLY AFFILIATED SCHOOLS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a school participating in any program under this title that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

(2) **MAINTENANCE OF PURPOSE.**—Notwithstanding any other provision of law, funds made available under this title to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) **RULE OF CONSTRUCTION.**—A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

**SEC. 809. EVALUATIONS.**

(a) **IN GENERAL.**—

(1) **DUTIES OF THE SECRETARY AND THE MAYOR.**—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under this title; and

(B) make the evaluations public in accordance with subsection (c).

(2) **DUTIES OF THE SECRETARY.**—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation is conducted using the strongest possible research design for determining the effectiveness of the program funded under this title that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program in increasing the academic growth and achievement of participating students, and on the impact of the program on students and schools in the District of Columbia.

(3) **DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.**—The Institute of Education Sciences shall—

(A) use a grade appropriate measurement each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the measurements given annually by the Institute of Educational Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 806(2).

(4) **ISSUES TO BE EVALUATED.**—The issues to be evaluated include the following:

(A) A comparison of the academic growth and achievement of participating eligible students in the measurements described in this section to the academic growth and achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in the District of Columbia public schools who sought to participate in the scholarship program but were not selected.

(B) The success of the program in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the program.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates, of students who participate in the program funded under this title with the retention rates, dropout

rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such program.

(E) The impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the program funded under this title and the schools attended by students who do not participate in the program, based on the perceptions of the students and parents and on objective measures of safety.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(H) An analysis of the issues described in subparagraphs (A) through (G) with respect to the subgroup of eligible students participating in the program funded under this title who consistently use the opportunity scholarships to attend a participating school.

(I) An assessment of the academic value added by participating schools on a school-by-school basis based on test results from participating eligible students using the same test as is administered to students attending District of Columbia public schools, except that if the evaluator is able to certify that other means are available to compare results from the test administered in District of Columbia public schools to the nationally normed test used at the participating school, such nationally normed test may be used. Such assessment shall be based on the strongest possible research design and shall, to the extent possible, test students under conditions that yield scientifically valid results. Such assessment shall also provide, to the extent possible, a scientifically valid analysis of how such schools provide academic value added as compared to public schools in the District of Columbia. The results of the assessment shall be supplied to parents and included in all reports to Congress so as to ensure that Federal dollars used for the purposes of the program are positively impacting the achievement levels of student participants.

(5) **PROHIBITION.**—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) **REPORTS.**—The Secretary shall submit to the Committees on Appropriations, Education and Labor, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than December 1 of each year for which a grant is made under this title, on the progress and preliminary results of the evaluation of the program funded under this title; and

(2) a final report, not later than 1 year after the final year for which a grant is made under this title, on the results of the evaluation of the program funded under this title.

(c) **PUBLIC AVAILABILITY.**—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) **LIMIT ON AMOUNT EXPENDED.**—The amount expended by the Secretary to carry out this section for any fiscal year may not



exceed 5 percent of the total amount appropriated to carry out this title for the fiscal year.

#### SEC. 810. REPORTING REQUIREMENTS.

(a) **ACTIVITIES REPORTS.**—Each eligible entity receiving funds under this title during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

##### (b) **ACHIEVEMENT REPORTS.**—

(1) **IN GENERAL.**—In addition to the reports required under subsection (a), each grantee receiving funds under this title shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) **PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.**—No report under this subsection may contain any personally identifiable information.

##### (c) **REPORTS TO PARENT.**—

(1) **IN GENERAL.**—Each grantee receiving funds under this title shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) **PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.**—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) **REPORT TO CONGRESS.**—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

#### SEC. 811. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) **TESTING.**—Students participating in a program under this title shall take a nationally norm-referenced standardized test in reading and mathematics. Results of such test shall be reported to the student's parent and the Institute of Education Sciences. To preserve confidentiality, at no time should results for individual students or schools be released to the public.

(b) **REQUESTS FOR DATA AND INFORMATION.**—Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 809(a).

(c) **RULES OF CONDUCT AND OTHER SCHOOL POLICIES.**—A participating school, including

a participating school described in section 808(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

#### SEC. 812. DEFINITIONS.

In this title:

(1) **ELEMENTARY SCHOOL.**—The term “elementary school” means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) **ELIGIBLE STUDENT.**—The term “eligible student” means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line;

(ii) in the case of a student in a household that had a student participating in a program under this title for the preceding school year, 250 percent of the poverty line; or

(iii) in the case of a student in a household that had a student participating in a program under the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126) on or before the date of enactment of this title, 300 percent of the poverty line.

(4) **PARENT.**—The term “parent” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) **POVERTY LINE.**—The term “poverty line” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **SECONDARY SCHOOL.**—The term “secondary school” means an institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

#### SEC. 813. TRANSITION PROVISIONS.

(a) **REPEAL; SUNSET OF OTHER PROVISIONS.**—

(1) **REPEAL.**—The DC School Choice Incentive Act of 2003 (title III of division C of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126)) is repealed.

(2) **SUNSET OF OTHER PROVISIONS.**—Notwithstanding any other provision of law, all of the provisos under the heading “FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT” under the District of Columbia Appropriations Act, 2010 (Public Law 111-117), shall cease to have effect on and after the date of enactment of this Act.

(b) **REAUTHORIZATION OF PROGRAM.**—This title shall be deemed to be the reauthorization of the opportunity scholarship program under the DC School Choice Incentive Act of 2003.

(c) **ORDERLY TRANSITION.**—Subject to subsections (d) and (e), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this title from any authority under the provisions of the DC School Choice Incentive Act of 2003 (Public

Law 108-199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title.

(d) **RULE OF CONSTRUCTION.**—Nothing in this title or a repeal made by this title shall be construed to alter or affect the memorandum of understanding entered into with the District of Columbia, or any grant or contract awarded, under the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title.

(e) **MULTI-YEAR AWARDS.**—The recipient of a multi-year grant or contract award under the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title, shall continue to receive funds in accordance with the terms and conditions of such award.

#### SEC. 814. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to carry out this title, \$20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years;

(2) for the District of Columbia public schools, in addition to any other amounts available for District of Columbia public schools, \$20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years; and

(3) for District of Columbia public charter schools, in addition to any other amounts available for District of Columbia public charter schools, \$20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**SA 3382.** Ms. STABENOW (for herself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title VI, add the following:

#### SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means with respect to any taxable year beginning in 2010, the lesser of—

“(A) 50 percent of a corporation's minimum tax credit determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—



“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

“(5) ELECTION.—

“(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

“(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

“(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, any corporation's allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

“(7) NO DOUBLE BENEFIT.—Notwithstanding clause (ii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

“(9) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.”

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

“(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

“(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental

income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SA 3383. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

#### SEC. 186. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3913, 3919) are each amended by striking “January 1, 2011” each place it appears and inserting “January 1, 2012”.

SA 3384. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

#### SEC. 6. ENERGY EFFICIENCY LOAN GUARANTEES.

Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”

SA 3385. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. EXTENSION OF TIME TO MEET CRITERIA FOR CERTIFICATION FOR QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) IN GENERAL.—Subparagraph (D) of section 48A(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “The Secretary may extend the 2-year period in the preceding sentence if the Secretary determines that a failure to meet such criteria is due to circumstances beyond the control of the applicant, except that the Secretary may not extend such time period later than December 31, 2014.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applica-

tions submitted after the date which is 3 years before the date of the enactment of this Act.

SA 3386. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### DIVISION —TRADE ENFORCEMENT PRIORITIES

##### SEC. 01. SHORT TITLE.

This division may be cited as the “Trade Enforcement Priorities Act”.

##### SEC. 02. IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

##### “SEC. 310. IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.

“(a) IDENTIFICATION AND ANNUAL REPORT.—Not later than 75 days after the date that the National Trade Estimate under section 181(b) is required to be submitted each calendar year, the United States Trade Representative shall—

“(1) identify the trade enforcement priorities of the United States;

“(2) identify trade enforcement actions that the United States has taken during the previous year and provide an assessment of the impact those enforcement actions have had in addressing foreign trade barriers;

“(3) identify the priority foreign country trade practices on which the Trade Representative will focus the trade enforcement efforts of the United States during the upcoming year; and

“(4) submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and publish in the Federal Register a report on the priorities, actions, assessments, and practices identified in paragraphs (1), (2), and (3).

“(b) FACTORS TO CONSIDER.—In identifying priority foreign country trade practices under subsection (a)(3), the Trade Representative shall—

“(1) focus on those practices the elimination of which is likely to have the most significant potential to increase United States economic growth; and

“(2) concentrate on United States trading partners—

“(A) that represent the largest trade deficit in dollar value with the United States, excluding petroleum and petroleum products;

“(B) whose practices have the most negative impact on maintaining and creating United States jobs, wages, and productive capacity; and

“(C) whose practices limit market access for United States goods and services; and

“(3) take into account all relevant factors, including—

“(A) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

“(B) the findings and practices described in the most recent report required under—

“(i) section 182;

“(ii) section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106);

“(iii) section 3005 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5305); and

“(iv) section 421 of the U.S.-China Relations Act of 2000 (22 U.S.C. 6951);

“(C) the findings and practices described in any other report addressing international trade and investment barriers prepared by the Trade Representative, the Department of Commerce, the Department of Labor, the Department of Agriculture, and the Department of State, or any other agency or congressional commission during the 12 months preceding the date on which the report described in subsection (a)(4) is required to be submitted;

“(D) a foreign country’s compliance with its obligations under any trade agreements to which both the foreign country and the United States are parties;

“(E) a foreign country’s compliance with its obligations under internationally recognized sanitary and phytosanitary standards;

“(F) the international competitive position and export potential of United States products and services; and

“(G) the enforcement of customs laws relating to anticircumvention and transshipment.

“(c) CONSULTATION.—

“(1) IN GENERAL.—Not later than 90 days after the date that the National Trade Estimate under section 181(b) is required to be submitted, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the priorities, actions, assessments, and practices required to be identified in the report under subsection (a).

“(2) VOTE OF COMMITTEE.—If, as a result of the consultations described in paragraph (1), either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives requests identification of a priority foreign country trade practice by majority vote of the Committee, the Trade Representative shall include such identification in the report required under subsection (a).

“(3) DETERMINATION NOT TO INCLUDE PRIORITY FOREIGN COUNTRY TRADE PRACTICES.—The Trade Representative may determine not to include the priority foreign country trade practice requested under paragraph (2) in the report required under subsection (a) only if the Trade Representative finds that—

“(A) such practice is already being addressed under provisions of United States trade law, under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7))), under a bilateral or regional trade agreement, or as part of trade negotiations with that foreign country or other countries, and progress is being made toward the elimination of such practice; or

“(B) identification of such practice as a priority foreign country trade practice would be contrary to the interests of United States trade policy.

“(4) REASONS FOR DETERMINATION.—In the case of a determination made pursuant to paragraph (3), the Trade Representative shall set forth in detail the reasons for that determination in the report required under subsection (a).

“(5) REPORT TO BE PUBLICLY AVAILABLE.—The Trade Representative shall publish the report required under subsection (a) in the Federal Register.

“(d) INVESTIGATION AND RESOLUTION.—

“(1) IN GENERAL.—Not later than 120 days after the report required under subsection (a) is submitted, the Trade Representative shall engage in negotiations with the country concerned in accordance with paragraph (2) or

(3), as the case may be, to resolve the practices identified in the report.

“(2) ACTIONS WITH RESPECT TO PRACTICES OF MEMBERS OF THE WORLD TRADE ORGANIZATION OR COUNTRIES WITH WHICH THE UNITED STATES HAS A TRADE AGREEMENT IN EFFECT.—In the case of any priority foreign country trade practice identified under subsection (a) of a country that is a member of the World Trade Organization or a country with which the United States has a bilateral or regional trade agreement in effect, the Trade Representative shall, not later than 120 days after the date that the report described in subsection (a) is submitted—

“(A)(i) initiate dispute settlement consultations in the World Trade Organization; or

“(ii) initiate dispute settlement consultations under the applicable provisions of the bilateral or regional trade agreement;

“(B) seek to negotiate an agreement that provides for the elimination of the priority foreign country trade practice or, if elimination of the practice is not feasible, an agreement that provides for compensatory trade benefits; or

“(C) take any other action necessary to facilitate the elimination of the priority foreign country trade practice.

“(3) ACTIONS WITH RESPECT TO PRACTICES OF OTHER COUNTRIES.—In the case of any priority foreign country trade practice identified under subsection (a) of a country that is not described in paragraph (2), the Trade Representative shall, not later than 120 days after the report described in subsection (a) is submitted—

“(A) initiate an investigation under section 302(b)(1);

“(B) seek to negotiate an agreement that provides for the elimination of the priority foreign country trade practice or, if elimination of the practice is not feasible, an agreement that provides for compensatory trade benefits; or

“(C) take any other action necessary to eliminate the priority foreign country trade practice.

“(e) ADDITIONAL REPORTING.—

“(1) REPORT BY TRADE REPRESENTATIVE.—Not later than 180 days after the date of the enactment of this section, and every 180 days thereafter, the Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the progress being made to realize the trade enforcement priorities identified in subsection (a)(1) and the steps being taken to address the priority foreign country trade practices identified in subsection (a)(3).

“(2) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 2 years after the date of the enactment of this section, and every 2 years thereafter, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing the actions taken by the Trade Representative to realize the trade enforcement priorities identified in subsection (a)(1) and the steps being taken to address the priority foreign country trade practices identified in subsection (a)(3).”

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310, and inserting the following new item:

“Sec. 310. Identification of trade enforcement priorities.”

**SA 3387.** Mr. DODD submitted an amendment intended to be proposed to

amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 18, before the comma insert “and section 8 of the Temporary Extension Act of 2010”.

On page 73, line 21, after the second period insert the following: “The amendment made by this section shall be considered to have taken effect on February 28, 2010.”

**SA 3388.** Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT.**

(a) SHORT TITLE.—This section may be cited as the “Enhanced Oversight of State and Local Economic Recovery Act”.

(b) REQUIREMENTS FOR FUNDING FOR STATE AND LOCAL OVERSIGHT UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—

(1) FEDERAL AGENCY REQUIREMENT.—Section 1552 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 297) is amended—

(A) by inserting “(a) FEDERAL AGENCY REQUIREMENT.—” before “Federal agencies receiving”;

(B) by striking “may,” and all that follows through “reasonably” and inserting “shall, subject to guidance from the Director of the Office of Management and Budget,”; and

(C) by striking “data collection requirements” and inserting “data collection requirements, auditing, contract and grant planning and management, and investigations of waste, fraud, and abuse”.

(2) STATE AND LOCAL GOVERNMENT AUTHORITY.—Section 1552 of that Act is further amended by adding at the end the following:

“(b) STATE AND LOCAL GOVERNMENT AUTHORITY.—Notwithstanding any other provision of law, State and local governments receiving funds under this Act may set aside an amount up to 0.5 percent of such funds, in addition to any funds already allocated to administrative expenditures, to conduct planning and oversight to prevent and detect waste, fraud, and abuse.”

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 1552 of that Act is amended to read as follows:

**“SEC. 1552. FUNDING FOR STATE AND LOCAL GOVERNMENT OVERSIGHT.”**

(c) AUTHORIZATION FOR ACQUISITION BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES.—Section 502 of title 40, United States Code, is amended by adding at the end the following:

“(e) USE OF SUPPLY SCHEDULES FOR ECONOMIC RECOVERY.—

“(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for goods or services that are funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

“(2) VOLUNTARY USE.—In the case of the use by a State or local government of a Federal supply schedule under paragraph (1),

participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

“(3) PROVISIONS TO ENSURE PROPER USAGE BY NON-FEDERAL USERS.—The Administrator shall, for authorized non-Federal users of Federal Supply Schedules—

“(A) review the existing ordering guidance and, as necessary, prescribe additional guidance to ensure proper usage and to maximize task and delivery order competition;

“(B) make available the online electronic Request for Quote (RFQ)/Request for Proposal (RFP) system; and

“(C) make available, free of charge, training related to proper Schedule usage, including online training courses.

“(4) DEFINITIONS.—The definitions in subsection (c)(3) shall apply for purposes of this subsection.”.

(d) DEFINITION OF JOBS CREATED AND JOBS RETAINED.—Section 1512(g) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 288) is amended by adding at the end “The Director of the Office of Management and Budget shall issue guidance to ensure accurate and consistent reporting of ‘jobs created’ and ‘jobs retained’ as those terms are used in subsection (c)(3)(D).”.

(e) FEDERAL AWARDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109-282) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) ADDITIONAL WEBSITE CONTENT.—Not later than 30 days after the date of enactment of the Enhanced Oversight of State and Local Economic Recovery Act, the Office of Management and Budget shall ensure that the website under this subsection—

“(A) clearly differentiates between projects funded under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and other Federal awards; and

“(B) provides users with the ability to perform searches for information in the website relating only to Federal awards funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).”;

(2) by adding after subsection (g) the following:

“(h) WEBLINK.—The website Recovery.gov established under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) shall contain a prominently displayed weblink on its front page to the website under this section.”.

**SA 3389.** Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.**

(a) IN GENERAL.—The Secretary shall reimburse each State for 75 percent of the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) DETERMINATION AND TIMING OF REIMBURSEMENT.—

(1) PREDETERMINED AMOUNT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) 75 percent of the amount of State and local sales tax payable and collected in such State during the same period in 2009 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) RECONCILIATION AMOUNT.—Not later than July 1, 2010, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) 75 percent of the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than the first day of the sales tax holiday period of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sellers with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than June 1, 2010, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than July 1, 2010, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2010 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies

that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) DETERMINATION OF REIMBURSEMENT OF LOCAL SALES TAXES.—For purposes of subsection (c)(4), a local government's share of the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) DEFINITIONS.—For purposes of this section—

(1) HOME RULE STATE.—The term “home rule State” means a State that does not control imposition and administration of local taxes.

(2) LOCAL.—The term “local” means a city, county, or other subordinate revenue or taxing authority within a State.

(3) SALES TAX.—The term “sales tax” means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois, but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) SALES TAX HOLIDAY PERIOD.—The term “sales tax holiday period” means the period—

(A) beginning on the first Friday which is 30 days after the date of the enactment of this Act, and

(B) ending on the date which is 10 days after the date described in subparagraph (A).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(6) STATE.—The term “State” means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) USE TAX.—The term “use tax” means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

**SEC. \_\_\_\_ RESCISSION OF DISCRETIONARY AMOUNTS APPROPRIATED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

(a) IN GENERAL.—All discretionary amounts made available by the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; Public Law No. 111-5) that are unobligated on the date of the enactment of this Act are hereby rescinded.

(b) ADMINISTRATION.—Not later than 30 days after the date of the enactment of this

Act, the Director of the Office of Management and Budget shall—

(1) administer the reduction specified in subsection (a); and

(2) submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to subsection (a).

**SA 3390.** Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Emergency Senior Citizens Relief Act of 2010”.

(b) **EXTENSION AND MODIFICATION OF PAYMENTS.**—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting “for each of calendar years 2009 and 2010” after “shall disburse”;

(B) by inserting “(for purposes of payments made for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made for calendar year 2010)” after “the date of the enactment of this Act”;

(C) by adding at the end the following new sentence: “In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2010 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010.”

(2) in subsection (a)(1)(B)(iii), by inserting “(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made under this paragraph for calendar year 2010)” before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting “, or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address” after “Northern Mariana Islands”;

(B) by striking “current address of record” and inserting “address of record, as of the date of certification under subsection (b) for a payment under this section”;

(4) in subsection (a)(3)—

(A) by inserting “per calendar year (determined with respect to the calendar year for which the payment is made, and without regard to the date such payment is actually paid to such individual)” after “only 1 payment under this section”;

(B) by inserting “FOR THE SAME YEAR” after “PAYMENTS” in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting “(or, in the case of subparagraph (D), shall not be due)” after “made” in the matter preceding subparagraph (A),

(B) by striking subparagraph (A) and inserting the following:

“(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

“(i) for the most recent month of such individual’s entitlement in the applicable 3-month period described in paragraph (1); or

“(ii) for any month thereafter which is before the month after the month of the payment;

such individual’s benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a-8a);”;

(C) in subparagraph (B), by striking “3 month period” and inserting “applicable 3-month period”;

(D) by striking subparagraph (C) and inserting the following:

“(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

“(i) for the most recent month of such individual’s eligibility in the applicable 3-month period described in paragraph (1); or

“(ii) for any month thereafter which is before the month after the month of the payment;

such individual’s benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a-8a); or”;

(E) by striking subparagraph (D) and inserting the following:

“(D) in the case of any individual whose date of death occurs—

“(i) before the date of the receipt of the payment; or

“(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual’s account.”;

(F) by adding at the end the following flush sentence:

“In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.”;

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: “Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.”

(6) in subsection (a)(5)—

(A) by inserting “, in the case of payments for calendar year 2009, and no later than 120 days after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, in the case of payments for calendar year 2010” before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

“(B) **DEADLINE.**—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2010 shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitle-

ment to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.”;

(7) in subsection (b), by inserting “(except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial)” before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

“(4) **PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.**—Notwithstanding paragraph (3), any payment made under this section—

“(A) shall, in the case of a payment by direct deposit which is made after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

“(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.”;

(9) in subsection (e)—

(A) by striking “2011” and inserting “2012”;

(B) by inserting “section \_\_\_\_ (c) of the Emergency Senior Citizens Relief Act of 2010,” after “section 2202,” in paragraph (1), and

(C) by adding at the following new paragraph:

“(5)(A) For the Secretary of the Treasury, an additional \$5,200,000 for purposes described in paragraph (1).

“(B) For the Commissioner of Social Security, an additional \$5,000,000 for the purposes described in paragraph (2)(B).

“(C) For the Railroad Retirement Board, an additional \$600,000 for the purposes described in paragraph (3)(B).

“(D) For the Secretary of Veterans Affairs, an additional \$625,000 for the Information Systems Technology account”.

(c) **EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.**—

(1) **IN GENERAL.**—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting “2010” for “2009”), with respect to the first taxable year of such individual beginning in 2010, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be applied by substituting “2010” for “2009” each place it appears.

(2) **CONFORMING AMENDMENT.**—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting “, and any credit allowed to the taxpayer under section \_\_\_\_ (c)(1) of the Emergency Senior Citizens Relief Act of 2010” after “the American Recovery and Reinvestment Tax Act of 2009”.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments

made by this section shall take effect on the date of the enactment of this Act.

(2) **APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.**—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

(e) **EMERGENCY DESIGNATION.**—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (P.L. 111-139), and designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(f) **USE OF STIMULUS FUNDS TO OFFSET SPENDING.**—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$14,361,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, subsections (b) and (c) of this section. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 3391.** Mr. BROWN of Massachusetts proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title I, add the following:

**SEC. 103. EMPLOYEE PAYROLL TAX RATE CUT.**

(a) **IN GENERAL.**—For the 6-calendar-month period beginning after the date which is 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall reduce the rate of tax under section 3101(a) of the Internal Revenue Code of 1986 and 50 percent of the rate of tax under section 1401(a) of such Code by such percentage such that the resulting reduction in revenues to the Federal Old-Age and Survivors Insurance Trust Fund is equal to 90 percent of the amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5) (other than under title X of such division A) as of the date of the enactment of this Act.

(b) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(c) **RESCISSION OF CERTAIN STIMULUS FUNDS.**—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded 100 percent of the remaining unobligated amounts as of the date of the enact-

ment of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

(d) **EMERGENCY DESIGNATION.**—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, this section is designated as an emergency for purposes of pay-as-you-go principles.

**SA 3392.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 7 through 16 and insert the following:

**SEC. 131. PERMANENT EXTENSION OF RESEARCH CREDIT.**

(a) **IN GENERAL.**—Section 41 is amended by striking subsection (h).

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

(d) **TRANSFER OF STIMULUS FUNDS.**—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues resulting from the amendments made by this section.

**SA 3393.** Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 19 and 20, insert the following:

**SEC. \_\_\_\_ . ENCOURAGEMENT OF CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES BY NATIVE CORPORATIONS.**

(a) **IN GENERAL.**—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) **QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.**—

“(i) **IN GENERAL.**—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

“(I) is made by a Native Corporation, and

“(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act,

shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer's taxable

income over the amount of charitable contributions allowable under subparagraph (A).

“(ii) **LIMITATION.**—This subparagraph shall not apply to any contribution of property described in clause (i)(II) which, by itself or when aggregated to any other property to which this subparagraph applies, is a contribution of more than 10 percent of the land conveyed to the Native Corporation described in clause (i)(I) under the Alaska Native Claims Settlement Act.

“(iii) **CARRYOVER.**—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 15 succeeding years in order of time.

“(iv) **DEFINITION.**—For purposes of this subparagraph, the term ‘Native Corporation’ has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act.

“(v) **TERMINATION.**—This subparagraph shall not apply to any contribution in any taxable year beginning after December 31, 2010.”.

(b) **CONFORMING AMENDMENT.**—Section 170(b)(2)(A) of such Code is amended by striking “subparagraph (B) applies” and inserting “subparagraphs (B) or (C) apply”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to modify any existing property rights conveyed to Native Corporations (with the meaning of section 3(m) of the Alaska Native Claims Settlement Act) under such Act.

**SA 3394.** Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . ENHANCED RESEARCH CREDIT FOR DOMESTIC MANUFACTURERS.**

(a) **IN GENERAL.**—Section 41 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) **ENHANCED CREDIT FOR DOMESTIC MANUFACTURERS.**—

“(1) **IN GENERAL.**—In the case of a qualified domestic manufacturer, this section shall be applied by increasing the following by the bonus amount:

“(A) The 20 percent amount under subsection (a)(1).

“(B) The 20 percent amount under subsection (a)(2).

“(C) The 20 percent amount under subsection (a)(3).

“(D) The 14 percent amount under subsection (c)(5)(A).

“(2) **QUALIFIED DOMESTIC MANUFACTURER.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified domestic manufacturer’ means a taxpayer who has domestic production gross receipts which are more than 50 percent of total production gross receipts.

“(B) **DOMESTIC PRODUCTION GROSS RECEIPTS.**—The term ‘domestic production gross receipts’ has the meaning given to such term under section 199(c)(4).

“(C) TOTAL PRODUCTION GROSS RECEIPTS.—The term ‘total production gross receipts’ means the gross receipts of the taxpayer which are described in section 199(c)(4), determined—

“(i) without regard to whether property described in subparagraph (A)(i)(I) or (A)(i)(III)

thereof was manufactured, produced, grown, or extracted in the United States,

“(ii) by substituting ‘any property described in section 168(f)(3)’ for ‘any qualified film’ in subparagraph (A)(i)(II) thereof, and

“(iii) without regard to whether any construction described in subparagraph (A)(ii)

thereof or services described in subparagraph (A)(iii) thereof were performed in the United States.

“(3) BONUS AMOUNT.—For purposes of paragraph (1), the bonus amount shall be determined as follows:

**“If the percentage of total production gross receipts which are domestic production gross receipts is:**

	<b>The bonus amount is:</b>
More than 50 percent and not more than 60 percent .....	2 percentage points
More than 60 percent and not more than 70 percent .....	4 percentage points
More than 70 percent and not more than 80 percent .....	6 percentage points
More than 80 percent and not more than 90 percent .....	8 percentage points
More than 90 percent .....	10 percentage points.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

**SA 3395.** Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. STABENOW, Mr. CRAPO, Mr. CORNYN, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROBERTS, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 14 and 15, insert the following:

**SEC. \_\_\_\_ . MODIFICATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT FOR BIOMASS FACILITIES.**

(a) CREDIT ALLOWED FOR ON-SITE USE OF ELECTRICITY PRODUCED FROM BIOMASS.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

“(12) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—In the case of electricity produced after the date of the enactment of this paragraph at any facility described in paragraph (2) or (3) of subsection (d) which is equipped with a metering device to determine electricity consumption or sale, subsection (a)(2) shall be applied without regard to subparagraph (B) thereof with respect to such electricity produced and consumed at such facility.”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced after the date of the enactment of this Act.

**SA 3396.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 77, strike line 24 and all that follows through page 80, line 10, and insert the following:

**(c) SPECIALTY CROP ASSISTANCE.—**

(1) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—

(i) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 or 2010 crop year.

(ii) EXCLUSION.—The term “disaster county” does not include a contiguous county.

(B) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 or 2010 crop year, or both, as determined by the Secretary—

(i) produced, or was prevented from planting, a specialty crop; and

(ii) experienced crop losses in a disaster county due to excessive rainfall, freeze, drought, or a related condition.

(2) ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$500,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall, freeze, drought, and related conditions affecting the 2009 or 2010 crop, or both.

(3) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(4) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall, freeze, drought, and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 and 2010 calendar years, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed \$100,000,000.

(5) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers for losses due to a qualifying natural disaster;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 60 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(6) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for

the 2009 and 2010 crop year (as applicable) under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

**SA 3397.** Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

**SEC. \_\_\_\_ . MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) IN GENERAL.—Paragraph (4) of section 25C(c) of the Internal Revenue Code of 1986 is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SA 3398.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 431, insert the following:

**Subtitle E—Cooperative Governing of Individual Health Insurance Coverage**

**SEC. 441. SHORT TITLE.**

This subtitle may be cited as the “Health Care Choice Act of 2010”.



#### SEC. 442. SPECIFICATION OF CONSTITUTIONAL AUTHORITY FOR ENACTMENT OF LAW.

This subtitle is enacted pursuant to the power granted Congress under article I, section 8, clause 3, of the United States Constitution.

#### SEC. 443. FINDINGS.

Congress finds the following:

(1) The application of numerous and significant variations in State law impacts the ability of insurers to offer, and individuals to obtain, affordable individual health insurance coverage, thereby impeding commerce in individual health insurance coverage.

(2) Individual health insurance coverage is increasingly offered through the Internet, other electronic means, and by mail, all of which are inherently part of interstate commerce.

(3) In response to these issues, it is appropriate to encourage increased efficiency in the offering of individual health insurance coverage through a collaborative approach by the States in regulating this coverage.

(4) The establishment of risk-retention groups has provided a successful model for the sale of insurance across State lines, as the acts establishing those groups allow insurance to be sold in multiple States but regulated by a single State.

#### SEC. 444. COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following:

##### “PART D—COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE

##### “SEC. 2795. DEFINITIONS.

“In this part:

“(1) PRIMARY STATE.—The term ‘primary State’ means, with respect to individual health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this part. An issuer, with respect to a particular policy, may only designate one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to individual health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

“(2) SECONDARY STATE.—The term ‘secondary State’ means, with respect to individual health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

“(3) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given such term in section 2791(b)(2), except that such an issuer must be licensed in the primary State and be qualified to sell individual health insurance coverage in that State.

“(4) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term ‘individual health insurance coverage’ means health insurance coverage offered in the individual market, as defined in section 2791(e)(1).

“(5) APPLICABLE STATE AUTHORITY.—The term ‘applicable State authority’ means, with respect to a health insurance issuer in

a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of this title for the State with respect to the issuer.

“(6) HAZARDOUS FINANCIAL CONDITION.—The term ‘hazardous financial condition’ means that, based on its present or reasonably anticipated financial condition, a health insurance issuer is unlikely to be able—

“(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

“(B) to pay other obligations in the normal course of business.

“(7) COVERED LAWS.—

“(A) IN GENERAL.—The term ‘covered laws’ means the laws, rules, regulations, agreements, and orders governing the insurance business pertaining to—

“(i) individual health insurance coverage issued by a health insurance issuer;

“(ii) the offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage to an individual;

“(iii) the provision to an individual in relation to individual health insurance coverage of health care and insurance related services;

“(iv) the provision to an individual in relation to individual health insurance coverage of management, operations, and investment activities of a health insurance issuer; and

“(v) the provision to an individual in relation to individual health insurance coverage of loss control and claims administration for a health insurance issuer with respect to liability for which the issuer provides insurance.

“(B) EXCEPTION.—Such term does not include any law, rule, regulation, agreement, or order governing the use of care or cost management techniques, including any requirement related to provider contracting, network access or adequacy, health care data collection, or quality assurance.

“(8) STATE.—The term ‘State’ means the 50 States and includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(9) UNFAIR CLAIMS SETTLEMENT PRACTICES.—The term ‘unfair claims settlement practices’ means only the following practices:

“(A) Knowingly misrepresenting to claimants and insured individuals relevant facts or policy provisions relating to coverage at issue.

“(B) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under policies.

“(C) Failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under policies.

“(D) Failing to effectuate prompt, fair, and equitable settlement of claims submitted in which liability has become reasonably clear.

“(E) Refusing to pay claims without conducting a reasonable investigation.

“(F) Failing to affirm or deny coverage of claims within a reasonable period of time after having completed an investigation related to those claims.

“(G) A pattern or practice of compelling insured individuals or their beneficiaries to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them.

“(H) A pattern or practice of attempting to settle or settling claims for less than the amount that a reasonable person would be-

lieve the insured individual or the individual’s beneficiary was entitled by reference to written or printed advertising material accompanying or made part of an application.

“(I) Attempting to settle or settling claims on the basis of an application that was materially altered without notice to, or knowledge or consent of, the insured.

“(J) Failing to provide forms necessary to present claims within 15 calendar days of a requests with reasonable explanations regarding their use.

“(K) Attempting to cancel a policy in less time than that prescribed in the policy or by the law of the primary State.

“(10) FRAUD AND ABUSE.—The term ‘fraud and abuse’ means an act or omission committed by a person who, knowingly and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

“(A) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, a reinsurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

“(i) An application for the issuance or renewal of an insurance policy or reinsurance contract.

“(ii) The rating of an insurance policy or reinsurance contract.

“(iii) A claim for payment or benefit pursuant to an insurance policy or reinsurance contract.

“(iv) Premiums paid on an insurance policy or reinsurance contract.

“(v) Payments made in accordance with the terms of an insurance policy or reinsurance contract.

“(vi) A document filed with the commissioner or the chief insurance regulatory official of another jurisdiction.

“(vii) The financial condition of an insurer or reinsurer.

“(viii) The formation, acquisition, merger, reconsolidation, dissolution, or withdrawal from one or more lines of insurance or reinsurance in all or part of a State by an insurer or reinsurer.

“(ix) The issuance of written evidence of insurance.

“(x) The reinstatement of an insurance policy.

“(B) Solicitation or acceptance of new or renewal insurance risks on behalf of an insurer, reinsurer, or other person engaged in the business of insurance by a person who knows or should know that the insurer or other person responsible for the risk is insolvent at the time of the transaction.

“(C) Transaction of the business of insurance in violation of laws requiring a license, certificate of authority, or other legal authority for the transaction of the business of insurance.

“(D) Attempt to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

##### “SEC. 2796. APPLICATION OF LAW.

“(a) IN GENERAL.—The covered laws of the primary State shall apply to individual health insurance coverage offered by a health insurance issuer in the primary State and in any secondary State, but only if the coverage and issuer comply with the conditions of this section with respect to the offering of coverage in any secondary State.

“(b) EXEMPTIONS FROM COVERED LAWS IN A SECONDARY STATE.—Except as provided in this section, a health insurance issuer with respect to its offer, sale, rating (including medical underwriting), renewal, and issuance



of individual health insurance coverage in any secondary State is exempt from any covered laws of the secondary State (and any rules, regulations, agreements, or orders sought or issued by such State under or related to such covered laws) to the extent that such laws would—

“(1) make unlawful, or regulate, directly or indirectly, the operation of the health insurance issuer operating in the secondary State, except that any secondary State may require such an issuer—

“(A) to pay, on a nondiscriminatory basis, applicable premium and other taxes (including high risk pool assessments) which are levied on insurers and surplus lines insurers, brokers, or policyholders under the laws of the State;

“(B) to register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

“(C) to submit to an examination of its financial condition by the State insurance commissioner in any State in which the issuer is doing business to determine the issuer's financial condition, if—

“(i) the State insurance commissioner of the primary State has not done an examination within the period recommended by the National Association of Insurance Commissioners; and

“(ii) any such examination is conducted in accordance with the examiners' handbook of the National Association of Insurance Commissioners and is coordinated to avoid unjustified duplication and unjustified repetition;

“(D) to comply with a lawful order issued—

“(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (C); or

“(ii) in a voluntary dissolution proceeding;

“(E) to comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition;

“(F) to participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong;

“(G) to comply with any State law regarding fraud and abuse (as defined in section 2795(10)), except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction;

“(H) to comply with any State law regarding unfair claims settlement practices (as defined in section 2795(9)); or

“(I) to comply with the applicable requirements for independent review under section 2798 with respect to coverage offered in the State;

“(2) require any individual health insurance coverage issued by the issuer to be countersigned by an insurance agent or broker residing in that secondary State; or

“(3) otherwise discriminate against the issuer issuing insurance in both the primary State and in any secondary State.

“(c) **CLEAR AND CONSPICUOUS DISCLOSURE.**—A health insurance issuer shall provide the following notice, in 12-point bold type, in any insurance coverage offered in a secondary State under this part by such a health insurance issuer and at renewal of the policy, with the 5 blank spaces therein being appropriately filled with the name of the health insurance issuer, the name of primary

State, the name of the secondary State, the name of the secondary State, and the name of the secondary State, respectively, for the coverage concerned:

This policy is issued by \_\_\_\_\_, and is governed by the laws and regulations of the State of \_\_\_\_\_, and it has met all the laws of that State as determined by that State's Department of Insurance. This policy may be less expensive than others because it is not subject to all of the insurance laws and regulations of the State of \_\_\_\_\_, including coverage of some services or benefits mandated by the law of the State of \_\_\_\_\_. Additionally, this policy is not subject to all of the consumer protection laws or restrictions on rate changes of the State of \_\_\_\_\_. As with all insurance products, before purchasing this policy, you should carefully review the policy and determine what health care services the policy covers and what benefits it provides, including any exclusions, limitations, or conditions for such services or benefits.”.

“(d) **PROHIBITION ON CERTAIN RECLASSIFICATIONS AND PREMIUM INCREASES.**—

“(1) **IN GENERAL.**—For purposes of this section, a health insurance issuer that provides individual health insurance coverage to an individual under this part in a primary or secondary State may not upon renewal—

“(A) move or reclassify the individual insured under the health insurance coverage from the class such individual is in at the time of issue of the contract based on the health-status related factors of the individual; or

“(B) increase the premiums assessed the individual for such coverage based on a health status-related factor or change of a health status-related factor or the past or prospective claim experience of the insured individual.

“(2) **CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to prohibit a health insurance issuer—

“(A) from terminating or discontinuing coverage or a class of coverage in accordance with subsections (b) and (c) of section 2742;

“(B) from raising premium rates for all policy holders within a class based on claims experience;

“(C) from changing premiums or offering discounted premiums to individuals who engage in wellness activities at intervals prescribed by the issuer, if such premium changes or incentives—

“(i) are disclosed to the consumer in the insurance contract;

“(ii) are based on specific wellness activities that are not applicable to all individuals; and

“(iii) are not obtainable by all individuals to whom coverage is offered;

“(D) from reinstating lapsed coverage; or

“(E) from retroactively adjusting the rates charged an insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

“(e) **PRIOR OFFERING OF POLICY IN PRIMARY STATE.**—A health insurance issuer may not offer for sale individual health insurance coverage in a secondary State unless that coverage is currently offered for sale in the primary State.

“(f) **LICENSING OF AGENTS OR BROKERS FOR HEALTH INSURANCE ISSUERS.**—Any State may require that a person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage obtain a license from that State, with commissions or other compensation subject to the provisions

of the laws of that State, except that a State may not impose any qualification or requirement which discriminates against a non-resident agent or broker.

“(g) **DOCUMENTS FOR SUBMISSION TO STATE INSURANCE COMMISSIONER.**—Each health insurance issuer issuing individual health insurance coverage in both primary and secondary States shall submit—

“(1) to the insurance commissioner of each State in which it intends to offer such coverage, before it may offer individual health insurance coverage in such State—

“(A) a copy of the plan of operation, feasibility study, or any similar statement of the policy being offered and its coverage (which shall include the name of its primary State and its principal place of business);

“(B) written notice of any change in its designation of its primary State; and

“(C) written notice from the issuer of the issuer's compliance with all the laws of the primary State; and

“(2) to the insurance commissioner of each secondary State in which it offers individual health insurance coverage, a copy of the issuer's quarterly financial statement submitted to the primary State, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

“(A) a member of the American Academy of Actuaries; or

“(B) a qualified loss reserve specialist.

“(h) **POWER OF COURTS TO ENJOIN CONDUCT.**—Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

“(1) the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for such insurance; or

“(2) the solicitation or sale of individual health insurance coverage that violates the requirements of the law of a secondary State which are described in subparagraphs (A) through (H) of subsection (b)(1).

“(i) **POWER OF SECONDARY STATES TO TAKE ADMINISTRATIVE ACTION.**—Nothing in this section shall be construed to affect the authority of any State to enjoin conduct in violation of that State's laws described in subsection (b)(1).

“(j) **STATE POWERS TO ENFORCE STATE LAWS.**—

“(1) **IN GENERAL.**—Subject to the provisions of subsection (b)(1)(G) (relating to injunctions) and paragraph (2), nothing in this section shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a health insurance issuer is not exempt under subsection (b).

“(2) **COURTS OF COMPETENT JURISDICTION.**—If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (h), such injunction must be obtained from a Federal or State court of competent jurisdiction.

“(k) **STATES' AUTHORITY TO SUE.**—Nothing in this section shall affect the authority of any State to bring action in any Federal or State court.

“(l) **GENERALLY APPLICABLE LAWS.**—Nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

“(m) **GUARANTEED AVAILABILITY OF COVERAGE TO HIPPA ELIGIBLE INDIVIDUALS.**—To the extent that a health insurance issuer is offering coverage in a primary State that does not accommodate residents of secondary States or does not provide a working

mechanism for residents of a secondary State, and the issuer is offering coverage under this part in such secondary State which has not adopted a qualified high risk pool as its acceptable alternative mechanism (as defined in section 2744(c)(2)), the issuer shall, with respect to any individual health insurance coverage offered in a secondary State under this part, comply with the guaranteed availability requirements for eligible individuals in section 2741.

**"SEC. 2797. PRIMARY STATE MUST MEET FEDERAL FLOOR BEFORE ISSUER MAY SELL INTO SECONDARY STATES.**

"A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State if the State insurance commissioner does not use a risk-based capital formula for the determination of capital and surplus requirements for all health insurance issuers.

**"SEC. 2798. INDEPENDENT EXTERNAL APPEALS PROCEDURES.**

"(a) **RIGHT TO EXTERNAL APPEAL.**—A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State under the provisions of this title unless—

"(1) both the secondary State and the primary State have legislation or regulations in place establishing an independent review process for individuals who are covered by individual health insurance coverage, or

"(2) in any case in which the requirements of paragraph (1) are not met with respect to either of such States, the issuer provides an independent review mechanism substantially identical (as determined by the applicable State authority of such State) to that prescribed in the 'Health Carrier External Review Model Act' of the National Association of Insurance Commissioners for all individuals who purchase insurance coverage under the terms of this part, except that, under such mechanism, the review is conducted by an independent medical reviewer, or a panel of such reviewers, with respect to whom the requirements of subsection (b) are met.

"(b) **QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.**—In the case of any independent review mechanism referred to in subsection (a)(2), the following provisions shall apply:

"(1) **IN GENERAL.**—In referring a denial of a claim to an independent medical reviewer, or to any panel of such reviewers, to conduct independent medical review, the issuer shall ensure that—

"(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

"(B) with respect to each review, each reviewer meets the requirements of paragraph (4) and the reviewer, or at least 1 reviewer on the panel, meets the requirements described in paragraph (5); and

"(C) compensation provided by the issuer to each reviewer is consistent with paragraph (6).

"(2) **LICENSURE AND EXPERTISE.**—Each independent medical reviewer shall be a physician (allopathic or osteopathic) or health care professional who—

"(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

"(B) typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

"(3) **INDEPENDENCE.**—

"(A) **IN GENERAL.**—Subject to subparagraph (B), each independent medical reviewer in a case shall—

"(i) not be a related party (as defined in paragraph (7));

"(ii) not have a material familial, financial, or professional relationship with such a party; and

"(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

"(B) **EXCEPTION.**—Nothing in subparagraph (A) shall be construed to—

"(i) prohibit an individual, solely on the basis of affiliation with the issuer, from serving as an independent medical reviewer if—

"(I) a non-affiliated individual is not reasonably available;

"(II) the affiliated individual is not involved in the provision of items or services in the case under review;

"(III) the fact of such an affiliation is disclosed to the issuer and the enrollee (or authorized representative) and neither party objects; and

"(IV) the affiliated individual is not an employee of the issuer and does not provide services exclusively or primarily to or on behalf of the issuer;

"(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer merely on the basis of such affiliation if the affiliation is disclosed to the issuer and the enrollee (or authorized representative) and neither party objects; or

"(iii) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

"(4) **PRACTICING HEALTH CARE PROFESSIONAL IN SAME FIELD.**—

"(A) **IN GENERAL.**—In a case involving treatment, or the provision of items or services—

"(i) by a physician, a reviewer shall be a practicing physician (allopathic or osteopathic) of the same or similar specialty, as a physician who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review; or

"(ii) by a non-physician health care professional, the reviewer, or at least 1 member of the review panel, shall be a practicing non-physician health care professional of the same or similar specialty as the non-physician health care professional who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

"(B) **PRACTICING DEFINED.**—For purposes of this paragraph, the term 'practicing' means, with respect to an individual who is a physician or other health care professional, that the individual provides health care services to individual patients on average at least 2 days per week.

"(5) **PEDIATRIC EXPERTISE.**—In the case of an external review relating to a child, a reviewer shall have expertise under paragraph (2) in pediatrics.

"(6) **LIMITATIONS ON REVIEWER COMPENSATION.**—Compensation provided by the issuer to an independent medical reviewer in connection with a review under this section shall—

"(A) not exceed a reasonable level; and

"(B) not be contingent on the decision rendered by the reviewer.

"(7) **RELATED PARTY DEFINED.**—For purposes of this section, the term 'related party' means, with respect to a denial of a claim under a coverage relating to an enrollee, any of the following:

"(A) The issuer involved, or any fiduciary, officer, director, or employee of the issuer.

"(B) The enrollee (or authorized representative).

"(C) The health care professional that provides the items or services involved in the denial.

"(D) The institution at which the items or services (or treatment) involved in the denial are provided.

"(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

"(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

"(8) **DEFINITIONS.**—For purposes of this subsection:

"(A) **ENROLLEE.**—The term 'enrollee' means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

"(B) **HEALTH CARE PROFESSIONAL.**—The term 'health care professional' means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

**"SEC. 2799. ENFORCEMENT.**

"(a) **IN GENERAL.**—Subject to subsection (b), with respect to specific individual health insurance coverage, the primary State for such coverage has sole jurisdiction to enforce the primary State's covered laws in the primary State and any secondary State.

"(b) **SECONDARY STATE'S AUTHORITY.**—Nothing in subsection (a) shall be construed to affect the authority of a secondary State to enforce its laws as set forth in the exception specified in section 2796(b)(1).

"(c) **COURT INTERPRETATION.**—In reviewing action initiated by the applicable secondary State authority, the court of competent jurisdiction shall apply the covered laws of the primary State.

"(d) **NOTICE OF COMPLIANCE FAILURE.**—In the case of individual health insurance coverage offered in a secondary State that fails to comply with the covered laws of the primary State, the applicable State authority of the secondary State may notify the applicable State authority of the primary State."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individual health insurance coverage offered, issued, or sold after the date that is one year after the date of the enactment of this Act.

(c) **GAO ONGOING STUDY AND REPORTS.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct an ongoing study concerning the effect of the amendment made by subsection (a) on—

(A) the number of uninsured and under-insured;

(B) the availability and cost of health insurance policies for individuals with pre-existing medical conditions;

(C) the availability and cost of health insurance policies generally;

(D) the elimination or reduction of different types of benefits under health insurance policies offered in different States; and

(E) cases of fraud or abuse relating to health insurance coverage offered under such amendment and the resolution of such cases.

(2) **ANNUAL REPORTS.**—The Comptroller General shall submit to Congress an annual report, after the end of each of the 5 years following the effective date of the amendment made by subsection (a), on the ongoing study conducted under paragraph (1).

**SEC. 445. SEVERABILITY.**

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any other person or circumstance shall not be affected.

**SA 3399.** Mr. NELSON of Florida (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . MODIFICATION OF EXCEPTION FROM 10 PERCENT EARLY WITHDRAWAL PENALTY FOR PUBLIC SAFETY EMPLOYEES.**

(a) **REPEAL OF RESTRICTION TO DEFINED BENEFIT PLANS.**—Subparagraph (A) of section 72(t)(10)(A) is amended by striking “which is a defined benefit plan”.

(b) **APPLICATION TO ANNUITIES COMMENCING BEFORE THE PENSION PROTECTION ACT OF 2006.**—Paragraph (10) of section 72(t) is amended by adding at the end the following new subparagraph:

“(C) **TRANSITIONAL RULE FOR ANNUITIES.**—Paragraph (4) shall not apply to any modification to a series of substantially equal periodic payments which are made with respect to a qualified public safety employee if such series of payments commenced—

“(i) before the date of the enactment of the Pension Protection Act of 2006, and

“(ii) after such qualified public safety employee’s separation from service after attainment of age 50.”.

(c) **EFFECTIVE DATES.**—

(1) **REPEAL OF RESTRICTION TO DEFINED BENEFIT PLANS.**—The amendment made by subsection (a) shall apply to distributions made after the date of the enactment of the Pension Protection Act of 2006.

(2) **TRANSITIONAL RULE FOR ANNUITIES.**—The amendment made by subsection (b) shall apply to modifications made after the date of the enactment of the Pension Protection Act of 2006.

**SA 3400.** Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**SEC. 602. LOAN GUARANTEES FOR SHIPYARDS AND REPROGRAMMING OF FUNDS FOR SEALIFT CAPACITY.**

Section 115 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199; 118 Stat. 439), as amended by section 1017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 250), is amended to read as follows:

“SEC. \_\_\_\_ . (a)(1) Of the amounts provided in the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2244), the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1533), and the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat.

1068) under the heading ‘NATIONAL DEFENSE SEALIFT FUND’ for construction of additional sealift capacity, notwithstanding section 2218(c)(1) of title 10, United States Code—

“(A) \$15,000,000, shall be made available for the Secretary of Transportation to make loan guarantees as described in subsection (b); and

“(B) \$25,000,000, shall be made available for—

“(i) design testing simulation and construction of infrastructure improvements to a marine cargo terminal capable of supporting a mixed use of traditional container operations, high speed loading and off-loading, and military sealift requirements; and

“(ii) engineering, simulation, and feasibility evaluation of advance design vessels for the transport of high-value, time sensitive cargoes to expand a capability to support military sealift, aviation, and commercial operations.

“(2) The amounts made available in this subsection shall remain available until expended.

“(b)(1) A loan guarantee described in this subsection is a loan guarantee issued by the Secretary of Transportation to maintain the capability of a qualified shipyard to construct a large ocean going commercial vessel if the applicant for such a loan guarantee demonstrates that absent such loan guarantee—

“(A) the domestic capacity for the construction of large ocean going commercial vessels will be significantly impaired;

“(B) more than 1,000 shipbuilding-related jobs will be terminated at any one facility; and

“(C) the capability of domestic shipyards to meet the demand for replacement and expansion of the domestic ocean going commercial fleet will be significantly constrained.

“(2) In this subsection, the term ‘qualified shipyard’ means a shipyard that—

“(A) is located in the United States;

“(B) consists of at least one facility with not less than of 1,000 employees;

“(C) has exclusively constructed ocean going commercial vessels larger than 20,000 gross registered tons;

“(D) delivered 8 or more such ocean going commercial vessels during the 5-year period ending on the date of the enactment of the American Workers, State, and Business Relief Act of 2010; and

“(E) applies for a loan guarantee made available pursuant to subsection (a)(1)(A).

“(3) Notwithstanding the provisions of chapter 537 of subtitle V of title 46, United States Code, or any regulations issued pursuant to such chapter, a loan guarantee pursuant to subsection (a)(1)(i) shall be issued only to a qualified shipyard upon commitment by the qualified shipyard of not less than \$40,000,000 in equity and demonstrated proof that actual construction of the new vessel for which such loan guarantee was issued will commence not later than April 30, 2010.

“(4) A loan guarantee issued pursuant to subsection (a)(1)(A) shall be deemed to have a subsidy rate of no greater than 9 percent.

“(5) The Secretary of Transportation shall select each qualified shipyard to receive a loan guarantee pursuant to subsection (a)(1)(A) not later than 60 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

**SA 3401.** Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend

the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 4, strike “excessive rainfall or related” and insert “drought, excessive rainfall, or a related”.

On page 76, line 1, insert “fruits and vegetables or” before “crops intended”.

On page 76, line 13, strike “90” and insert “112.5”.

Beginning on page 76, strike line 18 and all that follows through “(4)” on page 77, line 17, and insert “(3)”.

On page 78, strike lines 3 through 7 and insert the following: “not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike “with excessive rainfall and related conditions”.

On page 78, line 21, strike “2008” and insert “2009”.

On page 79, lines 4 and 5, strike “under this subsection” and insert “for counties described in paragraph (1)(B)”.

On page 80, between lines 3 and 4, insert the following:

(5) **PROHIBITION.**—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike “(5)” and insert “(6)”.

On page 87, between lines 4 and 5, insert the following:

(h) **HAY QUALITY LOSS ASSISTANCE PROGRAM.**—

(1) **DEFINITION OF DISASTER COUNTY.**—In this subsection:

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(B) **EXCLUSION.**—The term “disaster county” does not include—

(i) a contiguous county; or

(ii) a county that had less than a 10-percent loss in the quality of the 2009 crop of hay, as determined by the Secretary.

(2) **ASSISTANCE.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to provide assistance to eligible producers of the 2009 crop of hay that suffered quality losses in a disaster county due to flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(3) **ELIGIBILITY.**—

(A) **IN GENERAL.**—To be eligible to receive assistance under this subsection, a producer shall certify to the Secretary that the average quality loss of the producer meets or exceeds the approved quality adjustment for hay due to flooding at harvest.

(B) **EVIDENCE.**—

(i) **IN GENERAL.**—In making the certification described in subparagraph (A), the producer shall provide to the Secretary reliable and verifiable evidence of the quality loss and the production of the producer.

(ii) LACK OF EVIDENCE.—If evidence described in clause (i) is not available, the Secretary shall use—

(I) in the case of unavailable quality loss evidence, documentation provided by the Cooperative Extension Service, State Department of Agriculture, or other reliable sources, including institutions of higher education, buyers, and cooperatives, as to the extent of quality loss in the disaster county; and

(II) in the case of unavailable production evidence, the county average yield, as determined by the Secretary.

(4) DETERMINATION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided under this subsection to an eligible producer shall equal the product obtained by multiplying, as determined by the Secretary—

(i) the quantity of hay harvested by the eligible producer;

(ii) a quality adjustment that is equal to the difference between—

(I) the average price per ton for average quality hay; and

(II) the average price per ton for poor quality hay due to flooding; and

(iii) 65 percent.

(B) LIMITATION.—The maximum amount that an eligible producer may receive under this subsection is \$40,000.

(5) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(6) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity with an average adjusted gross nonfarm income that exceeds the amount described in section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(A)) shall be ineligible to receive benefits under this subsection.

(7) DIRECT ATTRIBUTION.—In carrying out this subsection, the Secretary shall apply section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

On page 87, line 5, strike “(h)” and insert “(i)”.

On page 89, line 15, insert “for the purchase, improvement, or operation of the poultry farm” after “lender”.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert “and the amendment made by this section” after “section”.

On page 90, line 7, insert “and the amendment made by this section” before “shall be”.

On page 91, line 1, strike “\$15,000,000” and insert “\$10,000,000”.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 10, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on energy efficiency bills, including S. 1696, the Green Gaming Act of 2009; S. 2908, the Water Heater Rating Improvement Act of 2009; S. 3059, the National Energy Efficiency Enhancement Act of 2010; S. 3054, a bill to amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas; and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie\_Calabro@energy.senate.gov.

For further information, please contact Allen Stayman or Rosemarie Calabro.

### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, this is to correct the purpose of a hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources previously announced on March 1st. The hearing will be held on Tuesday, March 16, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of P.L. 111-11) and the Bureau of Reclamation's WaterSMART program which includes the WaterSMART Grant Program, the Basin Study Program and the Title XVI Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina\_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo or Gina Weinstock.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 3, 2010, at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 3, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The 2010 Trade Agenda.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 3, 2010, at 9:30 a.m. to conduct a hearing entitled “Chemical Security: Assessing Progress and Charting a Path Forward.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 3, 2010, at 2:15 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Encouraging Innovative and Cost-Effective Crime Reduction Strategies.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 3, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 3, 2010, at 2:30 p.m. in order to conduct a hearing entitled "Oversight Challenges In The Medicare Prescription Drug Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEAN, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. WEBB. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WEBB. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 3, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed the privilege of the floor during consideration of the pending bill: Mary Baker, Ivie English, Lucas Hamilton, Sam Kohn, Scott Mathews, Tsveta Polhemus, and Meena Sharma.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive Calendar Nos. 603, 604, 610, 625, 629, 630, and 700 so that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; and that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

Eileen Chamberlain Donahoe, of California, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Paul R. Verkuil, of Florida, to be Chairman of the Administrative Conference of the United States for the term of five years.

DEPARTMENT OF HOMELAND SECURITY

Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL TRADE COMMISSION

Julie Simone Brill, of Vermont, to be a Federal Trade Commissioner for the term of seven years from September 26, 2009.

Edith Ramirez, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

NOMINATION OF JULIE BRILL

Mr. LEAHY. Mr. President, I am pleased that the Senate today confirmed Julie Brill as Commissioner of the Federal Trade Commission, FTC. I have known Julie for her work during nearly 20 years as an Assistant Attorney General from Vermont, and believe that both the FTC and consumers around the country will benefit greatly from her appointment.

Ms. Brill is extremely well qualified to serve as an FTC Commissioner. She graduated from Princeton University and New York University Law School, served as a law clerk to the Vermont Federal Judge Franklin Billings, and served both as an Assistant Attorney General in Vermont and General Counsel of the Vermont Department of Banking, Insurance and Securities. Most recently, Ms. Brill worked as Senior Deputy Attorney General of the Consumer Protection Division in the North Carolina Department of Justice. Over her professional career, Ms. Brill has worked on critical issues in agriculture, tobacco, food, pharmaceuticals, and identity theft. Her expertise and intelligence have allowed her to excel in all of these areas.

The FTC has an important role in protecting consumers from unfair and deceptive trade practices as well as anticompetitive behavior by businesses. Ms. Brill will serve consumers well in her new position as a Commissioner.

Ms. Brill has spent much of her professional life working on behalf of the

people of Vermont, and I look forward to continuing to work with her as she helps to advance Chairman Leibowitz's active agenda. I know her family, and was delighted to introduce her at her confirmation hearing. I congratulate Ms. Brill on her confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR THURSDAY, MARCH 4, 2010

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213, the Tax Extenders Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be rollcall votes throughout the day tomorrow as we continue to work through this important legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Thursday, March 4, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

SCOTT M. MATHESON, JR., OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE MICHAEL W. MCCONNELL, RESIGNED.

DEPARTMENT OF JUSTICE

KENNETH J. GONZALES, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE DAVID CLAUDIO IGLESIAS.

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE JAMES A. MCDEVITT.

WILLIE RANSOME STAFFORD III, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE HARLON EUGENE COSTNER.

DEPARTMENT OF LABOR

JAMES L. TAYLOR, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE DOUGLAS W. WEBSTER, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

MATTHEW H. ADAMS  
 CLAUDINE M. ANDOLA  
 LARRY A. BABIN, JR.  
 CHAD B. BALFANZ  
 JACOB D. BASHORE  
 RYAN BEERY  
 CANDACE M. BESHESSE  
 BRADFORD D. BIGLER  
 TIMOTHY J. BILECKI  
 JENNIFER J. BOWERSOX  
 HOLLY K. BRYANT  
 PAUL D. CARLSON  
 NAGESH CHELLURI  
 THOMAS L. CLARK, JR.  
 HOWARD C. CLAYTON  
 STEVEN J. COLLINS  
 JESSICA CONN  
 PATRICK L. DAVIS  
 JOHN C. DOHN II  
 JEROME P. DUGGAN  
 DAVID A. DULANEY  
 BONNIE L. DUNLOP  
 MATTHEW S. FITZGERALD  
 SCOTT R. FORD  
 LAWRENCE P. GILBERT  
 RICHARD E. GORINI  
 JOHN J. GOWEL  
 KATHERINE S. GOWEL  
 PATRICK B. GRANT  
 JOSEPH P. GROSS  
 KEVIN G. HELLER  
 CARL E. HILL  
 KELLI A. HOOKE  
 SCOTT Z. HUGHES  
 NATHAN P. JACOBS  
 WILLIAM B. JENNINGS  
 KEVIN M. JINKS  
 ERIC A. JONKER  
 MICHAEL P. KAVANAGH  
 KEIRSTEN H. KENNEDY  
 ANDREW K. KERNAN  
 JOSHUA L. KESSLER  
 DANIEL R. KICZA  
 JACK H. KO  
 JOHN R. KOKOSZKA  
 MATTHEW A. KRAUSE  
 JOSEPH E. KRILL  
 DANIEL R. KUECKER  
 MARGARET V. KURZ  
 JONATHAN LAMBERT  
 ILDIKO E. LANE  
 GARY R. LEVY, JR.  
 TODD L. LINDQUIST  
 SALLY R. MACDONALD  
 ERIC L. MAYER  
 SCOTT A. MCDONALD  
 TYSON S. MCDONALD  
 ELIZABETH A. MCFARLAND  
 GARY P. MCNEAL  
 MARY E. MEEK  
 MICHAEL J. OCONNOR  
 AUTUMN OLEARY  
 DARREN W. POHLMANN  
 MICHAEL G. POND  
 KRISTY L. RADIO  
 HOBE A. SCHOLZ  
 MATTHEW C. SCOTT  
 MEGAN SHAW  
 VINCENT T. SHULER  
 ANDREW J. SMITH  
 GREGORY T. STRICKER  
 BRIAN R. SYKES  
 JOHN T. TUTTEROW  
 ANTHONY J. VALENTI  
 MATTHEW H. WATTERS

## IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

PETER W. MCDANIEL

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DENNIS L. PARKS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DEAN R. KECK

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

STEVE K. BRAUND  
 STEVEN E. SPROUT

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CHARLES E. DANIELS  
 JAY A. ROGERS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

TIMOTHY L. COLLINS  
 STEVEN J. LENGQUIST

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

MICHAEL R. GLASS  
 DONALD L. HULTZ

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

STEVEN M. DOTSON  
 MARK A. IVY  
 JAMES I. SAYLOR

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JACK G. ABATE  
 RAYMOND E. BARNETT  
 JASON A. HIGGINS

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MICHAEL C. BIEMILLER

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

ELWOOD M. BARNES  
 JIMMY M. BROWNING  
 RONALD M. HARVELL  
 STEVEN P. MCCAIN  
 DOUGLAS J. SLATER, SR.  
 TIMOTHY P. WAGONER  
 REX A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

CALVIN N. ANDERSON  
 MARGARETE P. ASHMORE  
 JIMMY LEE BARDIN  
 BRADLEY L. BELL  
 NATHAN M. BERMAN  
 VINCENT M. BUQUICCHIO  
 FRANZISKA J. CHOPP  
 DON M. CHRISTENSEN  
 DONALD RICHARD ELLER, JR.  
 MARK A. HATCH  
 KRISTINE M. KIEK  
 CHARLES C. KILLION  
 ROBIN P. KIMMELMAN  
 JENNIFER L. MARTIN  
 ROBERT L. MAY, JR.  
 JOE W. MOORE  
 BRYNN P. MORGAN  
 ADAM OLER  
 HEATHER L. OSTERHAUS  
 DAVID W. PENCZAR  
 BARBARA E. SHESTKO  
 VANCE HUDSON SPATH  
 ROGER M. WELSH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

BRIAN L. BENGS  
 SCOTT D. BOEHNE  
 JANE E. BOOMER  
 THOMAS E. BYRON  
 DOUGLAS F. CRABTREE  
 RICHARD L. DASHIELL  
 JOSEPH F. DENE

CHAD L. DIEDERICH  
 ROBERT M. GERLEMAN  
 JOHN E. GILLILAND  
 TOMMY E. GREGORY  
 ROBERT S. HALL  
 ROBERT S. HUME  
 JULIE J. R. HUYGEN  
 JOSEPH S. IMBURGIA  
 JENNIFER R. KRAMME  
 RICHARD H. LADUE, JR.  
 LUCAS J. LANDRENEAU  
 BRADFORD U. LARSON  
 LINELL A. LETENDRE  
 DEBRA A. LUKER  
 CHRISTOPHER MCMAHON  
 THANH LAN BICH NGUYEN  
 CHRISTOPHER J. NOWICKI  
 MYNDA L. G. OHMAN  
 KATHLEEN J. OROURKE  
 BRUCE D. PAGE, JR.  
 LYNDELL M. POWELL  
 KENNETH W. SACHS  
 SHELLY W. SCHOOLS  
 STEPHEN E. SEE  
 SUZETTE D. SEUELL  
 SHANNON L. SHERWIN  
 KATHRYN E. STENGELL  
 KEVIN P. STIENS  
 MATTHEW D. VAN DALEN  
 KEVIN J. WILKINSON  
 LISA F. WILLIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DONNETTE A. BOYD  
 DONALD W. BRETZ  
 BILL BURRELL  
 MARK A. CRUMPTON  
 DAVID L. MANSBERGER  
 SHON NEYLAND  
 MICHAEL S. RASH  
 SCOTT L. RUMMAGE  
 PAUL D. SUTTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RICHARD S. BEYEA III  
 MATTHEW A. BOARTS  
 ERIC P. BOYER  
 KRISTINA Y. COPPINGER  
 KRISTOFFER K. COX  
 LARRY J. FOWLER  
 JULIAN C. GAITHER  
 KENNETH E. JOHNSON, JR.  
 EUGENE F. LAHUE  
 CHRISTOPHER M. LAPACK  
 WILLIAM D. LOGAN  
 RAYMOND D. MONCRIEF  
 CHARLES R. MONTOYA, JR.  
 SCOTT P. NUPSON  
 ISMAEL RODRIGUEZ  
 RANDY L. SELLERS  
 MICHAEL D. SHANNON  
 JACK S. STANLEY  
 MARK F. THOMAS  
 HYRAL B. WALKER, JR.  
 TRAVIS C. YELTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

AFSANA AHMED  
 KENNETH A. ARTZ  
 ANDREW R. BARKER  
 CHELSEA L. BARTOE  
 PETER THOMAS BEAUDETTE, JR.  
 TYLER D. BUCKLEY  
 DONALD N. BUGG  
 MARIE J. CALABRESE  
 SARAH D. CARPENTER  
 ALLISON CHISOLM DANELS  
 LAUREN N. DIDOMENICO  
 CHARLES B. DISHMAN  
 SEAN M. ELAMETO  
 JEREMY J. EMMERT  
 ZACHARY T. EY TALIS  
 TODD J. FANNIFF  
 MICHAEL J. FELSEN  
 ADAM E. FREY  
 BRIAN R. GAGNE  
 CHARLES J. GARTLAND  
 JAMES G. GENTRY  
 BYRON D. GREENE  
 ALEXANDRA CATHERIN HALCHAK  
 MATTHEW EDWARD HILL  
 RYAN N. HOBACK  
 SCOTT A. HODGES  
 MICHAEL TODD HOPKINS  
 TRAVIS ANDERS HUBBLE  
 AMBER B. JACOBY  
 CHRISTOPHER DAVID JONES  
 JACK M. JONES, JR.  
 JASON F. KEEN  
 CHARLES G. KELS

MICHAEL SPENCER KERR  
JOANNA M. KIEFFER  
MICHAEL G. KING  
AMER MAHMUD  
KATHY D. MALOWNEY  
KRISTIN K. MCCALL  
MATTHEW N. MCCALL  
HUGH B. MCCLEAN  
NICHOLAS WILLIAM MCCUE  
JEREMY K. MCKISSACK  
NICHOLAS J. MEANZA  
BRADLEY A. MORRIS  
SARAH M. MOUNTIN  
SHAWNTELL P. MULLINS  
AARON S. OGDEN  
GARY MATTHEW OSBORN  
JOHN MERRITT PAGE  
TRACY A. PARK  
JOSEPH F. PERA  
NAOMI NATASHA PORTERFIELD  
LISA M. RICHARD  
RONALD L. ROODHOUSE, JR.  
CHRISTOPHER JOSEPH SCHUBBE  
PATRICK M. SCHWOMEYER  
NATHANIEL H. SEARS  
JUSTIN A. SILVERMAN  
MAXWELL S. SMART  
STEVEN RAY SNORTLAND  
SUZANNE E. STEPHENSON  
JACQUELINE M. STINGL  
ROBERT B. STIRK  
MICHELLE MARIE SUBERLY  
FELIX I. SUTANTO  
SARA A. SWART  
BRIAN D. TETER  
GREGORY J. THOMPSON  
DANIEL S. VAILLANT  
SCOTT A. VAN SCHOYCK  
ROBERT EUGENE VORHEES II  
CHARLES G. WARREN  
DANIEL J. WATSON  
ERIC N. WEBER  
REGGIE D. YAGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JEREMY C. AAMOLD  
HIRO ABABON  
STEPHAN A. ABATE  
BRANDON R. ABEL  
MATTHEW J. ABELE  
DENNIS F. ABRAMOWICZ  
ALICIA D. ABRAMS  
LUIS J. ADAMES  
EDDIE H. ADAMS III  
FRANKLIN M. ADAMS  
GEORGE E. ADAMS  
ISAAC E. ADAMS  
JASON G. ADAMS  
JEFFREY S. ADAMS  
JOHN F. ADAMS, JR.  
WILLIAM D. ADAMS  
BRIAN S. ADCOCK  
NICHELE D. ADEOGUN  
JOHN T. AGNEW  
RAJ AGRAWAL  
SCOTT W. AHRENS  
ROBERT A. AIKMAN II  
DANIEL O. AKEREDOLU  
ADAM T. AKERS  
JAMES D. AKERS II  
MICHAEL S. ALBERS  
DANZEL W. ALBERTSEN  
JASON A. ALBERTSON  
ERIC C. ALDEN  
JOHN E. ALDERMAN  
JAMES D. ALDRICH  
STEPHEN C. ALDRIDGE  
SALVADOR ALEMAN  
ANTHONY S. ALEXANDER  
DAVID S. ALEXANDER  
GARRY J. ALEXANDER  
KERRI V. ALEXANDER  
PERRY D. ALEXANDER  
DANIEL M. ALFORD  
PERRY G. ALFRED  
CRAIG W. ALLDREDGE  
BILLY S. ALLEN  
CHRISTOPHER B. ALLEN  
CHRISTOPHER IAN ALLEN  
CHRISTOPHER W. ALLEN  
DEAN C. ALLEN  
JAMES F. ALLEN  
KYLE S. ALLEN  
RONALD E. ALLEN  
JEARL C. ALLMAN  
LANCE P. ALLRED  
JOSUE A. ALOMAR  
RONALDO D. ALOMBRO  
BRADLEY D. ALTMAN  
PIERRE P. ALVARADO  
PAUL ALVAREZ  
STEVEN M. ALVERSON  
RALPH D. ALVORD  
MARK A. AMENDT  
NICHOLAS J. AMENTA  
MATTHEW B. AMIG  
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JAMISON L. RIDDLE  
SHONNA L. RIDINGS  
THEODORE J. RIETH, JR.  
DANIEL C. RIGSBEE  
CHRISTOPHER C. RILL  
WARREN D. RINER  
JOSEPH E. RINGER  
JAMES R. RITENOUR  
DIANA I. RIVERA SANTIAGO  
EDWARD T. RIVERA  
JOEL RIVERA  
ERIC J. RIVERO  
ERICA M. RIVERS  
JEFFREY J. RIVERS  
TERESA D. RIVERS  
NEAL R. ROACH  
BRYAN J. ROBBINS  
JOSEPH A. ROBERSON, JR.  
BRIAN V. ROBERTS  
GARRETT J. ROBERTS  
MICHAEL L. ROBERTS  
SCOTT A. ROBERTS  
ROY E. ROBERTSON  
MATTHEW W. ROBINS  
ANDREW B. ROBINSON  
JOSHUA H. ROCKHILL  
GREGORY C. ROCKWOOD

NATHAN P. RODRIGUEZ  
 ORLANDO RODRIGUEZ  
 BREANNE C. ROECKERS  
 JUDY L. ROGERS  
 SHANE D. ROGERS  
 ALAN T. ROHRER  
 MARK C. ROMAN  
 TIMOTHY R. ROMANS  
 TIMOTHY P. ROMIN  
 DON M. RONAN  
 JASON B. ROOKS  
 DEREK A. ROOT  
 DARNELL ROPER  
 ALFRED J. ROSALES  
 CHRISTOPHER ROBERT ROSALES  
 DARIN L. ROSE  
 JASON C. ROSE  
 ELIZABETH A. ROSEBORO  
 JOHN M. ROSNER  
 DOMINIC A. ROSS  
 GARY R. ROSS, JR.  
 MATTHEW P. ROSS  
 JASON F. ROSSI  
 MICHAEL P. ROSSI  
 CHRISTOPHER ROSZAK  
 CARL B. ROTERMUND  
 JASON R. ROTGE  
 KEVIN S. ROTHE  
 STEWART L. ROUNTREE  
 AMIT D. ROUTH  
 FRANK W. ROVELLO  
 JESSI R. ROZMAN  
 DANIEL M. RUBALCABA  
 NICCI S. RUCKER  
 BARRY R. RUDD  
 ADAM C. RUDOLPHI  
 BEN M. RUDOLPHI  
 BRADLEY A. RUETER  
 DANIEL E. RUETH  
 WILFREDO RUIZ  
 AARON L. RUONA  
 KAREN P. RUPP  
 CON A. RUSLING  
 JEREMY J. RUSSELL  
 SEAN D. RUSSELL  
 NICHOLAS J. RUSSO  
 RENEE R. RUSSO  
 KYLENE L. RUTH  
 JEFFREY L. RUTHERFORD  
 ANDREW R. RUTKOWSKI  
 DANIEL M. RUTTENBER  
 JESSICA N. RUTTENBER  
 DEVIN C. RYAN  
 JASON P. RYAN  
 TIMOTHY M. RYAN  
 TRACIE A. RYAN  
 CHRISTOPHER J. RYDER  
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 TROY R. SAECHAO  
 SERGIO A. SAENZ  
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 DON R. SALVATORE  
 BEN T. SANCHEZ  
 GERARDO SANCHEZ  
 JASON R. SANCHEZ  
 PETE J. SANCHEZ  
 DALE S. SANDERS  
 DANIEL L. SANDERS  
 JEREMIAH B. SANDERS  
 MICHAEL J. SANDERS  
 LEE T. SANDUSKY  
 JOSEPH S. SANFILIPPO  
 MELINDA SANTOS HUGHES  
 DUKE P. SANTOS  
 ERIC SARABIA  
 SALVATORE SARACENO  
 JACQUELINE A. SARTORI  
 MARTHA J. SASNETT  
 JAMES L. SATCHELL  
 CHRISTOPHER I. SATKOWSKI  
 DAVID E. SAUCEDO  
 AARON C. SAUL  
 DAVID G. SAULEY  
 FRED W. SAUNDERS, JR.  
 PAUL SCAMBOS  
 MEGAN A. SCHAFER  
 RICHARD W. SCHAFER  
 JOHN R. SCHANTZ  
 JOSH C. SCHECHT  
 RANDY A. SCHEIWE  
 BENJAMIN R. SCHEUTZOW  
 DAVID R. SCHICHTLE  
 JON M. SCHIEFELBEIN  
 JAMES E. SCHIESER  
 JAMES T. SCHIESS  
 KEITH R. SCHILAWSKI  
 NICHOLAS S. SCHINDLER  
 JOSEPH A. SCHMIDT  
 TRACY A. SCHMIDT  
 ERNEST R. SCHMITT  
 DEAN R. SCHMUDE  
 DELVIN L. SCHMUNK  
 DAVID L. SCHNEIDER  
 JEFFREY A. SCHNEIDER  
 JENNIFER H. SCHOECK  
 JOSHUA B. SCHORE  
 SCOTT J. SCHROEDER  
 GREGORY N. SCHULKE

ERIC E. SCHULTZ  
 ERIK N. SCHULTZ  
 PAUL D. SCHULTZ  
 CHRISTOPHER J. SCHULZ  
 STEVEN R. SCHUTRUM  
 AVERY D. SCHUTT  
 STEVEN J. SCHUTT  
 ANDREW F. SCHWADERER  
 KARL R. SCHWENN  
 GEORGE W. SCONYERS III  
 ALEXIS G. SCOTT  
 AMANDA K. SCOUGHTON  
 CLIFFORD N. SCRUGGS  
 JONATHON S. SEAL  
 CHRISTOPHER G. SEAMAN  
 ALBERT C. SEARFASS, JR.  
 CHAD D. SEBERO  
 BRENT A. SECKEL  
 JUSTIN D. SECREST  
 WILLIAM A. SEEFELDT  
 IRIS D. SEEGER  
 JASON L. SEELHORST  
 JAMES M. SEIBERT  
 ANTHONY EDWARD K. SEKI  
 AUBREY A. SEMRAU  
 ADAM J. SERAFIN  
 CARLOS A. SERBIA  
 SCOTT D. SERKIN  
 RYAN D. SERRILL  
 BRIAN R. SERVANT  
 JOSEPH A. SERVIDIO  
 TODD R. SEWELL  
 JOHNATHON E. SHACKELFORD  
 STACIE N. SHAFRAN  
 SCOTT A. SHANNON  
 STEVEN W. SHARP  
 RICHARD R. SHARPE  
 TODD W. SHARPE  
 FREDERICK A. SHAW  
 ROBERT R. SHAW, JR.  
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 THOMAS M. SHEARER III  
 JASON B. SHEARIN  
 NATHAN G. SHELTON  
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 FRANKLYN K. SHEPHERD, JR.  
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 MICHAEL J. SHIELDS  
 BORIS SHIF  
 MATTHEW P. SHIPSTEAD  
 RICHARD B. SHOAF  
 JOHN V. SHOEMAKER  
 JOSHUA N. SHONKWILER  
 BRYAN E. SHORTER  
 MATTHEW R. SHRULL  
 JOSEPH H. SHUPERT  
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 WESLEY R. SIDES  
 PAUL D. SIEGLER  
 MICHAEL C. SILOK  
 PARADON SILPASORNPRASIT  
 ANTONIO M. SILVERA  
 MICHAEL S. SIMIC  
 CHRISTOPHER E. SIMMONS  
 ERIC W. SIMMONS  
 JEFFREY D. SIMMONS  
 RYAN S. SIMMS  
 MICHAEL J. SIMONS  
 SHARON D. SIMPKINS JONES  
 BRYAN P. SIMPSON  
 MATTHEW A. SIMPSON  
 TONY L. SIMPSON  
 LEE G. SIMS III  
 JUSTIN H. SINCOFF  
 JEFFREY A. SIPE  
 KAY E. SIPE  
 MARTIN C. SISSON  
 MARK D. SKALKO  
 KELLY A. SKEENS  
 ANTHONY L. SKEESICK  
 WESLEY ADAM SKENFIELD  
 JACK SKILES III  
 ANITA C. SKIPPER  
 ROBERT J. SKOPECK, JR.  
 CHRISTOPHER A. SKOW  
 MARK W. SLATE  
 JAMES SLATON  
 JASON J. SLEGER  
 KIMBERLY K. SLOAN  
 MARTIN J. SLOVINSKY  
 LINDA L. SLUSARSKI  
 ANTONE R. SMITH  
 BRADFORD J. SMITH, JR.  
 CHRISTOPHER R. SMITH  
 DAMON L. SMITH  
 GEORGE H. SMITH III  
 GLEN W. SMITH  
 JASON D. SMITH  
 LARRY S. SMITH  
 NATHANIEL K. SMITH  
 OSCAR T. SMITH  
 PATRICK J. SMITH  
 PETER M. SMITH  
 PHILLIP A. SMITH  
 RACHEL K. SMITH  
 REGINALD L. SMITH  
 ROBERT E. SMITH  
 ROBIN D. SMITH  
 ROCHELLE D. SMITH  
 SCOTT A. SMITH

SCOTT E. SMITH  
 SCOTT SHANNON SMITH  
 TIMOTHY D. SMITH  
 TOBY S. SMITH  
 ZACHARY A. SMITH  
 LISA M. SMITTLE  
 SHANE R. SMOOT  
 SANDRA V. SNADDON  
 JOHN P. P. SNAPP, JR.  
 SOL R. SNEDEKER  
 RYAN E. SNIDER  
 SAMUEL M. SNODDY  
 DAVID N. SNODGRASS  
 ANDREW J. SNYDER  
 JEREMY L. SNYDER  
 LISA W. SNYDER  
 MATTHEW P. SNYDER  
 STEVE E. SOLIDAY  
 CHARLES D. SOLOMON  
 RICHARD SOLORZANO  
 STEPHANIE M. SOLTIS  
 GREGORY E. SOMBORN  
 JASON G. SOMERS  
 PAUL N. SOMERS  
 AMANDA L. SOMERVILLE  
 JAMES M. SOMERVILLE  
 JONATHAN E. SOMOGYI  
 THOMAS E. SONNE  
 MICHAEL SONTAG  
 JOHN T. SOPHIE  
 KEITH A. SORSDAL  
 PAUL RUSSELL SORTOR  
 WILLIAM G. SOTO  
 JAMES SOUDERS  
 JOEL R. SOUKUP  
 JOHN M. SPARGUR  
 TIMOTHY J. SPAULDING  
 MATTHEW T. SPEER  
 BOONE C. SPENCER  
 KENDALL W. SPENCER  
 CANDICE M. SPERRY  
 RAYMOND H. K. SPOHR  
 BRIAN J. SPORYSZ  
 JULIE SPOSITO  
 MELISSA E. SPRAGUE  
 CHRISTOPHER A. SPRING  
 ZAN A. SPROLES  
 FREDERICK D. SPRUNGER  
 BERNARD R. SPRUTE  
 JEREMY E. ST LOUIS  
 TYLER L. STABILER  
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 CHEO F. STALLWORTH  
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 STUART A. STANTON  
 EDWARD J. STAPANON III  
 MICHAEL C. STARGELL  
 BROCK L. STARRETT  
 DARREN D. STASTNY  
 BRUCE A. STAUFER  
 TROY T. STAUTER  
 CHAD J. STEEL  
 ERIC D. STEELE  
 GEOFFREY M. STEEVES  
 MICHAEL D. STEFANOVIC  
 JEFFREY D. STEINBRINK  
 DOUG C. STEINERT  
 CHADWICK M. STEIPP  
 JESSICA R. STELLING  
 RONALD N. STENCIL  
 DEREK A. STENEMAN  
 CHRISTOPHER R. STEPHENS  
 DARREN H. STEPHENS  
 SAMUEL A. STERLIN  
 CHRISTINE A. STEVENS  
 KAREN L. STEVENS  
 ROBERT D. STEVENS  
 ANN M. D. STEVENSON  
 ERIC W. STEVENSON  
 BRANDON C. STEWART  
 DIRK ORN STEWART  
 HELEN STEWART  
 SCOT JACOB STEWART  
 ZACHARY ROY STEWART  
 JOSHUA B. STIERWALT  
 DANIEL F. STIMPFEL  
 CODY D. STIVERSON  
 MICHAEL J. STOCK  
 MERRILL L. STODDARD  
 TOMASZ P. STOKLOSA  
 JAMES A. STONE  
 JAMES L. STONE  
 SCOTT J. STONE  
 SETH D. STORMS  
 WILLIAM F. STORMS  
 ELISE V. STRACHAN  
 BRIAN L. STRACK  
 GINA M. STRAMAGLIO  
 JEFFREY P. STRANGE  
 BRIAN K. STRICKLAND  
 TRESA ANN STRICKLAND  
 RICHARD R. STRINGER  
 WHITNEY L. STRINGHAM  
 MATTHEW D. STROHMMEYER  
 PAUL B. STROM  
 JODY B. STRONG  
 CHRISTOPHER S. STROUP  
 RONNIE B. STUBBLEFIELD  
 PAUL D. STUCKI  
 TIMOTHY G. STUDDARD



CARL W. STUMPF  
TAMMY J. SUDIGALA  
TYLER G. SUELTFENFUSS  
JARROD M. SUIRE  
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JOEY P. SULLIVAN  
LUKE E. SULLIVAN  
MARK A. SULLIVAN  
KENNETH E. SUMLER  
DARREN E. SUNDERHAUS  
JOSE R. SURITA, JR.  
ROBERT A. SURREY  
LUKE C. SUSTMAN  
MICHAEL K. SUTHERLAND  
TIMOTHY P. SUTTON  
ANTHONY D. SWAIN  
WALTER B. SWAIN III  
TODD A. SWANHART  
JEANNIE C. SWANSON  
MATTHEW J. SWANSON  
MICHAEL DAVID SWARD  
JENNIFER SWAZAY  
DAVID RICHARD SWEET  
LAYLA M. SWEET  
RICHARD W. SWENGROS  
MARK T. SZATKOWSKI  
KARLA A. TAFF  
YURI P. TAITANO  
JOHN A. TALAFUSE  
ALAN S. TALBERT  
TODD E. TALBOTT  
EDWARD W. TALLEY  
HOWARD TANG  
KATHERINE A. TANNER  
KEVIN G. TANNER  
NATHAN A. TARVER  
DARIN R. TATE  
JASON C. TATE  
JOHN P. TATE  
ERIC TATUM  
ANDREA K. TAYLOR  
GLENN P. TAYLOR  
AMY BOWEN TEAGUE  
SEAN T. TEAGUE  
LUCAS J. TEEL  
BRANDON J. TELLEZ  
BRANDON J. TELLEZ  
MARTIN T. TEMMAAT  
BRIAN S. TEMPLE  
JULIO C. TERRERO  
SHANE M. TERRY  
ZACHARY S. TERRY  
PHONG THACH  
BRIAN M. THARP  
RYAN L. THEISS  
LINDA J. THIARAUF  
LENA THIEU  
JIMMY H. THIGPEN  
SOUNTHAVONE THIPHAVONG  
JASON T. THIRY  
ILLYA K. THOMAS  
JAMES J. THOMAS  
JEREMY T. THOMAS  
MALAKIA K. THOMAS  
THERESA A. THOMAS  
WILLIAM D. THOMAS  
ARTHUR A. THOMPSON  
HARLAN K. THOMPSON  
KIMBERLIE E. THOMPSON  
KRISTEN D. THOMPSON  
LARNELL S. THOMPSON  
MICHAEL A. THOMPSON  
MICHAEL J. THOMPSON  
SEAN W. THOMPSON  
SHAUNDAL T. THOMPSON  
LEE C. THOMSON  
SCOT A. THORNHILL  
PAUL D. THORNTON  
DYLAN G. THORPE  
KEITH W. TICKLE  
JOSEPH W. TIMBERLAKE  
CLIFTON D. TINKHAM  
GLEN D. TITUS II  
ADAM P. TOBIAS  
JOSEPH C. TOBIN  
RONALD J. TOLER  
NATHANAEL B. TOLLE  
JUSTIN C. TOLLIVER  
JAMES D. TORRES  
LESLIE KAHIMENEON TORRES  
PHOENIX L. TORRIJOS  
KENNETH J. TOSO  
LINDSAY M. TOTTEN  
JOSEPH N. TOUP  
SCOTT G. TRAGESER  
KELLY R. TRAVIS  
KEVIN M. TREAT  
BRIAN J. TREBOLD  
ROBERT J. TREST  
BROCK A. TRIPLETT  
JOSHUA J. TROSCLAIR  
JULIO C. TRUJILLO  
STEVEN E. TUGMAN  
JOSHUA W. TULL  
ERICK A. TURASZ  
JAMES K. TURNER  
JOHN P. TURNER  
RICKEY D. TURNER  
SANDRA M. TURNER  
THOMAS A. TURNER  
MATTHEW L. TUZEL

ADAM L. TWITCHELL  
RONALD G. TYCER  
KEVIN TYLER  
MICHAEL S. UEDA  
VINCENT N. ULLOA  
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DAVID C. UNDERWOOD  
JEFFREY R. UNDERWOOD  
BRIAN J. URBAN  
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THOMAS D. VALERIO, JR.  
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ERIN H. VAN OOSTEN  
RICHARD G. VANCE  
KEITH W. VANDERHOEVEN  
GEORGE H. VANDEVERE  
WARREN S. VANDIVER  
NATHAN A. VANDREY  
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RICHARD M. VANSCHOOR  
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BRIAN M. VASQUEZ  
MICHAEL R. VASQUEZ  
DANIEL L. VAUGHAN  
JIMMIE C. VAUGHAN  
LEWIS M. VAUGHN III  
RICHARD E. VAUGHN, JR.  
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MATTHEW J. VEDDER  
RAMON L. VEGLIO  
JAVIER VELAQUEZ  
GREGG M. VELEZ  
AUBREY M. VENABLE  
LORENA VENEGAS  
RYAN R. VENHUIZEN  
JAMES W. VENTERS  
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MARTIN D. VERMEULEN  
STEVEN L. VESTEL  
IVEN M. VIAN  
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JOSEPH R. VIGUERIA  
DERRICK S. VINCENT  
MATTHEW R. VINCENT  
DAVID M. VOITIER  
BRENDAN J. VOITIK  
DUANE J. VOLLMER  
JEFFREY C. VONDRAN  
MARC S. VONHAHMANN, JR.  
DANIEL J. VOORHIES  
PAUL K. VOSS  
ANDREW R. VRABEC  
ELWOOD T. WADDELL  
ERIC S. WADDELL  
JOHN P. WAGEMANN  
JAMIE M. WAGGONER  
JEREMY C. WAGNER  
TERRY L. WAGNER  
TIMOTHY S. WAGNER  
ROBERT D. WAIDER  
RUSSELL E. WAIGHT  
CYNTHIA A. WAITE  
STEVEN D. WALD  
CORY W. WALDROUP  
DANIEL S. WALKER  
IAN N. WALKER  
KERI L. WALKER  
PATRICK J. WALKER  
THOMAS V. WALKER  
JOSEPH D. WALL  
THOMAS E. WALLACE  
BRIAN D. WALLER  
CLINTON J. WALLER  
DAVID J. WALLS  
BRIAN G. WALSKI  
BRYAN J. WALTER  
DARRELL A. WALTON  
ADAM D. WANTUCK  
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ERIC J. WARD  
ROBERT A. WARD  
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JAMES D. WARREN, JR.  
RANDY D. WARREN  
STEVEN G. WARREN  
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RICHARD H. WATERS  
STEVEN G. WATERS  
GREGORY M. WATSON  
JOHN W. WATSON  
JOSEPH P. WATSON  
JUSTIN T. WATSON  
ALEXANDER L. WAXMAN  
BARRY S. WEAVER  
RICHARD A. WEBB  
TIMOTHY R. WEBB  
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GRZEGORZ STAN WEGRZYN  
KRISTIN J. WEHLE  
SHANE A. WEHUNT  
HAYES J. WEIDMAN

JOSEF R. WEIN  
KENNETH H. WEINER  
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MICHAEL D. WELLER  
LISA D. WELMERS  
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MATTHEW J. WENZEL  
JASON T. WERNER  
JOHNNY L. WEST  
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INGEMAR S. WESTPHALL  
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JENNIFER L. WHETSTONE  
NATHAN ALLAN WHITAKER  
TIMOTHY G. WHITE  
VAUGHAN T. WHITED  
DOUGLAS W. WHITEHEAD  
TANDY R. WHITEHEAD  
JASON A. WHITFORD  
PAUL R. WHITSEL  
BENJIMAN C. WHITTEN  
NICHOLAS J. WHRITENOUR  
STEVEN P. WICK  
TONY M. WICKMAN  
RAY BLAINE WIDDISON  
JASON A. WIGGINS  
LOWELL B. WIGGINS  
DORSEY C. WILKIN  
TRAVIS G. WILLCOX  
LEROY S. WILLEMSSEN  
MICHAEL J. WILLEN  
JASON P. WILLEY  
DAVID W. WILLHARDT  
MICHAEL D. WILLHIDE  
CRAIG L. WILLIAMS  
EDWARD C. WILLIAMS, JR.  
GENE P. WILLIAMS  
JAMAL D. WILLIAMS  
JEREMY E. WILLIAMS  
JOHN R. WILLIAMS III  
JOSHUA P. WILLIAMS  
KELLEN M. WILLIAMS  
MARK L. WILLIAMS  
PATRICE L. WILLIAMS  
ROBIN S. WILLIAMS  
RYAN R. WILLIAMS  
SCOTT J. WILLIAMS  
TIMOTHY S. WILLIAMS  
TODD C. WILLIAMS  
DEREK L. WILLIAMSON  
CHRISTOPHER M. WILLIS  
SHAWN M. WILLIS  
WILLIAM S. WILLIS  
BILLY R. WILSON, JR.  
CHARLES E. WILSON IV  
CHRISTOPHER G. WILSON  
DAVID A. WILSON  
JOHN D. WILSON  
LARA L. WILSON  
STEPHANIE Q. WILSON  
STEPHEN W. WILSON  
THOMAS K. WILSON  
JEREMY D. WIMER  
JAMES L. WINKELHAKE  
JAMES M. WINKLESKI  
RICHARD F. WINN  
TRAVIS M. WINSLOW  
JIMMY DEAN WINTERS  
CYNTHIA E. WITTNAM  
MATTHEW R. WITTNAM  
DANIEL B. WOLFE  
JASON B. WOLFF  
BRYAN K. WONG  
RYAN M. WONG  
COLETTE A. WONGMANEE  
JEREMY A. WOOD  
KRISTEN N. WOOD  
MATTHEW J. WOOD  
MEGAN K. WOOD  
MICHAEL R. WOODRUFF  
CASEY Y. WOODS  
JESSICA E. WOODS  
MARC A. WOODWORTH  
CECIL EARL WOOLARD, JR.  
TAD W. WOOLFE  
WILLIAM D. WOOTEN  
BRADLEY R. WORDEN  
TIMOTHY C. WORTHINGTON  
DAVID A. WRAY  
JOHN M. WRAZIN  
JAMES M. WRIGHT  
VIRGINIA J. WRIGHT  
STEVEN P. WYATT  
REBECCA A. WYFFELS  
MARK S. WYNN  
DAVID J. WYRICK  
BRYANT T. WY SOCKI  
MICHAEL L. YAMZON  
JASON T. YEATES  
ELIZABETH A. YESUE  
EDWARD F. YONCE  
ROGER D. YOON  
JACQUELINE B. YOUNG  
KEITH C. YOUNG  
MARGARET A. YOUNG  
MICHAEL J. YOUNG  
THOMAS J. YOUNG  
MATTHEW J. YOUNGMEYER  
PASCUAL ZAMUDIO

JOHN ZANFARDINO  
FERNANDO L. ZAPATA  
ERIC J. ZARYBNISKY  
GREGORY M. ZELINSKI  
JASON M. ZEMLER  
NICHOLAS G. ZERVOS  
MATTHEW J. ZIEMANN  
JOHN C. ZINGARELLI  
BARBARA L. ZISKA  
JONATHAN R. ZITO  
DENNIS A. ZOLTAK  
CARLOS J. ZOURDOS  
BRANDON A. ZUERCHER  
JASON C. ZUMWALT  
PETER W. ZUMWALT

CONFIRMATIONS

Executive nominations confirmed by  
the Senate, Wednesday, March 3, 2010:

DEPARTMENT OF STATE

LAURA E. KENNEDY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

EILEEN CHAMBERLAIN DONAHOE, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES REPRESENTATIVE TO THE UN HUMAN RIGHTS COUNCIL.

DEPARTMENT OF HOMELAND SECURITY

ELIZABETH M. HARMAN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

FEDERAL TRADE COMMISSION

JULIE SIMONE BRILL, OF VERMONT, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2009.

EDITH RAMIREZ, OF CALIFORNIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LILLIAN A. SPARKS, OF MARYLAND, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PAUL R. VERKUIL, OF FLORIDA, TO BE CHAIRMAN OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES FOR THE TERM OF FIVE YEARS.

## EXTENSIONS OF REMARKS

### TRIBUTE TO THE OSWEGO HIGH SCHOOL LADY BUCS HOCKEY TEAM

#### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. OWENS. Madam Speaker, I rise today to congratulate the Oswego High School Lady Bucs hockey team for their victory in the 2010 New York State Girls High School Hockey Championships.

On Saturday the 13th of February, high school hockey fans were treated to a great championship game between some of the most skilled players in the state when the Lady Bucs defeated Skaneateles in the final game 3-0. I understand that the Lady Bucs' championship win claimed the school's first team state title since the varsity boys bowling team accomplished the feat about two decades ago.

I want to congratulate the championship girls' team of Whitney Daino, Erika Lazzaro, Sage Dudley, Taylor Cianfarano, Kaitlin Friel, Sarah Mancuso, Danielle Faivus, Caroline Dougherty, Karissa Favata, Taite Phillips, Sarah Gosek, Lainey Celeste, Tessa Opet, Devyn Hutcheson, Caty Darling, Madisyn Whalen and Allison Yule on their hard work. I would also like to recognize Taylor Cianfarano for being named the tournament's most valuable player, as well as Devyn Hutcheson, Kaitlin Friel and goalie Madisyn Whalen for being selected to the all-tournament team.

I also want to extend my congratulations to head coach Dan Bartlett and assistants Beth Arduini and Andrew Lazzaro, who built upon an impressive legacy to take the team to victory. The elite status of these athletic young women could not have been reached without the combined dedication of these coaches.

Madam Speaker, the Lady Bucs' teamwork sets a strong example for the community and reminds us all what is possible when we come together. Again, congratulations to the Lady Bucs on their success.

### CELEBRATING THE RETIREMENT OF DEDE LONG

#### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Dede Long on her retirement after 31 years of exemplary, devoted service to Briar Bush Nature Center, a non-profit organization dedicated to environmental education in Abington, PA. I am honored to represent Ms. Long and the people of Abington in Congress.

Founded in 1908 as a wildlife refuge Briar Bush was acquired by Abington Township in 1962 upon the passing of its founders. In 1964 the Friends of Briar Bush was created as a non-profit organization dedicated to providing environmental education to individuals and groups of all ages through on-site and outreach experiences, protecting and nurturing a natural wildlife habitat, and promoting conservation of natural resources by increasing awareness and understanding of the environment.

Dede Long was selected as Executive Director of Briar Bush in 1979. She brought with her her experience with the USO in Athens, Greece, as a junior high school science teacher in Japan, and her work at outdoor-education schools in California. Through her stewardship Ms. Long has worked to establish many effective relationships with local organizations and the nationally recognized partnership between Briar Bush Nature Center, the Friends of Briar Bush, Abington Township and the Abington School District. During her tenure at Briar Bush, she has increased the number of staff members, completed a full renovation of all exhibits, and added facilities such as The Treetops classroom and Butterfly House.

The Briar Bush Nature Center has received numerous awards, including "Nonprofit of the Year," and "Nickelodeon Parents' Pick" for the variety of family oriented programs and events offered yearly. Ms. Long has been acknowledged personally for her valuable work, receiving the 2008 Keystone Award from the Pennsylvania Alliance of Environmental Educators. She is an active member of her community and is involved in the Rotary Club of Jenkintown, the Abington Community Taskforce, and the Eastern Montgomery County Chamber of Commerce. She also supports many special events sponsored by other community organizations including the Jenkintown Day Nursery, Abington Education Foundation, Police Athletic League and Old York Road Historical Society.

Madam Speaker, once again I applaud Dede Long for her dedication, service, and accomplishment as Executive Director of Briar Bush Nature Center and environmental leader for over three decades. I offer my heartfelt congratulations to her on the momentous occasion of her retirement.

### THE KIDNEY OF BARBI VAVRA GOES TO DON NEYLAND

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. POE of Texas. Madam Speaker, it is with great pride that I rise before you today to recognize Barbi Vavra and Don Neyland, two brave Liberty County Sheriff's Office employ-

ees from the great State of Texas. Their lives of service to the community are extraordinary examples of self sacrifice. It gives me great pleasure to recognize these two outstanding Texans before Congress and this Nation.

Sergeant Don Neyland with the Liberty County Sheriff's Office has bravely served the people of Liberty County as a police officer and investigator for 19 years. Yet, his life of service is all the more impressive because he suffers from serious kidney problems. One fateful day in 2009, Sergeant Neyland learned from doctors that he would need a kidney transplant. Soon his family members all began getting tested to see if they would be able to donate a kidney; but no match was found. Still continuing to hope, Sergeant Neyland decided to hand out brochures to coworkers about becoming a living kidney donor.

Twenty one year old coworker and friend, Barbi Vavra who is a clerk at the Liberty County Sheriff's Department read one of those pamphlets and decided to get tested. She turned out to be a perfect match and agreed to donate one of her kidneys to Sergeant Neyland. The surgery took place yesterday, March 2nd, and the two are doing very well in recovery.

Texas might have lost a hero and friend to Liberty County. Instead because Barbi decided to share the "gift of life" Sergeant Neyland and now our great State has one more hero to look to. This gift is truly inspiring.

The State of Texas and our Nation is a better place because of people like Barbi Vavra and Don Neyland. I am honored to recognize Barbi and Don, true Texans, for their example of heroism and selflessness to each other and to their community.

### HONORING MS. TINA HALLQUIST

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Tina Hallquist. Ms. Hallquist served her constituency faithfully and justly during her tenure as a member of the Chautauqua County Legislature, serving district 13.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Hallquist served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Hallquist is one of those people and that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is why, Madam Speaker, I rise in tribute to her today.

IN HONOR OF LAUREN O'CONNOR

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. FARR. Madam Speaker, I rise today to commend Lauren O'Connor who is driving across America to raise awareness and \$100,000 for Great Danes and animal rescues. Each year, millions of animals, mostly cats and dogs, are euthanized due to overpopulation and the lack of people willing to adopt them, at the same time that many animals are bred for the sole purpose of being bought and sold at pet stores.

Lauren, originally from Texas, went to college in West Virginia. She graduated with a degree in Public Relations. It was there that she met her Great Dane, Harley. Now 6, Harley is her traveling companion on this cross country journey.

Beginning on March 1st in New Jersey, Lauren, who resigned from her job at a Fortune 10 company in order to pursue her commitment to rescue dogs, will visit over 56 cities in her travels across the country, organizing events and benefits to raise money and educate people about Great Danes and rescue dogs. All of the proceeds that are raised will be donated to rescues and shelters around the country.

She is able to take on this worthy cause because of the kindness of her family and friends. In addition, complete strangers have been able to follow Lauren on her adventures through her Web site and her Twitter account.

Madam Speaker, Lauren O'Connor is venturing on an experience of a lifetime. Her trip across the country to raise awareness and money for rescue dogs is inspiring to us all and I would like to commend Lauren on her commitment to this very worthy cause.

RECOGNIZING DAVE ANDERSON

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. PAULSEN. Madam Speaker, this past August, Dave Anderson of Minnetonka was selected into the Multiple Sclerosis Society Volunteer Hall of Fame for Programs and Services. He has been serving as vice president of MSWorld, an organization whose goal is to be a national source of support and information for those living with MS. In addition, Dave founded the Brainerd Lakes Chapter of "Fishing Has No Boundaries," which provides people with MS a weekend of fishing and socializing. I would like to recognize Dave Anderson for his commitment to improving communication between those in the MS community, as well as for integrating social networking into the lives of people with multiple sclerosis.

HONORING DOUGLAS MALONEY

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today to honor former Marin County counsel Douglas Maloney who passed away on February 17, 2010 at his home in San Rafael, California. Serving on the legal frontlines of county government for more than three decades, Marin has greatly benefited from his unwavering dedication and skilled advocacy of the public's best interest.

Born in San Francisco in 1933, Mr. Maloney, a 50-year member of the California Bar Association, received his bachelor's degree from the California Maritime Academy in Vallejo, California, and his law degree from the University of San Francisco. A world traveler, voracious reader, exceptional public speaker, and a prolific writer, Doug Maloney loved life!

It was Doug Maloney who led the county's legal defense of the "Marin-only" provision in Ross philanthropist Beryl Buck's multi-million-dollar bequest. Maloney took on the San Francisco Foundation's challenge to spend the millions on needs beyond the county borders. With an outstanding legal team, he presented strong arguments upholding the Buck bequest and proving that, despite Marin's affluence, there were plenty of needs right in the county that could use financial assistance. The 1986 court-approved settlement transferred the Buck Trust to newly formed Marin Community Foundation to focus funds on research into aging, advocacy against alcohol abuse and research into educational issues. Had that battle been lost, Marin would be a far different place.

The legal engineer of land-use restrictions that saved West Marin from suburban sprawl, Maloney successfully defended the county's 1972 zoning restrictions designed to preserve and protect West Marin farmland and the ranching lifestyle. Challenged in 1989, Maloney won a federal court decision upholding the zoning restrictions and turning back a lawsuit by a Chicago landowner wanting to carve up his 561-acre Nicasio ranch. While we may take our open space and ranch lands for granted, we owe a huge debt of gratitude to the vision, political courage and legal skill of Douglas Maloney.

A man of great personal integrity and not one to back away from a rousing legal argument, Doug was good humored and a passionate follower of film and stage. He enjoyed rewriting fashionable Broadway shows and stage musicals, putting on a Marin spin and political satire to benefit local causes, complete with titles like, "As the Candidate Turns," "Damn Yuppies" and "Caucus Line." A popular op-ed columnist for the Marin Independent Journal, readers enjoyed his musings and appreciated his skill at weaving literature, history, politics, opinion and the proverbial Marin angle into his biweekly essays.

Doug Maloney was a devoted husband and father. In addition to his sister, Marion Berger of Redding, California, Mr. Maloney is survived by his wife of twenty-two years, Ellen Caulfield of San Rafael, Marin County, six children, ten grandchildren and six great-grandchildren.

Madam Speaker, Douglas Maloney will be missed by so many who shared in his work and vision. A man of letters and the law, he practiced what he preached. It is fitting to recognize his extraordinary efforts on behalf of Marin County and its residents. I join the many people who will miss Doug Maloney's inspiration, friendship, bright spirit, and clever quotes delivered with perfect timing and meaning.

PERSONAL EXPLANATION

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to offer an explanation of the three votes I missed yesterday. March 2, 2010 marked not only Texas Independence Day, but also the 2010 Texas primary, and I had previously committed to events in the district that forced me to miss my first three votes of the second session last night. Had I been present, I would have voted "aye" on each of the following rollcall votes:

Rollcall vote No. 75, on H. Res. 1072, Recognizing Louisiana State University for 150 years of service and excellence in higher education; rollcall vote No. 76, on H.R. 3820, the Natural Hazards Risk Reduction Act of 2009; and rollcall vote No. 77, on H. Res. 1097, Supporting the goals and ideals of National Engineers Week.

PERSONAL EXPLANATION

**HON. TOM COLE**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. COLE. Madam Speaker, on Friday, February 26, 2010, I missed the last vote in a series of six votes. I missed rollcall vote No. 74.

Had I been present and voting, I would have voted as follows: Rollcall vote No. 74: "yea" (On agreeing to H. Con. Res. 238).

RECOGNIZING THE AMERICAN RESPONSE TO THE DISASTER IN HAITI

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. MCCOLLUM. Madam Speaker, it is my privilege to join my colleagues today in recognizing the extraordinary American response to the earthquake that devastated Haiti on January 12, 2010. I am proud to support H. Res. 1048, H. Res. 1059, and H. Res. 1066. Each of these resolutions honors the courage and sacrifice of the Americans who rushed to aid the people of Haiti in their time of need.

The United States, with its swift and steadfast response, has once again demonstrated the common decency and compassion of its citizens. When the lives of our neighbors are

at stake, Americans do not hesitate. In the first 10 days after the catastrophic earthquake—the worst to strike Haiti in 200 years—over 14,000 members of the Armed Forces, thousands of U.S. Army Reserve rescue workers, and hundreds of government and volunteer personnel were on the ground to provide immediate assistance to the Haitian people. While American search and rescue teams pulled survivors from the rubble, and Federal employees raced to distribute water, food, and medical supplies, the American public donated hundreds of millions of dollars to support relief efforts. Remarkably, a recent poll found that nearly half of American families had donated, even in the midst of this difficult economic recession.

As I express my gratitude today to every American that has taken part in the disaster response, it is not without a heavy heart. Haitians and the Haitian-American community have endured unspeakable loss, and the road to recovery will be long and difficult. America must continue to stand by Haiti and lead the international effort toward its recovery.

#### HONORING THE MARISCOTTI FAMILY

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Mariscotti family upon being honored by the Fresno Chapter of the California Restaurant Association with the Best of the Valley "Lifetime Achievement Award." The Mariscotti family will be honored on Monday, March 1, 2010 at the 2009 Best of the Valley Restaurant Awards at the Saroyan Theatre in Fresno, California.

Rasmeo Mariscotti came to America in 1905 with his parents, Angelo and Caroline, and his sister, Louisa. Entering the United States through Ellis Island, the Mariscotti family made their way to Louisiana and worked on a sugar plantation. Once the family satisfied their debt to the sugar company, they boarded a train and settled in Madera, California where they had family and friends waiting for them.

Upon arriving in Madera, Rasmeo began working at the Madera Sugar Pine Lumber Company. Later, he went to work on the Roberts Ranch, where he met and married Pearl Pistoresi. Eventually, Rasmeo went into business with his cousin, opening a butchering business in Berenda; they butchered the meat and peddled it to the surrounding ranches. The butcher business grew from a meat market, into a grocery store and eventually to a gas station with an open-air soda stand. Once Prohibition ended, the open-air soda stand was transformed into a restaurant and the Mariscottis obtained a beer and wine sales license.

Rasmeo and Pearl had four children: Maybelle, Ethalae, Robert and Dino. With a growing family and a growing business, the Mariscottis were doing well. In 1947, the family hit a bump in the road when the State of California decided to develop Route 99 into a four-lane highway that cut directly through the

town of Berenda. With the completion of the new highway, the city was gone. The Mariscottis decided to stay and build their next business, the Berenda Café.

After their son Robert returned from serving in the military, he began to work for his sister, Maybelle, and her husband at the Chowchilla Market. In 1953, Robert married Helen Hodina and they returned to the Berenda Café. The Berenda Café was operated by Rasmeo and Pearl until 1970 when Rasmeo passed away. After that, Robert and Helen continued operating the restaurant. Robert and Helen added a gift shop and renamed it the Berenda Ranch Restaurant.

In 1976, Highway 99 was expanded once again. With this alteration to the highway, the Berenda Restaurant gave way to progress. Robert and Helen continued the legacy of adaptation within the Mariscotti family and established the Vineyard Restaurant in Madera. In 1977 the Vineyard Restaurant opened its doors as a twenty-four hour diner, a comfort-food place that depended on traffic passing by on Highway 99. In 1985, Mr. and Mrs. Mariscotti added a bar and began to focus on lunch and dinner, with a priority of serving high-quality local food from local farms. The Vineyard Restaurant continues to operate by these principles.

Today, their son, Chris, carries on the family legacy in foodservice, running the family restaurant and continuing local philanthropic efforts with various organizations. The family hosted the "Giving Tree" program through the Madera Christmas Basket. They are also involved in the Kampus Kettle program, the Madera Chamber of Commerce. Chris Mariscotti has co-founded the local chapter of Slow Food International, Slow Food Madera. The Mariscotti family has been awarded the Crystal Tower Award from the Madera Compact, and the Vineyard Restaurant has been recognized by Spectator Magazine as one of the top restaurants in the Central Valley's wine-growing region and was featured by Via Magazine as one of the highlights of a trip down Highway 99.

Madam Speaker, I rise today to commend the Mariscotti family for their hard work, commitment to community, leadership, and their tradition of success in business. I invite my colleagues to join me in wishing the Mariscotti family many years of continued success.

#### HONORING MIAMI-DADE COUNTY FIRE RESCUE

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. ROS-LEHTINEN. Madam Speaker, I would like to honor and offer my sincerest thanks to the Miami-Dade County Fire Rescue team, specifically the Urban Search and Rescue branch, for their heroic efforts in aiding the relief work in Haiti.

Within hours of learning that a magnitude 7.0 earthquake had struck, Division Chief Dave Downey had organized a task force of 80 strong to respond. With minimal preliminary information, Chief Downey's task force began

to mobilize immediately after the earthquake struck on January 12. Having responded to domestic disasters in the past including Hurricane Opal, the World Trade Center and Hurricane Katrina, Chief Downey's Florida Task Force 1 was well equipped to help the devastated town of Port-au-Prince.

Overcoming logistical difficulties such as the transportation of nearly 100 search and rescue personnel as well as their 62,000-pound equipment, the efforts of Florida Task Force 1 resulted in the largest number of survivors ever rescued in history. Rescuing their first victim almost 24 hours before their equipment had even arrived, we should all be proud of Chief Downey's team and the devotion they showed in executing a successful rescue mission.

In Chief Downey's own words, "The breadth of this disaster was overwhelming." With a full view of the destruction, Florida Task Force 1 was forced to overcome countless challenges. With no Internet access or pre-established GPS formats, the task force had no other option but to plan their mission using old tourist maps for the first few—and most chaotic—days. Risking their own lives to save others, the courage and dedication of Florida Task Force 1 is truly an example to us all. Confronted with their greatest enemy—time—I commend the Miami-Dade Fire Rescue team for their quick and selfless response to the crisis in Haiti.

At this time, I would like to submit the names of each individual that made up the courageous Florida Task Force 1:

Alvarado, Patricio; Alvarez, Andres; Baker, Robert; Bell, Raymond; Borz, Ronald; Bramblett, Colette; Bustamante, Miguel; Caballero, Derrick; Canfield, Michael; Capote, Ernesto; Catapano, Kristian; Chung, Richard; Cooper, Rhaudal; Cuminal, Michael; Dombrowski, Lawrence; Downey, David; Driscoll, Stephen; Fernandez, Jorge; Fernandez, Louie; Ferraro, John.

Fregeolle, Gary; Garcia, Frank; Garcia-Menocal, Jose; Gelabert, Brian; Gelabert, Manuel; Gimenez, Carlos; Gonzalez, Mario; Gonzalez, Orlando; Gonzalez, Ralph; Hale, Marc; Hall, Richard; Herrera, Ernesto; Hook, Andrew; Hooten, Chad; Jacobs, Edan; Jenkins, Millard; Lefur, Rachelle; Licea, William; Machado, Andres; Major, Malcolm.

Mardice, Yves; Marks, Michael; Matos, Janice; Mclellan, Gregory; Moise, Rudolph; Mullin, Scott; Neetz, Jacqueline; Oldfield, Jeffrey; Oldfield, Monica; Parker, Pamela; Paternoster, Brandy; Paul-Noel, Karls; Pellon, Alejandro; Perez, Alberto; Perla, Marcelo; Perry, Alan; Post, Brandon; Pozo, Rafael; Ramos, Sergio; Richard, Stacy.

Rodriguez, Jairo; Rodriguez, Pedro; Rouse, Jeffrey; Santana, Luis; Selts, Jack; Smithies, John; Steele, Michelle; Strickland, Gregory; Strickland, Jeffrey; Strull, Michael; Sullivan, Robert; Tonanez, Alvaro; Trim, Anthony; Vaughan, Ray; Wasilkowski, Justin; Webb, Brandon; Whu, Danny; Williams, Kenneth; Wood, Hilda; Yetter, Michael.

As a result of these individuals' inspiring work in Haiti, countless lives have been saved and many more have been assisted. Their selfless mission and sense of commitment is a testament to our Nation's highest principles. As Americans, we cannot thank them enough for the work they have done both at home and abroad.

## PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. WOOLSEY. Madam Speaker, on February 26, 2010, on rollcall No. 71 (Schauer of Michigan amendment), I inadvertently voted "no" when I had intended to vote "aye."

## RECOGNIZING CHRISTI MINISTER

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. PAULSEN. Madam Speaker, I would like to recognize Christi Minister of Eden Prairie. She received the national Catholic Charities USA "Keep the Dream Alive" award on Martin Luther King Day. Catholic Charities, which Christi had been a part of for more than 25 years, has worked to acknowledge those who give their time and energy to reducing poverty, supporting families and empowering communities. This award, created this year, honors those who have made community service an integral part of their lives. Christi believes focusing on education for all gives everyone an opportunity to experience the American dream. I would like to thank Christi Minister for her commitment to helping others, and for "keeping the dream alive."

HONORING PAUL MASI H DAS,  
INTEL SCIENCE TALENT SEARCH  
FINALIST**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize my constituent Paul Masih Das and congratulate him as a finalist in the Intel Science Talent Search 2010. The Intel Science Talent Search is America's most prestigious science competition for high school seniors. Paul is one of only 40 finalists nationwide.

Paul's project, "A Novel Chemical Synthesis for >1 MUm 2 Graphene Sheets," synthesized single-layer graphene (a sheet of carbon that's as thick as a single atom) using a relatively quick, easy and inexpensive method that he developed.

As a student at Lawrence High School, Paul participates in numerous activities and clubs. As a member of Young Ambassadors of America, Paul has represented the United States on cultural tours of Japan, Spain and Italy. In addition, he plays on the school's tennis team, is captain of the math team and is a member of the chess club. Paul is also an award-winning musician and manages the chamber orchestra. As a senior member of the Education and Labor Committee, I am truly impressed by Paul's accomplishments.

Madam Speaker, it is with pride and admiration I offer my congratulations to Paul Masih

Das and commend his dedication to education and science.

HONORING THE PEACE CORPS FOR  
49 YEARS OF EXTRAORDINARY  
SERVICE**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. ESHOO. Madam Speaker, since President John F. Kennedy announced his vision for an American volunteer service, the Peace Corps has made extraordinary contributions to millions of people across the globe. It plays an ongoing role in encouraging mutual understanding and nonviolent coexistence among peoples of diverse cultures.

In the 49 years since its inception, nearly 200,000 Americans—including my son Paul—have served in 139 countries across five continents. These volunteers have provided lasting contributions to the agriculture, economy, technology, education, health, youth, and environment in areas of the world that require it most.

In the course of their service, Peace Corps Volunteers learn new languages, gain international experience, and develop an understanding of other cultures. Their work and the skills they develop strengthen our ties to the global community and enhance our positive image abroad.

Because of these achievements and its commitment to volunteerism, the Peace Corps is one of the most cost-effective foreign policy initiatives employed by our nation.

I've proudly supported the Peace Corps throughout my time in Congress. I've fought to increase recruitment of volunteers, develop training programs in education and AIDS prevention, and to help returning volunteers with student loans. Most recently, I voted for and Congress passed an increased investment in the Peace Corps, allowing the creation of new programs in Indonesia and Sierra Leone this year.

On this 49th anniversary of its founding, I applaud the Peace Corps for its important work and honor its volunteers.

## PERSONAL EXPLANATION

**HON. MICHAEL E. McMAHON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. McMAHON. Madam Speaker, on rollcall Nos. 75, 76, and 77, had I been present, I would have voted "yea."

RECOGNIZING THE 49TH ANNIVERSARY  
OF THE PEACE CORPS**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I rise today in recognition of the 49th anniversary of the Peace Corps and to commemorate

Peace Corps Week.

Volunteers of the Peace Corps have served valiantly since President John F. Kennedy challenged Americans to work towards the cause of peace. Since its creation on March 1, 1961, nearly 200,000 Americans have answered that call to contribute and improve Americans' understanding of other peoples and other peoples' understanding of Americans. At a time when extremist philosophies are increasing throughout the world, we need these dedicated individuals more than ever.

Madam Speaker, I would like to commend the 6,671 Peace Corps volunteers, including 153 volunteers from the State of Georgia, who are currently working to provide expertise and developmental assistance to 76 countries. These volunteers are dedicating themselves each day to the vision of President Kennedy. These individuals share their time and talents by serving as teachers, business advisors, HIV/AIDS educators, as well as sharing their knowledge of information technology, agriculture, the environment, and health.

On this anniversary I would like to acknowledge Jonathan Lewis, who is a prime example of a volunteer who is working to accomplish the goals of Peace Corps. Jonathan has been working in Kazakhstan this past year to organize the first official youth developmental group in the country, focusing on leadership, work ethics, and healthy lifestyles. At night he volunteers his time teaching English and American culture to students in schools and libraries around the country. Jonathan's efforts and all the Volunteers represent the caring spirit that runs deep in our country.

Today I honor the Peace Corps and its brave volunteers for their service to our nation and to the international community. In our ever-shrinking world, the mission of the Peace Corps is more vital than ever. I hope that each one of my distinguished colleagues will join me in commending these men and women for their service.

HONORING THE REVEREND CEDRIC  
HUGHES JONES, JR.**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the Reverend Cedric Hughes Jones, Jr. I congratulate Reverend Jones on his installation as the newest Pastor to the Mount Zion Baptist Church in Philadelphia.

Reverend Jones will be the fourth Pastor of the Mount Zion Baptist Church. He is excited to begin a new chapter of its history and will continue to support the church's major community outreach efforts. I am confident that Reverend Jones will carry on the outstanding legacy of community service shared by the previous Mount Zion Baptist Church pastors.

The Mount Zion Baptist Church is excited to welcome Reverend Jones into their community, and is confident that Reverend Jones will continue the church's mission and further build up their place within the surrounding community.

The church has a long history of support for and outreach to their community. In providing meals, housing and clothing, as well as scholarship funds and other financial assistance, the Mount Zion Baptist Church has helped those in their community in the most need of help.

Madam Speaker, I ask that you and my other distinguished colleagues join me in thanking the Mount Zion Baptist Church and Reverend Jones for their work in bettering their community, and congratulate Reverend Jones on the occasion of his installment as Pastor.

#### PERSONAL EXPLANATION

### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. GRAYSON. Madam Speaker, on rollcall No. 75, 76, and 77; H. Res. 1072, H.R. 3820, H. Res. 1097, I missed these votes because car trouble caused me to miss my flight. On the next flight, because of heavy traffic, I missed these votes.

Had I been present, I would have voted "aye" on all.

#### HONORING TERRY MINOR

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. COOPER. Madam Speaker, I rise today to congratulate my constituent Terry Minor. Mr. Minor and his business, Cumberland International Trucks, have received the International Circle of Excellence Award for 2009, the highest honor a dealer principal can receive.

Cumberland International Trucks is headquartered in Nashville, Tennessee, where it was founded more than 60 years ago. Terry became a dealer principal in 2007 and currently employs 87 people. The Circle of Excellence Award, awarded by Navistar, recognizes truck dealerships that achieve the highest level of dealer performance.

Before becoming a dealer, Terry worked for Cumberland International in a number of key positions, including regional manager for parts, national account manager for Ryder truck sales, and vice president of sales for the Southwest Region. He is active in a number of industry groups, including the American Truck Dealers, the Used Truck Association, and the National Automotive Dealers Association. He is heavily involved with the Tennessee Trucking Association, where he serves on the board of directors. In addition, Terry is very active in community service, including the Chamber of Commerce and the Brentwood Baptist Church. Terry has been married to his wife Kristen for 20 years. He actively supports Ravenwood High School sports teams, including his daughter Calleigh's volleyball and lacrosse teams and his son Taylor's rugby team. He is also a veteran of the 2nd Battalion, 66th Ar-

mored Division of the U.S. Army out of Fort Hood, Texas.

Terry's dedication, strong work ethic, and community participation make him not only a great representative of Tennessee's values, but our Nation's values as well. Madam Speaker, I ask you and my colleagues to join me in congratulating Terry Minor for this honor and for his many contributions to Tennessee and our country.

#### NATIONAL PEACE CORPS WEEK

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. LEE of California. Madam Speaker, I would like to take the opportunity to honor the Peace Corps during this National Peace Corps Week.

On March 1, 2010 the Peace Corps celebrated its 49th anniversary. It is with the historic contributions of this organization in mind, that I proudly acknowledge the important work of nearly two hundred thousand Peace Corps volunteers since the agency's inception in 1961.

California has been and continues to be the largest producer of Peace Corps volunteers with 792 people currently serving abroad.

I am proud to report that my home District, California's 9th Congressional District, can be called home by 25 current volunteers who have committed themselves to the Peace Corps mission of world peace and friendship through service.

Through volunteer work abroad in fields including health education, food security, local business development, education about HIV/AIDS, and agricultural and environmental improvement, the work of the Peace Corps improves people's lives while enhancing the credibility of the United States abroad, fostering the exchange of ideas, and uniting cultures around values of peace, tolerance, and prosperity.

That is why I have introduced H.R. 336, which calls for the introduction of a semi-postal Peace stamp, which will sell at a slightly higher rate than the normal 44 cents to create additional revenues for the Peace Corps.

In the wake of the recent earthquakes in Haiti and Chile, we are reminded of the power of the international community to assist and empower those who are in need.

During National Peace Corps Week, we salute past and present Volunteers who selflessly serve abroad in support of these ideals.

#### HONORING THE WORK OF VFW POST 8946

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, today I rise to honor the work of VFW Post 8946 in Woodcliff Lake, New Jersey for their selfless and inspiring deeds to-

wards their fellow citizens. For the past few years this group of extraordinary individuals has been traveling to the Walter Reed Medical Center in Washington, D.C. as well as the Walter Reed National Military Medical Center in Bethesda, Maryland. During their trips the members of the Post have spent time with wounded veterans and their families. They have brought items such as clothing, CD players, electric shavers and even a large TV for the recreation room.

After one of their more recent visits to Walter Reed Medical Center in Washington, William Huston, a member of the Post, told a local reporter that, "these young men have a remarkable attitude, we cannot properly express the admiration we have for them." It is this sense of genuine commitment towards helping those who have given so much to our nation that makes this Post unique in many ways.

As I reflect on the deeds they have done I cannot help but be reminded of the enduring words from President Abraham Lincoln's second inaugural address. Lincoln challenged his fellow Americans to "care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." The men of this Post are a living testament to these words.

I want to once again thank this group of exceptional men for their service towards their fellow citizens. I am proud to represent such a fine group of people in the United States House of Representatives.

#### CONGRATULATING CALHOUN HIGH SCHOOL

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. GINGREY of Georgia. Madam Speaker, I am honored to represent Calhoun High School and want to congratulate the students, faculty, and staff on their achievements thus far this year.

Principal Wanda Westmoreland, a 17-year Calhoun veteran, has told me that Calhoun's victories in the athletic arena are a direct result of academic achievements in the classroom. Principal Westmoreland leads by example and will be greatly missed when she retires at the end of this school term. Her leadership is one of the reasons Calhoun was listed as one of America's top schools by the U.S. News and World report. Additionally, Calhoun's One Act Plays were the regional champions this year and placed third overall in the state of Georgia.

On the athletic side, I'd like to recognize the following Yellow Jacket teams for their achievements this year: Varsity Football, runner-up in the State Championships and nine time Regional Champions; Competition Cheerleading, the three time State Champions; and, Calhoun wrestler—Hunter Knight—who won a state championship this year.

Congratulations to Calhoun High School for their accomplishments on and off the field this year. Keep up the great work and go Jackets!



## OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,519,423,725,485.39.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,869,110,716,567.24 so far this Congress. The debt has increased \$11,887,262,624.26 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

## TRIBUTE TO KENT M. RONHOVDE

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to share with you the life and mourn the death of a remarkable public servant who dedicated his career to serving the United States Congress. Mr. Kent M. Ronhovde died on February 19 after a valiant struggle with cancer. Kent worked for 36 years at the Congressional Research Service, starting as an entry-level attorney right after law school and rising to senior management positions in the Service.

At the time of his death, Kent was Associate Director for Congressional Affairs and Counselor to the Director. In that capacity and for the last 7 years, he was the liaison between CRS and its oversight committees in the House and Senate ensuring that CRS and its congressional overseers remained in communication over the critical issues facing the Service. Regardless of changes in congressional and committee leadership, Kent ensured that there were no changes in CRS's commitment to its core values of confidentiality, authoritativeness, non-partisanship and objectivity.

This commitment to CRS values manifested itself in Mr. Ronhovde's other duties. He oversaw the Review Office, where all CRS products are reviewed for consistency with the dictates of objectivity, non-advocacy and non-partisanship. Kent and his office also counseled CRS employees and managers on the delicate questions surrounding outside speaking and writing and compliance with CRS and Library of Congress regulations and policies designed to ensure that all CRS staff maintain the ability to be seen as impartial and objective in their work for Congress. These are questions whose sensitivity is matched by their importance to CRS and to the Congress. Kent understood well the absolute necessity of CRS maintaining its reputation for objectivity. Whether reviewing a report or memo, determining the propriety of an outside activity of a CRS staff member or advising the Director of

CRS on a policy question, Kent exercised the good judgment and discretion demanded by such sensitive questions, questions with potentially profound consequences for the institution.

Mr. Ronhovde's devotion to CRS' mission to serve Congress and commitment to its values infused his entire career. He joined CRS' American Law Division after graduation from Georgetown Law School in 1974, law school having been interrupted by service in Vietnam as an intelligence officer. In the American Law Division, Kent rose through the attorney ranks, became a section head in 1985 and Assistant Chief of the division in 1986. During this time, he also earned a Masters of Public Administration from American University. Kent became a senior manager in the CRS Director's Office in 1996 and assumed his latest position in 2003. His portfolio in that position—in addition to the committee liaison and policy compliance responsibilities I recounted above—touched on the most important and consequential issues facing CRS. Director Daniel P. Mulholland stated that "Kent provided exceptional service to the Congress and to CRS. Colleagues throughout the Library and CRS admired his careful and deliberate judgment, his insightful examination of the question at hand and his sense of equanimity and balance. The Service and I could not have had a better counsel."

CRS and the Congress have lost a wise and devoted public servant. We extend our deepest sympathies to Kent's wife, Juliet, daughters Kristin and Brooke and their families and to all his friends and colleagues in CRS.

## COMMEMORATING THE LIFE AND ACHIEVEMENTS OF FRANKIE DRAYTON THOMAS

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the life and achievements of my dear friend Frankie Drayton Thomas, who died on February 27, 2010, in West Palm Beach, Florida from a sudden heart attack. She was 81 years old. My thoughts and prayers go out to her son, James Thomas of New Carrollton, Maryland; daughter, local attorney Iola Mosley; sister, Lillie B. Drayton; brother, James Drayton; and the rest of her family and friends at this most difficult time.

Frankie Drayton Thomas, known to all as "Frankie," was born in West Palm Beach, Florida to Iola and Frank Drayton in May of 1928. She attended public schools and graduated from Industrial High School as an honor student in 1946. In 1950, Frankie graduated from Howard University in Washington, D.C. and went on to earn a Master's Degree in Public Administration from Florida Atlantic University.

A pioneer in her own right, Frankie became the first black college-trained social worker hired by the State of Florida's Department of Public Welfare. In the 1960s, she helped improve the lives of the less fortunate as a social

worker in Washington State and, later, the Glades community. After years of hard work and dedicated service, Frankie rose to an administrative position in the Florida Department of Family and Youth Services. She retired from the Department of Health and Rehabilitative services as Director of Resource Development and Volunteer Services in 1995.

Frankie was a "Renaissance woman," also devoting herself to many political, social, and family endeavors. In June 1951, she and her good friend Gwendolyn Baker Rodgers co-founded Charmettes, Inc., an international organization 19-chapters-strong that unites women in the name of community strength. One of the many projects and services that she initiated as 1st Executive Director of the Charmettes is the annual contribution to the Howard University Cancer Research Center. From 1981 to present, the Charmettes have contributed nearly \$350,000 dollars to this effort.

Furthermore, Frankie was the founding president of the Northwest Democratic Club in Fort Lauderdale, Florida. She has served on the Board of Directors of the Urban League and the Board of Directors of Southeast Hospice. In fact, she was the first African-American female in the country to head a Hospice Board of Directors and also served on the Board of Directors of the Girl Scouts of America. Frankie was also a member of Delta Sigma Theta and served as a Parliamentarian of the Broward County Chapter.

Well-known for her political savvy, she organized and executed many political forums and helped to elect many candidates to office, including myself, as well as most of the Broward County Commissioners and school board members, Governor Bob Graham, Sheriff Ken Jenne, Attorney General Bob Butterworth, and President Bill Clinton.

Madam Speaker, Frankie was a social worker, public servant, community leader, activist, mentor, and philanthropist. Above all, however, she was a beautiful person whose compassion and spirit touched countless lives. A great voice for humankind has been lost. Frankie was my friend and she will be missed dearly.

## CONGRATULATING ZACH STRIEF OF THE NEW ORLEANS SAINTS

**HON. JEAN SCHMIDT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate Zach Strief of the Super Bowl Champion New Orleans Saints. Zach grew up in Milford, Ohio and—despite being too big to play pee wee football and an unfulfilling first practice in high school—was recently named to the Milford High School Athletic Hall of Fame.

Zach went on to attend college at Northwestern University where he was a three-year starter. He was selected as a first-team All-American after his senior season. In 2006, Zach was selected in the seventh round of the National Football League Draft by the New Orleans Saints. Now, in his fourth season with

the Saints, Zach is an important part of the Super Bowl champions.

Citizens of Ohio's Second Congressional District are certainly proud of Zach's athletic accomplishments. However, I am more impressed with his actions off the field. Recognizing a need to keep children active and wanting to give back to the community, he formed the Zach Strief Dream Big Foundation with the help of his parents, Doug and Cathy. Through this charity, Zach and his new wife have become important contributors to the rebuilding of the New Orleans community—and he has not forgotten his hometown. The Zach Strief Dream Big Foundation has focused on after school activities for children in New Orleans. And in Zach's hometown of Milford, the foundation has donated football equipment and uniforms as well as provided scholarships for children. Each summer, Zach returns to Milford High School and conducts a youth football camp that benefits his foundation.

Madam Speaker, please join me in recognizing Zach Strief for his many noteworthy accomplishments both on and off the football field. Zach is truly an inspiring leader and Ohio's Second Congressional District is proud that he is one of our own.

#### RECOGNIZING TONY BELL OF HARVEYVILLE, KANSAS

#### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize Tony Bell of Harveyville in the "Big First" Congressional District of Kansas. Tony has been selected as a "Great Comebacks Recipient" for the central region of the United States. He has been selected for this honor because of his perseverance and determination in the face of medical and physical challenges. Each year, the Great Comebacks program celebrates a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

Tony is one of over 700,000 Americans who have an ostomy, a surgical procedure that reconstructs bowel and bladder function through the use of a specially fitted medical prosthesis. Many Americans suffering from Crohn's or ulcerative colitis rely on a certain type of ostomy to function on a daily basis. Just like a prosthesis, ostomies help restore patients' ability to participate in the normal activity of daily life.

The Great Comeback Awards program raises awareness of quality-of-life issues for people with Crohn's disease, ulcerative colitis, colorectal cancer, and other diseases that can lead to ostomy surgery. While ostomy surgery is a procedure that can be life saving, it is also life-changing for these patients. The spirit and courage with which a patient embraces life after ostomy surgery is what the Great Comebacks program celebrates.

Born with a defect of his colon, Tony Bell received an ostomy after birth. The ostomy was reversed a few years later, but Tony received a permanent colostomy at 9 years of age. Following this procedure, Tony was ready to saddle up and grab life by the horns and he

embraced a bright future—one he hoped would include a career as a professional bull rider from Kansas. He wasted no time, mounting his first bull at the age of 10. As Tony trained for rodeo events, he also pursued his love of music. In fact, as a high school senior, he was chosen to join the elite Kansas Ambassadors choir on a European tour.

While attending college on a singing scholarship, Tony entered the pro rodeo circuit and competed professionally for two years, even riding in the Cheyenne Frontier Days Rodeo, known as "Daddy of 'em All." Having achieved this childhood dream, Tony has set his sights on a new goal, following in his parents footsteps to become a teacher.

Throughout his life, Tony says he drew tremendous strength from his parents, who taught him to be resilient and to bounce back from whatever life throws your way. He also credits his "second family," Youth Rally, a summer camp for adolescents with an ostomy, for helping him through some rough patches in his life. He now returns to Youth Rally each summer as a counselor and enjoys providing support and encouragement to campers.

Today, Tony is 28 and lives in Harveyville, Kansas with his wife Pam and six-year-old stepdaughter Haiden. He works on the family farm and is just a few credits shy of his special education teaching degree. Tony continues to channel his musical talents by performing in a barbershop quartet with his father. An outdoor enthusiast, he enjoys skydiving and noodling (fishing for catfish with your bare hands). Tony wants to share his story of success so that others with life-changing conditions know that they are not alone and can achieve their goals with hard work, determination, and perseverance. I commend Tony on his efforts and will to help others and I congratulate him on being selected as a Great Comebacks Recipient.

#### NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

#### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009. This act recognizes the past injustices suffered by native populations, and with this act the United States can begin to move forward with a more positive government-to-government relationship.

American Indians and Alaska Natives have the right to govern their own affairs and determine their membership. Native Hawaiians should also have the right to self-governance and self-determination.

H.R. 2314 establishes a process for federal recognition of one Native Hawaiian governing entity and authorizes negotiations between the state of Hawaii, the U.S. government, and the new entity on future issues. It begins to reconcile the past injustices suffered by native populations and allows us to move forward with a more positive relationship.

Opponents of this bill attempt to argue that Congress is creating race-based governments.

Clearly, they fail to understand the sovereignty of tribal nations. H.R. 2314 is not based on racial status, rather a political status that has existed for centuries. The bill does not exempt the governing entity from the U.S. Constitution, from federal law or from taxation. It does not transfer land or establish gaming or authorize secession. It simply and formally recognizes the sovereignty of Native Hawaiians, which should have happened a long time ago.

In the 110th Congress, I voted for a similar bill (H.R. 505) that passed the House with bipartisan support on October 24, 2007, but was never considered by the Senate.

As a member of the Congressional Native American Caucus, I urge my colleagues to support H.R. 2314, and I urge the Senate to pass this legislation.

#### RECOGNIZING JUDY SODERBERG

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. PAULSEN. Madam Speaker, I wish to recognize Judy Soderberg of Minnetonka, who was introduced into the 2009 Multiple Sclerosis Society Health Professionals Hall of Fame. Judy received this honor for nearly three decades of passionate work on behalf of those with MS, which included her work to help launch a first-of-its-kind, comprehensive MS center. The National MS Society recently acknowledged Judy as "a leading advocate for the MS community, Judy empowers people touched by the disease to be their own advocates." I would like to thank Judy Soderberg for her commitment to bettering the MS community.

#### RECOGNIZING LOUISIANA STATE UNIVERSITY

#### HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. BOUSTANY. Madam Speaker, I rise today in support of LSU and its many achievements over the last 150 years.

As a graduate of LSU medical school, I can attest to the excellence and professionalism of the faculty and to the spirited campus atmosphere that is rivaled by few in the world.

LSU continues capturing the hearts of its students just as it was since it first opened its doors in 1860. It is a place with a unique culture, rich in tradition and quality. Originally serving as a war college, LSU has grown into the flagship university of Louisiana.

Through its seven institutions of higher learning, as well as its distinguished faculty, LSU prepares countless students for the careers of distinction in Louisiana and around the world. LSU also celebrates a number of athletic achievements, including football, baseball, and track and field national championships.

In addition to its academic and athletic successes, the LSU system goes above and beyond to serve the people of Louisiana. From

its tireless efforts in the aftermath of the 2005 hurricanes to its various community outreach programs, LSU makes a great deal of difference in the many communities it serves.

Throughout the years, LSU has persevered to become one of the leading educational institutions in the country. It continues to uphold excellence at every level and sets a very worthy goal of reaching the upper level of national prominence by the end of 2010.

It is my pleasure to recognize Louisiana State University and join with the thousands of current students and alumni to celebrate 150 years of excellence. *Geaux Tigers!*

**HONORING THE LIFE OF DR.  
LINKWOOD WILLIAMS**

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. COHEN. Madam Speaker, I rise today to honor the life of physician Linkwood Williams, a famed Tuskegee Flight instructor and Memphis physician. He was born to Mr. and Mrs. Elbert and Bessie McNeal Williams on August 29, 1918 in Bonita, Louisiana. At the age of three, he and his family moved to Madison, Illinois where he attended school through the twelfth grade, then worked with his father at a local steel mill.

Having encouragement from his father to pursue higher education, Dr. Williams applied and was accepted to study industrial arts at Tuskegee Institute in Alabama, which was one of six colleges where pilot training was offered and the only facility in the country for training black military pilots. After two years of studying, he decided to pursue full-time training in the Civilian Pilots Training Program, a program that would prepare him to quickly adapt to military aviation in the event of a national emergency. Successfully progressing through all Civilian Pilots Training courses, Dr. Williams became part of the Tuskegee Experience and went on to train many of the 450 pilots who served in the 332nd Fighter Group. The Tuskegee Airmen were the first combat group of African American pilots and flew with distinction during World War II.

At the end of the war, Dr. Williams married Katie Whitney, moved to Cleveland, Ohio, and became the third African-American to join the carpenters union. He later enrolled at Western Reserve University to complete the required pre-med courses for acceptance into medical school. Afterwards, he applied to and was accepted to Meharry Medical College in Nashville, Tennessee. During the third year of his residency, he was hired as a part-time instructor to teach Air Force ROTC cadets at Tennessee State University.

After completing his residency, Dr. Linkwood Williams moved to Memphis, Tennessee and began his OB-GYN practice, becoming the first African American OB-GYN in the city. He worked for 31 years until his retirement in 1995.

Dr. Linkwood Williams was a member of Mississippi Boulevard Christian Center, where he served in the Community Outreach Group, the American Medical Association, The Mem-

phians, Kappa Alpha Psi Fraternity, and Sigma Pi Phi (Delta). Dr. Linkwood Williams passed away surrounded by his family on Saturday, February 20, 2010 and was laid to rest on Saturday, February 27, 2010. He was 91 years old. Dr. Williams truly left his mark on the world through his service to the citizens of Memphis, Tennessee. We are grateful to have had the pleasure of his dedication and perseverance in the community.

**REMEMBERING FRANK SARRIS**

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, the people of Southwestern Pennsylvania lost an icon when Frank Sarris, founder of Sarris Candies, passed away Monday. A half century ago when Frank presented his sweetheart Athena with a box of chocolates, a loving Greek-American family and a chocolate empire were born.

After giving Athena the chocolates, Frank kept thinking he could make a tastier product. He went to work in the basement of his Canonsburg home cooking up sweet desserts for friends and family. Word quickly spread of Frank's delicious concoctions. To keep up with the demand, Frank had to quit his day job as a forklift operator.

Once the people of Southwestern Pennsylvania tasted Sarris Candies, their collective sweet tooth could not be satisfied. Frank moved out of his basement and opened a shop next to his home. Eventually, he tore down his home, built a bigger chocolate factory, and moved into an apartment above it. As his chocolate delectables grew in popularity, Frank soon became known as "Candy Man" throughout Canonsburg and beyond.

The only son of Greek immigrants, Frank used his success to give back to the community. If there was a charitable event in Canonsburg, Frank could be counted on to donate chocolate or financial support. Children all across Pennsylvania sell Sarris Candies to raise money for school, sports, and clubs. And one does not have to travel far to find evidence of Frank's philanthropy. His legacy includes the Frank Sarris Outpatient Clinic to care for organ transplant patients, the Sarris Clinical Endowment to fund science research, and the Frank Sarris Public Library. In one way or another, Frank has touched the life of every person in Canonsburg.

Generations of Southwestern Pennsylvanians have tasted and loved Sarris Candies. Today, parents who grew up on Sarris Candies take their children to the Sarris Chocolate Factory and Ice Cream Parlour. You can see the eyes of each child light up when the homemade ice cream covered with Sarris toppings is placed before them. At that moment, each parent remembers what it is like to be a kid again.

Frank will be missed, but his memory will live on every time a person takes a bite from a Sarris candy bar or a small child walks in to the Ice Cream Parlour for the first time to order a sundae. Sweet dreams, Frank.

**OBSTETRIC FISTULAS—INTL.  
WOMEN'S DAY**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 2010*

Ms. DELAURO. Madam Speaker, I rise to draw our attention to a worldwide problem we could do much more to resolve: obstetric fistulas. Imagine you are 13 years old. You are married against your will to a much older man and become pregnant. When the baby is due, you have no medical care. Your body is too small. The baby gets stuck. You nearly die.

But instead, you wake up to learn that it is your baby who has died, and you now have a fistula—a hole caused by the days of prolonged labor and resulting rotting away of internal tissue. You are incontinent and cannot walk. You are shunned by your husband and your village. It is hard to imagine being so alone.

But this is the real story of Mahabouba, a young girl in Ethiopia. And an estimated 2 million women like her suffer from obstetric fistulas—though we need much better data on this problem. They have suffered in this unspeakable way because they lacked maternity care, or were married too young, or even because their husbands would not let them go to the hospital.

As we mark this day, let us raise our voices for these women. Let us commit our power and our compassion to providing life-saving maternity care and to preventing these tragedies. Let us help them to stand up and bring new hope for their future.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 4, 2010 may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED**

**MARCH 5**

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for February 2010.

SD-106

## MARCH 9

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Joint Forces Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

## Appropriations

## Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of the Interior.

SD-124

## Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SDG-50

10 a.m.

## Energy and Natural Resources

To hold hearings to examine financial transmission rights and other electricity market mechanisms.

SD-366

## Finance

To hold hearings to examine United States preference programs, focusing on options for reform.

SD-215

## Environment and Public Works

## Superfund, Toxics and Environmental Health Subcommittee

To hold hearings to examine business perspectives on reforming U.S. chemical safety laws.

SD-406

2 p.m.

## Health, Education, Labor, and Pensions

To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on K-12 education for economic success.

SD-430

2:30 p.m.

## Intelligence

To hold a closed meeting to consider certain intelligence matters.

SH-219

## MARCH 10

Time to be announced

## Health, Education, Labor, and Pensions

To hold hearings to examine the nominations of Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission, Gwendolyn E. Boyd, of Maryland, and Peggy Goldwater-Clay, of California, both to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, and Sharon L. Browne, of California, Charles Norman Wiltse Keckler, of Virginia, and Victor B. Maddox, of Kentucky, all to be a Member of the Board of Directors of the Legal Services Corporation.

Room to be announced

9:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 1696, to require the Secretary of Energy to conduct a study of video game console energy efficiency, S. 2908, to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accom-

panying test methods for covered water heaters, S. 3059, to improve energy efficiency of appliances, lighting, and buildings, and S. 3054, to amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.

SD-366

10 a.m.

## Appropriations

## Defense Subcommittee

To hold hearings to examine Department of Defense health programs.

SD-192

## Armed Services

## Emerging Threats and Capabilities Subcommittee

To hold hearings to examine U.S. government efforts to counter violent extremism and the role of the U.S. military in those efforts.

SR-222

## Foreign Relations

To hold hearings to examine new directions in global health.

SD-419

## Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening.

SD-342

## Judiciary

To hold hearings to examine corporate spending in American elections after Citizens United.

SD-226

10:15 a.m.

## Appropriations

## Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Nuclear Security Administration.

SD-116

10:30 a.m.

## Armed Services

## Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-232A

2 p.m.

## Appropriations

## Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Health and Human Services.

SD-124

2:30 p.m.

## Commerce, Science, and Transportation

To hold hearings to examine advancing American innovation and competitiveness.

SR-253

## Foreign Relations

## International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold hearings to examine the future of U.S. public diplomacy.

SD-419

## Judiciary

To hold hearings to examine certain nominations.

SD-226

## Energy and Natural Resources

## Public Lands and Forests Subcommittee

To hold hearings to examine S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, S. 2907, to establish a coordinated avalanche protection program, S. 2966 and H.R. 4474, bills to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and S. 2791 and H.R. 3759, bills to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers.

SD-366

## Armed Services

## Strategic Forces Subcommittee

To hold hearings to examine the military space programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-232A

## MARCH 11

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SD-G50

10 a.m.

## Energy and Natural Resources

To hold hearings to examine legislative proposals designed to create jobs related to energy efficiency, including proposed legislation on energy efficient building retrofits.

SD-366

## Health, Education, Labor, and Pensions

To hold hearings to examine pay equity in the new American workplace.

SD-430

11 a.m.

## Homeland Security and Governmental Affairs

## State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine U.S. officials involved in drug cartels.

SD-342

2:30 p.m.

## Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

## MARCH 16

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

10 a.m.

Energy and Natural Resources  
Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's WaterSMART program which includes the WaterSMART Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing foster care and family services in the District of Columbia, focusing on challenges and solutions.

SD-342

MARCH 17

2:30 p.m.

Energy and Natural Resources  
National Parks Subcommittee

To hold hearings to examine S. 553, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, S. 1017, to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the

Cane River National Heritage Area in the State of Louisiana, S. 1018, to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, S. 1537, to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, S. 1629, to authorize the Secretary of the Interior to conduct a special resource study of the archaeological site and surrounding land of the New Philadelphia town site in the state of Illinois, S. 2892, to establish the Alabama Black Belt National Heritage Area, S. 2933, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and H.R. 3804, to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or es-

tablish certain National Park Service authorities.

SD-366

MARCH 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SDG-50

MARCH 23

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

MARCH 24

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.

SR-418

## HOUSE OF REPRESENTATIVES—Thursday, March 4, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. BALDWIN).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 4, 2010.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, so blessed are we in the United States of America that when we hear Your words of blessing upon Abram, the great man of faith, we hear those words as spoken to the very soul of this Nation.

"I will make of you a great Nation, and I will bless you. I will make your name great so that you will be a blessing. I will bless those who bless you and curse those who curse you. All the communities of the Earth shall find blessing in you."

And the people said: Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### LEAVING AFGHANISTAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. There is a new way to fight war in Afghanistan. U.S. commanders are publicly telling the Taliban when we are coming and where we are going to be to wage war. This, while Karzai tries to cut a deal with the Taliban. Meanwhile, a large offensive is being mounted, an assault on Kandahar. The U.S. is going to have 100,000 troops mounted for a big battle by autumn. We're using 1.1 million gallons of fuel a day, logistical problems abound.

Here is a quote from the February 20 National Journal: So despite the immense effort to push out supplies, frontline fighters sometimes don't even have the minimum they need. "We had guys out there at the outpost in an area of operations starving because we couldn't get a resupply into them," said one major.

Now, will the surge change that? And what's this all about? To strengthen and corrupt the central government which is building villas in Dubai?

I am bringing a privileged resolution to the floor to get out of Afghanistan, and I urge your support.

### HEALTH CARE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. You know, I think after yet another health care speech by the President, the American people are sick and tired of the Democrats' "I know what's best for you" attitude. Congress needs to wake up and realize that Americans know more about their health care needs than the government bureaucrats. They know exactly what a Washington takeover of health care means, and they're shouting from the rooftops: No, no, no.

It's time for the President and Speaker PELOSI to realize that this policy debate isn't between Democrats and Republicans; it's between the Democrats and the American people. And the American people are saying, Enough is enough. They don't want a health care bill that raise taxes, stifles small business, increases insurance premiums, and cuts Medicare.

If the Democrats insist on ramming this bill through against the will of the American people, then they'd better be

prepared to suffer the consequences in November.

### PEACE CORPS ANNIVERSARY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today to pay tribute to the Peace Corps.

This week the Peace Corps celebrates their 49th anniversary. Since 1961 nearly 200,000 volunteers have served in 139 countries around the world. These talented and selfless volunteers have made lasting contributions in agriculture, business development, sustainable infrastructure, education, health, HIV/AIDS, and the environment. Each volunteer's work represents a legacy of service that has become a significant part of America's history and positive image abroad.

These accomplished volunteers come from very diverse backgrounds, including prestigious universities like the University of California in Santa Barbara, located in my district. I am proud to represent this campus, which consistently provides one of the highest numbers of recruits for the Peace Corps.

Again, congratulations, Peace Corps, on your anniversary, and thank you for the wonderful work you do.

### ORANGEBURG PREPARATORY SCHOOL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. This morning, 79 students from Orangeburg Preparatory School in South Carolina's Second District are in the Capitol to learn about the legislative process and the history of the Nation's Capitol Building. Under the leadership of Head Master Kelly Mills, the students at Orangeburg Preparatory School excel both in and out of the classroom. Such success is achieved through partnerships between the community, teachers, parents, students, and alumni.

As a member of the House Education and Labor Committee, I am grateful to spend time with these bright young students and will continue to pursue policies that advance fiscally responsible reforms that will improve their educational opportunities through higher education and beyond. We need

insurance reform, not big government takeover. I also want to note that when you meet them, the students here today from Orangeburg Prep continue a tradition to be the best-dressed student group to visit the Capitol.

In conclusion, God bless our troops, and we will never September the 11th in the global war on terrorism.

#### CONTRIBUTIONS OF THE RECOVERY ACT

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, it has been now over a year since we took sweeping action to recover our economy. The Recovery Act has consistently grown our economy by creating or saving more than 2 million jobs, giving 95 percent of American workers a tax cut and beginning to rebuild our crumbling infrastructure, all while making investments in a clean energy future and working to improve our Nation's health care.

In the past year, the Recovery Act has provided \$120 billion in tax cuts for working families and business, loaned nearly \$20 billion to small businesses to expand and create jobs, founded more than 12,500 transportation projects, and helped keep over 300 educators on the job. The Recovery Act has also put us on a path towards a green economy through investments in green job training programs. Furthermore, the Recovery money has funded the creation and expansion of community health centers all over the country as well as increased investment in health information technology.

Madam Speaker, while there is still much to be done to fully recover our economy, it would be a lot worse had we not passed the Recovery Act.

#### RESIGNATION AS ACTING CHAIR OF COMMITTEE ON WAYS AND MEANS.

The SPEAKER pro tempore laid before the House the following resignation as acting chair of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 4, 2010.

Hon. NANCY PELOSI,  
Speaker, The Capitol  
Washington, DC.

DEAR MADAM SPEAKER: I hereby resign as acting chairman of the Committee on Ways and Means.

Sincerely,

PETE STARK,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

#### WASHINGTON IS NOT LISTENING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, it's *deja vu* all over again on the health care bill. The people have tried every way they know to have their voices heard. Town halls, tea parties, even special elections. The people don't want Washington bureaucrats making their medical decisions. But Washington's not listening. People don't want the Feds forcing them to buy health insurance or pay a fine, an idea that's unconstitutional. But Washington's not listening. And when the Senate bill fully kicks in, it will cost \$2.5 trillion. We don't have the money. Spending on bailouts and stimulus bills, the taxpayers are out of money. We're broke, and we're borrowing billions of dollars from the Chinese.

But Washington's not listening. The massive health care bill now is 2,700 pages long. Churchill once said, "This report, by its very length, defends itself against the risk of being read." Americans don't want a European-style Nanny State where government makes all our decisions. Government-run health care is unhealthy for Americans, but Washington's not listening.

And that's just the way it is.

#### INVESTMENTS IN EDUCATION AND INFRASTRUCTURE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Madam Speaker, it's past time to boost sustainable job creation by making strong commitments to our Nation's education and infrastructure. The results of the American Recovery and Reinvestment Act actually prove the point, but it can't be a one-shot deal. The hemorrhaging of jobs has stopped. In fact, jobless claims fell last week by 29,000. But now it's time to send all our people back to work. We can't do it on the cheap, and every State across our Nation has to be included. We need investments in plants and equipment to bring our manufacturing capacity into the 21st century before the rest of the world outpaces us.

And let's find the political courage to buy America in order to build America, encouraging our businesses to create jobs here at home and not ship them abroad. We need sustained investments in vocational and technical training, community colleges, and retraining to grow a workforce to retain our competitive edge. And we have to foster innovation and creativity among our small businesses and entrepreneurs.

Madam Speaker, our economic future relies on the strength of our education and the breadth of our opportunities. We must act quickly or risk being left behind.

#### REMEMBERING SKIP NELSON OF ARIZONA

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, I rise today to honor the memory of Skip Nelson, who passed away earlier this week, leaving us all far too early. Arizona was blessed that Skip called the State home for most of his life. He was known by many and respected by all. Countless individuals, groups, and organizations have benefited from his good work, his generosity, and his wise counsel.

I had the distinct privilege of knowing Skip for more than a decade. From my vantage point, for all the notable accomplishments and achievements in his life, it was within the walls of his own home that Skip's most important and lasting work was accomplished. Along with Judy, his beloved wife of more than 30 years, Skip raised three upright and honorable children, Mike, Ryan, and Erin, who will surely carry on his legacy. In fact, Mike and Ryan have already done much good here on Capitol Hill. Every State and community deserves to have a man of the caliber of Skip Nelson. We count ourselves fortunate in Arizona to have had him as long as we did.

#### HONORING WOMEN VETERANS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Madam Speaker, March is Women's History Month, and I rise today to pay tribute to the women who have served our country with honor and distinction. Women such as Major General Susan Lawrence, the commander of the Army's Netcom and 9th Signal Command at Fort Huachuca. She is a true inspiration to soldiers in Arizona and women everywhere.

Women such as Lori Piestewa, a U.S. Army soldier killed during an attack in Iraq in 2003. A member of the Hopi tribe, she was born and raised in Arizona and became the first woman in the U.S. Armed Forces killed in Iraq and the first Native American woman to die in combat while serving in the United States military. And women such as Air Force Lieutenant Meredith Doran. Working from Davis-Monthan Air Force Base in Tucson, she is an aircraft traffic controller involved in the Haitian earthquake relief effort underway today.

Women have voluntarily served in every conflict since the early days of the Revolutionary War, and their significant accomplishments are often overlooked. Every day, women fly jets in combat, engage enemies on the battlefield, and will soon also serve alongside their male counterparts on submarines.



This month and all year long, we should recognize and remember the service, sacrifice, and the lives of the women in our United States Armed Forces and everything that they have given to our country.

□ 1015

#### UNSUSTAINABLE HEALTH CARE COSTS

(Ms. JENKINS asked and was given permission to address the House for 1 minute.)

Ms. JENKINS. Health care costs are unsustainable. They are bankrupting families. They are bankrupting small businesses, and if they are not reformed, they will bankrupt our government. No one denies we need reform, but what Americans do not want is for D.C. politicians to centralize health care decisions in Washington and create another entitlement program when everyone knows we haven't paid for the entitlements we already have.

Instead, what Americans need are reforms that actually reduce health care costs for families, help folks with pre-existing conditions, and make it easier for small businesses to provide health care. The American people have rejected a government takeover of health care. So I urge my colleagues to support commonsense plans to fix what's broken without throwing out the rule book and without destroying what works for millions.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### RECOGNIZING THE IMPORTANCE OF THE CENSUS AND NATIVE AMERICAN PARTICIPATION

Mr. BACA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1086) recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1086

Recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country

to name an elder to be the first member of that community to answer the 2010 Census.

Whereas the decennial census is a responsibility of the Federal Government, mandated by article I, section 2 of the Constitution;

Whereas, in the 2000 Census, 4.3 million people, or 1.5 percent of the total United States population, stated that they were American Indian or Alaska Native;

Whereas, in the 2000 Census, 2.4 million people, or 1 percent of the United States population, stated that they were solely American Indian or Alaska Native;

Whereas Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

Whereas the 2010 Census data is strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the 2010 Census is quick, safe, and easy to complete;

Whereas the census is a source of data on a number of issues of national importance, such as school attendance, educational attainment, and employment;

Whereas areas are underserved by the Federal Government if significant portions of the population, especially those in low-income and minority neighborhoods, fail to participate in the census;

Whereas full participation in the census is necessary to ensure an accurate depiction of the population of the United States;

Whereas, April 1, 2010, is the date for the 2010 Census;

Whereas the San Manuel Band Serrano Mission Indians in California propose to name an elder to be the first member of that community to answer the 2010 Census;

Whereas it is hoped that the naming of an elder to be the first member of that community to answer the 2010 Census will encourage other members of that community to answer the 2010 Census;

Whereas it is hoped that each other community within the Indian Country will name an elder to be the first member of their community to answer the 2010 Census;

Whereas elders are looked upon as the trusted ones in the tribe who will have the most influence in carrying the message of how important an accurate 2010 Census count is; and

Whereas elder participation in the 2010 Census count will encourage others to participate in the 2010 Census: Now, therefore, be it;

*Resolved*, That the House of Representatives—

(1) recognizes the importance and significance of the 2010 census and encourages full participation in this critical process; and

(2) encourages each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BACA).

##### GENERAL LEAVE

Mr. BACA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Madam Speaker, I yield myself such time as I may consume.

Today I rise in strong support of House Resolution 1086, a resolution that recognizes the importance and significance of the 2010 census and encourages each community within Indian Country to name an elder to be the first member of that community to answer the 2010 census.

I would like to thank the majority leader, STENY HOYER; Chairman ED TOWNS; and Ranking Member DARRELL ISSA for their support of this resolution that was introduced on February 22, 2010. I also want to recognize all committee staff and my personal staff for their hard work on this. I also would like to take the time to thank my colleagues in the House of Representatives for their bipartisan support, because it is a bipartisan bill that is good for all of us.

This resolution serves to raise the awareness of the importance of the 2010 census count and urges Indian Country to name an elder to be the first person to complete the 2010 census from each tribe. That shows respect and dignity for that elder. An accurate census count is very important because the data gathered will determine the allocations and the distributions of millions of dollars to State, local, and tribal governments.

Census data can help tribal leaders understand what their community needs are. Many tribal communities use census information to attract new businesses and plan for growth in the future. In fact, many tribes and tribal organizations use census data to plan new facilities and programs for their communities and making their quality of life a lot better.

The 2010 census will be used as a future basis for the 1,400 funding programs under the Catalog of Federal Domestic Assistance; 245 of these programs use census data for distribution of funds through grants, loans, direct payments, and government grant payments. An accurate count is essential to everyone, especially in Indian Country.

In the year 2000 census, 4.3 million people, or 1.5 percent of the total United States population, stated that they were American Indians or Alaska Natives. Census data will help shape the future of our youth and sends a proud message to those individuals who can be identified.

In 2007, the American Community Survey reported that 40 percent of American Indian and Alaska Native population was under the age of 25. And in these tough economic times, Indian Country needs an accurate census count more than ever. That is why I am proud to work with the tribe from

my area in California, along with Congressman JERRY LEWIS, that has the San Manuel Band of Mission Indians, led by my good friend Chairman James Ramos.

Next week, San Manuel Chairman Ramos will name Pauline Murrillo to be the first elder to complete the 2010 census form to be counted in their tribe. This is a short form with 10 questions. This is what it looks like. What San Manuel is doing is creative and innovative. Elders are looked upon as trusted leaders in most Native American communities. They are in the best position to help carry the message of the importance of an accurate 2010 census count. And also to bring pride and respect within each of the tribes.

By law, the Census Bureau cannot share respondents' answers with anyone, including tribal housing authorities, other Federal agencies, or law enforcement entities. However, there is still mistrust in the census in many tribes. The census needs our help, and this resolution drives home the message that we need to encourage tribal elders as partners in this challenge. With only 10 questions in the 2010 census questionnaire, it is one of the shortest questionnaires in history and it takes 10 minutes to complete for the average household.

The majority of households will receive the form by mail starting on March 15. However, special procedures will be used on many Indian reservations and in Alaska Native villages where homes do not have city-style addresses with a number and street name. In these areas, members of the community working with the census will visit homes to help fill out the form and take an accurate count. Distrust in the census will hurt the count especially, so these special procedures are arranged for the very hard-to-count tribal areas. That is why the U.S. Census created a special tool kit to help deliver the message and complete an accurate count in Indian Country. With the help of tribal elders, the 2010 census can be a great success.

I encourage all Members to go back to their districts and work with the tribes in their areas, as I have, to ensure an accurate count for every community. I urge my colleagues to support greater census awareness in Indian Country and vote in favor of H. Res. 1086.

I reserve the balance of my time.

Mr. BILBRAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Constitution of the United States mandates on the Federal Government the responsibility of holding a census every decade. It is an essential part of our constitutional obligation, and actually a building block for our representative form of government. It also has evolved into a process to be able to assess how Fed-

eral funds and programs should be distributed.

The integrity of the census is so important that over the decades methods have been proposed how to improve and to secure the census numbers. Today we are actually talking about one aspect of the effort to improve the validity of these numbers and the integrity of the numbers, and that is to do an outreach to the communities of the Native Alaskans and American Indians. These are communities that tend to be more isolated than the general population and tend to be more suspicious of any government action, especially the Federal Government. And, frankly, the way the Federal Government has treated these two groups historically, I think we all say that a lot of the skepticism of the American Indian and Native Alaskans is well founded.

But this program is well based in a proposal to use the traditional respect for elders, the high regard and status of elders in the American Indian and Alaskan Native community really as a building block to build the understanding that this process is not just important to the Federal Government, it is not just important to the general population, but it is essential to those individuals who reside on Indian reservations and in Alaska.

This proposal is actually a great way to be able to bring this message that the census is for you, too, even if you are on a reservation. I think it is a very good way of doing it.

I have to say there are many things that the Federal Government does where we mean well, but we don't take the time to understand the individuals that we are trying to serve. We don't take the time or make the effort to understand that the Federal Government too often asks for one size fits all as somehow the perfect answer. This program customizes an approach to reflect those traditional customs and the heritage of our Native American and Native Alaskan populations.

I think that the integrity of the census is something that we don't talk enough about except when we have scandals and problems of groups and people being involved with it that basically are questionable at the time and pull a pale over the entire census process. This process is one I think where we will be able to look back and say there was a bipartisan effort not to try to manipulate the numbers or the process, but to allow the numbers to be true and well founded. I strongly support this concept.

Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank Mr. BILBRAY for yielding.

Madam Speaker, the census is one of the few, one of the very few truly constitutional functions that we are engaged in here in Congress. In fact, most

of what Congress does today is unconstitutional according to the original intent. I am an original intent constitutionalist. I believe the Federal Government should only be doing 18 things that Article I, section 8 gives us the authority to do, but the census is certainly one of those. National defense, national security, taking care of our veterans and taking care of our folks in the armed services is, under the original intent of the Constitution, the major function of the Federal Government. And I am a very strong believer in that. I am a very strong believer in this government doing only those things that Article I, section 8 gives us the authority to do, and certainly taking the census is one of those.

Today we will be taking up a rule in the next series of votes, from what I understand, which is going to be a rule on a jobs bill. Well, jobs and the census certainly have a great correlation because the Census Bureau will be looking at who is unemployed in this country. In fact, that is what they do. Part of their job in the Census Bureau is to try to find out all of the demographic information. A lot of the things that the Census Bureau does, questions that they ask are none of the Census Bureau's or the Federal Government's business, frankly, but certainly I encourage people to fill out the census for the information that is actually required under the Constitution, and no more.

But, Madam Speaker, jobs are certainly important, and counting the jobless rate in this country is certainly an important function of knowing where we are. The States do this and the Federal Government takes all of that jobless information, and we are going to get a report just tomorrow about the new jobless rates.

Madam Speaker, just last week I was in one of my counties in Georgia in the 10th Congressional District and was talking to the county commission chairman, and in that discussion he was telling me 1 year ago the jobless rate in his county was over 14 percent. I think it was 14.7, if I remember correctly. He said now the jobless rate in their county is down to a little over 10 percent. I said, That's great.

□ 1030

Is this because of the stimulus bill that we passed? Is this because new jobs were created in your county? And he said, No, we've had no new jobs in our county, none, absolutely zero. The reason that the unemployment rate is down in our county is because people have just stopped looking for jobs. They're discouraged. They're greatly discouraged. I think this is true all over this country. I think the fall in our jobless rate that we've seen recently, down from above 10 to just slightly below 10, is because people

have gotten discouraged and they have just stopped looking.

We just passed an extender of unemployment benefits by voice vote. I'm not really happy that we've passed it by voice vote, but we did just last week. And, Madam Speaker, we are going to be taking up this jobs bill that we haven't even seen the text of, we have not even seen the bill. It is going to be brought to the floor of this House just like the stimulus bill was, without even having the opportunity to read these plans.

Madam Speaker, I believe that "jobs" by this new bill, from everything I can tell, should be an acronym. JOBS should be "just one big slush fund," an acronym for "just one big slush fund."

Madam Speaker, I introduced my own JOBS Act. My JOBS Act is an acronym for "jump-start our business sector." That's what we need to be doing; we need to be jump-starting our business sector by getting the tax burden and the regulatory burden off small business. Madam Speaker, small business is the economic engine that pulls along the train of prosperity in America, the small business. We are killing small business through the regulatory burden and the tax burden.

We're going to be taking up a health care bill very soon—we don't know when yet—ObamaCare. ObamaCare, Madam Speaker, is going to kill jobs in America. Let me say that again: ObamaCare is going to kill jobs in America. In fact, the bill that the House voted on, the President's own senior economic adviser said it will kill 5.5 million jobs, put 5.5 million Americans out of work if the House bill is put into law. The Senate bill, I haven't seen the data on it, but I'm sure those data are just the same. I'm not sure if it's 5.5 million or 5 million, but the recent proposal by the Obama administration is going to kill jobs, and creating more and more government spending is just creating more government jobs.

Madam Speaker, the American people need to decide, are we going to go down one route of socialism, total government control, total government takeover of everything in human endeavor, including health care, or are we going to go down the road of liberty and freedom? And I say liberty and freedom because I consider them to be a little different.

Madam Speaker, let me define liberty for you. This is my definition. I don't think you will find it in the dictionary, but I think it's very appropriate. Liberty is freedom bridled by morality. Liberty is freedom bridled by morality. America needs to decide, are we going to be a free people or are we going to be controlled by the Federal Government? Are doctors and patients going to make their health care decisions, or will it be some government bureaucrat in Washington?

Just yesterday, the President had a press conference where he said he wanted doctors and patients to make that decision, but his proposal will not do that. His proposal will make a government bureaucrat here in Washington, D.C. tell doctors and patients what kind of care they can get.

Madam Speaker, I am a medical doctor; I'm a family practitioner. I have fought for my patients for years as part of my practice, being concerned about their economic well-being. That's what family doctors do. I try to find the best quality care at the lowest price for my patients. That is an integral part of family medicine. But what we are heading towards with this government takeover of health care is going to destroy family medicine and destroy that basic premise of what we do as family doctors.

This jobs bill is going to be nothing more than one big slush fund. "Jobs" by the new bills that we've seen, at least in the Senate bill—and I think we're going to have something that is very close to that once we see the legislative language—is not going to be anything but one big slush fund, this political payback, and it's going to create jobs in the Federal Government.

Now, jobs have been created, certainly, by the failed stimulus package we passed a little over 1 year ago, but let's look back 1 year later at some of the spending low lights of that failed stimulus bill: \$67,726 was used by a casino outside Green Bay, Wisconsin. They used a Federal grant to send their employees to learn how to handle confrontations with their customers. This is not constitutional. But once they went there, it was clear to the instructors of this seminar that the casino staff already knew how to handle confrontations with their customers.

We've allocated, in Massachusetts, \$4 million in Federal stimulus dollars to build a 2.66-mile bike trail that connected the Manhan Bike Trail to the North Hampton and Norwottuck Trails. This would give those folks riding down that bike trail greater access to Taco Bell. I'm sure Taco Bell is very appreciative of the taxpayers' largess.

Millions of dollars were sent to Democratic operatives. Two firms run by Mark Penn, current Secretary of State Clinton's former Presidential campaign pollster, were awarded \$5.9 million in taxpayer funds from the stimulus bills. I could go on and on and on.

We built bike racks in Georgetown with stimulus dollars that were put in place in neighborhoods where the average house value here in Georgetown was over \$1 million. I mean, come on. The American public needs to stand up and say "no" to this outrageous takeover of their liberty and their freedom.

Madam Speaker, a CEO of a steel-making corporation recently said,

Companies large and small are saying, I'm not going to do anything until these things, health care and climate legislation, go away or are resolved. That is what's happening, Madam Speaker, in this country. Small businesses, and large, are scared. The American public is frightened.

When I did my very first town hall meeting last August in Evans, Georgia, talking about the Pelosi health care bill, I thanked the people for coming and expressing their concern about health care. When I did, after discussing the bill, I thanked the people for coming and showing their concern about health care. The second gentleman that got up in the question and answer period said, Dr. BROUN, I would like to disagree with you about something. I said, Sure, what is it? And he said, I want to disagree with you because I'm not concerned about health care; I'm scared and I'm angry. And a scared and angry American public is a power to be reckoned with. He got a tremendous round of applause. I applauded him also. And he is exactly right.

The American people need to stand up and say "no" to ObamaCare. Let's trash these bills that are on the floor for consideration now and let's start all over again and find something that makes sense. Let's have a jobs bill that makes sense and that really creates jobs.

The Republicans are accused by Democratic colleagues and by the President of being a "party of no." Well, we are the "party of k-n-o-w." We do know how to create a strong economy, and that's by getting the tax burden and regulatory burden off the small businesses in America and off the individuals, leaving dollars in their pockets so that they can expand their business and create more jobs and where consumers have more money so that they can expend it on goods and services here in America.

We know how to solve the health care financing problem we have in America where health care and drugs are too expensive. We can lower the cost of health care, not raise it as the ObamaCare bills all do. We know how to create jobs. We know how to get this economy back on track. We know how to lower the cost of health care if our ideas are just heard. But the leadership here in this House, the leadership in the Senate and the administration have turned a deaf ear towards commonsense, market-based solutions.

And I ask, Madam Speaker, for the American people to stand up and say "no" to socialism and say "yes" to freedom and liberty.

I hope the American people will contact their Congressman and their Senators and say "no" to ObamaCare, "no" to this jobs bill, "no" to more socialism and more government control of their lives, and say "yes" to freedom and liberty.

Mr. BILBRAY. Madam Speaker, I would like to close by thanking my colleague from California. I want to thank him for a lot of reasons, but it was nice that you proposed a 2-page bill, not a 2,000-page bill. It was nice that you gave us over a week to be able to review it rather than a few hours. And it is darn nice to see that we can have a bipartisan effort and get something passed in this Congress that doesn't cost \$1 trillion. So thank you very much for taking a leadership role on this thing. Maybe we can get the leadership on both sides to recognize that maybe this is the process we ought to follow more often.

I yield back the balance of my time.

Mr. BACA. First of all, I would like to thank the gentleman from San Diego (Mr. BILBRAY) for his support of this. I know that he has always been supportive of Native Americans, not only now but in the past as well; so I appreciate that.

I also appreciate the gentleman from Georgia and his comments. I think he was supporting this legislation somewhere along the line as he was talking about jobs.

I also believe that it's important, and I know that President Obama has that as part of his top priority in creating jobs and dealing with the jobs in this country because he knows very well that the unemployment is now roughly around 10 percent, and he wants to make sure that he gets it up.

We know that unemployment will affect the census. I share in that sense that the gentleman from Georgia was supporting it because it's very important that we do an accurate count and that we count everyone because that will determine the amount of jobs that we have and the kinds of jobs to be created in our areas.

As I stated before, Madam Speaker, I would like to thank Chairman TOWNS, Ranking Member ISSA, and of course I want to thank again Mr. BILBRAY for his hard work and support, as well as the staff and others who have worked on this bill.

As we all know, an accurate count is vital to the importance of the American tribal communities and every other community. In my community, not too long ago we started a census count. We did it at Arrowhead Medical Center. We went there, and we began to try to tell the people in our communities the importance of having an accurate count, the importance of making sure that we count each and every one, and that everyone participates in it; and also clarifying the law, clarifying the law that the information will not be used against any individual, but every individual must be counted within our communities.

What does it mean to our States, our counties, our cities? What does it mean to businesses in the area? It's important that we do an accurate count be-

cause that's the only way that we can determine how many dollars are going to come back into our communities. We won't know unless we do an accurate count.

The State of California won't be able to determine their budget if they don't do an accurate count. Based on the amount of dollars in that immediate area, they can then determine how much money is going to be coming back to the State of California, or any other State. Or a county official in an area can determine, when they look at their budget and try to determine what goes on, they can only do it if they have an accurate count. And city officials within the area can only determine what needs to go on in terms of, all right, What is my budget going to look like? What kind of services do I need to provide at the local level? How does it impact transportation? How does it impact education? How does it impact public safety? How does it impact public health?

And then local businesses in the area: we know that you need a strong marketing plan and you need to know where businesses want to relocate. It happens through the census.

□ 1045

So an accurate count is very important. If you're a businessperson and you want to start a business in the area, it's important that you have an accurate count because you know where you want to be located; you know the demographics of the area; you know the income of the area. If it's a doctor, then the doctor will know how many patients he is going to have and how much profit he is going to make. It's not about profit. It's about the service and quality of health care. I only made that statement, but it's important because we'll be able to determine that. So an accurate count in the area becomes very important. It also tells us how to market the area. How do we market the immediate area in terms of what goes on?

In Indian Country, it becomes very important to a lot of us when we look at many of our tribes in our areas and at the undercount that has been there. Many of our tribes and others have not been able to determine the kind of services they need within the reservations. This will determine the transportation, the housing in the area, the health in the area, and the kind of educational facilities. Most of all, it will be respect to an elder because this is about identifying the elders within each of the tribes and allowing them to be counted. It's important that we count each and every one of the individuals and that we allow for the kind of respect that should be there, not only in this census but in others. If we look back at 1990 and 2000, we did an inaccurate count. There were many people who weren't counted.

I believe the census is making every effort in trying to reach out to our communities by marketing, by hiring individuals, by working in the communities, and by identifying those individuals. That kind of partnership and collaboration becomes very important to all of us if we want to make sure that we do an accurate count.

This bill is very important, not only to Native Americans now but in the future, when a child can then look up to future generations and say, It was my elder who was the first one to be counted, the true Americans in this country, and they should be the ones who should be counted first. This gives us an opportunity to approach them and to make sure that they are counted.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. BACA. I yield.

Mr. BROUN of Georgia. I just wanted to answer your question.

Yes, I absolutely support this. Counting the census is a constitutional duty. It's extremely important. Our Founding Fathers knew how important it was to know who people were, where they were, et cetera. So I do support the bill very strongly.

Mr. BACA. I thank the gentleman from Georgia for his support.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 699, by the yeas and nays;

H. Res. 1086, de novo;

H. Res. 1111, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## HONORING 139TH AIRLIFT WING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 699, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 699, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 84]

YEAS—421

Ackerman	Chaffetz	Giffords
Aderholt	Chandler	Gingrey (GA)
Adler (NJ)	Childers	Gohmert
Akin	Chu	Gonzalez
Alexander	Clarke	Goodlatte
Altmire	Cleaver	Gordon (TN)
Andrews	Clyburn	Granger
Arcuri	Coble	Graves
Austria	Coffman (CO)	Grayson
Baca	Cohen	Green, Al
Bachmann	Cole	Green, Gene
Bachus	Conaway	Griffith
Baird	Connolly (VA)	Grijalva
Baldwin	Conyers	Guthrie
Barrett (SC)	Cooper	Gutierrez
Barrow	Costa	Hall (NY)
Bartlett	Costello	Hall (TX)
Barton (TX)	Courtney	Halvorson
Bean	Crenshaw	Hare
Becerra	Crowley	Harman
Berkley	Cuellar	Harper
Berman	Culberson	Hastings (FL)
Berry	Cummings	Hastings (WA)
Biggart	Davis (AL)	Heinrich
Bilbray	Davis (CA)	Heller
Bilirakis	Davis (IL)	Hensarling
Bishop (GA)	Davis (KY)	Herger
Bishop (NY)	Davis (TN)	Herseth Sandlin
Bishop (UT)	Deal (GA)	Higgins
Blackburn	DeFazio	Hill
Blumenauer	DeGette	Himes
Blunt	DeLauro	Hinchee
Boehner	Dent	Hinojosa
Bonner	Diaz-Balart, L.	Hirono
Bono Mack	Diaz-Balart, M.	Hodes
Boozman	Dicks	Holden
Boren	Dingell	Holt
Boswell	Doggett	Honda
Boucher	Donnelly (IN)	Hoyer
Boustany	Doyle	Hunter
Boyd	Dreier	Inglis
Brady (PA)	Driehaus	Inslee
Brady (TX)	Duncan	Israel
Braley (IA)	Edwards (MD)	Issa
Bright	Edwards (TX)	Jackson (IL)
Broun (GA)	Ehlers	Jackson Lee
Brown (SC)	Ellison	(TX)
Brown, Corrine	Ellsworth	Jenkins
Brown-Waite,	Emerson	Johnson (GA)
Ginny	Engel	Johnson (IL)
Buchanan	Eshoo	Johnson, E. B.
Burgess	Etheridge	Johnson, Sam
Burton (IN)	Farr	Jones
Butterfield	Fattah	Jordan (OH)
Buyer	Filner	Kagen
Calvert	Flake	Kanjorski
Camp	Fleming	Kaptur
Cantor	Forbes	Kennedy
Cao	Fortenberry	Kildee
Capito	Foster	Kilpatrick (MI)
Capps	Fox	Kilroy
Capuano	Frank (MA)	Kind
Cardoza	Franks (AZ)	King (IA)
Carney	Frelinghuysen	King (NY)
Carson (IN)	Fudge	Kingston
Carter	Gallegly	Kirk
Cassidy	Garamendi	Kirkpatrick (AZ)
Castle	Garrett (NJ)	Kissell
Castor (FL)	Gerlach	Klein (FL)

Kline (MN)	Murphy, Patrick	Schwartz
Kosmas	Murphy, Tim	Scott (GA)
Kratovil	Myrick	Scott (VA)
Kucinich	Nadler (NY)	Sensenbrenner
Lamborn	Napolitano	Serrano
Lance	Neal (MA)	Sessions
Langevin	Neugebauer	Sestak
Larsen (WA)	Nunes	Shadegg
Larson (CT)	Nye	Shea-Porter
Latham	Oberstar	Sherman
LaTourette	Obey	Shimkus
Latta	Olson	Shuler
Lee (CA)	Olver	Shuster
Lee (NY)	Ortiz	Simpson
Levin	Owens	Sires
Lewis (CA)	Pallone	Skelton
Lewis (GA)	Pascarell	Slaughter
Linder	Pastor (AZ)	Smith (NE)
Lipinski	Paul	Smith (NJ)
LoBiondo	Paulsen	Smith (TX)
Loeb sack	Payne	Smith (WA)
Lofgren, Zoe	Pence	
Lowe y	Perlmutter	
Lucas	Perriello	
Luetkemeyer	Peters	
Lujan	Peterson	
Lummis	Petri	
Lungren, Daniel	Pingree (ME)	
E.	Pitts	
Lynch	Platts	
Mack	Poe (TX)	
Maffei	Polis (CO)	
Maloney	Pomeroy	
Manzullo	Posey	
Marchant	Price (GA)	
Mark ey (CO)	Price (NC)	
Markey (MA)	Putnam	
Marshall	Quigley	
Matheson	Radanovich	
Matsui	Rahall	
McCarthy (CA)	Rangel	
McCarthy (NY)	Rehberg	
McCaul	Reichert	
McClintock	Reyes	
McCollum	Richardson	
McCotter	Rodriguez	
McDermott	Roe (TN)	
McGovern	Rogers (AL)	
McHenry	Rogers (KY)	
McIntyre	Rogers (MI)	
McKeon	Rohrabacher	
McMahon	Rooney	
McMorris	Ros-Lehtinen	
Rodgers	Roskam	
McNerney	Ross	
Meek (FL)	Rothman (NJ)	
Meeks (NY)	Roybal-Allard	
Melancon	Royce	
Mica	Ruppersberger	
Michaud	Rush	
Miller (FL)	Ryan (OH)	
Miller (MI)	Ryan (WI)	
Miller (NC)	Salazar	
Miller, Gary	Sanchez, Linda	
Miller, George	T.	
Minnick	Sanchez, Loretta	
Mitchell	Sarbanes	
Mollohan	Scalise	
Moore (KS)	Schakowsky	
Moore (WI)	Schauer	
Moran (KS)	Schiff	
Moran (VA)	Schmidt	
Murphy (CT)	Schock	
Murphy (NY)	Schrader	

NOT VOTING—10

Boccheri	Dahlkemper	Massa
Campbell	Delahunt	Tsongas
Carnahan	Fallin	
Clay	Hoekstra	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1118

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-426) on the resolution (H. Res. 1137) providing for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1086, de novo;

House Resolution 1111, de novo.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## RECOGNIZING THE IMPORTANCE OF THE CENSUS AND NATIVE AMERICAN PARTICIPATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1086.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. MATSUI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 1, answered “present” 1, not voting 14, as follows:

[ROLL No. 85]

AYES—415

Ackerman	Altmire	Bachmann
Aderholt	Andrews	Bachus
Adler (NJ)	Arcuri	Baird
Akin	Austria	Baldwin
Alexander	Baca	Barrett (SC)

Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown (TN)  
Brown, Corrine  
Brown-Waite, Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus

Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee (TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas

Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markley (CO)  
Markley (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmuter  
Perrillo  
Peters  
Peterson  
Petri

Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes

Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skellton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor

Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Tonko  
Towns  
Turner  
Upton  
Van Hollen  
Velázquez  
Viscloskey  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

## READ ACROSS AMERICA DAY

The SPEAKER pro tempore (Ms. BALDWIN). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1111.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 1111.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Ms. MATSUI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 17, as follows:

[Roll No. 86]

## AYES—414

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Becerra  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine

Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Cuellar  
Culberson  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)

Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte

## NOES—1

Paul

## ANSWERED "PRESENT"—1

Bishop (UT)

## NOT VOTING—14

Berkley  
Campbell  
Carnahan  
Dahlkemper  
Delahunt

Fallin  
Gohmert  
Grayson  
Hoekstra  
Massa

Moore (KS)  
Moran (VA)  
Titus  
Tsongas

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1138

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

Gordon (TN)  
Granger  
Graves  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inlee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Lucas  
Luettkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei

Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rogers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polls (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen

Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—17

Barton (TX)  
Bean  
Berkley  
Bishop (GA)  
Buchanan  
Butterfield  
Campbell  
Carnahan  
Connolly (VA)  
Crowley  
Dahlkemper  
Delahunt  
Fallin  
Grayson  
Hoekstra  
Massa  
Titus

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute remaining in this vote.

□ 1149

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GRAYSON. Madam Speaker, on rollcall Nos. 85 and 86, H. Res. 1086, H. Res. 1111, I missed these votes to attend a bill signing with the President at the White House. Had I been present, I would have voted "aye."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4529

Mr. RYAN of Ohio. Madam Speaker, I ask unanimous consent that Representative ERIC PAULSEN of Minnesota be removed as a cosponsor of H.R. 4529.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2847, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1137 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 1137

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on

Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

## GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, House Resolution 1137 provides for consideration of the Senate amendment to H.R. 2847, the Hiring Incentives to Restore Employment Act. The rule makes in order a motion offered by the Chair of the Committee on Ways and Means, or his designee, that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution.

The rule waives all points of order against consideration of the motion, except those arising under clause 10 of rule XXI. The rule provides the Senate amendment and the motion shall be considered as read. The rule provides 1 hour of debate on the motion equally divided and controlled by the Chair and ranking minority member of the Committee on Ways and Means.

Madam Speaker, in today's economy, many families are struggling to make ends meet. As we know, the economic recession began in 2008 as a direct result of reckless and irresponsible financial decisions. We are still dealing with the wreckage today. Over the last few years, I have heard countless stories of people struggling to put food on the table, pay their mortgages, and provide for their children, and millions of America's seniors are making decisions every day to skip meals or cut their pills in half just to survive.

California and, in particular, my constituents in Sacramento, have been greatly impacted by this economic crisis. Many of my constituents were and continue to be victims of predatory home loan lending, unfair credit card practices, payday loans, and other forms of unscrupulous business practices. They turned to Congress for help, and we responded with the CARD Act. And the ink was hardly dry on that legislation before credit card companies tried to find loopholes to arbitrarily raise credit card interest rates and fees on consumers.



This Congress also passed the Wall Street Reform and Consumer Protection Act, which will bring much-needed oversight and accountability to Wall Street. This bill also creates a new consumer financial protection agency to protect consumers from unfair and deceptive financial practices. Meanwhile, small businesses are seeking assistance to help make payroll, retain their employees, and pay for the skyrocketing costs of health insurance. These are the reasons why it is time to once again put the American people first and provide them with the support they need from their Representatives in Congress.

We need to pass the jobs bill before us today as a significant step towards helping hardworking Americans get back to work. The American people are hurting, and the top priority of this administration and this Congress must be jobs, jobs, jobs. In December, the House passed a jobs package, the Jobs for Main Street Act that would make \$156 billion in targeted investments in our economy. The projects supported by this bill will improve our highways and transit infrastructure, renovate schools, and help small businesses rebuild, support job training initiatives, and affordable housing programs.

While the jobs package we are considering today is not as broad as the version passed by this House, it is an important step in the right direction and one we cannot afford not to enact. Today's bill is one that I hope will be the first of a series of job creation proposals that we will consider in the coming weeks and months because the reality is that the unemployment rate in this country is at an unacceptable level of 9.7 percent, and this bill will help incentivize employers to start hiring immediately. Already the Recovery Act, put forth by congressional Democrats, has saved or created more than 2 million jobs. That is according to CBO. The Recovery Act has clearly helped us rebound from this recession and saved us from the brink of another Great Depression.

The Recovery Act has greatly benefited my district and the entire Sacramento region, providing almost \$700 million for dozens of projects. Such projects include \$21 million for improving and enhancing Sacramento's levees from flood protection, public transportation facilities, developing clean energy technology, and hiring 30 new officers at the Sacramento Police Department. It is also helping struggling homeowners avoid foreclosure, investing in new community health facilities, and the list does go on and on and on. My constituents can see where and how every dollar is being spent in our district by visiting my Web site.

One of the most important results of the Recovery Act is that it helps school districts minimize budget cuts. However, as the economy declines,

school districts are now considering shorter school years, larger class sizes, and looking to lay off teachers. We cannot let this happen. So our path towards economic recovery must continue to invest in our Nation's workforce to spur additional job creation, innovation and long-term economic growth. And by supporting the rule and the underlying bill, we will do just that.

I have heard from small business owners who are eager to be connected to business counseling and resources, to learn more about financing opportunities, SBA loan products, and government contracting opportunities. There is a great demand for immediate and real assistance for our small businesses to get back on their feet and for workers to get back into the labor market. Over the last few months, I have held two small business workshops to help existing small business owners understand the recovery legislation, obtain financing, and find new opportunities for government programs. And I have seen firsthand how eager people are to start working again or get retrained in new fields and to take an active part in our country's economic recovery.

The proposal before us today offers a key strategic tax incentive for employers to hire new workers. The proposal would exempt employers from paying Social Security taxes through the end of this year for hiring new workers who have been out of work for at least 60 days. If the newly hired workers remain on the payroll for at least a year, the bill provides an additional \$1,000 income tax credit to employers. This new hiring tax credit could spur as many as 250,000 jobs, according to leading economists. To help small businesses, the proposal offers an immediate writeoff, up to \$250,000 for equipment purchased this year. To invest in additional transportation infrastructure, the proposal extends the Highway Trust Fund, otherwise known as SAFETEA-LU, for 15 months to pay for transportation projects ready to break ground.

Using the rule of thumb in highway contracting where every \$1 billion in transportation spending creates about 35,000 jobs, this \$77 billion investment means that more than 2 million jobs will be retained or created, including high-quality jobs in the construction and building trades.

□ 1200

Finally, the bill expands the Build America Bonds Program to allow investors to claim Federal subsidies up to 45 percent of the borrowing cost for bonds issued for public works projects.

There is no doubt that this package will incentivize and spur much-needed job creation and economic growth in our neighborhoods and communities. And to my colleagues, concerned, as I am, that this bill does not go far enough to create jobs, I want to be

clear that this is the first in a series of steps we will be taking to continue to get the economy back on track.

Together with the continued economic assistance of the Recovery Act, we are laying the groundwork for continued job creation and future economic growth to lead us to our prosperity.

It is my hope that this Congress continues to find new ways to get Americans back to work, stabilize our economy, and help rebuild our middle class. This is not the end of our work, but it is a critical step forward for the American people. I, therefore, urge my colleagues to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. I thank the gentlewoman for yielding the time.

Madam Speaker, the Republicans in this body are in a quandary again today because of the way this bill was brought to the floor, and I would like to yield 3 minutes to the gentleman from Houston, Texas (Mr. CULBERSON) to ask some questions.

Mr. CULBERSON. I would like to, if I could, ask Ms. MATSUI, how long has the public had to read this bill? It is my understanding that this bill was posted on the Internet about 2½ hours ago. There was no committee hearing, and this contains approximately \$15 billion in tax increases. I am committed to transparency. The Speaker says she is committed to transparency. Yet isn't it true that this bill has only been on the Internet, available for the public to read, for about 2½ hours, and there was no committee hearing on this legislation; is that correct?

Ms. MATSUI. I would like to say this job creation package has been discussed in the headlines and the Halls of Congress for weeks now. In addition, the pay-fors that are proposed here have been debated numerous times in the House previously. There are no surprises here.

Mr. CULBERSON. I understand, and that is typically the rhetoric that we hear from the leadership is that this concept has been discussed, this idea has been discussed. But my question is: Has this specific piece of legislation had a full committee hearing, number one? And how long has this specific piece of legislation, this \$15 billion tax increase, how long has this \$15 billion tax increase been available for the public to read on the Internet? Isn't it true it has only been posted for about 2½ hours? It was posted at 9:30; is that correct, Ms. MATSUI?

I yield to the gentlewoman from California.

Ms. MATSUI. Madam Speaker, I just want to say that I just received this amendment as well this morning. It is fairly short, 15 pages, double-spaced. I read it, and it took less than 10 minutes for me to see that the amendment was fully paid for.

Mr. CULBERSON. Just confirming for the record, Madam Speaker, that once again this liberal leadership of the Congress is shutting out the American public, utterly untransparent, denying the American taxpayers the ability to read and see the legislation before the Congress. This \$15 billion tax increase, Madam Speaker, has only been available for the American people to read for about 2½ hours. No committee hearing, no transparency, consistent with the cap-and-tax legislation, a 300-page amendment in the lobby, consistent with every major piece of legislation, the “spendulus” package, all of the other massive tax and spending increases that this liberal leadership and this new liberal President have pushed through Congress. You have shut out the American people. You have shut out the ability of we who represent them to debate the legislation, to offer amendments.

It is an affront to this great institution, the greatest democracy in the history of the world. You are denying the public a chance to participate. That's why you see the Tea Party rallies all over America. This is why there will be a tsunami this November to sweep out this liberal leadership, this tax-and-spend majority in Congress, which is using up the good will that this President had when he came in as a new President. And I am just very disappointed, frankly, that this Congress, this Speaker, has not allowed the public to read important legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to direct their comments to the Chair.

Ms. MATSUI. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I was so troubled by the remarks of the gentleman from Texas, for whom I have great respect. I think he was making more of a political argument than a substantive discussion of the matter at hand.

In December, the House passed the Jobs for Main Street bill. It included the piece that is before us today. That measure went over to the Senate. It was held up in its entirety, and in the specific that we are dealing with today, by a hold, a series of holds, and then a filibuster by the Senator from Kentucky. Eventually, the Senate overcame that filibuster. This measure, this \$15 billion, has been before the Congress for 2½ months. It is no surprise to anyone.

The measure before us does what Republican leadership did with our support on this side on SAFETEA-LU in 2004 and 2005; 12 extensions of current law, 12 extensions, in order to muster the support we needed, in order to buy the time necessary to pass the 5-year surface transportation bill.

This measure before us provides \$77 billion for a 15-month extension of current law. It restores the \$8.7 billion rescission that was required in SAFETEA-LU, at the insistence of the Bush administration, which required, for the President's signature, a rescission at the end of the 5-year period, and that occurred September of 2009. That meant that programs were underfunded, that is, underfunded below the authorization level of SAFETEA-LU, for the past several months. The bill restores that funding level.

I will yield to the gentleman in just a moment.

So what we are doing here is restoring stability to the highway, bridge, SAFETEA, and transit program, providing certainty for States so they can advertise for bids, award bids, and keep contracts going. The filibuster of the Senator from Kentucky resulted in numerous bid lettings being cancelled and others being withheld, jobs lost, a great disruption to the program because there were not Federal Highway Administration personnel on the job to be able to make the overnight electronic transfers to the States for their vouchers. This bill restores stability to the program.

Mr. CULBERSON. Would the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman.

Mr. CULBERSON. Thank you, Mr. Chairman.

My concern, if I could focus on the transparency of the process, these wonderful new technology tools, Mr. Chairman, and I know you are committed to transparency. You have run your committee that way. The concern we all have on behalf of the American taxpayers is that the bill has only been available for about 2½ hours.

I have called for legislation, and I think you are a coauthor of requiring bills to be laid out for 72 hours. And I understand the urgency of some of the provisions in here, but this is a \$15 billion tax increase, Mr. Chairman, and my concern is that it was not posted on the Internet for the public to read but 2½ hours ago.

Mr. OBERSTAR. Madam Speaker, I would just point out to the distinguished gentleman from Texas, there isn't a single new provision in this bill that hasn't been available since last December.

Ms. MATSUI. Reclaiming my time, Madam Speaker, I want to say that the motion to concur with the amendment that is made in order under this rule is a very simple one that will bring the bill into compliance with statutory pay-as-you-go rules. It changes very little, as Mr. OBERSTAR says, with the underlying bill which was intended to create jobs and spur hiring by America's small businesses. Delaying this package of job-creation measures today would delay our ability to get

Americans back to work. Time is not on our side, which is why we have to act quickly here today.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I do appreciate the gentleman—and I am extending my words to him at this time. I do appreciate the gentleman, Mr. OBERSTAR, for being available to come down to the floor, but that is not the process. The process is the gentleman should have been upstairs at the Rules Committee. There was not one person available on behalf of the majority to come up to the Rules Committee to explain the bill. An explanation of, “Well, none of this is new,” is an inadequate explanation to the American people and to this body, and the Speaker should be embarrassed. This is not open. This is not, I believe, ethical, because the decisions were made and there was no discussion.

I believe we are calling into question, Republicans are calling into question today about how this House is being run. And I do appreciate the gentleman from Minnesota (Mr. OBERSTAR), and, in fact, I admire him a lot. Despite its being only perhaps 15 or 18 pages, that is an inadequate explanation. This House should not stand for it. The Members of this body should say we will not tolerate this. And I am deeply disappointed once again.

Madam Speaker, I yield such time he may consume to the ranking member, the gentleman from San Dimas, California.

Mr. DREIER. I thank the gentleman from Dallas, a very hardworking member of the Rules Committee, for yielding me this time.

Yesterday, Madam Speaker, I stood here in the well and began talking about a date that may only be in my head, but I have been talking about it. The date was June 24, and my friend from Dallas, of course, remembers it. It was 3 a.m. on June 24, and we were sitting upstairs in the Rules Committee considering the so-called cap-and-trade bill, and as the motion was being offered by my friend from Worcester, Mr. MCGOVERN, to move the special rule to the floor for consideration, as that motion was being offered, I had a nice, warm, hot-off-the-press, 300-page amendment dropped in my lap, as did Mr. SESSIONS, Mr. DIAZ-BALART, and Ms. FOXX. Within a matter of hours, we considered that measure. And it was a very important time, Madam Speaker, because that is when the American people got it. They began this chant, “Read the bill. Read the bill.”

The next day, we will all recall, that when the customary 1 minute was yielded to the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER), he spent 1 hour going through the 300 pages in that amendment that Members of this House had not yet read and had only had before them for a matter of a few hours.

I talked about that just yesterday when we were, for the second time in as many weeks, proceeding under martial law rule, and I was arguing that takes place at the end of a Congress when we are dealing with very, very pressing situations, not in the third month of the second session of the 111th Congress, which is where we are today.

Madam Speaker, once again we have it again, and I know that my friends from Texas, Mr. CULBERSON and Mr. SESSIONS, have both referred to the fact that we met this morning for a grand total of 2 minutes in the Rules Committee, and this measure is now before us.

The American people are hurting. They want us to focus on job growth and economic growth. They know full well that it is absolutely imperative that we create good, long-term private sector jobs. We know how important that is. But we also have a responsibility to do what James Madison envisaged this institution as being, and that is a great deliberative body. We have the responsibility to deliberate on these matters.

Now, I understand the urgency. I understand the urgency, but when you look at the legislative schedule we have had over the past several weeks, and some of our colleagues have gone through them, I can't name them all, but post offices and recognition of items, we have not extended the time and energy and effort that we clearly could here in this institution doing it.

□ 1215

Now, I know that Mr. OBERSTAR was speaking earlier, and others have spoken. It's not a question of our not trusting the process we're under right now, but I'm reminded so vividly of the famous exchange that took place between Ronald Reagan and Mikhail Gorbachev. "Doverai, no proveryai" was what the Russian used to say: "Trust, but verify."

Madam Speaker, I think that that's all we're saying. We have a responsibility—not to Republicans, not to Democrats, but to all of the American people—to hold accountable this institution, which saw this majority come to power based on a document, a document that was entitled "A New Direction for America." In that document, Speaker PELOSI pointed to the fact that legislation would be considered under an open amendment process whenever possible. It talked about minority rights, the kinds of things that James Madison regularly focused on when he talked about the rights of the minority.

And what is it that's happened, Madam Speaker? Unfortunately, we are now, as I said, in the third month of the second session of the 111th Congress, and guess what? We've gone through the entire first session of Congress for the first time in the history of

the Republic and not had a single piece of legislation considered under an open amendment process, not a single piece of legislation considered under an open amendment process, and now we're in the third month of this second session, nothing considered under an open amendment process.

Then we have, as we deal with the very important pressing jobs issue, we have legislation that is brought here under martial law rule, considered for a grand total of 2 minutes in the House Rules Committee just 3 hours ago, and now we're here on the floor dealing with it.

Madam Speaker, we can do better. I urge my colleagues to join with Mr. SESSIONS in opposition to this rule so that we can come back with a work product that will do the kinds of things that will get real jobs created out there.

I know that in this measure there is a provision that provides a tax incentive for people to hire new employees. Well, that sounds great, but the heads of one of the top companies in this country had this proposal offered to him by the former Treasury Secretary, one of the top economic advisers to President Obama, Larry Summers, and his response was, Don't offer me a tax credit to hire someone. What we need to do is increase the demand for our product. Those are the kinds of things that we should be doing.

So, Madam Speaker, again I say, as I regularly do from this well, when it comes to job creation and economic growth, what we should be doing is pursuing the bipartisan John F. Kennedy/Ronald Reagan vision: marginal rate reduction and a reduction of the top rate on capital gains. Job creators deserve the kind of relief that is necessary since Japan is the only nation in the world with a higher tax on those job creators than ours.

We know what it takes; we know what it takes. It worked under a Democratic administration, and it's worked under a Republican administration. So let's defeat this rule and go back and come up with a bill that will, in fact, create exactly what I said at the outset: good, long-term private sector jobs.

Ms. MATSUI. Madam Speaker, before I yield to my next speaker, I just want to point out my colleagues on the other side of the aisle are quite concerned that we are using same-day authority before the end of a session. In the 109th Congress, when the Republicans were in the majority, the Rules Committee reported two same-day rules in March and early April. These were hardly end-of-the-session times, Madam Speaker, and they had nothing to do with reviving our economy. These particular same-day rules were about the Federal Government interfering in a case of Terri Schiavo. Now, without reopening that divisive debate, I just

want to say that the issues we are dealing with today under this same-day rule are important to the lives of millions of Americans.

With that, I would like to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentlelady.

I oppose neither the rule nor the transportation funding in this bill, but I do oppose the so-called "jobs" tax credit. I only have one big problem with it, that it does so little to create jobs while adding to our very big debt.

In deciding whether to waste more resources on such legislation that will not accomplish its purpose, I think it's important that we look at one of the last jobs bills that this Congress considered. We were told that the only way to extend unemployment benefits to families in need through Christmas was to simultaneously approve a measure that sent \$33 billion to corporations with no requirement that they use their cash windfall to create or preserve jobs.

The so-called "loss carry-back" provision simply directed the Treasury to begin writing checks, \$33 billion in checks this year, to corporations. One corporation, a bankrupt financial services company, Washington Mutual, got \$2.6 billion in checks this year from the Treasury. That just happens to be a little more than all of the unemployed people in America combined got from this piece of legislation. So I think we need to take a close look at every piece of legislation to see whether it really creates jobs as this one did not.

Today, we have another tax break that is weak on policy, strong on politics. It's a retread proposal that this Congress rejected last year, and it doesn't smell any better this year. Indeed, one former Treasury Department economist has described "a general consensus among tax experts that the credit is a [real] stinker" because it simply encourages conduct that would occur anyway.

Amazingly, one current top leader at the Treasury Department has said, Don't worry, it may be 10 percent effective in creating new jobs. I don't think that passes the sniff test. Surely there are better ways to promote job growth than a proposal whose own advocates say it may be 90 percent ineffective.

And being ineffective does not mean that it is harmless since it disadvantages some businesses in the marketplace versus their competitors. Those small businesses in Central Texas who have hung on to their employees, even though it hurt, even though it was painful to do so, get absolutely no benefit from this job tax credit, although they certainly could use it, but a company that dismissed its employees last year or a new competitor that moves into town down the street will gain a benefit.

As the Congressional Budget Office has noted, this jobs credit would provide no incentive to maintain employment in struggling firms and provides less incentive to maintain employment overall in industries and regions that are hurting the most. While it may deliver a few temporary minimum-wage jobs at considerable expense to the United States Treasury, this credit won't deliver help where it is needed most, and to whom or with whom it is needed the most. It is off-target and off-budget. I think it has the same problem as a bill that gave more money to one bankrupt corporation than to all the unemployed people in our country.

It's great that the United States Senate could finally find bipartisan agreement on something, but this bill, this job tax credit, is not just bipartisan from the Senate, it's bi-wrong.

Mr. SESSIONS. Madam Speaker, the gentleman said it best about this bill: Nobody even really knows what's in it. There was no general discussion. There was no one made available to come to the Rules Committee to answer questions. There were no committee hearings on this. This isn't the way to run this House, and it's not just Republicans that are down saying this. It's Members of the majority party also. It is this kind of unthoughtful and unprofessional conduct that is being put off on this body to where Members don't even know what's in the bill, have not had the time. And once again, Republicans are down saying it's not open, it's not honest, and certainly not ethical.

I would like to yield 3 minutes at this time to the favorite son of Winterpark, Florida (Mr. MICA).

Mr. MICA. I thank you for yielding and for the opportunity to stand up and talk on the rule here that is before us that would allow the so-called "jobs" bill to move forward.

I've had to think long and hard about my position on this because I do favor every opportunity to increase jobs. I have one county with nearly 18 percent unemployment. Florida is in the top 10 States with unemployment with 11.8 percent, and I understand we're going to get some even grimmer news tomorrow on the job front nationally.

I have to oppose the rule, and reluctantly I'm going to oppose the bill. Many people, because I'm the Republican leader of the Transportation Committee, have asked me how I'm going to vote on the final bill and final passage, and it's a reluctant "no." And let me tell you why.

The substance of my opposition really lies in what the Rules Committee did. If we ever needed a time to amend, we should have had an opportunity to amend this. And we have time to send it back to the Senate.

The previous speaker, a Democrat from the other side of the aisle—I be-

lieve the gentleman from Texas—stated his opposition to a tax provision, but let me tell folks that are listening, Madam Speaker, and the Members that may be concerned about this. When the Senate passed the transportation provision, four States take 58 percent of the new money in this in transportation projects of national significance. Those States, I believe, are California, Illinois, the State of Washington and Louisiana. Twenty-two States get zero, the big goose egg, including my State, the State of Florida. Now, this isn't a parochial issue just for Florida, but 46 States are in fact disadvantaged by the way the Senate passed the bill in giving an advantage to four States. So it's unfair.

Now, Mr. OBERSTAR, my Democrat counterpart, the Chair, he has a letter of intention from the Speaker, and also from Mr. REID, to correct this after we pass this. But to do this in a proper legislative fashion to actually create jobs, we should be fair to everyone and distribute this equitably among all States.

Also missing from this is a 6-year bill, which we really need. This only extends transportation authorization through December 31 of this year, which will leave many States behind.

So this bill leaves many jobs behind. It leaves fairness behind. And, again, it doesn't do the job that it should do in creating jobs that we so badly need in this Nation.

So I will reluctantly oppose the so-called "jobs" bill on the basis that I stated. It's my hope that we can correct this measure. I will do everything I can, working in a bipartisan fashion, to correct it so that we have fairness for all 50 States in the distribution of the funds that they sent to Washington.

Ms. MATSUI. Madam Speaker, I just want to say, while this bill distributes some highway funds in a way that disproportionately benefits a handful of States, it's important to remind my colleagues that these concerns will be addressed in subsequent legislation.

With that, I would like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentlelady from California, and I rise to thank the Rules Committee. This is a tough business. They had to do their work in the backdrop of Senator BUNNING, who didn't care about the unemployed, thousands upon thousands and millions, and held up this bill and the negotiations for this bill for as long as he thought it was relevant. And so here we stand trying to address this question.

I would offer to say, there are some good things: the fact that employers have a \$1,000 income tax credit for every new employee that continues to work for 52 weeks; the fact that there is an incentive to hire new employees

and to keep them hired; the fact that there is an extension of the small business expensing to allow small businesses, the backbone of America, to be able to write off certain capital expenditures so they can hire new people.

The SAFETEA-LU, the infrastructure bill, is a good thing that deals with the rebuilding of the infrastructure that is so important and, of course, protecting minority-owned business that likewise go into those hard-hit communities and should be hiring people.

□ 1230

Yet we are dealing with a Senate bill. The other body has a different understanding so that some States, for example, are not getting the money that they should—Texas. It raises a lot of concern.

Then I have to rise on this floor to talk about young people and the summer youth program. Why isn't that in the bill? The chronically unemployed whom I see walking the streets of my district over and over again, what are we going to provide for them?

It is key to recognize that there is obstruction in the other body that now pours over into this body. So we had to stymie the unemployment benefits, which all of us should have rallied around to support. My State alone rejected just a couple of months ago \$515 million for the unemployed. Where is the compassion there?

Where is the compassion for individuals who have served their time—who have their families, who are trying to do well in our faith houses, being worked with by faith organizations, and who persistently cannot find jobs?

There is a lot to be desired. The Rules Committee, however, worked with what they had to work with.

My message is that we have to go back to the drawing board, not for what my colleagues are talking about—more tax cuts, more tax cuts, more tax cuts—but to help the people who are walking the streets of America who ask us, Can you put jobs in our hands? They are qualified, and there is nothing in this bill that would suggest that you are putting jobs in their hands.

Let me say this: The infrastructure work is important. If this is going to generate jobs in their hands, then it is important for us to hear that jobs in the hands are going to get to the folk who are walking the streets in the Fifth Ward, in the Fourth Ward, in Acres Homes, and in places around America. Those places are in the 18th Congressional District.

I am fighting for jobs, and I want to make sure that we have the right kind of vehicle for this job language to go forward on. Let's not forget the chronically unemployed.

Mr. SESSIONS. Madam Speaker, there is an answer to the gentlewoman

from Texas, which is to vote against this rule. Vote against this rule. Then become a part of the process for the things which you would hope, would expect, and would want to be in the bill so at least your feedback can be accepted.

We've been told now that the Senate is the problem, but the problem is this House, Madam Speaker. The problem is the way we are doing things. The gentleman Mr. OBERSTAR said, Yes, we've been waiting for months to get this from the Senate. We took 2½ minutes upstairs this morning—not one hearing, not one person who represented the Democratic Party who would explain what is in this bill. Now we are down on the floor, trying to figure out what is in the bill, getting it just hours ago. This is a flawed process.

Madam Speaker, hearkening back to February 5, 2009, over a year ago, in the CQ article, "Regular Order Will Prevail in House After Stimulus Is Complete, Pelosi says," the article reads, "Speaking at House Democrats' annual policy conference, Pelosi said in her opening speech, 'Of course we will go forward under regular order. We now have a large majority and a President who will sign legislation.'"

It's not happening. It's not happening again today. It did not happen even after February 5, 2009. We should be embarrassed, but as the old saying goes, beatings will continue until morale improves.

Madam Speaker, I yield 5 minutes to the distinguished gentleman from Bainbridge Township, Ohio (Mr. LATOURETTE).

#### PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Madam Speaker, before I begin my 5 minutes, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LATOURETTE. I didn't want to interrupt the distinguished gentleman from Texas, but is it proper in debate to utter words that Senator BUNNING does not care about the unemployed? Is that an appropriate observation?

The SPEAKER pro tempore. The Chair cannot answer hypothetical questions posed as parliamentary inquiries.

Mr. LATOURETTE. Well, excuse me. It is not a hypothetical. The gentleman said it, so it is not a hypothetical. She said it 2 minutes ago.

Are you saying that I am asking you a hypothetical?

The SPEAKER pro tempore. The Chair is constrained not to give advisory opinions.

The gentleman is recognized for 5 minutes.

Mr. LATOURETTE. Madam Speaker, I think regular order has prevailed in the House. The regular order is that we don't follow the rules and that we issue gag rules. This is another gag rule. It is

a closed rule, and we are going to talk about, not only the bad underlying bill, but the bad rule. This isn't a jobs bill.

I have great admiration for the gentlewoman from California, the manager on the majority side of this rule, but my admiration has grown today because she has been able during this debate to call this a "jobs bill" with a straight face. She has not giggled once. But she should have. This isn't a jobs bill. This is a no jobs bill. This is a faux jobs bill. This is a snow jobs bill.

Mr. DOGGETT, with whom I rarely agree, I think was right on the money. The centerpiece of this bill is \$13 billion for a tax credit—\$13 billion out of \$15 billion. The way this thing works is, if you're a small business person in this country, struggling, and if you hire somebody at \$30,000 a year, do you know what? You don't have to pay the payroll taxes, 6.2 percent payroll taxes, which is about \$1,500.

I had three chambers back in Ohio—chambers of commerce, small business people, Republicans, Democrats, Independents. I said, You know what? Here's the deal. How many of you are going to hire anybody? Nobody. Nobody raised their hands. This is not going to create one job, and it's the centerpiece of the bill.

So, Madam Speaker, I will be asking Members to defeat the previous question so I may amend the rule. If the previous question is defeated, I would propose to amend the rule to make in order an amendment to modify the proposed further House amendment, which would eliminate the \$13 billion in this stupid tax provision and would transfer it to infrastructure spending and, further, that that infrastructure spending be distributed pursuant to the House-passed formula and not the Senate-passed formula.

I want to get now to the underlying policy on the infrastructure side. I spent 14 years on the infrastructure committee—love the infrastructure committee, love Chairman OBERSTAR—but I can't figure out why people would vote for this thing based on the infrastructure spending. I understand, if you're from California, you might like this bill because, under this bill, California gets \$277 million and, under the House bill, only \$85 million. Illinois, the President's home State, I understand why he might like it—\$151 million under this bill and \$15 million under the House bill. Oregon, I don't know why a person from Oregon would vote for this bill: \$40 million under this bill and \$11 million under the—well, actually, you should vote for this bill, people from Oregon. You'll do better.

Texas. Really, I saw Ms. JACKSON LEE, who apparently can say that Senator BUNNING doesn't care about unemployed people in this country. I don't know why anybody from Texas would vote for this bill, Mr. SESSIONS. Under this bill, you will get \$1 million and

change. Under Mr. OBERSTAR's proposal, Texas would have gotten \$78 million.

Now, why is that fair? Why is that fair that 22 States get zero? Why is it fair that you have winners and losers? Why is it fair that California gets 30 percent of the money under this bill? Well, it's not, and you know it's not.

Finally, to the process. You know, I was tipping my hat to the Democratic majority a little earlier today because the original plan was just to bring the Senate amendment to the House bill over here, which of course, would have cut off the minority's ability to offer an amendment and a motion to recommit—but no, they didn't do that. I thought that was pretty crafty. What they did do is amend it with these 15 pages that were available 3 hours ago for our consideration. I'll give the gentlewoman from California the nod that, yes, these ideas have been talked about for a long time. Nobody had seen the 15 pages before 9:30 this morning. So they amended it. They had a Rules Committee hearing. What did they not permit under this rule? A motion to recommit.

I can't believe it. You should be ashamed. Excuse me, Madam Speaker. They should be ashamed. This is a fraud. This is an anti-democratic rule.

What are you afraid of? You have 256 votes. Let us offer my motion to recommit that transfers this stupid \$13 billion to infrastructure spending that will put people to work in a sector of the economy that has 30 percent unemployment. It will distribute it according to the House proposal, not the Senate proposal so that California, Oregon, and Illinois don't walk out of this place with 58 percent of the money. It's not fair.

Ms. MATSUI. Madam Speaker, I want to say this again, that I believe it's important to note that the chairman of the authorizing committee has reached an agreement with the House and Senate leadership on the contentious highway funding issue that was included in the other Chamber's jobs package.

I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you. I appreciate the gentleman's courtesy.

Madam Speaker, I appreciate the opportunity to follow my dear friend from Ohio with whom I look forward to the day when we can come to this floor and we can deal with a broad-based approach to renew and to rebuild America. That is how we are really going to create jobs.

I commend the gentleman from Ohio for having the courage to stand up to his leadership when they tried to pull the plug on extending the Highway Transportation bill. I think it's interesting that he has a proposal that he would like to transfer some of this money into infrastructure. Would that

we were playing with two Chambers that were playing by the same rules and were committed to the well-being of America, I'd be happy to see that happen.

One of the reasons we have the bill before us today in the forum is that we have seen what has happened when one member of the Senate decides that his personal pique is more important than millions of people, their welfare, causing thousands of people to be laid off, stopping critical money going to the State. It's an example of how the non-democratic operation on the other side of the Chamber puts us at this point.

If we monkey with this, there is no guarantee that we will, in fact, have an extension of the part of this bill that is the great jobs generator—and that's the extension of the Surface Transportation Act—through the end of this calendar year and stop this stupid game of Russian roulette, that sadly, my friends on the other side of the aisle have decided they are going to play games with.

As my friend from Minnesota pointed out, the distinguished Chair of the Transportation and Infrastructure Committee, we never, when we were in the minority, played games with the critical infrastructure needs. When they were stumbling around when they were in control and required not one, not two, not three, but 12 extensions, we never made it partisan. We always helped them. We didn't play parliamentary games.

Yet the combination of parliamentary games from my dear friends on the Republican side of the aisle and the meltdown of responsibility in the Senate has left us with this. This is the vehicle. I am not contending that the best the Senate can do in terms of job creation is going to be a panacea. I think it's relatively minor, and I'm not impressed, but it is a small price to pay to guarantee the \$77 billion to make sure that America's transportation system continues while we try and get people here to act like grownups. With all due respect, to somehow seize on less than \$1 billion out of \$77 billion and claim that only four States benefit is not true. It's not true.

I mean, first and foremost, what we have had is the chairman, who happens to agree that he wants that formula changed. He is committed. The Senate is committed. We're going to work with the administration and refine that. But even if you put aside the \$800 million, we have \$77 billion that we are relying on, and I think that ought not to obscure.

It's kind of ironic that our friend from California got up and talked about doing what—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MATSUI. I yield the gentleman an additional minute.

Mr. BLUMENAUER. It's kind of ironic that our friend from California got

up and talked about why we don't do what Ronald Reagan and President Kennedy would have done. We've done that. We've cut taxes. We cut taxes several times before that. In fact, his facts are completely wrong when he says that American taxes on companies that create jobs are the second-highest in the world except for Japan. That is the effective tax rate. That's what's on the books. That's not what they pay. When we get through all of the gimmicks, and loopholes, and exemptions, those tax rates for American businesses are actually the second-lowest in the world. Effective tax rates and what people actually pay, that's not the problem.

The problem is we need to get the economy unfrozen. We need to have people stop playing political games. We need to invest in infrastructure to rebuild and to renew America, and we need to do so in a way that doesn't have us talking past one another and playing games with jobs across America that are at risk if we don't pass this Bill.

□ 1245

Mr. SESSIONS. Madam Speaker, you know, we have heard all this before, and it is not working. The bottom line is what this Democratic leadership and this Democratic President are proposing is not working, and that is why we are back at the well, so to speak, again.

Over and over and over again we have a bunch of people that want to claim, "Oh, we know how to get this done. Look at what President Clinton did." That was a Republican House of Representatives. Those were free market ideas. That was encouraging this country to be competitive. That was doing things that would encourage America and American business to go hire people.

The three largest political items of Speaker PELOSI and President Barack Obama have lost this country 10 million net jobs. No wonder American business is not hiring people. They are getting things jammed down their throat.

The President of the United States when he was a candidate talked about all the great things that could be accomplished, and since the President has been in the White House, he has done nothing but call people names, pick on them, belittle them, bully them, and then turns around and wonders why we have no jobs, why his agenda is not working. It is obvious why it is not working, because it is not made to work. It is made to bully the free enterprise system.

I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I would like to inquire of the gentleman from Texas if he has any remaining speakers.

Mr. SESSIONS. I thank the gentleman for asking. I appear to have one additional speaker plus myself.

Ms. MATSUI. I reserve my time.

Mr. SESSIONS. Madam Speaker, if I could inquire of the time that remains on both sides, please.

The SPEAKER pro tempore. The gentleman from Texas controls 6½ minutes; the gentlewoman from California controls 5 minutes.

Mr. SESSIONS. Madam Speaker. I yield myself such time as I may consume.

Madam Speaker, I want to reiterate that this House of Representatives is made up of 435 Members who take time every week to come here to Washington. Perhaps they live here, but they still come to work, I believe, with a sense of obligation and duty, all 435 of us, to be fully participatory and to be a part of a moving body and a process that should work for the American people.

We are now in our fourth year of leadership that denies the American people and the Members of this body an opportunity, I believe, to even participate; not just fully participate, but to participate.

This bill that is on the floor again today is an example of a process that is very deceptive, because our friends, the Speaker and the Democratic leadership, talk about being open and honest, and yet the bill is here today with just hours' notice, with no one up in the Rules Committee on behalf of the Democrat leadership even explaining what is in the bill. I believe, again, the American people will reject this kind of leadership when the American people want to be engaged and Members of Congress want to be engaged.

So, today, Republicans are going to ask that we reject this, and we should reject this, because we know that Republicans have better ideas.

At this time I yield to the gentleman from Ohio, the Republican leader (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I want to thank my colleague for yielding and suggest to my colleagues that here we go again. We are bringing this bill to the floor, a bill that no one has read.

The bill was filed at 9:35 a.m., and here we are at 12:50 p.m. We are operating under what is normally called a martial law rule, passed yesterday, that allows the majority to bring any bill to the floor at any time this week. So there was this hastily called Rules Committee meeting after this bill was filed. Now it is here on the floor.

Members haven't had time to read this bill. In addition to that, there is no score on this bill from the Joint Tax Committee on the so-called pay-fors on this bill and what impact they will have on taxes. I just think it is outrageous and another example of how the majority continues to ram through partisan legislation here on the floor of the House without the transparency and accountability that the American people deserve and expect.

If this is a dress rehearsal for how we are going to handle the so-called health care bill, I think the majority had better be ready to endure the wrath of the American people.

Mr. SESSIONS. Madam Speaker, I believe that our Republican leader, JOHN BOEHNER, has said it very clearly, and that is that the way we are operating is not in the best interests of this House, the institution, or the Members.

We have heard lots of colleagues on the other side cut down and argue about this isn't even a job bill because it is not even going to create jobs and how inefficient it is. But until this Democratic leadership agrees that they want to be open, that they want to be honest about what is in the bill, and that they want to be ethical about how decisions are made, Republicans are going to keep coming down to this floor.

Many times I have argued openly in front of our Rules Committee chairman, LOUISE SLAUGHTER, and said, Please know that the Republican Party wants to be better at our job, not as loyal opposition, but as an alternative party, and you do not even allow us an opportunity to know what is in the bills.

It is ridiculous. We find ourselves in the role of asking questions, making statements, and doing things that, to the American people, look awkward and, quite honestly, unprofessional.

I lay at the feet of the Speaker of the House and the Democratic leadership and my great Rules Committee chairman, LOUISE SLAUGHTER, once again a request: If you want this body to have a chance to not look unprofessional and perhaps stupid, like we don't know what we are doing, and to gain back some trust of the American people, you have got to open up the process to where we as Members of Congress are able to come down with an educated opportunity to understand what is in the bill, to engage our colleagues on a professional basis, and to be able to thoughtfully talk about the content of the bill.

This is an embarrassment. It is an embarrassment that after we heard a year ago that we will start going through regular order now, we are still not doing that, that Members of Congress cannot even see the bill hours before they read it, nor do we know the content because nobody came to explain it.

It is wholly inadequate to people who are back home, Madam Speaker, to expect their Member of Congress, who comes up here 40 weeks a year to represent people, to be told we don't even know what is in the bill.

I encourage a "no" vote. I encourage a "no" vote on this rule. I will say once again to my friends that are Democrats, if you want to read the bill, if you want to open up the process, your vote is the one that will make it hap-

pen. Don't blame that on somebody else. I have said it over the years. If you want to read the bill, then vote "no" on the rule. If you are perfectly happy with the process that is happening, go ahead and support this rule. But don't go back home and tell people, well, you know, I really didn't have a chance. That is a bad thing. Their vote matters on this floor.

Madam Speaker, every single one of us is issued a voting card that should be controlled by the Member, not by somebody else. Today, the Republican Party is coming down once again on this floor and saying directly to the American people and the Speaker of the House of Representatives, We are not happy. The process is flawed. And we are going to hold accountable every Member that votes for this rule today, just like we are for the others.

So if you bring what we consider to be a less than stellar bill to the floor and the process is part of that participation and you shut it out, you can expect to hear the same from the Republican Party. We want to be a part of this process, the American people do, and I even heard today your own Members again.

I yield back the balance of my time. Ms. MATSUI. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, calling up and passing rules using same-day authority is a legitimate legislative tool, with precedent. In the 109th Congress, when the Republicans had the majority, when they passed the fiscal year 2006 budget resolution, same-day authority was used to bring it before the House. During debate on that rule, the then chairman of the Rules Committee called it "a very fair rule." That was followed by Mr. DREIER's assertion that "Members have had a great deal of time over the past several weeks and months to focus on this issue. Let us continue what we have done throughout this great 109th Congress—get the work of the American people done."

Madam Speaker, getting the work of the American people done is exactly what we aim to do today by passing the jobs bill under an expedited procedure. Creating jobs must be our top priority, until we get our economy completely back on track and put more Americans back to work.

The legislation we are considering today had bipartisan support in the Senate, with 13 Senate Republicans voting for this much-needed jobs package. That bill was not even paid for. Well, the House version is and has full PAYGO language included.

The jobs package includes key provisions to spur job creation and investment in our workforce. It includes a new jobs payroll extension, offering employers exemption from paying Social Security payroll taxes for hiring new workers who were previously unemployed. This specific provision is es-

timated to create an additional 250,000 jobs alone. The bill also provides relief to small businesses by allowing them to write off more of the costs of their 2010 expenditures.

The package extends the Highway Trust Fund for 15 months for existing highway programs to allow for billions to be invested in infrastructure projects and make a real difference in communities across our country.

The bill also expands the Build America bonds to allow States and local governments to borrow at lower costs to finance infrastructure projects and put more Americans to work.

Together with the ongoing investment by the Recovery Act, this jobs package will further incentivize and spur job creation and economic growth in this country. This Congress must continue to invest wisely in proposals that will train our workers, create new, good-paying jobs, grow our economy, and rebuild the middle class.

Madam Speaker, we must lead by example and demonstrate our continued commitment to help our middle class families, our seniors, and the economy move forward. With that in mind, I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of House Resolution 1137, if ordered; and

Suspending the rules and agreeing to House Resolution 362, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 184, not voting 11, as follows:

[Roll No. 87]

YEAS—236

Ackerman	Boucher	Conyers
Adler (NJ)	Boyd	Cooper
Altmire	Brady (PA)	Costa
Andrews	Braley (IA)	Costello
Arcuri	Butterfield	Courtney
Baca	Capps	Crowley
Baird	Capuano	Cuellar
Baldwin	Cardoza	Cummings
Barrow	Carnahan	Davis (AL)
Bean	Carney	Davis (CA)
Becerra	Carson (IN)	Davis (IL)
Berkley	Castor (FL)	Davis (TN)
Berman	Chandler	DeFazio
Berry	Chu	DeGette
Bishop (GA)	Clarke	Delahunt
Bishop (NY)	Clay	Dicks
Blumenauer	Cleaver	Dingell
Boccieri	Clyburn	Doggett
Boren	Cohen	Donnelly (IN)
Boswell	Connolly (VA)	Doyle



Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin

## NAYS—184

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Billray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp  
Cantor

Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley

Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)

LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul

Buyer  
Campbell  
Dahlkemper  
DeLauro

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1324

Messrs. GRIFFITH, BURTON of Indiana, WITTMAN, Mrs. MILLER of Michigan and Mr. MINNICK changed their vote from “yea” to “nay.”

Mr. DOYLE changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 209, not voting 11, as follows:

[Roll No. 88]

## AYES—212

Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Boren

Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler

Eshoo  
Fallin  
Hoekstra  
Jordan (OH)

Linder  
Massa  
Tiahrt  
Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Baird  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Billray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Bradley (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Cantor  
Cao  
Capito  
Carter  
Cassidy

Doyle  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Johnson (GA)  
Kagen  
Kanjorski  
Kennedy  
Kildee  
Kilroy  
Kind  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Levin  
Lewis (GA)

## NOES—209

Castle  
Chaffetz  
Clarke  
Clay  
Cleaver  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Cummings  
Davis (IL)  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Driebeaus  
Duncan  
Edwards (MD)  
Ehlers  
Emerson  
Emery  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger

Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Graves  
Green, Al  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hunter  
Inglis  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kaptur  
Kilpatrick (MI)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Lewis (CA)  
LoBiondo

Lucas	Payne	Shadegg	Baldwin	Dreier	Langevin	Price (GA)	Schmidt	Thompson (PA)
Luetkemeyer	Pence	Shimkus	Barrett (SC)	Driehaus	Larsen (WA)	Price (NC)	Schock	Thornberry
Lummis	Perriello	Shuster	Barrow	Duncan	Larson (CT)	Putnam	Schrader	Tiberi
Lungren, Daniel E.	Petri	Simpson	Bartlett	Edwards (MD)	Latham	Quigley	Schwartz	Tierney
Mack	Pitts	Smith (NE)	Barton (TX)	Edwards (TX)	LaTourette	Radanovich	Scott (GA)	Titus
Manzullo	Platts	Smith (NJ)	Bean	Ehlers	Latta	Rahall	Scott (VA)	Tonko
Marchant	Poe (TX)	Smith (TX)	Becerra	Ellison	Lee (CA)	Rangel	Serrano	Towns
McCarthy (CA)	Posey	Souder	Berkley	Ellsworth	Lee (NY)	Rehberg	Sessions	Tsongas
McCaul	Price (GA)	Space	Berman	Emerson	Levin	Reichert	Sestak	Turner
McClintock	Putnam	Stearns	Berry	Engel	Lewis (CA)	Reyes	Shea-Porter	Upton
McCotter	Quigley	Sullivan	Biggert	Etheridge	Lewis (GA)	Richardson	Sherman	Van Hollen
McHenry	Radanovich	Taylor	Bilbray	Farr	Lipinski	Rodriguez	Shimkus	Velázquez
McKeon	Rehberg	Terry	Bilirakis	Fattah	LoBiondo	Roe (TN)	Shuler	Visclosky
McMorris	Reichert	Thompson (MS)	Bishop (GA)	Filner	Loeback	Rogers (AL)	Shuster	Walden
Rodgers	Richardson	Thompson (PA)	Bishop (NY)	Fleming	Lofgren, Zoe	Rogers (KY)	Sires	Walz
Meeks (NY)	Roe (TN)	Thornberry	Bishop (UT)	Forbes	Lowey	Rogers (MI)	Skelton	Wamp
Mica	Rogers (AL)	Tiberi	Blackburn	Fortenberry	Lucas	Rohrabacher	Slaughter	Wasserman
Miller (FL)	Rogers (KY)	Towns	Blunt	Foster	Luetkemeyer	Rooney	Smith (NE)	Schultz
Miller (MI)	Rogers (MI)	Turner	Boccieri	Frank (MA)	Luján	Ros-Lehtinen	Smith (NJ)	Waters
Miller, Gary	Rohrabacher	Upton	Boehner	Franks (AZ)	Lungren, Daniel E.	Roskam	Smith (TX)	Watson
Minnick	Rooney	Walden	Bonner	Frelinghuysen	Lynch	Ross	Smith (WA)	Watt
Mitchell	Ros-Lehtinen	Wamp	Bono Mack	Fudge	Mack	Rothman (NJ)	Snyder	Waxman
Moran (KS)	Roskam	Waters	Boozman	Gallegly	Maffei	Roybal-Allard	Souder	Weiner
Murphy (NY)	Royce	Watson	Boren	Garamendi	Maloney	Royce	Space	Welch
Murphy, Tim	Rush	Watt	Boswell	Gerlach	Manzullo	Ruppersberger	Speier	Westmoreland
Myrick	Ryan (WI)	Westmoreland	Boucher	Giffords	Marchant	Rush	Spratt	Whitfield
Neugebauer	Scalise	Whitfield	Boustany	Gingrey (GA)	Markey (CO)	Ryan (OH)	Stark	Wilson (OH)
Nunes	Schmidt	Wilson (SC)	Boyd	Gonzalez	Markey (MA)	Ryan (WI)	Stearns	Wilson (SC)
Olson	Schock	Wittman	Brady (PA)	Goodlatte	Marshall	Salazar	Stupak	Wittman
Paul	Scott (VA)	Wolf	Brady (TX)	Gordon (TN)	Matheson	Sánchez, Linda T.	Sullivan	Wolf
Paulsen	Sensenbrenner	Young (AK)	Brady (IA)	Granger	Matsui	Sanchez, Loretta	Sutton	Woolsey
	Sessions	Young (FL)	Bright	Graves	McCarthy (CA)	Sarbanes	Tanner	Wu
			Brown (SC)	Grayson	McCarthy (NY)	Scalise	Taylor	Yarmuth
			Brown, Corrine	Green, Al	McCaul	Schakowsky	Teague	Young (AK)
			Brown-Waite, Ginny	Green, Gene	McCollum	Schauer	Terry	Young (FL)
			Buchanan	Griffith	McCotter	Schiff	Thompson (CA)	
			Burgess	Grijalva	McDermott		Thompson (MS)	
			Burton (IN)	Guthrie	McGovern			
			Butterfield	Hall (NY)	McHenry			
			Calvert	Hall (TX)	McIntyre			
			Camp	Halvorson	McKeon			
			Cantor	Hare	McMahon			
			Cao	Harman	McMorris			
			Capito	Harper	Rodgers			
			Capps	Hastings (FL)	McNerney			
			Capuano	Hastings (WA)	Meek (FL)			
			Cardoza	Heinrich	Meeks (NY)			
			Carnahan	Heller	Melancon			
			Carney	Hensarling	Mica			
			Carson (IN)	Herger	Michaud			
			Carter	Hereth Sandlin	Miller (FL)			
			Cassidy	Higgins	Miller (MI)			
			Castle	Hill	Miller (NC)			
			Castor (FL)	Himes	Miller, Gary			
			Chandler	Hinchee	Miller, George			
			Childers	Hinojosa	Minnick			
			Chu	Hirono	Mitchell			
			Clarke	Hodes	Mollohan			
			Cleaver	Holden	Moore (KS)			
			Clyburn	Holt	Moore (WI)			
			Coble	Honda	Moran (KS)			
			Coffman (CO)	Hoyer	Moran (VA)			
			Cohen	Hunter	Murphy (CT)			
			Cole	Inglis	Murphy (NY)			
			Conaway	Inslee	Murphy, Patrick			
			Connolly (VA)	Israel	Murphy, Tim			
			Conyers	Issa	Myrick			
			Cooper	Jackson (IL)	Nadler (NY)			
			Costa	Jackson Lee	Napolitano			
			Costello	(TX)	Neal (MA)			
			Courtney	Jenkins	Nunes			
			Crenshaw	Johnson (GA)	Nye			
			Crowley	Johnson (IL)	Oberstar			
			Cuellar	Johnson, E. B.	Obey			
			Culberson	Johnson, Sam	Olson			
			Cummings	Jones	Olver			
			Davis (AL)	Kagen	Ortiz			
			Davis (CA)	Kanjorski	Owens			
			Davis (IL)	Kaptur	Pallone			
			Davis (KY)	Kennedy	Pascarell			
			Davis (TN)	Kildee	Pastor (AZ)			
			Deal (GA)	Kilpatrick (MI)	Paulsen			
			DeFazio	Kilroy	Payne			
			DeGette	Kind	Pence			
			Delahunt	King (IA)	Perlmutter			
			DeLauro	King (NY)	Perriello			
			Dent	Kingston	Peters			
			Diaz-Balart, L.	Kirk	Peterson			
			Diaz-Balart, M.	Kirkpatrick (AZ)	Petri			
			Dicks	Kissell	Pingree (ME)			
			Dingell	Klein (FL)	Pitts			
			Doggett	Kline (MN)	Platts			
			Donnelly (IN)	Kosmas	Polis (CO)			
			Doyle	Kratovil	Pomeroy			
				Kucinich	Posey			
				Lance				

## NOT VOTING—11

Buyer	Fallin	Linder
Campbell	Foster	Massa
Dahlkemper	Hoekstra	Tiahrt
Eshoo	Jordan (OH)	

□ 1334

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FOSTER. Madam Speaker, on rollcall No. 88 due to an inadvertent error, I was not recorded. I would have voted “no.”

## SUPPORTING NATIONAL SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 362, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the resolution, H. Res. 362, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 13, not voting 15, as follows:

[Roll No. 89]

YEAS—403

Ackerman	Altmire	Baca
Aderholt	Andrews	Bachmann
Adler (NJ)	Arcuri	Bachus
Alexander	Austria	Baird

## NAYS—13

Akin	Garrett (NJ)	Poe (TX)
Broun (GA)	Lamborn	Sensenbrenner
Chaffetz	Lummis	Shadegg
Flake	McClintock	
Fox	Paul	

## NOT VOTING—15

Blumenauer	Fallin	Linder
Buyer	Gohmert	Massa
Campbell	Gutierrez	Neugebauer
Dahlkemper	Hoekstra	Simpson
Eshoo	Jordan (OH)	Tiahrt

□ 1344

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1345

## PARLIAMENTARY INQUIRIES

Mr. CARTER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. CARTER. Yesterday I asked a parliamentary inquiry regarding the effect of a letter from Mr. RANGEL to the Speaker of the House, NANCY PELOSI, regarding his resignation as chairman of the Committee on Ways and Means, to wit, the Speaker pro tempore of the House answered that the gentleman from California, Representative PETE STARK, became acting chair of the Committee on Ways and Means immediately by operation of House rule X clause 5.

This morning the acting chairman of the Committee on Ways and Means, Mr. STARK, submitted a letter to the Speaker of the House, NANCY PELOSI, that states, “I hereby resign as acting

chairman of the Committee on Ways and Means." That letter to the Speaker was read into today's proceedings. At that time the Speaker pro tempore in accepting the letter stated, "The resignation is accepted."

I have a parliamentary inquiry regarding the nature of that resignation. Under this morning's procedure, is Mr. STARK the current chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. The House this morning accepted the resignation of the gentleman from California (Mr. STARK) as acting chair of the Committee on Ways and Means. Pursuant to clause 5(c) of rule X, the member of that committee next in rank, the gentleman from Michigan (Mr. LEVIN) shall act as chair.

Mr. CARTER. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. CARTER. Under House rules and House Resolution 24, is the gentleman from New York (Mr. RANGEL) still a member of the Committee on Ways and Means?

The SPEAKER pro tempore. Yes.

Mr. CARTER. Under House rules, what is the current rank order of the gentleman from New York (Mr. RANGEL) on the Committee on Ways and Means?

The SPEAKER pro tempore. The rank is determined by his placement in that resolution to which the gentleman just referred.

Mr. CARTER. Further parliamentary inquiry. What is his placement in that ranking that I just described?

The SPEAKER pro tempore. The gentleman may consult that resolution to discover the answer to that question.

Mr. CARTER. It is my understanding that Mr. RANGEL stands as number one by the nature of that resolution. Could I get a clarification on that by the Chair.

The SPEAKER pro tempore. The Chair does not have that resolution before her, but the House has accepted the resignation of the gentleman from New York as chair of the Committee on Ways and Means.

Mr. CARTER. Further parliamentary inquiry. Under House rule X, clause 5(c) which states, "In the absence of the member serving as chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair," under House Resolution 24, the gentleman from Michigan (Mr. LEVIN) ranks next after Mr. STARK on the resolution electing members of the committee. Under that resolution and by operation of House rule X, clause 5(c), is Mr. LEVIN currently the acting chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. The gentleman has stated the correct facts.

Mr. CARTER. Further parliamentary inquiry. Under House Resolution 8, Mr.

RANGEL was elected chairman of the Committee on Ways and Means. Under House rule X, clause 5, the Chair has indicated that Mr. LEVIN is acting chairman of the Committee on Ways and Means. Does that mean that the House needs to adopt a resolution to make Mr. LEVIN chairman in fact and not just acting chairman?

The SPEAKER pro tempore. Clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution which is typically produced by direction of the majority party caucus.

Mr. CARTER. So the answer is yes? We do need a vote or we do not need a vote?

The SPEAKER pro tempore. The House may elect a chair. At this point the gentleman from Michigan is acting as chair.

Mr. CARTER. Further parliamentary inquiry. I believe X(5)(c) says that the next one in order shall act as the acting chair. If Mr. RANGEL by at least the declaration of someone on this House floor is number one, wouldn't he be the chair again under these circumstances?

The SPEAKER pro tempore. The gentleman himself has just stated the "and so on" character of the rule.

Mr. CARTER. I'm sorry? I didn't understand you. Would you mind repeating that.

The SPEAKER pro tempore. The rule includes the phrase "and so on," as the gentleman from Texas previously read, and he has just reached the conclusion that the rule is operating.

Mr. CARTER. If I may further inquire, so the words "and so on" means that you don't go back to the original order, you just go to whoever was behind him at the time the first vacation took place of the chair?

The SPEAKER pro tempore. The devolution aspect of the rule operates in a cascading fashion.

Mr. CARTER. A cascading fashion?

The SPEAKER pro tempore. That is correct.

Mr. CARTER. I thank you for that clarification.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. ETHERIDGE. Madam Speaker, pursuant to House Resolution 1137, I call up the bill (H.R. 2847) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment to the House amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

The text of the amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

#### SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Hiring Incentives to Restore Employment Act".

(b) *AMENDMENT OF 1986 CODE*.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

#### TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

Sec. 101. Payroll tax forgiveness for hiring unemployed workers.

Sec. 102. Business credit for retention of certain newly hired individuals in 2010.

#### TITLE II—EXPENSING

Sec. 201. Increase in expensing of certain depreciable business assets.

#### TITLE III—QUALIFIED TAX CREDIT BONDS

Sec. 301. Issuer allowed refundable credit for certain qualified tax credit bonds.

#### TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

Sec. 401. Short title.

##### Subtitle A—Federal-aid Highways

Sec. 411. In general.

Sec. 412. Administrative expenses.

Sec. 413. Rescission of unobligated balances.

Sec. 414. Reconciliation of funds.

##### Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

Sec. 421. Extension of National Highway Traffic Safety Administration Highway Safety Programs.

Sec. 422. Extension of Federal Motor Carrier Safety Administration Programs.

Sec. 423. Additional programs.

##### Subtitle C—Public Transportation Programs

Sec. 431. Allocation of funds for planning programs.

Sec. 432. Special rule for urbanized area formula grants.

Sec. 433. Allocating amounts for capital investment grants.

Sec. 434. Apportionment of formula grants for other than urbanized areas.

Sec. 435. Apportionment based on fixed guideway factors.

Sec. 436. Authorizations for public transportation.

Sec. 437. Amendments to SAFETEA-LU.

##### Subtitle D—Revenue Provisions

Sec. 441. Repeal of provision prohibiting the crediting of interest to the Highway Trust Fund.

Sec. 442. Restoration of certain foregone interest to Highway Trust Fund.

Sec. 443. Treatment of certain amounts appropriated to Highway Trust Fund.

Sec. 444. Termination of transfers from highway trust fund for certain repayments and credits.

Sec. 445. Extension of authority for expenditures.

Sec. 446. Level of obligation limitations.

## TITLE V—OFFSET PROVISIONS

## Subtitle A—Foreign Account Tax Compliance

## PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

Sec. 501. Reporting on certain foreign accounts.  
 Sec. 502. Repeal of certain foreign exceptions to registered bond requirements.

## PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

Sec. 511. Disclosure of information with respect to foreign financial assets.  
 Sec. 512. Penalties for underpayments attributable to undisclosed foreign financial assets.  
 Sec. 513. Modification of statute of limitations for significant omission of income in connection with foreign assets.

## PART III—OTHER DISCLOSURE PROVISIONS

Sec. 521. Reporting of activities with respect to passive foreign investment companies.  
 Sec. 522. Secretary permitted to require financial institutions to file certain returns related to withholding on foreign transfers electronically.

## PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

Sec. 531. Clarifications with respect to foreign trusts which are treated as having a United States beneficiary.  
 Sec. 532. Presumption that foreign trust has United States beneficiary.  
 Sec. 533. Uncompensated use of trust property.  
 Sec. 534. Reporting requirement of United States owners of foreign trusts.  
 Sec. 535. Minimum penalty with respect to failure to report on certain foreign trusts.

## PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

Sec. 541. Substitute dividends and dividend equivalent payments received by foreign persons treated as dividends.

## Subtitle B—Delay in Application of Worldwide Allocation of Interest

Sec. 551. Delay in application of worldwide allocation of interest.

## TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

## SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING UNEMPLOYED WORKERS.

(a) IN GENERAL.—Section 3111 is amended by adding at the end the following new subsection:  
 “(d) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

“(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

“(A) in a trade or business of such qualified employer, or

“(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

“(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified employer’ means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

“(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term ‘qualified

employer’ includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

“(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term ‘qualified individual’ means any individual who—

“(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

“(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

“(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

“(D) is not an individual described in section 51(i)(1) (applied by substituting ‘qualified employer’ for ‘taxpayer’ each place it appears).

“(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.”

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

“(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term ‘wages’ shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.”

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

## SEC. 102. BUSINESS CREDIT FOR RETENTION OF CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) \$1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term “retained worker” means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of

the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

## TITLE II—EXPENSING

## SEC. 201. INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking “(\$125,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (1) and inserting “(\$250,000 in the case of taxable years beginning after 2007 and before 2011)”,

(2) by striking “(\$500,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (2) and inserting “(\$800,000 in the case of taxable years beginning after 2007 and before 2011)”,

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—QUALIFIED TAX CREDIT BONDS  
SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT FOR CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

“(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

“(1) IN GENERAL.—In the case of any specified tax credit bond—

“(A) such bond shall be treated as a qualified bond for purposes of this section,

“(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

“(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be—

“(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

“(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

“(D) interest on any such bond shall be includible in gross income for purposes of this title.

“(E) no credit shall be allowed under section 54A with respect to such bond,

“(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

“(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED TAX CREDIT BOND.—The term ‘specified tax credit bond’ means any qualified tax credit bond (as defined in section 54A(d)) if—

“(i) such bond is—

“(I) a new clean renewable energy bond (as defined in section 54C),

“(II) a qualified energy conservation bond (as defined in section 54D),

“(III) a qualified zone academy bond (as defined in section 54E), or

“(IV) a qualified school construction bond (as defined in section 54F), and

“(ii) the issuer of such bond makes an irrevocable election to have this subsection apply,

“(B) QUALIFIED SMALL ISSUER.—The term ‘qualified small issuer’ means, with respect to

any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding \$30,000,000.”.

(b) **TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.**—

(1) The second sentence of section 54F(d)(1) is amended by striking “by the State” and inserting “by the State education agency (or such other agency as is authorized under State law to make such allocation)”.

(2) The second sentence of section 54F(e) is amended by striking “subsection (d)(4)” and inserting “paragraphs (2) and (4) of subsection (d)”.

(c) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) **TECHNICAL CORRECTIONS.**—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

#### **TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS**

##### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Surface Transportation Extension Act of 2010”.

##### **Subtitle A—Federal-aid Highways**

##### **SEC. 411. IN GENERAL.**

(a) **IN GENERAL.**—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to  $\frac{1}{4}$  of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) **USE OF FUNDS.**—

(1) **FISCAL YEAR 2010.**—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections

Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(2) **FISCAL YEAR 2011.**—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as  $\frac{1}{4}$  of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) **CALCULATION.**—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA-LU (119 Stat. 1144) or any other law.

(4) **CONTRACT AUTHORITY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed  $\frac{1}{4}$  of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) **EXCEPTIONS.**—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to \$639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to \$159,750,000.

(5) **CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.**—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by  $\frac{1}{4}$ .

(d) **EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.**—

(1) **FISCAL YEAR 2010.**—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that

the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(2) **FISCAL YEAR 2011.**—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by  $\frac{1}{4}$  of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(3) **TERRITORIES AND PUERTO RICO.**—

(A) **FISCAL YEAR 2010.**—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) **FISCAL YEAR 2011.**—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by  $\frac{1}{4}$  of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) **TERRITORY DEFINED.**—In this paragraph, the term “territory” means any of the following

territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

**(4) ADDITIONAL FUNDS.—**

(A) *IN GENERAL.*—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) *RESERVATION AND REDISTRIBUTION OF FUNDS.*—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

(e) *EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.*—

(1) *IN GENERAL.*—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA-LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at ¼ the funding levels authorized for those programs for fiscal year 2009.

(2) *DISTRIBUTION OF FUNDS.*—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

**(3) ADDITIONAL FUNDS.—**

(A) *IN GENERAL.*—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) *DISTRIBUTION.*—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

**SEC. 412. ADMINISTRATIVE EXPENSES.**

(a) *AUTHORIZATION OF CONTRACT AUTHORITY.*—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) \$422,425,000 for fiscal year 2010; and

(2) \$105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) *CONTRACT AUTHORITY.*—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds

were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

**SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.**

(a) *IN GENERAL.*—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) *ADMINISTRATION OF FUNDS.*—The restored amounts shall be administered in the same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937).

**(c) FUNDING.—**

(1) *IN GENERAL.*—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937).

(2) *AVAILABILITY FOR OBLIGATION.*—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) *LIMITATION.*—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

**SEC. 414. RECONCILIATION OF FUNDS.**

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111-68).

**Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs**

**SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.**

(a) *CHAPTER 4 HIGHWAY SAFETY PROGRAMS.*—Section 2001(a)(1) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$235,000,000 for fiscal year 2010, and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) *HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.*—Section 2001(a)(2) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$107,329,000 for fiscal year 2010, and \$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) *OCCUPANT PROTECTION INCENTIVE GRANTS.—*

(1) *EXTENSION OF PROGRAM.*—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking “6” and inserting “8”; and

(B) in paragraph (4)(C), by striking “fifth and sixth” and inserting “fifth through eighth”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(3) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) *SAFETY BELT PERFORMANCE GRANTS.*—Section 2001(a)(4) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$124,500,000 for fiscal year 2010, and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(e) *STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.*—Section 2001(a)(5) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$34,500,000 for fiscal year 2010, and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(f) *ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—*

(1) *EXTENSION OF PROGRAM.*—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking “fifth, sixth, seventh, and eighth” and inserting “fifth through tenth”; and

(B) in subsection (b)(2)(C), by striking “2008 and 2009” and inserting “2008, 2009, 2010, and 2011”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(6) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$139,000,000 for fiscal year 2010, and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(g) *NATIONAL DRIVER REGISTER.*—Section 2001(a)(7) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$4,078,000 for fiscal year 2010, and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(h) *HIGH VISIBILITY ENFORCEMENT PROGRAM.—*

(1) *EXTENSION OF PROGRAM.*—Section 2009(a) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “2009” and inserting “2011”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(8) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$29,000,000 for fiscal year 2010, and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(i) *MOTORCYCLIST SAFETY.—*

(1) *EXTENSION OF PROGRAM.*—Section 2010(d)(1)(B) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “and fourth” and inserting “fourth, fifth, and sixth”.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—Section 2001(a)(9) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(j) *CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—*

(1) *EXTENSION OF PROGRAM.*—Section 2011(c)(2) of the SAFETEA-LU (23 U.S.C. 405 note) is amended by striking “fourth fiscal year” and inserting “fourth, fifth, and sixth fiscal years”.



(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2001(a)(10) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(k) **ADMINISTRATIVE EXPENSES.**—Section 2001(a)(11) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and

(2) by striking “2009.” and inserting “2009, \$25,047,000 for fiscal year 2010, and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(l) **APPLICABILITY OF TITLE 23.**—Section 2001(c) of the SAFETEA-LU (119 Stat. 1520) is amended by striking “2009” and inserting “2011”.

(m) **DRUG-IMPAIRED DRIVING ENFORCEMENT.**—Section 2013(f) of the SAFETEA-LU (23 U.S.C. 403 note) is amended by striking “2009” and inserting “2011”.

(n) **OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.**—Section 2017 of the SAFETEA-LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2009” and inserting “2011”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2009” and inserting “2011”.

**SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

(a) **MOTOR CARRIER SAFETY GRANTS.**—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$209,000,000 for fiscal year 2010; and

“(7) \$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) **ADMINISTRATIVE EXPENSES.**—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) “(F) \$239,828,000 for fiscal year 2010; and

“(G) “(G) \$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(c) **GRANT PROGRAMS.**—Section 4101(c) of the SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking “2009.” and inserting “2009, and \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(2) in paragraph (2), by striking “2009.” and inserting “2009, \$32,000,000 for fiscal year 2010, and \$8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(3) in paragraph (3), by striking “2009.” and inserting “2009, \$5,000,000 for fiscal year 2010, and \$1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”;

(4) in paragraph (4), by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(5) in paragraph (5), by striking “2009.” and inserting “2009, \$3,000,000 for fiscal year 2010, and \$756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(d) **HIGH-PRIORITY ACTIVITIES.**—Section 31104(k) of title 49, United States Code, is

amended by striking “2009” in paragraph (2) and inserting “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010”.

(e) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)” after “fiscal year”.

(f) **COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION.**—Section 4123(d) of the SAFETEA-LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$8,000,000 for fiscal year 2010; and

“(6) \$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(g) **OUTREACH AND EDUCATION.**—Section 4127(e) of the SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2009” and inserting “2009, and 2010, and \$252,000 to the Federal Motor Carrier Safety Administration, and \$756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(h) **GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**—Section 4134(c) of the SAFETEA-LU (119 Stat. 1744) is amended by striking “2009” and inserting “2009, 2010, and \$252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(i) **MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**—Section 4144(d) of the SAFETEA-LU (119 Stat. 1748) is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(j) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of the SAFETEA-LU (49 U.S.C. 14710 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

**SEC. 423. ADDITIONAL PROGRAMS.**

(a) **HAZARDOUS MATERIALS RESEARCH PROJECTS.**—Section 7131(c) of the SAFETEA-LU (119 Stat. 1910) is amended by striking “through 2009” and inserting “through 2010, and \$315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

(b) **DINGELL-JOHNSON SPORT FISH RESTORATION ACT.**—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009,” and inserting “2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(2) in subsection (b)(1)(A), by striking “2010,” and inserting “and for the period beginning on October 1, 2010, and ending on December 31, 2010.”.

**Subtitle C—Public Transportation Programs**

**SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.**

Section 5305(g) of title 49, United States Code, is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

**SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.**

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2009” and inserting “2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”;

(2) in subparagraph (A), by striking “2009,” and inserting “2010, and the period beginning October 1, 2010, and ending December 31, 2010.”; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking “AND 2009” and inserting “THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010.”; and

(B) in the matter preceding clause (i), by striking “and 2009” and inserting “through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”.

**SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.**

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking “2009” and inserting “2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010”;

(B) in the matter preceding subparagraph (A), by striking “2009” and inserting “2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”; and

(C) in subparagraph (A)(i), by striking “2009” and inserting “2010, and \$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(2) in paragraph (6)—

(A) in subparagraph (B), by striking “2009” and inserting “2010, and \$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(B) in subparagraph (C), by striking “2009” and inserting “2010, and \$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking “\$10,000,000” and all that follows through “2009” and inserting the following:

“(i) **FISCAL YEARS 2006 THROUGH 2010.**—\$10,000,000 shall be available in each of fiscal years 2006 through 2010”; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

“(ii) **SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.**—\$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).”;

(B) in subparagraph (B), by inserting after “2009,” the following:

“(v) \$13,500,000 for fiscal year 2010.

“(vi) \$3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by inserting “, and during the period beginning October 1, 2010, and ending December 31, 2010,” after “fiscal year”;

(D) in subparagraph (D), by inserting “, and not less than \$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”; and

(E) in subparagraph (E), by inserting “, and \$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”.

**SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.**

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

“(E) \$15,000,000 for fiscal year 2010.



“(F) \$3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.”.

**SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.**

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009” and inserting “2010”; and

(2) by adding at the end the following:

“(g) **SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.**—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).”.

**SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.**

(a) **FORMULA AND BUS GRANTS.**—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) \$8,360,565,000 for fiscal year 2010; and  
“(F) \$2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “and \$113,500,000 for fiscal year 2009” and inserting “\$113,500,000 for each of fiscal years 2009 and 2010, and \$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(B) in subparagraph (B), by striking “and \$4,160,365,000 for fiscal year 2009” and inserting “\$4,160,365,000 for each of fiscal years 2009 and 2010, and \$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by striking “and \$51,500,000 for fiscal year 2009” and inserting “\$51,500,000 for each of fiscal years 2009 and 2010, and \$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(D) in subparagraph (D), by striking “and \$1,666,500,000 for fiscal year 2009” and inserting “\$1,666,500,000 for each of fiscal years 2009 and 2010, and \$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(E) in subparagraph (E), by striking “and \$984,000,000 for fiscal year 2009” and inserting “\$984,000,000 for each of fiscal years 2009 and 2010, and \$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(F) in subparagraph (F), by striking “and \$133,500,000 for fiscal year 2009” and inserting “\$133,500,000 for each of fiscal years 2009 and 2010, and \$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(G) in subparagraph (G), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(H) in subparagraph (H), by striking “and \$164,500,000 for fiscal year 2009” and inserting “\$164,500,000 for each of fiscal years 2009 and 2010, and \$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(I) in subparagraph (I), by striking “and \$92,500,000 for fiscal year 2009” and inserting “\$92,500,000 for each of fiscal years 2009 and 2010, and \$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(J) in subparagraph (J), by striking “and \$26,900,000 for fiscal year 2009” and inserting “\$26,900,000 for each of fiscal years 2009 and 2010, and \$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(K) in subparagraph (K), by striking “and \$3,500,000 for fiscal year 2009” and inserting “\$3,500,000 for each of fiscal years 2009 and 2010, and \$875,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(L) in subparagraph (L), by striking “and \$25,000,000 for fiscal year 2009” and inserting “\$25,000,000 for each of fiscal years 2009 and 2010, and \$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(M) in subparagraph (M), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(N) in subparagraph (N), by striking “and \$8,800,000 for fiscal year 2009” and inserting “\$8,800,000 for each of fiscal years 2009 and 2010, and \$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010.”.

(b) **CAPITAL INVESTMENT GRANTS.**—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$2,000,000,000 for fiscal year 2010; and  
“(6) \$500,000,000 for the period of October 1, 2010 through December 31, 2010.”.

(c) **RESEARCH AND UNIVERSITY RESEARCH CENTERS.**—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “and \$69,750,000 for fiscal year 2009” and inserting “\$69,750,000 for each of fiscal years 2009 and 2010, and \$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) by adding at the end the following:

“(3) **ADDITIONAL AUTHORIZATIONS.**—

“(A) **IN GENERAL.**—

“(i) **FISCAL YEAR 2010.**—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

“(ii) **OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.**—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) **UNIVERSITY CENTERS PROGRAM.**—

“(i) **FISCAL YEAR 2010.**—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

“(ii) **OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.**—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

“(iii) **FUNDING.**—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was au-

thorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

(d) **ADMINISTRATION.**—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$98,911,000 for fiscal year 2010; and  
“(6) \$24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.”.

**SEC. 437. AMENDMENTS TO SAFETEA-LU.**

(a) **CONTRACTED PARATRANSIT PILOT.**—Section 3009(i)(1) of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1572) is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(b) **PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.**—Section 3011 of the SAFETEA-LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking “2009” and inserting “2010 and the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in subsection (d), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(c) **ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.**—Section 3012(b)(8) of the SAFETEA-LU (49 U.S.C. 5310 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

(d) **OBLIGATION CEILING.**—Section 3040 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) \$10,507,752,000 for fiscal year 2010, of which not more than \$8,360,565,000 shall be from the Mass Transit Account; and

“(7) \$2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than \$2,090,141,250 shall be from the Mass Transit Account.”.

(e) **PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.**—Section 3043 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

(f) **ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.**—Section 3046 of the SAFETEA-LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting “or period” after “fiscal year”; and

(2) by adding at the end the following:

“(c) **ADDITIONAL APPROPRIATIONS.**—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

“(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

“(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).”.

“(d) FUNDING.—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

#### Subtitle D—Revenue Provisions

#### SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking “, and” at the end of subparagraph (A) and inserting a period; and

(2) by striking “1998” in the matter preceding subparagraph (A) and all that follows through “the opening balance” and inserting “1998, the opening balance”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this title.

#### SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (2) of section 9503(f) is amended to read as follows:

“(2) RESTORATION OF FOREGONE INTEREST.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9503(e) is amended by striking “this subsection” and inserting “this section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) TREATMENT OF APPROPRIATED AMOUNTS.—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.

(a) IN GENERAL.—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 9502(a) is amended by striking “section 9503(c)(7)” and inserting “section 9503(c)(5)”.

(2) Section 9503(b)(4)(D) is amended by striking “paragraph (4)(D) or (5)(B)” and inserting “paragraph (3)(D) or (4)(B)”.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: “The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.”.

(4) Section 9503(e)(5)(A) is amended by striking “(2), (3), and (4)” and inserting “(2) and (3)”.

(5) Section 9504(a) is amended by striking “section 9503(c)(4), section 9503(c)(5)” and inserting “section 9503(c)(3), section 9503(c)(4)”.

(6) Section 9504(b)(2) is amended by striking “section 9503(c)(5)” and inserting “section 9503(c)(4)”.

(7) Section 9504(e) is amended by striking “section 9503(c)(4)” and inserting section “9503(c)(3)”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

#### SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.

(a) HIGHWAYS TRUST FUND.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) is amended—

(A) by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”;

(B) by striking “under” and all that follows and inserting “under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) is amended—

(A) by striking “October 1, 2009” and inserting “January 1, 2011”;

(B) by striking “in accordance with” and all that follows and inserting “in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) is amended by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) IN GENERAL.—Paragraph (2) of section 9504(b) is amended—

(A) by striking “(as in effect)” in subparagraph (A) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”;

(B) by striking “(as in effect)” in subparagraph (B) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”.

(C) by striking “(as in effect)” in subparagraph (C) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”.

(2) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) is amended by striking “October 1, 2009” and inserting “January 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2009.

#### SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, \$42,469,970,178.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$10,617,492,545.”.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, \$10,338,065,000.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$2,584,516,250.”.

(c) TREATMENT OF FUNDS.—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

#### TITLE V—OFFSET PROVISIONS

#### Subtitle A—Foreign Account Tax Compliance

#### PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

#### SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

#### “CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS

“Sec. 1471. Withholdable payments to foreign financial institutions.

“Sec. 1472. Withholdable payments to other foreign entities.

“Sec. 1473. Definitions.

“Sec. 1474. Special rules.

#### “SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.

“(a) IN GENERAL.—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) REPORTING REQUIREMENTS, ETC.—

“(1) IN GENERAL.—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the Secretary under which such institution agrees—

“(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

“(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

“(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

“(D) to deduct and withhold a tax equal to 30 percent of—

“(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

“(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

“(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

“(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

“(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

“(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

“(2) FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

“(A) such institution—

“(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

“(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

“(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

“(3) ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

“(A) the requirements of paragraph (1)(D) shall not apply,

“(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

“(C) the agreement described in paragraph (1) shall—

“(i) require such institution to notify the withholding agent with respect to each such payment of the institution's election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

“(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

“(C) INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.—

“(1) IN GENERAL.—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

“(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

“(B) The account number.

“(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

“(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for such period and in such manner as the Secretary may provide).

“(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

“(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

“(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

“(i) such institution were a United States person, and

“(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

“(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a qualified intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

“(d) DEFINITIONS.—For purposes of this section—

“(1) UNITED STATES ACCOUNT.—

“(A) IN GENERAL.—The term ‘United States account’ means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

“(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

“(i) each holder of such account is a natural person, and

“(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed \$50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

“(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

“(i) such account is held by another financial institution which meets the requirements of subsection (b), or

“(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

“(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term ‘financial account’ means, with respect to any financial institution—

“(A) any depository account maintained by such financial institution,

“(B) any custodial account maintained by such financial institution, and

“(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

“(3) UNITED STATES OWNED FOREIGN ENTITY.—The term ‘United States owned foreign entity’ means any foreign entity which has one or more substantial United States owners.

“(4) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

“(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term ‘financial institution’ means any entity that—

“(A) accepts deposits in the ordinary course of a banking or similar business,

“(B) as a substantial portion of its business, holds financial assets for the account of others, or

“(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

“(6) RECALCITRANT ACCOUNT HOLDER.—The term ‘recalcitrant account holder’ means any account holder which—

“(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

“(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

“(7) PASSTHRU PAYMENT.—The term ‘passthrough payment’ means any withholdable payment or other payment to the extent attributable to a withholdable payment.

“(e) AFFILIATED GROUPS.—

“(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

“(A) with respect to United States accounts maintained by the foreign financial institution, and

“(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

“(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(A) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

“(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(2) any international organization or any wholly owned agency or instrumentality thereof,

“(3) any foreign central bank of issue, or

“(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

**“SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.**

“(a) **IN GENERAL.**—In the case of any withholdable payment to a non-financial foreign entity, if—

“(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

“(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) **REQUIREMENTS FOR WAIVER OF WITHHOLDING.**—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

“(1) such beneficial owner or the payee provides the withholding agent with either—

“(A) a certification that such beneficial owner does not have any substantial United States owners, or

“(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

“(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

“(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

“(c) **EXCEPTIONS.**—Subsection (a) shall not apply to—

“(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

“(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

“(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(E) any international organization or any wholly owned agency or instrumentality thereof,

“(F) any foreign central bank of issue, or

“(G) any other class of persons identified by the Secretary for purposes of this subsection, and

“(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

“(d) **NON-FINANCIAL FOREIGN ENTITY.**—For purposes of this section, the term ‘non-financial foreign entity’ means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

**“SEC. 1473. DEFINITIONS.**

“For purposes of this chapter—

“(1) **WITHHOLDABLE PAYMENT.**—Except as otherwise provided by the Secretary—

“(A) **IN GENERAL.**—The term ‘withholdable payment’ means—

“(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States, and

“(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

“(B) **EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.**—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

“(C) **SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.**—Subparagraph (B) of section 861(a)(1) shall not apply.

“(2) **SUBSTANTIAL UNITED STATES OWNER.**—

“(A) **IN GENERAL.**—The term ‘substantial United States owner’ means—

“(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value),

“(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

“(iii) in the case of a trust—

“(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

“(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

“(B) **SPECIAL RULE FOR INVESTMENT VEHICLES.**—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting ‘0 percent’ for ‘10 percent’.

“(3) **SPECIFIED UNITED STATES PERSON.**—Except as otherwise provided by the Secretary, the term ‘specified United States person’ means any United States person other than—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

“(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

“(D) the United States or any wholly owned agency or instrumentality thereof,

“(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(F) any bank (as defined in section 581),

“(G) any real estate investment trust (as defined in section 856),

“(H) any regulated investment company (as defined in section 851),

“(I) any common trust fund (as defined in section 584(a)), and

“(J) any trust which—

“(i) is exempt from tax under section 664(c), or

“(ii) is described in section 4947(a)(1).

“(4) **WITHHOLDING AGENT.**—The term ‘withholding agent’ means all persons, in whatever

capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

“(5) **FOREIGN ENTITY.**—The term ‘foreign entity’ means any entity which is not a United States person.

**“SEC. 1474. SPECIAL RULES.**

“(a) **LIABILITY FOR WITHHELD TAX.**—Every person required to deduct and withhold any tax under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

“(b) **CREDITS AND REFUNDS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.

“(2) **SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.**—

“(A) **IN GENERAL.**—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

“(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

“(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

“(II) no interest shall be allowed or paid with respect to such credit or refund, and

“(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

“(B) **SPECIFIED FINANCIAL INSTITUTION PAYMENT.**—The term ‘specified financial institution payment’ means any payment if the beneficial owner of such payment is a foreign financial institution.

“(3) **REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.**—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

“(c) **CONFIDENTIALITY OF INFORMATION.**—

“(1) **IN GENERAL.**—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

“(2) **DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.**—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

“(d) **COORDINATION WITH OTHER WITHHOLDING PROVISIONS.**—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

“(e) **TREATMENT OF WITHHOLDING UNDER AGREEMENTS.**—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.”

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

“(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting ‘180 days’ for ‘45 days’ each place it appears.”

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting “or 4” after “chapter 3”.

(2) Paragraph (1) of section 6501(b) is amended by inserting “4,” after “chapter 3.”

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting “4,” after “chapter 3,” in the text thereof, and

(B) by striking “TAXES AND TAX IMPOSED BY CHAPTER 3” in the heading thereof and inserting “AND WITHHOLDING TAXES”.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting “or 4” after “chapter 3,” and

(B) by inserting “or 1474(b)” after “section 1462”.

(5) Subsection (c) of section 6513 is amended by inserting “4,” after “chapter 3.”

(6) Paragraph (1) of section 6724(d) is amended by inserting “under chapter 4 or” after “filed with the Secretary” in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting “or 4” after “chapter 3”.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) INTEREST ON OVERPAYMENTS.—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment’s application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment’s application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment’s application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

#### SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 163(f) is amended by striking subparagraph (B)

and by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 149(a) is amended by inserting “or” at the end of subparagraph (A), by striking “, or” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting “or” at the end of clause (ii), by striking “, or” at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking “, and subparagraph (B),” in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

“(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and”.

(D) Sections 165(f)(2)(A) and 1287(b)(1) are each amended by striking “except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply”.

(b) REPEAL OF TREATMENT AS PORTFOLIO DEBT.—

(1) IN GENERAL.—Paragraph (2) of section 871(h) is amended to read as follows:

“(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 871(h)(3)(A) is amended by striking “subparagraph (A) or (B) of”.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

“(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(c) DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.—Paragraph (3) of section 163(f) is amended by inserting “, except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section” before the period at the end.

(d) REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.—

(1) IN GENERAL.—Subsection (g) of section 3121 of title 31, United States Code, is amended by

striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding “or” at the end of subparagraph (A),

(B) by striking “; or” at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(e) PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.—Paragraph (1) of section 4701(b) is amended to read as follows:

“(1) REGISTRATION-REQUIRED OBLIGATION.—

“(A) IN GENERAL.—The term ‘registration-required obligation’ has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

“(i) is required to be registered under section 149(a), or

“(ii) is described in subparagraph (B).

“(B) CERTAIN OBLIGATIONS NOT INCLUDED.—An obligation is described in this subparagraph if—

“(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

“(ii) interest on such obligation is payable only outside the United States and its possessions, and

“(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

#### PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

##### SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

##### “SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

“(a) IN GENERAL.—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person’s return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds \$50,000 (or such higher dollar amount as the Secretary may prescribe).

“(b) SPECIFIED FOREIGN FINANCIAL ASSETS.—For purposes of this section, the term ‘specified foreign financial asset’ means—

“(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

“(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

“(A) any stock or security issued by a person other than a United States person,

“(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

“(C) any interest in a foreign entity (as defined in section 1473).

“(c) REQUIRED INFORMATION.—The information described in this subsection with respect to any asset is:

“(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

“(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

“(3) In the case of any other instrument, contract, or interest—

“(A) such information as is necessary to identify such instrument, contract, or interest, and

“(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

“(4) The maximum value of the asset during the taxable year.

“(d) PENALTY FOR FAILURE TO DISCLOSE.—

“(1) IN GENERAL.—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of \$10,000.

“(2) INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of \$10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed \$50,000.

“(e) PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.—If—

“(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

“(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets,

then the aggregate value of such assets shall be treated as being in excess of \$50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

“(f) APPLICATION TO CERTAIN ENTITIES.—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

“(g) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

“(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

“(2) nonresident aliens, and

“(3) bona fide residents of any possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

“Sec. 6038D. Information with respect to foreign financial assets.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### **SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.**

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

“(7) Any undisclosed foreign financial asset understatement.”, and

(2) by adding at the end the following new subsection:

“(j) UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘undisclosed foreign financial asset understatement’ means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

“(2) UNDISCLOSED FOREIGN FINANCIAL ASSET.—For purposes of this subsection, the term ‘undisclosed foreign financial asset’ means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

“(3) INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.—In the case of any portion of an underpayment which is attributable to any undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### **SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.**

(a) EXTENSION OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) GENERAL RULE.—If the taxpayer omits from gross income an amount properly includible therein and—

“(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

“(ii) such amount—

“(1) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so required if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

“(II) is in excess of \$5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

“(B) DETERMINATION OF GROSS INCOME.—For purposes of subparagraph (A)—”.

(B) Paragraph (2) of section 6229(c) is amended by striking “which is in excess of 25 percent

of the amount of gross income stated in its return” and inserting “and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)”.

(b) ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.—Paragraph (8) of section 6501(c) is amended—

(1) by inserting “pursuant to an election under section 1295(b) or” before “under section 6038”,

(2) by inserting “1298(f),” before “6038”, and

(3) by inserting “6038D,” after “6038B.”.

(c) CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.—Paragraph (8) of section 6501(c) is amended by striking “event” and inserting “tax return, event.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

### **PART III—OTHER DISCLOSURE PROVISIONS**

#### **SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.**

(a) IN GENERAL.—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) REPORTING REQUIREMENT.—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.”.

(b) CONFORMING AMENDMENT.—Subsection (e) of section 1291 is amended by striking “, (d), and (f)” and inserting “and (d)”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

#### **SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.**

(a) IN GENERAL.—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a).”.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 6724 is amended by inserting “or with respect to a return described in section 6011(e)(4)” before the end period.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

### **PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS**

#### **SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.**

(a) IN GENERAL.—Paragraph (1) of section 679(c) is amended by adding at the end the following:

“For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person’s interest in the trust is contingent on a future event.”.



(b) **CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.**—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

“(4) **SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.**—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the benefit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

“(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

“(B) none of those persons are United States persons during the taxable year.”.

(c) **CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.**—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

“(5) **CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.**—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.”.

**SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.**

(a) **IN GENERAL.**—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

“(d) **PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.**—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

“(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

“(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

**SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.**

(a) **IN GENERAL.**—Paragraph (1) of section 643(i) is amended—

(1) by striking “directly or indirectly to” and inserting “(or permits the use of any other trust property) directly or indirectly to or by”, and

(2) by inserting “(or the fair market value of the use of such property)” after “the amount of such loan”.

(b) **EXCEPTION FOR COMPENSATED USE.**—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

“(E) **EXCEPTION FOR COMPENSATED USE OF PROPERTY.**—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time of such use.”.

(c) **APPLICATION TO GRANTOR TRUSTS.**—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

“(6) **UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.**—For purposes of this

subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the fair market value of the use of such property) within a reasonable period of time.”.

(d) **CONFORMING AMENDMENTS.**—Paragraph (3) of section 643(i) is amended—

(1) by inserting “(or use of property)” after “If any loan”,

(2) by inserting “or the return of such property” before “shall be disregarded”, and

(3) by striking “REGARDING LOAN PRINCIPAL” in the heading thereof.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

**SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.**

(a) **IN GENERAL.**—Paragraph (1) of section 6048(b) is amended by inserting “shall submit such information as the Secretary may prescribe with respect to such trust for such year and” before “shall be responsible to ensure”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.**

(a) **IN GENERAL.**—Subsection (a) of section 6677 is amended—

(1) by inserting “the greater of \$10,000 or” before “35 percent”, and

(2) by striking the last sentence and inserting the following: “At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable amount the Secretary shall refund such excess to the taxpayer).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

**PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS**

**SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.**

(a) **IN GENERAL.**—Section 871 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

“(l) **TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.**—

“(1) **IN GENERAL.**—For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and 4, a dividend equivalent shall be treated as a dividend from sources within the United States.

“(2) **DIVIDEND EQUIVALENT.**—For purposes of this subsection, the term ‘dividend equivalent’ means—

“(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,

“(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and

“(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).

“(3) **SPECIFIED NOTIONAL PRINCIPAL CONTRACT.**—For purposes of this subsection, the term ‘specified notional principal contract’ means—

“(A) any notional principal contract if—

“(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,

“(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,

“(iii) the underlying security is not readily tradable on an established securities market,

“(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or

“(v) such contract is identified by the Secretary as a specified notional principal contract,

“(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.

“(4) **DEFINITIONS.**—For purposes of paragraph (3)(A)—

“(A) **LONG PARTY.**—The term ‘long party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

“(B) **SHORT PARTY.**—The term ‘short party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

“(C) **UNDERLYING SECURITY.**—The term ‘underlying security’ means, with respect to any notional principal contract, the security with respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

“(5) **PAYMENTS DETERMINED ON GROSS BASIS.**—For purposes of this subsection, the term ‘payment’ includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

“(6) **PREVENTION OF OVER-WITHOLDING.**—In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

“(7) **COORDINATION WITH CHAPTERS 3 AND 4.**—For purposes of chapters 3 and 4, each person that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.



**Subtitle B—Delay in Application of  
Worldwide Allocation of Interest**

**SEC. 551. DELAY IN APPLICATION OF WORLDWIDE  
ALLOCATION OF INTEREST.**

(a) *IN GENERAL.*—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking “December 31, 2017” and inserting “December 31, 2019”.

(b) *EFFECTIVE DATE.*—The amendments made by this section shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Etheridge moves that the House concur in the Senate amendment to the House amendment to the Senate amendment with an amendment.

The text of the amendment is as follows:

Concur in the Senate amendment (hereinafter referred to as the “pending Senate amendment”) to the House amendment to the Senate amendment to H.R. 2847 with the following amendment:

(1) In section 101 of the matter proposed to be inserted by the pending Senate amendment—

(A) In section 3111(d) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 101, add at the end the following new paragraph:

“(5) *SPECIAL RULE FOR FIRST CALENDAR QUARTER OF 2010.*—

“(A) *NONAPPLICATION OF EXEMPTION DURING FIRST QUARTER.*—Paragraph (1) shall not apply with respect to wages paid during the first calendar quarter of 2010.

“(B) *CREDITING OF FIRST QUARTER EXEMPTION DURING SECOND QUARTER.*—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to wages paid by a qualified employer during the first calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the second calendar quarter of 2010 which is made on the date that such tax is due.”.

(B) Strike subsection (d) of such section 101 and insert the following new subsections:

(d) *APPLICATION TO RAILROAD RETIREMENT TAXES.*—

(1) *IN GENERAL.*—Section 3221 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) *SPECIAL RATE FOR CERTAIN INDIVIDUALS HIRED IN 2010.*—

“(1) *IN GENERAL.*—In the case of compensation paid by a qualified employer during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, with respect to having a qualified individual in the employer’s employ for services rendered to such qualified employer, the applicable percentage under subsection (a) shall be equal to the rate of tax in effect under section 3111(b) for the calendar year.

“(2) *QUALIFIED EMPLOYER.*—The term ‘qualified employer’ means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

“(3) *QUALIFIED INDIVIDUAL.*—For purposes of this subsection, the term ‘qualified individual’ means any individual who—

“(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

“(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

“(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

“(D) is not an individual described in section 51(i)(1) (applied by substituting ‘qualified employer’ for ‘taxpayer’ each place it appears).

“(4) *ELECTION.*—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.

“(5) *SPECIAL RULE FOR FIRST CALENDAR QUARTER OF 2010.*—

“(A) *NONAPPLICATION OF EXEMPTION DURING FIRST QUARTER.*—Paragraph (1) shall not apply with respect to compensation paid during the first calendar quarter of 2010.

“(B) *CREDITING OF FIRST QUARTER EXEMPTION DURING SECOND QUARTER.*—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to compensation paid by a qualified employer during the first calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the second calendar quarter of 2010 which is made on the date that such tax is due.”.

(2) *TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.*—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraph (1). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(e) *EFFECTIVE DATES.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), the amendments made by this subsection shall apply to wages paid after the date of the enactment of this Act.

(2) *RAILROAD RETIREMENT TAXES.*—The amendments made by subsection (d) shall apply to compensation paid after the date of the enactment of this Act.

(2) In section 102 of the matter proposed to be inserted by the pending Senate amendment—

(A) Strike subsection (a) of such section 102 and insert the following new subsection:

(a) *IN GENERAL.*—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased, with respect to each retained worker with respect to which subsection (b)(2) is first satisfied during such taxable year, by the lesser of—

(1) \$1,000, or

(2) 6.2 percent of the wages (as defined in section 3401(a)) paid by the taxpayer to such retained worker during the 52 consecutive week period referred to in subsection (b)(2).

(B) In subsection (b) of such section 102, insert “or section 3221(c)(3)” after “section 3111(d)(3)”.

(C) In subsection (b)(3) of such section 102, insert “(as defined in section 3401(a))” after “wages” the first place it appears therein.

(D) At the end of such section 102, add the following new subsection:

(d) *TREATMENT OF POSSESSIONS.*—

(1) *PAYMENTS TO POSSESSIONS.*—

(A) *MIRROR CODE POSSESSIONS.*—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) *OTHER POSSESSIONS.*—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) *COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.*—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 against United States income taxes for any taxable year determined under subsection (a) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) *DEFINITIONS AND SPECIAL RULES.*—

(A) *POSSESSION OF THE UNITED STATES.*—For purposes of this subsection, the term “possession of the United States” includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) *MIRROR CODE TAX SYSTEM.*—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) *TREATMENT OF PAYMENTS.*—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(3) In section 301 of the matter proposed to be inserted by the pending Senate amendment—

(A) In section 6431(f)(1) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike subparagraph (C) and insert the following new subparagraph:

“(C) the amount of the payment determined under subsection (b) with respect to any interest payment due under such bond shall be equal to the lesser of—

“(i) the amount of interest payable under such bond on such date, or

“(ii) the amount of interest which would have been payable under such bond on such date if such interest were determined at the applicable credit rate determined under section 54A(b)(3).”.

(B) In section 6431(f) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike paragraph (2) and insert the following new paragraphs:

“(2) *SPECIAL RULE FOR NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS.*—In the case of any specified

tax credit bond described in clause (i) or (ii) of paragraph (3)(A), the amount determined under paragraph (1)(C)(ii) shall be 70 percent of the amount so determined without regard to this paragraph and sections 54C(b) and 54D(b).

“(3) SPECIFIED TAX CREDIT BOND.—For purposes of this subsection, the term “specified tax credit bond” means any qualified tax credit bond (as defined in section 54A(d)) if—

“(A) such bond is—  
“(i) a new clean renewable energy bond (as defined in section 54C),

“(ii) a qualified energy conservation bond (as defined in section 54D),

“(iii) a qualified zone academy bond (as defined in section 54E), or

“(iv) a qualified school construction bond (as defined in section 54F), and

“(B) the issuer of such bond makes an irrevocable election to have this subsection apply.”.

(4) At the end title IV of the matter proposed to be inserted by the pending Senate amendment, add the following:

**Subtitle E—Disadvantaged Business Enterprises**

**SEC. 451. DISADVANTAGED BUSINESS ENTERPRISES.**

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning that term has under section 3 of the Small Business Act (15 U.S.C. 632), except that the term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$22,410,000, as adjusted annually by the Secretary of Transportation for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(b) GENERAL RULE.—Except to the extent that the Secretary of Transportation determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of SAFETEA-LU (Public Law 109-59), subtitles A and C of this title, and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESSES ENTERPRISES.—Each State shall annually—

(1) survey and compile a list of the small business concerns referred to in subsection (a) and the location of the concerns in the State; and

(2) notify the Secretary of Transportation, in writing, of the percentage of the concerns that are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary of Transportation shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. The minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of SAFETEA-LU (Public Law 109-59), subtitles A and C of this title, and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with subsection (b) because a Federal court issues a final order in which the court finds that the requirement of subsection (b), or the program established under subsection (b), is unconstitutional.

(5) In section 551(a) of the matter proposed to be inserted by the pending Senate amendment, strike “December 31, 2019” and insert “December 31, 2020”.

(6) At the end of title V of the matter proposed to be inserted by the pending Senate amendment, add the following new subtitle:

**Subtitle C—Budgetary Provisions**

**SEC. 561. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 23 percentage points,

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2015 shall be 121.5 percent of such amount,

(3) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2019 shall be 106.5 percent of such amount, and

(4) the amount of the next required installment after an installment referred to in paragraph (2) or (3) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

**SEC. 562. PAYGO COMPLIANCE.**

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairman of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1137, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and the ranking minority member of the Committee on Ways and Means or their designees.

The gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from California (Mr. NUNES) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. Madam Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) for the purpose of making a unanimous consent request.

Mrs. MALONEY. Madam Speaker, I rise in strong support of H.R. 2847, include my statement for the RECORD, and also submit to the RECORD excerpts from recent joint economic hearings underscoring the need for targeted, timely action to boost employment.

Madam Speaker, at recent hearings of the Joint Economic Committee, which I chair, economists, forecasters, and business leaders have laid out the need for targeted, immediate action to spark job creation.

H.R. 2847—Hiring Incentives to Restore Employment Act—delivers timely incentives for businesses to hire, including a temporary tax break for businesses that hire workers who have been unemployed for at least 60 days.

CBO Director Douglas Elmendorf recently told the JEC, by bringing down the cost of adding new employees, employer tax credits like this one will spur new hiring and strengthen our economy.

In January, I sent a survey to the CEOs of Fortune 100 companies and leading small businesses seeking their ideas on job creation.

The ideas I got back were varied. But there was broad agreement that Congress needs to act now.

I urge my colleagues to support the HIRE Act to create jobs and put Americans back to work.

Finally, I would like to submit for the RECORD excerpts from recent JEC hearings underscoring the need for targeted, timely action to boost employment.

MANPOWER CHAIRMAN AND CEO JEFFREY JOERRES, JOINT ECONOMIC COMMITTEE HEARING, FEBRUARY 26, 2010

Manpower has been in the business of jobs and job training for over 60 years. We've seen the economic ups and downs. It's clear that this recession is by far the most severe in this downturn. It's been a privilege [to hear] some of the thoughts that we get and feel from on the ground, and those actions that I've presented this committee. We consider that partnerships between government and industry is critical for this to move very quickly.

CONGRESSIONAL BUDGET OFFICE DIRECTOR DOUGLAS ELMENDORF, JOINT ECONOMIC COMMITTEE HEARING, FEBRUARY 23, 2010

What we have—what we have said in our initial report, and in our letter to you, and you can see in the—in those bars, is that in our judgment policies that cut employers' payroll taxes are more cost effective in terms of stimulating employment over the next couple of years, than many of the other policies that we've considered.

And our judgment—what firms will do with a cut of that sort is partly to take advantage of their lower cost by cutting the prices of their goods, and thus trying to stimulate demand. And it's the—really the shortfall in demand that is the crux of the recession, or the crux of the problem in hiring. Additionally these tax credits provide an incentive to use more labor by lowering the cost of labor in particular.

DR. RICHARD BERNER, CO-HEAD OF GLOBAL ECONOMICS AND CHIEF U.S. ECONOMIST, MORGAN STANLEY, JOINT ECONOMIC COMMITTEE HEARING, FEBRUARY 26, 2010

A refundable payroll tax credit, perhaps for firms that increase their payroll, would be among the most effective short-term remedies. CBO estimates that a well-designed credit could boost employment by about 9 years of full-time equivalent employment per million dollars of budgetary cost.

## GENERAL LEAVE

Mr. ETHERIDGE. Madam Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ETHERIDGE. Madam Speaker, I am pleased to rise in support of H.R. 2847, the Hiring Incentives to Restore Employment Act. The HIRE Act is about our three most important priorities in this Congress: jobs, jobs, and jobs. The HIRE Act builds on legislation that the Senate passed last week, including direct hiring tax incentives for business, support for Recovery Act bond incentives that put local dollars to work creating jobs all across this country, and transportation funding that improves our communities, builds infrastructure, and supports local businesses. All told, more than 1 million jobs will be created by this legislation.

This bill really is help for small businesses on Main Street and millions of Americans who are ready to see the benefits of a growing economy. Across this great country, our economy is showing signs of recovery. But consumers need more confidence, and employers need incentives to hire workers. Today, we give business direct incentives to hire new workers. I am pleased that the HIRE Act accomplishes this in a responsible manner.

Not only does it fully pay for all of the important investments in job creation, but it actually contributes to reduce our deficit by nearly \$1 billion. Let me repeat that again, reduce the deficit by \$1 billion. The bill is a good step to rebuild our job market, but we still have a ways to go. I expect that this will just be a downpayment on our continuing work to create jobs and restore our economy.

This bill includes, as you have already heard, about \$77.15 billion of investment in surface transportation projects. It also reauthorizes Federal highway public transit initiatives and highway safety funding that is needed all across America. When extensions were blocked last week in the Senate, transportation projects across this country were held up and almost 2,000 employees were furloughed. Today, we are going to take action not only to make sure that doesn't happen again, but that we create jobs by investing in local priorities across this country, not only transportation projects that need to be moving in our communities, building on infrastructure and providing jobs for America, but also the HIRE Act that creates tax credits for local businesses.

Representative STEVE KAGEN and myself introduced a bill back in January for tax credits to hire new employees. This bill builds on that. It is a little

different than what we had, but it makes a difference. Despite some economic growth in recent months, the unemployment rate around the country remains high. Too many Americans are unemployed. In my State, it is above the national average, almost 11.2 percent. Just this past week, I visited an employment office where people were saying all we need is a hand up, not a handout; give us an opportunity to go to work.

In addition to that, we are providing funds for making sure that our qualified school construction bonds in the Recovery Act that we passed last year will work. This bill really is about jobs. I can say to you when we are talking about jobs, we are talking about education. I happen to believe education is the one thing that levels the playing field for everyone. Today we are going to have the opportunity to put our stamp on and vote for a piece of legislation that will provide good places for teachers to teach and children to learn.

Madam Speaker, I reserve the balance of my time.

Mr. NUNES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if at first you don't succeed, try, try again. That seems to be the Democrats' creed and motto.

There wouldn't be any need for today's bill if the failed trillion-dollar stimulus package last year actually worked. A year ago the Democrats promised the American people their so-called stimulus would keep unemployment at 8 percent, but a year later we are near 10 percent.

Put simply, you cannot create jobs by dumping a trillion dollars into Federal agencies. The administration claims that \$1.5 billion in stimulus moneys saved or created 1,664 jobs in California's San Joaquin Valley where I live. Even if one charitably assumes the accuracy of these numbers, the Federal Government has spent a whopping \$900,000 to save or create one job in the San Joaquin Valley. Despite spending \$900,000 per job, there are still communities in the valley that suffer from 20 to 40 percent unemployment. In fact, in the wake of the stimulus, we saw 3 million additional Americans lose their jobs rather than the 3.7 million jobs that are now being promised by the Obama administration. Sadly, a record 16 million Americans are now unemployed because the stimulus promises were empty and unaffordable.

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Is it any wonder why the American people continue to ask, Where are the jobs?

It appears that the stimulus was not very stimulating outside of Washington. So here we are back again with yet another multibillion-dollar plan slapped together by the Democrats that will probably, once again, fail.

Madam Speaker, the Soviet Union experience, sadly, taught us that just

because you're going to grow 1 billion bushels of potatoes does not mean that there will be potatoes on the shelves. Similarly, just because the Democrats have chosen to message this as a "jobs" bill does not mean that it will actually create a job.

The centerpiece of the Democrats' new bill is a payroll tax exemption, a hiring credit for employers to bring on new workers. While I give the Democrats credit for acknowledging that tax cuts are preferable to spending increases, the sad reality is that this is a political charade and it won't work. How do we know? Because the same idea didn't work when Jimmy Carter tried it in the late 1970s.

Numerous studies by noted economists from all across the political spectrum have confirmed that these temporary hiring incentives will have little, if any, positive effect on jobs. It is beyond ridiculous to claim that you can have a meaningful impact upon a \$14 trillion economy by spending \$13 billion on gimmick tax cuts. Let's think about it: If you're an employer, are you really going to hire someone for a permanent position because you get a modest, temporary tax incentive?

We could have improved this bill had the Ways and Means Committee actually held a hearing and a markup, but once again we see significant tax legislation taken directly to the floor without a committee hearing, without a committee markup, and without an opportunity to even offer amendments.

I understand that there was a change in the chairmanship on the Ways and Means Committee yesterday, but, in fact, this bill on the floor today proves that it's a political sham. It is far from serious to enact sound policy to improve our economy when you can't even decide who the chairman of the Ways and Means Committee is going to be.

You don't have to read Adam Smith to know that markets cannot thrive with uncertainty. What employers really need from Washington is the assurance that the Democrats' massive Big Government tax-and-spend agenda isn't going to drive them out of business.

Employers face uncertainty about the Democrats' massive takeover of the health care system, about the new \$1 trillion cap-and-trade energy tax. They face uncertainty with environmental regulations like those that have driven 84 saw mills from California since 1989, and they face uncertainty about the largest tax increase in American history that will be enacted this year.

Madam Speaker, employers don't need more Federal spending to create good private sector jobs; they already know how to create good jobs if Washington would just get out of the way.

Madam Speaker, I reserve the balance of my time.

Mr. ETHERIDGE. Madam Speaker, I would remind the gentleman that I was a small businessman in the 1970s when this tax credit was in before. Not only did we use it and create jobs; we had tremendous growth in this country.

I talked to two chambers of commerce in the last month. They are tickled to death that somebody is willing to help them instead of doing the very thing the Senate did last week and hold everything up. It's time we moved on and got something done.

I yield 3 minutes to the gentleman, Mr. OBERSTAR, who knows something about infrastructure.

Mr. OBERSTAR. I thank the gentleman for his time and will use this brief moment to be very specific.

Under the programs in the stimulus, under the jurisdiction of our Committee on Transportation and Infrastructure, we can account for 1,091,005 jobs in the past year, 1 year from date of enactment. We have this documented in 14 consecutive monthly hearings on progress made by State DOTs, transit agencies, metropolitan planning organizations and State Revolving Loan Fund organizations, as well as the other portions of our stimulus for which we have documented the funding investments that have created jobs. These are real jobs, building trades, associated general contractors who are putting people to work, putting their equipment to work on job sites where they were shut down the previous year.

With those jobs, those workers are paying \$353 million in Federal taxes, avoiding \$279 million in unemployment compensation checks because they're getting a payroll check instead of an unemployment compensation check. We have 25,000 direct, on-project, full-time equivalent jobs in the Clean Water Revolving Loan Fund program, and paved 24,000 lane miles of highway and restored or replaced 1,200 bridges. That highway mileage is equivalent to half of the interstate highway systems that took 50 years to build. This was done in a year.

This extension of funding for the surface transportation program will provide \$77 billion to continue SAFETEA-LU for the next 15 months for the 15-month period. That is this fiscal year and 3 months beyond. It is a \$21 billion increase over the funding levels of the continuing resolution.

It restores the \$8.7 billion rescission that occurred September 30 that everyone was wringing their hands about, but required by the Bush administration and consented to by House and Senate Republicans in the last meeting of the House-Senate conference on SAFETEA-LU. That money is restored. We said that we'd do it. It's done.

The bill also restores \$19.5 billion of interest foregone since 1998 when we had to agree to a concession insisted upon by then-Speaker Gingrich and

then the Clinton administration Treasury Department to forego interest on the trust fund. That interest is restored, repatriated to the trust fund and in the future will collect interest like all other trust funds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ETHERIDGE. I yield the gentleman another 30 seconds.

Mr. OBERSTAR. But there are two issues in this bill that I was very concerned about. The Senate passed a bill that had a funding formula that was very, very discriminatory. Four States benefitted with 58 percent of the funding and 22 States got nothing. Senator REID has consented in a letter he sent to me and to Speaker PELOSI to restore the House funding formula that we proposed in a subsequent bill that will pass the Senate this month to distribute those additional highway formula funds as we proposed in a formula distribution.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ETHERIDGE. Madam Speaker, I yield another 15 seconds to the gentleman.

Mr. OBERSTAR. The letter to Senator REID from Senator BOXER, the chair of the Senate Public Works Committee, and Senator MURRAY on the Appropriations Committee, that letter will be available at this desk to show that we will restore the funding formula the way it is intended in SAFETEA-LU.

Mr. NUNES. Madam Speaker, I yield 2 minutes to the gentleman from California, my good friend (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I rise to speak on the highway provisions of H.R. 2847. I think it's important that my colleagues understand that the bill before us isn't a clean extension of SAFETEA-LU highway and transit programs, but includes new policies that would continue the program on the current road to ruin.

I support a strong surface transportation bill; I worked with Mr. OBERSTAR for years in connection with that. I know our constituents depend upon this program to keep our roads and transit systems open and safe and to help keep economic investments coming to our communities. But we also know that the highway trust fund is badly broken; it has been broken for some time. The trust fund has been in a nosedive for years due to overspending, but nothing was ever done about that.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I rise in support of this jobs bill.

Nevada is experiencing unprecedented economic challenges and an unemployment rate of well over 13 percent. It is essential that this Congress

pursue policies and programs that will spur long-term economic growth and create the jobs that the people of Las Vegas and across the United States so desperately need. This legislation is a positive step in that direction.

Incentives such as the payroll tax holiday, a tax credit for retaining workers, and the extension of enhanced expensing for small businesses will all help create conditions for increased hiring and retention of new employees.

In addition, the extension of funding for highways and surface transportation projects will provide employment both today and in the future by continuing the infrastructure investments that are critical to long-term economic growth.

And, finally, the direct payment option for certain tax credit bond programs will enable the Clark County School District, which I represent, to increase school construction and continue to fund essential projects.

Nevada, and the Nation, needs the jobs and other support provided in this bill. I urge my colleagues to vote "yes," a resounding "yes" on this piece of legislation.

Mr. NUNES. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. I thank the ranking member for allowing me to speak.

On behalf of the American taxpayer, I am deeply disappointed that the Democrat majority is not allowing me to offer a commonsense amendment to protect the American taxpayer.

The amendment was simple: It would require businesses seeking to use a hiring tax incentive in the bill before us to check the legal status of potential new hires through the E-Verify program—you have seen that in the papers lately, it hasn't been used properly—a voluntary employment verification system. While not perfect by any means, E-Verify is certainly far better than the current paper-based verification method.

If the majority insists on moving forward with this flawed bill that in the end I believe will do little to create new jobs, we must ensure that this hiring tax break isn't used to hire those here illegally. The American taxpayer and the unemployed American worker deserve nothing less. This is the right thing to do.

Now more than ever in these tough economic times we need to ensure that the American worker, and not illegals, is our first priority.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the courtesy of my friend, the gentleman from North Carolina, in permitting me to speak on this.

This piece of legislation is, sadly, a product of our time with a breakdown

with our friends on the other side of the Capitol seemingly unable to proceed with regular order. We saw, sadly, this last week one person bring the transportation funding in this country to a halt, hold up unemployment benefits affecting literally hundreds of thousands of Americans in the most negative way, and that is passing for regular order over there. This bill is an opportunity for us to break that impasse.

It is significant in three ways: first of all, there were five Republicans who were willing to join with the majority to be able to move things forward. In some sense I think we ought to try and reward that sense of at least breaking the tyranny of the 60-vote majority requirement.

Second, the real job generator in this legislation is to be found in extending the transportation funding through the end of the year. Madam Speaker, the most effective job-generating legislation that we could put forward at a time of 40 percent unemployment in many metropolitan areas in the construction trade is to put Americans to work rebuilding and renewing America.

This legislation provides \$77 billion towards that objective, fully funding the first 6 months of this year and extending it through the full 15-month cycle through the end of this calendar year. This will give certainty to the men and women who are dealing with our transportation systems, roads, bridges, transit, the whole range. It will save hundreds of thousands of jobs. It will incite economic activity. And maybe, just maybe, it will be a signal that we bring together a larger vision of rebuilding and renewing America and putting our fellow citizens back to work.

Mr. NUNES. Madam Speaker, I yield myself 15 seconds.

I just want to clarify, I heard the other side of the aisle say that this bill was going to create 1 million jobs. We are going to spend \$13 billion to create 1 million jobs. The \$1 trillion stimulus bill last year was promised to create 3.7 million jobs. At some point, I would like to—

Mr. BLUMENAUER. Would the gentleman yield?

Mr. NUNES. Yes, I would like to yield to the gentleman.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. NUNES. Madam Speaker, I yield myself an additional 30 seconds.

□ 1415

Mr. BLUMENAUER. What I said, and I want to be clear if I misrepresented it, is that the \$77 billion in transportation funding will protect or create hundreds of thousands of jobs. That's what I said.

Mr. NUNES. Reclaiming my time, actually, Mr. BLUMENAUER, my good

friend, spoke about the jobs. Earlier, I had heard another gentleman on the other side of the aisle speak about 1 million jobs. I'm just trying to figure out the math. This is about a \$13 billion to \$15 billion bill to create 1 million or hundreds of thousands of jobs. Last year we spent \$1 trillion to create 3.7 million jobs, and we lost 3 million jobs.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. NUNES. Yes, of course.

Mr. BLUMENAUER. The bill includes \$77 billion of transportation funding. That was my reference. I think the experts agree that it would be hundreds of thousands of jobs, if not 1 million, saved or created with that transportation funding.

I appreciate the gentleman's courtesy.

Mr. NUNES. Madam Speaker, I yield 2 minutes to a member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I want to make it clear from the start that there are some items in this bill, some provisions, that everyone in this Chamber could probably support. Providing tax relief to small businesses is really a good idea, but this very fact raises an important question:

If the majority recognizes that lowering taxes for businesses is good for employment and is certainly good for the economy, then why do they insist on dramatically raising taxes everywhere else every single chance the Democrats get?

I also think that it is worth discussing the nefarious accounting gimmicks in this bill. I voted for the principle of PAYGO because I believed in it; but no sooner did the Democrats finish patting themselves on the backs for passing PAYGO than they turned around and came up with waiving it and, in this instance, kind of Bernie Madoffing it, if there is such a word. I think I just created a new word, Madam Speaker. I don't want to get too far into the technical weeds here, but this bill is PAYGO-compliant only because of some accounting gimmicks. In the fourth quarter, move a little first quarter money into future years, and presto-change-o, the bill becomes PAYGO-compliant. The American people know we can't spend the same money twice; so let's take a closer look.

The official cost estimate of the bill does not include a \$20 billion transfer from the general fund to the highway fund, meaning we will have to find that money someplace else. We will have to find that general revenue money someplace else, probably from China. The cost estimate doesn't reflect \$142 billion in a new spending authorization for transportation projects that we

don't have a source of revenue to pay for. Maybe that's why we were only given a few hours to read the bill before the vote is to take place on it.

While we're on the subject of transportation funding, I did hear Mr. OBERSTAR say that the Senate was going to fix this, but the bill before us is not one that is good for transportation for the various States.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NUNES. I yield the gentlewoman an additional 30 seconds.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Certainly, California and Illinois get half of the funding. That leaves the rest of America to ask, What's in it for us? Well, the answer is zero. Florida is a donor State and already pays far more in transportation taxes than what it gets back. Quite frankly, I cannot support the bill that is before us today for that reason and for several other reasons.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the acting chairman of the Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I thank my friend for yielding.

Madam Speaker, the theme of this bill is very clear: Back to work. I would think that would unite us and not divide us.

Recently, we have seen economic growth. What we have not seen enough of at all is growth in jobs, and that's what this is really all about. There is no easy or perfect way to bring this about. It takes a number of steps. The tax credit in this bill is one approach. We are going to need additional steps.

Another way that it relates to economic growth and jobs is through infrastructure. We can argue about how many jobs and about what the estimates are as to how many millions will be created, but it's clear. The Secretary of Transportation has said that he can verify \$60 billion to \$70 billion in infrastructure—roads, bridges—ready to go this spring and this summer. We should be united in providing the authorization for this to happen. It should not divide us.

There is money also, as has been said, for school construction bonds and energy bonds. Also, very importantly, it relates to the expensing by small business, which is very much within the jurisdiction of the Ways and Means Committee. That also should unite us and not divide us, and it is critical that we expend that provision.

So, for all of these reasons, I urge that we join together, rather than divide, and pass this bill.

Mr. NUNES. Madam Speaker, I yield 3 minutes to the ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, with record national unemployment in my

State, 11.8 percent unemployment, one of the top 10 unemployment States in the United States, I would love to come before the Congress and say, "Pass this bill," titled the "jobs" bill, but I can't do that today for several reasons.

First of all, let me say to those who have come before us who have said that just getting more money even in a short-term Transportation bill will get things going: I don't know the facts.

Over 1 year ago, we passed \$48 billion in stimulus money that went to the Department of Transportation. So far, as of March 2, only \$8.8 billion has been spent. This is not a 6-year bill we are passing, and that's what we should be doing to ensure that States can do long-term projects, not just the repaving of sidewalks and simple things that we've seen done. This bill does not contain the elimination of the redtape and the hoops that States have to go through for compliance to do any project. This will be our fifth extension, and it only goes to December 31.

Now, I was also told that we had to pass this because it was going to go straight to the President for his signature. Intervening, we did pass a 30-day extension. So this is not going straight to the President. We did not have an opportunity to correct the flaws in this bill.

You heard of the Senate passing—what was it?—the Nebraska deal and the Louisiana purchase. I'm telling you this is the four-State grab. California gets 30 percent of the additional money in this bill; 58 percent of the money goes to four States; 22 States get nothing.

**SENATE SURFACE TRANSPORTATION EXTENSION ACT STATE-BY-STATE ALLOCATIONS OF FUNDING FOR PROJECTS OF NATIONAL SIGNIFICANCE AND NATIONAL CORRIDOR PROGRAMS**

(\$932 million over the period from Oct. 1, 2009, through Dec. 31, 2010)

California—\$278 million  
 Illinois—\$151 million  
 Louisiana—\$59 million  
 Washington—\$55 million  
 Oregon—\$40 million  
 Oklahoma—\$36 million  
 Arkansas—\$36 million  
 West Virginia—\$35 million  
 Virginia—\$29 million  
 Tennessee—\$27 million  
 Minnesota—\$25 million  
 New Jersey—\$25 million  
 New York—\$25 million  
 Dist. of Col.—\$19 million  
 Wisconsin—\$15 million  
 Colorado—\$13 million  
 Pennsylvania—\$13 million  
 South Carolina—\$13 million  
 Connecticut—\$9 million  
 Alaska—\$8 million  
 Michigan—\$5 million  
 Indiana—\$4 million  
 New Mexico—\$4 million  
 Maryland—\$3 million  
 Iowa—\$2 million  
 Kentucky—\$2 million  
 Mississippi—\$2 million  
 Texas—\$2 million  
 Arizona—\$1 million

Alabama—\$0 million  
 Delaware—\$0  
 Florida—\$0  
 Georgia—\$0  
 Hawaii—\$0  
 Idaho—\$0  
 Kansas—\$0  
 Maine—\$0  
 Massachusetts—\$0  
 Missouri—\$0  
 Montana—\$0  
 Nebraska—\$0  
 Nevada—\$0  
 New Hampshire—\$0  
 North Carolina—\$0  
 North Dakota—\$0  
 Ohio—\$0  
 Rhode Island—\$0  
 South Dakota—\$0  
 Utah—\$0  
 Vermont—\$0  
 Wyoming—\$0

This chart shows each State: 22 States get nothing; 46 States are disadvantaged because of the four-State grab in this, and it could and should have been corrected. If it's going back to the United States Senate, then it should be corrected so everyone is treated fairly and equitably in the distribution of transportation funds.

Mr. OBERSTAR has done his level best, and he has a written letter from Ms. PELOSI, the Speaker, and from Mr. REID to correct this after we pass it. If this were the only flaw in the bill, maybe we could look away.

You've heard from Democrats who also voted against the rule, who almost took this bill down, who also stated their objections to provisions that should have had the opportunity for at least an amendment by this body. So there has been no consideration of changing the bill and of making the appropriate fairness changes, equitable changes, so we would all be treated equitably.

Mr. ETHERIDGE. Madam Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, and I appreciate his leadership and his intensive knowledge of this legislation and how important it is for us to proceed.

Madam Speaker, I will not speak long because, the sooner we finish debate on this bill, the sooner it goes back to the Senate, the sooner it goes to the White House for signature, and the sooner jobs are created in our country.

I agree with much of what the distinguished ranking member on the committee said about wanting a 6-year bill. Our chairman, Mr. OBERSTAR, has been advocating for that, and I agree.

I also agree that the language has to be changed, and we have the commitment to do that as we go forward, but that doesn't mean that Americans are not suffering, that they do not need jobs. We should act, and we should act today to bring them closer.

I want to remind our colleagues of places and times. Just over a year ago,

this Congress passed the American Recovery and Reinvestment Act. As a result of that, more than 2 million jobs were saved or created. Very important. All over the country, as Members go home to their districts, they see evidence of investments in the future: Clean energy jobs for the future, the education of our children, the safety of our neighborhoods, the creation of jobs, the stabilization of our economy, the stabilization of State and local budgets. As a result of that, just think of what has happened in this one year.

In January 2009, the last year of the Bush administration, America lost 779,000 jobs. This January, we lost 20,000 jobs. We don't want to lose any jobs. We want to be on the upside. We want to be creating jobs. The point is that, following the passage of the American Recovery and Reinvestment Act and other initiatives taken by the Obama administration and this Congress, there has been a difference of over three-quarters of a million jobs in 1 month—779,000 in January, 2009, and 20,000 in January, 2010.

In the final quarter of 2008, before President Obama took office, America's GDP shrank by 6.2 percent. For that quarter, the GDP was a negative 6.2 percent. Just 1 year later, the GDP grew in the same period by 5.9 percent, over a 12 percent change in the rate of growth of the GDP thanks to the American Recovery and Reinvestment Act and to, again, other actions taken by Congress.

You know, when we were debating the Recovery bill last year at around this time, earlier in January and in February, the stock market was around 6,500–7,000. It's over 10,000 now, an increase of over 3,000 points. Yesterday, we learned that America's manufacturing base grew for the seventh straight month, and it is now at its highest level in 5 years.

Still, we must be unrelenting in our efforts to create more jobs. Too many Americans are unable to find work. In some cases, we are talking about putting people back to work. In some cases, people haven't had opportunities coming out of school. They've not been able to enter the workforce. So it is not just about putting people back to work. It is about creating a broader universe of jobs to have many more Americans participate in the economic prosperity that we hope for our country.

Today, we are taking another step in creating jobs and in laying the foundation for long-term growth and prosperity. With \$15 billion in critical investments, this bill includes a payroll tax holiday for businesses that hire unemployed workers, creating some 300,000 new jobs with that provision alone, and an income tax credit of \$1,000 for businesses that retain employees.



There is specific support to small businesses with tax credits and accelerated writeoffs. There is the extension of the Highway Trust Fund—this is very, very important—allowing tens of billions of dollars in infrastructure investment.

This is a \$15 billion bill, but it triggers tens of billions of dollars more by eliminating a rescission of last year, by restoring the interest to the trust fund it was deprived of and by triggering further contracting, tens of billions of dollars and probably 1 million jobs in this bill alone.

□ 1430

In December, the House passed our Jobs for Main Street Act, a broader measure for creating good-paying American jobs paid for by redirecting TARP funds from Wall Street to Main Street. Today's legislation is one key element of that legislation, one key element of our agenda to get Americans back to work and to strengthen our economy.

Madam Speaker, I believe that every Member of Congress on both sides of the aisle understands the urgent need to create jobs for our country, and today we have an opportunity to do so.

I know that some people have some concerns on one side of the aisle or the other about this provision or that provision, but the fact is that 1 million jobs will be created by this legislation. Vote for jobs, vote "aye" on this legislation.

I thank Mr. ETHERIDGE and all concerned, Mr. OBERSTAR, the distinguished chairman of the Transportation Committee, and so many others, for making this important legislation possible. It is difficult, it is challenging, and more is yet to be done, but I urge my colleagues on both sides of the aisle to vote for jobs. Vote "aye" on this legislation.

Mr. NUNES. Madam Speaker, I yield myself 30 seconds.

I would like to remind my colleagues here in this House that last year there was a provision offered that didn't cost \$1 trillion, didn't cost \$1 billion, didn't cost \$1 million, didn't cost \$1, and that was a provision to let water flow to my constituents in the San Joaquin Valley of California so people could go back to work. But, instead, nearly every Democrat Member from California in this Congress opposed that amendment. So last summer we had tens of thousands of farmers and farmworkers standing in food lines in the most productive ag land in the United States or in the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUNES. I yield myself an additional 15 seconds.

A zero cost provision could not go into this bill, and now we have farmworkers eating carrots imported from China. So, all this talk about jobs, it is

all phony. The American people have had enough of this nonsense.

I yield 3 minutes to my good friend, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I have spoken many times on this floor about my great admiration for the chairman of the full Transportation and Infrastructure Committee, Mr. OBERSTAR, and he knows that this bill isn't fair. He knows that this bill isn't fair, because he produced a chart last week that has 50 States, plus the District of Columbia, so it is 51, and 22 States get nothing under this bill and four States walk away with 58 percent.

Not surprisingly, I heard the Speaker likes the bill. California gets 30 percent of the highway funding under this bill. Any Member who is interested is more than free to come peruse this at their leisure.

Now, I give Chairman OBERSTAR great credit, because he wasn't happy with this, I believe last week, and he fought with his leadership, and he has produced today a letter from Senator REID saying he is going to fix it sometime in the future.

Now, two things: That is the second big lie, the check is in the mail. The other thing is I hope the majority understands that a letter from Senator REID just didn't fill us on this side of the aisle with warmth and fuzzy feelings. If you want to fix the problem, fix the problem. And the problem is not fixed.

This is not a jobs bill. I also admire the Speaker of the House, but I admire her more today because she did not break into laughter when calling this a jobs bill. This is no jobs bill. This is a faux jobs bill. This is a snow jobs bill. And I look forward to the unemployment statistics tomorrow, because I believe that we are going to look at about 100,000 Americans will have lost their jobs in the last month, despite all these great successes.

Continuing with my admiration for Chairman OBERSTAR, my favorite part of the speech that he gives on the stimulus package is all of those jobs which he created through the infrastructure spending in the stimulus are 8 percent of the funding. So that means, I have to figure out the math, Mr. OBERSTAR, but that means in an \$800 billion bill, half the jobs were created by 8 percent of the funding, and that is thanks to you and the work that you and your colleagues do on the committee. So I guess the other half were created by about \$750 billion. That is a strange, strange, strange investment.

Mr. OBERSTAR. Will the gentleman yield?

Mr. LATOURETTE. I would be happy to yield.

Mr. OBERSTAR. Just briefly, if the gentleman, Madam Speaker, could assure us that there would be no Senate filibuster or hold on the bill, Senator

REID would have been happy to accept our changes. But he estimated he couldn't get that through the Senate, so he agreed to a fix in a subsequent bill. He put it in writing, and we have to accept his written commitment to do that.

I thank the gentleman for yielding.

Mr. LATOURETTE. Oh, my pleasure, and my appreciation of you grows every day. But I will tell you what; if you can crack the code of the Senate, Republican or Democrat, then you deserve much more money than you are making as the chairman of the full committee, because they are a strange bunch. It doesn't matter who is in charge; they don't seem to do anything.

Now, I want to get to the process now, because the President down at this health care summit down at Blair House said nobody cares about process.

But I have got to tell you, I have never seen this. This is my 16th year in the United States Congress. When Mr. ETHERIDGE made his motion, it says, "Mr. ETHERIDGE moves that the House concur in the Senate amendment to the House amendment to the Senate amendment with an amendment."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUNES. I yield the gentleman an additional 2 minutes.

Mr. LATOURETTE. I appreciate it.

I said, boy, that is really a procedural mouthful. And you know what it means? It is a procedural way to screw the minority, the Republican Party in this House. Not only can't we amend your bill, not only did we get it at 9:30 this morning, we can't offer a motion to recommit. You know what the majority leader, Mr. HOYER, would be saying if we pulled that on him when we take the majority back next year? He would be screaming bloody murder, and he would be right.

Madam Speaker, as a result of that, I would like to offer an amendment to this bill.

The SPEAKER pro tempore. Because the previous question is ordered, that would require unanimous consent, and the manager, the gentleman from North Carolina would have to yield for that request.

Mr. LATOURETTE. Then I will ask the gentleman from North Carolina to yield to me to offer an amendment to the bill. And so that the gentleman doesn't think that I am sandbagging him, let me tell you what it is going to be.

I would move to amend this bill to transfer the \$13 billion in this sham tax credit, that is not going to create one job and is really the dumbest idea I ever heard, to infrastructure spending.

I would further have it in that amendment that the infrastructure spending, now at \$14 billion, be distributed pursuant to the House proposal that Mr. OBERSTAR has proposed, which



means every State in the Union benefits, not just California, not just States that are walking away with a bunch of money.

Will the gentleman from North Carolina yield to me for the purpose of offering an amendment?

Mr. ETHERIDGE. Will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. I thank the gentleman for his willingness to help, but the rule does not provide for that.

Mr. LATOURETTE. Mr. ETHERIDGE, we are going to give it another shot, because we are not going to be able to hide behind "the rule doesn't offer it." I said that. The rule doesn't provide for an amendment. The rule doesn't even provide for a motion to recommit, the only tool in the minority's toolbox.

Mr. ETHERIDGE. I ask unanimous consent—well, first of all, I guess you need to yield to me for a unanimous consent request. Would you yield to me for a unanimous consent request?

Do I have to ask him to yield to me, or do I yield to him to yield to me?

The SPEAKER pro tempore. The gentleman from North Carolina would have to yield for any unanimous consent request.

Mr. LATOURETTE. Mr. ETHERIDGE, I am asking you to yield to me so I can make a unanimous consent request that you can deny.

Mr. ETHERIDGE. It is your time.

Mr. LATOURETTE. No, I am asking you, sir, to yield to me.

Mr. ETHERIDGE. No. The rule does not provide for it.

Mr. LATOURETTE. Well, that is nonsense, first of all, because the Speaker has just indicated that if you would yield to me, I could make my unanimous consent request.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUNES. I would like to yield the gentleman an additional 1 minute.

Mr. LATOURETTE. Well, I am going to tell you what, Mr. ETHERIDGE. If you would yield to me, which apparently you can under the rules but don't want to because you think the rule says so, which it clearly doesn't, here is the deal. I want to make a unanimous consent request that the \$13 billion in this worthless tax credit be transferred to infrastructure spending; further, that that additional \$13 billion be distributed pursuant to the House plan, as opposed to the Senate plan, the Senate plan rewarding only four States with 58 percent of money, 22 States getting zero.

Now, Mr. ETHERIDGE, I am asking you to yield to me for that purpose.

Mr. ETHERIDGE. What was the gentleman's request?

Mr. LATOURETTE. I am asking you to yield to me for the aforementioned unanimous consent request.

Mr. ETHERIDGE. The gentleman is doing the same thing that happened in

the other body. We are just trying to slow down a piece of legislation that needs to move to get to the President's desk so it can be signed so we can help the American people.

Mr. LATOURETTE. So that is a no. Is that a no? I still have the time, Mr. ETHERIDGE. Is that a no?

Mr. ETHERIDGE. The rules do not provide for that. You would need a unanimous consent request to do that.

Mr. LATOURETTE. Do you know what that is? That is a soup sandwich answer, because the Speaker has just said you could do it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ETHERIDGE. Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I thank the gentleman for yielding and for his outstanding work on this important bill.

I rise in strong support of H.R. 2847, the HIRE Act, which will strengthen our economy by limiting job loss and creating new employment opportunities. In addition to provisions that will spur investment in infrastructure and construction projects, this bill provides much-needed assistance and attention and support for small businesses in America. This bill includes a payroll tax holiday for businesses that hire unemployed workers and tax cuts to help small businesses expand and hire more workers.

Small businesses, Madam Speaker, have borne the brunt of this economic crisis, and their inability to access credit to keep their businesses operating has clearly added to the high unemployment rate across the Nation, especially in my home State of Rhode Island, which has right now the second highest unemployment rate in the country.

So, Madam Speaker, I urge my colleagues to support this jobs measure, as well as working on additional legislation that helps small businesses and unemployed workers. Our job is to create jobs, Madam Speaker, and that is exactly what this piece of legislation before us does today.

I thank you and urge my colleagues to support this important jobs bill.

Mr. NUNES. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, first of all, let me say to the majority, I am glad you have offset this money. I think that is a significant step for both parties, to have a spending bill offset. So I want to get that out of the way.

Having said that, I have got to say that I am very leery of another government spending program to address jobs. We are here because last year we spent nearly—well, we did spend \$800 billion on a stimulus program that was supposed to keep us from going to 8 per-

cent unemployment. Now we are at 10 percent unemployment.

The stimulus program before just added 31 brand new Federal programs and increased spending. I am ranking member of the Agriculture Committee, and spending in the USDA has gone up 26 percent. At some point we are going to figure out the Federal Government doesn't have the solution for everything.

This is not our only stimulus proposal or jobs proposal. In May of 2008, we had a \$168 billion stimulus program that did not work. In March of 2008, the Federal Reserve said, well, we are going to shore up Wall Street with Bear Stearns, \$29 billion. In July of 2008, the Democrat Congress and President Bush came in with a \$200 billion bailout of Fannie Mae in order to shore up real estate. And not to be outdone, the Federal Reserve weighed back in a month later with the AIG bailout, \$85 billion, now up to \$140 billion, that was supposed to avert financial collapse, and yet it did not. And then in October of 2008, we had a \$700 billion TARP bill. Then in January 2009, under President Obama, we had a \$410 billion omnibus spending bill that was supposed to shore up the economy.

□ 1445

Of course, that brings me back to the other stimulus program. After a while, we're going to figure out everything we do is like Cash for Clunkers. It just doesn't work. If we want to help small businesses, we've got to quit spending money, number one.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUNES. I yield the gentleman an additional 30 seconds.

Mr. KINGSTON. I thank the gentleman.

Number two, we need to let community banks be released from some of the overbearing and unnecessary regulations in which they have to comply, because that causes them not to be able to lend money and thus small businesses are tied up in a credit crunch. Number three, we've got to let small businesses compete. We set rules. Big Business and Big Government set rules so that small businesses can't compete. There are things we can do. There are things we can do together on a bipartisan basis. We need to vote this bill down so that we can get to them.

Mr. ETHERIDGE. Madam Speaker, I yield myself 10 seconds to remind the gentleman that how we got here was the American people lost somewhere in the neighborhood of \$15-plus trillion in value of their homes and assets over the 18 months through July of last year until we passed something and started to turn it around. Since then, they've gained about \$5 trillion back in, but we've got a ways to go.

I now yield 1 minute to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. I thank my friend from North Carolina. I rise today in support of H.R. 2847, the Hiring Incentives to Restore Employment Act, or the HIRE Act. This piece of legislation will help our small businesses heal during these tough economic times and help unemployed Kentuckians find good, local jobs. The HIRE Act cuts taxes for our small businesses and makes it possible for them to hire new employees, making our small companies stronger and creating jobs for out-of-work Kentuckians.

Madam Speaker, the unemployment rate is around 11 percent in the Commonwealth of Kentucky, and we have to do all we can to create and save jobs throughout this Nation. Small businesses are the backbone of our economy and the engines of job creation. Investing in the long-term health of our small businesses is one of the surest ways to economic recovery.

This legislation isn't just about small businesses, though. It's about helping that mom, that dad who was laid off in the midst of this recession find a good-paying, local job.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ETHERIDGE. I yield the gentleman an additional 15 seconds.

Mr. CHANDLER. I urge my colleagues on both sides of the aisle to vote in favor of this legislation today because a vote for this legislation is a vote for middle class families; for small, innovative start-ups; and the long-term economic health of central Kentucky and the Nation.

Mr. NUNES. I yield myself 30 seconds.

Madam Speaker, I still have yet to have someone explain to me from the other side of the aisle how the trillion-dollar stimulus bill passed last year that was supposed to create 3.7 million jobs—instead, we lost 3 million—and how this bill that spends \$13-or-so billion—still a lot money, but not nearly a trillion dollars—is going to create a million jobs, as they continue to repeat on that side of the aisle. I would like for someone to answer the question.

I reserve the balance of my time.

Mr. ETHERIDGE. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I can answer the gentleman's question. There's a different emphasis. The emphasis is on small business, which is an incredible economic engine in my State and in many other States across the country. Secondly, there is an extraordinary emphasis on transportation infrastructure.

The gentleman may be unaware that in August of this year the Transportation Infrastructure Trust Fund is going to fall short of funds, delaying reimbursement to the States and stalling out needed projects and investment all across the country. This bill fixes

that, and once and for all we will in the future get interest on money borrowed from the highway trust fund. That's what people pay gas taxes for. It's not supposed to be spent somewhere else. We're now going to reclaim that money, and we're going to spend it putting people to work and rebuilding the crumbling infrastructure of this country. It will give us a billion dollars more a month.

I heard the gentleman from Ohio talking about 58 percent of the bill. Well, no. Actually, what he was concerned about was 58 percent of 1.2 percent of the bill, which is .7 percent of the bill, which, under the agreement the chairman has reached with the leader of the Senate, will be fixed in the near future. In fact, Ohio will get an extra \$38 million because of that, and my State will get less. So I don't know what he's complaining about. If somebody should be down here complaining, it should be me.

Mr. LATOURETTE. Will the gentleman yield?

Mr. DEFAZIO. I will not yield.

But I felt it was fair to put that money into the overall formula so that all 50 States would benefit, because everybody, almost every State, is suffering high unemployment, particularly the gentleman's State and my State. And this agreement the chairman has will bring an extra \$38 million to his State, a billion dollars a month more in infrastructure spending; and for every billion we spend in infrastructure, we put about 33,000 more people to work. We sure as heck need those jobs.

So I stand here saying we need to pass this bill. Yeah, the Senate is dysfunctional. It's a mess. It would have been cleaner to do it all at once. But this is the best we can do, dealing with a body that is just ridiculous.

Mr. NUNES. Madam Speaker, I'd like to yield myself 15 seconds.

Madam Speaker, simple math: If you're going to spend \$13 billion to create a million jobs, then why don't we just spend another \$200 billion and we create 16 million jobs, and everybody would have a job.

I'd like to yield 2 minutes to my friend to clarify an earlier point, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I promise not to try to amend the bill or anything else. It's just sad that the distinguished chairman of the Surface Transportation Committee wouldn't yield to me, but it doesn't surprise me. He likes this bill. Oregon gets \$40 million under the bill, of the \$1 billion, and only \$11 million under Mr. OBERSTAR's proposal.

Are you going to give me a 7 percent thing or are you going to say that's not true? I'll yield to you if you don't think it's true.

Mr. DEFAZIO. I have signed off on the chairman's agreement, and my State will not get those other funds.

Mr. LATOURETTE. That's what I'm talking about.

Mr. DEFAZIO. I don't know what the gentleman's complaining about. You'll get an extra \$38 million and I'll get about \$30 million less.

Mr. LATOURETTE. Well, here's the skinny: That depends upon HARRY REID's putting a letter in the mail, sending it over to the chairman and the Speaker, and having another bill. Now, no disrespect to your majority, but you haven't done such a great job in passing bills since you guys took over 4 years ago. So waiting for another bill to come—and, quite frankly, trying not to be partisan about this, but this mess was created by George Bush and it is perpetuated by President Obama because his Transportation Secretary says they don't want to deal with the 6-year bill until March of 2011. Thirty percent of the construction trade in this country is out of work. Why wouldn't you do this?

To my distinguished friend from Oregon, all I was asking was for his State to do better. Transfer the \$13 billion from this worthless tax credit and put it into infrastructure. Put these guys to work. Actually build something. Again, going back to Mr. OBERSTAR's wonderful speech that he always gives: a million jobs with only 8 percent of that \$800 billion. Wouldn't it be great if we could give JIM OBERSTAR \$14 billion to create jobs for America rather than coming up with this goofy tax credit that says if you hire somebody for \$30,000, we're going to waive the payroll tax for November and December. Guess what? You can save \$1,500 if you just give somebody a \$30,000 job. It's nuts. This bill is wrong. That's what I was talking about.

Mr. ETHERIDGE. I reserve the balance of my time.

Mr. NUNES. Madam Speaker, if there are no additional speakers, I'm prepared to close.

Madam Speaker, during this entire debate today, as the gentleman from Ohio said, this is just a sham. And to sit here and complain about the Senate and procedural things, I mean, we ought to do another Shamwow Summit at the White House. Maybe that would clarify and fix the problems.

We're not Senators. We don't control the Senate. I don't understand the math that you guys use. No one has answered it yet. You guys spent a trillion dollars last year, said you were going to create 3.7 million jobs, but you lost 3 million jobs. Now you say you're going to spend \$15 billion and now you're going to create a million jobs. So let's go over some math just so we can clarify things, because I know we're going to continue to hear that Republicans are obstructionists, Republicans have no plans. So let me just go over some math that perhaps folks will understand.

The Democrats have 250-some-odd votes in this House. It only takes 218

votes to pass a bill. In the U.S. Senate you still have almost a supermajority with 59 votes. So what is the problem? Quit calling Republicans obstructionists. You have the White House, you have the Senate, you have the House of Representatives. No more Shamwow Summits, Madam Speaker. Let's get back to work. Vote "no" on this bill. This is a scam.

I yield back the balance of my time.  
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. ETHERIDGE. Madam Speaker, today we have an opportunity to start the process of putting people back to work, and I would encourage my colleagues on both sides of the aisle to support this piece of legislation. The piece that some of my colleagues on the other side have complained about on the tax credits for small businesses will be used to put people to work. And I would remind them that there were nine Republican Senators on the other side who joined as cosponsors in this piece of legislation. So it was bipartisan on the Senate side.

The HIRE Act really does four key things. Let me remind my colleagues, in closing: First, it will give direct tax incentives to businesses to hire new workers with provisions similar to the bill that I introduced earlier this year. It also restores full value of direct payment options for certain tax credit bond programs, including a program that has been supported in previous Congresses.

Let me speak on that for just a minute because it goes to the heart of the problem we're about. If we really believe and say we're for children, if we really say we're for jobs, there are \$22 billion worth of zero interest school bonds, tax exempt bonds, in this bill. And this bill fixes the problem so they can go directly to Treasury and get the credit. Those job bonds can be sold and we can put people to work across this country building schools and other infrastructure. That's in addition to the highway dollars we've just been talking about.

Finally, Madam Speaker, it would give a small business tax incentive to buy new equipment and to grow. That is an important piece. If we truly believe we are for small businesses, today is the day we get a chance to put a vote on the board: Are we for them or are we against them? They can tell very quickly because this bill will go to the Senate, and then it's going to the President of the United States for signing.

Finally, it would give our State and local governments greater certainty on funding for highway projects that we just heard about. I have long believed that if we invest in schools now, it will save money in the long term and make our economy stronger and make a dif-

ference in the future. I served for 8 years as State superintendent of the schools in my home State. I coauthored the provision that we're talking about here. We can now fix that problem.

Madam Speaker, I urge my colleagues to vote "yes" on this piece of legislation for jobs for the American people, schools for our children, and a chance to help heal and help those who do not now have work.

Mr. CONYERS. Madam Speaker, I rise in opposition to H.R. 2847, the "HIRE Act." While I am sensitive to the excruciating economic pain felt by many in my district and around the country, I cannot in good conscience support this flawed bill.

I applaud the House and Senate leadership for including some common sense job creation provisions in this bill. In particular, I support the inclusion of language that frees up \$77 billion dollars worth of surface transportation investments and another provision that gives the recipients of qualified clean energy, school construction, and energy conservation bonds a direct payment from the federal government to cover their interest costs.

I wish that these provisions were enough to secure my support for this legislation and help those who cry out for additional economic aid. Unfortunately, the originators of this legislation—my colleagues in the United States Senate—decided to set aside the remaining \$13 billion dollars of this \$17 billion dollar bill for an ineffective and wasteful hiring tax credit. As with many previous efforts in the upper chamber, the Senate has yet again sacrificed effective policy in order to tout some small measure of bipartisan support.

During my 45 years in this body, we have debated whether or not to raise the minimum wage countless times. As we know from these reoccurring debates, companies do not respond to small changes in the cost of labor. This is why the periodic 15 to 20 percent increases in the minimum wage enacted into law by the Congress over the years have not effected employer hiring decisions. Unfortunately, the very economic reality that makes the minimum wage good policy also makes the Schumer-Hatch hiring credit bad policy.

If a 15 to 20 percent increase in the minimum wage doesn't affect employer decision-making, logic dictates that an even smaller payroll tax break—6.2 percent to be exact—for companies that hire recently unemployed workers will similarly have a nonexistent effect on hiring. This bill will create yet another failed corporate "trickle-down" tax break and Congress will hand out a new benefit—paid with scarce taxpayer resources—to employers who hire workers they would have hired anyway.

This is not to say that a properly conceived tax policy couldn't receive bipartisan support or play an important role in spurring hiring. For example, I have proposed legislation that is supported by many economists and organizations on both the left and right that would save millions of jobs at minimal cost to the federal government. My "SHARE Credit Act" would provide a tax credit to employers that shorten hours instead of firing workers. For a mere \$22,000 dollars a worker, we could cheaply and efficiently stem the monsoon of layoffs reported each month by the Labor Department.

However, above and beyond mere tax policy, Members on both sides of the aisle know that we need to do more. Ending the unacceptably high levels of unemployment that plague our economy will require us to attack this epidemic using all the tools of the federal government. This means coupling progressive tax measures with public works job hiring initiatives and a commitment to full employment. To do anything else would be a betrayal of the fundamental trust given by those who elected us. Each of us comes to Washington with a simple task: Address the most critical issues that face the Nation by using the most effective tools at our disposal. No bonus points are awarded for bipartisan legislation that does not meet this high standard.

A bill whose major component is a meaningless giveaway to corporate America cannot be called a jobs bill. At a minimum, the Senate should conference the \$150 billion dollar jobs package that that the House passed last December. Uneven and piecemeal legislative efforts like this bill must be the exception, not the norm. I encourage my colleagues to oppose this bill.

Mr. SENSENBRENNER. Madam Speaker, I rise today in opposition of this so-called jobs bill. The incentives in this bill are a rehashing of the failed policies of the Carter Administration's stimulus in 1977, and I do not believe these measures will truly create jobs.

The news reports daily that Americans are not only hurting with the downturn of the economy, but they are also fearful that their government will continue to recklessly spend in the name of economic recovery. Last year, stimulus legislation was passed in this House, promising that a trillion dollars robbed from future generations of Americans would create jobs immediately and unemployment would not rise above 8 percent. The truth, however, is that since this boondoggle became law, unemployment hasn't fallen below 8 percent; it has risen to over 10 percent, and still hovers at just under 10 percent. Millions of jobs have been lost since the recession began, and Washington's only answer has been to spend money.

Wisconsinites have been contacting me with their concerns daily since President Obama first announced this plan in the State of the Union Address. While it is noble for Washington to suspend payroll taxes for employers that hire new workers, enact a \$1,000 tax credit for retaining employees, and increase the expensing of new equipment purchased by small businesses, I fear that these measures are merely a superficial solution. Employers will not be able to take advantage of these incentives if they do not have work to offer. It is common sense that employers hire workers because they have work that needs to be done, not because they will get a tax credit. The fact remains that businesses in this country are scared. They are scared by the uncertainty that Congress is projecting. The threat of increased taxes, increased government regulation, and costly government mandates are creating an environment that does not bode well for job seekers.

We must focus on increasing businesses' confidence that their government will not further hamper their abilities to create work. At the end of the day, this legislation is a drop in

the bucket, it is not the solution. Only after long-term tax relief can we realize long-term economic recovery.

Mr. BACA. Madam Speaker, tomorrow, the new monthly labor statistics will be announced.

And even though the national unemployment may decrease, job creation still needs to be our number one priority moving forward.

Thankfully, later today, we will have a chance to take a major step in improving the economic outlook for families across America.

The HIRE Act will provide over \$77 billion in investments in transportation projects.

It will also allow for a continuation of minority-owned business contracting requirements for these projects.

Incentives for hiring and retaining new employees will be implemented.

Additionally, a direct payment option for certain tax credit bond programs will increase school construction and renewable energy projects.

The time for partisan talking points has passed.

The American people demand better and we will have a chance to deliver that relief later today.

I urge my colleagues on both sides of the aisle to pass the HIRE Act and put Americans back to work.

Mr. HOYER. Madam Speaker, last year, President Obama and the 111th Congress took their oaths of office as America faced the greatest economic crisis since the Great Depression. Since then, our work has been defined by our response to the crisis—by the overriding job of getting Americans back to work.

Of course, the most important step toward putting Americans back to work has been the Recovery Act. It cut taxes for small businesses and 95% of families, started thousands of job-creating projects across America, provided emergency assistance to those hit hardest by the recession, saved states from laying off teachers, firefighters, and police officers, and more. And despite the efforts of some partisan critics to call it a failure—even as many of those same critics eagerly take credit for the funds it has provided for their districts—the Recovery Act is working.

The Recovery Act created some 2 million jobs. And since President Obama took office, job losses are down 90%. Our economy is growing again: in the most recent quarter, it grew by 5.9%, the fastest rate in six years, and the second straight quarter of growth under President Obama.

All of that is real progress for our economy—but it is not yet success. In recession after recession, employment has been the last sign of growth to turn around. Far too many Americans remain unemployed through no fault of their own, caught in the effects of an economic collapse they did not create. For working families, few challenges are more trying than unemployment, especially unemployment that grinds on for month after month. For Washington, few challenges demand our action more urgently.

That's why I urge my colleagues to pass this bill—a clear, focused effort at putting Americans back to work. It provides strong incentives for businesses to start hiring again.

They include a tax exemption that will eliminate businesses' 2010 payroll taxes for every unemployed worker hired. The nonpartisan Congressional Budget Office reports that such tax credits are one of the most effective ways of creating jobs: "Providing tax credits for increases in payrolls would increase both output and employment." Businesses will also receive further tax credits for keeping new employees on the payroll for the next year. And small businesses will be able to take advantage of tax incentives to finance their expansion.

This bill also extends the highway programs that have created jobs for so many Americans, while bringing our vital infrastructure up to par with the rest of the world's. This bill will mean billions more invested in job-creating highway projects, which will save one million jobs. It will ensure that states direct some of their transportation investment to minority-owned contractors. And it will make it easier for states and local communities to finance their own job-creating projects by selling Build America Bonds.

Finally, I want to point out that this bill is paid for—that it fully complies with both the House PAYGO rule and statutory PAYGO, which are so important to restoring our budget to balance. In fact, this bill fixes a minor PAYGO violation in the Senate bill—and that extra effort shows how serious the House is about paying for what our country buys.

Unemployment demands action from Congress. And this bill is a part of that effort to create jobs, which began with the Recovery Act and will continue with a wide range of creative policies in the weeks ahead. This bill is not the first step, and it will not be the last; but it is an essential step toward getting America back to work.

Ms. KILPATRICK of Michigan. Madam Speaker, the State of Michigan's unemployment is 687,400 people unemployed. Detroit has 305,200 people unemployed. We have 15 million people unemployed in our nation. America and Americans are practically shouting for Congress to get Americans back to work. The best stimulus package is a job. H.R. 2847, the Hiring Incentives to Restore Employment Act, is not that bill. This legislation, providing tax incentives to businesses to hire people. This is not the answer. How Congress can walk away with more than 680,000 people unemployed in Michigan, and more than 15 million people unemployed in our nation, is shameful.

When I served as Chairwoman of the Congressional Black Caucus, along with my CBC colleagues, I pushed for more than two years for both a strong summer jobs program and a federal bill that would directly hire the unemployed. This is a bill that is modeled off of the successful Comprehensive Employment Training Act (CETA) program of the 1970s–1980s. The CETA program, which gave grants directly to cities, counties, and non-profit organizations to hire and train individuals, worked to lower our unemployment rate and stabilize our economy during the previous recession. It would be easy to make this legislative fix not next week, not next month, but right now. During the Depression, President Franklin Roosevelt almost halved the unemployment rate with a similarly aggressive program under the

Work Progress Administration. I am ashamed and disgusted that the U.S. House of Representatives cannot find the collective political courage and will to do what is needed for the people of America.

What does a real jobs bill look like? In addition to what I have pointed out earlier, a real jobs bill would:

Create public jobs initiatives, involving the Department of Labor Employment & Training Administration and the Corporation for National and Community Service, to maximize direct training and hiring;

Provide locally-directed funding for Summer Youth Employment and collegiate-level apprenticeships and/or fellowships;

Enforce the minority contracting requirements under the Department of Transportation and promoting equal access to funding for projects of the National Significant and National Corridor grants in the extension of SAFETEA-LU;

Expand unemployment insurance and COBRA benefits; and

Provide access to capital and technical assistance to capital for small businesses from the Small Business Administration and the Minority Business Development Agency.

I am sure that there are other areas, but these areas, in particular, would be a great place to start.

I know too well that the Democrats have inherited the worst job market since World War II. Too many workers have lost their jobs through no fault of their own. GM and Chrysler have gone bankrupt. We are staring down the barrel of a \$12 trillion deficit. This fiscal year, we have to make difficult decisions. All Americans, in Congress, in business and at home, must work together to keep our recovery on track by helping small businesses create jobs, investing in our infrastructure and clean energy industries, and keeping police, firefighters, and teachers on the job. This bill is not that bill.

I understand politics. I know the legislative process. It is my belief that this bill is supposed to be the first in a series of bills that is to address the chronically unemployed. Regrettably, I also heard this more than two years ago. Today, Congress is no closer to a real jobs bill two years later. The time for incrementalism is over.

I remain a proud and steadfast supporter of the American Recovery and Reinvestment Act. Hundreds of thousands of jobs and businesses have been helped. However, that bill was meant as a quick, temporary fix for businesses and to help stimulate the economy. Employment was a welcome by-product of that law. 15 million people who are still unemployed are telling us that we need to do more. We need to do it now.

This is not a jobs bill. This is a business tax cut bill. While I remain willing and able to work with my colleagues for a real jobs bill, I cannot support this tax cut legislation.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Hiring Incentives to Restore Employment, HIRE, Act as an important part of the ongoing jobs agenda Congress will continue to prioritize in the months ahead. Simply put, we will not stop until every American who wants a job can find one, and we have launched a new era of broadly shared American prosperity.

To boost near term employment while tackling our nation's infrastructure backlog, the HIRE Act extends the current surface transportation law through the end of 2010 and provides \$77 billion to get our nation's highways, roads and public transit systems back into shape. A new direct payment option for states and localities that issue tax credit bonds for school construction, energy conservation and renewable energy will further support job creation in these vital sectors.

I am pleased that this legislation continues support for our job-generating small businesses by extending the enhanced expensing begun in the Recovery Act. Under this provision, small businesses will be able to immediately write off up to \$250,000 for qualified capital expenditures incurred in 2010.

Finally, as a signature initiative, this bill will encourage businesses to hire new workers by providing a payroll tax holiday equal to the employer's share of social security taxes for every new hire made between February 3, 2010 and January 1, 2011. An additional \$1000 tax credit is provided for every employee kept on for a full calendar year.

Madam Speaker, the HIRE Act will put more Americans back to work providing for their families and participating in our ongoing economic recovery. It is fully paid for and deserves my colleagues' support.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in opposition of H.R. 2847, "Hiring Incentives to Restore Employment. Though this bill aims to create and save many jobs this year, it does not go nearly far enough to get jobs to those communities that are suffering the most. We need to get jobs in the hands of the most vulnerable Americans.

Last Thursday, the House passed emergency legislation that would extend a range of programs that unfortunately expired last weekend. These programs included: unemployment benefits; help with health insurance for the unemployed (COBRA); the highway bill; satellite TV; delay in the cut in Medicare physician payments; flood insurance; and small business loan guarantees. We passed this emergency legislation in the House, but Republican Senator JIM BUNNING is single-handedly blocking passage of this emergency measure, despite the critical needs of millions of families across the United States during this economic downturn.

H.R. 2847 proposes to provide:

\$77.155 billion of investments in surface transportation projects that will create and save good-paying jobs in our communities;

More than \$39 billion in transportation and infrastructure which is projected to create 1,158,204 jobs;

Incentives for hiring and retaining new employees, and extension of these benefits to businesses in U.S. territories and possessions; and

A direct payment option for certain tax credit bond programs enabling State and local governments to increase school construction, complete clean and renewable energy projects, and create green jobs.

Madam Speaker, although this bill proposes to spend billions of dollars for job creation, there is nothing that would create jobs for those who are chronically unemployed and those such as ex-felons, who want to work but

are not being afforded the chance. Advocates say there are good reasons for employers and communities to help former felons re-enter the work force. With an estimated 650,000 people released from prison each year nationwide, helping them get jobs can reduce the chances that they will be jailed again or need welfare.

U.S. Attorney Patrick Fitzgerald tells businesses in Chicago that hiring ex-felons is one of the best ways to reduce violent crime because it erases the reason behind many offenses. It can also provide an economic boost to some of the nation's poorest neighborhoods.

Though there is funding in this bill to improve infrastructures in this country, there is nothing in this bill that will provide for the rehabilitation of housing projects in the most vulnerable communities. It is not only a good idea to rebuild certain parts of this country, but it is also necessary to rebuild the areas that have been neglected for so long. Unfortunately, we are missing the perfect opportunity to create jobs in communities of those who need them most.

We need to put jobs in the hands of Americans. Unemployment in the Houston-Sugar Land-Baytown region climbed to 5.4 percent in October, according to a recent report from the Texas Workforce Commission. There were 152,300 people without jobs during the month out of a total civilian labor force of about 2.8 million, compared with 144,200 people, or 5.1 percent, unemployed out of a civilian labor force of 2.8 million in September, according to the TWC. The unemployment rate in October was up from 4 percent a year ago.

Madam Speaker, getting all Americans back to work is, and should be, our number one priority. I am happy to know that this bill will provide employers with incentives to hire and retain new employees. I am also pleased to know that in order to encourage employers to hire new employees, the bill would exempt employers from paying the employer share of Social Security employment taxes (6.2 percent of the first \$106,800 of wages) for wages paid in 2010 for any new employee hired after February 3, 2010, and before January 1, 2011, if the new employee (1) was previously unemployed and (2) does not replace another employee of the employer.

Madam Speaker, I believe we could have made this bill much better and more effective in attacking the joblessness among the most vulnerable communities, if it had included targeted funding to areas that create jobs for the chronically unemployed and those ex-felons who want to work and are trying to get back on the right path. Without such funding, I cannot support this bill.

Mr. TIAHRT. Madam Speaker, I was unable to make the vote on H.R. 2847 due to the untimely death and funeral of one of my staffers' father.

Had I been present for the vote, I would have voted "Nay." If there is one thing the American people agree upon it's that major changes are necessary in order to dig ourselves out of this spending quagmire. The American people want us to reform our spending practices so that our economy can be prosperous once again.

The irony of this "Jobs" bill is that it includes a net tax revenue increase of \$14.3 bil-

lion, which will force employers to cut jobs in order to pay more money to the federal government. Strangely, the Democrats attempt to give a tax break to small businesses on one hand but then take away with the other.

This legislation also includes another short-term extension of the highway authorization. Instead of continuing with short-term extensions of transportation funding, Congress needs to enact a meaningful, 6-year surface transportation funding bill.

Today, I introduced the Keeping American Businesses Competitive Act. This legislation would lower the top business tax rate from 35 percent to 22 percent. The United States currently has the second highest corporate tax rate of any industrialized nation, putting American workers and businesses at a huge competitive disadvantage. Rather than the Democrat "solution" of increasing taxes to address job loss, lowering the corporate tax rate will actually put people back to work. According to the Milken Institute, lowering the rate to 22 percent would "create an additional 350,000 manufacturing jobs and increase total employment by 2.13 million."

If this Congress is serious about getting Americans back to work, it should focus its efforts on proven, free-market principles that will level the playing field for our businesses to compete and keep capital and jobs here in the U.S.

For the above reasons, I oppose this bill.

Mr. ETHERIDGE. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1137, the previous question is ordered.

The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ETHERIDGE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) will be followed by a 5-minute vote on the motion to suspend the rules and adopt House Resolution 1079.

The vote was taken by electronic device, and there were—yeas 217, nays 201, not voting 14, as follows:

[Roll No. 90]

YEAS—217

Ackerman	Boucher	Cohen
Adler (NJ)	Boyd	Connolly (VA)
Altmire	Brady (PA)	Cooper
Andrews	Braley (IA)	Costa
Arcuri	Bright	Costello
Baca	Butterfield	Courtney
Baldwin	Camp	Cuellar
Barrow	Cao	Cummings
Becerra	Capuano	Davis (AL)
Berkley	Cardoza	Davis (CA)
Berman	Carnahan	Davis (TN)
Berry	Carney	DeFazio
Bishop (GA)	Carson (IN)	DeGette
Bishop (NY)	Castor (FL)	Delahunt
Blumenauer	Chandler	DeLauro
Bocciari	Childers	Dicks
Boren	Chu	Dingell
Boswell	Clyburn	Donnelly (IN)

Doyle  
Duncan  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Gene  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilroy  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Levin  
Lewis (GA)

Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mollohan  
Moore (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel

Reyes  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Walz  
Wasserman  
Schultz  
Watson  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NAYS—201

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Baird  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Cantor  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz

Clarke  
Clay  
Cleaver  
Coble  
Coffman (CO)  
Cole  
Conaway  
Conyers  
Crenshaw  
Culberson  
Davis (IL)  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doggett  
Dreier  
Driehaus  
Edwards (MD)  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Green, Al

Griffith  
Grijalva  
Guthrie  
Hall (TX)  
Harper  
Hastings (FL)  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hunter  
Inglis  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kilpatrick (MI)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Lewis (CA)  
LoBiondo

Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mitchell  
Moore (WI)  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Pastor (AZ)  
Paul  
Paulsen  
Payne

Pence  
Perriello  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Richardson  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Rush  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Schrader  
Sensenbrenner  
Sessions

Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Townes  
Turner  
Upton  
Visclosky  
Walden  
Wamp  
Waters  
Watt  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

## NOT VOTING—14

Bean  
Campbell  
Capps  
Crowley  
Dahlkemper

Eshoo  
Fallin  
Hoekstra  
Jordan (OH)  
Kind

Linder  
Massa  
Schwartz  
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1530

Messrs. WITTMAN, CARTER, and CONYERS changed their vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Madam Speaker, on rollcall No. 90, had I been present, I would have voted “yes.”

Ms. SCHWARTZ. Madam Speaker, on rollcall No. 90, had I been present, I would have voted “yes.”

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor during the vote on H.R. 2847 on Thursday, March 4, 2010 because I was detained due to a meeting with the President of the United States. Had I been present, I would have voted in favor of H.R. 2847 (Roll No. 90).

Stated against:

Ms. BEAN. Madam Speaker, I was inadvertently detained and I was unable to cast a vote on March 4, 2010. If I had been present I would have cast the following vote:

Rollcall 90—On motion to Concur in the Senate Amendments with an Amendment to H.R. 2847: “No.”

CONGRATULATING NFL CHAMPION  
NEW ORLEANS SAINTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1079, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 1079, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 1, answered “present” 3, not voting 53, as follows:

[Roll No. 91]  
YEAS—375

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blunt  
Boccheri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boswell  
Boucher  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)

Conyers  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeGette  
DeLaunt  
DeLauro  
Dent  
Diaz-Balart, M.  
Dicks  
Dingell  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Etheridge  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foss  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa

Hirono  
Hodes  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Matheson  
Matsui  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern

McHenry	Pomeroy	Smith (NE)
McIntyre	Posey	Smith (NJ)
McMahon	Price (GA)	Smith (TX)
McMorris	Price (NC)	Snyder
Rodgers	Putnam	Souder
McNerney	Rahall	Space
Meek (FL)	Rehberg	Speier
Melancon	Reichert	Spratt
Mica	Reyes	Stark
Michaud	Richardson	Stearns
Miller (FL)	Rodriguez	Stupak
Miller (MI)	Roe (TN)	Sullivan
Miller (NC)	Rogers (AL)	Sutton
Miller, Gary	Rogers (KY)	Tanner
Minnick	Rogers (MI)	Taylor
Mitchell	Rohrabacher	Teague
Mollohan	Rooney	Terry
Moore (KS)	Ross	Thompson (CA)
Moore (WI)	Rothman (NJ)	Thompson (PA)
Moran (KS)	Roybal-Allard	Thornberry
Moran (VA)	Royce	Tiberi
Murphy (CT)	Ruppersberger	Tierney
Murphy, Patrick	Rush	Titus
Murphy, Tim	Ryan (OH)	Tonko
Myrick	Ryan (WI)	Towns
Napolitano	Salazar	Tsongas
Neal (MA)	Sánchez, Linda	Turner
Neugebauer	T.	Upton
Nunes	Sarbanes	Van Hollen
Nye	Scalise	Visclosky
Obey	Schakowsky	Walden
Olson	Schauer	Walz
Olver	Schiff	Wamp
Ortiz	Schmidt	Wasserman
Owens	Schock	Schultz
Pallone	Schrader	Waters
Pastor (AZ)	Schwartz	Watson
Paul	Scott (GA)	Watt
Paulsen	Scott (VA)	Waxman
Payne	Sensenbrenner	Weiner
Pelosi	Serrano	Westmoreland
Pence	Sessions	Whitfield
Perlmutter	Sestak	Wilson (OH)
Perriello	Shadegg	Wilson (SC)
Peters	Shea-Porter	Wittman
Peterson	Shinkus	Wolf
Petri	Shuler	Woolsey
Pingree (ME)	Shuster	Wu
Platts	Simpson	Yarmuth
Poe (TX)	Sires	Young (AK)
Polis (CO)	Skelton	Young (FL)

## NAYS—1

Johnson (IL)

## ANSWERED "PRESENT"—3

Marshall Oberstar Welch

## NOT VOTING—53

Ackerman	Eshoo	Miller, George
Arcuri	Fallin	Murphy (NY)
Blumenauer	Farr	Nadler (NY)
Boren	Garamendi	Pascarell
Boyd	Grijalva	Pitts
Buyer	Gutierrez	Quigley
Camp	Hastings (WA)	Radanovich
Campbell	Hill	Rangel
Chaffetz	Hoekstra	Ros-Lehtinen
Cleaver	Holden	Roskam
Dahlkemper	Jordan (OH)	Sanchez, Loretta
Davis (AL)	Lee (NY)	Sherman
Deal (GA)	Linder	Slaughter
DeFazio	Massa	Smith (WA)
Diaz-Balart, L.	McCarthy (CA)	Thompson (MS)
Doggett	McCarthy (NY)	Tiahrt
Doyle	McKeon	Velázquez
Edwards (TX)	Meeks (NY)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KRATOVL) (during the vote). There are 2 minutes remaining in the vote.

□ 1539

Mr. WELCH changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PRIVILEGED REPORT ON RESOLUTION IMPEACHING JUDGE G. THOMAS PORTEOUS, JR.

Mr. SCHIFF, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111-427) on the resolution (H. Res. 1031) impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors, which was referred to the House Calendar and ordered to be printed.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

Mr. Speaker, on Monday the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. And on Friday, if needed, the House will meet at 9 a.m. for legislative business. We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by close of business tomorrow, as is the custom.

In addition, Mr. Speaker, we will consider H. Con. Res. 248, the Afghanistan war powers resolution introduced by Mr. KUCINICH, and we will also consider H. Res. 1031, impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors. It is also possible there will be further action on the jobs agenda, which depends on what the Senate or the House has coming out of committee or out of the Senate.

Mr. CANTOR. Mr. Speaker, I thank the gentleman, and I want to ask the gentleman if he can give us some better indication of what he means by the jobs agenda.

Mr. HOYER. We believe that the number one priority for us is to continue to grow the economy so that we will create jobs in this economy. As the gentleman knows, my perception is we have gone from losing an average of 726,000 jobs in the last 3 months of the Bush administration, to the last 3 months of losing, on average, 35,000 jobs. That is 95 percent in the right direction, but we need to continue to create jobs.

As you know in the bill that was just passed, which was passed in a bipartisan fashion in the Senate and to some degree here, we are trying to encourage the hiring of those who are unemployed through giving tax credits, and also

tried to spur investment by giving businesses the right to write off items. We also ensure the continuation of the Highway Act; and in addition to that, as you know, we provided for a less expensive way for communities to expand public works and hire people to do that, public buildings and construction of public facilities.

So when I say the agenda, that was obviously a part of the agenda. We still are very concerned about lending, capital being available to small, particularly, but medium-sized businesses as well. The Senate is considering a jobs bill now, as you know, with a number of component parts. So when I talk about the jobs agenda, I am talking about ways and means and efforts to grow the economy and create jobs.

Mr. CANTOR. I thank the gentleman.

The gentleman refers to some areas that I hope he and the majority would work with the minority on in trying to do exactly as he stated, which is to create an environment for small businesses to create jobs. As the gentleman just saw in the vote taking place on the floor today, there were 35 members of his caucus who voted against the so-called jobs bill that was on the floor today, perhaps indicating that the gentleman may want to work with us as we have been continuing to propose tax cuts for small businesses, not necessarily connected with what kind of hires that the businesses should do, and not necessarily connected with some type of targeted credit that may or may not fit with the business model of any particular small business, but in general, I think the gentleman would agree, making it easier for small businesses to keep the lights on right now so they can return to a mode in which they could increase payroll.

□ 1545

Mr. Speaker, I would ask the gentleman if he could speak to his mention of the resolution dealing with the Afghanistan war powers. As the gentleman knows, the Republicans view a withdrawal from Afghanistan within 30 days as incredibly irresponsible.

Mr. HOYER. Would the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. Just for accuracy, it's my understanding that the resolution that the gentleman from Ohio has introduced is by December 31, I believe, not 30 days. And I yield back.

Mr. CANTOR. I thank the gentleman for that.

Still I would say that the Republican view is we have consistently supported this President in his efforts in Afghanistan as he has listened to the commanders on the ground to determine the focus and future of our presence there in terms of protecting our troops and the U.S. interests there. So I imagine my friend from Maryland, knowing his position on these things, agrees with that.



I would like to know, Mr. Speaker, whether there will be an all-out push to make this some type of partisan issue. Perhaps the gentleman could shed some light on his position on this bill that is being brought forward next week. And I yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman knows, I've expressed support for the policy being pursued by President Obama, and I certainly intend to continue to support that policy. The resolution is not consistent with that. So I think the gentleman is not going to be surprised at my expectation that this will be a bipartisan vote—perhaps on both sides of the proposition, yea and nay, but I certainly think it's going to be a bipartisan vote.

I believe the President's policy that he has articulated is a thoughtful, measured policy. And very frankly, I think he has done what perhaps we should have been doing for some period of time, focused on where terrorism was organized against the United States to ensure that we eliminate al Qaeda and prevent the Taliban from resurgence and reestablishing a base wherefrom terrorists might attack us. I think that is an appropriate policy that the President is pursuing, and I would hope that the House would support that policy on both sides of the aisle.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. I look forward to joining him in opposition to the resolution he is bringing to the floor.

Mr. Speaker, if I could ask the gentleman to give us, in the House, an update on when he expects the budget resolution to come to the floor. And I yield.

Mr. HOYER. We hope that the budget resolution will come to the floor—and we're working on that—by the end of the month before we leave for the Easter break.

As you can well imagine, given the fiscal situation that confronts us, that's a very difficult document to put together. But Mr. SPRATT is working very hard at that with the committee. I know Mr. RYAN, I'm sure, the ranking member, is also working hard on that. I am hopeful that we will be in a position to bring that to the floor before the Easter break.

Mr. CANTOR. I thank the gentleman for that.

Mr. Speaker, I would like to ask the gentleman, in view of the short period of time until Easter break, is it his expectation that the House will take up health care legislation within that time period? And I yield.

Mr. HOYER. It is the President's hope and our hope that that will be the case. As you know, the President has expressed that objective, and we have said that would be our objective as well.

As you know, we have been working on this issue for well over a year. We passed a bill many months ago; the Senate passed a bill over 2 months ago. Many of us have been working on that bill. As you know, we had a very substantial—historic, really, in many respects—discussion with the President at Blair House last week. I understand the President has incorporated a number of ideas that he felt were good ideas that Republicans put on the table at that meeting.

My expectation is we will be moving on this bill in the near future. And what I mean by that is, again, hopefully, that we would be able to consider this prior to the April break, the Easter break.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, the President has asked Congress—in fact yesterday—that the majority here consider using the reconciliation process to pass this health care bill. I would like to ask the gentleman, Mr. Speaker, is it his intention and the Speaker's intention to adhere to the President's request and actually use the reconciliation process? And I yield.

Mr. HOYER. Well, I thank the gentleman for yielding.

As the gentleman knows, we provided for reconciliation in the budget resolution that was adopted last year, so that is available to us. That has been used 22 times, as the gentleman knows, since 1980; 16 of those times it was used when your party was in the majority. You utilized that to do what the American people think is usually the case: we pass things by majority vote, up or down, and the majority rules. Now, here, of course, when the majority rules, it really does represent a majority of the country. In the Senate, of course, even when a majority votes, it doesn't necessarily represent a majority of the people of the country because obviously every State, no matter how large or small, is represented.

But having said that, we believe that the Republicans, when you used it for a tax bill or welfare or other very important pieces of legislation—the tax bill obviously having trillions of dollars of economic impact on the economy—you felt that that process of passing it by a majority vote in the United States Senate made sense. We share your view.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for that and would say that nothing compares to the use of or suggested use of reconciliation then as to now with this bill. I would say that there was, in the main, bipartisan support and, frankly, support on the part of the people of this country for what was being done through reconciliation in those instances.

I would like to turn the gentleman's attention, Mr. Speaker, to a question that I have regarding statements that were made as late as September of 2007

when then-Candidate Obama said, "This is an area where we're going to have to have a 60 percent majority in the Senate and in the House in order to actually get a bill to my desk. We're going to have to have a majority to get a bill to my desk that is not just a 50-plus-1 majority" said then-Senator Obama. "You've got to break out of what I call the sort of 50-plus-1 pattern of Presidential politics. Maybe you eke out a victory with 50 plus 1, but you can't govern. You know, you get Air Force One and a lot of nice perks as President, but you can't, you can't deliver on health. We're not going to pass universal health care with a 50-plus-1 strategy." That later quote, again, was the next month in October.

So I'm having difficulty understanding, Mr. Speaker, why now the President and the majority seem to have done a 180 when it comes to using reconciliation with a \$1 trillion bill that could very well alter one-sixth of our economy. And I yield.

Mr. HOYER. I thank the gentleman for yielding.

Let me repeat, his 180 was incorporated as a way to go forward last year when we adopted the budget almost 1 year ago. So this is nothing new for the gentleman.

I told the gentleman his party has used this procedure 16 times out of 22 times that it has been used, which means your party has used it two-thirds of the time—over two-thirds of the time—that it's been employed. As a matter of fact, JUDD GREGG, a Member of your party, a leader of the Budget Committee on your side, was chairman of the Budget Committee, now ranking member, when an objection was raised on that—we're using quotes—when an objection was raised to that said, as he turned to the Democratic side, "What's wrong with a majority vote? I thought a majority vote was what should prevail." That was JUDD GREGG of your party. I think it's ironic when we're saying, okay, you think a majority vote is good, we'll take a majority vote.

Now, the President's quote is a demonstration that we all say things that, unfortunately, then don't become reality. Well, I will tell you the reason they don't become reality is because, as JIM DEMINT said, I think many of your party hope this is President Obama's Waterloo. That's a direct quote—you used quotes—from Mr. DEMINT.

Your belief is, in my view—I do not attribute it to you—but my belief is, as Mr. Gingrich pointed out over and over again, if we fail, you win. The problem is if we fail, we believe the American people lose, and we think that is not fair.

I want to use one more quote and then I will cease and yield back to you. October of 2008, Presidential campaign debate, national television, JOHN

MCCAIN, your candidate, said, "I want to see a plan that gives all Americans, all families availability of affordable health care." That was a quote that Senator MCCAIN, your candidate for President, made just a few months ago. It was almost exactly what Mr. Obama said. So, from my perception, there was a consensus with respect to where we needed to go.

As a matter of fact, I think almost every Member on this floor believes that we need to reform the health care system. We've had a very vigorous debate, a very open debate, a very transparent debate over 1 year now on how this ought to be done. We have disagreement, and that is the nature of democracy. But if a majority of the representatives in this body and the majority of the representatives in the other body believe a policy ought to be adopted, then, frankly, that is the way our system should work.

There is nothing in the Constitution, as the gentleman well knows, about having—except for some rare instances—a supermajority, and certainly none on policy. There are on confirmations and overriding a President's veto, but other than that, the perception is the majority vote rules.

So it's a procedure that you used, and it's a procedure that we anticipated last March. We hoped that wouldn't be the case. Very frankly, we would hope that we could work in a bipartisan way to effect this end that at this point hasn't been possible, and Senator MCCONNELL has made it pretty clear that he has no intention of participating in that kind of effort.

I yield back to my friend.

Mr. CANTOR. I thank the gentleman. I don't know if the gentleman is saying, Mr. Speaker, that maybe the President was wrong when he spoke about not using this process; but I do know, Mr. Speaker, that 70-something percent of the American people don't like this health care bill.

I think the gentleman is correct, Mr. Speaker, that all of us care about doing something positive for health care. Republicans care about health care. We went to that forum with our ideas. The public began to see for 7 hours that there were very different approaches to how we are going to deal with health care. We said if we can stop the overhaul, stop the \$1 trillion attempt to lead us to a path from government getting in the way of decision-making between patients and their doctors, if we can set that aside, there could be some things that we could work on much more modest and focused in terms of cost control. Once we reduce cost, people can have access. More people can have insurance. We could also do some things together to address the problems of preexisting condition exceptions in coverage. All of us want to do something about that.

So I would say to the gentleman, I am disappointed—as I know he knows

that we are—that his side has decided to defy the protests that came from the President and others on his side of the aisle about the use of reconciliation for health care. But I would ask the gentleman, will the House move next on health care or will it be the Senate? And I yield.

Mr. HOYER. Well, I thank the gentleman for yielding.

We are still discussing exactly what procedure will be employed to effect a majority vote in both Houses and send something to the President in the same form, so I can't specifically answer that question at this particular time.

But let me say to the gentleman, he mentioned the forum we went to, and Republicans did put ideas on the table. We thought they were constructive. As a matter of fact, as you may recall, I responded to Senator COBURN, who is also a medical doctor, when we mentioned about fraud, waste and abuse. As you know, there is substantial investment in both the House bill and the Senate bill to eliminating fraud, waste and abuse. Senator COBURN observed he thought there was a lot of money that could be saved there. We think that is the case as well, so we have provided to go after that.

We also, I think, agree that reform ought to be based on a private, market-based system. As the gentleman knows, the exchanges that are set up both in the House bill and the Senate bill, they differ; but they are both based on private sector competition by private insurance companies.

□ 1600

We talked about wellness programs. Dr. COBURN also talked about that as did others. I think Dr. BOUSTANY, Congressman BOUSTANY, also talked about that.

We have a very substantial investment in wellness and, as Dr. COBURN pointed out, in practices that give co-operative care and are not reimbursed piecemeal but are reimbursed by the quality of care that is given, by the outcomes that are given as opposed to simply being process-oriented.

We also agree, I think, Mr. CANTOR, on mechanisms to have competition across State lines. We believe the exchanges do that, but we also believe there is room for discussion in looking at how we might do that in other ways as well. So we think that that's an idea, and the pooling with respect to small businesses so they can create large groups so that they can have better competitive advantages. We believe that, when we put small businesses into the exchange, that's exactly what we give them.

For instance, in a large group, as all of us know and as we have in the Federal Employee Health Benefit Plan, we don't have preexisting conditions, because we are a large group. Most large groups don't. In the legislation you of-

fered as a substitute to ours, of course, you did not cover preexisting conditions. Your legislation provided for about 3 million people having greater access to the system; ours for about 30 million. So, while we agree that we ought to have people have access, frankly, we believe that what we have proposed provides greater access.

Insurance pooling to acquire health insurance at lower prices, it seems to me we agreed on that as an objective. You disagree with the way we have done it in terms of our exchanges, which is, of course, what the Federal Employee Health Benefit Plan is that you and I participate in. It's a large exchange with many different insurers. In our area, we have about 25 or 26 different options that we can choose from. For the most part, they're private sector. As a matter of fact, for all parts, they're private sector to choose from.

So, yes, we have differences, but as I've told you before, I'm still prepared to discuss with you and to work with you on suggestions you have that get us to an objective that we think is appropriate.

Let me just lastly, in closing, say a recent polling shows a majority wants to keep working. You indicate, as you do on a regular basis, that there are polls that show people are against this bill. My view is what they are really against is this confrontation and contention regarding these bills, which is, of course, why the President said he thought having 60 percent would give a greater level of confidence. I agree with that. I would hope that we would have created that kind of consensus.

I want to read to you: 63 percent in a Washington poll said that we ought to pass comprehensive health reform; 57 percent in a Kaiser Family Foundation poll. February 22, 2010, Kaiser poll also finds overwhelming support for key elements of the reforms in our bill; 76 percent support reforming the way health insurance works in our bill; 71 percent support creating a health insurance exchange, which is in our bill; and 70 percent support expanding high-risk insurance pools.

So, when you go to the individual elements of our bill, we find very significant support for those individual elements, I tell my friend. I continue to look forward to working with my friend to reach common ground.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, from the summation of his remarks, I gather that there has been no willingness to listen to the American people on the part of the majority here in the House.

The gentleman does know that all polls indicate that the American people want us to set the bill aside, to stop this construct that Washington is going to tell everyone how to design health care, and to really start over. In a CNN poll last week, 73 percent of the public said, Shelve the bill. Start over.

Mr. Speaker, I appreciate the gentleman's time, and I look forward to working together with him in whatever way we can, frankly, focusing on the issue of getting America back to work.

I yield back the balance of my time.

ADJOURNMENT FROM FRIDAY,  
MARCH 5, 2010, TO TUESDAY,  
MARCH 9, 2010

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, March 5, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore (Mr. PETERS). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 3, 2010.

Hon. Speaker PELOSI,  
United States Capitol,  
Washington, DC.

DEAR SPEAKER PELOSI, Given the increased commitments I have made to my state, I resign, effective immediately, from the Committee on the Budget. It has truly been a pleasure to work with Chairman Spratt and the many dedicated members that care passionately about getting our nation's fiscal house in order. Fighting for fiscal responsibility as a member of the Blue Dog Coalition for the past five years and pushing for a responsible budget has been an immense honor. I look forward to continuing to work hard for the people of Louisiana and our great nation.

Thank you for your attention to this matter.

Sincerely,

CHARLIE MELANCON,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

#### JOBS FOR URBAN SUSTAINABILITY ACT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, today, Congress passed a jobs bill. It was a small jobs bill, but it was a start.

This country needs to work on jobs. This week, I introduced an Urban Sustainability Act to direct \$10 billion of TARP money into cities with populations of 600,000 or more and with unemployment rates of 10 percent or more to put in public works projects and job training.

It is important that we realize that urban America is suffering and suf-

fering in a disproportionate way, and it is important that they get paid particular emphasis. I encourage other cosponsors—we have 9 or 10 already—to join with me, and I encourage the administration and the leadership to look at urban cities and the need for job training programs and public works programs.

Last week, Senator BERNIE SANDERS and I introduced a bill on solar for 10 billion solar photovoltaic panels on roofs and 10 billion gallons of solar water. We need to invest in solar to protect our country, our mother Earth and our resources so that we don't have as many soldiers protecting lines of transportation that are there to bring in oil from the Middle East.

I urge the strong consideration and adoption of that bill. Solar is the future, and it can protect our Nation and our mother Earth.

#### UNEMPLOYMENT

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, in January, Georgia's unemployment rate hit a record-high level of 10.4 percent. There could be no clearer proof that the Democrat majority should have long ago shifted this body's focus to the economy and to jobs.

Back in Georgia, Democratic Labor Commissioner Michael Thurmond said yesterday, "I'm concerned that thousands of pending government layoffs will further cripple Georgia's struggling private job market. Our elected leadership must come together to develop a bipartisan plan that will balance the State budget and jump-start private sector hiring."

Mr. Speaker, listen to our State leaders. Unlike the current health care bill, which the Democrats are going to attempt to ram down the American people's throats without any bipartisan input, please do not bring any more legislation to the floor that will raise taxes and kill jobs. Listen to Commissioner Thurmond and work with us. Let's get our economy back on track.

#### A QUESTION OF JOBS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, this is a question of jobs, and I don't want tomorrow's numbers, if they happen to be showing that we have not reached the goals that we want to reach, to in any way distract from the work the Democrats are doing and that we should be doing together.

I have concerns about what we just passed as it relates to jobs, although I

support the infrastructure part of the bill. I think that, if we focus on jobs, we've got to save NASA, and we've got to ensure that we continue human spaceflight.

Then we've got to go into neighborhoods and areas where there are the chronically unemployed. We have to put up recruitment offices so that we can provide real opportunities for jobs to build America's infrastructure. We have to go to the public housing projects and make sure that those who live there can work on the rehabilitation of those projects.

Those who are chronically unemployed need to have a job in hand. They need to be able to be trained and then work. Those who are unemployed need to be able to be trained for new jobs and not lose their unemployment. We've got to put a job in the hand of the chronically unemployed. That's what I will continue to fight for. That's the legislation that I will support.

#### A GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, from the town halls in August of last year to the voting booths of Massachusetts, the American people have spoken. The American people don't want a government takeover of health care. Despite the President's latest polished pitch, ObamaCare 2.0 is still a government takeover of one-sixth of the American economy, and the American people know it.

The latest version of ObamaCare is a government takeover because it will mandate private citizens' purchases of health care whether they need it or want it or not. It will cause millions of employers to cancel the health insurance they currently offer employees, and it will force tens of millions of Americans into government-run exchanges. It will create a health care czar to impose price controls on private health insurance, which will lead to shortages and which will force even more people into government-run insurance.

Mr. President, government mandates, government-run insurance and more government control is a government takeover of health care.

#### HOUSTON CITIZENS CHAMBER OF COMMERCE NASA RESOLUTION

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today to share a letter that I received from my friends at the Houston Citizens Chamber of Commerce. The Houston

Citizens Chamber of Commerce is the oldest and largest African American Chamber of Commerce in Houston. They are strongly in support of efforts to preserve NASA's Constellation human spaceflight program.

In their letter, they stated, "The future of our Nation's long-term prosperity and national security is dependent on innovation and more young Americans being educated in the areas of science, technology, engineering, and mathematics."

They also stated what a source of pride and inspiration human spaceflight has been for African American children who see African American astronauts and know that the sky is not the limit.

Mr. Speaker, the Houston Citizens Chamber of Commerce understands the national value of human spaceflight. I urge my colleagues to support the Constellation program in our upcoming budget.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### GLOBAL WARMING IS A THEORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, at first, Al Gore claimed to invent the Internet. Now it looks like he really did invent something—global warming.

The Nation had one of the coldest winters in years, including record snowfalls in the South; but the Warmers like Al Gore ignore the obvious, and still claim we are all going to perish, saying that Man is the threat to the planet. The groundhog is a better predictor of the weather than Al Gore.

Al Gore's long-winded article in *The New York Times* over the weekend was long on claims and short on facts. He didn't cite hard sources for his information. Like the rest of the global warming scientists, they are using fraudulent information. We are supposed to take their word for it now that basic data supporting their claims has, all of a sudden, disappeared.

□ 1615

That data has been found to be fraudulent. It is no wonder that data is disappearing.

There seems to be no conclusive scientific data that proves the global warming theory. It is a theory. That is what a theory is, something that isn't proven. The Federal Government is trying to force Americans to pay a cap-and-trade national energy tax, and it is all based on this highly disputed theory of global warming.

The United Nations International Panel on Climate Change issued a report in 2007 that made all kinds of claims about global warming. The report is based on some faulty science.

Climategate started last year when a whistleblower released emails between all these global warming scientists. The emails and other information released showed these guys had been cooking the books. It is still a huge scandal unfolding on the front pages of newspapers all over the world, especially in England.

The Climatic Research Unit at East Anglia University in England is the center of the Climategate scandal. That is where the emails were released by an anonymous whistleblower. Some emails reveal global warming scientists plotting to avoid disclosing information under the Freedom of Information Act in England, and, of course, that is against the law in England. Other email even showed this so-called scientist talking about how to manipulate the data, how to fix the outcome of their scientific experiments.

It sounds like fraud to me. Then they spread this false information around to their buddies without a proper peer review. That is how you perpetrate a hoax.

The data at the basis of all of these findings are based on the same fraudulent data from one of these small groups of scientists. If global warming is the truth, why are these scientists caught in lie after lie? If it is the truth, why would they be lying to the American people in the first place?

The British scientific community spoke out this week about and against their climate science peers. The British Institute of Physics this week said, "Unless the disclosed emails are proven to be forgeries, worrying implications arise for the integrity of the scientific research and for the credibility of the scientific method."

There is no credible proof man causes weather changes. It is a way to bilk millions of dollars out of taxpayers with a so-called carbon tax. It seems to be all about money.

Of course, Mr. Gore is heavily invested in green technology. Last year, he was proclaimed by the media to be the first green technology billionaire. That is a billionaire with a B. Al Gore has made a fortune off of global warming, and so have a lot of other people. He should have to back up his claims with hard data, not the data that has been proved to be false. He would have to prove all of the wild claims, and other scientists should have to prove these claims as well, about man being the culprit of global warming.

The fact is that global warming is not a fact. The jury is still out.

And that's just the way it is.

#### THE HIRING INCENTIVES TO RESTORE EMPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Ms. SCHWARTZ) is recognized for 5 minutes.

Ms. SCHWARTZ. Mr. Speaker, earlier today, unfortunately, I missed the vote on legislation called the Hiring Incentives to Restore Employment Act, the HIRE Act, because I, along with several of my New Democratic Coalition colleagues, were meeting with President Obama in the White House. I apologize for not getting back to the floor in time. I would have liked to.

But I did want to speak on the legislation because, in fact, this is an important jobs bill. It is one, I hope, of a series of jobs bills that we will pass in the House and in the Senate and get to the President's desk to move this economy forward, to enhance our economic competitiveness and create job growth, help stimulate job growth in the private sector.

This bill did pass the House of Representatives by 217–201, and I believe it will be an important step in giving America the tools to jump-start job growth. It provides tax cuts to spur investments by small businesses and it allows tens of millions of new dollars for infrastructure investment.

Specifically, this bill will grow small business investments by extending provisions included in the American Recovery and Reinvestment Act that Congress passed in 2009 and which have been very successful in stimulating new jobs. These provisions double the amount that small businesses can immediately expense for capital investments and purchases of new equipment made in 2010 from \$125,000 to \$250,000.

The legislation also extends surface transportation programs to allow for billions more to be invested in infrastructure necessary across this country. It makes it easier for States to borrow for these infrastructure projects, such as for school construction and energy projects, and it bolsters the Highway Trust Fund to support existing highway and transit projects.

As vice chair of the House Budget Committee, I am particularly pleased that the HIRE Act is fully paid for and it does not add to the annual deficit. It is paid for by cracking down on overseas tax havens. The legislation provides the U.S. Treasury with new tools to find and prosecute U.S. individuals who hide assets overseas from the IRS.

This jobs bill provides new investments needed to get our Nation back from this economic crisis we have experienced and to stimulate job growth in the private sector by investing in small businesses and in infrastructure, and it does so in a fiscally responsible manner.

I am proud of the House's work on this legislation. I urge my Senate colleagues to pass this legislation quickly

and send it to the President, and I look forward to additional legislation that we will see and help work on to produce those new jobs to rebuild this economy and to make sure that America is well positioned and well prepared for 21st century economic competitiveness in a global marketplace.

#### HONORING JAMES "FRIDAY" RICHARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor an outstanding athletic coach from my hometown of Marietta, Georgia, on the occasion of his retirement.

James "Friday" Richards had dedicated more than 30 years of his life to Marietta High School, retiring on January 22 of this year as the head coach of the Marietta Blue Devil football team. Coach Friday is also a teacher at the high school and will retire from full-time teaching at the end of this current school year.

Coach Friday graduated from Marietta High School in 1972 and went on to play football at the University of Florida. He then spent two seasons in the NFL playing for the New York Jets and the Washington Redskins before coming back to where it all started.

Working at Marietta High School is the only job outside of professional football that Coach Friday has ever had. Up until his retirement, he was the longest serving football coach in Cobb County, Georgia. During his 15-year tenure as head coach, Coach Friday compiled a record of 107 victories and 58 defeats. He took the Blue Devils to the playoffs 10 times and won four region titles.

Before he became head coach, Friday was a Marietta assistant, first for Coach Ray Broadway and then for Coach Dexter Wood. Additionally, under Coach Friday, more than 100 players from Marietta have earned college football scholarships.

Coach Friday told the Marietta Daily Journal, when announcing his retirement, that the thing that he will miss most about coaching are the kids. Well, Coach Friday, four of those kids were my kids: Billy, now 38 years old; Gannon, 37; Phyllis, 35; and Laura Neill, 33. Where in the world did the time go? Coach Friday, I can tell you that those four children that you mentored and coached, three of them cheerleaders, one of them a wide receiver for the Blue Devils, they miss you, too. It is your attitude of putting students and players first that made you, Coach Friday, such an outstanding teacher and football coach.

Mr. Speaker, he will indeed be a tough act to follow.

#### YUCCA MOUNTAIN IS NO LONGER AN OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, during the campaign, President Obama pledged to Nevadans that he would kill the Yucca Mountain nuclear repository project. He has kept his word.

Yesterday, the Energy Department moved to pull the license for the dump. The President's blue ribbon panel will meet this month to find an alternative to Yucca Mountain. But I think it is important for me to reexplain why the opposition to Yucca Mountain is so strong, not only throughout the State of Nevada, but throughout the United States.

There is a very long history here. As we refer to it in Nevada, the so-called "Screw Nevada" bill that was passed over two decades ago decided there were three sites that were supposed to be considered for the disposition of nuclear waste. All of a sudden, in the "Screw Nevada" bill there was one State, and we had the honor of being selected as the State that got screwed by the United States Congress. So this was always a political decision. It never was based on sound science.

Let me tell you what the proposal of this bill was: 77,000 tons of toxic radioactive nuclear waste being shipped across 43 States to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity and volcanic activity, and 90 miles from a major population center in the western United States.

This was never based on sound science, and it never was a viable option. However, for the last 20-some odd years, it has been the option that this Congress and the former administration wanted to foist on the American people.

Now, let me explain what some of the things are that are wrong with this. First of all, there is no safe way to transport 77,000 tons of toxic radioactive nuclear waste across 43 States. It would take 300,000 trips either on our highways or on our rails across this country where we would be going past schools and hospitals and residential areas in order to get to Nevada. Now, just statistically, there would have been X number of accidents when you have 300,000 shipments.

Also, after 9/11 we became painfully aware of the potential for a terrorist attack. What would prevent a terrorist from attacking a nuclear train that was bringing this nuclear waste to the State of Nevada? That is number one.

Number two, there is no canister that exists that could safely store the waste. This was the initial proposal. Yucca Mountain was supposed to be a natural depository that would collapse on itself once it was full. Well, what do

you know? They found out that it wasn't bone dry. There is moisture in Yucca Mountain. So then they said, well, let's create a canister to store the waste. Of course, no canister exists. But they did say there was the possibility that the cannister would leach into the groundwater.

So then they said, well, what we will do, since the mountain is not a natural repository and the canisters don't exist, and if they did exist they couldn't protect the groundwater from the leaching of nuclear waste into the groundwater, so we will have titanium shields over the canisters that don't exist in Yucca Mountain that isn't a natural repository.

Then they came up with the brilliant plan in the last administration that there would be an army of robots, because it would be too dangerous for human beings to go down to Yucca Mountain, so an army of robots that would have to be invented would go down to Yucca Mountain to seal the canisters that don't exist with the titanium shields in Yucca Mountain that isn't a natural repository. This is what we have been dealing with for over two decades.

Also, there are EPA standards. They said 10,000 years. Well, the U.S. Circuit Court of Appeals overruled that because, do you know what? The shelf life of nuclear waste is 300,000 years. So that made no sense either.

The nuclear industry and its allies continue to talk about putting nuclear waste at Yucca Mountain, Nevada. That plan is so dead, because the State of Nevada supports the President of the United States, who has finally pulled the plug on this ridiculous program.

There is no magic money tree. This is going to cost billions and billions of dollars. Where are we getting that money? Nevada doesn't have a money tree.

Do you know what else Nevada doesn't have, Mr. Speaker? We don't have any water. We are in the middle of a desert, and it takes millions of gallons of water in order to cool the nuclear waste. So I don't know where they are expecting to get the water, but they ought to take a look at the map, because there is no water in the State of Nevada. We are in the middle of a desert.

□ 1630

So I want to thank the President of the United States for honoring his promises. This blue ribbon panel will finally meet and start the process of finding an alternative to Yucca Mountain. If this country is going to rely on nuclear energy in the future, we'd better finally figure out a way of what to do with the nuclear waste. I support the President and the blue ribbon panel. I wish them well.

## HEALTH CARE SUMMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. We are now a week removed from the President's celebrated health care summit, and we're a day removed from the President's press conference regarding moving ahead on the health care bill despite the wishes of the American people. Prior to the summit, which I referred to as the Shamwow Summit, I was one of the voices urging the Republicans not attend unless the President decided to start from scratch and find a principled basis for compromise amongst both sides. That principled basis was not found, and the principled divide remains.

The House and Senate Republicans went into the summit and they engaged admirably and honestly in the cause of putting forward Republican solutions to health care. Yet, what we found was that afterwards the President has decided to arbitrarily negotiate with himself what he purports to be a bipartisan compromise bill, one which magically has been obtained without the consent of the minority party.

As succinctly summarized by Mr. Charles Krauthammer yesterday, the summit was a Shamwow Summit, and the good faith of those Republicans in the room is now currently being used in a political charade upon the people to prepare them for the proposition that a bipartisan health care bill is before them. I quote Mr. Krauthammer: "But they," the administration, "wanted to present it to the American citizenry as having tried to reach out. That's why you had the charade of the summit last week, 7 hours of discussion, when it was already pre-cooked that that wouldn't change anything. But that's part of the deal. He," the President, "wants to appear to be offering to incorporate Republican proposals. And now the pivot, which we had today."

It is important as the health care debate continues that we not lose sight of the principled divide between the two sides. On the one hand, the Democratic majority wants to have government-run, bureaucrat-dictated health care. On the other, the Republican Party wants to have free-market, patient-centered wellness. No amount of taking Republican proposals and sprinkling them onto the faulty premise of a government-run bill will make it bipartisan or will make the Republican proposals effectual, as, contrarily, we will be taking the Democrat proposals and putting them on to a free-market, patient-centered wellness bill. It is a principled divide, one which Abraham Lincoln reminds us: important principles must remain flexible. In this instance, the bridge between the two par-

ties has not been established and the divide remains.

Also within this debate I think it is important to point out a second important aspect. This is not merely about the money. It is about the liberty. We can all talk about costs. We can all talk about coverage. In my view, the current health bill would have a catastrophic impact upon the fiscal condition of the United States, which is already tenuous at best. It is about the American people wanting to make sure they retain these decisions in their hands and that the forces that we see around us throughout the communication and innovation revolutions that empower them to make their own decisions every day at a greater extent than at any time in human history remain in their own hands rather than those of a government bureaucrat.

This is not mere supposition on my part. I cite two recent poll numbers. Referring to the Rasmussen report, only 21 percent of United States citizens believe that this government has their consent. I cite a second sobering statistic: according to CNN, 56 percent of Americans believe the Federal Government is a threat to the freedom of ordinary citizens.

As this health care debate proceeds forward despite the wishes of the American people, we are not only endangering their health care, we are endangering and jeopardizing their faith in their representative institutions, in their belief that this is a government of the sovereign people.

So in conclusion, Mr. Speaker, I again point out that there is a principled divide between the two parties: one wants government-run, bureaucrat-dictated health care; one wants free-market, patient-centered wellness. As we move toward the former, the American people's faith in their representative institutions will be continually eroded as they watch in obstinate insistence by this majority and by this administration to pass a health care bill that the American people have said they do not want.

## THE SYSTEM MUST CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, there are those who contend that we are moving too quickly, we're moving too swiftly, and that we must slow down. In fact, this translates into we really should not go forward at all. And to these who would contend that we should stop at this point, that we should simply let it go, my response is: we cannot let health care go, because it won't let us go.

The system is not sustainable. It is unsustainable as currently implemented. Currently, we're spending

about \$2.5 trillion per year on health care; \$2.5 trillion is a big number. It's difficult to get your mind around \$2.5 trillion; \$79,000 a second, however, is a number that we can comprehend. And that is what we are spending—\$79,000 per second. By 2018, depending on who's counting and how you count the numbers, we will be spending \$139,000 per second. That would be more than 20 percent of GDP.

We cannot sustain the current system. It must be revamped. This system has to change: 46 million people uninsured, depending on who's counting, when you count, and how you count. In my State of Texas, 6 million people uninsured and 1.4 million children in the State of Texas are uninsured. In Harris County, where I reside, 1.1 million people are uninsured. The system cannot continue as it is constructed.

We spend \$100 billion per year in emergency rooms; \$100 billion per year to cover those who are uninsured. That's money that could be well spent in a physician's office and would save us a lot of money and would also help us to deal with preventive measures as opposed to responding to illnesses when they become almost dire.

The system must change. We currently have a system wherein there are many people who are too young for Medicare. They make too much to receive Medicaid. And they don't make enough to buy their insurance. The system has to change. We cannot allow preexisting conditions to continue to prevent pregnant women from getting proper treatment. Pregnancy is a preexisting condition under the current system. The system has to change.

We must find a way to muster up the courage to take on this challenge. If we could pass and did pass Social Security when the polls were against it, if we passed other crucial measures when the polls were against them, we can pass health care reform. And for those who contend that in this country how you got here will depend upon whether you will get treatment, my response is this: if you commit a crime in this country and you harm someone, and we should harm you as the culprit, when we capture you, we will give you aid and comfort. In this country, if you are an enemy combatant and you hurt our warriors in battle and we should capture you and you have been wounded, we will give you aid and comfort. In this country, if you're on death row and you're going to meet your Maker next week, we will give you aid and comfort if you're suffering this week, and send you to your Maker next week.

If we can give the enemy combatant, the person on death row, and the person who is a criminal aid and comfort, surely we're going to give it to people who find themselves hurt and in the streets of life. The system must change.

Dr. King said it best. He said, On some questions, cowardice will ask, Is

it safe? Expediency will ask, Is it politic? Vanity will ask, Is it popular? But conscience asks the ultimate question and that is, Is it right?

This is the right thing to do. I stand where Dr. King stood when he told us we must do that which is neither safe nor politic nor popular, but do it because it's right.

#### SPECIAL DETAILS IN SENATE HEALTH BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. You know, Mr. Speaker, I have great respect for my colleague who just spoke. While listening to him, a lot of people in their offices probably would think, Well, we're against the changes in the health care procedures in this country. That couldn't be further from the truth. Obviously, the health care system in this country needs to be adjusted, needs to be changed. But do we want a bill that's 2,700 pages long that's going to cost about \$3 trillion a year that we don't have and is going to put the government between people and their doctors, that's going to end up being a socialistic kind of approach to medicine, and which I believe will destroy one of the greatest health care systems in the world—the best health care in the world?

I think it's a mistake to approach this from the standpoint that there's only one way to solve the problem, and that is the way that the President wants to shove through the Congress and doesn't want to even talk to the Republicans or the minority about this.

We've had all kinds of suggestions: buying insurance across State lines to put more competition in it; allowing small businesses to ban together to get the same kind of rates of major corporations; individual medical savings accounts; making sure that people can take their insurance with them when they go to a new job; preexisting conditions. There's all kinds of things that we've suggested that we support that will reduce the cost of health care and give everybody the opportunity to have health care. And we've suggested these time and again.

The President had a bunch of our leaders down at the White House just recently and then he finally ended up saying as he left, Well, we'll leave it up to the electorate; that is what elections are for. Indicating that they're going to push through their plan whether we like it or not. And their plan is going to cost trillions of dollars that we don't have. They're going to have 10 years of coverage with only 6 years of taxes. And so when you take the overall cost and really figure it out, it's not going to cost \$700 billion

or \$800 billion, as they said. It's going to cost about \$1.6 trillion, minimum, over the next 10 years.

And what are they doing to get these folks votes? I will never impugn the integrity of my colleagues, but I think it's important that the American people know, Mr. Speaker, if they happen to be paying attention or my colleagues in their offices, what is being done to get these votes.

In Louisiana, Senator MARY LANDRIEU is going to get between \$1 million and \$3 million additional for her State Medicaid population. Vermont's going to get an extra \$600 million in Medicaid funding. They want to get those votes so they're porking up a little extra money for them in order to get those votes. At least that's the appearance. Vermont and Massachusetts secured \$1.2 billion in Medicaid money, a change that was described as a correction to the current system which exempts those two States because they have robust health care systems. Vermont's Senator BERNIE SANDERS also boasted he was going to get an investment worth \$10 billion to \$14 billion for community health centers that the rest of the country will be paying for.

Florida and New York and Pennsylvania, they're going to have Protected Medicare Advantage benefits, even as the program sees massive cuts in other parts of the country. Hawaii is getting a benefit. It secured an increase in Medicaid Disproportionate Share Hospital payments in Hawaii, while the other 49 States pay more for that special benefit. Senator MAX BAUCUS reportedly secured expanded Medicare coverage for victims of asbestos exposure in a mine in Libby, Montana. They're giving these things out to get their votes—at least that's the appearance.

Connecticut secured \$100 million for a health care facility. Western States secured higher Federal reimbursement rates for doctors and hospitals that the other States don't get in order to get votes. "Cadillac" plans: the unions secured a special deal in the Senate bill. It was a \$60 billion exemption for union workers from the Cadillac tax on health insurance.

Now, while President Obama's latest proposal removes the "Nebraska deal" that was scheduled to buy a vote from a Senator there, the unions still get their Cadillac plans. If President Obama is so concerned about public perceptions created with backroom dealing, why didn't he propose to strike all the special agreements, which he did not.

□ 1645

And then of course we just heard one of our colleagues, Mr. MATHESON, who voted against the health care bill, his brother was just appointed to the United States Court of Appeals for the

10th Circuit. Now, I wouldn't impugn Mr. MATHESON's integrity at all, but it does look peculiar that they are trying to get his vote and his brother was just appointed to the Circuit Court of Appeals.

These sorts of things really bother the people of this country. And at a time when we really need to revise health care and work together, they're trying to buy a plan that is going to lead to socialized medicine.

#### TECHNOLOGY AND FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROHRBACHER. Mr. Speaker, tonight I rise to discuss technology and freedom. Unfortunately, we Americans can no longer rest assured that our freedom is secure and that the genius and creativity of our people will bring forth the innovation that in the past has enabled us to deter or defeat our enemies and has given us the ability as a people to overcome economic adversity and has provided the means to elevate the standard of living and general well-being of the American people as a whole.

America's greatness has been measured not by the wealth and power of our elites, as in other countries, but by the unbounding opportunity that has permitted all our citizens to live a decent, prosperous life. Now we see a great threat to that promise which until now has been taken for granted by generations of Americans. Unless we change our course, our children will not have the opportunity to live freer and better lives than what we have enjoyed. They in fact may be condemned to a dismal existence of national decline and personal deprivation.

This, unless we have the wisdom to understand what needs to be done, unless we have the responsibility to commit ourselves to getting that arduous job done, unless we have the character to accept the temporary self-sacrifice needed for long-term progress and the courage to take on powerful interests who profit from current policies.

Ronald Reagan used to say, and I quote, "The phrase status quo is Latin for the mess we're in." Even the rest of us, the American people, suffer hurtful blows to our economic well-being. But of course that is most of the American people are suffering these blows. But there are those who enjoy great benefits from the current policies that are having such a negative impact on the rest of their fellow Americans. Our country and our people cannot much longer endure the current assault on our livelihood and personal financial stability. Yes, we will survive, individually and as a people. But Americans deserve more than survival.



Ours should be the freedom and prosperity, paid for by the blood and labor of those brave souls, those patriots, who over our Nation's 234 years stepped up and met the challenges every time to the dream of 1776, the dream that was threatened quite often in our country's history from within and from without. But now, of course, it is up to us, the United States. That is us. It is us versus them, the patriots versus the establishment clique, or perhaps best described as the globalists.

In the last year, we have watched in horror as hundreds of billions of our people's dollars have been channeled to a clique of Wall Street and financial market elites, many of whom put their companies at risk with irresponsible business decisions and then rewarded themselves with huge bonuses. Humble individuals would step forward to give back bonuses in such situations. No, not this crew. They didn't learn that at their Ivy League schools. Not one has expressed remorse nor gratitude, much less expressed a willingness to pay back the personal gains, huge personal gains made while driving their companies' solvencies into the dirt.

All of these bailouts, stimuluses, and giveaways have done nothing but put our country in further jeopardy. The Federal Government is now spending over \$1.5 trillion more than it is taking in. We are now facing a mammoth liability that should never have been ours in the first place. We are at risk, and it is not a result of a natural calamity or an uncontrollable business cycle. It instead is based and has come to us because of bad policies and bad decisions. It is a crisis we must confront and we must deal with or it will destroy the America we have known and loved.

Yes, we are facing a threat of that magnitude, a magnitude of something that could destroy the country as we know it. Yet so many decisionmakers, from city hall to Capitol Hill, and yes, to the White House act as if we can operate with business as usual, or even worse, we can put in place policies that will turn this crisis into a catastrophe by adding an even greater burden onto the shoulders of our people and onto the shoulders of those people and those productive businesses throughout our country.

They think that they can even give more power and add more resources to the Federal Government. They think that the Federal Government can co-opt even more of the national wealth at the expense of the productive and wealth-generating workers and enterprises in our country. They think they can do this and we will still turn around and go up even as they are strangling those forces within our society that are necessary in order for us to succeed as a Nation.

I remember a few years ago there was a story about a New York politician of

probably a century ago who was giving a speech at city hall who said, "The sword of Damocles is hanging right over Pandora's box." Well, there is obviously something wrong with that observation, but the bottom line is there is a sword of Damocles hanging over our heads. There is a huge threat that is present throughout Washington, DC, and yes, throughout our country.

And how did we get here? How did we become so vulnerable? Well, let's all remember as we look at this, we got there because of bad decisions and bad policies, which continue. My colleague DAN BURTON just went through this incredible proposal to institute what they call health care reform, which is really transformation of our health care system at the expense of billions if not trillions of dollars at a time when that expense will drive down our economy even more. As we are trying to strengthen the economy, we are going to drain it even more. It is the equivalent of bleeding patients in order to make them feel healthy, as used to be the practice.

How did we get in this horrible situation where our country is so weak? Well, to start with, when we talk about bleeding resources from our country, we have sent a trillion dollars overseas in the last few decades in order to buy from foreigners energy that we could have produced here. Yet over the last 30 years we have incredibly limited our own domestic oil and gas production. We have built not one new oil refinery. We have built no hydroelectric dams. We have had no new nuclear power plants. And even as we speak, the Bureau of Land Management continues to block the construction of solar power facilities in America's deserts. This official obstructionism is aimed at protecting the habitat of some desert lizard or insect.

The end result of this nonsense, all of this nonsense, of not trying to produce our own energy, not trying to develop even nuclear power or hydroelectric dams, the end result of this is that to meet America's needs, a trillion dollars or more has been drained from our economy. This has been the policy of our government, a policy pushed forward by radical environmentalists, the same ones who are probably influencing the Bureau of Land Management not even to let us have solar power plants in the desert because they care so much about lizards and insects. These radical environmentalists, who are deluded enough to believe that they are helping us by depriving us of energy and deindustrializing our country, have had a horrible influence, but no one has been willing to step up and say, "You're wrong." No one has been able to confront this force because it has been politically correct. It has been popular. It has been promoted in the press as if these people are idealists. Well, they are extremists.

Everyone in their right mind believes in trying to set a plan for the future and believes in clean air and a clean environment and clean soil. I have three children at home, Christian, Annika, and Tristen. Three little children. They will be 6 years old within a few months. I want these young people to have a clean environment. Of course we all do. We don't want them to be affected in a negative way, or any children in our country or around the world affected in a negative way. But the environmental extremists who dominate the majority party in this Congress are preventing us from developing our own energy resources and preventing us from having the economic progress we need to come out of this crisis.

At this moment they are preventing massive amounts of fresh water, runoff from the snow melting in the High Sierras, from being channeled in California to the agricultural areas of our State. As we speak, at this moment, millions of gallons of fresh water are flowing into the ocean instead of being permitted to be used in the agricultural part of our State. All of this to protect a little fish at the demand of radical environmentalists, radical environmentalists who obviously have the ear of the majority of people who are in this body. This little fish that they are protecting, the delta smelt, is not even big enough to be used as bait. A fish that is not even indigenous to California.

Yet the well-being of this little fish has been put, by the powers that be in Washington, D.C., on a higher priority by these political decision-makers than the price of food for the rest of the population, including all of our children. It has been put on a higher priority than the jobs and well-being of farm-related workers throughout California, and yes, throughout the United States. Crops are withering in California. They are withering because water is not being permitted to go to them and it is being channeled into the ocean. That is the policy. Billions of dollars of wealth as we speak are being lost forever.

And one asks why our economy is on the verge of collapse? Why we haven't been producing the revenue so we end up with \$1.5 trillion of deficit? Well, policies in Congress like putting wildlife and their well-being over the well-being of people actually have brought us to this situation and actually are making things worse, and are making it more difficult to work our way out of this economic challenge and this economic crisis. And it goes on and on.

□ 1700

With these higher energy prices, which are destroying the family budget, I might add, and pushing our country into an economic crisis, it's destroying—the local people, our ordinary people, their personal budgets are

just destroyed, and they have no faith. They're losing hope because they can't see their way out of this pileup of debt because the economy is being strangled, and they can't see a way they can prosper in the economy. That's what's happening to all of our people individually. But as a whole, our country is in such an economic crisis.

And what does Congress do? Because these energy prices are, as I say, draining the family budget and draining the national budget, what does Congress do when it comes to energy? We pass a job-killing, energy-suppressant legislation, the cap-and-trade bill. This bill, which has passed this body in the midst of this economic crisis and as the energy crisis loomed, this bill, which passed our body, will make it even more difficult to produce the energy that we now depend on. And the excuse? Well, this time it's not saving a little fish. The excuse for passing this economy-killing, anti-energy legislation is what? Saving the planet. We can understand how they might want to save a little fish at the expense of all of us. But how are they going to save the entire planet from manmade global warming?

Well, more and more evidence that this theory is bogus surfaces every day. The public and decision makers for 10 years were inundated by phony science, altered numbers, and outright fraud. Scientists who disagreed with the manmade global warming theory were cut from research grants and prevented from publishing peer-reviewed dissenting opinions. It's all coming out. Everyday we see stories verifying that this is fraud, and what's been going on, the lies that have been told, the altering of numbers and statistics, the cherry-picking of actual information that would be put into computers to come out with solutions. All of this is coming out more and more every day, yet the Congress ignores all of that, as do the science advisers of this administration. They ignore this evidence. They belittle it, claiming that the case—No, no, this is inconsequential, but the case is closed.

How many have heard that expression? "The case is closed." Well, that means they won't listen. That means that they won't even permit disagreement or permit an honest debate of the issue. This is what the proponents of manmade global warming have been doing for the last 2 years to stifle debate and prevent the American people from getting a balanced view of the positions, of the various positions that are taken on the proposal that mankind is changing the climate of the planet and making the planet warm up.

Well, even as we wade through the snow and the freezing weather that really is gripping large parts of our country and the rest of the world, I might add, even as experts now confirm that there's been a lack of warming for

15 years, economy-killing legislation passed in the House has been put forth in the name of stopping manmade global warming. Well, at least that little fish that they were trying to save and all the hardship on regular people to save that little fish is real. That little fish is real. Manmade global warming is a hoax.

I would point out there are many prominent scientists from around the world, major scientists, heads of universities, science departments, et cetera, from around the world who have taken a position that manmade global warming, as it has been presented to us, is false.

Well, we've had cooling and warming cycles in the Earth's climate for millions of years. These cycles are tied to solar activity, just like temperature trends that we've identified on Mars and other bodies in our solar system. By the way, what does solar system mean? Solar, the sun. The sun is the greatest source of energy not only for our planet but for the other planets. And we see on Mars the same type of temperature trends. I guess they must think there is some sort of SUV or something being driven on Mars that creates the temperature change on Mars.

Well, global warming should not be the issue because it's a fraud. What should be the issue is global pollution and the preventing of global pollution. But this distinction between global pollution, which is the pollutants that hurt human beings, versus carbon, CO<sub>2</sub>, which is something that actually is beneficial to the planet. Actually, it helps us grow more plants, and it is not harmful to human beings. The fact that they are focused on CO<sub>2</sub> rather than pollutants hurts us in our efforts to stop the pollutants that are hurting people and at the same time is costing us billions of dollars with no payback whatsoever. In fact, we are spending billions of dollars unnecessarily in order to justify the research which has been done in order to justify the accusation that it is mankind and not the sun that is creating changes in our atmosphere.

The temperature of the planet is not manmade. We can't do anything about it. But the energy shortage, the energy shortage is manmade, and we can do something about that. And that is costing us billions of dollars as well. Billions, perhaps trillions of dollars.

Global warming is a fraud that has made the job of dealing with the energy crisis almost undoable. It has hampered our ability to solve the energy crisis, and we have made it worse—much worse—by legislation that was passed in this Congress in the middle of an economic crisis. For years, it has been a costly drag on our economy, this concept that we're going to try to outlaw CO<sub>2</sub> rather than getting to pollutants.

Well, now with a horrendous crisis looming, with a sword hanging over our heads, not producing domestic energy is no longer acceptable. The economic consequences are too damaging and too painful, painful to our people. We should be aggressively looking for ways to produce more energy here rather than searching for reasons to prevent increases in domestic production because that's what the powers that be in this Congress now are doing. That's what happened with the cap-and-trade bill. They are looking for reasons to prevent domestic production of the current energy that we depend upon. The end result has been, yes, a hampering of domestic production and has thus resulted in a decline in wealth generation in our country.

So imagine that: We aren't being permitted to develop our own energy. Thus, the amount of wealth that's being generated in our country has been declining. And because there is less wealth, people are beginning to suffer. A transfer of wealth to those countries when we are purchasing energy that we could be producing ourselves is impoverishing our country. That's right. We could produce it ourselves, but yet we're buying it from overseas, and we have less wealth here. This, as I say, has cost our economy trillions of dollars, trillions, and we are expected to continue our economic woes even as Congress passes more restrictions on domestic energy production.

Then, of course, when it comes to wealth transfer, one needs to look closely at America's trade policies, another major cause for an economic decline. We have been betrayed by wrong-headed idealists both when it comes to the environment as well as when it comes to trade policy. We have also been betrayed by powerful special interest groups in our own country who have global goals in mind, both environmentally and economically—at least that's what they say. The American people, as trusting as they are, have expected their government to represent their interests in trade negotiations. Instead, our representatives have focused on long-term global goals. And time and again, our interests as a people have been a secondary instead of a primary consideration for those with authority who are supposed to be protecting our interests.

You know, when people representing the other countries sit down with us to negotiate, their people know that they're supposed to be negotiating what is in the interest of their people. We expect them to do that. The people on our side of the table have something much more majestic in mind than just the self-interest of our own people, as if there's something wrong with a Democratic government representing the interests of people who elect them. And we have gotten a short end of the stick.

We have been shortchanged in these negotiations, trade negotiations, because we haven't had anybody there aggressively demanding what's in the interest of our people. But instead, we want to create a global system, and we want to convince these other people to sort of inch over in this direction so we can be part of a global effort.

Now don't get me wrong, I believe in international trade. I believe really, actually, in a robust trade between free people, and I believe such a trade between free people is a benefit to both parties. Especially if the ground rules are fair and equal and negotiated out between the two peoples, a trade between democratic countries is a win-win. Well, there is obviously something seriously wrong when our economy is sputtering to a halt while our trading partners are going into high gear.

Free trade between free people, which is my motto, should not be blamed for this because the problem is not free trade between free people, it's free trade on one side and controlled on the other. Free trade with a controlled and autocratic government is inherently not free. If permitted to do so, which is what our negotiators have permitted, the power of economic activity will be directed by these tyrannical governments, like China, to bolster the power of their elite, and it will be done at the expense, yes, of their own people's freedom, but it will be done at the expense of the economic well-being of our people.

Under this guise of free trade, which has not been challenged—because it isn't free trade if you're dealing with a dictatorship like China—we have had policies aimed at creating a global system. That's why we're permitting the Chinese to get away with this because we want them to be a part of a global system which includes everybody and, thus, will have a positive influence on all of these other countries. Well, the global system will supposedly include everybody—dictators, rogue regimes, countries where people are treated like serfs by gangsters, and criminals, and tyrants. Sorry, we don't need free trade or to be in a binding relationship with those types of regimes, and we don't need to be controlled by a global trading establishment that will result from all of this planetary organization of commerce. And you can bet that that global trading establishment, the systems that will be set up, will be eventually dramatically influenced, if not dominated, by nefarious regimes and self-enriching elites.

This, the WTO—which is what they're trying to create as a global system—will be and is becoming more like the United Nations. The United Nations, which was a theoretical dream but in reality, a nightmare for free and democratic peoples. The U.N. is an organization that gives China, the world's worst human rights abuser, a

veto, and it provides General Assembly votes to the likes of Burma, Iran, Cuba, and North Korea. Oh, that's a good gang on which we should depend upon. We should make sure we're a part of an organization that gives them an equal vote in the General Assembly to ours or gives China a veto over anything the U.N. can do.

□ 1715

And speaking of China, here, too, is an explanation of why our country is on the verge of an economic calamity: We have permitted Communist China a one-way free trade policy for the last 20 years. And yes, when it was democratizing and opening up, such a strategy might have been justified at least for a time. During the Reagan years, we saw a liberalizing China. Reagan made it clear, and I know this because I worked with him on his speeches when he went to China, he made it clear that as long as progress toward openness and freedom continued in China, our generous trade and commerce policies would continue to be in place.

Then came Tiananmen Square. Unfortunately, Reagan was not President when this historic atrocity was committed. The Tiananmen Square massacre was not something that needed to happen, but it did happen. I believe had Ronald Reagan been President, it wouldn't have happened. He would have sent a telegram to those Communist dictators and said, If you slaughter the democratic movement and end democratic reform in China, we will withdraw your credits. There will be no technology transfer. There will be no investment in your country. There will be no open market for your goods. Don't do it. That is what Reagan would have done.

Do you know what the telegram was that President Bush, the father of our last President, sent? Do you know what it said to those Chinese Communist bosses about to make the decision to slaughter democracy in their own country? It didn't say anything because he never sent the letter. He never sent the telegram. In fact, there was no communication and no repercussions that the Bush Presidency used against the Communist Chinese atrocities committed in Tiananmen Square. Yet it changed history, and we let them get away with it because, you know what? There was an elite in our country that were making money by making deals with the Communist Party leadership in China.

For 20 years, we have let the policies that we put in place to encourage democratization stay in place even as these brutal Chinese dictators consolidated their hold. All along, the dictatorship has been strengthened by its position and strengthened in its position by exploiting America's wealth and technology which we have heaped upon them even after Tiananmen

Square. We strengthened them at our expense.

Our China policy has decimated manufacturing in America and drained trillions of dollars from our economy. Note that. Again, more trillions of dollars drained from our economy. No wonder we are in an economic crisis. The regime in Beijing murders dissidents. It prosecutes and persecutes religious believers, whether they be Christians, Muslims, or Falun Gong. There is no freedom of speech, no freedom of association, no opposition parties, no free press, no independent judiciary. Yet we treat China better than we do some democratic countries, or countries that have at least made reforms, like Russia, that have made dramatic reforms, although they are imperfect.

Over the years, our elite has been encouraged to make deals to set up manufacturing in China. So factories and production have been shut down in the United States, and some companies have opened up new factories. Some of those same companies have opened up new factories in China. Over and over again, it has taken its toll on us. Not all of us, of course. The corporate elite gets a substantial short-term profit by some of these forays into the Chinese market, enough to warrant big bonuses for the short term.

It is our Achilles heel. Our corporate elite will sell out the well-being of their grandchildren for a quick profit next year. China, on the other hand, has long-term interests. In the long term, they get our assets and our wealth-generating technology. The bosses get rich quick selling out their employees. American consumers get cheaper products in the short term, but in the long term they and their children don't have any good-paying jobs. Not even enough to buy those cheap products. Even Congress wouldn't be stupid enough to buy that deal.

Oh, but there was a sweetener to that deal, of course. The sweetener was, if we let the one-way free trade keep on, it would bring about world peace, especially peace with China. Now, isn't that something that we have heard over and over again, just like the mantra of global warming. Oh, we are going to have a democratizing China and world peace if we just continue to allow this one-way free trade policy, which is obviously not working in the interest of our people.

Well, if there is one thing that liberals might like even better than stopping man-made global warming, it is world peace. And on top of that, on top of feeling good about a nice slogan, our really rich guys here in America are making a lot of money to boot, and they are friends with all of these policymakers. Well, policymakers promised political liberalization in China would result in more personal contact and more prosperity in China. To get

them to do business, basically they promised us that because that is what we needed in order to keep these trade policies in place. Well, the promise that there would be a liberalization in China because they are having more interaction with us, it is what I call the "hug a Nazi, make a liberal" theory, and it hasn't worked.

There has been no liberalization. We have created a Frankenstein monster that now threatens us militarily, and as our subject is here tonight, this gang of thieves now has leverage to drag us down and destroy our prosperity and the prosperity and well-being of our people. We are now vulnerable to a corrupt dictatorship in Beijing, and after Tiananmen Square, we have ended up not just having most-favored nation trading status, but under Bill Clinton, he made most-favored nation trading status permanent. Bush allowed after Tiananmen Square for the policy to continue; Clinton made it permanent.

One of the most disturbing aspects of this unholy relationship has been the transfer of American technology to China, technology used against our remaining manufacturers and against our defenders, and technology that advances Chinese military power and threatens our safety. Technology has flowed over there. Much of the technology to which I refer was a product of R&D paid for by the American taxpayer. Letting such American innovation be used to bolster and strengthen such a monster regime in China is sinful and an incredible betrayal of the American people and a disservice to the freedom loving people of China. Let us note that I believe the Chinese people are our greatest allies. They are the ones who will rid themselves of this tyranny and save the world from this threat. We must do everything to reach out to the people of China who are our friends by fighting, by confronting, not fighting in terms of military, but confronting the Chinese dictatorship just as we should be doing in Iran.

But there is a deal between our corporate elite and the Chinese hierarchy. Our corporate elite wins. Our people lose their jobs. Freedom loses. Our government has foisted this upon us. Our government permits the Chinese to keep their currency value artificially low, which makes China even more able not just to compete but to overwhelm our manufacturers. They have been keeping their currency artificially low so they can obliterate domestic manufacturing in the United States, and we have permitted the limited access of our products to their market while at the same time we have opened up our market totally to Chinese-made products. They limit our access to their markets while they have unlimited access to ours. Their cur-

rency is kept at a low level to make sure that the flow of wealth is coming in their direction by manipulating currencies. We have permitted technology and investment to go there even though it is a dictatorship. So what we have seen is trillions of dollars have been drained out of our economy.

So wages in the United States have been depressed. Our manufacturing infrastructure has been nearly obliterated. We must deal with this situation or America will continue to slide down even as the power of Beijing ascends. It will continue to affect our prosperity and freedom, and we will become more docile and more subservient, even as the arrogance and the maliciousness of the Beijing regime becomes apparent.

China trade policy must be on the list if we are to get ourselves out of the downward economic spiral that we are in. Trillions of dollars of wealth are being drained from our people, yet we hear no such proposals about China trade. In fact, there is legislation making its way through Congress that would make the situation worse, surprise, surprise. It would result in even more American technology and know-how ending up in Chinese hands and being used against us. There are proposals in Congress to weaken export control laws that control the flow of American technology.

I agree that with free nations, our entrepreneurs and enterprises should be free from the heavy-handed restrictions they now face. This, of course, as long as the final destination of the people we are dealing with is not a transaction that will end up delivering products to threatening nations like China or Iran. But the American business community insists on one set of rules for all. Rather than a two-tiered system, free trade with free and democratic countries being on one tier, with continued controls over the technology transfer to countries which are controlled by dictatorships and belligerent regimes, no, they can't have that two-tiered system. It makes sense, but not to a businessman who thinks of himself as a citizen of the world, not as an American patriot or not as someone who is associated with just Americans. He is a citizen of the world. Of course, yes, he is a citizen of the world just like all people around the world, they want a fast buck. Well, it is our job to protect the interests of the American people, not the interests of an elite who want to make a fast buck in dealing with dictators.

Interestingly enough, one of the issues of contention in this debate deals with the launching of U.S. satellites on Chinese rockets. The last time this was tried I thought it could be done as long as safeguards were in place to prevent transfer of technology. It turned into a national security

nightmare. The safeguards were promised by the Clinton administration, but they were never enforced. When I realized this, I immediately changed my position on the issue and, in fact, conducted a personal investigation that turned out to discover a damaging transfer of rocket technology to China. Later, the Cox Commission verified our national security had been severely damaged.

Now the same arguments are being made. Now current Chinese rockets, however, have benefited from the technology they took from us and were given 15 years ago. Well, if we permit them to launch our satellites on their rockets, we will be undercutting our own rocket industry. You can kiss our aerospace industry goodbye. If our major companies like Boeing and GE start outsourcing aircraft and rocket parts to China, kiss our aerospace industry goodbye. Give them even more access to our technologies, and we will not be able to recapture the economic momentum that we need to weather our current crisis.

If our manufacturing and our know-how goes to China, we lose. China is and should be treated as America's adversary both in economics and an adversary to our democratic system as well. But the move to relax our restrictions and controls on the transfer of technology to China is moving forward here in Washington, as is the proposal to launch U.S. satellites on Chinese rockets. All of this is part of a trade policy that has obviously worked against us, us, the United States, the people of America. It has worked against us. Yet instead of being advocates of democracy to the Chinese leaders, as we were told would happen, our businesspeople will go there and interact with these Chinese leaders and they will become more democratic. They will learn to trust us and be more benevolent.

Well, instead our business community, instead of lobbying the bad guys, is here lobbying us on these policies in order to support their buddies in Beijing.

Just as disturbing, another windfall may be handed to China as well, as well as to other foreign competitors of the United States as part of a so-called patent reform bill that is making its way through the legislative process. For two decades, those very same corporate elites, especially in the electronics industry, who have been shipping jobs to China have been pushing hard for fundamental changes in America's patent system. Pro-inventiveness rhetoric has masked their attempt to dramatically diminish and even destroy the patent protection that has been enjoyed by Americans since the founding of our country.

□ 1730

Well, our only chance of getting back from an upward economic path is to increase our efficiency to produce more wealth through innovation and to use the creative genius of our people to build the machines that will enable American workers to compete and to beat foreign adversaries.

One of America's greatest assets, the bulwark of our freedom, that is the irreplaceable testament to the economic strength and wealth production in our country has been a strong patent system. It's been the right of our people, specifically written into our Constitution in article I, section 8, that guarantees the right of ownership to inventors for a given period of time in order to stimulate innovation and progress, and, yes, lead to general prosperity.

And it worked. That's why Americans have had such a high standard of living. People work hard all over the world, maybe harder than Americans, but we've had the tools and the equipment and the technology and the machines to out-compete those people throughout the world and build a standard of living of ordinary people. That's what we're proud of.

Other people work hard, as I say, but we produce the wealth, as never dreamed of before for normal, ordinary people, because we have the tools and the machines. And when threatened, our genius saved us from foreign despotism and tyranny, from hostile ideologies like fascism and communism. Our technological superiority is even more useful today when we are in a life-and-death struggle with radical Islam—not Islam in general, not the 1.5 billion Muslims on this planet who we have to reach out to just like we reach out to the people of China—but to the radical Islamists who would hurt us, who would kill our people as they did on 9/11.

Some foreigners would like to use the product of our creative genius against us. Unfortunately, there are those in the corporate elite who are willing to let that happen. The mega-electronics industry has been investing huge sums of money, campaign donations, for 15 years to accomplish this insidious goal of diminishing or destroying America's patent protections. They are the last ones you would think would be the enemies of patent protection because they are the biggest names in the electronics industry.

But why should such companies do this? Why would companies that appear to depend on innovation want to destroy the patent system? Because they produce products that contain multiple elements. Each one is a separate invention. Whether it's a cell phone or computer or other technology, there might be 20 elements that someone else invented, and they must use that capability in order to stay competitive. The big boys don't

want to pay royalties to the little inventors, so instead they're negotiating an agreement that will undercut America's independent inventors, little guys, as well as other industries. It will permit these mega-tech multinational corporations to steal because they're going to make it legal. They're going to change the way the law works. They're going to diminish patent protection.

Well, the fact that this will also enable other gangsters around the world and other people around the world to steal America's technology, just like they're trying to steal it from America's little guys, that's of no concern to them because these corporate elites also are global thinkers. Many of them, as I said, consider themselves citizens of the world. Yeah, globalists.

For 15 years, they have tried time and again to ram through major fatal changes to our patent system, and each time they have been thwarted by a small band of patriots. That's right, the patriots can still beat the big guys. We can beat the globalists. Just last week, a bill made its way through the Senate Judiciary Committee. Chairman LEAHY is looking for floor time to bring it to a vote. Once it passes, it is likely to make it through the House.

The Senate's legislation will not destroy the patent system as was the case with all of the past legislation that these mega-tech industries have tried to foist upon us, but the fact is that it will undermine and diminish the current levels of protection as a compromise with these big businesses. Why should we compromise with mega-tech companies that want to diminish our rights? They say they want to harmonize our laws with the rest of the world—again, a globalist approach. No, Americans enjoy more freedom and more rights than the people of the world. If they want to harmonize their laws with us, let them increase the protection that they give to average citizens rather than diminish it.

The bill right now is going in the wrong direction even though there has been compromise. It still is taking us in the wrong direction even though the mega-tech companies, some of the major players who have been calling for this bill to be passed actually helped mold the first bill that was passed through this House, these people now say they don't support the legislation. We need to just say that bill contains compromises that are doing no favor to anybody, not the big guys, the little guys, not to American competitiveness, not to those people who are inventors, not to anybody.

We should just simply wait until next year. We can then build a strong coalition for patent protection with biotech, small and medium electronic firms, pharmaceuticals, colleges and universities, small inventors, all the people who actually are the mainspring of

human progress for America. We can strengthen them by giving them more legal protection for their inventiveness.

Of course, compromise is not good enough for these mega-electronic firms, so they actually are opposing the bill too. Let us all work together then in making sure this Leahy compromise legislation does not pass and that next year we pass a bill—not for the mega-tech companies that are trying to destroy the patent system, but for the American people who depend on innovation.

The fight could go either way on this bill now, but let's hope that we can basically thwart their efforts because there are people in China and overseas right now waiting for us to change the rules in order to make sure they can get the technology and steal it from the American people themselves.

By the way, since 1996, these mega-tech companies, these electronic companies, which have sent thousands and thousands of jobs over to China, have been sued by little guys in 730 cases of patent infringement. These megacompanies, they don't want to suffer those cases. They just want to be able to take that intellectual property, even though they didn't invent it, and not pay for it, and benefit and profit from it themselves without giving royalties to the inventor. That kind of dynamic put into our system will undermine American progress and bring us down.

Thanks to our independent judiciary, these infringements have cost the big guys \$4 billion in judgments. We need to keep in place a system in which if big guys are trying to steal from the little guys, the little guys can win, the patriots can win. But the big guys, they want to change the rules, let's see if we can do it. We need to have the American people alerted to this.

To get out of this crisis, this is what we need to focus on. The American people are becoming focused because their whole way of life, their specific standard of living of their family is being threatened and they understand that. We're going to get out of this and get back on a path of economic growth. If our children are to live in peace and enjoy prosperity, we must produce our own energy, we must have trade agreements that are done not at our expense, but are mutually beneficial trade agreements, and we must protect our freedom, especially the rights of technology ownership that have served America so well.

An innovative surge will give us the edge. It will give us the ability to produce more wealth, create more jobs, and keep America competitive. We can produce and grow our way out of this crisis, but the challenge will not be met by wishful thinking. Patriots must act to save the day. We can rely on freedom and technology, but only if the

patriots act to ensure that freedom and technological progress are not undermined by counterproductive policies and changes in the law that have been foisted upon us by powerful interest groups or ideological zealots, or just plain idiots with influence. Patriots have to step forward, or things will continue to go haywire and the standard of living of the American people will go down.

We will not sit idly by. Patriots can and will win. We will not give up our freedom. We will not give up the dream. With freedom and technology, there is no limit to what we as a people can accomplish, no limit to how far we can go, no barrier to progress that we cannot bring down.

Ronald Reagan used to say there's nothing wrong with our government that cannot be fixed with one good election. Well, I would amend that by saying there is nothing wrong with our country that can't be corrected by patriots working together. And with freedom and technology, we will overcome the economic challenge and crisis that we face, and we will ensure that our children are given the freedom and the opportunity and the decent standard of living that we have enjoyed as Americans over these last few decades since the great generation of Americans stepped forward and saved the world from Nazism and saved the world from communism and saved the world from fanatics who would murder and terrorize decent people throughout the world.

We have a very special role to play. Americans come from every race, every religion, every ethnic group. We have come here to show the world there is a better way, that we can live together in peace and respect each other. As this conglomerate people, we represent an ideal, not a territory, that we have to reach out to those people throughout the world and provide leadership as an example. That is what this fight is about. The patriots will win because we are doing so for the cause of all freedom and humanity.

Mr. Speaker, I yield back the balance of my time.

#### PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. I will claim the time on behalf of the Progressive Caucus, but I have a few boards to put up, so I'm going to grab those right now.

Mr. Speaker, I am KEITH ELLISON, and I am here to deliver the progressive message. I am looking forward to having some other Progressive Caucus members join me, but in any event, we'll be here tonight for a few minutes

to talk to America about the progressive vision of America.

America is a great country because people stood forward and had a higher vision of what could be. Yet we came here as a Nation and the United States said, you know what? We can have a country where all men and women are created equal. We have to make that happen. And so Americans set out on path to what? End slavery then exalt the rights of workers, then eliminate gender discrimination and have the women's right to vote, and then move on forward to spread economic prosperity to all people to make sure that working class men and women during the Great Depression were able to have the kind of economic wherewithal that could see them through a difficult time.

America is a progressive idea. We saw the end of segregation because Americans of all races and colors stood up and said, you know what, this Jim Crow offends the basic principles of our Nation, so we're going to end this thing. It wasn't easy; it wasn't pretty. It was real messy and people gave up everything in order to pursue that ideal, but they did. And so America is really, at the bottom, a progressive idea.

Today, challenges are before Americans again today, none more important than the fight for health care, none more important than the fight for universal health care. As a member of the Progressive Caucus, I come here as a person who really would love to see universal single-payer health care; it's the right way to go. But single payer did not make it into the debate, really, this year, but important ideas like the public option did, and we're fighting for those ideas tooth and nail to the very last.

The progressive message tonight, talking about health care, as I have so many weeks before, is an idea that is coming to the floor. And it is no time to stop talking about health care reform now because Americans, we've been through a lot of changes. You all remember when the President started off his service, the President started off and said we're going to move forward on health care and begin some health care summits. We had a number of conversations as we went through and went forward, and of course, as so often happens, Members from the other side of the aisle, the Republican Caucus, had a lot of complaints, but they didn't have many constructive ideas. We moved forward anyway.

We went through the spring where we had literally tens and tens and tens—dozens of community hearings and hearings here on Capitol Hill about health care reform. We had witnesses come in and talk about how to bend the cost curve down, how to reduce cost, how to expand coverage. We literally had well over 100 hearings on

health care reform. And as I said, we went into the communities. I had a number of community meetings myself where we talked health care reform. We had this debate right on up until the beginning of August, and people were telling us the public option is dead; but the public option, as we know, is not dead. We kept fighting for it and kept bringing it up. We kept rallying Americans, Mr. Speaker, and we just wouldn't break and we just wouldn't bend and we kept the conversation alive. We kept the conversation alive even though we had a very tough economy to deal with, even though we had to deal with the failing auto industry, even though we had a financial catastrophe.

We understood that getting health care reform right was key to prosperity for the poor, for working class people, and for middle class people; so we never really gave it up. In fact, even earlier today somebody said, Keith, what are you going to talk about tonight on the Special Order? I said, You know what I'm going to talk about? I'm going to talk about health care. They said, Wow, we're sick of talking about that. You know what? We don't have the luxury to be sick of talking about health care reform because right now, at this very moment, there are people who are facing being rescinded, being cut off health care insurance, people whose medical expenses have gone so high they have to consider bankruptcy in order to make it and survive economically.

□ 1745

There are people who have their children getting ready to turn 22, just like I recently had a situation where our health care carrier told me, On your son's birthday, which should be a happy occasion, he is going to be terminated from your health care policy. This is my own son. I'm a Member of Congress, and I'm trying to sit and figure out how we're going to get my boy, who is going from 21 to 22, covered because he is going to be looking for health care coverage in only a few days.

Americans are going through this all the time. Some Americans are thinking, Wow, I just hope I can get to 65 so I can get Medicare because then I won't have all of these problems. I'll be able to afford health care like I haven't been able to afford it in so many years. Americans are in dire straits. So it doesn't make any sense for anyone in this Congress to say they're sick of talking about health care, because Americans aren't through fighting these health care nightmares that we have to deal with every single day, day in and day out.

So we are here with the congressional Progressive Caucus. This is our email. If you want to contact us and let us know what your ideas are, the

Progressive Caucus is open to ideas. We believe that progress is made through new ideas, and we want to hear about them.

We are going to be talking about health care tonight, and I'm hoping to be joined by some of our colleagues. I just want to start the conversation out talking about health care and about the economy and how these two ideas are linked together. It's shocking, shocking, shocking news. How do you like this one, folks?

Health insurers break profit records as 2.7 million Americans lose coverage.

Wait a minute. I must be reading this wrong, Mr. Speaker.

Health care insurers break profit records as 2.7 million Americans lose coverage.

Do you mean they're breaking records and getting more money than they ever got before as they're throwing people off coverage?

Well, that doesn't seem right. You would think that, during this time, Mr. Speaker, of reviewing health care policy that somebody somewhere would have at least the good sense to say, Well, maybe we shouldn't throw all of these people off at the very time we're making all this money. Maybe it would look bad.

Well, these avaricious folks don't have any shame when it comes to trying to grab more money. Just like some of these people in the financial services industry are giving themselves record bonuses as America's banks have enough reserves but aren't lending it out so that small businesses can help grow our economy. As we're in the middle of a financial crisis, they're giving each other bonuses. Then they feel put upon and personally attacked because they can't go get a gazillion more dollars of American taxpayer money. It's really something.

Health care insurers break profit records as 2.7 million Americans lose coverage.

Mr. Speaker, I'd just like to show, to whomever is looking, the report where I get this information, this report of "Health Care Insurers Break Profit Records As 2.7 Million Americans Lose Coverage"—the February 2010 Health Care for America Now! This is something very important. It's a great report that I would recommend people get. You can get it on the [HealthCareforAmericaNow.org](http://HealthCareforAmericaNow.org) website. People need to check it out, Mr. Speaker, because it is the kind of information that can really help to get you engaged, to get you involved and to get you moving toward real health care reform. Let me just read a little bit from this report so the Americans who might be watching might just get a taste of this important report.

The five largest U.S. health insurance companies, Mr. Speaker, sailed through the worst economic downturn since the Great Depression to set new

industry profit records in 2009, a feat accomplished by leaving behind 2.7 million Americans who had been in private health plans. For consumers who kept their benefits, the insurers raised rates and cost-sharing, and cut the share of premiums spent on medical care. Executives and shareholders of the five biggest for-profit health insurers—United Health Group, Inc., WellPoint, Inc., Aetna, Inc., Humana, Inc., and Cigna Corp.—enjoyed a combined profit of \$12.2 billion—that's \$12 billion with a "b"—in 2009, up 56 percent from the previous year. It was the best year for big insurance.

Wow. Wow. That's amazing to me. These folks are coming down here, saying that they've got to have the private insurance go their way so they can survive while they are reaping mega-profits. Mr. Speaker, it's wrong. We've got to do something about it. It's downright unpatriotic. I will continue.

The outside earnings are a vivid reminder that, without comprehensive national health care reform, the gatekeepers of our health care system will put the short-term interests of Wall Street before the needs of millions of patients and a national economy plagued by joblessness.

I'm not going to read the whole report, Mr. Speaker, but it's worth it to go on a little further.

The 2009 financial reports from the Nation's five largest insurance companies reveal that, one, the firms made \$12.2 billion—an increase of \$4.4 billion, or 56 percent, from 2008. Four out of five of the companies saw earnings increase, with Cigna's profits jumping 346 percent.

Cigna's profits jumped 346 percent. That's pretty good. Now, this is as Americans are losing their health care benefits, as unemployment is spiking. As people are in real pain, they're getting more money.

The companies provided private insurance coverage to 2.7 million fewer people than the year before. Four out of five of the companies insured fewer people through private coverage. United Health alone insured 1.7 million fewer people through employer-based and individual coverage.

That's why I'm an advocate of universal, single-payer health care. As long as the private insurance market is a player in this thing, they're going to offer the worst at the highest price.

All but one of the five companies increased the number of people they covered through public insurance programs—Medicaid, SCHIP, Medicare. United Health added 680,000 people to public plans. That's me and you. That's the public.

The proportion of premium dollars spent on health care expenses went down for three of the five firms, with the higher proportion going to administrative expenses and to—guess what?—profits.

I know you're shocked.

One last paragraph, Mr. Speaker, so that people can really get a flavor of this thing. I'm hoping that people will really get a handle on this and will look into it so that they can see what's really going on. You can't figure out what's going on by some of these talk show hosts. Depending on what stations you like to watch, they're not going to tell you the truth. They're going to be busy telling you all about death panels and school-based sex clinics, and they're going to say government is taking over health care. Well, I'd rather have government take over my health care than have United Health take over my health care. I would. I think a lot of Americans would probably agree. Some may not, but I think most Americans expect the government to make sure that the private corporations in the health care business play fair with the American people. Let's go back to the report.

The shedding of 2.7 million members from private health care plans is part of the industry's long-term shifting of responsibility of the care of millions of the sick, older, and lower-income customers to taxpayer-supported government health programs, such as Medicaid and State Children's Health Insurance plans. State and Federal programs have increasingly been hiring big insurers to manage their care.

Well, I think we need to not do that. We need to get a plan that really provides some real competition for these people, like a public option or, better yet, have single-payer health care and just get the private market out of the health care business and allow private doctors to take care of patients as opposed to private insurance companies, which, Mr. Speaker, I will say don't really add value to the health care equation.

What do these people do? They move paper around. They don't see patients. They don't diagnose. They don't treat. What do they do? What do they add? Do they go get one aspirin? Do they put gauze on or dress wounds? They don't do anything like that. I think that they are, more or less, parasites on the system. They're taking massive amounts of money out and are leaving 2.7 million people behind in the year they've made the most money of all. So here is a little bit more from the inside of the report.

Faced with such onerous costs, many customers are winding up uninsured. Health insurance premiums have risen so high that experts have forecasted that 52 million Americans will be without coverage this year.

Now, Mr. Speaker, I know and you know that the number we always toss around is 47 million, that 47 million Americans don't have health care. Well, if that's what you say, you're wrong. We're approaching 52 million. There are 52 million Americans who



are without health care, and this is at a time when we're in the very middle of a debate around reforming health care.

Left alone to purchase a health care plan directly from private insurers, many will have no choice but to remain uninsured or to buy cheap policies with inadequate benefits that leave them underinsured and at financial risk should they have a serious accident or illness.

Now, one little fact that Americans should know is that 60 percent—think about 6 and 10—of all bankruptcy filings are directly related to medical debt. Think about that. Our broken health care system is driving Americans to bankruptcy and to poverty. As that happens, our industry doesn't seem to care much at all because they're getting theirs, which seems to be their only obsession.

Well, Mr. Speaker, I may return to this topic in a little while, but I want you to know and I want the American people to know that this is a problem that must be addressed. This is not a time for cynicism, Mr. Speaker; this is a time for action. This is not a time to say what can happen; this is a time to make something happen. This is not a time to quit; this is a time to act. If Americans act now, Mr. Speaker, we can get that public insurance option. We can get that public option.

You know, last week, when I was talking, we had only about 24 Senators signed onto a letter saying they were going to support the public option. The last I checked, we were up to 35. The question is: Is your Senator on the letter? We need every Senator on there. We've got to get 50 on there because, if we get 50 Senators on there, on a letter, to say they support the public option through reconciliation rules, then we will have that. Despite people saying that the public option is dead, it will be jumping back to life just like the phoenix, and I will be so proud of Americans who just never accepted "no" for an answer, because it is these insurance companies that are doing this that are the main opponents of the public option.

Let me just say this: People who are for the public option, like me, and people who are against the public option, like them, have the same reason for the positions that we take. They oppose the public option, and I support it for the same reason. It's going to cut into corporate profits and give more people health care. That's why we don't agree. They want to take more from the American people. I want to give more to the American people, so we don't agree. This public option can succeed if we just don't stop. It passed through the House, and 70 percent of Americans support it. We've got a climbing number of Senators getting on every day.

I want to thank Senator SHERROD BROWN. You know, I think "President

SHERROD BROWN" sounds pretty good. I'd like to see him think about that. We've got Senator KIRSTEN GILLIBRAND, another great American. We've got other Senators joining every day who are just saying, you know, We're going to break free of this stranglehold that has been around the U.S. Senate, and we're going to really do something good for the American people. So I just want to say hats off to them and say I appreciate the hard work that they're doing.

□ 1800

Mr. Speaker, I have another chart that I want to show to the people here, and this one is quite sobering, quite sobering. It is another big number, Mr. Speaker. It is the kind of number that really, really, really we almost don't want to mention it, but if you don't mention it, you dishonor the memory of the people that are hurt.

Mr. Speaker, this chart here, I want to bring it real close to me so it is in the camera shot, says 45,000—45,000—Americans die every year because they are uninsured.

Now, think about this number, and think about this number: 2.7 million Americans lose coverage. Because of no coverage, 45,000 Americans die every year. So people are literally dying because they don't have health care coverage. And not one, not two, not somebody here or there, but 45,000 people.

This is a national disgrace, Mr. Speaker. It must be changed. We have got to do something about it. It has to be something that is a national priority. We have got to extend coverage to people, and we have to do it in a way that is cost-effective and so that we can extend as much coverage as we possibly can to as many people as we possibly can.

This is the reality of the situation. We have to fight for this, and we have to understand that this fight for health care reform is a life-and-death fight, Mr. Speaker. It is not just something that one side would prefer and the other side kind of would not prefer. That is just not what we are talking about. We are talking about a life-and-death situation, where unless we are able to move forward on real health care reform, Americans die.

Now, this number, 45,000, it looks like a big number. Here in Washington we throw big numbers around all the time, 2.7 billion, 45,000, all these numbers, and they jumble the mind. One of these 45,000 is a mother of someone. One of these 45,000 is a child of someone. One of these 45,000 is a young man in his prime of life whose family is dependent upon his income. One of these 45,000 is a small business owner. One of these 45,000 is someone who somebody loves.

This is a national emergency, Mr. Speaker, and I don't need to tell you, if we were talking about losing this many

people a year in conflict or war, there is no doubt we would have a national debate and outrage over what we were going to do about it. It is not less important because it happens silently in hospital rooms and bedrooms and houses. It is just as important, and we have to do something about it.

Now, Mr. Speaker, I want to talk more about health care, but I just want to just lay out a few other impacts, since we laid that one out. Let me put it back up, because it is relevant to what I am about to say.

Not only do 45,000 Americans die every year because they are uninsured, but this year alone an estimated 1.5 million Americans will declare bankruptcy because of a lack of health care or because of health care expenses. Studies in recent years suggest that more than 60 percent of people who go bankrupt are actually capsized by medical bills.

Bankruptcies due to medical bills increased nearly 50 percent in a 6-year period, from 44 percent in 2001 to 62 percent in 2007. Sixty percent. We wish it was only 60 percent. It is probably 65 percent by now, Mr. Speaker, because this is a 2007 number.

Most of those who filed bankruptcy were middle-class, well-educated homeowners, according to a report published in August 2009 by the American Journal of Medicine. Unless you are Warren Buffett or Bill Gates, you are one illness away from financial ruin in this country. That is what the author of this report said, Dr. Stephanie Woolhandler. If an illness is long enough and expensive enough, private insurance offers very little protection against medical bankruptcy. That is the major finding of the study.

Overall, three-quarters of the people with medically related bankruptcy had health insurance. Let me tell you that again. As we know, this is the most generous, giving country. There are a lot of people who have the best of intentions. But as all Americans know, not everybody is like that.

There are some people who think, Well, I don't really care about those people. I only care about myself and my family, and if those people don't have insurance, well, that is just their problem. There is probably something they did to deserve that. Shocking as it is, there are a lot of people who think like that. The fact is, this statistic of all these people going into bankruptcy because of medical debt is talking about folks who are middle class and who have jobs.

This is a shocking statistic. Three-quarters of the people with medically related bankruptcy had health insurance. They had health insurance, and they still went down. Why? Because of lifetime caps, because they got dropped, because of copays and escalating premiums, all these things going

on. Those were actually the predominant problems in patients studied. Seventy-eight percent of them had health insurance, but many of them were bankrupted anyway because there were gaps in their coverage, like copayments, deductibles, and uncovered services.

Other people had private insurance but got so sick they had lost their job and lost their insurance. We will return to that in a moment.

Health care cost, as a percentage of gross domestic product, has significantly increased. From March 2008, the number has grown since then. I have a chart here which I will explain to you, which I don't actually have a blowup of, which illustrates that we pay more than any other country for health care, and the other countries cover the entire population.

So, for example, in the United States, in 1970, health care was 7 percent of gross domestic product. Today it is 15.3. In Canada, 1970, it was 7 percent of gross domestic product. Now it is 9.9, more than 5 percentage points lower than ours. In Germany, health care was 6.2 percent in 1970 and grew to 10.6, about 5 percent lower than us. In the U.K., in 1970, health care was about 4.5 in 1970, and now it is 8.1.

We have expanded this because it makes somebody a whole lot of dough. We have got to think about this, and we have got to do something about it.

From 2000 to 2008, workers' health insurance premiums shot up more than five times faster than their wages. The average cost of family coverage in the workplace went from \$6,672 in the year 2000 to \$12,000 in 2007. That is a 78 percent increase. So it has eaten up family income. At the same time, average wages rose only about 15 percent, which means that the cost of health care significantly outstripped American pay.

I just wanted to speak a little bit, Mr. Speaker, about the important financial choices that Americans are having to make, bankruptcy or not bankruptcy, get the coverage or not. What are you going to do? Now that you are out of work, what are you going to do? Difficult choices.

But I wanted to spend a few minutes, Mr. Speaker, talking about the important issue of the public option, because I think that a lot of people are thinking, well, you know, now that the public option seems to be back in play, more Senators are supporting it, and it already passed through the House, the American people like it, the President said he was in favor of it, and people are thinking, well, maybe it will happen now.

Well, you know what? This is no time to quit the fight for the public option. In fact, it is time to accelerate your energy around the public option. It wouldn't be a bad thing if people had rallies and community forums and petitions for the public option.

The public option is a great choice. I am an advocate of universal single payer health care, but the public option is a good choice if we can't get that far.

Currently, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies, Mr. Speaker. Many areas of the country are dominated by just one or two private organizations. What that means is Americans don't have much choice. We are dealing with highly concentrated markets, and the public option would give people in these highly concentrated markets more choice.

Competition. Again, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent is controlled by only one company. Now, is that a monopoly or what? In addition, a public option would provide competition for private insurance companies to keep them honest.

So the public option offers choice and competition. It also lowers cost. That is the funny thing about it. You would think you would have a lot of Republican support, because it reduces costs. But we know that existing public options, like Medicare and Medicaid, consistently have lower administrative costs than their private insurance counterparts because they don't have competition. Why should they worry about lowering costs?

According to the Commonwealth Fund, the net administrative costs for Medicaid and Medicare were 5 percent and then 8 percent; 5 percent for Medicare, 8 percent for Medicaid. If you look at the top five health insurance companies, their administrative costs were over 17 percent. Triple. It is crazy.

With the insurance market controlled by fewer and fewer companies and more and more States, there is little incentive to lower costs. Also, as one former insurance executive testified before Congress, insurance companies are not only encouraged to find reasons to drop seriously ill people, they are rewarded for it. Bureaucratic overhead costs coupled with multimillion dollar CEO salaries and bonuses make high costs for American families and a lack of competition, and it provides no incentive to change their practices.

The public option, Mr. Speaker, would provide higher quality for Americans' health care. Competition always improves—well, it doesn't always, but it often improves quality, and therefore the public option will help consumers get a better coverage for the same amount of money as their private insurance.

There are some things, Mr. Speaker, people have been saying about the public option that are not true. One of those things is the idea of the public option being a government takeover or even a government-run program. Well,

you know what? The fact is that the public option would be administered by the Department of Health and Human Services, but it would be with private doctors and providers out there, so it would still be people dealing with their own private doctor.

The idea that the mandated health insurance is a new tax is also false, is not true. What a public option really means is that the government would help to cover the high cost of insurance for Americans, while bringing those costs down through competition, access, and choice. Without health care insurance reform, however, we can expect the problems that exist today only to get worse.

So, Mr. Speaker, I want to now just talk about the fact that we have been hearing a lot about this idea of reconciliation. There might be some Americans out there saying reconciliation, what is that about? Is that about how my neighbor and me who have been feuding are finally going to try to get along? Not really in this situation, although it would be a good thing.

The fact is, Mr. Speaker, in this case, reconciliation is just some special budgetary rules that are passed through Congress that allow Congress to pass laws by getting around the filibuster rules that are in the Senate. That is what it is. There are reconciliation rules in the House and the Senate, but in the Senate they have these rules that you have to have 60 people to end debate so you can then vote on something. Reconciliation allows us to get around those rules, and so it is a good thing.

A simple up or down vote by more than half the House and Senate should be enough to send the President the final improvements to the health care reform measure that we have been talking about for a year. A simple majority vote would not be used to reform the health care system, just to clear limited improvements to the comprehensive health reform bill which has already passed the Senate and in a similar form in the House, but not exactly the same.

Reconciliation is part of the normal legislative process, Mr. Speaker. It has been used 22 times over the last 30 years, 16 times by a Republican-led Senate, and nearly two-thirds of the time Republican Presidents have signed the reconciliation bills. Not all the time. Democrats have used it, too.

Certain times the reconciliation was used, for example, to enact a health reform bill called COBRA. Everybody knows what COBRA is. COBRA is what allows you to maintain your health insurance after you lose your job. This is a law that lets employees just keep their employer's health insurance after they have left their job. This bill was passed through reconciliation in 1985 and passed into law under Ronald

Reagan. In fact, the R in COBRA actually stands for "reconciliation." Isn't that something?

SCHIP, the bipartisan State Children's Health Insurance Program, passed through reconciliation in 1997. Medicare changes done through reconciliation include a hospice benefit, HMO preventative care, like cancer screenings, added protection also for patients in nursing homes, and the way Medicare pays doctors and health care professionals.

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Also, the law requiring emergency rooms to screen Medicare and Medicaid patients, regardless of their ability to pay, was part of the 1985 reconciliation measure. So don't think that reconciliation is something new. There are people on the radio and television saying, Oh, my God, the Democrats are using reconciliation. Well, of course we are. It's a normal legislative tool used many times before and there's nothing unusual about it. Of course, reconciliation has been used for things that were not good for the American people as well. But this is not one of those occasions. This is an occasion where it's being used for something good.

Now, Mr. Speaker, I want to wrap up now. So if any of my Republican colleagues are thinking they want to get ready to get started, it would be a good idea to start thinking about that.

I just want to talk a little bit, as I begin to wrap up, about our economic situation. Because so much of the pain people are suffering through lack of health care and lack of health care reform is related to the fact that they're not working now. You lose your job; you lose your health care. I mentioned COBRA. Yeah, you can pay out of your own pocket COBRA if you lose your job, but you've still got to have some money to pay that.

So I just want to say that last Thursday, Mr. Speaker, the House unanimously passed the emergency legislation to extend a range of programs that expire this weekend. And some of these things were including unemployment benefits, help with health insurance for unemployed, a highway bill, satellite TV, delay in cut in Medicare physician payments, flood insurance, and things like that. Mr. Speaker, it just concerns me that we have had one Republican Senator who, up until a few days ago, was single-handedly blocking the passage of an emergency measure despite serious consequences for families.

Last week, Mr. Speaker, I actually went to my own district and asked people to raise their voices about the action that Senator BUNNING was taking because it was inflicting a lot of pain around the country. According to the Department of Labor, the expiration of unemployment benefits caused 100,000 people to lose their benefits immediately, and about 400,000 people will

lose unemployment benefits, including 4,300 people in Kentucky, and the next few weeks, if Senator BUNNING does not drop his opposition.

An estimated half a million jobless Americans will lose access to COBRA subsidies to them to help them buy health care insurance. Letting the highway and transit programs lapse would temporarily shut down a total of \$925 million worth of projects this week in highway reimbursements and transit grants to States and urban areas, endangering more than 32,000 jobs, national anti-drunk driver efforts, and multimillion dollar construction jobs. With the Bunning obstruction, 41 highway projects have been forced to shut down.

Now, history knows that he came to an accommodation—and that's good. But the fact that the Senator held it up, to me is an example of how important it is to really, really understand who is not working for the American people and who is. Democrats are here trying to extend unemployment, extend COBRA, help Americans make it through tough times; and other people are obstructing and holding things up. I think it's important for the American people to know that because the American people deserve to know who's fighting for their economic livelihood and who's not.

The fact is, Senator BUNNING actually said, It could be argued unemployment insurance is a disincentive for work because people are being paid even though they're not working. It could be argued that unemployment insurance is a disincentive for work because people are being paid even though they're not working. That's pretty sad. The fact is that is Senator JIM BUNNING, Republican, Kentucky. I just want people to keep it in mind, what they're dealing with and what they're up against and who they're up against.

So the Senate ended up passing the bill; voted 78-19 Tuesday night to pass legislation extending unemployment benefits, highway funding, and other programs for 1 month, bringing an end to the one-man crusade to filibuster the bill. The fact is, the filibuster resulted in thousands of Federal workers being furloughed and an interruption in unemployment benefits. It happened. People were hurt. People were without money because of this. And that was incredibly unfortunate. But I think Americans in this great democracy of ours can express yourselves through the ballot box, and you should let people know that. And I think people should know what happened and how it happened and who did it.

So I also just want to mention, Mr. Speaker, that over 200,000 jobless workers were scheduled to lose unemployment benefits last week; and it didn't happen because we narrowly avoided it, but it certainly could have happened.

And there was a break; there was a lapse. Federal employees were furloughed. I just want to keep that in mind and have people remember that.

So, Mr. Speaker, as I begin to wind down, I just want to say that there is a group of Members of Congress who have a progressive vision for America. The progressive vision for America is an America where the government actually takes responsibility for making sure the economy works for everybody; the progressive vision for America is where we have civil rights and human rights for women, people of color, working people, people who live in rural areas; where the country literally works for everyone and not just a few; where we really believe that all men are created equal and created with certain inalienable rights; where we really want to see our country reach its highest potential by offering educational opportunity, by saying that the military budget has expanded way out of control, that we need to put more energy into diplomacy and development around the world; a progressive vision in which we say that America should use its awesome blessings and strength to help confer those blessings for other people and people within.

With that, I yield back.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TIAHRT (at the request of Mr. BOEHNER) for today after noon on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SCHWARTZ) to revise and extend their remarks and include extraneous material:)

Ms. SCHWARTZ, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. TITUS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 11.

Mr. JONES, for 5 minutes, March 11.

Mr. MORAN of Kansas, for 5 minutes, March 11.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

## ADJOURNMENT

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until to-

morrow, Friday, March 5, 2010, at 9 a.m.

## JOINT ESTIMATE OF BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT, on behalf of and after con-

sultation with the Chairman of the Senate Budget Committee, hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 2847, the Hiring Incentives to Restore Employment Act, for printing in the CONGRESSIONAL RECORD.

## CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN AMENDMENT TO THE SENATE AMENDMENT TO THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2847

	By fiscal year, in millions of dollars—											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015
	Net Increase or Decrease (–) in the Deficit											
Statutory Pay-As-You-Go Impact .....	4,521	6,247	2,328	382	–13,629	58	12,673	–820	–2,715	–9,168	–532	–95

Note: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6392. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Electronic Filing of Financial Reports and Notices (RIN: 3038-AB87) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6393. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revised Adjusted Net Capital Requirements for Futures Commission Merchants and Introducing Brokers (RIN: 3038-AC66) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6394. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operator Periodic Account Statements and Annual Financial Reports (RIN: 3038-AC38) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6395. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Payment Eligibility and Payment Limitation; Miscellaneous Technical Corrections (RIN: 0560-AH85) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6396. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8113] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6397. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System; Withdrawal of Rescinded Regulatory Amendments [Docket No.: FR-5351-F-03] (RIN: 2501-AD48) received February 23, 2010, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6398. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Reporting of Fraudulent Financial Instruments (RIN: 2590-AA11) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6399. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment; Approval of Information Collection Request [FNS-2009-0001] (RIN: 0585-AD71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6400. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Revisions in the WIC Food Packages Rule To Increase Cash Value Vouchers for Women [FNS-2006-0037] (RIN: 0584-AD77) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6401. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act [Docket No.: DEA-285F] (RIN: 1117-AB17) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2008-0918; FRL-8438-4] (RIN: 2070-AB27) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Primary National Ambient Air Quality Standards for Nitrogen Dioxide [EPA-HQ-OAR-2006-0922; FRL 9107-9] received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [EPA-R08-OAR-2009-0198; FRL-9102-7] received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Final Clarification for Chemical Identification Describing Activated Phosphors For TSCA Inventory Purposes [EPA-HQ-OPPT-2007-0392; FRL-8798-9] (RIN: 2070-AJ21) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6406. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-319, "Clean and Affordable Energy Fiscal Year 2010 Fund Balance Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

6407. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-320, "Health Care Facilities Improvement Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

6408. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN:0648-XT96) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6409. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No. 0810141351-9087-02] (RIN: 0648-XT95) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6410. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Western Pacific Crustacean Fisheries; 2010 Northwestern Hawaiian Islands Lobster Harvest Guideline (RIN: 0648-XT33) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6411. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.: 0910091344-9056-02] (RIN: 0648-XT71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266-81485-02] (RIN: 0648-XT61) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XU01) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6414. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska, Steller Sea Lions; Correction [Docket No.: 0912011420-91423-01] (RIN: 0648-AY39) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6415. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No.: 0810141351-9087-02] (RIN: 0648-XT42) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6416. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XT87) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6417. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Re-

quirements [Docket No.: 090218199-91223-02] (RIN: 0648-AX38) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6418. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No.: 0810141351-9087-02] (RIN: 0648-XT86) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6419. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention [Docket No.: 070717350-9936-02] (RIN: 0648-AV63) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6420. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 0907301206-0032-02] (RIN: 0648-AY13) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6421. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery; Correction [Docket No.: 080225267-91393-03] (RIN: 0648-AW49) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6422. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Renewal of Atlantic Tunas Longline Limited Access Permits; Atlantic Shark Dealer Workshop Attendance Requirements [Docket No.: 080130104-8560-02] (RIN: 0648-AW46) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6423. A letter from the Deputy Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Swordfish Quotas [I.D.: 020607C] (RIN: 0648-AV10) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6424. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States [Docket No.: 0907241164-91415-02] (RIN: 0648-AY09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6425. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National

Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 0909111273-91431-02] (RIN: 0648-XR09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6426. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Diego Parade of Lights Fireworks; San Diego Bay, CA [Docket No.: USCG-2009-0484] (RIN: 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6427. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, New York, NY [USCG-2008-0456] (RIN: 1625-AA09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6428. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC [Docket No.: USCG-2009-1067] (RIN: 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6429. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2009-0430] (RIN: 1625-AA08) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6430. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-1080] (RIN: 1625-AA11, 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6431. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-1052] (RIN: 1625-AA00) (RIN: 1625-AA87) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6432. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Correction to Composite Loss Discount Factor for Nonproportional Assumed Property Reinsurance in Revenue Procedure 2009-55, 2009-52 I.R.B. 982 received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6433. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule—Qualified Zone Academy Bond Allocations for 2010 [Notice 2010-22] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case Certain Debt Instruments Issued for Property (Rev. Rul. 2010-8) received February 23,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6435. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves (Rev. Rul. 2010-07) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 1137. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-426). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 1031. Resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors (rept. 111-427). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mr. BOUCHER):

H.R. 4753. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 4754. A bill to prohibit the further extension or establishment of national monuments in Montana except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. EHLERS (for himself, Mr. DINGELL, Mr. KIRK, and Ms. SLAUGHTER):

H.R. 4755. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. CUMMINGS (for himself, Mr. BURTON of Indiana, Mr. MEEKS of New York, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. DOYLE, Mr. EDWARDS of Texas, Mrs. DAVIS of California, Mr. MASSA, Mr. MARSHALL, Mr. GRIJALVA, and Mr. DEFAZIO):

H.R. 4756. A bill to provide for prostate cancer imaging research and education; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Ms. BALDWIN, Mrs. CAPPS, Mr. CONYERS, Ms. DELAUNO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Mr. HARE, Ms. LEE of California, Ms. MOORE of

Wisconsin, Ms. SUTTON, Mr. WEINER, Ms. WATSON, Ms. WOOLSEY, and Mr. MARKEY of Massachusetts):

H.R. 4757. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, and Mr. HARPER):

H.R. 4758. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR (for himself, Mr. JONES, Mr. DEFAZIO, Mr. STUPAK, Mr. ARCURI, Mr. BACA, Mr. BARTLETT, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. COSTELLO, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. KAGEN, Ms. KAPTUR, Mr. KILDEE, Mr. KISSELL, Mr. KUCINICH, Mr. MASSA, Mr. MCINTYRE, Mr. MICHAUD, Mr. PAUL, Mr. SCHAUER, Mr. VISCLOSKEY, Mr. WILSON of Ohio, Ms. WOOLSEY, and Mr. STARK):

H.R. 4759. A bill to provide for the withdrawal of the United States from the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4760. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. MAFFEI, Mr. ELLSWORTH, and Mr. DONNELLY of Indiana):

H.R. 4761. A bill to reduce the pay of Members of Congress and eliminate automatic adjustments to such pay, to establish a limit on the aggregate amount which may be appropriated for the Members' Representational Allowances of Members of the House of Representatives, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 4762. A bill to reduce the pay of Members of Congress and dedicate the annual savings to a reduction of the national debt; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 4763. A bill to suspend temporarily the duty on certain rechargeable ultracapacitor long life flashlights; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Ms. TITUS, Mr. LOBIONDO, Ms. JACKSON

LEE of Texas, Mr. BRADY of Pennsylvania, Mr. SMITH of Texas, Mrs. CHRISTENSEN, Mr. SAM JOHNSON of Texas, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. BISHOP of Georgia, Mr. MICA, Mr. OLSON, Mr. BONNER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUNT, Mr. NEUGEBAUER, and Mr. MCCOTTER):

H.R. 4764. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. FILNER, Ms. HERSETH SANDLIN, Mr. WALDEN, Mr. BLUMENAUER, Mr. SCHRAEDER, Mr. WU, Mr. HALL of New York, Mr. CARNEY, Mr. COURTNEY, Ms. BORDALLO, and Mr. PERRIELLO):

H.R. 4765. A bill to amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ELLISON (for himself, Ms. WATERS, Mrs. MALONEY, and Mr. CAPUANO):

H.R. 4766. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009; to the Committee on Financial Services.

By Mr. FORTENBERRY (for himself and Mr. SHULER):

H.R. 4767. A bill to amend the Consumer Product Safety Improvement Act to exempt ordinary books and paper-based printed material from the lead limit in such Act; to the Committee on Energy and Commerce.

By Mr. GRAYSON:

H.R. 4768. A bill to prevent funding provided through the Federal Reserve System from being made available to corporations that finance political campaigns or political propaganda, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Ms. LINDA T. SANCHEZ of California, and Mr. HINCHEY):

H.R. 4769. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in high technology small business concerns; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. KIND, Ms. SCHWARTZ, and Mr. FILNER):

H.R. 4770. A bill to amend the Internal Revenue Code of 1986 to increase the credit for research expenses for 2010 and 2011 and to allow the credit to be assigned; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois:

H.R. 4771. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. WILSON of Ohio, and Ms. FUDGE):

H.R. 4772. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include insulated siding; to the Committee on Ways and Means.

By Mr. KINGSTON:

H.R. 4773. A bill to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 4774. A bill to revise the composition of the Board of Regents of the Smithsonian



Institution so that all members are individuals appointed by the President from a list of nominees submitted by the leadership of the Congress, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 4775. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 4776. A bill to prohibit the Secretary of the Smithsonian Institution from charging a fee for admission to any exhibit which is part of the permanent collection of any museum or facility which is part of any bureau established in or under the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Mr. OWENS:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to provide an exemption for employer payroll taxes during 2010 for wages with respect to the employment of new hires and to provide a credit for retaining employees; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4778. A bill to extend the National Flood Insurance Program to December 31, 2010; to the Committee on Financial Services.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 4779. A bill to amend the Internal Revenue Code of 1986 to encourage the creation and growth of small business and reduce the cost of complying with the tax requirements; to the Committee on Ways and Means.

By Mr. ROONEY (for himself, Mr. MCKEON, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. CHAFFETZ, Mr. POSEY, Mr. GINGREY of Georgia, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. MANZULLO, Mr. LATTA, Mrs. BLACKBURN, Mr. AKIN, Mr. PITTS, Mr. BRADY of Texas, and Mr. GOHMERT):

H.R. 4780. A bill to require the head of an element of the intelligence community to provide to the Secretary of Defense any intelligence information obtained by such element that indicates the involvement of personnel of the Department of Defense with a terrorist organization, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 4781. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum corporate rate of tax to 22 percent; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Ms. BERKLEY):

H.R. 4782. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Natural Resources.

By Mrs. HALVORSON (for herself, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. GENE GREEN of Texas, Mr. MOORE of Kansas, Mr. HINCHY, Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. GRIJALVA, and Mr. WALZ):

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families; to the Committee on Veterans' Affairs.

By Mr. HOYER (for himself, Mr. VAN HOLLEN, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, and Ms. NORTON):

H. Con. Res. 247. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FILNER, Mr. JONES, Ms. WOOLSEY, Mr. CAPUANO, Mr. JOHNSON of Illinois, Mr. PAUL, Ms. BALDWIN, Mr. GRIJALVA, Mr. MASSA, Mr. GRAYSON, Ms. LEE of California, Ms. PINGREE of Maine, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. SERRANO, and Mr. MICHAUD):

H. Con. Res. 248. Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself and Mr. CONYERS):

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. GRIJALVA, Mrs. CAPPS, Ms. MOORE of Wisconsin, and Ms. SUTTON):

H. Res. 1138. A resolution expressing support for the designation of the first week of April 2010 as National Asbestos Awareness Week; to the Committee on Energy and Commerce.

By Mr. ISSA:

H. Res. 1139. A resolution honoring the life and accomplishments of Clare Boothe Luce and recognizing her leadership in the women's suffrage movement and the influence she continues to have today; to the Committee on House Administration.

By Mr. ENGEL (for himself, Mr. POE of Texas, Mr. GENE GREEN of Texas, Mr. PAYNE, Ms. LEE of California, Ms. BALDWIN, Mr. DOYLE, Ms. MATSUI, Mr. NADLER of New York, Mrs. MALONEY, Ms. SCHAKOWSKY, Mr. SMITH of Washington, and Mr. CROWLEY):

H. Res. 1140. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. GRIJALVA, Mrs. KIRKPATRICK of Arizona, Mr. MITCHELL, Mr. PASTOR of Arizona, and Mr. SHADEGG):

H. Res. 1141. A resolution honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court; to the Committee on the Judiciary.

By Mr. PETRI:

H. Res. 1142. A resolution congratulating Silver Lake College for 75 years of service as an undergraduate institution of higher education; to the Committee on Education and Labor.

By Mr. QUIGLEY (for himself, Mr. SHIMKUS, Mr. FALCOMAVEGA, Mr. CARNAHAN, Mr. CROWLEY, Mr. LIPINSKI, Mr. MURPHY of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Mr. HONDA, Mr. WALZ, Ms. NORTON, Mr. SCHOCK, Mr. BLUNT, and Mr. CONAWAY):

H. Res. 1143. A resolution commending the Community of Democracies for its achievements since it was founded in 2000; to the Committee on Foreign Affairs.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mrs. McMorris Rodgers.  
H.R. 413: Mr. KIRK and Mr. GRIFFITH.  
H.R. 442: Mr. BROUN of Georgia and Mrs. SCHMIDT.  
H.R. 450: Mr. BOEHNER.  
H.R. 571: Mr. PERRIELLO.  
H.R. 653: Mr. GRIJALVA.  
H.R. 734: Mr. WOLF, Mr. MCNERNEY, Ms. KILROY, and Mrs. SCHMIDT.  
H.R. 782: Mr. PAULSEN.  
H.R. 872: Mr. MCCOTTER.  
H.R. 886: Mr. PASCRELL and Mr. GENE GREEN of Texas.  
H.R. 930: Ms. SHEA-PORTER.  
H.R. 1023: Mr. BARRETT of South Carolina and Mr. BONNER.  
H.R. 1074: Mrs. SCHMIDT.  
H.R. 1079: Mr. CARNEY and Mr. CARSON of Indiana.  
H.R. 1103: Mr. PIERLUISI.  
H.R. 1126: Ms. SHEA-PORTER and Mr. BRADY of Pennsylvania.  
H.R. 1132: Mr. HOLT, Ms. RICHARDSON, Mr. BARROW, and Mr. PASCRELL.  
H.R. 1138: Mr. ROSS.  
H.R. 1169: Mr. BOUCHER and Mr. ROSS.  
H.R. 1205: Ms. HERSETH SANDLIN, Mr. MURPHY of New York, Mr. RUSH, Mr. BONNER, Mr. WITTMAN, Mr. OLVER, Mr. CASSIDY, Mr. TIBERI, Mr. VISCLOSKEY, and Mr. MARIO DIAZ-BALART of Florida.  
H.R. 1210: Mr. SCOTT of Virginia and Mr. CHANDLER.  
H.R. 1250: Mr. FORTENBERRY and Mr. LEE of New York.  
H.R. 1283: Mr. MOORE of Kansas.  
H.R. 1351: Mr. KINGSTON and Ms. TITUS.  
H.R. 1362: Ms. KOSMAS, Mr. SCOTT of Virginia, and Mr. MILLER of Florida.  
H.R. 1521: Mr. MCNERNEY, Mr. CAMP, and Mr. HERGER.  
H.R. 1625: Mr. HODES.  
H.R. 1643: Mr. GENE GREEN of Texas.  
H.R. 1799: Mr. LAMBORN.  
H.R. 1806: Mr. YARMUTH, Mr. KISSELL, and Ms. TITUS.  
H.R. 1879: Mr. HARPER.  
H.R. 1943: Mr. BISHOP of New York.  
H.R. 1956: Mr. CLAY and Mrs. KIRKPATRICK of Arizona.  
H.R. 1995: Mr. SCOTT of Virginia.  
H.R. 2000: Mr. HARE and Mr. NYE.  
H.R. 2056: Mr. WELCH.  
H.R. 2084: Mr. UPTON.  
H.R. 2251: Mr. MILLER of Florida.  
H.R. 2273: Mr. RYAN of Ohio.  
H.R. 2287: Mr. CHAFFETZ.  
H.R. 2296: Mr. GERLACH.  
H.R. 2350: Mrs. MALONEY.  
H.R. 2373: Mr. JONES.



- H.R. 2377: Mr. ROSKAM.  
H.R. 2378: Mr. DAVIS of Tennessee.  
H.R. 2421: Mrs. CAPPS, Mr. CASSIDY, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. MOORE of Kansas, and Ms. MOORE of Wisconsin.  
H.R. 2425: Mr. EHLERS and Mr. LINCOLN DIAZ-BALART of Florida.  
H.R. 2584: Mr. DUNCAN.  
H.R. 2697: Mrs. HALVORSON and Mr. ROGERS of Alabama.  
H.R. 2746: Mr. TOWNS, Ms. CORRINE BROWN of Florida, and Mr. QUIGLEY.  
H.R. 2849: Mr. OLVER, Mr. DELAHUNT, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. TIERNEY.  
H.R. 2932: Ms. ESHOO.  
H.R. 3125: Mrs. BONO MACK and Mr. BURGESS.  
H.R. 3225: Mr. RYAN of Ohio.  
H.R. 3407: Ms. CORRINE BROWN of Florida, Mr. MICA, and Mr. BOUCHER.  
H.R. 3415: Mr. GALLEGLY, Mr. COSTA, and Mr. BERRY.  
H.R. 3421: Ms. WATERS.  
H.R. 3464: Mr. BOOZMAN.  
H.R. 3506: Mr. LANCE.  
H.R. 3526: Mr. COHEN.  
H.R. 3554: Mr. PRICE of North Carolina.  
H.R. 3577: Mr. REYES.  
H.R. 3578: Mr. KLEIN of Florida.  
H.R. 3615: Mr. SKELTON.  
H.R. 3652: Ms. BALDWIN, Mr. TAYLOR, and Mr. BARTLETT.  
H.R. 3668: Mr. ROSS, Mr. SULLIVAN, Ms. FALLIN, and Ms. LINDA T. SÁNCHEZ of California.  
H.R. 3672: Mr. ORTIZ.  
H.R. 3715: Ms. ROYBAL-ALLARD.  
H.R. 3742: Mr. SIMPSON and Mrs. MALONEY.  
H.R. 3787: Mr. MCGOVERN.  
H.R. 3790: Mr. BARTLETT, Mr. CONNOLLY of Virginia, Mr. GRAVES, Mr. BOSWELL, Mr. SCOTT of Georgia, and Mr. MCCOTTER.  
H.R. 3839: Mr. JONES.  
H.R. 3856: Mr. HODES.  
H.R. 3927: Mr. CAO.  
H.R. 3936: Mr. MASSA and Mr. CLAY.  
H.R. 3943: Mr. PRICE of North Carolina.  
H.R. 3948: Ms. JACKSON LEE of Texas.  
H.R. 3982: Mr. SESTAK.  
H.R. 4036: Mr. COHEN.  
H.R. 4054: Mr. MICHAUD, Mr. ROSS, and Mr. BOUCHER.  
H.R. 4100: Ms. GINNY BROWN-WAITE of Florida.  
H.R. 4112: Mr. EHLERS.  
H.R. 4115: Ms. WASSERMAN SCHULTZ, Mrs. CHRISTENSEN, and Mr. DOGGETT.  
H.R. 4116: Mrs. McMORRIS RODGERS and Ms. HARMAN.  
H.R. 4128: Mr. PRICE of North Carolina.  
H.R. 4149: Mr. CARNEY and Ms. BERKLEY.  
H.R. 4189: Mr. MCHENRY, Ms. GRANGER, Mr. POSEY, Mr. BISHOP of Utah, and Mr. BRADY of Texas.  
H.R. 4202: Mr. CLEAVER.  
H.R. 4241: Mrs. BLACKBURN and Mr. TEAGUE.  
H.R. 4256: Mr. CROWLEY.  
H.R. 4261: Mrs. MYRICK.  
H.R. 4296: Mr. MAFFEI.  
H.R. 4310: Mr. GUTIERREZ, Mr. DEFazio, Mr. FILNER, Ms. KAPTUR, Mr. GRAYSON, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. KAGEN, and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 4329: Mr. LAMBORN.  
H.R. 4330: Mr. GUTHRIE.  
H.R. 4333: Ms. WATSON, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. PASTOR of Arizona, Mr. SCHIFF, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Ms. ZOE LOFGREN of California, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Mr. BACA, Ms. SPEIER, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. WU, Mr. GRAYSON, Mrs. NAPOLITANO, Mr. BOCCIERI, and Mrs. SCHMIDT.  
H.R. 4393: Mr. BILBRAY.  
H.R. 4396: Mr. ROSS and Mr. BOOZMAN.  
H.R. 4399: Mr. PRICE of North Carolina.  
H.R. 4402: Ms. SCHAKOWSKY, Ms. TITUS, Ms. CLARKE, and Ms. CORRINE BROWN of Florida.  
H.R. 4404: Mr. HONDA and Mr. CAO.  
H.R. 4405: Mr. MASSA and Ms. DELAURO.  
H.R. 4411: Mr. DAVIS of Illinois.  
H.R. 4486: Mr. ARCURI.  
H.R. 4509: Mr. MCINTYRE.  
H.R. 4530: Ms. ESHOO.  
H.R. 4533: Mr. PIERLUISI, Mr. RYAN of Ohio, and Mr. STARK.  
H.R. 4539: Mr. HIMES.  
H.R. 4540: Mr. GRAYSON and Mr. HIMES.  
H.R. 4552: Mr. OBERSTAR, Ms. SCHAKOWSKY, and Mr. DINGELL.  
H.R. 4553: Mr. FILNER.  
H.R. 4555: Mr. LATOURETTE, Mr. RAHALL, and Mr. WITTMAN.  
H.R. 4564: Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. RUSH, Mr. WEINER, and Mr. COHEN.  
H.R. 4567: Ms. JACKSON LEE of Texas.  
H.R. 4573: Mr. WEINER.  
H.R. 4594: Mr. OLVER, Mr. KAGEN, and Mr. KIRK.  
H.R. 4598: Ms. MARKEY of Colorado, Mr. HASTINGS of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GRIJALVA, and Mr. MURPHY of New York.  
H.R. 4599: Mr. HINCHEY.  
H.R. 4637: Mr. BISHOP of New York.  
H.R. 4645: Mr. RUSH.  
H.R. 4653: Mr. ADERHOLT and Mr. SOUDER.  
H.R. 4677: Mr. DINGELL, Mr. ELLISON, Mr. STARK, Mr. PASCRELL, and Mr. SHERMAN.  
H.R. 4678: Mr. DINGELL and Ms. PINGREE of Maine.  
H.R. 4687: Mr. COSTA and Mr. FILNER.  
H.R. 4690: Mr. MURPHY of Connecticut and Ms. CASTOR of Florida.  
H.R. 4693: Mr. OWENS.  
H.R. 4705: Mrs. MYRICK.  
H.R. 4709: Mr. FOSTER.  
H.R. 4710: Mr. SHULER, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. KENNEDY, and Mr. GEORGE MILLER of California.  
H.R. 4714: Ms. CORRINE BROWN of Florida.  
H.R. 4720: Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. JONES, Mr. NYE, Mr. POLIS of Colorado, Mr. TEAGUE, Mr. LUETKEMEYER, Mr. CHILDERS, Mr. KISSELL, Mr. BARROW, Mrs. LUMMIS, Mr. TAYLOR, Mr. ROE of Tennessee, Mr. FOSTER, Mr. LOEBSACK, Mr. MINNICK, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. BRIGHT, Mr. PERRIELLO, and Mr. PAUL.  
H.R. 4723: Mr. BONNER.  
H.R. 4727: Ms. ZOE LOFGREN of California.  
H.R. 4738: Mr. FORBES and Mr. LAMBORN.  
H.R. 4748: Ms. LORETTA SANCHEZ of California.  
H.J. Res. 76: Mr. GERLACH, Mr. LATOURETTE, Mr. GOODLATTE, Mr. POMEROY, Mr. BARTLETT, and Mr. ROSS.  
H.J. Res. 77: Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. BONNER, Ms. FOX, Mr. LAMBORN, Mr. SOUDER, and Mr. MARCHANT.  
H.J. Res. 78: Mrs. DAHLKEMPER.  
H.J. Res. 79: Mr. INGLIS, Mr. GARRETT of New Jersey, Mr. CHAFFETZ, Mr. BISHOP of Utah, Mr. FLAKE, Mr. MANZULLO, Mr. LATTI, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. PRICE of Georgia, Mr. AKIN, Mr. MARCHANT, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. MCCLINTOCK, Mr. JORDAN of Ohio, and Mr. LAMBORN.  
H. Con. Res. 137: Ms. WATERS.  
H. Con. Res. 198: Mr. DELAHUNT, Mr. WILSON of Ohio, Ms. HARMAN, and Mr. BURGESS.  
H. Con. Res. 200: Mr. TONKO.  
H. Res. 173: Mr. ARCURI and Mr. FILNER.  
H. Res. 311: Mr. MCGOVERN and Mr. COHEN.  
H. Res. 330: Ms. BORDALLO, Mr. KRATOVL, Mr. JOHNSON of Georgia, Mr. ELLSWORTH, Mr. ROONEY, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. FRANKS of Arizona, Mr. OWENS, and Mr. MURPHY of New York.  
H. Res. 510: Mr. SCHRADER.  
H. Res. 569: Mr. CARNAHAN.  
H. Res. 577: Mr. ARCURI.  
H. Res. 886: Mr. ROONEY and Mr. SMITH of Nebraska.  
H. Res. 950: Mr. COHEN.  
H. Res. 1026: Mr. BURGESS.  
H. Res. 1033: Mr. HOEKSTRA, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, and Mr. SOUDER.  
H. Res. 1053: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa.  
H. Res. 1055: Mr. BRADY of Pennsylvania.  
H. Res. 1090: Mr. COHEN.  
H. Res. 1091: Mr. TONKO.  
H. Res. 1099: Ms. BORDALLO, Mr. WALZ, Mr. SESTAK, Mrs. DAHLKEMPER, Mr. BACA, Mr. COOPER, Ms. CASTOR of Florida, Ms. SCHWARTZ, Mr. MARSHALL, Ms. HIRONO, Mr. LANGEVIN, Mr. TAYLOR, Ms. LORETTA SANCHEZ of California, Mr. HODES, Mr. MICHAUD, Mr. KIND, Ms. BEAN, Mr. SMITH of Washington, Mr. DEFazio, and Mr. BRADY of Pennsylvania.

H. Res. 1116: Mr. HONDA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. WU, Mr. SCHIFF, Mr. LANGEVIN, Mr. KENNEDY, Mr. WAXMAN, Ms. SCHWARTZ, Mr. KILDEE, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mr. CASTLE, Mr. STARK, Mr. COLE, Mr. SPRATT, Mr. COBLE, Ms. CASTOR of Florida, and Ms. RICHARDSON.

H. Res. 1122: Mr. CHANDLER and Mr. WU.

H. Res. 1123: Mr. KLINE of Minnesota and Mr. PAULSEN.

H. Res. 1128: Mr. ROGERS of Kentucky, Mr. LAMBORN, Ms. JACKSON LEE of Texas, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. COSTA, and Mr. KLEIN of Florida.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4529: Mr. PAULSEN.

## SENATE—Thursday, March 4, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of all grace, in the darkness of our limited knowledge, we turn to You for light. Illuminate the path of our Senators so that they may glorify You. Teach them to test all things by their conscience and always strive to do what is right. In these challenging times, strengthen their weakness, bring courage for cowardice and invincible faith for doubts. May they so live that their actions can withstand the scrutiny and judgment of posterity.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

resume consideration of the tax extenders legislation. Today, we will continue to work through the remaining amendments to the bill. Senators will be notified when votes are scheduled. There should be some this morning.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

### HEALTH CARE

Mr. MCCONNELL. Madam President, the American people are asking us to start over on health care. They are asking us to scrap the massive bills Democrats have been trying to force on them. They want us to focus on cost instead. That has been their clear message now for over a year. But yesterday Democrats in Washington said they know better. The President and his allies in Congress made up their minds to turn aside any pretense of bipartisanship and plow ahead on a partisan bill—a partisan bill, by the way, that Americans don't want. In a last-ditch effort to get their way, they have staked themselves to a flawed vision of reform over the wishes of the public. What is that vision? It is a vision of health care whereby the Federal Government would become more involved in the health care decisions of every man, woman, and child in America; where small businesses get hit with new job-killing taxes; where Medicare is slashed for millions of seniors, insurance premiums go up, and Federal taxpayers are required, for the first time ever, to cover the cost of abortions.

The administration and its allies in Congress have tried repeatedly to jam this vision of health care through Congress without success. Now they are doubling down. They have one more tool in their arsenal, and they are deploying it. Meanwhile, the American people are watching all this in utter disbelief. Americans do want reform, but they don't want this. They are fed up because the longer Democrats cling to their flawed vision of reform, the longer Americans have to wait for the reforms they really want, the longer they will have to wait for us to focus on jobs and the economy.

The President did a very good job of laying out the problem yesterday. But the heart of the problem, as he himself described it, is the high cost of care, and the simple fact is, the bill he wants doesn't lower cost. On the contrary, the administration's own experts say

the Democratic plan increases cost. This alone should be reason enough to start all over and put together a list of commonsense, step-by-step reforms that will actually lower cost.

The good news is we already have the list. At last week's health care summit at the White House, both parties acknowledged a handful of reforms on which all of us could agree. That is where we should start, on the things on which we agree.

Unfortunately, even before the summit began, Democrats were already intent on pushing the same old version they were pushing before the summit by any means possible. They couldn't get the old version over the finish line, even with all the backroom deals, the kickbacks, and the buy-offs, so sometime after the Massachusetts election, they hatched a plan to win over wavering Democrats in the House by promising to use some legislative sleight of hand that will only require a slim partisan majority in the Senate. This is outrageous on two counts—first, because the method they are proposing has never been used on such a sweeping piece of legislation; second, because Americans have already told us, loudly and clearly, they don't want this partisan approach. What about public opinion do our friends in the majority not understand? The American people are saying loudly and clearly they don't want us to do this.

What is worse, many of the same Democrats who are now pushing this party-line vote are on record as being foursquare against it for major legislation such as this. Here is what one senior Democratic Senator had to say about party-line votes on major legislation only a few years ago:

I've never passed a single bill worth talking about that didn't have as a lead co-sponsor a Republican. And I don't know of a single piece of legislation that has ever been adopted here that didn't have a Republican and a Democrat in the lead. That's because we need to sit down and work with each other. The rules of this institution have required that—that's why we exist.

I couldn't agree more. Americans expect big bills to command big majorities. That is why this is not a fight between Democrats and Republicans; it is a fight between Democrats inside the beltway and their constituents beyond it.

There is a better way. There is a better path to reform that none of us will regret. It is time to listen to the American people. It is time to work together on the kinds of step-by-step reforms they are asking for. Americans aren't stupid. They know the option they are being presented with—the option of

some massive bill or nothing. That is a false choice.

So let's drop the partisan plan. Let's drop this unsalvageable bill, and let's start over.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Sessions amendment No. 3337 (to amendment No. 3336) to reduce the deficit by establishing discretionary spending caps.

Landrieu modified amendment No. 3335 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in the GO Zones, and for other purposes.

Reid (for Murray) amendment No. 3356 (to amendment No. 3336) to provide funding for summer employment for youth.

Coburn amendment No. 3358 (to amendment No. 3336) to require the Senate to be transparent with taxpayers about spending.

Baucus (for Webb/Boxer) amendment No. 3342 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Stabenow amendment No. 3382 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments.

Feingold/Coburn amendment No. 3368 (to amendment No. 3336) to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

Brown (MA) amendment No. 3391 (to amendment No. 3336) to provide for a 6-month employee payroll tax rate cut.

Burr amendment No. 3389 (to amendment No. 3336) to provide Federal reimbursement to State and local Governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements.

Mr. BURRIS. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we are now on our fourth day of consideration of this important legislation to create jobs and extend vital safety net and tax provisions. This legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs that were extended on a short-term basis earlier this year. It would put cash into the hands of Americans who would spend it quickly, boosting economic demand. It would extend critical programs and tax incentives that create jobs.

This is the legislation that will help half a million workers who lose their jobs nationwide to get help paying for their health insurance under COBRA. This is the legislation that will help nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries keep access to their doctors. This is the legislation that will help 400,000 Americans get unemployment insurance benefits.

This is urgent legislation. We must enact it soon.

We had a productive day yesterday. We disposed of six amendments and rejected a point of order against the bill. As I count it, there are about 10 amendments pending. Those amendments are the underlying substitute amendment, Senator SESSIONS' amendment to impose discretionary spending caps, Senator LANDRIEU's amendment on the GO Zones, Senator MURRAY's amendment on summer employment for youth, Senator COBURN's amendment on transparency, Senator WEBB's amendment on executive bonuses, Senator STABENOW's amendment on AMT credits, a Feingold-Coburn amendment to rescind unused transportation earmarks, an amendment by Senator BROWN of Massachusetts on a payroll tax holiday, and Senator BURR's amendment on a sales tax holiday.

Before Senators offer additional amendments, we need to start processing the pending amendments. I have been advised there will be objection to setting aside the pending amendments for Senators to offer additional amendments until we have addressed some of the pending amendments.

Some of the amendments appear to me to be the sort of thing we could adopt by voice vote, and we are exploring that possibility in connection with at least two of them. On amendments that require a rollcall vote, I am hopeful we can schedule a number of votes starting at 2 p.m. this afternoon to dispose of several amendments. Then we will continue to process the pending amendments throughout the day.

I thank all Senators for their cooperation.

#### SUPPORTING FULL IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT IN SUDAN

Mr. BAUCUS. Madam President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 274, S. Res. 404.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 404) supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 404

Whereas violent civil conflict between North and South in Sudan raged for 21 years, resulting in the deaths of an estimated 2,000,000 people and displacement of another 4,000,000 people;

Whereas the signing of the Comprehensive Peace Agreement (CPA) by the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) on January 9, 2005, brought a formal end to that civil war;

Whereas the United States Government, particularly through the efforts of the President's Special Envoy for Sudan Jack Danforth, worked closely with the parties, the mediator, General Lazaro Sumbeiywo, the members of the Intergovernmental Authority on Development (IGAD), and the United Kingdom and Norway to bring about the CPA;

Whereas the CPA established a 6-year interim period during which the Government of Sudan would undertake significant democratic reforms and hold national elections, and at the end of which the South would hold a referendum on self-determination, with the option to forge an independent state;

Whereas, while the parties have made progress on several parts of the CPA, limited national government reforms have been made and several key issues remain outstanding, notably border demarcation, resolution of the census dispute, and certain preparations for the 2011 referenda for southern Sudan and Abyei;

Whereas the NCP's delay and refusal to follow through on some of its commitments under the CPA has fueled mistrust and suspicion, increasing tensions between northern and southern Sudan;

Whereas research by the Small Arms Survey, published as recently as December 2009, shows that both sides are building up their security forces and covertly stockpiling weapons in anticipation of a possible return to civil war;

Whereas the Government of Southern Sudan continues to face a range of challenges and continues to struggle with problems of financial management, insufficient

capacity, and a limited ability to provide security in parts of its territory, especially in the face of increasing inter-ethnic and communal violence;

Whereas humanitarian organizations and the United Nations report that more than 2,500 people were killed and an additional 350,000 displaced by inter-ethnic and communal violence within southern Sudan throughout 2009;

Whereas the Lord's Resistance Army, a brutal rebel group formed in northern Uganda, has reportedly resumed and increased attacks against civilians in southern Sudan, creating another security challenge in the region;

Whereas the Government of Southern Sudan and the United Nations Mission (UNMIS) have not taken adequate steps to address the rising insecurity and to protect civilians in southern Sudan;

Whereas, despite 5 years of peace, most of southern Sudan remains severely underdeveloped with communities lacking access to essential services such as water, health care, livelihood opportunities, and infrastructure;

Whereas Sudan is scheduled to hold national elections in April 2010, and the people of southern Sudan and Abyei are to hold their referendum on self-determination in January 2011 under the terms of the CPA;

Whereas the holding of these elections, Sudan's first multiparty elections in 24 years, could be a historic milestone for the country and a step toward genuine democratic transformation if the elections are fair and free and all communities are able to participate;

Whereas the existence of laws that grant powers to government security services in Sudan to arrest and detain citizens without charge and recent actions taken by the security forces to restrict freedom of speech and assembly by opposition parties have raised concerns that conditions may not exist for fair and free elections in Sudan;

Whereas the conflict in Darfur is still unresolved, the security situation remains volatile, and armed parties continue to commit humanitarian and human rights violations in the region, raising concerns that conditions may not exist for Darfurians to freely and safely participate in the elections; and

Whereas the security situation in the whole of Sudan has profound implications for the stability of neighboring countries, including Chad, the Central African Republic, the Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, and Uganda: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the critical importance of preventing a renewed North-South civil war in Sudan, which would have catastrophic humanitarian consequences for all of Sudan and could destabilize the wider region;

(2) supports the efforts of President Barack Obama to reinvigorate and strengthen international engagement on implementation of the Comprehensive Peace Agreement (CPA);

(3) encourages all international envoys and representatives, including those of the permanent members of the United Nations Security Council, IGAD, the African Union, and the United Nations, to work closely together and coordinate their efforts to bolster the peace accord;

(4) calls on the parties in Sudan—

(A) to comply fully with their commitments under the CPA;

(B) to refrain from actions that could escalate tensions in the run-up to the 2011 referendum;

(C) to work expeditiously to resolve outstanding issues of the agreement; and

(D) to begin negotiations to resolve post-referenda issues, including resource allocation and citizenship rights in the case of separation;

(5) calls on the Government of National Unity to amend or repeal laws and avoid any further actions that would unduly restrict the freedom of speech and assembly by opposition parties or the full participation of communities, including those in Darfur, in the upcoming national elections;

(6) encourages the international community and the United Nations to engage with local populations to provide assistance for elections in Sudan and popular consultations while also closely monitoring and speaking out against any actions by the Government of Sudan or its security forces to restrict or deny participation in a credible elections process;

(7) calls on the Government of Southern Sudan to work with the assistance of the international community to design and begin implementing a long-term plan for security sector reform that includes the transformation of the army and police into modern security organs and the training of all security forces in human rights and civilian protection;

(8) urges the United Nations Security Council to direct and assist the UNMIS peacekeepers to better monitor and work to prevent violence in southern Sudan and to prioritize civilian protection in decisions about the use of available capacity and resources;

(9) supports increased efforts by the United States Government, other donors, and the United Nations to assist the Government of Southern Sudan to improve its governing capacity, strengthen its financial accountability, build critical infrastructure, and expand service delivery;

(10) urges the President to work with the permanent members of the United Nations Security Council, other governments, and regional organizations at the highest levels to develop a coordinated multilateral strategy to promote peaceful change and full implementation of the CPA; and

(11) encourages the President and other international leaders to strategize and develop contingency plans now for all eventualities, including in the event that the CPA process breaks down or large-scale violence breaks out in Sudan before or after the 2011 referendum, as well as for longer term development in the region following the referendum.

#### RECOVERY, REHABILITATION, AND REBUILDING OF HAITI

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 275, S. Res. 414.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 414) expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I further ask unanimous consent that the resolution be agreed to, the pre-

amble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 414

Whereas on January 12, 2010, Haiti suffered an earthquake measuring 7.0 on the Richter scale, the greatest natural disaster in Haiti's history, which—

(1) devastated Port-au-Prince and the surrounding areas;

(2) killed more than 100,000 people;

(3) injured hundreds of thousands more people; and

(4) left many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere—

(1) has an estimated 54 percent of its population living on less than \$1 per day;

(2) has approximately 120,000 people living with HIV;

(3) had 29,333 new cases of Tuberculosis in 2007; and

(4) has nearly 400,000 children living in orphanages;

Whereas despite these challenges, cautious signs of developmental progress and stability were beginning to emerge in Haiti prior to the earthquake;

Whereas although initial recovery efforts must continue to assist the people of Haiti struggling to secure basic necessities, including food, water, health care, shelter, and electricity, Haiti cannot afford to only focus on its immediate needs;

Whereas various United States and international assessments indicate that the next priority for the Government of Haiti should be to repair the country's basic infrastructure, including its schools, roads, hospitals, telecommunications infrastructure, and government buildings;

Whereas Haiti's leaders have advocated that—

(1) reconstruction should not follow the inefficient practices of the past; and

(2) Haitians should be given the opportunity to accelerate and implement long planned reforms and new ways of doing business in every sector;

Whereas Haiti enjoys several advantages that can facilitate its rebuilding, including—

(1) people committed to education and hard work;

(2) duty-free, quota-free access to United States markets;

(3) a large pool of low-cost labor;

(4) a large, hardworking North American diaspora sending money back to Haiti; and

(5) regional neighbors who are peaceful, prosperous, and supportive of Haiti's success;

Whereas international experience from rebuilding other countries recovering from natural disaster confirms that—

(1) stability and security are essential preconditions to longer-term development; and

(2) economic development and political reform should relieve poverty and foster governance and social justice;

Whereas employment is essential to breaking the vicious cycle of poverty, corruption, insecurity, and loss of faith in democracy;

Whereas the Haitian people, like all people, deserve the income and dignity that gainful employment provides;

Whereas, in addition to providing emergency assistance and relief, the Government of Haiti must grapple with the longer-term issue of how to provide permanent, sustainable shelter to an estimated 1,000,000 Haitians displaced by the earthquake;

Whereas, the impact of natural disaster on Haiti is—

(1) exacerbated by weak building codes and poor infrastructure; and

(2) more fundamentally the result of an impoverished state unable to provide most of its people with minimal public services, including security, clean water, shelter, electricity, health care, and education;

Whereas assistance to Haiti should be delivered in a manner that enhances, not diminishes, the ability of the state to provide services to its people;

Whereas the Haitian state should be rebuilt with communities in a central role in the national recovery process led by the Government of Haiti, so that foreign assistance upholds and empowers Haitian mayors, local councils, and municipalities in areas outside of Port-au-Prince; and

Whereas international donors and non-governmental organizations, which have a responsibility to support the Government of Haiti in its rebuilding efforts, should not supplant the ability of local institutions and the government to manage resources and provide essential services: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the United States Government and the international community to provide resources, manpower, and technical assistance to support the Government of Haiti's leadership of international assistance efforts and to conduct a comprehensive post-disaster needs assessment that will focus on—

(A) social sector services, including access to, and delivery of, basic services, including—

(i) health care delivery, including reinstating disrupted care and addressing new needs;

(ii) all levels of education, including ensuring access to lessons as quickly as possible;

(iii) social support for communities;

(iv) improving the welfare of children; and

(v) recognition of the importance of gender equality and the role of women as economic guardians;

(B) population resettlement, including services and sustainable livelihoods to support new communities and settlements;

(C) stable and democratic governance, ensuring that the Government of Haiti will appropriately steward state resources through a process embracing transparency, civic participation, political moderation, and institutional accountability;

(D) economic sustainability, emphasizing employment generation, macroeconomic stability, and market economy sustainability;

(E) security, ensuring legitimate state efforts to prevent and respond to crime, especially violence, and instilling public order and confidence in Haitian security forces; and

(F) rule of law, developing a just legal framework that—

(i) is accountable;

(ii) provides access to justice; and

(iii) ensures public order;

(2) encourages the United States Government and the international community to support the leadership of the Government of Haiti and key nongovernmental and private

sector Haitian stakeholders to create a comprehensive national strategy for recovery and development that will—

(A) be led by the Government of Haiti;

(B) address the findings from the needs assessment conducted under paragraph (1);

(C) coordinate new resources flowing into Haiti;

(D) channel such resources in concrete and specific ways towards key sectoral objectives identified by the Government of Haiti and its people;

(E) take feasible steps to recognize and rectify the social injustice of poverty, and decrease the vulnerability of the poor, through job creation, the provision of health care, the provision of safe shelter and settlements, food security, and education;

(F) place communities at the center of the rebuilding process, by employing local labor and consulting local leaders and communities for their experience and vision;

(G) encourage rebuilding and development of programs that are environmentally sustainable and respectful and restorative of Haiti's natural resources;

(H) work with the Government of Haiti and the international community to reduce the risk of future disasters, including floods and hurricanes, through the relief and recovery efforts focusing on the most vulnerable communities; and

(I) address the difficult issues related to land use, land tenure, the need for land for reconstruction, and land price escalations;

(3) applauds the international community's response to the preliminary appeal for assistance made at Montreal, Canada, on January 25, 2010;

(4) affirms that—

(A) the international donors conference for Haiti, which will be held in New York on March 22–23, 2010, is an opportunity for Haiti to accelerate and implement long-planned projects and priorities in key infrastructural, economic, and social sectors outlined in a comprehensive national strategy;

(B) large-scale international assistance provides significant leverage to promote change and reform in Haiti; and

(C) the international community should be prepared to fully commit to the outcomes of the New York donors conference, including full disbursement and subsequent implementation;

(5) encourages international financial institutions and international organizations, including the United Nations and the World Bank, to continue their engagement and leadership in support of critical economic and security priorities, including—

(A) economic and social assistance programs;

(B) strengthening Haitian national institutions;

(C) security sector reform;

(D) ensuring fair and legitimate elections; and

(E) supporting political and governance reform;

(6) encourages the International Monetary Fund, the World Bank, and the Inter-American Development Bank, which hold the majority of Haiti's existing external debt obligations, to—

(A) work together to relieve Haiti of its external debt obligations to the multilateral community and bilateral lenders; and

(B) seek considerable new resources for Haiti without adding to Haiti's existing debt obligations, primarily through provision of grants; and

(7) urges the United States Government to ensure unity of effort by assigning a single person to—

(A) coordinate all aspects of United States assistance to Haiti; and

(B) work with Congress to responsibly ensure sufficient appropriations to facilitate the long-term and sustainable recovery, rehabilitation, and development of Haiti.

#### RECOGNIZING THE IMPORTANT PROGRESS MADE IN THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS IN UKRAINE

Mr. BAUCUS. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 422 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 422

Whereas adherence by Ukraine to democratic, transparent, and fair election standards has been necessary for full integration into the democratic community;

Whereas steps undertaken by Ukraine in recent years, including reform of election laws and regulations, the development of a pluralistic and independent press, and the establishment of public institutions that respect human rights and the rule of law, have enhanced Ukraine's progress toward democracy and prosperity;

Whereas the Organization for Security and Cooperation in Europe (OSCE) concluded that "most OSCE and Council of Europe commitments were met" with regard to the conduct of the run-off presidential election on February 7, 2010;

Whereas international monitoring groups concluded that prior elections in Ukraine on January 17, 2010, and in 2007, 2006, and 2004, were also generally in accordance with international election norms;

Whereas the United States has closely supported the people of Ukraine in their efforts to pursue a free and democratic future since the declaration of their independence in 1991;

Whereas the NATO Freedom Consolidation Act of 2007 (Public Law 110-17; 22 U.S.C. 1928 note), signed into law by President George W. Bush on April 9, 2007, recognized the progress made by Ukraine toward meeting the responsibilities and obligations for membership in the North Atlantic Treaty Organization (NATO) and designated Ukraine as eligible to receive assistance under the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note);

Whereas Ukraine has made steps toward integration within European institutions through a joint European Union-Ukraine Action Plan, as part of the European Neighbourhood Policy; and

Whereas the United States-Ukraine Strategic Partnership Commission was inaugurated by Secretary of State Hillary Clinton and Ukrainian Foreign Minister Petro Poroshenko on December 9, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the important progress made by the people of Ukraine in establishing democratic institutions and carrying out peaceful elections on January 17 and February 7, 2010;

(2) supports ongoing progress by Ukraine in addressing remaining challenges in the electoral processes as identified by the Organization for Security and Cooperation in Europe and other international election monitoring entities;

(3) encourages all parties to respect the independence and territorial sovereignty of Ukraine, as well as the full integration of Ukraine into the international democratic community;

(4) pledges further support for the development of a fully free and open democratic system, as well as a transparent free market economy, in Ukraine; and

(5) reaffirms its commitment to engage the Government of Ukraine in further development of bilateral cooperation through the United States-Ukraine Strategic Partnership Commission.

#### SCHOOL SOCIAL WORK WEEK

Mr. BAUCUS. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 426, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) designating the week of February 28 through March 7, 2010, as "School Social Work Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 426

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school educational team, playing a central role in creating a positive school climate and vital partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address emotional, physical, and environmental needs of students so that students may achieve behavioral and academic success;

Whereas, to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of "School Social Work Week" highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 28 through March 7, 2010, as "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with the appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

#### CHILDREN'S DENTAL HEALTH MONTH

#### MULTIPLE SCLEROSIS AWARENESS WEEK

#### SUPPORTING THOSE AFFECTED BY THE NATURAL DISASTERS ON MADEIRA ISLAND

#### IRAQI PARLIAMENTARY ELECTIONS

#### READ ACROSS AMERICA DAY

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 434, S. Res. 435, S. Res. 436, S. Res. 437, and S. Res. 438.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BAUCUS. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. RES. 434

Whereas several national dental organizations have observed February 2010 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

*Resolved*, That the Senate expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.



## S. RES. 435

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities; Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2010, Multiple Sclerosis Awareness Week is recognized during the week of March 8th through March 14th: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to

combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

## S. RES. 436

Whereas on February 20, 2010, a powerful storm hit Madeira Island, the largest of the islands that comprise the Madeira Autonomous Region of Portugal, resulting in a series of devastating flash floods and mudslides;

Whereas the storm caused boulders, trees, and earth to be hurled against buildings, carried away vehicles, and washed away roads and bridges on the south side of Madeira Island, an area that includes Funchal, the capital of the Madeira Autonomous Region;

Whereas 42 people have lost their lives, 151 people have received treatment for injuries at the main hospital in Funchal, and hundreds of people have been displaced;

Whereas the storm destroyed a large portion of the water and communication infrastructure on Madeira Island;

Whereas José Sócrates, the Prime Minister of Portugal, has promised “all necessary aid” to Madeira, and Alberto João Gonçalves Jardim, the President of the Madeira Autonomous Region, has consulted with European Commission President José Manuel Barroso to seek further assistance;

Whereas a Portuguese Navy frigate has dispatched troops to Madeira Island, with Portuguese divers and a medical team also arriving to offer emergency assistance;

Whereas the Government of Portugal has announced 3 days of national mourning for those who lost their lives in this disaster;

Whereas the United States is providing assistance through the Office of Foreign Disaster Assistance of the United States Agency for International Development;

Whereas there are approximately 400 citizens of the United States on Madeira Island, with United States officials continually working to ensure their safety and well-being; and

Whereas a community of approximately 1,500,000 Portuguese-Americans, strongly represented in the States of Rhode Island and Massachusetts, maintain deep and enduring ties with Portugal and Madeira Island: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured by floods and mudslides resulting from the storm that hit Madeira Island on February 20, 2010;

(2) expresses solidarity between the people of the United States and Madeira, recognizing the historical ties between Portuguese-Americans, Portugal, and the Madeira Autonomous Region; and

(3) applauds the courageous rescue efforts of fire, medical, and military personnel and other volunteers in response to the flooding and mudslides.

## S. RES. 437

Whereas on February 27th, 2009, President Obama declared that the United States’ “clear and achievable goal” is “an Iraq that

is sovereign, stable, and self-reliant” and that the United States will achieve that goal by working “to promote an Iraqi government that is just, representative, and accountable”;

Whereas in December 2009, Iraq’s elected officials ended months of deadlock, passed a new election law, and scheduled parliamentary elections for March 7, 2010;

Whereas nearly 100,000 American soldiers, sailors, airmen and Marines continue to serve in Iraq, marking the United States’ largest current overseas deployment;

Whereas Iraq’s future sovereignty, stability, and democracy is threatened by serious internal and external challenges, including—

(1) continuing attempts by Al Qaeda in Iraq to perpetrate mass casualty terrorist attacks intended to paralyze the Iraqi state and reignite sectarian violence;

(2) some surrounding countries’ malign and destabilizing interference in Iraq’s internal affairs and their incomplete diplomatic recognition of Iraq;

(3) unresolved disputes over internal boundaries, including the City of Kirkuk;

(4) incomplete reintegration of Sunni Arab communities in Iraq; and

(5) ongoing incidents of civil and human rights abuses in a diverse, multiconfessional society;

Whereas while the United States appreciates the profound conviction of the Iraqi people to ensure that the Ba’ath party never returns to power in Iraq, the process by which scores of candidates have been disqualified from participating in the March 7, 2010 elections—

(1) has not met international standards of electoral transparency and fairness;

(2) was interpreted by many Iraqis as politically motivated; and

(3) risks diminishing participation in elections;

Whereas the United States has a clear, strong, and enduring national interest in helping the people of Iraq to establish a stable, representative, and democratic state;

Whereas the United States committed, in the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (referred to in this resolution as the “Status of Forces Agreement”) signed in November 2008, to redeploy—

(1) all combat forces from Iraqi cities by June 30, 2009; and

(2) all United States forces from Iraq by December 31, 2011;

Whereas United States combat forces successfully redeployed from Iraq’s cities by June 30, 2009, in accordance with the Status of Forces Agreement, and are likely to early out further reductions in the number of United States military forces in Iraq during the months after the March 7, 2010 elections;

Whereas the United States and Iraq agreed in the Strategic Framework Agreement, also signed in November 2008, to “continue to foster close cooperation concerning defense and security arrangements”;

Whereas the March 7, 2010 elections and the subsequent government formation process will mark a period of exceptional importance for the future of Iraq;

Whereas Iraq conducted provincial elections in January 2009 that were free from widespread violence and the results of which were recognized as legitimate by the international community and the Iraqi people;

Whereas several of Iraq’s main electoral blocs have committed to a Code of Conduct

meant to ensure fair, transparent, and inclusive elections:

Now, therefore be it

*Resolved*, That the Senate—

(1) reaffirms the United States' strong commitment to building a robust, long-term partnership with Iraq that strengthens Iraq's security, stability, economy, and democracy;

(2) recognizes the United States' clear and enduring interest in partnering with the people of Iraq in building a stable, representative, successful, democratic state;

(3) urges the Administration—

(A) to devote continued, high-level attention and support for the people and Government of Iraq toward these goals, in particular during the critical months after the March 7, 2010 elections;

(B) to work with the international community to provide all necessary support for Iraqi elections, including technical support for Iraq's Independent High Electoral Commission and assistance for domestic and international monitoring;

(4) calls upon all parties within Iraq—

(A) to ensure that the March 7, 2010 parliamentary elections are free, fair, inclusive, and without violence or intimidation; and

(B) to refrain from rhetoric or actions that might undercut the legitimacy of such elections or inflame communal tensions;

(5) urges the countries surrounding Iraq—

(A) to refrain from exercising malign and destabilizing interference in Iraq's internal affairs; and

(B) to allow the people of Iraq to determine their own future;

(6) calls for the timely formation of an inclusive, effective, and representative new Iraqi government after the March 7, 2010 parliamentary elections;

(7) reaffirms that, while United States military forces redeploy from Iraq in the months after the March 7, 2010 elections, the United States must remain engaged in partnering with the people of Iraq to help them in building a stable, representative, and successful democratic state;

(8) expresses gratitude to the men and women of the United States Armed Forces, the Foreign Service, and other Federal Government agencies, for their service, sacrifices, and heroism in Iraq; and

(9) commends the people of Iraq for—

(A) the courage they have shown;

(B) the sacrifices they have endured; and

(C) the hard-won gains they have made in fighting terrorism, finding peace, and building democracy.

#### S. RES. 438

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 2, 2010, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 13th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BAUCUS. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TAX EXTENDERS ACT OF 2009—

##### Continued

Mr. WICKER. Madam President, I ask unanimous consent that Senator BARRASSO and I and others be allowed to enter into a colloquy for the next 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. Thank you, Madam President.

#### HEALTH CARE

I come from a background of having earlier been in the State senate and then, after that, the U.S. House of Representatives. Sometimes when I was a State legislator and it looked as though we were making a hash of legislation on the senate side, someone would say: Well, let's pass the bill anyway, and we will clean it up in conference. It was always tempting to send it to conference and hope that cooler heads would prevail and we would get a better work product. Sometimes that happened and worked out well, and sometimes it turned out that we didn't clean it up in conference.

I am reminded of that when I hear about what is being discussed and what now seems to be the clear plan for this Democratic majority and President Obama in moving forward with health care legislation. The House has passed a flawed bill with  $\frac{1}{2}$  trillion in cuts to Medicare, with huge mandates to the States, with tax increases—the largest increase, really, in entitlement big government, in my memory—and the Senate has passed its flawed version not only with those flaws I just mentioned in the House version but also special deals: a special deal for Nebraska, a special deal for Florida and Louisiana, and on and on and on. That is where we are now.

The plan now seems to be that this mistaken bill—the flawed bill the Sen-

ate passed on Christmas Eve—is now at the desk at the House of Representatives, and leadership over there is tempted to take that flawed product, pass it without any changes whatsoever, and send it to the President for his signature. The plan there is not the old legislative trick of we will clean it up in conference; the plan is we will clean it up in reconciliation.

As I mentioned, sometimes that works and sometimes it doesn't. The problem with cleaning it up in reconciliation is that if this Democratic scheme goes forward and we do that, we will not only have a bill in conference to be worked out where if a mistake is made we can vote against it in the end, we will have a statute.

The plan is for the President to sign this flawed Senate product with all the taxes, with all the mandates, with all the special deals and purchases, sign it into law, and then hope the Senate can correct all of those mistakes in reconciliation. If that scheme fails, we will be stuck with a very bad product, and it will be the law of the land and up to some future Congress to deal with. Certainly, it will be the key, top, paramount election issue for the next several months.

If the plan works, if the Democratic scheme works, we will still have this. Maybe the "Louisiana purchase" will be taken out, the "Cornhusker kick-back," the "Gator Aid"—all of the special deals, and then we will have the President's additional taxes and additional Federal regulation that he has recently proposed. So when it is all said and done, even at their best, most optimistic predictions, we will have massive funding mandates to the States. We will have a  $\frac{1}{2}$  trillion cut to Medicare. We will have huge tax increases and a large new entitlement program.

The people don't want this. I heard a Democratic Member of the House of Representatives very articulately stating this on television just this morning. He said people must be out of their minds. This is wrong, according to this Member of the House of Representatives, a Democrat who says he has voted against it before, and he is not going to be one of those who is willing to change his mind.

So I don't want to spend the rest of this year with this flawed legislation as the only campaign issue. It may be our only choice. But I can assure everyone within the sound of my voice of this: If this scheme goes through, if the flawed Senate version is signed into law and we have this reconciliation debate, this will be the No. 1 issue, if not the only issue, and there will be devastation for my friends on the other side of the aisle if they persist in thumbing their noses at the American people and defying the clear will of the American people on this issue.

I am glad to be joined by my friend, Senator BARRASSO, a legislator in his

own right with considerable experience, and a physician. So I am happy to hear the comments of my colleague from Wyoming.

Mr. BARRASSO. I thank the Senator very much.

I agree exactly with what the Senator has said because my experience has been very similar. I served 5 years in the State senate in Wyoming, and before that I was a physician practicing in Wyoming, taking care of so many families.

Just this Monday I was at the Wyoming Medical Center, the largest hospital in our State. It is a hospital where I have previously been chief of staff. What I hear from the people of Wyoming is, I am sure, what the Senator has heard from the people at home in Mississippi.

They say: Why don't you just stop and start over? It is not just the people from our States. In a recent CNN poll, 50 percent of all Americans say it is time to stop and start over. We do need health care reform, but we don't need this 2,700-page bill with all of the unintended consequences that may come with it, all of the new government boards and commissions, a program that cuts \$500 billion from our seniors who depend upon Medicare for their health care, and raises taxes by another \$500 billion.

The American people are saying stop and start over. They know we have good ideas. They listened to that summit last week that I was able to attend at the White House, and they have heard Republicans say to let people buy insurance across State lines. That will help 12 million more people get insurance today. They say let's deal with lawsuit abuse. That will help cut down the cost of these unnecessary tests which are done as defensive medicine.

The American people understand the value of allowing small businesses to join to help more effectively get down the cost of care. That is why half of all Americans say stop and start over. One in four say just stop. Only one in four Americans say, yes; pass the bill. So three and four do not want what the President seems to be wanting to shove through Congress and shove down the throats of the American people. The American people are incensed. That is what I heard in Wyoming this weekend, and I am sure that is what my colleague from Mississippi heard as well.

So the President made his speech yesterday, which seemed to be a new sales pitch, but it is for the same bill. It is why so many folks have said stop, start over, focus on ideas that we know will work. Give individuals as patients, as citizens, rights to make more choices that affect their own lives. Give them those opportunities. We don't need a government bureaucrat standing between the doctor and a patient. We don't need a government bureaucrat. We don't need an insurance bureaucrat.

I see my colleague, Senator COBURN, is on the Senate floor, another physician who has, as have I, fought against government bureaucrats and insurance company bureaucrats all for our patients because we need a patient-centered health care program, and we need health care reform, but we do not need this massive bill.

I also see my colleague from Florida has joined us. He knows we have positive ideas that will make a difference because we need to be focused also on the cost of care. People like the quality of care they are getting. They like the fact it is available. But the cost is what is affecting us. That is why Warren Buffett just on Monday has said we need to focus on cost. They need to take 2,000 pages of nonsense out of the bill and focus on getting the costs under control. And so many of the ideas that the Republicans have brought forth have focused specifically on that.

So I would ask my colleague from Florida, are there things he has heard as he has visited with his constituents and the people in his State that he might wish to add to this discussion right now?

Mr. LEMIEUX. I appreciate my colleague, Dr. BARRASSO, for referring that question to me.

Certainly, the people of Florida are concerned about this bill. They want their costs to go down. They thought the whole reason we were doing this health care bill was to address the skyrocketing costs of health care, which have gone up 130 percent on average over the past 10 years. But what we find out with this bill is not only does it not lower the cost of health insurance for Americans, some Americans are going to have to pay more.

So why would we undertake this huge enterprise of creating a \$1 trillion new program, multitrillion dollars over time, a program that cuts \$½ trillion out of health care for seniors, and raises taxes by \$½ trillion, why would we undertake all of that if we weren't going to reduce the cost of health insurance for most Americans? That is what they think we are doing. They don't think we are creating some brand new entitlement program. They don't want us to do that. They want us to lower the costs.

So Republicans have put forward proposals, and some of them my colleague just mentioned: allowing insurance companies to sell across State lines, trying to get rid of junk lawsuits.

My wife Meike is pregnant with our fourth child. She goes and sees her doctor in Tallahassee, FL—not a big town. He is paying \$120,000 a year in medical malpractice insurance. That affects not only the cost of care, but it also creates defensive medicine which runs up costs. We have some real, concrete, step-by-step solutions on our side of the aisle that will make things better and reduce the cost of health care.

One thing I have had the privilege of working on with Dr. COBURN is going after waste, fraud, and abuse. In the Medicare system, we know there is \$60 billion a year—\$60 billion—in waste, fraud, and abuse. My State of Florida, unfortunately, is the capital of this health care fraud. I will give my colleagues one statistic that I think says it all.

In Miami Dade County, we have 7 percent of the country's AIDS population. Yet reimbursements for health care for AIDS patients in Miami Dade County constitutes 83 percent of what is spent in the entire country. Now, why is that? It is because folks are committing fraud on the system. Health care providers in warehouses and strip shopping centers, or non-existent offices at all—they are not providers; they are just scam artists running the codes, running these medical codes and submitting them to Medicare and Medicaid.

Why shouldn't the first thing we do be to fix the system we have, stop this bleeding of billions of dollars and put it back into Medicare and Medicaid which are programs that are going broke? The President is right. There is a health care emergency in this country, and the No. 1 emergency is Medicare and Medicaid, not creating a new program.

We should make sure that Medicare for seniors is viable. We should stop the waste, fraud, and abuse, and get the money back in Medicare. Then we should do the same thing for Medicaid. Once we have those programs more solvent and we meet the commitments we have already made, then we could take the step-by-step approach on trying to provide lower cost health insurance for people who have it and more access for people who do not.

We have offered solutions, but as we understand it, what is going to happen is they are going to take the Senate bill that was passed on a party-line vote in December on Christmas Eve, send it over to the House, and then try to convince the House Democrats they are going to have a makeup bill that is going to fix their problems and try to send that over here and make us vote on that on a simple majority, which is not what was intended by the rules.

I am new to the Senate, so I want to defer to my colleagues and perhaps the Senator from Oklahoma can speak to this point and whether that is appropriate to do, and also speak to the good step-by-step measures we have to combat the problems with health care.

Mr. COBURN. Madam President, I thank my colleague from Florida. I, along with Senator BARRASSO, attended the summit with the President. If I recall his words, we were going to take 4 to 6 weeks to see if we couldn't work out some compromises to get a bill the American people would accept but we also would accept.

Today marks a week since we had that summit. We had an announcement yesterday that it is time to quit talking, it is time to quit negotiating, and they are going to ram a bill through.

I think there is a big contrast. I appreciate what my colleagues have said. The problem in health care in America is not quality, it is cost. Whatever we do is going to expand the amount of dollars we spend on health care if we add people to it. But if we attack the cost, what we can do is add more people with no increase in cost.

The thing that denies somebody access to health care is not not having an insurance policy, it is having a cost of the system that is unaffordable, whether you have insurance or not.

Malcolm Sparrow from Harvard said he believes 20 percent of all the billings in Medicare are fraudulent. That is over \$100 billion a year. That is \$100 billion just in Medicare. We have good indications there is \$15 billion in fraud in New York City alone in Medicaid, in one city. Why would we not go after the fraud, which is the second largest component of wasted dollars in health care? Some of it the President has accepted. But the No. 1 cost that does not benefit anybody in this country is defensive medicine, and defensive medicine costs up to \$250 billion a year.

Let me tell my colleagues why it is so bad and it is terrible for us to ignore that issue. It is not just that we spend money doing tests on patients. When we do tests on patients, we put them at risk. Let me give an example.

If you go to any emergency room in this country this summer on a weekend, you will see a kid in there who has gotten hit with a baseball. What the standard is now because of the legal system in this country is that child is going to be exposed to radiation from a CT scan, not because they need it but because the ER doctor needs it.

The standard of care should be, if you have reliable adults around the child and the child has no neurologic damage and neurologic signs, watching to see, an expectation in case some signs show up and then you return. But the legal system in this country has entrapped us where we do hundreds of thousands of CT scans on children that none of them need because they get hit with a baseball. The ones who have true neurologic changes do need it. The vast majority do not. There are billions of dollars in one summertime event that gets chewed up that is not there to take care of somebody at a level which they can afford because we have added that on to the cost, not because a patient needs it, because the system demands it because doctors have to protect themselves against untoward extortion lawsuits. To ignore that as a part of this bill says you are not going to go where the money is to cut the costs.

I will summarize very shortly. It is said that Republicans do not have any

plans. We have not said that, the President has. Then when he acknowledges a plan, he acknowledges only one that covers 3 million. We have a plan. I have a plan. Senator BURR has a plan. Senator GREGG has a plan. Senator DEMINT has a plan. Senator ENZI has a plan. They all cover 20 million to 25 million more Americans. They do it by not raising taxes, not stealing money from Medicare, which has a \$37 trillion unfunded liability over the near term. We do all that without increasing the cost. We get a true expansion of coverage without an increase in cost.

What we think would be the right thing to do is to center health care on patients, not the government. This plan has 898 new government programs. It has 1,695 times where the Secretary of HHS will write new regulations for health care. What do you think the consequence of complying with those regulations is going to be in terms of cost? We are adding more cost into the system that does not go to help anybody get well but become compliance costs.

We believe in patient centered, not government centered. We believe in expanding options available to patients—patients—not expanding government. We believe in increasing access, not increasing taxes on people. We believe in reducing costs, not quality.

The bill we are going to have before us, no matter what the shenanigans are to pass it, does not attack the underlying problem, and that is cost. Until we look at cost, we will never get out of the problems with Medicare, and we will never truly improve access for Americans.

I yield to my colleague.

Mr. WICKER. Madam President, I think Senator LEMIEUX and I agree on this point. We owe a debt of gratitude to our colleagues, our two physicians, for making it clear on national television over the course of 7½ hours last week that Republicans have positive ideas, ideas that will work and, frankly, ideas the American people believe in.

I am astonished that after we had such a clear demonstration of ideas not only that are popular, but ideas that need to be given a chance to work, the whole thrust of that 7½-hour discussion has been cast aside, and we are back at this proposal of passing the flawed bill with all of the mistakes that people on the other side of the aisle agree we have made and signing it into law before we do anything else.

I have some comments I want to make about what Senator COBURN called “shenanigans,” the reconciliation process.

Let me say this: “Never intended for this purpose.” “An outrage.” “A non-starter.” “I will not accept it.” “Ill advised.” “A real mistake.” “Not appropriate.” “Undesirable.” Those are all comments of Democratic Members of

the Senate about the concept of cramming this bill through and this procedure I have described and coming back with reconciliation. It is not simply a Republican objection. It is an objection where we have our Democratic colleagues on record.

I hope they will recall their words. I hope there is not some pressure that is going to be issued against my colleagues in the House and in the Senate to do something they do not believe in simply because someone in the White House wants it and is exerting pressure.

The comments I have read were all made by Democrats. I happen to agree with them. We have never under reconciliation attempted something of this magnitude and this substance. It would forever change the legislative process in the House and Senate of the United States if we begin with health care.

I will be happy to yield.

Mr. BARRASSO. If I may, one of the phrases the Senator used about using reconciliation was “hijacking,” hijacking the system, hijacking the way this works. That specific word was used by then-Senator Barack Obama when he was a Senator and very much opposed to this approach.

One of the other things he has said, when we talk about the \$500 billion being cut from our seniors on Medicare, he talks about a program called Medicare Advantage. That is only a part of the area that is involved. For people on Medicare Advantage—and there are about 10 million of them—they know they are on it, and they like the program. There are some advantages. One is it actually works to help coordinate care. It works with preventive care. Those are things that are very important. But there are also cuts in Medicare for nursing homes, for payments to doctors, for home health care, which is a lifeline for people, for hospice care, for care at the end of someone's life. That is all going to get cut under these \$500 billion of Medicare cuts.

Mr. COBURN. Will the Senator yield?

Mr. BARRASSO. Absolutely.

Mr. COBURN. The one problem with the \$500 billion worth of cuts, if you read what the CBO said about that, they said it is highly unlikely Congress will ever effectuate those cuts. If that is true, then that means there is \$500 billion in costs that are not accounted for. So, one, either you are going to undermine the trust fund and actually lessen the available funds for seniors today or you are not, and you are using a ruse and saying we are going to charge this to our children and grandchildren.

Having been in this body for 5 years, this body will not make those cuts. It will not do it.

I want to make one other point. It is this: We recognize there are difficulties

in health care. We recognize that the No. 1 difficulty that is keeping somebody from getting care is the cost of care. This bill does nothing for that. I would go back and worry that when the President said we will look at this for 4 to 6 weeks and now we are less than a week later and he is ramming this through, what is it the American people want us to do? Do they want us to create another entitlement system when every entitlement system we have today is bankrupt and in creating that steal from the bankrupt entitlement systems we have today or do they want a commonsense approach that will go after the cost, that will lessen the cost of care for everybody in America because we will never solve the problem with Medicare and its unfunded liabilities and address the costs.

I see the Senator from Arizona is here, and I am glad he has shown up.

Mr. MCCAIN. Madam President, now that my two favorite doctors are on the floor, I wish to refer them to and ask a question of both of them about a statement that the President just gave. He said:

I believe it's time to give the American people more control over their own health insurance. I don't believe we can afford to leave life-and-death decisions about health care to the discretion of insurance company executives alone. I believe that doctors and nurses like the ones in this room should be free to decide what's best for their patients.

By the way, I hope from now on our doctors will wear white coats on the floor. It would be impressive to me. But that is neither here nor there.

Isn't it true that on page 982 there is created a new board of Federal bureaucrats—the Independent Payment Advisory Board, it is called—required to make binding recommendations to reduce the costs of the Medicare Program? How does that work if the President is saying give the American people more control and there is an independent payment advisory board that is making binding recommendations, I ask my two doctor friends.

Mr. COBURN. There are three very worrisome provisions in this bill. One is the Medicare Advisory Board that the Senator from Arizona just talked about that will decide what gets paid for and what does not, and Congress will either have to agree to it or agree to some other cuts.

The second is the Cost Comparative Effectiveness Panel which says: We do not care what is best for you, this is the cheapest; therefore, this is what you are going to get, which ignores the doctor-patient relationship in terms of what is best for you as an individual patient.

Finally, the Task Force on Preventive Services, which we saw during the debate in December, had recommended women under 50 not get mammograms because it was not "cost-effective." When you look behind that data, it is 1 to 1,480 versus 1 to 1,460, versus 60 years and above, versus 40 to 50.

What happens is, you now have three government agencies that are going to step between the doctor and the patient when it comes to Medicare and Medicaid in this country, and actually it will fall over and they will mandate it on your own private coverage. That is very inconsistent in terms of saying you want doctors to be in control of health care but you have a bill that has three organizations in it that are designed to allow bureaucrats to make the decision on what your care is going to be.

Mr. MCCAIN. Madam President, I ask Dr. BARRASSO, if these provisions were operative at this time, how would that have affected his practice?

Mr. BARRASSO. Well, it would have affected me in several ways. It would have affected my life in that my wife Bobbi is a breast cancer survivor. She had a screening mammogram when she was in her forties—something this Task Force on Preventive Services says was unnecessary. If it hadn't been for that screening mammogram, her cancer would not have been detected. And by having the screening mammogram, which the American Cancer Society and others recommend for women in this country, and following the guidelines of the cancer society as opposed to this new government-mandated guideline, her cancer was detected. She has had three operations, several bouts of chemotherapy, and is alive today, a breast cancer survivor, 6 years later, because she did what scientists and what those who know what is best for patients recommended as opposed to what a government panel might have recommended trying to focus on their cost-effectiveness.

Mr. MCCAIN. So a patient comes to you with a certain orthopedic requirement that requires a certain level of treatment, and what does that do to you as a physician, as well as the patient?

Mr. BARRASSO. It puts the government between you and your patient, which is what you never want to have happen. As Dr. COBURN said, that is the wrong approach. It is not the way medicine has ever been practiced in America. It is not the way patients want it; it is not the way doctors want it. We don't want bureaucrats, whether government or insurance company bureaucrats, between doctors and patients.

As we saw at the health care summit on Thursday of last week, the President kept talking about covering people, health coverage, but he wants to put 15 million more people on Medicaid—a program where half the doctors don't see them because the government pays so little; a program where the Mayo Clinic, which the President has held up as a model for health care in America, says: We can't continue to see Medicaid patients from a number of States because we lose too much money. And now they have said the

same with regard to Medicare. So when they are talking about \$500 billion of cuts to Medicare, the Mayo Clinic, on January 1, said they can't handle additional Medicare patients because last year they lost, they said, \$800 million by taking care of Medicare patients because the government pays so little.

Mr. MCCAIN. On the issue of coming between the doctor and the patient, this legislation, the 2,733 pages, has 159 new boards, bureaucracies, and programs created—159.

When the President says you will be able to choose your health care, how in the world does that in any way comport with the fact that it requires every American to buy health insurance whether they want to or not, which, to me, raises a fundamental question, a constitutional question. Where in the Constitution does it say that we require every American to have a health insurance policy?

Finally, I would say there were a lot of impressive statements made during the Blair House meeting. I thought, frankly, Dr. BARRASSO gave one of the most impressive ones I have heard. The perspective from practicing physicians is something that has all too often been absent from this debate.

I know my colleague paid attention when Congressman PAUL RYAN gave his statement as far as the budgetary implications and the costs to Americans. It has been reprinted in the Wall Street Journal this morning. In 5 or 6 minutes, I think he encapsulated what this legislation does in laying out, in his view, a true 10-year cost of \$2.3 trillion. He points out the gimmickry, and one of them, of course—the elephant in the room—is that you have 10 years of tax increases for  $\frac{1}{2}$  trillion and 10 years of cuts and  $\frac{1}{2}$  trillion to pay for 6 years of spending. Now, where in the world would you have a program that you pay for 10 years in taxes and cuts in benefits and have 6 years of benefits? So the true cost, the true cost over 10 years without the budget gimmickry is \$2.3 trillion, and things such as \$72 billion in claims and money from the CLASS Act—the list goes on and on.

So what I would ask Dr. BARRASSO—we all trust the Congressional Budget Office. There is no doubt we all trust these people and their estimates, but their estimates are only as good as the proposals that are given to them. And I might add—again, I would request Dr. BARRASSO's comments on this—that the President's proposal that was online was really an 11-page statement, and the Congressional Budget Office said they could not give a cost estimate because they didn't have sufficient information. So it is very clear, when you delay revenues until the year 2016, that obviously has budgetary impacts.

Finally, I would ask Dr. BARRASSO to talk about this so-called doc fix which has been counted in the budget as reducing cost, and everybody knows we

are not going to cut physician payments for treatment of Medicare patients. I think that would be an important one for Dr. BARRASSO to discuss because I think it really encapsulates the kind of budget gimmickry that has gone on in the formation of this legislation.

Mr. BARRASSO. Madam President, I ask unanimous consent to continue for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, if I could, several things. There is a wonderful PAUL RYAN op-ed in today's Wall Street Journal, and I would recommend it to anyone to look at that because he specifically points out that the President's own chief Medicare actuary says the Senate and House bills are bending the cost curve up, making the costs go up, which is what you hear if you go to a town meeting in Arizona or in Wyoming. When you ask people: If this bill passes, will the cost of your own care go up, the hands go up. When you say: Well, how about the quality; will the quality of your care go down? Again, the hands go up. So that is a continual concern of people all across America, which is why three-quarters of Americans have told CNN it is time to either just completely stop or stop and start over and only one-quarter of Americans support this proposal, because they realize this is going to do that.

The Senator from Arizona mentioned, and it was interesting, the 11 pages from the President. The gimmicks are still there. They may have taken out one of the gimmicks, but the spending gimmicks are there, plus the Louisiana purchase, the special carve-out for 800,000 people in Florida who are on Medicare Advantage. They are protected, but there are another 10 million Americans who will lose their Medicare Advantage.

Then the question came up of what we refer to as the "doc fix." The way the numbers are moved around—

Mr. MCCAIN. For the benefit of our colleagues, could the Senator explain exactly what the doc fix means and how we got to it?

Mr. BARRASSO. Right now—and we just passed a 1-month extension the other night—Medicare is supposed to cut the fees for all doctors across the country by 21 percent. Seniors know Medicare underpays right now. As one of my colleagues in the State senate in Wyoming used to say, government is the biggest deadbeat payer because they do not even pay enough to cover the cost of the care that is delivered in our hospitals. With ambulances, they do not cover enough to pay for the gas to fill up the ambulances to go the long distances we have in Arizona or in Wyoming.

But right now, to deal with some promises that were made years ago, the

fees for physicians should be cut 21 percent, according to Medicare. A number of years ago, they were supposed to cut it by 1 or 2 percent, and they said: Well, we will not cut it, but next year we will cut it by 4 percent and then next year 8 percent and then 10 percent. Well, now they have continued to kick the can down the road enough so that this year they are supposed to cut the fees for physicians by 21 percent.

Mr. MCCAIN. Which could not happen.

Mr. BARRASSO. It could not. According to the President's budget numbers and the way this bill is written and the financial gimmickry, they want to cut physician fees for Medicare by 21 percent and keep them frozen for the next 10 years. So it is cut and freeze for 10 years, and they use that as one of the additional financial gimmicks.

Well, if you do that to the doctors in the country, who are already reluctant to see Medicare patients because the payment is so low—the Mayo Clinic said they are not going to see new Medicare patients because the reimbursement at today's rates is so low—if you drop them 21 percent additionally at a time when the Congressional Budget Office says one-fifth of the hospitals and one-fifth of the doctors' offices in this country will be unable to continue to be solvent 10 years from now if this bill goes into place—we know without a question that we cannot allow that to happen. Congress knows that, the doctors know that, the American people know it. Everybody knows it except, apparently, the people writing the health care bill, who say: Oh, this is actually going to save money in the long run. When people look at this in an honest way, they know this is going to drive up the cost of care and make the quality of care for our American citizens go down.

Mr. MCCAIN. Madam President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal piece authored by Congressman PAUL RYAN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

DISSECTING THE REAL COST OF OBAMACARE

(By Paul D. Ryan)

(The following are remarks made by Congressman Paul Ryan of Wisconsin, the ranking Republican on the House Budget Committee, about the cost of the House and Senate health-care bills at President Obama's Blair House summit on health care, Feb. 25.)

Look, we agree on the problem here. And the problem is health inflation is driving us off of a fiscal cliff.

Mr. President, you said health-care reform is budget reform. You're right. We agree with that. Medicare, right now, has a \$38 trillion unfunded liability. That's \$38 trillion in empty promises to my parents' generation, our generation, our kids' generation. Medicaid's growing at 21 percent each year. It's

suffocating states' budgets. It's adding trillions in obligations that we have no means to pay for . . .

Now, you're right to frame the debate on cost and health inflation. And in September, when you spoke to us in the well of the House, you basically said—and I totally agree with this—I will not sign a plan that adds one dime to our deficits either now or in the future.

Since the Congressional Budget Office can't score your bill, because it doesn't have sufficient detail, but it tracks very similar to the Senate bill, I want to unpack the Senate score a little bit.

And if you take a look at the CBO analysis—analysis from your chief actuary—I think it's very revealing. This bill does not control costs. This bill does not reduce deficits. Instead, this bill adds a new health-care entitlement at a time when we have no idea how to pay for the entitlements we already have.

Now let me go through why I say that. The majority leader said the bill scores as reducing the deficit \$131 billion over the next 10 years. First, a little bit about CBO. I work with them every single day—very good people, great professionals. They do their jobs well. But their job is to score what is placed in front of them. And what has been placed in front of them is a bill that is full of gimmicks and smoke-and-mirrors.

Now, what do I mean when I say that? Well, first off, the bill has 10 years of tax increases, about half a trillion dollars, with 10 years of Medicare cuts, about half a trillion dollars, to pay for 6 years of spending.

Now, what's the true 10-year cost of this bill in 10 years? That's \$2.3 trillion.

[The Senate bill] does [a] couple of other things. It takes \$52 billion in higher Social Security tax revenues and counts them as offsets. But that's really reserved for Social Security. So either we're double-counting them or we don't intend on paying those Social Security benefits.

It takes \$72 billion and claims money from the CLASS Act. That's the long-term care insurance program. It takes the money from premiums that are designed for that benefit and instead counts them as offsets.

The Senate Budget Committee chairman [Kent Conrad] said that this is a Ponzi scheme that would make Bernie Madoff proud.

Now, when you take a look at the Medicare cuts, what this bill essentially does [is treat] Medicare like a piggy bank. It raids a half a trillion dollars out of Medicare, not to shore up Medicare solvency, but to spend on this new government program.

. . . [A]ccording to the chief actuary of Medicare . . . as much as 20 percent of Medicare's providers will either go out of business or will have to stop seeing Medicare beneficiaries. Millions of seniors . . . who have chosen Medicare Advantage will lose the coverage that they now enjoy.

You can't say that you're using this money to either extend Medicare solvency and also offset the cost of this new program. That's double-counting.

And so when you take a look at all of this; when you strip out the double-counting and what I would call these gimmicks, the full 10-year cost of the bill has a \$460 billion deficit. The second 10-year cost of this bill has a \$1.4 trillion deficit.

. . . [P]robably the most cynical gimmick in this bill is something that we all probably agree on. We don't think we should cut doctors [annual federal reimbursements] 21 percent next year. We've stopped those



cuts from occurring every year for the last seven years.

We all call this, here in Washington, the doc fix. Well, the doc fix, according to your numbers, costs \$371 billion. It was in the first iteration of all of these bills, but because it was a big price tag and it made the score look bad, made it look like a deficit . . . that provision was taken out, and it's been going on in stand-alone legislation. But ignoring these costs does not remove them from the backs of taxpayers. Hiding spending does not reduce spending. And so when you take a look at all of this, it just doesn't add up.

. . . I'll finish with the cost curve. Are we bending the cost curve down or are we bending the cost curve up?

Well, if you look at your own chief actuary at Medicare, we're bending it up. He's claiming that we're going up \$222 billion, adding more to the unsustainable fiscal situation we have.

And so, when you take a look at this, it's really deeper than the deficits or the budget gimmicks or the actuarial analysis. There really is a difference between us.

. . . [W]e've been talking about how much we agree on different issues, but there really is a difference between us. And it's basically this. We don't think the government should be in control of all of this. We want people to be in control. And that, at the end of the day, is the big difference.

Now, we've offered lots of ideas all last year, all this year. Because we agree the status quo is unsustainable. It's got to get fixed.

It's bankrupting families. It's bankrupting our government. It's hurting families with pre-existing conditions. We all want to fix this.

But we don't think that this is the . . . the solution. And all of the analysis we get proves that point.

Now, I'll just simply say this. . . . [W]e are all representatives of the American people. We all do town hall meetings. We all talk to our constituents. And I've got to tell you, the American people are engaged. And if you think they want a government takeover of health care, I would respectfully submit you're not listening to them.

So what we simply want to do is start over, work on a clean-sheeted paper, move through these issues, step by step, and fix them, and bring down health-care costs and not raise them. And that's basically the point.

Mr. MCCAIN. Finally, Madam President, I find it incredibly cynical to tell the American people that the cost of this reform is going to be I believe \$371 billion less than we all know it actually will be.

I ask Senator BARRASSO, if those cuts were ever enacted, what is the prospect of any of the overwhelming majority of doctors just saying: I am not going to treat Medicare patients.

Mr. BARRASSO. We are going to see that. We will see that across the board. I was at our hospital in Wyoming on Monday talking to physicians who take care of everyone, and they have great concerns because they say at that rate they can't afford to keep the doors open, if the Medicare cuts go through, the cuts the President says will have to go through if, in fact, he wants to hold up the numbers he continues to talk about.

Mr. MCCAIN. Well, I hope we will continue to be on the floor. Again, we

need to talk about what the President said during his campaign about many things but including what I saw this morning on FOX News where he said you shouldn't govern with 50-plus-1 votes, that he was in opposition to that. I am sorry he does not remain in opposition to that.

I thank Dr. BARRASSO and the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are now on a bill to extend tax cuts, to extend certain payments for unemployment insurance, COBRA subsidies, and so forth. This is a jobs bill. This is a safety net extenders bill. This is not a health care bill.

Four Senators just spoke—I think there were four; six of them altogether—basically being very critical of the health care reform bill we passed in the Senate, very critical of the President's effort to pass health care reform. I think some of the misstatements made deserve a response.

The Senator from Mississippi called the Senate health care bill a massive tax increase. The Senator is simply mistaken. That is not correct. The health care reform legislation is, in fact, a major tax cut. It is not a tax increase but a major tax cut. The Senate passed a health care bill that provided more than \$400 billion in tax cuts for Americans to buy health insurance—\$400 billion in tax cuts. Those were tax credits given to Americans to buy health insurance. That sounds like a tax cut to me. This is the largest tax cut for individuals since the record tax cuts of 2001.

The junior Senator from Wyoming said: We need to stop and start all over again. Anyone who has paid any attention to the debate on health care reform for any amount of time knows the opportunity to pass health care reform comes around about once in a generation. It doesn't happen all the time. In fact, I think it was Teddy Roosevelt who first attempted to pass health care reform. So it has been 67 years.

We are on the cusp of passing major health care reform now. We all know health care reform must pass. Why? To address the Draconian cost increases that families, companies, and budgets are facing; to reform the health care insurance industry. If we do not do it now, don't reform health care now, believe me, this country is going to be digging itself into a pretty deep hole.

This comes along once in a lifetime. So a call to stop and start over again in reality is a call to kill health care reform. That is what that is. When you hear anybody saying let's stop and start all over again, really what they want to do is kill health care reform. That is the whole point of it all. Stopping and starting all over again sounds to me like nobody has paid any attention to where we are.

This Senator does not like to be partisan at all. Most Senators don't like to be partisan. But the fact is, the other side of the aisle never presented a comprehensive health care reform proposal. There was never an alternative. In my judgment, it was a disservice to the American people that the other side did not present anything that could be called comprehensive health care reform so we could debate it. The proposal offered by the Finance Committee and offered by the HELP committee, merged together into one, that was basically the Democratic version. There was an opportunity to debate that as well as debate the one offered by the other side, but they didn't ever offer one. Instead, what did they do? They just picked and tried to find holes and criticize.

It is easy to criticize; anything can be criticized. If you are halfway intelligent you can make any criticism that is inaccurate sound pretty good. That is basically what has happened, a constant barrage of criticism and very little good-faith effort to try to find a common solution.

There was an effort a while ago when Senator GRASSLEY and I and Senator ENZI, Senator CONRAD, and Senator SNOWE worked hard to try to find a solution. We worked for days and months. Frankly, to be totally candid about it, the other side decided it was better politics just to kill health care reform than it was to try to find a solution. That is why the three Republicans I was working with, frankly, had to withdraw. They withdrew because there was so much political pressure on them from their leadership to kill the bill.

Senator SNOWE stayed with us for a while, but even—I don't want to put words in Senator SNOWE's mouth or try to speak for her. She can decide what she wants. But even she came under tremendous pressure not to find a solution.

Any effort to start all over again is really a very thinly veiled call to kill health care reform.

Instead of passing health care reform, the Senator from Wyoming said he wanted a series of ideas. One idea he talked about is to allow people to buy health insurance across State lines. I am sure he did not really mean this, but if he thinks that is the sole solution to health care reform, I think most Americans who were denied coverage because of preexisting conditions, who face all kinds of problems from the health insurance industry, wouldn't agree with that. But, nevertheless, I might say the bill that passed the Senate does allow insurance to be sold across State lines—maybe not quite as freely as the opponents on the other side of the aisle would prefer, but we do allow insurance to be sold across State lines. Why? Because we want competition. We want people to choose.



People should have the ability to choose what health insurance plan they want.

There is very little competition now. In many States maybe one or two companies dominate. There is very little competition. That is not right. Allowing insurance companies to sell across State lines will allow more competition, allow people a better choice, but it should be done in a way that is fair to the American public.

One of the big problems is, if companies are allowed to sell across State lines willy-nilly without some protections, I will tell you what is going to happen. It is going to be a race to the bottom. Insurance companies are going to race to find the State that has the lowest standards, and that is where they will set up and then they will sell across the country.

What that means is somebody who resides in a State that has pretty high standards but finds the only policies being sold are those sold by companies registered in a State with low standards is going to have very low-quality insurance.

What we want is fairness, evenhandedness, some balance so people are able to buy insurance freely and have their choice to buy insurance; which is to say, the basic approach the majority has taken in health insurance reform is to basically maintain the current system.

Today we spend about \$2.4 or \$2.5 trillion on health care. That is a total figure—about half public and half private. The half public is Medicaid, Medicare, Children's Health Insurance. That is about half. The other half is private; it is commercial insurance. That is the way it should be. That is our American way. We are not Canada. We are not Great Britain. We are not Sweden. We are not Japan. We are America. In America we have a system which is basically 50-50: half public, half private.

This legislation before us today maintains that allocation, maintains that ability for people to continue to buy private insurance. It maintains the ability for people to have more—in fact more choices, more competition, more opportunity to buy insurance, especially when the exchanges are set up.

I say to my good friend from Wyoming, who says: Gee, here is an idea. Why not let people buy insurance across State lines, we do that. We do allow people to buy across State lines, but that is after we have a level playing field. We want to make sure insurance sold across State lines is quality insurance, not insurance that is of very low quality. We also allow in the major legislation insurance to be sold across State lines when the exchange is set up.

The Senators from Wyoming and Oklahoma talked about something else. They talked about tort reform. I must say, when the Senator from Okla-

homa, one who talks about tort reform, speaks—first of all, he said our bill ignores tort reform. That is not true. Our legislation does not ignore tort reform. Frankly, we begin with a series of steps. We begin to build, State-by-State, programs to try out some of the best ideas to address lawsuit reform in which, basically, States have the ability to try different measures. They can try courts, health courts; they can try something similar to workers comp or they can set up a system similar to tort reform—lawsuit reform in the State of Michigan. It is called "sorry works." If it is a bad outcome, the hospital, the physician goes to the patient and says: I am sorry, it didn't work out. They have a long talk about it and negotiate out a settlement. If they reach an agreement, that is great. If they do not, then the statements used by the physician, if there is a subsequent suit, cannot be used. We do begin to go down the road of lawsuit reform in the major bill.

The Senator also talked about people joining to buy insurance in associations. I might say, again, our bill allows that. Our bill allows that and much more. When you hear people talk about the bill to join in association health plans, it is important to also point out to people that is quite restrictive. First of all, it is restrictive in the sense it is available only to members of that association. It is not available to other people. I think we want to make sure we set up pooling arrangements so all Americans have the availability of pooling.

In addition, who joins associations? The companies join them. What about the employees? The employees—the companies might be members of an association, pooling, but it might not be in the best interests of or what the employees want. It really cuts out employees.

The pooling we allow in our underlying bill is real pooling. It is honest-to-goodness pooling. Frankly, the real pooling will occur when the exchange is set up because then companies will be able to sell across lines in the insurance exchange and also where a lot more people will be involved, which will enable us to have the same benefits of pooling.

I might also say a point about the exchange. Right now, if you get on your computer, if you want to find the lowest airline ticket, what do you do? You go to Orbitz or you go to Expedia; you go to Travelocity, to these various outfits, and you look around and say: Oh, I like this fare. Oh, no, wrong day.

So you can shop online. That is basically what we are talking about in the insurance exchange. Just like Orbitz, just like Expedia, you get online and you can shop and you can find the right fares. It is going to be easier because we are requiring insurance forms to be standardized and much more simplified

so people can understand the choices they are pursuing and make the choices they want.

I just want to make clear the Senate knows when the Senator from Wyoming talks about associations, he is really talking about pooling. Our underlying bill has pooling, and I think even better pooling.

The Senators from Oklahoma, Mississippi, and Wyoming expressed shock at the prospect of health care being addressed in a budget reconciliation process. The Senator from Oklahoma said the reconciliation process means "ramming it through."

What my colleagues fail to remember is that this body has used budget reconciliation 22 times. This is nothing new. And 17 of those times it was the Republican Party, controlling either the Congress or the White House, when reconciliation was used. Most of the time that we had reconciliation bills they included measures on health care. Health care is no stranger to the reconciliation process. I want to make that clear. Health care is no stranger to the reconciliation process.

I am not talking about just minor provisions in health care. The budget reconciliation was the process by which the Republican Senate passed the COBRA health insurance bill—under reconciliation, the Republican Senate passed it. COBRA, after all, stands for Consolidated Omnibus Budget Reconciliation Act of 1986.

The Senate used that process, reconciliation, to create the Children's Health Insurance Program in 1997. That was a very significant health insurance program created under reconciliation in 1997. So health care is no stranger to this reconciliation process. It is actually the exception when Congress has done health care reform outside of reconciliation. That is the real truth.

The Senator from Arizona questioned the constitutionality of requiring people to buy insurance. My colleagues want health care to be thrown out if these charges are true. The fact is, the vast majority of scholars who have considered the matter said the commerce clause and revenue clause in the Constitution give the Congress ample authority to address the responsibility of people to buy insurance. This has been addressed many times.

Certainly, somebody can trot out a law professor or somebody who can make a contrary claim. But our committee, the Finance Committee, looked at this issue very thoroughly. We searched out lots of law professors. We had to find out if this is constitutional, and the weight, the far weight of constitutional scholarship is, in fact, this is constitutional.

So when the Senators stand here and say it is not constitutional—they are entitled to their own opinions. That is fair. That is why we debate. But I

might say, when one studies literature and quizzes constitutional law professors, the vast majority, the balance of opinion is that this is constitutional.

I might add that most States require people to buy auto insurance right now. Is that unconstitutional? Is that unconstitutional for the State to require purchase of liability insurance if you want to operate a car? I don't think so.

The Senator from Wyoming said our bill would bend the cost curve. He said the bill would raise health care costs. That is not true. Flatly, simply, categorically, positively not true. The nonpartisan Congressional Budget Office says the underlying bill would reduce the Federal Government's commitment to health care in the second 10 years—reduce. That does not sound like costs are going up.

Our bill, according to the Congressional Budget Office, would also cut costs for the taxpayer. First of all, the CBO said the legislation, the health care legislation reduced the deficit by \$132 billion in the first 10 years and between \$630 billion and \$1.3 trillion in the second 10 years. That is a cut—cut deficits.

Let me just make a point there. We have large budget deficits, as the rest of the world knows. They have to be reduced.

Health care reform is a step toward reducing our fiscal deficits. It is a very significant step. As Peter Orszag said, the once head of the Congressional Budget Office, now head of OMB: The path to reducing our fiscal deficit situation is through health care reform.

We need health care reform to get budgets—family, company, and government—under control. To repeat, our bill, according to CBO, would cut costs to taxpayers, reduce deficits by \$132 billion the first 10, the point I just made, and then about \$1 trillion in the next 10.

To summarize, our bill provides real cost control. That is what is needed, real cost control. Our bill reforms incentives for the Tax Code to encourage smarter shopping for health insurance.

I might say, if this side over here wants us to stop and start all over again, what is going to happen? It means all those people today—and there are millions of them—who are denied quality health insurance because of a preexisting condition will be unable to get good health insurance.

Basically, those who say, stop and start over are saying: We want you who cannot get good health insurance because of a preexisting condition to continue to not get good health insurance because of a preexisting condition. That is basically what they are saying. That is not right. That is not right at all.

It reminds me, too, of a fellow in my home State of Montana. A few years ago, I was talking to him and he said:

MAX, I feel just awful. I have a small construction firm, I have six or seven people in my firm, and there is one person who has been with me for 20 or 30 years. My insurance company informed me my premiums are now going to go up 40 percent. I asked why. Because one of your long-time employees has a pre-existing condition, and you have to either let him go—and then your rates will only go up 20 percent—or if you keep him, your rates are going to go up 40 percent.

That put this fellow, the owner of the firm, the guy I was talking to, in an untenable position. So what did he do? He shopped around. He looked and looked to try to find another insurance company that would not raise his premiums so much. Finally, he found one. His rates went up but not a full 40. I have forgotten how much they went up. But it was wrong for him to be in that position because he was not going to fire that person who was such a good person who had been with him for such a long period of time.

So our bill would begin reforming the way the government pays for health care. Right now the government pays for the number of services performed; our bill will begin to help the government pay for quality—a very important point. I think this is the real game changer, this is what is going to make a difference over time, is how we pay for health care. About 5, 6, 7 years from now, when these provisions kick in, we are going to be very happy we took the first step because that is what is going to make a big difference.

So I say my colleagues on the other side of the aisle threw a whole lot of criticisms at our bill just now, but because you say something does not mean it is true. Frankly, that is why I thought it important to stand and set the record straight because what they are saying is not true.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, we have before us a number of issues. On the floor today is a jobs bill. It is a critically important bill because so many Americans are out of work, and we are trying to find ways to keep families together while they are unemployed, but also to provide health care, which is one of the first casualties of losing one's job. This bill also tries to help several States facing disasters by providing assistance on an emergency basis. It extends tax relief to individuals and businesses and helps workers

to plan for their futures by helping businesses afford their pensions. It is a good bill. It should pass. Yesterday we had a series of amendments filed, eight different amendments. There are others that will be pending soon. I hope this particular bill will not be filibustered by the Republican side of the aisle. There ought to be at least bipartisan agreement that if we allow amendments on both sides and everybody gets their chance, at the end of the day we will actually vote for the bill. I am afraid, though, that we are facing another filibuster such as the Bunning filibuster on unemployment.

What that does is drag this out additional days, additional weeks. While the people of this country are impatient, if not angry, with Congress, unfortunately these filibusters from the other side of the aisle just add to the frustration. I hope the Republican leadership will join us now in a bipartisan effort to help create jobs. We need to have help for small businesses. Most of us understand that is the engine that will help bring us out of the recession. These small businesses, if they can stay in business and add an employee, can make a significant difference in terms of whether this recession is long or short. I hope the Republicans will decide to work with us in good faith on this jobs bill. It is in the best interest of all Americans, regardless of party. If we are going to get our country moving again—and we get moving again—we have to stop these filibusters such as the one that tied us up for 5 or 6 days over the weekend and literally cut off the unemployment checks for thousands of Americans who are out of work through no fault of their own.

We also have to look at the issue which is perhaps one of the major challenges facing us between now and the next few weeks, and that is the issue of health care. Yesterday the President came forward, after his health care summit, and said to Republican leaders: We will accept four major provisions you brought up at the health care summit in a good-faith effort to bring you into this conversation so that we can have a bipartisan bill, a good dialog, and a bipartisan vote.

Unfortunately, the President's gesture did not lead to this kind of Republican cooperation. It is never too late. I hope some will still consider joining us. I think they should understand the President believes, as I do, that there are good ideas coming from the other side of the aisle and that the sooner we can bring them into one bill for the good of the country, the better.

Only this morning, I received an e-mail from a member of my family. She told me about a situation in Texas where one of the workers at an office where she knows some people was diagnosed with a serious cancer and is now facing an extraordinary effort to save her life. Chemotherapy and radiation

are going to be her lot in life for some time as she struggles with this dread disease which has affected the lives of so many of us and our families. It is going to cost about \$5,000 a week for the therapy she needs to save her life.

She was notified not only of this diagnosis and the need for this extraordinary care, she was also notified that her health insurance had been canceled. It is a situation which, sadly, faces too many people. People who have paid their health insurance premiums for a lifetime find out when they need this health insurance the most, it is canceled for a variety of reasons. One of the most common is the argument of the insurance company that one has a preexisting condition which they failed to disclose. I saw a list recently of preexisting conditions. It is a very long list. It includes things which most people would be surprised to read. Did you have acne as a teenager? Is there an adopted child in your household? Things such as this are used by insurance companies to deny coverage to people. The health care reform bill we are working on wants to put an end to these outrageous practices by health insurance companies. It makes it clear that to deny coverage for a preexisting condition is going to become a thing of the past. I would say that any and all of us should take heart in knowing that protection will be there for us when we need it.

It also will stop health insurance companies from putting limits on the amount of money they will pay out. We know what happens when you pay \$5,000 a week for cancer therapy. It runs into large amounts of money, and some insurance companies at some point just walk away from you.

We also try to expand the coverage of young people under health insurance. My wife and I raised three children. When they reached the age of 24, our family health insurance no longer covered them. We want to extend that to age 26. That will mean many young people who are coming out of college—out of work and looking for a job—will at least have the health insurance protection of their family while they are looking for their first job and their own health insurance protection. I think that is reasonable.

When some argue, as we have heard from the other side of the aisle, that we are really going too far and too fast when it comes to health insurance, I would say these basic facts I have given you are the realities that face Americans, and if we do not deal with these health insurance injustices, if we do not deal with this unfairness, then, frankly, we will continue to pay huge amounts for health insurance and it will not be there when you need it.

This week, the mayor of a downstate city in Illinois—Kankakee—told me that this city of 28,000 people, with 200 employees and an annual budget of \$20

million, 10 percent of which goes for the health insurance for their employees, was rocked to learn they are not only facing a recession, which has cut back on city revenues, but they face an 83-percent increase in their health insurance premiums next year. They are going to try to negotiate with the health insurance company, increase the copays and deductibles individuals have to pay, cut the coverage. That is their only way out of this terrible situation.

But they are not alone. Blue Cross and Blue Shield's Anthem policies for individuals in California recently announced they were going to increase annual premiums by 39 percent. Another friend of our family was notified yesterday her insurance premiums are going up 35 percent next year.

How long can families and businesses deal with this? The answer is, not long at all. And the larger question is, What are we going to do about these health insurance companies? Most companies in America—virtually all companies in America, save two categories—are bound by antitrust laws. What it means is, if you make an automobile or provide a service, you are bound by laws in terms of fair competition. There are two exceptions. One exception is organized baseball. Do not ask me why, but it is. And the second one is insurance companies.

It started back in the 19th century when insurance companies said: We are not national companies. We are regulated and chartered by States. We do business in States. Therefore, national antitrust laws should not apply.

Then, in the 1940s, someone took note of the fact that insurance companies were now doing business across State lines and therefore involved in interstate commerce and should be subject to antitrust laws. A law was passed, which started here in the Senate, called McCarran-Ferguson, which exempted insurance companies from antitrust law.

What it means is that insurance companies—like no other companies in America—can literally collude and conspire on the premiums they charge. They can legally sit down and decide how much they will charge for life insurance, casualty insurance, medical malpractice insurance. It is legal because of this McCarran-Ferguson exception. They can also parcel out territory: Insurance company A is going to take over Los Angeles; insurance company B will do New York; insurance company C will focus on Chicago—perfectly legal under current law but perfectly wrong.

To allow this sort of thing to occur is to fly in the face of our free market capitalism and competition. I am heartened by a vote that took place just a week or so ago in the House of Representatives where the vote to repeal the McCarran-Ferguson Act re-

ceived more than 400 votes—435—a strong bipartisan voice.

I spoke to Senator Patrick Leahy of Vermont, the chairman of our Senate Judiciary Committee, this morning and said: I hope you will call this bill soon in the Senate. We need to repeal this antitrust exemption for health insurance companies and medical malpractice carriers to stop this collusion when it comes to pricing and this allocation of markets which we do not allow for any other businesses. I think if we do that, it is going to create a more competitive atmosphere, so insurance companies will compete with one another. Consumers win if there is real competition. Currently, it is perfectly legal to stifle competition in insurance, to limit the availability of insurance, and to dictate prices by industry, not by company. That has to come to an end. I hope we can either include it in health care reform or pass it separately. We need to do that.

Another element on which we need to focus is these increased costs. How do we start to bring down the costs of health insurance? For those who suggest premiums are going to drop precipitously in the passage of this bill, they are just wrong. What we are trying to do is to slow the rate of growth, the steep climb in prices. We want to try to flatten it out. There are many reasons to do it. We know as a government we cannot deal with our deficit as a nation as long as health care costs are skyrocketing for Medicare and Medicaid and Veterans' Administration care and so many other areas where we provide health care. We also understand that States face the same budgetary pressures, and the increasing costs make it difficult for them, as well as for local governments, not to mention the impact on businesses and families.

We now estimate that some 50 million Americans have no health insurance. They are not the poorest of the poor—those people are covered many times by Medicaid—and they are not the fortunate ones like Members of Congress who have the best health insurance in America. Many times, they are people who get up and go to work every single day and their small businesses cannot afford to pay the premiums and, of course, their children at home who may be denied coverage just because the parent works in a place where health insurance is not available.

There are things we can and should do about this. This health care reform bill, when it is signed by the President, will say immediately that there will be a tax credit available for all businesses with fewer than 50 employees that offer health insurance to their employees. We understand a lot of people work for these small businesses. If the owners of the businesses are really trying to provide basic coverage for their employees, we want to help them. We want the

Tax Code to help them. The same thing is true for individuals. If the amount of health insurance premium you need to pay exceeds a certain percentage of your income, you will be eligible for a tax credit.

The critics of this bill talk about how much it costs. Well, it is an expensive undertaking, but more than half of the money that is raised for this bill is used in tax breaks and tax cuts for businesses and individuals to help pay for their health insurance, trying to get people through this difficult time so they have coverage and can afford to pay for that coverage. That is an essential part of what we are trying to do with this health care reform bill.

We also create insurance exchanges. The idea behind an exchange is to bring together private insurance companies—private companies—that will compete with one another for your business. We know how this works in Congress because those of us who are Members of Congress are under the Federal Employees Health Benefits Program. For over 40 years, this program has offered to Federal employees and Members of Congress the option of health insurance bought on an exchange.

I think we are the luckiest people in America when it comes to health insurance. As Federal employees and Members of Congress, each year we have open enrollment. My wife and I take a look at the private plans available through the State of Illinois and choose what we think fits us best. We have nine different choices of private health insurance companies—companies that are competing for our business. If we do not like the way we were treated last year by our insurance carrier, come September we will change, and we can pick another carrier and see if the coverage is better.

This is something every Member of Congress currently has, but when we went to the health summit, some on the other side of the aisle argued that the creation of these exchanges was too much government. Well, if it is not too much government for their health insurance and my health insurance, why is it too much government when it comes to the people of this country? They are entitled to competition and choice from private insurance companies, just as we are as Senators and Members of the House of Representatives.

One other criticism that was said: Well, you know what is wrong with this bill, this bill will not allow us to buy insurance across State lines. Now, that is a way we can save some money.

That does not tell the story. This bill does allow the purchase of insurance across State lines, multistate compacts, multistate efforts to offer insurance, but with one important element: we establish in this bill the minimum standards for coverage.

Incidentally, that is exactly what we do with the Federal Employees Health

Benefits Program. If you want to be one of the companies competing for the business of Senators, you have to offer certain minimum protection. Some of it is based on State law, some by national standards. Why do we do that? Because many people cannot sit down and carefully go through every line and every page of an insurance policy and try to imagine whether the coverage is adequate.

I recall, years ago when I was an attorney working in the State senate in Springfield, IL, a case came to my attention where health insurance was being sold to expectant mothers—family health insurance—but it excluded coverage for newborn infants for the first 30 days. Think about that for a second. If you and your wife have a baby and the baby has an immediate, costly medical problem, this health insurance plan excluded you, would not pay for it. So we said, as a matter of law in Illinois, if you are going to cover mother and child, you cover that baby from the moment of birth. That is part of the law. Maybe you can buy a health insurance plan somewhere in America that does not have that coverage, but what is going to happen when you have that sick baby and huge medical costs? You may end up in bankruptcy court. You may end up on a government health insurance plan.

So we try to establish basic minimum standards for the health insurance that is offered across America. I think that is the only right way to deal with this issue that challenges us.

We also expand coverage for uninsured people in America. There are 50 million uninsured people in America. We would provide coverage for over 30 million of those 50 million people. These are people who literally have no health insurance at all. What happens when they get sick? They go to the hospital or to the doctor and they are treated. Who pays for it? The cost is shifted. The hospital cannot collect from them because they cannot pay for it, so the hospital increases the cost for those who are paying, those who have health insurance. We estimate the average family pays \$1,000 a year in extra premiums—almost \$100 a month—just to cover the uninsured. If we bring more people into insurance coverage, fewer charity cases will be at the hospital, fewer dollars in cost will be transferred to the policies of the rest of us who have health insurance. It is a good thing to bring more and more people under this tent of coverage.

The Republican proposal takes a look at those 50 million uninsured Americans, and instead of covering 30 million, as we do, they cover 3 million. That is a far cry from 30 million. If our bill passes, it will mean that the largest percentage of Americans will have health insurance in our history. That is a good thing for our Nation. It is a good thing for our medical system.

We also, in our bill, try to move forward to encourage new innovative and productive medical practices. One of them is wellness. We have met with companies that have come to us and said: When we incentivize our employees to be mindful of their weight, the food they eat, their cholesterol, their blood sugar, their blood pressure, and to stop smoking, it makes a dramatic difference. They feel healthier, they live longer, and they need less medical attention.

So we are creating incentives for wellness. For example, one of the things we do is provide, under Medicare, a free annual exam for every senior citizen so they will be able to come in and be checked out, so little problems will not become big problems. I think that is sensible and responsible.

We have to move toward more primary care. Across America, we have community health clinics. These clinics are primary care clinics in cities and small towns across America. For many people, they are the only source of primary medical care. This bill we will pass—I hope we will pass—will double the number of those clinics and increase the number of people working there. Is it a good idea? Well, it certainly sounds good. But it is also economically smart. Where do sick people go today if they have no health insurance and they do not have a regular doctor on their child has a fever of 106 degrees? We know where they go. They go to the emergency room and they wait in a queue and eventually get treatment and it costs a fortune, dramatically more than it would cost if they went to a local clinic or primary care physician. So we are trying to provide good care, affordable care, cost-efficient care, and reduce some of the costs within the system. I think that is a move in the right direction.

The same thing is true when it comes to Medicare. Some of our critics on the other side of the aisle have said: They are going to cut hundreds of billions of dollars out of Medicare, and the simple answer is, yes, because we believe there is money there that can be saved without compromising in any way the basic benefits of the Medicare Program. This program for seniors and the disabled across America has been a godsend for over 45 years. People live longer and they are healthier and they are more independent because Medicare is there. Social Security and Medicare have given to this modern retired generation things that others just dreamed of. There was a time—and I can remember it in my own family—when your grandparents, after they had quit working either because of retirement or because of physical health problems, ran out of money, and what did they do? They moved in with the family. It was not unusual. It happened in our family and others. Along came Social Security which said: We are going to have a

check for you, a monthly check. You will not get rich on it, but you will be able to get by on it, in most cases, and you can live in your own place, independent, the way you want to. Medicare said: We will help pay for your health care bills as part of this. Right now, if we do nothing to Medicare, in a matter of 9 years it goes broke. It starts running in the red. Doing nothing is not an option. So our bill, the health care reform bill which we passed in the Senate and which the President supports, will add another 10 years of solvency to Medicare. That is essential.

How do we achieve this by making savings within Medicare? One of the ways is to look at how care is provided. I took a look at the average Medicare cost per recipient in some of the major cities in America. In my hometown of Springfield, IL, with two great hospitals and great doctors, it is about \$7,600 a year for every Medicare recipient. If you go up to Chicago, it is \$9,600 a year. Over in Rochester, MN, at the Mayo Clinic it is in the range of \$7,600, \$8,000 a year. But if you go down to Miami, FL, the average is \$17,000 a year for each Medicare recipient. I will concede Miami may be a little bit more expensive than the other cities I mentioned but twice the cost? I don't think so.

There are savings we can find in the Medicare system and still provide quality care that seniors need and are entitled to. We have to find ways to do that. If we don't enter into this conversation, in very short order, we are going to see the Medicare system basically facing insolvency. That is one of the real realities we face.

How are we going to reach this goal politically? That has become a major item of discussion. The President made it clear yesterday he feels that after the supermajority vote in the Senate for health care reform, we need to move this to conclusion and it should face an up-or-down vote. Let me translate what that means. It means, if the House enacts the Senate health care reform bill, they can also turn to something called reconciliation. Reconciliation is a process that is used in both the House and the Senate to deal with budgetary questions. We have not invented it. It has been around for decades and it has been used some 22 different times. That, to me, is an indication that reconciliation is an accepted practice and procedure in the modern Congress. We have seen as well that the Republicans have used it more than half those times for issues that are important to them; issues important to many of us. Children's health insurance was enacted through reconciliation. The COBRA program for health insurance for the unemployed was enacted through reconciliation. President Bush's tax cuts were enacted through reconciliation. In addition, Newt Gingrich's Contract With America, parts of

it were enacted through reconciliation. So we know it has been used.

Some of the people on the other side have argued it is unfair to use it to modify any basic health care reform. It is interesting the critics of the reconciliation process have voted for it many times. Out of the 17 opportunities to vote for reconciliation since he has been in the Senate, the Republican leader, Senator MCCONNELL, has voted 13 times out of 17 for reconciliation. Senator GRASSLEY has had 20 occasions to vote for or against reconciliation. He has voted for it 18 times. Senator MCCAIN, 13 votes on reconciliation, he voted for 9 of them. Senator KYL, 11 opportunities to vote for reconciliation, and he voted for them every time. So these Republican Senators who are now saying there is something flawed or wrong or sneaky about this process have used it over and over to achieve legislative goals.

I have voted for it myself. We had some provisions relating to reform of student loans, for example, that I thought were good for families of students across America. Through reconciliation I voted for it. There is nothing sinister about it. It was right there. What it basically means is this: Under reconciliation, you can bring a bill to the floor and it cannot be filibustered. We all know what a filibuster means. We just went through one with the Senator from Kentucky, Mr. BUNNING, who put a hold on a bill, and for 5 days we couldn't vote for unemployment benefits for people across this country. Eventually, the Senator agreed to a vote and we moved forward on it. So that kind of procedure is allowed in the Senate.

It takes literally days, if not weeks, to work our way through the deadlines and schedules to get to a final vote. Reconciliation says we are going to set the delay tactics and obstruction aside and we are going to have a majority vote. We bring the issue to the floor, 20 hours of debate are equally divided, and then any Senator can offer an amendment for a vote. That can be abused too. I hope it isn't if we move to reconciliation. But at the end of the day, there is a majority vote, up or down. Fifty-one votes will be necessary, I believe, for this to pass, and we will see if we move forward on health care reform in this country.

I hope we do move forward. I hope, if we can't get cooperation on the Republican side of the aisle to tell us they will not use filibusters and delays and obstruction to help do reform, that we do it through the reconciliation process.

Health care reform and the cost of health care is an issue in my home State of Illinois which is topical. A recent press release is entitled "Illinois consumers to pay up to 60 percent more" on individual health insurance policies. Individual health insurance

policy premiums are soaring in the State of Illinois. It says:

Consumers in Illinois who lose their jobs and have no other option but to buy their own health insurance will get socked this year with premium increases of up to 60 percent, according to state records.

That group of consumers has been growing, as the recession has created more uninsured Americans looking for ways to protect themselves and their families. Now, Illinois consumers will get a glimpse into just how wide-ranging rate increases among individual health plans can be. The data, obtained by the Tribune, also provide a window into the overall trend of premium increases at large and small employers.

For the state's more than half-million consumers in individual health plans—

We are a State of 12 million—

base rates will go up from 8.5 percent to more than 60 percent, according to state data. Base rates do not take into consideration health status, gender, age, place of residence and length of a policy—all factors that could affect the premiums further.

The individual insurance market is relatively small compared to consumers who get their insurance through their employers, but it has become the fastest growing group in this economy.

I might add, that is going to happen as fewer and fewer businesses offer health insurance and people are on their own, people who might have their own medical history or history in the family that precludes an opportunity for this health insurance protection.

The Illinois director of insurance, Mike McRaith, says:

This information is important because the individual market is where an increasing number of people fall when they lose their jobs and become unemployed. Individuals need insurance more and more and they are struggling to hang on to it now more than ever. Because fewer people are employed and fewer employers are offering health insurance, we would expect to see increased applications for individual health insurance.

When we hear from the other side of the aisle that we need to start over on this debate, it basically means to put an end to it. We are not going to start over. We have been at this for 15 months. We have had the most lengthy committee hearings in our history. The Senate Committee on Health, Education, Labor, and Pensions accepted 150 amendments from the Republican side of the aisle—150. Yet not a single Republican Senator would vote for the bill when it came out of committee. We have tried our best to not only have open and transparent hearings and an amendment process but to engage the other side of the aisle to bring forth their best ideas so we can try to put them together and do a package that does address the needs in America. But for those who say start over, end it, put it behind us, how do you ignore the obvious? The cost of health insurance is going through the roof. People know it, businesses know it, families know it, and we know it as a government. If we don't address this issue and address it openly and honestly, it will just get

worse. That is something families understand and I think we all understand.

We have talked about jobs through the bill before us on the floor today. I happen to think health insurance is an important part of this conversation. When I met with some unemployed people in Chicago a couple months ago, I asked each one of them, and they were struggling to continue the health insurance for their family. I remember one mother who said: My problem is this. If I lose the health insurance I had where I worked, if I can't make these COBRA payments to keep up this health insurance and I am dropped, I don't think they are ever going to insure my diabetic son.

That is the reality of what people face. They lose costly health insurance, and they may never be able to find replacement. That reality needs to be addressed, and we can address it.

I sincerely hope many of my Republican colleagues will accept President Obama's invitation to join us in this effort. We can do this together, and we should. If we do it together, it will be a stronger bill and a better bill, but we can only invite our colleagues to the prom so many times and be turned down until we stop asking. This invitation was sincere yesterday. The President brought up four major elements Republicans have asked for and said we will include all of them in our health insurance reform bill. I hope they will join us in this effort. If they do not, we owe it to the American people to move forward, to make certain we are ending discrimination against people because of preexisting conditions; to make certain we are starting to bring down costs and increase choice and competition for small businesses and individuals; to bring into the coverage and protection of health insurance 30 million more Americans than we have today; to give Medicare another 10 years of longevity; to bring down the deficit in the process as health care costs start to come down. All these positive issues argue we need to get this job done.

I look forward to working toward that goal and getting it done in a matter of weeks and not months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

AMENDMENT NO. 3337

Mr. INOUE. Madam President, so often when Members come to the floor to offer simple amendments and describe their normal objectives, it sounds too good to be true. In my years in the Senate, I have found that when things are too good to be true, they usually are.

The amendment from the Senator from Alabama seeks to constrain discretionary spending at levels agreed to in last year's budget resolution. He says his intent is to cap spending for the next 4 years. We all understand

that discretionary spending is likely to be frozen this year, as the President has proposed, but this proposal goes way beyond what the President of the United States recommended.

The President has proposed a modified spending freeze which caps non-security-related spending. The President allows growth in Homeland Security, but this amendment does not assume growth. The President does not put a cap on emergency spending, but this amendment would. The President has requested more than \$700 billion in this budget for Defense, including the cost of war. This amendment only allocates \$614 billion. Specifically, this amendment only allows \$50 billion for the cost of overseas deployments. As such, it fails to fully cover the cost of the wars in Afghanistan and Iraq.

If we want to support our men and women deployed overseas, we will need to get 60 votes. Does the Senate really want national defense to be a hostage to a 60-vote threshold?

The critical flaw in this amendment is that it fails to do anything serious about deficits. It fails to address the two principal reasons our fiscal order is out of balance. It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either one of these two problems. In short, the amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to a 67-vote approval, allowing one-third of the Senate to dictate the majority. We already have a threshold of 60 votes required to increase spending for emergencies above the budget resolution. I, for one, cannot believe the Senate wants to let a mere one-third of the Senate dictate to the other two-thirds whether an emergency is a bona fide one. This is the wrong direction for this institution.

Mandatory spending has run wild in the last few years. Tax cuts for the rich have constrained revenues. But neither tax cuts nor tax increases nor mandatory spending would be subject to 67 votes.

The Senator from Alabama says this approach worked to balance the budget in the 1990s. That is only partially correct, and it is critical that my colleagues understand the difference.

In the 1990s, our budget summits produced an agreement to cap discretionary spending. But they also decreased the mandatory spending and increased revenues at the same time. It was only by getting an agreement in all three areas at the same time that we were able to achieve a balanced budget.

Let's be clear. Many of our colleagues on the other side of the aisle are happy to put a cap on discretionary

spending, but they do not want to put policies in place to make certain we have enough revenues to reduce the deficit.

Any honest budget analyst will tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, non-defense, and still not balance the budget.

Moreover, if we freeze discretionary spending without reaching an agreement on mandatory spending and taxes, we will find it very difficult to get those who do not want to address revenues to compromise.

I wish to remind my colleagues that the administration has just announced it will create a deficit reduction commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline. They will make their recommendations to the Congress, and the majority leader has committed that the recommendations of that commission will be brought to the Senate for a vote.

The commission will certainly not focus solely on discretionary spending. If we are going to cap discretionary spending, then we must have similar controls on revenues and mandatory spending.

The commission has been created precisely for this reason. Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the deficit reduction commission which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

Each of us was elected to serve our constituents, but we do not necessarily agree on the best way of doing that. We have some Members who want to hold down government spending, and so they do not seek earmarks or other program increases on behalf of their constituents. I do not agree with them, but I respect their views.

We have others who believe the best way to represent their constituents is to seek earmarks on their behalf. But those who seek earmarks or other programmatic increases from the committee should recognize that funding those programs puts pressure to increase government spending, not cut it.

I, for one, believe it is inconsistent to insist on getting earmarks for our constituents and supporting other spending increases while at the same time mandating that we cut spending for discretionary programs.

Chairman BYRD once stated on the Senate floor that sooner or later every

Member comes to the Appropriations Committee for help.

I note that last year, the Appropriations Committee received requests for earmarks from more than 90 Members of this body. The Senator from Alabama was among those seeking earmarks. For fiscal year 2010, the Senator requested earmarks totaling more than \$400 million.

I ask my colleagues: How is the Appropriations Committee supposed to live within the tight constraints of these proposed spending limits over 5 years and still satisfy those earmarks?

I would also point out that like many other Senators, the Senator from Alabama has come to the floor on several occasions to seek additional billions of dollars in support of building a fence along our southwest border. The total cost of that fence is estimated to be around \$8 billion. It would be virtually impossible to provide the billions required for this fence under the terms of the amendment offered by the Senator.

Other Senators have supported large program increases, such as adding \$2.5 billion to continue the C-17 program. I have strongly supported continuing the C-17 program, but all Members should realize if the Senate wants to cut discretionary spending programs, such as the C-17, they are unlikely to continue to be funded.

We cannot have it both ways. We simply cannot get the funds we believe are essential for our constituents or support our programs which we believe are of national importance, such as the border fence or the C-17, at the same time as we cut discretionary spending. Each and every Member should think about the need for funding for their States, their constituents, and the Nation before they vote on this amendment.

The Senate rejected this flawed plan just 6 weeks ago. This amendment has not gotten any better in that intervening period. It is still shooting at the wrong target, and it fails to address the real causes of our deficits and national debt. It is not the same as the President's plan. Therefore, I urge my colleagues, once again, to vote no.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I was hoping I could address an amendment I have on the Senate floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3391

Mr. BROWN of Massachusetts. Madam President, I come to the floor

of the Senate today to give my first speech as one of the Senators from Massachusetts.

First, let me say I am deeply honored to have been elected and to serve in this great and historic Chamber. In addition, I am pleased to have the opportunity to address my colleagues and the American people and other folks here watching us for the first time about legislation that I am offering. It is called the immediate tax relief for America's workers amendment.

Families in Massachusetts and across this great Nation are suffering through these tough economic times. One year after Congress passed the stimulus package, Americans are still struggling to pay their bills, to save money for college, and to buy groceries to put on their kitchen tables. But in Washington, the Federal Government is driving up our debt and creating government waste on projects that, in my opinion, do not create enough private sector jobs or provide immediate relief for the American workers.

The hundreds of billions of dollars that we have spent and continue to spend on the stimulus package have not created one new net job. Most Americans believe Washington is not using the money effectively enough, especially while many Americans are suffering and needing immediate and real relief.

In fact, the Federal Government right now is sitting on approximately \$80 billion of so-called stimulus funds that are either unused or unobligated to specific projects as of this date. That \$80 billion in taxpayer money is stuck in what I consider a virtual Washington slush fund potentially used for special interest projects or so-called pork projects to which many of us personally object.

I believe and others believe it is time to put this money back to work immediately and put it into the pockets of hard-working Americans and American families so they can get what they need, so they can provide for their families, they can save for their future, and put real money back into the struggling economy.

Providing an immediate across-the-board tax relief for working families is not complicated economic policy. I think it is simple and common economic sense. Leaders on both sides of the aisle, from Presidents John F. Kennedy to Ronald Reagan, have often called for across-the-board tax cuts to put money immediately into people's pockets to help stimulate the economy. I also believe this is a perfect opportunity to do the very same thing. I believe individual citizens know better. People up here watching, they know better how to spend their own money than we do.

The immediate tax relief for America's workers amendment I am proposing would cut payroll taxes and

have across-the-board tax relief for almost 130 million American workers. That number again, 130 million people in the American workforce, including more than 3 million people in Massachusetts, would have immediate relief.

Madam President, 130 million workers will receive that immediate and direct tax relief. By turning the estimated \$80 billion in unobligated stimulus moneys, accounts, over to the American people, our workers would see their payroll taxes reduced by almost \$100 per month, up to \$500 per person, \$1,000 per couple within a 6-month period. It could be implemented within 60 days.

Some people in Washington may not think \$100 or \$500 or \$1,000 is a lot of money, but I can tell you; I know the value of a dollar. The people in my State know that is real money, that is money that can be put into their pockets immediately and spent to pay for oil, food, medical bills, everyday basic needs. The American people need this relief and they deserve it. Families would immediately get the help they need to pay their bills, and we would put real money back into the economy, helping start a true recovery.

Unlike tax cuts of years past, this one is paid for entirely. It will not increase the deficit and could be implemented, as I said, within 60 days. It would be paid for by using the roughly \$80 billion in unused and unobligated stimulus funds that are currently sitting in a slush fund in Washington, DC. In my opinion, it does nothing—nothing—right now to stimulate the economy that is struggling, as we know it.

Not to do this, I believe, would be a mistake and a disservice to the people who pay the bills, and those are the American taxpayers.

Let me be clear: My amendment would not add one penny to our Federal deficit. Also, let me remind my colleagues in this Chamber that bipartisanship is a two-way street. It is not just a one-way street. The Senator has commented to me, as others have, that she appreciated my effort to reach across the aisle last week and help pass a jobs bill the majority leader was pushing to put people back to work not only in Massachusetts but in your State—in your State and every State in this country. I took some heat for it, but I held firm and looked at the bill with open eyes, as I told the majority leader and the minority leader and all my colleagues I would do. It wasn't perfect, but I felt it was a good first step.

So that effort of bipartisanship was evident with me last week. Many of my colleagues came up to me and said: What a nice new tone you set, Senator. We are proud you are here. We are happy to see that bipartisanship. Well, let me say that when I see a good idea, I plan on supporting it, whether it be a good Republican idea or a good Democratic idea. As long as it puts people



back to work, as long as there is a way to get it paid for and it makes good sense for my State and the people of this country, I plan on voting for it, regardless of what special interest groups say, regardless of my party, and regardless of what anyone else says.

Here is our chance to show the American people the partisan bickering is now over. We can help them right now. We can actually have a bipartisan effort on this very important bill that will put money immediately into people's pockets in 60 days—up to \$1,000 per couple. I know many people who could use that money right now. With so many people struggling, I personally don't feel it is time anymore for political gamesmanship. The time is now to do the people's business. I have always felt we can do better. The fact that I am here has sent a very strong message across this country. The people in my State and throughout the country who supported me in record numbers are saying: You know what, SCOTT, we can do better. When you get to Washington, work across party lines, get the engine going a little bit, and let's get the people's business done. So this is my first amendment—this amendment to the jobs bill—and it makes fiscal sense and it is something that has been done in the past. JFK and Ronald Reagan called for across-the-board tax cuts and it worked.

We have tried a whole host of other things—targeted tax breaks, a little here, a little there—so why don't we give it back to the American people and see what they can do with \$1,000, see what they can do to stimulate the economy. Let's give them a chance. When the immediate tax relief for America's workers amendment comes to a vote, my colleagues will have a very clear choice: They can support a measure that will immediately put money back into their constituents' pockets and into the economy or they can go along with the business-as-usual approach in Washington and leave the \$80 billion in unused stimulus money in that slush fund to be used years from now.

The money we are talking about is not allocated. It is hanging out there. It is unlikely we are going to put it back to reduce the deficit, so let's put it to work within 60 days so people can use it when the summertime comes, and they can go out and do whatever they want with it. We can go and create more of a bureaucracy, if we want, or more government jobs, but I have confidence in the American people that they will do what they have always done. They have always reached down and tightened their belts. They have made a difference. They are the folks who will help us get out of this struggling economy.

I am not going to point any fingers. I am not going to say it is their fault or their fault. I don't care whose fault

it is. The bottom line is, I was sent for a reason—to deliver a message from the people of Massachusetts and the hundreds of thousands of people who supported me. The message is: We can do better. Let's get the economy going.

This is a simple amendment, and I am hopeful we are going to get bipartisan support. I can tell you it would be very easy to use procedural points of order to try to delay this particular amendment and allow it to get lost in the shuffle. That is very easy to do. We can do a procedural point of order to delay action on the economic emergency facing American workers. But, by golly, I am not going to do it. I am going to do everything I can do every single day to make sure I put as much money back into the American people's pockets to do what they do best—to save and to take care of their families. They can do what they have done for years; that is, to help stimulate this economy. After all, that is what the Chair was sent here to do and the rest of my colleagues were sent here to do. The people watching in the galleries and the people on TV expect us to do that, to get back to work and solve the problems.

Let's move on. This is a great opportunity to do that. I am hopeful I am going to get some support. I believe there may be others speaking, so I respectfully yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the remarks of the junior Senator from Massachusetts. He has come off the campaign trail, where he talked to thousands and thousands of people all over his State and heard from, I would guess, millions from around the country. We should listen to some of the things he is telling us because it strikes me that we, too often in this body, are a bit insulated, and we fail to see that people are asking us to make some changes in what we do when we think we have to continue to operate the way we have been operating.

But that is not what I am hearing at my townhall meetings. I don't know that anybody in this body, if they are listening in their townhall meetings, are hearing business as usual is what the people want us to do. What I am hearing is a great concern and expression of regret, and in some cases frustration and anger, over the amount of money we are spending and how recklessly we are doing it. I guess that is what I am here to talk about.

The bill Senator CLAIRE McCASKILL and I are offering is a bipartisan bill. It had quite a bit of Democratic support last time. We came within just a few votes of reaching 60 votes and passing it, and I am hopeful today, with the alterations we have made, it will appeal to some of my Democratic colleagues and they will be able to support it now.

I believe it will take quite a positive step in how we fund our government and how much debt we run up.

In the 1990s, an idea was placed into law that said the budgets we pass should have statutory language and should be made a part of statutory law. So we did that in the 1990s. We began to see, shortly after the passage of that, a containment of the surge and growth in spending. The growth was far more modest and, as a result, by the end of the 1990s we had a surplus.

President Clinton claimed great credit for that. I think sometimes he fails to recall the Congress acted, and ultimately it is Congress that has the power of the purse. No money can be spent that we don't authorize and appropriate. Nothing can be spent by the President or any other Cabinet person that Congress hasn't authorized and appropriated to be spent. Those are the facts.

This legislation would put what we call caps or limits on discretionary spending. That does not include entitlement spending, so not counting Social Security and Medicare and those kind of things. It is the discretionary accounts we have in the Senate. This amendment would put some limits on them—the limits we chose for the fiscal year 2011 through fiscal year 2014. This is the 2010 budget resolution we are now under, which was passed by our Democratic majority and supported by the President of the United States. It is his projections and our projections—the Congress's projections—for spending growth in the next 4 years. The budget resolution we passed allows for a 2-percent increase per year in both defense and nondefense spending. The caps in the amendment are exactly those we voted for in last year's budget.

Currently, we are not standing firm with the budgets we pass. We know that is a problem for us and we need to discipline ourselves. We have learned that from 1991 through 2002, the statutory caps on spending helped us contain spending. We did not surge discretionary spending as much as had been the case earlier. When it ended in 2002, the spending started back up again. Not only did it start up, it has now reached a level of growth the likes of which the country has never seen before. Last year, our total deficit for the year was \$1,400 billion. This year it is going to be \$1,400 billion or \$1,500 billion when we end. We have never had anything like this before. How much we are spending and how little we are paying for what we spend is a stunning development.

This legislation would not impact the bills that have already passed. Some say: Well, you might try to contain the stimulus bill we passed. No, that has already passed and wouldn't be covered. None of the other bills that have passed would be covered. Indeed, as

part of our discussion with our colleagues in the Senate about their concerns with the legislation the last time we voted on it—a few weeks ago—we exempted this year, and we are spending pretty substantially this year—well above our budget. So we had people say: Well, JEFF, I am concerned about this year. I want to spend more this year. But next year we have to get this house in order. Well, we are well into this year already, so my decision would be: OK, that is a request I will accept, and Senator McCASKILL agreed. So now we are asking that this limit be placed beginning next fiscal year, instead of this fiscal year.

It is very similar to the plan proposed by President Obama in his State of the Union Message and his fiscal year 2011 budget. In fact, President Obama actually went further in saying he wanted to see a freeze on a lot of these accounts. Our bill would allow a 1-percent to 2-percent increase in spending in these accounts. He is saying a freeze would be better. So, JEFF, are you saying you want to spend more than the President? No. I think we should try, and I would be supportive of trying to maintain the freeze the President suggested. But I would say, based on our history and what we have seen from statutory caps, if we pass caps with this 1- to 2-percent increase, then we might be able to at least stay within that because last year our increases were 8 percent or more in spending. We all know we have to do better, and our budget says we will do better. So this amendment would give some strength to that.

The legislation specifies spending for defense and nondefense programs consistent with the budget resolution. It contains a \$10 billion-per-year emergency fund, which fits in with the budget resolution. We have set aside \$10 billion this year, and we should do at least that amount each year to ensure we have resources available if a genuine emergency arises and we need to respond to an emergency. So we would set that aside. This amendment requires a two-thirds vote of 67 Senators to waive the annual caps or the emergency \$10 billion fund. That is stronger than we have had before. We have had a 60-vote cap. But we know we are spending at a very reckless rate. Contrary to what people say, we have had bipartisan support for all kinds of emergency spending, and there is usually 90 or 100 votes for hurricanes, earthquakes or similar things. At any rate, we think the 67 votes would say to this Senate that we are serious and there should be a legitimate reason that can be defended to waive the budget to spend more money. Also, it would say why don't we find money elsewhere within our budget, through efficiencies and other ideas, to contain that growth in spending and pay for some of it first before we send it to the credit card and add it to the debt?

This amendment does not apply the caps to spending for any military action. I know Senator INOUE and others have raised the question will it deny soldiers in the field support. The caps would not apply to any military action in which the Congress has provided a declaration of war or authorization to utilize military force. That is, I think, the appropriate way to handle it. This amendment would be exempting those kinds of situations.

This is similar to what the President has called for and what Congress did throughout the 1990s with bipartisan support. This amendment has been evaluated by some of the best budget minds in America, independent groups that are respected. These experts understand the nature and problems of our Congress and how we tend to break our budgets instead of staying within them. They are terribly concerned about our spending; they are issuing reports, and many of them have endorsed us.

One of the best known groups is the Concord Coalition. They endorse the amendment. The Committee for a Responsible Federal Budget that includes former OMB, Office of Management and Budget, officials and Congressional Budget Office officials. They work together for responsible Federal budgets, and they support it. Citizens Against Government Waste; the National Taxpayers Union; the Heritage Foundation; Alice Rivlin, who was the first head of the Congressional Budget Office and was the head of the Office of Management and Budget under President Clinton and is now a Brookings Institute senior fellow—she supports it. As does Douglas Holtz-Eakin, former Director of the CBO under President Bush, who has spoken out on these issues.

This amendment is supported by a majority of the members of the Senate Budget Committee the last time it was considered, and it gives the Budget Committee more ability to make sure their budget is not abridged and broken.

What about some questions and answers? Will this bill prevent the Federal Government from responding to legitimate purchases? The answer is no, it will not. We have \$10 billion set aside anyway; it is set aside right upfront. The amount is included in our budget resolution from last year and that money can be utilized for any emergency.

Second, the emergency appropriations, for example after the 9/11 attack; the 2004 tsunami; Hurricane Katrina—all passed with overwhelming support in the Senate, 93-votes-plus each and every time. So this is far above the 67 votes. Not a single emergency natural disaster bill since the emergency designation was created in 1990—and there have been quite a few—has gotten less than 67 votes. To say it will deny us

the right to respond to a legitimate emergency is incorrect.

Question: Would the Sessions-McCaskill bill prevent Congress from funding the missions in Iraq and Afghanistan? As I said, this threshold of 67 votes would not apply in cases “of the defense budget authority if Congress declared war or authorizes the use of force.”

In addition, all emergency war supplementals for the global war on terrorism have received far more than 67 votes anyway.

Question: Would the Sessions-McCaskill bill prevent Congress from caring for veterans? That has been raised a good bit. The fiscal year 2010 budget resolution incorporates significant increases in funding for veterans, an 11-percent increase in fiscal year 2010, which built on large increases in fiscal years 2008 and 2009. In addition, a significant amount of veterans spending is mandatory. Entitlements and mandatory spending would not even be covered by this, just as Social Security and Medicare is not covered by it. Veterans programs have always enjoyed wide support in the Senate and I don't think there is any doubt that legitimate concerns for veterans would be properly addressed. It should be paid for whenever possible but, if we cannot do that, if we have a crisis for our veterans, I have no doubt there will be 67 votes to take care of the veterans' needs. In fact, the emergency supplemental for veterans' health care that came up in 2005 received 99 votes. Veterans funding, I think most of our Members believe, ought to displace less priority items.

There is a myth out there that the sponsors are saying this will balance the budget by focusing on nondefense discretionary spending and this is a small part of the budget. It is not the biggest part of the budget. And it is not going to balance the budget in itself. But the facts are this. First, the amendment caps growth in both defense and nondefense discretionary spending. Second, the sponsors have never claimed the amendment would balance the budget. We have to do a lot more than this. The President himself estimates that his 3-year freeze he proposed—spending not related to defense or veterans or foreign affairs—would result in a \$250 billion savings over 10 years and that is real money.

This legislation has the potential to save hundreds of billions of dollars. If the choice is between 8 and 10-percent increases, as we have had in the last couple of years, and the 2-percent or so increase that would be allowed under this budget, it would save a lot more than \$250 billion over a period of time.

I want to say how much I appreciate the support and leadership by Senator McCASKILL on this matter. When we voted before, all Republicans but 1 and 17 Democrats voted for the legislation.

I expect there is at least one more vote with our new Senator from Massachusetts. We have changed it to apply to next year and not this year. That should attract more support. I am hopeful that we could pass this. I think it would send a message to our colleagues and to those who appropriate the money here, that we are serious about staying within the budget limits. We are saying to the President, not only do we support you but we are going to create a mechanism where it is going to be harder to spend more than you proposed. We will send a message to the financial markets, which are wondering what we are doing here.

If you read the financial pages, people make statements on Wall Street that indicate they have no confidence we are going to reverse the trend we are on. In fact, the trend is so stunning it puts us on the road to tripling the national debt in 10 years—from 2008 with \$5.8 billion in public debt held by people all over the world, including governments such as China, to 2013 with \$11 trillion, to 2019 with \$17 trillion—doubling in 5 years, tripling in 10 years.

I think we can do better. There is a lot of blame to go around and all of us deserve some of it. But we are in a position where I think we can make a difference today. This legislation, I believe, is a good step and would send a message throughout the world, to the financial markets, that Congress is beginning to take firm steps that would contain the growth of spending.

I am pleased to see my colleague from Missouri here. She has been a champion on this and integrity in spending in all areas. She challenges waste, fraud, and abuse. She understands more than most in our body that the money we have extracted from the American taxpayer should be spent very carefully in order to guarantee we get a quality benefit from it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. At the risk of predicting bipartisanship is going to break out at every corner of this place, I saw my friend was on the floor and I wanted to take a minute to come and talk about what this amendment represents on several levels. First, it is truly a bipartisan effort. My friend from Alabama, with whom I have worked closely on this amendment, is right. There is plenty of blame to go around and we spend a whole lot of time on the blame game on this floor. This is a moment we can get beyond that. This is a moment we can support our President, we can speak to fiscal accountability, which many of my friend who are in my party and many of my friends in the other party like to talk about. But there is the talk and then there is the walk. We have a lot of talk about fiscal accountability but so often we kind of

do not want to walk the walk. This is a moment we can walk the walk.

The President wants to do this. In fact, as my friend pointed out, the President's spending freeze goes further than this amendment. It goes further than what we are proposing to do. This is not an unreasonable amendment. In fact, it leaves out emergency spending, which we have talked a lot about this year. It leaves out this year because of the kind of critical economic situation in which we find ourselves. It leaves out wartime spending for those conflicts the Congress has authorized. But everybody else is in the pool. Everybody else is in. We have to look at, over the board, the kind of spending freezes where 1 to 2 percent is enough in light of the deficit we are facing.

We are so close to passing this. We are so close. I am not sure if we succeed in passing it that confetti is going to drop from the sky or balloons are going to come down, but they should, because it will be a moment, maybe the first moment in a long time, that the American people, if they were paying close attention, would think to themselves: You know, maybe they get it, just maybe they get it.

If we fail to pass this modest, appropriate path to fiscal responsibility—if we fail to pass this, then I don't blame the people for whom I work. I do not blame them if they shake their heads in wonderment. What is it going to take? How much money are we going to pretend we have, year after year, handcuffing the greatness of this Nation? Because if we are honest about it, this Nation has been great for many reasons: our values, the strength of our military, but at the end of the day, this Nation has been great because we were an economic power. We were the country everyone looked to about how we did our economy, how we promoted entrepreneurs, how the free market lifted all boats. We will not be able to survive in economic greatness if we do not figure this out.

In fact, if we look over our shoulder right now, there are a couple of big guys coming up on us and they hold our debt. They hold our debt.

I know I have some fence sitters particularly on my side. I say to all the fence sitters, this is not as aggressive as the President has laid out. Support your President. Freeze spending at a reasonable level, leaving out emergencies, leaving out wars that we have in fact signed off on in Congress, and let's get busy showing the American people once and for all that we get it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3389

Mr. BURR. Madam President, at 2 o'clock, I believe we are going to have a series of votes, roughly somewhere around 2 o'clock. One of them is going to be on amendment No. 3389, an amendment that I offered yesterday but chose not to speak on yesterday. I would like to take about 5 minutes just to share with my colleagues what the content of this amendment is.

In simple terms, it is a sales tax holiday amendment. I think we all agree, there is no partisan difference, that our economy is shut down; that we are in a period of anemic growth; and that with anemic growth there is no hope of re-inflating employment. We are almost at a point where we need a shock and awe in our economy, something that gives confidence back to consumers, and, more importantly, to manufacturers of goods.

We have experienced, over the last several months, a replenishment of inventory of purchases that were made in the fourth quarter, predominantly because of the holidays. What we have seen since then is a decline in, or a stagnation of, retail sales. Once we get past this replenishment period, we are going to see manufacturers who look at their workforce, not with the intention of growing it but potentially of possibly shrinking it if things do not grow with the outlook.

I think we are at a point that there is not one silver bullet. I think it takes things such as tax credits to employers that help provide an avenue to bring on somebody new, but it requires something to go out the door.

So I think we have neglected in many ways two areas: one, the access to credit—and there are some bright minds in a bipartisan way working on that here—but also what do we do to stimulate economic activity.

Practically every State in the country, one time a year, at back-to-school time, announces they are going to have a sales tax holiday for the weekend limited to those items that are back-to-school items. Forget the fact that the week before there were probably 50 percent off signs, and nobody went to the store and took advantage of the 50 percent off for backpacks and pencils and paper.

All of a sudden, the no sales tax sign goes up for 2 days, and it is a mass consumer frenzy to try to buy those products while there is no sales tax. I cannot explain why. I can tell you it works.

In 2001, when we were in an economic downturn, we introduced something similar.

So what does my amendment No. 3389 do? It establishes a national tax holiday to provide a needed economic boost for small businesses and for consumers. The legislation would allow States to

voluntarily choose to participate and suspend collection of sales taxes for a 10-day period to encourage greater sales.

The Federal Government, unlike in 2001, would share with States the economic cost that would be incurred in lost tax revenue during the tax suspension. The Federal share would be 75 percent of the taxes lost at the State and local level. This is cost sharing. We are going to ask the States to share at 25 percent in hopes that the increase in sales will more than make up for the 25-percent cost that States have incurred in the program.

This sales tax holiday would run for 10 days beginning the first Friday 30 days past enactment of the legislation. Now, why is that important? It is important because starting on the first Friday we get two weekend cycles in the 10-day sales tax holiday.

In my household it does not matter what day of the week it is, we will buy regardless. But there are many Americans who, because of their work schedules, because of their family schedules, the weekend is the only time they have access to do it. This legislation, I believe, would provide increased consumer confidence but, more importantly, stimulate economic activity, stimulate economic activity with tax credits for employers that begin to hire back, and match that with the capital that is needed by small businesses in the way of loans. I think all of a sudden we have a formula that we can turn this economy in the right direction. It may not be a plan to sustain it, but I think what we have to overcome is the lack of confidence of the American consumer right now.

The legislation would require the States to notify the Secretary of the Treasury within 30 days of enactment. Let me say for States, no later than 45 days after the end of the holiday, the Secretary of the Treasury would pay the participating States their 75 percent. Actually in the law it would say: You have 45 days to pay back. Hopefully, it would not be another Cash for Clunkers disaster that we had where the dealers were not reimbursed for the money they had out.

Again, let me just say, tax holidays have a successful track record at the State level. They have provoked strong retail consumer reaction. While they are still somewhat of a new phenomena, surveys and case studies are showing, and have shown, most shoppers view the sales tax holiday favorably. It is an important motivation to them to shop.

What do I have to go on to offer this legislation? I have actually talked to retailers. I have listened to them. I have asked them what would change this overnight. Without exception, they all point to one thing: Do a tax holiday and you will drastically change the number of people coming in our

stores. You will drastically change how much they purchase.

This is not a tool where I am trying to create grotesque purchasing in this country. But I am trying to say to the American people, if we want to turn the economy around, if we want to start reinflating employment, it all starts with creating retail activity. We have an opportunity through this legislation to begin to create the retail activity that puts on a path to recovery.

I hope my colleagues in the next hour or so will consider this piece of legislation. I pay for it with unobligated stimulus money. Therefore, I readily expect a point of order on the Budget Act. So the likelihood is, we will not vote on this amendment, but we will vote on waiving the Budget Act. If we waive the Budget Act, that will tell you that we would then agree to this language, and then it would be up to the House to determine whether we have come up with a successful way to stimulate retail activities.

I thank my colleagues for their consideration.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent that at 2:30 p.m. today the Senate proceed to vote with respect to the following amendments, with no amendments in order to the amendments on this list, prior to a vote in relation thereto; that prior to each vote listed here there be 2 minutes of debate equally divided and controlled in the usual form; and that after the first vote in the sequence, succeeding votes be limited to 10 minutes each; further, that the debate time until 2:30 p.m. be equally divided and controlled between the leaders or their designees: Stabenow amendment No. 3382, Brown amendment No. 3391, Burr amendment No. 3389, Sessions-McCaskill amendment No. 3337; further, that upon disposition of these four amendments, the Senate then proceed to executive session to consider Executive Calendar No. 609, the nomination of William Conley to be U.S. district judge for the Western District of Wisconsin; that once the nomination has been reported, the Senate then proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield such time as he desires to the Senator from Massachusetts.

AMENDMENT NO. 3403

Mr. KERRY. I thank the chairman of the Finance Committee and the manager of this bill.

I wanted to take just a few moments to talk about an amendment I have filed to extend the TANF emergency fund; that is, the Temporary Assistance to Needy Families Fund. I hope I can work with the majority leader, who is already working with us to work through some of the difficulties in terms of the overall funding levels, to hopefully have a vote on this at the earliest possible time.

We have the opportunity to extend a proven program that provides genuinely desperately needed assistance to the Nation's poorest families and their children, the people who are the most vulnerable to an economic downturn. I am joined by Senator SPECTER in offering this amendment to extend the Temporary Assistance to Needy Families Fund, the TANF as we call it, the emergency contingency fund, which was included in last year's economic stimulus legislation.

I am glad to say this policy is supported by Majority Leader REID, by Chairman BAUCUS, Senator SCHUMER, Senator FEINSTEIN, Senator SPECTER, and others. It is my understanding this amendment is fully offset. Senate Finance Chairman BAUCUS and Majority Leader REID have been integral to the development of this amendment. I am very grateful to them and their staff for the assistance they have given us and for their help on this important issue.

This is not the moment in our economic recovery effort to walk away from the neediest families in the country, from a successful program that has bolstered the safety net and created jobs for the unemployed. What my amendment does is simply extend a program that is already working, and working effectively. It extends a program that was specifically put into the economic stimulus package because it is so critical, so sustaining in support for these neediest families at a level where it is even harder to get jobs and break back into the recovery.

According to the Center on Budget and Policy Priorities, more than 30 States are currently using TANF emergency funds to create subsidized jobs. By this summer, these programs are going to have provided subsidies for more than 100,000 jobs. That number could grow substantially with more time and more money.

Let me just share with colleagues sort of the breadth of these kinds of things, some of the examples of the job placements that have been made and created by the TANF emergency fund range from administrative jobs: project management secretary, legal secretary, data entry clerks, merchandise

listers, dispatchers, marketing sales, and so forth; construction: painters, laborers, installers, land development, general laborers, surveyors, and so forth; customer service: porters, cashiers, housekeeping, front desk clerks; food service: restaurant managers, catering managers, food preparation, food delivery; health care: medical billing, medical record clerk, receptionist, and so forth. There are maintenance jobs, production jobs, human service positions. It covers the full range of the American economy, and it makes a difference in communities to people's, literally sustainability, and to families being able to hold together and stick together.

Some States are using the TANF fund to extensively help offset higher basic assistance costs and to extend a variety of short-term emergency aid to struggling families, such as heating assistance, housing assistance, domestic violence services, and transportation help.

This amendment maintains the current policy of reimbursing States for 80 cents on every dollar spent on subsidized employment or basic assistance or short-term or emergency aid.

The amendment aids a fourth category of programs that can receive emergency funds, and those are work programs. As families continue to struggle to find jobs with the high unemployment that we are facing, this category has been added in order to give States new options for bolstering employment and job preparation.

Finally, this amendment would provide States with a maximum allocation for fiscal year 2011 equal to 25 percent of the State's annual TANF block grant.

I am pleased to say that Massachusetts has been one of the top five States in using these emergency funds. We have currently used 65 percent of our available funds. It does not mean we are using someone else's funds; those are the funds available to us. But it shows you that where the need is important and necessary what a difference it makes.

We are on track to draw down 100 percent of the emergency funds that are allowed under the Recovery Act by September of this year. We are using this fund to maintain key existing safety net programs for cash assistance, emergency housing, rental vouchers, job programs, and family services. This basic assistance helps the economy because the families receiving it spend virtually every cent of it in their local economy to immediately meet their basic needs.

A 1-year extension of the TANF emergency fund could provide us with an additional \$60 to \$108 million to accommodate the 10-percent TANF caseload increase we have seen since the start of the recession. I believe this is a fundamental continuation of the so-

cial contract that exists in this country where we have all come to understand that communities are sustained, an enormous difference is made in the lives of children particularly but in families, the neediest families in our country, many of whom have the hardest time finding jobs because they are at the bottom end of the entry level of job levels in many cases, and those are the jobs that have been lost the fastest and the quickest and they are the slowest to come back in many cases.

I am pleased to say this legislation is supported in a bipartisan way from bipartisan organizations, including the National Governors Association, the National Conference of State Legislators, the American Public Human Services Association, and the National Association of State TANF Administrators.

This fund has caused both direct job creation and has provided an enormous amount of necessary activity in local communities. A vote against this amendment would leave an awful lot of folks unemployed, low-income parents without work opportunities or without the vital assistance of basic necessities. I hope all colleagues will support the amendment when the time comes.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be divided equally between both sides.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 3342

Mr. WEBB. Mr. President, I rise to speak about amendment No. 3342 which I have offered with respect to the legislation in question. There has been some confusion among my colleagues about what exactly is contained in this amendment which I introduced with Senator BOXER as an individual standalone bill previously and introduced in similar format here on this legislation.

I emphasize to my colleagues that this is a carefully drafted, one-shot amendment designed to give the American taxpayers a place on the upside of the recovery of the financial system that they, quite frankly, enabled. This amendment would provide a one-time 50-percent tax on bonuses that are above \$400,000 of any initial bonus paid to executives of financial institutions that received a minimum of \$5 billion in the TARP program. It is only for income that was generated through work in 2009 and compensated in 2010. This is a one-shot matter of fairness to bal-

ance out the rewards these financial institutions received which were enabled by the contributions of the American taxpayer in the TARP program. We have had estimates that this amendment will recover for our economic system somewhere between \$3.5 and \$10 billion. I again emphasize that the American taxpayers did not create this economic crisis. They were required to bail out those people who did create it. They deserve to share in the upside, in the rewards they themselves enabled.

Paul Krugman, who is a Nobel Prize-winning economist, wrote in July of 2008 about his concern at the very inception of this economic crisis that we were moving toward a tendency in this country to socialize risk and individualize reward. In other words, whenever we create a situation where there is an economic challenge, the American taxpayers at large are expected to absorb the risk. But then when the reward comes in, only the executives, the people who were managing the financial system, are able to actually get the rewards.

This particular reward in this one-shot tax proposal has come about largely as the result of government intervention, as the result of working people having to put their money forward in order to bail out a financial system that had gone wrong. As a result, I believe, as a matter of equity, the reward should be shared with taxpayers who made it possible.

For those who had to vote on the TARP program on October 1, 2008, it was a very difficult vote and a defining moment in the Senate. We need to remind ourselves of what was going on at that point. We were called on a mass conference call in the Senate by the Secretary of the Treasury and Chairman Bernanke telling us that if we did not move \$700 billion forward without a hearing, on an emergency basis, the world's economic systems were going to go into cataclysmic free fall.

I, like a lot of Members, struggled with that vote. I talked with as many people as I could across the philosophical spectrum of how the economy should work. I finally decided in favor of moving that money forward. At the same time, I laid down a set of principles. One is that we should look at executive compensation. Another is that we should look at reregulating the financial sector, on which Chairman BAUCUS has taken the lead. Another is that it would be vital, in terms of fairness, that we include the American taxpayer on the upside of any recovery. In other words, if the taxpayers were going to have to put money in when these troubled assets or toxic assets—whichever term people would like to use—couldn't find a value and were clogging up our economic system, clogging up our liquidity, once that situation was cleared and a value was placed on these amounts and the economy

started to recover, a portion of that benefit should go to the taxpayers who had to put the money out.

There has been some talk about how with these companies—and we are only talking about 13 companies that got \$5 billion or more—TARP money has been paid back. In some cases, a good bit of this money has been paid back. But I wish to make two points.

The first is, any moneys that were paid back were received at the earliest in midyear last year, 2009, meaning that taxpayer assistance to these companies was very much in effect. Quite frankly, among the 13 companies included in our amendment, most of the money has not been paid back.

I have had some questions here on the floor about whether this amendment discriminates against New York. Quite frankly, two of the largest companies with respect to bailout commitments are based in DC and in my own State of Virginia. This has nothing to do with regional disagreements or class envy of any sort. It is just a matter of how we ought to deal fairly with the way our taxpayers, our working people, had to step forward.

A second point in terms of the TARP money being paid back is that the extent of our government's obligation to these bailout companies is astronomical. It is beyond the \$700 billion. This goes to Paul Krugman's point which he has made consistently since 2008 about continually socializing risk that is enabling these rewards and not giving a benefit to the people who largely took the risk.

The billions of dollars in bonuses being paid out are a direct result not only of the TARP bailout but also of generous Federal Reserve policies over the last year. We have seen near-zero interest rates, a discount window, and we have had the toxic assets bought by taxpayers. At the same time, these firms were able to borrow cheaply, to lend at a higher rate, to charge fees, and to leverage their bets into purely financial transactions.

If you examined a quarterly report to the Congress that came out in July of last year, they indicated that the true potential amount of support the Federal Reserve was providing these programs was in the neighborhood of \$6.8 trillion. So these risk takers, these people who were managing at the top level in these companies did so at a time that they had enormous backup from the American taxpayer.

Andrew Cuomo, attorney general of New York, wrote a letter in January of this year to TARP recipients. In this letter, he made a couple of very important points that go to the intent of our legislation.

I ask unanimous consent to have the letter printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEBB. He writes:

... the Office of the New York Attorney General has been conducting an inquiry into various aspects of executive compensation at many of our nation's largest financial institutions ... [including] a review of compensation practices at the 2008 TARP-recipient banks.

He makes a very valid point at the end of his letter. And here, he is writing to a company that had paid back the initial TARP money.

He writes:

... when you received TARP funding, your firm took on a new responsibility to taxpayers. While your firm has now paid the TARP money back—

Again, not all have; most of the money has not been paid back—

it is not clear that your firm would have been in the same position now had you not received that TARP money.

We have all struggled with this issue. There have been many different approaches. In fact, Chairman BAUCUS has been out front on this issue in a number of different ways. I have in front of me the Compensation Fairness Act of 2009, which Chairman BAUCUS introduced last March, which was one attempt to address this issue of windfall profits bonuses. This legislation was sponsored by Senators GRASSLEY, SCHUMER, MENENDEZ, and others. Our bill is much narrower than this bill. This bill would tax bonuses of more than \$50,000. Our bill taxes bonuses of more than \$400,000. This bill would have taxed institutions that received more than \$1 million. Ours requires \$5 billion. This bill was retroactive and recurring in terms of the taxes. Ours is a one-shot, just on this 2009 amount of money that came in as a result of the benefits that came in as a result of our taxpayers stepping forward and putting \$700 billion into the TARP program. Senator BROWN of Ohio has introduced legislation that would put a windfall profits tax on any bonus higher than \$25,000.

Our amendment was inspired and designed based on a couple of previous writings and pieces of legislation, the first being the Baucus legislation, which was the starting point for it. The other was, I think, a very powerful article written in the Financial Times—one of the most conservative economic newspapers in the world—last November, by Martin Wolf. I am going to read some excerpts from this article. First, he said:

Windfall taxes are a ghastly idea. ... So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it does look different.

First, all the institutions making exceptional profits do so because they are beneficiaries of unlimited state insurance for themselves and their counterparts. ...

Second, the profits being made today are in large part the fruit of the free money provided by the central bank, an arm of the state. ...

Third, the case for generous subventions is to restore the financial system—and so the economy—to health. It is not to enrich bankers. ...

Fourth, ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. ...

Fifth, ... "Windfall" support should be matched by windfall taxes.

His proposal, which inspired the specifics of our amendment, was that there could be a "one-off windfall tax on bonuses," a one-time windfall tax on bonuses to equal the playing field in terms of this unique situation our country found itself in.

I wish to say to my fellow Members and to other people who are doing the hard work of keeping our economy strong, I respect what it takes to take on risk and get a reward. I respect the entrepreneurship that has strengthened our country throughout its history. But we also need to remember the working people in this country strongly and rightly believe they have borne the brunt of this economic crisis, and they just as strongly and rightly believe they are becoming the last to be rewarded, as we begin to recover from it.

Our taxpayers, our working people, rescued a financial system that was on the verge of collapse because of massive acts of bad judgment by the very companies that are now reaping huge bonuses from the government's intervention. It is not too much to ask those who have been fully compensated, and who have received in excess of a \$400,000 bonus on top of their compensation, that they pay a one-time tax and share that excess on top of their \$400,000 bonus in order to help make their rescuers a little more secure.

Mr. President, I yield the floor.

EXHIBIT 1

STATE OF NEW YORK,  
OFFICE OF THE ATTORNEY GENERAL,  
New York, NY, Jan. 11, 2010.

Re executive compensation investigation.

BANK OF AMERICA CORP.,  
New York, NY.

DEAR MR. LIMAN: As you know, the Office of the New York Attorney General has been conducting an inquiry into various aspects of executive compensation at many of our nation's largest financial institutions. Our inquiry has included a review of compensation practices at the original 2008 TARP-recipient banks.

Last year, this Office conducted a review of bonuses to allow the public, and the industry, an opportunity to review all relevant information concerning compensation practices. This year, both the amount of bonus packages and the construction of such packages is relevant information to our inquiry.

Pursuant to our ongoing inquiry, please provide this Office with a detailed accounting regarding executive compensation at your firm for 2009. In particular, it is vital that you immediately provide us with any and all information concerning your firm's bonus pool and distribution information for the 2009 year.



In particular, please provide this Office with the following information:

1. A description of all bonus pools for 2009, including a description of the process by which the pools were or will be established.

2. A description of your bonus program to include cash, stock and other incentive breakdowns, vesting periods, clawback provisions, and any other provisions to tie compensation to performance and/or the long-term health of your firm, as well as a description of how the 2009 bonus structures differ from 2008.

3. A description of the process by which the bonus pools were or will be allocated and distributed, including any documents reflecting discussion of the allocation and distribution process and the justification thereof.

4. A description of how, if at all, the calculation and plans for allocation of the bonus pools have changed as a result of your firm's receipt of TARP funds and/or your firm's repayment of TARP funds.

5. For the years 2007, 2008, and 2009, a description of the bonuses awarded to employees receiving more than \$250,000 in compensation. For this request, please include the allocation between cash and non-cash compensation and please provide a listing by amount of the 200 top bonuses awarded by your firm.

6. For 2009, the total value of bonuses awarded;

7. A description of how your bonus pool would have been impacted had you not received TARP funding in 2008 and/or 2009.

8. A chart and description of your institution's rate and/or magnitude of lending over the last 3 years—2007, 2008, and 2009. Please also include the relevant sizes of the businesses to which there has been lending.

9. For 2009, the number of employees who received any bonus with a value equal to or greater than (i) \$1 million, (ii) \$2 million and (iii) \$3 million. "Bonus" includes cash, deferred cash, equity, options, restricted stock, performance or time vesting stock and performance priced options, restricted stock units, restricted stock award, stock appreciation right or any similar type of grant or award. Please include for each bonus the cash and non-cash allocation.

10. Identify all compensation consultants retained as part of the 2009 compensation process.

11. The number of employees employed at your firm on December 31, 2009.

We have copied the Board of Directors on this letter because we believe they should be involved in the response to our requests as the firm's top management likely has a significant interest in the compensation issues raised by our requests.

As we informed your firm last year, when you received TARP funding, your firm took on a new responsibility to taxpayers. While your firm has now paid the TARP money back, it is not clear that your firm would have been in the same position now had you not received that TARP money. Accordingly, we also ask that the Board inform us of the policies, procedures, and protections the Board has instituted that will ensure Board review of all such company expenditures going forward.

As recent government actions have created new issues of public accountability and as private sector financial institutions are grappling with the consequences of these actions, we believe the need for full disclosure and transparency are essential and this reporting will assist in that effort.

We ask that you provide the requested information by February 8, 2010.

Very truly yours,

ANDREW M. CUOMO,

Attorney General of the State of New York.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time in all quorum calls prior to the vote at 2:30 p.m. be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3358

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about an amendment I have, No. 3358, which has already been pending, but I think, first, it is important for us to know that last year we borrowed \$4 billion a day in this country. Mr. President, 43 cents out of every \$1 the country spent at the Federal level was borrowed.

What does that mean? What that means is that over the next 10 years we are going to be paying \$4.5 trillion in interest on the additional \$9.8 trillion we are projected to spend that we do not have.

It was less than 3 weeks ago that this body passed a statute. Here is what the statute said: If you do not have the money to spend, then you have to cut something if you are going to spend new money.

As of last night, in the 3 weeks since we passed that bill, this body has said: That does not count. Time out. We are going to spend \$120 billion over the next 10 years, but we are not going to pay for it.

That is why when that bill came through, to tell America we were going to finally get some fiscal discipline, we, as a minority, voted against it, because we knew it was not true. As a matter of fact, one of our newer Members wanted to vote for it, as I had in the past when I first got here because I believed what it meant was real.

The fact is, the pay-go rules are a ruse. Pay-go means: American people, you pay, and we will go spend it. Even more than that: What you don't pay, we will go spend anyhow and we will charge it to your children and your grandchildren.

So this amendment I am proposing to be a part of this tax extenders plan would require three things. It would require the Secretary of the Senate to post on the Web site the following three things: the total amount of spending, both discretionary and mandatory, passed by the Senate that has not been paid for. We have this big hullabaloo saying we are going to pay for it and then as soon as the hard choices come of getting rid of something that is a lower priority, we will not do it; we

just charge it on the credit card. So this amendment would require us to post on our Web site all the spending we are doing that wasn't paid for. In other words, we are not going to tell America one thing and do another without at least being transparent in knowing we are complicit in not following our own law we passed that said you have to do this.

The second thing it would require is the total amount of spending authorized in new legislation as scored by the CBO. Because what routinely happens here, and what I have been rejected on over the last 5½ years, is that if you want to start a new program that is well intended to help people, one of the things we ought to do is get rid of the ones that aren't helping people, the ones that aren't efficient, the ones that are a lower priority. In other words, we ought to have to do what every American family has been doing for the last 2 or 3 years as we have gone through this economic constriction, which is make hard choices. They put priorities on things. The fact is, we are going to have \$120 billion inside of 3 weeks that we refuse to prioritize. We are just going to spend another \$120 billion.

Finally, the third component of what I am asking for in this amendment is for us to put on the Senate Web site any new government programs we create. What are the new programs we create? That is transparency.

So this amendment is not a gimmick. It is not to try to make people look bad; it is to try to make sure the American people know what we are doing and can see what we are doing. It is also to make sure the American people know when we say one thing and then do another. It is to make sure the American people can see that the Senate has passed \$120 billion worth of unpaid-for programs that we, in fact, directly charged to the next two generations, after we have passed a pay-go rule saying we will never do this. It is about credibility. It is about character. It is about honor. It is about fessing up, if you don't have the courage to make hard choices.

So it is very simple. Some of my colleagues think it is a gimmick. I don't think it is a gimmick. It is about being transparent with the truth about our lack of courage to make hard choices.

Ultimately, what is going to happen is the world financial system is going to force us into making hard choices. We all know that is coming. We are going to have a \$1.6 trillion deficit this year. Forty-five cents out of every dollar we spend we are going to borrow against our children. When does it stop? When do we start making the difficult choices we were sent to make?

So my hope is that my colleagues will support this amendment and we will, in fact, be honest and transparent with the American people about what we are doing and how we are doing it



and how we don't even follow our own rules. There is a Senate rule on pay-go, a budget rule, but now there is a statute. What we have done is, we have conveniently voted in the Senate that we are not going to honor the statute, we are not going to make the hard choices, and we are going to go on and spend the future of the generations who follow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

#### NOMINATION OF WILLIAM CONLEY

Mr. KOHL. Mr. President, it is my pleasure to rise in support of William Conley's nomination to be district court judge for the Western District of Wisconsin. If confirmed, Mr. Conley will replace Judge Barbara Crabb, who is taking senior status after more than 30 years of distinguished service on the court.

Bill Conley will make an outstanding addition to the Federal bench. He rose from humble roots in the small town of Rice Lake, WI, to graduate with distinction from the University of Wisconsin. He went on to the law school at UW, graduating cum laude and Order of the Coif. Following law school, he clerked on the Seventh Circuit Court of Appeals for Judge Fairchild.

Bill Conley's career has prepared him well to be a Federal judge. He has practiced law for 25 years at the venerable Madison firm of Foley & Lardner. Throughout his career, he has earned a reputation as a skillful lawyer and top-notch litigator. He has represented a variety of national and international companies before State and Federal courts and has served as a mediator and arbitrator and helped parties resolve their disputes outside court.

One of Bill Conley's greatest strengths is his frequent representation of clients before the court to which he has been nominated. From this experience, he has gained a keen understanding of the court as well as the fairness and impartiality the administration of justice requires.

While managing a busy legal practice, Bill Conley has remained committed to using his legal talent for the benefit of the local community. He has devoted hundreds of hours to pro bono legal work, representing refugees, indigent defendants, and others who would otherwise not be able to afford legal representation. He has also been active with the Remington Center for Criminal Justice at the University of Wisconsin, as well as the Wisconsin Equal Justice Fund.

Despite the many hours his work demands, Bill Conley makes time for his family and is a devoted husband, father, brother, and son. In sum, he possesses all the best qualities we look for in a judge: legal acumen, diligence, humility, and integrity.

Bill Conley's nomination was the result of the work of the nonpartisan

Wisconsin Federal Judicial Nominating Commission. For the past 30 years, Senators from Wisconsin, regardless of party, have used the Commission to select candidates for the Federal bench. This process ensures that a judge's qualifications are always our primary consideration and that politics are kept to a minimum.

Bill Conley's nomination proves, once again, that the process we use in Wisconsin ensures excellence. So it is no surprise that the American Bar Association found him to be "unanimously well qualified" and that the Judiciary Committee approved of his nomination without dissent.

When considering nominees for lifetime appointments for the Federal courts, we must satisfy ourselves that these nominees have substantial legal experience, are learned in the law, have the respect of their peers, and, most important of all, will be fair-minded and do justice without predisposition or bias. William Conley's experience and qualifications convince me he well exceeds these requirements.

I am confident Bill Conley will be a Federal judge we can be proud of and that he will serve the people of Wisconsin well.

Thank you very much. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF ARTHUR ELKINS

Mr. BARRASSO. Mr. President, I rise today because the Senate Committee on Environment and Public Works will soon be meeting to discuss the nomination of Mr. Arthur Elkins to be the inspector general at the Environmental Protection Agency. I support Mr. Elkins moving out of committee, and to date he has truthfully answered all the questions I posed to him. Before the full Senate votes, I do have some additional questions based on a report I am releasing today.

As ranking member of the Subcommittee on Oversight in the Senate Environment and Public Works Committee, I care a great deal about ensuring oversight over the agencies within our jurisdiction, the most important of which is the EPA. Over the last few months, the minority on the subcommittee has compiled a report. The report is entitled "The Status of Oversight: A Year of Lost Oversight." This report details the severe lack of oversight by the majority of the committee and the administration.

When the majority created the Subcommittee on Oversight, it was stated that they planned "to use the subcommittee to explore ways to restore scientific integrity in the EPA, and other Federal agencies focused on the environment, and to strengthen environmental protections by once again making the regulatory process more transparent." I agree. One year later, as my report details, there have only been two subcommittee hearings, and, as the report concludes, "The result of this is that the majority has let a year go by where they have failed to pursue their stated goals."

Over the last year, my colleagues and I have requested a series of investigations and hearings into key matters related to whistleblowers being silenced, data being manipulated, and shadow czars holding meetings where nothing is put into writing to avoid Freedom of Information Act requests. We have asked for these hearings and investigations because we believe the public needs to have trust in their government.

At the beginning of this administration, Environmental Protection Agency Administrator Lisa Jackson herself stated unequivocally: "The success of our environmental efforts depends on our earning and maintaining the trust of the public we serve."

As this report demonstrates, this administration and the majority have shown little interest in pursuing these matters. Let me read to you the findings and recommendations of the report: In 2009, the Senate Environment and Public Works Committee majority chose not to conduct oversight over the relevant agencies within the executive branch. The lack of any oversight over the activities of the Federal agencies weakens the system of checks and balances and invites the potential for larger abuses. Action must be taken to investigate oversight issues from the last year, and further coordination within the committee regarding the oversight jurisdiction and responsibility is needed.

I believe that finally receiving a nominee for inspector general at EPA gives the public another opportunity to get to the truth about the issues raised in this report.

In his answers to my questions to date, Mr. Elkins has signaled that he is absolutely willing to chart a new course from where this administration and the majority have taken us.

When I asked: Do you believe it is the responsibility of the EPA inspector general to investigate instances where whistleblowers are silenced by their superiors at the Agency, he said yes.

When I asked: Will you pursue those instances, he said yes.

When I asked: Do you believe it is the responsibility of the EPA inspector general to investigate and report instances where scientific procedures at EPA are circumvented, he said yes.

When I asked: Will you investigate instances where agency employees are smeared publicly in the press by higher-ups in an agency or in the administration simply for providing their best advice and counsel, he said yes.

All of these things are not hypotheticals; they all occurred over the last year. My colleagues and I in the minority have asked for investigations into each of these instances by the majority and the administration. The response we have received each time has been a resounding no.

If the administration and the majority refuse to provide proper oversight, then someone else has to. That is why I plan to share this oversight report with Mr. Elkins, the nominee to be inspector general at the EPA. Before a floor vote, I will seek confirmation that he will give the matters I raise in this report due consideration. I am confident based on his response so far that he will answer in the affirmative. If so, we will have the sea change at the EPA that will restore the public's confidence in that Agency.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BARRASSO. I will.

#### AMENDMENT NO. 3382

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3382 offered by the Senator from Michigan, Ms. STABENOW.

Ms. STABENOW. Mr. President, I am pleased to speak on behalf of this amendment which was cosponsored by Senators HATCH, SCHUMER, CRAPO, SNOWE, SHERROD BROWN, ENZI, RISCH, and COLLINS.

This focuses on companies that continue to face significant challenges in raising capital for new investments. It would allow struggling companies that do not benefit from other incentives, such as the NOL carryback and others, to utilize existing AMT credits based on new investments they make in this year for equipment and so on to create jobs.

It encourages companies to invest and to allow companies to be able to receive a badly needed source of capital. This is very important for companies that will be in a position where they are not making a profit but are continuing to invest, to maintain their workforce, or grow their workforce, and need to be able to have a source of capital.

This is dollars they would be receiving at some point anyway, because when they become profitable, they are able to use the credits. We are going to allow them to use a portion, just 10 percent of those credits, to be able to invest in equipment—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. And facilities to create jobs here.

I want to thank many businesses: the U.S. Chamber, the National Association of Manufacturers, the Association of Manufacturing Technology, the Equipment Manufacturers, Motor and Equipment Manufacturers, and many businesses that are in America working to make things, to bring back jobs. This is on behalf of all of them, and I would ask colleagues for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3382) was agreed to.

#### AMENDMENT NO. 3391

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to amendment No. 3391, offered by the Senator from Massachusetts, Mr. BROWN.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Mr. President, providing immediate across-the-board tax relief to working families is not complicated economic policy. It is simple and makes economic sense. Under my plan, almost 130 million workers will receive immediate and direct tax relief. If we took the estimated \$80 billion in unobligated stimulus accounts today, money that is sitting there unused, in what I consider a stimulus slush fund, and gave it back to the American people, our workers could see their payroll taxes lowered by nearly \$100 per month, saving them more than \$500 over a 6-month period, and working couples could receive a tax cut worth more than \$1,000.

This has been done before. JFK and Ronald Reagan called for across-the-board tax cuts to stimulate the economy and we can do that now. I moved last week for a bipartisan effort to get Washington working again. I reached out across party lines and made a sincere effort to stop business as usual to get the jobs done that the American people are demanding.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, as a former President used to say, "There they go again." There they go again trying to cut back the Recovery Act. There they go again trying to scale back what CBO says is a proven success in creating jobs. They tried it with the

Bunning amendment Tuesday, they tried it with the Thune amendment yesterday, they tried it with the Bunning amendment yesterday, they tried it with the Burr amendment yesterday. Each time the Senate rejected their attempt to raid the Recovery Act, and we should do the same again today.

The nonpartisan Congressional Budget Office said the Recovery Act created between 1 and 3 million full-time equivalent jobs. That is real job creation. Now is not the time to be scaling back job creation. I urge that we do not adopt this amendment.

I raise a point of order against section 103(d) of the pending amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

Mr. BROWN of Massachusetts. I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

#### [Rollcall Vote No. 40 Leg.]

##### YEAS—44

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lincoln
Bayh	Dodd	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kerry	Wicker
Cornyn	Kyl	

##### NAYS—56

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	McCaskill	Voinovich
Dorgan	Menendez	Warner
Durbin	Merkley	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson (NE)	

The PRESIDING OFFICER (Mr. FRANKEN). On this vote, the yeas are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the emergency designation is removed.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Brown

amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

## AMENDMENT NO. 3389

Mr. BAUCUS. Mr. President, I believe the next amendment is the Burr amendment.

The PRESIDING OFFICER. Yes, there are now 2 minutes evenly divided before a vote with respect to the Burr amendment.

The Senator from North Carolina.

Mr. BURR. Mr. President, I will be very brief, and we can get on with this.

My amendment is very simple. In the spirit of trying to restart this economy, get Americans back to work, what this amendment does is create a 10-day tax holiday. It is voluntary for any State that wants to participate. It would start 30 days after enactment on the first Friday so that we incorporate two weekends of sales.

We introduced this in 2001 to handle the economic downturn. States do it every year for back-to-school time. It is proven to generate retail activity. Right now we need a shock and awe to this economy if we want to get Americans back to work.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as Yogi Berra once said: "It's déjà vu all over again." That is where we are. We have had this amendment—not this precise amendment but many similar to it—many times, taking Recovery Act funds out.

Just to remind my colleagues, CBO says there are 1 million to 3 million jobs the stimulus bill has created. There is more yet in the recovery package to continue to create more jobs. Now is not the time to cut back on a proven job creator. Therefore, I urge that we do not adopt this amendment.

Mr. President, I raise a point of order that the pending Burr amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 22, nays 78, as follows:

[Rollcall Vote No. 41 Leg.]

## YEAS—22

Bennett	Graham	McCain
Bond	Grassley	McConnell
Brown (MA)	Hatch	Murkowski
Bunning	Inhofe	Snowe
Burr	Isakson	Thune
Chambliss	Johanns	Vitter
Coburn	LeMieux	
Collins	Lugar	

## NAYS—78

Akaka	Ensign	Mikulski
Alexander	Enzi	Murray
Barrasso	Feingold	Nelson (NE)
Baucus	Feinstein	Nelson (FL)
Bayh	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Gregg	Reid
Bingaman	Hagan	Risch
Boxer	Harkin	Roberts
Brown (OH)	Hutchison	Rockefeller
Brownback	Inouye	Sanders
Burr	Johnson	Schumer
Byrd	Kaufman	Sessions
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kohl	Specter
Casey	Kyl	Stabenow
Cochran	Landrieu	Tester
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 22, the nays are 78. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The amendment falls.

## AMENDMENT NO. 3337

There is now 2 minutes, evenly divided, on the Sessions amendment.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, this amendment is one of those opportunities where we get to walk the walk. There is an awful lot of talk about how we have to do something about spending. There is a lot of misinformation out there about this amendment.

First of all, it exempts emergencies. It exempts mandatory spending, such as UI and COBRA. It exempts our wars. It exempts emergency spending. It is less aggressive than the President's spending freeze that he has laid out for next year. It does not apply until the next fiscal year.

This is the moment we can walk the walk instead of just talking the talk and show the American people we get it. Two percent is not unreasonable in terms of increases every year when we look at the pile of debt we have to deal with in the coming decades.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, this amendment says one thing and does

another. It says it will help control Federal spending, but it leaves mandatory spending off the table when that is the area of rampant growth over the past decade.

It also circumvents the Deficit Reduction Commission, which was created a few days ago to look at both spending and revenues by prematurely cutting discretionary spending, and it may require the Appropriations Committee to cut more than \$100 billion from national defense.

I urge my colleagues to once again reject this amendment.

Mr. President, the pending amendment deals with matters within the Budget Committee jurisdiction. Accordingly, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 42 Leg.]

## YEAS—59

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Risch
Bond	Hagan	Roberts
Brown (MA)	Hatch	Sessions
Brownback	Hutchison	Shaheen
Bunning	Inhofe	Shelby
Burr	Isakson	Snowe
Cantwell	Johanns	Tester
Carper	Klobuchar	Thune
Chambliss	Kyl	Udall (CO)
Coburn	LeMieux	Vitter
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Corker	Lugar	Webb
Cornyn	McCain	McCaskill
Crapo	McCaskill	

## NAYS—41

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bingaman	Gillibrand	Murray
Boxer	Harkin	Reed
Brown (OH)	Inouye	Reid
Burr	Johnson	Rockefeller
Byrd	Kaufman	Sanders
Cardin	Kerry	Schumer
Casey	Kohl	Specter
Conrad	Landrieu	Stabenow
Dodd	Lautenberg	Udall (NM)
Dorgan	Leahy	Whitehouse
Durbin	Levin	Wyden
Feingold	Menendez	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION OF WILLIAM M. CONLEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the following nomination:

The assistant legislative clerk read the nomination of William M. Conley, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—99

Akaka	Ensign	McConnell
Alexander	Enzi	Menendez
Barrasso	Feingold	Merkley
Baucus	Feinstein	Mikulski
Bayh	Franken	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Risch
Brown (OH)	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burriss	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	McCain	Wicker
Durbin	McCaskill	Wyden

NOT VOTING—1

Dorgan

The nomination was confirmed.

Mr. LEAHY. Madam President, the Senate has finally taken action on the nomination of Judge William Conley to be a U.S. district court judge in the Western District of Wisconsin. Judge Conley was reported by the Senate Judiciary Committee without objection last year, on December 10. That is almost 3 months ago. He has waited for this day for some time.

I had hoped that Mr. Conley's confirmation process would resemble those of Judge Christina Reiss of Vermont and Judge Abdul Kallon of Alabama. Those nominees received relatively prompt consideration by the Senate, and they should serve as a model for Senate action. Sadly, they are the exception rather than the rule. They show what the Senate could do, but does not. Time and again, non-controversial nominees are delayed.

The Senate is far behind where we should be in helping to fill judicial vacancies. Vacancies have skyrocketed to more than 100 and more have been announced. We need to do better. The American people deserve better.

As with so many other nominations before the Senate, Judge Conley has waited an extraordinary amount of time to be confirmed. Instead of time agreements and the will of the majority, the Senate is faced with delays by Senate Republicans. Earlier this week we had to overcome Republican objection and a filibuster to obtain a vote on the nomination of Judge Barbara Keenan. She, too, was confirmed unanimously, 99 to zero. Yet Republicans would not agree to schedule a vote on her nomination. She was forced to wait four months after being reported by the Senate Judiciary Committee, and the Senate was required to end the Republican filibuster.

In addition to Judge Keenan and Judge Conley, there are 17 additional judicial nominations on the Senate Executive Calendar, all of which have been considered and favorably reported by the Senate Judiciary Committee. Thirteen of those judicial nominations received unanimous or strong bipartisan support in the Judiciary Committee. They should all be considered without further delay. Debate and votes should be scheduled on all of the judicial nominees being stalled. Those opposed by a minority should be debated and then receive a vote.

Only 16 Federal circuit and district court judges have been considered by the Senate so far during President Obama's 13 months in office. By this date during President Bush's first term, the Senate had confirmed 39 judicial nominees.

I remain very concerned about the new standard the Republican minority is applying to many of President Obama's district court nominees.

Democrats never used this standard with President Bush's nominees, whether we were in the majority or the minority. In 8 years, the Judiciary Committee reported only a single Bush district court nomination by a party-line vote. That was the nomination of Leon Holmes, who was opposed not because of some litmus test, but because of his strident, intemperate, and insensitive public statements over the years. During President Obama's short time in office, not one, not two, but three district court nominees have been reported on a party-line vote. I hope this new standard does not become the rule for Senate Republicans.

In December, I made several statements in this chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others. I reiterated my proposal earlier this week and do so, again, now: I urge Senate Republicans to reconsider their strategy of obstruction and allow prompt consideration of all 18 judicial nominees currently awaiting final Senate consideration. There is no need for these nominations to be dragged out week after week, month after month.

After 3 months of delay, today we finally considered the nomination of William Conley. Mr. Conley is a partner in the Madison, WI, office of Foley and Lardner, where he is widely recognized as a top antitrust and appellate lawyer. He has represented clients before the U.S. Supreme Court, the Wisconsin Supreme Court, and the Seventh Circuit, among others. Mr. Conley attended the University of Wisconsin, where he earned his B.A. and J.D. with honors. Mr. Conley also served as a law clerk for Judge Thomas Fairchild on the Seventh Circuit. I congratulate Judge Conley on his confirmation today. I look forward to the time when the 17 additional judicial nominees being stalled are released from the holds and objections that are preventing votes on them and their confirmations.

I, again, urge Senate Republicans to reconsider their strategy and allow prompt consideration of all 18 judicial nominees awaiting Senate consideration, not just William Conley of Wisconsin but also the following nominees: Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Justice Rogerie Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North

Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; and Justice Louis Butler, nominated to the Western District of Wisconsin; Nancy Freudenthal, nominated to the District of Wyoming; Denzil Marshall, nominated to the Eastern District of Arkansas; Benita Pearson, nominated to the Northern District of Ohio; Timothy Black, nominated to the Southern District of Ohio; Gloria M. Navarro, nominated to the District of Nevada; Audrey G. Fleissig, nominated to the Eastern District of Missouri; Lucy H. Koh, nominated to the Northern District of California; Jon E. DeGuilio, nominated to the Northern District of Indiana; and Tanya Walton Pratt, nominated to the Southern District of Indiana.

The PRESIDING OFFICER. A motion to reconsider is considered made and laid on the table. The President shall be notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

The Senator from New Hampshire.

#### TAX EXTENDERS ACT OF 2009— Continued

Mr. GREGG. Madam President, I understand the Senator from Illinois is planning to speak. I wish to speak after he completes his remarks. I ask unanimous consent he be recognized and then I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. BURRIS. Madam President, after I speak I ask unanimous consent that the Senator from Delaware be able to speak for a period of time.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. The Senator is speaking after me?

Mr. BURRIS. Yes, after the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3388

Mr. BURRIS. Madam President, I rise to speak on H.R. 4213. One amendment has already been dropped. I do plan to submit a second amendment. This amendment is dealing with the Recovery Act funds.

During my three terms as State comptroller of Illinois, I worked very hard to maintain accountability for the money we spent from our State. I have been contacted by my State officials, the various auditors, comptrollers, and treasurers, to say the stimulus money that is coming into the States is coming in and they have no

funds to do all this transparency and accountability. I put an amendment on this bill to say that we should. I filed amendment No. 3388 which addresses currently underfunding the costs of tracking and reporting the stimulus money.

This measure would set aside up to one half of 1 percent of all existing stimulus funds and allow States and local governments to use this administrative expense reserve to distribute and track this money as it is received and spent. It would allow the American people to hold their representatives accountable and it would help ensure that every dollar is targeted effectively and spent wisely, without waste, fraud, or abuse.

Agreeing to this amendment will restore oversight to this process and will keep Americans on the road to economic recovery without incurring a dime of new spending.

In addition to restoring accountability, I believe we need to take an active role—as my second amendment would do, which I have not dropped yet; it is coming, though. It would deal with small businesses. I believe we should take an active role in supporting small and minority businesses because Main Street will be the engine of the American economic recovery. That is where jobs will be created. That is where the rubber meets the road—where we can turn this crisis around. That is why I am proud to offer another amendment which will require the Transportation Security Administration, the TSA, to award contracts to small businesses and disadvantaged businesses wherever and whenever possible. This amendment would ensure compliance with existing standards of government contracts and subcontracts and would keep dollars flowing into real communities rather than to the corporate treasuries.

By strengthening reporting standards and forcing participation goals for TSA projects, we can target Federal spending to the capable worker who has always been at the center of the American economic prosperity.

We are also saying we need these two amendments. They will strengthen and improve upon the key provisions of our jobs bill as well. I ask my friends in this Chamber to join me in renewing our commitment to transparency, honesty, and accountability. I ask them to stand for small businesses and minority subcontractors so we can make sure Main Street has a major share of our ongoing economic recovery.

The issue is the amendment to H.R. 4213 which would be the amendment No. 3388, and also the other amendment I am getting ready to drop which will deal with small and minority businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to go over, for the sake of the record and also for those people who may be listening and may be reading this dialog, where we stand relative to the health care debate. I think it is important for people to understand what has happened. There has been a lot of talk about a lot of different things, with reconciliation, the term “reconciliation” taking a front row seat.

What is happening here essentially is this. The House of Representatives is going to have to make a decision whether they want to pass the bill that passed here in the Senate. Remember, the bill that passed here in the Senate was a bill that was produced and delivered to the Senate on a Saturday afternoon, for all intents and purposes—the core of the bill, the managers' amendment. No amendments were allowed after that Saturday afternoon and a final vote was taken 3 days later on Christmas Eve.

It was a bill that expanded the size of the government by \$2.5 trillion, when fully implemented. It was a bill that reduced Medicare by \$1 trillion when fully implemented and was scored at \$500 billion in the first 10-year tranche, by \$1 trillion when fully implemented, and took those savings from Medicare, from Medicare recipients, and used them to fund a brandnew entitlement which had nothing to do with Medicare, it didn't involve the people who receive Medicare, and to extend dramatically an already existing entitlement called Medicaid.

It was a bill that basically said to small employers we are going to make it so darned expensive for you to keep the insurance you presently give to your employees that a lot of you are going to decide to throw up your hands, stop insuring your employees and send your employees down the street to something called an exchange. It was a bill that basically set up a structure which would manage, in a very micro-managed way, the delivery of health care in this country from a top-down situation so essentially it put a bureaucrat between you and your doctor and you and your hospital.

It was a bill which was going to create so much new spending and grow the Government so much that we would now have, after this bill is fully implemented, the largest government, as a percentage of our gross national product, we have ever had at any time when we have not been engaged in a world war. Think about that. That bill takes the size of our government and grows it from its historic level, which is about 20 percent of GDP, up to around 25, 26, 27 percent of GDP when it is fully implemented. Most of that, although allegedly paid for—those paid-for will never come to fruition because we know this Congress doesn't have the courage to stand up and raise taxes at those levels or cut spending at those

levels. So most of that, in my opinion—and granted, this wasn't CBO's score because they had to take the statements as though Congress would do something such as cut Medicare by \$1 trillion—most of those pay-fors would not come to fruition and therefore this would fall on the deficit and become debt our children would have to pay off.

In addition, it did nothing, absolutely nothing, about reducing the cost of health care in this country. In fact—again according to CBO—the cost of health care went straight up under this bill. A lot of Americans, also under this bill, would still not be insured because the estimate was 24 million, I believe, would still have no insurance, even after we had spent \$2.5 trillion.

So this bill, in my opinion, was and is and remains a disaster from a fiscal standpoint, because it will so massively expand the size of the Federal Government and throw those costs onto our children's backs in the form of debt; and from a health care standpoint, because it will undermine, in my opinion, the delivery of health care. But more important, it doesn't do anything substantively to bend the out-year health care costs.

So now this bill, this giant bill on health care, this asteroid headed toward Earth, is sitting in the House of Representatives. They do not have the votes to pass it. Why? Because the American people have spoken. They spoke when they elected SCOTT BROWN in Massachusetts, they have spoken in polls across the country, and they have spoken in town meetings. They have spoken in letters to Senators and e-mails to Senators and House Members.

They are upset. They know this is bad policy. They know we cannot afford it, and they know we should not do it. So there are a lot of House Members who are a little queasy about voting for this bill. So what does the administration come up with and the House leadership, Speaker PELOSI? They have come up with this sidecar to this huge bill, and this sidecar is called reconciliation. It is a littler bill.

What is the purpose of this bill? The purpose of this bill is to go around to the different constituencies in the House, the different liberal constituencies in the House, ask them what they need to get their vote for the big bill, and then put it in this little bill. It is a purchasing process. It is a going-out-and-buying-votes process done behind closed doors, as this bill was.

This bill was designed in a back room. The big bill was designed in a back room. This is a back room, behind the back room, behind a hidden door, where they are negotiating with all of these folks: What do I need to do to get you to vote for this big bill, which nobody wants?

Someone says: Well, you have to spend more money, so they put in

something that spends more money, or you have to raise taxes on somebody, so they put in a tax increase, or you have to change the benefit structure, so they change the benefit structure. They put all of these little changes, which are fairly significant but are nothing compared to the bigger bill, in this smaller bill called reconciliation.

Why did they choose that bill called reconciliation to do this—or why will they? Because under the Senate rules anything that comes across the floor of the Senate requires 60 votes to pass. It is called the filibuster. That is the way the Senate was structured.

The Senate was structured to be the place where bills which rushed through the House because they do not have rules that limit—they do have a lot of rules that limit debate and allow people to pass bills quickly, but they do not have any rule called the filibuster which allows people to slow things down.

Bills can rush through the House, and they come over here. Sometimes they are pretty bad ideas, and the Founding Fathers realized when they structured this government they wanted checks and balances. They do not want things being rushed through. They had seen the parliamentary system. They knew it did not work.

So they set up the Senate as the place, as George Washington described it, where you take the hot coffee out of the cup and you pour it into the saucer and you let it cool a little bit and make people look at it and make sure it is done correctly. So that is why we have the 60-vote situation over here to require that things that pass the Senate get thoughtful consideration.

Unfortunately, it was totally ignored—the 60 votes were not because 60 votes were used to override thoughtful consideration. But when the big bill was passed, it was done in a way that basically limited the ability of the Senate to debate it and to amend it.

But now they know they cannot go through that route again because they know there is no longer 60 votes on the other side of the aisle with the election of Senator BROWN, who was elected, in large part, because of people's outrage over what happened when they basically tried to jam the Senate, or did jam the Senate procedure, and did not allow amendments, did not allow a debate on the biggest piece of social policy and fiscal legislation in history—in my experience, in the history of my experience in the Congress, the big bill.

When they jammed us, jammed that thing through here on Christmas Eve, the American people got outraged. Senator BROWN made that point. As a result, people agreed with him in Massachusetts, and they elected him. So there are no longer 60 votes on that side of the aisle. They cannot use that railroad approach. So they decided to go back to an arcane Senate procedure

called reconciliation and use that approach.

Under reconciliation, which is a Senate process, that is the only bill around here, the budget and reconciliation, that has the right to pass with 51 votes and a time limit on debate, and basically a time limit on debatable amendments, although not on amendments generally.

So this reconciliation is a hybrid vehicle in the Senate. And what is it? Well, reconciliation was structured so that when a budget passed the Senate, there would be a way for the Budget Committee to say to the committees that were supposed to adjust spending or adjust taxes in a way to meet the budget that they had to do it. So if your budget was coming out \$10, \$20, or \$30 billion over where it was supposed to be, the reconciliation structure would say: Change the law to bring it back to where it is supposed to be.

It has been used around here on numerous occasions. I think 19 times reconciliation has been used since the Budget Act instituted reconciliation in 1976. But it has always been used for the purposes of adjusting issues which either, A, were bipartisan, or, B, were pretty much purely issues of adjusting numbers, numbers on the tax side, numbers on the spending side.

So of the 19 times that reconciliation has been used, every time except two times, reconciliation has been a bipartisan bill. Twice it was not bipartisan. Twice it was run through here on a partisan vote: once on the tax increases that President Clinton passed, and once on a reconciliation bill dealing with adjusting spending. I believe it was in 1985; otherwise, there has always been a bipartisan vote for the bill. So 89 percent of the time it has been bipartisan. It has always been, when it has been partisan, used for the purpose of making these numbers adjustments, not for the purpose of creating massive new policy that affects every American in very personal ways in the way they deal with their doctors and their hospitals and their health care treatment.

It was never conceived as a concept where the real legislation involving substantive issues of policies would be done. Tax rate adjustments have occurred under it. Absolutely. But when you move tax rates from 39 to 35 percent, as the Bush tax cuts did, or tax capital gains from 20—I think they went from 25 percent to 15 percent—that is not a complex issue. That is just, you know, taxes are either going to go up or go down. It takes about 100 pages of actual legislative language. Everybody knows the issue. It is an up-or-down vote. Pretty clear.

In fact, in these instances, there were opposing positions presented, and in those issues, there was actually more than one—people of both parties voted for them. That is not like passing an entire rewrite of the health care system of America.

The health care system is 17 percent of our economy, one of the most complex issues we have to deal with. You pull a string over here, and a string 10,000 miles away is affected. It is just a matrix of exceptionally complicated interrelated issues with all sorts of policy language that is necessary.

So reconciliation was never conceived of, and its purpose was never to take on big policy like that. Big policy is supposed to be taken on the floor of the Senate in an open procedure where there is debate and there is amendments, and the amendments are debatable.

So reconciliation is certainly not the appropriate vehicle to use. But I think the point I am trying to make is that reconciliation is not the real game. I mean, after the House of Representatives—after they have gone around with this reconciliation bill and they bought up the votes they need and said to these people: Well, we will just fix that in reconciliation if you will just vote for the big bill—after that has happened and the big bill has passed, this \$2.5 trillion monstrosity in spending and government dominance of the health care sector, after that is passed, the game is over. That is the law. I do not think there will be much incentive at all for the White House or my colleagues on the other side of the aisle to take up reconciliation. There certainly will not be any energy needed to pass it.

Because this big bill, which America basically rejects—every poll in America says it has a maximum of about 25 percent approval of that bill and somewhere around 60 to 70 percent disapproval, at different levels, “strongly” or “fairly strongly”—that bill will have become law, and basically what we will have done, or what will have occurred, then, is we will have created a government program that is so large and so burdensome that it is very unlikely that this country will be able to pay for it. As we move into the out-years, our children are going to get these bills. In order to pay those bills, they are either going to have to have a massive event of inflation to pay for them or a massive tax increase. Either one of those events, of course, undermine the quality of life and the standard of living of the next generation.

In addition, of course, we are going to get a health care system which has become basically a ward of the government, for all intents and purposes, for the bureaucracy that is very dominant and that makes it very difficult for citizens to have the choices they need to develop a health care delivery system that is tailored to their needs.

A lot of small businesses will just simply give up on the idea of supplying health care. We also know, of course, that the health care prices will not come down but will continue to go up. So this is a really dangerous time. It is

a time when the House of Representatives has to take a hard look at what actions it is going to take, obviously, and I am sure they will.

But they have to recognize that voting for that big bill and hoping that the Senate will bail them out with a little bill—well, I would take a second look at that. First, it will be hard to run a reconciliation bill across this floor and have it end up with the way it started out because of all of the points of order that will be available against it.

But, secondly, I am not sure there will be all that much energy to do it to begin with because once you pass the big bill, those who want to essentially dramatically expand our government, and in the end nationalize the health care system with a single-payer approach, will be well on their road to accomplishing those things.

There is not going to be a whole lot of energy to do much else. So I think it is important to understand that as much as reconciliation is an interesting and entertaining point of topic for discussion around here as to whether it is appropriate and whether—which I do not think it is under this type of scenario—and whether the reconciliation bill will actually survive the challenging on this floor from points of order, that is an interesting issue too.

That is not the question. The question is, is reconciliation even relevant once the big bill passes? I think it is probably not. So if I were a House Member depending on reconciliation, looking to that bill as the way that I am going to justify voting for this bigger bill, which is such a disaster, I would think twice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### RECOVERY ACT SUCCESS

Mr. KAUFMAN. Madam President, it has been just over a year since I took office and since President Obama was sworn in. I think it is a good time and appropriate to reflect on just how far we have come. A year ago, the Presiding Officer and I came into office in the midst of the worst economic crisis since the Great Depression.

We had been spiraling deeper and deeper into recession for over a year. Almost three-quarters of a million jobs were lost in the month of January 2009 alone. Our credit markets were frozen, major edifices of our economic landscape had collapsed or were tottering on the brink, from Lehman Brothers to General Motors. Alarms were still ringing. Emergency policies were thrown in to the breach, things were bad, and there was no way to know how much worse they were going to get. We were on the precipice.

We could have fallen into the abyss, if not for the extraordinary actions we took. Those actions saved us from another full-blown depression. We are

still not out of the woods, of course. Although we have had some good news recently, too many families, too many communities have been hit hard by job losses and falling home values. But we are nevertheless beginning to see evidence that we are finally turning the corner as a nation. While things are still not good, they are no longer getting worse and, in some areas, we have actually seen real improvement. I wish to share with my colleagues some of that evidence.

Here I have a chart showing the Dow Jones industrial average since October 2008. We all know it is not always the best indicator of economic health, but since the downturn was precipitated by turmoil in our financial markets, I will start with this.

As you can see, the market bottomed out just weeks after the Recovery Act was enacted, and it has been climbing ever since. The chart clearly shows we stopped the free-fall, we stabilized the market, and we are allowing it to grow again.

Here is another chart showing the Purchasing Managers Index. This is a survey of purchasing managers who report whether business conditions are better than, the same as or worse than the previous month. A score of 50 means no change, so anything over that should mean the economy is expanding. Anything below indicates the economy is shrinking. In this chart, it is clear business confidence plummeted in the fall of 2008. Only four times in the postwar period has this index fallen so low and never in the last quarter century. We can see it was not until March of last year, right after the Recovery Act took effect, that manufacturing confidence began to return. With other data, we know this occurred as businesses began rebuilding inventories, confident they had weathered the cash crisis of the winter.

This next chart shows our GDP growth over the last 3 years, from the beginning of 2007 to the end of last year, the last date for which we have good data. I have added a smoothing line to show the trajectory our economy has taken. As you can see, in 2008, the bottom fell out. It wasn't until last spring that we began to restore order. I will not pretend 6.3 percent growth for one quarter is good enough for me. Without jobs, it isn't. But it is clearly better than what was happening 12 months ago.

My last two charts, which address jobs, tell the most important tale. We know from past experience that job growth lags behind economic recovery. This chart shows how long that took in previous postwar recessions. In every single postwar recession, jobs have lagged the economic recovery, whether it is 1 month in July 1908 or 22 months in November 2001 and everything in between.

There is a reason for this. Businesses need to use up their existing capacity,



and they need to feel confident in the economic climate before they start expanding again. This process can be especially painful following a financial collapse, where businesses and households are forced to pare down their savings and reduce their spending. By doing that, they tamp down economic recovery, reduce spending, and that is why jobs have been slower to return than anyone would like. Also remember, if you are running a company and you have laid off people, that is a very traumatic experience. You don't want to do that again. The worst situation of all is to start hiring people back and then have to lay them off again. Businesspeople, especially those who care, don't want to hire people back until they are sure they can offer them a job they can keep. Can you imagine putting somebody through this twice?

It is important to remember this lag. Economists suggest we may be around 8 months into economic recovery, and the jobs are coming. We are 8 months into economic recovery, and the jobs are coming. While the record of recent recoveries is a sobering one, the last chart I have shows the beginning of our good news. With announcements over recent weeks, we have seen that unemployment is stabilized and may even be turning around. We have staunch the bleeding. All those charts show things started picking up right after we passed the stimulus bill.

That is not the only thing we did. There were extraordinary efforts to stabilize the financial sector through direct assistance and low interest rates. But passage of the Recovery Act marked the beginning of the turnaround. That is indisputable, looking at the data. Passage of the Recovery Act marked the beginning of the economic turnaround. We cannot be satisfied until we have all our jobs back, until our economy is working for everyone. But one thing we know for sure is that without the Recovery Act, we would be a lot worse off.

I wish to stress, this will not be a smooth path back to a healthy economy. There will be good days and bad days, good news and bad news. But these indicators show we have turned the corner, thanks in no small way to Recovery Act money that is still going out. Nationally, nearly 2 million jobs have been saved or created by activities funded by the Recovery Act. This is not something I alone am claiming. Economic experts from Moody's, CBO, Macroeconomic Advisers and more are telling the same story. But that is not all the Recovery Act has done. It has also given a helping hand to millions of Americans out of work by expanding and extending unemployment insurance. Meanwhile, 95 percent of working Americans benefited from tax relief. Under the Recovery Act, 95 percent of all working Americans benefited from the tax relief.

State and local governments received badly needed fiscal relief that allowed them to maintain essential services, including health coverage for millions of Americans, and retain workers which kept cops on the beat and teachers in the classroom. We will never know how bad the economy would have been if we had not acted. That is the nature of things. But the charts I have shown all tell the very same story, of an economic free-fall that has been slowed, stopped, and reversed.

Do any of my colleagues believe we would be in a better situation today without the Recovery Act? The timeline is clear. The data are clear. The Recovery Act is what brought the economy back.

The challenge we faced 1 year ago was a roughly \$2 trillion hole in the economy. Consumer spending, fully two-thirds of the whole economy, was in free-fall. Failing to plug the gap would have continued the free-fall or, just as badly, condemned us to a lost decade similar to what Japan saw in the 1990s. During 1990s, the Japanese did not come back with a major effort such as the Recovery Act, and they had GDP level for a decade. You can imagine what that did to revenues, their deficit, and their jobs. That is what we would have been condemned with, if we had not gone with the Recovery Act.

Let's tell the truth about how we got here. It is absolutely essential to remember what the situation was 1 year ago when the administration came into office, not to go back and go over things that happened in the past but to make sure we don't do it again and to understand what caused this recession. The circumstances we inherited at the end of 8 years of the prior administration were the worst we have seen in generations. When the Bush administration came to office in 2001, the Federal budget was not only balanced, it was in surplus, in surplus to the tune of \$236 billion, the largest surplus in half a century. Remember that. That was not that long ago. We were actually debating how quickly we were going to be free of debt as a country. We were on a path to financial independence, able to save for retirement of the baby boom generation, able to set aside something for a rainy day. That was only 10 years ago.

Tragically, that inheritance was squandered. Instead of a surplus of \$710 billion that was projected in 2001 for last fiscal year, 2009, we wound up with a \$1.6 trillion deficit. I hear my friends on the other side talk about deficits. This \$1.6 trillion deficit didn't just develop. It came out of the policies of the last 8 years.

Two major factors account for the bulk of this reversal of fortune. First were the economic and budget policies of the last administration which gave no thought to paying for tax cuts or spending increases. We just had a de-

bate about paying for the \$10 billion for an employment extension. But we actually passed tax cuts, Medicare, other things that were never paid for that were hundreds of billions of dollars, not \$10 billion, hundreds of billions. Tax cuts primarily for the wealthy and the wars in Iraq and Afghanistan together accounted for more than \$500 billion of the 2009 deficit and \$7.1 trillion over the next decade and none of it was paid for.

Second, we had the regulatory failures which permitted, even encouraged, the financial excesses that brought our markets down. They not only permitted it; they encouraged it. There was a feeling you didn't have to do any kind of regulation, only self-regulation. Alan Greenspan himself said he was dismayed self-regulation didn't work. That financial collapse battered our economy, reducing revenues and increasing necessary spending on unemployment insurance, food stamps, and other support programs. Here we are on the floor debating unemployment insurance, food stamps, and other support programs, when in the previous administration, when Congress was controlled by the other side, they didn't talk about these issues that cost over \$7.1 trillion. They were not funded. There was no funding for the Medicare prescription drug program. There was no funding for the tax cuts. It is true the budget for next year will not be as close to balance as we all would wish, but I believe that is because of the hand we were dealt.

The best way to bring the budget back into order over the long run is to grow our economy. This is something everybody in this building believes in. Our inheritance from the previous administration was tax cuts, overwhelmingly tilted toward those who were already well off, unfunded new entitlement programs, and two wars paid for with borrowed money. All these transformed our country's finances, leading us down the path to where we are now, potentially on the brink of fiscal ruin. Instead of saving for the future, we are borrowing billions from China, Japan and other countries and falling deeper into debt.

There are two kinds of deficits, and we have not done a good job explaining this. Economists will agree. There is the deficit you create in good times by profligate spending and tax cuts. That is one kind of deficit. When the economy is going well, you should be building surpluses. However, once you are in the hole, you have to get out of the hole, and that is a different kind of deficit. For that kind of deficit, you need to get the economy moving again because growth is the only way you are going to get out of the hole.

President Bush inherited a balanced budget, a vast fiscal surplus projected at the time to be \$5.6 trillion over 10 years. Instead, he left office having

added nearly \$5 trillion to the national debt. That is a swing of \$10 trillion. That means the Bush years cost roughly \$30,000 for each and every American. I hear people from the other side talk about the deficit. This was a \$10 trillion swing starting just 10 years ago and going up 2 years ago. What amnesia. Take a look at what happened. What I am telling you are the facts. We can argue about policy but, in fact, we were in surplus and had a projected \$5.6 trillion surplus when President Clinton left office. We ended up with a swing of \$10 trillion, adding \$5 trillion to the national debt. Those are facts. Senator Moynihan from New York used to say everybody is entitled to their opinion but not to the facts. The facts are, there was a \$5.6 trillion projected surplus when President Bush took office, and we are left with a \$5 trillion deficit. That adds up to \$10 trillion. In fact, it adds up to \$10.6 trillion.

I think those of us who supported the Recovery Act need to own up to our own mistake: We have done a lousy job of explaining why the Recovery Act was needed and how it is working. We are doing a good job explaining the Web sites, but we have not done the macroeconomic explanation of why you cannot have jobs come back until the economy comes back. You cannot have the economy come back without having the Recovery Act.

To start with, I will say I know it increases the deficit in the short term. I don't like it, but that was an unavoidable byproduct. The best long-term solution to our debt problems is not a little frugality that cuts down on growth. It is a robust, healthy, growing economy. That is why most economists believe—when I say “most,” I should say the vast majority—that in spite of the short-run deficit hit of the Recovery Act, it will bring us closer to fiscal balance over the long term.

I know some of my colleagues on the other side of the aisle will take issue with this statement. I would simply remind them it is economic growth—something they have talked about for years—and economic growth alone, that will get us out of our present mess.

There is another mistake we made. As we were diligently working to ensure accountability for the program—and we have done a great job of that; and that is important—and connected specific parts of the Recovery Act to specific jobs created, we have missed the forest for the trees in our explanation. We have lost track of the real objective: to jump-start the broader economy. That is where the jobs are going to come from—the main jobs.

While the Recovery Act itself has created or saved 2 million jobs—independent analysis confirms this—perhaps its most important impact has been the renewed confidence it has given to our economy. I absolutely to-

tally, completely believe that. The jobs will come. The jobs will come. They always lag behind the economy. When the economy goes up, the jobs are not far behind.

The charts do not lie. We are rebounding. By returning faith to our consumer economy, the Recovery Act has had a much greater effect than the sum of its parts. To those who opposed the Recovery Act, I ask: What was your plan? Some said—and I presided and listened to the arguments—we should fill a \$2 trillion hole in our economy with \$200 billion. That was a plan doomed to failure. That is what the Japanese did, and they were faced with a decade of no growth.

Economists far and wide said that a \$200 billion Recovery Act would have failed to halt a fall into depression. No reputable economists—none—said this would have taken us from where we were—where we were a year ago, with 730,000 jobs being lost—to a 6-percent growth in gross domestic product for the fourth quarter of last year.

We have come a long way in this past year. We have not come far enough yet. We have a long way to go. But I believe to move forward we must remember how bad things were when we began, just how deep a hole we were in, and we are pulling ourselves out of it now. The Recovery Act has done its job and will continue to do its job.

Madam President, I yield the floor.

AMENDMENT NO. 3354 TO AMENDMENT NO. 3336  
(Purpose: To encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities)

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3354, and at the conclusion of my remarks that amendment No. 3354 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Thank you, Madam President.

My amendment, cosponsored by Senators SCHUMER, BINGAMAN, and MERKLEY, would authorize a series of new programs designed to encourage energy efficiency in homes. I am offering this amendment—based on S. 1379, the Energy Efficiency in Housing Act—to the job creation bill we are debating today because of the enormous potential of green housing to grow the economy, create jobs, and, of course, save energy.

Clean energy is the next big global industry. According to the U.S. Green Building Council, buildings account for 39 percent of all energy consumption and 38 percent of carbon dioxide emissions. Clearly, the housing sector must be a vital part of our energy efficiency efforts.

Venture capitalists and companies from Google to General Electric have

testified before the Senate that this revolution—the clean energy revolution—could be even bigger than the digital revolution. The countries at the forefront of this clean energy revolution will be the economic powerhouses of the next century. Right now, the United States is at risk of falling behind in the race to lead this new economy.

Of the top 10 solar companies in the world, only one is from the United States. Of the top 10 wind power companies in the world, only two are from the United States.

When President Obama met with Senate Democrats a few weeks ago, he told us:

China is not waiting, it is moving. Already the anticipation is that they will lap us when it comes to clean energy.

Well, we can do better than that. We are a country of innovators, a nation that has always sought to be on the cutting edge, always sought the new frontier. All we need is for the Congress to put the right policies in place to promote energy efficiency and encourage the growth of the green economy so our companies can compete head to head with their international competition.

My amendment is endorsed by over 35 groups, including Enterprise Community Partners, the Alliance for Healthy Homes, and the Local Initiatives Support Corporation. The U.S. Green Building Council has included it in its list of “Top 10 Pieces of Green Building Legislation in the 111th Congress.”

These groups know that the provisions included in this legislation will boost the green housing sector in a number of different ways.

First, it would jump-start the market for green mortgages by directing HUD to develop incentives for buyers—such as reduced rates and greater lending ability—and by boosting the secondary green mortgage market.

Second, it would establish a revolving loan fund for States to carry out renewable energy activities, such as retrofits and incentives for green construction. It would also encourage the participation of community development organizations in our most hard-hit neighborhoods in the recession by authorizing a grant program that can be used to help those organizations train, educate, and support the workforce for these green energy, clean energy projects.

The final provision I will highlight would provide incentives for public housing entities to achieve substantial improvements in their own energy efficiency. I believe we can maximize energy efficiency savings when we can split the incentives between landlords and tenants. The landlords will take an interest in pursuing the clean energy initiatives because of the savings they can make from the upgrades, and the tenants can participate in the savings

through their conservation efforts. It has to be joint to be at its most effective.

As we continue to debate ways to put Americans back to work, I encourage my colleagues to take a serious look at the green housing sector and at my amendment. I think it merits our attention. I hope it will have my colleagues' support on an appropriate bill in the near future—I hope—and I speak on it today to put a spotlight on it so I have that opportunity.

I thank the Chair and thank my colleagues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the previous amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself, Mr. SCHUMER, Mr. BINGAMAN, and Mr. MERKLEY, proposes an amendment numbered 3354 to Amendment No. 3336.

(The amendment is printed in the RECORD of Tuesday, March 2, 2010, under "Text of Amendments.")

#### AMENDMENT NO. 3354 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the amendment is withdrawn.

The Senator from Michigan.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 560, the nomination of Terry Yonkers to be an Assistant Secretary of the Air Force; Calendar No. 563, the nomination of Frank Kendall to be Principal Deputy Under Secretary of Defense; Calendar No. 564, the nomination of Erin Conaton to be Under Secretary of the Air Force; Calendar No. 663, the nomination of Paul Oostburg Sanz to be General Counsel of the Department of the Navy; Calendar No. 664, the nomination of Malcolm O'Neill to be an Assistant Secretary of the Army; Calendar No. 665, the nomination of Jackalyne Pfannenstiel to be an Assistant Secretary of the Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF DEFENSE

Terry A. Yonkers, of Maryland, to be an Assistant Secretary of the Air Force.

Frank Kendall III, of Virginia, to be Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Erin C. Conaton, of the District of Columbia, to be Under Secretary of the Air Force.

Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy.

Malcolm Ross O'Neill, of Virginia, to be an Assistant Secretary of the Army.

Jackalyne Pfannenstiel, of California, to be an Assistant Secretary of the Navy.

Mr. LEVIN. Madam President, I thank the Presiding Officer.

I thank my colleagues and the leaders who have been involved in facilitating this. It is long overdue, but I want to thank my colleagues for at least helping to make this happen this afternoon. This will be good news for the Defense Department, good news for our troops. Again, I thank all who have been helpful in this regard.

I yield the floor.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### TAX EXTENDERS ACT OF 2009— Continued

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

The remarks of Mr. SPECTER pertaining to the introduction of S. 3080 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Madam President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BURRIS. Madam President, my colleagues and I have spent much of last year debating the issue of health care reform. After nearly a century of false starts and broken promises, Democrats came to Congress determined to enact comprehensive reform. We were confident that this time we would not fall short as our predecessors had done; this time we would deliver the changes the American people have been demanding for so many years. But over the course of the debate an unfortunate pattern emerged, a pattern of obstructionism and delay and scare tactics designed to derail our efforts to make a difference.

My Democratic colleagues and I worked hard under President Obama's leadership to craft sweeping legislation, but our Republican friends were not interested in passing health care reform. They had no desire to take action and no plan of their own. Instead, they found every opportunity to stall, to clog up the Senate, and score political points by attacking those who supported our efforts. They spread misinformation about death panels and higher costs and rationing coverage even though they knew these things were not in our bill. But they kept repeating this bad information and repeating it until it finally started to take hold.

The ordinary folk who heard these distortions had no reason to believe their elected officials would try to misinform them, so they retained this bad information and they did exactly what our Republican friends wanted them to do—they got angry. They held rallies. They called their Senators and Representatives. They regurgitated the talking points that had been written for them by obstructionists and special interests and the insurance lobby.

As a result, our Republican friends succeeded in holding up our health reform bill. By misinforming the American people, they stirred up an opposition that was tailor made to create confusion and gridlock no matter how hard some people tried to explain the truth because the facts are these.

No Democratic health care proposal has ever included a so-called "death panel."

None of our legislation would result in rationing of any kind.

And, rather than driving costs up, as my Republican friends have argued, nonpartisan analysis consistently shows that the Senate bill would lower costs significantly.

It would reduce the deficit by more than \$130 billion in the first 10 years, and almost \$1 trillion in the decades after that.

In addition, our bill would extend health coverage to 31 million Americans.

It would prevent corporations from discriminating against their customers because of pre-existing conditions.

And it would reduce health premiums for individuals and families, to the tune of hundreds, or even thousands, of dollars per year, depending on income level.

From the very beginning of this debate, I have called for a bill that fulfills the three goals of a public option:

A bill that creates competition in the insurance market. A bill that gives us the tools to hold insurance companies accountable. A bill that will provide cost savings to millions of Americans.

I believe our current proposal can accomplish all of these things. This legislation is not perfect, but it represents a major step in the right direction. So I would urge my Republican friends to thoroughly examine the legislation we have introduced. And I would ask that they fulfill the public trust that has been placed in them, by being honest with the American people. By building their arguments on facts, not misinformation, and offering constructive suggestions rather than partisan talking points.

We all agree that our health care system is badly broken. And we owe it to everyone in this country to have a vigorous national debate about how to fix it.

In spite of the obstructionism and the delays that we have seen from the other side over the last year, I remain confident that my colleagues and I can pass a comprehensive health reform bill in the coming weeks. We have come further than any Congress in history. So it is time to finish the job. In light of recent developments, I think it is more likely than ever that our efforts will be successful.

Just last week, President Obama invited a group of Republicans and Democrats to join him for an open conversation about health care reform. Millions of Americans watched on TV as leaders from the House, the Senate, and the executive branch laid out their respective ideas for reform.

Yes, we heard some partisan talking points from a few on the other side. But for the most part, both Republicans and Democrats seemed eager to engage in a real conversation. They challenged each other's ideas. They debunked some of the myths that have taken hold over the past year. In the end, I think we discovered that we share more common ground than many people thought.

So it is time to move forward. President Obama has announced that he is open to four specific Republican ideas that emerged from last week's health care summit. I share the President's support for these proposals, which include eliminating waste and fraud, funding demonstration grants, increasing Medicaid doctor reimbursements, and expanding health savings accounts. I hope that my colleagues on both sides of the aisle will give these ideas a hard look, so we can incorporate them into

our existing legislation. And I hope that my Republican friends will recognize that, while our current bill is not perfect, it contains a number of things they can strongly support.

So let us end the obstructionism and the delays. Let's stop spreading misinformation, and continue the conversation that emerged from the President's health care summit. And once we have a final bill that incorporates some of these suggestions, let us have an up or down vote.

The American people are tired of hearing excuses. They are tired of watching some members of this chamber manipulate the rules to prevent us from taking action. That is not how this Senate is supposed to work. So, whether my colleagues support or oppose the final legislation, I hope they will have the courage to let it come to a vote, rather than hiding behind the threat of filibuster.

This debate has been going on for a year. And the American people have been calling for comprehensive reform for almost a century. So I think it is high time to move forward together. Let's get this done. Let's do it right. Let's do it now.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### AMENDMENT NO. 3356, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment I offered on her behalf be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is pending.

Mr. REID. I ask unanimous consent that it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so modified.

The amendment, as modified, is as follows:

At the end of subtitle C of title II, insert the following:

#### SEC. \_\_\_\_ 6-MONTH EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for the first 6 months of fiscal year 2011, \$1,300,000,000,” before “for payment”;

(2) in paragraph (2)(B)—

(A) by inserting “for fiscal year 2009” after “under subparagraph (A)”;

(B) by inserting before the period the following: “, and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such

State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011 shall be used to make grants to States during such months in accordance with the requirements of paragraph (3), and may be used to make payments to a State during the succeeding months of fiscal year 2011 and during fiscal year 2012 with respect to expenditures incurred by such State during the first 6 months of fiscal year 2011”;

(3) by striking paragraph (2)(C) and inserting the following:

“(C) LIMITATIONS.—

“(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

“(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011, \$500,000 shall be placed in reserve for use in the succeeding months of such fiscal year and in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after April 30, 2011.”;

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking “year 2009 or 2010” and inserting “years 2009, 2010, or the first 6 months of fiscal year 2011”;

(5) by adding at the end of paragraph (3) the following:

“(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

“(i) IN GENERAL.—For each of the first 2 calendar quarters in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).”;

(6) in paragraph (4), by striking “and subsidized employment” and inserting “subsidized employment, and employment services”;

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting “ON PAYMENTS; ADJUSTMENT AUTHORITY” after “LIMITATION”;

(B) by striking “The total amount” and inserting the following:

“(A) IN GENERAL.—The total amount”;

(C) by inserting after “grant” the following: “The total amount payable to a single State under subsection (b) and this subsection for the first 6 months of fiscal year 2011 shall not exceed 15 percent of the annual State family assistance grant.”; and

(D) by adding at the end the following:

“(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for the first 6 months of fiscal year 2011 or adjusting the percentage limitation

applicable under subparagraph (A) with respect to the total amount payable to a single State for such months, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to April 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.”; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking “or 2008” and inserting “, 2008, or 2009”;

(B) by adding at the end of subparagraph (B)(ii) the following:

“(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.”; and

(C) by adding at the end the following:

“(D) EMPLOYMENT SERVICES.—The term ‘employment services’ means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).”.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than the median annual income for all participating jurisdictions.

**SEC. \_\_\_\_ DEPARTMENT OF LABOR; EMPLOYMENT AND TRAINING ADMINISTRATION; TRAINING AND EMPLOYMENT SERVICES.**

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for “Training and Employment Services” for activities under the Workforce Investment Act of 1998 (referred to in this section as the “WIA”), \$1,300,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—Except as otherwise provided in subsection (c), of the amount made available under subsection (a), \$1,300,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(1) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(2) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed \$1,000,000,000;

(3) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”; and

(4) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only

measure of performance used to assess the effectiveness of summer employment for youth provided with such funds.

(c) ADMINISTRATION; MANAGEMENT; OVERSIGHT.—

(1) IN GENERAL.—An amount that is not more than 1 percent of the funds made available to the Department of Labor under subsection (a) may be used for the Federal administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds.

(2) PERIOD FOR OBLIGATION.—Funds designated for the purposes of paragraph (1), together with the funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, and the funds described in the matter under the heading “SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)”, in the matter under the heading “DEPARTMENTAL MANAGEMENT” in title VIII of that division, shall be available for obligation through September 30, 2012.

**SEC. \_\_\_\_ INTELLIGENT ASSIGNMENT IN ENROLLMENT AND RE-ASSIGNMENT OF CERTAIN INDIVIDUALS.**

(a) IN GENERAL.—Section 1860D-1(b)(1) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by inserting “, subject to subparagraph (D),” before “on a random basis”; and

(2) by adding at the end the following new subparagraph:

“(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C) or any re-assignment, no part D eligible individual described in such subparagraph shall be enrolled in or re-assigned to a prescription drug plan which does not meet both of the following requirements:

“(i) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan is among the lowest 25th percentile of prescription drug plans under this part in the State.

“(ii) MEETS BENEFICIARY NEEDS.—The plan reasonably meets the needs of such part D eligible individuals as a group, as identified by the Secretary using criteria established by the Secretary.

In the case that no plan meets the requirements under clauses (i) and (ii) or that the plans which meet such requirements do not have sufficient capacity for the enrollment or re-assignment of such part D eligible individual in or to the plan, the part D eligible individual shall be enrolled in or re-assigned to a prescription drug plan under the enrollment process under subparagraph (C) (as in existence before the date of the enactment of this subparagraph).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect for enrollments and re-assignments effected on or after January 1, 2012.

**SEC. \_\_\_\_ ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.**

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

AMENDMENT NO. 3417 TO AMENDMENT NO. 3336

Mr. REID. I am now going to call up amendment No. 3417, with the understanding that Senator ISAKSON will be allowed to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER, proposes an amendment numbered 3417 to amendment No. 3336.

Mr. REID. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To temporarily modify the allocation of geothermal receipts)

At the end of title VI, add the following:

**SEC. 6. ALLOCATION OF GEOTHERMAL RECEIPTS.**

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

Mr. REID. Mr. President, there will be no more votes today or tomorrow. We are in the process of working on this bill. We do not have it all worked out. We think we can work it out so we can finish it with a couple votes Tuesday morning. We may have to invoke cloture, but we will make that determination. I think we will probably file cloture on it today or tomorrow.

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 3075 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. BAUCUS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3427 TO AMENDMENT NO. 3336

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending business be set aside for the purposes of offering an amendment, and that, of

course, the vote on the amendment be decided by the majority leader and the Republican leader.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. GRAHAM, proposes an amendment numbered 3427.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of reconciliation to consider changes in Medicare)

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PROTECTING MEDICARE.**

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: “or to the medicare program established by title XVIII of such Act”.

Mr. McCAIN. Mr. President, the President of the United States and the majority in both Houses have now signaled that regardless of how clearly the American people oppose the pending legislation concerning health care in America, it will be attempted to be forced down their throats under the parliamentary process that is intended for our Nation's budgetary matters, whether they want it or not.

This amendment that is pending would remove our important Medicare Program from the partisan procedural process known as budget reconciliation. We must protect the Medicare Program from being used as a piggybank to create the new health care entitlement proposed by Senator REID and President Obama. In addition to increasing taxes by \$500 billion, the health care “reform” bill cuts \$500 billion from Medicare to put the government in charge of a new \$2.3 trillion health care entitlement that we can't afford.

My constituents in Arizona and Americans across the country know the partisan games that are being played here, and they are opposed to it. Our entitlement programs should not be the subject of reconciliation. In 1974, the Budget Act excluded Social Security from the 51-vote reconciliation process. That was intentional, by one of the major architects, ROBERT BYRD, one of the most revered Members of the Senate, who has also said that health care reform should not be the subject of reconciliation. That makes sense, because if you exclude Social Security because it is an entitlement program, then, obviously, Medicare should also be excluded. We have a crisis with our entitlement programs and they need to be reformed, but they shouldn't be subject to a 51-vote majority.

This amendment removes the Medicare Program from the reconciliation process. Medicare reforms need to be

made, and this amendment doesn't affect that, but what the amendment says is that reforms to the Medicare Program should be treated differently just as the Social Security program is. A program as important as Medicare should not be cut or increased through a partisan 51-vote process. Something this important should be held to a higher standard and include bipartisan support.

Let me remind my colleagues of the view of then-Senator Obama in 2007 when we were considering the “nuclear option.” He said at that time:

You've got to break out of what I call, sort of, the 50-plus-one pattern of presidential politics. Maybe you eke out a victory of 50-plus-one, then you can't govern. You know, you get Air Force One, I mean there are a lot of nice perks, but you can't deliver on health care. We're not going to pass universal health care with a 50-plus-one strategy.

On the use of reconciliation, then-Senator Obama went even further and said:

You know, the Founders designed this system, as frustrating [as] it is, to make sure that there's a broad consensus before the country moves forward . . . And what we have now is a President who—

he was obviously referring to then-President Bush—

. . . [h]asn't gotten his way. And that is now prompting, you know, a change in the Senate rules that really I think would change the character of the Senate forever . . . And what I worry about would be you essentially still have two chambers—the House and the Senate—but you have simply majoritarian absolute power on either side, and that's just not what the founders intended.

I have been around this body for quite a while. Back a few years ago, when this side was in the majority and there was a movement toward the “nuclear option”—in other words, 51 votes to confirm judges—I stood up as a member of the majority and said we should not erode the 60-vote majority rule that has prevailed here in the Senate for many years. At that time, that was not greeted on this side of the aisle, frankly, with approval by a lot of people. But what we did then was preserve the Senate tradition and process of 60 votes, and we should maintain that now.

Certainly, having been in the majority and in the minority, I understand the frustrations of the majority. But I think history will show there have been numerous occasions where the requirement for a 60-vote majority has prevented the Congress of the United States from acting at the will of the moment or the fancy or the issue; that when time passes and cooler heads prevail, the 60-vote majority prevented the Congress from acting in a way that would have been harmful to the United States of America and its citizens.

All of my other colleagues have also commented on this issue at different times, depending on whether they are

in the majority or the minority. But I wish to point out again a fundamental fact of the way the Congress of the United States has done business in general, and the way the Senate of the United States has done business. We have never had in our history a major reform, whether it be the Civil Rights Act or whether it be the passage of Medicare, whether it be welfare reform or any other major reform made without a majority, and a significant majority, that was bipartisan in nature. That doesn't mean there was 100 percent, but there has always been, whenever major structural reforms have been made, a consensus that was a significant majority on both sides.

So as we have time after time on this floor, we will be coming to the floor every day, my colleagues and I, to urge the majority and the President of the United States to start over and sit down and work together.

Overwhelming majorities of the American people believe we should either stop or start over. Overwhelming majorities of the American people want us to reform the system. But they do not like this unsavory process of vote buying, and they certainly do not like the product.

We will continue to carry the message to our constituents and to the American people. I believe there is still sufficient time for the will of the American people to prevail.

Mr. President, the hour is late. I appreciate the patience of the Chair and his willingness to serve in the chair at this late hour, 7 o'clock at night. I appreciate him being here at this time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that on my amendment No. 3416, Senator VOINOVICH be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3401 TO AMENDMENT NO. 3336

Mrs. LINCOLN. Mr. President, I ask to set aside the pending amendment and call up my other amendment, No. 3401.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 3401 to amendment No. 3336.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.



The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve a provision relating to emergency disaster assistance)

On page 75, line 4, strike “excessive rainfall or related” and insert “drought, excessive rainfall, or a related”.

On page 76, line 1, insert “fruits and vegetables or” before “crops intended”.

On page 76, line 13, strike “90” and insert “112.5”.

Beginning on page 76, strike line 18 and all that follows through “(4)” on page 77, line 17, and insert “(3)”.

On page 78, strike lines 3 through 7 and insert the following: “not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike “with excessive rainfall and related conditions”.

On page 78, line 21, strike “2008” and insert “2009”.

On page 79, lines 4 and 5, strike “under this subsection” and insert “for counties described in paragraph (1)(B)”.

On page 80, between lines 3 and 4, insert the following:

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike “(5)” and insert “(6)”.

On page 87, between lines 4 and 5, insert the following:

(h) HAY QUALITY LOSS ASSISTANCE PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(B) EXCLUSION.—The term “disaster county” does not include—

(i) a contiguous county; or

(ii) a county that had less than a 10-percent loss in the quality of the 2009 crop of hay, as determined by the Secretary.

(2) ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to provide assistance to eligible producers of the 2009 crop of hay that suffered quality losses in a disaster county due to flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive assistance under this subsection, a producer shall certify to the Secretary that the average quality loss of the producer meets or exceeds the approved quality adjustment for hay due to flooding at harvest.

(B) EVIDENCE.—

(i) IN GENERAL.—In making the certification described in subparagraph (A), the producer shall provide to the Secretary reliable and verifiable evidence of the quality loss and the production of the producer.

(ii) LACK OF EVIDENCE.—If evidence described in clause (i) is not available, the Secretary shall use—

(I) in the case of unavailable quality loss evidence, documentation provided by the Cooperative Extension Service, State Department of Agriculture, or other reliable sources, including institutions of higher education, buyers, and cooperatives, as to the extent of quality loss in the disaster county; and

(II) in the case of unavailable production evidence, the county average yield, as determined by the Secretary.

(4) DETERMINATION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided under this subsection to an eligible producer shall equal the product obtained by multiplying, as determined by the Secretary—

(i) the quantity of hay harvested by the eligible producer;

(ii) a quality adjustment that is equal to the difference between—

(I) the average price per ton for average quality hay; and

(II) the average price per ton for poor quality hay due to flooding; and

(iii) 65 percent.

(B) LIMITATION.—The maximum amount that an eligible producer may receive under this subsection is \$40,000.

(5) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(6) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity with an average adjusted gross nonfarm income that exceeds the amount described in section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(A)) shall be ineligible to receive benefits under this subsection.

(7) DIRECT ATTRIBUTION.—In carrying out this subsection, the Secretary shall apply section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

On page 87, line 5, strike “(h)” and insert “(i)”.

On page 89, line 15, insert “for the purchase, improvement, or operation of the poultry farm” after “lender”.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert “and the amendment made by this section” after “section”.

On page 90, line 7, insert “and the amendment made by this section” before “shall be”.

On page 91, line 1, strike “\$15,000,000” and insert “\$10,000,000”.

Mrs. LINCOLN. Mr. President, I want to let my colleagues know that we have worked in a bipartisan way on the underlying amendment, and we worked in a bipartisan way to see how we could make these modifications to bring \$30 million of additional savings to the overall bill.

I look forward to working to complete this bill. I think we have a great opportunity to create jobs and to look to the future to how we can put our economy back on track in this country and put people back to work with some of the great ideas and great opportunities that exist in the underlying bill.

Mr. GRASSLEY. Mr. President, I want to resolve a dispute that arose on the floor earlier this morning.

There were differing opinions on whether the Senate-passed health care reform bill cuts taxes or raises taxes.

During the month-long floor debate on health care reform—ending with a final vote on Christmas Eve—I took to the floor on five occasions to address this question.

Let me top-line it for my Senate colleagues and my friends in the media.

According to the Joint Committee on Taxation, only about 7 percent of Americans would actually receive the government subsidy for health insurance under the Senate-passed health care reform bill.

The remaining 93 percent of Americans would not be eligible for a tax benefit under the bill.

How can a person receive a tax cut if they do not receive a tax benefit?

Here is another powerful statistic that every policymaker needs to know: While only about 7 percent of Americans under \$200,000 would actually receive the subsidy for health insurance, 25 percent of Americans under \$200,000 would see their taxes go up.

This is even after taking into account the government subsidy.

This means that for every one middle class family that would receive the government subsidy, three middle class families would pay higher taxes.

Again, this is all according to the Joint Committee on Taxation, the non-partisan experts.

Now, let's get to specifics. JCT tells us that in 2019 a little more than 13 million individuals, families, and single parents would receive the government subsidy for health insurance.

JCT also tells us that the total number of tax filers in 2019 would be 176 million.

That means that out of 176 million individuals, families, and single parents only 13 million of them would receive a government subsidy for health insurance.

That is only about 7 percent of tax filers.

Let me repeat that. Only about 7 percent of Americans will benefit from the subsidy for health insurance.

I have a pie chart here so my friends can see.

You can see here, out of 176 million tax returns, around 13 million of them get the government subsidy for health insurance.

This means that 163 million individuals, families, and single parents or 93 percent of all tax returns receive no tax benefit under the Reid bill.



So what does this mean?

It means that there is a small beneficiary class under the Reid bill—about 7 percent of Americans.

And a very large nonbeneficiary class—93 percent of Americans.

Is this nonbeneficiary class affected in other ways?

Yes. While one group of Americans in this class would be unaffected—another group of Americans will see their taxes go up.

And this group won't have a tax benefit to offset their new tax liability.

That means that these Americans will be worse off under the Reid bill. What happened to their "net tax cut"?

What they will see instead is a net tax increase.

JCT data backs up this claim.

Specifically, based on JCT data, in 2019, 42 million individuals, families, and single parents with income under \$200,000 will see their taxes go up.

This is even after taking into account the subsidy for health insurance.

Again, this is on a net basis.

Now, if we were to identify (1) those Americans who are not eligible to receive the tax credit and (2) those whose taxes go up before they see some type of tax reduction from the subsidy, this number climbs to 73 million.

I have a chart here that illustrates this: The first bar illustrates what we have already established, but looks at Americans earning less than \$200,000. Here, 13 million individuals, families, and single parents would receive the subsidy.

The middle bar shows the net tax increase number of 42 million Americans under \$200,000.

Finally, when we identify those Americans who get no benefit under the bill—and those Americans who see a tax increase—we find there are 73 million individuals, families, and single parents under \$200,000 in this category.

I want to close by referring to a final chart that illustrates the winners and losers under the Reid bill.

What we see here is that there is a group of Americans who clearly benefit under the bill from the government subsidy for health insurance.

This group, however, is relatively small—about 7 percent of Americans.

There is another much larger group of Americans who are seeing their taxes go up. This group is not benefiting from the government subsidy.

Also, there is another group of taxpayers who are generally unaffected.

But, JCT tells us that this group may be affected by other tax increases like the cap on FSAs or the individual mandate penalty tax.

The bottom-line is this. My Democratic friends (1) cannot say that all taxpayers receive a tax cut and (2) cannot say that the Reid bill does not raise taxes on middle-income Americans.

JCT tells us differently.

No one can dispute the data.

#### VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 36 on the motion, motion to waive section 403(a) of S. Con. Res. 13, 111th Congress, re: Sanders amendment No. 3353 as modified; rollcall No. 37 on the motion to table, motion to table Bunning amendment No. 3360; rollcall vote No. 38 on the motion to table, motion to table Bunning amendment No. 3361; and rollcall vote No. 39 on the motion, motion to waive Budget Act points of order re: Baucus amendment No. 3336.

Had I been present I would have voted "nay" for rollcall vote No. 36; "nay" for rollcall vote No. 37; "nay" for rollcall vote No. 38; and "nay" for rollcall vote No. 39 and ask that the CONGRESSIONAL RECORD reflect that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENTS NOS. 3406, 3349 AND 3346, AS MODIFIED, EN BLOC

Mr. REID. I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments with no amendments in order to the amendments; that once the amendments have been reported by number, and modified, if applicable, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table, en bloc: amendment No. 3406, amendment No. 3349, and that the amendment No. 3346 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 3406

(Purpose: To make technical changes)

On page 91, line 13, strike "\$354,000,000" and insert "\$560,000,000".

On page 92, line 19, strike "February" and insert "March".

On page 92, after line 20, add the following: (3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

#### AMENDMENT NO. 3349

(Purpose: To clarify the effective date of section 244)

On page 73, line 21, after the second period insert the following: "The amendment made by this section shall be considered to have taken effect on February 28, 2010."

#### AMENDMENT NO. 3346, AS MODIFIED

(Purpose: To improve title V)

On page 161, line 13, strike "SEC. 501." and insert "SEC. 500."

On page 166, line 24, strike "March 1, 2010" and insert "May 1, 2010".

On page 169, line 3, strike "February 28, 2010" and insert "March 28, 2010".

On page 169, line 18, strike "May 3, 2010" and insert "July 1, 2010".

On page 184, line 2, strike "February 28, 2010" and insert "March 28, 2010".

On page 233, line 5, strike "February 28, 2010" and insert "March 28, 2010".

On page 234, lines 1 and 2, strike "February 28, 2010" and insert "March 28, 2010".

On page 234, lines 3 and 4, strike "March 1, 2010" and insert "March 29, 2010".

On page 234, line 23, strike "180 days" and insert "210 days".

On page 244, lines 16 and 17, strike "180 days" and insert "210 days".

On page 245, line 19, strike "180 days" and insert "210 days".

On page 267, strike lines 5 through 16, and insert the following:

#### SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

#### MORNING BUSINESS

Mr. REID. I now ask we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### STAFF SERGEANT JOHN A. REINERS

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG John A. Reiners. Sergeant Reiners, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on February 13, 2010. Sergeant Reiners was serving in support of Operation Enduring Freedom in Kandahar, Afghanistan, when he was killed by an improvised explosive device that detonated while he was on patrol. He was 24 years old.

A native of Lakeland, FL, Sergeant Reiners and his family moved to Fort Carson in 2009 when he was assigned to the 4th Infantry Division. Sergeant Reiners joined the Army in July 2004. He served bravely during two tours in Iraq, before being deployed to Afghanistan in November of last year.

During 5½ years of service, Sergeant Reiners distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Sergeant

Reiners numerous awards and medals, including the Purple Heart, the Army Commendation Medal, two Army Achievement Medals, the Army Good Conduct Medal, and the National Defense Service Medal. He also attended Ranger School in 2007, where he earned the prestigious Ranger Tab.

Sergeant Reiners worked on the front lines of battle, patrolling the most dangerous areas of Zhari district in Kandahar. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His friends recall Sergeant Reiners saying that Army boot camp was too easy. Most of all, they remember his devotion to his wife, his son, and his country.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Reiners' service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Reiners will forever be remembered as one of our country's bravest.

To Sergeant Reiners' mother Ronna, his father Gregory, his wife Casey, his son Lex, and all his friends and family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in John's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

#### LAS VEGAS ASIAN CHAMBER OF COMMERCE

Mr. ENSIGN. Mr. President, I rise today to commemorate the beginning of an exciting chapter for the Las Vegas Asian Chamber of Commerce. For more than 20 years, this group of entrepreneurial southern Nevadans has worked together to provide resources and promote economic growth in the Asian community. Today, they will install the first woman to be president of their esteemed organization. Vida Chan Lin steps into this role—respected by her peers and energized by her passion for furthering the goals of the Las Vegas Asian Chamber of Commerce.

While this leadership role is a new opportunity for Ms. Lin, her lifetime of experience has prepared her to take on this role. As a child, she was exposed to running a business as she saw firsthand the daily challenges and joys in the restaurants her family owned. She then found great satisfaction in the insurance industry where she continued to

exceed expectations and eventually start her own company.

Ms. Lin has always balanced her business drive and success with her commitment to community service. She has been an instrumental force behind the Las Vegas Asian Chamber of Commerce for many years. Her ability to bring people together, develop innovative programming, and mentor young leaders has helped ensure the long-term success of the Asian Chamber well beyond just her tenure.

She has been recognized by countless organizations for her business acumen and her heartfelt commitment to public service. I am proud to congratulate Vida Lin on this special day, and I wish her great success in the coming term of her presidency.

#### 49TH ANNIVERSARY OF THE PEACE CORPS

Mr. CHAMBLISS. Mr. President, I rise today to congratulate the Peace Corps on the occasion of its 49th anniversary.

Since the Peace Corps' inception in 1961, nearly 200,000 Americans have volunteered to live and work in developing countries around the globe in an effort to help provide stability and progress.

Through aiding in education, community development, business development, health awareness and food security, these volunteers are improving lives and communities and making them better places to live and thrive.

It is this selfless dedication to helping people and communities help themselves that has strengthened ties between America and the world.

I am proud to say that 155 Georgians are serving as volunteers with the Peace Corps, including a former staffer of mine, Rebecca Riccitello, who is working in Ghana.

My home State of Georgia has a long history with the Peace Corps. Former U.S. Senator Paul Coverdell of Georgia devoted much of his time to the Peace Corps, and served as its director in the late eighties. During his tenure, the World Wise Schools Program was founded, which connects students in the United States with Peace Corps volunteers around the world.

Peace Corps volunteers engage in real, meaningful work and truly make a difference in individual lives around the world. I commend them for their efforts on our nation's behalf, and I am pleased to recognize the Peace Corps and all those who help the organization help others in America's name.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO GEORGE WIDMAN

• Mr. CONRAD. Mr. President, today I offer my congratulations and warm regards to George Widman, the "Candy

Man" of Grand Forks, on the momentous occasion of his 90th birthday.

Throughout his life, George Widman has been an example of what it means to be a great North Dakotan and a great American. Growing up in the Great Depression taught George the value of hard work, something he has never forgotten. To this day, George and his wife Betty work 6 days a week at Widman's Candy Store in downtown Grand Forks.

George demonstrated his lifelong patriotism through his service in World War II. During that war, he served as a naval A1C aviation mechanic on the USS *Bunker Hill* aircraft carrier from 1942 until it was hit by kamikazes in 1945. The ship suffered the loss of 346 men, but, miraculously, George survived.

After the war, George returned home to work in the family business. Sixty years later, Widman's Candy Store is best known for its Chippers—Red River Valley potato chips covered in delicious Red River Valley chocolate. They are truly a treat. They have become famous not only in North Dakota but in Washington, DC, with fans at the White House, in the office of the Vice President, at the Pentagon, and here in the Senate.

To me, the story that best defines George and Betty is how they responded to the 1997 flood that devastated the city of Grand Forks. After their store was destroyed by the floodwaters that took out most of Grand Forks, George offered Betty the opportunity to rebuild anywhere in the world. They chose Grand Forks.

Ten years ago, George said his secret to longevity was "lots of candy." Today, it is my pleasure and honor to wish George a wonderful 90th birthday. He is representative of the best of North Dakota, and he has my respect and admiration. I can never forget George's birthday, because it is my birthday too. Happy 90th, George, and here's to many more! ●

##### TRIBUTE TO DORIS THOM

• Mr. FEINGOLD. Mr. President, today I am very pleased to recognize the accomplishments of Doris Thom, a Wisconsinite from my hometown of Janesville who has blazed a trail for women's rights, and shown a tremendous commitment to public service, throughout her 90 years. I have known Doris for many years, and I greatly admire the many contributions she has made to Janesville. She is a good friend who has shown outstanding leadership in her community. I am also grateful for the excellent work of her granddaughter Sara Thom-Agress, who worked in my Washington, DC, office.

Doris's life story is one of great determination and outstanding achievement. Working at Gilman Engineering in Janesville during World War II, she

received the U.S. Army and Navy "E" for Excellence Award for her work to produce emergency landing gear for fighter planes, and served as the first woman on the Executive Committee for Machinists Local 1266.

Her life has been a series of firsts for women in Janesville, particularly during her years at the General Motors' Fisher Body Plant. There she served as the first woman committee member of United Auto Workers Local 95, and then the first woman to sit on the executive board of Local 95. She also opened doors for women at the plant when she filed a successful grievance after being denied a transfer from a traditionally female line at the plant to an all-male one. Her grievance resulted in all of the plant's jobs being open to women for the first time.

All the while, as Doris was breaking new ground for women in Janesville, she was raising a family and making countless other contributions to her community and her state. Among many other activities, Doris served on the Wisconsin Governor's Commission on the Status of Women from 1971 to 1975.

I am very pleased to recognize Doris's many achievements, and send her my warmest wishes as she celebrates her 90th birthday. I thank her for everything she has done for our shared hometown, and for women in Wisconsin and nationwide.●

#### RECOGNIZING THE ARKANSAS DEPARTMENT OF VETERANS AFFAIRS

● Mrs. LINCOLN. Mr. President, I would like to take a moment to thank the director of the Arkansas Department of Veterans Affairs and members of his staff for attending to the medical needs of MAJ James E. Gibson.

Back in January of this year, I received a letter from Mrs. Barbara-lea Gibson Wright of Bull Shoals, AR. Barbara wrote to me, soliciting help in extending her sincere gratitude to the Arkansas Department of Veterans Affairs for tending to the medical needs of her father with unfailing diligence until his unfortunate passing. Major Gibson was wounded in Omaha Beach back in 1944, and passed away at the age of 90 in 2009. Although he lost the use of his right arm, Army doctors and nurses brought him back from the brink of death on multiple occasions. Major Gibson eventually retired and was able to live a long and prosperous life with his wife and children thanks to the superior medical attention he received from the Arkansas Department of Veterans Affairs.

In fiscal year 2009, there were more than 3 million Americans receiving VA disability compensation, with 41,000 of them receiving service in the State of Arkansas. The VA works tirelessly to address the needs of the American pub-

lic, whether through times of peace, times of war, or times of grief.

It is important that we recognize the accomplishments and extend our sincere thanks to the Arkansas Department of Veterans Affairs for not only a job well done, but for the men and women in desperate need of great service so evidently shown for Major Gibson. They make the State of Arkansas proud.●

#### TRIBUTE TO STEVE COLE AND FRANK ADAMS

● Mrs. LINCOLN. Mr. President, today I congratulate Arkansas State Representative Steve Cole of Lockesburg for being named the new chancellor of Cossatot Community College. He replaces retiring Chancellor Frank Adams, both of whom have dedicated their careers to inspiring and training students to become our next generation of Arkansas leaders.

Cossatot Community College is a pillar of the communities it serves. With campuses in DeQueen, Ashdown and Nashville, the college serves nearly 1,500 students in western Arkansas. The college offers technical certificates in 7 programs, certificates of proficiency in 13 programs, and 5 associate's degree programs.

Both Representative Cole and Chancellor Adams have played an integral role in the development and success of Cossatot Community College.

Since 2007, Representative Cole has served as vice chancellor and dean of academics. He has also served as a faculty member and administrator for the past 13 years. Representative Cole is a dedicated public servant in the Arkansas State Legislature, representing Howard and Sevier Counties.

Chancellor Adams will retire on June 30 after 18 years at Cossatot. He led the college into the UA system in 2001 and spearheaded the development of satellite campuses in Ashdown and Nashville.

I salute Representative Cole and Chancellor Adams for their leadership, and for their efforts to inspire the next generation of leaders. The knowledge and training that the students at Cossatot Community College receive today are the tools that will carry them for the rest of their lives.●

#### RECOGNIZING THE 2010 ARKANSAS AGRICULTURE HALL OF FAME INDUCTEES

● Mrs. LINCOLN. Mr. President, today I congratulate the 2010 inductees to the Arkansas Agriculture Hall of Fame for their significant contributions to Arkansas agriculture, as well as community and economic development. The Arkansas Agriculture Hall of Fame is sponsored by the Arkansas State Chamber of Commerce and Arkansas Farm Bureau.

This year's recipients are a distinguished group, comprised of Arkansas leaders in beef cattle, conservation, crop production, and extension efforts.

Philip Alford Jr. of Lewisville, Lafayette County, is a founding member of the Arkansas Cattlemen's Association. He introduced stocker cattle grazing operations and, by organizing drainage districts, helped convert thousands of acres of nonproductive bottomland into productive crop and pasture land.

Devoe Bollinger of Horatio, Sevier County, led the effort to eradicate brucellosis from cattle herds in the State. Bollinger's career has been devoted to improving the image of the cattle rancher. He served three terms on the Arkansas Livestock and Poultry Commission, two of those as chairman.

Mark Bryles of Blytheville, Mississippi County, led a significant increase of cotton acreage while serving as an extension agent in Mississippi County. His career as an agent with the University of Arkansas Division of Agriculture Cooperative Extension Service spanned 35 years, 22 of those in Mississippi County. He has received numerous awards for his leadership, innovation and service.

Jack Jones of Pottsville, Pope County, helped create the LeadAR program in Arkansas. Jones is a second-generation farmer and rancher from Pope County and has given much of his adult life serving the State's largest industry. He spent 24 years on the Arkansas Farm Bureau board of directors, 17 of those as vice president.

Leonard Sitzler of Weiner, Poinsett County, developed one of the most successful rice farming operations in northeast Arkansas. Sitzler's life is a testament to hard work, dedication, and leadership. With only a 10th-grade education, he returned from duty in World War II to build one of the most successful rice farming operations in Poinsett County. He spent 33 years on the Riceland Foods board of directors.

Mr. President, as a seventh-generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas farmers. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

I salute this year's inductees to the Arkansas Agriculture Hall of Fame and all Arkansas farmers and ranchers for their hard work and dedication.●

#### RECOGNIZING KING'S HILL INN

● Ms. SNOWE. Mr. President, today I wish to honor a Maine small business that has patriotically devoted itself to

giving members of our Nation's military a relaxing surprise by providing Maine soldiers home from the warfront with a comforting night's stay in the picturesque western Maine town of Paris. Opened by Janice and Glenn Davis in 1999, the King's Hill Inn is a beautiful Victorian inn surrounded by scenic mountains and lakes in historic and peaceful Oxford County. And for Maine soldiers who have just returned from a theater of war, the King's Hill Inn simply promises "... the best, quietest night's sleep with their loved one, far from the cold battlefield."

This historic inn got its start in 1998 when Janice and Glenn Davis bought and restored the farm property, which was the 1811 birthplace of Horatio King, who served as Postmaster General under President James Buchanan. The rural town of Paris, frequently known as the home of King and Hannibal Hamlin, President Abraham Lincoln's first Vice President and a prominent Maine political figure, is also recognized for its panoply of natural wonders, many of which are accessible from King's Hill Inn. From the inn, guests can experience much of Maine's serene landscape which includes the beautiful Oxford Hills region, the exciting Saco River, as well as area mines that celebrate Maine's gem and mineral concentrations. The inn offers guests six stunning suites, each with a unique and charming setting—perfect for a weekend getaway.

To give back to our Nation's bravest men and women who have served overseas, the King's Hill Inn offers a free overnight stay with a complimentary breakfast for each Maine soldier returning from the warfront and his or her significant other. In addition, the Davises offer a 28-percent discount to "all military personnel stationed around the world" in honor of their 28-year-old son CAPT Aaron Davis, a member of the U.S. Air Force who has served in Afghanistan. The Davises also work with various local business owners wishing to make donations of their own to the soldiers spending the night at the King's Hill Inn, including restaurants offering a free dinner and florists providing beautiful floral arrangements.

After experiencing firsthand how difficult it was to part with her son when he was leaving to serve a year in the war in Afghanistan, Janice realized how such departures would be even more heartbreaking for the spouses of active-duty military personnel. Her objective in offering this magnanimous promotion is to provide soldiers with "... that escape from the war front and that reunification with their spouse or loved one. My goal is that it will start a grassroots effort right here in Western Maine that will spread all the way to California, where my son is."

The King's Hill Inn has truly offered a noble gift to our servicemen and

women who have sacrificed so much for the people of our great Nation. I am hopeful that this gracious altruism will be mirrored in the actions of other businesses, small and large, wishing to make a positive difference for some of the most deserving members of our communities. I offer my sincerest thanks to the the Davises for their compassionate and philanthropic support of our military personnel and offer my best wishes for the future success of King's Hill Inn.●

#### MESSAGES FROM THE HOUSE

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4247. An act to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes.

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2554. An act to reform the National Association of Registered Agents and Brokers, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

At 5:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2554. An act to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4247. An act to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4888. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commodity Supplemental Food Program (CSFP): Amendment Removing Priority Given to Women, Infants, and Children before the Elderly in Program Participation" (RIN0584-AD93) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4889. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Exclusion of Certain Military Pay From Deemed Income and Resources" (RIN0960-AF97) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Finance.

EC-4890. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled "Report to Congress on a Plan for an Indian Head Start Study"; to the Committee on Indian Affairs.

EC-4891. A communication from the Deputy Chief of the Regulatory Products Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Professional Conduct for Practitioners: Rules, Procedures, Representation, and Appearances" (RIN1601-AA58) received in the Office of the President of the Senate on March 1, 2010; to the Committee on the Judiciary.

EC-4892. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2009 annual report; to the Committee on the Judiciary.

EC-4893. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Grand Junction, CO" ((RIN2120-AA66) (Docket No. FAA-2009-0941)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4894. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Graford, TX" ((RIN2120-AA66) (Docket No. FAA-2009-0927)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4895. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Hinesville, GA" ((RIN2120-AA66) (Docket No. FAA-2009-0960)) received in the

Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4896. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Area Navigation (RNAV) Route Q-108; Florida" ((RIN2120-AA66) (Docket No. FAA-2009-0885)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4897. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties" (RIN2127-AK40) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4898. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection" (RIN2127-AK57) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4899. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements and Procedures for Consumer Assistance to Recycle and Save Program" (RIN2127-AK67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4900. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components" (RIN2127-AK60) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4901. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Insurer Reporting Requirements; List of Insurers Required to File Reports" (RIN2127-AK46) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4902. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating" ((RIN2120-AJ10) (Docket No. FAA-2007-29015)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4903. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Filtered Flight Data" ((RIN2120-AI79) (Docket No. FAA-2006-26135)) received in the Office of the President of the

Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4904. A communication from the Senior Regulation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Alcohol Testing Form and Drug and Alcohol Management Information Systems Form Updates" (RIN2105-AD84) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4905. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non-Evidential Alcohol Screening Devices" (RIN2105-AD64) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4906. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information" (RIN2105-AD67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4907. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Administrative Procedures, Address Updates, and Technical Amendments" (RIN2137-AE29) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4908. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Miscellaneous Packaging Amendments" (RIN2137-AD89) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4909. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (36); Amdt. No. 3359" (RIN2120-AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4910. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (84); Amdt. No. 3360" (RIN2120-AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4911. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Ap-

proach Procedures (42); Amdt. No. 3361" (RIN2120-AA65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4912. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0717)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4913. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2S1 Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0568)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4914. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SICLI Halon 1211 Portable Fire Extinguishers as Installed on Various Airplanes and Rotorcraft" ((RIN2120-AA64) (Docket No. FAA-2010-0126)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4915. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0793)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4916. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes; Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes; and Model A340-541 and -642 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0782)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4917. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0912)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4918. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters" ((RIN2120-AA64) (Docket No. FAA-2009-1146)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 38. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes (Rept. No. 111-157).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency.

\*Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission.

\*Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission.

\*William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2011.

\*William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2015.

\*William D. Magwood, IV, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2010.

\*George Apostolakis, of Massachusetts, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2014.

\*Marilyn A. Brown, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

\*William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

\*Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

\*Barbara Short Haskew, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Gloria M. Navarro, of Nevada, to be United States District Judge for the District of Nevada.

Jon E. DeGuilio, of Indiana, to be United States District Judge for the Northern District of Indiana.

Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California.

Tanya Walton Pratt, of Indiana, to be United States District Judge for the Southern District of Indiana.

Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and tes-

tify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET:

S. 3071. A bill to provide for a freeze on the pay of Members of Congress and appropriations for certain congressional offices until there are sufficient improvements in the national unemployment rate, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER:

S. 3072. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. FRANKEN, Ms. STABENOW, and Mr. DURBIN):

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. VITTER, Mr. THUNE, Mr. COBURN, Mr. ISAKSON, and Mr. JOHANNIS):

S. 3074. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 3076. A bill to direct the Secretary of the Interior to conduct studies of natural soundscape preservation in the National Park Service; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mrs. HUTCHISON):

S. 3077. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. REED, and Mr. SANDERS):

S. 3078. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. PRYOR, Mr. BROWN of Ohio, Ms. STABENOW, Mr. SANDERS, and Mr. CARDIN):

S. 3079. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3080. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. CHAMBLISS, Mr. LEMIEUX, Mr. SESSIONS, and Mr. VITTER):

S. 3081. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. ROCKEFELLER, and Ms. MIKULSKI):

S. Res. 434. A resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

By Mr. CASEY (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. DORGAN, Mr. SPECTER, Mr. KERRY, Mr. BEGICH, Mr. MENENDEZ, Mr. BAYH, and Mr. DODD):

S. Res. 435. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; considered and agreed to.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. REED, and Mr. BROWN of Massachusetts):

S. Res. 436. A resolution expressing support for the people affected by the natural disasters on Madeira Island; considered and agreed to.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. CASEY, Mr. GRAHAM, and Mr. KAUFMAN):

S. Res. 437. A resolution expressing the sense of the Senate regarding the positive effect of the upcoming Iraqi parliamentary elections on Iraq's political reconciliation and democratic institutions; considered and agreed to.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 438. A resolution designating March 2, 2010, as "Read Across America Day"; considered and agreed to.

By Mr. ENSIGN:

S. Res. 439. A resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed



Forces serving in harm's way; to the Committee on Armed Services.

By Mr. BENNET:

S. Res. 440. A resolution improving the Senate cloture process; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mrs. HUTCHISON, Mr. DURBIN, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. BURRIS, Mrs. GILLIBRAND, Ms. STABENOW, and Ms. LANDRIEU):

S. Res. 441. A resolution recognizing the history and continued accomplishments of women in the Armed Forces of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CARDIN, Mr. WICKER, Mr. LUGAR, and Mr. BYRD):

S. Res. 442. A resolution congratulating the people of the Republic of Lithuania on the Act of the Re-Establishment of the State of Lithuania, or Act of March 11, and celebrating the rich history of Lithuania; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI):

S. Res. 443. A resolution honoring the life and service of Enrique "Kiki" Camarena; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 444. A resolution to authorize testimony and legal representation in City of Vancouver v. Galloway; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 445. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 704

At the request of Mr. BURR, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 828, a bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1579

At the request of Mr. BYRD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1579, a bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2786

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2786, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes.

S. 2895

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2895, a bill to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3008

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was withdrawn as a cosponsor of S. 3008, a bill to establish a program to support a transition to a freely elected, open democracy in Iran.

S. 3028

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 3040

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3040, a bill to amend the Richard B. Russell National School Lunch Act to provide children from rural areas with better access to meals served through the summer food service program for children and certain child care programs.

S. 3047

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3047, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S.J. RES. 27

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Washington



(Ms. CANTWELL) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

S. RES. 433

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. KAUFMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 433, a resolution supporting the goals of "International Women's Day".

AMENDMENT NO. 3337

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3337 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3341

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 3341 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3342 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3351

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3351 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3354

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3354 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3366

At the request of Mr. LEMIEUX, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3366 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3368

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3368 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 3371 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3375

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3375 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3377

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3377 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3380

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3380 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3391

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 3391 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3393

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3393 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3395

At the request of Mrs. LINCOLN, the names of the Senator from Georgia

(Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3395 intended to be proposed to H. R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3396

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of amendment No. 3396 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3397

At the request of Mr. ROCKEFELLER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3397 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. KLOBUCHAR, Mr. BROWN, of Ohio, Mr. FRANKEN, Ms. STABENOW, and Mr. DURBIN):

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Today, I introduced the Great Lakes Ecosystem Protection Act as co-chair of the Great Lakes Task Force with Senator GEORGE VOINOVICH and several of our colleagues here in the Senate and in the House. This bill is important for our efforts to protect and restore the Great Lakes now and for future generations. The Great Lakes are vital not only to Michigan but to the nation. Roughly 1/10 of the U.S. population lives in the Great Lakes basin and depends daily on the lakes. The Great Lakes provide drinking water to 40 million people in the U.S. and Canada. They provide the largest recreational resource for their 8 neighboring States. They form the largest body of freshwater in the world, containing roughly 18 percent of the world's total. Only the polar ice caps contain more freshwater. They are critical for our economy by helping move natural resources to the factory and to move products to market.

While the environmental protections that were put in place in the early 1970s have helped the Great Lakes make strides toward recovery, a 2003 GAO report made clear that there is much work still to do. That report stated: "Despite early success in improving conditions in the Great Lakes

Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats.” More recently, many scientists reported that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and hydrologic modifications. A 2005 report from a group of Great Lakes scientific experts states that “historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response.”

Asian carp represents a massive threat and a number of important actions are required to deal with it. The zebra mussel, an aquatic invasive species, caused \$3 billion in economic damage to the Great Lakes from 1993 to 2003. In 2000, 7 people died after pathogens entered the Walkerton, Ontario drinking water supply from the lakes. In May of 2004, more than 10 billion gallons of raw sewage and storm water were dumped into the Great Lakes. In that same year, more than 1,850 beach closures in the Great Lakes. Each summer, Lake Erie develops a 6,300 square mile dead zone. There is no appreciable natural reproduction of lake trout in the lower four lakes. More than half of the Great Lakes region's original wetlands have been lost, along with 60 percent of the native forests. Wildlife habitat has been destroyed, diminishing opportunities necessary for fishing, hunting and other forms of outdoor recreation.

These problems have been well known for several years, and this bill is an effort to address those problems. First, the bill authorizes the President's Great Lakes Restoration Initiative, a multi-agency effort, which provides the needed federal funds to federal programs as well as non-federal partners through grants.

Building on past success, there are a number of programs that need to be authorized and reauthorized in federal law. For instance, the bill authorizes the Great Lakes Interagency Task Force, established by Executive Order in 2004, so that the many federal agencies operating in the Great Lakes will coordinate with each other. Restoring the Great Lakes involves many stakeholders including the Federal Government, states, cities, tribes and others, and Congress needs to be sure that the Federal agency efforts are in order.

The bill also reauthorizes and expands the Great Lakes Legacy program which has been extremely successful and has cleaned up about 900,000 cubic yards of contaminated sediments at

Areas of Concern throughout the Great Lakes. This is a partnership program which requires a non-federal cost-share to address the legacy of contaminated sediment in our region. The Legacy program expires at the end of 2010.

The bill reauthorizes the EPA's Great Lakes National Program Office which has been and will continue to be a key to moving forward with Great Lakes protection and restoration. This office has been the lead in renegotiating the Great Lakes Water Quality Agreement, implementing the Great Lakes Legacy program, and implementing its own grant program.

Finally, the Great Lakes region needs a process for advising the EPA and other Federal agencies on Great Lakes matters. While there have been various advisory groups that have been pulled together over the years, there has never been a standing advisory entity, and that has been a gap in the governance and management of the Great Lakes. This bill authorizes a new advisory group to provide expertise to the EPA on goals and priorities for Great Lakes restoration and protection.

The Great Lakes are a unique American treasure. We are but their temporary stewards. We must be good stewards by doing all we can to ensure that the Federal Government meets its ongoing obligation to protect and restore the Great Lakes.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3075. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, today I rise to talk about one of the most magnificent, the most inspiring places on Earth, the Flathead region of Montana. The landscape in this area is so vast, so unique, it is hard to put into words. But let me feebly attempt to describe the aura of colors you see as the Sun rises over the deep blue of Lake McDonald. Words cannot capture the joyful screams of families shooting down the Middle Fork of the Flathead through rapids with names like “Bone Crusher” and “Could be Trouble.”

Words cannot do justice to the awe that comes from almost touching Montana's legendary Big Sky at the top of Heavens Peak. The Flathead region, there is nothing like it. It is the crown of the continent. It is God's country. It is Montana.

There is one particular area of this region that holds a special place in my heart; that is, the North Fork of the Flathead River. When I was a freshman Member of the House of Representatives, I took a hike with my friends, Jack Stanford and Ric Hauer, to the top of Mount Harding.

Mount Harding is a little ways from the Flathead River, but this hike captured the feelings I have for the area. Thirty-five years ago, I still remember that hike, and I am not alone.

Similar to everyone who ventures into the Flathead, every Montanan, every American, every Canadian, everyone who happens to be touched by the beauty of this place could not help but be stunned by the beauty of a place carved by glaciers a millennia ago and still untouched by modern development.

That day on the Flathead, each of us knew we must do everything we could to protect this one-of-a-kind landscape for our children and our children's children. I would say, at that time, 35 years ago as a Member of the House, very proudly enacted the first multiyear environmental impact statement baseline study so we could assess what future impacts might be in the area, whether it was Federal, State, private or from British Columbia, just north, whatever it might be, so we knew what we had to do to protect the area.

That promise has not always been easy to keep. Back then, I was so determined to protect this area, I flew up to Toronto and met with a fellow named Ron Sadler. Rod Sadler was president of Sage Creek.

I was like a young lawyer, armed with tons of questions and depositions, and kept asking him—I kept asking him all these questions: What is your intention here? What is your intention there? This is such a special place. He is like: Why are you asking me all those questions?

I explained: This is so special, I am going to do everything I can to protect it. The reason is because of the potential mining across the border, the place where all the water and the pollution would flow south into the North Fork of the Flathead. All the environmental degradation from that flowed south, but all the economic benefit would flow north. So, for me, I will not let this happen. I said to myself: I am going to protect this as much as I possibly can.

For decades, the Flathead has been threatened by mining proposals in British Columbia. Over the years, coal mining, coalbed methane extraction, and gold mining have all been successfully beaten back. It has been a coordinated effort, one I am very proud to be a part of, to help protect the area. We have been working so hard.

Finally, the Premier of British Columbia made a historic decision. He persuaded his Parliament to pass a resolution to protect and prevent any mining development in the North Fork. He made that on the eve of the Olympics. The Olympics—Mount Whistler and that part, the southern part of British Columbia, he made that decision just before the Olympics. I was overjoyed. I called him up, and I said:

Mr. Premier, I cannot tell you how happy I am that you have done this. It means so much to Montanans, and we will do our part too.

That is when I told him my plan. My plan, the legislation Senator TESTER and I introduced today, will ban future mining, oil and gas, and coalbed methane development on the American side of the border; that is, in the Flathead National Forest, a portion of the North Fork watershed which is over 90 percent federally owned. Senator TESTER and I have also pledged to work to retire the existing leases to protect this area once and for all.

Many folks know about a book written by Norman McLean. Norman McLean wrote a story about Montana entitled "A River Runs Through It." Though McLean's story focuses on another Montana river, the Blackfoot, also very special, I think the final line from his book resonates here as well. This is what McLean wrote:

Eventually, all things merge into one, and a river runs through it. The river was cut by the world's great flood, and runs over rocks from the basement of time. . . . I am haunted by waters.

I am very proud to be here today to introduce the North Fork Watershed Protect Act and ask my colleagues to join me in preserving these waters and the land that surrounds them so that every generation across the country, across the world, has the privilege of being so haunted by Montana's waters.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WHITEHOUSE, Mr. REED, and Mr. SANDERS):

S. 3078. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to create a Health Insurance Rate Authority and rate review process to protect American consumers from unfair health insurance rate increases.

This legislation is based on an amendment I filed during the health reform debate. While it was not included in the reform legislation that passed the Senate, I strongly believe consumers need additional protections from insurance company abuses now.

I am pleased that President Obama has included it in his health reform proposal, and I look forward to continuing to work with the administration to see that this bill becomes law.

This bill ensures that all American consumers are protected by a rate review process, not just those in states with aggressive laws.

This legislation requires companies to submit justifications for unreasonable increases in premiums, using a process that will be established by the Secretary, in conjunction with States.

The bill gives the Secretary of HHS authority to deny or modify premium increases or other rate increases, like deductibles, that are found to be unjustified. State Insurance Commissioners will retain this power in states in which they have sufficient authority and capability.

To help the Secretary with this process, the legislation establishes a Health Insurance Rate Authority as an advisory body for all the Secretary's rate review responsibilities.

Health insurance companies continue to demonstrate their willingness to slap consumers with astronomical increases in their health insurance rates.

Anthem Blue Cross has notified thousands of Californians that they will face rate increases of as much as 39 percent. Meanwhile, WellPoint, the corporate parent of Anthem Blue Cross, earned a \$4.7 billion profit in 2009.

I find this unbelievable. Imagine the typical family, or individual, trying to find the money to pay 39 percent more for health care coverage. Especially during these difficult economic times, with so much uncertainty. Meanwhile, the health insurance company is doing better than ever.

I would like to share a few of the letters and comments I have received from Californians that vividly describe what these increases mean to them.

Arthur Hirsch, 63, and his wife Eileen have had Blue Cross for 30 years. They live in Laguna Beach and own a small business. They recently received notice that their monthly premiums would increase from \$787 per month to \$1,035 per month. Arthur said he was told that he could raise his annual deductible to \$5,000 or higher to keep the premium increases down. But he said he fears he is stuck with the policy. He said: "I can't leave my assets and my family uncovered. If something happens . . . well that's what insurance is about."

A Monterey, CA couple recently found out their premiums with Anthem Blue Cross will increase 36 percent—from \$734 a month to \$998 a month. They own an antique print business. The economy has hurt sales—their 2008 gross household income was \$42,000, and they don't expect their income will increase much in 2009 or 2010. More than 25 percent of their household income goes toward premiums—far more than their mortgage. They are wondering if they should go into debt, use the equity in their home or withdraw money from their retirement accounts to pay for the rate hikes. Because of pre-existing conditions, the woman is a breast cancer survivor, they don't believe they can get a more affordable policy elsewhere.

A family of four from Pacific Palisades, California, has a \$5,000 per person deductible. They pay \$917 per month premiums for the family—\$11,000 per year. Their insurance plus

out of pocket expenses were more than 25 percent of the family's gross income for each of the past 2 years and no member of the family ever satisfied the deductible. They just received notice that their premium will go up 38 percent, to \$1,263 per month. Anthem offered this family another deal: increase premium payments just 10 percent to \$1,011 a month if the family agrees to an increased deductible of \$7,500 per person. The father in the family hasn't had a checkup in 6 years. He's 56 years old.

This is not how our system should function.

In some States, insurance commissioners have the authority to review health insurance rates and increases, and block the rates that are found to be unjustified. According to a 2008 Families USA report, 33 States have some form of a prior approval process for premium increases.

The same report describes several notable successes among states that use this process, including: Regulators in North Dakota were able to reduce 37 percent of the proposed rate increases filed by insurers.

Maryland used their State laws to block a 46 percent premium increase after a company charged artificially low rates for 2 years. The decision was upheld in court.

New Hampshire regulators were able to reduce a proposed 100 percent rate increase to 12.5 percent.

But in other States, including California, insurance commissioners do not have this ability. Instead, my State's insurance commissioner has had to ask Anthem/Blue Cross to delay its proposed increase in premiums. He has no authority to order this delay.

Some States have laws like this on the books, but do not have sufficient resources to review all the rate changes that insurance companies propose.

Consumers deserve full protection from unfair rate increases, no matter where they live.

This legislation ensures that all Americans have some level of basic protection. The bill is based in part on a provision included in the Senate's version of health reform legislation, which required insurance companies to submit justifications and explain increases in premiums. They must submit these justifications to the Secretary of Health and Human Services, and they must make these justifications available on their website.

The bill asks the National Association of Insurance Commissioners to produce a report, detailing the rate review laws and capabilities in all 50 States. The Secretary of HHS will then use these findings to determine which States have the authority and capability to undertake sufficient rate reviews to protect consumers.

In States where Insurance Commissioners have authority to review rates, they will continue to do so.

In States without sufficient authority or resources, the Secretary of HHS will review rates, and take any appropriate action to deny unfair requests.

This could mean blocking unjustified rate increases, or requiring rebates, if an unfair increase is already in effect.

This will provide all American consumers with another layer of protection from an unfair premium increase.

The amendment would also require the Secretary of Health and Human Services to establish a Health Insurance Rate Authority as part of the process in the bill that enables her to monitor premium costs.

The Rate Authority would advise the Secretary on insurance rate review and would be composed of seven officials that represent the full scope of the health care system including: at least two consumers; at least one medical professional; and one representative of the medical insurance industry.

The remaining members would be experts in health economics, actuarial science, or other sectors of the health care system.

The Rate Authority will also issue an annual report, providing American consumers with basic information about how insurance companies are behaving in the market. It will examine premium increases by State, as well as medical loss ratios, reserves and solvency of companies, and other relevant behaviors.

This data will give consumers better information, enabling them to make better choices and avoid purchasing plans from companies that do not provide them the best value for their dollar.

This concern about premium increases stems from the fact that we are the only industrialized nation that relies heavily on a for-profit medical insurance industry to provide basic health care. I believe, fundamentally, that all medical insurance should be not for profit.

The industry is focused on profits, not patients. It is heavily concentrated, leaving consumers with few alternatives when their premiums do increase.

As of 2007, just two carriers—WellPoint and UnitedHealth Group—had gained control of 36 percent of the national market for commercial health insurance.

Since 1998, there have been more than 400 mergers of health insurance companies, as larger carriers have purchased, absorbed, and enveloped smaller competitors.

In 2004 and 2005 alone, this industry had 28 mergers, valued at more than \$53 billion. That is more merger activity in health insurance than in the 8 previous years combined.

Today, according to a study by the American Medical Association, more than 94 percent of American health insurance markets are highly con-

centrated, as characterized by U.S. Department of Justice guidelines. This means these companies could raise premiums or reduce benefits with little fear that consumers will end their contracts and move to a more competitive carrier.

In my State of California just two companies, WellPoint and Kaiser Permanente, control more than 58 percent of the market. In Los Angeles, the top two carriers controlled 62 percent of the market as of 2008.

Record levels of market concentration have helped generate a record level of profit increases.

Between 2000 and 2007, profits at 10 of the largest publicly-traded health insurance companies soared 428 percent—from \$2.4 billion in 2000 to \$12.9 billion in 2007.

The CEOs at these companies took in record earnings. In 2007, these 10 CEOs made a combined \$118.6 million.

The CEO of CIGNA took home \$25.8 million.

The CEO of Aetna took home \$23 million.

The CEO of UnitedHealth took home \$13.2 million and the CEO of WellPoint took home \$9.1 million.

Even last year, a time of enormous economic distress for average Americans, was a good year for the health insurance industry. According to Health Care for America Now!, the 5 largest health insurers—WellPoint, United Health, Humana, Cigna, Aetna—saw profits increase 56 percent from 2008 to 2009, from \$7.7 billion to \$12.1 billion. Only Aetna saw their profits decrease.

Yet we see insurance companies like Anthem/Blue Cross, owned by Well Point, increasing consumer premiums.

Frankly, I would go further than this legislation if I could: I believe the health insurance industry should be non-profit. There is no reason that any company or shareholder should make a penny off of basic health care coverage for our citizens.

But we do have a system that heavily relies on for-profit insurance companies. Regardless of the outcome of the broader debate on health care reform, that is unlikely to change.

So this bill becomes very necessary. Premiums are increasing every day, and people in many states have no recourse, and no way to know if a particular increase is unfair.

This cannot continue. I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3078

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Insurance Rate Authority Act of 2010”.

#### SEC. 2. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

(a) IN GENERAL.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.) is amended by adding at the end the following:

##### “SEC. 2793. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

“(a) INITIAL RATE REVIEW PROCESS.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—The Secretary, in conjunction with States, shall establish a uniform process for the review, beginning with the 2011 plan year, of potentially unreasonable increases in rates for health insurance coverage, which shall include premiums.

“(B) ELECTRONIC REPORTING.—The process established under subparagraph (A) shall include an electronic reporting system established by the Secretary through which health insurance issuers shall—

“(i) report to the Secretary and State insurance commissioners the information requested by the Secretary pursuant to this subsection; and

“(ii) submit data to the uniform data collection system in accordance with paragraph (6)(A).

“(C) AUTHORITY OF STATES.—Nothing in subparagraph (A) or (B) shall be construed to prohibit a State from imposing additional requirements on health insurance issuers with respect to increases in rates for health insurance coverage, including with respect to reporting information to a State.

“(2) JUSTIFICATION AND DISCLOSURE.—The process established under paragraph (1) shall require health insurance issuers to submit to the Secretary and the relevant State a justification for a potentially unreasonable rate increase prior to the implementation of the increase. Such issuers shall prominently post such information on their Internet websites. The Secretary shall ensure the public disclosure of information on such increases and justifications for all health insurance issuers.

“(3) HEALTH INSURANCE RATE AUTHORITY.—

“(A) IN GENERAL.—The Secretary shall establish a Health Insurance Rate Authority (referred to in this paragraph as the ‘Authority’) to be composed of 7 members to be appointed by the Secretary, of which—

“(i) at least 2 members shall be a consumer advocate with expertise in the insurance industry;

“(ii) at least 1 member shall be an individual who is a medical professional;

“(iii) at least 1 member shall be a representative of health insurance issuers; and

“(iv) such remaining members shall be individuals who are recognized for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, and other related fields, who provide broad geographic representation and a balance between urban and rural members.

“(B) ROLE.—In addition to the other duties of the Authority set forth in this subsection, the Authority shall advise and make recommendations to the Secretary concerning the Secretary’s duties under this subsection.

“(4) CORRECTIVE ACTION FOR UNREASONABLE RATE INCREASES.—

“(A) IN GENERAL.—Pursuant to the procedures set forth in this paragraph, the Secretary or the relevant State insurance commissioner shall—

“(i) in accordance with the process established under paragraph (1), review potentially unreasonable increases in rates and determine whether such increases are unreasonable; and

“(ii) take action to ensure that any rate increase found to be unreasonable under clause (i) is corrected, through mechanisms including—

“(I) denial of the rate increase;

“(II) modification of the rate increase;

“(III) ordering rebates to consumers; or

“(IV) any other actions that correct for the unreasonable increase.

“(B) REQUIRED REPORT; DEFINITION.—The Secretary shall ensure that, not later than 6 months after the date of enactment of this section, the National Association of Insurance Commissioners (referred to in this section as the ‘Association’), in conjunction with States, or other appropriate body, will provide to the Secretary and the Authority—

“(i) a report on—

“(I) State authority to review rates and take corrective action in each insurance market, and methodologies used in such reviews;

“(II) rating requests received by the State in the previous 12 months and subsequent actions taken by States to approve, deny, or modify such requests; and

“(III) justifications by insurance issuers for rate requests; and

“(ii) (I) a recommended definition of unreasonable rate increase, which shall consider a lack of actuarial justification for such increase; and

“(II) other recommended definitions for the purposes of carrying out this subsection.

“(C) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—Using the report submitted pursuant to subparagraph (B), the Secretary shall determine not later than 1 year after the date of enactment of this section and periodically thereafter—

“(i) for which States the State insurance commissioner shall undertake the actions described in subparagraph (A)—

“(I) based on the Secretary’s determination that the State has sufficient authority and capability to deny rates, modify rates, provide rebates, or take other corrective actions; and

“(II) as a condition of receiving a grant under subsection (c)(1); and

“(ii) for which States the Secretary shall undertake the actions described in subparagraph (A), in consultation with the relevant State insurance commissioner, based on the Secretary’s determination that such States lack the authority and capability described in clause (i).

“(D) TRANSITION PERIOD.—Until the Secretary makes the determinations described in subparagraph (C), the relevant State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the actions described in subparagraph (A) to the extent permissible under State law.

“(5) PRIORITIZING POTENTIALLY UNREASONABLE RATE INCREASES FOR REVIEW.—The Secretary or the relevant State insurance commissioner may prioritize—

“(A) rate increases that will impact large numbers of consumers;

“(B) rate reviews requested from States, if applicable; and

“(C) rate reviews in the individual and small group markets.

“(6) ANNUAL REPORT.—

“(A) UNIFORM DATA COLLECTION SYSTEM.—The Secretary, in consultation with the Association and the Authority, shall develop,

and may contract with the Association to operate, a uniform data collection system for new and increased rate information, which shall include information on rates, medical loss ratios, consumer complaints, solvency, reserves, and any other relevant factors of market conduct.

“(B) PREPARATION OF ANNUAL REPORT.—Using the data obtained in accordance with subparagraph (A), the Authority shall annually produce a single, aggregate report on insurance market behavior, which includes at least State-by-State information on rate increases from one year to the next, including by health insurance issuer and by market and including medical trends, benefit changes, and relevant demographic changes.

“(C) DISTRIBUTION.—The Authority shall share the annual report described in subparagraph (B) with States, and include such report in the information disclosed to the public.

“(b) CONTINUING RATE REVIEW PROCESS.—As a condition of receiving a grant under subsection (c)(1), a State, through the applicable State insurance commissioner, shall provide the Secretary with information about trends in rate increases in health insurance coverage in premium rating areas in the State, in accordance with the uniform data collection system established under subsection (a)(6)(A).

“(c) GRANTS IN SUPPORT OF PROCESS.—

“(1) RATE REVIEW GRANTS.—The Secretary shall carry out a program to award grants to States beginning with fiscal year 2010 to assist such States in carrying out subsection (a), including—

“(A) in reviewing and, if appropriate under State law, approving or taking corrective action with respect to rate increases for health insurance coverage; and

“(B) in providing information to the Secretary under subsection (b).

“(2) FUNDING.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary \$250,000,000, to be available for expenditure for grants under paragraph (1).

“(B) ALLOCATION.—The Secretary shall establish a formula for determining the amount of any grant to a State under this subsection. Under such formula—

“(i) the Secretary shall consider the number of plans of health insurance coverage offered in each State and the population of the State; and

“(ii) no State qualifying for a grant under paragraph (1) shall receive more than \$5,000,000 for a grant year.

“(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount authorized under subsection (c)(2), there are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2010 and such sums as may be necessary for each subsequent fiscal year.”

(b) ENFORCEMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2722—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and section 2793” after “this part”; and

(ii) in paragraph (2), by inserting “or section 2793” after “this part”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “and section 2793” after “this part”; and

(ii) in paragraph (2), by inserting “or section 2793” after “this part” each place such term appears; and

(2) in section 2761—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “and section 2793” after “this part”; and

(ii) in paragraph (2)—

(I) by inserting “or section 2793” after “set forth in this part”; and

(II) by inserting “and section 2793” after “the requirements of this part”; and

(B) in subsection (b)—

(i) by inserting “and section 2793” after “this part”; and

(ii) by inserting “and section 2793” after “part A”.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

By Mr. MERKLEY (for himself,  
Mr. PRYOR, Mr. BROWN of Ohio,  
Ms. STABENOW, Mr. SANDERS,  
and Mr. CARDIN):

S. 3079. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to introduce legislation to help create jobs and lower energy bills for businesses and multi-family residences. This bill would create a program called Building Star, designed to promote energy-saving commercial building renovations through rebates and low-cost financing options.

I believe, as do many of my colleagues, that energy efficiency should be a central component of our national energy policy because energy efficiency creates jobs, reduces our dependence on foreign oil, and reduces the pollution of our air and water. Central to the program we are proposing today is its ability to help businesses afford the up-front costs of energy-efficient renovations by helping state and local programs offer low-interest loans that can be paid back through savings on energy bills.

As we take action to put Americans back to work, we need to set our sights on programs that provide the biggest bang for our buck in terms of immediate job creation and set our economy up for future growth. Clean energy is not only the next great growth industry, but it’s an engine for job creation today. Energy-efficiency programs like Building Star will put Americans to work in construction and manufacturing and save small businesses money as we strive for American energy independence.

I would like to thank Senator PRYOR for his leadership on this bill as well as Senators STABENOW, BROWN, and SANDERS in joining the push for a common-sense idea that can create jobs right away and pave the way for future growth in America’s clean energy industry.

I would also like to recognize Senator WARNER's great leadership in developing Home Star, a parallel program that offers energy-efficiency assistance to homeowners. I am proud to stand with my forward-thinking colleagues, Senator BINGAMAN and Senator SANDERS in supporting Home Star and I look forward to continued discussions about how we can maximize the economic benefits of these valuable programs.

I would like to focus for a moment on the immediate positive impact that Building Star will have on our economy.

Building Star would begin creating jobs immediately and is projected to create as many as 150,000 jobs in some of the economy's hardest-hit sectors including construction, manufacturing, and distribution over the next 2 years.

Building Star will stimulate new jobs in the 55,000 construction and manufacturing firms that deal in building, mechanical and low-slope roof insulation, windows, and window films. Eighty-six percent of these firms are small businesses employing less than 20 people.

Building Star will maximize Federal investment by leveraging \$2 to \$3 in private investment for every Federal dollar spent, making it an excellent model for a public-private partnership and maximizing resource efficacy.

In addition, Building Star is expected to save building owners more than \$3 billion annually on their energy bills by reducing enough peak electricity demand to avoid the need for 33 300-Megawatt power plants.

It will also reduce the pollution that contributes to climate change by 21 million metric tons each year, or the equivalent of nearly 4 million cars' emissions, according to the American Council for an Energy-Efficient Economy.

I urge my colleagues to recognize the outstanding opportunity that energy-efficiency renovations offer in putting Americans back to work, saving money for our working families, and moving us toward energy independence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3079

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Building Star Energy Efficiency Act of 2010".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ASHRAE.—The term "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

(2) BUILDING ENVELOPE INSULATION.—The term "building envelope insulation" means thermal insulation for a building envelope (other than a low slope roof), as defined in ASHRAE Standard 90.1-2007 or 2009 IECC, as appropriate.

(3) CHILLER TONNAGE DOWNSIZING.—The term "chiller tonnage downsizing" means the quantity by which the tonnage rating of a replaced chiller exceeds the tonnage rating of a qualified replacement chiller.

(4) CLIMATE ZONE.—The term "climate zone" means a climate zone specified in ASHRAE Standard 90.1-2007.

(5) COMMERCIAL BUILDING.—

(A) IN GENERAL.—The term "commercial building" means a building that—

(i) is located in the United States; and

(ii) was in existence on December 31, 2009.

(B) EXCLUSIONS.—The term "commercial building" does not include—

(i) a federally owned building; or

(ii) a residential building.

(6) DUCT.—The term "duct" means HVAC ducts with respect to which pressure testing has been performed and, if necessary, leakage remediated, in accordance with sections 503.2.7.1.2 and 503.2.7.1.3 of the 2009 IECC.

(7) DUCT INSULATION.—The term "duct insulation" means thermal insulation of a HVAC duct.

(8) HVAC.—The term "HVAC" means heating, ventilation, and air conditioning.

(9) IECC.—The term "IECC" means the International Energy Conservation Code.

(10) MECHANICAL INSULATION.—The term "mechanical insulation" means thermal insulation installed, in accordance with applicable Federal, State, and local law, on mechanical piping and mechanical equipment.

(11) MULTIFAMILY RESIDENTIAL BUILDING.—

(A) IN GENERAL.—The term "multifamily residential building" means a structure of 5 or more dwelling units that—

(i) is located in the United States; and

(ii) was in existence on December 31, 2009.

(B) EXCLUSION.—The term "multifamily residential building" does not include a federally owned building.

(12) NFRC.—The term "NFRC" means the National Fenestration Rating Council.

(13) PROGRAM.—The term "program" means the Building Star Energy Efficiency Rebate Program of 2010 established under section 3.

(14) QUALIFIED BOILER.—The term "qualified boiler" means a new natural gas-fired, oil-fired, or wood or wood pellet boiler that—

(A) has a capacity of not less than 300,000, and not more than 5,000,000, Btu per hour;

(B) replaces an operational boiler in a commercial building or multifamily residential building; and

(C) meets or exceeds—

(i) in the case of a natural gas-fired boiler, 90 percent thermal efficiency;

(ii) in the case of an oil-fired boiler, 85 percent thermal efficiency; and

(iii) in the case of a wood or wood pellet boiler, 75 percent thermal efficiency.

(15) QUALIFIED BUILDING ENVELOPE INSULATION.—The term "qualified building envelope insulation" means the installation or repair of building envelope insulation to meet or exceed ASHRAE Standard 90.1-2007 or 2009 IECC in a commercial building or multifamily residential building.

(16) QUALIFIED ENERGY AUDIT.—The term "qualified energy audit" means an ASHRAE

Level II energy audit or equivalent of a commercial building or multifamily residential building that is designed to identify all cost-effective energy efficiency measures.

(17) QUALIFIED ENERGY-EFFICIENT BUILDING OPERATION AND MAINTENANCE TRAINING.—The term "qualified energy-efficient building operation and maintenance training" means—

(A) the training of a superintendent or operator of a commercial building or multifamily residential building; and

(B) resultant—

(i) Level 1 or Level 2 Building Operator Certification for commercial building operators; or

(ii) certification as a Multifamily Building Operator by the Building Performance Institute for residential building operators.

(18) QUALIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM.—The term "qualified energy monitoring and management system" means a system that—

(A) is installed in a commercial building or multifamily residential building;

(B) uses a combination of computers, computer software, control equipment, and instrumentation to monitor and manage or submeter the energy use of a building, such as heating, ventilation, air conditioning, and lighting;

(C) provides reporting of information to the building owner or operator to enable refinement of building operation and energy usage; and

(D) is covered by a service contract with a duration of not less than 1 year for system monitoring or maintenance, including all maintenance recommended by the equipment manufacturer.

(19) QUALIFIED EXTERIOR LIGHTING.—The term "qualified exterior lighting" means exterior lighting that—

(A) replaces operational exterior lighting at a commercial building or multifamily residential building; and

(B) achieves a reduction of 20 percent or more in annual energy use as compared to the lighting that was replaced, as determined in accordance with section 3(c)(7)(B).

(20) QUALIFIED FURNACE.—The term "qualified furnace" means a new natural gas furnace or a wood or wood pellet furnace that—

(A) replaces an operational furnace in a commercial building or multifamily residential building;

(B) in the case of natural gas, meets or exceeds 90 percent thermal efficiency; and

(C) in the case of a wood or wood pellet furnace, meets or exceeds 75 percent thermal efficiency.

(21) QUALIFIED HIGH-EFFICIENCY WINDOW FILMS AND SCREENS.—The term "qualified high-efficiency window films and screens" means window films and screens that—

(A) are permanently affixed to windows or window frames in a commercial building or multifamily residential building;

(B) have a Luminous Efficacy (which is Visible Light Transmittance, as certified to NFRC standards divided by SHGC) of 1.1 or greater; and

(C) have a SHGC that meets or is better than the applicable requirements of the following table (as certified to NFRC standards):

Climate Zones	1	2	3	4	5	6	7	8
SHGC .....	.25	.25	.25	.40	.40	.40	.45	.45

(22) **QUALIFIED HVAC TESTING, BALANCING, AND DUCT SEALING.**—The term “qualified HVAC testing, balancing, and duct sealing” means work performed in a commercial building or multifamily residential building by individuals with an ANSI-accredited certification in HVAC testing—

- (A) to pressure-test HVAC ducts;
- (B) to balance air flow; and
- (C) to identify all leaking ducts and remediate the leakage to the appropriate leakage class, in accordance with sections 503.2.7.1.2 and 503.2.7.1.3 of the 2009 IECC.

(23) **QUALIFIED INTERIOR LIGHTING.**—The term “qualified interior lighting” means new interior lighting that—

- (A) replaces operational interior lighting in a commercial building or multifamily residential building; and
- (B) achieves an installed power reduction of 25 percent or more as compared to the installed power of the lighting that was replaced, as determined in accordance with section 3(c)(6)(B).

(24) **QUALIFIED LOW SLOPE ROOF INSULATION.**—The term “qualified low slope roof insulation” means a retrofit that—

- (A) adds new insulation to a roof on a commercial building or multifamily residential building if the roof insulation is entirely above deck, as defined in ASHRAE Standard 90.1-2007 or 2009 IECC; and
- (B) meets or exceeds the R-values for the applicable climate zone in the following table:

Climate Zones	1	2	3	4	5	6	7	8
R-Value .....	20	25	25	25	25	30	35	35

(25) **QUALIFIED MECHANICAL INSULATION.**—The term “qualified mechanical insulation” means the installation or repair of mechanical or duct insulation to meet or exceed ASHRAE Standard 90.1-2007 or 2009 IECC in a commercial building or multifamily residential building.

(26) **QUALIFIED REPLACEMENT CHILLER.**—The term “qualified replacement chiller” means a water-cooled chiller that—

- (A) is certified to meet efficiency standards effective on January 1, 2010, as defined in table 6.8.1c in Addendum M to Standard 90.1-2007 of ASHRAE; and
- (B) replaces a chiller that—
  - (i) was installed before January 1, 1993;
  - (ii) uses chlorofluorocarbon refrigerant; and
  - (iii) until replaced by a new chiller, has remained in operation and used for cooling a commercial building.

(27) **QUALIFIED RETRO COMMISSIONING STUDY.**—The term “qualified retro commissioning study” means a commissioning study of building energy systems that is—

(A) conducted consistent with the guidelines in the Retro Commissioning Guide for Building Owners prepared for—

- (i) the Environmental Protection Agency; or
- (ii) the document entitled “California Commissioning Guide: Existing Buildings” published by the California Commissioning Collaborative; and

(B) performed by a service provider with—

- (i) an ASHRAE Commissioning Process Management Professional certification; or
- (ii) a Building Commissioning Association Certified Commissioning Professional certification.

(28) **QUALIFIED SERVICE ON COOLING SYSTEMS.**—

(A) **IN GENERAL.**—The term “qualified service on cooling systems” means periodic maintenance service on a central air conditioner that—

- (i) is located in a commercial building or multifamily residential building; and
- (ii) has a capacity of not less than 2 tons.

(B) **INCLUSIONS.**—The term “qualified service on cooling systems” includes—

- (i) a cleaning of a condenser coil;
- (ii) a check of system pressure;
- (iii) an inspection and replacement of a filter;
- (iv) an inspection and replacement of a belt;

(v) an inspection and repair of an economizer;

(vi) an inspection of a contractor;

(vii) an inspection of an evaporator;

(viii) an evaluation of a compressor ampere draw;

(ix) an evaluation of supply motor amp draw;

(x) an evaluation of a condenser fan amp draw;

(xi) an evaluation of liquid line temperature;

(xii) an evaluation of suction pressure and temperature;

(xiii) an evaluation of oil level and pressure;

(xiv) an inspection of low pressure controls and high pressure controls;

(xv) an evaluation of crankcase heater operation;

(xvi) a cleaning of chiller condenser tubes;

(xvii) a cleaning of chiller evaporator tubes; or

(xviii) a check, and if necessary, correction of a refrigerant charge and system airflow to conform to manufacturer specifications.

(29) **QUALIFIED SERVICE ON SPACE HEATING EQUIPMENT.**—

(A) **IN GENERAL.**—The term “qualified service on space heating equipment” means the periodic maintenance service on a boiler, unit heaters make-up air unit, heat pump, furnace, or industrial space heating equipment with forced or induced draft combustion that is located in a commercial or multifamily residential building.

(B) **INCLUSIONS.**—The term “qualified service on space heating equipment” includes—

- (i) cleaning all heat exchange surfaces and checking and calibrating all system controls; and
- (ii) combustion efficiency tests and stack temperature measurements conducted before and after the service.

(30) **QUALIFIED UNITARY AIR CONDITIONER.**—The term “qualified unitary air conditioner” means a new 3 phase unitary air conditioner that—

- (A) replaces an operational air conditioner or heat pump in a commercial building or multifamily residential building; and
- (B) meets or exceeds Consortium for Energy Efficiency Tier 1 efficiency standards as in effect on January 1, 2010.

(31) **QUALIFIED UNITARY HEAT PUMP.**—The term “qualified unitary heat pump” means a new 3 phase unitary heat pump that—

(A) replaces an operational air conditioner or heat pump in a commercial building or multifamily residential building; and

(B) meets or exceeds Consortium for Energy Efficiency Tier 1 level of efficiency as in effect on January 1, 2010.

(32) **QUALIFIED VARIABLE SPEED DRIVE.**—The term “qualified variable speed drive” means a new electronic variable speed drive that—

- (A) is added to an operational motor in a—
  - (i) chilled water pump;
  - (ii) cooling tower fan;
  - (iii) fume hood exhaust or makeup fan;
  - (iv) hot water pump;
  - (v) exhaust fan;
  - (vi) chiller compressor; or
  - (vii) supply, return, or exhaust fan on a variable-air volume unit that is located in a commercial building or multifamily residential building and operates not less than 2,000 hours annually;

(B) is controlled automatically by a building automation system, process control system, or local controller driven by differential pressure, flow, temperature, or another variable signal; and

(C) incorporates a series reactor for power factor correction.

(33) **QUALIFIED WATER HEATER.**—The term “qualified water heater” means a new natural gas or electric storage water heater with a capacity of 75,000 Btu/hour or greater, or a tankless water heater with a capacity of 200,000 Btu/hour or greater, that replaces an operational water heater in a commercial building or multifamily residential building and meets or exceeds—

(A) in the case of a natural gas water heater, 90 percent thermal efficiency;

(B) in the case of an electric water heater—

- (i) a 2.5 Coefficient of Performance; or
- (ii) a 2.0 Energy Factor; and

(C) in the case of a wood or wood pellet water heater, 75 percent thermal efficiency.

(34) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(35) **SHGC.**—The term “SHGC” means the Solar Heat Gain Coefficient.

(36) **TIER 1 QUALIFIED WINDOW.**—The term “tier 1 qualified window” means a new window that—

(A) replaces an existing window in a commercial building or multifamily residential building; and

(B) meets or is better than—

- (i) the applicable U-factor and SHGC requirements (both certified to NFRC standards) in the following table:

Climate Zones	1	2	3	4	5	6	7	8
U-Factor .....	.57	.57	.40	.35	.35	.35	.35	.35
SHGC .....	.25	.25	.25	.40	.40	.40	.45	.45



; and

(ii) in the case of a window with impact-rated glazing in climate zone 1, a U-factor of 1.20.

(37) TIER 2 QUALIFIED WINDOW.—The term “tier 2 qualified window” means a new window that—

(A) replaces an existing window in a commercial building or multifamily residential building; and

(B) meets or is better than—

(i) the applicable U-factor and SHGC requirements (both certified to NFRC standards) in the following table:

Climate Zones	1	2	3	4	5	6	7	8
U-Factor .....	.32	.32	.30	.30	.30	.30	.30	.30
SHGC .....	.25	.25	.25	.26	.26	.35	.45	.45

; and

(ii) in the case of a window with impact-rated glazing in climate zone 1, a U-factor of 1.20.

### SEC. 3. BUILDING STAR PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy a program to be known as the “Building Star Energy Efficiency Rebate Program of 2010” under which the Secretary, in accordance with this section, shall issue rebates to building owners to offset a portion of the cost of purchasing

and installing qualifying equipment or materials or undertaking qualifying services to enhance the energy efficiency of existing commercial buildings and multifamily residential buildings.

(b) REBATES FOR BUILDING ENVELOPE ENERGY EFFICIENCY MEASURES.—Rebates for the purchase and installation of qualifying insulation, windows, and qualified high-efficiency window films and screens in commercial or multifamily residential buildings shall be available in the following amounts:

(1) BUILDING ENVELOPE INSULATION.—For qualified building envelope insulation, a rebate of \$0.60 per square foot of insulated area.

(2) LOW SLOPE ROOFING INSULATION.—For qualified low slope roofing insulation, a rebate of \$0.80 per square foot of insulated roof area over conditioned space.

(3) MECHANICAL INSULATION.—For qualified mechanical insulation, rebates shall be the amounts specified in the following table:

Piping and Equipment Applications	Rebate
2" Iron Pipe Size and below .....	\$2.50 per equivalent lineal foot
2" to 12" Iron Pipe Size .....	\$5.00 per equivalent lineal foot
Above 12" Iron Pipe Size and equipment .....	\$5.00 per square foot
HVAC Duct Applications .....	\$1.00 per square foot

(4) WINDOWS.—

(A) TIER 1 QUALIFIED WINDOWS.—For Tier 1 qualified windows, a rebate of \$150 per window.

(B) TIER 2 QUALIFIED WINDOWS.—For Tier 2 qualified windows, a rebate of \$300 per window.

(5) HIGH-EFFICIENCY WINDOW FILMS AND SCREENS.—For qualified high-efficiency window films and screens, a rebate of \$1.00 per square foot of treated glass enclosing a mechanically conditioned space.

(c) REBATES FOR ELIGIBLE EQUIPMENT INSTALLATION.—Rebates for the purchase and

installation of qualifying new energy efficient equipment in commercial buildings or multifamily residential buildings shall be available in the following amounts:

(1) BOILERS.—For qualified boilers, rebates shall be the amounts specified in the following table:

Boiler Fuel	Rebate
Natural Gas-fired .....	\$10 per thousand Btu per hour capacity
Oil-fired .....	\$3 per thousand Btu per hour capacity
Wood or wood pellet boiler .....	\$ ____ per thousand Btu per hour capacity

(2) FURNACES.—For qualified furnaces, rebates of \$5 per thousand Btu per hour of capacity.

(3) WATER HEATERS.—For qualified water heaters, rebates shall be the amounts specified in the following table:

Energy Source	Rebate
Natural Gas .....	\$8 per thousand Btu per hour capacity
Electricity .....	\$20 per thousand Btu per hour of heat pump capacity
Wood or wood pellet water heater .....	\$ ____ per thousand Btu per hour capacity

(4) UNITARY AIR CONDITIONERS AND HEAT PUMPS.—For qualified unitary air conditioners and qualified unitary heat pumps, re-

bates shall be the amounts specified in the following table:

Efficiency Level	Rebate
Consortium on Energy Efficiency Tier 1 efficiency standards (as in effect on January 1, 2010).	\$100 per ton cooling capacity
Consortium of Energy Efficiency Tier 2 efficiency standards (as in effect on January 1, 2010).	\$200 per ton cooling capacity

(5) VARIABLE SPEED DRIVES FOR MOTORS.—For qualified variable speed drives, rebates shall be the amounts specified in the following table:

Power Controlled (horsepower)	Rebate Level
<10 hp .....	\$120/hp
10–100 hp .....	\$80/hp

(6) INTERIOR LIGHTING.—

(A) IN GENERAL.—For qualified interior lighting, subject to subparagraphs (B) and (C), rebates based on reduced lighting power

shall be the amounts specified in the following table:

25% or greater reduction in installed lighting power (as adjusted)	\$0.25 per square foot of illuminated floor area affected
40% or greater reduction in installed lighting power (as adjusted)	\$0.50 per square foot of illuminated floor area affected

(B) **CALCULATION.**—Reductions in installed lighting power resulting from installation of qualified interior lighting shall be calculated by determining the difference between—

- (i) the product obtained by multiplying—
  - (I) the quantity of installed power (kW) for existing interior lighting; and
  - (II) the applicable control factor; and
- (ii) the product obtained by multiplying—
  - (I) the quantity of installed power (kW) of the replacement interior lighting system; and
  - (II) the applicable control factor.

(C) **CONTROL FACTORS.**—For purposes of subparagraph (B), control factors for installed lighting controls shall be—

- (i) for manual dimming controls, 0.9;
- (ii) for occupancy sensors, 0.9;
- (iii) for programmable multilevel dimming controls, 0.9;
- (iv) for programmable multilevel dimming controls with programmable time scheduling, 0.85; and
- (v) for daylight dimming controls, 0.75.

(7) **EXTERIOR LIGHTING.**—

(A) **IN GENERAL.**—For qualified exterior lighting, subject to subparagraphs (B) and (C), rebates based on reduced energy usage shall be the amounts specified in the following table:

20% or greater reduction in calculated annual energy usage	\$0.40 per kWh reduction in calculated annual energy usage
40% or greater reduction in calculated annual energy usage	\$1.00 per kWh reduction in calculated annual energy usage

(B) **CALCULATION.**—Reductions in annual energy usage resulting from installation of qualified exterior lighting shall be calculated by determining the difference between—

- (i) the product obtained by multiplying—
  - (I) the quantity of installed power (kW) for existing exterior lighting;
  - (II) 4,000 operating hours per year; and
  - (III) the applicable control factor; and
- (ii) the product obtained by multiplying—
  - (I) the quantity of installed power (kW) of the replacement exterior lighting system;
  - (II) 4,000 operating hours per year; and
  - (III) the applicable control factor.

(C) **CONTROL FACTORS.**—For purposes of subparagraph (B), control factors for installed lighting controls shall be—

- (i) for 7-day time controls (with a provision for holiday schedule) if lighting is switched off a minimum of 4 hours per night, 0.75;
- (ii) for motion sensors if lighting power is reduced by at least 40 percent after no activity has been detected for at least 20 minutes, 0.75; and
- (iii) for remote monitoring and multilevel lighting controls, 0.60.

(8) **QUALIFIED REPLACEMENT CHILLERS.**—

(A) **IN GENERAL.**—For qualified replacement chillers, rebates shall be the sum of—

- (i) the product obtained by multiplying—
  - (I) \$150; and
  - (II) the tonnage rating of the replaced chiller; and
- (ii) if all chilled water distribution pumps connected to the qualified replacement chiller include variable frequency drives, the product obtained by multiplying—
  - (I) \$100; and
  - (II) any chiller tonnage downsizing.

(B) **AUDITS.**—As a condition of receiving a rebate for a qualified replacement chiller, an audit with requirements determined by the Secretary (not later than 45 days after the date of enactment of this Act) shall be per-

formed on a building prior to installation of the qualified replacement chiller that identifies cost-effective energy-saving measures, particularly measures that could contribute to chiller tonnage downsizing.

(D) **REBATES FOR ELIGIBLE ENERGY EFFICIENCY SERVICES.**—Rebates for qualifying services to enhance the energy efficiency of commercial or multifamily residential buildings shall be available in the following amounts:

(1) **ENERGY AUDIT AND RETRO COMMISSIONING STUDY.**—

(A) **IN GENERAL.**—For qualified energy audits or qualified retro commissioning studies, subject to subparagraph (B), a rebate equal to the lesser of—

- (i) \$0.05 per square foot of audited or commissioned building space; or
- (ii) 50 percent of the cost of the audit or study.

(B) **AVOIDANCE OF DUPLICATION.**—Rebates shall not be made for energy audits and retro commissioning studies under subparagraph (A) for the same building.

(2) **ENERGY-EFFICIENT BUILDING OPERATIONS AND MAINTENANCE TRAINING.**—For qualified energy-efficient building operation and maintenance training, a rebate of \$2,000 per individual trained and certified.

(3) **SERVICE ON SPACE HEATING EQUIPMENT.**—For qualified service on space heating equipment, a rebate of \$100 per unit serviced.

(4) **SERVICE ON COOLING SYSTEMS.**—For qualified service on cooling systems, a rebate equal to the lesser of—

- (A) \$2 per ton of nameplate capacity of the serviced cooling system; and
- (B) 50 percent of the total service cost.

(5) **ENERGY MONITORING AND MANAGEMENT SYSTEMS.**—

(A) **INSTALLATION.**—For qualified energy monitoring and management systems installed in a commercial building or multifamily residential building that have analog controls (pneumatic or electronic), or if no control system exists, a rebate equal to the lesser of—

- (i) \$0.45 per square foot of building space covered by the qualified energy monitoring and management system; or
- (ii) 50 percent of the total installation and commissioning costs.

(B) **UPGRADING.**—For upgrading an existing energy monitoring and management system in a commercial building or multifamily residential building to add submetering to all major individual loads, such as heating, ventilation, air conditioning, and lighting, a rebate equal to the lesser of—

- (i) \$0.15 per square foot of building space covered by the energy management system, or
- (ii) 50 percent of the total installation cost.

(6) **HVAC TESTING, BALANCING, AND DUCT SEALING.**—For qualified HVAC testing, balancing, and duct sealing, a rebate of \$0.75 per square foot of duct surface tested, balanced, and if necessary, sealed.

(E) **ADMINISTRATION.**—

(1) **ELIGIBILITY PERIOD.**—A rebate issued under the program shall be provided only in connection with qualifying equipment installations or services provided during the period beginning on the date of enactment of this Act and ending on December 31, 2011.

(2) **COMBINATION WITH OTHER INCENTIVES.**—The availability or use of a Federal, State, local, utility, or other incentive for any qualifying equipment installation or service shall not affect eligibility for rebates under the program.

(3) **ADDITIONAL FEES.**—A dealer, equipment installer, or service provider may not charge

a person purchasing goods or services any additional fees associated with applying for a rebate under the program.

(4) **LIMITATION ON TOTAL REBATES ISSUED.**—The total value of rebates issued under the program may not exceed the amounts made available for the program.

(5) **MAXIMUM REBATE.**—The amount of any rebate paid to an applicant for any qualified measure under this section shall be the lesser of—

- (A) the amount determined under subsection (b), (c), or (d); or

(B)  $\frac{1}{2}$  of the cost actually incurred by the applicant building owner to complete the measure that is eligible for the rebate.

(F) **IMPLEMENTATION.**—Notwithstanding section 553 of title 5, United States Code, not later than 30 days after the date of enactment of this Act, the Secretary shall, in consultation with the Secretary of the Treasury, establish rules and procedures to implement the program, including rules and procedures for—

(1) building owners or designees to submit applications (including forms) that—

(A) specify the proposed measures that qualify for a rebate and the total rebate requested; and

(B) require that the work be completed by licensed contractors or service providers in compliance with all applicable Federal, State and local building codes and standards;

(2) the Secretary—

(A) to consider applications; and

(B) to the extent that the Secretary determines that proposed measures will qualify for rebates under this section if undertaken and that there are sufficient uncommitted funds to carry out the program, to issue confirmations to applicants that rebates will be made if proposed measures are completed;

(3) an applicant—

(A) to certify, following completion of the measures identified in the application, that the measures undertaken qualify for rebate under this section; and

(B) to complete the measures described in the application, and submit a certification, not later than—

(i) 180 days after the date of receipt of a confirmation; or

(ii) in the case of a qualified replacement chiller, 360 days after the date of receipt of a confirmation;

(4) appropriate verification by the Secretary of eligibility for a rebate prior to payment;

(5) verification and payment of rebates by electronic transfer of funds or other means that ensure that the payment occurs not later than 30 days after the date of submission of certification that measures described in the application have been completed;

(6) certification by the installer, as part of the certification under paragraph (3), that any refrigerants, toxic materials, and other hazards have been removed and disposed of in accordance with all applicable Federal, State, and local laws;

(7) field inspections by the Federal Government of at least 10 percent of the projects for which rebates are received under the program; and

(8) compliance monitoring and enforcement.

(G) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any person who knowingly makes a false or misleading statement in an application or certification under this section shall be liable to the United States for a civil penalty in an amount equal to not more than the higher of—

(A) \$15,000 for each violation; or

(B) the amount that is equal to 3 times the value of any associated rebate received under this section.

(2) **ADMINISTRATION.**—In carrying out this subsection, the Secretary—

(A) may assess and compromise penalties described in paragraph (1);

(B) may require from any entity the records and inspections necessary to carry out the program; and

(C) shall consider the severity of the violation and the intent and history of the person committing a violation in determining the amount of a penalty.

(h) **INFORMATION TO BUILDING OWNERS, SERVICE PROVIDERS, AND EQUIPMENT INSTALLERS.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall make available on an Internet website and through other means determined by the Secretary, information about the program, including information on—

(A) how to determine whether particular efficiency measures are eligible for a rebate;

(B) how to participate in the program, including how to apply for rebates; and

(C) the equipment and services meeting the requirements of the program.

(2) **UPDATING.**—The Secretary shall update, as appropriate, the information required under paragraph (1).

(i) **REPORT TO CONGRESS.**—Not later than 60 days after the termination date described in subsection (e)(1), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the efficacy of the program, including—

(1) a description of program results, including—

(A) the total number and value of rebates issued for installation of new energy efficient equipment by category of equipment;

(B) the total number and value of rebates issued for services rendered by category of service; and

(C) the geographic distribution of activities for which rebates were issued;

(2) an estimate of the overall increase in energy efficiency as a result of the program, expressed in terms of percentage improvement by—

(A) type of equipment;

(B) total annual energy savings; and

(C) total annual greenhouse gas reductions; and

(3) an estimate of the overall jobs created and economic growth achieved as a result of the program.

#### **SEC. 4. STATE-BASED FINANCING ASSISTANCE FOR COMMERCIAL BUILDING RETROFITS.**

(a) **DEFINITIONS.**—In this section:

(1) **BUILDING STAR ENERGY RETROFIT PROGRAM.**—The term “Building Star energy retrofit program” means the Building Star energy retrofit program established under section 3.

(2) **ELIGIBLE PARTICIPANT.**—The term “eligible participant” means a building owner, apartment complex owner, residential cooperative association, or condominium association that—

(A) meets the eligibility requirements established by a qualified loan program delivery entity designated by the building owner; and

(B) receives financial assistance from the qualified loan program delivery entity to carry out energy efficiency or renewable energy improvements to an existing building in accordance with the Building Star energy retrofit program established under section 3.

(3) **PROGRAM.**—The term “program” means the Building Star Energy Efficiency Loan Program established under subsection (b).

(4) **QUALIFIED LOAN PROGRAM MECHANISM.**—The term “qualified loan program mechanism” means a loan program that is—

(A) administered by a qualified program delivery entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) **QUALIFIED PROGRAM DELIVERY ENTITY.**—The term “qualified program delivery entity” means a State, political subdivision of a State, tribal government, energy utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is approved by the State that administers the program in the State.

(b) **ESTABLISHMENT.**—The Secretary shall establish a Building Star Energy Efficiency Loan Program under which the Secretary shall make grants to States to support financial assistance provided by qualified program delivery entities for making, to existing buildings, energy efficiency and renewable energy improvements that qualify under the Building Star energy retrofit program.

(c) **ELIGIBILITY OF QUALIFIED PROGRAM DELIVERY ENTITIES.**—To be eligible to participate in the program, a qualified program delivery entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in section 3;

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards established under section 3; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) **ALLOCATION.**—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) **QUALIFIED PROGRAM DELIVERY ENTITIES.**—Before making a grant to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified program delivery entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements; or

(vi) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(3) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) **USE OF GRANT FUNDS.**—Grant funds made available to States under the program may be used to support financing products offered by qualified program delivery entities to eligible participants, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified program delivery entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency and renewable energy finance programs.

(g) **USE OF REPAYMENT FUNDS.**—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified program delivery entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) **PROGRAM EVALUATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, renewable energy deployment, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified program delivery entities under this section, including information on the rate of default and repayment.

#### **SEC. 5. FEDERAL FINANCING ASSISTANCE FOR COMMERCIAL BUILDING RETROFITS.**

(a) **IN GENERAL.**—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.”.

(b) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—

“(1) **IN GENERAL.**—In the case of programs that finance the retrofitting of residential,

commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

“(A) offer loan guarantees for portfolios of debt obligations; and

“(B) purchase or make commitments to purchase portfolios of debt obligations.

“(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

“(A) 30 years; and

“(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

“(3) UNDERWRITING.—The Secretary may—

“(A) delegate underwriting responsibility for portfolios of debt obligations under the subsection to financial institutions that meet qualifications determined by the Secretary; and

“(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

“(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 shall not apply to loan guarantees made under this subsection.”.

(c) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act and the amendments made by this Act \$6,000,000,000 for the period of fiscal years 2010 and 2011, to remain available until expended, of which—

(1) not less than \$600,000,000 or 10 percent of the amount made available for a fiscal year (whichever is less) shall be used to carry out the financing program established under section 4; and

(2) not more than \$360,000,000 or 6 percent of the amount made available for a fiscal year (whichever is less) shall be used to administer this Act and the amendments made by this Act.

By Mr. SPECTER (for himself, Mr. CASEY, and Mr. BROWN, of Ohio):

S. 3080. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Unfair Foreign Competition Act of 2010. This legislation provides a private right of action for domestic manufacturers injured by illegal subsidization and dumping of foreign products into U.S. markets. These anticompetitive, predatory trade practices steal jobs from our workers, profits from our companies, and growth from our economy.

Job creation and job retention in this country depend in large part on our ability to enforce existing trade laws. At a time when unemployment remains at nearly 10 percent and our economic future is at stake, it becomes even more important that we focus on trade priorities which too long have been

sacrificed for foreign policy and defense interests.

The latest trade numbers demonstrate that the U.S. trade deficit with China in November 2009 was \$20.2 billion. Over the years, imports from China have exceeded our imports by a staggering \$208.6 billion. This is not evidence that American manufacturers cannot produce goods efficiently or compete with foreign markets; rather, it is evidence of unlawful behavior on the part of China. Such behavior is tantamount to international banditry, and it must not be tolerated.

In the current environment, I believe it is necessary for an injured industry to have an opportunity to go into Federal court and seek enforcement of our country's trade laws.

My legislation addresses two specific types of illegal trade practices: dumping, which occurs when a foreign producer sells a product in the United States at a price that is below the producer's sales price in its home market or at a price which is lower than its cost of production, and subsidizing, which occurs when a foreign government provides financial assistance to benefit the production, manufacture, or exportation of a good.

Under current law, the International Trade Commission and the Department of Commerce conduct antidumping and countervailing duty investigations and 5-year reviews under title VII of the Tariff Act of 1930. U.S. industries may petition the ITC and Commerce for relief from dumped and subsidized imports. If Commerce finds that an imported product is dumped or subsidized and the ITC finds that the petitioning industry is materially injured or threatened with material injury, an antidumping duty order or countervailing duty order will be imposed to offset the dumping or subsidies.

Because current administrative remedies have not been consistently and effectively enforced, I am introducing private right of action legislation to enforce the law. My legislation would allow petitioners to choose between the ITC and their local U.S. district court for the injury determination phase of their investigation. Doing so gives injured domestic producers the opportunity as private plaintiffs to control the litigation in seeking enforcement of our trade laws. If injury is found, U.S. Customs and Border Protection would then assess duties on future importation of the article in question. The legal standard for determining dumping margins, established by the Commerce Department, would remain unchanged.

This legislation is similar to legislation I have introduced as far back as 1982 when I originally sought injunctive relief. But this bill has been modified to comply with World Trade Organization rules.

In December 2004, the United States took action to comply with WTO rul-

ings on the Antidumping Act of 1916 which provided a private cause of action and criminal penalties for dumping by prospectively repealing the act. The United States also took action in February 2006 to comply with WTO rulings on the Continued Dumping and Subsidy Offset Act which requires the distribution of collected antidumping and countervailing duties to petitioners and interested parties in the underlying trade proceedings. In both cases, the WTO panel found that U.S. law allowed an impermissible specific action against dumping and subsidization.

The legislation I introduce today has been adapted to these changes in law and allows for a determination of injury in accordance with our international obligations. Aggressive policy measures, such as this legislation, are necessary to prevent foreign producers—China in particular—from causing a major crisis for our domestic producers.

In testimony before the ITC earlier this year, I noted that we have a complicated relationship with China. I was one of 15 Senators who opposed China's entrance into the WTO in 2000. With China's economy still widely under state direction and characterized by dubious trade practices, I believed Chinese membership in the WTO would present a likelihood of trade distortion and market disruption. And that is why I voted against it in 2000.

Congress heeded some of the concerns which I and others expressed and inserted a China-specific safeguard provision under section 421 of the Trade Act. But such a safeguard is only as effective as the President's willingness to enforce it. Seven petitions have been filed under section 421 since its inception. Of these, the ITC has made an affirmative determination of injury in five cases. Yet only one determination, handed down in the most recent Chinese tires case, has been upheld by the President. Despite overwhelming evidence to support the ITC's findings of injury, President Bush rejected all four previous petitions for relief on the ground that providing import relief was not in the economic interest of the United States. Since President Bush's decision, countless jobs in my State and across the country have been lost and the trade deficit has widened. It is difficult to understand how providing import relief was not in our economic interest.

President Obama's decision to uphold the ITC rulings in the Chinese tires case last year is a step in the right direction, but much more needs to be done to ensure that domestic industries enjoy the protection afforded to them by existing trade laws.

While it is my hope that this administration and future administrations

will evaluate trade remedies objectively in terms of economic consequences, this act will provide a valuable tool for the domestic industry. I ask my colleagues on both sides of the aisle to join me in supporting this legislation.

The enforcement of trade laws should not be a partisan issue. To those who decry our enforcement mechanisms as unabashedly protectionist, let me be clear. I believe in free trade. International trade and open markets are crucial to the economic prosperity of this country. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. When one country engages in dumping or subsidization at the expense of other countries, it is the antithesis of free trade.

Let me remind those who criticize our domestic safeguards that President Ronald Reagan, a staunch advocate of open markets, signed into law agreements limiting the imports of autos and steel and pushed for the Plaza Accord in 1985 which raised the value of the yen and made Japanese imports more expensive. President Reagan understood that free trade did not mean wholly unfettered, unregulated trade. Free trade does not mean turning a blind eye to illegal and unsavory practices committed by our trading partners.

I have argued that enforcement of our trade laws is critical to ensuring that our domestic manufacturers have a fair opportunity of competing with foreign producers. But even the most stringent enforcement will be insufficient to fully counter the effects of substandard labor, trade, and environmental practices, particularly those practiced by China. The safeguard measures the United States negotiated in advance of China's entry into the WTO were designed to limit the destructive effects of surging Chinese imports on domestic producers. As a result, China's accession to the WTO accelerated a "race to the bottom" in wages and environmental quality.

Given these factors, in addition to China's mixed record on providing market access to the United States and its failure to provide protection of U.S. intellectual property rights, I urge that the Congress reexamine our trade agreement the United States signed with China and, if necessary, seek to withdraw permanent normal trade relations status from China. Such a withdrawal would be a serious measure, but we must be willing to demonstrate that we are serious about holding China to its international commitments.

When the United States granted most-favored-nation status to China in 2000, we lost our ability to demand that China play by the rules. We may have to regain this leverage if we are to maintain an equitable trading relationship with China and keep our domestic industry strong.

As President Obama recently noted in his remarks at the Senate Democratic Conference, the United States is home to some of the most innovative, skilled, and efficient workers in the world. But advances in efficiency and innovation by our producers cannot make up for the unfair advantage held by countries that engage in illegal trade practices. Our industries can compete if the playing field is level, but if foreign exporters are not held accountable, and can freely undercut American producers with dumped goods and government subsidies, this country's economic future will be at risk. We must take a stand and we must do it now.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. CHAMBLISS, Mr. LEMIEUX, Mr. SESSIONS, and Mr. VITTER):

S. 3081. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I rise to introduce legislation that sets forth a clear, comprehensive policy for the detention, interrogation and trial of enemy belligerents who are suspected of engaging in hostilities against the U.S. This legislation seeks to ensure that the mistakes made during the apprehension of the Christmas Day bomber, such as reading him a Miranda warning, will never happen again and put Americans' security at risk.

Specifically, this bill would require unprivileged enemy belligerents suspected of engaging in hostilities against the U.S. to be held in military custody and interrogated for their intelligence value by a "high value detainee" interagency team established by the President. This interagency team of experts in national security, terrorism, intelligence, interrogation and law enforcement will have the protection of U.S. civilians and civilian facilities as their paramount responsibility and experience in gaining actionable intelligence from high value detainees.

These experts must, to the extent it is possible to do so, make a preliminary determination whether the detainee is an unprivileged enemy belligerent within 48 hours of a detainee being taken into custody. The experts then must submit their determination to the Secretary of Defense and the Attorney General after consultation with the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Director of the Central Intelligence Agency. The Secretary of Defense and the Attorney

General make a final determination and report it to the President and the appropriate committees of Congress. In the case of any disagreement between the Secretary of Defense and the Attorney General, the President will make the final call.

A key provision of this bill is that it would prohibit a suspected enemy belligerent from being provided with a Miranda warning and being told he has a right to a lawyer and a right to refuse to cooperate. I believe that an overwhelming majority of Americans agree that when we capture a terrorist who is suspected of carrying out or planning an attack intended to kill hundreds if not thousands of innocent civilians, our focus must be on gaining all the information possible to prevent that attack or any that may follow from occurring. Under these circumstances, actionable intelligence must be our highest priority and criminal prosecution must be secondary.

Additionally, the legislation would authorize detention of enemy belligerents without criminal charges for the duration of the hostilities consistent with standards under the law of war which have been recognized by the Supreme Court. Importantly, if a decision is made to hold a criminal trial after the necessary intelligence information is obtained, the bill mandates trial by military commission where we are best able to protect U.S. national security interests, including sensitive classified sources and methods, as well as the place and the people involved in the trial itself.

It should come as no comfort to any American that nearly 8½ years after the attacks of 9/11 we still don't have a clear mechanism, legal structure, and implementing policy for dealing with terrorists who we capture in the act of trying to bring about attacks on the U.S. and our national security interests at home and abroad. What we saw with the Christmas Day bomber was a series of missteps and staggering failures in coordination among the most senior members of the administration's national security officials that have continued to be compounded by administration apologists who still don't seem to understand that repeating the same mistakes that were made in 2001 and 2002 is going to lead to the deaths of many more Americans.

The vast majority of Americans understand that what happened with the Christmas Day bomber was a near catastrophe that was only prevented by sheer luck and the courage of a few of the passengers and crew. A wide majority of Americans also realize that allowing a terrorist to be interrogated for only 50 minutes before he is given a Miranda warning and told he can obtain a lawyer and stop cooperating is not sufficient.

Let me be clear about where I think the fault lies with our current policy. I

believe that the local FBI agents who were involved with investigating the Detroit attack are patriotic Americans who are experts in the field of law enforcement. I hold the FBI in the highest regard and believe they set the standard for law enforcement professionalism not only in the U.S., but internationally. But it is impossible for FBI field agents to know all the information that is available to the U.S. intelligence community worldwide during the first 50 minutes of interrogation of a suspected terrorist. We must ensure that the broad range of expertise that is available within our government is brought to bear on such high-value detainees. This bill mandates such coordination and places the proper focus on getting intelligence to stop an attack, rather than allowing law enforcement and preparing a case for a civilian criminal trial to drive our response.

Deliberate mass attacks that intentionally target hundreds of innocent civilians is an act of war and should not be dealt with in the same manner as a robbery. We must recognize the difference. If we don't, our response will be hopelessly inadequate. We should not be providing suspected terrorists with Miranda warnings and defense lawyers. Instead, the priority and focus must be on isolating and neutralizing the immediate threat and collecting intelligence to prevent another attack.

In closing, let me say that I hope that Congress and the administration support this legislation as part of a comprehensive solution for detaining, interrogating and prosecuting suspected enemy belligerents. However, there is a lot more work that must be done. I am continuing to work with Senator GRAHAM, Senator LIEBERMAN, and others to address other crucial aspects of detainee policy.

As part of that effort, I believe we must establish a system for long-term detention of terrorists who are too dangerous to release, but who cannot be tried in a civilian court. While the law of war authorizes detention until the end of hostilities—something the Supreme Court has recognized and which is reinforced in this bill—I believe that a review system for the long-term detention of detainees should be set out in law. Additionally, both the U.S. District Court for the District of Columbia and the D.C. Circuit Court have urged Congress to provide uniform guidelines to apply in the habeas corpus cases that have been brought by detainees. Currently, the outcomes in the Guantanamo detainee habeas cases are inconsistent because of different interpretations of novel questions of law the judges face in applying habeas to wartime prisoners for the first time in our history. I will continue to work on a bipartisan basis to improve this process to obtain better, more uniform results. I do not believe that we will have

addressed all the necessary detainee policy challenges until we do so, and my efforts will not stop until we have addressed all the detainee issues in a comprehensive fashion.

While other detainee policy challenges remain, I believe the handling of the Christmas Day bomber—including the law enforcement focus and the decision to read a Miranda warning after only 50 minutes of interrogation—demand that Congress and the administration first address the issue which is most crucial to our national security. For that reason, we must have a clear policy, legal foundation, and mechanism for the detention, interrogation and trial of enemy belligerents who are suspected of engaging in hostilities against the U.S. I hope my colleagues will join me in supporting this important legislation.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 434—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. ROCKEFELLER, and Ms. MIKULSKI) submitted the following resolution, which was considered and agreed to:

S. RES. 434

Whereas several national dental organizations have observed February 2010 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

*Resolved*, That the Senate expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

##### SENATE RESOLUTION 435—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. DORGAN, Mr. SPECTER, Mr. KERRY, Mr. BEGICH, Mr. MENENDEZ, Mr. BAYH, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2010, Multiple Sclerosis Awareness Week is recognized during the week of March 8th through March 14th: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

#### SENATE RESOLUTION 436—EXPRESSING SUPPORT FOR THE PEOPLE AFFECTED BY THE NATURAL DISASTERS ON MADEIRA ISLAND

Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. REED, and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 436

Whereas on February 20, 2010, a powerful storm hit Madeira Island, the largest of the islands that comprise the Madeira Autonomous Region of Portugal, resulting in a series of devastating flash floods and mudslides;

Whereas the storm caused boulders, trees, and earth to be hurled against buildings, carried away vehicles, and washed away roads and bridges on the south side of Madeira Island, an area that includes Funchal, the capital of the Madeira Autonomous Region;

Whereas 42 people have lost their lives, 151 people have received treatment for injuries at the main hospital in Funchal, and hundreds of people have been displaced;

Whereas the storm destroyed a large portion of the water and communication infrastructure on Madeira Island;

Whereas José Sócrates, the Prime Minister of Portugal, has promised “all necessary aid” to Madeira, and Alberto João Gonçalves Jardim, the President of the Madeira Autonomous Region, has consulted with European Commission President José Manuel Barroso to seek further assistance;

Whereas a Portuguese Navy frigate has dispatched troops to Madeira Island, with Portuguese divers and a medical team also arriving to offer emergency assistance;

Whereas the Government of Portugal has announced 3 days of national mourning for those who lost their lives in this disaster;

Whereas the United States is providing assistance through the Office of Foreign Disaster Assistance of the United States Agency for International Development;

Whereas there are approximately 400 citizens of the United States on Madeira Island, with United States officials continually working to ensure their safety and well-being; and

Whereas a community of approximately 1,500,000 Portuguese-Americans, strongly

represented in the States of Rhode Island and Massachusetts, maintain deep and enduring ties with Portugal and Madeira Island: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the loss of life and expresses its deepest condolences to the families of those killed and injured by floods and mudslides resulting from the storm that hit Madeira Island on February 20, 2010;

(2) expresses solidarity between the people of the United States and Madeira, recognizing the historical ties between Portuguese-Americans, Portugal, and the Madeira Autonomous Region; and

(3) applauds the courageous rescue efforts of fire, medical, and military personnel and other volunteers in response to the flooding and mudslides.

#### SENATE RESOLUTION 437—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POSITIVE EFFECT OF THE UPCOMING IRAQI PARLIAMENTARY ELECTIONS ON IRAQ'S POLITICAL RECONCILIATION AND DEMOCRATIC INSTITUTIONS

Mr. KERRY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. CASEY, Mr. GRAHAM, and Mr. KAUFMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas on February 27th, 2009, President Obama declared that the United States’ “clear and achievable goal” is “an Iraq that is sovereign, stable, and self-reliant” and that the United States will achieve that goal by working “to promote an Iraqi government that is just, representative, and accountable”;

Whereas in December 2009, Iraq’s elected officials ended months of deadlock, passed a new election law, and scheduled parliamentary elections for March 7, 2010;

Whereas nearly 100,000 American soldiers, sailors, airmen and Marines continue to serve in Iraq, marking the United States’ largest current overseas deployment;

Whereas Iraq’s future sovereignty, stability, and democracy is threatened by serious internal and external challenges, including—

(1) continuing attempts by Al Qaeda in Iraq to perpetrate mass casualty terrorist attacks intended to paralyze the Iraqi state and reignite sectarian violence;

(2) some surrounding countries’ malign and destabilizing interference in Iraq’s internal affairs and their incomplete diplomatic recognition of Iraq;

(3) unresolved disputes over internal boundaries, including the City of Kirkuk;

(4) incomplete reintegration of Sunni Arab communities in Iraq; and

(5) ongoing incidents of civil and human rights abuses in a diverse, multiconfessional society;

Whereas, while the United States appreciates the profound conviction of the Iraqi people to ensure that the Ba’ath party never returns to power in Iraq, the process by which scores of candidates have been disqualified from participating in the March 7, 2010 elections—

(1) has not met international standards of electoral transparency and fairness;

(2) was interpreted by many Iraqis as politically motivated; and

(3) risks diminishing participation in elections;

Whereas the United States has a clear, strong, and enduring national interest in helping the people of Iraq to establish a stable, representative, and democratic state;

Whereas the United States committed, in the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (referred to in this resolution as the “Status of Forces Agreement”) signed in November 2008, to redeploy—

(1) all combat forces from Iraqi cities by June 30, 2009; and

(2) all United States forces from Iraq by December 31, 2011;

Whereas United States combat forces successfully redeployed from Iraq’s cities by June 30, 2009, in accordance with the Status of Forces Agreement, and are likely to carry out further reductions in the number of United States military forces in Iraq during the months after the March 7, 2010 elections;

Whereas the United States and Iraq agreed in the Strategic Framework Agreement, also signed in November 2008, to “continue to foster close cooperation concerning defense and security arrangements”;

Whereas the March 7, 2010 elections and the subsequent government formation process will mark a period of exceptional importance for the future of Iraq;

Whereas Iraq conducted provincial elections in January 2009 that were free from widespread violence and the results of which were recognized as legitimate by the internationally community and the Iraqi people;

Whereas several of Iraq’s main electoral blocs have committed to a Code of Conduct meant to ensure fair, transparent, and inclusive elections;

Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the United States’ strong commitment to building a robust, long-term partnership with Iraq that strengthens Iraq’s security, stability, economy, and democracy;

(2) recognizes the United States’ clear and enduring interest in partnering with the people of Iraq in building a stable, representative, successful, democratic state;

(3) urges the Administration—

(A) to devote continued, high-level attention and support for the people and Government of Iraq toward these goals, in particular during the critical months after the March 7, 2010 elections;

(B) to work with the international community to provide all necessary support for Iraqi elections, including technical support for Iraq’s Independent High Electoral Commission and assistance for domestic and international monitoring;

(4) calls upon all parties within Iraq—

(A) to ensure that the March 7, 2010 parliamentary elections are free, fair, inclusive, and without violence or intimidation; and

(B) to refrain from rhetoric or actions that might undercut the legitimacy of such elections or inflame communal tensions;

(5) urges the countries surrounding Iraq—

(A) to refrain from exercising malign and destabilizing interference in Iraq’s internal affairs; and

(B) to allow the people of Iraq to determine their own future;

(6) calls for the timely formation of an inclusive, effective, and representative new Iraqi government after the March 7, 2010 parliamentary elections;

(7) reaffirms that, while United States military forces redeploy from Iraq in the months after the March 7, 2010 elections, the



United States must remain engaged in partnering with the people of Iraq to help them in building a stable, representative, and successful democratic state;

(8) expresses gratitude to the men and women of the United States Armed Forces, the Foreign Service, and other Federal Government agencies, for their service, sacrifices, and heroism in Iraq; and

(9) commends the people of Iraq for—

(A) the courage they have shown;

(B) the sacrifices they have endured; and

(C) the hard-won gains they have made in fighting terrorism, finding peace, and building democracy.

#### SENATE RESOLUTION 438—DESIGNATING MARCH 2, 2010, AS “READ ACROSS AMERICA DAY”

Mr. REED (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

##### S. RES. 438

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 2, 2010, as “Read Across America Day”;

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 13th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a Nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

#### SENATE RESOLUTION 439—RECOGNIZING THE EXEMPLARY SERVICE, DEVOTION TO COUNTRY, AND SELFLESS SACRIFICE OF SPECIAL WARFARE OPERATORS 2ND CLASS MATTHEW MCCABE AND JONATHAN KEEFE AND SPECIAL WARFARE OPERATOR 1ST CLASS JULIO HUERTAS IN CAPTURING AHMED HASHIM ABED, ONE OF THE MOST-WANTED TERRORISTS IN IRAQ, AND PLEDGING TO CONTINUE TO SUPPORT MEMBERS OF THE UNITED STATES ARMED FORCES SERVING IN HARM’S WAY

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

##### S. RES. 439

Whereas in September 2009, Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas successfully captured Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq;

Whereas Ahmed Hashim Abed is the alleged planner of the March 21, 2004, ambush of a supply convoy in Fallujah, Iraq, which resulted in the brutal killing of 4 Blackwater security contractors;

Whereas Ahmed Hashim Abed evaded capture in Iraq for more than 5 years until his capture by the 3 Navy SEALs;

Whereas Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas are exceptional sailors who accomplished their mission in the finest tradition of the Navy SEALs and the United States Armed Forces while defending their country and protecting the citizens of Iraq;

Whereas the capture of Ahmed Hashim Abed serves as an important reminder that the United States is still engaged in a Global War on Terror; and

Whereas it is because of the efforts of these courageous Navy SEALs and other members of the Armed Forces that Americans continue to be free: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas; and

(2) pledges to continue to support members of the United States Armed Forces serving in harm’s way.

#### SENATE RESOLUTION 440—IMPROVING THE SENATE CLOTURE PROCESS

Mr. BENNET submitted the following resolution; which was referred to the Committee on Rules and Administration:

##### S. RES. 440

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas the Senate has never been intended to operate solely on the basis of majority rule; and

Whereas the Senate rules should not be abused for the purpose of delaying or otherwise preventing the business of the Senate: Now, therefore, be it

*Resolved*,

#### SECTION 1. MOTIONS TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows:

“2. All motions to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to a proposal to change the Standing Rules which shall be debatable.”.

#### SEC. 2. PROCESS FOR ENDING THE DEBATE.

(a) MOTION TO REDUCE TIME FOR CLOTURE PETITION TO RIPEN.—The first sentence of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting after “but one” the following: “(unless by two-thirds affirmative vote of the Senators duly chosen and sworn the Senate has agreed to a motion to reduce time)”.

(b) ALLOWING FOR A MOTION TO REDUCE TIME POSTCLOTURE.—The fourth undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second and third sentences and inserting: “The thirty hours may be increased or decreased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators present and voting, and any such time thus agreed upon shall be equally divided and controlled by the Majority and Minority Leaders or their designees. However, only one motion to reduce or extend time, specified above, may be made in any one calendar day.”.

(c) MINORITY MUST VOTE IN THE NEGATIVE, OR ELSE CLOTURE IS INVOKED.—The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn” and inserting “And if that question is decided in the affirmative and there are not negative votes by at least forty-one hundredths of the Senators duly chosen and sworn”.

(d) ENCOURAGING BIPARTISAN NEGOTIATIONS AND BIPARTISAN COALITION BUILDING.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“In the event that 3 attempts to bring the debate to a close on any particular measure, motion, other matter pending before the Senate, or the unfinished business, have not received the requisite number of votes to bring the debate to a close under this paragraph, then for any subsequent attempt to bring the debate to a close on that particular measure, motion, other matter pending before the Senate, or the unfinished business, the threshold required of those voting in the negative in order to prevent the debate from coming to a close shall be 45 hundredths of the Senators duly chosen and sworn, unless at least one of the Senators present and voting in the negative, caucuses with the party of the Majority Leader, in which case the threshold required of those voting in the negative in order to prevent the debate from coming to a close shall remain 41 hundredths of the Senators duly chosen and sworn. If there is one member of the Majority voting to maintain the filibuster for purposes of the preceding sentence maintaining the threshold for blocking cloture at 41 hundredths, the threshold shall be raised to 45 hundredths if 3 of those voting in the affirmative to bring debate to a close caucus with the party of the Minority Leader. For purposes of this undesignated paragraph, only those Senators permitted to caucus with the party of the Majority Leader, by the Majority Leader,

shall be considered to caucus with the party of the Majority Leader. The Majority Leader shall request that a list of Senators caucusing with the party of the Majority Leader be listed in the Congressional Record, and any time that the Majority Leader shall regard composition of such list as having changed, the Majority Leader shall request that a new and updated list be printed in the Congressional Record.”.

### SEC. 3. HOLDS.

The Standing Rules of the Senate are amended by inserting at the end the following:

#### “RULE XLV

#### “PROCESS FOR HOLDS

“1. A Senator who provides notice either to leadership or during open public debate in the full Senate of intention to object to proceeding to a motion or matter shall disclose the objection in the Congressional Record not later than 2 session days after the date of such notice. Upon the placement of the disclosure of objection in the Congressional Record, the Senate shall only continue to recognize the objection if the objection is raised as provided in this paragraph at least by one Senator who caucuses with the party of the Majority Leader and by one Senator who caucuses with the party of the Minority Leader. Under no circumstance shall a particular objection to a nomination be recognized for more than 30 days.

“2. If a second objection is raised to a nomination, no additional time beyond the 30-day limit of the first objection to the nominee shall be in order unless the second objection is raised by both at least one Senator who caucuses with the party of the Majority Leader but who did not raise the first objection, and also at least one Senator who caucuses with the party of the Minority Leader but who did not raise the first objection.

“3. In this rule, the term ‘with the party of the Majority Leader’ has the same meaning as in rule XXII. The process for determining what Senator caucuses with the party of the Minority Leader under this rule shall be at the discretion of the Minority Leader but shall follow the analogous rule XXII process.”.

### SENATE RESOLUTION 441—RECOGNIZING THE HISTORY AND CONTINUED ACCOMPLISHMENTS OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

Mrs. BOXER (for herself, Ms. COLLINS, Mrs. SHAHEEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mrs. HUTCHISON, Mr. DURBIN, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. BURRIS, Mrs. GILLIBRAND, Ms. STABENOW, Ms. LANDRIEU, Mr. BYRD, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

#### S. RES. 441

Whereas women of diverse ethnic, religious, socioeconomic, and racial backgrounds have made extraordinary contributions to each service of the Armed Forces;

Whereas today women volunteer to serve the Nation and distinguish themselves in the active and reserve components of the Army, Marine Corps, Navy, Air Force and Coast Guard;

Whereas the contributions of generations of women have contributed to the collective success of women in military service and the freedom and security of the United States;

Whereas women have served with honor, courage, and a pioneering spirit in every major military campaign in the history of the United States since the Revolutionary War;

Whereas Dr. Mary E. Walker was the first, and remains the only, woman awarded the Medal of Honor for her contributions to military medicine and selfless actions during the Civil War;

Whereas the role of women expanded during World War I, with women serving as medical professionals and telephone operators and in other support roles that were critical to the war effort;

Whereas, during World War II, women served in every military service and in every theater and received awards for their gallantry, including four Silver Stars;

Whereas the Women's Armed Services Integration Act of 1948 (62 Stat. 356, chapter 449) established permanent positions and granted veterans benefits for women in the Armed Forces and allowed women to serve during the Korean War as regular members of the military;

Whereas, during the Vietnam War, roughly 7,500 women served in the Armed Forces in Southeast Asia as Nurse Corps officers and in other vital capacities where they saved lives and supported their fellow service members;

Whereas, in 1976, the service academies first admitted women, and in 1980, the first women graduated from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy;

Whereas women were assigned to the first gender-integrated units during the 1980s, with women serving alongside men in Operation Urgent Fury in Grenada and Operation Just Cause in Panama;

Whereas an unprecedented 40,000 women deployed as uniformed members of the Armed Forces in support of Operations Desert Storm and Desert Shield;

Whereas, in 1991, Congress repealed laws prohibiting women from flying combat missions and in 1993 repealed the restriction on women serving on combat vessels;

Whereas, on June 16, 2005, Sergeant Leigh Ann Hester, an Army National Guard Military Police Soldier, became the first woman to receive the Silver Star since World War II for exceptional valor during an ambush on her convoy in Iraq;

Whereas, on November 14, 2008, General Ann Dunwoody became the first woman in the military to achieve the rank of four-star general;

Whereas, according to the Department of Defense, there are currently 203,375 women on active duty in the Armed Forces, many of whom have been deployed in harm's way;

Whereas, as of January 2, 2010, 104 military women have lost their lives in Operation Iraqi Freedom and 20 military women have lost their lives in Operation Enduring Freedom;

Whereas, as of February 6, 2010, 616 military women have been wounded in action in Iraq, and 50 military women have been wounded in action in Afghanistan;

Whereas, according to the Department of Veterans Affairs, as of February 1, 2010, there were 1,824,000 women veterans of the Armed Forces;

Whereas women help make the military of the United States the finest in the world by serving frequent and lengthy deployments under the most difficult conditions;

Whereas women in the Armed Forces frequently balance the rigors of a military ca-

reer with the responsibilities of maintaining a healthy family;

Whereas women serving in combat theaters have been exposed to the same hazards and harsh conditions as male service members, and have sustained grave injuries and have given their lives in service to our Nation;

Whereas all service members, both men and women, deserve fair compensation for service related injuries, proper health care and rehabilitation, and the respect of a grateful Nation for their selfless service, sacrifice, and loyalty; and

Whereas women have made our Nation safer and more secure, while representing the values that we hold dear: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the contributions of women to our national defense and their importance in the rich history of the United States;

(2) celebrates the role that women have played in securing our Nation and defending our freedom;

(3) recognizes the unique challenges that women have overcome to expand the role of women in military service;

(4) agrees that programs available for women service members and veterans should be strengthened and enhanced, including for those who are dealing with invisible wounds of war; and

(5) strongly encourages the people of the United States to honor women veterans who have served our Nation and to elevate their stature in our national conscience.

### SENATE RESOLUTION 442—CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA ON THE ACT OF THE RE-ESTABLISHMENT OF THE STATE OF LITHUANIA, OR ACT OF MARCH 11, AND CELEBRATING THE RICH HISTORY OF LITHUANIA

Mr. DURBIN (for himself, Mr. CARDIN, Mr. WICKER, Mr. LUGAR, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

#### S. RES. 442

Whereas the name “Lithuania” first appeared in European records in the year 1009, when it was mentioned in the German manuscript “Annals of Quedlinburg”;

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic State;

Whereas, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, on June 15, 1940, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic States, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country,

with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas Lithuania assumed Presidency of the Community of Democracies in September 2009, and will hold this position until 2011;

Whereas, in 2010, the United States Government and the Government of Lithuania celebrated 88 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

*Resolved*, That the Senate hereby—

(1) congratulates the people of the Republic of Lithuania on the occasion of the Act of the Re-Establishment of the State of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights;

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania; and

(4) calls on the President to continue to build on the close and mutually beneficial relations the United States has enjoyed with Lithuania since the restoration of the full independence of Lithuania.

#### SENATE RESOLUTION 443—HONORING THE LIFE AND SERVICE OF ENRIQUE “KIKI” CAMARENA

Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas, 25 years ago, in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique “Kiki” Camarena made the ultimate sacrifice fighting drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty while engaged in the battle against illicit drugs;

Whereas Special Agent Camarena joined the DEA in June 1974, as an agent with the Calexico, California District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife, Geneva, for lunch, Special Agent Camarena was surrounded by 5 armed men and forced into a car, which sped away;

Whereas February 7, 1985, was the last time anyone, other than his kidnappers, would see Special Agent Camarena alive;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985,

on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California for their roles in the Camarena murder, including high ranking government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and are considered fugitives with outstanding warrants issued in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas during his 11 year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award, and, posthumously, the Administrator's Award of Honor, the highest award granted by the DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, which has been nationally recognized since 1988, is the oldest and largest drug prevention program in the Nation, reaches millions of young people each year, and is celebrated annually October 23 through October 31, was established to help preserve the memory of Special Agent Camarena and to further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction; and

Whereas Special Agent Camarena will be remembered as an honorable and cherished public servant and his sacrifice should be a reminder every October during Red Ribbon Week of the dangers associated with drug use and drug trafficking: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its appreciation for the profound dedication and public service of Enrique “Kiki” Camarena;

(2) tenders its deep sympathy and appreciation to his wife, Geneva, to his 3 children, Enrique, Daniel, and Erik, and to his family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camarena through the promotion of drug-free communities and participation in drug prevention activities which show support for healthy, productive, and drug-free lifestyles; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Enrique “Kiki” Camarena.

#### SENATE RESOLUTION 444—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF VANCOUVER v. GALLOWAY

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Whereas, in the case of City of Vancouver v. Galloway, Cr. No. 171555V, pending in Clark County District Court in Vancouver, Washington, the prosecution has requested testimony from Allison Creagan-Frank and Bethany Works, former employees of the office of Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* that Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, are authorized to testify in the case of City of Vancouver v. Galloway, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, in connection with the testimony authorized in section one of this resolution.

#### SENATE RESOLUTION 445—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 445

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3402. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3403. Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3404. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3405. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3406. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3407. Mr. INOUE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3408. Mr. BINGAMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3409. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3410. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3411. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3412. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3413. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3414. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3415. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3416. Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3417. Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3418. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3419. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3421. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3422. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3423. Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3424. Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3426. Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as "National Auto-immune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

SA 3427. Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3428. Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R.

4213, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3402.** Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. \_\_\_\_ MODIFICATIONS TO RUM COVER-OVER PROGRAM.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: "(h) DISTRIBUTION OF RUM TAXES BETWEEN PUERTO RICO AND THE VIRGIN ISLANDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of subsections (a)(3)(B), (b)(3)(B), and (e)(2), the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall bear the same ratio to the total amount covered into the treasuries of all applicable territories under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, as the population of such applicable territory bears to the total combined population of all applicable territories.

"(2) TRANSITION RULE.—In the case of any calendar year before 2030, the amount to be divided between and covered into the treasury of any applicable territory under this subsection shall be equal to the sum of—

"(A) the amount which would be determined under subsection (a)(3)(B), (b)(3)(B), or (e)(2), as the case may be, with respect to such applicable territory before the date of the enactment of this subsection, plus

"(B) the product of—

"(i) the transition percentage, and

"(ii) the difference of—

"(I) the amount which would be determined under paragraph (1) for such calendar year if this paragraph did not apply, minus

"(II) the amount described in subparagraph (A).

"(3) DEFINITIONS AND OTHER RULES.—For purposes of this section—

"(A) APPLICABLE TERRITORY.—The term 'applicable territory' means Puerto Rico and the Virgin Islands.

"(B) POPULATION.—For purposes of paragraph (1), the respective populations of the applicable territories shall be determined on the basis of the most recent census estimate of the resident population of each released by the Bureau of the Census before the beginning of the calendar year.

"(C) TRANSITION PERCENTAGE.—

"(i) IN GENERAL.—The transition percentage for calendar year 2010 is 5 percent.

"(ii) SUBSEQUENT YEARS.—In the case of any calendar year beginning after 2010, the transition percentage shall be the percentage (not to exceed 100 percent) equal to the sum of the transition percentage for the preceding calendar year plus 5 percentage points."

(b) CONFORMING AMENDMENTS.—

(1) SHIPMENTS FROM PUERTO RICO.—Paragraph (3) of section 7652(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) DEPOSIT OF INTERNAL REVENUE COLLECTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), all taxes collected under

the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

“(B) RUM.—All taxes collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).”.

(2) SHIPMENTS FROM THE VIRGIN ISLANDS.—Paragraph (3) of section 7652(b) of such Code is amended to read as follows:

“(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—

“(A) IN GENERAL.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on articles not described in subparagraph (B) which are produced in the Virgin Islands and transported to the United States. The amount so determined, plus the amounts determined with respect to the Virgin Islands under subparagraph (B) and subsection (a)(3)(B), less 1 percent of the total of such amounts and less the estimated amount of refunds or credits, shall be subject to disposition as follows:

“(i) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled ‘An Act to authorize appropriations for certain insular areas of the United States, and for other purposes’, approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of the enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.

“(ii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

If at the end of any fiscal year the total of the Federal contribution made under clause (i) with respect to the four calendar quarters immediately preceding the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for emergency relief purposes and essential public projects. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts.

“(B) RUM.—The Secretary shall determine the amount of all taxes imposed by, and collected under the internal revenue laws of the United States on rum (as defined in subsection (e)(3)) produced in the Virgin Islands and transported to the United States. The amount so determined shall be divided between and covered into the treasuries of the applicable territories as provided in subsection (i).”.

(3) OTHER SHIPMENTS TO THE UNITED STATES.—Paragraph (2) of section 7652(e) of such Code is amended to read as follows:

“(2) DISTRIBUTION OF TAXES.—Such tax collections shall be divided between Puerto Rico and the Virgin Islands as provided in subsection (i). The Secretary shall prescribe by regulation the timing and methods for transferring such tax collections.”.

(c) PERMANENT EXTENSION OF INCREASED LIMITATION ON COVER OVER.—Paragraph (1) of section 7652(f) of the Internal Revenue Code of 1986 is amended by striking “\$10.50 (\$13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2010)” and inserting “\$13.25”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxes collected after the date of the enactment of this Act.

(2) LIMITATION ON COVER-OVER.—The amendment made by subsection (c) shall apply to distilled spirits brought into the United States after December 31, 2009.

**SA 3403.** Mr. KERRY (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, insert the following:

**SEC. . 1-YEAR EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.**

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000,” before “for payment”;

(2) in paragraph (2)(B)—

(A) by inserting “for fiscal year 2009” after “under subparagraph (A)”; and

(B) by inserting before the period the following: “, and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall be used to make grants to States during such fiscal year in accordance with the requirements of paragraph (3), and may be used to make payments to a State during fiscal year 2012 with respect to expenditures incurred by such State during fiscal year 2011”;

(3) by striking paragraph (2)(C) and inserting the following:

“(C) LIMITATIONS.—

“(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

“(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after September 30, 2011”;

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking “year 2009 or 2010” and inserting “years 2009 through 2011”;

(5) by adding at the end of paragraph (3) the following:

“(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

“(i) IN GENERAL.—For each calendar quarter in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).”;

(6) in paragraph (4), by striking “and subsidized employment” and inserting “subsidized employment, and employment services”;

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting “ON PAYMENTS; ADJUSTMENT AUTHORITY” after “LIMITATION”;

(B) by striking “The total amount” and inserting the following:

“(A) IN GENERAL.—The total amount”;

(C) by inserting after “grant” the following: “The total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 25 percent of the annual State family assistance grant.”; and

(D) by adding at the end the following:

“(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to States for fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such fiscal year, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to September 30, 2011, or the Secretary determines that funds are available to accommodate additional State requests.”; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking “or 2008” and inserting “, 2008, or 2009”;

(B) by adding at the end of subparagraph (B)(ii) the following:

“(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.”; and

(C) by adding at the end the following:

“(D) EMPLOYMENT SERVICES.—The term ‘employment services’ means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).”.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

**SEC. . INTELLIGENT ASSIGNMENT IN ENROLLMENT.**

(a) IN GENERAL.—Section 1860D-1(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(C)) is amended by inserting after “PDP region” the following: “or through use of an intelligent assignment process that is designed to maximize the access of such individual to necessary prescription drugs while minimizing costs to such individual and to the program under this part to the greatest extent possible. In the case the Secretary enrolls such individuals through use of an intelligent assignment process, such process shall take into account the extent to which prescription drugs necessary for the individual are covered in the case of a PDP sponsor of a prescription drug plan that uses a formulary, the use of prior authorization or other restrictions on access to coverage of such prescription drugs by such a sponsor, and the overall quality of a prescription drug plan as measured by quality ratings established by the Secretary”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for contract years beginning with 2012.

**SEC. . ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.**

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SA 3404.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**SEC. . RURAL COMMUNITY GRANT APPLICATIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible rural community may submit to the appropriate Federal official an application for a grant under an applicable Federal program.

(b) ELIGIBILITY.—To be eligible to submit an application under subsection (a), a rural community shall comply with the following:

(1) The community shall submit to the State in which the community is located, an application for a grant under an applicable Federal program. Such State shall forward all such applications to the appropriate Federal officials involved.

(2) The community shall provide assurances that the community will comply with the requirements otherwise applicable with respect to the grant under the applicable Federal program.

(3) The community shall comply with any other requirements applied by the appropriate Federal official.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE FEDERAL PROGRAM.—The term “applicable Federal program” means a grant program that—

(A) is administered by a Federal department or agency;

(B) provides authority to award grants only on a Statewide (or territory-wide) basis; and

(C) is certified by the appropriate Federal official as being a program under which a rural community will be eligible to receive a grant under the authority provided under this section.

(2) APPROPRIATE FEDERAL OFFICIAL.—The term “appropriate Federal official” means a Federal official that is responsible for administering an applicable Federal program.

(3) RURAL COMMUNITY.—The term “rural community” has the meaning given such term by the State involved.

(d) REGULATIONS.—Each appropriate Federal official shall promulgate regulations with respect to the participation of eligible rural communities in any applicable Federal programs administered by each such official.

**SA 3405.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

**SEC. . REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$36,000,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 3406.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 13, strike “\$354,000,000” and insert “\$560,000,000”.

On page 92, line 19, strike “February” and insert “March”.

On page 92, after line 20, add the following:

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

**SA 3407.** Mr. INOUE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend

the Internal Revenue code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE .—OTHER MATTERS**

**SEC. . 01. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.**

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY”, \$5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to \$5,000,000 shall be transferred to the Department of Homeland Security under the heading “OFFICE OF INSPECTOR GENERAL” for audits and investigations relating to disasters.

**SEC. . 02. BLACK FARMERS DISCRIMINATION LITIGATION.**

(a) There is hereby appropriated to the Department of Agriculture, \$1,150,000,000, to remain available until expended, to carry out the terms of a Settlement Agreement (“such Settlement Agreement”) executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.) that is approved by a court order that has become final and non-appealable, and that is comprehensive and provides for the final settlement of all remaining Pigford claims (“Pigford claims”), as defined in section 14012(a) of Public Law 110-246. The funds appropriated herein for such Settlement Agreement are in addition to the \$100,000,000 in funds of the Commodity Credit Corporation (CCC) that section 14012 made available for the payment of Pigford claims and are available only after such CCC funds have been fully obligated. The use of the funds appropriated herein shall be subject to the express terms of such Settlement Agreement. If any of the funds appropriated herein are not used for carrying out such Settlement Agreement, such funds shall be returned to the Treasury and shall not be made available for any purpose related to section 14012, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose. If such Settlement Agreement is not executed and approved as provided above, then the sole funding available for Pigford claims shall be the \$100,000,000 of funds of the CCC that section 14012 made available for the payment of Pigford claims.

(b) Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into such Settlement Agreement or any other settlement agreement.

(c) Nothing in this section shall be construed as creating the basis for a Pigford claim.

(d) Section 14012 of Public Law 110-246 is amended by striking subsections (e), (i)(2) and (j), and redesignating the remaining subsections accordingly.

**SEC. . 03. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.**

(a) SHORT TITLE.—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.



(2) **LAND CONSOLIDATION PROGRAM.**—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractionated interests in trust or restricted land.

(3) **LITIGATION.**—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) **PLAINTIFF.**—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **SETTLEMENT.**—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.

(7) **TRUST ADMINISTRATION CLASS.**—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) **PURPOSE.**—The purpose of this section is to authorize the Settlement.

(d) **AUTHORIZATION.**—The Settlement is authorized, ratified, and confirmed.

(e) **JURISDICTIONAL PROVISIONS.**—

(1) **IN GENERAL.**—Notwithstanding the limitation on jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) **CERTIFICATION OF TRUST ADMINISTRATION CLASS.**—

(A) **IN GENERAL.**—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) **TREATMENT.**—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) **ACCOUNTING/TRUST ADMINISTRATION FUND.**—

(1) **IN GENERAL.**—Of the amounts appropriated by section 1304 of title 31, United States Code, \$1,412,000,000 shall be deposited in the Accounting/Trust Administration Fund, in accordance with the Settlement.

(2) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of paragraph (1).

(g) **TRUST LAND CONSOLIDATION.**—

(1) **TRUST LAND CONSOLIDATION FUND.**—

(A) **ESTABLISHMENT.**—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) **AVAILABILITY OF AMOUNTS.**—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) **DEPOSITS.**—

(i) **IN GENERAL.**—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United

States Code, shall be considered to be met for purposes of clause (i).

(D) **TRANSFERS.**—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) **INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.**—

(A) **ESTABLISHMENT.**—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) **AVAILABILITY.**—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) **ACQUISITION OF TRUST OR RESTRICTED LAND.**—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) **TREATMENT OF UNLOCATABLE PLAINTIFFS.**—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(h) **TAXATION AND OTHER BENEFITS.**—

(1) **INTERNAL REVENUE CODE.**—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) **OTHER BENEFITS.**—Notwithstanding any other provision of law, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program.

**SEC. 404. EMERGENCY DESIGNATIONS.**

(a) **IN GENERAL.**—Each amount in this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) **PAYGO.**—Each amount in this title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

**SA 3408.** Mr. BINGAMAN (for himself and Mrs. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. —. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.**

(a) **IN GENERAL.**—Section 48C(d)(1)(B) is amended by striking “\$2,300,000,000” and inserting “\$7,300,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

**SA 3409.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. —. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.**

(a) **IN GENERAL.**—Section 48C(d)(1)(B) is amended by striking “\$2,300,000,000” and inserting “\$7,300,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

**SEC. —. EXCISE TAX ON BONUSES RECEIVED BY EMPLOYEES OF BUSINESSES RECEIVING TARP FUNDS.**

(a) **IN GENERAL.**—Chapter 46 is amended by adding at the end the following new section:

**“SEC. 4999A. BONUSES PAID BY TARP RECIPIENTS.**

“(a) **IN GENERAL.**—In the case of any payment of compensation during 2010 in the nature of a bonus by a TARP recipient to any employee or former employee of such recipient, there is hereby imposed a tax equal to 50 percent of so much of such compensation as exceeds \$50,000.

“(b) **TAX PAID BY BONUS RECIPIENT.**—The tax imposed by this section shall be paid by such employee or former employee.

“(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

“(1) **TARP RECIPIENT.**—The term ‘TARP recipient’ means any person who receives funds under title I of the Emergency Economic Stabilization Act of 2008.

“(2) **EMPLOYEE.**—The term ‘employee’ includes officers and executives.

“(3) **ENTITIES ACQUIRED BY TARP RECIPIENTS.**—If more than 50 percent of the equity interests in any person is acquired by a TARP recipient, such person shall be treated as a TARP recipient for purposes of this section and subsection (a) shall apply to applicable compensation paid by such person after the earlier of the date of such acquisition or the date that such acquisition is announced.

“(4) **CERTAIN CONTROLLED GROUPS, ETC.**—All employees who are treated as employed by a single employer under subsections (b), (c), or (m) of section 414 shall be treated as employed by a single employer for purposes of this section.”.



(b) CLERICAL AMENDMENT.—The table of sections for chapter 46 is amended by adding at the end the following new item:

“Sec. 4999A. Bonuses paid by TARP recipients.”.

**SA 3410.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 201 and insert the following:  
**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”;

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”;

(C) in paragraph (3), by striking “October 5, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “January 1, 2011”;

(B) in subsection (c), by striking “September 4, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “May 31, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

**SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) RULES RELATED TO 2010 EXTENSION.—

“(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) 2010 TRANSITION PERIOD.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike “December 31, 2009” and insert “March 31, 2010”.

In section 231, strike “this title” and insert “this Act”.

In section 241(1), strike “March 1, 2010” and insert “March 31, 2010”.

In section 601(1), strike “February 28, 2010” and insert “March 31, 2010”.

In section 601(2), strike “March 1, 2010” and insert “April 1, 2010”.

**SA 3411.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 192, insert the following:

**SEC. 193. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.**

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110-246) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

**SA 3412.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.**

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY”, \$5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to \$5,000,000 shall be transferred to the Department of Homeland Security under the heading “OFFICE OF INSPECTOR GENERAL” for audits and investigations relating to disasters: *Provided further*, That this section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)), and designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 3413.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

**SEC. \_\_\_\_ . MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.**

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

“(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2009, with respect to leases entered into on or before March 12, 2004.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004, but shall not apply to any transaction that is the subject of a

closing agreement under the provisions of section 7121 of the Internal Revenue Code of 1986 that is final as of the date of the enactment of this Act.

(c) **NO INFERENCE.**—Nothing in the amendment made by this section shall be construed to create an inference regarding the authority of the Internal Revenue Service to challenge transactions described in such amendment for taxable years beginning before January 1, 2010.

**SA 3414.** Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. 602. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.**

(a) **DEFINITIONS.**—In this section—

(1) the term “Administration” means the Transportation Security Administration;

(2) the term “Assistant Secretary” means the Assistant Secretary of Homeland Security, Transportation Security Administration;

(3) the terms “HUBZone small business concern”, “small business concern”, “small business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) **REQUIREMENTS FOR PRIME CONTRACTS.**—The Assistant Secretary shall include in each contract, valued at \$300,000,000 or more, awarded for procurement of products or services acquired for the Administration—

(1) a requirement that the contractor shall submit to the Assistant Secretary and implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions of higher education receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.), and Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(2) a requirement that the contractor shall submit to the Assistant Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with the plan submitted under paragraph (1), including a specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in paragraph (1).

(c) **UTILIZATION OF ALLIANCES.**—The Assistant Secretary shall seek to facilitate award of contracts by the Administration to teams of small business concerns, institutions, and corporations referred to in subsection (b)(1).

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than October 31 of each year, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report on the award of contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) during the preceding fiscal year.

(2) **CONTENTS.**—Each report submitted by the Assistant Secretary under paragraph (1) shall—

(A) for contracts to small business concerns, institutions, and corporations referred to in subsection (b)(1) awarded during the preceding fiscal year, specify—

(i) the value of the contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the Administration in the fiscal year; and

(ii) the total dollar value of the contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (b)(1); and

(B) if the percentage specified under subparagraph (A)(i) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

**SA 3415.** Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 45R. MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.**

“(a) **GENERAL RULE.**—For purposes of section 38, in the case of a qualified taxpayer, the multiemployer plan contribution credit for any taxable year is an amount equal to 50 percent of the taxpayer’s qualified multiemployer plan contributions for the taxable year.

“(b) **DEFINITIONS.**—For purposes of this section—

“(1) **QUALIFIED MULTIEMPLOYER PLAN CONTRIBUTION.**—The term ‘qualified multiemployer plan contribution’ means the amount of contributions paid pursuant to a collective bargaining agreement by a qualified taxpayer to a qualified multiemployer plan for a taxable year.

“(2) **QUALIFIED TAXPAYER.**—The term ‘qualified taxpayer’ means any employer that is—

“(A) engaged primarily in the active conduct of the trade or business of carrying freight for unrelated third parties that was engaged in such trade or business on the date of enactment of the Motor Carrier Act of 1980; and

“(B) a party to—

“(i) the National Master Freight Agreement, or

“(ii) a collective bargaining agreement that includes terms substantially similar to the National Master Freight Agreement as in effect on April 1, 2008, or thereafter.

“(3) **QUALIFIED MULTIEMPLOYER PLAN.**—The term ‘qualified multiemployer plan’ means a defined benefit plan that is a multiemployer plan (as defined in section 414(f)).

“(c) **NONINCLUSION OF INCREASED CONTRIBUTIONS.**—A qualified taxpayer’s qualified multiemployer plan contribution shall not include any amount attributable to an increase in the rate of contributions to a qualified multiemployer plan after September 1, 2009, except to the extent that such increase is required by the terms of a collective bargaining agreement in effect on April 1, 2008. For purposes of the preceding sentence, a subsequent amendment or extension of a collective bargaining agreement in effect on April 1, 2008 shall not result in an inclusion of any additional amount attributable to an increased rate of contributions for purposes hereof.

“(d) **SPECIAL RULES.**—

“(1) **DISALLOWANCE OF DEDUCTION.**—No deduction shall be allowed for that portion of the qualified multiemployer plan contributions for the taxable year which is equal to the credit determined under subsection (a).

“(2) **AGGREGATION RULES.**—All persons which are treated as a single employer under subsections (b) and (c) of section 414 shall be treated as a single taxpayer.

“(3) **ELECTION NOT TO CLAIM CREDIT.**—This section shall not apply to a taxpayer for any taxable year to the extent such taxpayer elects to have this section not apply with respect to all or a portion of the taxpayer’s qualified multiemployer plan contribution for such taxable year.

“(e) **TERMINATION.**—This section shall not apply to contributions made after December 31, 2013.”

(b) **CREDIT TREATED AS PART OF BUSINESS CREDIT.**—

(1) **IN GENERAL.**—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), striking the period at the end of paragraph (35), and inserting “, plus”, and by adding at the end the following new paragraph:

“(36) the multiemployer plan contribution credit determined under section 45R(a).”

(2) **SPECIAL RULES FOR CARRYBACK OF CREDIT.**—

(A) **IN GENERAL.**—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) **SPECIAL RULES FOR MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.**—Notwithstanding subsection (d), in the case of the multiemployer plan contribution credit—

“(A) this section shall be applied separately from the business credit (other than the multiemployer plan contribution credit and the marginal oil and gas well production credit),

“(B) paragraph (1) shall be applied by substituting by substituting ‘each of the 10 taxable years’ for ‘the taxable year’ in subparagraph (A) thereof; and

“(C) paragraph (2) shall be applied—

“(i) by substituting ‘30 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof; and

“(ii) by substituting ‘29 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.”

(B) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of such Code is amended by inserting “and the multiemployer plan contribution credit” after “marginal oil and gas well production credit”.

(3) TREATMENT UNDER ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—

“(A) IN GENERAL.—In the case of the multiemployer plan contribution credit—

“(i) this section and section 39 shall be applied separately with respect to such credit, and

“(ii) for purposes of applying paragraph (1) to such credit—

“(I) 10 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed by subsection (a) for the taxable year (other than the multiemployer plan contribution credit).

“(B) MULTIEMPLOYER PLAN CONTRIBUTION CREDIT.—For purposes of this paragraph, the term ‘multiemployer plan contribution credit’ means the portion of the credit under subsection (a) which is attributable to the credit determined under section 45R.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 38(c)(2)(A)(II) of such Code is amended by striking “and the specified credits” and inserting “the specified credits, and the multiemployer plan contribution credit”.

(ii) Section 38(c)(3)(A)(II) of such Code is amended by striking “and the specified credits” and inserting “the specified credits, and the multiemployer plan contribution credit”.

(iii) Section 38(c)(4)(A)(II) of such Code is amended by striking “the specified credits” and inserting “the specified credits and the multiemployer plan contribution credit”.

(c) CONFORMING AMENDMENTS.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting “, and”, and by adding at the end the following new paragraph:

“(14) the multiemployer plan contribution credit determined under section 45R(a).”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45R. Multiemployer plan contribution credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made to qualified multiemployer plans on or after January 1, 2010.

**SA 3416.** Mrs. LINCOLN (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. \_\_\_\_ . GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

**SA 3417.** Mr. REID (for himself, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. HATCH, Mr. CRAPO, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title VI, add the following:

#### SEC. 6 \_\_\_\_ . ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

**SA 3418.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—SMALL BUSINESS JOB CREATION

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Small Business Job Creation Act of 2010”.

##### Subtitle A—Small Business Tax Reform

##### SEC. 811. EXTENSION OF INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking “(\$125,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (1) and inserting “(\$250,000 in the case of taxable years beginning after 2007 and before 2015)”;

(2) by striking “(\$500,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (2) and inserting

“(\$800,000 in the case of taxable years beginning after 2007 and before 2015)”;

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EXTENSION OF EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking “2011” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 812. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 (relating partial exclusion for gain from certain small business stock) is amended to read as follows:

“(a) EXCLUSION.—Gross income shall not include 100 percent of any gain from the sale or exchange of qualified small business stock held for more than 4 years.”.

(2) RULE RELATING TO STOCK HELD AMONG MEMBERS OF CONTROLLED GROUP.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

“(4) STOCK HELD AMONG MEMBERS OF 25-PERCENT CONTROLLED GROUP NOT ELIGIBLE.—

“(A) IN GENERAL.—Stock of a member of a 25-percent controlled group shall not be treated as qualified small business stock while held by another member of such group.

“(B) 25-PERCENT CONTROLLED GROUP.—For purposes of subparagraph (A), the term ‘25-percent controlled group’ means any controlled group of corporations as defined in section 1563(a)(1), except that—

“(i) ‘more than 25 percent’ shall be substituted for ‘at least 80 percent’ each place it appears in section 1563(a)(1), and

“(ii) section 1563(a)(4) shall not apply.”.

(3) CONFORMING AMENDMENTS.—

(A) Subsections (b)(2), (g)(2)(A), and (j)(1)(A) of section 1202 of such Code are each amended by striking “5 years” and inserting “4 years”.

(B) The heading for section 1202 of such Code is amended by striking “partial”.

(C) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking “Partial exclusion” and inserting “Exclusion”.

(D) Section 1223(13) of such Code is amended by striking “1202(a)(2).”.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking “, (5), and (7)” and inserting “and (5)”.

(c) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) collectibles gain, over”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1(h) of such Code is amended by striking paragraph (7).

(B)(i) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(ii) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking “section 1(h)(11)(B)” and inserting “section 1(h)(10)(B)”.

(iii) The following sections of such Code are each amended by striking “section 1(h)(11)” and inserting “section 1(h)(10)”:

- (I) Section 301(f)(4).
- (II) Section 306(a)(1)(D).
- (III) Section 584(c).
- (IV) Section 702(a)(5).
- (V) Section 854(a).
- (VI) Section 854(b)(2).

(iv) The heading of section 857(c)(2) is amended by striking “1(h)(11)” and inserting “1(h)(10)”.

(d) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—Paragraph (1) of section 1202(d) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking “\$50,000,000” each place it appears and inserting “\$100,000,000”.

(2) INFLATION ADJUSTMENT.—Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2009, each of the \$100,000,000 dollar amounts in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$100.”.

(e) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Section 1202(c) of the Internal Revenue Code of 1986 (defining qualified small business stock) is amended by adding at the end the following new paragraph:

“(4) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding any other provision of this subsection or subsection (e), the term ‘qualified small business stock’ shall include stock of a corporation held by a small business investment company licensed and operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) or held by a company engaged in the licensing process under such Act where the investment has been approved by the Small Business Administration.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to stock issued after December 31, 2009.

(2) SPECIAL RULE FOR STOCK ISSUED BEFORE JANUARY 1, 2010.—The amendments made by subsections (a), (b), and (c) shall apply to sales or exchanges—

- (A) made after December 31, 2009,
- (B) of stock issued before such date,
- (C) by a taxpayer other than a corporation.

#### Subtitle B—Access to Capital

#### SEC. 821. SHORT TITLE.

This subtitle may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

### PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

#### SEC. 822. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

- (A) in clause (i), by striking “75 percent” and inserting “90 percent”; and
- (B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and

(2) in paragraph (3)(A), by striking “\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000)”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

- (A) in clause (i), by striking “90 percent” and inserting “75 percent”; and
- (B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and
- (2) in paragraph (3)(A), by striking “\$4,500,000” and inserting “\$3,750,000”.

#### SEC. 823. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

- (1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”; and
- (2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”; and
- (3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”; and
- (4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and
- (5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

#### SEC. 824. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”; and

(2) in paragraph (3)—

- (A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and
- (B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and
- (3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

#### SEC. 825. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

- “(A) the regulatory capital of the covered New Markets Venture Capital company; and
- “(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

#### SEC. 826. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

#### SEC. 827. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

#### SEC. 828. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

### PART II—SMALL BUSINESS ACCESS TO CAPITAL

#### SEC. 829. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) **AUTHORITY.**—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) **FINANCING FOR BUSINESS EXPENSES.**—

“(I) **FINANCING FOR BUSINESS EXPENSES.**—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) **APPLICATION FOR FINANCING.**—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) **CONDITION ON ADDITIONAL FINANCING.**—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) **LOANS BASED ON JOBS.**—

“(I) **JOB CREATION AND RETENTION GOALS.**—

“(aa) **IN GENERAL.**—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) **ALTERNATE JOB RETENTION GOAL.**—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) **NUMBER OF EMPLOYEES.**—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) **NONDELEGATION.**—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) **TOTAL AMOUNT OF LOANS.**—The Administrator may provide not more than a total of \$4,000,000,000 of financing under this subparagraph for each fiscal year.”

(b) **PROSPECTIVE REPEAL.**—Effective 2 years after the date of enactment of this Act, sec-

tion 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) **TECHNICAL CORRECTION.**—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

#### **Subtitle C—Small Business Exporting**

##### **SEC. 831. SHORT TITLE.**

This subtitle may be cited as the “Small Business Export Enhancement and International Trade Act of 2010”.

##### **SEC. 832. DEFINITIONS.**

(a) **DEFINITIONS.**—In this subtitle—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “Associate Administrator” means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this Act;

(3) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(4) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986; and

(5) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONS.**—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) **SMALL BUSINESS DEVELOPMENT CENTER.**—In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) **REGION OF THE ADMINISTRATION.**—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”

(2) **CONFORMING AMENDMENT.**—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

##### **SEC. 833. OFFICE OF INTERNATIONAL TRADE.**

(a) **ESTABLISHMENT.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

##### **“SEC. 22. OFFICE OF INTERNATIONAL TRADE.**

“(a) **ESTABLISHMENT.**—

“(1) **OFFICE.—There**”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) **ASSOCIATE ADMINISTRATOR.**—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”

(b) **AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.**—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”

(c) **DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) **DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.**—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”.

(d) **ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.**—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) **IMPLEMENTATION DATE.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

##### **SEC. 834. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.**

(a) **AMENDMENTS TO SECTION 22.**—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **TRADE DISTRIBUTION NETWORK.**—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment assistance;

“(D) trade remedy assistance; and

“(E) trade data collection;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

“(A) accompany small business concerns on foreign trade missions; and

“(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator”;

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

“(D) increasing the ability of small business concerns to access capital;

“(E) disseminating information concerning Federal, State, and private programs and initiatives; and

“(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (3), as so redesignated, by striking “assist small businesses in the formation and utilization of” and inserting “assist small business concerns in forming and using”;

(F) in paragraph (4), as so redesignated—

(i) by striking “local” and inserting “district”;

(ii) by striking “existing”;

(iii) by striking “Small Business Development Center network” and inserting “small business development center network”; and

(iv) by striking “Small Business Development Center Program” and inserting “small business development center program”;

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking “Gross State Produce” and inserting “Gross State Product”;

(ii) in subparagraph (B), by striking “SIC” each place it appears and inserting “North American Industry Classification System”; and

(iii) in subparagraph (C), by striking “small businesses” and inserting “small business concerns”;

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “concerns” after “small business”; and

(II) by striking “current” and inserting “up to date”;

(ii) in subparagraph (A), by striking “Administration’s regional offices” and inserting “regional and district offices of the Administration”;

(iii) in subparagraph (B) by striking “current”;

(iv) in subparagraph (C), by striking “current”; and

(v) by striking “small businesses” each place that term appears and inserting “small business concerns”;

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “person in each district office. Such specialists” and inserting “individual in each district office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (B)—

(I) by striking “current”; and

(II) by striking “with” and inserting “in”;

(iii) in subparagraph (D)—

(I) by striking “Administration personnel involved in granting” and inserting “personnel of the Administration involved in making”; and

(II) by striking “and” at the end;

(iv) in subparagraph (E)—

(I) by striking “small businesses’ needs” and inserting “the needs of small business concerns”; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, small business development centers, women’s business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies”; and

(vi) by striking “small businesses” each place that term appears and inserting “small business concerns”; and

(L) by adding at the end the following:

“(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

“(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

“(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network,

Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) EXPORT FINANCING PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator”; and

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) TRADE REMEDIES.—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

“(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

“(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(5) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking “(g) The Office” and inserting the following:

“(g) STUDIES.—The Associate Administrator”;

(7) by adding after subsection (h), as added by section 833 of this Act, the following:

“(i) EXPORT AND TRADE COUNSELING.—

“(1) DEFINITION.—In this subsection—

“(A) the term ‘lead small business development center’ means a small business development center that has received a grant from the Administration; and

“(B) the term ‘lead women’s business center’ means a women’s business center that has received a grant from the Administration.



“(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

“(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

“(A) 5; or

“(B) 10 percent of the total number of employees of the lead small business development center.

“(4) REIMBURSEMENT FOR CERTIFICATION.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business center for costs relating to the certification of an employee of the lead small business center or lead women’s business center in providing export assistance under the program established under paragraph (2).

“(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

“(F) the number of small business concerns referred to the Export-Import Bank of the United States or to the Overseas Private Investment Corporation by the staff of the Office, an Export Assistance Center, or a small business development center.

“(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

“(A) section 7(a)(16);

“(B) the Export Working Capital Program established under section 7(a)(14);

“(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

“(D) the export express program established under section 7(a)(34).

“(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.”

(b) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

#### SEC. 835. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 834 of this Act, is amended by adding at the end the following:

“(k) EXPORT ASSISTANCE CENTERS.—

“(1) EXPORT FINANCE SPECIALISTS.—

“(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after January 1, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

“(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

“(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance

Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(1) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and



(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(l) of the Small Business Act, as added by this Act.

#### SEC. 836. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000, of which not more than \$4,000,000)”.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B), (D), and (E)”; and

(B) in subparagraph (D), by striking “Notwithstanding subparagraph (A), in” and inserting “In”; and

(C) by adding at the end the following:

“(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.”.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking “in—” and inserting “—”;

(2) in clause (i)—

(A) by inserting “in” after “(i)”; and

(B) by striking “or” at the end;

(3) in clause (ii)—

(A) by inserting “in” after “(ii)”; and

(B) by striking the period at the end and inserting “, including any debt that qualifies for refinancing under any other provision of this subsection; or”; and

(4) by adding at the end the following:

“(iii) by providing working capital.”.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking “Each loan” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), each loan”; and

(2) by adding at the end the following:

“(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—

(A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—

“(A) IN GENERAL.—The Administrator”; and

(B) by striking “(B) When considering” and inserting the following:

“(C) CONSIDERATIONS.—When considering”; and

(C) by striking “(C) The Administration” and inserting the following:

“(D) MARKETING.—The Administrator”; and

(D) by inserting after subparagraph (A) the following:

“(B) TERMS.—

“(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

“(ii) FEES.—

“(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

“(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

“(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(32) INCREASED VETERAN” and inserting “(33) INCREASED VETERAN”; and

(2) by adding at the end the following:

“(34) EXPORT EXPRESS PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘export development activity’ includes—

“(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee; and

“(II) participation in a trade show that takes place outside the United States; and

“(III) translation of product brochures or catalogues for use in markets outside the United States; and

“(IV) obtaining a general line of credit for export purposes; and

“(V) performing a service contract from buyers located outside the United States; and

“(VI) obtaining transaction-specific financing associated with completing export orders; and

“(VII) purchasing real estate or equipment to be used in the production of goods or services for export; and

“(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

“(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

“(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.”.

“(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

“(C) LEVEL OF PARTICIPATION.—

“(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

“(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

“(I) 90 percent of a loan that is not more than \$350,000; and

“(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

“(F) LIST OF EXPORT FINANCE LENDERS.—

“(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

“(I) this paragraph;

“(II) paragraph (14); or

“(III) paragraph (34).

“(ii) AVAILABILITY OF LIST.—The Administrator shall—

“(I) post the list published under clause (i) on the website of the Administration; and

“(II) make the list published under clause (i) available, upon request, at each district office of the Administration.”.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

#### SEC. 837. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “eligible small business concern” means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator;

(D) has in effect a strategic plan for exporting; and

(E) agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small business concern is in compliance with the internal revenue laws of the United States;

(2) the term “program” means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term “small business concern owned and controlled by women” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) **ESTABLISHMENT OF PROGRAM.**—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

- (1) participation in a foreign trade mission;
- (2) a foreign market sales trip;
- (3) a subscription to services provided by the Department of Commerce;
- (4) the payment of website translation fees;
- (5) the design of international marketing media;
- (6) a trade show exhibition;
- (7) participation in training workshops; or
- (8) any other export initiative determined appropriate by the Associate Administrator.

(c) **GRANTS.**—

(1) **JOINT REVIEW.**—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) **CONSIDERATIONS.**—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

- (i) socially and economically disadvantaged small business concerns;
- (ii) small business concerns owned or controlled by women; and
- (iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) **LIMITATIONS.**—

(A) **SINGLE APPLICATION.**—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) **PROPORTION OF AMOUNTS.**—The total value of grants under the program made during a fiscal year to the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 50 percent of the amounts appropriated for the program for that fiscal year.

(4) **APPLICATION.**—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) **COMPETITIVE BASIS.**—The Associate Administrator shall award grants under the program on a competitive basis.

(e) **FEDERAL SHARE.**—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) **ANNUAL REPORTS.**—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(g) **REVIEWS BY INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) **REPORT.**—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the program \$15,000,000 for each of fiscal years 2010, 2011, and 2012.

(i) **TERMINATION.**—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

#### **SEC. 838. RURAL EXPORT PROMOTION.**

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year pe-

riod ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

#### **SEC. 839. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.**

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking "(2) The Small Business Development Centers" and inserting the following:

"(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

"(A) INFORMATION AND SERVICES.—The small business development centers"; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting "(including State trade agencies)," after "local agencies"; and

(B) by adding at the end the following:

"(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

"(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

"(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

"(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22."

#### **SEC. 840. SMALL BUSINESS TRADE POLICY.**

(a) **NOTIFICATION BY USTR.**—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(b) **RECOMMENDATIONS.**—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

#### **Subtitle D—Small Business Regulatory Reform**

#### **SEC. 841. SHORT TITLE.**

This subtitle may be cited as the "Job Impact Analysis Act of 2010".

#### **SEC. 842. FINDINGS.**

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or \$7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

#### **SEC. 843. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.**

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed \$5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation

or job loss in the private sector as a result of the mandates.”.

#### **SEC. 844. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.**

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking “RECORDKEEPING REQUIREMENT.—The” and inserting “the”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) any direct economic effect of the rule on small entities; and

“(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.”.

#### **SEC. 845. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) not later than the date on which the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (1), by striking “succinct”;

(C) in paragraph (2)—

(i) by striking “summary” each place it appears and inserting “statement”; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(D) in paragraph (3), by striking “an explanation” and inserting “a detailed explanation”;

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.”.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

#### **“§ 607. Quantification requirements**

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

#### **SEC. 846. PERIODIC REVIEW OF RULES.**

Section 610 of title 5, United States Code, is amended to read as follows:

#### **“§ 610. Periodic review of rules**

“(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on

a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

“(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

“(d) In reviewing rules under such plan, the agency shall consider—

- “(1) the continued need for the rule;
  - “(2) the nature of complaints received by the agency from small entities concerning the rule;
  - “(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;
  - “(4) the complexity of the rule;
  - “(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;
  - “(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);
  - “(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and
  - “(8) the current impact of the rule, including—
- “(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small business jobs that will be lost or created by the rule; and

“(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”

#### SEC. 847. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

#### “SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”

#### SEC. 848. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”; and

(2) by striking the item relating to section 607 and inserting the following:

“607. Quantification requirements.”.

#### Subtitle E—Other Provisions

#### SEC. 851. FUNDS FOR SBDOS.

(a) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration – Salaries and Expenses”, \$50,000,000, to remain available until January 1, 2012, for grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated under subsection (a) shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than \$325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made using amounts appropriated under subsection (a) shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall disburse the total amount appropriated under subsection (a).

#### SEC. 852. TEMPORARY WAIVER AUTHORITY FOR WOMEN'S BUSINESS CENTER PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration;

(2) the term “recipient organization” means an organization receiving financial assistance from the Administrator under the women's business center program; and

(3) the term “women's business center program” means the women's business center program under section 29 of the Small Business Act (15 U.S.C. 656).

(b) AUTHORITY.—Upon request by a recipient organization, and in accordance with this section, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under section 29(c) of the Small Business Act (15 U.S.C. 656(c)) for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under the women's business center program.

(c) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this section, the Administrator shall consider—

(1) the economic conditions affecting the recipient organization;

(2) the impact a waiver under this section would have on the credibility of the women's business center program;

(3) the demonstrated ability of the recipient organization to raise non-Federal funds; and

(4) the performance of the recipient organization.

(d) **LIMITATION.**—The Administrator may not waive the requirement to obtain non-Federal funds under this section if granting the waiver would undermine the credibility of the women's business center program.

(e) **TERMINATION.**—The Administrator may not grant a waiver of the requirement to obtain non-Federal funds under this section on or after January 1, 2012.

**SEC. 853. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EFFECTIVE DATE.**

The amendment made by section 246(b)(2) of this Act shall take effect on February 27, 2010.

**Subtitle F—Funding**

**SEC. 861. OFFSET.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), an amount equal to the total amount appropriated or made available under this title is rescinded on a pro rata basis from unobligated amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116).

**SEC. 862. EMERGENCY DESIGNATION.**

This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)). This title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 3419.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.**

(a) **GENERAL RULES.**—

(1) **ROLLOVER OF AIRLINE PAYMENT AMOUNT.**—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) **TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.**—A qualified airline employee who made a rollover of an airline payment amount to a Roth IRA pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA all or any part of the Roth

IRA attributable to such rollover, and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(3) **EXTENSION OF TIME TO FILE CLAIM FOR REFUND.**—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) **TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.**—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

(1) **AIRLINE PAYMENT AMOUNT.**—

(A) **IN GENERAL.**—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) **EXCEPTION.**—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) **QUALIFIED AIRLINE EMPLOYEE.**—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) **TRADITIONAL IRA.**—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) **ROTH IRA.**—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) **SURVIVING SPOUSE.**—If a qualified airline employee died after receiving an airline

payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) **EFFECTIVE DATE.**—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

**SA 3420.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary not later than 45 days after the date of enactment of this paragraph, that—

“(A) the State will request and use such additional Federal funds; and

“(B) during the period that begins on such date of enactment and ends on June 30, 2011, the State will not eliminate any State employment position in which an individual is employed on such date of enactment (other than a position held by an individual whose State employment is terminated for cause).”;

**SA 3421.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 4 through 12, and insert the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the 6-month period that begins on January 1, 2011, and ends on June 30, 2011, unless the chief executive officer of the State certifies to the Secretary—

“(A) not later than 45 days after the date of enactment of this paragraph, that the State will request and use such additional Federal funds; and

“(B) on December 31, 2010, that the State has not passed any law on or after the date of enactment of this paragraph that will cause income, property, or sales tax rates in the State to increase during such 6-month period.”;

**SA 3422.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend

the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . PERMANENT EXTENSION OF ELECTIVE TAX TREATMENT FOR ALASKA NATIVE SETTLEMENT TRUSTS.**

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the provisions of, and amendments made by, section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon the date of enactment of this Act.

**SA 3423.** Mr. BROWNBACK (for himself, Mr. ROBERTS, Ms. CANTWELL, Mr. ENSIGN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION \_\_\_\_—FOOTWEAR**

**SEC. 01. SHORT TITLE.**

This division may be cited as the “Affordable Footwear Act of 2010”.

**SEC. 02. FINDINGS.**

Congress finds the following:

(1) Average collected duties on imported footwear are among the highest of any product sector, totaling approximately \$1,700,000,000 during 2008.

(2) Duty rates on imported footwear are among the highest imposed by the United States Government, with some as high as the equivalent of 67.5 percent ad valorem.

(3) The duties currently imposed by the United States were set in an era during which high rates of duty were intended to protect production of footwear in the United States.

(4) Footwear produced in the United States supplies only about 1 percent of the total

United States market for footwear. This production is concentrated in distinct product groupings, which are not affected by the provisions of this Act.

(5) Low- and moderate-income families spend a larger share of their disposable income on footwear than higher-income families.

(6) Footwear duties, which are higher on lower-price footwear, serve no purpose and are a hidden, regressive tax on those people in the United States least able to pay.

**SEC. 03. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the reduction or elimination of duties on the importation of certain footwear articles would provide significant benefits to United States consumers, particularly lower-income families;

(2) there is no production in the United States of many footwear articles;

(3) the reduction or elimination of duties on such articles will not negatively affect manufacturing or employment in the United States; and

(4) the reduction or elimination of duties on such articles will result in reduced retail prices for consumers.

**SEC. 04. TEMPORARY ELIMINATION OR REDUCTION OF DUTIES ON CERTAIN FOOTWEAR.**

(a) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

“20. For the purposes of headings 9902.64.25 through 9902.64.57 and any superior text thereto:

“(a) The term ‘footwear for men’ means footwear of American sizes 6 and larger for males and does not include footwear commonly worn by both sexes.

“(b) The term ‘footwear for women’ means footwear of American sizes 4 and larger, whether for females or of types commonly worn by both sexes.

“(c)(i) The term ‘work footwear’ means, in addition to footwear for men or footwear for women having a metal toe-cap, footwear for men or footwear for women that—

“(A) has outer soles of rubber or plastics;

“(B) is of a kind designed for use by persons employed in occupations such as those related to the agricultural, construction, in-

dustrial, public safety or transportation sectors; and

“(C) has special features to protect against hazards in the workplace (such as resistance to chemicals, compression, grease, oil, penetration, slippage or static build-up).

“(ii) The term ‘work footwear’ does not include the following:

“(A) sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like;

“(B) footwear designed to be worn over other footwear;

“(C) footwear with open toes or open heels; or

“(D) footwear (except footwear covered by heading 6401) of the slip-on type that is held to the foot without the use of laces or a combination of laces and hooks or other features.

“(d) The term ‘house slippers’ means footwear of the slip-on type designed solely for casual indoor use. The term ‘house slippers’ includes—

“(i) footwear with outer soles not over 3.5 mm in thickness, consisting of cellular rubber, non-grain leather or textile material;

“(ii) footwear with outer soles not over 2 mm in thickness consisting of polyvinyl chloride, whether or not backed; and

“(iii) footwear which, when measured at the ball of the foot, has sole components (including any inner and mid-soles) with a combined thickness not over 8 mm as measured from the outer surface of the uppermost sole component to the bottom surface of the outer sole and which, when measured in the same manner at the area of the heel, has a thickness equal to or less than that at the ball of the foot.

“(e) Textile materials attached, incorporated into, or which otherwise form part of, an outer sole of rubber or plastics shall be disregarded and the constituent material of outer sole shall be deemed to be rubber or plastics.”.

(b) AMENDMENTS TO HTS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

“	9902.64.25	Vulcanized rubber lug boot bottoms for use in fishing waders (provided for in subheading 6401.92.90) .....	Free	No change	No change	On or before 12/31/2012 .....
	9902.64.26	Vulcanized rubber footwear with molded soles, lasted uppers (not molded or injected) of more than 70 percent by weight natural rubber, valued over \$35/pair, measuring in height from the bottom of the outer sole to the top of the upper over 19 cm, the foregoing designed to be used in lieu of, but not over, other footwear as a protection against water or cold or inclement weather (provided for in subheading 6401.92.90) .....	Free	No change	No change	On or before 12/31/2012 .....
	9902.64.27	Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15) .....	Free	No change	No change	On or before 12/31/2012 .....
	9902.64.28	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.05) .....	Free	No change	No change	On or before 12/31/2012 .....

9902.64.29	Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, valued not over \$3/pair (provided for in subheading 6402.91.16) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.30	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6401.91.40) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.31	Footwear with outer soles and uppers of rubber or plastics, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over \$20/pair, and if designed for men or women the height of which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm; the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper, where protection against water is imparted by the use of a coated laminated fabric (provided for in subheading 6402.91.50) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.32	Footwear with outer soles and uppers of rubber or plastics, covering the ankle, valued over \$12/pair (provided for in subheading 6402.91.90) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.33	Footwear with outer soles and uppers of rubber or plastics, other than covering the ankle and other than sports footwear: Of a type described in subheading 6402.99.04 .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.34	Of a type described in subheading 6402.99.12 .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.35	Of a type described in subheading 6402.99.31 .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.36	Footwear designed to be used in lieu of, but not over, other footwear, valued over \$20/pair (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.37	Footwear with outer soles and uppers of rubber or plastics, not specially described or indicated in any other heading of this subchapter: Of a type described in subheading 6402.99.40 .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.38	Of a type described in subheading 6402.99.60 .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.39	Of a type described in subheading 6402.99.70 .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.40	Welt footwear with pigskin uppers (provided for in subheading 6403.40.30) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.41	Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.42	Turn or turned footwear, other than footwear for men or footwear for women (provided for in subheading 6403.59.15) .....	Free	No change	No change	On or before 12/31/2012 .....



9902.64.43	Footwear for men, and footwear for youths and boys, covering the ankle, other than work footwear and other than slip-on footwear (except such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thick-ness less than 13.5 mm), the foregoing valued over \$20/pair (provided for in subheading 6403.91.60) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.44	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, other than work footwear and other than slip-on footwear, but including such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the fore-going valued not over \$20/pair (provided for in subheading 6403.91.90) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.45	Footwear for youths and boys, other than house slippers and work foot- wear (provided for in subheading 6403.99.60) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.46	House slippers for persons other than men, youths and boys, the fore-going valued not over \$2.50/pair (provided for in subheading 6403.99.75) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.47	Footwear valued over \$2.50/pair (other than footwear for men, youths and boys, and footwear for women), the foregoing not to include house slip-pers and work footwear (provided for in subheading 6403.99.90) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.48	Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials: Of a type described in subheading 6404.11.20, 6404.11.40, 6404.11.50, 6404.11.60 or 6404.11.70 .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.49	Of a type described in subheadings 6404.11.80 and 6404.11.90, covering the ankle .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.50	Of a type described in subheadings 6404.11.80 and 6404.11.90, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for men or women .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.51	Footwear with outer soles of rubber or plastics and uppers of textile ma- terials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.52	Footwear with outer soles of rubber or plastics and uppers of textile ma- terials, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over \$20/pair, the foregoing if designed for men or women having a height which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm (provided for in sub- heading 6404.19.20); all the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms (including bottoms com- prising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fab- ric .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.53	Footwear with outer soles of rubber or plastics and uppers of textile ma- terials (provided for in subheading 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, 6404.19.90, 6404.20.20, 6404.20.40 or 6404.20.60) .....	Free	No change	No change	On or be- fore 12/31/ 2012 .....
9902.64.54	Footwear with uppers of leather or composition leather: For men (provided for in subheading 6405.10.00) .....	8.5%	No change	No change	On or be- fore 12/31/ 2012 .....

9902.64.55	Other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for women (provided for in subheading 6405.10.00) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.56	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.30 or 6405.20.90) .....	Free	No change	No change	On or before 12/31/2012 .....
9902.64.57	Footwear of a type described in subheading 6405.90.90 .....	Free	No change	No change	On or before 12/31/2012 .....

#### SEC. 05. HAITI RELIEF ENHANCEMENT.

Section 213A of the Caribbean Basic Economic Recovery Act (19 U.S.C. 2703a) is amended—

(1) by redesignating subsections (g) through (h) as (i) through (j), respectively; and

(2) by inserting the following after subsection (f):

“(g) SPECIAL RULE FOR FOOTWEAR.—

“(1) IN GENERAL.—Footwear that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall be accorded tariff treatment identical to the tariff treatment that is accorded under the Dominican Republic-Central American-United States Free Trade Agreement, as implemented by the United States, to footwear described in the same 8-digit subheading of the Harmonized Tariff Schedule of the United States.

“(2) REQUIREMENT.—Footwear qualifies for the treatment provided for under paragraph (1) if it satisfies the applicable rule of origin set out in Article 4.1 of the Dominican Republic-Central American-United States Free Trade Agreement.”.

**SA 3424.** Mrs. HAGAN (for herself, Mr. BURR, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. . CERTAIN CEILING FANS.

(a) IN GENERAL.—Heading 9902.84.14 of the Harmonized Tariff Schedule of the United States is amended by striking “12/31/2009” and inserting “12/31/2012”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

**SA 3425.** Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. 602. CONTINUATION OF SOLE COMMUNITY HOSPITAL TREATMENT FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(D)) is amended by adding at the end the following new clause:

“(vi) In the case of a hospital that is classified as a sole community hospital and is lo-

cated within a State that has implemented a rate-setting program for regulation of hospital payments (in this clause referred to as the ‘existing hospital’), any relocation on or after January 1, 2010, of the facility of another hospital that is in operation as of such date to a site that is within 25 road miles of the existing hospital shall not be taken into account for purposes of determining whether the existing hospital shall continue to qualify for classification as a sole community hospital.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospitals for cost reporting periods beginning on or after January 1, 2010.

**SA 3426.** Mr. REID (for Mr. LEVIN) proposed an amendment to the resolution S. Res. 372, designating March 2010 as “National Autoimmune Diseases Awareness Month” and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; as follows:

In paragraph (3) of the resolving clause, strike “Federal”.

**SA 3427.** Mr. MCCAIN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. . PROTECTING MEDICARE.

Section 310(g) of the Congressional Budget Act of 1974 (2 U.S.C. 641(g)) is amended by inserting before the period the following: “or to the medicare program established by title XVIII of such Act”.

**SA 3428.** Mr. ROCKEFELLER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

#### SEC. —. NEW MARKETS TAX CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (v) through (viii) as clauses (vi) through (ix), respectively, and

(2) by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D to the extent that such credit is attributable to a qualified equity investment which is designated as such under subsection (b)(1)(C) of such section after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined under section 45D of the Internal Revenue Code of 1986 in taxable years ending after the date of the enactment of this Act, and to carrybacks of such credits.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 4, 2010, to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet

during the session of the Senate to conduct a hearing entitled "Childhood Obesity: Beginning the Dialogue on Reversing the Epidemic" on March 4, 2010. The hearing will commence at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m., to hold a hearing entitled "Middle East Peace: Ground Truths, Challenges Ahead."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON VETERANS' AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 4, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. INOUE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 4, 2010, at 1 p.m., to conduct a hearing entitled, "The Next Big Disaster: Is the Private Sector Prepared?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 4, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on March 4, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 372, and we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 372) designating March 2010 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that a Levin amendment which is at the desk and the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table; that there be no intervening action or debate and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3426) was agreed to, as follows:

#### AMENDMENT NO. 3426

(Purpose: To amend the resolving clause)

In paragraph (3) of the resolving clause, strike "Federal".

The resolution (S. Res. 372), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 372

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of whom are women, and that the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than \$100,000,000,000, with over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than \$50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, in order to increase understanding of the root causes of these diseases rather treating the symptoms after the disease has already had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases, working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating March 2010 as "National Autoimmune Diseases Awareness Month" would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 2010 as "National Autoimmune Diseases Awareness Month";

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing funding for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

#### EXPRESSION TO THE PEOPLE AND GOVERNMENT OF CHILE

Mr. REID. I now ask unanimous consent the Senate Foreign Relations Committee be discharged from further consideration of S. Res. 431 and we now proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 431) expressing profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 431

Whereas the massive 8.8-magnitude earthquake that struck Chile in the early hours of Saturday, February 27, 2010, has claimed approximately 800 lives, according to government officials of Chile, and the death toll is expected to continue to rise as assessments of the devastation continue;

Whereas the earthquake hit most strongly in 6 central and south regions, from the capital, Santiago, and the nearby port of Valparaíso in central Chile, to the Bernardo O'Higgins, Maule, Bio Bio, and Araucanía regions of the south;

Whereas the regions most strongly hit are home to about 60 percent of the 17,000,000 inhabitants of Chile and account for approximately 70 percent of the gross domestic product of Chile;

Whereas the earthquake generated some tsunami activity, in addition to the earthquake, and several hundred people were killed in the coastal towns of Constitución and Talcahuano as a result;

Whereas many of the villages in the Juan Fernández archipelago were destroyed by tsunami activity;

Whereas the earthquake left an estimated 2,000,000 people homeless and damaged more than 1,000,000 homes, 1/3 of which may have to be demolished;

Whereas the earthquake, classified as a "megathrust" earthquake, unleashed an estimated 50 gigatons of energy and broke about 340 miles of the fault zone, according to the United States Geological Survey's National Earthquake Information Center;

Whereas aftershocks have continued, seriously complicating efforts to survey the damage and rescue survivors despite the noble efforts of local teams;

Whereas the Department of Defense has estimated that reconstruction costs could exceed \$30,000,000,000, equivalent to 20 percent of the 2009 gross domestic product of Chile;

Whereas damage to ports and other infrastructure will hinder important exports and economic recovery;

Whereas Secretary of State Hillary Clinton visited Chile on March 2, 2010, and promised an extensive aid package, and the United States Ambassador to Chile requested emergency relief funding;

Whereas Chile enjoys excellent relations with the United States since its transition back to democracy, and both countries have emphasized similar priorities in the region, designed to strengthen democracy, improve human rights, and advance free trade;

Whereas Chile and the United States also maintain strong commercial ties, which have become more extensive since a bilateral free trade agreement between the two countries entered into force in 2004;

Whereas since 2004, the Government of Chile has worked with the Government of the United States and the international community as part of the multinational peacekeeping force in Haiti, first as a part of the Multinational Interim Force-Haiti (MIFH) and subsequently as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH), committing more human material resources to MINUSTAH than it has to any previous peacekeeping mission; and

Whereas the Government of Chile and the Government of the United States and other regional partners have worked together in recent years to resolve a number of political issues in the Western Hemisphere, including crises in Venezuela, Bolivia, and Honduras, among others: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake;

(2) applauds the friendship between the Governments and people of the United States and Chile and recommits to mutually beneficial cooperation in bilateral, multilateral, and Hemispheric contexts;

(3) strongly encourages the United States Government, with full consideration of the necessary institutional instruments, to offer all appropriate assistance, if requested by the Government of Chile, to aid in the immediate rescue and ongoing recovery efforts undertaken by the Government of Chile; and

(4) encourages the international community to join in relief efforts as determined by the Government of Chile.

### RECOGNIZING THE HISTORY AND CONTINUED ACCOMPLISHMENTS OF WOMEN IN THE ARMED FORCES OF THE UNITED STATES

#### CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA

#### HONORING THE LIFE AND SERVICE OF ENRIQUE "KIKI" CAMARENA

#### AUTHORIZING TESTIMONY AND SENATE LEGAL COUNSEL REPRESENTATION

#### AUTHORIZING RECORDS PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the following matters, en bloc, introduced today: S. Res. 441, S. Res. 442, S. Res. 443, S. Res. 444, and S. Res. 445.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent the resolutions be considered and agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, there be no intervening action or de-

bate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. RES. 441

Whereas women of diverse ethnic, religious, socioeconomic, and racial backgrounds have made extraordinary contributions to each service of the Armed Forces;

Whereas today women volunteer to serve the Nation and distinguish themselves in the active and reserve components of the Army, Marine Corps, Navy, Air Force and Coast Guard;

Whereas the contributions of generations of women have contributed to the collective success of women in military service and the freedom and security of the United States;

Whereas women have served with honor, courage, and a pioneering spirit in every major military campaign in the history of the United States since the Revolutionary War;

Whereas Dr. Mary E. Walker was the first, and remains the only, woman awarded the Medal of Honor for her contributions to military medicine and selfless actions during the Civil War;

Whereas the role of women expanded during World War I, with women serving as medical professionals and telephone operators and in other support roles that were critical to the war effort;

Whereas, during World War II, women served in every military service and in every theater and received awards for their gallantry, including four Silver Stars;

Whereas the Women's Armed Services Integration Act of 1948 (62 Stat. 356, chapter 449) established permanent positions and granted veterans benefits for women in the Armed Forces and allowed women to serve during the Korean War as regular members of the military;

Whereas, during the Vietnam War, roughly 7,500 women served in the Armed Forces in Southeast Asia as Nurse Corps officers and in other vital capacities where they saved lives and supported their fellow service members;

Whereas, in 1976, the service academies first admitted women, and in 1980, the first women graduated from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy;

Whereas women were assigned to the first gender-integrated units during the 1980s, with women serving alongside men in Operation Urgent Fury in Grenada and Operation Just Cause in Panama;

Whereas an unprecedented 40,000 women deployed as uniformed members of the Armed Forces in support of Operations Desert Storm and Desert Shield;

Whereas, in 1991, Congress repealed laws prohibiting women from flying combat missions and in 1993 repealed the restriction on women serving on combat vessels;

Whereas, on June 16, 2005, Sergeant Leigh Ann Hester, an Army National Guard Military Police Soldier, became the first woman to receive the Silver Star since World War II for exceptional valor during an ambush on her convoy in Iraq;

Whereas, on November 14, 2008, General Ann Dunwoody became the first woman in the military to achieve the rank of four-star general;

Whereas, according to the Department of Defense, there are currently 203,375 women on active duty in the Armed Forces, many of whom have been deployed in harm's way;

Whereas, as of January 2, 2010, 104 military women have lost their lives in Operation Iraqi Freedom and 20 military women have lost their lives in Operation Enduring Freedom;

Whereas, as of February 6, 2010, 616 military women have been wounded in action in Iraq, and 50 military women have been wounded in action in Afghanistan;

Whereas, according to the Department of Veterans Affairs, as of February 1, 2010, there were 1,824,000 women veterans of the Armed Forces;

Whereas women help make the military of the United States the finest in the world by serving frequent and lengthy deployments under the most difficult conditions;

Whereas women in the Armed Forces frequently balance the rigors of a military career with the responsibilities of maintaining a healthy family;

Whereas women serving in combat theaters have been exposed to the same hazards and harsh conditions as male service members, and have sustained grave injuries and have given their lives in service to our Nation;

Whereas all service members, both men and women, deserve fair compensation for service related injuries, proper health care and rehabilitation, and the respect of a grateful Nation for their selfless service, sacrifice, and loyalty; and

Whereas women have made our Nation safer and more secure, while representing the values that we hold dear: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the contributions of women to our national defense and their importance in the rich history of the United States;

(2) celebrates the role that women have played in securing our Nation and defending our freedom;

(3) recognizes the unique challenges that women have overcome to expand the role of women in military service;

(4) agrees that programs available for women service members and veterans should be strengthened and enhanced, including for those who are dealing with invisible wounds of war; and

(5) strongly encourages the people of the United States to honor women veterans who have served our Nation and to elevate their stature in our national conscience.

S. RES. 442

Whereas the name "Lithuania" first appeared in European records in the year 1009, when it was mentioned in the German manuscript "Annals of Quedlinburg";

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic State;

Whereas, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, on June 15, 1940, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic States, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas, on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas Lithuania assumed Presidency of the Community of Democracies in September 2009, and will hold this position until 2011;

Whereas, in 2010, the United States Government and the Government of Lithuania celebrated 88 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

*Resolved*, That the Senate hereby—

(1) congratulates the people of the Republic of Lithuania on the occasion of the Act of the Re-Establishment of the State of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights;

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania; and

(4) calls on the President to continue to build on the close and mutually beneficial relations the United States has enjoyed with Lithuania since the restoration of the full independence of Lithuania.

S. RES. 443

Whereas, 25 years ago, in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique "Kiki" Camarena made the ultimate sacrifice fighting drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty while engaged in the battle against illicit drugs;

Whereas Special Agent Camarena joined the DEA in June 1974, as an agent with the Calexico, California District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife, Geneva, for lunch, Special Agent Camarena was surrounded by 5 armed men and forced into a car, which sped away;

Whereas February 7, 1985, was the last time anyone, other than his kidnappers, would see Special Agent Camarena alive;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985, on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California for their roles in the Camarena murder, including

high ranking government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and are considered fugitives with outstanding warrants issued in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas during his 11 year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award, and, posthumously, the Administrator's Award of Honor, the highest award granted by the DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, which has been nationally recognized since 1988, is the oldest and largest drug prevention program in the Nation, reaches millions of young people each year, and is celebrated annually October 23 through October 31, was established to help preserve the memory of Special Agent Camarena and to further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction; and

Whereas Special Agent Camarena will be remembered as an honorable and cherished public servant and his sacrifice should be a reminder every October during Red Ribbon Week of the dangers associated with drug use and drug trafficking: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its appreciation for the profound dedication and public service of Enrique "Kiki" Camarena;

(2) tenders its deep sympathy and appreciation to his wife, Geneva, to his 3 children, Enrique, Daniel, and Erik, and to his family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camarena through the promotion of drug-free communities and participation in drug prevention activities which show support for healthy, productive, and drug-free lifestyles; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Enrique "Kiki" Camarena.

S. RES. 444

Whereas, in the case of City of Vancouver v. Galloway, Cr. No. 171555V, pending in Clark County District Court in Vancouver, Washington, the prosecution has requested testimony from Allison Creagan-Frank and Bethany Works, former employees of the office of Senator Patty Murray;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* that Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, are authorized to testify in the case of *City of Vancouver v. Galloway*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Allison Creagan-Frank, Bethany Works, and any other employee of Senator Murray's office from whom testimony may be required, in connection with the testimony authorized in section one of this resolution.

## S. RES. 445

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how politically powerful foreign officials, their relatives

and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

## S. RES. 444

Mr. REID. Mr. President, this resolution concerns a request for testimony in a criminal case pending in Clark County District Court in Vancouver, WA. In this case, the defendant, a Vietnam War veteran, is charged with harassing two caseworkers in the Vancouver office of Senator PATTY MURRAY. The charges arise out of threats made by the defendant to the two caseworkers.

The prosecution has requested testimony at trial from the two caseworkers at issue, both of whom are no longer employed by the Senator. Senator MURRAY would like to cooperate with the prosecution's request. This resolution would authorize the former employees at issue, and any current employees of Senator MURRAY's office from whom testimony may be required, to provide relevant testimony, except concerning matters for which a privilege should be asserted, with representation by the Senate Legal Counsel.

## S. RES. 445

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into how politically powerful foreign officials, their relatives and close associates have used the services of United States professionals and financial institutions to bring large amounts of suspect funds into the United States to advance their interests and to circumvent United States anti-money laundering and anti-corruption safeguards.

This resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request

and to other government entities and officials with a legitimate need for the records.

## ORDERS FOR FRIDAY, MARCH 5, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., March 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, tomorrow we are going to resume consideration of the tax extenders legislation. There will be no rollcall votes tomorrow. The next vote will occur Tuesday morning.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Friday, March 5, 2010, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 4, 2010:

## DEPARTMENT OF DEFENSE

TERRY A. YONKERS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

FRANK KENDALL III, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

PAUL LUIS OOSTBURG SANZ, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

MALCOLM ROSS O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

JACKALYNE PFANNENSTIEL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## THE JUDICIARY

WILLIAM M. CONLEY, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN.

## EXTENSIONS OF REMARKS

OPEN AND TRANSPARENT  
SMITHSONIAN ACT

## HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. NORTON. Madam Speaker, today I introduce the Open and Transparent Smithsonian Act to further ensure that the Smithsonian Institution is accountable to the public for the taxpayer funds it receives. This bill provides that, for the purposes of the Freedom of Information Act, FOIA, and the Privacy Act, the Smithsonian shall be considered a federal agency.

This bill was introduced in the Senate in 2008, and I saw it then and now as complementing my Smithsonian Modernization Act and my Smithsonian Free Admission Act. I introduce this bill today along with the other two because its purpose, like those, is to make the Smithsonian accountable for the 70 percent of its funding that comes from annual federal appropriations. Although the Smithsonian was created by Congress as a federal trust, it receives the great majority of its funding from the federal government, much like federal agencies, and had always been treated as a federal agency. However, in the 1990s, the U.S. Court of Appeals for the District of Columbia Circuit found that the Smithsonian is not a federal agency for purposes of FOIA and the Privacy Act. Indeed, the Smithsonian's website clearly states that it is "not an Executive Branch agency, and FOIA does not apply to the Smithsonian."

The lack of transparency is of great concern, particularly in light of the Smithsonian's recent history of secrecy and corruption. In 2007, an independent review committee found that the Smithsonian Board had violated many principles of good management during the tenure of Lawrence Small as Secretary of the Smithsonian. The report indicated that the Board had failed to provide desperately needed oversight, had overcompensated the Secretary, and had allowed the creation of an "insular culture." The report further found that the Smithsonian's deputy secretary and chief operating officer had frequent absences from her duties because of outside activities, including service on corporate boards, for which she earned more than \$1.2 million in six years. Importantly, the report indicated that Smithsonian leaders took great measures to keep secret these missteps and mismanagements.

While the Smithsonian now has new leadership that is moving away from the mistakes of the past, its transparency should not depend on who is in charge. A federally supported entity must be accountable to the American people. The American people have a right to know that their interests are being served.

I urge my colleagues to support this measure.

## HONORING 19TH CENTURY AFRICAN-AMERICAN LEGISLATORS OF TEXAS

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and voice my support for a new monument that will be unveiled at the Texas State Cemetery in Austin, Texas, on March 30, 2010, to commemorate the state's African-American legislators of the 19th century.

This monument will serve as a reminder to all Texans of the role that African Americans have played in Texas political history and give credence to the first steps that these legislators made for the black community in the state. There were 52 African-American men who served in either the Texas legislature or were Constitutional Convention delegates during the last half of the 19th century, and while their time in office may have been short, their impacts can still be felt today.

I often reflect on the endurance and tenacity of these men who served a disenfranchised community during a politically volatile time in Texas history. They truly were political pioneers entering a system of government for the first time and working diligently to ensure a future for all African Americans and Texans. This work is not lightly forgotten, and that is why this monument is so important for people across the state and all Americans.

Madam Speaker, I encourage my colleagues to join me today in remembering the 19th century African-American legislators of Texas and to honor them by supporting this monument that will help Texans understand the work and sacrifices of these great legislators.

## HONORING LEWIS F. GOULD, JR.

## HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Lewis F. "Lew" Gould Jr. for his longstanding selfless and passionate service to Lower Merion Township, Montgomery County.

As a four-term Lower Merion Township Commissioner, Lew has been a leading voice for fiscal responsibility and sound stewardship of community resources. He has earned the respect of his colleagues for his frankness and his willingness to mentor younger community leaders on the duties and responsibilities associated with governing the largest municipality in the 6th Congressional District.

Lew's efforts have earned him the 2010 Service Award from the Republican Committee of Lower Merion and Narberth. The award will be presented during the Committee's annual Lincoln Day Dinner at the Merion Tribute House in Merion Station, Pennsylvania.

Madam Speaker, I ask that my colleagues join me today in extending our deepest appreciation to Lewis F. "Lew" Gould Jr. for his exemplary leadership, civic engagement and dedication to making Lower Merion Township a great place to live, work and raise a family.

CONGRATULATING THOMAS  
THAYER FOR RECEIVING THE  
INTERNATIONAL CIRCLE OF EXCELLENCE AWARD

## HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. CANTOR. Madam Speaker, I rise today in order to congratulate Thomas Thayer, the owner of International Truck Sales of Richmond, for his receiving of the International Circle of Excellence Award.

Tom's business, International Truck Sales of Richmond, is headquartered in Ashland, Virginia, where it was founded in 1998. Under his leadership, it has grown into one of the pre-eminent truck dealerships in the Southeast and the entire nation, with 109 employees and three dealer locations serving Richmond and its surrounding counties. In 2005, it was named the International Dealer of the Year, an honor awarded to the one International dealer who exhibits the highest commitment to best-in-class customer service. With this most recent award, International Truck Sales of Richmond has now received the Circle of Excellence Award under Tom's leadership a total of 13 times.

The Circle of Excellence, which is awarded by the international dealer organization, Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction.

Tom has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He has also built a successful truck leasing business, Idealease of Richmond, is the current chairman of the Truck Renting and Leasing Association, and is the past chairman of the Make a Wish Foundation. He is also involved with the Rotary Club, the United Way and the American Cancer Society. Despite all these activities, he still finds time to work the concession stand at James River High School on Friday nights, and serves as a band booster for his son, Robert, and his daughter, Leah.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Through his commitment to hard work and outstanding customer service, he has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you and my colleagues to join with me in congratulating Thomas Thayer for his record of accomplishment and for his many contributions to his community, state and Nation.

HONORING ROBERT WORKMAN ON  
THE ADMISSION OF HIS WORK  
TO THE MUSEE DU LOUVRE

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Robert Workman, an acclaimed artist from Mt. Greenwood, Illinois. On January 15, 2010, Robert Workman's pen and ink drawing became the first American work of the 21st century admitted to the internationally renowned Louvre Museum in Paris.

A passionate artistic practitioner, Mr. Workman is a graduate of the Ecole du Louvre and the Art Institute of Chicago—two of the pre-eminent art institutions in the world. In addition to having a place in the Louvre, his work is part of the Archives of the Musees Nationaux de France. The specific piece of art admitted to the Louvre was a pen and ink work featuring an ancient Egyptian theme—mixing the human form with an array of hieroglyphic text. This work was credited by the head of the Department of Sculptures with bearing “witness to the international renown of the Louvre.”

Mr. Workman's art is only part of his contribution to society. He is a tireless author and illustrator, and has published numerous children's books and a graphic novel.

I ask you to join me in honoring Robert Workman for his remarkable achievements in art, and his recognition by the Musee du Louvre.

COMMEMORATING THE 15TH ANNI-  
VERSARY OF THE BEIJING DEC-  
LARATION AND PLATFORM FOR  
ACTION AND INTERNATIONAL  
WOMEN'S DAY

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. CARNAHAN. Madam Speaker, on Monday, March 8, 2010, the world will mark the 15th anniversary of the adoption of the Beijing Declaration and Platform for Action—the most comprehensive global policy framework to achieve the goals of gender equality, development and peace.

While we reflect on this milestone and celebrate the advancements of women thus far, we also need to pause and take stock of what more can be achieved. To fully live up to the goals of equality, development and peace it is imperative that we continue to promote opportunities for women to directly shape these policies by being involved in politics at all levels,

and in all countries. Without this perspective, equality is no more than a hollow word.

The 1997 Universal Declaration on Democracy states that true democracy cannot be achieved unless there is a genuine, equal and complementary partnership between men and women in the conduct of the affairs of society. Even we in the United States, where there are only about 15 percent of women in legislative positions and only 33 percent in ministerial positions, have a long way to go to fulfill this principle. It is important that lawmakers, both here and abroad, advocate for policies that empower women. In many countries that I've traveled to, I have seen firsthand the need for support from governments, international bodies, NGO's, and local communities. It is especially important that we educate young women and girls from an early age in order to give them as many opportunities later in life.

Just this last Congress the United States joined the list of countries that have shattered the glass ceiling of female leadership in parliament, with the appointment of Nancy Pelosi as the first female Speaker of the House of Representatives. We have yet to elect a female President—although we will surely see that day soon.

However, the leadership and courage of strong women in the United States who have broken down tough barriers continues to inspire many around the world. These women have demonstrated remarkable accomplishment our nation, and women across the globe can be proud of. They are a testament to the power of women everywhere.

Likewise we look to groundbreaking female leaders in other countries and praise their confidence and ability in forging the path for others to dare to fill their shoes and even go beyond. One of the best examples of this, is Liberian President, Ellen Johnson Sirleaf. She inspired many when she addressed a Joint Session of Congress.

The challenges faced by peoples everywhere are faced with the help of strong women. And today many women still face challenges fully acceding to all of the positions and roles formerly reserved for men. The impact and involvement of women is critical in reducing poverty, improving education and health care, reducing the violence against them, enhancing human rights on the whole, and even recovering from the brunt of the global economic crisis.

We celebrate these advancements, but continue to pursue and address the various challenges and inequalities women face day to day. I would like to thank the Inter-Parliamentary Union for its great work on this front and for calling this gathering today, in the spirit of cooperation and progress toward achieving the goals of equality, peace and development.

RECOGNIZING VOLUNTEERS FROM  
THE EAST VALLEY RETIRED  
AND SENIOR VOLUNTEER PRO-  
GRAM

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to applaud the accomplishments of 11

retired Seniors from the East Valley who have been awarded the Presidential Volunteer Service Award for Lifetime Achievement. This prestigious award honors those who have provided more than 4,000 hours of volunteer service over the course of their lifetime. The President's Volunteer Service Award program was created as a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service.

This year's recipients of the Presidential Volunteer Service Award for Lifetime Achievement are exceptional individuals who epitomize the true meaning of service. These 11 honorees exhibit a sincere commitment to helping others and creating positive communities.

As a representative, I am fortunate to have such benevolent and dedicated individuals serving within my district. Each one of the recipients should serve as an inspiration for us all and encourage us to make service a central part of our lives.

Madam Speaker, it is my honor to officially recognize Kay Fisher, Shigeko Godsey, Kenneth Hawkes, Marietta Hopkins, Gertrude Huhn, Rena Johnson, Peter Loguda, Pamela Manaos, Helen McShane, Susanne Ulbrish and Grant Whitney for their outstanding service to our community.

HONORING MR. PAUL HAZZARD

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Paul Hazzard. Mr. Hazzard served his constituency faithfully and justly during his tenure as a member of the Busti Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Hazzard served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Hazzard is one of those people and that is why Madam Speaker I rise to pay tribute to him today.

HONORING NATIONAL PEACE  
CORPS WEEK

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. McDERMOTT. Madam Speaker, I rise today to recognize this week as National Peace Corp Week.

In October of 1960, when then-Senator John F. Kennedy was campaigning for the

Presidency, he visited the University of Michigan. At about 2:00 AM in front of the University of Michigan Union, he first outlined his plan to create a program that would send Americans to countries around the globe for 2 years of service. He said that night:

"... I think Americans are willing to contribute. But the effort must be far greater than we have ever made in the past. Therefore, I am delighted to come to Michigan, to this university, because unless we have those resources in this school, unless you comprehend the nature of what is being asked of you, this country can't possibly move through the next 10 years in a period of relative strength."

Since that speech, more than 200,000 Americans have spent 2 years of their lives in parts of the world that many of us have never heard of. And right now, dozens of Peace Corp volunteers from the Seattle area alone are serving in countries as far as Mali, Turkmenistan and Cambodia. Participants have worked on everything from helping farmers produce more food to stave off hunger to teaching computer skills and helping governments bolster their technology infrastructure. While I've heard from many Peace Corp volunteers that their years of service are far from easy, they also tell me about the tremendous impact those years have on their education and how their time abroad helps build their character and self-esteem.

But the program does far more than just provide services to communities in other countries and enrich the lives of its volunteers. It helps participants come back with a far better understanding of other cultures. I have long believed that America's ability to operate in the world depends on how well we understand what's going on in other nations. President Kennedy understood that our nation's strength depended on our level of engagement in the global community, and the Peace Corp each year provides thousands of emissaries to places that the U.S. might not otherwise touch. In many ways, the Peace Corp is like community-based diplomacy.

And when participants return, many continue their service. Some, like my colleagues Senator CHRIS DODD, and Representatives HONDA, GARAMENDI, FARR, DRIEHAUS and PETRI, go on to serve in Congress. Other alums go on to serve in Foreign Service, including stints in USAID, the Organization of American States and the Department of State. Others serve in the non-profit sector in organizations like the Sierra Club and Catholic Relief Services. And many others join the National Peace Corp Association, an organization of some 30,000 former Peace Corp participants that helps keep them engaged in service and advocacy.

The Peace Corp has done enormous good around the world, so let us recognize the thousands of Americans who sacrificed and served. Let us reaffirm this week as National Peace Corp Week.

#### A TRIBUTE TO MIKAWAYA ON THE OCCASION OF THE BAKERY'S 100 YEAR ANNIVERSARY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Mikawaya on the occasion of its 100 year anniversary. This historic Los Angeles-based family-owned bakery has been a fixture in Little Tokyo in the heart of my congressional district since its founding in 1910.

Under the current dedicated leadership of Frances Hashimoto—the grand niece of the bakery's original founder—this successful enterprise continues to satisfy the sweet-tooths of Angelenos and dessert lovers throughout the country with its wide assortment of delicious and original bakery items.

Mikawaya manufactures and sells traditional Japanese pastry and confectionary (wagashi), mochi ice cream, and gelato. In addition to its traditional "mochi-gashi" and "manju" that have been the foundation of the family business, Mikawaya has obtained nationwide popularity and success as the creator of Mochi Ice Cream along with its gelato offerings.

Madam Speaker, as Mikawaya celebrates its 100-year anniversary at the Kyoto Grand Hotel on March 8, I ask my colleagues to please join me in congratulating the entire Hashimoto family and their dedicated employees for bringing smiles to the faces of generations of customers who have enjoyed the unique and delicious Japanese-inspired ice cream and pastries that this one-of-a-kind bakery has to offer.

I extend to them my best wishes for many more innovative, productive and profitable years ahead.

To fully capture the remarkable story of the Hashimoto family and the 100 year history of their bakery, I would also like to submit the following historical overview:

"Just after the turn of the 20th century, two Japanese entrepreneurs decided to open a manju bakery. One of them was from Mikawa, an old Japan province in the area that today forms the eastern half of Aichi Prefecture. The "ya," or store in Japanese, was added to the end of the name to create the name "Mikawaya."

In 1910 Ryuzaburo Hashimoto purchased the company, which was located at 365 East First Street in Los Angeles' Little Tokyo district. His nephew, Koroku Hashimoto and his wife Haru, took over the operations 15 years later and reopened at the newly built Olympic Hotel on North San Pedro Street, also in Little Tokyo. Five years later, they moved the company back to First Street where they remained until 1942, when the U.S. entered World War II.

From 1942 to December 1945, Mikawaya closed its doors as Executive Order 9066 forced more than 110,000 Japanese Americans, including the Hashimoto family, into U.S. internment camps for the duration of the war. On December 23, 1945, the Hashimoto family proudly reopened Mikawaya at 244 East First Street, next door to their pre-war location.

In 1970 Frances Hashimoto, their youngest daughter, took over the family business. Having the foresight that the surrounding First Street area would become prime redevelopment property, she planned and built a new bakery on 4th Street, which was completed in 1974.

With the new location on 4th Street, Mikawaya was able to expand its operations and product offerings. Hashimoto's husband and Mikawaya's Chief Financial Officer, Joel Friedman, happened on an idea when he visited Japan in 1984. In 1994, after spending 10 years of research and testing, his brainchild—mochi ice cream—became a reality.

Mochi ice cream, which is a serving of ice cream surrounded by a thin layer of mochi (pounded sweet rice), has become a recognized addition to American pop culture like sushi and sake. Today, it is Mikawaya's signature product with mass appeal that has reached beyond Asian American tastes. Currently there are seven flavors of mochi ice cream, including: chocolate, coffee, green tea, mango, red bean (azuki), strawberry, and vanilla.

Mikawaya's traditional Japanese confections and pastries are still available and made daily at its Los Angeles factory and are still a favorite in the Asian American community.

Always innovators, Mikawaya now manufactures and sells gelato—Italian-style ice cream made from milk, sugar, real fruit and other ingredients.

Along with Mikawaya's centennial anniversary, the company opened a new 100,000-square-foot facility in Vernon, California. This facility is designed to meet the increasing demand for Mikawaya's products and will be the headquarters for new product research and development of frozen desserts. All of Mikawaya's desserts are manufactured in Southern California and are still held to Mikawaya's standards of high quality and taste.

The bakery presently operates retail stores in Japanese Village Plaza, Little Tokyo Square, Pacific Square Shopping Center in Torrance, Mitsuwa Marketplace in Gardena and Shirokiya Department Store in Honolulu, Hawaii."

#### FIRST-TIME HOMEBUYER TAX CREDIT ELIGIBILITY VERIFICATION ACT

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to introduce the First-Time Homebuyer Tax Credit Eligibility Verification Act.

The purpose of this bill is simple: to prevent those who are here illegally from claiming the refundable first-time homebuyer tax credit, which is worth up to \$8,000. According to a January 25, 2010 Dallas Morning News article by Steve McGonigle entitled "Feds find dubious home tax credit claims from Texas," close to 1,000 claims from Texas have come from individuals "employing a special taxpayer

identification number primarily used by illegal immigrants, who are not entitled to the credit." This is just plain wrong.

Currently, the IRS does not require an individual to provide a Social Security number in order to claim the first-time homebuyer tax credit. Rather, if the individual does not have a Social Security number, the individual can still apply for the credit so long as they are able to get an Individual Taxpayer Identification Number (ITIN) from the IRS. The problem here is that illegal immigrants are getting these numbers from the IRS. According to the previously mentioned article, "the IRS has acknowledged that more than half of ITINs are filed by illegal immigrants." In an effort to prevent illegal immigrants from claiming the credit, my bill proposes that a taxpayer must provide a Social Security number rather than an ITIN. Doing so will help to prevent fraud and in turn protect the American taxpayer. I urge my colleagues to support this bill.

#### HONORING THE PEACE CORPS DURING NATIONAL PEACE CORPS WEEK

#### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. GUTIERREZ. Madam Speaker, I rise today to honor and commemorate the important contributions of the Peace Corps during National Peace Corps Week.

President Kennedy's inspiring inaugural quote, "Ask not what your country can do for you, ask what you can do for your country," sparked the establishment of the Peace Corps in 1961, and since then, almost 200,000 Americans have answered to this call to service.

For five decades, participants in the Peace Corps have made significant strides to advance the cause of peace and human progress in countries around the world. Just as important, these dedicated volunteers often continue making a difference in their local communities in the United States once they return home.

At the present time, almost 7,700 volunteers serve in 76 countries across the globe. They continue to work tirelessly to provide meaningful assistance to people in need, helping to improve the lives of our brothers and sisters in other parts of the world.

The Peace Corps remains a strong symbol of our nation's commitment to service and progress. This program epitomizes the human desire to make a difference and the American spirit, rooted in a willingness to help improve the lives of others. I encourage my colleagues to take this opportunity to recognize the important and meaningful work of the Peace Corps, and I hope they will join me in commending the Peace Corps' achievements and commitment to service.

#### TEXAS INDEPENDENCE DAY

#### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. GENE GREEN of Texas. Madam Speaker, Tuesday, March 2, 2010, marked Texas Independence Day: 174 years ago, the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos.

This is an important day for Texas identity and patriotic Texans observe this occasion with great pride. If it were not for the Texas Primaries, I would have been on the floor, paying tribute to Texas Independence Day Tuesday.

In 1824, a military dictatorship took over in Mexico abolishing the Mexican constitution. The new military dictatorship refused to provide trial by jury, freedom of religion, public education for their citizens, and allowed the confiscation of firearms, this last one being the most intolerable, particularly among Texans.

The Texas Declaration of Independence states that Texas' government had been "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

It stated that because of the injustice of Santa Anna's tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves "a free, sovereign, and independent republic . . . fully invested with all the rights and attributes" that belong to independent nations; and a declaration that they "fearlessly and confidently" committed their decision to "the Supreme Arbiter of the destinies of nations."

The Texas Declaration of Independence was fully justified because this military dictatorship had ceased to protect the lives, liberty, and property of the people of Texas.

Failure to provide these basic rights violated the sacred contract between a government and the people, and Texans did what we still do today—stand up for our rights by declaring our independence to the world.

In response, the Mexican army marched to Texas waging war on the land and the people, enforcing the decrees of a military dictatorship through brute force and without any democratic legitimacy.

As delegates signed the Texas Declaration of Independence at Washington-on-the-Brazos, General Santa Anna's army besieged independence forces at the Alamo in San Antonio.

Four days after the signing, the Alamo fell with her commander Lt. Colonel William Barrett Travis, Tennessee Congressman David Crockett, and approximately 200 other Texan defenders.

All these men were killed in action, a heroic sacrifice for Texan freedom. If this tragedy were not enough, later Santa Anna's army massacred over 300 unarmed Texans at Goliad on March 27.

In a dramatic turnaround, Texans achieved their independence several weeks later on April 21, 1836. Roughly 900 members of the Texan army overpowered a much larger Mexi-

can army in a surprise attack at the Battle of San Jacinto.

That battle is memorialized along the San Jacinto River with the San Jacinto Monument in Texas in our district. The monument is larger than the Washington Monument here in DC.

Today we give thanks to the many Texans that sacrificed for the freedom we now enjoy. God bless Texas and God bless America.

#### PERSONAL EXPLANATION

#### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. ELLISON. Madam Speaker, on March 3, 2010, I inadvertently failed to vote on rollcall No. 78. Had I voted, I would have voted "aye."

#### RECOGNIZING LAS VEGAS CHAPTER 74 OF THE NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION

#### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the National Association of Women in Construction, NAWIC, Las Vegas Chapter 74 for their representation of women in the construction industry.

Las Vegas Chapter 74 has been representing women in construction for 48 years.

The NAWIC Las Vegas Chapter 74 has benefited Southern Nevada through numerous educational and development programs.

The Las Vegas Chapter 74 has unceasingly promoted the employment and advancement of women in the construction industry.

The construction community, represented by the Las Vegas Chapter 74, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trade careers, and a positive vision of the future.

They have sought to achieve successful results for Las Vegas and surrounding areas in a cooperative spirit with other organizations.

As the Representative for Nevada's First Congressional District, it gives me great pleasure to acknowledge the Las Vegas Chapter 74 and their many dedicated volunteers for their steadfast work to support women in construction. I urge my colleagues to join me in recognizing this outstanding organization.

#### HONORING JACK WALKER

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Jack

Walker, a veteran of the Normandy campaign in northern France during World War II and beloved family man.

Mr. Walker was born on July 1, 1913 and grew up in Longview, Texas. He enlisted in the army in 1942 and reenlisted again in 1945. He served in northern France on the Normandy Campaign and received several citations and decorations including the European-African-Middle Eastern Theater Ribbon, the Asiatic-Pacific Ribbon, a Good Conduct Medal, the Victory Ribbon, and the World War II Victory Medal.

Mr. Walker returned to Dallas, Texas after he left the military and gained employment at Southern Methodist University. He was widely regarded in the community for his cheerful nature and love for the United States and the United States Army. On June 4, 2004 he passed away, and he continues to be remembered with great affection by his family and friends.

Madam Speaker, America is stronger today because of the sacrifices of individuals like Jack Walker. I ask my fellow colleagues to join me today in recognizing the bravery of this man and honoring his service to our country.

#### HONORING MR. ROSS SZABO

#### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. KENNEDY. Madam Speaker, I would like to take a moment to recognize Mr. Ross Szabo, director of youth outreach for the National Mental Health Awareness Campaign. After 8 years with National Mental Health Awareness Campaign—as one of the leading young advocates for mental health education in the Nation—Ross will be leaving soon for Botswana to begin work with the Peace Corps.

The National Mental Health Awareness Campaign, launched following the 1999 White House Conference on Mental Health, is a nationwide public education initiative which seeks to eliminate the stigma associated with mental illness. Ross joined the Campaign 8 years ago as a speaker for the youth campaign. Using his own story of bipolar illness, Ross' success as a motivational speaker has highlighted the importance of talking about mental illness, the effectiveness of treatment, and one's ability to live successfully managing the illness.

After taking over as director of youth outreach, Ross expanded the speakers' bureau, "The Heard," into the only peer-to-peer youth mental health speaker's bureau in the country. His leadership has encouraged more young people to share their stories through the Campaign, and has reached millions of students and adults in schools and military settings in 45 states. Although Ross has already trained the next generation of speakers so that this crucial outreach program is continued, his efforts will be sorely missed in the mental health community.

I would like to take this opportunity to thank Ross Szabo for his leadership, dedication, and advocacy. I thank him for his service to our

great Nation as he embarks on this next challenge.

#### IN RECOGNITION OF EDWARD BELL HIGH SCHOOL'S 1A BASKETBALL STATE CHAMPIONSHIP

#### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the outstanding young athletes of Edward Bell High School in Camp Hill, Alabama, for winning the 1A Basketball State Championship. This is the first State Championship in school history for the Edward Bell Bears, and it was well deserved.

On February 25, the Bears held on to their lead over J.F. Shields for a thrilling 66–65 win. Coach Mitch Joiner and Assistant Coach Brownie Caldwell taught their fourth ranked Bears how to work together and strive under pressure. Both skills were put to the test throughout this season—and were proven successful in this final win.

All of us across Tallapoosa County and East Alabama are deeply proud of these young people for Edward Bell High School's first championship win. We congratulate them on this achievement.

#### OBAMACARE 2.0

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. PENCE. Madam Speaker, from the townhalls of August to the voting booths in Massachusetts, the American people have spoken. The American people want health care reform, but they don't want a government takeover of health care.

And despite the president's latest polished pitch, ObamaCare 2.0 is still a government takeover of 1/6th of our economy—and the American people know it.

The latest version of ObamaCare is a government takeover because:

1. It will mandate private citizens purchase health care, whether they need it or want it.
2. It will cause millions of employers to cancel the health insurance they currently offer employees and force tens of millions of Americans into a government-run Exchange.
3. It will create a health care czar to impose price controls on private health insurance that will lead to shortages and force even more people into government-run care.

Mr. President, government mandates, government-run insurance and more government control is a government takeover of health care.

#### RECOGNIZING NATIONAL PEACE CORPS WEEK

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. WOLF. Madam Speaker, I rise today to recognize and celebrate March 1–7, 2010, as National Peace Corps Week. On March 1, the Peace Corps celebrated its 49th anniversary, an impressive accomplishment.

Established by President John F. Kennedy in 1961, the Peace Corps has inspired nearly 200,000 Americans to volunteer their time to improve the lives of individuals in 76 countries across the globe. The Peace Corps has volunteers in Africa, Asia, the Caribbean, Central and South America, Europe, the Middle East, and the Pacific Islands. There are 7,000 people currently serving in the Peace Corps, 18 of whom are from Virginia's 10th District.

The Peace Corps has a strong legacy of promoting peace through the efforts of these selfless volunteers. In particular, the agency has tasked its volunteers with working on initiatives dealing with education, business development, agriculture, information technology, health and HIV/AIDS, youth, and the environment. These volunteer efforts have significantly improved the lives of countless people around the world.

I ask that my colleagues join me in celebrating National Peace Corps Week and recognizing the nearly 200,000 people who have served their country and other communities overseas as Peace Corps volunteers.

#### HONORING G. RUSS TRIMBLE AND SOUTHWEST INTERNATIONAL TRUCKS, INC.

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to congratulate G. Russ Trimble, on the occasion that his business, Southwest International Trucks, Inc., has been awarded the International Circle of Excellence Award for 2009 by the international dealer organization, Navistar, Inc.

The Circle of Excellence Award honors international truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and customer satisfaction. It is the highest honor a dealer principal can receive from the company.

Mr. Trimble's business, Southwest International Trucks, is headquartered in Dallas, Texas, where it was founded more than 25 years ago. Under his leadership, it has grown into a remarkable, locally owned and operated truck dealership with 305 employees and five dealer locations throughout Texas. With this most recent award, the business has now received the Circle of Excellence Award under Mr. Trimble's leadership a total of 16 times. Additionally, his success has been recognized by the industry and his business is a multi-year IdealGold Winner for Excellence.

Mr. Trimble has achieved this level of accomplishment and recognition through many years of hard work and service to the industry and to the community. A dedicated family man, he has been married to his high school sweetheart for almost 49 years. They have three daughters, ten grandchildren, one great-granddaughter and are expecting another great-granddaughter in a few weeks. A cancer survivor, Mr. Trimble supports the M.D. Anderson Cancer Center, Susan G. Komen for the Cure, Mothers Against Drunk Driving, the National Multiple Sclerosis Society, the Red Cross, Frisco Family Services, Collin County Services, and many others.

Through his commitment to hard work and outstanding customer service, Mr. Trimble has built an economically vital business of which he can be justly proud. Madam Speaker, I ask my fellow colleagues to join me in congratulating Russ Trimble for his record of accomplishment and for his many contributions to the North Texas community, the State, and the entire Nation.

#### PERSONAL EXPLANATION

#### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. PUTNAM. Madam Speaker, on Tuesday, March 2, 2010, I was not present for 3 recorded votes. Had I been present, I would have voted the following way: roll No. 75—yea, roll No. 76—nay, and roll No. 77—yea.

#### THE 150TH ANNIVERSARY OF SAINT MARGARET'S ROMAN CATHOLIC CHURCH

#### HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. WEINER. Madam Speaker, I rise to recognize the 150th anniversary of the historic Saint Margaret Roman Catholic Church in Middle Village, New York.

Throughout their history, Saint Margaret's has withstood the test of time by wholeheartedly committing themselves to education, faith and service. Ever since its inception, the parish has continuously strived to reach out and respond to the changing needs of the community.

On March 18, 1860 Father Goetz broke ground on the first Catholic Church in Middle Village. Much of the original parishioners were farmers concerned for their crops and animals. To its parishioners, Saint Margaret's acted as the protector of those animals against life threatening epidemics and the crops against harvests that brought harsh weather. During the civil war, Father Goetz and numerous other priests from Saint Margaret's made regular visits to rebel prisons, which housed prisoners captured by Union soldiers.

A small frame school was built to house 20 pupils in 1890. Now that school holds 600 pupils with over 50,000 graduates. Their mission

is comprised of community, charity and goodwill, in which they are tenaciously dedicated to pursuing. Throughout the years, Saint Margaret's Church has worked with some of the most extraordinary pastors and presiders in the country, and has developed a cadre of priests who have nurtured and challenged this ministry to continue to grow in purpose and commitment.

St. Margaret's School works at building a family spirit while providing an education where excellence is encouraged and Christian values permeate. They have dedicated their existence to these values and their ongoing service to the community, serving in such things as Ministry to the Homebound and their food pantry for the less fortunate.

I am pleased to note the 150th anniversary of Saint Margaret's Roman Catholic Church.

#### SALUTING AFRICAN AMERICAN SERVICEWOMEN OF THE KOREAN WAR ERA ON THE OCCASION OF THE 369TH HISTORICAL SOCIETY'S ANNUAL WOMEN'S HISTORY MONTH AWARDS CELEBRATION

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. RANGEL. Madam Speaker, I rise today to salute and honor African American servicewomen who served their Nation with distinction and great courage as the 369th Historical Society pays tribute to women in the military in celebration of their Annual Women's History Month Awards Dinner Dance taking place at the elegant Eastwood Manor in the Bronx, New York.

This year marks the 60th anniversary of the Korean War, in which I served in the United States Army. In recognition of the 369th Historical Society's salute to women in the military this month, I would also like to pay special tribute to all of the no longer forgotten heroes, African American Servicewomen who served our Nation valiantly during the Korean War Era, and during a time when the military was ordered to desegregate.

On July 28, 1948, President Harry S. Truman signed Executive Order 9981 mandating equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin, initiating an end to segregation in the Armed Forces and in the military. African American servicewomen, because of their small numbers, were often the first and, sometimes, the only to train, command, work and live in desegregated settings.

Women like Army Nurse Captain Eleanor Yorke, Private Sarah Keys, Dovey Johnson Roundtree, Mary Teague Smith, Helen Gentry, Freddie Mae Hopson, Annie Graham and Ann Lamb not only served in the Army, Navy, Air Force and Marines, but they were major factors and contributors in bringing down and wiping out Jim Crow in the United States military.

In 1952, Army Nurse Captain Eleanor Yorke was the only female passenger among 4,200

men sailing on military transport from the Far East to San Francisco. Captain Yorke had spent more than two years in Japan and eight more months in Korea treating war wounded. On the 13-day trip home, her fellow passengers treated Captain Yorke like a queen. Besides being the only woman aboard military transport, Captain Yorke was one of only about 600 women, only a few of whom were African American, stationed in Korea during the entire three years of the Korean War.

"It was a terrible eight months, but I was too busy to be scared. We received the wounded 20 to 45 minutes after they were hit, treated them on the spot and then shipped them to the rear depending on how badly they were wounded. They came by helicopter and ambulance. The helicopters flew continuously from dawn to dusk and the ambulances rolled on constantly. It got pretty rough at times, working under artillery bombardment, and many times, I was rocked to sleep in my army cot from the reverberations." Captain Eleanor Yorke, Army Nurse Corps, speaking to a reporter from the Baltimore Afro American in May 1952.

Also in 1952, two African American military women challenged segregation law to end Jim Crow policies on interstate transportation. Private Sarah Keys was on leave, travelling in uniform on a bus from New Jersey home to North Carolina. When the bus reached Roanoke Rapids, North Carolina after midnight, there was a change of drivers. The new bus driver requested that Private Keys, seated toward the front of the bus, exchange seats with a white Marine, also in uniform, seated near the back of the bus. Keys refused. She was arrested, detained overnight in jail, and fined \$25.00. Convicted of disorderly conduct, Keys began a legal battle against discrimination and prejudice.

Dovey Johnson Roundtree, a former WAC officer and then an attorney in Washington, DC, agreed to take the Keys case. In 1942, Roundtree had volunteered for the Women's Auxiliary Army Corps (WAAC) at the advice of her mentor, Mary McLeod Bethune. Bethune had worked for years to desegregate the military, both men's and women's services, and actively recruited qualified African American candidates. Roundtree became one of 36 African American women to graduate in the Army's first class of commissioned officers. After World War II, she attended Howard University Law School on the GI Bill, becoming one of the school's first female law students.

Dovey Johnson Roundtree and her partner Julius Robertson initially filed suit for Keys in the U.S. District Court for the District of Columbia in October 1952, but the court decided the suit was out of their jurisdiction and refused to hear the case. Roundtree then filed suit with the Interstate Commerce Commission (ICC). The suit, *Keys v. North Carolina Coach Company*, stated that Keys had experienced unjust discrimination, undue and unreasonable prejudice, and false arrest and imprisonment on the basis of race and color. In 1955, an eleven-man ICC commission agreed with Keys and Roundtree and reversed the separate-but-equal Jim Crow policy in force on all interstate transportation since 1877. A few months later in Montgomery, Alabama, Rosa Parks refused to give up her seat on a city bus, and a 381-

day boycott ensued. The Supreme Court subsequently ruled that state and local segregation laws for public transportation were unconstitutional.

In Fort Lewis, Washington, Mary Teague Smith, the Detachment Commander of a predominantly African American WAC Unit noticed that women in her unit were promoted more slowly than white women in other units. Commander Smith complaints went up the chain of command without results, and by 1952, she was reassigned to Japan. Desegregation efforts usually meant placing African Americans into white military units. White women assigned to the detachment complained because they were in the minority; the Secretary of the Army informed a congressional committee on the armed services of intentions to reassign personnel so that African American women would comprise only 20 percent of the unit. The detachment at Fort Lewis, Washington was an exception. It remained predominantly black throughout the Korean War.

Helen Gentry remembered the transition of the Air Force from segregation to desegregation.

"I experienced the termination of the Air Force segregated by race when our base unit was integrated in 1949-50. As an Intelligence Specialist I was assigned to a Fighter Wing headquarters at McChord Air Force Base, Washington. My top secret clearance attuned me to world wide events long before public revelation, events such as our extensive spy plane flights over the Soviet Union."

In 1949, the first flight of African American Women in the Air Force (WAFs) graduated from an eleven-week basic training course at Lackland Air Force Base, Texas. These 17 women from 11 states were a small group compared to the 330 trainee strength of white flights, but on graduation day, they came in third in the first "All Basic Training Parade," competing against over 10,000 men. In 1949, the Air Force officially mandated desegregation and the service disbanded Jim Crow units.

In the United States Navy, African American servicewoman served in desegregated units. Freddie Mae Hopson enlisted in the Navy in early 1952. In 1953, she received an assignment to Hawaii as the assistant to the Foreign Liaison Office of the Port Control Office at Navy Headquarters where she once served as hostess for a USO dance for soldiers returning from Korea. "There were 3000 men and 1000 females . . . the band would play three songs . . . 1000 men would be allowed into the hall and at the end of the third song, they would be sent out one door and the next 1000 would be let in the front door . . . That was indeed an experience." Stated Freddie Mae Hopson.

African American women were not allowed in the U.S. Navy until 1944 after months of debate to define the service's racial policies. Once they were allowed to join, women in the Navy served in desegregated assignments, but the numbers were minute. In early 1948, the Navy could claim only one African-American woman officer and only six African-American women among an enlisted force of 1,700. New York's first African American Congressman Adam Clayton Powell, Jr., charged that the status of black women in the Navy proved

that the service was practicing "not merely discrimination, segregation and Jim Crowism, but total exclusion." The Navy worked to improve its public image and during the Korean War, announced the achievements of African American women through black newspapers.

In the Marines, African American women had never served in the Marines until Annie Graham and Ann Lamb volunteered in 1949. Annie Grimes became the third to enlist in 1950 and the first black woman officer to retire after a full 20-year career. Segregation shaped many of their experiences. Off-base they were not welcome in public places with their fellow Marines and on-base, white beauticians would not cross the color line to provide standard personal services.

The American cultural climate of the time relegated most women to non-professional, low-paying jobs and promoted a feminine ideal of domesticity and maternalism. The armed forces reflected this attitude, offering women "pink collar" jobs with little room for advancement. As the Korean War began, the effects of decades of protest, and political and legal activism had made few inroads into racial segregation. The inequities of the "separate-but-equal" doctrine of the 1896 Plessy v. Ferguson Supreme Court decision still shaped public policy, race relations and white attitudes in most of America.

Madam Speaker, African American women who volunteered in the military during this period broke through barriers to gender and race in order to serve their country and test new policies.

The 369th Historical Society is an all volunteer non-profit organization, chartered by the New York State Board of Regents. Established in 1960 to collect, preserve and maintain artifacts, books, papers, photographs, film and articles on the history of the 369th Regiment, its allies and affiliates, and of African American soldiers who served in the Military Service of the United States. The 369th Historical Society Museum is housed in the 369th Regimental Armory, home of the famous Harlem Hellfighters. The Museum's holdings consist of an extensive collection of photographs and artifacts of the 369th Soldiers from WWI to the present.

As we remember and celebrate the 60th Anniversary of the Korean War, let me thank the President of the 369th Historical Society, Major General Nathaniel James, Ret. and all of the officers and staff for your annual tribute to women in the military and for preserving the history and contributions of African American servicemen and servicewomen whom served our nation with distinction, courage and honor.

#### IN MEMORY OF THE HONORABLE CHARLES "CHUCK" BURRIS

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the memory of the Honorable Charles "Chuck" Burris, a man who dedicated his life to improve Georgia. An accomplished public servant who was devoted to his

community, state, country, his family, and friends, Chuck passed away on February 12, 2009. Tomorrow, on what would have been his 59th birthday, we celebrate his life.

Chuck Burris' numerous accomplishments span an incredible career. He began as a Merrill Scholar at Morehouse College and received proclamations from the Georgia State House and Senate. Chuck was a leader, serving as a member of Alpha Phi Alpha Fraternity, Inc., 100 Black Men (DeKalb Chapter), Leadership DeKalb, DeKalb Democratic Club, National Democratic Club, Southern Christian Leadership Conference, Spiritual Living Center of Atlanta, Bethsaida Baptist Church (Stone Mountain), Martin Luther King March Committee, Stone Mountain Memorial Association, Georgia Municipal Association, Georgia Association of Black Elected Officials, Georgia Conference of Black Mayors, National Conference of Black Mayors, U.S. Conference of Mayors, and as the Third Vice President of the World Conference of Mayors. He was appointed by Governor Roy Barnes to sit on the board of Stone Mountain Park and was an invited guest of First Lady Hillary Clinton at the 1998 State of the Union Address. These roles and accolades are merely titles, and do not fully explain the extent of his work.

His legacy is best remembered through his initiatives. While serving as Executive Director of the Southern Regional Council, Chuck led an initiative, which was cosponsored by the Carter Center Library, to recognize the 50th Anniversary of Brown vs. the Board of Education. As Mayor of Stone Mountain, he installed a 5,000-pound "Freedom Bell" on Main Street in honor of Dr. Martin Luther King, Jr.'s declaration to "let freedom ring from Stone Mountain, Georgia!"

As the first African-American mayor of Stone Mountain, he did more than bridge a racial gap. One of Chuck's first accomplishments as Mayor was uniting Stone Mountain by installing six miles of sidewalks. By making Stone Mountain pedestrian-friendly, he connected downtown businesses with residential areas, saying, "When people walk through town, they get to know their neighbors, and this enhances their sense of community."

The community was not always an inclusive one. Stone Mountain was once dominated by the Ku Klux Klan, but Chuck declared there's "a new Clan in Stone Mountain." He spelled it with a C: C-L-A-N, for Citizens Living As Neighbors. Now, it is a home where all are welcome, due in part to the tremendous dedication and work of Chuck Burris. Chuck did everything he could to honor Stone Mountain and the state of Georgia, and it is fitting that he be honored tomorrow.

#### CORRECTION OF COSPONSORSHIP

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PAULSEN. Madam Speaker, it's come to my attention that I was incorrectly added as a cosponsor to H.R. 4529 due to another Member's staff error. They have apologized and made the correction.

PAYING TRIBUTE TO THE CONTRIBUTIONS OF THE HONORABLE ANNE C. CONWAY

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. GRAYSON. Madam Speaker, I rise today to pay tribute to the judicial and civic contributions of the Honorable Anne Conway. The Honorable Anne C. Conway is a United States District Judge for the Middle District of Florida. She was appointed by President George H. W. Bush in 1991, and is presently the Chief Judge of the Middle District of Florida. She presides over the Orlando Division. Judge Conway has an impressive record of serving the Florida Judicial system and its people.

Judge Conway attended the University of Florida's College of Law, graduating with honors in 1975. She served as an executive editor of the law review. As a result of her work for the Center for Governmental Responsibility, she received the McIntosh Foundation Award. In addition, Judge Conway served as a Legal Aid Student Intern.

Judge Conway began her legal career with a federal clerkship with the Honorable John A. Reed, Jr. in the United States District Court for the Middle District of Florida. After completing her clerkship, Judge Conway joined the firm of Young, Turnbull & Linscott, P.A. as an associate. In June 1978, she began practicing with the firm of Wells, Gattis & Hallows, P.A., where she became a partner and shareholder of the firm in March 1981. In July 1982 Judge Conway joined the firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. She also became a shareholder of the firm in February 1985. While in private practice as a member of The Florida Bar, Judge Conway was admitted to practice before the United States Supreme Court, the Eleventh Circuit Court of Appeals, the Fifth Circuit Court of Appeals and the United States District Courts for the Middle, Northern and Southern Districts of Florida.

Judge Conway currently serves on the Judicial Conference Committee on Defender Services and served on the Case Management/Electronic Case Filing Working Advisory Group. Prior to becoming Chief Judge she chaired the Middle District of Florida Budget Committee and participated in several other court committees including Security, Space and Facilities, Case Management, and Automation. Judge Conway served on the Board of Directors of the Federal Judges Association from 2001–2004 and was Eleventh Circuit membership chair from 2003–2007.

Judge Conway serves on multiple boards and has represented the United States speaking out on issues ranging from national security to the freedoms protected by the First Amendment. She presently serves on the University of Florida Law Center Association Board of Trustees and the Board of Advisors for the Center for Governmental Responsibility. She participated in the Centers Annual Conferences on Legal & Policy Issues in the Americas in Lima, Peru in May 2006 and Rio de Janeiro, Brazil in May 2008 speaking on

Judicial Education and Professionalism. She also served as a panelist for the Center for Governmental Responsibility's inaugural symposium.

Madam Speaker, as Women's History Month begins, it is with great honor that I recognize the Honorable Anne C. Conway for her judicial leadership and commitment to social justice. Her impressive record and contributions to the Central Florida community must and should be praised. Judge Conway is an outstanding role model for young women who want to positively impact their communities through the legal system.

COMMENDING THE PEACE CORPS FOR 49 YEARS OF GLOBAL SERVICE AND RECOGNIZING NATIONAL PEACE CORPS WEEK

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the Peace Corps for 49 years of global service and to recognize National Peace Corps Week.

Since its inception in 1961 by President John F. Kennedy, the Peace Corps has placed nearly 200,000 American Volunteers in 139 countries around the world to contribute to the cause of peace and human progress. Its impact has been felt in developing nations across the globe where Peace Corps Volunteers have assisted on a variety of issues, working hand in hand with the people of these nations to build a better future for their communities.

There are currently 7,671 Volunteers serving in 76 countries who are dedicated to better understanding the people of other nations while helping to promote a better understanding Americans in an effort to find common ways to work together to address global challenges.

Among those Volunteers are three distinguished individuals from the 23rd Congressional District. Laura Alexander has been serving in Tanzania since August of 2008. Aysa Gray is currently serving in Namibia, where she has been since September of 2008. And Peggy Defray started in April of 2009 her service in Namibia as well.

With the help of these dedicated young people and the generations of current and former Volunteers from all over the United States, the Peace Corps has become a symbol of America's commitment to expand opportunities and assist those in need throughout the world.

For example, the commitment of Peace Corps Volunteers in the area of HIV/AIDS assistance, awareness, and prevention has been a crucial part of the global response to this pandemic. Volunteers have also made significant efforts in the areas of education, agriculture, the environment, and more recently, business development and information technology.

The lasting contributions made by those in the Peace Corps, past and present, are truly remarkable. I am thankful for the opportunity to honor the Peace Corps for 49 years of ex-

cellence during this National Peace Corps Week.

CONGRESSIONAL PAY CUT FOR DEBT REDUCTION ACT

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. BURTON of Indiana. Madam Speaker, I rise today to introduce the "Congressional Pay Cut for Debt Reduction Act" and to encourage all of my colleagues to support this bill.

Madam Speaker, the American people are angry. They are struggling to hold onto their jobs, to hold onto their houses and to pay their bills. Yet they see Washington spending their hard earned tax dollars indiscriminately.

Over the last five years, Federal spending has increased from nearly 20 percent as a share of the economy to 24.7 percent as the government's expenditures jumped from \$2.47 trillion to \$3.52 trillion—a 42-percent increase. These are the highest levels of spending as a share of the economy since World War II.

To make matters worse, much of this spending, particularly the spending spree of the last three years, has been financed with borrowed money. Currently, the national debt exceeds \$12.1 trillion (about \$40,000 per U.S. citizen). And the spending shows no signs of stopping. Less than a month ago my colleagues on the other side of the aisle, jammed through on a party line vote a bill to increase the government's debt ceiling by a staggering \$1.9 trillion; to over \$14 trillion. And the President's recently released budget plan for Fiscal Year 2011 and beyond projects the national debt to reach the unprecedented and astronomical sum of \$24.5 trillion by 2019.

The American people are angry at this reckless spending. At Town Hall meetings across my District, Hoosiers are asking me when Washington is going to stop the madness. They want leadership on this issue; they want accountability; they want to know where the buck stops.

Today the buck stops here. The American people are sacrificing to make ends meet for the good of their families. Every department, agency, program and office across the Federal government should follow that example by finding common-sense solutions that will help them save money—by doing more with less, just like the American people are doing. That same principle should apply to, and start with, the House and Senate as well. It is time—in fact it is past time—that the Congress steps up to the plate and shows we are willing to make sacrifices too for the good of our country.

That is why I am introducing the "Congressional Pay Cut for Debt Reduction Act." This bill will reduce pay for members in the House and Senate by 10 percent—starting in January 2011 to meet the requirements of the 27th Amendment to the Constitution—block any future automatic increase to member pay, and use the money saved to help pay down our national debt. This would be the first pay cut for Members of Congress since April 1, 1933—during the Great Depression. This bill



is unlikely to solve all of our Nation's economic problems but it will show the American people that Members of Congress are willing to sacrifice along with them in these hard economic times. I urge my colleagues to support the bill.

#### NATIONAL PEACE CORPS WEEK

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. TERRY. Madam Speaker, since 1961, the Peace Corps has had 200,000 Americans volunteer in 139 different countries around the globe. Today, the Peace Corps currently has 7,671 volunteers working in 76 countries.

In observance of National Peace Corps Week, I would like to honor 20 volunteers from Nebraska's 2nd District currently serving around the world:

Thomas Connelly, Steven Easterby, Jennifer Gaspers, Ashley Gries, Brandon Gries, Laura Groggel, Victoria Hasiak, Curtis Hudson, Margo Hunt, Annette Hunthrop, Mary Johnson, Laura Koonce, Nathan Lee, Keith Petit, Terri Pohl, Brigitte Pohren, Clara Reyes, Diane Ruskamp, Jessica Scates, Kacie Sis.

These men and women have done a great service to the Peace Corps, their country, and the world.

#### INTRODUCTION OF THE SMITHSONIAN FREE ADMISSION ACT OF 2010

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. NORTON. Madam Speaker, today I introduce the Smithsonian Free Admission Act to reinforce 170 years of consistent Smithsonian policy of admitting the public to all permanent exhibits without charge. This policy has served the Nation well. Families come to Washington to learn about their country through its public monuments and sites. While the private amenities can be costly for the average family, Americans have looked forward to the free museums and other official offerings for generations. The Smithsonian's free admission policy reflects the intent of its founder, John Smithson, whose gift to the federal government carried the condition that the Smithsonian be established to increase the knowledge of the public, free of charge. The bill establishing the Smithsonian, introduced by Senator William C. Preston on February 17, 1841, stated explicitly that the Smithsonian would "preserve and exhibit with no fee" all works of art and science. This intent and tradition was interrupted by the Smithsonian's Board of Regents, without notice to Congress, with the casual comment that it would charge an admission fee for a permanent exhibit for the first time in its history, and on January 29, 2007, the Smithsonian instituted a fee for admission to the National Museum of Natural History's Butterfly Pavilion. Congress, of

course, not the Board of Regents, should decide so basic a policy, especially when it departs from long-standing public policy. The admission fee sets a harmful precedent for future permanent exhibits, which will make it difficult to deny the other Smithsonian entities that right and may encourage other Smithsonian entities to structure their exhibits to fit the Butterfly Pavilion model.

The Butterfly Pavilion opened on February 14, 2008. Although the Smithsonian had previously charged fees for films and shows, such as IMAX films, the National Air and Space Museum's Planetarium, and the National Zoo's Christmas Lights special, the \$6 admission fee for the Butterfly Pavilion marked the first time admission fees were charged for a permanent exhibit. My bill requires a report to Congress in advance of any proposed fees and requires the Secretary of the Smithsonian Institution to submit a plan for funding the Butterfly Pavilion, in order to eliminate the admission fee for the exhibit.

The Smithsonian Modernization Act, which I am also introducing today, addresses the Smithsonian's fundraising capacity by restructuring and expanding the Smithsonian's Board of Regents, from a board almost half of whose members are public officials to a board consisting solely of private citizens, who will have greater experience and fundraising capacity than public officials. The fundraising capability of the Smithsonian is clear in the opening of the National Portrait Gallery, for example. According to a Congressional Research Service, CRS, report (RL 33560), donors contributed funds for the new auditorium and roof over the courtyard of the National Portrait Gallery.

The Smithsonian Modernization Act and similar measures, not admission fees, provide the most realistic vehicles to raise funds for the Smithsonian without cost to the government or to the public. Admission fees can bring in only token amounts. According to the CRS, the Smithsonian has long prided itself on "free access." Admission fees are not the answer for taxpayers, who have already paid through the federal government's 70 percent contribution to this public institution's annual budget. Federal taxpayers do not expect to pay again through an admission fee to a federally-financed institution.

I urge my colleagues to support this bill.

#### HONORING THE LIFE OF VENETIA BRYERS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. STUPAK. Madam Speaker, I rise to recognize the life and achievements of Venetia Bryers of Gladstone, Michigan. Venetia devoted her life to developing and improving emergency medical services in Delta County and throughout Michigan's Upper Peninsula. As an entrepreneur and advocate, Venetia often travelled to Washington, DC to advocate for emergency medical personnel and medical services across our Nation. Venetia was also a close personal friend going back 40 years to when we were classmates together at Gladstone High School.

Venetia's devotion to public service began with her career choice to study criminal justice at Northern Michigan University. In 1974, Venetia began working for the city ambulance service in Escanaba, and within a year she had become a full-time partner in the business changing its name to Rampart EMS. Venetia became the sole owner of Rampart in 1979, eventually selling it to Marquette General Health Systems in 1998, but staying on as director of emergency medical services.

Under her leadership and vision Rampart EMS grew into a successful company that blazed the trail in providing emergency services for residents across Delta County. Venetia was instrumental in upgrading Rampart's ambulance services to advanced life support services which enabled Rampart to provide vital life-saving care including defibrillation, airway management and medication. In a rural area like Delta County these life support services often make the difference between life and death in emergency situations.

Emergency medical service was more than just a business for Venetia, it was her passion. She was always eager to learn more and to advance the field farther. She was the director for Rampart, but was also a paramedic for the company. She was an assistant to the Delta County medical examiner and taught emergency medical technician and paramedic courses throughout the Upper Peninsula.

Venetia's hard work can be found throughout the community. She implemented code alert teams in area schools—one of the first communities in the state to do so—and taught CPR training and emergency response tactics. She was a founding member of the Delta County Emergency Preparedness Committee and served on the Upper Peninsula EMS Board of Directors. She initiated and financially supported the Save-a-Heart Foundation, which put automated external defibrillators, AED, in every fire truck, police car and school in Escanaba.

Given all her work it is only fitting that Venetia was the first recipient of the Extraordinary People/Extraordinary Service EMS Leadership Award from the Michigan Emergency Medical Services System and Trauma System.

Venetia's involvement in the community extended well beyond her EMS work. She supported the YMCA Strong Kids Campaign, participated in the Rotary Club and the Public Health of Delta and Menominee Counties and was an active member of All Saints Catholic Church.

Madam Speaker, Venetia has touched the lives of countless people around her and her absence will be felt by many. She built Rampart EMS into a successful business all while creating a close family atmosphere. She dedicated her life to improving emergency services and saving lives in Delta County, across Michigan and our Nation. I have seen first hand her warmth, her generous spirit and her enthusiasm for her work. Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in honoring the work and the life of my friend Venetia Bryers.

**NEWARK BETH ISRAEL MEDICAL CENTER RECEIVES THE GOLD PERFORMANCE ACHIEVEMENT AWARD**

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. PAYNE. Madam Speaker, it is with great pleasure that I congratulate the Newark Beth Israel Medical Center for being recognized by the American Heart Association (AHA) with the Gold Performance Achievement Award.

Recipients of the Get with the Guidelines Gold Performance Achievement Award from the American Heart Association (AHA) must demonstrate a minimum of 85 percent compliance with the Coronary Artery Disease treatment guidelines for heart failure. Newark Beth Israel has exceeded the minimum and is receiving a Performance Award for the second consecutive year.

Newark Beth Israel was the first hospital in New Jersey to perform a heart transplant. Since then, the Heart Failure Treatment and Transplant Program has evolved into one of the nation's most active and respected centers. Newark Beth Israel is also the only Medicare-certified medical center in the state performing heart transplants. The center provides the most technologically advanced medical services, equipment, and research, protecting and improving the health of the region.

Newark Beth Israel also responds to the needs of the community. In addition to an annual health fair for community members, Newark Beth Israel sponsors health screenings free of cost for members of the Newark community throughout the year.

Madam Speaker, it gives me great honor to acknowledge such an outstanding hospital. The administration and staff members of Newark Beth Israel go beyond the call of duty to provide quality service to the citizens of New Jersey and beyond.

**REMEMBERING A LIFE OF HEROIC SERVICE**

**HON. MAC THORNBERRY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. THORNBERRY. Madam Speaker, I rise today to pay tribute to Seaman Garlen Eslick and his service to our nation.

Mr. Eslick lived in Amarillo, Texas. As an 18 year old farm boy, he joined the Navy. Just months later, on December 7, 1941, Seaman Eslick was aboard the USS *Oklahoma* as it was attacked in Pearl Harbor. In the galley at the time of the attack, he was a powder handler for the ship's 14-inch guns. Making his way to his battle station four decks below, Seaman Eslick and a few others helped a wounded soldier through a hatch. After the *Oklahoma* took heavy machine-gun fire and five torpedoes, the ship rolled; knocking Seaman Eslick unconscious in his compartment. He awoke in total darkness to rising water as

the only survivor in that compartment. Hours later another sailor carrying a light told him of other survivors several compartments over. The two dove from compartment to compartment, searching for a way out for themselves and the 12 others they found. After 28 hours in the oil-soaked compartment, Seaman Eslick was one of the 31 sailors rescued and returned to active duty after a four-day stay on a hospital ship.

While assigned to the USS *Saratoga*, he survived a torpedo attack from a submarine. Later, on the USS *John Hancock* he saw action in Leyte and Manila in the Philippine Islands, even weathering a typhoon and surviving a kamikaze attack, and taking part in operations at Iwo Jima and Okinawa.

Seaman Eslick was awarded a Purple Heart for his heroic actions and the injuries he sustained on December 7, 1941 and the Honorable Service Lapel Pin for his four years of service.

Seaman Garlen Eslick never expected special attention for his service during WWII. At the unveiling of the USS *Oklahoma* Memorial in 2002, Seaman Eslick said "it's always important to remember the ones we've lost and those who are still with us."

On Monday, February 8, Garlen passed away, leaving his wife Betty of 65 years, their four children, 12 grandchildren, and 25 great-grandchildren. It is with gratitude for his service and admiration of his heroism that I hope we all will remember Seaman Garlen Eslick, his comrades, and their service to protect our freedom.

**HONORING RENEE GALLIHER FOR BEING NAMED FIREFIGHTER OF THE YEAR**

**HON. VIRGINIA FOXX**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. FOXX. Madam Speaker, I rise today to salute Renee Galliher of Mocksville, North Carolina. Renee was recently named firefighter of the year at the Cornatzer-Dulin fire department in Mocksville.

She is the first woman in the fire department's almost 60-year history to be named firefighter of the year. This is no small accomplishment and I am proud to recognize Renee for her dedicated service to the public.

As this month is Women's History Month, I think it is also very appropriate to single out North Carolina women like Renee who are making a significant difference in their local communities.

Today millions of women across America like Renee are making positive contributions to their families, their communities and their country. It is a true honor to have countless women like Renee as constituents and to share their stories of success with my colleagues and the American people.

ELIZABETH SMITH

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. HOYER. Madam Speaker, I rise today to recognize and celebrate the lifetime accomplishments of my good friend, Ms. Elizabeth (Liz) Smith, who retired last week from the American Federation of Teachers, AFT.

Bringing opportunity and respect to working men and women across America was the driving force in Liz's more than 4 decades of public service. And this commitment never waned. Workers fighting for fair wages, high-quality healthcare and a secure retirement always had a strong ally in Liz Smith. She fought for them every day.

Liz began her professional career working for two of my colleagues in the House of Representatives. She served as chief of staff to Representative James O'Hara of Michigan, and later as legislative director to Representative DALE KILDEE of Michigan; both benefited greatly from her energy and commitment. In those positions, Liz worked tirelessly to ensure that the voices of constituents were heard in Washington and that the federal government responded to their needs.

Deciding to leave the Congress she loved was a tough choice for Liz. But it was a natural progression to join the labor movement. She knew that her next assignment as legislative and political director at the Amalgamated Clothing and Textile Workers Union was in keeping with her values and unwavering commitment to the men and women of the American labor movement. In this position, Liz worked with passion and moved with dispatch to ensure that the interests of the country's clothing and textile workers were fully represented not only before the U.S. Congress and Executive Branch, but internationally as well.

In 1995, Liz accepted a position as political director at the American Federation of Teachers in what would become the final and perhaps most important stop in her accomplished career. During her 15 years there, Liz's work on behalf of the more than 1.4 million members of the AFT included many accomplishments and milestones. She carried with her an intimate knowledge of the important work performed by AFT members and an ability to advance with unmatched skill and grace the causes she cared about most.

Liz is a true leader, always doing the right thing in a manner that is respectful of others and in turn earning others' respect. She is a wonderful woman and will be missed dearly by all of us who have had the pleasure of working with her. I wish Liz all the best in the years to come.

**HONORING ALYSON DUDEK**

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to honor the achievements of

Alyson Dudek, a native of Hales Corners, Wisconsin, who along with her teammates—Lana Gehring, Katherine Reutter, and Allison Baver—won the bronze medal in the 3000-meter short track relay at the 2010 Winter Olympics.

This performance ended a sixteen-year medal drought for the United States in the event and Alyson's impressive effort was another memorable instance of Wisconsin athletes admirably representing our country at the Olympic Games in Vancouver. On behalf of all Wisconsinites, I want to congratulate Alyson on her accomplishments in the 3000-meter and 500-meter short track speed skating events.

The 2010 Winter Olympic Games showed yet again the inspiring skills and talents of Wisconsin natives who participated and medaled in a number of different disciplines. Alyson's exemplary performance in both the individual 500-meter event and 3000-meter relay in Vancouver capped off a tremendous skating season and it is my pleasure to congratulate Alyson, her family, coaches, and teammates on this achievement.

I am proud to recognize Alyson Dudek and all the members of the 2010 United States Olympic Team for their inspiring performance, breaking a record with 37 medals, and for their admirable representation of our country.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,508,944,297,560.56.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,870,518,551,266.70 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### TRIBUTE TO MARY ANN FLUNDER

##### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the incomparable Mary Ann Flunder of Kansas City, Kansas.

A longtime elected member of the Kansas City, Kansas Community College Board of Trustees, Mary Ann has given a lifetime of service to the Kansas City community. A tireless community activist, she has long served as one of my most important advisors and sounding boards. I place this statement in today's CONGRESSIONAL RECORD, however, in recognition of her upcoming receipt of an award from the Kansas City Business Maga-

zine, which will recognize her at an event on March 11th as one of the most influential businesswomen in the Kansas City area in 2010.

The March 2010 issue of KC Business includes a brief profile of Mary Ann Flunder, which I include below. I thank you, Madam Speaker, for the opportunity to pay public tribute to unique, irreplaceable, longtime Kansas City, Kansas community leader Mary Ann Flunder.

#### MARY ANN FLUNDER: BUSINESS CONSULTANT

Mary Ann Flunder has spent her life empowering others to achieve their academic, career and life goals. She has done so by assisting more than 100 entrepreneurs with business startups, by helping existing businesses achieve licensing and government funding, and by lobbying for legislation that advances small businesses. A tireless worker and champion of others, Flunder takes it upon herself to connect those who need connecting. A well-known advocate in the community, the sage-like Flunder has a reputation for stepping up to the plate and making things happen by expending her own time, money and other resources. Flunder participates on several boards, maintains an interest in the education of youth and runs a side business that sells Watkins products primarily to senior citizens. Flunder received an Excellence Award at the 2009 National Association for the Advancement of Colored People Freedom Fund banquet.

#### HONORING MILDRED THOMPSON

##### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mrs. SCHMIDT. Madam Speaker, I rise today to celebrate the life of Mildred Thompson, long-time Clerk of Courts for Scioto County. Sadly, Mildred passed away on February 28th. She was a life-long resident of Southern Ohio, and graduated from Minford High School. She married Judge Lowell Thompson. Mildred is survived by two daughters, two grandchildren, and three great-grandchildren.

First elected in November of 1968, Mildred Thompson continuously served the citizens of Scioto County as their Clerk of Courts until she retired in September of 2008. During her nearly 40 years as Clerk—Mildred was known for her tireless dedication to the citizens of Scioto County. She served on the boards of many state and local community organizations and, along with her husband, was a positive influence on the lives of many local children through her service as a 4-H advisor.

Mildred was loved and respected by those she came in contact with as Clerk of Courts for her hard work and the kind way she treated everyone she met. Outside of work, Mildred was known for her countless volunteer efforts. One of her favorite places to volunteer was the Southern Ohio Medical Center. Each year the Friends of Southern Ohio Medical Center present the Mildred E. Thompson Scholarship to a high-school senior from Scioto County who has placed service above self.

Madam Speaker, please join me in recognizing Mildred Thompson, who led a life dedi-

cated to public service. Mildred has forever left an imprint on her community. God bless Mildred and may she rest in eternal peace.

#### NATIONAL PEACE CORPS WEEK

##### HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. PETRI. Madam Speaker, this week is National Peace Corps Week, so I want to take a moment to recognize the tremendous work done by Peace Corps volunteers around the world. I myself served in the Peace Corps in Somalia in the mid-1960s and saw first hand the contribution that Peace Corps volunteers make to the communities in which they serve.

Since the founding of the Peace Corps in 1961, nearly 200,000 volunteers have served in 139 countries around the world. Over 7,000 volunteers are currently providing services in 76 countries, making contributions in agriculture, business development, information technology, education, health and HIV/AIDS, youth, and the environment. Twelve of my own constituents are serving around the world in such countries as Panama, Kenya, and Cambodia.

Next year the Peace Corps will celebrate its 50th anniversary. During this anniversary year, we will rightly recognize the achievements of the Peace Corps and its volunteers over the past five decades. However, I hope we also recognize that the mission of the Peace Corps is as important as it has ever been. At a time when there is still tremendous need outside our borders, Peace Corps volunteers must continue their mission of helping others help themselves. Additionally, those volunteers must continue to serve—as they have in the past—as our nation's citizen ambassadors to people in other countries, and, once they arrive back home, as liaisons between the citizens of our country and the citizens of the country where they served.

I hope that Congress will continue to support and expand this vital institution for decades to come.

#### PERSONAL EXPLANATION

##### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. SHERMAN. Madam Speaker, on Monday, February 22 I was unavoidably absent from the House Chamber. Had I been present, I would have voted "yea" on rollcall votes 49 and 50.

#### NATIONAL PEACE CORPS WEEK

##### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. GARAMENDI. Madam Speaker, as a Returned Peace Corps Volunteer who spent

two years in Ethiopia with my wife Patti eradicating small pox and building schools, it is my pleasure to recognize National Peace Corps Week.

Forty-nine years ago this week, President John F. Kennedy established the Peace Corps as a way to show the world that the United States is interested in helping our struggling neighbors across the globe. Since then, nearly 200,000 Americans have served in the Peace Corps in 139 countries around the world.

Peace Corps volunteers educate children, treat illnesses, assist local businesses, introduce new technologies, modernize agricultural techniques, and help protect local water supplies. To millions of people in the developing world, Peace Corps volunteers are the face of America, and we are a safer and more appreciated nation because of it.

To the 7,671 volunteers around the world presently engaged in the Peace Corps' noble mission, thank you for your service. So long as I am in Congress, I will resolutely support you in your efforts. You stand on the shoulders of giants, and you are a vital contributor to a more peaceful and just world.

#### RECOGNIZING THE RETIREMENT OF JAMES B. BLASINGAME

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. YOUNG of Alaska. Madam Speaker, today I congratulate James B. Blasingame on his retirement from the Alaska Railroad. Mr. Blasingame started at the Alaska Railroad at age 35 starting as a programmer. He has moved up through the company culminating his career as Vice President of Corporate Affairs. In 1985, Mr. Blasingame was appointed by the Alaska Railroad as the Federal coordinator where he oversaw the transfer of the Federally-owned Alaska Railroad to the State of Alaska.

The Alaska Railroad has been an outstanding organization in Alaska promoting expansion and economic development throughout the state. I commend Mr. Blasingame and his tireless effort within the company to improve the railroad's operations, facilities and safety performance. Not only do I want to commend him on his work, I would also like to applaud the amount of time he spent volunteering on a number of non-profit, civic boards and organizations, including Providence Hospital, Anchorage School Business Partnership, World Trade Center of Alaska and Credit Union National Association.

Today, I congratulate and recognize Jim on his retirement and years of service to Alaskan residents and the development of the Alaska Railroad and wish him good luck in the next chapter of life.

Madam Speaker, I would also like to submit a resolution approved by the Alaska Railroad Board of Directors commending Jim for his service.

#### RESOLUTION 2009-58

Whereas, James B. Blasingame, at the young age of 35, began his employment with the Alaska Railroad as a Programmer and

was later promoted to various positions including Supply Analyst, Management Analyst, and Executive Administration Director leading to his ascension in 1993 to Vice President of Corporate Affairs; and

Whereas, James B. Blasingame not only loves history, but has helped to make history at the Alaska Railroad, by serving as the State Manager of the Alaska Railroad Transfer Project supporting the effort in the early 1980s to transfer the Railroad from Federal to State ownership; and

Whereas, James B. Blasingame has served as the Alaska Railroad Board of Directors' Board Secretary since 1985, managing corporate governance, policy development, government and community relations, corporate asset oversight including records preservation and philanthropy; and

Whereas, throughout his tenure as Board Secretary and Vice President Corporate Affairs for the Alaska Railroad, James B. Blasingame was part of a team instrumental in qualifying the Alaska Railroad for federal grants used to improve the Railroad's operations, facilities and safety performance; and

Whereas, James B. Blasingame has worked tirelessly to mentor fellow railroaders, earning terms of endearment such as "Mother", "Dutch Uncle", and "Oracle" and instilling an understanding in all for our past and a commitment to our future as a state-owned enterprise that safely operates on a self-sustaining basis and supports the economic development of our state; and

Whereas, James B. Blasingame has served our Alaska community through his volunteer time and efforts on a number of non-profit, civic boards and organizations, including Providence Hospital, Downtown Partnership, Association, Anchorage School Business Partnership, World Trade Center of Alaska, Alaska Credit Union League, Denali/Alaskan Federal Credit Union, Credit Union National Association; and

Therefore be it resolved, the Alaska Railroad Board of Directors extends its most sincere appreciation to James B. Blasingame for his long-standing dedication to the Alaska Railroad and his distinctive leadership role in the maturation of the Railroad into an award winning, world class state-owned corporation; and

Be it further resolved, that since James B. Blasingame has invested countless hours toward the development of the Alaska Railroad and because his dedication warrants permanent recognition, the Alaska Railroad Corporation Board of Directors hereby adopts this resolution renaming the Alaska Railroad's Denali Board Room the "James B. Blasingame Board Room".

#### NATIONAL PEACE CORPS WEEK, THE 49TH ANNIVERSARY OF THE CREATION OF THE PEACE CORPS

**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. BLUNT. Madam Speaker, I am continually inspired by the great philanthropy and giving nature of the American people. When humanity suffers, where calamity arises—floods in Indonesia, earthquakes in Haiti or Chile, war-torn landscapes around the world or in poverty stricken populations in the Sudan—Americans respond with their time, energy and sacrifice. This outpouring of gen-

erosity to foreign lands and different cultures is a uniquely American trait. The Peace Corps, created 49 years ago this week, embodies that trait.

It was President John F. Kennedy who urged Americans to serve their country by working in developing countries and their local villages to enhance the quality of life for others. Approximately 7,600 Peace Corps Volunteers, including five from Southwest Missouri, are serving in Africa, Asia, the Caribbean, Central and South America, Europe, the Middle East and the Pacific Islands.

I am proud of the service of the five Southwest Missourians currently volunteering in the Peace Corps. Megan Abbott began her service in Belize four months ago. Austin Durr has been in Paraguay since 2007. Laura Pegram has served in Botswana since June 2008. Bruce Taylor has served for one year in Kenya and will serve another year. Scott Tuttle has been in Niger since 2008. Leaving behind the comforts and conveniences of home, Peace Corps volunteers like Abbot, Durr, Pegram, Taylor and Tuttle are symbols of our nation's commitment to progress, opportunity and development in the developing world.

Their desire to make a difference, like that of 200,000 Americans who have served since 1961, has improved the lives of millions of people around the world.

Peace Corps volunteers learn languages and receive extensive cross-cultural training, enabling them to function effectively at a professional level. Volunteers have made lasting contributions around the world in agriculture, business development, information technology, health, education, HIV/AIDS, youth and the environment.

Recognizing the legions of Peace Corps volunteers, past and present, who work hard everyday to improve the lives of the people they assist affirms our nation's commitment to helping people help themselves in the pursuit of life, liberty and prosperity throughout the world.

To Megan Abbott, Austin Durr, Laura Pegram, Bruce Taylor and Scott Tuttle, I want to express my sincere thanks for your service in the Peace Corps.

#### HONORING THE LIFE OF RAYMOND E. DOBRATZ, JR.

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. COURTNEY. Madam Speaker, I rise today to mark the passing of a great citizen and member of the community in eastern Connecticut. Raymond E. Dobratz, Jr. of Old Saybrook, a beloved son and brother, devoted husband and grandfather, died tragically while working on the site of the Kleen Energy Plant in Middletown on February 7, 2010.

Ray was a masterful tradesman and a 40-year member of the United Association of Plumbers and Pipefitters Local 777 who spent his life giving back to the people around him. He served his country with honor in the Army National Guard and also served a member of

the Old Saybrook Police for 13 years. He had an incredible sense of what it meant to be a citizen and he spent his life putting that into practice.

Ray's love for his wife, 3 sons, and 5 grandchildren is what really defined him. Two of Ray's sons grew up shadowing their father as a pipefitter. They admired him greatly and were thrilled when they got to spend time with him on the football field. Ray co-founded the Old Saybrook Youth Football Athletic League as a coach in the 1980s and it still exists today. He loved sports and often played football, soccer, and baseball with his friends and family when he had the time. He was a fixture in the community and will be deeply missed.

Ray had a seemingly endless amount of energy to give to his country, town and family. He was a model citizen and family man. I ask my colleagues to join me in mourning the loss of Raymond E. Dobratz, Jr.

#### RECOGNIZING CURT TOMASEVICZ OF SHELBY, NEBRASKA

#### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to recognize a rare achievement, the pursuit of which took years of hard work and dedication. On February 27, 2010, Curt Tomasevicz became the first born and raised Nebraskan to win a gold medal at the Winter Olympics. The gold medal ended a 62-year drought for the United States in the 4-man bobsled event.

Curt Tomasevicz was born and raised in Shelby, Nebraska. He attended the University of Nebraska at Lincoln, where he walked on to play football for the Cornhuskers and was named to the Academic All Big XII team in 2002. He began his bobsledding career in 2004, just two years prior to being named to the United States 4-man bobsled team.

Curt made his first appearance in the 2006 Olympics, when he and his team brought home sixth place. With this first taste of competing on the world stage, he used his Nebraskan spirit and work ethic to strive for excellence in the 2010 games. The United States bobsled team, known as the "Night Train," set records as they accumulated a time of 3 minutes, 24.46 seconds which proved to be nearly four-tenths faster than second place.

He has made all of Nebraska and America proud and is an inspiration to younger generations. His intensity, work ethic, and service to the country was on display for all the world to see during the Winter Olympics. His efforts and accomplishments are remarkable and I thank him for his dedication to the country and excellent example to our State.

#### THE FALL OF THE ALAMO

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. POE of Texas. Madam Speaker, throughout U.S. history, individuals selflessly and courageously have taken a stand for freedom and liberty, many times against great odds.

March 6, 1836 was one of those times. This date is what most Americans know as the day the Alamo fell against Mexico General Antonio Lopez de Santa Anna and his Mexican troops. The siege against the Texian Army lasted 13 days. The battle began on February 23rd when Santa Anna and his army arrived at the Alamo and caught the Texian Army by surprise. On the second day of the siege, Texian Alamo Commander William Barret Travis called for reinforcements, bravely stating: "I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism, and everything dear to the American character, to come to our aid with all dispatch . . . Victory or Death."

On the eighth day of the 13-day siege, 32 additional men from Gonzales arrived ready to fight for Texas. Legend has it that Commander William B. Travis drew a line on the ground asking the few men present to step over if they were willing to stay and fight, to defend the Alamo for the sake of Texas. All present stepped over, except one.

There were 189 defenders, including famous knife fighter Jim Bowie and former Tennessee congressman Davy Crockett. All of the defenders were volunteers and originated from all over the globe. Eleven of the defenders were born in Texas, 131 of the defenders were born in some 23 various states in America, 29 of the defenders were born abroad, mostly in Europe, one defender was a freed slave, and there are 17 defenders of which their birthplace has not been identified.

All of the Alamo defenders stood their ground against the overwhelming odds. Some estimate that Santa Anna's army consisted of 6,000 troops. At the end of the day on March 6, 1836, after the smoke cleared, all 189 defenders gave their lives for Texas. The enemy casualties were enormous. As Travis said, "Victory will cost the enemy more than defeat."

This historic battle resulted in General Sam Houston having enough time to gather a strong army of men to avenge Santa Anna at the Battle of San Jacinto 46 days later. On April 21st Sam Houston led an army of 800 volunteers and angry Texans to defeat Santa Anna and his 1,500 strong Mexican army, most of whom were the same invaders that were at the Alamo. This victory played an important role in the Texas Revolution.

Texas was an independent nation for 9 years following the Battles of the Alamo and San Jacinto. The freedom the Texans enjoyed during those years would not have occurred without the thousands of selfless volunteers who risked and gave their lives to protect the liberties they believed every person should retain.

Today the Alamo remains a great treasure to the story of Texas and represents the

steadfast, unrelenting character of the American spirit. The fight for freedom that these heroic Alamo defenders displayed is a testament of living boldly and courageously for the cause of liberty. We honor and thank these volunteers for their role in defending and fighting for Liberty and for Texas.

And that's just the way it is.

#### ALAMO DEFENDERS

1. Abamillo, Juan, TX, 2. Allen, Robert, VA, 3. Andross, Miles DeForrest, VT, 4. Autry, Micajah, NC, 5. Badillo, Juan A., TX, 6. Bailey, Peter James III, KY, 7. Baker, Isaac G., AR, 8. Baker, William Charles M., MO, 9. Ballentine, John J., PA, 10. Ballantine, Richard W., Scotland, 11. Baugh, John J., VA, 12. Bayliss, Joseph, TN, 13. Blair, John, TN, 14. Blair, Samuel, TN, 15. Blazeby, William, England, 16. Bonham, James Butler, SC, 17. Bourne, Daniel, England, 18. Bowie, James, KY, 19. Bowman, Jesse B., TN, 20. Brown, George, England, 21. Brown, James, PA, 22. Brown, Robert, unknown, 23. Buchanan, James, AL, 24. Burns, Samuel E., Ireland, and 25. Butler, George, D., MO.

26. Cain, John, PA, 27. Campbell, Robert, TN, 28. Carey, William R., VA, 29. Clark, Charles Henry, MO, 30. Clark, M.B., MS, 31. Cloud, Daniel William, KY, 32. Cochran, Robert E., NH, 33. Cottle, George Washington, MO, 34. Courtman, Henry, Germany, 35. Crawford, Lemuel, SC, 36. Crockett, David, TN, 37. Crossman, Robert, PA, 38. Cummings, David P., PA, 39. Cunningham, Robert, NY, 40. Darst, Jacob C., KY, 41. Davis, John, KY, 42. Day, Freeman H.K., unknown, 43. Day, Jerry C., MO, 44. Daymon, Squire, TN, 45. Dearduff, William, TN, 46. Dennison, Stephen, England or Ireland, 47. Despalier, Charles, LA, 48. Dewall, Lewis, NY, 49. Dickinson, Almeron, TN, and 50. Dillard, John Henry, TN.

51. Dimpkins, James R., England, 52. Duvalt, Andrew, Ireland, 53. Espalier, Carlos, TX, 54. Esparza, Gregorio, TX, 55. Evans, Robert, Ireland, 56. Evans, Samuel B., NY, 57. Ewing, James L., TN, 58. Faunterloy, William Keener, KY, 59. Fishbaugh, William, unknown, 60. Flanders, John, MA, 61. Floyd, Dolphin Ward, NC, 62. Forsyth, John Hubbard, NY, 63. Fuentes, Antonio, TX, 64. Fuqua, Galba, AL, 65. Garnett, William, VA, 66. Garrand, James W., LA, 67. Garrett, James Girard, TN, 68. Garvin, John E., unknown, 69. Gaston, John E., KY, 70. George, James, unknown, 71. Goodrich, John C., VA, 72. Grimes, Albert Calvin, GA, 73. Guerrero, José Maria, TX, 74. Gwynne, James C., England, and 75. Hannum, James, PA.

76. Harris, John, KY, 77. Harrison, Andrew Jackson, TN, 78. Harrison, William B., OH, 79. Hawkins, Joseph M., Ireland, 80. Hays, John M., TN, 81. Heiskell, Charles M., TN, 82. Herndon, Patrick Henry, VA, 83. Hersee, William Daniel, England, 84. Holland, Tapley, OH, 85. Holloway, Samuel, PA, 86. Howell, William D., MA, 87. Jackson, Thomas, Ireland, 88. Jackson, William Daniel, KY, 89. Jameson, Green B., KY, 90. Jennings, Gordon C., CT, 91. Jimenes (Ximenes), Damacio, TX, 92. Johnson, Lewis, Wales, 93. Johnson, William, PA, 94. Jones, John, NY, 95. Kellog, John Benjamin, KY, 96. Kenney, James, VA, 97. Kent, Andrew, KY, 98. Kerr, Joseph, LA, 99. Kimbell, George C., PA, and 100. King, William Philip, TX.

101. Lewis, William Irvine, VA, 102. Lightfoot, William J., VA, 103. Lindley, Jonathan L., IL, 104. Linn, William, MA, 105. Losoya, Toribio, TX, 106. Main, George Washington, VA, 107. Malone, William T., GA, 108. Marshall, William, TN, 109. Martin, Albert, RI, 110. McCafferty, Edward, unknown, 111. McCoy, Jesse, TN, 112. McDowell, William, PA, 113. McGee, James, Ireland, 114. McGregor, John, Scotland, 115. McKinney, Robert, TN, 116. Melton, Eliel, GA, 117. Miller, Thomas R., TN, 118. Mills, William, TN, 119. Millsaps, Isaac, MS, 120. Mitchell, Edwin T., unknown, 121. Mitchell, Napoleon B., unknown, 122. Mitchusson, Edward F., VA, 123. Moore, Robert B., VA, 124. Moore, Willis A., MS, and 125. Musselman, Robert, OH.

126. Nava, Andrés, TX, 127. Neggan, George, SC, 128. Nelson, Andrew M., TN, 129. Nelson, Edward, SC, 130. Nelson, George, SC, 131. Northcross, James, VA, 132. Nowlan, James, England, 133. Pagan, George, MS, 134. Parker, Christopher Adam, unknown, 135. Parks, William, NC, 136. Perry, Richardson, TX, 137. Pollard, Amos, MA, 138. Reynolds, John Purdy, PA, 139. Roberts, Thomas H., unknown, 140. Robertson, James Waters, TN, 141. Robinson, Isaac, Scotland, 142. Rose, James M., OH, 143. Rusk, Jackson J., Ireland, 144. Rutherford, Joseph, KY, 145. Ryan, Isaac, LA, 146. Scurlock, Mial, NC, 147. Sewell, Marcus L., England, 148. Shied, Manson, GA, 149. Simmons, Cleveland Kinlock, SC, and 150. Smith, Andrew H., TN.

151. Smith, Charles S., MD, 152. Smith, Joshua G., NC, 153. Smith, William H., unknown, 154. Starr, Richard, England, 155. Stewart, James E., England, 156. Stockton, Richard L., NJ, 157. Summerlin, A. Spain, TN, 158. Summers, William E., TN, 159. Sutherland, William DePriest, unknown, 160. Taylor, Edward, TN, 161. Taylor, George, TN, 162. Taylor, James, TN, 163. Taylor, William, TN, 164. Thomas, B. Archer M., KY, 165. Thomas, Henry, Germany, 166. Thompson, Jesse G., AR, 167. Thomson, John W., NC, 168. Thruston, John, M., PA, 169. Tammel, Burke, Ireland, 170. Travis, William Barret, SC, 171. Tumlinson, George W., MO, 172. Tylee, James, NY, 173. Walker, Asa, TN, 174. Walker, Jacob, TN, and 175. Ward, William B., Ireland.

176. Warnell, Henry, unknown, 177. Washington, Joseph G., KY, 178. Waters, Thomas, England, 179. Wells, William, GA, 180. White, Isaac, unknown, 181. White, Robert, unknown, 182. Williamson, Hiram James, PA, 183. Wills, William, unknown, 184. Wilson, David L., Scotland, 185. Wilson, John, PA, 186. Wolf, Anthony, unknown, 187. Wright, Claiborne, NC, 188. Zanco, Charles, Denmark, 189. John, a Black Freedman.

#### RECOGNITION AND CELEBRATION OF PEACE CORPS WEEK

#### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Mr. HONDA. Madam Speaker, as a returned Peace Corps volunteer, I rise to recognize National Peace Corps Week and the work of the

Peace Corps as we approach its 50th anniversary. For over 49 years, the Peace Corps has played an instrumental role in establishing prosperous foreign relations while fostering cross-cultural understandings. Countries from all over the globe celebrate the contributions of the Peace Corps and look forward with anticipation to its continued growth.

During this week, we salute and honor the men and women of this nation who have selflessly served abroad as Peace Corps volunteers, as well as those current volunteers who continue to carry out the Peace Corps mission: world peace and friendship.

The Peace Corps provides a unique opportunity for volunteers to help some of the most impoverished people in the world, work that changes their global perspectives. My personal experiences as a former Peace Corps volunteer in El Salvador building schools and health clinics continues to inspire me to actively advocate for the expansion of this program. The work of the Peace Corps and Peace Corps volunteers is invaluable—they are our country's greatest diplomatic tool. My experience marked the beginning of my lifelong commitment to public service. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

Since President John F. Kennedy's call to service, almost 50 years ago, over 195,000 people have served as Peace Corps volunteers. Although a lot has been achieved since the Peace Corps's inception, the Peace Corps is currently at half the size it was in 1966. As the 50th anniversary approaches, and with the recent devastations in Haiti and Chile, we are only reminded of the significance of community service and the valuable assistance that the Peace Corps can provide.

It is with great appreciation for the Peace Corps and its ability to foster a global community that alongside my colleagues, I have requested \$465 million for FY 2011 Peace Corps funding. A commitment to increase funding will allow the Peace Corps to modernize its systems, optimize the number of volunteers and staff in existing countries, strengthen recruiting and diversity efforts, continue to expand to new nations, and maximize safety and security training and compliance efforts.

I am greatly encouraged by the work of the Peace Corps and look forward to answering President Obama's call to continue to grow the Peace Corps. In this time of world conflict, economic disparities, and when so many are expressing an interest in national service, I hope we continue to re-invigorate the Peace Corps, our Nation's greatest and most cost-efficient diplomatic tool. During Peace Corps week, let us all pay tribute to the hard work, perseverance, determination, compassion, and idealism of Peace Corps volunteers around the world.

#### HONORING NORTH TEXANS WHO ASSISTED WITH RECOVERY RE- LIEF EFFORTS IN HAITI

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the bravery and efforts of several North Texans who assisted the citizens of Haiti after the terrible earthquake of January 12, 2010 struck the country. I am remarkably proud of the work they have done as their presence in Haiti was absolutely critical in the days and weeks directly following the earthquake.

I would particularly like to note the efforts of several medical professionals associated with the University of Texas Southwestern Medical Center who went to Haiti after the disaster to help with relief efforts. Their work was critically important and helped to save countless lives in the country. Dr. Karl Rathjen, an Associate Professor of Orthopedic Surgery at UT Southwestern spent nine days in Haiti and operated on roughly 50–100 people in the time he was there. Andrew Tyan, a medical student, also spent time in the country to help with relief efforts. Additionally, Scott McGough, a Lewisville orthopedic therapist, and Emily Davenport, a Physician's Assistant, spent a week helping in the Caribbean nation.

Madam Speaker, when disaster struck Haiti, these North Texans answered a call to help. I encourage my fellow colleagues to join me today in recognizing their hard work and sacrifice to help people in need.

#### INTRODUCTION OF THE SMITHSONIAN MODERNIZATION ACT

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 2010*

Ms. NORTON. Madam Speaker, today I will introduce three bills to modernize the Smithsonian Institution and to enhance its governance and fundraising ability, in keeping with the recommendations of a number of experts, including the Independent Review Committee, chaired by former U.S. Comptroller General Charles Bowsher. This bill, the Smithsonian Modernization Act, makes changes to the Smithsonian's governance structure by expanding its Board of Regents from 17 members, which includes six Members of Congress, the Vice President of the United States, and the Chief Justice of the U.S. Supreme Court, to 21 members, comprised solely of private citizens. These changes will strengthen both the Smithsonian's governance and fundraising capacity, and it is the first significant change in an old and revered institution since it was established in 1846. The second bill, the Smithsonian Free Admission Act of 2010, seeks to preserve the longstanding free admission policy for permanent exhibits at an institution that is largely funded by the federal government, as envisioned by James Smithson, its founder who contributed the

original gift. Finally, the Open and Transparent Smithsonian Act of 2010 will apply the Freedom of Information Act and the Privacy Act to the Smithsonian in the same manner they are applied to other federal agencies.

The Smithsonian Institution is a unique and irreplaceable cultural, historical, educational and artistic complex without any public or private counterpart in the world. Since its founding, the Smithsonian has developed an extraordinary array of world-class museums, galleries, educational showplaces and unique research centers, including 19 museums and galleries, nine research facilities, the National Zoo, and a pending National Museum of African American History and Culture, which has been approved by Congress and is now seeking funding from the private sector for construction. The Smithsonian has grown with donations from American culture and life, and financial contributions, but most of its funding continues to come from federal appropriations. Despite receiving 70 percent of its support from the federal government, the Smithsonian has long had serious and unmet infrastructure and other financial needs.

Congress must help the Smithsonian Institution strengthen its ability to build resources beyond what taxpayers are able to provide. The most important step that Congress could take today is to rescue the Smithsonian from the 19th Century governance structure that keeps it from accessing needed and available private resources and limits close and critical internal oversight. This bill provides a governance structure befitting an agency of the unique complexity of the Smithsonian.

In no small part, the difficulty the Smithsonian has faced results from limitations inherent in its antiquated governance structure. The existing structure may have fit the Smithsonian over 170 years ago, but today the structure has proven to be a relic that does a disservice to the Smithsonian. The present governance structure places immense responsibility on dedicated but overextended Members of the House and Senate, the Vice President of the United States and the Chief Justice of the United States Supreme Court. These federal officials comprise almost half of the Smithsonian Board of Regents, and must perform their fiduciary duties as board members while giving first priority to their sworn responsibilities as important federal officials.

In 2007, an independent review committee found that the Smithsonian Board had violated principles of good management during the tenure of Lawrence Small, the former Secretary of the Smithsonian, and had allowed him to create an "insular culture." The report indicated that the Board had failed to provide desperately needed oversight and had overcompensated Mr. Small. The report also found that Sheila P. Burke, the Smithsonian's then-deputy secretary and chief operating officer, had frequent absences from her duties because of outside activities, including service on corporate boards for which she earned more than \$1.2 million in six years. Further, the Smithsonian's Business Ventures Chief, Gary Beer, was dismissed for financial indiscretions. This unprecedented crisis caused by unprecedented controversies and irresponsible risks put into sharp dual-focus the need for new revenue streams and for a modern govern-

ance structure. The first full-blown scandal in the Smithsonian's history, replete with embarrassing coverage, has damaged its reputation and perhaps the confidence of potential contributors. The poor judgment and overreaching of Smithsonian personnel require new and concentrated oversight by citizens for whom the Smithsonian would command priority attention.

The Board of Regents, of course, has taken some important action on its own. After irregularities were uncovered by the media, the Board responded to the controversies by creating a Governance Committee, chaired by Patty Stonesifer, a Regent and former chief executive officer of the Bill & Melinda Gates Foundation, with a mandate to comprehensively review the policies and practices of the Smithsonian and how the Board conducts its oversight of the institution. The Board also established an Independent Review Committee (IRC), chaired by former U.S. Comptroller General Charles A. Bowsher, to review the issues arising from an Inspector General's reports, the Board of Regents' response, and related Smithsonian practices.

The IRC was forthright in its investigation and recommendations. The IRC stated explicitly that the root cause of the current problems at the Smithsonian was an antiquated governance structure that led to failures in governance and management. According to the IRC, the Board must assume a fiduciary duty that carries a "major commitment of time and effort, a reputational risk, and potentially, financial liability." The IRC further argued that the Smithsonian, with a budget of over \$1 billion a year, must have a Board of Regents who "act as true fiduciaries and who have both the time and the experience to assume the responsibilities of setting strategy and providing oversight." The IRC cited lack of clarity of the roles of the U.S. Vice President and Chief Justice of the U.S. Supreme Court on the Board, and said that "it is not feasible to expect the Chief Justice to devote the hours necessary to serve as a fiduciary agent." The same observation could be made of Members of the House and Senate who serve on the Board. The IRC recommended increasing the level of expertise and the number of board members to ensure that the Regents have sufficient time and attention to dedicate to the Smithsonian.

The Smithsonian's own Governance Committee identified several board weaknesses and concluded that the Regents did not receive or demand the reports necessary for competent decision making, that the staff whom the Regents depended upon for oversight inquiries did not have direct access to information, and that the inability of staff to communicate red flag issues "crippled" internal compliance and oversight mechanisms.

Only Congress, with the concurrence of the president, can amend the Smithsonian Charter. The last change to the Board's structure occurred over 30 years ago, but only to increase the number of private citizens on the Board from six to nine.

The number of Regents, however, is not the root problem. Although this bill expands the Board of Regents from 17 to 21, it most importantly brings the board into alignment with modern public and private boards by requiring

all Regents to be private citizens. The search for private funds by Smithsonian management was a major cause of the recent controversy. Faced with crippling budget problems, the Regents must be free to give new and unprecedented attention and energy to finding and helping to raise substantially more funds from private sources. The new structure envisioned by the bill will improve oversight and the capacity for fundraising from private sources. Unlike federal officials, private citizens are entirely free to assist in private fundraising. Most important, private citizens will have sufficient time and expertise to serve on the Board of Regents, and will be able to devote the personal time and attention necessary to fulfill the fiduciary responsibility that comes with serving such a venerable and complex institution.

The bill preserves and strengthens the traditional role of the Speaker of the House and the President of the Senate in selecting members of the Regents, while eliminating the self-perpetuating role of the Board of Regents in selecting private citizens for the Board. The Speaker of the House and the President of the Senate will each send 12 recommendations to the President of the United States, who will select the 21 members of the Board of Regents.

Considering the seriousness of the findings of the Board of Regents' own Governance Committee and of the IRC, the changes prescribed by this bill are nothing short of necessary. The reform of the fiduciary and governance issues that have brought public criticism to this iconic American institution must begin with the indispensable step of a making its governance consistent with that of similar institutions today. Only congressional attention can reassure the public that the controversies that recently have besieged the Smithsonian will not recur. In the face of an unprecedented public controversy, Congress would be remiss if it left the Smithsonian to its own oversight and devices alone for improvement.

I urge my colleagues to support this bill.

TRIBUTE TO SARAH CARTER  
PERRY BROWN ON THE CELEBRATION OF HER 105TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 4, 2010

Mr. PAYNE. Madam Speaker, it is indeed a pleasure for me to add my congratulations to that of her family and friends as Sarah Carter Perry Brown celebrated her 105th birthday at a Book Discussion and Tribute in her honor on Saturday, February 13, 2010, at The Newark Public Library. For all the contributions she has made over the years, Sarah Carter Perry Brown deserves to be feted on this marvelous occasion.

Sarah was born and raised in Jefferson, Georgia, to Reverend Thomas Gray Carter, and his wife, Channie Louisa Tatman Carter. Sarah was a witness to the cruelty African Americans faced as a result of the enforced Jim Crow Laws. She migrated north to Philadelphia, Pennsylvania, for better opportunities, later settling in Sicklerville, New Jersey.



A strong and dedicated woman, Sarah Carter Perry Brown has always had faith when facing difficult challenges. Mount Olive Baptist Church was founded in 1928 by Sarah and her brother, Reverend Hezekiah Carter in

Philadelphia. Sarah has a gift for healing others whether it is with her kind words or her use of natural remedies. She proves to be the matriarch of her family, serving as a mother figure to all those who know her.

As Sarah Carter Perry Brown celebrates another year, I want to join all those gathered in wishing her a very Happy Birthday and many more!

## HOUSE OF REPRESENTATIVES—*Friday, March 5, 2010*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 5, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God Almighty, the heavens declare Your glory. The skies proclaim the work of Your hands.

We come to You today on behalf of our Nation's elected Representatives and all who serve with them.

Bless each Member of this Congress with the insights needed to lead our Nation into a bright future. May such cooperation and nobility be seen in this Chamber that nations around the world will pattern their legislatures in like manner.

Bless each staff member with the wisdom and stamina needed to patiently and methodically labor long hours for the good of our country.

Finally, Lord, may all those whose lives are focused in serving in this Chamber know with absolute certainty that their dedicated service is noticed and appreciated by their leaders.

In Your mighty Name, I pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 9 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Tuesday, March 9, 2010, at 12:30 p.m., for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6436. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks Displays in the Captain of the Port, Portland Zone [Docket No.: USCG-2008-1096] (RIN: 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6437. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, USACE Retention, Mile 869 to 303 [USCG-2009-0561] (RIN: 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6438. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability — Vessels and Deepwater Ports [Docket No.: USCG-2008-0007] (RIN: 1625-AB25) received January 27,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6439. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Franklin Canal, Franklin, LA [Docket No.: USCG-2009-0670] (RIN: 1625-AA09) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6440. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA [Docket No.: USCG-2009-0863] (RIN: 1625-AA09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6441. A letter from the Chief, Publications and Regulations, Department of Homeland Security, transmitting the Service's final rule — Guidance for Persons Making Transfers in Trust After December 31, 2009 [Notice 2010-19] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6442. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Industry Director's Directive on the Planning and Examination of Repairs vs. Capitalization Change in Accounting Method (CAM) #2 [LMSB-4-0110-002] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6443. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Haiti Earthquake Occurring in January 2010 Designated as a Qualified Disaster under Section 139 of the Internal Revenue Code [Notice 2010-16] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6444. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-6) received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6445. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous HEART Act Changes [Notice 2010-15] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## SENATE—Friday, March 5, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we thank You for the beauty of our world. We are grateful for the dawn of the morning, for the stars in the night sky, for the gifts of love and friendship, for the sublime splendor of the sacred, and for every radiant hope that inspires us to persevere.

Today, help the Members of this body to live worthily of Your grace, rising above worry, fear, and contention. May they see the best that glimmers through the worst, aware that You continually work for the good of those who love You. If there are any broken relationships with others that need healing, we ask for Your reconciling power. Throughout this day, may our lawmakers submit the work of this Senate to You and seek Your guidance.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 5, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the tax extenders bill. There will be no rollcall votes today. The next vote will be Tuesday morning.

### LEGISLATIVE PROGRESS

Mr. REID. Mr. President, we had a good, hard week working on this legislation dealing with the tax extenders, expiring provisions—COBRA, unemployment compensation, FMAP. So those watching don't think it is some kind of coded message, these are very important provisions. The tax extenders are measures that come at the end of the year. Many of them should be extended for much longer than a year, but we are in a mode now of paying for things, and as a result, we don't have the money to do it for more than a year.

The expiring provisions are very important issues. They deal with satellite TV, which is important to about 1.5 million people in America. Many in the rural West depend on this.

Unemployment compensation—today is a big day in America. Only 36,000 people lost their jobs today, which is really good. The unemployment rate around America has not changed. The prognosticators thought it would go up. It has not. So we need to extend it. There are about 15 million people in America out of work. These extended unemployment benefits will help millions of those people. We were fortunate enough earlier this week to get a 30-day extension, so that when we finish this legislation—we should finish it hopefully on Tuesday—we can go to conference with the House and quickly work out our differences.

In addition to that, we talked about COBRA. That is a provision that allows people who are unemployed to buy, at a decent rate, health insurance.

There have been some amendments offered to this legislation which will really improve it as we send it to the House. One of the provisions is very important. I met with 12 Governors a few days ago. Every one of them wants us to pass something called FMAP, which is money States get from the Federal Government to help them with their Medicaid programs. Many of the standards they have for Medicaid we set back here, so it is only appropriate that we help them with the money that is so important to those States, especially in these trying times. These Governors handed me a letter signed by 48 Governors asking that we extend

FMAP. And we would do that. Unemployment compensation and COBRA are for 1 year. FMAP would be for 6 months. It is fungible money. They can use it for things other than Medicaid. We are working to get that done. I hope we can get it done.

We have had a good debate this week. We hope to be able to end this Tuesday. Later today, I will file cloture on the bill. People have had time to offer all the amendments they want. Some amendments, we haven't been able to vote, and there won't be votes on those. Rather than have individual cloture on various amendments—we simply don't have time for that—I am going to file cloture on the bill. Those amendments on which we are having trouble getting votes will likely fall, as they are not germane to the subject matter at hand.

### JOB CREATION

Mr. REID. Mr. President, I wish to talk a little bit about the House of Representatives yesterday passing our jobs bill. That was very important. We had a bipartisan jobs bill here. They have already sent us a message. We can work on that. Even though there may be people objecting to it, we can do that with one cloture vote. We will do that and interrupt the work we are doing when that message gets here. It is important because even though we have a short-term extension of the highway bill, this would extend it for 1 year, saving 1 million jobs. It is very important.

Build America Bonds—the Governors I met with, as I mentioned, a few days ago also really love our Build America Bonds, which is part of the American Recovery Act. The money is gone there. We are going to replenish that. This is important to Governors and local officials because it has done great things for creating jobs.

We also have a provision to allow people to be hired by employers if they are out of work for 60 days. They hire them for 30 hours a week. They do not have to pay their FICA tax, and at the end of the year they get a \$1,000 tax credit. This is going to create thousands and thousands of jobs across America.

One of the reasons I wanted to mention this specifically, the House voted this bill out yesterday. Virtually every Republican in the House voted against it.

I heard interviews on National Public Radio this morning. One Republican Congressman said this bill was so bad because we need small businesses to be able to write off purchases they make.

I suggest to the man—whose name I know, but I will not try to embarrass him here—that he read the bill because if he read the bill he would understand that is one of the paramount provisions we have in this legislation. If a small business purchases something, they don't have to depreciate it. They can write it off up to \$250,000. That is terrific.

I had a telephonic conference call late last week explaining it to them. I had quite a few small businesses on the telephone. They love this. They are waiting to buy things. As soon as this is signed into law, they will run out that day and buy stuff. They need stuff. This will give them an incentive to do so.

I suggest to the person, who I guess rushed to the microphones to talk about how bad the bill was, that he should try reading it first. Maybe if he did that, he wouldn't be making a fool of himself across America by talking about small businesses being able to write things off, when that is really in the bill.

#### UPCOMING BUSINESS

Mr. REID. Mr. President, when we finish this legislation, we hope to move to the Federal Aviation Administration legislation. We have had all over Capitol Hill—I am sure the Presiding Officer has had people from Oregon visit with him—people who run airports. They want this FAA bill so very much. Why? Because you would have to search hard for an airport in America that doesn't already have the design plans ready to do work on that airport. As soon as we pass this FAA bill, there will be lots of jobs. The first year, they estimate that as many as 150,000 jobs will come from our passing this legislation. There are runways that need to be resurfaced. There are all kinds of terminals that need to be built and refurbished. They are waiting to do this. More importantly, it will make American air travel much safer. I won't go into a lot of detail here, but most countries now use global positioning systems to determine where their aircraft are. It is modern. That is the way it is. Not in America. We are still using World War II radar. This legislation is very important. We are going to try to get to that very quickly.

We are going to do the jobs message from the House. We are going to do small business.

I had a long conversation with the distinguished Senator from Maine, Ms. SNOWE, who used to be chairman of the Small Business Committee and now is ranking member. We talked at some length. She is anxious, as we are, to move to this legislation. As I told her, don't think you are alone on this. I get calls from the White House several times a week about moving forward on another small business jobs package other than the one I just discussed.

We have a lot of work to do. We are trying to work out our differences with the House on the health care bill. We will be able to do that. There will be a decision made shortly as to how we will proceed on that.

I look forward to the week. It is a heavy schedule legislatively, but I think we are ready to do that. With all these important matters, it is very important that we return here next week with the anticipation that we will do some work to help America.

I say to my friends on the other side of the aisle, it appears we are breaking through and getting more done on a bipartisan basis. I certainly hope that is the case. Simply saying no, as has happened the last year and a half, has accomplished nothing for the country.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provision, and for other purposes.

##### Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Landrieu modified amendment No. 3335 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in GO Zones, and for other purposes.

Reid (for Murray) modified amendment No. 3356 (to amendment No. 3336) to extend the TANF Emergency Fund through fiscal year 2011 and to provide funding for summer employment for youth.

Coburn amendment No. 3358 (to amendment No. 3336) to require the Senate to be transparent with taxpayers about spending.

Baucus (for Webb/Boxer) amendment No. 3342 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Feingold/Coburn amendment No. 3368 (to amendment No. 3336) to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

Reid amendment No. 3417 (to amendment No. 3336) to temporarily modify the allocation of geothermal receipts.

McCain/Graham amendment No. 3427 (to amendment No. 3336) to prohibit the use of reconciliation to consider changes in Medicare.

Lincoln amendment No. 3401 (to amendment No. 3336) to improve a provision relating to emergency disaster assistance.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we are now on our fifth day of consideration of this important legislation to create jobs and extend vital safety net and tax provisions.

As a reminder, this legislation would prevent millions of Americans from falling through the safety net. It would put cash into the hands of Americans who would spend it quickly, boosting economic demand. It would extend critical programs and tax incentives that create jobs.

We had another productive day on the bill yesterday. We conducted three rollcall votes on amendments. We adopted four amendments. As I count it, there are nine amendments pending. Those amendments are the underlying substitute amendment, Senator LANDRIEU's amendment on the Go-Zones, Senator MURRAY's amendment on summer employment for youth, Senator COBURN's amendment on transparency, Senator WEBB's amendment on executive bonuses, a Feingold-Coburn amendment to rescind unused transportation earmarks, an amendment by Senator REID of Nevada on geothermal receipts, a McCain amendment on the use of budget reconciliation, and a Lincoln amendment on emergency disaster assistance.

A piece of legislation such as this is like a long-distance run. It starts out with a lot of energy and a lot of activity. After a while it reaches its stride, plateaus, and moderates its pace. But then the pace picks up again near the finish; that is, if we have much energy left.

For this bill, most of the activity is behind us. This bill reached its stride. We see the finish line ahead on Tuesday or so, and we expect a final push then.

We will work today to clear as many of the pending amendments as we can. If Senators have other noncontroversial amendments, we are happy to try to clear those today as well. The Senate will conduct no rollcall votes today.

The majority leader indicated that we would see a cloture vote on this bill on Tuesday, and we hope to conclude action on this bill on Tuesday as well.

I thank all Senators for their cooperation.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I had hoped to call up an amendment I have. Of course, I would have had to have gotten unanimous consent to set aside the pending amendment in order to do that. It is my understanding that we will attempt to do that parliamentary procedure at a later time.

What I would like to do at this point is explain the amendment I will be offering. May I proceed?

The ACTING PRESIDENT pro tempore. The Senator may.

Mr. NELSON of Florida. Mr. President, this is an amendment to restore some sanity and common sense to the executive pay practices that have outraged all of us that we have seen on Wall Street among the biggest financial institutions in this country. It is very simple and straightforward.

It encourages large banks and financial institutions to adopt widely accepted and sound compensation practices. Banks, under this amendment, that would fail to adopt those standards would lose the benefit of certain tax deductions, such as the tax deduction of their executive compensation as a cost of doing business over \$1 million per executive. In other words, they could no longer deduct the large compensation payments they make to highly paid employees. But we do not limit it to \$1 million compensation. The bank could pay whatever it wanted. We are just going to get some commonsense practices in here.

With the status of financial reform legislation uncertain, I believe we are going to have to deal with this issue immediately because of the angst in the country. I think all of us have read with astonishment the recent reports that Wall Street banks continue to pay outlandish bonuses to the executives who may not be so deserving. Then, just to add insult to injury to the American taxpayer, many of those institutions are still living on taxpayer-funded life support.

In most business professions, pay for executives should chase performance. Managers and executives are rewarded for creating lasting value to their companies. Unsuccessful managers and executives are shown the door. But these basic commonsense principles have been lost in these major Wall Street financial institutions that we have seen uncovered over the last several months.

This year, total Wall Street bonuses exceeded \$20 billion. In less than a year and a half after the fall of Lehman Brothers, it is back to business as

usual for some of our major banks, and that is inexcusable. We have been here before. We had this same debate last spring. Remember when AIG paid absurd bonuses to financial traders who had managed one major accomplishment? And what was that accomplishment? They drove their company into the ground.

Although we talked and talked on the floor of the Senate and legislation was introduced, Congress failed to act back then, a year ago. And here we are again. There is an old saying that comes to mind: Fool me once, shame on you. Fool me twice, shame on me.

If we are going to right this financial ship of state, we are going to have to tackle all of the flaws in our financial system, and that includes executive pay, and executive pay specifically on Wall Street.

There is now almost unanimous recognition that poorly crafted executive pay practices at major banks and financial institutions contributed to the near collapse of the financial system and the need that we had to step up to that almost caused financial meltdown, the need of a \$700 billion taxpayer-funded bailout called TARP, Toxic Assets Relief Program.

Think: Just last week the general counsel of the Federal Reserve Board of Governors testified that the compensation practices in the banking sector were a contributing cause to the crisis. In January, the Federal Deposit Insurance Corporation, FDIC, found that "excessive and imprudent risk taking remains a contributing factor in the financial institution failures and losses to the Deposit Insurance Fund."

The FDIC attributes these continuing failures and losses in part to bank compensation practices. Current pay practices encourage this excessive risk taking because short-term gains are heavily rewarded, even if they are unsustainable. The negative consequences of severe losses are often externalized and shifted to the shareholders and ultimately, when we have to bail them out, to the public taxpayers.

The Federal safety net for financial institutions encourages traders and executives to take unnecessary risk, and the most obvious example is the \$700 billion Wall Street bailout which I and other Senators initially opposed. Executives who should have been left without their shirts instead were left with golden parachutes.

Let's take an example. The CEO of Bank of America resigned at the end of last year with a \$73 million severance package. Bank of America is one poster child for a poorly managed financial institution. Why? It received \$45 billion in taxpayer funds to avoid insolvency.

To put that in perspective, that is almost \$150 from every man, woman, and child in this country. It is the equivalent of every American writing a check

for \$150 to Bank of America's management. Once the CEO was basically asked to step down, he walked away with a \$73 million severance package.

Did Bank of America respond by ramping up lending to small businesses to help get the economy going? That is what we begged them to do. That is what we have been begging, through the TARP and the stimulus bill, to make programs for loans to small business available. Did Bank of America do that? No. But they did manage to find \$73 million for their CEO's severance package. What we find is that Wall Street all too often has rewarded failure with bloated bonuses and outrageous severance packages.

If we want to get to real and meaningful financial reform, it is going to have to include changes in the existing compensation culture in the financial industry.

I know what the response is going to be: Why should you penalize us? In order to get good executives, we are going to have to pay these big compensation packages.

As far as this Senator is concerned, that is fine. But we need to make sure a huge compensation package is tied to performance.

The amendment I am offering is going to put an end to the reality disconnect on that street known as Wall Street that has rewarded failure and that emphasizes short-term stock appreciation over long-term growth. This amendment does so by putting some basic and well-accepted principles of sound compensation practices in the Tax Code.

For example, major banks and financial institutions would only be able to deduct their large executive compensation payments if the pay complies with the rules that focus on rewarding long-term performance. These principles were developed by the Financial Stability Board, the council of major central banks. These are fellow bankers who set up these principles. The Federal Reserve was instrumental in developing those compensation principles.

So the tax deductions for major banks would be conditioned on the following: If you are going to have a compensation executive package over \$1 million, it must be performance based, and at least half of the performance-based compensation must vest over an extended period of 5 years or more. This will tie compensation not only to performance but to long-term performance. For executives at public companies, at least half of the performance-based compensation must be paid in employer stock, and compensation agreements for top executives must include a clawback provision that will retract deferred compensation in the event of ethical misconduct. Lastly, the compensation agreements must prohibit employees from engaging in personal hedging strategies, such as

compensation insurance, that undermine the risk alignment principles.

In addition, the employer's bonus pool must take into account the institution's liquidity needs, reserve requirements, and the risk that future projected revenues will not materialize.

Finally, this amendment I am going to offer creates new and meaningful executive compensation disclosure requirements so that shareholders can be empowered and investors can be empowered to hold banks accountable for compensation practices that fail to fully comply with these new tax rules that are there by virtue of the principles adopted.

Of course, the special interests are going to come in and argue that Congress should not get involved in compensation decisions, that the market knows best. They will argue if Congress passes measures such as this that Wall Street is going to pack up its bags and move to greener pastures abroad. Unfortunately, right now, what the market knows is that big short-term gains lead to big bonuses, and big losses lead to taxpayer-funded bailouts. And the American taxpayer is fed up.

This is only going to apply to the largest 57 banks in this country. This is not going to apply to most of the banks in this country. We need to take real steps now to reform compensation practices, and it is my hope that the chairman of the Finance Committee is going to be able to get this amendment accepted without opposition. It is common sense, it is desperately needed, and the American people are crying out for reform.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BOZEMAN'S RESILIENCY

Mr. BAUCUS. Mr. President, I rise in mourning and remembrance on the first anniversary of a devastating natural gas explosion in downtown Bozeman, MT.

At 8:11 in the morning, 1 year ago, downtown Bozeman was quiet, under a thick blanket of snow. One minute later, a blast ripped through the silence, killing a young woman named Tara Reistad Bowman and devastating most of the 200 block of East Main Street.

Windows were shattered as far as four blocks away. A passing cyclist commuting to work was thrown off his bike by the blast, and 911 calls showed that the explosion was felt miles away. The firefighters and rescue crews re-

sponding to the blast later found that a natural gas line behind Montana Trails Gallery was cracked and that a gas leak had caused the explosion.

Ten businesses and several apartment units were leveled by the blast or engulfed in the flames that followed. Boodles and Starky's, the Rocking R Bar, and the American Legion—all destroyed. Assistant City Manager Chuck Winn described it as the worst catastrophe he had ever seen in the city.

Firefighters from Bozeman, from Big Sky, and from Three Forks—nearby communities—all came to the rescue to put out the blaze. These brave men and women stopped the fire from spreading to nearby stores. The Montana National Guard was called upon to help provide security.

One year after this tragedy, we pause to recognize today as a day of mourning and remembrance. We join the men and women of Bozeman who will observe a moment of silence this morning.

Today, Montanans will mourn the loss of Tara Bowman. Our thoughts and prayers go out to her friends and her family and all who knew her. I never met Tara, but I understand she was a very special woman. She was a talented artist and a mentor to other artists in Bozeman. Tara liked to paint in the quiet morning. She had come into work early to the Montana Trails Art Gallery the morning of the blast. Her family and many friends around Bozeman miss her dearly.

Today, as we mourn, we also remember the actions of the people of Bozeman after the blast. Oftentimes, in the routine of everyday life, we forget we may be called upon at any moment to act heroically. There were many heroes that day in Bozeman. More than 70 firefighters from departments throughout Gallatin County answered the call for help. Although it took hours to shut off the natural gas that had caused the initial blast, the volunteers continued to fight the blaze.

Many had left their day jobs to perform this dangerous duty. The calls to help continued long after the blaze was extinguished. Residents had lost their homes and small business owners had lost their livelihoods. In the truest expression of what it is to be a Montanan, the people of Bozeman pulled together to help the victims of the blast and rebuild downtown.

Local businesses donated food to emergency workers. They donated lumber to cover shattered windows. A community relief fund provided \$200,000 for those left homeless to find shelter and replace paychecks for those left jobless.

The story of a man named Chris Cundy fully illustrates this generous spirit. Chris was left homeless after the explosion and the subsequent fire destroyed almost everything he owned. Chris even lost the tools of his trade:

his musical instruments—several electronic keyboards and a grand piano. But then the community stepped in. The Red Cross met his immediate needs—toothbrushes, soap, towels, and debit cards. Musicians around Bozeman raised funds to help replace his instruments. A fellow renter borrowed a saxophone from a local music store so he could keep playing to pay the bills.

After the explosion, Chris started playing music full time and even performed to raise funds for the victims of the earthquake in Haiti. Chris has proven that good can come from tragedy. He told the Bozeman Chronicle:

The scope and depth of the community's support depicts values that exist only with people who truly care about one another.

A year later, I am glad to report that downtown Bozeman has made great strides. The American Legion has already begun to rebuild, and plans have been submitted to reconstruct many of the other destroyed businesses as well. I am working to make sure Federal dollars help fund the reconstruction.

At this time next year, city officials expect every business impacted by the blast to be back on its feet and in operation. That is the resiliency of Bozeman and the spirit of Montana.

Today, we pause to remember last year's blast in mourning of our loss. We remember the actions taken by the great people of Bozeman, and we proceed with renewed hope for the future.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise to talk about an amendment I hope ultimately will be given a chance for consideration on this very important legislation we are working on right now. I commend the chair of the Finance Committee for his good work on trying to focus this next round of job-creation activities that will be created, I believe, as we move forward on extending some of the tax provisions that expired last year. Some of these tax provisions were part of our stimulus bill that, about a year ago, we passed to help jump-start job activities; a stimulus bill I sometimes think the American public—perhaps we never explained. In fact, close to one-third of that bill was tax cuts, another third was direct assistance to States and localities, and the final third was a series of new initiatives, many of which are just now starting to come to pass.

I can recall, about a year ago, I came to the Senate floor as we were debating the stimulus, the American Recovery

and Reinvestment Act, to talk about fiscal accountability; to talk about our long-term outlook; and to make some recommendations on how we might better track the performance and outcome of the American Recovery and Reinvestment Act, what most folks commonly refer to as the stimulus.

Here we are 1 year later and unfortunately it appears critical Recovery Act reports and plans have gone missing or have been long ignored or were never fully developed in the first place. As we debate this important piece of legislation that extends a number of the tax provisions, I think we ought to take this moment as well to correct some of the deficiencies in reporting on the fiscal responsibility I think all of us on both sides of the aisle would like to see in the overall Recovery Act activities. We have this chance, at this point, to correct course and to ensure we can account for every dollar. Now it is time to correct management and transparency gaps that still exist.

Today, I would like simply to very briefly go through a couple things my amendment would do. Hopefully, the chair of the Finance Committee and folks on the other side will agree to have these amendments incorporated. My amendment will, in three very important ways, correct the management and transparency gaps that still exist in the Recovery Act. First, it will require agencies to update the implementation plans they have developed last year for high-risk programs.

High risk has this connotation that somehow it is a bad area or bad idea. No, the high-risk areas I am defining are those programs that are over \$2 billion that saw a funding increase of over 150 percent more than their fiscal year 2008 funding or are brandnew programs. These programs will be required to update their plan by July 1, 2010.

Let me take a moment and describe what kind of programs I am talking about. As I mentioned a few moments ago, the stimulus broke into tax cuts, assistance to the States, and then, finally, an agreement that we ought to take up a series of areas that have for years been talked about in this country but, candidly, we have never done much about—broadband technology, high-speed rail, smart grid, health care information technology. These are all areas that, again, had broad support on both sides of the aisle, that we talked about, and only in the case of the stimulus were there actually funds put behind these initiatives. The challenge was, a year ago many of these areas had very little funding or had no programmatic prior experience so the administration appropriately took some time to gear up these programs. We are just starting to see some of the disbursement on high-speed rail and disbursement on the President's Race to the Top education grants. But for these new programmatic areas, we need to

make sure there is a plan in place, that there are metrics in place, and that we know how these dollars are being spent out. So the first part of my amendment will require these programs in high-risk areas to update their plans by July 1 of this year.

Second, my amendment will require these high-risk programs to report back to Congress and the public quarterly, beginning September 30, 2010.

These reports must include performance and financial data to let us know whether these programs are working and meeting the goals they defined in their initial business plan that they would lay out to us in July of this year.

I think this is terribly important. These are areas that, because they are new—I think they have enormous popular support, but because they are new, we need to make sure that at the front end of these program implementations, we have that business plan in place, we have the metrics, and we have a reporting mechanism.

The second part of my amendment is an area that we have been working with the inspector general around the Recovery Act, Mr. Devaney, and others. I think many of us in this Chamber would be disturbed to find out that the recent quarterly report showed that over 1,000 recipients of stimulus funding—1,000 agencies, departments, grantees—had failed to report back the legally required data on how these dollars have been distributed, what kind of tracking is in place. Consequently, when we hear critiques, particularly from the other side, about the stimulus, about the job creation and efficiency, well, an appropriate rebuttal requires facts being in place. Over 1,000 of the recipients that have received stimulus funds have basically ignored the law and failed to report back. So my amendment proposes financial penalties of up to \$250,000 for recipients of the stimulus funds who knowingly fail to comply with the existing quarterly reporting requirements. We have to ensure that our agencies, Congress, and the public are getting the information they need to know if these important investments are working.

The amendment requires agencies to notify recipients if they miss a deadline. They will provide an opportunity for the recipient to report and offer technical assistance if they need that assistance to get back on track. But if recipients knowingly do not file the required reports or if they ignore these agency requests for this information, agencies may impose a penalty to hold these recipients accountable. The amendment provides sufficient discretion for agencies to set penalties, such as consideration of whether the recipient is a nonprofit, government, or small business entity. We don't want to add on a new burden, but we simply want those who are receiving financial

assistance from the stimulus fund to actually fulfill their obligation and make sure they report back to us and the public on how those dollars are being spent.

I repeat, it is not too late to correct the gaps in program management and transparency in the American Recovery and Reinvestment Act. So much of the Recovery Act funding is still in the pipeline. As a matter of fact, at the end of last fiscal year, last October, only 18 percent of our recovery dollars had been spent out. Even at the end of this fiscal year, at the end of September 2010, only about 54 percent of the dollars will be spent out. We still have literally hundreds of billions of dollars to be spent out from this program.

We have to make sure—we owe it to ourselves, we owe it to the public—that we have in place both the appropriate metrics on these high-risk programs and that those other organizations that are receiving dollars do what is their legal requirement to report back on this terribly important data.

I hope we can get this amendment adopted. I look forward to working with my colleagues on both sides of the aisle to bring this added transparency and this added management oversight to this very important activity.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Thank you, Mr. President. I appreciate the courtesy.

(The remarks of Mr. BENNETT and Mr. SESSIONS pertaining to the introduction of S. 3083 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BENNETT. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alabama.

#### MILITARY COMMISSIONS

Mr. SESSIONS. Mr. President, I was pleased to see an article in the Boston Globe today saying:

... White House advisers are close to recommending that President Barack Obama opt for military tribunals for the self-professed Sept. 11 mastermind, Khalid Sheikh Mohammed and four of his alleged henchmen, senior officials said.

The review of where and how to hold a Sept. 11 trial is not over, so no recommendation is yet before the president and Obama has not made a determination on his own, officials said. The review is not likely to be finished this week.



The officials spoke on the condition of anonymity.

I will just say, I think that is right. I appreciate the President reevaluating the position taken by his Attorney General. I think it was based on a number of errors in analysis of the nature of the conflict we are in and the status of law, frankly, in America today. I have written about that in the Politico publication.

I will make a point or two about the five errors, mistakes, sometimes even falsehoods, it seems to me, that have been put forth to justify trying military combatants—unlawful combatants, really—in civilian courts and why this is not a good idea and some of the thought processes we should go through.

On February 3, Attorney General Holder wrote this:

Since the September 11 attacks, the practice of the U.S. Government followed by prior and current administrations without a single exception has been to arrest and detain under Federal criminal law all terror suspects who are apprehended inside the United States.

That was his letter. The Attorney General is incorrect in that. It is made clear by his own citation in that very same letter of the Jose Padilla and the Ali Al-Marri cases. In those two cases, President George W. Bush ordered each terror suspect transferred into military custody after they were captured on U.S. soil. It does not mean they cannot later be tried in civilian court, if that is appropriate and you have a good reason for doing that. It is not often I could see what that would be the case, but it could be. You are not prohibited from doing it. The law has apparently established that. They were taken into military custody. That means the Speedy Trial Act is not triggered. It means the government does not have to pay an attorney for them. And it means they can be interrogated, but interrogated consistent with the techniques Congress has approved in legislation that dealt with the controversy over what kind of interrogation is appropriate. We have legislated on that issue.

Secondly, administration officials have often noted that Richard Reid, the so-called shoe bomber, was charged in the civilian criminal system, but they fail to mention that the military commission was not even in place when he was arrested in December of 2001, not long after 9/11. The Military Commission Order No. 1 that created the military commissions was not signed into law until the next year in March. Congress, which dealt with these issues, did not authorize, legislatively, the commission system and its structure until 2006. So that is not a very good argument, is it?

Mr. Holder, in his letter to me and other Senators, stunningly cites the Second Circuit decision in the Padilla

case to assert that the President lacks the authority to detain a U.S. citizen as an enemy combatant on U.S. soil. He cites the Second Circuit and says the Padilla case is authority for the proposition that the President lacks the authority to detain a U.S. citizen as an enemy combatant on U.S. soil if he is captured. The Attorney General, however, fails to note that the Supreme Court reversed that decision, stating in the 2004 Hamdi v. Rumsfeld case that there is no bar to this Nation holding one of its own citizens as an enemy combatant. A citizen, no less than an alien, can be "part of or supporting forces hostile to the United States or coalition partners" and "engaged in armed conflict against the United States," and "such a citizen, if released, would pose the same threat of returning to the front during the ongoing conflict." Of course, that is accurate. Just because you are a citizen does not mean you cannot attack the United States, join with forces hostile to it and attack the United States.

How they missed that citation is pretty stunning. If a lawyer in the Department of Justice in the Solicitor General's Office arguing before a court of appeals somewhere in America failed to note that the opinion he was citing was overruled, they would be subject to disciplinary action. The lawyer is an officer of the court; they have to know what they are citing to the court. They should not ask them to believe something that is not accurate. Yet that came out of the Attorney General's Office. We can do that, is my point.

On the question of granting terror suspects Miranda rights—that is, the right to remain silent, the right to a lawyer, that kind of thing—the Attorney General and his team have cited the Padilla case to suggest the government could not have held Mr. Abdulmutallab, the Christmas Day bomber this past Christmas, in military custody without affording him the same access to counsel he was due as a criminal defendant. That is just not true. You do not have to capture a person on the battlefield. And this is the legal situation we are talking about when they captured Abdulmutallab. In World War II, if you captured a Japanese or German soldier, you did not appoint them lawyers. You did not try them often. You held them until the war was over, and they did not get trials during that time.

To support this totally unjustified position, they note in one of their letters that the judge in the case, Judge Michael Mukasey, who later became Attorney General of the United States—and a fabulous legal mind—who at that time was a Federal judge in New York, granted Mr. Padilla a lawyer. So they say he is entitled to a lawyer. But that was long after his arrest and it arose from a much lighter contest about his detention and wheth-

er he should be given a hearing in Federal court. The judge agreed to give him a habeas corpus hearing and appointed a lawyer for him. But that is not to say that Abdulmutallab, who was captured on Christmas Day and interrogated for 50 minutes, was entitled to be given a lawyer or be given Miranda rights. It is not accurate. It is not correct.

In Mr. Holder's letter of February 3, he wrote this:

The Bush administration used the criminal justice system to convict more than 300 individuals on terrorism related charges.

We have heard that argument made time and again by Members of the Senate. Last May, Senator KYL wrote to Mr. Holder seeking basic information to support these claims. Senator KYL noted that "a comparison of terrorists in Federal prisons to terrorists detained in Guantanamo is instructive only if the severity of their actions, their background, and allegiance is equivalent." No answer was received. In November, I asked Attorney General Holder at a Senate Judiciary Committee hearing if he would provide that information. He responded unequivocally:

I will supply you with those 300 names and what they were convicted of. I will be glad to do that.

Months later, he has still not provided the list. I think the reason is clear, frankly: the facts do not support that allegation, that statement.

Many of the individuals labeled as terrorists by the Obama administration whom they are counting in this number—I think they have now dropped it down to 195 or 200—were prosecuted for far lesser crimes than Mr. Abdulmutallab, who had a bomb on his person to blow up a plane, who had come directly from al-Qaida in Yemen, attacking this country as a direct representative of al-Qaida in Yemen, carrying an al-Qaida bomb. Mr. Andrew McCarthy, a former Federal prosecutor in terrorism cases in New York, recently shed light on a 2008 article published by Human Rights First which said that 195 defendants have been convicted so far in 199 terrorism-related cases. But Mr. MCCARTHY digs into it and notes that the report defines "terrorism" so broadly that its finding included prosecutions for false statements, financial fraud, and immigration fraud.

Some say: You are politicizing this matter, JEFF. Don't be so critical.

That is what Mr. Gibbs at the White House says, that criticizing and raising objections to falsehoods and inaccuracies, and legal statements that are not in error is somehow politicizing it. We have young men and women in combat today. Their lives are at risk. I think the leaders of our country in a time of war should not be spinning this Congress, but giving us the unvarnished truth.

I wanted to say that, and to say I am glad there is now apparently an evaluation going on as to how best to handle this situation. I was also pleased that Senator JOHN MCCAIN and Senator JOE LIEBERMAN introduced their legislation—I believe yesterday they introduced it or the day before—that would call for trials of unprivileged enemy belligerents. That is the more recent term. It used to be “unlawful combatants.” Now it is “unprivileged enemy belligerents” in military custody. It says they are not to be given Miranda rights. They can be detained in military custody for initial interrogation and to determine their status. It uses Congress’s spending power to deny funding to article III civilian trials for these unprivileged enemy belligerents and mandates, in effect, trials by military commission.

I would just note, Congress passed legislation and funding to deal with the Supreme Court’s concerns about the legitimacy or the propriety of the procedures used in military commissions. They raised questions about that; found several things they believed were inadequate, and Congress dealt with it. We had a debate for a number of weeks and we passed legislation. The military, at the same time, was reading the opinion and changing their procedures to be in compliance with the Supreme Court and the laws of our country.

We put money in establishing our courtroom in Guantanamo to try these cases, and we are basically ready to go, after a lot of years, I will admit, of uncertainty. Now the President, unwisely—probably based on an improvident campaign promise that he would end this—is attempting to end it. But I hope now he will reevaluate at least some of that and we can get this system back in the right order because an unlawful enemy combatant can be tried for crimes. A lawful soldier can’t be tried.

If you capture an enemy—a Japanese soldier or a German soldier who is fighting for his country and he is out there in his uniform and fighting according to the laws of war—they are not prosecuted. But if you sneak into the United States surreptitiously, carrying a bomb in order to sabotage and kill innocent men, women, and children, contrary to the rules of war, then you can be tried. You can be detained as long as the war continues as an unlawful combatant. If you violated the laws of war, you can be tried for it.

For example, Khalid Sheikh Mohammed, who is the alleged mastermind of 9/11, can be tried for murder in military commissions because he was not a common criminal. He was a part of al-Qaida, executing a military attack on the United States, contrary to the rules of war.

So I would hope we can move forward with this in a good way; that the President will take the lead because these

kinds of decisions are easier made in the executive branch than by the legislative branch having to cut off funds or pass legislation mandating this or that. The Constitution certainly allows these cases to be tried, and the Supreme Court has so approved it.

In fact, Attorney General Holder, in the Judiciary Committee, as a result of questions I asked him, has agreed these cases can be tried in military commissions and that there is no constitutional prohibition of it. In fact, he said it was a policy decision that caused him to have the cases tried in civilian courts and not in military courts. I believe that is a policy error and it needs to be corrected.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LATIN AMERICA

Mr. LEMIEUX. Mr. President, I rise today to speak about our relations with our neighbors to the south in Latin America. I recently had the opportunity to travel to Latin America and visit the countries of Honduras, Panama, and Colombia. These meetings were very productive.

During these meetings I had the chance to meet with the new President of Honduras, President Lobo, as well as our great ally and friend, President Uribe of the country of Colombia.

Our partnership and friendship with Latin America goes back many decades. In recent times we have used wonderful programs such as USAID and the Millennium Challenge Corporation to help build the infrastructure of Latin America as well as provide the tools to create jobs that will be sustainable in these countries.

Our goal in Latin America is simply this: We want them to succeed. We want strong neighbors with good democracies, with a respect for the rule of law, a place where their people can be free and prosper and hopefully establish great trading partnerships with us in the United States of America.

But the history of Latin America, even recently, is while there have been many successes, there have also been setbacks. We have recently had troubles in Honduras with President Zelaya, the former President who tried to stay in office, and then we had an ouster of him. There is a debate among us as to whether that was a coup or whether it was legally done. But, nonetheless, it was a disruption in that country’s emerging democracy.

In meeting with President Lobo, I was impressed that he has put together a national unity government endeavoring to create those democratic institutions and strengthen the ones that Honduras was building upon and establish a rule of law that will give countries such as America and business people from our country the opportunity to transact business in that country.

I believe that under President Lobo’s leadership, we have got a good chance for Honduras reemerging on the stage in Latin America as a good and healthy democracy.

I was pleased that Secretary Clinton recently recognized the democratically elected president. I encourage President Obama to receive President Lobo. We need friends in the region. We need friends for a number of reasons. We need friends in Latin America, specifically Central America, because of the devastating and harmful drug trade. The drug trade in Latin America that funnels drugs and guns to this country is not just a challenge in and of itself because of the deadly narcotics it brings to America, it is a challenge because of the violence and the organized structure of violence that goes with it.

Recently we saw drug gangs in Mexico extract the worst form of vengeance upon a family of a young military officer. A military officer died in Mexico killing the head of a drug cartel. He was celebrated by that country in what would be akin to a state funeral. And the drug cartel, to exact vengeance and to send a signal, killed all of the members of that soldier’s family. That is terrible.

The money that is provided by these drugs that run from northern South America, the Colombia region, and then through Central America, these connections, that violent chain is very dangerous to this country. It is dangerous for many reasons, but there is an increasing danger that has occurred with the entrance of Iran and its progeny into Latin America. We now know that Ahmadinejad is trying to show his sphere of influence in Latin America; that Hezbollah and Hamas, surrogate groups for Iran, who have done most of their damage in Lebanon and in Gaza, are now setting up shop in Latin America.

One of the reasons I am here to speak on the floor today is I am concerned that the same networks that transported violence and drugs and guns to this country could be used by Hezbollah and Hamas to provide a national security threat to us in this country and potentially bring terrorism to us in that way.

So our friendship with these countries such as Honduras, our friendship with countries such as Panama, our friendship with countries such as Colombia matter. It not only matters because we care about the human rights

of the people in those countries and we want them to be prosperous and free, but it matters because of our own national security.

Good, stable democratic partners are good for the United States of America. So we should continue to acknowledge President Lobo. We should restore the visas that were suspended during the Zelaya incident. We should do everything we can to encourage trade to continue with the Millennium Challenge Corporation, continue with USAID so that country can be prosperous and free and secure.

The same goes for Panama. Panama is a wonderful friend and partner to the United States. The Panama Canal, which the United States had for many years but now is in the hands of Panama, is a tremendous trading conduit to our country, and the Panama Canal is expanding. Right now, dredging and other works are being put in place to allow larger ships to come through the Panama Canal. Why is that important to the United States of America? Well, no longer will these post-panamax ships from China have to go to California to let off their goods. No longer will they have to go around the bottom of South America. Now they can come through the Panama Canal and service the eastern seaboard of the United States.

For a State such as mine in Florida this is very important. So we have to do the work in this country to make sure we are ready for those, what they call post-Panamax ships, that our ports are dredged deep enough that we have the security and the infrastructure in place to make sure we can receive those large ships.

I have been an advocate for making sure that Florida's ports are ready to receive those ships, because that trade will create thousands of jobs not just in my home State but all across this country.

That brings me to the point of trade. We have pending trade agreements that have not yet been sent over by the White House to be ratified by this Congress; trade agreements with Panama that need to be ratified, trade agreements with Colombia that need to be ratified, and also with South Korea. It makes no sense not to ratify those agreements.

Let me turn my attention, if I can, to Colombia. We have no better friend in Latin America than President Uribe. President Uribe will go down in history as one of the greatest leaders in this hemisphere. He, in my mind, is akin to Abraham Lincoln to their country, because when he came into office about 8 years ago, we were on the verge of Colombia turning into a narcoterrorist state, in which the drug gangs would have taken over the country.

In fact, before President Uribe came to office, the previous President sought to negotiate with the FARC by setting

aside a part of the country as a safe haven for the FARC. It was a disaster. I am told that when President Uribe was sworn into office, almost 8 years ago, that the FARC was shelling and bombing Bogota to try to kill him on his inauguration. It is hard for us to realize what a civil war would be like, but that has been the situation in Colombia.

Because of the efforts of the United States of America, and because of our military and trade support, and Plan Colombia, which we put \$1 billion into, Colombia turned the tide. The good guys are winning, and the FARC, the narcoterrorists, are losing. We are doing a very good job of beating those folks back. President Uribe must be commended.

But of all of our friends in the hemisphere, we have not ratified the free trade agreement with Colombia. We have done it with Peru, we have done the Central America Free Trade Agreement, CAFTA, but not Colombia. This agreement is 4 years old. I have spoken to our United States Trade Representative and urged him to urge this administration to send these trade agreements here.

I know the problem is not the Senate. The problem is down the hall with our colleagues in the House. I know they are concerned about certain issues in Colombia. I want to point out for my friends in the House of Representatives, because they are concerned about organized labor in Colombia, that under the leadership of this government in Colombia, homicides of union members are down nearly 80 percent since 2002. Homicides, in general, are down 45 percent in 2008, the lowest point in 22 years. Kidnappings are down by more than 80 percent, and acts of terrorism are down 63 percent.

I had a chance to go to Bogota. It is a beautiful and wonderful city. It rises nearly 8,000 feet above sea level, which is 3,000 more feet than Denver. Yet it is green and verdant, and it is one of the world's most unbelievable places to grow flowers, and 75 percent or more of the flowers that come in this country that you get at your florist come to us through Colombia. When they come from Colombia, guess where they go through to get to the United States of America. They all come through Miami, which makes me proud as a Senator from Florida.

That trade we have right now, the Colombians benefit from free trade but we do not benefit in return. We must ratify this agreement. We must acknowledge our friends in Colombia. By not ratifying the agreement, the signal we are sending is that perhaps our relationship with them, under this administration, is not as good as it has been with previous administrations. We do not want to send that wrong signal to a model country for Latin America.

But let me again talk about this concern I have about the emerging threat

of Iran and its influence in Latin America. There is a deadly combination forming between Ahmadinejad of Iran and Hugo Chavez of Venezuela. I ask unanimous consent that this newspaper article which I am about to read from be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VENEZUELA PLOTTED TO KILL RIVAL, SPAIN SAYS

(By Santiago Perez and José de Córdoba)

MADRID.—Spain and Venezuela headed toward a potential diplomatic face-off after a Spanish judge on Monday accused Caracas of collaborating with rebel groups to assassinate Colombian President Alvaro Uribe and other top political figures.

Spanish National Court Judge Eloy Velasco alleged Monday that the Venezuelan government had collaborated with Basque separatist group ETA and Colombia's main guerrilla group in a plot against leaders living in or traveling to Spain that began in late 2003.

The allegations were part of an indictment that ordered 12 alleged members of ETA and of the Revolutionary Armed Forces of Colombia, or FARC, to stand trial on charges of conspiracy to commit murder and terrorism, according to a copy reviewed by The Wall Street Journal.

"There is evidence . . . showing the co-operation of the Venezuelan government in the illegal collaboration between FARC and ETA," according to the indictment.

Spanish Prime Minister José Luis Rodríguez Zapatero, speaking at a news conference Monday in Hanover, Germany, said he had ordered his Foreign Ministry to "request an explanation from the Venezuelan government" regarding the allegations. "We are awaiting such explanation," Mr. Zapatero said.

Caracas responded angrily to the allegations. Venezuela's Foreign Ministry, in a statement, dismissed the charges as "biased and unfounded."

Hayden Pirelac a congressman from the ruling coalition of Venezuelan President Hugo Chávez, said the Spanish judge's allegations were part of a campaign "to discredit Venezuela," adding: "We don't give guerrillas refuge, or have any pact with guerrillas."

The allegations come at a bad time for Mr. Chávez, whose popularity is falling due to electricity shortages and an economy mired in recession and high inflation. They could also prove tricky for Colombia and Spain, both of which have been trying to move beyond past differences with Venezuela's populist leader.

The indictments also bring fresh attention to Spain's National Court, whose judges act on their own investigations and are independent from Spain's executive and legislative branches. Some judges have gained international attention, and criticism, for their handling of global cases involving other governments, including an investigation into allegations of U.S. torture at Guantanamo Bay.

Mr. Velasco, by contrast, has handled mainly local and less controversial terrorism cases, maintaining a low profile domestically and internationally.

Mr. Uribe, one of the targets of the alleged assassination plots, responded cautiously. "I think we should react prudently and see what is going on through diplomatic channels," he told Colombian radio from Uruguay.

Another alleged target, former Colombian President Andrés Pastrana, also demanded an explanation from Venezuela. "We are talking about an alleged plot against the lives of, among others, two Colombian acting heads of state," he said in a statement.

Mr. Velasco issued international arrest warrants and extradition requests for the 12 men named in the indictment, all of whom allegedly belong to either ETA or FARC and whose whereabouts are unknown. One man, identified as Arturo Cubillas Fontán, is believed to be living in Venezuela.

In detailing Caracas's alleged role, Mr. Velasco pointed to Mr. Cubillas Fontán, who the judge says led ETA's activities in Latin America since 1999 and acted as a link with the FARC. It says Mr. Cubillas Fontán was hired by Venezuela's Agriculture Ministry in 2005.

Mr. Cubillas Fontán's alleged contacts with the FARC included "military training for ETA members in the Colombian jungle, in exchange for ETA's help in Spain, locating terrorist targets sought by FARC," according to the indictment. Those targets included visiting Colombian dignitaries, including Messrs. Pastrana and Uribe and current Vice President Francisco Santos.

The document also says that during a training course on explosives, FARC members were accompanied by "an escort vehicle with Venezuelan soldiers that was arranged and organized" by Mr. Cubillas Fontán and another person.

Venezuela's government, in its statement, said Mr. Cubillas Fontán had been living in Venezuela since 1989 under a deal struck by then-Venezuelan leader Carlos Andrés Pérez and former Spanish Prime Minister Felipe González.

Information used in the indictment came from the laptop computer of a top FARC guerrilla commander killed by Colombian forces in 2008. In the months that followed, the computer files revealed what international intelligence officials say are close ties between the FARC and top members of Mr. Chávez's government.

The Venezuelan government has long insisted that the information from the computers was made up by the Colombian government in an attempt to discredit Mr. Chávez, an allegation Colombia denies.

The indictments will prove challenging for Spain, one of Venezuela's major trade partners. The two sides improved their diplomatic relations under the stewardship of Mr. Zapatero, a leftist, but the road hasn't been smooth.

Mr. Chávez in 2008 made a surprise announcement he was nationalizing the Venezuelan franchise of Banco Santander, though the improved relations with Madrid might have helped the Spanish financial giant secure a \$1.05 billion payment for the unit, more than many analysts expected.

Colombia has also been trying to mend fences with Venezuela, despite a rocky relationship in the past few years thanks largely to ideological differences between Mr. Chávez and the conservative Mr. Uribe. Last year, after Mr. Uribe agreed to host U.S. bases in Colombia, Mr. Chávez cut economic ties.

Last week, Mr. Chávez and Mr. Uribe got in a shouting match at a regional meeting of heads of state in Cancun, after Mr. Uribe told the Venezuelan leader to "be a man" and discuss the Venezuelan trade embargo. In the following days, both sides said they would try to bury the hatchet.

In addition to the 12 people who were ordered to stand trial on murder and terrorism

charges, Mr. Velasco also charged Remedios García Albert with the crime of collaboration with a terrorist group, according to the indictment.

In the document, Mr. Velasco described Ms. García Albert as an alleged member of FARC's international support group residing in Spain and ordered her to present herself in court for questioning on March 24.

According to court officials, Ms. García Albert, a Spanish national, is free on bail linked to another terrorism case. A lawyer for Ms. García Albert wasn't immediately available for comment.

Spain doesn't try people in absentia, so a trial for the other 12 people would take place only if they are arrested.

Latin America's oldest and biggest guerrilla group, the FARC has been fighting to overthrow the Colombian government and install a Marxist dictatorship for four decades. The guerrillas, who in 2001 encircled the capital, kidnapping motorists who ventured out at will, has been put on its heels by Mr. Uribe, a provincial lawyer who has revamped Colombia's military and driven the rebels back into Colombia's jungles.

In 2008, the Colombian army bombed the jungle hideout of Raúl Reyes, the group's No. 2 commander. His laptop included details of attempts by top Venezuelan military and intelligence officials to give money and weapons to the FARC, which, like ETA is considered a terrorist organization by the U.S. and European Union.

Once a peasant guerrilla army, the FARC lost most of its ideological motivation and turned to drug trafficking, extortion and kidnapping for funding. It now has an estimated 8,000 combatants under arms, down from a high of about 18,000.

Mr. LEMIEUX. This article from March 2, 2010, I believe it is a Wall Street Journal article, talks about the revelation that has occurred that Hugo Chavez and his government were involved with the Basque separatist group in Spain in an effort to assassinate the President of Colombia, President Uribe.

This article from March 2, 2010 says that:

Spanish National Court Judge Eloy Velasco alleged Monday that the Venezuelan government had collaborated with Basque separatist group ETA and Colombia's main guerrilla group [which is the FARC] in a plot against leaders living in or traveling to Spain that began in late 2003.

The allegations were part of an indictment that ordered 12 alleged members of ETA and of the FARC to stand trial on charges of conspiracy to commit murder and terrorism.

This was an effort to assassinate the President of Colombia. And it was done, according to this judge, in combination with the President of Venezuela, Hugo Chavez, who is just as bad as Raul Castro in Cuba. He is trying to spread the same tyranny to the country of Venezuela, a country that was formerly free. He is shutting down media, he is arresting college students, he is destroying the economy to the point where there are now brownouts because they cannot provide enough electricity, a country which has tremendous oil reserves and energy reserves.

But he is not using those to bring money into the country, he is shutting

the economy down. He is bringing despair to his people. The Cuban Government is now involved in the operation of Venezuela. They are calling it Vene-Cuba. This is a danger to us. Who is received by Hugo Chavez in Venezuela? Ahmadinejad from Iran. And what do we believe and what are we concerned about? That Hezbollah and Hamas are now setting up shop in Venezuela, in the region as well.

I have another article that I ask unanimous consent to have printed in the RECORD from the Associated Press by Curt Anderson. "Three men charged in Miami with financing Hezbollah."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Feb. 19, 2010]

### THREE MEN CHARGED IN MIAMI WITH FINANCING HEZBOLLAH

(By Curt Anderson)

MIAMI.—Three men were charged in an indictment unsealed Friday with illegally exporting electronics and video games to a South American shopping center that U.S. officials claim funnels money to the Hezbollah militant group.

The men, along with a fourth still being sought in South America, are accused of violating a U.S. ban on transactions involving people or entities on a Treasury Department list of suspected terrorist fundraising networks. Hezbollah, which is fiercely anti-Israel and allied with Iran, is considered a terrorist group by the U.S.

The shopping center, Galeria Page in Ciudad del Este, Paraguay, was included on the banned list in December 2006 along with owner Muhammad Yusuf Abdallah. Abdallah is described as a senior Hezbollah leader in a region of South America long considered a haven for counterfeiting, smuggling, piracy and other crimes.

The suspects arrested in the U.S. Immigration and Customs Enforcement investigation were identified in court documents as Khaled Safadi, 56, and 43-year-old Emilio Gonzalez, both of Miami; and 46-year-old Ulises Talavera-Campos, a citizen of Paraguay.

Attorney Michael Tein represents Safadi, whom he said is innocent.

"Terrorism?" Tein said. "More like 'The Great Sony Playstation Caper.' The indictment literally charges them with selling Playstation 2 video games to Paraguay. That's some weapon of mass destruction."

It wasn't immediately clear if the other two had attorneys, and a bail hearing was scheduled for Wednesday.

The men also face charges of conspiracy and smuggling. They face a maximum of 35 years each in prison if convicted.

According to the indictment, the three men ran companies that used the Port of Miami to move goods including Sony Playstation video game consoles, digital cameras and other items that eventually wound up at the Paraguay destination. About \$1 million in exports were identified by ICE, the FBI, Treasury officials and other investigators with Miami's Joint Terrorism Task Force.

The men allegedly used fake invoices, false addresses and phony names to mask the true destination of the goods. The companies involved also were indicted.

John Morton, assistant Homeland Security secretary for ICE, said the arrests will disrupt a network involved in "the illicit trade

of commodities that support terrorist activities and ultimately threaten the national security of the United States."

Hezbollah, which means "Party of God" in Arabic, fought a 2006 war with Israel and has been blamed for numerous suicide bombings and other attacks. The Lebanon-based group has become a more conventional political entity in recent years, holding seats in Lebanon's parliament as well as two Cabinet posts.

Mr. LEMIEUX.

Three men were charged in an indictment unsealed Friday with illegally exporting electronics and video games to a South American shopping center that U.S. officials claim funnels money to a Hezbollah militant group.

John Morton, assistant Homeland Security secretary for ICE, said the arrests will disrupt a network in "the illicit trade of commodities that support terrorist activities and ultimately threaten the national security of the United States."

In his book "The Gathering Storm," Winston Churchill described all the failed attempts and all the missed opportunities of Europe in the years building up in the 1930s to World War II. The failure of courage, the missed opportunities to stop Nazi Germany in its rise, Winston Churchill described it as a gathering storm because there were signs all along the way of fascism and the war machine that Adolf Hitler was building. What did the allies do when Germany reestablished its presence in the land between France and Germany, in that Rhineland region, and sent their troops back in? They did nothing. What did the allies do when the Germans went into Czechoslovakia? They did nothing. There were these steps along the way. It was a gathering storm that was ignored until it was too late.

The point I am trying to convey is, we have an existential threat with Iran. Ahmadinejad is an existential threat to this country. We know he is trying to build the ability to have nuclear weapons. We know he is talking with Hugo Chavez about mining uranium. That is our concern, and the sanctions and the discussions we are having are not working. I give credit to Secretary Clinton on recently coming out and saying we don't even know that Ahmadinejad is in charge of Iran. It may be the Revolutionary Guard, the military, that is running Iran. But the time for talk is over. We have to work on the world community to impose sanctions against Iran. We need to stop trading as a world community with Iran. We need to stop buying oil from them. We need to shut them down until the people of Iran can take their country back, bring back human rights, democracy, the right to petition the government, the right to elect leaders, the right to free speech. Iran was a progressive society before 1979. We see the young people in the streets who have been beaten down, trying to express their views, trying to say the election of Ahmadinejad was not legitimate.

I explain these things because I believe Iran is trying to set up shop in Latin America. We need strong, bolstered friends in the region to defend against this. We do not need Hezbollah and Hamas posing a national security threat right here in our own hemisphere. There is a gathering storm. The steps we take today, if we are strong, bold and vigilant, can stop the storm from breaking upon us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL SYSTEM REFORM

Mr. DODD. Mr. President, I wish to take a few minutes to lay out where we are on this effort to do reform of the financial structures of our economy. It has been a long undertaking and I will not take a lot of time and I will not go into great detail. But I thought it might be helpful for my colleagues and others to get some sense or a feel of how things are progressing. So I wish to share some thoughts on some major issues we are grappling with.

I wish to begin by thanking the 22 other members of the Banking Committee. About one-quarter of the Senate is seated at that table in our Banking Committee hearing room. I wish to thank every member for their work. We have been deeply involved now for well over a year—more than a year; a year and a half—on the issue of how we should shape the regulatory structure of reform. This year we have had somewhere around 80 hearings, listening to a broad range of experts and others who have brought their thoughts and ideas, not to mention the informal meetings that occur outside of the normal hearing process.

It has been a very long undertaking, and worthwhile. We have been trying to examine the causes of this problem that has been so devastating to our country and to others outside of our country—the economic near collapse—and then, from that experience, trying to shape and set up policies that will fill in those gaps that led us to this problem.

Secondly, we are trying to take steps so that we are prepared to deal, as we will at some point in the future have to, with another economic crisis as it comes along, and to have what I call an architecture or a structure that will allow our system to be able to respond far more prudently than it was able to during the last couple of years.

I should add as well a third goal, and that is to create a structure to not

only grapple with the crisis, but also be a source of innovation and creativity for wealth creation and job creation that our financial services sector had a reputation of accomplishing, or at least helping to accomplish over the years. Those are not inconsistent goals. It is a challenge to balance them. It is never perfectly right. But our responsibility—both as legislators in this Chamber and the other body, as well as the role of regulators and, obviously, those in the private sector and public sector—is to try and strike that balance between protecting the public and consumers who use financial services, as well as to be able to provide a level of confidence to those who use them, that the system is going to be safe.

It doesn't mean you are going to get a guaranteed return when you buy a stock, but you ought to feel confident when you deposit your paycheck that the institution is going to be there, or you are going to be protected from losing those resources.

So I wish to take a few minutes and share some thoughts on where we are. I will quickly add, as well, I wish to pay particular thanks to the members of the committee. As many people are aware, Senator SHELBY and I, my ranking member, have worked closely together over the last 3 years that I have been chairman of this committee on a wide range of issues, and I am grateful to him for his efforts. He is, obviously, significantly involved in this debate. I wish to thank BOB CORKER, the Senator from Tennessee. He is a new Member of this Chamber, but has performed, I think, a tremendous task of trying to sit down and work out the differences, and they are complex and they are difficult. Nonetheless, he has rolled up his sleeves and demonstrated a level of maturity and interest far beyond the years of his service. All of us—and I, certainly—wish to thank him publicly as well for his efforts, and that of his staff, trying to help us get there.

Other members of the committee, including JACK REED of Rhode Island, CHUCK SCHUMER, MARK WARNER, have taken on particular heavy lifts, and I will talk about them in a minute as I discuss what is going on, along with JUDD GREGG of New Hampshire and MIKE CRAPO of Idaho. So there have been a lot of people involved in this as we go forward. I would be remiss if I didn't acknowledge their hard work and that of their staffs over these many months.

We are still not there yet. I am not here to announce an agreement or to tell my colleagues we have reached a consensus. We are trying to get there, but we are not there yet. We are making an effort to see if we can't develop a set of proposals that will enjoy broad support in this institution as we go forward.

So we have all seen, of course, the devastating consequences. I hardly

need to spend much time enumerating them here. People are living them every day, and they don't necessarily need to hear them outlined. However, I will just share again what all of us are painfully aware of.

Mr. President, 8.4 million jobs have been lost since December of 2007. The unemployment rate is currently at 9.7 percent. It has been obviously far too high. I think all of us know, as the Presiding Officer does, that there are pockets in our country where that 9.7 is maybe half the unemployment rate in certain areas of rural America and urban America. An astonishing 6.1 million Americans have been without a job for half a year or more in our Nation. Millions of our fellow citizens who did nothing wrong have nonetheless lost homes, their retirement security, their jobs, their health care. Small businesses have been unable to access credit and have been forced to lay off workers, reduce production, or even have had to shut their doors. Working class families in our country have seen their wealth decline significantly, and, worst of all, today we remain entirely vulnerable to yet another crisis.

We haven't finished this work, and if something were to happen again tomorrow, as much as we have been working on this issue, we haven't passed the necessary legislation to minimize a crisis bringing us close to the brink of financial collapse as the one we are presently in did.

So, obviously, the status quo—I am getting kind of tired of using those words; business as usual, whatever words you want to use to describe it—cannot persist. Congress, in my view, must pass comprehensive, meaningful reform of our financial system. My hope and intention is to do everything I can in the waning days of my service after 30 years here to achieve that goal.

We have to correct the failures that allowed us to get into this mess, but we must also develop a regulatory system that is prepared for the next one, and one that is going to invite, as well, the kind of creativity and innovation that allow for job creation and wealth creation that our system has in the past provided.

Over a year ago, the Banking Committee, as I pointed out earlier, set out to investigate the causes of financial crises and the vulnerabilities that lie in our financial regulatory structure. Over the last year or more, we have held literally dozens and dozens of gatherings, hearings, informal and formal meetings. We have listened to hundreds of experts in a wide variety of fields who have been either affected by, or who have offered some ideas as to how we can create this architecture about which I have spoken. We have examined and reexamined all sets of proposals sent to us by the White House, the Treasury, the Federal Reserve, the FDIC, and others.

In November of last year, I offered my colleagues a discussion draft of where I was. I didn't suggest it had co-sponsors or backers, but I thought people ought to know where the chairman of the committee was, so I laid out a broad proposal in these areas. It certainly produced a discussion, I can tell my colleagues. Not always a welcome one from certain corners, but I thought people ought to know at least where I stood on these issues. If I were going to write this alone and I didn't want anyone else to offer their ideas and suggestions, I had some pretty strong and sound ideas as to where we ought to be. I then asked my fellow committee members, Democrats and Republicans, to work on major parts of the bill. It is so complex and so big and broad, the subject matter, that I didn't think any one member, even a chairman and a ranking member, could necessarily put their arms around all of it. So I asked various members who expressed an interest in various subject matters if they would take on the responsibility, a Democrat and a Republican working together, to see if they could come up with some ideas that would be sound, intelligent reforms of the financial system.

It has been an enormous task. As I said a moment ago, these are incredibly complex issues, but with the good work done by so many on the committee, I believe we are well on our way to producing a very strong bill. The problems with our economy run system-wide, and while there is the temptation by some to address only one or two issues and claim victory and call it a day, we are working in our committee on a bill that will attack these problems and vulnerabilities in a rather comprehensive way, one that we believe will make a difference.

The bill as we fashion it is designed to achieve four major accomplishments: No. 1—and the first priority, I would argue, if I had to prioritize whether the others fall into this category—is ending too-big-to-fail bailouts. That, to me, is the most important thing we can achieve here.

Never, ever again should the American taxpayer of this country be forced to write a check, which they did, because there is an implicit guarantee that the Federal Government of the United States will bail out a company lest it threaten the stability of the economy as a whole. It will make it so undesirable for a company to get too big or too complex with new capital, new leverage requirements, supervisory requirements, and set up a mechanism so large, complex companies can be shut down through bankruptcy or resolution in a way that does not threaten the economy or expose the American taxpayers, as they have been. It is a resolution, it is a bankruptcy, it is a receivership, and it is painful to creditors, to shareholders, and to the man-

agement who bear the burden but not taxpayers.

We are very close to achieving that. Again, I thank MARK WARNER of Virginia and BOB CORKER of Tennessee who dealt with this issue, this and systemic risk, which I will mention in a minute. They worked I don't know how many hours sitting down trying to fashion this resolution mechanism. But the idea that we would watch the American taxpayer write out a check for \$700 billion, knowing the reaction of the American public—by the way, in the absence of what we are trying to do here, I think we did the right thing. Had we not done it, the financial problem would have been a lot worse. We never again ought to be put in that position, where that is the only alternative we have. This bill will address that issue.

Secondly, we create an early warning system in the economy so somebody is looking out for the next big problem. The bill would create what we call a systemic risk council—that is our goal—that will have the job of looking across the economy to identify unsafe products, activities, institutions that could threaten the economy as a whole in the future. We cannot afford to be caught off guard again by obvious weaknesses in our system because no one is responsible for taking a broad view.

Again, it is not going to stop everything, but we did not have this ability in the past. Again, MARK WARNER and BOB CORKER have worked very hard on a resolution mechanism and systemic risk and all of us owe them a debt of gratitude for their efforts.

Third, we bring transparency and accountability to the exotic instruments, such as derivatives and credit default swaps, things that are rather arcane to most Americans, to put it mildly, but have been lurking too long in the dark and were able to cause untold damage to our economy because they lacked transparency and regulation. We change that in this bill. That is our hope anyway, if we get to the conclusion of it.

We have to regulate these activities that left investors and our economy open to the tremendous risks they did not even know existed. Literally, billions of dollars being traded—frankly, gambled—behind closed doors drove our economy to the verge of collapse. Senator JACK REED of Rhode Island, Senator JUDD GREGG of New Hampshire, and their staffs have been working on this issue over many weeks to try and come up with an intelligent, thoughtful, well-drafted set of proposals on these exotic instruments, particularly derivatives. I thank them for the job they have done, and I am confident when our colleagues have had a chance to be briefed about their efforts, there will be broad-based support for what is included in our bill.



We have to rein in these crazy compensation packages that have outraged the public and hurt companies by rewarding short-term profits and wild risk-taking. Senator CHUCK SCHUMER of New York, Senator MIKE CRAPO of Idaho, and their staffs have been working on governance issues. More work needs to be done on this issue. I thank both our colleagues, again a Democrat and Republican, for trying to come up with ideas on governance issues that will avoid some of the problems with which we are all too familiar.

We create—and one that has attracted the most attention because of the issues involved—a strong and independent consumer protection watchdog, one that has never existed but has come to financial services. It is somewhat ironic we have a Consumer Product Safety Commission, so if we buy a toy for our children or a product or an appliance and it does not work or it causes us great harm or danger, there is a place called the Consumer Product Safety Commission which will protect us from these hazardous appliances.

Yet when it comes to financial services, we have had no place to go to get a similar kind of protection. That analogy has been drawn by others in the past, and I think it is an appropriate one.

We have undertaken this effort. It is controversial because I think there are a lot of fears people have about what we are trying to achieve with all this. Yet if you look back and you watch what has unfolded over the last couple years, and particularly where you see some of these barons of the financial services sector reaping millions of dollars in bonuses after their companies have been shored up through taxpayer efforts, and yet the very people who had their homes, their jobs, their retirement, their health care, their life savings put at risk, what do they get, having come up with the tax dollars to protect these industries? We want to see to it that we never have again the consumer of financial products be unprotected when we start examining these issues.

We are working on this issue to put together what I set out as principles that should be included in a consumer protection watchdog. The failure to protect consumers, as I think most people know, led to some of the dangerous practices we saw and put our economy at so much risk. People were given mortgages they did not understand and could not afford. To ensure strong consumer protection, the real question is: Will this office have the independence and the authority it needs to get the job done to take care of consumers?

I focused on four principles from the very beginning of this debate involving this consumer protection idea we hope to produce. One, that it have an independent head appointed by the Presi-

dent of the United States and confirmed by this body, the Senate; second, that it have an independent budget so the office will have the resources it needs to do the job; third, that it have the autonomy to craft rules to protect consumers; and fourth, an ability to enforce those rules as well.

With these features, the office, I think, can act to protect consumers from the kinds of abuses we have seen, such as skyrocketing credit card interest rates, an explosion in checking account fees or predatory lending by the mortgage industry. Where rent space is less important—not unimportant, less important—what power and authority it has is the critical question.

Obviously, we want to do this in a way that does not jeopardize the safety and soundness of institutions. I do not believe there necessarily is any conflict, although some suggest there may be.

We are trying to provide, as well, a mechanism to resolve when, in fact, we have some conflict between safety and soundness and consumer protection. I understand that concern. We are trying to accommodate that while simultaneously maintaining the independence and autonomy of this agency.

Our goal is to end the status quo, as I said earlier—words I am getting tired of using, but doing nothing is unacceptable—and to create a system where honest businesses, large and small, can thrive on a level playing field, where middle-class families can find work, invest with confidence, and achieve the dreams they have for themselves and their children.

Today, I am pleased to report that good work has been done by Democrats and Republicans both on the Banking Committee to put financial reform in a strong position. While we do not have a bipartisan agreement yet at all, we are trying to. I don't know if it will happen. I am optimistic it can happen. I have been around here long enough to know these things can fall apart easily. It is fragile. Complex issues you think you resolved can produce unintended consequences. Most importantly, getting it right—while I would like to get it done soon, I want to make sure we do it correctly and properly.

This is one of the hardest tasks I have been asked to undertake in my years here, to try and fashion these proposals in a way that can bring broad support in this institution. We do not have an agreement yet, but because I have colleagues, such as the ones I mentioned on the Democratic side, such as JACK REED, MARK WARNER, CHUCK SCHUMER, TIM JOHNSON—I can go down the list of those who worked on the issues—and I also have colleagues such as BOB CORKER, DICK SHELBY, JUDD GREGG, and others to make an effort on that side to see if we can make agreements.

I know everything we are hearing about Congress these days, that nothing

seems to be working here, but we are making an effort to come up with a proposal that will achieve those goals, a good, strong bill and one that will enjoy good, strong support in this institution.

I hope I have not talked too long, but I wished to give at least a flavor of where things are today. As I said, we are not done yet. We are in a pretty strong position to achieve a good, strong bill and one we can be proud of in this institution.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3335 AS FURTHER MODIFIED, AMENDMENT NO. 3383, AS MODIFIED, AMENDMENT NO. 3374, AS MODIFIED, AMENDMENT NO. 3397, AS MODIFIED, AMENDMENT NO. 3411, AS MODIFIED, AMENDMENT NO. 3416 EN BLOC

Mr. BAUCUS. Mr. President, I ask unanimous consent that it be in order for the following amendments to be called up and reported by number, en bloc; further, that the Landrieu amendment No. 3335, which is pending, be further modified with the changes at the desk; that the remaining amendments listed here, except amendment No. 3416, be modified with the changes at the desk: Wicker amendment No. 3383; Bayh-Vitter amendment No. 3374; Rockefeller amendment No. 3397; Roberts amendment No. 3411; Lincoln amendment No. 3416; that the amendments, as modified or as further modified, be considered and agreed to en bloc, and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3335, AS FURTHER MODIFIED

On page 268, between lines 11 and 12, insert the following:

**SEC. 6. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

**SEC. 6. INCREASE IN INFORMATION RETURN PENALTIES.**

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.



(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

#### AMENDMENT NO. 3383, AS MODIFIED

(Purpose: To amend the Internal Revenue Code of 1986 to extend tax-exempt bond financing in the GO Zone, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

#### SEC. 6. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3913, 3919) are each amended by striking “January 1, 2011” each place it appears and inserting “January 1, 2012”.

#### SEC. 6. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

#### AMENDMENT NO. 3374, AS MODIFIED

(Purpose: To clarify the low-income housing credits that are eligible for the low-income housing elections, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

#### SEC. 6. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

Subsection (n) of section 42, as added by section 121, is amended to read as follows:

“(n) ELECTION FOR REFUNDABLE CREDITS.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i)

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

#### SEC. 6. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase in the State housing credit ceiling for 2009 attributable to any State housing credit ceiling re-

turned in 2009 to the State by reason of section 1400N(c) of such Code (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any increase in the State housing credit ceiling for 2009 attributable to any additional State housing credit ceiling made by reason of the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

#### SEC. 6. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

#### AMENDMENT NO. 3397, AS MODIFIED

(Purpose: To amend the Internal Revenue Code of 1986 to modify the requirements for exterior windows, doors, and skylights to be eligible for the credit for nonbusiness energy property, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

**SEC. 6. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 6. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.**

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**AMENDMENT NO. 3411, AS MODIFIED**

(Purpose: To extend the special allowance for certain property, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

**SEC. 6. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.**

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110-246) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

**SEC. 6. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.**

(a) IN GENERAL.—Section 6657 is amended—

(1) by striking “If any check or money order in payment of any amount” and inserting “If any instrument in payment, by any commercially acceptable means, of any amount”, and

(2) by striking “such check” each place it appears and inserting “such instrument”.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

**AMENDMENT NO. 3416**

(Purpose: To provide grants for energy efficient appliances in lieu of tax credits)

On page 268, between lines 11 and 12, insert the following:

**SEC. . GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.**

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

**AMENDMENT NO. 3430 TO AMENDMENT NO. 3336**

(Purpose: To modify the pension funding provisions)

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 3430 then be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. ISAKSON, for himself, and Mr. CARDIN, proposes an amendment numbered 3430 to amendment No. 3336.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I want to spend a minute talking about some remarks I made this morning, especially in light of how they are being irresponsibly mischaracterized by those seeking to score political points.

Today, we learned that 36,000 Americans lost their jobs in February. Those families don't need today's Department of Labor report or anyone else in Washington to tell them what that means for putting food on the table or making car payments or utility payments or affording their health care. It is devastating news. If we are going to discuss the state of our economy and the

direction in which it is going, if we are going to talk about it like adults, let us take a step back and put the number into context.

Economists, as reported by the Wall Street Journal, Bloomberg News Wire, and other publications believed that 75,000 to 80,000 Americans were going to lose their jobs last month. That is more than double what the actual number turned out to be. That number, of course, is still too high. But I was glad this morning when I heard the unemployment number proved the pundits wrong by some 50 percent. Those economists thought the employment rate was going to go up. Well, it didn't. But the unemployment rate is still too high, and anyone from Nevada can tell anyone who wants to listen about that fact.

We could ask the 40,000 Americans who economists thought were in the line of fire but who still had a job to go to this morning, and they will tell you that they were relieved February wasn't as bad as expected. And remember, if you compare where we were last year and where we are today, if you compare where we were before the Recovery Act and where we are now, there is no question we stopped a terrible situation from getting even worse.

In the 3 months before the Recovery Act, 750,000 to 800,000 people lost their jobs—in those 3 months alone. Then the Recovery Act kicked in, and in the last 3 months, that number is down from 750,000 to 36,000. That is not all. In the quarter before the Recovery Act, the economy shrank by more than 6 percent. In the last quarter, the economy grew by 6 percent. Expert after expert has said as many as 2½ million people who have jobs today would not have them had we not had the Recovery Act. Expert after expert has said our recession would have become another depression if we had done nothing, as some urged. Going from 750,000 to 800,000 job losses to 36,000 is not the end, but it is a step in the right direction. Taking our economy from a 6-percent contraction to 6 percent growth is not the end, but it is a step in the right direction.

People should start looking literally at the glass being half full rather than half empty. People should start betting on the success of this country, not the failure, as some have done.

The President said this morning that the 6-percent growth we had last quarter is not the end, but it is a step in the right direction. And as he said this morning, it is still more than we should tolerate. We don't pretend for a minute it is enough. I know Nevada's families and businesses are hurting, and that is why we are doing even more to put people back to work and why we worked so hard to pass a jobs bill last month that the House passed yesterday. That is so important.

The jobs bill is going to be great for small businesses. It will save a million highway jobs, allow small businesses to hire people who have been off work for 60 days, give small businesses an incentive to buy things and write them off for up to \$250,000. They do not have to depreciate it. And the Buy America Bonds, one of the premier successful issues in our Recovery Act that Governors and local officials wanted, is in the bill we passed. I was at the White House, along with others, yesterday where the President signed a bill that rewards businesses with tax cuts for keeping jobs here at home and not sending them overseas.

But again, let us put this in context. What was the response from my friends on the other side of the aisle? It is incredible. We have been told that the bill will create more than 200,000 jobs—the Travel Promotion Act. What did my friends on the other side say? They agreed with some of the ideas in the bill, but they decided to play politics and they voted against it anyway, with rare exception.

It is why we fought so hard to extend unemployment health benefits for those thrown out in the streets by the Republican recession. What was the response of our Republican colleagues to preserve unemployment compensation with unemployment health benefits? The response from my Republican colleagues, even though they said they agreed with helping those who had lost their jobs through no fault of their own, was they delayed and delayed and let the benefits expire. And when thousands were told to go home from their jobs without pay, and with many more at risk, they sat silently by.

That is why we passed the Travel Promotion Act, which the President signed yesterday—a bill that would create jobs and cut the deficit by \$½ billion. It is a bill that will bring foreign tourists to the United States so they can spend their money all across our country. But how did the Republicans react? They delayed it for months and months and months and months, only to vote for it in the end.

We will keep going. We will pass a long-term extension of unemployment insurance, health benefits for the unemployed and tax cuts for small businesses. We will create incentives for companies to invest in renewable energy—projects that will make States such as Nevada the leaders of the new clean energy economy, with green jobs from coast to coast that can never be outsourced. It is why we will finish the job on health care reform, which both bodies of Congress have already passed—a plan with contents my State and the country overwhelmingly support.

Fixing our broken health care system will save lives, save money, and save Medicaid and Medicare, but it will also save jobs—as many as 34 million over

the next decade. The reason each of these steps is important—the Recovery Act, our jobs bill, extension of unemployment and health benefits, promoting tourism, tax cuts and incentives, and health care reform—is because they each add certainty and security to our businesses, our States, and our country. They each represent a strong new brick along the road to recovery that we need to build.

Yet for some reason, those on the other side simply can't bring themselves to admit what we are doing is working. We are nowhere finished with that work, but the people of Nevada and the rest of the American people know that the emergency steps we took and the ones we will take have turned us around and now we are facing in the right direction. We have a long way to go, as the President said, and we will move past this.

So I encourage my Republican friends to remember this critical context before their political reflections lead them to make claims they know to be false. I warn them once again that this country has no place and no patience for those who root for failure.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus substitute amendment No. 3336 to H.R. 4213, the Tax Extenders Act of 2009.

Harry Reid, Max Baucus, Richard J. Durbin, Roland W. Burris, Kent Conrad, Benjamin L. Cardin, Patrick J. Leahy, John D. Rockefeller, IV, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Jon Tester, Bill Nelson, Charles E. Schumer, Kay R. Hagan, Sheldon Whitehouse, Tom Harkin.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send another cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on H.R. 4213, the Tax Extenders Act of 2009.

Harry Reid, Max Baucus, Richard J. Durbin, Roland W. Burris, Kent Conrad, Benjamin L. Cardin, Patrick J. Leahy, John D. Rockefeller, IV, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Jon Tester, Bill Nelson, Charles E. Schumer, Kay R. Hagan, Sheldon Whitehouse, Tom Harkin.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 9, after the Senate resumes consideration of H.R. 4213, it proceed to vote in relation to the following amendments, in the order listed, and with no amendments in order to the amendments; and that prior to each vote there be 4 minutes of debate, equally divided and controlled in the usual form, and after the first vote in this sequence, the succeeding votes be limited to 10 minutes:

Baucus amendment No. 3429 on the subject matter of the Coburn amendment No. 3358; the Coburn amendment No. 3358; the Murray amendment No. 3356, as modified; the Republican leader, or designee, amendment on the same subject matter as the Murray amendment No. 3356; that at 2:30 p.m., Tuesday, March 9, the Senate proceed to vote on the motion to invoke cloture on the Baucus substitute amendment No. 3336, with the mandatory quorum being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we move to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LITHUANIA COMMEMORATIVE RESOLUTION

Mr. DURBIN. Mr. President, March 11, 2010, the people of Lithuania celebrate the 20th anniversary of the reestablishment of the State of Lithuania.

Yesterday, the Senate passed a resolution that I, along with Senator CARDIN and Senator WICKER, submitted to commemorate this occasion.

An ancient and noble state, mentioned as far back as 1009, Lithuanians have long revered their independence. On February 16, 1918, the Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state.

During World War II, under the German-Soviet Treaty of Friendship, Cooperation and Demarcation, Lithuania was forcibly incorporated into the Soviet Union in violation of preexisting peace treaties. During 50 years of Soviet occupation of the Baltic States, the United States Congress consistently refused to legally recognize the incorporation of Latvia, Estonia and Lithuania into the Soviet Union.

On March 11, 1990, the Republic of Lithuania was restored, and Lithuania became the first Soviet republic to declare independence. A little over a year later, the U.S. Government formally recognized Lithuania as an independent and sovereign nation. This year the U.S. Government and the Government of Lithuania celebrate 88 years of continuous diplomatic relations.

Lithuania is a strong, free market democracy and a full member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization. In 2009 Lithuania assumed Presidency of the Community of Democracies.

Lithuania also plays an important part in maintaining international peace and stability in Europe and around the world and participates in international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo and Georgia.

When I traveled to Lithuania again last year, I was proud not only of my heritage, but to see how far Lithuania has come, despite the many difficulties it endured in the last century. My congratulations to President Dalia Grybauskaitė, Prime Minister Andrius Kubilius, and the people of Lithuania on this historic occasion.

#### NATIONAL PEACE CORPS WEEK

Mr. AKAKA. Mr. President, in the early 1960s, President John F. Kennedy inspired Americans to serve their country in the cause of peace by living and working in developing countries throughout the world. From that inspiration grew an agency devoted to world peace and friendship. The Peace Corps has become an enduring symbol of our Nation's commitment to encourage progress, create opportunity, and expand development at the grass-roots level in the developing world. In gratitude of the nearly 200,000 volunteers who have made significant contributions to improve the lives of people in over 139 countries during the last 49 years, I would like the Senate to recognize the Peace Corps and its celebration of National Peace Corps Week.

National Peace Corps Week is being held from March 1 through March 7, 2010. During this time, celebratory and educational events will occur across the country to pay tribute to the Peace Corps' positive influence on communities here at home and abroad. Thousands of current and former Peace Corps volunteers will participate in activities that advance the Peace Corps' goals of improving Americans' understanding of other peoples and improving other peoples' understanding of Americans in countries where the Peace Corps serves. The momentous work of Peace Corps volunteers toward these goals represents a legacy of serv-

ice that has become a significant part of America's history and positive image abroad.

Throughout its history, the Peace Corps has adapted and responded to the issues of the times. In a constantly changing world, Peace Corps volunteers have met new and difficult challenges with creativity, determination, innovation and compassion in places such as Africa, Asia, the Caribbean, Central and South America, Europe, the Pacific Islands and the Middle East. Volunteers have made momentous and enduring contributions in agriculture, business development, information technology, education, the environment, health and HIV/AIDS awareness and prevention. Peace Corps volunteers are able to make these tremendous contributions through learning more than 250 languages and dialects and receiving extensive cross-cultural training that enables them to function effectively at a professional level in different cultural settings.

It should be noted that in the area of HIV/AIDS awareness and prevention, Peace Corps volunteers provide hope and meaningful assistance to those affected by this terrible disease. The tireless efforts and dedication of volunteers have made the Peace Corps a key partner in the global response to the HIV/AIDS pandemic. Peace Corps volunteers are uniquely suited to work in HIV/AIDS awareness and prevention because they are trained in the local language, live and work in the communities where they serve, and know how to share information in a culturally appropriate way.

The Peace Corps and its volunteers continue the tradition of making a difference to improve the lives of millions of people around the world. Peace Corps volunteers will arrive in Indonesia in the spring of 2010 and will work as English teachers in high schools and at teacher training institutions. In mid-2010, Peace Corps volunteers will return to Sierra Leone after a 16-year absence to focus on secondary education and work with their host communities on grassroots initiatives and community development projects.

In conclusion, I want to take this opportunity to personally thank the nearly 7,700 Peace Corps volunteers who are currently making significant and lasting contributions in 76 countries. Among them I want to recognize the 29 Peace Corps volunteers from the State of Hawaii who are serving in such diverse places as Zambia, Botswana, Micronesia, China, Morocco and Kyrgyzstan. I am extremely proud of their service and contribution.

I take great pleasure in recognizing the achievements of the Peace Corps, honoring its volunteers, and reaffirming our country's commitment to helping people help themselves throughout the world.

Mrs. SHAHEEN. Mr. President, I rise today to commemorate National Peace

Corps Week and to honor the thousands of Americans who serve as Peace Corps volunteers throughout the world.

The Peace Corps was founded on the ideal that each of us has the responsibility to serve our country and leave our world in a better place than we found it. Peace Corps volunteers provide innovation, creativity, determination, and compassion in an ever-changing world, advancing U.S. interests and the global good. These volunteers exemplify the true meaning of service to a greater cause and contributing to the well-being of those in need around the world.

Since the Peace Corps' founding in 1961 by President John F. Kennedy, nearly 200,000 U.S. citizens have chosen to serve their country as Peace Corps volunteers in 139 countries around the world. Today, nearly 8,000 Peace Corps volunteers serve abroad in 76 different countries, providing critical education, expertise, and development assistance to the poor and impoverished across the globe. Their willingness to dedicate themselves toward the laudable goal of assisting those in need and strengthening the image of America makes them deserving of our respect and admiration.

In my own home State of New Hampshire, 48 volunteers have heard the call and are currently devoting their time, energy, and lives to fulfilling the vision of President Kennedy and serving abroad in the cause of peace. They are placed throughout the developing world—from Cambodia to Guatemala to Kazakhstan—making significant and lasting contributions toward the health, education, and development in the places where these things are often needed most.

I seek recognition of each of these citizen ambassadors and the many Peace Corps volunteers from New Hampshire that have served since 1961. In honor of their efforts, I will ask consent that the attached list of current New Hampshire volunteers be printed in the CONGRESSIONAL RECORD. New Hampshire is proud of your service, and we will continue to stand behind you and express thanks for your assistance.

In today's interdependent world, American security and prosperity are inextricably linked to the security and prosperity of people in the developing world. Peace Corps volunteers work on the front lines in our battle for hearts and minds around the globe. They serve as teachers, business professionals, health educators, agricultural and environmental specialists, management and information technology advisors, and mentors and friends to citizens across the globe. As the administration plans to double the size of the Peace Corps in the years to come, it is critical to remember that these unofficial ambassadors have become enduring symbols of our nation's commitment to progress, opportunity, and

grass-roots development in the far corners of the world.

Upon the completion of their service abroad, these volunteers then return home to promote a better understanding here in America of the culture, language and viewpoint of those they have served. In our 21st century world, where the threats and challenges that confront America and the global community cannot be overcome by the might of our military alone, Peace Corps volunteers are laying the foundation for a more secure, prosperous, and compassionate world. In honor of National Peace Corps Week and in celebration of the Peace Corps' 49th anniversary, I would like to recognize those volunteers from New Hampshire, as well as all past and current Peace Corps volunteers, for their commitment to fostering a better world for future generations.

As a member of the Senate Foreign Relations Committee and the chair of the Foreign Relations Subcommittee on European Affairs, I will work with our allies and friends throughout the world in the development of an American foreign policy that matches the passion and commitment to service of our Peace Corps volunteers abroad.

Mr. President, I ask unanimous consent to have the list of current New Hampshire volunteers to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE

Senator: Jeanne Shaheen

Volunteer name	Country of service	Start of service date	Projected COS date
Abrams, Hillary H .....	South Africa	17-Sep-2009	16-Sep-2011
Ankarberg, Denise Y .....	China	28-Aug-2009	02-Sep-2011
Bardo, Johanna E .....	Suriname	01-Aug-2008	31-Jul-2010
Bardo, Nicholas W .....	China	12-May-2006	25-Aug-2010
Barker, Lisa B .....	Cambodia	25-Sep-2009	12-Aug-2011
Bootland, Diane C .....	Belize	29-Oct-2008	22-Oct-2010
Cahill, Michael P .....	Mali	12-Sep-2008	11-Sep-2010
Campbell, Adam S .....	Morocco	19-May-2008	19-May-2010
Clark, Samantha A .....	Kazakhstan	31-Oct-2009	30-Oct-2011
Coes, Casey P .....	Morocco	19-May-2008	03-Sep-2010
Cook, Catherine A .....	Suriname	29-Jul-2009	29-Jul-2011
Costanza, Danielle M .....	Nicaragua	31-Jul-2009	29-Jul-2011
Croteau-Frechet, Sydney A .....	Swaziland	27-Aug-2009	26-Aug-2011
Daigneault, Jacqueline A .....	Togo	03-Dec-2009	02-Dec-2011
Drapcho, Amanda C .....	Gambia	18-Apr-2008	17-Apr-2010
Estabrook, Kate P .....	Suriname	01-Aug-2008	31-Jul-2010
Evans, Nicole A .....	Lesotho	08-Jan-2009	23-Jan-2011
Fiorino, Amanda J .....	Mongolia	19-Aug-2009	18-Aug-2011
Fosher, Steven J .....	Morocco	29-Apr-2009	29-Apr-2011
Frechette, David K .....	Swaziland	27-Aug-2009	26-Aug-2011
Fredenburg, Angus T .....	Nicaragua	23-Nov-2009	18-Nov-2011
Geller, Amanda L .....	Guatemala	18-Jul-2008	17-Jul-2010
Gross, Brendan S .....	Mali	10-Sep-2009	11-Sep-2011
Guthro, Kaitlyn A .....	Kyrgyzstan	18-Sep-2008	17-Sep-2010
Hannon, Mark F .....	Mali	12-Sep-2008	11-Sep-2010
Hannon, Samantha B .....	Mali	12-Sep-2008	11-Sep-2010
Hendel, Sarah J .....	Turkmenistan	05-Dec-2008	05-Dec-2010
Jacobson, Gloria J .....	Fiji	23-Jul-2009	22-Jul-2011
Joyce, Judith A .....	Eastern Caribbean	17-Oct-2008	15-Oct-2010
Keniston, Charlotte S .....	Guatemala	31-Oct-2008	30-Oct-2010
King, Amy E .....	Azerbaijan	09-Dec-2009	08-Dec-2011
Mackie, Laura K .....	Ukraine	18-Jun-2008	17-Jun-2010
McClone, Michael R .....	Fiji	24-Jul-2008	30-Jul-2010
McLaughlin, Matt .....	Senegal	17-Nov-2006	14-Dec-2009
Melvin, Adam T .....	Jordan	04-Sep-2008	09-Sep-2010
Netsch, Kathryn S .....	Kyrgyzstan	18-Sep-2008	17-Sep-2010
O'Neil, Beth J .....	Armenia	13-Aug-2009	13-Aug-2011
Rhodes, James R .....	Suriname	29-Jul-2009	28-Jul-2011
Sehovich, Jessica N .....	Ukraine	18-Jun-2008	17-Jun-2010
Sullivan, Steven W .....	Senegal	07-Nov-2008	09-Nov-2010
Thompson, Jonathan D .....	Benin	25-Sep-2009	25-Sep-2011
Tostenson, Bradley J .....	Kyrgyzstan	10-Jun-2009	09-Jun-2011
Tuttle, Christian P .....	China	28-Aug-2009	02-Sep-2011

#### SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE—Continued

Senator: Jeanne Shaheen

Volunteer name	Country of service	Start of service date	Projected COS date
Ullrich, Valerie L .....	Ukraine	18-Jun-2009	17-Jun-2011
Vinson, Laura M .....	Ecuador	29-Aug-2008	27-Aug-2010
Wiggum, Candice D .....	Macedonia	26-Nov-2009	25-Nov-2011
Wilkinson, Amy T .....	Uganda	22-Apr-2009	21-Apr-2011
Wrocklage, James W .....	Azerbaijan	09-Dec-2009	08-Dec-2011
Total Volunteers: 48.			

#### CONGRATULATING THE 2010 MICHIGAN WINTER OLYMPIANS

Mr. LEVIN. Mr. President, I would like to congratulate all of the athletes who competed in the 2010 Winter Olympic Games in Vancouver, British Columbia. The Olympics was a spectacular and awe-inspiring event that captured the attention and imagination of people across the globe. While the athletes often come from very different backgrounds and cultures, they share a bond that will last forever: each has earned the title of Olympian. Indeed, it was heartwarming to watch these athletes come together to showcase their talents in peaceful competition over a two week span.

The United States was represented by an extraordinary group of athletes. As a team, these talented and determined competitors brought home 37 medals, the most medals ever for the United States in the Winter Games. There were many breathtaking moments and several firsts for the U.S. team. Michigan was well represented with close to two dozen athletes competing in a range of sports. I am proud of each person that represented the United States, and I am particularly proud of those with ties to Michigan. In fact, leading the parade of American athletes and holding the American Flag during the opening ceremonies was Michigan's own Mark Grimmette, a luger who competed in his fifth and last Olympic Games.

Michigan continued its long tradition of hosting and facilitating the training of world-class athletes for the Winter Games. More than three dozen athletes sharpen their skills at the Olympic Education Center, OEC, at Northern Michigan University in Marquette. In fact, the entire U.S. short track speed skating team trained at some point at the OEC leading up to the Games. This wonderful facility has provided for the training of athletes in a number of Olympic disciplines and has been an integral part of the success of many Olympic athletes since its inception in 1985.

Shani Davis, who became the first African-American speed skater to win gold in an individual event in the Winter Games in 2006, displayed the skill and speed that has become his hallmark. This Northern Michigan University Alumnus secured gold in the 1,000 meters, setting yet another milestone by becoming the first person to win

this event in back to back Olympic Games. Travis Jayner from Midland earned bronze as part of the U.S. 5,000 meter relay team at the Games. Long track speed skater Ryan Bedford from Midland also had a solid performance, placing 12th in the 10,000 meter race in his first Olympic appearance. Jilleanne Rookard, a speed skater from Woodhaven, competed in three individual and one team event. Her best finish was fourth in the team pursuit. Competing in her second Winter Games, Kimberly Derrick, a graduate of Northern Michigan University, competed in the 1,500 meter individual race.

The United States men's hockey team won silver in Vancouver, a remarkable performance that captivated Americans, whether they were dedicated hockey fans or newcomers to the sport. The men's journey to the gold medal game was buoyed by goaltender Ryan Miller from East Lansing, MI. Miller, a Michigan State University alumnus, earned Most Valuable Player honors for his phenomenal play throughout, which enabled the young American team to make a run for the gold. There were several members of the men's team with ties to Michigan that contributed to the hockey team's success, including Tim Thomas from Flint, Tim Gleason from Clawson, Jack Johnson from Ann Arbor, Ryan Kesler from Livonia and Brian Rafalski from Dearborn, who now plays for the Detroit Red Wings of the NHL. In fact, 14 of the 25 member U.S. roster are either from Michigan or played organized hockey at some point in Michigan.

The men's gold medal game was one of the great hockey games I have seen—and I have seen a lot. The U.S. hockey team tied the score in the final, hectic seconds of regulation to send this thrilling game into overtime. While the team ultimately lost in overtime, the heart they displayed was forever etched in our minds.

A number of Red Wings players represented their home countries at the Winter Games, including Mike Babcock, head coach of the Canadian team; Pavel Datsyuk of Russia; Valtteri Filppula of Finland; and Johan Franzen, Niklas Kronwall, Nicklas Lidstrom, and Henrik Zetterberg of Sweden.

The U.S. women's hockey team matched the men's success by securing silver in Vancouver. Their dominating performance throughout the Olympics culminated in a fierce battle against Canada in the gold-medal game. The lone Michiganian on the team, Angela Ruggiero from Harper Woods, played well throughout, scoring three goals and an assist in the tournament. In a demonstration of the respect this four-time Olympian has earned, her fellow athletes from around the world selected Ruggiero to serve as one of the athletes' representatives to the International Olympic Committee.

In Ice Dancing, Meryl Davis and Charlie White from West Bloomfield and Dearborn, respectively, skated with grace and precision to secure the silver medal. Their performance was truly stunning. Joining them on the medal podium were Scott Moir and Tessa Virtue of Canada. Both teams train in Canton, MI, at the Arctic Figure Skating Club. Emily Samuelson and Evan Bates, who train at the Ann Arbor Figure Skating Club, skated beautifully and finished 11th overall. All three pairs were a joy to watch, and to have three teams that train in Michigan perform so well is a tribute to Michigan's commitment to the sport. Along with being a part of the 2010 Olympic Team, Meryl, Charlie, Emily, and Evan also are students at the University of Michigan. Tanith Belbin and Ben Agosto, the 2006 Torino silver medalists who formerly trained in Canton, MI, also skated well and placed fourth. The two-time United States Men's Champion Jeremy Abbott from the Detroit Skating Club in Bloomfield Hills placed 9th in the tough and spirited men's individual figure skating contest.

There were many other dramatic moments and personal triumphs by Olympians from Michigan during the 2010 Winter Games. Bobsledder Michelle Rzepka from Novi, a graduate of Michigan State University, put forth a strong effort and finished sixth overall. Nick Baumgartner from Iron River competed with style and abundant flair in Snowboardcross in Vancouver. Caitlin Compton, a Northern Michigan University graduate, displayed great endurance and perseverance in competing in three cross country events, with a top finish of sixth in the team sprint free.

I know I speak for all Michigani-ans in expressing appreciation and congratulations to all of the athletes, coaches, and administrators who took part in the 2010 Winter Olympic Games. It is with particular pride that I salute the athletes from Michigan. The commitment, drive, and competitive spirit of these athletes were on full display for the world to witness. The feats of these gifted and determined athletes have inspired us all.

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

#### ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, March 5, 2010, she had presented to the President of the United States the following enrolled bill:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4919. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SE3160, SA315B, SA316B, SA316C, and SA319B Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0047)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4920. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lifesavings Systems Corp., D—Lok Hook Assembly" ((RIN2120-AA64) (Docket No. FAA-2009-1148)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4921. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshift Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0889)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4922. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0066)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4923. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes (Airplanes Docket No. 1081)" ((RIN2120-AA64) (Docket No. FAA-2009-1081)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4924. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes (Airplanes Docket No. 1116)" ((RIN2120-AA64) (Docket No. FAA-2009-1081)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4925. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR Airplanes; and EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and 145EP Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0659)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4926. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0031)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4927. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-200C and 200F Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0608)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4928. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205B and 212 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0065)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4929. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model Falcon 900EX Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0994)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4930. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-221, -222, -322, -324, and -325 Airplanes, and Model A300 B4-620, B4-622, B4-622R, and F4-622R Airplanes, Equipped with Pratt and Whitney PW4000 or JT9D-7R4 Series Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0613)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4931. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125-01 Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0747)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4932. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,



transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SCHEIBE-Flugzeugbau GmbH Model SF25C Gliders" ((RIN2120-AA64) (Docket No. FAA-2010-0125)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4933. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Extra Flugzeugproduktions—und Vertriebs—GmbH Models EA-300/200 and EA-300/L Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1025)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4934. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems 1A103/TCM Series Propellers" ((RIN2120-AA64) (Docket No. FAA-2010-0093)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4935. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0418)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4936. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Augustair, Inc. Models 2150, 2150A, and 2180 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0121)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4937. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0038)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4938. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 Series Airplanes and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1107)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4939. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-

2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1027)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4940. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-203, -221, -222 Airplanes; and Model A300 F4-605R and -622R Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0615)) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4941. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Beauveria bassiana HF23; Amendment of Exemption from the Requirement of a Tolerance" (FRL No. 8814-6) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4942. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 9122-4) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4943. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definization—Defintion of Contract Action" (DFARS Case 2009-D035) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Armed Services.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes (Rept. No. 111-158).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 3082. A bill to amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

S. 3083. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. LEMIEUX, Mrs. SHAHEEN, and Mr. WYDEN):

S. 3084. A bill to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 3085. A bill to amend the Consolidated Farm and Rural Development Act to improve the business and industry direct and guaranteed loan program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

#### ADDITIONAL COSPONSORS

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1737

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1737, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

S. 1762

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1762, a bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes.

S. 1783

At the request of Mr. FRANKEN, the name of the Senator from New York



(Mrs. GILLIBRAND) was added as a cosponsor of S. 1783, a bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2878

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2878, a bill to prevent gun trafficking in the United States.

S. 3077

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3077, a bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

S. 3081

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3081, a bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes.

S. RES. 433

At the request of Mrs. SHAHEEN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mrs. MURRAY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 433, a resolution supporting the goals of "International Women's Day".

S. RES. 439

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. Res. 439, a resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed Forces serving in harm's way.

AMENDMENT NO. 3374

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3374 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3375

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3375 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3383

At the request of Mr. WICKER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3383 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3403

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 3403 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3416

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 3416 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3428

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3428 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3082. A bill to amend title 38, United States Code, to authorize indi-

viduals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

Mr. WYDEN. Mr. President, today I am introducing a bill to right a bureaucratic wrong that has prevented capable and qualified veterans from serving their home States as work-study students in Congressional offices.

For years, veterans have served in the office of their representative or senator as a vital part of an office's constituent service efforts. These student veterans gain employment experience while providing valuable expertise to our offices. Student veterans work together with our staffs to assist other veterans from their home State wade through the often confusing and lengthy process of receiving benefits from the Department of Veterans Affairs. Congressional offices benefit by providing better services to their constituents without having to hire a disproportionate number of people to assist with veterans affairs. Veteran work-study students also benefit the VA by shouldering up-front some of the administrative burdens of claims processing.

Congressional offices have served as qualified work sites for VA work-study students for over 25 years. Student veterans have worked in congressional offices during my time in both the House of Representatives and the Senate. In recent months, however, Oregon congressional offices were notified that they would no longer be eligible sites for VA work-study programs.

I am deeply troubled that the proud tradition of student veterans serving fellow veterans in Oregon congressional offices is in jeopardy. At a time when the wars in Iraq and Afghanistan have increased the number of veterans seeking our help with VA benefits and services, the instability of the program is particularly unfortunate. Moreover, my concerns are heightened due to the reduction in work-study positions available to Oregon veterans during an economic recession that has sent unemployment rates over 12 percent in some areas.

I share the VA's hope to provide high quality, prompt, and seamless service to veterans and their dependents, through the VA work-study program. That is why I am introducing legislation today to return these talented student veterans to Congressional offices. These student veterans provide an invaluable resource to our staffs. I hope that we are able to pass this legislation quickly to provide valuable employment opportunities for our Nation's veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3082

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXPANSION OF WORK-STUDY ALLOWANCE TO INCLUDE CERTAIN OUT-REACH SERVICES CONDUCTED THROUGH CONGRESSIONAL OFFICES.**

Section 3485(a)(4) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(G) The following activities carried out at the offices of Members of Congress for such Members:

“(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and non-governmental programs.

“(ii) The preparation and processing of papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under laws administered by the Secretary.”.

By Mr. BENNETT:

S. 3083. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Finance.

Mr. BENNETT. Mr. President, we got some numbers this morning. Unemployment seems stuck at 9.7 percent nationally. We lost more jobs. In my home State of Utah, unemployment is at a 23-year high at 6.8 percent. I know there are States represented by Senators here that would love to have 6.8 percent as their unemployment rate, but we in Utah do not like it.

I want to talk about one aspect of the unemployment rate that I think has been ignored in the debate we have had around the country. The President says we are out of the woods, not far out of the woods, to be sure, but that we have turned around, that the recession has started to fade, and we are starting to come back. He looks at macronumbers and makes that statement with respect to GDP and all of the rest of that. He is missing a very important fact I want to highlight here today in the introduction of this bill.

The economy is driven by a variety of forces. But the one thing we do know about economic activity is that jobs are created primarily by small businesses. When I say small, I mean really small. Over 7 million jobs have been lost since the beginning of the recession. We must ask, How many of those have been lost in small businesses? The answer is, over half of that number. Over 3.5 million of the jobs that have been lost have been lost in small businesses.

We hear and look at the reports that are in the newspaper about big companies that have had layoffs and big com-

panies that have stopped hiring. But it is the small businesses in the United States that have been the engine of economic growth and the engine of hiring all the way through.

I have talked before about my own experiences as a small businessman, and I will revisit that here for a moment to put this in context.

I have been involved in the creation of a number of businesses. Most of them have failed. That is the norm for small businesses. People get an idea. People get excited. They get caught up in the idea of having their own business. They start their own business, and they find it is much harder than they thought. They find the challenge is much more difficult than they thought or they simply run into challenges that are beyond their control and they end up failing.

It is all summarized in a comment made by a woman who attended a meeting of Inc. magazine. Inc. magazine every year chooses the “Entrepreneur of the Year” across the country in the various States. I was honored enough to be chosen as the “Entrepreneur of the Year” when I was CEO of a business in Utah, and as a reward for that we went to this convention down in Miami Beach. A panel was being held of small businesspeople. Just prior to the panel, they announced that after the panel was over there would be a wine and cheese tasting event to be held on the patio of this hotel. Then they turned to the panel, and one of the women on the panel said: Entrepreneurs do not drink wine. Entrepreneurs drink vodka, neat. We can’t do with this gracious living stuff. We are caught up in the tremendous pressure of trying to keep our businesses open.

I do not drink wine or vodka, but I identified with her comments and her sentiments about how tough it is.

Well, the President may think the GDP numbers show we have turned the corner. The people in small business recognize that in their part of this economy, we have not. Let me quote from an article in the Wall Street Journal regarding the National Federation of Independent Business’ small business optimism survey. It was in December of last year, and author noted:

Small-business owners grew even more pessimistic in the final month of 2009, capping off what was a trying year for their businesses. . . .

Regular borrowers—those accessing capital markets at least once a quarter—also continued to report difficulties in arranging credit at the highest frequency since 1983, according to the report.

Mr. President, 1983, for those of us who remember, was the depth of the recession that followed the great inflation of the Jimmy Carter years, as President Reagan and the Congress were dealing with the dreaded double dip. We came out of the Jimmy Carter

years with a recession, a recovery, and then another recession—the dreaded double dip or the “W-shaped” recession. Mr. President, 1983 was a very challenging year. I was running a small business at that time as well and I remember it very well. All right—the worst attitude with respect to their opportunities in small business since 1983, according to people who were on the firing line in small business.

So what do we need to try to help small business recover and start creating jobs again? Again, the point I made earlier: More than half of the jobs that are created in America are created with small business, and these are small businesses that are doing less than \$5 million a year. As I say, I have been involved in creating many of these businesses. Many of them failed. Fortunately, the small businesses I was involved in creating that did not fail earned enough money to repay me for all that I lost in the ones that did and created enough jobs to overcome the loss of jobs in the ones that failed, and the small business we created for which I won the award at Inc. magazine ultimately went to the New York Stock Exchange and employed 4,000 people. Not bad for a small business that started in somebody’s basement with originally four full-time employees. I was No. 5 in that business.

So I have seen it happen on both sides—the failure side and the success side—and I know what it takes. I can tell you, the kinds of things the President is talking about and we have been doing here in this Chamber are not the things small business needs to survive. Let me talk about some of those, and they are in the bill I am offering today.

One of the first things we have to recognize is that the worst thing that can happen to a small business financially is to earn a profit. You say: Now wait a minute, obviously you want to earn a profit. Yes, you want to earn a profit. But the worst thing that can happen to you is—as you are struggling on a cashflow basis to keep this business going and you cross the line into profits—the government shows up and says: We want half your profit immediately, and we want it in cash.

You want your profit invested in inventory. You want your profit invested in accounts receivable. You want your profit invested in the capital investments that will allow your business to survive, and the government says: No. You have earned a profit and we want it in taxes and we want it in cash, and we won’t take a percentage of your inventory and hold it to let you make the business grow. You have to liquidate that inventory to pay your taxes in cash.

So the first thing that is in my bill will provide a 10-year net operating loss carryback provision for qualifying businesses whose average gross revenue per year is \$5 million or less.

You struggle with the business; you lose money the first year. You struggle with the business; you lose money the second year. You struggle with the business; you lose money the third year. But you keep it afloat, and in the fourth year, you start to earn money. And there is the government saying: We want our share of your profits, and we don't care that you have been losing money while you have been building this business—you have been losing money on an accrual basis while you have been borrowing from your brother-in-law and your credit card and your bank, and whoever would give you money to cover those losses, and now you are finally at the point where you are making a little profit—we won't give you any consideration for all of those losses you have put into building this business. We are going to take our tax bite out of this year's profits, and that can be enough to sink the business.

So this has a net operating loss carryback provision for qualifying businesses whose average gross revenues are \$5 million or less.

This is not a break for American Airlines. This is not a break for General Motors. This is a break for the person who is trying to duplicate the success I was lucky enough to be involved in—where we start something in a basement or a garage and see it grow to the point where it can go to the New York Stock Exchange.

You could say: Well, Senator BENNETT, you didn't need this net loss carryback provision when you did that business. That is true because we grew that business in what the New York Times and other publications called the decade of greed. It was the years of Ronald Reagan when the top marginal tax rate was 28 percent, which meant even paying taxes, we got to keep 72 cents out of every dollar we generated in profit. That was enough to allow us to fund the growth of that business. Today, the top marginal tax rate is over 40 percent. There is a great deal of difference. If we had had to try to grow that business in today's tax environment—and it went up to that level when Bill Clinton became President—we probably would not have been able to grow the business and we would not have created those jobs and we would not have been able to ultimately build a company big enough to go to the New York Stock Exchange.

All right. I can't deal with the marginal tax rate. We don't have enough votes to do that. If I could, I would like to get it back to the 28 percent it was with Ronald Reagan. If we are going to have the tax rate where it is, we need at least some kind of relief for small business. The 10-year net operating loss carryback provision is a way to give them some kind of relief in this time of great economic stress.

No. 2—and this gets a little technical—I want to expand the definition

of section 179 expensing to include structural changes to the physical property and make the current \$250,000 deduction limit permanent.

When you are making an investment in your business of a capital good that you need, whether it is a lathe in a machine shop or whether it is a warehouse and something that requires you to stockpile with material before you send it out to retailers, whatever it might be, you don't want to have to start paying taxes on the money you put into that capital good. You need the deduction for expensing that right now. That is another way to hold your taxes down.

This second provision is tied to the first. The first gives you the net operating loss carryback provision. This one says you can expense in a much better fashion the money you are putting in up front for your structural activity.

Then, No. 3: It sounds very minor, but to a business of the size we are talking about it can be significant. I want to increase the current startup cost deduction from \$5,000 to \$20,000. This will encourage entrepreneurs to invest right now rather than wait for the economy to improve.

These are the three primary things that will be in the bill I am sending to the desk and introducing today.

I wish to conclude with these comments. As I move around my State, and as I move around the country talking about the state of business—back to the reference to the NFIB and their survey about optimism or pessimism among small business owners. I have never seen a time of more pessimism than we have now. Even back in the 1980s when I described the businesses that I was involved in then and the dreaded “double dip,” businessmen were not as pessimistic as they are now. They still had hope we could come out of this. Now, even while the national GDP numbers are looking good to the people at the White House, to the people on Main Street it doesn't look so good.

This is what I hear: The venture capitalists tell me we are not making venture capitalist investments anymore. Why? Because the venture capitalist is there to capitalize and to finance the startup, and then the system is supposed to take over and finance the growth. We pick the entrepreneur who has the widget or the gadget, whatever it might be that is going to change the world.

We say: Yes, your widget is marvelous, and we are going to fund that so you can get that going. But once you get it going, the system takes over. The banks give you the tools you need for your capital investment. Other investors come in who are not taking as big a risk as we are because they see now that your widget really does work. So the level of risk is lower,

the system takes over, and we can take our venture capital and go out and look for the other entrepreneur who has a new invention. That is how the whole thing works.

They tell me: We discover now the system doesn't take over. We discover now the money we have put into the widget, the entrepreneur, the inventor, isn't followed on by additional funding. If this investment we have put in is going to survive, we have to double down our bets.

Instead of our venture capital now going to the inventor and the entrepreneur, our venture capital is going to places where it has never been required before. As a result, we don't have any left over for the true venture capital, and the whole system is shutting down in terms of job creation. We are getting to a circumstance where new jobs are not coming as a result of venture capital activity. This job creation I talked about and these small businesses are being stifled. That is the first part of the pessimism.

The second part of the pessimism, of course, is that the stimulus money we have put into the system isn't getting down to small businesses at all. I received a letter from a small businessman in Utah. I identify with him because he has created a business of the same kind I have tried to create over my career before I came here.

He says: I am writing because I am frustrated. I own a small business here in Utah—he names it. We employed 20 people.

In the macro of the world, 20 people aren't very much, not enough to really worry about; except this fellow and his 20 people are representative of more than half of the job creation that is going on in this country historically.

He says:

I have a small business here in Utah that employs 20 people. Now I am down to 4 people as I can't get financing. I put close to \$2 million in technology development.

There is the venture capitalist side of it.

We are ready to launch our new system and services, but have run out of funds and can't find investor groups that would be willing to take a risk on technology at a relatively new company. Why can't some of the stimulus money come to us? I would hire 25 to 30 new people if I could receive funding that I need to launch my product and services. Banks won't lend, individuals are holding on to cash, VC groups are looking for companies that have been around a few more years. I don't want to violate SEC rules. Raising funds is difficult.

I don't have a solution to everything he is saying, but I do believe the kinds of reforms that are in the bill I am introducing will create a better environment for small business and make it easier for him and others like him to go to investors and say: Look, if you put some money into our business, we would not have to pay taxes as soon as it turns the corner because we will

have this net operating carryback for 10 years. We can expense some of the capital investments we make so we would not have to worry about paying taxes on it, and we have a current startup tax deduction that has gone to \$20,000.

These are very modest kinds of proposals, but they are the kinds of proposals that are rooted in real experience in Main Street rather than Wall Street; from real people who are creating jobs, have created jobs, who are hurting the most in this economy, and upon whom we depend primarily for the new job creation.

As I said at the outset, we have bad numbers today. Unemployment has not come down in the Nation. More jobs have been lost. In my home State of Utah, we have hit a 23-year high in unemployment. We must look to where the jobs come from, and the answer to that is small business, and we must do everything we can to try to help small business get started and get going and get growing, and that is a way we will get out of this recession.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I will be happy to yield.

Mr. SESSIONS. I value the Senator's views on these issues so much. I recall when the Senator chaired the Joint Economic Committee, the Select Committee of the House and Senate. He was our chairman. Since then he has been known as one of the authoritative voices on our economy, as well as Senate business.

I guess I would first say that I am very intrigued by your legislation. It sounds as though it is something that is exactly what we need. I don't, I guess, want to be in a political tit for tat, but I remember and recall the Senator from Utah opposing the stimulus package that was on the floor and voting against that and raising concerns about it. I think the general concern most often raised was one that Nobel Prize Laureate Gary Becker raised: It wasn't one that creates jobs.

I guess I would ask, based on the Senator's experience in the Senate, the amount of money that went into that bill—the purpose was supposed to be to create jobs—give us your honest evaluation of how well it has performed.

Mr. BENNETT. I thank the Senator from Alabama for his kind words. My own impression is that the stimulus package has created a few jobs with a very marginal kind of effect. Most of the money, it seems to me, has been spent in efforts aimed at research, which may or may not produce jobs 3 years, 4 years, 8 years, 10 years from now.

As a member of the Appropriations Committee we held a hearing just yesterday with the Department of Energy and looked at the amount of stimulus money that was going into fund re-

search in the Department of Energy and pointed out to the Secretary of Energy that only 7 percent of the stimulus money had been spent. To get ready for the energy research they were going to do, they had to hire new people. It, perhaps, has created some government jobs to get ready to examine all of the grants and look at all of the proposals and so on. I am not opposed to research, but this is not an immediate creation of jobs in the middle of a recession to be spending stimulus money in this fashion.

I have also come to the conclusion that the jobs that have been created or saved, as this administration tries to add that word to it, have primarily been government jobs.

I don't object to people working for the government. We have many civil servants who provide great value added in the work they do for the government. But the long-term projection of jobs that will add to the economy create new jobs and create new wealth. I do not see that the stimulus has produced any significant difference in that arena.

Mr. SESSIONS. I thank the Senator from Utah for those thoughts. What a tragedy that is. I don't think people realize how much \$800 billion is.

So the Senator's legislation would be far less expensive and would immediately help small businesses create jobs without a government bureaucracy telling them what to do. Is that fair to say?

Mr. BENNETT. I would say to the Senator that is the whole purpose of this. Let entrepreneurs who are taking the risks—drinking vodka neat, if you will—have the opportunity to create their businesses without the government showing up immediately and saying: By the tax law, we are going to punish you for getting your initial beginnings of success. Instead, we are going to delay the impact of the taxes on you until you have a sound financial footing under you. When you have that financial footing under you, you can afford to pay the taxes and, more important, you can afford to hire more people who, as a result of their jobs, will also pay taxes.

We must understand a very large reason we are having this deficit is not just the spending, as important as that is; it is the drop in revenue, and the drop in revenue comes because the economy is so bad. We must understand around here that revenue does not come from the budget.

Revenue comes from the economy. We can budget any kind of revenue number we want, but if there are no profits and there are no jobs, that means there is no income, and the income tax, by definition, is dependent on income before it produces any revenue. We will not have the money we need to run the government because the economy will not be producing that revenue.

I learned in business you cannot cost-cut your way to profitability. Cost-cutting is important in a business, and you should make sure you are not doing stupid things—and there are businesses that can spend themselves into bankruptcy—but you cannot cost-cut your way into profitability. The top line, the sales, the growth of the company is what creates profitability.

The same principle applies to this economy. Yes, we must cut costs, we must cut spending in the Congress, but the way for a vital country is to grow the economy, and the biggest engine of growth in the economy has been and remains small business.

Mr. SESSIONS. I thank the Senator.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3429. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3430. Mr. BAUCUS (for Mr. ISAKSON (for himself and Mr. CARDIN)) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

#### TEXT OF AMENDMENTS

SA 3429. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate ([www.senate.gov](http://www.senate.gov)) a page entitled "Information on the Budgetary Effects of Legislation Considered by the Senate" which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office ([www.cbo.gov](http://www.cbo.gov)) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

SA 3430. Mr. BAUCUS (for Mr. ISAKSON (for himself and Mr. CARDIN)) proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike title III and insert the following:

**TITLE III—PENSION FUNDING RELIEF**

**Subtitle A—Single Employer Plans**

**SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.**

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request,

provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions deter-

mined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the lesser of—

“(I) 200 percent of the shortfall amortization installment for the plan year (determined without regard to paragraph (2)(D) and this paragraph), or

“(II) the amount determined under clause (iii) for the plan year.

“(iii) LIMITATION BASED ON AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The amount determined under this clause for any plan year is an amount equal to the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iv) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof. If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of depreciation or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's

shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the



Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such sub-

sequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the lesser of—

“(I) 200 percent of the shortfall amortization installment for the plan year (determined without regard to paragraph (2)(D) and this paragraph), or

“(II) the amount determined under clause (iii) for the plan year.

“(iii) LIMITATION BASED ON AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The amount determined under this clause for any plan year is an amount equal to the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iv) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—



“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of depreciation or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base

for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of

such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the

amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment

which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat—

“(I) the portion of its experience loss for either or both of the first two plan years ending after August 31, 2008, attributable to the net investment losses (if any) incurred in the first plan year ending after August 31, 2008, and

“(II) the portion of its experience loss for either or both of the second and third plan years ending after August 31, 2008, attributable to the net investment losses (if any) incurred in the second plan year ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years ending after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subpara-

graph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat—

“(I) the portion of its experience loss for either or both of the first two plan years ending after August 31, 2008, attributable to the net investment losses (if any) incurred in the first plan year ending after August 31, 2008, and

“(II) the portion of its experience loss for either or both of the second and third plan years ending after August 31, 2008, attributable to the net investment losses (if any) incurred in the second plan year ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years ending after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subpara-

graph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

#### HAITI RECOVERY ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 276, S. 2961.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2961) to provide debt relief to Haiti, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Haiti Recovery Act”.

#### SEC. 2. DEBT RELIEF FOR HAITI.

(a) IN GENERAL.—

(1) CANCELLATION OF DEBT.—The Secretary of the Treasury should direct the United States Executive Director to each international financial institution to advocate in such institution—

(A) the cancellation of any and all remaining debt obligations of Haiti, including debt obligations incurred [after] before the date of the enactment of this Act [and before February 1, 2012];

(B) the provision of debt service relief for all [remaining payments of Haiti] payments of Haiti remaining on the date of the enactment of this Act; and

(C) to the extent practicable, the extension of any new assistance to Haiti be primarily in the form of grants, [not loans] until February 1, 2012.

(2) INTERNATIONAL FINANCIAL INSTITUTION.—The term “international financial institution” means each of the institutions listed in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) and includes the International Development Fund for Agricultural Development.

(3) SENSE OF THE SENATE.—*It is the sense of the Senate that international financial institutions should cancel any debt incurred by Haiti after the date of the enactment of this Act and before February 1, 2012, so that Haiti can rebuild after the devastation of the earthquake of January 2010.*

(b) USE OF CERTAIN FUNDS FOR POVERTY REDUCTION.—The Secretary of the Treasury should instruct the United States Executive Director of the International Monetary Fund to advocate the use of [the proceeds, in excess of May 2009 projections] some of the realized windfall profits that exceed the required contribution to the Poverty Reduction and Growth Trust (as referenced in the IMF Reforms Financial Facilities for Low-Income Countries Public Information Notice (PIN) No. 09/94) from the ongoing sale of 12,965,649 ounces of gold acquired since the second Amendment of the Fund's Article of Agreement, to provide debt stock relief, debt service relief, loan subsidies, and grants for [low-income countries that are eligible for the Poverty Reduction and Growth Facility or any other programs designed to assist low-income countries, including Haiti] Haiti.

(c) SECURING OTHER RELIEF FOR HAITI.—The Secretary of the Treasury and the Secretary of State should use all appropriate diplomatic influence to secure cancellation of any and all remaining bilateral debt of Haiti.

#### SEC. 3. INFRASTRUCTURE INVESTMENT.

(a) TRUST FUND.—The Secretary of the Treasury should support the creation and utilization of [an Inter-American Development Bank] a multilateral trust fund for Haiti that would leverage potential United States contributions and promote bilateral donations to such a fund for the purpose of making investments in Haiti's [infrastructure] future, including efforts to combat soil degradation and promote reforestation and infrastructure investments such as electric grids, roads, water and sanitation facilities, and other critical infrastructure projects.

(b) INCREASE IN TRANSFER OF EARNINGS.—The Secretary of the Treasury should direct the United States Executive Director of the Inter-American Development Bank to seek to increase the transfer of its earnings to the Fund for Special Operations, [which finances programming in Haiti and other weak economies in the Western Hemisphere.] and to a trust fund or grant facility for Haiti.

Mr. REID. I now ask unanimous consent the committee-reported amendments be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2961), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Haiti Recovery Act”.

#### SEC. 2. DEBT RELIEF FOR HAITI.

(a) IN GENERAL.—

(1) CANCELLATION OF DEBT.—The Secretary of the Treasury should direct the United States Executive Director to each international financial institution to advocate in such institution—

(A) the cancellation of any and all remaining debt obligations of Haiti, including debt obligations incurred before the date of the enactment of this Act;

(B) the provision of debt service relief for all payments of Haiti remaining on the date of the enactment of this Act; and

(C) to the extent practicable, the extension of any new assistance to Haiti be primarily in the form of grants until February 1, 2012.

(2) INTERNATIONAL FINANCIAL INSTITUTION.—The term “international financial institution” means each of the institutions listed in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) and includes the International Development Fund for Agricultural Development.

(3) SENSE OF THE SENATE.—*It is the sense of the Senate that international financial institutions should cancel any debt incurred by Haiti after the date of the enactment of this Act and before February 1, 2012, so that Haiti can rebuild after the devastation of the earthquake of January 2010.*

(b) USE OF CERTAIN FUNDS FOR POVERTY REDUCTION.—The Secretary of the Treasury should instruct the United States Executive Director of the International Monetary Fund to advocate the use of some of the realized windfall profits that exceed the required contribution to the Poverty Reduction and Growth Trust (as referenced in the IMF Reforms Financial Facilities for Low-Income Countries Public Information Notice (PIN) No. 09/94) from the ongoing sale of 12,965,649 ounces of gold acquired since the second Amendment of the Fund's Article of Agreement, to provide debt stock relief, debt service relief, loan subsidies, and grants for Haiti.

(c) SECURING OTHER RELIEF FOR HAITI.—The Secretary of the Treasury and the Secretary of State should use all appropriate diplomatic influence to secure cancellation of any and all remaining bilateral debt of Haiti.

#### SEC. 3. INFRASTRUCTURE INVESTMENT.

(a) TRUST FUND.—The Secretary of the Treasury should support the creation and utilization of a multilateral trust fund for Haiti that would leverage potential United States contributions and promote bilateral donations to such a fund for the purpose of making investments in Haiti's future, including efforts to combat soil degradation and promote reforestation and infrastructure investments such as electric grids, roads, water and sanitation facilities, and other critical infrastructure projects.

(b) INCREASE IN TRANSFER OF EARNINGS.—The Secretary of the Treasury should direct the United States Executive Director of the Inter-American Development Bank to seek to increase the transfer of its earnings to the Fund for Special Operations and to a trust fund or grant facility for Haiti.

#### PERMITTING USE OF THE ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that we move to H. Con. Res. 236.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I now ask unanimous consent the concurrent resolution be agreed to, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 236) was agreed to.

#### AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. REID. I now ask we move to H. Con. Res. 239.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 239) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the current resolution be agreed to, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 239) was agreed to.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Section 301 of Public Law 104-1, as amended by Public Law 108-349, and further amended by Public Law 111-114, announces the joint designation of the following individual, as Chair of the Board of Directors of the Office of Compliance: Barbara L. Camens of the District of Columbia.

The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Section 301 of Public Law 104-1, as amended by Public Law 108-349, and further amended by Public Law 111-114, announces the joint re-appointment of the following individuals as members

of the Board of Directors of the Office of Compliance: Alan V. Friedman of California, Susan S. Robfogel of New York, and Barbara Childs Wallace of Mississippi.

#### ORDERS FOR MONDAY, MARCH 8, 2010

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, March 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business the Senate resume consideration of H.R. 4213; further, I ask that the filing deadline for first-degree amendments be 3 p.m. on Monday, and 12 noon on Tuesday for second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. As previously announced, there will be no rollcall votes on Monday. Senators should expect votes to start early Tuesday morning.

#### MURRAY AMENDMENT NO. 3356, AS FURTHER MODIFIED

Mr. REID. I ask unanimous consent, notwithstanding the pendency of H.R. 4213, that the Murray amendment No. 3356 be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the end of subtitle C of title II, insert the following:

#### SEC. \_\_\_\_ 6-MONTH EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for the first 6 months of fiscal year 2011, \$1,300,000,000,” before “for payment”;

(2) in paragraph (2)(B)—

(A) by inserting “for fiscal year 2009” after “under subparagraph (A)”; and

(B) by inserting before the period the following: “, and may be used to make payments to a State during fiscal year 2011 with respect to expenditures incurred by such State during fiscal year 2009 or 2010. The amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011 shall be used to make grants to States during such months in accordance with the requirements of paragraph (3), and may be used to make payments to a State during the succeeding

months of fiscal year 2011 and during fiscal year 2012 with respect to expenditures incurred by such State during the first 6 months of fiscal year 2011”;

(3) by striking paragraph (2)(C) and inserting the following:

“(C) LIMITATIONS.—

“(i) IN GENERAL.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2012.

“(ii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for the first 6 months of fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012. Such amounts shall be used to award grants for any expenditures incurred by States after March 31, 2011.”;

(4) in clause (i) of each of subparagraphs (A), (B), and (C) of paragraph (3), by striking “year 2009 or 2010” and inserting “years 2009, 2010, or the first 6 months of fiscal year 2011”;

(5) in paragraph (3)—

(A) by adding at the end of subparagraph (C) the following new clause:

“(iv) SUBSIDIZED EMPLOYMENT FOR NEEDY FAMILIES.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if such expenditure is used to subsidize employment for an adult or minor child head of household who is a member of a needy family (without regard to whether such family is receiving assistance under the State program funded under this part).”; and

(B) by adding at the end the following new subparagraph:

“(D) GRANT RELATED TO INCREASED EXPENDITURES FOR EMPLOYMENT SERVICES.—

“(i) IN GENERAL.—For each of the first 2 calendar quarters in fiscal year 2011, the Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) EMPLOYMENT SERVICES EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for employment services in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).”;

(6) in paragraph (4), by striking “and subsidized employment” and inserting “subsidized employment, and employment services”;

(7) in paragraph (5)—

(A) in the paragraph heading, by inserting “ON PAYMENTS; ADJUSTMENT AUTHORITY” after “LIMITATION”;

(B) by striking “The total amount” and inserting the following:

“(A) IN GENERAL.—The total amount”;

(C) by inserting after “grant” the following: “The total amount payable to a single State under subsection (b) and this subsection for the first 6 months of fiscal year 2011 shall not exceed 15 percent of the annual State family assistance grant.”; and

(D) by adding at the end the following:

“(B) ADJUSTMENT AUTHORITY.—The Secretary may issue a Program Instruction without regard to the requirements of section 553 of title 5, United States Code, specifying priority criteria for awarding grants to

States for the first 6 months of fiscal year 2011 or adjusting the percentage limitation applicable under subparagraph (A) with respect to the total amount payable to a single State for such months, if the Secretary determines that the Emergency Fund is at risk of being depleted prior to March 31, 2011, or the Secretary determines that funds are available to accommodate additional State requests.”; and

(8) in paragraph (9)—

(A) in subparagraph (B)(i), by striking “or 2008” and inserting “, 2008, or 2009”;

(B) by adding at the end of subparagraph (B)(ii) the following:

“(IV) The total expenditures of the State for employment services, whether under the State program funded under this part or as qualified State expenditures.”; and

(C) by adding at the end the following:

“(D) EMPLOYMENT SERVICES.—The term ‘employment services’ means services designed to help an individual begin, remain, or advance in employment, as defined in program guidance issued by the Secretary (without regard to section 553 of title 5, United States Code).”.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than the median annual income for all participating jurisdictions.

#### SEC. \_\_\_\_ . TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for “TRAINING AND EMPLOYMENT SERVICES” under the heading “EMPLOYMENT AND TRAINING ADMINISTRATION” under the heading “DEPARTMENT OF LABOR” for activities under the Workforce Investment Act of 1998 (referred to in this section as the “WIA”), \$1,300,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount

shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—Except as otherwise provided in subsection (c), of the amount made available under subsection (a), \$1,300,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(1) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(2) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed \$1,000,000,000;

(3) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”; and

(4) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds.

(c) ADMINISTRATION; MANAGEMENT; OVERSIGHT.—

(1) IN GENERAL.—An amount that is not more than 1 percent of the funds made available to the Department of Labor under subsection (a) may be used for the Federal administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds.

(2) PERIOD FOR OBLIGATION.—Funds designated for the purposes of paragraph (1), together with the funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, and the funds described in the matter under the heading “SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)”, in the matter under the heading “DEPARTMENTAL MANAGEMENT” in title VIII of that division, shall be available for obligation through September 30, 2012.

#### SEC. \_\_\_\_ . INTELLIGENT ASSIGNMENT IN ENROLLMENT AND RE-ASSIGNMENT OF CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 1860D-1(b)(1) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by inserting “, subject to subparagraph (D),” before “on a random basis”; and

(2) by adding at the end the following new subparagraph:

“(D) INTELLIGENT ASSIGNMENT.—In the case of any auto-enrollment under subparagraph (C) or any re-assignment, no part D eligible individual described in such subparagraph shall be enrolled in or re-assigned to a prescription drug plan which does not meet both of the following requirements:

“(i) LOW COST.—The total cost under this title of providing prescription drug coverage under the plan is among the lowest 25th percentile of prescription drug plans under this part in the State.

“(ii) MEETS BENEFICIARY NEEDS.—The plan reasonably meets the needs of such part D eligible individuals as a group, as identified by the Secretary using criteria established by the Secretary.

In the case that no plan meets the requirements under clauses (i) and (ii) or that the plans which meet such requirements do not have sufficient capacity for the enrollment or re-assignment of such part D eligible individual in or to the plan, the part D eligible individual shall be enrolled in or re-assigned to a prescription drug plan under the enrollment process under subparagraph (C) (as in existence before the date of the enactment of this subparagraph).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect for enrollments and re-assignments effected on or after January 1, 2012.

#### SEC. \_\_\_\_ . ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 3507, subsection (g) of section 32, and paragraph (7) of section 6051(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 is amended by striking subsection (i).

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

ADJOURNMENT UNTIL MONDAY,  
MARCH 8, 2010, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 2:19 p.m., adjourned until Monday, March 8, 2010, at 2 p.m.

## EXTENSIONS OF REMARKS

RECOGNIZING AND CONGRATULATING THE CITY OF COLORADO SPRINGS, COLORADO AS THE NEW OFFICIAL SITE OF THE NATIONAL EMERGENCY SERVICES MEMORIAL SERVICE AND THE NATIONAL EMS MEMORIAL

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Mr. LAMBORN. Madam Speaker, I rise today to recognize and congratulate the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National EMS Memorial.

To recognize the selfless contributions of emergency medical service (EMS) personnel nationwide, the Virginia Association of Volunteer Rescue Squads, Inc., and the Julian Stanley Wise Foundation, in conjunction with To The Rescue, in 1993 organized the first annual National Emergency Medical Services Memorial Service at Greene Memorial United Methodist Church in Roanoke, Virginia, to honor EMS personnel from across the country who have died in the line of duty. This Memorial is inclusive of all EMS providers, ground and air: first responders, search and rescue, EMTs, paramedics, nurses and pilots.

The National EMS Memorial Service Board recently selected the City of Colorado Springs, Colorado to be the new city to host the annual National Emergency Medical Services Memorial Service and the National EMS Memorial beginning in June 2010.

I consider it a great privilege to represent the district that will serve as the host site for honoring the uniquely skilled and dedicated efforts of EMS personnel who work bravely and tirelessly to preserve America's greatest resource—her people.

### HONORING ABDULQAWI MOHAMED

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to recognize both the athletic and academic achievements of an impressive young member of the Lackawanna community, Abdulqawi Mohamed.

This past weekend Abdulqawi won the 103 lb weight class at the Division II Wrestling State Championship Tournament in Albany. Abdulqawi finished the season with an amazing record of 43 wins and one loss. His efforts made him the first New York State wrestling champion in the history of Lackawanna High School.

With all of his accomplishments, I was amazed to hear Abdulqawi has only been wrestling for three years. His coaches, Jeff Michelle and Idreas Ahmed, have literally taught him everything he knows about his sport. In addition to wrestling, Abdulqawi is also a very talented soccer player.

Athletics are an integral part of every young person's life; they teach us exactly what we can accomplish through hard work and dedication. However, without a solid academic background, athletics will only take you so far. Abdulqawi is currently in 11th grade at Lackawanna High School and, during his time there, has maintained a 95.3 GPA. Indeed, Abdulqawi is not only a talented athlete but a gifted student as well.

Abdulqawi and his family emigrated from the Republic of Yemen to the United States just three years ago. They are currently residents of Lackawanna's first ward. Abdulqawi and his family are a perfect example of the positive influence members of the Yemenite community are having on Lackawanna.

Madam Speaker, I ask my fellow Members to join me in congratulating Abdulqawi Mohamed for winning the first state wrestling championship in Lackawanna High School history as well as his equally impressive academic achievements.

### HONORING MR. EUGENE HEATH

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Eugene Heath. Mr. Heath served his constituency faithfully and justly during his tenure as a member of the Kiantone Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Heath served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Heath is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

### HONORING HOWARD TWIGGS

### HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Mr. KISSELL. Madam Speaker, I rise today to honor the life of Howard Twiggs, a friend,

lawyer, legislator and citizen scholar. Howard was an attorney of the highest caliber and an ambassador of his profession. He had a fierce passion for justice and service to others and he was an inspiration to those fortunate enough to be near him. Through years of training and perhaps more importantly years of experience, he understood the law inside and out, both arguing cases in the courts and writing laws as a state legislator. When he served in the North Carolina House of Representatives from 1966–1974 he helped overhaul mental health laws, removed racial references in law, and championed the rights of the handicapped. He truly was a voice for those without a voice themselves.

As an expert trial lawyer, Howard started his own law firm headquartered in his hometown of Raleigh in 1960. He was a force to be reckoned with in the courtroom and colleagues will attest that he was a formidable foe. He pursued justice for its own sake and was a guardian of our nation's sacred individual liberties. His knowledge of the law was vast, and his courtroom success eventually led him to become the President of the Association of Trial Lawyers of America from 1996–1997.

In addition to serving the people as a state legislator and attorney, he was also extremely dedicated to his alma mater, Wake Forest. During his lifetime Howard served as the President of the Wake Forest University Law Alumni Association and chairperson of the law school's Board of Visitors. As in all of his endeavors, Howard's impact on Wake Forest was substantial, and he was recognized in 2002 with the Wake Forest University Distinguished Alumni Award.

Friends and family will remember a man who brightened the outlook of everyone around him and had an enormous passion for life. I will remember him as an excellent listener and encouraging friend. Howard was the kind of man you could count on to listen when no one else would. His zeal for life, compassion for others, and dedication to service made him a role model to all of us and I am proud to have counted him as a friend.

I ask my colleagues to join me in remembering and honoring the life and work of Howard Twiggs who is survived by his former wife, Betty, and four daughters: Elizabeth Johnson, Mary Catherine Twiggs-Valverde, Jennifer Twiggs-Bilich, and Ashley Twiggs.

### H. RES. 252, AFFIRMATION OF THE UNITED STATES RECORD ON THE ARMENIAN GENOCIDE RESOLUTION

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Ms. ESHOO. Madam Speaker, I rise today on a topic of deep personal significance.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Today the House Foreign Affairs Committee passed H. Res. 252, the Affirmation of the United States Record on the Armenian Genocide Resolution. The next step is for the full House of Representatives to consider this resolution and finally place our country on the right side of history.

To all Americans and Armenian-Americans such as myself, this matter is not a historical exercise. It is about truth and justice. It is about acknowledging that a genocide which has long been documented and discussed took place . . . the first genocide of the 20th Century.

The time for avoiding the truth of the Armenian Genocide has passed. More than 90 years after the fact, no one can seriously question whether the systematic annihilation of 1.5 million Armenians was genocide. It's a fact.

To those who say that this is an inopportune time, an inconvenient time to acknowledge it, I quote my dear friend, the late Senator Edward Kennedy, "facts are stubborn things." They don't yield to convenience nor wait for opportunity.

The United States was a leader in the relief effort for the Genocide's victims in the 1920s, extending help to people like my mother who fled the massacres. Those of us who have lived with this tragedy in our families and our communities see today the disturbing similarities taking place around the world in the bleak landscapes of Darfur and the Nineveh Plains region of Iraq. If we're serious when we say "never again," we must be honest about history.

Genocide is the most barbaric and criminal act mankind can commit. Our condemnation today must be full-throated and unambiguous. Thank you Chairman BERMAN and Representative SCHIFF for having the courage to introduce this measure and pass it out of committee. Please join me in voting "yes" on this resolution when it reaches the House Floor.

#### PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote No. 90 on March 4, 2010 because I had to return to California for important business. Had I been present, I would have voted: on rollcall vote No. 90, I would have voted "yes."

H.R. 3695, TO AUTHORIZE FUNDING FOR, AND INCREASE ACCESSIBILITY TO, THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, March 5, 2010*

Ms. JACKSON LEE of Texas. Madam Speaker, I stand before you today in support of H.R. 3695 "To authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes."

I would like to begin by thanking my colleague Rep. CHRIS MURPHY for introducing this resolution in the House, as it is important that we consistently work towards improving the law enforcement capabilities of our nation and ensure that criminals are brought to justice.

I stand today in support of this legislation because it will assist our nation's law enforcement officials to work together in solving crimes and prosecuting criminals. One of the biggest problems plaguing our nation today is a lack of coordination between various law enforcement and federal agencies in solving crimes and prosecuting criminals.

It is also important that victims of crime and their families are given every opportunity to see that justice is served to criminals. By fostering better communication and interaction between our local, state and federal law enforcement and investigative agencies the American people will be better protected, and dangerous criminals across the nation will be taken off the streets.

This piece of legislation, H.R. 3695 or "Billy's Law," is named after Billy Smolinski of Connecticut, who went missing on August 24, 2004 at the age of 31. In the aftermath of the disappearance of their son, Billy's family experienced many obstacles in searching for their missing son.

One of the largest obstacles the Smolinski family faced in the search for their son was the fact that there was little coordination and interaction between the numerous departments and agencies that oversaw the multi-jurisdictional investigation into Billy Smolinski's disappearance.

While federal law mandates that law enforcement agencies report missing children

there is not currently a mandate stating that law enforcement agencies must report missing adults or unidentified bodies. This creates a serious void of good information that could otherwise be used towards the prosecution of violent offenders and in the defense of the American public.

Furthermore, although law enforcement agencies can voluntarily report this information, there is a real lack of resources and knowledge of how the reporting system works. This is an important issue which we must address as it often prevents law enforcement agencies from reporting this vital information. By adopting this legislation, we will ensure that this information is communicated in an effective and timely manner.

Billy's Law would empower families and loved ones of the missing to seek out justice. One way this piece of legislation would help in this effort is by helping to secure funding for the National Missing and Unidentified Persons System—the only federal missing persons and unidentified remains database that can be cross-searched, accessed, and added to by the public.

The expansion of the National Missing and Unidentified Persons Database would enable the families and loved ones of the missing to searching for the missing person and add invaluable information to the case profile that only they would know.

H.R. 3695 would also help to create a more efficient reporting process for law enforcement and medical examiners by connecting the FBI's National Crime Information Center and the National Missing and Unidentified Persons System. Connecting these databases makes them more comprehensive and more likely to lead to a missing person or unidentified remains match.

It is important that we continue to examine the criminal justice system in this country to ensure that law enforcement agencies work together for the benefit and protection of the American public. It has been shown that when law enforcement agencies at the local, state, and federal level work together, more information is able to be gathered and analyzed in criminal cases.

I ask my colleagues for their support of this legislation as well as their support for the numerous local, state, and federal law enforcement agencies that keep our country safe every day. I also ask for your continued support of the Smolinski family. I strongly urge you to support this resolution.

## SENATE—Monday, March 8, 2010

The Senate met at 2:01 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, hope for all who seek You, strength for all who find You, lead our lawmakers through the turbulence of another week. Deliver them from anxiety, fear, and perplexity, as they become ever more aware of Your presence. Surprise them today with some unexpected gift of Your grace, providing them with some needed insight and guidance, some vision of new possibilities, some fresh resource of courage and strength. Guide them to seek first Your kingdom and righteousness, so that everything they need You will provide.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### HEALTH CARE

Mr. McCONNELL. Mr. President, for more than a year now, Democrats in Washington have been focused—some would say fixated—on making dramatic changes to the American health care system as we know it.

It is an open debate as to whether spending so much time and energy on this issue was in the best interest of the public at a time of record unemployment and a need to address jobs and the economy. But what is not open to debate is, the plan they came up with was fundamentally flawed—that it focused too much on expanding the size and cost of government and not enough on the core problem with our health care system, which is cost.

This is why Americans have been telling Democrats in Washington to scrap their plan and start over. This is why so many Americans are so frustrated with government right now. The administration says we need to pass its health spending bill to show Americans government still works. Americans are saying the opposite. They are saying the first thing Washington can do to show it is working is to listen to what the public is saying, to scrap this bill and to start over.

Unfortunately, Democratic leaders in Congress are not interested. They are still clinging to the same old bill and the same old process Americans rejected last year. They are more determined than ever to jam their bill through Congress by any means necessary.

So over the next few weeks, we are going to see a replay of the same kind of arm-twisting and deal-making we saw in the runup to Christmas. I say we are going to see it, but in reality we will not see any of it. We will have to read about it—the deals and the arm-twisting—only after the final bill hits the floor because all the arm-twisting and deal-making is going on behind closed doors, and it has already started.

Somehow the administration seems to think all this arm-twisting and deal-making will prove to the American

people government works. I should think Americans will draw the opposite conclusion. Americans do not like the bill any more today than they did 3 months ago. They do not like the frantic, backroom deal-making any more now than they did then.

In the midst of all this, it is understandable that a lot of Democrats are on the fence about whether to vote for this bill, about whether to vote for this process as well. But the reasons they are giving for being on the fence do not square with reality, and they are not going to fly with the public.

Some say they like the current bill because they say it reduces costs. It does not. The administration's own experts say the bill increases health spending by \$222 billion more than if we took no action at all. In other words, this bill would bend the cost curve up, not down.

Others say they like the current bill because it reduces the deficit. But even if you grant that highly speculative premise, the one bill the Senate will be voting on tomorrow would wipe away every dime of those projected savings with one stroke of the President's pen. If you believe the health bill will save \$100 billion, then you have to also acknowledge the bill the Senate will pass this week increases it by \$100 billion.

So far from moving in a more fiscally responsible direction, the health spending bill the White House now wants Congress to pass before Easter would move us in a less fiscally responsible direction. This undercuts the entire point of reform.

The administration recognizes the weakness of its argument. That is why it is trying to create a sense of inevitability about this bill. Once again, it is imposing an artificial deadline to put pressure on Members. It is talking about how we are in the middle of the final chapter of this debate.

The administration wants Members to believe they are characters in a screenplay and that the ending of the play is already written. This is an illusion. House Members are not buying these arguments anymore. In fact, many of them are already walking off the set. My guess is, a lot more are about to.

They know we may be nearing the final act for this bill and the legislative process but that it is just the beginning for those who support it. Americans do not want this bill. They are telling us to start over. The only people who do not seem to be getting the message are Democratic leaders in Washington. But they can be sure of this—absolutely sure of this: If they

cut their deal, if they somehow convince enough Members to come on board, then they will get the message. The public will let them know how they feel about this bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SCHEDULE

Mr. KAUFMAN. Mr. President, following morning business, the Senate will resume consideration of H.R. 4213, the tax extenders legislation. Last week, the majority leader filed cloture on the tax extenders legislation. As a result, there is an agreement for a 3 o'clock filing deadline of first-degree amendments. As previously announced, there will be no rollcall votes today. Senators should expect a series of votes to begin tomorrow morning.

#### INCREASING ENGINEERING SCHOOLS GRADUATES

Mr. KAUFMAN. Mr. President, I rise to speak today about the importance of engineering education. As my colleagues know, this is an issue near and dear to my heart.

I believe we are at a crucial moment for STEM—for science, technology, engineering, and mathematics—that often reminds me of sailing. Whether you have done much sailing or not, we all know that you can construct the perfect sailboat, outfit it with the best sails, man it with the greatest crew, and if the wind is not blowing, you will not move. The wind is blowing for STEM and I believe we must work effectively to capitalize on it now.

Today, America's engineers have a central role to play in developing the innovative technologies that will help our economy recover and promote real job growth. In particular, as the global economy turns increasingly competitive, many nations are investing heavily in training their future scientists and engineers.

We don't know where the next generation of innovation will come from. That is the nature of innovation. But we want to do what we can to make sure it comes from the United States. This means we must have an innovation policy, one that helps to generate greater interest in STEM and actually

leads to the production of greater numbers of engineers.

A few weeks after I took office, I began meeting with groups of engineering deans and other leaders in the engineering community to discuss these issues. I have learned many important things from these conversations. For example, while all the surveys today say that young people want to "make a difference" with their lives, they do not see engineering as the way to do that.

To someone of my generation, this is an astounding revelation. Engineers have always been the world's problem solvers. We need to make sure students are aware of that—so they will aspire to take on the challenges we face today.

I also learned about a challenge occurring on many of our Nation's college campuses. In talking to engineering deans it is clear that the present economic downturn has exacerbated a problem that has been with us for quite a while—that is the additional cost of educating an engineering student, which requires an investment in labs and other costly facilities. Simply put, most universities make more money on liberal arts students than STEM students.

We must start educating college and university administrators about the long-term benefits to the university and to the United States of spending the additional money required to graduate more engineering students.

Many administrators do get it. One is Pat Harker, president of the University of Delaware and an engineering graduate from Penn. Working with his engineering dean Mike Chajes they have increased last year's entering engineering class by 25 percent, but they do not have the lab space to accommodate these students. They now have to hold lab classes for engineering students on Saturday.

To figure out how to address these issues and grow the engineers and scientists we need, I again met with a small group of deans in the fall and worked with the American Society of Engineering Education to give them a homework assignment.

Yes, I turned the tables on them. This time the professors had homework. We sent out an informal survey to solicit ideas on how to increase the number of graduates from our engineering schools. We received some very thoughtful feedback from nearly 25 deans across the country. These comments provide a very clear picture of what needs to be done. Several common themes emerged from the surveys.

To begin, many of these deans said that we need a better way to communicate to parents, teachers, students, and school counselors about what it means to be an engineer. There was a great idea from Maryland about creating a web site on the rock stars of

engineering such as Bill Gates, Steve Jobs, Alan Mullaly, and others.

They also agreed that green jobs are an excellent way to show young people how engineers make a difference. I think this comment from New York sums it up best: "Service to the community and the belief in great causes resonates with the millennial generation. This makes green energy and clean tech the perfect vehicle to entice youth into considering careers in science and engineering."

Overwhelmingly, they told me that students need better preparation in K-12 science, technology, engineering, and mathematics education. For the past 5 years, the College of Engineering at Marquette University has been engaged in a range of STEM activities to increase the number of K-12 students who are interested in studying engineering and prepared for college courses in the field.

Marquette hosts nearly 50 Discovery Learning Academies every year. At these events, students spend several days engaging in hands-on learning activities in robotics, water quality, biomedical engineering, energy, bridges, and more.

The university also supports Project Lead the Way courses that provide an engaging, hands-on curriculum in STEM education. They support First Robotics teams that inspire young people to be science and technology leaders through team robotics competitions.

They created a scholarship fund to aid students in pursuing engineering who could not otherwise afford to attend school there. And to bring school administrators and teachers into the effort, Marquette holds a conference to motivate educators to begin STEM-related activities in their schools.

Marquette's dean told us, "We have been at this for five years now and over that time, our incoming freshman classes have increased by 46 percent." This is great news.

The surveys also told us that, even if our campuses had the physical space to teach more engineering students, these deans would need additional faculty members and research dollars. I have to tell my colleagues, I am so encouraged by what they are doing in Utah.

In 2002, Utah's Governor challenged the higher education community through what they call the "Engineering Initiative," to double—and then triple—the number of engineers and computer scientists they graduate. Each year since, the legislature has allocated funds to support engineering education. These funds have been matched first by the university, then by corporate donations, and, finally, by the Federal Government.

Utah's Governor also prioritized building requests from the college of engineering, while the State legislature started the Utah Science, Technology, and Research—or U-STAR—

Initiative. U-STAR provides salaries and startup packages to hire faculty who are doing research that can find commercial applications.

Tenure-track faculty members grew by 46 percent since Utah's Engineering Initiative began. From 2002 to 2009, engineering research expenditures went from \$25 million to \$56.9 million.

The number of engineering degrees granted by the University of Utah rose 76 percent in the past decade, and roughly 80 percent of these undergraduates accept engineering jobs right there in Utah.

What is more, the College of Engineering spun off 35 companies in the past 3 years. For the past 2 years, the University of Utah as a whole ranked second only to MIT in the number of startups. These results are just remarkable.

I truly am impressed with the work some of our Nation's engineering colleges are doing and I am inspired by their ideas. On our end, I think there are 4 things the Federal Government can do to bolster these efforts:

First, we can help inspire more young people to pursue engineering in the growing green economy. That is why I am so pleased that President Obama launched the "Educate to Innovate" campaign. This campaign is a nationwide effort of private companies, universities, foundations, nonprofits, and science and engineering societies working with the Federal Government to improve student performance and engagement in STEM subjects.

As part of the "Educate to Innovate" effort, President Obama announced an annual science fair at the White House, so that "scientists and engineers stand side by side with athletes and entertainers as role models." I think that is a very powerful message to America's youth.

Second, we can build a new generation of engineers through policies that promote STEM education. The fiscal year 2011 Department of Education budget submitted by the administration includes \$833 million for STEM education. This includes funding to improve teaching and learning of STEM subjects, to support STEM projects in the "Investing in Innovation" education program, to create a new STEM initiative to attract undergraduates to STEM fields, and to close the gender gaps in STEM disciplines.

In addition, I was pleased to join Senator GILLIBRAND and a number of my other colleagues in introducing legislation last week that will further these initiatives.

This bill is the Engineering Education for Innovation Act, or the E-squared for Innovation Act. This legislation authorizes the Secretary of Education to award competitive planning and implementation grants to States to integrate engineering education into K-12 instruction and curriculum. It

also funds the research and evaluation of these efforts.

Based largely on recommendations from the National Academy of Engineering and the National Research Council's "Engineering in K-12 Education" report, 77 organizations have voiced their support for the E-squared Innovation Act.

The third important step the Federal Government can take is to promote policies that encourage women and underrepresented minorities to enter engineering. While women earn 58 percent of all bachelor's degrees, they constitute only 18.5 percent of bachelor's degrees awarded in engineering. We cannot let that go on. That is ridiculous. African Americans hold only 4.6 percent of bachelor's degrees awarded in engineering, and Hispanics hold only 7.2 percent. How can we move into the 21st century? How can we be the great country we are going to be if we are so underrepresented by women and minorities? We can and must do better.

Last year, a bipartisan group of 13 Senators joined me in writing the Appropriations Subcommittee on Agriculture to urge greater funding to increase participation of women and underrepresented minorities in rural areas in STEM fields. That is the second thing I talked about for STEM education where there is clear bipartisan support. STEM education is not a partisan issue; it gets bipartisan support. It is important for all of us, and we all agree.

I am grateful that in response, the Agriculture appropriations bill we enacted last October included \$400,000 to fund research and extension grants at land grant universities for women and minorities in STEM fields. This was a small but important step that we can continue to build on from year to year.

Last, we must continue to support research and development, a challenge that requires significant Federal as well as private investment. In our current economy, it is often hard, especially in this body, to imagine investing more in anything. But as Congress has recognized over the years and what was reinforced in the survey responses I received is funding is the lifeblood of research institutions. To yield more innovation, we need more R&D funding so universities can hire more graduate assistants and faculty, accept more engineering students, and ultimately create more jobs.

Utah is a great example of the importance of investing in research and development. The Bureau of Economic and Business Research estimates that for every \$1 million of research generated by Utah's research universities, \$1.5 million is created in increased business activity.

Listen to that. We are all talking about how to generate business activity. For every \$1 million of research generated by Utah's research univer-

sities, we get back \$1.5 million in increased business activity.

Moreover, a forthcoming report from the Science Coalition features 100 companies that can be directly traced to influential research conducted at a university and sponsored by a Federal agency. Examples include Google, Cisco Systems, SAS.

I become more encouraged every day that we have growing support for engineering. Engineers and scientists will foster the research and innovation that continues to lead America on a path to economic recovery and prosperity. Likewise, these discoveries and innovations will create millions of new jobs, and they will help us to invest in our future security and prosperity. This is the target. This is the way to get to long-term economic health.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator JOHANNIS be recognized next and I be recognized following his remarks for up to 20 minutes; that following my remarks, Senator KYL be recognized, and following Senator KYL, Senator FRANKEN be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska.

#### ABORTION FUNDING

Mr. JOHANNIS. Mr. President, I rise today to speak for about 10 minutes about the health care debate that continues to be in front of us. For much of our country, the health care debate has been a long and confusing trail. As details have emerged over the last weeks and months, constituents ask me: What is going to happen to my health care? Will I be able to continue to see the doctor I have always seen? They heard both sides argue the merits and the detriments of various pieces of legislation. Citizens are understandably skeptical and perplexed by the debate that has transpired.

One of the things I suggest that is very clear, one situation that is clear as a matter of policy and conscience is that Americans are against the Federal funding of abortion, whether they support or oppose the bill. Unfortunately, the Senate-passed health care bill allows taxpayer funds to fund abortion.

The current Senate language says people who receive a new government subsidy could enroll in an insurance plan that covers abortion. Nothing would stop them from doing that.

Some say: Yes, but States could opt out. What I point out is that in those States that opt out, the taxpayers would still see their tax dollars funding elective abortions in other States.

Additionally, the Office of Personnel Management can provide access to two multistate plans in each State, and only one of them would exclude abortions. OPM's current health care program, the Federal Employees Health Benefits Program, now prohibits any plans—any plans—that cover elective abortion. For the first time, a federally funded and managed health care plan will cover elective abortions.

Those who have looked at this language have said very clearly that it is woefully inadequate. I say that. It does not apply a decades-old policy—an agreement really—that was reached many years ago that was embodied in the Hyde amendment. The Hyde language bars Federal funding for abortion except in the cases of rape and incest or where the life of the mother is at stake. The public has clearly rejected advancing the abortion agenda under the guise of health care reform.

Yet as we have seen the language of the Senate bill proceed, it seems very clear my colleagues are refusing to listen. They seem bent on forcing this very unpopular bill upon us via a rather arcane process called reconciliation. The important point to be made today is this: Reconciliation will not allow us to fix the egregious abortion language.

This is not the first time I have come to the floor to speak about this issue. Last November, I came here to urge pro-life Senators to vote no on cloture if they wanted any chance to address the Federal funding of abortion in the Senate bill. I said then that if the language was not fixed before the debate began, there would be no way to fix it. We would not have any leverage to fix it.

I wish I were here on the floor today to say that I was wrong about that. Unfortunately, though, I was not wrong. Unfortunately, when an amendment was offered to match the Stupak language in the House bill with the Senate bill, only 45 Senators supported it.

The sad reality is that this Senate, as a matter of the majority, is not a pro-life body. There are not 60 Senators who are willing to vote for that.

Back in November, some of my colleagues disagreed with my assessment. There was a big debate. They said: Whoa, wait a second. We can fix this provision via an amendment, they said. But they were wrong. When the dust settled, we were left with a Senate bill that allows Federal funding of abortion.

The House is now being asked to vote on the Senate bill. You see, that is going to be the pathway: vote on the Senate bill so any fix on other provisions can come through a reconciliation sidecar.

According to the National Right to Life committee, the Senate bill is—and I am quoting their language—“the most pro-abortion single piece of legis-

lation that has ever come to the House floor for a vote since *Roe v. Wade*.”

They go on to warn:

Any House Member who votes for the Senate health bill is casting a career-defining pro-abortion vote.

There is talk that Democratic leaders might try to appease pro-life House Members by promising to change the Senate bill through a separate bill or the reconciliation sidecar I mentioned.

I urge pro-life supporters and pro-life House Members to think through this very carefully. Don't be fooled. Don't be lulled into thinking there are 60 votes in the Senate that will somehow rescue this situation. There are not. You do not have to take my word for it. It is in black and white in the CONGRESSIONAL RECORD. It is the same situation we faced in November.

The Senate specifically rejected the amendment that would have blocked Federal funding for abortion. Nothing—nothing—has changed to suggest the Senate would have anywhere near 60 votes to support it now.

It was recently reported that some in the pro-life community support adding pro-life language in the reconciliation sidecar or maybe in a separate bill with the hope and the promise that somehow the Senate will swoop in and waive the rules and keep that language there. Let me be abundantly clear. As much as I might want that to happen, it will not happen here, as demonstrated by November's vote.

If the Senate rejects it again, the language in the Senate bill would become law. Current law would be reversed, and taxpayer dollars would, in fact, fund abortions.

There was recently a column in the Washington Post. It issued a warning to pro-life Democrats to be wary of this strategy. I am quoting again:

The only way they can ensure that the abortion language and other provisions they oppose are eliminated is to reject reconciliation entirely—and demand that the House and Senate start over with clean legislation.

I come to the Senate floor again to encourage my pro-life colleagues in the House to recognize the reality in the Senate. I tell them what they know already, and that is that many innocent lives are depending on their courage.

This issue should not be an issue of political gamesmanship, especially when the game is so rigged against pro-lifers. This is an issue of conscience. On this one, you are pro-life or you are not.

Agreeing to a strategy that is guaranteed to fail, one that has failed already in this health care debate in November, in my judgment, is not leadership at all. It is surrendering your values.

I leave the floor today, and I pray that my House colleagues will have the wisdom to understand this in their decisionmaking.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### STEEL INDUSTRY FUEL TAX CREDIT

Mr. SPECTER. Mr. President, I have sought recognition to talk about two subjects—first, an amendment filed by Senator ROCKEFELLER, amendment No. 3371 to amendment No. 3336, cosponsored by Senator HATCH, Senator BAUCUS, Senator CASEY, Senator BAYH, and myself.

This amendment would extend the steel industry fuel tax credit and make minor technical corrections to ensure that the steel industry will continue to recycle the hazardous waste called coal waste sludge. The recycling process which converts coal waste sludge into steel industry fuel eliminates a hazardous waste, ends the need to landfill or incinerate the waste, displaces fuel from the coking process, and increases the efficiency of coke-making. This recycling process makes the production of coke more efficient and cost-effective. Additionally, this provision will create jobs across the country and preserve thousands of fuel-making jobs in economically hard hit States.

The technical corrections made by this amendment cover minor issues such as who has title to the coal in the few minutes before it enters the coke ovens and whether a minuscule percentage of the feedstock is pure coal or a material called pet coke.

The extension of the tax credit and these minor technical corrections will ensure this credit can actually be used by processors and the steel industry. I am advised that all of the integrated steel companies and the representatives of their workers support this provision, which is a rarity in any industry.

We have been working for nearly a decade to ensure the widespread use of this technology in coke ovens across the country. Across Pennsylvania, coke ovens continue to be used as the engine that drives the American industrial machine. I have long been committed to ensuring we use the cleanest and most efficient method for making steel and in this case, the coke that is an ingredient in the steel-making process.

This is an extender right in line with the thrust of the legislation, an extender which would save many jobs and add many more jobs. So it is right in line with what we are seeking to accomplish.

#### GRIDLOCK AND RECONCILIATION

Mr. SPECTER. Mr. President, I am now going to speak about the subject of gridlock which confronts this body and the use of the reconciliation process to enact comprehensive health care reform.

We have seen an extraordinary display of gridlock, evidenced at the present time. We have some 30 judicial nominees which are pending, and I ask unanimous consent to have printed in the RECORD the list of nominees following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. We have some 64 executive branch nominees who are now pending, and I ask unanimous consent to have printed in the RECORD a list of these nominees following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. We have some 13 ambassadorial positions pending, only 1 of which I am advised is controversial, and I ask unanimous consent to have printed in the RECORD a list of these 13 positions following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SPECTER. On many occasions, the majority leader has been compelled to file a cloture petition, which is well known on this Senate floor. I don't believe it even has to be explained to C-SPAN viewers, even though it is technical and arcane, because it has been used so often. But in case anyone new is watching C-SPAN2—or perhaps I should say in case anybody is watching C-SPAN2—just a word of explanation. If a Senator places a hold on a nomination, that is a signal for a filibuster.

Unfortunately, we don't have filibusters. I have been in the Senate now since being elected in 1980 and I have been part of only one real filibuster. Had we utilized that procedure, perhaps there would be fewer holds and fewer moves toward filibuster. People really had to stand up here and argue, as Senator Thurman did historically once, for some 26 hours. But when the majority leader is compelled to file a cloture petition, cloture is invoked, and then some 30 hours must be consumed where the Senate can take care of no additional business, the two lights are on, there is a quorum call, and it is a colossal waste of time.

I am going to recite the facts in five of these cloture petitions to demonstrate that there was never really a controversy. Christopher Hill, Ambassador to the Republic of Iraq, had a cloture vote. Yet his vote in favor was 73 to 17—hardly controversial. Robert M. Groves, of Michigan, to be the Director of the Census, the cloture vote was 76 to 15—not really a contest there at all. Nobody seriously contested his confirmation. David Hamilton to be a judge of the Seventh Circuit, 70 yeas, 29 nays. A cloture petition was filed on Martha N. Johnson to be Adminis-

trator of General Services. The vote was 82 to 16. The nomination of Barbara Keenan to be a circuit judge in the Fourth Circuit, 99 to 0.

Mr. President, I ask unanimous consent to have printed in the RECORD the details of these cloture motions and confirmations following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. SPECTER. So the stage is now set where we have gridlock on the issue of comprehensive health care reform. In this situation, we have had the bills passed by both the House and the Senate, and we are now looking to use reconciliation, a procedure which has been employed some 22 times in analogous circumstances. Illustrative of the analogous circumstances are the use of cloture to pass Medicare Advantage and the passage of COBRA, the passage of SCHIP—health care for children—and the passage of the welfare reform bill in 1996.

In a learned article in the New England Journal of Medicine, Dr. Henry J. Aaron, an expert on budgetary matters, had this to say:

[reconciliation] can be used only to implement instructions contained in the budget resolution relating to taxes or expenditures. Congress created reconciliation procedures to deal with precisely this sort of situation.

And he is referring here to what we have with the Senate-passed bill and the House-passed bill.

Quoting him further:

The 2009 budget resolution instructed both Houses of Congress to enact health care reform. The House and the Senate have passed similar but not identical bills. Since both Houses have acted but some work remains to be done to align the two bills, using reconciliation to implement the instructions in the budget resolution follows established congressional procedure.

I ask unanimous consent to have printed in the RECORD the full text of this article following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 5.)

Mr. SPECTER. So what we have here, essentially, is gridlock created by the composition of the two Houses of Congress. We have a situation where not one Member on the other side of the aisle voted in favor of the health care bill. In the House of Representatives, the vote was 176 to 1; that is, among the 177 Republicans voting, only 1 out of 177 in the House voted in favor. It is hard to see a more precise definition of "gridlock" than what appears here.

It would be my hope that we would be able to resolve the issue without resorting to reconciliation. If there is any doubt about the procedure, our institutional integrity would be enhanced without going in that direction.

But if you have to fight fire with fire and since it is a legitimate means, then we can use it.

Five years ago, in 2005, the Senate faced a somewhat similar situation when the roles were reversed, when it was the Democrats filibustering judicial nominees of President Bush. And we find that so often it depends on whose ox is being gored as to who takes the position. Some of the most vociferous objectors to the use of reconciliation on comprehensive health care reform have filled the CONGRESSIONAL RECORD with statements in favor of using reconciliation in analogous circumstances when it helped their cause. But in the year 2000, it was the Democrats stymying Republican judicial nominees. During the Clinton administration, it was exactly reversed—it was Republicans stymying Clinton's judicial nominees. Fortunately, in 2005 we were able to work out the controversy. We were able to confirm some of the judges, some of the judges were withdrawn, and we did not move for what was called the nuclear option, which would have confirmed judges by 51 votes.

The procedural integrity of the Senate is very important. Without going into great detail, it was the Senate that saved the independence of the Federal judiciary when the Senate acquitted Supreme Court Justice Chase in 1805, and it was the Senate that preserved the power of the Presidency on the impeachment proceeding of Andrew Johnson in 1868. Congress sought to have limited the President's power to discharge a Cabinet officer in the absence of approval by the Senate. Well, the Senate has to confirm, but the Senate doesn't have standing to stop the President from terminating the services of a Cabinet officer. And there, the Senate saved it through the courageous vote of a single Senator—a Kansan, I like to mention, being one originally myself.

So it would be fine if we could find some way to solve the problem, but absent that, this Senate reconciliation procedure is entirely appropriate. We have gotten much more deeply involved in the research and analysis as this issue has come to the floor on comprehensive health coverage.

The gridlock that faces the Senate and the country today has profound implications beyond the legislation itself. It is hard to find something more important than insuring the millions of Americans now not covered or to find something more important than stopping the escalating cost of health insurance, driving many people to be uninsured and raising the prices for small businesses where it cannot be afforded. But the fact is, this gridlock is threatening the capacity in this country to govern—really threatening the capacity to govern.

Secretary of State Hillary Clinton was before the Subcommittee on Foreign Operations of the Committee on Appropriations, and I asked her about this issue. I asked her about the President not being able to:

... project the kind of stature and power that he did a year ago because he is being hamstrung by Congress. And it has an impact on foreign policy which we really ought to do everything we can not to have partisanship influence.

Secretary of State Clinton replied as follows:

Senator, I think there is certainly a perception that I encounter in representing our country around the world that supports your

characterization. People don't understand the way our system operates, they just don't get it. Their view does color whether the United States is in a position—not just this President but our country—is in a position going forward to demonstrate the kind of unity and strength and effectiveness that I think we have to in this very complex and dangerous world.

She continued a little later:

We have to be attuned to how the rest of the world sees the functioning of our Government. Because it's an asset. It may be an intangible asset, but it's an asset of great importance and as we sell democracy, and we're the lead democracy in the world, I want people to know that we have checks and balances, but we also have the capacity to move too.

#### EXHIBIT 1—JUDICIAL NOMINEES

Name	Court	Nomination date	Days since nom
Black, Timothy S. ....	Southern District of Ohio .....	12/24/2009 .....	74
Butler, Louis B. Jr. ....	Western District of Wisconsin .....	9/30/2009 .....	159
Chatigny, Robert Neil .....	Second Circuit .....	2/24/2010 .....	12
Childs, J. Michelle .....	District of South Carolina .....	12/22/2009 .....	76
Chin, Denny .....	Second Circuit .....	10/6/2009 .....	153
Coleman, Sharon Johnson .....	Northern District of Illinois .....	2/24/2010 .....	12
Conley, William M. ....	Western District of Wisconsin .....	10/29/2009 .....	130
DeGuilio, Jon E. ....	Northern District of Indiana .....	1/20/2010 .....	47
Diaz, Albert .....	Fourth Circuit .....	11/4/2009 .....	124
Feinerman, Gary Scott .....	Northern District of Illinois .....	2/24/2010 .....	12
Fleissig, Audrey Goldstein .....	Eastern District of Missouri .....	1/20/2010 .....	47
Foote, Elizabeth Erny .....	Western District of Louisiana .....	2/4/2010 .....	32
Freudenthal, Nancy D. ....	District of Wyoming .....	12/3/2009 .....	95
Gergel, Richard Mark .....	District of South Carolina .....	12/22/2009 .....	76
Goldsmith, Mark A. ....	Eastern District, Michigan .....	2/4/2010 .....	32
Goodwin, Liu .....	Ninth Circuit .....	2/24/2010 .....	12
Jackson, Brian Anthony .....	Middle District of Louisiana .....	10/29/2009 .....	130
Koh, Lucy Haeran .....	Northern District of California .....	1/20/2010 .....	47
Magnus-Stinson, Jane E. ....	Southern District of Indiana .....	1/20/2010 .....	47
Marshall, Denzil Price Jr. ....	Eastern District, Arkansas .....	12/3/2009 .....	95
Martinez, William Joseph .....	District of Colorado .....	2/24/2010 .....	12
Navarro, Gloria M. ....	District of Nevada .....	12/24/2009 .....	74
Pearson, Benita Y. ....	Northern District of Ohio .....	12/3/2009 .....	95
Stranch, Jane Branstetter .....	Sixth Circuit .....	8/6/2009 .....	214
Thompson, Rogerlee .....	First Circuit .....	10/6/2009 .....	153
Treadwell, Marc T. ....	Middle District of Georgia .....	2/4/2010 .....	32
Tucker, Josephine Staton .....	Central District of California .....	2/4/2010 .....	32
Vanaskie, Thomas I. ....	Third Circuit .....	8/6/2009 .....	215
Walton Pratt, Tanya .....	Southern District of Indiana .....	1/20/2010 .....	47
Wynn, James A. Jr. ....	Fourth Circuit .....	11/4/2009 .....	124

#### EXHIBIT 2

Earl J. Gohl was nominated to be the Federal Co-Chairman of the Appalachian Regional Commission on Nov. 17, 2009 and has been waiting 111 days since his nomination.

Michael C. Camunez was nominated to be the Assistant Secretary for Market Access and Compliance of the Commerce Department on March 2, 2010 and has been waiting 6 days since his nomination.

Eric L. Hirschhorn was nominated to be the Under Secretary for Export Administration of the Commerce Department on Sept. 14, 2009 and has been waiting 175 days since his nomination.

Timothy McGee was nominated to be the Assistant Secretary for Observation and Prediction on Dec. 21, 2009 and has been waiting 77 days since his nomination.

Larry Robinson was nominated to be the Assistant Secretary of Commerce for Conservation and Management, NOAA of the Commerce Department on Feb. 4, 2010 and has been waiting 32 days since his nomination.

Francisco "Frank" J. Sanchez was nominated to be the Under Secretary for International Trade of the Commerce Department on April 20, 2009 and has been waiting 322 days since his nomination.

Sharon E. Burke was nominated to be the Director of Operational Energy Plans and Programs of the Defense Department on Dec. 11, 2009 and has been waiting 87 days since her appointment.

Solomon B. Watson IV was nominated to be the General Counsel of the Army of the Defense Department on Nov. 20, 2009 and has been waiting 108 days since his nomination.

Joseph F. Bader was nominated to be a member of the Defense Nuclear Facilities Safety Board on Oct. 16, 2009 and has been waiting 143 days since his nomination.

Jessie H. Roberon was nominated to be a member of the Defense Nuclear Facilities Safety Board on Oct. 16, 2009 and has been waiting 143 days since his nomination.

Peter S. Winokur was nominated to be the Chairman of the Defense Nuclear Facilities Safety Board on Oct. 16, 2009 and has been waiting 143 days since his nomination.

Jim R. Esquea was nominated to be the Assistant Secretary for Legislation of the Department of Health and Human Services on Aug. 6, 2009 and has been waiting 214 days since his appointment.

Sherry Glied was nominated to be the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services on July 9, 2009 and has been waiting 119 days since her appointment.

Nicole Lurie was nominated to be the Assistant Secretary for Preparedness and Response of the Department of Health and Human Services on June 1, 2009 and has been waiting for 280 days since her nomination.

Richard Sorian was nominated to be the Assistant Secretary for Public Affairs of the Department of Health and Human Services on Oct. 5, 2009 and has been waiting 154 days since his nomination.

So what we find is a diminution of the authority and stature of the President, a diminution of the authority and stature of the Presidency, and ultimately a diminution and reduction in the stature of our country unable to deal with these problems. So it would be my hope we could yet resolve this issue with a little bipartisanship. It would not take a whole lot, but at the moment there is none, with 40 Senators voting no, all those on the other side of the aisle, and 176 out of 177 Republicans in the House voting no. That simply is no way to govern.

Alan D. Bersin was nominated to be the Commissioner of U.S. Customs and Border Protection of the Department of Homeland Security on Sept. 29, 2009 and has been waiting 160 days since his nomination.

Rafael Borrás was nominated to be the Under Secretary for Management of the Department of Homeland Security on July 6, 2009 and has been waiting 245 days since his nomination.

Steven Jacques was nominated to be the Assistant Secretary for Public Affairs of the Department of Housing and Urban Development on Sept. 29, 2009 and has been waiting 160 days since his nomination.

Eduardo M. Ochoa was nominated to be the Assistant Secretary for Postsecondary Education of the Education Department on Feb. 24, 2009 and has been waiting 377 days since his nomination.

Kathleen S. Tighe was nominated to be the Inspector General of the Education Department on Nov. 20, 2009 and has been waiting 108 days since her nomination.

Donald L. Cook was nominated to be the Deputy Administrator for Defense Programs, National Nuclear Security Administration of the Energy Department on Dec. 3, 2009 and has been waiting 95 days since his nomination.

Patricia A. Hoffman was nominated to be the Assistant Secretary for Electricity Delivery and Energy Reliability of the Energy Department on Dec. 9, 2009 and has been waiting 89 days since her nomination.

Jeffrey A. Lane was nominated to be the Assistant Secretary for Congressional and



Intergovernmental Affairs of the Energy Department on Feb. 1, 2010 and has been waiting 35 days since his nomination.

Arthur Elkins, Jr. was nominated to be the Inspector General of the Environmental Protection Agency on Nov. 18, 2009 and has been waiting 110 days since his nomination.

Jacqueline A. Berrien was nominated to be the Chairman of the Equal Employment Opportunity Commission on July 16, 2009 and has been waiting 235 days since her nomination.

Chai R. Feldblum was nominated to be the Commissioner of the Equal Employment Opportunity Commission on Sept. 15, 2009 and has been waiting 174 days since his nomination.

Victoria Lipnic was nominated to be the Commissioner of the Equal Employment Opportunity Commission on Nov. 3, 2009 and has been waiting 125 days since her nomination.

David P. Lopez was nominated to be the General Counsel of the Equal Employment Opportunity Commission on Oct. 26, 2009 and has been waiting 133 days since his nomination.

Jill Long Thompson was nominated to be a member of the Farm Credit Administration on Oct. 16, 2009 and has been waiting 143 days since her nomination.

Patrick K. Nakamura was nominated to be a member of the Federal Mine Safety and Health Review Commission on Nov. 30, 2009 and has been waiting 98 days since his nomination.

Beatrice Hanson was nominated to be the Director of the Office for Victims of Crime for the Justice Department on Dec. 23, 2009 and has been waiting 75 days since her nomination.

Dawn E. Johnson was nominated to be the Assistant Attorney General for Office of Legal Counsel for the Justice Department on Feb. 11, 2009 and has been waiting 390 days since her nomination.

John E. Laub was nominated to be the Director of the National Institute of Justice for the Justice Department on Oct. 5, 2009 and has been waiting 154 days since his nomination.

Michele Marie Leonhart was nominated to be the Drug Enforcement Administrator for the Justice Department on Feb. 2, 2010 and has been waiting 34 days since her nomination.

James P. Lynch was nominated to be the Director of the Bureau of Justice Statistics for the Justice Department on Oct. 29, 2009 and has been waiting 130 days since his nomination.

Christopher H. Schroeder was nominated to be the Assistant Attorney General for Legal Policy for the Justice Department on June 4, 2009 and has been waiting 277 days since his nomination.

Mary L. Smith was nominated to be the Assistant Attorney General for Tax Division for the Justice Department and has been waiting 322 days since her nomination.

J. Patricia Wilson Smoot was nominated to be the Parole Commissioner for the Justice Department on Feb. 1, 2010 and has been waiting 35 days since her nomination.

James L. Taylor was nominated to be the Chief Financial Officer for the Labor Department on March 3, 2010 and has been waiting 5 days since his nomination.

Craig Becker was nominated to be a board member of the National Labor Relations Board and has been waiting 242 days since his nomination.

Brian Hayes was nominated to be a board member of the National Labor Relations

Board on July 9, 2009 and has been waiting 242 days since his nomination.

Mark Pearce was nominated to be a board member of the National Labor Relations Board on July 9, 2009 and has been waiting 242 days since his nomination.

Mark R. Rosekind was nominated to be a member of the National Transportation Safety Board on Oct. 1, 2009 and has been waiting 158 days since his nomination.

George Apostolakis was nominated to be the Commissioner of the Nuclear Regulatory Commission on Oct. 13, 2009 and has been waiting 146 days since his nomination.

William D. Magwood, IV was nominated to be the Commissioner of the Nuclear Regulatory Commission on Oct. 13, 2009 and has been waiting 146 days since his nomination.

William C. Ostendorff was nominated to be the Commissioner of the Nuclear Regulatory Commission on Dec. 11, 2009 and has been waiting 87 days since his nomination.

Benjamin Tucker was nominated to be the Deputy Director for State, Local and Tribal Affairs of the Office of National Drug Control Policy on Aug. 6, 2009 and has been waiting 214 days since his nomination.

Philip E. Coyle was nominated to be the Associate Director for National Security and International Affairs of the Office of Science and Technology Policy on Oct. 27, 2009 and has been waiting 132 days since his nomination.

Larry Persily nominated to be Federal Coordinator for the Office of the Federal Coordinator Alaska Natural Gas Transportation Projects on Dec. 9, 2009, waiting 89 days.

Michael W. Punke nominated to be Deputy United States Trade Representative for Geneva with the Office of the United States Trade Representative on Sept. 14, 2009, waiting 175 days.

Islam A. Siddiqui nominated to be Chief Agricultural Negotiator for the Office of the United States Trade Representative on Sept. 24, 2009, waiting 165 days.

Elizabeth Littlefield, nominated to be President of the Overseas Private Investment Corporation on Nov. 20, 2009, waiting 108 days.

Carrie Hessler Radelet, nominated to be Deputy Director of the Peace Corps on Nov. 9, 2009, waiting 119 days.

Joshua Gotbaum, nominated to be Director of the Pension Benefit Guaranty Corporation on Nov. 9, 2009, waiting 119 days.

Marie Collins Johns, nominated to be Deputy Administrator of the Small Business Administration on Dec. 17, 2009, waiting 81 days.

Winslow Sargeant, nominated to be Chief Counsel for Advocacy of the Small Business Administration on June 8, 2009, waiting 273 days.

Robert Blake, nominated to be Assistant Secretary for South Central Asian Affairs at the State Department on April 27, 2009, waiting 315 days.

Ann Stock, nominated to be Assistant Secretary of Educational and Cultural Affairs of the State Department on Dec. 4, 2009, waiting 95 days.

Leocadia I. Zak, nominated to be Director of the Trade and Development Agency on Nov. 16, 2009, waiting 112 days.

Michael P. Huerta, nominated to be Deputy Administrator of the Transportation Department on Dec. 8, 2009, waiting 90 days.

David T. Matsuda, nominated to be Administrator of Maritime Administration of the Transportation Department on Dec. 17, 2009, waiting 81 days.

Lael Brainard, nominated to be Under Secretary for International Affairs for the

Treasury Department on March 23, 2009, waiting 350 days.

Jeffery Goldsteing nominated to be Under Secretary for Domestic Finance.

Michael F. Mundaca, nominated to be Assistant Secretary for Tax Policy at the Treasury Department on Oct. 6, 2009, waiting 153 days.

#### EXHIBIT 3

Three other nominations are still awaiting final vote:

Laura E. Kennedy, a Career Member of the Senior Foreign Service for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament. (Reported out of SFRC on Dec 08, 2009).

Eileen Chamberlain Donahoe, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council. (Reported out of SFRC on Dec 08, 2009).

Islam A. Siddiqui, to be Chief Agricultural Negotiator, Office of the United States Trade Representative (USTR), with the rank of Ambassador (Reported by Mr. Baucus, Committee on Finance on Dec 23, 2009).

The Senate Foreign Relations Committee reported the following 10 nominees out on February 26, 2010. They are awaiting final vote by the Senate to take up their posts.

Donald E. Booth, to be Ambassador to Ethiopia.

Scott H. DeLisi, to be Ambassador to Nepal.

Beatrice Wilkinson Welters, to be Ambassador to Trinidad and Tobago.

David Adelman, to be Ambassador to Singapore.

Harry K. Thomas, Jr., to be Ambassador to the Philippines.

Allan J. Katz, to be Ambassador to Portugal.

Ian C. Kelly, to be U.S. Representative to the Organization for Security and Cooperation in Europe (OSCE), with the rank of Ambassador.

Brooke D. Anderson, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

Rosemary Anne DiCarlo, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Judith Ann Stewart Stock, to be an Assistant Secretary of State (Educational and Cultural Affairs).

#### EXHIBIT 4

Question: On the Cloture Motion (Motion to Invoke Cloture on the Nomination of Christopher R. Hill, of R.I. to be Ambassador to the Republic of Iraq)

Vote Number: 158; Vote Date: April 20, 2009, 06:51 PM; Required for Majority: 3/5; Vote Result: Cloture Motion Agreed to; Nomination Number: PN171; Nomination Description: Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq; Vote Counts: YEAs: 73; NAYs: 17; Not Voting: 9. AS: Y.

Question: On the Cloture Motion (Motion to Invoke Cloture on the Nomination of Robert M. Groves, to be Director of the Census )

Vote Number: 230; Vote Date: July 13, 2009, 05:41 PM; Required for Majority: 3/5; Vote Result: Cloture Motion Agreed to; Nomination Number: PN387; Nomination Description: Robert M. Groves, of Michigan, to be Director of the Census; Vote Counts: YEAs: 76; NAYs: 15; Not Voting: 9. AS: Y.

Question: On the Motion (Motion to Invoke Cloture on the Nomination of David F. Hamilton, of Indiana, to be U.S. Circuit Judge for the Seventh Circuit.)

Vote Number: 349; Vote Date: November 17, 2009, 04:37 PM; Required for Majority: 3/5; Vote Result: Motion Agreed to; Nomination Number: PN187; Nomination Description: David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit; Vote Counts: YEAs: 70; NAYs: 29; Not Voting: 1. AS: Y.

Question: On the Cloture Motion (Motion to Invoke Cloture on the Nomination of Martha A. Johnson to be Administrator of General Services Administration)

Vote Number: 19; Vote Date: February 4, 2010, 02:47 PM; Required for Majority: 3/5; Vote Result: Cloture Motion Agreed to; Nomination Number: PN393; Nomination Description: Martha N. Johnson, of Maryland, to be Administrator of General Services; Vote Counts: YEAs: 82; NAYs: 16; Not Voting: 2. AS: Y.

Question: On the Cloture Motion (Motion to Invoke Cloture on the Nomination of Barbara Milano Keenan, of VA, to be U.S. Circuit Judge)

Vote Number: 29; Vote Date: March 2, 2010, 12:15 PM; Required for Majority: 3/5; Vote Result: Cloture Motion Agreed to; Nomination Number: PN937; Nomination Description: Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit; Vote Counts: YEAs: 99; NAYs: 0 Not Voting: 1. AS: Y.

#### EXHIBIT 5

[From the New England Journal of Medicine]

#### FORGING AHEAD—EMBRACING THE “RECONCILIATION” OPTION FOR REFORM

The course of health care reform in 2009 resembled the silent movie series “The Perils of Pauline,” in which each episode began with a threat to the heroine’s life but ended with her salvation.

Despite repeated near-death experiences, reform legislation passed both houses of Congress. After so many obstacles had been surmounted, the remaining task of reconciling the House and Senate bills seemed doable.

Then, a political earthquake hit. Republican Scott Brown won the Massachusetts senatorial seat that had been held for 47 years by the late Senator Edward M. Kennedy, thwarting the capacity of the remaining 57 Democrats and two independents to bring anything to a vote in the Senate over the united opposition of the 41 Republicans. The election also caused something approaching a panic attack among White House and congressional Democrats, who called variously for dropping health care reform, trying to pass one scaled-back bill or several smaller bills, moving slowly on doing anything, seeking compromise with Republicans on some (unspecified) new approach, or having the House pass the Senate bill subject to modifications, which both houses would pass separately, to make the Senate bill acceptable to the House. Passing the fixes in the last of these options hinged on using “reconciliation,” a procedure that requires only a majority vote but that can be used only to implement instructions contained in the budget resolution relating to taxes or expenditures. Passage of the modifications would follow House approval of the Senate-passed bill.

The idea of using reconciliation has raised concern among some supporters of health care reform. They fear that reform opponents would consider the use of reconciliation high-handed. But in fact Congress cre-

ated reconciliation procedures to deal with precisely this sort of situation—its failure to implement provisions of the previous budget resolution. The 2009 budget resolution instructed both houses of Congress to enact health care reform. The House and the Senate have passed similar but not identical bills. (Since both houses have acted but some work remains to be done to align the two bills, using reconciliation to implement the instructions in the budget resolution follows established congressional procedure.)

Furthermore, coming from Republicans, objections to the use of reconciliation on procedural grounds seem more than a little insincere. A Republican president and a Republican Congress used reconciliation procedures in 2001 to enact tax cuts that were supported by fewer than 60 senators. The then-majority Republicans could use reconciliation only because they misrepresented the tax cuts as temporary although everyone understood they were intended to be permanent—but permanent cuts would have required the support of 60 senators, which they did not have.

The more substantive objection to the use of reconciliation for passing health care reform derives from the fact that, according to polls, more Americans oppose than support what they think is in the reform bills. It is hardly surprising that people are nervous about health care reform. Most Americans are insured and are reasonably satisfied with their coverage. In principle, large-scale reform could upset current arrangements.

If public perceptions of the intended and expected effects of the current bills were accurate, democratically elected representatives might be bound to heed the concerns. Because the perceptions are inaccurate, reform supporters have a duty to do a better job of explaining what health care reform will do. When participants in focus groups are informed about the bills’ actual provisions, their views become much more positive. The prevailing views have clearly been shaped by opponents’ misrepresentations of the reform plans, which supporters have done little to rebut. Opponents have described as a “government takeover” plans that would cause tens of millions of people to buy insurance from private companies. They have told people that a plan deemed by the Congressional Budget Office to be a deficit reducer is actually a budget buster. They have fostered the canard that end-of-life counseling would mean the creation of “death panels” (a claim that PolitiFact.com labeled “the lie of the year”). They have persuaded Americans that their insurance arrangements would be jeopardized by plans that would in fact leave most coverage untouched, add coverage for millions of Americans, and protect millions of others from cancellation of their coverage and from unaffordable rate increases in the event of serious illness.

Meanwhile, supporters have spent most of their time on seemingly endless debates with one another about specific legislative provisions—whether to include a public option in the reform legislation, whether to have a single national insurance exchange or separate state exchanges, how to enforce a mandate that everyone carry insurance and how much to spend on subsidies to make that mandate acceptable, how to enforce a mandate on all but small employers to sponsor and pay for basic coverage for their workers, and scores of other complex and bewildering technical provisions.

Health care reformers in the administration and Congress have a powerful case to

make and, on an issue of such enormous importance, a duty to make it. In addition to reminding Americans that reform will protect, not jeopardize, coverage by preventing insurance companies from canceling coverage or jacking up premiums for the sick, reform advocates should remind them that the proposed legislation will bring coverage to tens of millions of currently uninsured Americans and protect it for scores of millions of others. Reform advocates should explain the legislation’s legitimate promise of cost control and quality improvement.

President Barack Obama has announced a bipartisan meeting on moving the reform process forward. It is an opportunity for all sides to present ideas for improving the bills that already have been passed by both houses of Congress. If modifications are identified that will command the support of simple majorities in both houses, they should be adopted through reconciliation. Then the House should pass the Senate bill.

Other strategies, in my view, have no prospect of success. Abandoning the reform effort is the worst strategy of all—not only for reform advocates, but for the nation. Reform advocates are already on record as supporting reform. Voters who oppose reform will not forget that fact come November, and those who support it will find little reason to make campaign contributions or to turn out to vote for lawmakers who were afraid to use large congressional majorities to implement legislation that would begin long-overdue efforts to extend coverage, slow the growth of spending, and improve the quality of care.

The start-from-scratch and piecemeal-legislation strategies are invitations to time-consuming failure. The Senate would need 60-vote majorities for every component of such reforms. To be sure, lawmakers could craft a different bill that would extend coverage to fewer people than the current bills do. But they could not institute serious insurance market reforms without assuring a balanced enrollee pool—or assure such a pool without mandating coverage. Nor is it politically possible or ethically fair to mandate coverage without offering subsidies for low- and moderate-income people. And it is not possible to prevent those subsidies from increasing deficits without tax increases or spending cuts, which reform opponents won’t support and which would require 60 Senate votes. The call to start anew is naive at best. At worst, it is a disingenuous siren song, luring health care reformers into a political swamp.

Reformers’ best choice is to embrace the democratic process and attempt to persuade voters that the current legislation is in the national interest. They have 10 months to succeed before the midterm elections.

If would-be reformers retreat in the face of current public opinion polls, they will be sent packing in November. Arguably, they will deserve to lose. If they stand up for their genuinely constructive legislation, they can prevail—and will deserve to win.

Mr. SPECTER. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I opened the newspaper, the New York Times, on Sunday morning and was surprised—shocked—at a full-page advertisement I saw. It had a big headline that said: “What will it be, Mr. President? Change or more of the same?” Then it had four photographs or artist’s renderings. The first one was of President Barack Obama. It gradually

morphed from Barack Obama into George W. Bush, so the last in the frame of four was clearly a likeness of President George W. Bush.

This was an advertisement paid for by the American Civil Liberties Union, the ACLU. I do not know what surprised me more, whether it was the audacity and the blatant partisanship of the ad or its ignorance and misrepresentation of the law. Either way, it deserves some comment today.

The essence of the ad was to obviously try to put some pressure on President Obama not to change his initial decision to transfer the trial of Khalid Shaikh Mohammed to the Manhattan Federal district court, the so-called article III court, back to a military commission where it had originally been. The ad makes the point that "Barack Obama vowed to change Bush-Cheney policies"—I am quoting now—"and restore America's values of justice and due process."

Of course, those values didn't exist under the Bush administration, according to the ACLU. They then say they are "shocked and concerned" the President is considering changing the 9/11 defendants' trials from criminal court back to military commissions. They say that: "Our criminal justice system will resolve the cases more quickly and more credibly than the military commissions." That is a matter of dispute, which I will get back to in a moment, but then there is this sentence: "Obama can vigorously prosecute terrorists and keep us safe without violating our Constitution." The implication, of course, being if you go to a military commission, you are violating the Constitution.

If that is what they mean to convey, and it is clear they do, the writers of this ad are obviously intentionally misrepresenting the law. The U.S. Supreme Court has upheld military commissions. You can go back to the 1950s case of *Johnson v. Eisentrager*, involving German war prisoners.

The current U.S. Supreme Court in the *Hamdan* decision made it clear the President, with authority from Congress, could establish military commissions to try the very people we are talking about, these Islamic terrorists. Indeed, the President came to Congress and, with changes from the administration recommended by the Justice Department, Congress passed the Military Commissions Act of 2006. That act is available to try many of these same terrorists. Indeed, the Attorney General has made it clear there are four categories of these terrorists held at Gitmo. They want to try to release some of them back to their country of origin; they believe some of them should be tried in article III courts—that is like the Federal district court in Manhattan; others of them should be tried before the military commissions that the ACLU seems to think would

violate due process; and, finally, that they intend to hold some of them for the duration of the conflict, which is also authorized.

Here you have one of the, at least I thought, preeminent legal authorities in the country—granted they always seem to take the side of the little guy without representation or the person who is not looked upon with great favor who needs legal representation, frequently to represent cases that represent different points of view—certainly, performing a service to our legal community over the years, most people I think would acknowledge. But now they have turned into a blatant partisan political entity that I think can have no more credibility in court for both reasons: First, because of the nature of this, morphing President Obama's face into President George W. Bush's face and talking about changing the Bush-Cheney policies, which obviously they believe do not represent America's values of justice and due process, contending that you have to go to article III courts to try these people or else you are violating our Constitution.

The final conclusion: "The President must decide whether he will keep his solemn promise to restore our Constitution and due process or ignore his vow and continue the Bush-Cheney policies," which in their view, I gather, means not having constitutional rights and due process.

Again, this administration helped the Congress write the military commissions law. That law is in effect today. The administration intends to try many of these same terrorists before those military commissions. The constitutionality of military commissions has been upheld in the past. The constitutionality of the President and the Congress doing so in the future was acknowledged by the Supreme Court in the *Hamdan* case. No court has ruled that the military commissions that were thus created in the 2006 act would, as the ACLU suggests, violate our Constitution or due process. So what exactly is the ACLU talking about?

Moreover, I said I would get back to it, the ad suggests that the "criminal justice system," meaning the article III courts, "will resolve these cases more quickly and more credibly than the military commissions."

Absolutely false, demonstrably false. Khalid Shaikh Mohammed, the kind of poster child here, the mastermind of 9/11, was before the military commission at Guantanamo, and he said he wanted to plead guilty in the military commission. That case could have been over with had his guilty plea been accepted.

I cannot think of a quicker and more successful outcome than accepting the guilty plea of Khalid Shaikh Mohammed.

When the Attorney General came before the Judiciary Committee and

hemmed and hawed about what his reason was for moving this trial to the Manhattan Federal district court, he basically settled on the proposition that it would represent a more sure way to gain a conviction. I asked him: "Mr. Attorney General, this defendant has agreed to plead guilty before the military commission. How much surer of a conviction do you get than that?"

Well, the Attorney General said he wasn't sure he still wanted to plead. But he also assured us, pursuant to a question one of my colleagues asked—what would happen if, for some reason, the court decided to let him go—the Attorney General said: "Failure of conviction is not an option."

In other words, he will be convicted, and both he and the President have talked about execution. If the ACLU and the administration are so intent on showing off the great American judicial system which presumes innocence over guilt—and it is literally unethical for prosecutors to go out before the public and guarantee the conviction and execution of a defendant—then it seems to me to be rather odd that this Attorney General would say: Oh, failure is not an option. He will be convicted and, by inference, he will be executed by our wonderful article III courts which, of course, presume innocence.

How the ACLU can say he would be more quickly and more credibly treated than through military commissions is beyond me, after these particular statements.

I go back to my original perplexity: As I say, I don't know whether to be more surprised by the audacity of this organization with a blatantly partisan political ad, obviously highly critical of the Bush-Cheney administration, implying it did not believe in America's values of justice and due process or by the ignorance and misrepresentation of the law by the ACLU. They have smart lawyers, so I assume it is not ignorance, but they are clearly misleading anyone who reads this ad in suggesting both that military commissions would not be pursuant to the Constitution or due process but would rather be a continuation of Bush-Cheney policies. Bear in mind, the new Military Commissions Act of 2006 is not a Bush-Cheney military commission, this is a current U.S. Congress Obama administration military commission law, signed into law by President Bush.

When the ACLU says prosecuting them in the article III courts would keep us safe without violating our Constitution, one has to assume they believe the Military Commissions Act would be violative of the U.S. Constitution, and that is incorrect.

It is unclear to me what is gained by politicizing this issue. My colleague, LINDSEY GRAHAM, has talked about the idea of some kind of bipartisan arrangement, whereby the President will

acknowledge the will of the American people, which is very strongly against trying these terrorists in the article III courts and in favor of trying them in military commissions. It seems to me there is sufficient understanding. The administration certainly agrees with the Military Commissions Act. It has said it would use that act to try some of these terrorists. It doesn't believe that act represents an unconstitutional approach to deal with these people. According to public opinion surveys, the American public opinion is very strongly of the view that these cases should be tried before military commissions.

That being the case, it seems to me there is an opportunity for us not to try to make this a partisan issue but to try to follow what the American people believe should be the case; that these cases can and should be tried before military commissions when appropriate; that there is also a place for them to be tried before article III courts; that some of them potentially can be returned to their country of origin, although that represents a significant danger, considering the fact that about 20 percent of them return to the battlefield to fight our forces or that there is a category that cannot be tried in either article III courts or before military commissions.

It seems to me we can have a legitimate discussion of this; that the law that the previous President signed into law that represents the point of view of both Democrats and Republicans, that allows for military commissions, can be used; that the President would be well within his rights to use military commissions; that it would comport with the law as acknowledged by the U.S. Attorney General and would reflect the views of the American people that it is important these terrorists be treated, first and foremost, as enemies of the United States and only if appropriate in article III courts as common criminals.

Finally, the last point I would make is, to some extent, the location of the trial is a lot less important than the primary objective when an enemy terrorist is captured; that is, to get intelligence.

I think this is what upset the American people: when, the first thing that happened, after 50 minutes of questioning of the so-called Christmas Day bomber, that he was read his Miranda rights and he stopped providing intelligence to those who were interrogating him.

Subsequently, that intelligence interrogation has resumed. But we will never know what kind of real-time intelligence was lost as a result of the reading of Miranda rights. When we try people in article III courts, we are going to have to quickly provide these Miranda rights. That ordinarily will mean we give up important—poten-

tially give up important intelligence that we could gain by interrogating the individual.

Now, it is not the case that necessarily we would be foreclosed from trying the individual in an article III court because we can rely on something other than the confession of the individual to gain his conviction. In the case of the would-be bomber on Christmas Day, there was plenty of physical evidence: he was burned badly, there were eyewitnesses, and we did not need a confession of the individual.

So the Mirandizing in that case was largely irrelevant; the point being that what we ought to be doing is getting the intelligence first and then deciding which is the appropriate court in which to try the individual. In many cases, that will be military commissions. An organization which has studied the history of the ACLU should appreciate the fact that military commissions are constitutional. They do not violate due process rights. A defendant such as Khalid Sheikh Mohammed could be tried before a military commission in a perfectly appropriate and constitutional way, and it takes nothing away from our article III court system or from President Obama's leadership as President of the United States to hold those trials of this kind of individual in the military commissions.

To describe this advertisement, I ask unanimous consent that a Fox News article dated March 7 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACLU LIKENS OBAMA TO BUSH IN AD SLAMMING POSSIBLE REVERSAL ON KSM TRIAL

The possibility that President Obama could send the self-professed mastermind of the Sept. 11 attacks to a military tribunal has earned him the highest insult from the left—that he's another George W. Bush.

A full-page ad in Sunday's New York Times left no doubt as to how the American Civil Liberties Union feels about the possibility of the president reversing the decision to send Khalid Sheikh Mohammed and his alleged co-conspirators to civilian court.

"What will it be Mr. President?" the ad asks in boldfaced type. "Change or more of the Same?"

In the middle of those words are four photos that show Obama's face morphing into Bush's.

"Many of us are shocked and concerned that right now, President Obama is considering reversing his attorney general's decision to try the 9/11 defendants in criminal court," the advertisement continues. "Our criminal justice system has successfully handled over 300 terrorism cases compared to only 3 in the military commissions."

The ad follows a series of reports that reflect a softening of the administration's position that the accused Sept. 11 architects must be tried in federal court instead of military tribunals.

The public softening is part of a test, a source told Fox News, to gauge how infuriated the left would be by reversing course. The White House knows Republicans like the

idea of the tribunals being used—and needs their support on other key national security matters—but a shift on this issue could poison the waters between the president and the liberal base, as demonstrated by the ACLU ad.

"As president, Barack Obama must decide whether he will keep his solemn promise to restore our Constitution and due process, or ignore his vow and continue the Bush-Cheney policies," the ACLU ad said.

Republican Sen. Lindsey Graham, R-S.C., speaking on CBS' "Face the Nation," said the ACLU ad was out of line.

"The president is getting unholy grief from the left," said Graham, who supports moving the defendants to tribunals. "The ACLU theory of how to manage this war I think is way off base."

Some are urging groups like the ACLU to look at the bigger picture.

Attorney General Eric Holder announced in November that the defendants would be heading to Manhattan civilian court, but that move has generated a huge backlash from New Yorkers, including the mayor and police chief, as well as Republicans in Congress. The backlash has forced the administration to reconsider not just the location of the trial but the forum.

"Foreign terrorists ought not to be tried in U.S. courts. Period," Senate Minority Leader Mitch McConnell told Fox News. "They ought to be taken to Guantanamo, detained there, interrogated there and adjudicated there in military tribunals."

A source told Fox News that if the administration decides to send the case back to the commissions, it could be part of a larger bargain to get support to close the detention center at Guantanamo Bay and bring those detainees to the U.S. Congress has barred the transfer of prisoners who don't have a path to trial—those who appear to be detained indefinitely—and refused to give the president the money for a facility to house them on American soil.

Mr. KYL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### RED RIVER VALLEY FLOODING

Mr. FRANKEN. I rise today to commend the communities of Minnesota's Red River Valley for their extraordinary flood mitigation efforts this year. Spring flooding in the Red River Valley is an enormous challenge to my constituents in Moorehead and in surrounding communities and the communities downstream.

Last year, these communities experienced record flooding with snow melt draining into the Red River and resulting in over 40 feet of water filling the valley. The families of the Red River Valley saw severe overland flooding resulting in the devastation of their homes, road closures, and the cutting off of transportation in and out of the area.

This year, the Red River Valley is getting ready for what is generally forecast to be a major flood. Right now the National Weather Service is forecasting a 90-percent chance of major flooding of over 35 feet. I spent this past weekend in Moorehead, MN, and surrounding communities and communities downstream meeting with local

leaders and talking to folks on the ground getting ready for the flooding.

Their flood preparation efforts this year are truly impressive. The city of Moorehead and Clay County have been acquiring houses in the floodplain and moving them out of harm's way. As a result, Moorehead is going to need one-third fewer sandbags this year compared to last year.

Volunteers are already at work sandbagging, getting ready to fortify the levees. I went to the Moorehead facility building this weekend to bag sandbags. We do that inside. They cannot freeze; the sandbags cannot freeze. It would be like stacking frozen turkeys. They have to be unfrozen when we stack them.

The sense of community solidarity in tackling this challenge is incredible. I was struck by how much the community has unified once again around preparing for these floods, and it was fun. So I would urge folks in the area to go down to the Moorehead facility building in the next few days and weeks and sandbag.

What I took away from being there this weekend and from talking to local and community leaders is that they are doing all that they can to prepare for these floods with the resources they have. But they need our help. I am determined to make sure we are doing all we can on a Federal level to help these communities through the next few months.

Right now, Congress needs to appropriate supplemental funding for FEMA's Disaster Relief Fund. FEMA has said they are reserving their remaining disaster relief funds for immediate needs until we appropriate the supplemental funding. Yet the longer we wait, the longer communities in the Red River Valley have to wait on important flood mitigation efforts such as removing the remaining homes in the floodplain.

I have contacted the FEMA Administrator urging him to exhaust all available options while Congress approves the President's request of \$5.1 billion in supplemental funding for the Disaster Relief Fund.

I stand ready to support Chairman INOUE in any of his efforts on this or any other bill on the Senate floor to approve this \$5.1 billion in supplemental funding.

Once again, I commend the communities in Minnesota's Red River Valley for their flood mitigation preparation for this year.

As the ice melts and the water rises, I will continue to fight to get Federal funding out to these communities to make sure we are doing all we can to support them in their flood preparations and in their recovery over the coming months.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213), to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Reid (for Murray/Kerry) further modified amendment No. 3356 (to amendment No. 3336), to extend the TANF Emergency Fund through fiscal year 2011 and to provide funding for summer employment for youth.

Coburn amendment No. 3358 (to amendment No. 3336), to require the Senate to be transparent with taxpayers about spending.

Baucus (for Webb/Boxer) amendment No. 3342 (to amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Feingold/Coburn amendment No. 3368 (to amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

Reid amendment No. 3417 (to amendment No. 3336), to temporarily modify the allocation of geothermal receipts.

McCain/Graham amendment No. 3427 (to amendment No. 3336), to prohibit the use of reconciliation to consider changes in Medicare.

Lincoln amendment No. 3401 (to amendment No. 3336), to improve a provision relating to emergency disaster assistance.

Baucus (for Isakson/Cardin) amendment No. 3430 (to amendment No. 3336), to modify the pension funding provisions.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on our sixth day of consideration of this important legislation to create jobs and extend vital safety net and tax provisions.

This legislation would prevent millions of Americans from falling through the safety net. It would put cash into the hands of Americans who would spend it quickly, boosting the economy. And it would extend critical programs and tax incentives that help create jobs.

Now, we had a productive week on the bill last week. By my count, the Senate has considered 29 amendments on this bill. We have conducted 10 rollcall votes.

As I count it, there are nine amendments pending. Those amendments are:

The underlying substitute amendment, the Murray-Kerry amendment on the TANF emergency fund and summer employment for youth, the Coburn

amendment on transparency, the Webb amendment on executive bonuses, the Feingold-Coburn amendment rescinding unused transportation earmarks, the amendment by Senator REID of Nevada on geothermal receipts, the McCain amendment on the use of reconciliation to change Medicare, the Lincoln amendment on disaster assistance, and the Isakson amendment on pension funding.

On Friday, we reached a unanimous consent agreement that, after the Senate resumes consideration of the bill tomorrow, we will conduct up to four rollcall votes in relation to the following amendments: the side-by-side amendment to the Coburn amendment on transparency, the Coburn amendment, the Murray amendment on youth jobs, and the side-by-side amendment to the Murray amendment.

And so Senators should be aware that we will have up to four rollcall votes at about 10:15 tomorrow morning.

We further agreed that at 2:30 p.m. tomorrow, the Senate will vote on the motion to invoke cloture on the substitute amendment. And we hope that we might conclude action on the bill thereafter.

Today, we will continue to process cleared amendments throughout the day.

I thank all Senators for their cooperation.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to speak in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### VIRGINIA JOB FAIR

Mr. WARNER. Mr. President, I rise today, and while I am speaking as in morning business, it is actually speaking in support of the legislation the chairman of the Finance Committee talked about, just taking it in a slightly different direction.

We spend a lot of time talking in this body about the necessity for us to focus on jobs and how Americans feel about that search for jobs. We read about unemployment numbers at 9.7 percent. While we say, with some relief, the numbers did not pop up during February, those numbers are still way too high.

I had a personal experience—I was not planning on speaking on the Senate floor, but I wanted to share with my colleagues and others an event that happened—actually is still happening—about 45 minutes south of this Chamber.

My office had decided to sponsor a jobs fair, where we would bring together more than 30 Federal agencies. We located this jobs fair down 45 minutes, as I mentioned, south of here at the University of Mary Washington at their Stafford campus.

For those who do not follow all of the ins and outs of Northern Virginia, we

are blessed in Northern Virginia and Virginia overall with actually a rather low unemployment rate. Statewide our unemployment is about 7 percent, and in Northern Virginia our numbers are even much lower.

As I mentioned, we put together this jobs fair, not unlike what the Chair has done or other Senators have done. We were well represented with over 30 Federal agencies—from TSA to the Peace Corps to the Fish and Wildlife Service. We put out the word, not knowing exactly what kind of response we would get. This is the first jobs fair I have hosted as a U.S. Senator.

At first we were a little worried. Last week, last Wednesday we only had about 75 RSVPs for this jobs fair on a college campus south of Washington. But by that Friday night we had almost 3,000 folks signed up. By yesterday afternoon, we realized, oh, my gosh, our numbers were topping out about 5,000, and we were warning people that perhaps all of the accommodations we put in place were not ready to handle this many folks. We extended the hours of the jobs fair from noon to 12 to actually 4 o'clock today.

When my staff started showing up this morning about 6:30 or 7, there were 500 people waiting in cars, many of whom had been sleeping there for hours. By 9 o'clock, when the jobs fair was supposed to start, 3,000 people were in line. I showed up there about 9:30, and, regrettably, before noon, we had topped out over 5,000, probably closer to 7,000 folks clogging the roads trying to come to this jobs fair in Stafford County, VA.

Unfortunately, we had to cut it off at that point and put out the word that we would try to have another jobs fair with these Federal agencies and some private sector partners within the next few weeks. The response was overwhelming.

As I mentioned earlier, I spent an hour simply going up and down the line of folks who were waiting. Many of these folks were people who had graduate degrees; almost all of them had college degrees. They looked like any of the kind of workforce we would see crossing any parts of our Nation's Capital today.

I heard story after story of folks who had never ever expected to show up at a Federal jobs fair, folks who had never ever expected to see their lives turned topsy-turvy by unemployment, or by folks who were still unable to change jobs because of their constraints on health care.

None of these folks were looking for a handout. They were just looking for that opportunity to talk with some of the 35-plus representatives from Federal agencies about the possibilities of getting a job. All they wanted to do was try to do a better job for themselves and their families.

So as we return to the debate on the so-called tax extenders bill, and when

we work, as I know I have with the Presiding Officer, on efforts to kind of free up credit for small business owners or when we talk about how we can provide other kinds of incentives with the private sector to jumpstart the economy, while it was great to provide the possibility of these jobs in the public sector, the vast majority of jobs will and should be created in the private sector.

As we think about this piece of legislation right now, to make sure our Tax Code is supportive enough of those private sector efforts, I saw the reason for those efforts this morning in the thousands in one of the most prosperous parts of our country, in Northern Virginia.

I came back more charged up than ever that what we do here is terribly important and that the folks there in that line didn't understand rules about filibusters or holds or all the other procedural back and forth that sometimes seems to dominate the floor. What they did want us to do was to put that aside, put our partisanship aside and get the job done of trying to create more and more jobs all across the country. It is my hope in the coming weeks, when we have the next jobs fair, we will have the same kind of response. I look forward to the day, hopefully in the not too distant future, when we have a jobs fair, whether it be in Virginia or in Minnesota, that we get a few folks but that we don't get overwhelmed with the kind of literally unprecedented number of the 7,000 folks we saw today.

I yield the floor and suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

**Mr. NELSON of Florida.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER (Mr. KAUFMAN).** Without objection, it is so ordered.

**Mr. NELSON of Florida.** Mr. President, I ask unanimous consent to speak as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### THE SPACE PROGRAM

**Mr. NELSON of Florida.** Mr. President, that great philosopher, that observer of the national scene, Yogi Berra, once said: "You better be very careful if you don't know where you're going, because you may not get there." A bit of that policy is now the perception of President Obama's manned space program. There is a concern that the administration doesn't know where they are going and they may not get there.

I said "perception" because in reality the President has laid out a visionary manned space program. However, the way the administration rolled out the space program—much to the chagrin of

a number of us who were trying to get through to the White House about the way they should roll it out—it was rolled out as a part of the budget and left for people to draw their own conclusions.

Among the aerospace and space community, particularly in areas such as Houston at the Johnson Space Center, Huntsville at the Marshall Space Flight Center, and Florida at the Kennedy Space Center, I can tell my colleagues that the perception is that the President has killed the manned space program. In fact, that is the farthest thing from President Obama's mind. He is an enthusiastic fan of the space program. As a matter of fact, we heard him speak many times about how as a little boy his grandfather took him to see the return of some of the Apollo astronauts coming back from the Moon. When he tells that story, his face lights up and you can see the enthusiasm he has. As he interacts by radio with the astronauts on board the space station and on board the space shuttle, you can see the enthusiasm he has.

Unfortunately, some of his advisers have not given him correct information about how to lay out his vision. So, happily, over the course of the week-end, the President has said he is going to come to Florida on April 15 and he is going to lay out his vision for the space program. What is it? Well, we can anticipate that the President will say what he already had his Administrator of NASA say in our committee hearing last week, which is that the goal is Mars. Mars is the next logical goal. We were on the Moon 40 years ago. There could well be interim steps on the way to Mars: possibly the Moon; possibly rendezvousing and landing on an asteroid; possibly—and very likely—to go to one of the moons of Mars such as Fobos, before going actually to Mars. Why? Because it would expend a lot less energy to land on a moon of Mars and return than it would to go on down to the red planet.

The President actually laid out in his robust budget proposal to the Congress a \$6 billion increase for NASA over the course of the next 5 years. Compared to other agencies of the government, NASA did very well. The President is also to be commended for his budget proposal in which he said what everybody knew he had to say—which the Bush administration had ignored—which was we have this \$100 billion asset up there in orbit called the International Space Station. We are completing it now and we are equipping it now where we can get a crew of several astronauts—not just one, two, or three—on board to use it as a national laboratory, as it is technically designated. What he said was that we are not going to stop it in 2015. We are going to at least carry it out to 2020. Again, that was the logical thing that everybody knew. But if you can believe



it, in the previous administration, it had not been budgeted to continue beyond 2015 the International Space Station which we haven't even completed yet, and of which the last four flights will not only complete the construction, the equipping, but will take up major scientific experiments such as the alpha magnetic spectrometer which, if it works, is going to open our understanding of the universe and what the origins of the universe are.

So the President laid out a fairly good plan that had some good things in it, but he left himself open to misinterpretation so that not only is there the perception that the President has killed the manned space program, but there is outright hostility toward President Obama and his proposals for the Nation's human space program.

Why did that occur? Well, No. 1, the President didn't make the declaration. Why is that important? Because only a President can lead the Nation's human space program. Of course, the best example of that was that after the Soviets had surprised us in the late 1950s with Sputnik and then they surprised us again in 1961 by putting the first human in orbit, Yuri Gagarin—and we didn't even have a rocket that was strong enough to get us into orbit with our little Mercury spacecraft. We had the plan to go into suborbit with Alan Shepard, and after Shepard came back, it took that bold stroke of President Kennedy to say, In 9 years, we are going to the Moon and will return safely. That is leadership. That is a declaratory judgment. That is stepping out and being bold.

If we are going to Mars, it is going to take the President to say that; not to tell his NASA Administrator in the Space Subcommittee hearing in the Senate last week that the Administrator can say that the goal is Mars. It has to take the President to say that and he has to set out a specific timeframe. It can be approximate, but it has to be a reasonable timeframe. He then has to say to NASA: You figure out the architecture; you set the benchmarks. So is it to go back to the Moon for a temporary mission? Is it to go to an asteroid? Is it to go on and try to go straight to Mars? Then we will unleash the creative spirit, the human ingenuity of Americans as we have seen in this extraordinary program. The heartbeat of every American is a little faster when they see some of the extraordinary, heroic accomplishments we have had in the American space program, both manned and unmanned space accomplishments.

The President let himself be misinterpreted. He said in his budgetary message that he was cancelling the Constellation program. The Constellation program was a program that was announced 5 or 6 years ago by President George W. Bush, but the Bush administration never funded it. In fact,

they starved NASA so that the building of the new rocket is not ready when the space shuttle is now being set for retirement. Why is that? Well, that decision on the space shuttle came as a result of the destruction of *Columbia* over the skies of Texas on reentry back in 2003.

The investigation commission, headed by a Navy admiral named Gehman, called the Gehman Commission, otherwise known as CAIB, the Columbia Accident Investigation Board—they refer to it as the acronym CAIB—they said, after a decade, at the end of the decade: If you are going to continue to fly the space shuttle, you are going to have to recertify all these orbiters that have been going on since the early eighties.

The decisions were made to shut down the space shuttle program at the end of the last decade. We find the shuttle program is, in fact, coming to an end without the new rocket being ready and, therefore, we have the angst that is in this aerospace community, this close-knit family called the NASA family who are going to be seeing so many of the men and women who are so dedicated to this program being laid off because if you are not launching Americans on American rockets, then the jobs are not there.

Unfortunately, those decisions were tried to avert over and over. In the last 5 or 6 years in the Senate, we put additional money into NASA's exploration program to try to speed the development of the rocket. Over and over, the previous administration cut us off at the knees, would not support it, and we could not get the votes in the House of Representatives to keep that additional money. As a result, we have a rocket that is just in its testing stages, a capsule that has not been built, and, as the President's advisers looked at it, they saw it was going to be well on into this decade before it would be ready, so they up and announced they are going to cancel this program called Constellation, which was the development of the Ares rocket and the development and construction of a capsule called Orion. But they also said: We want the R&D of a heavy-lift vehicle. There came the disconnect because people who do not understand the space program were making decisions. I lay it at the feet of some of the folks in OMB, the Office of Management and Budget. If you are going to build a heavy-lift vehicle, the likelihood is you cannot do that entirely with liquid rockets; you need solid rockets to propel that massive weight up into low Earth orbit.

The solid rockets are what we are testing now. Thus, the President allowed his administration to be perceived that they were killing the manned space program when, in fact, there was nothing further from what he intended.

What are we going to do about it? Let's go back to the announcement

made over the weekend. I commend the President. I am very thankful to the President that he has said he is coming to Florida for a major discussion and announcement on the human space program. This will occur April 15. It will occur in Florida. I assume it will be at the Kennedy Space Center or somewhere close by, which is the logical place, from whence we have sent Americans into the cosmos.

I think that is a step in the right direction for the President. But he needs to be prepared with specifics because of the perception that he has killed the manned space program. Because of the hostility he has generated because of that perception, the President needs to be prepared with specifics of the goal, the timeframe, the benchmarks, the suggested architecture, and how he would take his budget to flesh out moving toward that goal.

May I give some suggestions to the President on how he might achieve that. In the first place, there are four additional shuttles manifested to fly and, with that, the completion and the equipping of the International Space Station.

But there is a fifth shuttle that can fly because the external tank is there. It is referred to as the "mission on demand" because, in effect, it is a rescue shuttle to go up, if a space shuttle got marooned, and rescue them.

What about a rescue for the last and the fifth shuttle? The risk is minimal because the mission would be to the space station. If the worst happened on launch, just like *Columbia*, that a piece of the delicate silicon tiles fell off and knocked a hole in the wing, of which they then could not come back into Earth without burning up, then they could take safe sanctuary in the International Space Station because now it is large enough to accommodate additional crew members until a rescue spacecraft could come to rescue them to take them back to Earth.

The risk to safety is minimal on a fifth shuttle flight. The President should announce he is asking NASA to do that fifth flight.

By the way, the money is already there. If the four flights, as scheduled, get off between now and the end of the fiscal year, September 30, there is the money in the first quarter of fiscal year 2011 for an additional flight. You don't have to get any additional money. It is budgeted. The President should announce that.

The next thing the President of the United States should do is say we are going on a full-scale, aggressive R&D program to develop that heavy-lift rocket that is going to get us up into low Earth orbit so we can assemble things and go to whatever the next station is—the Moon, asteroid, the Moon of Mars. That aggressive R&D effort should be the continued testing of a solid rocket booster, not unlike the one



that has already been successfully tested.

Concurrent with that, there should be the development of a crew exploration vehicle, otherwise known as a capsule, that would carry astronauts up into low Earth orbit on this heavy-lift vehicle that would allow us to do the assembly and all the other things we want to do. This does not have to take away from the President's proposal that commercial companies are encouraged to compete against each other to have a cargo and human ferry service to and from the International Space Station, for that can go on concurrently. Although I must say, in a couple weeks, we are having a hearing in our Space Subcommittee. We are going to look at the commercial rocket competitors and whether they need the \$6 billion the President has recommended over the next 5 years in order for them to get humans to and from the International Space Station. The President should then clearly say we are going to do an aggressive R&D effort to build a heavy-lift vehicle.

Because of the angst among space workers in the middle of a recession, some of whom have already been laid off, others of whom are getting pink slips and others of whom fear for their jobs, let us remember a recession is not a recession if you have been laid off from your job. It is a depression. The angst of this economic recession with losing their job and not knowing where to turn elsewhere is among them. Therefore, my next recommendation to the President would be that he address those fears.

He has already said he wants to spend \$2 billion to help the center that is going to be the most impacted. I have had estimates that with the layoff of the shuttle program, it is about 5,000 jobs. The President should address that point. He should point out in his budget the \$2 billion he offered to modernize the Kennedy Space Center, how that will affect jobs, and what part of that 5,000 could be ameliorated.

Then the President should say—and it is my humble, respectful suggestion—there are plenty other jobs in the aerospace community, and he is going to try to bring them into places such as the Kennedy Space Center, that is going to feel the effects of these layoffs, to help people on a temporary basis until we can get back into the business of launching humans.

I humbly, respectfully request that the President say: The commercial boys who are bidding in a competition to be the service to and from the International Space Station have to hire, if they are the successful bidders, those people who are so skilled and who have not missed a beat in all these, lo, many years of which the American space program has been so tremendously successful. That is the next thing I would respectfully ask the President to do.

Then, I think the President has to directly confront his critics, those who, in political parlance, are taking cheap shots at the President—and he has left himself open to those cheap shots—that he would directly confront them head on and say: The American space program is not a partisan program, it is not an ideological program; it is an American program, and it has always been run that way. That is the way he should say he is going to continue to run that program and that he should get those people to quiet down, get in the harness, and let's all pull together what we all want to do, which is go out there and explore the heavens.

By the way, on that fifth shuttle flight, some people have asked me: What can it do? What is its function, other than just flying an additional shuttle? There is a lot of equipment, a lot of experiments that can be put in it, and it can take up an additional component, attach it to the space station and add volume to an already expansive space station that will allow us to do experimentation in the zero gravity of orbit for years and years to come.

For all these reasons, I am so grateful to the President that he has stepped forth and said he is going to come and address this issue. I respectfully request that he consider some of the suggestions I have made.

At the end of the day, it is what he wants, it is what the Nation wants because every American heart beats a little bit quicker when they happen to witness the extraordinary feats of Americans in space and the peeling back of the frontiers and the new knowledge and scientific results that we have of the spinoffs as we develop these incredible flying machines.

Mr. President, it is an urgent plea that I make to the White House. Listen to some advice. Stop listening just to the budget boys and OMB. Listen to the cries of an American people who once again want to be challenged and inspired, as President John F. Kennedy inspired the Nation and the Nation came together and did what was considered to be almost the impossible. It wasn't impossible. It was extraordinary, and it was an American achievement.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQI PARLIAMENTARY ELECTIONS

Mr. MCCAIN. Mr. President, these are days when we Senators take to the

floor to express our anger and criticism of actions or events we disagree with. But then there are days we rise happily to pay tribute to great and noble achievements. Today is such a day.

The people of Iraq went to the polls yesterday and struck a blow for freedom and democracy that has resounded across the world. As opposed to Iraq's last national elections in 2005 which saw the country rigidly divided along sectarian lines, with most Sunnis refusing to participate altogether, the election yesterday was broadly inclusive, with a host of cross-sectarian lists competing for the vote.

Early reports indicate turnout was high among Iraq's nearly 19 million registered voters. Over 50,000 polling stations were up and running across the country with more than 200,000 Iraqis observing the election.

Loud speakers in mosques that once implored Iraqis to take up arms and kill Americans appealed to them yesterday with a different purpose: to express their desire for a better Iraq—not with bullets but with ballots, not with bombs but with ink-stained fingers.

Tragically, as most of us feared, yesterday's events did not proceed without incident. Al-Qaida and other terrorists lashed out with acts of barbaric violence against innocent Iraqis—women and men, fellow Muslim and fellow Arabs, even young children. Although these criminals did take the lives of at least 37 people, Iraqis were not deterred. They voted by the millions anyway, and in so doing they defied the enemies of their great nation. The Iraqi people deserve the lion's share of the credit for making yesterday's election such a resounding triumph for democracy.

Iraq's Government, its High Electoral Commission, and its security forces all conducted themselves with distinction. I congratulate them all. It has been Iraqi courage, Iraqi sacrifice, and Iraqi endurance over many years of hardship that are now bringing about the country's emergence as an increasingly free society.

Yet Iraqis have been fortunate to have committed allies in their struggle for justice. I thank America's civilians and diplomats, as well as those of our coalition partners and the United Nations for supporting our Iraqi friends in this election and throughout the countless challenges that preceded it.

Most of all, I want to express my deepest gratitude to America's men and women in uniform who have given more to our mission in Iraq than could ever be asked of them. As our troops return home in the months ahead, as they must, it will be with the knowledge that their mission has been worth fighting for, with the thanks of a grateful nation, and with an honor won for themselves that time will not diminish.

Our fellow citizens who have served in Iraq these past several years have

done what many once believed to be impossible. It was once assumed that Iraq was unfit for democracy, that Iraq's people could not practice it, and Iraq's culture would not allow it.

It was once assumed that America was trying to "impose" democracy on Iraq, or perhaps "export" it to Iraq. It was once assumed that no manner of additional U.S. troops could succeed in helping Iraqis to secure their country. These were all popular assumptions, especially in this town—popular but wrong. Thankfully, the United States followed a different course. Because we did, Iraqis are showing that freedom and democracy are Iraqi dreams and, increasingly, Iraqi realities. Iraqis are choosing to resolve their differences through cooperation and dialogue not violence and repression. They are demonstrating that Iraqis share the same basic aspirations as you and me: safe neighborhoods, opportunity for themselves and their children, equal access to justice, a chance to elect those who would govern them, and to live under laws of their own making.

Yesterday the citizens of Iraq once again reaffirmed that a nation's past need not determine its future when citizens of courage are devoted to a just cause that is greater than themselves.

I will be the first to admit that Iraq still faces many difficulties: a limited but lethal terrorist threat, the unhelpful meddling of some of its neighbors, weak political institutions, a still developing economy, and a culture of distrust that will take a long time to heal.

There is much hard work still to be done in Iraq, and the United States must remain fully seized with it. In the weeks ahead, we must support our Iraqi friends in the arduous task of forming their new government. In the months ahead, as U.S. troops return home, we must deepen and expand America's diplomatic and economic engagement with Iraq. In the years ahead, the United States, especially our Congress, has a responsibility to continue providing the critical support, including the necessary resources to strengthen Iraq's young democracy.

We have given much to this effort already, but now is not the time to scale back. Although our military mission is ending, our commitment to Iraq will endure, and must endure, for a long time to come. The fruits of this commitment are already becoming evident for the United States. We have not seen eye to eye with the current Iraqi Government at all times. I am fairly certain that we will have our share of disagreements with future Iraqi Governments. But this does not change the fact that Iraq has transformed in just 8 years from a principal enemy of the United States to a rising partner in the fight against violence, extremism; from a generator of insecurity to an

emerging source of stability in the midst of a volatile region; and from one of history's most reprehensible tyrannies to a growing inspiration for people across the Middle East who still yearn for freedom and justice in their own countries.

When Iranians look at a democratic Iraq today amid violent and bloody military crackdowns in their own country, they must be thinking: Why not us? When Syrians look at a democratic Iraq today among the stifling climate of oppression in their own country, they must be thinking: Why not us? And when our friends in Egypt, Saudi Arabia, and other nations in the region, where liberty is not assured, watch a peaceful transition of power in Iraq from one freely elected government to another, they must also be thinking: Why not us?

The citizens of Iraq are now writing a new and hopeful chapter for their country, but also for the region as a whole, whose people are increasingly looking to emulate Iraq, its freedoms, its rule of law, its security of human dignity, its equal rights, and equal justice. This is the start of something new and wondrous in the Middle East, a renaissance of sorts, and Iraq is at the very forefront.

The war in Iraq is ending, but America's partnership with the new Iraq is only just beginning. No matter where any of us stood in the old debates of the past, Americans should all be able to agree now that the emergence of a free and democratic Iraq is one of the greatest strategic opportunities in all of U.S. foreign policy.

America and our allies have created this opportunity. Iraqis have expanded it and seized it. Now let's all come together to usher in a new era of liberty not just for Iraq but for the entire Middle East.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise this evening to speak about a simple amendment that would go a long way to save a lot of jobs in our timber industry and our forested communities.

To give a little bit of background, the collapse of the housing market has devastated the timber industry and the many rural communities that depend on it, resulting in major job losses. Because of a fate tied to the housing industry, the timber industry is one of the hardest hit by the current recession, with timber prices at a record low. That precipitous drop in timber prices has created a unique and very

threatening problem for companies that harvest timber on federally owned lands. Specifically, a lot of companies bid for contracts to harvest timber and they did so right before the housing market and then the timber market collapsed. So those companies bid. Some won contracts, and those that won those contracts won them at a very high price for the timber. They could make a profit selling that timber when they harvested it, but by the time the process was completed, the timber prices had fallen through the floor. At the current record-low timber prices, harvesting under contract would cost more than the timber is worth. So the companies would lose money by going forward, resulting in major losses and leading to layoffs and lost jobs.

This takes us to an interesting point where there are two possibilities: one is a contract with the Forest Service, and one is a contract with the BLM, Bureau of Land Management. If a company is fortunate enough to have a contract with the Forest Service, they can apply for and receive an extension, giving them more time to act on the contract and harvest the timber. Given the unique circumstances we find ourselves in, that is of great value. It makes sense. It is a simple way to save jobs. But, unfortunately, if your contract is with the Bureau of Land Management—and that Bureau manages 69 million acres of forested land across our Western States, much of it prime timberland—the same rules are not set up for companies that happen to do business with the BLM rather than the Forest Service. Their only alternative is harvesting timber at a loss and to lose the contract and lose the business altogether. This makes no sense as a policy. In Western States such as Oregon where Forest Service and BLM lands are side by side, you can find yourselves on the Forest Service land one moment and BLM land the next. It is practically arbitrary whether a company is working with an agency that can give them a commonsense extension, as the Forest Service can, or an agency that cannot give them that commonsense extension, which is the BLM.

My amendment is simple. It allows companies to apply for a contract extension and authorizes the BLM to review and grant those applications so we can save those jobs. It applies the same rules to the BLM that the Forest Service already has in place. Indeed, the language of the amendment is identical to a companion bill that has already passed the House. Furthermore, the Congressional Budget Office has determined there is no significant financial impact for this bill.

I have spoken to many of my colleagues on both sides of the aisle, and I haven't found anyone who has an objection to this amendment. This is one

of those commonsense opportunities to cut a little bit of redtape; a commonsense opportunity to assist companies that were caught in an unexpected trap; a commonsense opportunity to strengthen our rural resource-based companies and the jobs that go with them.

So I put forward this amendment, and, as I noted, everyone I have spoken to on both sides of the aisle says it makes a lot of sense, but some objection has been placed anonymously. So I simply wish to ask that any colleague who has an objection to this effort to help the timber companies, to help our rural resource-based communities, to please come and talk with me because I am sure that whatever concern you have, I should be able to get a good answer for your concern.

We have in this Chamber the opportunity to help some of the hardest hit communities with a simple amendment such as this. I hope we can seize that opportunity. That is the type of bipartisan problem-solving Americans are hoping to see in the Senate.

Thank you. Thank you to my colleagues who have been so helpful in reviewing this amendment on both sides of the aisle. Thank you to my colleagues who will be helpful as we try to put this commonsense amendment in place.

Thank you, Mr. President.

#### PBGC GOVERNANCE

Mr. KOHL, Mr. President, I rise to talk about the importance of retirement security and the Pension Benefit Guaranty Corporation, the Federal agency responsible for insuring the pension plans of nearly 44 million Americans. Unfortunately, this vital agency in November of 2009 reported a total deficit of nearly \$22 billion. Furthermore, the PBGC said its potential exposure from financially weak companies that may not be able to honor their pension payments is currently about \$168 billion, an increase of \$121 billion from the prior year.

The American Workers, State, and Business Relief Act includes provisions to offer limited pension funding relief to companies that provide defined benefit plans. While this relief is much needed, I am concerned about any such action that could increase the liability of the PBGC in its current state. As we found at an Aging Committee hearing last year, the agency sorely lacks the oversight and policy direction it requires.

There is little doubt that an improved PBGC governance structure is necessary. The PBGC's boards consist of only three members: the Secretary of Labor, the Secretary of Treasury, and the Secretary of Commerce. These three members obviously have their own agencies to run, and are doing so during an economic crisis.

The Government Accountability Office has indicated for years that the

PBGC board members do not have enough time or resources to provide the policy direction and oversight required by the agency. In 28 years, the full board has met only 20 times. These findings have been echoed in reports by the McKinsey & Company consulting group and by the Brookings Institution.

The role of PBGC is too crucial to allow its governance to slip through the cracks. And we have seen devastating results when it has. The former PBGC Director was able to adopt a risky investment strategy just months before the market downturn and inappropriately involve himself in the bidding process, with little more than a rubberstamped approval from the board.

We must ensure that these problems do not impact the ability of the agency to function going forward. I have crafted an amendment based on the PBGC Governance Improvement Act, a bill I introduced with Senators BENNET, MCCASKILL and FEINGOLD, which would significantly improve the PBGC board's governance oversight structure. First and foremost, the amendment would expand the Board's membership, requiring it to meet at least four times a year, and ensuring that the board retains continuity during a change in administration. The amendment would also ensure the PBGC Advisory Council, inspector general, and general counsel have full and direct independent access to the entire board. Finally, the amendment would require the PBGC director to recuse him or herself from potential conflicts of interest, to include any involvement with the agency's technical evaluation panels. These small commonsense changes are a bare minimum needed to make sure the PBGC is secure and taxpayer's are protected.

The role of the PBGC is a vital one, now more than ever. For 44 million Americans with defined benefit pension plans, PBGC is the only thing that stands between the secure retirement they have worked so hard for, and the prospect of living without the retirement income they have earned. We must get the PBGC back on track, or face the possibility of absorbing its obligations as taxpayers.

Mr. HARKIN, Mr. President, I understand the concerns raised by Senator KOHL, and agree that these are serious issues that need to be addressed. While I believe that short-term, targeted pension funding relief is critically important and should move as quickly as possible, I would welcome the opportunity to work with my colleagues to pursue longer term solutions addressing the many challenges facing our defined benefit pension system, including PBGC governance.

I plan to hold hearings in the HELP Committee this year addressing the state of the defined benefit system and

the PBGC. I look forward to discussing with Senator KOHL the ideals and goals reflected in the Pension Benefit Guaranty Corporation Governance Improvement Act of 2009, and I thank him for bringing this important legislation to my attention. I hope that we can work collaboratively on legislation to improve the security of defined benefit pensions and the agency that insures these plans, as well as on broader initiatives to build greater retirement security for all working families.

Mr. BAUCUS. I applaud the chairman of the Select Committee on Aging for raising this important issue. I look forward to working with him and the chairman of the Health, Education, Labor and Pensions Committee on addressing the shortcomings he has highlighted.

Mr. KOHL. With those assurances, I will not offer my amendment and look forward to working with Chairman HARKIN and Chairman BAUCUS on improving the PBGC.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that on Tuesday, March 9, after any leader time, the time until 11 a.m. be for a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, with the Republicans controlling the first portion; that at 11 a.m., the Senate resume consideration of H.R. 4213 and proceed as under the order of March 5, with all provisions of that order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UGANDA RECOVERY ACT

Mr. LEVIN. Mr. President, I am a cosponsor of a bill introduced by Senators FEINGOLD and BROWNBACK, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act. I am one of the 62 cosponsors of this legislation, and I believe this broad bipartisan support speaks to both the urgency of this issue and the importance of this legislation.

On a continent plagued by man-made tragedy, the Lord's Resistance Army stands out as a manufacturer of that tragedy. The U.S. State Department describes the LRA as "vicious and cult-like." Formed in the 1980s to overthrow the Ugandan government, the LRA engaged in such widespread violence that at one time, about 2 million Ugandans were displaced from their homes. The LRA massacred, mutilated and abducted civilians, and forced many into sexual servitude. An estimated 66,000

Ugandan youths were forced to fight for the group.

The good news is that the Ugandan government has now largely pushed the LRA out of Uganda. The bad news is that the scars it has left behind are raw and real for Ugandans; and that meanwhile, the LRA has moved into parts of Sudan, the Democratic Republic of Congo, and the Central African Republic, continuing to spread violence and terror. Between September of 2008 and July of 2009, the United Nations estimates that LRA violence claimed 1,300 civilian lives, that the LRA abducted another 1,400 civilians, and that more than 300,000 were forced from their homes.

This legislation, which 63 Senators support, would take a number of steps to address both the aftermath of the LRA's rampage in Northern Uganda and its continuing violence in Uganda's neighbor nations. The Act would require that within six months, the United States develop a comprehensive strategy for dealing with the LRA, including an outline of steps to protect the civilian population against LRA violence. The act would authorize funding under the Foreign Assistance Act of 1961 to provide humanitarian assistance in areas affected by LRA. And it would provide assistance for reconstruction and for promotion of justice and reconciliation in areas of Uganda recovering from the LRA's depredations.

It is unfortunate that despite the broad and bipartisan support for this legislation, apparently only one Member of the Senate objects to it and is able to block its consideration. As with so many measures before the Senate, there is little doubt that this bill would win overwhelming passage were it allowed to come to the floor.

But the innocent victims of LRA violence, past and present, need our help. The objection of one Senator should not be allowed to thwart us responding to that need.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JOEL WAHLENMAIER AND JAVIER BEJAR

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of two respected and dedicated public servants, Fresno County Sheriff's Deputy Joel Wahlenmaier and Reedley Police Officer Javier Bejar. Deputy Wahlenmaier and Officer Bejar were tragically killed in the line of duty while helping officers with the California Fire Marshal's office serve a warrant on a suspected arsonist in Minkler, CA.

Deputy Wahlenmaier was born in Bakersfield, CA, and raised in Fresno. After spending his early career in construction, Deputy Wahlenmaier joined

the Fresno County Sheriff's Department in 1998. During his tenure with the department, he worked as a detective in the homicide and property crime bureaus and he was a longtime member of the department's search and rescue team.

Deputy Wahlenmaier is survived by his wife Beverly and children Amy and Austin. He had a profound love of the outdoors. He was a skilled fisherman and hunter who enjoyed skiing and water sports. Those who knew Deputy Wahlenmaier will always remember him as a trusted, caring, and kind colleague and friend, and above all else, a devoted family man.

Officer Bejar was born in Mexico and moved to the United States with his family at the age of 3. He grew up in Orange Cove in Fresno County. While a student at Reedley High School, he became an Explorer Scout in the Reedley Police Department Police Explorer Program, which teaches young people interested in pursuing a law enforcement career the fundamentals of police service. After graduating from high school, he joined the U.S. Marine Corps, during which time he served a 14-month tour in Iraq and Kuwait and earned the rank of sergeant before he was honorably discharged. Officer Bejar joined the Reedley Police Department in 2005. He was named the Reedley Police Department Officer of the Year in 2007 and he received a life-saving medal in 2009.

Office Bejar is survived by his wife Miriam, his parents, and seven siblings. He will always be remembered as a gentleman with an engaging personality who was committed to his job and family.

Deputy Wahlenmaier and Officer Bejar dutifully served the residents of Fresno County with great selflessness, integrity, and valor. Their devotion to help others and passion to make a positive impact on the community epitomize the best ideals of law enforcement. Their lasting contributions to public safety and law enforcement are greatly appreciated. They will be sorely missed.

We shall always be grateful for Deputy Wahlenmaier and Office Bejar's heroic service and the sacrifices that they made while serving the community and the people they loved. •

##### TRIBUTE TO LIEUTENANT GENERAL EMERSON GARDNER, JR.

• Ms. MIKULSKI. Mr. President, today I wish to thank LTG Emerson Gardner, Jr. for his outstanding service to our great Nation and to congratulate him on the occasion of his retirement.

Lieutenant General Gardner hails from the great State of Maryland and next week he will retire from the U.S. Marine Corps after 37 years of faithful and superb service. Duty, honor, country—the Marine Corps motto—are not

just words to him. I am so proud of General Gardner's accomplishments and service and would like to share a bit more about this great marine.

Lieutenant General Gardner is a 1973 cum laude graduate of Duke University. He was named an Olmsted Scholar in 1978 and studied history and political science for 2 years at Goettingen, Germany. He is a graduate of The Basic School, Defense Language Institute, Marine Corps Command and Staff College, Armed Forces Staff College, the Norwegian Defense College and the National Security Leadership Course at the Maxwell School of Citizenship and Public Affairs at Syracuse University.

As a distinguished naval aviator, Lieutenant General Gardner served as a helicopter pilot in all three Marine air wings. He was hand-picked to serve as a White House liaison officer and Presidential helicopter command pilot for President Ronald Reagan. As commanding officer of HMM-261, Lieutenant General Gardner led the Raging Bulls in Operation Sharp Edge, the evacuation of Liberia, and into major combat operations during Operations Desert Shield and Storm. It is also important to note that during his career, he has accumulated more than 4,300 flight hours in most of the aircraft currently in the Marine Corps inventory.

Lieutenant General Gardner also served as one of seven Marine Expeditionary Unit commanders in the world. As the commanding officer of the 26th Marine Expeditionary Unit, Special Operations Capable, he led Operation Silver Wake, the noncombatant evacuation, NEO, of Albania, Operation Guardian Retrieval, contingency support for a NEO of Kinshasa, Zaire and Dynamic Response, the first employment of SACEUR's Strategic Reserve into Bosnia.

Lieutenant General Gardner has served as G-3 current ops officer with the 9th Marine Amphibious Brigade in Okinawa, deputy G-3 for II Marine Expeditionary Force and as the J-3, operations officer, for the Standing Joint Task Force, MARFORLANT. He was also the assistant chief of staff for operations and logistics at Allied Forces Northern Europe at Kolsas, Norway and at Allied Forces Northwestern Europe, in High Wycombe, England. Soon after this assignment, he served as assistant deputy commandant for aviation at Headquarters Marine Corps, Washington, DC. His tour as the deputy commander of U.S. Marine Corps Forces, Atlantic included extended temporary additional duty as the deputy J-3 for current operations at U.S. Central Command in support of Operation Enduring Freedom. General Gardner served as the director for operations, J3 at U.S. Pacific Command, the deputy commandant for programs and resources at Headquarters, Marine Corps and currently as the director for cost assessment and program evaluation for the Secretary of Defense.

With such an honorable and distinguished career, it is only fitting that I share with you his long list of military awards and decorations which include the Defense Distinguished Service Medal, multiple awards of the Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal, Air Medal, Navy Commendation Medal and the Presidential Service Badge.

Under Lieutenant General Gardner's guidance, the Marine Corps expanded its personnel and strengthened its readiness. He led the Marine Corps' efforts to acquire MRAPs and other vital equipment so needed by our marines, soldiers and airmen in Iraq and Afghanistan. As a result of his work, the force has never been stronger and it is his honesty and integrity which both his subordinates and superiors admire. Anyone who knows General Gardner knows of his commitment to lead and mentor young marines, his dynamic and persuasive personality, his careful, thoughtful and precise preparation of all things—mission or brief—and of course, his steadfast and unwavering dedication to the men and women serving in the U.S. Marine Corps.

The history of our great Nation is comprised of men, just like General Gardner, who have so bravely fought for the ideals of freedom and democracy. It is humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Today our country owes General Gardner, as well as his wife Vivian, and children Phil, the oldest Nick, a corporal in the Marine Corps who served in Iraq, Christian, a lance corporal who will deploy to Afghanistan in June as a Marine Corps sniper, and Marc who wants to be an engineer, our warmest of thanks and deepest appreciation for all that they have done. I offer my sincerest gratitude for his decades of service and I salute LTG Emerson Gardner as he retires from the U.S. Marine Corps. *Semper Paratus*!

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4944. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Continuation of Essential Contractor Services" (DFARS Case 2009-D017) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Armed Services.

EC-4945. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Acquisitions, Logistics and Technology), received in the Office of the President of the Senate on March 3, 2010; to the Committee on Armed Services.

EC-4946. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Unfair or Deceptive Acts or Practices" (RIN3133-AD47) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4947. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Secondary Capital Accounts" (RIN3133-AD67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4948. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; 1-Hour Ozone Extreme Area Plan for San Joaquin Valley, CA" (FRL No. 9108-4) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4949. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; NSR Reform Regulations—Notice of Action Denying Petition for Reconsideration and Request for Administrative Stay" (FRL No. 9123-4) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4950. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment and Reclassification of the Atlanta, Georgia, 8-Hour Ozone Nonattainment Area; Correction" (FRL No. 9122-1) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4951. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Michigan: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9121-2) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4952. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing—Technical Amendment" (FRL No. 9122-9) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4953. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule—Gowanus Canal" (FRL No. 9120-8) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4954. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 49" (FRL No. 9120-7) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4955. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation" (FRL No. 9122-3) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4956. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Outer Continental Shelf Air Regulations Consistency Update; Correction" (FRL No. 9123-1) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4957. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reduced 2009 Estimated Income Tax Payments for Individuals with Small Business Income" (RIN1545-BI89) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Finance.

EC-4958. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-4959. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled "UN OFFICE FOR PROJECT SERVICES: Management Reforms Proceeding but Effectiveness Not Assessed, and USAID's Oversight of Grants Has

Weaknesses"; to the Committee on Foreign Relations.

EC-4960. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Multiemployer Pension Plan Information Made Available on Request" (RIN1210-AB21) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4961. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008" (RIN0938-AP65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4962. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "District's Earmark Process Needs Improvement"; to the Committee on Homeland Security and Governmental Affairs.

EC-4963. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule" (RIN0648-AY52) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4964. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Data Collection for the Trawl Rationalization Program" (RIN0648-AX98) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4965. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention; Correction" (RIN0648-AV63) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4966. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements; Correction" (RIN0648-AY52) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4967. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands;

Final 2009 and 2010 Harvest Specifications for Groundfish; Correction" (RIN0648-XL28) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4968. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Reporting Requirement for Midwater Trawl Vessels Fishing in Closed Area I" (RIN0648-AX93) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4969. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule" (RIN0648-XT99) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4970. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf Coast of Alaska" (RIN0648-XU20) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4971. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XT93) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4972. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XU11) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4973. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XU12) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4974. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleu-

tian Islands Management Area" (RIN0648-XU20) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4975. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher-Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XU52) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4976. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XU51) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4977. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XU37) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4978. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XU36) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4979. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the C. opilio Bycatch Limitation Zone of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XU34) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4980. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XU33) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.



EC-4981. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (RIN0648-XU24) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4982. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XU27) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4983. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for American Fisheries Act Catcher Vessels in the Inshore Open Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XU30) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. GRASSLEY):

S. 3086. A bill to support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. KERRY):

S. 3087. A bill to support revitalization and reform of the Organization of American States, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 3088. A bill to reduce the number of executive branch political appointments; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 446. A resolution commemorating the 40th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Relations.

By Ms. MIKULSKI:

S. Res. 447. A resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on

Homeland Security and Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 981

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1320

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was withdrawn as a cosponsor of S. 1320, a bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1320, supra.

S. 1783

At the request of Mr. FRANKEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1783, a bill to amend the Agri-

cultural Marketing Act of 1946 to provide for country of origin labeling for dairy products.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2912

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2912, a bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation.

S. 3003

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3003, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 3019

At the request of Mr. LIEBERMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3019, a bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

S. 3059

At the request of Mr. BINGAMAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3059, a bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes.

S. 3074

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3074, a bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.



S. RES. 440

At the request of Mr. BENNET, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 440, a resolution improving the Senate cloture process.

AMENDMENT NO. 3356

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3356 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3423

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Hampshire (Mr. GREGG), the Senator from South Carolina (Mr. DEMINT) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 3423 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3428

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3428 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. GRASSLEY):

S. 3086. A bill to support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleague Senator GRASSLEY, to introduce legislation on behalf of the millions of talented, high-achieving American students who every day, despite our best efforts, are being left behind.

When we talk about reducing the achievement gap, we usually think of helping economically disadvantaged kids who are having a tough time in school keep up with their peers.

Unfortunately, there is also a growing gap between high-achieving kids from high-earning families and students with just as much potential and talent who come from difficult economic circumstances.

Potential is being squandered every day. Tragically, some estimates indicate that one in five of our highest-achieving students drops out of school. That is 20 percent of our best and brightest students, the hope of our na-

tion and the key to our economic competitiveness in the 21st century, left behind.

Every child should have the opportunity to reach their full potential. So, today I introduce the Equity in Excellence Act of 2010, designed to eliminate this gap among high-achieving students by helping talented but economically disadvantaged kids find the challenging and enriching materials and programs they need to stay in school and on track.

Here is how it works.

First, our bill will help to evaluate how school districts are challenging their most talented students—and to diagnose the problem when they are not.

Second, it will put in place evidence-based programs—ranging from enrichment programs to academic acceleration strategies to high quality support material—designed to maximize learning among high-potential students.

Third, it provides funding to hire and train personnel—principals, counselors, psychologists—skilled in meeting the needs of high-achieving students.

Fourth, it provides funding to educate and inform parents of these students, so that they can partner with schools in supporting their kids.

This legislation has been endorsed by the National Association for Gifted Children, an organization of more than 8,000 parents, teachers, education professionals, and community leaders united in support of high-achieving kids and their unique needs.

Of course we all want to ensure that every child—no matter what their strengths and weaknesses, no matter what their grades or test scores, no matter what their economic background—can get a good education that prepares them for the 21st century economy.

Every child who falls through the cracks represents a tragedy. When those who have displayed such tremendous potential are left behind, we all suffer. This legislation offers a step towards keeping those kids challenged, engaged—and in school.

I want to thank Senator GRASSLEY for joining me in this effort, and encourage our colleagues to join as well.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 3088. A bill to reduce the number of executive branch political appointments; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, I am pleased to be joined by my good friend the senior Senator from Arizona, Mr. MCCAIN, in introducing legislation to reduce the number of presidential political appointees. Specifically, the bill caps the number of political appointees at 2,000. When I previously introduced this legislation, the Congressional Budget Office estimates it would save

\$382 million over the next 5 years and over \$872 over the next 10 years.

The bill is based on recommendations of a number of distinguished panels, including the 1996 Twentieth Century Fund Task Force on the Presidential Appointment Process. The Task Force findings, which are still very relevant today, are part of a long line of recommendations that we reduce the number of political appointees in the Executive Branch. For many years, the proposal has been included in CBO's annual publication *Reducing the Deficit: Spending and Revenue Options*, and it was one of the central recommendations of the National Commission on the Public Service, chaired by former Federal Reserve Board Chairman and current economic advisor to President Obama, Paul Volcker.

This proposal is also consistent with the recommendations of former Vice President Al Gore's National Performance Review, which called for reductions in the number of federal managers and supervisors, arguing that "over-control and micro management" not only "stifle the creativity of line managers and workers, they consume billions per year in salary, benefits, and administrative costs."

Those sentiments were also expressed in the 1989 and 2003 Volcker Commission reports, which argued the growing number of presidential appointees may "actually undermine effective presidential control of the executive branch." The first Volcker Commission recommended limiting the number of political appointees to 2,000, as this legislation does.

It is essential that any administration be able to implement the policies that brought it into office in the first place. Government must be responsive to the priorities of the electorate. But as the Volcker Commissions noted, the great increase in the number of political appointees in recent years has not made government more effective or more responsive to political leadership.

Between 1980 and 2008 the ranks of political appointees rose by more than 27 percent whereas between that same period, excluding the defense sector, the civilian workforce remained consistent at about 1.1 to 1.2 million.

In recommending a cap on political appointees, the 1989 and 2003 Volcker Commission reports noted that the large number of presidential appointees simply cannot be managed effectively by any President or White House. The 1989 Commission argued that this lack of control and political focus "may actually dilute the President's ability to develop and enforce a coherent, coordinated program and to hold cabinet secretaries accountable."

Adding organizational layers of political appointees can also restrict access to important resources, while doing nothing to reduce bureaucratic impediments.

In commenting on this problem, author Paul Light noted, "As this sediment has thickened over the decades, presidents have grown increasingly distant from the lines of government, and the front lines from them." Light added that "Presidential leadership, therefore, may reside in stripping government of the barriers to doing its job effectively. . . ."

The Volcker Commission also asserted that this thickening barrier of temporary appointees between the President and career officials can undermine development of a proficient civil service by discouraging talented individuals from remaining in government service or even pursuing a career in government in the first place.

Former Attorney General Elliot Richardson put it well when he noted:

But a White House personnel assistant sees the position of deputy assistant secretary as a fourth-echelon slot. In his eyes that makes it an ideal reward for a fourth-echelon political type—a campaign advance man, or a regional political organizer. For a senior civil servant, it's irksome to see a position one has spent 20-30 years preparing for preempted by an outsider who doesn't know the difference between an audit exception and an authorizing bill.

The 2003 Volcker Commission report identified another problem aggravated by the mushrooming number of political appointees, namely the increasingly lengthy process of filling these thousands of positions. As the Commission reported, both President Bush and President Clinton were into their presidencies for many months before their leadership teams were fully in place. The Commission noted that on average, appointees in both administrations were confirmed more than eight months after the inauguration, one-sixth of an entire presidential term. By contrast, the report noted that in the presidential transition of 1960, Kennedy appointees were confirmed, on average, 2½ months after the inauguration.

In addition to leaving vacancies among key leadership positions in government, the appointment process delays can have a detrimental effect on potential appointees. The 2003 Volcker Commission reported that, "Potential appointees sometimes decline to enter government service when confronted by this process. Others drop out along the way. But the principal impact of the modern appointments process is the delay it imposes on the staffing of new administrations."

The Clinton administration made modest reductions in the number of political appointees but the numbers have steadily increased in the past decade.

As we scour the Federal budget for wasteful or unnecessary spending, we can't overlook spending that many in Washington may well wish to retain. The test of commitment to deficit reduction is not simply to support measures that impact someone else. By re-

ducing the number of political appointees, we can ensure a sufficient number remain to implement the policies of any administration without burdening the Federal budget with unnecessary, possibly counterproductive political jobs.

Reducing the Federal deficit and balancing the budget is something that has been central to my Senate career, from the 82 point plan I brought to the Senate in 1993 to my most recent Control Spending Now Act, which would cut the deficit by around \$500 billion.

The legislation I am introducing today reflects one of the points included on the original 82 point plan calling for streamlining various Federal agencies and reducing agency overhead costs, and it will be added to my Control Spending Now Act. I urge my colleagues to join me in reducing the deficit and reforming government.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 446—COMMEMORATING THE 40TH ANNIVERSARY OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Mr. CASEY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 446

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force on March 5, 1970, has limited the spread of the most dangerous weapons across the globe for 40 years;

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons (also known as the NPT) is the cornerstone of the global nuclear nonproliferation regime;

Whereas 189 members of the United Nations have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, only three states have never signed it, and only one, North Korea, has declared its withdrawal from the Treaty;

Whereas more countries have ratified the Treaty on the Non-Proliferation of Nuclear Weapons than any other arms control or nonproliferation agreement in history;

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons commits non-nuclear weapon states that want to benefit from the peaceful application of nuclear technology not to develop nuclear weapons and commits the 5 recognized nuclear weapon states to take measures to achieve, at the earliest possible date, the elimination of their nuclear weapon stockpiles;

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons assigns to the International Atomic Energy Agency the responsibility of maintaining a safeguards system to verify that non-nuclear weapons states party to the Treaty are not diverting nuclear technology from peaceful uses to nuclear weapons or other nuclear explosive devices;

Whereas, as of December 15, 2009, only 94 countries and one regional organization had brought into force an Additional Protocol to their Comprehensive Safeguards Agreement with the International Atomic Energy Agency;

Whereas President John F. Kennedy stated that nuclear weapons pose "the greatest possible danger" to the United States and warned that the United States could soon face a world in which there were 15-20 nuclear weapon states, but today, as a result of the global norms and mutual assurances established by the Treaty on the Non-Proliferation of Nuclear Weapons, the world has only 9 presumed nuclear weapons states;

Whereas United States policies and bilateral and multilateral treaties have reduced the number of nuclear weapons in the world from a Cold War high of approximately 70,000 to approximately 24,000, and the United States has reduced its stockpile of nuclear weapons from a high of 32,000 warheads and bombs to fewer than 10,000 today;

Whereas, at the fifth Non-Proliferation Treaty Review Conference, in 1995, states party to the Treaty on the Non-Proliferation of Nuclear Weapons agreed to extend the Treaty indefinitely;

Whereas the seventh Non-Proliferation Treaty Review Conference, in 2005, failed to respond collectively on a number of issues, including noncompliance, nuclear programs in Iran and North Korea, the withdrawal clause, nuclear terrorism, clandestine nuclear supply networks, negative security assurances, nuclear disarmament, the nuclear fuel cycle, and enforcement mechanisms;

Whereas, on September 24, 2009, a United Nations Security Council summit chaired by President Barack Obama unanimously adopted United Nations Security Council Resolution 1887, which reaffirms the Security Council's commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, calls on states not yet signatories to accede to the Treaty, urges full compliance with the Treaty by member states, including members facing "major challenges" with their obligations, and sets goals to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons at the 2010 Review Conference;

Whereas the eighth Non-Proliferation Treaty Review Conference will take place May 3-28, 2010, in New York to discuss disarmament, security assurances, nonproliferation, peaceful uses of nuclear energy, the nuclear fuel cycle, the mandate of the International Atomic Energy Agency, safety and security of nuclear material, universality, Nuclear Weapons-Free Zones, export controls, and the Treaty's withdrawal clause; and

Whereas the eighth Review Conference presents an opportunity to refocus states party to the NPT on the danger that the spread of nuclear weapons poses, to discuss potential ways to deal with countries that continue to pose a nuclear security threat, and to find common solutions so as to further reduce the number of nuclear weapons in the world and enable increased use of nuclear energy while improving safeguards to ensure that illicit nuclear programs are not occurring: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms its support for the Treaty on the Non-Proliferation of Nuclear Weapons to prevent the spread of nuclear weapons, to further reduce the number of nuclear weapons, and to promote the sharing of nuclear energy technology for peaceful purposes;

(2) urges the President to work to achieve universality in adherence to the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) encourages the President to work with international partners of the United States and states party to the Treaty on the Non-Proliferation of Nuclear Weapons to have the Model Additional Protocol to Comprehensive

Safeguards Agreements become the global standard for safeguards and a requirement for nuclear commerce;

(4) urges the President to ensure that the International Atomic Energy Agency has the necessary resources, personnel, and technology to conduct its oversight responsibilities as they relate to the Treaty on the Non-Proliferation of Nuclear Weapons; and

(5) encourages the President to work with other states party to the Treaty on the Non-Proliferation of Nuclear Weapons to strengthen enforcement mechanisms and develop collective responses to any notification of withdrawal from the Treaty.

**SENATE RESOLUTION 447—EX-PRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A SEMIPOSTAL STAMP TO SUPPORT MEDICAL RESEARCH RELATING TO ALZHEIMER'S DISEASE**

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 447

*Resolved*, That it is the sense of the Senate that the United States Postal Service should, in accordance with section 416 of title 39, United States Code—

(1) issue a semipostal stamp to support medical research relating to Alzheimer's disease; and

(2) transfer to the National Institutes of Health for that purpose any amounts becoming available from the sale of such stamp.

Ms. MIKULSKI. Mr. President, I rise today to submit a resolution urging the U.S. Postal Service to issue a semipostal stamp to help raise money for Alzheimer's research. A semipostal stamp will fund new research while also raising public awareness about this devastating disease.

Finding new ways to treat Alzheimer's should be a national priority. The disease not only harms patients and their families, it strains our health care system as well. Every 70 seconds, someone in America develops Alzheimer's. An estimated 5.3 million Americans have Alzheimer's disease, including one in eight people over 65. The direct and indirect costs of Alzheimer's and other dementias to Medicare, Medicaid and businesses amount to more than \$148 billion each year. By 2050, this disease is likely to affect more than 11 million people 65 and older—unless we can find a medical breakthrough.

In addition to this resolution, I am also the sponsor of the Alzheimer's Breakthrough Act. The act would increase overall funding for Alzheimer's research at NIH, establish a national summit to identify priorities and maximize resources in our fight for better treatments and a cure, and expand the Alzheimer's State Matching Grant Program. I am hopeful the Senate will pass the Breakthrough Act this year in addition to the resolution I am introducing today.

A semipostal stamp is one more way each of us can help in the fight against Alzheimer's. Proceeds from the stamp's sales would fund Alzheimer's research at the National Institutes of Health. By paying more than the normal postage rate for this stamp, the public could contribute directly to the search for a new treatment or even a cure. I ask my colleagues today to join me in the fight against Alzheimer's and support this resolution.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3431. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3432. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3433. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3434. Mr. REED (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3435. Mr. REED (for himself, Mr. DODD, Mr. KERRY, Ms. CANTWELL, Mr. WHITEHOUSE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3436. Mr. INOUE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3437. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3438. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3439. Mr. REID submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3440. Ms. CANTWELL (for herself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3441. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3442. Mr. WARNER (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3443. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3444. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3445. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3446. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3447. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 3431.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

**SEC. \_\_\_\_ . REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded \$35,000,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

**SA 3432.** Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TREATMENT FOR CERTAIN EMPLOYEES PAID SAVED OR RETAINED RATES.**

(a) IN GENERAL.—Section 1918(a)(3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) is amended by striking "January 1, 2012" and inserting "January 1, 2010".

(b) INTERIM PAY ADJUSTMENTS.—

(1) ADJUSTMENTS.—

(A) IN GENERAL.—Until the Director of the Office of Personnel Management prescribes

regulations in accordance with the amendment made by subsection (a), for employees receiving a cost-of-living allowance under section 5941 of title 5, United States Code, and a retained rate under section 5363 of that title, agencies shall—

(i) calculate the adjustment under section 5363(b)(2)(B) of that title based on a maximum rate of basic pay, excluding any locality-based comparability payment; and

(ii) provide an additional adjustment reflecting the full increase in the locality-based comparability payment that would apply to the employee but for receipt of a retained rate.

(B) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue guidance for carrying out paragraph (1).

(C) OTHER PAY SYSTEMS.—For employees in another pay system that receive a retained rate equivalent to a retained rate under section 5363 of title 5, United States Code, equivalent treatment shall be provided, consistent with section 1918(b) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

**SA 3433.** Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**SEC. 602. LOAN GUARANTEES FOR SHIPYARDS AND REPROGRAMMING OF FUNDS FOR SEALIFT CAPACITY.**

Section 115 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199; 118 Stat. 439), as amended by section 1017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 250), is amended to read as follows:

“SEC. \_\_\_\_ (a)(1) Of the amounts provided in the Department of Defense Appropriations Act, 2002 (Public Law 107-117; 115 Stat. 2244), the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1533), and the Department of Defense Appropriations Act, 2004 (Public Law 108-87; 117 Stat. 1068) under the heading ‘NATIONAL DEFENSE SEALIFT FUND’ for construction of additional sealift capacity, notwithstanding section 2218(c)(1) of title 10, United States Code—

“(A) \$15,000,000, shall be made available for the Secretary of Transportation to make loan guarantees as described in subsection (b); and

“(B) any remaining amount shall be made available for—

“(i) design testing simulation and construction of infrastructure improvements to a marine cargo terminal capable of supporting a mixed use of traditional container operations, high speed loading and off-loading, and military sealift requirements; and

“(ii) engineering, simulation, and feasibility evaluation of advance design vessels for the transport of high-value, time sensitive cargoes to expand a capability to support military sealift, aviation, and commercial operations.

“(2) The amounts made available in this subsection shall remain available until expended.

“(b)(1) A loan guarantee described in this subsection is a loan guarantee issued by the

Secretary of Transportation to maintain the capability of a qualified shipyard to construct a large ocean going commercial vessel if the applicant for such a loan guarantee demonstrates that absent such loan guarantee—

“(A) the domestic capacity for the construction of large ocean going commercial vessels will be significantly impaired;

“(B) more than 1,000 shipbuilding-related jobs will be terminated at any one facility; and

“(C) the capability of domestic shipyards to meet the demand for replacement and expansion of the domestic ocean going commercial fleet will be significantly constrained.

“(2) In this subsection, the term ‘qualified shipyard’ means a shipyard that—

“(A) is located in the United States;

“(B) consists of at least one facility with not less than of 1,000 employees;

“(C) has exclusively constructed ocean going commercial vessels larger than 20,000 gross registered tons;

“(D) delivered 8 or more such ocean going commercial vessels during the 5-year period ending on the date of the enactment of the American Workers, State, and Business Relief Act of 2010; and

“(E) applies for a loan guarantee made available pursuant to subsection (a)(1)(A).

“(3) Notwithstanding the provisions of chapter 537 of subtitle V of title 46, United States Code, or any regulations issued pursuant to such chapter, a loan guarantee pursuant to subsection (a)(1)(i) shall be issued only to a qualified shipyard upon commitment by the qualified shipyard of not less than \$40,000,000 in equity and demonstrated proof that actual construction of the new vessel for which such loan guarantee was issued will commence not later than April 30, 2010.

“(4) A loan guarantee issued pursuant to subsection (a)(1)(A) shall be deemed to have a subsidy rate of no greater than 9 percent.

“(5) The Secretary of Transportation shall select each qualified shipyard to receive a loan guarantee pursuant to subsection (a)(1)(A) not later than 60 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.”

**SA 3434.** Mr. REED (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 201 insert the following:

**SEC. 202. MODIFICATION TO ELIGIBILITY REQUIREMENTS FOR EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) INDIVIDUAL NOT INELIGIBLE BY REASON OF SUBSEQUENT ENTITLEMENT TO REGULAR BENEFITS.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(g) CERTAIN RIGHTS TO REGULAR COMPENSATION DISREGARDED.—If an individual exhausted the individual’s rights to regular compensation for any benefit year, such individual’s eligibility to receive emergency unemployment compensation under this title in respect of such benefit year shall be determined without regard to any rights to regular compensation for a subsequent benefit year if such individual does not file a claim for regular compensation for such subsequent benefit year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

(2) TRANSITION RULES.—

(A) WAIVER OF RECOVERY OF CERTAIN OVERPAYMENTS.—On and after the date of the enactment of this Act, no repayment of any emergency unemployment compensation shall be required under section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) if the individual would have been entitled to receive such compensation had the amendment made by subsection (a) applied to all weeks beginning on or before the date of the enactment of this Act.

(B) WAIVER OF RIGHTS TO CERTAIN REGULAR BENEFITS.—If—

(i) before the date of the enactment of this Act, an individual exhausted the individual’s rights to regular compensation for any benefit year, and

(ii) after such exhaustion, such individual was not eligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) by reason of being entitled to regular compensation for a subsequent benefit year,

such individual may elect to defer the individual’s rights to regular compensation for such subsequent benefit year with respect to weeks beginning after such date of enactment until such individual has exhausted the individual’s rights to emergency unemployment compensation in respect of the benefit year referred to in clause (i), and such individual shall be entitled to receive emergency unemployment compensation for such weeks in the same manner as if the individual had not been entitled to the regular compensation to which the election applies.

**SA 3435.** Mr. REED (for himself, Mr. DODD, Mr. KERRY, Ms. CANTWELL, Mr. WHITEHOUSE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 201 insert the following:

**SEC. 202. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.**

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term ‘short-time compensation program’ means a program under which—

“(1) the participation of an employer is voluntary;

“(2) an employer reduces the number of hours worked by employees through certifying that such reductions are in lieu of temporary layoffs;

“(3) such employees are eligible for unemployment compensation if their workweeks have been reduced by the percent designated by State law, provided that such reduction may not be less than 10 percent or more than 60 percent;

“(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would be payable to the employee if such employee were totally unemployed;

“(5) such employees are not expected to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek;

“(6) eligible employees may participate in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency;

“(7) beginning on the date which is 2 years after the date of enactment of this subsection, the employer certifies that continuation of health benefits and retirement benefits under a defined benefit pension plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) is not affected by participation in the program;

“(8) the employer (or an employer's association which is party to a collective bargaining agreement) submits a written plan describing the manner in which the requirements of this subsection will be implemented and containing such other information as the Secretary of Labor determines is appropriate;

“(9) in the case of employees represented by a union, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the National Labor Relations Act; and

“(10) only such other provisions are included in the State law as the Secretary of Labor determines appropriate for purposes of a short-term compensation program.”.

(b) ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.—

(1) ASSISTANCE AND GUIDANCE.—

(A) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs, as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Secretary of Labor (in this section referred to as the “Secretary”) shall—

(i) develop model legislative language which may be used by States in developing and enacting short-time compensation programs and shall periodically review and revise such model legislative language;

(ii) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(iii) establish biannual reporting requirements for States, including number of averted layoffs, number of participating companies and workers, and retention of employees following participation; and

(iv) award start-up grants to State agencies under subparagraph (B).

(B) GRANTS.—

(i) IN GENERAL.—The Secretary shall award start-up grants to State agencies that apply not later than June 30, 2011, in States that enact short-time compensation programs after the date of enactment of this Act for the purpose of creating such programs. The amount of such grants shall be awarded depending on the costs of implementing such programs.

(ii) ELIGIBILITY.—In order to receive a grant under clause (i) a State agency shall meet requirements established by the Secretary, including any reporting requirements under clause (iii). Each State agency shall be eligible to receive not more than one such grant.

(iii) REPORTING.—The Secretary may establish reporting requirements for State agencies receiving a grant under clause (i) in order to provide oversight of grant funds used by States for the creation of short-time compensation programs.

(iv) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies as necessary for the period of fiscal years 2010 and 2011 to carry out this subparagraph.

(2) TIMEFRAME.—The initial model legislative language referred to in paragraph (1)(A) shall be developed not later than 60 days after the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress and to the President a report or reports on the implementation of this section. Such report or reports shall include—

(A) a study of short-time compensation programs;

(B) an analysis of the significant impediments to State enactment and implementation of such programs; and

(C) such recommendations as the Secretary determines appropriate.

(2) SUBSEQUENT REPORTS.—After the submission of the report under paragraph (1), the Secretary may submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(3) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, \$1,500,000 to carry out this subsection, to remain available without fiscal year limitation.

(d) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v));”.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-term compensation) and inserting the following new paragraph:

“(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v));”, and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking “the payment of short-time compensation under a plan approved by the Secretary of Labor” and inserting “the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)”.

(3) REPEAL.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

**SEC. 203. TEMPORARY FINANCING OF CERTAIN SHORT-TIME COMPENSATION PROGRAMS.**

(a) PAYMENTS TO STATES WITH CERTIFIED PROGRAMS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor (in this section referred to as the “Secretary”) shall establish a program under which the Secretary shall make payments to any State unemployment trust fund to be used for the payment of unem-

ployment compensation if the Secretary approves an application for certification submitted under paragraph (3) for such State to operate a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by section 202(a))) which requires the maintenance of health and retirement employee benefits as described in paragraph (7) of such section 3306(v), in addition to other requirements of this Act and notwithstanding the otherwise effective date of such requirement.

(2) REIMBURSEMENT.—Subject to subsection (d), the payment to a State under paragraph (1) shall be an amount equal to 100 percent of the total amount of benefits paid to individuals by the State pursuant to the short-time compensation program during the weeks of unemployment—

(A) beginning on or after the date the certification is issued by the Secretary with respect to such program; and

(B) ending on or before December 31, 2011.

(3) CERTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Any State seeking full reimbursement under this subsection shall submit an application for certification at such time, in such manner, and complete with such information as the Secretary may require (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (7) of such section 3306(v). The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of such paragraph (7).

(B) FINDINGS.—If the Secretary finds that the short-time compensation program operated by the State meets the requirements of such paragraph (7), the Secretary shall certify such State's short-time compensation program thereby making such State eligible for reimbursement under this subsection.

(b) TIMING OF APPLICATION SUBMITTALS.—No application under subsection (a)(3) may be considered if submitted before the date of enactment of this Act or after the latest date necessary (as specified by the Secretary) to ensure that all payments under this section are made before December 31, 2011.

(c) TERMS OF PAYMENTS.—Payments made to a State under subsection (a)(1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) LIMITATIONS.—

(1) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State in excess of 26 weeks of benefits.

(2) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program if such individual is employed by an employer—

(A) whose workforce during the 3 months preceding the date of the submission of the employer's short-time compensation plan has been reduced by temporary layoffs of more than 20 percent; or

(B) on a seasonal, temporary, or intermittent basis.

(3) PROGRAM PAYMENT LIMITATION.—In making any payments to a State under this section pursuant to a short-time compensation program, the Secretary may limit the frequency of employer participation in such program.

(e) RETENTION REQUIREMENT.—

(1) IN GENERAL.—A participating employer under this section is required to comply with the terms of the written plan approved by the State agency and act in good faith to retain participating employees.

(2) OVERSIGHT AND MONITORING.—The Secretary shall establish an oversight and monitoring process by which State agencies will ensure that participating employers comply with the requirements of paragraph (1).

(f) FUNDING.—There are appropriated, from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies are necessary to carry out this section (including to reimburse any additional administrative expenses by reason of the provision of, and amendments made by, this Act that are incurred by the States in operating such short-time compensation programs).

(g) DEFINITION OF STATE.—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(h) SUNSET.—The provisions of this section shall not apply after December 31, 2011.

**SA 3436.** Mr. INOUE (for himself, Mr. DORGAN, Mr. BYRD, Mr. LAUTENBERG, Mr. FRANKEN, Mr. TESTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE \_\_\_\_\_—OTHER MATTERS**

##### **SEC. \_\_\_\_\_ 01. FUNDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR DISASTER RELIEF.**

There are appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Department of Homeland Security under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY”, \$5,100,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this section, up to \$5,000,000 shall be transferred to the Department of Homeland Security under the heading “OFFICE OF INSPECTOR GENERAL” for audits and investigations relating to disasters.

##### **SEC. \_\_\_\_\_ 02. BLACK FARMERS DISCRIMINATION LITIGATION.**

(a) There is hereby appropriated to the Department of Agriculture, \$1,150,000,000, to remain available until expended, to carry out the terms of a Settlement Agreement (“such Settlement Agreement”) executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.) that is approved by a court order that has become final and non-appealable, and that is comprehensive and provides for the final settlement of all remaining Pigford claims (“Pigford claims”), as defined in section 14012(a) of Public Law 110-246. The funds appropriated herein for such Settlement Agreement are in addition

to the \$100,000,000 in funds of the Commodity Credit Corporation (CCC) that section 14012 made available for the payment of Pigford claims and are available only after such CCC funds have been fully obligated. The use of the funds appropriated herein shall be subject to the express terms of such Settlement Agreement. If any of the funds appropriated herein are not used for carrying out such Settlement Agreement, such funds shall be returned to the Treasury and shall not be made available for any purpose related to section 14012, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose. If such Settlement Agreement is not executed and approved as provided above, then the sole funding available for Pigford claims shall be the \$100,000,000 of funds of the CCC that section 14012 made available for the payment of Pigford claims.

(b) Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into such Settlement Agreement or any other settlement agreement.

(c) Nothing in this section shall be construed as creating the basis for a Pigford claim.

(d) Section 14012 of Public Law 110-246 is amended by striking subsections (e), (i)(2) and (j), and redesignating the remaining subsections accordingly.

##### **SEC. \_\_\_\_\_ 03. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.**

(a) SHORT TITLE.—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractionated interests in trust or restricted land.

(3) LITIGATION.—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) PLAINTIFF.—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) SETTLEMENT.—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under sub-paragraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) ACCOUNTING/TRUST ADMINISTRATION FUND.—

(1) IN GENERAL.—Of the amounts appropriated by section 1304 of title 31, United States Code, \$1,412,000,000 shall be deposited in the Accounting/Trust Administration Fund, in accordance with the Settlement.

(2) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of paragraph (1).

(g) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the



date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(h) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program.

#### SEC. 44. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—Each amount in this title is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) PAYGO.—Each amount in this title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

**SA 3437.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following section:

#### SEC. 45. TEMPORARY MODIFICATION IN THE ACTIVE PARTICIPATION REQUIREMENT LIMIT REGARDING THE LOW INCOME HOUSING TAX CREDIT.

(a) Section 469(i) of the Internal Revenue Code of 1986 is amended by inserting a new paragraph as follows:

“In the case of any taxpayer to whom the active participation requirement does not apply, pursuant to paragraph (6)(B), the dollar limitation of paragraph (2) shall be applied by substituting ‘\$500,000’ for ‘\$25,000’ each place it appears.”

(b) The amendment made by subsection (a) shall not apply after December 31, 2010, except with respect to investments made or contracted to be made prior to that date.

**SA 3438.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 233, insert the following:

#### SEC. 234. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.

Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)) is amended by striking, the first place it appears, “January 1, 2010” and inserting “January 1, 2012”.

**SA 3439.** Mr. REID submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. 46. CLARIFICATION OF QUALIFYING TECHNOLOGIES ELIGIBLE FOR COMBINED HEAT AND POWER SYSTEM PROPERTY CREDIT.

(a) NONAPPLICATION OF CERTAIN RULES.—Section 48(c)(3)(C) is amended by adding at the end the following new clause:

“(iv) NONAPPLICATION OF CERTAIN RULES.—For purposes of determining if the term ‘combined heat and power system property’ includes technologies which generate electricity or mechanical power using back-pressure steam turbines in place of existing pressure-reducing valves or which make use of waste heat from industrial processes such as by using organic rankine, stirling, or kalina heat engine systems, subparagraph (A) shall be applied without regard to clause (ii).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3440.** Ms. CANTWELL (for herself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

#### SEC. 47. APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.

(a) IN GENERAL.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of division B of the American Recovery and Reinvestment Act of 2009.

**SA 3441.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

#### SEC. 48. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.

(a) IN GENERAL.—Section 955 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) is amended by adding “and” at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) is amended by striking “, and” at the end and inserting “, except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries.”

(3) Section 951(a)(3) is hereby repealed.

(4) Section 964(b) of such Code is amended by striking “, 955,”.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

#### SEC. 49. TAX IMPOSED ON ELECTING UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—In the case of a United States shareholder for which an election is in effect under this section, a tax is hereby imposed on such shareholder's pro rata share (determined under the principles of paragraph (2) of subsection (a) of section 951 of the Internal Revenue Code of 1986) of the sum of—

(1) the foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004) for all prior taxable years beginning after 1975 and before 1987, and

(2) income described in section 954(b)(2) of the Internal Revenue Code as in effect prior to the effective date of the Tax Reform Act of 1975, without regard to whether such income was not included in subpart F income under section 954(b)(2) or any other provision of such Code,

but only to the extent such income has not previously been included in the gross income of a United States person as a dividend or under any section of the Internal Revenue Code after 1962, or excluded from gross income pursuant to subsection (a) of section 959 of the Internal Revenue Code of 1986.

(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be 5.25 percent of the income described therein.

(c) INCOME NOT SUBJECT TO FURTHER TAX.—The income on which a tax is imposed by subsection (a) shall not (other than such tax) be included in the gross income of such United States shareholder (or any other United States person who acquires from any person any portion of the interest of such United States shareholder in such foreign corporation) and shall be treated for purposes of the Internal Revenue Code of 1986 as if such amounts are, or have been, included in the income of the United States shareholder under section 951(a)(1)(B).

(d) ADDITIONAL TAX IMPOSED FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the election under this section is made and the succeeding 23 calendar months, the taxpayer does not maintain an average employment



level at least equal to the taxpayer's prior average employment, an additional amount shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period, equal to \$25,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment.

(2) **PRIOR AVERAGE EMPLOYMENT.**—For purposes of this subsection, the taxpayer's prior average employment is the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the election under this section is made.

(3) **AGGREGATION RULES.**—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(e) **ELECTION.**—

(1) **IN GENERAL.**—A taxpayer may elect to apply this section to—

(A) the taxpayer's last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer's first taxable year beginning on or after such date.

(2) **TIMING OF ELECTION AND ONE-TIME ELECTION.**—Such election may be made only once by any taxpayer, and only if made on or before the due date (including extensions) for filing the return of tax for the taxable year of such election.

(f) **EFFECTIVE DATE.**—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

**SA 3442.** Mr. WARNER (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ARRA PLANNING AND REPORTING.**

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting "PLANS AND" after "AGENCY";

(B) by striking "Not later than" and inserting the following:

"(1) **DEFINITION.**—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

"(A) in an amount that is—

"(i) more than \$2,000,000,000; and

"(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

"(B) that did not exist before the date of enactment of this Act.

"(2) **PLANS.**—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

"(A) a description of the goals for the covered program using recovery funds;

"(B) a discussion of how the goals described in subparagraph (A) relate to the

goals for ongoing activities of the covered program, if applicable;

"(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

"(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

"(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

"(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

"(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

"(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

"(3) **REPORTS.**—

"(A) **IN GENERAL.**—Not later than"; and

(C) by adding at the end the following:

"(B) **REPORTS ON PLANS.**—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

"(i) discusses the progress of the agency in implementing the plan;

"(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

"(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

"(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

"(v) discusses—

"(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

"(II) if the covered program has failed to meet the milestones, the reasons why; and

"(III) any changes in the milestones for the covered program, including the reasons for the change;

"(vi) discusses the performance of the covered program, including—

"(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

"(II) if the covered program has failed to meet the performance measures, the reasons why; and

"(III) any trends in information relating to the performance of the covered program; and

"(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.";

(2) in subsection (f)—

(A) by striking "Within 180 days" and inserting the following:

"(1) **IN GENERAL.**—Within 180 days"; and

(B) by adding at the end the following:

"(2) **PENALTIES.**—

"(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the head of an agency distributing recovery funds may impose a civil penalty in an amount not more than \$250,000 on a recipient of recovery funds from the agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

"(B) **NOTIFICATION.**—

"(i) **IN GENERAL.**—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

"(ii) **LIMITATION.**—The head of an agency may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

"(C) **GUIDELINES.**—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, the head of an agency shall consider—

"(i) the number of times the recipient has failed to provide the information required under subsection (c);

"(ii) the amount of recovery funds provided to the recipient;

"(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

"(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

"(D) **APPLICABILITY.**—This paragraph shall apply to any grant, contract, task order, or other type of funding mechanism—

"(i) made or entered into after the date of enactment of this paragraph (including any renewal of a grant, contract, task order, or other type of funding mechanism after the date of enactment of this paragraph); or

"(ii) that includes terms allowing the terms of the grant, contract, task order, or other type of funding mechanism to be modified by Act of Congress.

"(E) **NONEXCLUSIVITY.**—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

"(3) **TECHNICAL ASSISTANCE.**—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

"(4) **PUBLIC LISTING.**—

"(A) **IN GENERAL.**—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), each agency distributing recovery funds shall make available on a website of the agency a list of all recipients of recovery funds from the agency that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the head of the agency, the reason for noncompliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section by agencies.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

**SA 3443.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_ . SPECIAL INVESTMENT RULE FOR CERTAIN QUALIFIED NEW YORK LIBERTY BOND PROCEEDS.**

For purposes of section 149(g) of the Internal Revenue Code of 1986, the proceeds of any qualified New York Liberty Bond (as defined in section 1400L(d)(2)) issued after September 30, 2009, and before January 1, 2010, which are invested in United States Treasury Obligations – State and Local Government Series shall be treated as invested in bonds described in paragraph (3)(B)(i) of such section.

**SA 3444.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PREVENTING THE IMPLEMENTATION OF NEW ENTITLEMENTS THAT WOULD RAID MEDICARE.**

(a) BAN ON NEW SPENDING TAKING EFFECT.—

(1) PURPOSE.—The purpose of this section is to require that gross savings resulting

from the Patient Protection and Affordable Care Act and any bill enacted pursuant to section 201 of S. Con. Res. 13 (111th Congress) (referred to in this section as the “Health Care Acts”) must fully offset the gross increase in Federal spending and the gross reductions in revenues resulting from the Health Care Acts before any such Federal spending increases or revenue reductions can occur.

(2) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of Health and Human Services are prohibited from implementing any spending increase or revenue reduction provision in the Health Care Acts until both the Director of the Office of Management and Budget (referred to in this section as “OMB”) and the Chief Actuary of the Centers for Medicare and Medicaid Services Office of the Actuary (referred to in this section as “CMS OACT”) each certify that they project that all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts will be offset by projected gross savings from the Health Care Acts.

(3) CALCULATIONS.—For purposes of this section, projected gross savings shall—

(A) include gross reductions in Federal spending and gross increases in revenues made by the Health Care Acts; and

(B) exclude any projected gross savings or other offsets directly resulting from changes to Medicare and Social Security made by the Health Care Acts.

(b) LIMIT ON FUTURE SPENDING.—On September 1 of each year (beginning with 2013), the CMS OACT and the OMB shall each issue an annual report that—

(1) certifies whether all of the projected Federal spending increases and revenue reductions resulting from the Health Care Acts, starting with the next fiscal year and for the following 9 fiscal years, are fully offset by projected gross savings resulting from the Health Care Acts (as calculated under subsection (a)(3)); and

(2) provides detailed estimates of such spending increases, revenue reductions, and gross savings, year by year, program by program and provision by provision.

**SA 3445.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 12 and 13, insert the following:

**SEC. \_\_\_\_ . EXTENSION AND MODIFICATION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.**

(a) EXTENSION.—Paragraph (2) of section 168(k) is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”; and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) MODIFICATION TO DEFINITION OF QUALIFIED PROPERTY.—Clause (i) of section 168(k)(2)(A) is amended to read as follows:

“(i)(I) to which this section applies which has a recovery period of 7 years or less, or

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection.”.

(c) ELIMINATION OF ELECTION TO ACCELERATE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—Section 168(k) is amended by striking paragraph (4).

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) Section 168(k)(2)(B)(i)(II) is amended by striking “has a recovery period of at least 10 years or”.

(3) Section 168(k)(2)(C)(i) is amended by inserting “(i),” after “clauses”.

(4) Section 168(k) is amended by striking paragraph (3).

(5) Section 168(l)(5)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Section 168(n)(2)(B)(i)(I) is amended by striking “(determined without regard to paragraph (4))”.

(7) Section 168(n)(2)(C)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(8) Section 1400L(b)(2)(D) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(9) Section 1400N(d)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any property with respect to which the taxpayer has entered into a binding written contract before the date of the enactment of this Act.

**SA 3446.** Mr. TESTER submitted the amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**SEC. 6 \_\_\_\_ . AUTHORITY TO EXTEND WATER CONTRACT.**

(a) IN GENERAL.—The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14-06-600-3593, until the earlier of—

(1) the date that is 2 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

(b) EFFECTIVE DATE.—This section takes effect on December 30, 2009.

**SA 3447.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FISCAL YEARS 2010 AND 2011 EAR-MARK MORATORIUM.**

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an

earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2010 AND 2011.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2010 and 2011.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

## NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 4213, including germaneness requirements:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ FISCAL YEARS 2010 AND 2011 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2010 AND 2011.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2010 and 2011.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

## ORDERS FOR TUESDAY, MARCH 9, 2010

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, March 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed under the previous order; further, that upon conclusion of the votes outlined in the order of March 5, the Senate then stand in recess until 2:15 p.m., in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I further ask unanimous consent that the time between 2:15 p.m. and 2:30 p.m. be divided equally between the leaders on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. KAUFMAN. Mr. President, tomorrow the Senate will resume consideration of the tax extenders legislation and conduct up to four rollcall votes beginning at 11 a.m. As a reminder, the filing deadline for second-degree amendments is 12 noon tomorrow; further, under a previous order, the cloture vote on the substitute amendment will occur at 2:30 p.m. tomorrow.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Tuesday, March 9, 2010, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY  
MAJOR GENERAL ROBERT A. HARDING, UNITED STATES ARMY (RETIRED), OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT  
DAVID K. MINETA, OF CALIFORNIA, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BERTHA K. MADRAS.

IN THE AIR FORCE  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*  
COL. ROBERT R. REDWINE

IN THE ARMY  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*  
LT. GEN. DAVID M. RODRIGUEZ  
IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:  
*To be vice admiral*

VICE ADM. PAUL S. STANLEY  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:  
*To be rear admiral (lower half)*

CAPT. THOMAS E. BEEMAN  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*  
CAPT. CHARLES D. HARR  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*  
CAPT. MARGARET A. RYKOWSKI  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*  
CAPT. GREGORY C. HORN  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*  
CAPT. PAULA C. BROWN

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 9, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## MARCH 10

## Time to be announced

## Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission, Gwendolyn E. Boyd, of Maryland, and Peggy Goldwater-Clay, of California, both to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, and Sharon L. Browne, of California, Charles Norman Wiltse Keckler, of Virginia, and Victor B. Maddox, of Kentucky, all to be a Member of the Board of Directors of the Legal Services Corporation, and Gary Blumenthal, of Massachusetts, Chester Alonzo Finn, of New York, Sara A. Gelser, of Oregon, Ari Ne'eman, of Maryland, Dongwoo Joseph Pak, of California, Carol Jean Reynolds, of Colorado, Fernando Torres-Gill, of California, and Jonathan M. Young, of Maryland, all to be a Member of the National Council on Disability.

## Room to be announced

## 9:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 1696, to require the Secretary of Energy to conduct a study of video game console energy efficiency, and S. 2908, to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

SD-366

## 10 a.m.

## Appropriations

## Defense Subcommittee

To hold hearings to examine Department of Defense health programs.

SD-192

## Armed Services

## Emerging Threats and Capabilities Subcommittee

To hold hearings to examine U.S. government efforts to counter violent extremism and the role of the U.S. military in those efforts.

SR-222

## Foreign Relations

To hold hearings to examine new directions in global health.

SD-419

## Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening.

SD-342

## Judiciary

To hold hearings to examine corporate spending in American elections after Citizens United.

SD-226

## 10:15 a.m.

## Appropriations

## Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Nuclear Security Administration.

SD-116

## 10:30 a.m.

## Armed Services

## Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-232A

## 2 p.m.

## Appropriations

## Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Health and Human Services.

SD-124

## 2:30 p.m.

## Commerce, Science, and Transportation

To hold hearings to examine advancing American innovation and competitiveness.

SR-253

## Judiciary

To hold hearings to examine the nominations of Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Gary Scott Feinerman, and Sharon Johnson Coleman, both to be United States District Judge for the Northern District of Illinois, and William Joseph Martinez,

to be United States District Judge for the District of Colorado.

SD-226

## Energy and Natural Resources

## Public Lands and Forests Subcommittee

To hold hearings to examine S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, S. 2907, to establish a coordinated avalanche protection program, S. 2966 and H.R. 4474, bills to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and S. 2791 and H.R. 3759, bills to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers.

SD-366

## Armed Services

## Strategic Forces Subcommittee

To hold hearings to examine the military space programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR-232A

## 3 p.m.

## Foreign Relations

## International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold hearings to examine the future of U.S. public diplomacy.

SD-419

## MARCH 11

## 9 a.m.

## Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; to be immediately followed by a hearing to examine the Joint Strike Fighter.

SD-G50

## Appropriations

## Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Army Corps of Engineers and the Bureau of Reclamation.

SD-192

## 9:30 a.m.

## Appropriations

## Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Housing and Urban Development.

SD-138

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10 a.m.

Commerce, Science, and Transportation  
To hold hearings to examine consumers, competition, and consolidation in the video and broadband market.

SR-253

Energy and Natural Resources

To hold hearings to examine legislative proposals designed to create jobs related to energy efficiency, including proposed legislation on energy efficient building retrofits.

SD-366

Environment and Public Works

To hold hearings to examine Federal, state and local partnerships to accelerate transportation benefits.

SD-406

Health, Education, Labor, and Pensions

To hold hearings to examine pay equity in the new American workplace.

SD-430

Judiciary

Business meeting to consider S. 1789, to restore fairness to Federal cocaine sentencing, S. 2772, to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 148, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, and the nominations of Jane E. Magnus-Stinson, to be United States District Judge for the Southern District of Indiana, Josephine Staton Tucker, to be United States District Judge for the Central District of California, Mark A. Goldsmith, to be United States District Judge for the Eastern District of Michigan, Brian Anthony Jackson, to be United States District Judge for the Middle District of Louisiana, Elizabeth Erny Foote, to be United States District Judge for the Western District of Louisiana, Marc T. Treadwell, to be United States District Judge for the Middle District of Georgia, and Kelvin Cornelius Washington, to be United States Marshal for the District of South Carolina, and Christopher Tobias Hoyer, to be United States Marshal for the District of Nevada, both of the Department of Justice.

SD-226

11 a.m.

Homeland Security and Governmental Affairs  
State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine U.S. officials involved in drug cartels.

SD-342

2 p.m.

Appropriations

Military Construction and Veterans Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for military construction for the Department of Defense.

SD-124

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Elizabeth L. Littlefield, of the District of Columbia, to be President of the Overseas Private Investment Corporation, and Carolyn Hessler Radelet, of the District of Columbia, to be Deputy Director of the Peace Corps.

SD-419

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

## MARCH 16

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

10 a.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's WaterSMART program which includes the WaterSMART Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing foster care and family services in the District of Columbia, focusing on challenges and solutions.

SD-342

## MARCH 17

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 553, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, S. 1017, to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana, S. 1018, to authorize the Secretary of the Interior to

enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, S. 1537, to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, S. 1629, to authorize the Secretary of the Interior to conduct a special resource study of the archaeological site and surrounding land of the New Philadelphia town site in the state of Illinois, S. 2892, to establish the Alabama Black Belt National Heritage Area, S. 2933, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and H.R. 3804, to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities.

SD-366

## MARCH 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SDG-50

## MARCH 23

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

## MARCH 24

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.

SR-418

**SENATE—Tuesday, March 9, 2010**

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, our shelter in the time of storm, hold our Senators within Your providential hand, guiding them from perplexity to wisdom. Give them strength to overcome the challenges they face, enabling them to be true guardians of liberty. Lord, keep them faithful in service, inspired by the knowledge that in due season they will reap if they persevere. Give them a vision greater than they possess that they may see clearly what You want them to accomplish. Infuse them with the faith to realize that with You all things are possible.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will turn to

a period of morning business until 11 o'clock this morning. Senators during that time will be able to speak for up to 10 minutes each. The Republicans will control the first half and the majority will control the second half. Following morning business, the Senate will resume consideration of H.R. 4213, the tax extenders bill. There will then be a series of up to four rollcall votes in relation to amendments to the bill. Those votes will start at 11 o'clock. Following the series of votes, the Senate will recess until 2:15 p.m. in order to accommodate the weekly caucus meetings. At 2:30 p.m., the Senate will proceed to a cloture vote on the substitute amendment. As a reminder, the filing deadline for second-degree amendments is 12 o'clock noon today.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**HEALTH CARE**

Mr. MCCONNELL. Mr. President, the debate over health care has been going on for a long time now. It is easy to lose sight of where we started, so I would just like to remind people today of what this debate was supposed to be about.

It was supposed to be about cost. This debate was supposed to be about bringing the cost of health care down, about keeping health care costs from bankrupting families and government. So if you are looking for a reason as to why Americans overwhelmingly oppose this bill and why Democrats are having such a hard time rounding up votes within their own party for this bill, it is because no one believes this bill will lower the cost of health care. It is that simple.

When you hear people talk about the cost of health care, they usually are referring to three things: the overall health care expenses Americans will have to shoulder if this bill passes, overall spending by the Federal Government on health care if this bill passes, and the amount of money people will have to spend on health insurance premiums if this bill passes. On all three counts, the bill the White House and its allies in Congress want us to vote for would drive costs up actually. The administration's own scorekeeper at the Centers for Medicare & Medicaid Services says overall health spending will go up by more than \$200 billion under this bill—overall health

care spending up \$200 billion under this bill, according to the administration. The independent Congressional Budget Office says Federal spending on health care will increase by about \$200 billion over the next 10 years. CBO also says health insurance premiums for millions of Americans across the country will go up 10 to 13 percent as a result of all the new government mandates contained in this bill—and continue to rise at the current unsustainable rate for nearly everyone else, despite more than \$2 trillion in new government spending.

Another thing Americans are rightly concerned about is the debt. It is completely out of control. Some say this bill lowers the debt, but let me remind my colleagues that the extenders bill we will be voting on today—the bill we will be voting on today—will add more to the debt than even the White House claims its health spending bill will save. Let me say that again. The bill we are going to pass today, the extenders bill, will add more to the debt—will add more to the debt—than even the White House claims its health spending bill will save.

So if cost is what you are concerned about, then you cannot vote for this bill. It is that simple. Americans have it figured out, and that is why they are asking themselves why anyone in Congress would even think about voting for this bill. This should not even be a tough call.

Let's start over and work together on a step-by-step solutions process that focuses on cost, that actually lowers costs, not the other way around. Let's put together a bill Americans will support.

Mr. President, I yield the floor.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders, with the Republicans controlling the first portion and the majority controlling the second portion.

The Senator from Wyoming.

**HEALTH CARE**

Mr. BARRASSO. Mr. President, I just heard the Republican leader talk about



the issue of health care in America and the goal which we heard so much about of getting the cost of care under control.

I have practiced medicine for 25 years in Casper, WY. I was in Wyoming yesterday visiting with physicians, visiting with nurses, visiting with those who are patients, as well as those who are providers, and talking with them about what is happening in this country and in this body with the discussion about health care in America and the legislation. No matter whom I talk with in Wyoming, when they look at this massive, 2,000-page bill and they think about it and then they ask questions about it, they say: How in the world is this actually going to get the cost of care down? How is this going to help them save money? Because as they read it and as they look at the rules and the regulations and the new mandates for more bureaucracies—they say it is going to be more government employees at a time when there is 10 percent unemployment in the country—they say: It is going to likely cause my own cost of health care to go up, my own insurance coverage to go up. They have great concerns that the quality of their own care will go down—go down. Americans, and certainly the people in Wyoming, are very worried that if this bill becomes law, the cost of their care is going to go up and the quality and availability of their care is going to go down. That is not what they want.

The President was speaking in Philadelphia yesterday. The front page of one of the papers this morning says: “[The President] Turns Up the Volume in Bid for His Health Measure.” And he said, as a challenge to Democrats, “If not us, who?”

Mr. President, it should be all of us. This should not be something that is being rammed through the House and the Senate and force-fed to the American people at a time when 75 percent of them want nothing to do with this bill. Three out of four Americans say: Stop, we don't want this, because they are worried about the cost of their own care and the availability and the quality of the care they are receiving.

So when the President gives his speeches, as he did yesterday, I would say: Involve all of us. Involve all of us in the discussion, which is what we should have been doing for over a year.

I look at what he said in his speech, and he talked about an insurance broker who apparently told some others there was so little competition—this is the President now talking, saying there is so little competition in insurance, that allows people to drive up the cost. The solution to that is the Republican solution that says: Increase the competition, increase the competition. That is what we need. Patients, people, citizens of this country want to be able to shop around, buy insurance

across State lines, look for what is best for them and best for their families. If we did that, if we did that today, there would be 12 million more Americans with insurance by merely being allowed to have more competition, to be able to shop across State lines and to look around for something that is best for them and for their families—not the limited choices they may have in the State in which they happen to live.

So I look at this from the standpoint of practicing medicine for 25 years, visiting with patients, visiting with providers, talking with nurses, talking with doctors, saying there are things we can do to get down the cost of care. Unfortunately, they are not included in this 2,000-page bill that is now sitting over in the House, with all of these different approaches to force this through in a way that undermines what the American people want, what the American people are asking for—the opinions of the American people—by a group of people in this body who say: We know better than the American people.

This body does not know better than the American people. The House does not know better than the American people. It is time to listen to the American people, which is why I go home every weekend to visit with those folks in my State, in my home State of Wyoming, to visit with them about their needs, their concerns. And they have great concerns about this bill.

It is not just people in my home communities. Warren Buffett, the great investor, says Washington should scrap this health care bill and start over. He said they should focus, as our Republican leader said a few minutes ago, on the costs. He said we should say we are going to focus on the costs and not dream up 2,000 pages of other things. Warren Buffett says get rid of the nonsense, and this bill is loaded with nonsense. This bill is loaded with nonsense—nonsense that is going to drive up the cost of care and decrease the quality of care in this country.

So we have now been going through this for a year. The President is out trying to make an appeal to the Nation to say: Yes, buy this package I am trying to sell. The American people are too smart for that. They realize this package cuts \$500 billion from Medicare patients who depend on Medicare for their health care—\$500 billion in Medicare cuts. Part of it is to hospitals and part of it is to a program called Medicare Advantage. There are 10 million Americans on Medicare Advantage. The reason they signed up for this, they choose this, is because there is an advantage for them as seniors to participate in this program because this is a program that actually works with preventive care, with coordinating care, things that regular Medicare does not do. They are going to cut over \$100 billion from our nursing

homes and money from home health, which is a lifeline for people at home. They are going to cut money from hospice for people in their final days of life. That is part of this big bill the President is supporting and that he is asking the House to vote for. It is a bill that raises taxes by another \$500 billion. It is a bill the House is going to be asked to pass that includes every one of the sweetheart deals because their first act in the House is going to have to be to pass the bill the Senate passed on Christmas Eve and that includes all the sweetheart deals, whether it is to Nebraska or Louisiana or Florida. Thirteen different Senators had sweetheart deals put into that bill the Democrats are going to be asked to vote for because the Republicans see through this whole thing.

So the opposition to this is bipartisan. It is bipartisan opposition. Those who support it is one party only.

We are looking now at a mandate where every American is going to be forced—forced—to buy a product, to buy insurance—forced under this—or they will either have to pay special taxes, have their wages garnished or pay a fine or a penalty under this plan that the American people, three out of four, have absolutely rejected.

I see my colleague from Arizona has taken to the floor, and I would ask him if he is hearing similar things when he goes home to Arizona to visit with the people and what concerns he is hearing because there are certainly many seniors in the fine State of Arizona.

Mr. KYL. Mr. President, I appreciate my colleague asking. There are 330,000 seniors in the State of Arizona who rely on Medicare Advantage. It is exactly as Dr. BARRASSO said: Medicare Advantage is a program that helps people with preventive care, with coordinated care, and with some of the things that aren't available under regular care, including vision care, audio care, and the like. These benefits would be drastically cut under the proposal in this legislation, so they are naturally very much opposed to it. I think Arizona represents the second largest State in terms of the number of seniors participating in Medicare Advantage.

The other part of this that concerns them is the fact that if it is such a good idea to eliminate this program—or to drastically curtail it, to be perfectly accurate—then why is it that in one State the Senator was able to get his senior citizens who have Medicare Advantage programs exempted from the bill? If it is such a wonderful idea, why shouldn't it apply to everybody? But the seniors in Florida would be grandfathered in their Medicare Advantage plans because, of course, they don't like these cuts any more than seniors in Arizona or Wyoming or any other State.

So this brings up the question: How can these provisions that are objected

to by the American people be fixed in the process that has now been settled upon, this so-called reconciliation process?

If I could address that for a moment. The author of this so-called reconciliation process is our esteemed colleague, the senior Senator from West Virginia, ROBERT BYRD. Here is what he had to say about using the process he created, this reconciliation process, for the purposes of consideration of health care legislation. I quote him from the Washington Post, March 22, 2009:

I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

Using the reconciliation process to enact major legislation prevents an open debate about the critical issues in full view of the public. Health reform and climate change are issues that in one way or another touch every American family. The resolution carries serious economic and emotional consequences.

The misuse of the arcane process of reconciliation—a process intended for deficit reduction—to enact substantive policy changes is an undemocratic disservice to our people and to the Senate's institutional role.

That is what Senator BYRD had to say. Yet that is the process that has been selected by the Democratic leaders to force this legislation through the Congress.

The final point I wish to make with respect to this is I think, to some extent, it may be a cruel hoax on some of our Democratic colleagues in the House of Representatives who are counting on the Senate to back up the reconciliation bill that might be passed in the House of Representatives. What they are assuming is, when they attempt to fix the Senate bill they don't like very much by amending it through this reconciliation process and then sending that bill over to the Senate, the Senate is simply going to pass the bill. Voila: The bad Senate bill has been fixed, the President can sign the reconciliation bill, and we will now have national health care reform.

Well, not so fast. As a matter of fact, the author of this reconciliation process also created what is known around here as the Byrd rule, which means that if you go outside the narrow lanes of the reconciliation process and try to include things in the bill that don't belong in the reconciliation process, then it is, of course, subject to a point of order, as it should be, and it would take 60 Senators to override that point of order.

Well, there are a lot of things that are going to be attempted to be fixed in the reconciliation bill that are subject to a point of order—the Byrd rule. Those points of order will be upheld because I am going to predict to my colleagues that 41 Republican Senators are not going to allow that misuse of the reconciliation process—going outside what is clearly a reconciliation

process—which means the bill that is passed in the House of Representatives, if it is, would not be passed by the Senate. Key provisions of it would have been stricken on points of order. Then, our friends in the House of Representatives would be faced with the prospect that they had already passed this bad Senate bill they don't like very much—and that I don't like very much—but the President can sign that into law. Yet the process by which they would attempt to fix it has failed because of the points of order that can be raised and that will be raised and that will be sustained, as should be the case, under the application of the so-called Byrd rule.

So when my colleague from Wyoming talks about his constituents in Wyoming objecting not only to the substance of the bill but also the process by which it has been handled, I can answer the question: Yes, I met with a whole group of people from different States this weekend—from Pennsylvania, California, New Jersey, New York—I visited with folks from literally all over the country, and they had the same objections, both as to the substance of the legislation, but they were also very curious about this reconciliation process because they had heard it could be used to ram the bill through by a process that it was never intended for, and they wanted to talk about that. When we explained the fact that the legislation adopted by the House—if it is—would not necessarily be adopted in the Senate but would be subject to these points of order—and, by the way, amendments, an unlimited number of amendments—then at least they understood why House Democrats who will insist on amending the Senate bill should not rely on the Senate to do their bidding. That isn't going to happen.

Let me say one other thing before I turn it back over to my colleague from Wyoming. It has been such a learning experience for us and an inspiration to have a couple real physicians in the Senate. Our only two physicians here are Dr. BARRASSO, an orthopedic surgeon from Wyoming, and Dr. TOM COBURN, a physician from the State of Oklahoma, to talk about the real world of treating patients and how there are ways that care can be given in a less expensive way but retaining both the essential quality of care and that intangible but incredibly important—almost sacred—relationship between the doctor and the patient.

I see Dr. COBURN has joined us on the floor. It is key for the rest of us to understand how this process works when physicians sit down with patients and determine the best course of action to preventive care, that can both be the least expensive and yet still deliver the quality care that their patients deserve.

I think we ought to pay more attention to the advice they have provided

to us, and I commend both Senator BARRASSO as well as Dr. COBURN for the advice they have given to us, and I hope we will continue to listen to that advice as this debate unfolds.

Mr. BARRASSO. Mr. President, I would say to my colleague from Arizona—and there is actually a Mayo Clinic in Arizona, as there is in Florida and as there is in Rochester, MN, which is the home of the Mayo Clinic—one would think, since the President early on talked so much about the Mayo Clinic being a model for health care in the country, the Mayo Clinic might agree with what the President had to say. But if you go to the Mayo Clinic's blogs, they say:

The proposed legislation misses the opportunity—

We have an opportunity now—

to help create high-quality, more affordable health care for patients. In fact, it will do the opposite.

So here you are. The proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

Mr. KYL. If my colleague would yield for a quick comment on that point.

Mr. BARRASSO. Absolutely.

Mr. KYL. The Mayo Clinic in Arizona, unfortunately, has had to announce that in several of its key facilities there, it will no longer accept new Medicare patients. Why is that so? Because the government program of Medicare, which our seniors rely on, is getting to the point where it does not pay physicians what they require just to stay in business, just to have their office practice continue.

The Medicaid Program, which is the other government program, is already so low in its reimbursements to physicians that—the numbers differ, but 50 to 60 percent of physicians are no longer taking Medicaid patients. As a result, these government programs end up getting very close to rationing care because there aren't enough physicians and facilities to take care of the people who are enrolled in the programs. Imposing yet another entitlement for even more people to have this care with fees regulated by the Federal Government and reimbursements at levels too low for physicians to take advantage of will simply continue to drive physicians away from the treatment of the patients they have treated over the years and want to continue to treat.

It would be our hope we could bring the incentive for physicians to continue to treat these patients, rather than the disincentives the Mayo Clinic is pointing to in backing out of the treatment of folks in Arizona.

Mr. COBURN. Mr. President, if the Senator will yield, one of the important points he made a moment ago is a doctor sitting down and listening to their patient. Mayo has it right. If you are not going to pay us enough to sit

down, we refuse to practice medicine the way Medicare is directing us to practice: Listen a little bit and then cover it with tests.

The reason costs are out of control is because Medicare wouldn't pay for a physician to sit down and truly listen and come to a centered point on what the patient's problem is and the way to get around it. Consequently, what we have seen in the Medicare Program is doctors have to see so many patients that they don't get to listen to them and they consequently cover that lack of listening by ordering more tests.

What do we know about tests? We know we order \$¼ trillion worth of tests every year that aren't needed. There are two reasons we are ordering them. No. 1, the reimbursement to sit down to listen to the patient is so low the doctors can't afford to take the time to cover the test; and No. 2 is the threat of tort litigation. So now we are ordering tests not for patients, but we are ordering them for doctors. If we want to change health care, we have to drive costs down. I am proud Mayo recognizes we are not going to sacrifice our quality, so, therefore, we are saying: No, we are not going to take any more Medicare patients because we can't do it in a way that lends a quality outcome at an appropriate cost.

Mr. KYL. Mr. President, I remember sitting back in the cloakroom and listening to Dr. COBURN when he was talking about how he treats patients who come into his office. A child, he said, comes in who has had a fall on the playground and the parents, understandably, are very concerned. Dr. COBURN said to me: If I just sit down and talk to that young man, that child, talk to his parents for a while, I can usually figure out what kind of treatment is going to be necessary without necessarily ordering a bunch of tests. But under the medical malpractice situation we have to work under today, I am almost required to order those tests or, if something should go wrong, be accused of malpractice. I wonder if my colleague could relay that story.

Mr. COBURN. Every summer, we have thousands of kids hit the ER, whether they ran into a pole or they had a baseball bing them in the head. The standard of care now is to put that child through a CT scan. These are children the vast majority of whom have no neurologic signs whatsoever. But now we are not only spending that \$1,200 per child, we are exposing those children to radiation they don't need.

So there are two untoward events for what has happened as we see the hijacking of medicine by the trial bar. No. 1 is we spend a whole lot more money unnecessarily, but No. 2 is we are actually now starting to hurt people by exposing them to radiation they don't need.

That is another cost. We know we can bring down costs if we change the

tort system in this country to one that is sensible and reasonable and still allows, when doctors make mistakes, for them to be compensated for their economic damages and the harm that was caused to them. No one is saying we should eliminate that. What we are saying is, it should be appropriate and in a venue that represents the real risks without disturbing the practice of medicine because we cannot afford it, and the children who are getting these tests, their bodies cannot afford it. It is just common sense that we would go that way.

I wonder if the Senator will yield for a moment before we lose our time that I might discuss the amendment I am going to have up in a moment.

Mr. KYL. Mr. President, might I just inquire how much time remains on the Republican side?

The ACTING PRESIDENT pro tempore. There is 3 minutes 15 seconds remaining.

Mr. COBURN. Mr. President, I ask unanimous consent to take that time, if I may.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TAX EXTENDERS ACT

Mr. COBURN. Mr. President, we are going to have an amendment on the floor in just a moment that simply requires the Senate to post every time they create a new program and every time they spend money outside of pay-go so that we truly are transparent with the American people about what we are doing.

With great fanfare, we passed pay-go. We made it a statute. The last three bills in a row, we have allocated up to \$120 billion outside of pay-go. With all the claims, with all the fanfare, we said we are going to now start paying for everything we do, and the first three bills to come before the Senate, what do we do? We simply say: Rules off; doesn't count; we are going to spend our grandkids' money.

For the life of me, I do not understand the controversy around this amendment. It is about us being transparent with the American people. No more games. No more saying we are doing one thing and doing another. All this amendment says is, when we violate our own rules and we spend money we do not have and we do not pay for programs by eliminating programs that are not effective, that are not a priority, that we are going to list it on our Web site. Nothing could be simpler.

We have offered the Secretary of the Senate our staff to do that work. It takes about 5 minutes a day to post that information and probably 5 minutes every third or fourth day. We will happily pay for that or we will offer one of our staff to put that information on the computer.

We are going to have a side-by-side amendment that does nothing. We understand that. That gives people a way to not vote for our amendment.

If we want to solve the problems in America and we want to solve our financial problems, the first thing we have to do is have real information about what this body is doing. This amendment will do that.

I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that my amendment No. 3431 be in order when we return to H.R. 4213, with up to 10 minutes to speak regarding that amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, I object on behalf of the managers who are not present at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. NELSON of Nebraska. Mr. President, I still ask for up to 10 minutes to speak on behalf of this amendment, even though the action has been heard and registered.

The ACTING PRESIDENT pro tempore. The Senator may speak.

Mr. NELSON of Nebraska. The amendment I rise today to speak on is straightforward. It would provide an offset for all known emergency provisions included in the bill, H.R. 4213. The amendment would direct the Office of Management and Budget to rescind \$35 billion in unobligated American Recovery and Reinvestment Act funds on a prorated basis. The amendment would exclude military construction and veterans affairs stimulus funding from the rescission.

This rescission would offset all remaining nonemergency items in the American Workers, State, and Business Relief Act, which is H.R. 4213.

As a result of my amendment, all provisions in the bill would be paid for minus the emergency extension of unemployment insurance and COBRA.

My colleagues on the other side of the aisle just made the best case I have heard for this amendment. They raised concerns about the underpayments for Medicare and Medicaid patients and patient care. In this underlying bill, doctors would have their fees increased for payment purposes so the concerns that were raised by my colleague from Arizona would be, in part, answered by the increased payments the Mayo Clinic was not receiving and, therefore, made the decision to reduce their care to Medicare patients.

It seems to me it would be appropriate to support this bill. I suspect they will not, but it would seem appropriate to support this bill then and also support having it paid for under pay-go rules applying to the unused stimulus

funds that would be available through this act.

If we are going to see that Medicare patients are treated and are not excluded from treatment, it is going to be because the providers are adequately compensated. That is one of the provisions of this bill. What we are seeking to do is to make sure that is paid for, among other things.

The Governors of the States have come to us and said they cannot afford to make their part of the Medicaid match that they are required to make under the Medicaid Program that is approved in virtually every State. As a result of that, a good portion of this bill is seeking money to pay the States, compensate them for that unfunded mandate that the States are currently facing.

In other words, they come in and say: You forced us to do this. We don't have the money to do it. We are asking that you make it good. You pay for it.

The challenge is, if Medicaid is decreased or payments to providers are decreased, then the concerns they raised about the Medicaid Program underfunding providers will be a self-fulfilling prophecy. It seems to me there is an opportunity for the other side to take a very positive look at this particular bill.

I can look at it positively if we pay for it. My concerns are that we pay for the nonemergency provisions within this bill, that we pay for the FMAP fix, that we pay for the other parts of this bill minus the emergency extension of unemployment insurance and COBRA. That would make us consistent with the pay-go rules we forced upon ourselves—I think appropriately so. But it is important that we follow the rules we set for ourselves. This is one of the ways we do it—by paying for these non-emergency items in the underlying bill.

That is my argument. That is why I have offered this legislation. I think it is unfortunate the other side has chosen to object to it, but they have and that is it. The amendment will fail unless the other side finds that it makes sense to simply begin to pay for things. I thought the other side was interested in seeing that these requirements are paid for, particularly when they make such a strong case for the payment to physicians for Medicare and Medicaid patients. That does not seem to be the case.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 3430, AS MODIFIED

Mr. ISAKSON. Mr. President, I ask unanimous consent that my amendment No. 3430 be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Strike title III and insert the following:

#### TITLE III—PENSION FUNDING RELIEF

##### Subtitle A—Single Employer Plans

#### SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization

schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (iii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration

amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years

with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required in-

stallments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration



during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(i) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase

shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under para-

graph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

#### “SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of



such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in

section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

#### SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a partic-

ipant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

#### SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

#### Subtitle B—Multiemployer Plans

#### SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attrib-

utable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years ending after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected

to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to

whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years ending after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

Mr. ISAKSON. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE AGENDA

Mrs. BOXER. Mr. President, I know you and I and others in this Chamber are focused like a laser beam on getting this economy turned around. Although we see some promising signs—for example, in my State of California it turns out that last month 32,000 new jobs were created—we still are not moving quickly enough on the jobs front. That is why I am particularly pleased that Leader REID is focused on jobs, jobs, jobs, and we are going to finish, hopefully, the bill that is before us which is very critical to jobs.

Then we are going to move on to the FAA reauthorization—the Federal Aviation Administration reauthorization—which is going to create 160,000 new jobs as we modernize our Nation's airports. After that, we are going to stop for a brief moment and take up the HIRE Act that we passed over here, and it has been passed in the House with a couple of pay-go changes. That will extend the highway trust fund until the end of this year and will save 1 million jobs.

Mr. President, we can't play politics with the highway trust fund. The Nation needs us to build our highways, our bridges, and our roads. So we are doing the right thing.

There is one piece of unfinished business that is directly related to our economy. There is no question that health care is directly related to our economy, and we need to fix a health care system that is broken.

Now, I have listened to my Republican friends on this for a very long time, and they have a message for the American people. I would like to distill that message.

That message is, when it comes to health care reform, when it comes to fixing the health care system, be afraid. Be very afraid.

Mr. President, that is not the American way. When there is a challenge in front of us, we act. We don't cower in the corner in fear. I think it is important to note that if one were to be afraid, it should not be of fixing the system—which, in our mind, means if you like your health insurance, you can keep it, and we are going to make sure that it is affordable and that more people can obtain it. If there is one thing to be fearful of, it is doing nothing. It is the status quo.

Let me explain why. Every day in America 14,000 people lose their health insurance. That could be any one of us, for any of a number of reasons. We might lose our job, or our spouse might lose their job, and that means we can't have health insurance anymore.

An insurance company can rescind your policy. They can walk away and say: Oh, by the way, 10 years ago when you signed up, you didn't mention that you had one blood test that was a little awry and, therefore, we are walking away from you.

You may have a cap on your policy and reach that cap, because you didn't read the fine print and so you are out; it is over. Any one of us could be one of the 14,000 people who loses their health insurance.

Now, that would not happen in the Senate. Oh no. Every one of my colleagues is protected because we have a system that, yes, is a public option, where the rules are made by the Federal Employees Health Benefits Program and people can't mistreat us. But for some reason, my colleagues on the other side of the aisle don't seem to believe it is fair to give that kind of protection to ordinary families, so they are scaring people to death.

So let me say again: If there is anything to be afraid of, it is doing nothing because you could be one of the 14,000 people—in my State about 1,400—who every day lose their insurance. Or, Mr. President, you could be one of the people who goes bankrupt because of a health care crisis. Sixty-two percent of bankruptcies in America today are directly linked to a health care crisis and most of those people have insurance. I repeat: Most of those people have insurance.

I read a little story—I don't know if it is true—that Sarah Palin, the former Republican Vice Presidential nominee, said when she was young her family went to Canada to get their health care. I don't know if it is true, but I find it interesting if it is true. But here is the point: Doing nothing is not an option.

Let me tell you what is happening. In California, a company—Anthem Insurance—has increased rates in the individual market by—hold on to your

hat—29 percent. Imagine, 29 percent in one clip. This leads me to a study that was done by a nonpartisan group. That study showed what happens if we do nothing—which is, in fact, my Republican friends' idea because they say start over. Well, we started this under Teddy Roosevelt. It is time we acted. But this nonpartisan group said if we do nothing, the average cost of insurance would be 45 percent of a family's income by 2016. Imagine that. Yet my colleagues on the other side say: Well, if you go with the President's bill and the Democrats' bill, insurance rates will go up.

The fact is, rates would not go up as much if you have the same policy. If you have a better policy, they may go up a little over time, but they are never going to be—never, never, never—45 percent of your income. There are two reasons for that: No. 1, we are going to watch insurance companies like a hawk, and that is the right thing to do. They are not selling us something that is a luxury. They are selling us a product that is a matter of life or death, and we ought to look over their shoulder a little more to make sure they are fair. So that is one reason.

The other reason is, we are going to help people—the middle class—families making up to \$88,000 a year. We are going to make sure you get tax credits to help you pay for your premiums. That is a big deal. That is a good thing.

So, remember, when the Republicans say: Be very afraid, don't be very afraid of reform, be very afraid of doing nothing. That is a reason to be very afraid.

Then my Republican friends will say: They didn't take any of our ideas. Well, it turns out when the bill was being written in the Senate, well over 100 amendments—I think it was 160 amendments—of the Republicans were incorporated into the work of the HELP Committee. Oh, that is not good enough for them. We took 160 of their ideas, why can't they take an equal amount of our ideas? Why can't we work together, come to the table across party lines? It doesn't work that way.

Then the President had them up for, I thought, a very instructive meeting, and the President took three or four more very big ideas of the Republicans—dealing with HSAs, dealing with medical malpractice, dealing with selling insurance across State lines, and a couple of other things. Yet they still say: It is not enough.

Then they say: Be very afraid, people. Be very afraid because the Senate might do this with a majority vote. Well, I would suggest that all of us are here because we won a majority vote. I don't hear any of my colleagues suggesting we need 60 percent of the vote to win. We are here.

I support minority rights very strongly, but there is a point where

something turns and it becomes obstruction. I can't look into the faces of any of my constituents who are having all of these problems and tell them: I am sorry, I couldn't do anything even though we had a majority in the Senate.

So they are scaring people about using a procedure they have used over the years. Out of 22 times, they have used the reconciliation procedure requiring a majority vote 16 times. I need to say that again. My Republican friends, who abhor the use of a majority rule, used it 16 times out of the 22 times it was used, and mostly it was used for health care.

Then they say: Oh, no; when we used it, it was for much smaller things. Well, no, I checked it out. The whole Reagan revolution was done by reconciliation—all the Bush tax cuts, health care and all. So the very slippery slope of their argument, whatever the argument of the day is, at the end of the day it is about scaring people. It is all about scaring people.

So I am going to close with this. I am going to talk about the 8 or 10 things that happened within 6 months to a year that this bill was signed into law—real things. For all new policies, you can keep your child on your policy until he or she is 27 years of age—27 years of age. I know a lot of people whose kids have been thrown off their policy. They may have had asthma, for example, and the insurance company says they have a preexisting condition and so they can get no insurance. We fix that in this bill.

If you have a preexisting condition and you are an adult, and you can't get insurance, you can join a high-risk pool and get insurance very soon—within 90 days. If you run a small business that is struggling to find affordable health insurance, or you are self-employed—and I have spoken to so many people in that situation in California—there will be many billions of dollars for small business and self-employed people in tax credits to help them get insurance.

The President has also proposed increasing funding for community health centers by \$11 billion so they can provide affordable, high-quality care to even more families in need.

There will be no preexisting conditions for children. If you have a child who has a preexisting condition, they still can get insured. I think about the story HARRY REID told about the couple who had full insurance, and the woman gave birth to a baby and the baby had a cleft palate. The couple was distraught, but the doctor said: Don't worry. We can fix that baby right up and no one is going to know there was a problem.

So they wrote to their insurance company. You know what their insurance company said, even though they gave full coverage to that pregnant

woman. They said: Your baby has a preexisting condition. You are out of luck.

Mr. President, that is morally reprehensible. So if you want to be scared about something—and I don't believe in being scared about anything—be scared about the status quo. Be scared about what your insurers could do to you in today's world.

What else will happen with this bill? Well, prevention is pretty much free. As soon as this bill is signed into law, you get to go to your doctor and get preventive treatment pretty much for free.

If you are a senior and you are on a prescription drug plan, we are going to close that gap—that payment gap where you get to a certain level and then your insurance company stops paying until you reach yet another level. This creates the situation where at the time you need your medicine the most, it is not there for you. We are going to close that doughnut hole. By the way, that impacts 794,000 Californians. The President wants to give about \$250 to help our seniors who fall into that doughnut hole right away.

Also, there will be insurance reform. The minute this bill is signed into law, an insurance company must use 80 percent of their income on you—on the people who have insurance—not on them, not putting it in their pockets, not on these outrageous bonuses and paying their people millions of dollars. So 80 to 85 percent will have to go into the business of helping their people by expanding coverage or lowering premiums.

There are a couple more things that will kick in—no more caps on new plans. I remember my husband and I once had a plan that had a cap. We didn't even know it, but somebody warned us and we realized it was a bad plan and there was a cap. I forget the amount, but it wasn't that high.

Also, you will be protected from your insurance company walking away from you. No more rescissions in all new plans. There are other benefits to retirees. In 2014, we will have these exchanges, and you will be able to shop for the best insurance in an exchange online. It will be very clear.

So we are moving in the right direction, Mr. President. At the end of the day, by the way, this bill saves money. Not only is it deficit neutral, it helps the deficit. Why? Because we take the fraud, waste, and abuse out of the system.

My message to the people of this great country is, don't listen to the fear mongering. Learn the facts. Understand how life will be better if we move forward with this reform—but not in 3 years, right away. I think if we do that, and we realize we are going to do it in a way that actually reduces the deficit, there should be strong support for this bill.

I hope we will be able to get to that day as we focus on getting this country on track: jobs, jobs, jobs. We also fix this problem of unaffordable health care, tenuous health care. It has to become something we can count on.

I yield the floor and suggest absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### TAX EXTENDERS ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4213 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213), to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Reid (for Murray-Kerry) further modified amendment No. 3356 (to amendment No. 3336), to extend the TANF Emergency Fund through fiscal year 2011 and to provide funding for summer employment for youth.

Coburn amendment No. 3358 (to amendment No. 3336), to require the Senate to be transparent with taxpayers about spending.

Baucus (for Webb-Boxer) amendment No. 3342 (to amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses.

Feingold-Coburn amendment No. 3368 (to amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks.

Reid amendment No. 3417 (to amendment No. 3336), to temporarily modify the allocation of geothermal receipts.

McCain-Graham amendment No. 3427 (to amendment No. 3336), to prohibit the use of reconciliation to consider changes in Medicare.

Lincoln amendment No. 3401 (to amendment No. 3336), to improve a provision relating to emergency disaster assistance.

Baucus (for Isakson-Cardin) modified amendment No. 3430 (to amendment No. 3336), to modify the pension funding provisions.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 3429 TO AMENDMENT NO. 3336

Mr. BAUCUS. Mr. President, pursuant to the previous order, on behalf of

the chairmen of the Rules and Budget committees, I call up my amendment No. 3429.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3429 to amendment No. 3336.

Mr. BAUCUS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an explanation of the budgetary effects of legislation considered by the Senate)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate ([www.senate.gov](http://www.senate.gov)) a page entitled "Information on the Budgetary Effects of Legislation Considered by the Senate" which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office ([www.cbo.gov](http://www.cbo.gov)) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

Mr. BAUCUS. The first amendment is a simple attempt to improve the availability of budgetary information on what Congress does. This amendment would require the Secretary of the Senate to create a new Web site that clearly provides information from the Congressional Budget Office on the legislative actions of the Senate. This is a side-by-side amendment to the Coburn amendment on the same subject.

I believe Senator COBURN has the same purpose in mind, but we have drafted this side-by-side amendment to avoid new burdens on the Congressional Budget Office. The Rules Committee and Budget Committee worked together with us on the drafting of this amendment to assure that it would work.

I urge my colleagues to support the amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back? If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 3429) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3358

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 3358. There is 4 minutes, evenly divided, before the vote. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we just voice voted an amendment that will not do anything. What this amendment says is, where we violate our own rules in terms of pay-go, we will actually publish both the number of times and the amount of dollars we do that. It is about transparency of the Senate, being honest with the American people.

With great fanfare, the Senator from Montana came down and we put into law a pay-go law. Since that time, including this bill, we will have passed \$120 billion of debt to our kids by saying we waive pay-go.

That is OK. That is the right of the body to do that. But it is not OK not to let the American people know that and let them keep track of us.

This amendment is very simple. Anytime we create a new program, anytime we pass and violate the pay-go rules by overriding the pay-go point of order, then we should list that with the American people so they can see what we are doing. It is quite simple, quite straightforward. It doesn't require any time. You will spend forever going to the Congressional Budget Office to find this. This makes it very simple, very straightforward.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think we can vote on this. I yield the remainder of my time, but before I do, I think it is a step toward transparency, and I urge all my colleagues to vote for it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. All time is yielded back.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—100

Akaka	Bennett	Bunning
Alexander	Bingaman	Burr
Barrasso	Bond	Burr
Baucus	Boxer	Byrd
Bayh	Brown (MA)	Cantwell
Begich	Brown (OH)	Cardin
Bennet	Brownback	Carper

Casey	Inouye	Pryor
Chambliss	Isakson	Reed
Coburn	Johanns	Reid
Cochran	Johnson	Risch
Collins	Kaufman	Roberts
Conrad	Kerry	Rockefeller
Corker	Klobuchar	Sanders
Cornyn	Kohl	Schumer
Crapo	Kyl	Sessions
DeMint	Landrieu	Shaheen
Dodd	Lautenberg	Shelby
Dorgan	Leahy	Snowe
Durbin	LeMieux	Specter
Ensign	Levin	Stabenow
Enzi	Lieberman	Tester
Feingold	Lincoln	Thune
Feinstein	Lugar	Udall (CO)
Franken	McCain	Udall (NM)
Gillibrand	McCaskill	Vitter
Graham	McConnell	Voinovich
Grassley	Menendez	Warner
Gregg	Merkley	Webb
Hagan	Mikulski	Whitehouse
Harkin	Murkowski	Wicker
Hatch	Murray	Wyden
Hutchison	Nelson (NE)	
Inhofe	Nelson (FL)	

The amendment (No. 3358) was agreed to.

AMENDMENT NO. 3356, AS FURTHER MODIFIED

The PRESIDING OFFICER. There is 4 minutes equally divided on the Murray amendment No. 3356.

The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to use 1 minute and for Senator KERRY to have the second minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I am offering the youth summer jobs amendment to build on the extremely successful summer jobs program that made it possible for over 313,000 young people to have a job. I have personally heard amazing stories from these young men and women who got a job. It changed their lives and gave them the experience they needed.

This amendment will provide \$1.3 billion to create up to 500,000 temporary jobs this coming summer. It will invest in critical employment and learning programs that will help not only these young people but the businesses that hire them. The underlying bill is going to help millions of families across the country who need a job. This amendment will make sure young people get a start in their professional lives, firmly planted on their feet and moving toward success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank Senator MURRAY for her work on this amendment.

Today, almost 15 million Americans are unemployed, 9 million can only find part-time work, and 25 percent of our Nation's teenagers and 42 percent of African-American teenagers are unemployed. Both the TANF Emergency Fund and the summer jobs program provide desperately needed jobs to our Nation's families who are the most vulnerable to our economic downturn. According to the Center on Budget and Policy Priorities, extending the TANF Emergency Fund will save more than

100,000 jobs. And providing up to \$1.3 billion in funding for the summer jobs program will create 500,000 summer jobs.

I promise my colleagues, provide these summer jobs, and it will save far more than that money in the criminal justice system and in other social services. This is money well invested.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, why do we keep doing this? Why do we keep passing debt on to our children? Why do we keep running program after program out here that is shrouded in sweetness and light but not paid for?

We just passed a pay-go point of order 4 weeks ago to great fanfare, great breast-beating about how fiscally responsible we were going to be. Yet time after time since we passed that pay-go point of order, amendments have been brought to the floor which violate it. This is another one. This amendment costs \$2 billion which is not paid for.

Summer jobs may be good. I am sure they are. But why do we want to put the debt for those summer jobs onto the children of the people who are having the summer jobs?

If this is a priority—and it is—let's pay for it. Let's take the money out of some other account. But let's not add to the debt, and let's not once again violate the pay-go rules which this Senate has so loudly proclaimed in the manner in which we will discipline ourselves fiscally. It is a \$2 billion item. If we can't stand by pay-go for \$2 billion, we are making a farce out of it.

As a result of this violation of pay-go, I raise a point of order against the amendment pursuant to section 201(a) of S. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Washington.

Mr. BAUCUS. How much time does the Senator from Washington have?

The PRESIDING OFFICER. The Senator has consumed her time.

Mrs. MURRAY. Mr. President, let me be clear: Working with the Finance Committee, this amendment is paid for over 10 years.

I ask that the budget point of order be waived.

Mr. GREGG. Mr. President, is this a pay-go point of order violation?

Mrs. MURRAY. I move that the budget point of order be waived and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 45 Leg.]

#### YEAS—55

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Whitehouse
Dorgan	Lincoln	Wyden
Durbin	Menendez	
Feingold	Merkley	

#### NAYS—45

Alexander	DeMint	McCaskill
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Warner
Cornyn	Lugar	Webb
Crapo	McCain	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from New York is recognized.

#### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that upon disposition of the amendments in order this morning, the Senate then proceed to a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that at 12:30 p.m., the Senate stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

#### HEALTH INSURANCE COSTS

Mr. BURRIS. Mr. President, there was an article in last Thursday's Chicago Tribune, my hometown newspaper, that caught my attention. It is shocking news for many of my fellow Illinoisans. I would like to share it with my colleagues today.

According to State records, Illinoisans who lose their jobs and have to buy their own health insurance will see



their premiums increase by as much as 60 percent this year. As the Tribune notes, this is affecting more people than ever before because of the economic crisis.

There are currently more than one-half million consumers in Illinois who have individual health plans. Their base rates, which stand at 8.5 percent at the moment, will jump to more than 60 percent. Those are just the base rates. Elderly folks will likely see additional increases on top of that. So will those who have a history of illness. So will people who live in certain areas or who have only had a policy for a short period of time.

Insurance companies will pile on additional increases for all these folks, on top of a 60-percent increase that will affect every Illinoisan with an individual health plan.

Let me remind my colleagues that these are mostly folks who have lost their employment, so they do not have a steady stream of income to absorb these increases, and they do not have a choice but to pay whatever the insurance companies demand or go without the coverage they need.

This is bad news by itself, but it gets worse because they are not the only ones who will see their premiums go up. Small businesses are finding it harder than ever to afford coverage for their employees because they are being hit with big rate hikes even though business is not as good as it was a few years ago.

Companies, such as Illinois Blue Cross, have even acknowledged they will be increasing their rates by an average of 10 percent across the board and much more for some of their customers.

We have seen this kind of thing before. Just recently in California, a health insurance company raised its rates by 39 percent, a move that sparked national outrage and investigations by State and Federal regulators.

When we hear about this kind of behavior, there is an obvious question for us to ask, the same question that many folks in Illinois will be asking when they get their insurance bills over the next few months. That question is why. Why are insurance companies raising rates by as much as 60 percent? Why does it keep getting harder and harder to pay for health coverage when benefits are being slashed at the same time? It does not make any sense.

But when Illinoisans pick up their phones and they call their insurance providers and they ask them why, they probably will not be able to get an answer. Most insurance companies do not release that information and do not feel they have an obligation to explain the outrageous rate hikes. Ordinary Americans do not have a way of finding out.

That is exactly why we need to pass comprehensive health care reform

without delay to restore competition to the insurance industry so folks can shop around and try to get a fair deal, to help us hold insurance companies accountable so we can keep them honest, and to provide cost savings so hard-working Americans and small businesses can breathe a little easier in these difficult times.

The Senate health reform bill would have accomplished all these things and more. If we had combined our bill with the House version at the end of last year and sent it to President Obama, we would have had a law on the books by now. We would almost certainly not be seeing these dramatic premium increases. Instead, people's premiums would be going down significantly, and 31 million more Americans would have health care coverage.

This Chicago Tribune article would have read very differently if we had finished this health care bill a few months ago, as we easily should have done. But because of our inaction in Washington, because of delays and the obstructionism, these companies continue to have free rein.

As we struggle to find common ground between the House and the Senate, we must never forget the American people are locked in a much more serious struggle.

We have experienced the worst economic crisis since the Great Depression. The unemployment rate exceeds 10 percent in Illinois, and it stands just under 10 percent nationwide. Millions have watched helplessly as their hard-earned economic security vanished overnight. Individuals and families are finding it harder than ever to make ends meet. One of the greatest challenges they face is paying for health insurance.

Under the current system, too many people are forced to choose between keeping food on the table and buying health coverage. It is a terrible choice. Premiums are so high it is almost impossible to afford quality coverage. As the Chicago Tribune reported, they are about to get even higher, but without insurance we are all just one accident or catastrophic illness away from bankruptcy or even death.

It is time to turn our attention away from the partisan fight that consumes Washington every day and focus on the fight that is taking place in America's heartland.

My colleagues and I must never forget why we entered public service in the first place. Why are we here? What is our purpose? We must always remember our actions and our failures to take action have real consequences for ordinary people from coast to coast.

This legislation was stalled and delayed for the better part of a year. As a result of this obstructionism, we are about to see premiums go up by 60 percent instead of going down.

If my Republican friends had come to the table and acted in the spirit of

compromise and listened to the will of the American people, we would have passed health care reform and a dozen other things by now. But instead, it is the same old politics. It is easy to find excuses. It is very difficult to govern.

Once again, I invite my colleagues across the aisle to join us in these efforts, come to the negotiating table. You heard President Obama speak yesterday very vividly and forthrightly about what we need to do to bring health care reform to the American people. We have a fresh sense of momentum, a new opportunity to deliver on this promise of reform.

Let's keep having this conversation. Let's confront these challenges together as the American people have asked us to do. Let's move forward as one Congress, as one Nation. It is time for Republicans and Democrats to say enough is enough to big insurance: No more outrageous rate hikes; no more coverage denials; no more abuse.

It is time for Republicans and Democrats to reaffirm our commitment to the hard-working people we represent in Illinois and across the country. It is time to pass comprehensive health reform so every American can get a great deal on health insurance and foreclose the possibility of losing their life or their assets.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAXPAYER FAIRNESS ACT

Mrs. LINCOLN. Mr. President, I rise today in support of a proposal that has been offered on this bill that we are currently dealing with that will hold the bailed-out Wall Street companies and their executives more accountable to American taxpayers.

Over the last 2 years, the top TARP recipients have paid out tens of billions of dollars in employee bonuses, while at the same time taxpayers have been footing the bill for bailing out these large financial institutions.

Enough is enough. All we have to do is look across this great land of ours to see so many people in businesses—small businesses in small communities across America—who are in difficult times. This amendment—the Taxpayer Fairness Act—included in the Senate jobs bill would put in place a one-time windfall tax on bonuses paid in 2010 to company executives who received the taxpayer bailout.

Specifically, the amendment provides a 50-percent tax on bonuses above \$400,000 paid to financial institution executives who received at least \$5 billion in taxpayer support. That is just



common sense to all of us here who realize how important it is to be respectful of the taxpayers and make sure that as we have made available these resources to these Wall Street industries, to at least have the acknowledgment and respect from them of what the rest of America is going through.

I have fought for years to hold Wall Street more accountable. During the TARP debate in the fall of 2008, I pushed for stricter limits on executive compensation, which went unheeded in the Bush Treasury Department's implementation of the program. Later that year, I also cosponsored legislation that would have capped executives' salaries at bailed-out banks. In March of 2009, I sent a letter to the AIG chairman calling on his executives to forfeit their \$165 million in bonuses or face unprecedented congressional action to strip them of their so-called "performance-based" rewards.

During the debate on the Recovery Act, in early 2009, the Senate passed my amendment to place an excise tax on bonuses from financial institutions that had received taxpayer dollars under TARP. Wall Street needs to understand that in these extraordinary times they must change their ways of doing business. They must play by the same rules that Arkansas families and businesses and other small towns and States across the Nation have to play by.

When a small business owner in our home State of Arkansas has a bad year, they have two options: They either buckle down and trim the fat or they go out of business. They do not come to the steps of the Capitol and ask for a government check, and they surely do not give themselves a lavish pay raise.

Arkansans are rightly irritated, just as I am. Let's not forget the actions of some of these firms are what sent our economy into dire straits in the very beginning. For almost 2 years now, Americans have paid the price for Wall Street's mistakes. They have lost jobs, they have seen their property values diminish, and they have seen their retirement savings depleted. So it flies in the face of common sense and general prudence for those accountable to reward themselves when the rest of the country is shouldering the burden they created.

This amendment must be enacted to send the message to Wall Street that we will not stand for such behavior. The time is right now, and we must send the message to all of America that we are not going to stand for this type of fiscal irresponsibility. I encourage my colleagues to stand with Main Street, not Wall Street, and support this important amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Office (Mr. BEGICH).

#### TAX EXTENDERS ACT OF 2009— Continued

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3336

Mr. BAUCUS. Mr. President, shortly we will vote on the motion to invoke cloture on this urgent legislation to create jobs and extend vital safety net and tax provisions. We have had a good debate. The Senate considered this bill on 7 separate days over the course of 2 workweeks. We have considered more than 30 amendments. We conducted a dozen rollcall votes. It is now time to bring this debate to a close.

This is not just some technical bill; this measure helps real people. Failure to enact this bill would cause real hardship. Failure to enact this bill would cost jobs.

Within weeks, this bill would help half a million workers who lose their jobs nationwide, including nearly 1,600 in my State of Montana, to remain eligible for help paying for their health insurance under the COBRA health insurance program. Unless we act, within weeks the average doctor in America will stand to lose more than \$16,600 in payments from Medicare. The average doctor in Montana would lose \$13,000. This bill would help nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries nationwide to continue to have access to their doctors. That includes nearly 144,000 Montanans with Medicare and nearly 33,000 Montanans with TRICARE. Within weeks, this bill would help 400,000 Americans to be eligible for expanded unemployment insurance benefits. Thus, this important legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs we have only temporarily extended. It would put cash into the hands of Americans who would spend it quickly, boosting the economy. It would extend critical programs and tax incentives that create jobs.

I urge my colleagues to vote to help Americans hurt by this great depression. I urge my colleagues to vote to preserve and create jobs. I urge my colleagues to vote to invoke cloture on the substitute amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I rise today to speak in opposition to the tax extenders bill. I do so with a heavy heart because there are good things in this bill that would be good for my State of Florida. It would be good to extend unemployment benefits. It would be good to extend COBRA, it would be good to extend and help with Medicaid funding, and it is important to make sure we have enough money going to doctors in Medicare so that they can provide services. But I can no longer stand by, even on a bill such as this, and vote for it when it is going to add \$100 billion to our deficit.

If the majority party in this Chamber did the right thing and paid for this bill, if we cut wasteful spending, if we cut duplicate programs in other areas and paid for this bill, 80 or 90 Senators would vote for it. But at some point, even though these programs may be good for your State, a Senator has an obligation to stand up and say: No more, no more spending our kids' future, no more putting debt on the next generation, no more bankrupting the promise of this country.

No more. We cannot afford it. We have a \$12.4 trillion debt. We are supposed to have pay-as-you-go rules here. One month ago, we passed a pay-as-you-go law. The President signed it. And all of the language was laudatory: We are not going to spend our children's money anymore. We are going to be fiscally responsible. And then here comes this bill, \$100 billion in spending, and we declare it an emergency so that we do not have to follow the rules. It occurred to me this weekend as I played with my 6- and 4-year-old sons that this is not pay-go, it is Play Doh—you can make whatever you want of it. But it is not real enforcement.

We in this chamber should pay for the spending so that we do not increase the debt on our children. So we should vote against cloture on this bill, not because the leadership has not allowed us to have amendments—they have, and I appreciate that. But we should vote against it because this bill should only pass if we can pay for it.

No matter how good the program is, it is not good if we saddle our children with \$100 billion more in debt. The public debt in this country is going to double in 5 years and triple in 10. It is has now come out that the estimate of the national debt in 2020 will add another \$10 trillion. The day of reckoning is at hand, and we just cannot stand by, even though there are good things in this bill, things that would help my State. On this occasion, I have to put country first.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Mr. President, we have a vote coming on cloture on a matter that has been moving through the Senate, the tax extenders bill. I wish to make clear that I will be voting for cloture. That does not mean I will support the actual legislation when it comes to a vote. That being said, I have serious concerns about the overall cost of the bill, but my vote for cloture signals my belief that we need to keep the process moving and allow the measure to be considered by the full Senate. I promised my constituents I would try to change the tone of politics as usual in Washington. There has been a week of debate. Allowing this bill to receive an up-or-down vote would be a step in the right direction.

However, I am opposed to the bill at this point because it adds more than \$100 billion to our national debt and provides no way to actually pay for it. Our national debt is at a record high, and we cannot continue to burden future generations with a mountain of debt and bills they cannot pay.

I believe in process. I believe we should have an opportunity, after full and fair debate, to move bills forward so the House and others can get a crack at it and hopefully send back a product with which we can all live.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3401, AS MODIFIED, 3417, 3430, AS MODIFIED, 3372, AS MODIFIED, 3442, AS MODIFIED, 3365, AS MODIFIED, 3371, AS MODIFIED, AND 3451 TO AMENDMENT NO. 3336

Mr. BAUCUS. Mr. President, I ask unanimous consent that it be in order for the following amendments to be considered agreed to en bloc; and in the instance where the amendment is modified, that the amendments, where applicable, be modified with the changes at the desk, and as modified the amendments be agreed to and the motions to reconsider be laid upon the table en bloc; further, that in the instance where the amendment is not pending, where appropriate, the amendment be recorded by number: Lincoln amendment No. 3401 pending, to be modified; Reid amendment No. 3417, pending; Isakson-Cardin amendment No. 3430, pending and as modified; Merkley amendment No. 3372, to be modified; Warner amendment No. 3442, to be modified; Whitehouse amendment No. 3365, to be modified; Rockefeller

amendment No. 3371, to be modified; and a Baucus technical amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would ask that the request be modified to allow Senator ISAKSON to speak for 2½ minutes following the agreement to this unanimous consent request, and that I thereafter be recognized to offer a unanimous consent request regarding something on this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to as follows:

#### AMENDMENT NO. 3401, AS MODIFIED

On page 75, line 4, strike "excessive rainfall or related" and insert "drought, excessive rainfall, or a related".

On page 76, line 1, insert "fruits and vegetables or" before "crops intended".

On page 76, line 13, strike "90" and insert "112.5".

Beginning on page 76, strike line 18 and all that follows through "(4)" on page 77, line 17, and insert "(3)".

On page 78, strike lines 3 through 7 and insert the following: "not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike "with excessive rainfall and related conditions".

On page 78, line 21, strike "2008" and insert "2009".

On page 79, lines 4 and 5, strike "under this subsection" and insert "for counties described in paragraph (1)(B)".

On page 80, between lines 3 and 4, insert the following:

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike "(5)" and insert "(6)".

On page 87, line 5, strike "(h)" and insert "(i)".

On page 89, line 15, insert "for the purchase, improvement, or operation of the poultry farm" after "lender".

On page 89, strike line 24 and insert the following:

(J) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting "(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)" before the period at the end.

#### (K) ADMINISTRATION.—

On page 90, line 4, insert "and the amendment made by this section" after "section".

On page 90, line 7, insert "and the amendment made by this section" before "shall be".

On page 91, line 1, strike "\$15,000,000" and insert "\$10,000,000".

#### AMENDMENT NO. 3417

(Purpose: To temporarily modify the allocation of geothermal receipts)

At the end of title VI, add the following:

#### SEC. 6. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

#### AMENDMENT NO. 3430, AS MODIFIED

(The amendment is printed in today's RECORD under "Morning Business.")

#### AMENDMENT NO. 3372, AS MODIFIED

(Purpose: To authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers)

At the end of title VI, add the following:

#### SEC. 6. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term "qualifying contract" means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term "timber purchaser" means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau

of Land Management to extend timber contracts due to changes in market conditions.

(d) **REGULATIONS.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) **NO SURRENDER OF CLAIMS.**—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

AMENDMENT NO. 3442, AS MODIFIED

(Purpose: To ensure adequate planning and reporting relating to the use of funds made available under the American Recovery and Reinvestment Act of 2009)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ARRA PLANNING AND REPORTING.**

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;

(B) by striking “Not later than” and inserting the following:

“(1) **DEFINITION.**—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) **PLANS.**—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) **REPORTS.**—

“(A) **IN GENERAL.**—Not later than”; and

(C) by adding at the end the following:

“(B) **REPORTS ON PLANS.**—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) **IN GENERAL.**—Within 180 days”; and

(B) by adding at the end the following:

“(2) **PENALTIES.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States District Court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) **NOTIFICATION.**—

“(i) **IN GENERAL.**—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) **LIMITATION.**—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than

31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) **CONSIDERATIONS.**—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) **APPLICABILITY.**—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) **NONEXCLUSIVITY.**—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) **TECHNICAL ASSISTANCE.**—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) **PUBLIC LISTING.**—

“(A) **IN GENERAL.**—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) **CONTENTS.**—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

“(5) **REGULATIONS AND REPORTING.**—

“(A) **REGULATIONS.**—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) **REPORTING.**—

“(i) **IN GENERAL.**—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) **CONTENTS.**—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) **TERMINATION.**—The reporting requirements under this section shall terminate on September 30, 2013.”.

**AMENDMENT NO. 3365, AS MODIFIED**

(Purpose: To require the Comptroller General to report to Congress on the causes of job losses in New England and the Midwest over the past 20 years and to suggest possible remedies)

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. GAO STUDY.**

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

(1) the pattern of job loss in the New England and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

**AMENDMENT NO. 3371, AS MODIFIED**

(Purpose: To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

**SEC. \_\_\_\_\_. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.**

(a) **CREDIT PERIOD.**—

(1) **IN GENERAL.**—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) **CREDIT PERIOD.**—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) **CONFORMING AMENDMENT.**—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) **EXTENSION OF PLACED-IN-SERVICE DATE.**—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”, and

(2) by striking “2010” and inserting “2011”.

(c) **CLARIFICATIONS.**—

(1) **STEEL INDUSTRY FUEL.**—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) **OWNERSHIP INTEREST.**—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) **PRODUCTION AND SALE.**—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) **PRODUCTION AND SALE.**—The owner of a facility producing steel industry fuel shall

be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) **SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.**—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) **CLARIFICATIONS.**—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

**SEC. \_\_\_\_\_. MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.**

(a) **MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

“(vi) the credit determined under section 45N.”.

(b) **ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.**—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

“(vii) **SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.**—Clause (i) shall not apply to amounts deductible under section 179E.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. \_\_\_\_\_. APPLICATION OF CONTINUOUS LEVY TO EMPLOYMENT TAX LIABILITY OF CERTAIN FEDERAL CONTRACTORS.**

(a) **IN GENERAL.**—Section 6330(h) is amended by inserting “or if the person subject to the levy (or any predecessor thereof) is a Federal contractor that was identified as owing such employment taxes through the Federal Payment Levy Program” before the period at the end of the first sentence.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies issued after December 31, 2010.

**AMENDMENT NO. 3451**

(Purpose: To make technical changes)

Strike section 201 and insert the following:

**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “May 31, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

**SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) **RULES RELATING TO 2010 EXTENSION.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) **RULES RELATED TO 2010 EXTENSION.**—

“(A) **ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.**—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) **REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.**—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) **2010 TRANSITION PERIOD.**—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike “December 31, 2009” and insert “March 31, 2010”.

In section 231, strike “this title” and insert “this Act”.

In section 241(1), strike “March 1, 2010” and insert “March 31, 2010”.

In section 601(1), strike “February 28, 2010” and insert “March 31, 2010”.

In section 601(2), strike “March 1, 2010” and insert “April 1, 2010”.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to thank the leader for his courtesy and for his help on this legislation. In particular, I wish to thank Chairman BAUCUS and his staff and Senator GRASSLEY and his staff, as well as my staff, Ed Egee in particular, who did a great job of addressing the pension problems in this country.

This amendment gives corporations two alternatives to accept, adopt, and smooth their obligation on pensions. It will raise \$3.5 billion against the debt. It will save the pensions of many Americans.

I wish to acknowledge the leadership of Senator BAUCUS from Montana, Senator GRASSLEY, and their staffs for helping us accomplish it.

Also, let me thank my friend and colleague, Senator CARDIN from Maryland, for his good work and cooperation on this issue. Senator CARDIN has long been a leader on retirement issues. I recall in the House supporting a landmark retirement bill that bore his name: the Portman-Cardin Pension Reform Act of 2001.

Almost 4 years ago, I was proud to support the Pension Protection Act of 2006. That piece of legislation adopted a stringent new funding regime for single employer defined benefit pension plans. It raised the full funding target to 100 percent, based the sponsor's contribution requirements on the funded status

of the plan, encouraged pre-funding of pension funds through the recognition of credit balances, and included much-needed smoothing of both assets and liabilities.

All of these were positive changes. Unfortunately, just as the Pension Protection Act's stringent funding requirements began to be implemented, the assets of most pension funds were depleted by the economic recession.

The gravity of the situation was reflected in a recent Mercer study of over 800 companies. Mercer found that required cash contributions to pension plans will be more than 400 percent higher in 2010 than in 2009.

Over the last year, dozens of employers who sponsor defined benefit plans have come to me and to many Members of this body asking for relief from the stringent funding rules of the Pension Protection Act. They hope to avoid severe cost-cutting measures. A May 2009 survey indicated that the overwhelming majority of DB plan sponsors—68 percent—will have to cut other expenses, including jobs, in order to make required pension contributions.

Even if the market were to come soaring back tomorrow, this relief would still be appropriate. A February 2010 study by Towers Watson found that even if equities rise by 20 percent in 2010 and projected interest rates increase by a full percentage point, total 2011 funding obligations would still be approximately triple the level of 2009 funding obligations.

Given the scope of the situation, there is broad agreement that the Senate must act. As such, Senators BAUCUS and GRASSLEY included targeted funding relief in this tax package.

Our amendment makes small but important changes to the underlying language, mostly affecting the application of the “cash flow rule.” Generally speaking, the cash flow rule forces employers to make additional contributions to their plan above the amount they would normally owe.

We do not oppose the inclusion of the cash flow rule in the relief package. We agree that that is an appropriate stick in exchange for the carrot of relief.

However, the stick can last up to 7 years while the relief is only available for 2 years. Accordingly, we are urging this Senate to limit these restrictive conditions on the funding relief that we are offering to employers in this amendment.

Sponsors would continue to receive 2 years of relief from the onerous funding obligations imposed by the Pension Protection Act. However, our amendment applies the cash flow rule for 3 years for the 2 plus 7 option and 5 years for the 15 year option—as opposed to 4 and 7 years, respectively.

Our goal here is to achieve a balance. We want to ensure the viability of the pension security system by ensuring that the plans are fully funded. At the

same time, we want to make the relief usable to employers so they will be incentivized to continue their defined benefit pension programs.

I continue to support efforts to protect taxpayers by strongly opposing any attempts to break down the wall between the Pension Benefit Guaranty Corporation and general Treasury funds.

I thank Senators GRASSLEY and BAUCUS for accepting our amendment and thank the staff for their work on the amendment. Cathy Koch and Tom Reeder with Senator BAUCUS; Chris Condeluci with Senator GRASSLEY; Debra Forbes with Senator HARKIN; Greg Dean with Senator ENZI; Femeia Adamson with Senator CARDIN; and Ed Egee with my staff.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, there was debate this morning and a lot of talk outside the Chamber regarding the TANF summer jobs program. The objection of a number of Senators raised was that it was paid for over 10 years rather than 5 years. In an effort to compromise this, Senators MURRAY and KERRY agreed that we would drop anything relating to TANF in this amendment and over 5 years pay for summer jobs in the amount of \$743 million. As everyone will remember, it was originally \$1.5 billion. So this would be lowered to \$743 million. It is paid for over 5 years. TANF is not included in any of this, much to the consternation of a lot of us.

I ask unanimous consent that amendment be allowed and that we have another vote on it, if necessary.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I failed to mention this does not violate pay-go.

Mr. GREGG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus substitute amendment No. 3336 to H.R. 4213, the Tax Extenders Act of 2009.

Harry Reid, Max Baucus, Richard J. Durbin, Roland W. Burris, Kent Conrad, Benjamin L. Cardin, Patrick J. Leahy, John D. Rockefeller, IV, Robert Menendez, Daniel K. Inouye, Robert P. Casey, Jr., Jon Tester, Bill Nelson, Charles E. Schumer, Kay R. Hagan, Sheldon Whitehouse, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3336, offered by the Senator from Montana, Mr. BAUCUS, to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 46 Leg.]

#### YEAS—66

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johnson	Sanders
Burr	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

#### NAYS—34

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Coburn	Inhofe	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Wicker
Crapo	LeMieux	
DeMint	Lugar	

The PRESIDING OFFICER (Mrs. GILLIBRAND). On this vote, the yeas are 66, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. LANDRIEU. I move to reconsider the vote.

Mr. BURRIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### AMENDMENT NO. 3381 TO AMENDMENT NO. 3336

(Purpose: To reauthorize the DC opportunity scholarship program, and for other purposes)

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 3381 and that at the end of my statement, the amendment then be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment. The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH, proposes an amendment numbered 3381 to amendment 3336.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of Wednesday, March 3, 2010, under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, this amendment that I rise to offer has been cosponsored by a bipartisan group, I am pleased to say: Senators COLLINS of Maine, BYRD of West Virginia, FEINSTEIN of California, VOINOVICH of Ohio, and ENSIGN of Nevada.

The purpose of this amendment is to reauthorize—literally, to save—the Opportunity Scholarship Program or OSP. Some know it as the DC school voucher program. We are offering our amendment to this legislation because without prompt action by Congress, the OSP, I am afraid, will end. The current administrator has advised Secretary Duncan that it will no longer administer the program absent a reauthorization, and no other entity has expressed the willingness to take over, given the constraints imposed by Congress under the prevailing set of circumstances. Despite the President's stated intent in his budget to continue the program, if only for those students currently participating, even that will become impossible.

This amendment, as I will explain in a moment, will reauthorize this program for 5 years at essentially its current levels. As I will explain in a moment, it is working, and it is immensely popular with families of children and failing schools in the District of Columbia. It is supported by the chancellor of the school system, Michelle Rhee, and by Mayor Fenty. It is warmly endorsed by the families of the students who have benefited from this program as it literally changed their lives. Yet it has run into opposition in Congress, I fear from people who are committed to defending a status quo that is not working.

Chancellor Michelle Rhee is working so hard to reform the school system of our Nation's Capital, the public school

system. Why would she be supporting this Opportunity Scholarship Program that will allow some children—low-income children—in the District of Columbia to get this scholarship and go to a private or faith-based school? She said, in terms that were very compelling, as she testified before committees of Congress, the following: That if a parent of a student in a school that literally had been determined to be failing turned to her and said, can my child get a good education in the school the public school system sends her to, she can't now say yes to parents of students who are in these designated failing schools.

And she said, I think with great strength and conviction and honesty—and she is the head of the public school system here—that until she can tell these parents that their children will get a good education in the public schools of the District of Columbia, she cannot in good conscience oppose this plan that will basically enable these children a lifeline while she is fixing the DC public schools—a lifeline to a better education, a better career, a better life.

Her own estimate is that it will take her 5 years more to get the DC public schools to where she wants them and every parent of a child here in the District wants them to be. That is the length of the reauthorization of this program that our amendment would provide.

I understand there will be a point of order raised against our amendment, as well as objections to proceeding to a vote on our amendment, and that, therefore, I will be obliged to withdraw my amendment. It was not possible on this bill to receive the consent necessary to bring up this amendment for a vote, although I am pleased to understand that no objections would likely be raised on the minority side to at least bringing up a vote for an amendment.

I do want to serve notice that I will continue to push for a vote on this matter, because I think it is so critically important. I know there are several bills coming before the Senate, including the reauthorization of the FAA, which will come soon and that will be subject to amendment and, therefore, I will be afforded an opportunity—myself and my cosponsors—to amend those bills and to offer this opportunity scholarship amendment to those bills.

I don't know at this moment that we have the 60 votes to pass this amendment, but what I am committed to doing is making sure we have debate on the amendment and a vote on the amendment so the Senate can be heard and, in that sense, is challenged to take a position on this amendment and this program which, I repeat, has been a lifeline for kids trying to get a decent education and build a better life.



In my view, this amendment did belong on the American Workers, State, and Business Relief Act—the underlying bill before the Senate—because, obviously, the opportunity to seek and receive a better education enables our children to be better, more productive workers, to help our businesses and, of course, to grow our national economy. Achievement gaps in our schools have a profound effect on the quality of our workforce and on the future of our economy. Most importantly, the quality of our schools has a profound effect on the quality of the lives of the children who go to better schools and get a better education.

Like so many millions and millions of others in our country today, including, I am sure, a lot of other Members of the Senate, my life was transformed by the public schools of my hometown of Stamford, CT, which gave me an education that enabled me to be the first person in my family to go to college, and then I was able to go to law school after that.

There are within the District of Columbia so many gifted and talented students who are in schools that are developing their gifts or growing their talents by giving them a good education. The OSP takes a limited number of those—and they are low income—and gives them a chance for a better education and a better life.

I regret that I am not going to be able to debate this issue and to get a vote on this amendment on this bill, but we are going to wait for the next opportunity to do so. I do want to make, however, some brief remarks on the substance here.

I have followed the status of the OSP for several years in my capacity as chairman of the Homeland Security and Governmental Affairs Committee. It is one of those strange twists of Senate committee jurisdiction that the governmental affairs part of the jurisdiction of our committee—the traditional historic jurisdiction before homeland security was added—included, according to the wisdom of a previous generation of Senators, jurisdiction over the District of Columbia. So I can tell you we need only listen to the students in the program and their parents—as our committee has had the privilege to hear—to know this program has served as a life changer—not just a game changer but a life changer—for many of these children in this program.

We also have a federally mandated study that documents the success of this program. Despite a lot of misleading statements by those who oppose the program, the science behind this study—an independent study required by a previous act of Congress authorizing this proposal—proves that the program is working. It is one thing to hear the students and their parents talk about how their lives have been

changed with the opportunity to go to a school that has made them feel they can be a success and educated them better, but Dr. Patrick Wolf, the lead investigator for the study that was authorized by a previous act of Congress, concluded:

The DC voucher program has proven to be the most effective education policy evaluated by the Federal Government's official educational research arm so far.

That is an awful lot to be able to say.

So the path this bill has followed, the opposition to it, has been so frustrating. People say this is money that is coming out of the public school budget. The whole design of this original program was to add money in equal parts to the DC public schools—money it would not otherwise have received. It was a kind of compensatory balance: the same amount to the charter schools, which are doing very well here in Washington, and then the same amount to the opportunity scholarship program. So money not from the public schools, but an education opportunity for poor kids in Washington now going to schools designated as unable to educate them, and instead giving them the opportunity to go to better private or faith-based schools.

I thank the Chair and my colleagues for allowing me the time to bring up my amendment. As I say, I look forward to engaging in the very near future in a larger discussion of these issues, and at greater length, by submitting this as an amendment to the next bill that comes to the Senate floor.

#### AMENDMENT NO. 3381, WITHDRAWN

Pursuant, nonetheless, to the agreement I had with the leadership and my colleagues in the Senate, understanding there was not consent to proceed, I will now withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. LIEBERMAN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we earlier had a cloture vote on, what I guess is called the jobs bill. It has some things in it that I think might be helpful to this economy. Continuing certain tax cuts is important. But I have to say, it is very much a disappointment that the legislation spends \$100 billion more than we have. In other words, it will add \$100 billion to the debt of the United States.

It was a few weeks ago that this Senate voted for a pay-go idea that as-

serted we were not going to spend money we didn't have and we were going to pay for what we spent. In other words, if we increase spending, we are either going to raise taxes or cut spending somewhere else to keep us on the right track. But we have not done that. This is actually a \$140 billion bill.

This bill has \$40 billion in costs assumed by the CBO for continuing the tax credits that have been in place, some of them, for 10 years. Those are to be continued, and they score that as costing \$40-some-odd billion. But that is paid for. Our Democratic colleagues are prepared to pay for allowing the American people to keep money that is theirs; money that the government hasn't assessed against them and extracted from them over a 10-year period. That is paid for through other increases in taxes and other activities which, so far, offset that. But the \$104 billion of new spending is not paid for.

Regardless, the bill is a bill that adds \$104 billion to the debt. I don't see how that is a responsible action for our Congress. Because last year, in February, Congress passed an \$800 billion stimulus package—the largest spending bill in the history of America, and every penny of it was added to the debt of the United States. It was the kind of bill the likes of which Congress has never, ever seen before. We did that. And that was not long after the \$700 billion financial bailout package—the TARP bill. The one thing about the TARP bill is that we always understood we were to get some of it back. And we would have gotten a lot more of it if they had spent it to buy toxic assets, instead of giving billions of dollars to one insurance company; giving a huge amount of money to General Motors, which is unlikely ever to be paid back by that company. Now the government basically owns an automobile company and an insurance company. And that is not anything like what we were told when that TARP bill came before the Senate. I believed at the time, it was so unprincipled and such a dangerous piece of legislation that I opposed it vigorously. But Congress said we had to pass it and it passed. Then we came back in January after the new President was in office. We had to stimulate the economy, and many of us warned that the legislation was not stimulative in nature and it was not going to create the kind of jobs we needed to create. It just was not.

I remember quoting from a Wall Street Journal op-ed by Gary Becker, a Nobel Prize economics winner. He warned the bill was not stimulative enough. But we had to pass it. It was supposed to be for crumbling bridges and infrastructure.

Yet less than 4 percent of the money went to crumbling bridges and infrastructure. Most of it went to social programs, bail out a State, Medicaid—



not job-creating things. Mr. Becker told us in his op-ed shortly before the vote, giving his best judgment about what would happen, he said that it was not going to be a job-creating bill; that you should look for well above \$1 growth out of an investment of \$1 in stimulus funds. Their impression was, he and his team, it was going to be well below \$1.

Now we come back this year, we want another stimulus, another jobs bill because the first one did not work. But now we are in a position where we are surging the debt of this country to a degree it has never been done before. This, in many ways, exceeds World War II, when we were in a life-and-death struggle.

These are just the basic numbers. In 2008, the total American public debt was \$5.8 trillion. In 2013, according to the Congressional Budget Office, our own experts, based on the 10-year budget the President has submitted that would double to \$12.3 trillion. Congress actually ended up passing a 5-year budget very similar to his first 5 years, but this shows the track the President has proposed the country move on. I am not making this up. Then, in 2019, it would go up to \$17.5 trillion. CBO is stating that next year's deficit will exceed this year's deficit. The deficit of the year ending September 30 of last year was \$1.4 trillion. They are estimating our next year will be about \$1.5 trillion.

So, blithely, our leadership walks in today and says we have to extend unemployment insurance, we have to do a number of other things, and we have not figured out a way to raise the money for it or reduce spending on programs that do not work so we will just borrow it too. That is not calculated in these numbers. That was not legislation that was on the agenda or on the books before the Congressional Budget Office made this scoring.

There are other things we know are going to be part of this. I will talk about a few of them. One of the things that is in the legislation before us is what we have come to refer to as the doctor fix. I feel strongly about that. We had passed the Balanced Budget Act in the late 1990s, and it contained the growth of Medicare spending on payments of physicians. As the years went by, we realized pretty quickly that the cuts were too large or at least Congress did not have the will to let them go into effect, so we wiped it out. We did not let the cuts come in.

We have been doing it now for over a decade, Republicans and Democrats—each one had a majority. Instead of facing up to the shortfall in the physicians' reimbursement, we have allowed this problem to grow. What it amounts to is, if Congress does not act, the doctors who are taking care of our parents and grandparents on Medicare will have their payments cut 21 percent. A

lot of physicians are losing money on Medicare today. If this were to happen, there would be a massive quitting of taking care of Medicare patients. They would not do it anymore. It is not right. You cannot justify, from any logical approach to medicine, that we should cut physicians by that kind of amount. I think fundamentally we need to restore it and put it on a path that is sustainable and a growth rate instead of a 21-percent cut. We need to wrestle with how to do it.

If you fix the doctor fix, and you allow a modest growth instead of a 21-percent cut over the next 10 years, it will cost the U.S. Treasury \$250 billion. That is a lot of money, even by Federal Government standards. Our annual highway bill has been about \$40 billion. The annual budget of my State of Alabama is less than \$10 billion—\$7 or \$8 billion for the whole State, including education. That \$250 billion is a lot of money. But millions of American seniors are treated every day by physicians and they paid into the Medicare Program for 40 years. They have been told that when they get to be seniors at retirement age, they will get basically free physician services. It is a commitment we made. Maybe it was improvident at the time. Maybe we could have been smarter about the way it was done, but that is what we told them, and I believe we have to honor that in principle today.

This bill attempts to deal with it by extending it, as we have done each time, 1 year. That is what I call a budget gimmick. It is a misrepresentation of the true state of our finances because what will occur is, we will put the money in for this year. It is going to cost \$7.3 billion to fix this year's doctors' payments. But you know what the CBO scores when they estimate what our debt will be? They assumed the law will go back into effect next year, and there will be a 21- or maybe then 22-percent or 23-percent cut in physician payments. They will assume that is going to be true for 9 years, leaving about \$240 billion extra money that we in Congress can spend—except it is going to be paid. We cannot cut the physicians by that much money. We know we are going to fix it, 1 year at a time. It appears we do not have the courage or the will to fix it permanently like we should, so we will just fix it and we will use that and then they can make the deficit look better than that.

This budget, this number CBO has scored, does not assume the doctors' payments are going to be increased 21 percent. They assume doctors' fees are going to be cut because that is what the law is, unless we act to change it. They make an estimate based on what the law is today, so we can fix the doctors' payments for 1 year, but for the next 9 years they assume we have a lot more money than we have because we

are going to fix it every year. This kind of gimmickry is what put us in this fix.

Let me say this: An attempt was made earlier this year to do a doctor fix outside the health care reform bill. That was a very duplicitous act, in my opinion. I have to be frank with my colleagues. Why? What was wrong about that? The President has always said that in health care reform, in fixing our health care problem, what we need to do was deal with physician payments, the SGR. But when they sat in that secret room around here, moving the money around to try to figure out how to present a bill and plop it out on the floor and ask us all to vote for it, they had a problem. They had promised the bill would be deficit neutral. But if they fix the doctor fix, it was going to cost \$250 billion. They could not make the numbers work.

Do you know what the Democratic leadership tried to do? They brought it up separately. We are going to pass a bill in the Congress that would have funded the fix of the doctors. Every penny of it goes straight to the debt. But because they took it out of health care reform and sat it over here, they were going to say the health care reform did not cost any money. I can dispute that and it is not accurate, but that is what they did.

But do you know what happened? Thirteen Democrats said no. To their great credit, under, I am sure, pressure, they decided: I am not going to vote for another big debt increase on a bill that is not paid for. We ought to make this paid for. They were listening to their constituents back home and they are concerned about it. I know colleagues on both sides of the aisle are definitely concerned about this deficit. But I just wish to say if it had passed and it would have been another hiding of the debt by doing it in that fashion.

Since that failed, we now have it in this bill for 1 year. It is going to be unpaid for and it will go straight to the debt. I think people who voted against the last doctor fix because it was not paid for and added to the debt should vote against this legislation because it continues to take us in that direction.

Finally, I will say the entire debt process we are on is dangerous to our economy in the long run. This much money being poured into the economy and being unwisely spent—as Mr. Becker warned us a year ago—has to have some positive impact. For heaven's sake, you borrow \$800 billion from the future and you pump it into this economy today and now we are talking about another \$100 billion we borrow from the future and pump into the economy today—those kinds of actions have to have some positive impact, at least in the short run. But nothing comes from nothing. There is no free lunch. We know somebody will pay. Can anybody dispute that—that anything we take in today and distribute

among ourselves and enjoy today somebody paid for?

Who is going to pay for this? Let me tell you. Last year, the interest on the debt of the United States was \$187 billion. That is a lot of money. The Federal highway bill is \$40 billion. Interest on the debt was \$187 billion. Alabama, an average size State of 4 million people, has a general fund budget of less than \$10 billion. \$187 billion. But because we are tripling the debt in 10 years, in 2019, according to the Congressional Budget Office, in that year alone people still alive and well in the United States and making some money and trying to feed their families will pay \$800 billion on the debt in interest—in that year alone, \$800 billion.

This is a burden that our economy will be carrying for years. By the way, there is no plan to pay it down. In fact, in 2019, it is projected the deficit will be almost \$1 trillion that year. The debt, the deficit, and the shortfall in income over expenditures in 2019 will still be growing. The debt will still be surging.

Greece is in such a terrible fix today; their deficit amounts to about 12.7 percent of the entire gross domestic product of the nation of Greece. They are considered to be very unstable. The economy is thoroughly in danger. They are going through some significant reforms to try to work their way out of it. Our deficit-to-GDP ratio this year is 9.7 percent.

This is one of the highest ratios in the world, and it is a danger that we face. So to get down to the nub of the matter, I am not going to vote for this bill. I am sure some of my colleagues will say: That is because you do not like the unemployed, and you do not want to help them. I do want to help them.

I am sure it is going to be because some of my colleagues will say: You do not want to pay the doctors. You do not like doctors so you are mean and cold-hearted. And: Do not worry about the debt, SESSIONS.

But at some point we have to bring our house under control. Just like a family budget, we cannot continue to spend dramatically more than we take in.

We passed a resolution. This Senate passed a bill that is supposed to limit expenditures through a pay-go mechanism. It was predicted then that people were not serious when they were passing it. This would be the second time we voted in a matter of weeks to break through pay-go, and this is \$100 billion.

I would suggest there are a number of things that can be done. One of them is, we can go back and look at the unspent stimulus money. There is about \$170 billion not only unspent but unobligated at this point. That money can be utilized to take care of some of these needs we have, and there is no doubt we could do that. We could find

other mechanisms to deal with this, and one of the things we are going to have to face up to is that there are a lot of programs in this government that are not returning value for the taxpayers. We are extracting money from taxpayers. We are sending it out to programs that are not producing any legitimate return, and they should be eliminated. When is the last time we have ever eliminated any expenditure in this country where we can see that it has not been effective?

Well, a lot of our reports show that a lot of our government programs are ineffective. There are a lot of things we can do to enhance our productivity as a national government to eliminate this surge in debt and get us off the path we are on that I think leads to financial problems in the future.

A witness before the Budget Committee testified that studies show that this kind of debt with the high interest payments, will pull down our economic growth.

Most people think economic growth is going to get us out of this fix. But if we are burdened with high interest rates, if the U.S. Government is going out in the marketplace and competing with private business to get people to loan you money, it tends to drive up interest rates. It tends to reduce the amount of money available in the marketplace for private business. They predict it would at least reduce the growth by 1 percentage point in the future. When you are talking about 2 percent annual growth, and you drop to 1 percent growth, or 3 percent and you drop to 2 percent growth, this is serious.

So it is no doubt this kind of debt will crowd out spending when we have \$800 billion in the tenth year just to pay interest. It will be the biggest expenditure the government has on any account. That is a problem.

So I would say it is time to take this bill back. Let's look at it. Let's see if we cannot contain some of the spending that is in it, and let's see if we cannot pay for the rest of it and produce a bill that we can be proud of that will help people in need without socking it to the debt of America.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEBT

Mr. DURBIN. I do not quarrel with the Senator from Alabama about our national debt and the threat that it possesses. I certainly understand we are borrowing a lot of money from countries overseas, and we want to see that come to an end.

That kind of indebtedness leads to a dependency which is not healthy for our economy or our future or our chil-

dren. I certainly would agree with the Senator from Alabama on that.

I was not here for his entire presentation, but there are several things I think should be made clear for the record. The point is, some 9 years ago, when President William Clinton left office, he left office with a national debt, total accumulated national debt throughout our history of about \$5.7 trillion. But when he left office, we were in surplus. We were actually generating a surplus in the Federal Treasury, and the surplus was being used to extend the life of the Social Security trust fund. We were adding more and more years of solvency to Social Security because we were generating a surplus.

It is hard to imagine that this was the case only 9 years ago, and yet it was. The government was then handed over to President George W. Bush, a new administration, an administration that ran on a platform of fiscal conservatism and dealing with overspending and the national debt.

What happened at the end of 8 years? At the end of 8 years, the national debt had grown from \$5.7 trillion, on the last day that William Jefferson Clinton was in office, to almost \$13 trillion when President George W. Bush left office 8 years later. It more than doubled in that period of time.

What happened? First, the situation beyond President Bush's control: 9/11, devastating to our economy. We know what happened. People stopped purchasing, people stopped traveling. There was a general concern about the safety of our country and the certainty of our future, and that took its toll on our economy. There is no question about that. I am not going to go into any suggestion that President Bush was culpable in that regard. He was a victim as we were as a nation on 9/11. But conscious decisions were then made by this administration after 9/11: For instance, the decision to invade Iraq was a decision I did not share. I was one of 23 Senators who voted against the invasion of Iraq. I happen to think that was the right decision to stay out of that war.

But, as a nation, we deciding to go forward. Congress voted that way. President Bush said: We are going to wage this war, but we will not pay for it. We will take the cost of this war and add it to our national debt.

If you look back at history, World War II, for example, most of us remember either reading about or seeing some evidence of war bonds—borrowing from the American people to pay for war. Yet we incurred a massive debt at the same time. Wars are costly.

President Bush initiated this war in Iraq and Afghanistan and paid for neither one. That added to our national debt. He also did something that had never been done in the history of the United States. In the midst of a war,

President Bush said we are going to cut taxes. It is counterintuitive.

We know that in a war we need more money, not just for the ordinary course of expenses of government but also because of war costs. Instead, the President cut taxes on the wealthiest Americans, adding to our national debt.

Then came a proposal to modify the Medicare Program for prescription drugs. I thought it was a positive thing. We could have saved a lot of money if we would have built into it competition for the pharmaceutical companies. But the pharmaceutical companies did not want that. They prevailed. We ended up passing the Medicare Pharmaceutical Program, and it cost us about \$400 billion, added to the deficit.

Start adding those things up and we realize that at the end of 8 years, a President who had promised to be a fiscal conservative left us with twice the national debt that he had inherited and the weakest economy America had seen since the Great Depression.

When President Obama took the oath of office a little over a year ago, he inherited this weak economy and two wars. He inherited another \$1 trillion in debt that came out of this weak economy as soon as he walked into the office. So when my Republican colleagues come to the floor of the Senate and talk about how insensitive Democrats are to our national debt, I have to remind them when they were in control and their President was in control we more than doubled the national debt. We had two wars, unpaid for; we cut taxes on the wealthiest people in America; we added a Medicare Program that was not paid for; we left the economy in shambles; and left the debt for the next President. It was not a welcome that most Presidents would like at the White House.

Now come the Republicans and say: Well, the thing we need to do at this moment in time, with all of our unemployed, is to cut government spending.

I have to say to them, I want to cut out wasteful spending. But if you ask any credible mainline economist, they will tell you that cutting government spending in general is exactly the wrong thing to do when the economy is in recession.

What we need to do is to infuse the economy with investments and spending that will keep aggregate demand growing for goods and services, keeping people in business, hiring people, who then pay their taxes and go on to buy products that help others. That is the nature of the kind of economic activity that brings us out of recession.

So when the Republicans argue to cut spending in the midst of a recession, they are going to dig the hole deeper. There will be less money spent in the economy. There will be less demand for goods and services. Fewer people will be working, fewer busi-

nesses surviving, and the recession will get worse instead of better.

So the bill before us is a bill that has several provisions in it, and one of them deals with providing unemployment insurance for those who have no work. Now, I will concede the fact that we never dreamed this recession would go on as long as it has. But for many people, some have been out of work for over a year, some 2 years. They are desperate. There are five unemployed people for every job in America. What we provide is about \$1,100 or \$1,200 a month—hardly a sum that one can live on comfortably for any length of time in most places in America. But that \$1,200 a month keeps families together—barely.

Now the Republicans come to the floor and say this is a serious mistake. Providing unemployment insurance, according to the Senate Republican whip, Senator KYL, creates a disincentive for people to look for work.

Well, I would challenge him. I have talked to the people who are out of work and have yet to find any who believe they are basking in the glow of unemployment insurance. It is barely enough to get by, and most people are exhausting their savings.

Second, this bill is going to provide for additional help to pay for health insurance for the unemployed. If you lose your job, the first casualty is your health insurance. So the President said, we need to have our government pick up 65 percent of the health insurance premiums for the unemployed.

How much do they run? It is \$1,200 or \$1,300 a month in my State, the average for a family, health insurance plan. So it would eat up virtually every penny of unemployment just to keep your health insurance plan. So we pick up two-thirds of the cost, and the people try to hang on, paying about \$400 a month so they can keep their health insurance.

What difference does it make if they lose their health insurance? Well, two things are going to happen if they lose their health insurance. They may qualify for Medicaid, which is a government health insurance plan, which we will ultimately pay for as taxpayers. They will certainly lose their continuation of coverage, so that if someone in their family has a preexisting condition, they may find it difficult to ever qualify for insurance again until they find that job and get into a group policy. If they have a child who is asthmatic or who has a serious illness, they may find that child uninsurable because they have lost their health insurance.

So when Members of the Senate come before us and say they are going to vote against unemployment benefits and health insurance, they are literally voting against millions of Americans who are flat out of luck and have no place to turn and are merely trying to make it and trying to get by.

Part of this measure is paid for in offsets and sources of revenue. I certainly applaud that.

I thank the Senator from Montana, the chairman of the Senate Finance Committee. But then come the Republicans and say: Well, let's put more money into this for all of the things included and take it out of the stimulus package.

Remember, the stimulus package was the President's way of trying to keep this economy moving with tax cuts for working families, a safety net for those out of work, money for local units of government that have seen a downturn in revenues, and investments in America's future.

Now, I have seen some of those investments, and I will just say that I think those are investments that will pay off in jobs today and in assets in America and that will serve us for a long time to come.

Two weeks ago I was up on the west side of Chicago, in Austin, where they opened a new family care health center. It is a primary care clinic for those who do not have health insurance or do not have much money, where they can see a doctor. It is going to be the nicest building on the block. It is beautiful. One-fourth of the money came from the President's stimulus package. It put a lot of people to work building it and now has created an asset that will serve that neighborhood and that city for a long time to come.

Two days ago, I was down in Caseyville, IL, 300 miles away from Chicago. I saw another project with about \$1.6 million of stimulus money that is going to build a community retirement home in this area. I saw the people out working on the jobs now just this week.

Ultimately, beyond the hundreds who will build this project, some 50 will be full-time employees. We are investing back in the community, in high-speed rail, in highways and bridges, in basic infrastructure, and in things that will serve us for a long time to come.

The Senator from Alabama says: Let's stop doing that. Let's stop putting that money into those investments.

I think that is shortsighted. I think what we need to do is to follow the President's lead and to make the investments in our economy today to get it chugging and moving forward. That, to me, is the first step in reducing our long-term deficit. Until we get out of this recession, get people back to work, paying taxes, the deficit will continue to grow.

What is the second thing we can do to deal with our deficit? Health care costs. Health care costs are going through the roof. I have said before that the mayor of Kankakee, IL, told me last week that she just got the health insurance bill for 2,900 city employees for next year, and the premiums are going up 83 percent. She is

going to cut back on coverage, more copays, more deductibles, and hope to get it down to a 50-percent increase. It will mean that in a city that is hard-pressed to meet basic needs, there will be an additional million dollars in health insurance premium costs next year for even less coverage. That story is being repeated over and over across the United States.

On Sunday, at a press conference in Chicago with four small businesses, each one told the same story, that they had reached a point where they couldn't afford health insurance for themselves as owners or for their employees. They told of terrible situations where some of them had children who were literally dropped from coverage because they couldn't continue to pay the high premiums that went through the roof.

The Republican side of the aisle has told us: Stop this debate on health care reform. Let's stop and start over. As the President said the other day, the health insurance companies are not starting over. The health insurance companies are continuing to do what they know how to do, and that is to raise prices.

Goldman Sachs is a firm with which most people are familiar. They put out a report very recently about what they considered the best thing for the health insurance industry. Goldman Sachs said, in this article that was published in the Huffington Post:

What the firm sees as the best path forward for the private insurance industry's bottom line is, to be blunt, inaction.

The study's authors [at Goldman Sachs] advise that if no reform is passed, earnings per share would grow an estimated ten percent from 2010 to 2019, and the value of the stock would rise an estimated 59 percent. The next best thing for the insurance industry would be if the legislation passed by the Senate Finance Committee is watered down significantly.

This says that the best way to reach higher profitability for health insurance is for us to do nothing. The second best way is to do very little. That is what we are being asked to do by the Republican side of the aisle, either do nothing or do very little, take baby steps, don't really deal with the issue. That is not going to solve the problem.

If we are going to provide competition and choice for small businesses and people buying health insurance, we should offer them what we have as Members of Congress. If it is good enough for us, wouldn't it be good enough for the rest of America? Our plan is pretty good. It is called the Federal Employees Health Benefits Program. Eight million Federal employees and their families are in there. It has been in existence for 40 years.

My wife and I each year have an open enrollment period to choose from nine different private insurance plans in my State of Illinois. These are plans that have to meet the basic requirements of

Illinois so that they are not plans that are worthless and they are plans that we pick based on our state in life. My wife and I are at a point where we buy the biggest plan, the high-option plan. The Federal Government pays a share of the premium cost; we pay the rest. We would pay less if we had less coverage. But if we don't like the plan, next year we have open enrollment again. We can pick another one. What a great idea for consumers, to be able to pick and choose, go shopping just like one would for an automobile, to pick the one that is right for your family, the one you can afford, the one that gives you the coverage you need.

If that is good enough for Republican and Democratic Members of Congress, Senate and House, why isn't it good enough for America? Why don't we have exchanges just like that available for businesses and individuals to choose from, the best private health insurance plan that meets their pocket-book needs and their health needs? That is what our bill does. Many on the Republican side have condemned it as socialism. The government administers it, at least sets up the plans on the insurance exchange. Guess what. Every Senator's health insurance plan would be socialistic by that definition. I don't see them rushing down to the Secretary of the Senate to cancel their coverage. They love it. I do too. It is the best health insurance you could ask for. To require minimum requirements in terms of what coverage it will have, that is what our plans do. When we say, do that in the bill, they say, there it is, government-run health insurance. It is not. It is private health insurance plans.

There are 50 million Americans without insurance. We provide coverage for 30 million. Those are people who, when they get sick, go to the hospital, get taken care of, and the cost of their care is passed on to everybody else who has health insurance. That is not fair. It costs us a lot of money as individuals. We pay \$1,000 a year in extra premiums for the uninsured. Our idea is to bring people under coverage so that when they go to the hospital, their care is paid for, not by us but, in this case, either by private health insurance or by Medicaid, the government health insurance plan.

When we asked the Republicans, if we cover 30 million in our approach, how many do you cover of 50 million uninsured, their answer is 3 million. That is not much of an effort, when you think about it. I can understand why we need to do more.

There are two last points I wish to make. One is that if we are going to deal with health insurance in an honest way, we need to at least tell the health insurance companies that the party is over. First, their antitrust exemption, which they have had for 65 years, has to come to an end. Should they be al-

lowed to collude and conspire on prices and divide up the market at the expense of consumers? We ought to put an end to it. The House voted to do that. Secondly, we have to put an end to the awful practice by many health insurance companies to deny coverage to individuals because of preexisting conditions, for example, or to say, if you get really sick, they will just cut you off in terms of how much they will pay. Those things are gross abuses. They need to change. The Republicans have yet to offer a plan that deals with those gross insurance abuses. Their baby steps don't even deal with the serious issues.

Finally, when it comes to Medicare, 40 million Americans count on it, those who are seniors and disabled. It only has about 9 years of solvency left. Our bill doubles the life of Medicare, another 9 or 10 years of longevity. That is good for seniors and for all of us. We want to cut out the waste, and there is waste. We want to provide basic quality care. But doing nothing, as many Republicans counsel us to do on health care reform, means Medicare will go broke in 9 years. I don't want to be around to see that happen. I want to be part of the solution.

My final point is this: We started off talking about the deficit and debt. If we don't deal with health care costs and bringing them down, we can't raise enough money in taxes to keep up with this skyrocketing cost. State governments, local governments, and the Federal Government will all be faced with this kind of increased bill and increased debt and increased deficit each year. That is the reality of doing nothing on health care reform when it comes to deficit and debt.

I ask unanimous consent to have printed in the RECORD a New York Times piece relative to the health care insurance industry, as well as this analysis of managed care by Goldman Sachs and several articles which outline exactly what is going to happen. The health care insurance industry is praying that we do nothing because their profits will continue to skyrocket. That is not fair to the families across America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 6, 2010]

OBAMA WIELDS ANALYSIS OF INSURERS IN HEALTH BATTLE

(By David M. Herszenhorn)

WASHINGTON.—To bolster the case for a far-reaching overhaul of the health care system, the Obama administration is seizing on a new analysis by Goldman Sachs, the New York investment bank, recommending that investors buy shares in two big insurance companies, the UnitedHealth Group and Cigna, because insurance rates are up sharply and competition is down.

White House officials on Saturday said that the Goldman Sachs analysis would be a "centerpiece" of their closing argument in

the push for major health care legislation. The president and Democratic Congressional leaders are hoping to win passage of the legislation before the Easter recess. Republicans remain fiercely opposed to the bill.

The Goldman Sachs analysis shows that while insurers can be aggressive in raising prices, they also walk away from clients because competition in the industry is so weak, the White House said. And officials will point to a finding that rate increases ran as high as 50 percent, with most in "the low- to mid-teens"—far higher than overall inflation.

The analysis could be a powerful weapon for the White House because it offers evidence that an overhaul of the health care system is needed not only to help cover the millions of uninsured but to prevent soaring health care expenses from undermining the coverage that the majority of Americans already have through employers.

Republicans, however, could also point to the analysis as bolstering their contention that Democrats should be focused more on controlling costs and less on broadly expanding coverage to the uninsured.

The research brief is largely based on a recent conference call with Steve Lewis, an industry expert with Willis, a major insurance broker.

In the call, Mr. Lewis noted that "price competition is down from a year ago" and explained that his clients—mostly midsize employers seeking to buy health coverage for their employees—were facing a tough market, in which insurance carriers are increasingly willing to abandon existing customers to improve their profit margins.

"We feel this is the most challenging environment for us and our clients in my 20 years in the business," Mr. Lewis said, according to a transcript included in the Goldman brief. "Not only is price competition down from a year ago," he added, "but trend or (health care) inflation is also up and appears to be rising. The incumbent carriers seem more willing than ever to walk away from existing business resulting in some carrier changes."

The report also indicated that employers are reducing benefit levels, in some cases by adding deductibles for prescription drug coverage in addition to co-payments, and raising other out-of-pocket costs for employees as a way of lowering the cost of insurance without increasing annual premiums and employee contributions to them.

Kathleen Sebelius, the secretary of health and human services, is expected to discuss the Goldman analysis on two Sunday television talk shows, "Meet the Press" on NBC and "This Week" on ABC.

In his call with Goldman, Mr. Lewis said beneficiaries were feeling the brunt of the changes to existing policies. "Visually to employees, they're fairly significant," he said.

But the report also sounded cautionary notes that the administration will probably not want to highlight.

Asked by Goldman analysts about the effort to pass major health care legislation, Mr. Lewis said many employers experiencing increases in their insurance costs were nonetheless apprehensive about the president's proposal.

"They're very mixed in their reaction, quite candidly consistent with what we're seeing in the polling numbers by party lines," Mr. Lewis said. "I think most people would acknowledge that there's a need for health care reform; employers continue to be very frustrated. So when they look at what

the Obama administration and the Democratic majority state as their goals to increase access and lower cost and rail at what may be termed oligopolistic behavior of carriers in certain markets, I think employers really buy in to that message and have much of that frustration and anger at our lack of solutions."

And yet, he said, there is little enthusiastic support from employers for the Democrats' proposals.

"Many of them still view the legislation and the partisanship coming out of Washington as possibly the medicine worse than the disease," he said. "So many employer groups that we're talking to feel like it would be a shame to lose an opportunity to do something with respect to health care reform. But many are starting to feel like maybe nothing is better than something in this current environment."

[From Goldman Sachs, Mar. 3, 2010]

#### AMERICAS: MANAGED CARE—A FRONT-LINE PERSPECTIVE ON 2010 COMMERCIAL PRICE & PRODUCT TRENDS

TRANSCRIPT FROM OUR SIXTH ANNUAL CALL WITH STEVE LEWIS

We hosted our seventh-annual industry expert conference call with Steve Lewis, regional leader for the employee benefits practice of Willis, the third largest insurance broker in the world. The call provided a front-line perspective on 2010 industry pricing and product trends, with a focus on the key middle-market segment of the industry.

A transcript of the conference call is provided in the body of this report.

#### INDUSTRY PRICE DISCIPLINE HAS STRENGTHENED FURTHER

Two years ago, Lewis and his team were one of the few industry sources pointing (correctly) to aggressive pricing by the carriers in a lead up to severe margin deterioration experienced in 1H2008. Then, a year ago, Lewis and his team pointed to stronger pricing discipline by most of the public companies (though with some outliers). Now, Lewis and his team find price discipline has strengthened noticeably further.

#### OUR VIEW IS THAT THE INDUSTRY DOWNCYCLE IS BOTTOMING

We note that the improvement in commercial industry pricing discipline has emerged from multiple industry sources over the past 18 months. Our view is that it reflects a recovery from the severity of underpricing during the recent industry down-cycle that we think is now bottoming.

With the group, our favorite names are UNH and CI, both CL-Buy rated. That said, ours is a sector call as we see a "rising tide lifting all boats" as: (1) the cycle turn shows in reserve building this year, with margin expansion next year, (2) health reform uncertainty recedes, and (3) the headwind to earnings from negative operating leverage eases as we anniversary the severe member drop of 2009.

TRANSCRIPT OF CONFERENCE CALL WITH WILLIS Matt Borsch, Goldman Sachs:

Good morning, everyone. Thanks for joining us today for the Goldman Sachs Managed Care Industry Expert Conference Call with Steve Lewis of employer benefit consulting firm Willis. This will represent our 7th annual conference call with Steve Lewis.

Steve and his team have agreed to give us frontline perspective on 2010 managed care pricing and product trends. As background, Willis is the third largest insurance broker in the world with approximately 350 million

in employee benefits revenues in North America with a focus on the middle market employer segment.

That focus is particularly valuable given the lack of visibility on the segment from the other health benefit consulting firms. And let me just elaborate on that. The context is that national employer benefit consultants such as Hewitt, Mercer, Towers Perrin, and others really focus their attention on the jumbo employer segment, which is overwhelmingly a fee-based non-risk model.

However, the biggest earnings driver for the managed care companies are the fully insured risk lives, and those are mostly through the small and mid-size employers that buy through health insurance brokers. And we found that the brokers typically lack the scale and sophistication to have a good perspective on macro industry trends.

However, as healthcare coverage has become more and more of a significant overlay for employers, they've needed greater expertise but are often under served by the national benefit consultants that focused on jumbo employers, so that's where Willis has built its focus, serving as a high service benefit consultant for the middle-sized employers.

With that as an intro, let me reintroduce our guest speaker Steve Lewis, executive vice president at Willis and regional practice leader. As background, Steve has 20 years of experience in the employer benefits industry and previously served as a national account executive with Oxford Health Plans, and also worked previously as a consultant with Hewitt Associates.

With that, I'll turn it over to Steve to kick it off. Following that, I will serve as moderator for a series of topical questions, and then, we will open it up to investor Q&A.

Steve Lewis, Willis HRI:

Good morning, Matt. Thank you again, for hosting us on this call. As always, I enjoy the opportunity to do this with you each year. I also want to publicly acknowledge and thank our team here for their support. The insight that I'll provide today and have previously provided is largely the amalgamation of information that's developed from our team working day in and day out with clients throughout the country.

I would add that my comments on this call will be directly based on my team's experiences and do not necessarily reflect the experience of my Willis colleagues from around the country.

Borsch:

Thank you for that, Steve. Let me jump right in here with, perhaps, the most important question from the standpoint of institutional investors looking at the sector, and that is, what are you seeing in terms of competition between the carriers, specifically relative to last year or two years ago or whatever you want to use as the baseline, has price competition increased or decreased?

Lewis:

As a specific answer to that, we would say, price competition is down from year ago. An overall theme that we would characterize this year, meaning, when I say this year, the just completed January 1 renewals, and continuing up and through today. We feel this is the most challenging environment for us and our clients in my 20 years in the business.

Not only is price competition down from year ago (when we had characterized last year's price competition as being down from the prior year), but trend or (healthcare) inflation is also up and appears to be rising.

The incumbent carriers seem more willing than ever to walk away from existing business resulting in some carrier changes.

And that's a significant adjustment from last year where we saw aggressive pricing on the renewal front but not so much on the new business front. And then I'd say the other real theme is we've seen some service levels that have gapped among few of the major players which has further increased switching of carriers.

Borsch:

Let me move on to the next question here. If you look at the landscape, what role do you see Third Party Administrators or TPAs playing in the competitive landscape? And I guess this gets down to a related question if you could address between the employer decision to self-fund or go with the fully insured purchase, are employers shifting one way or the other.

Lewis:

Yes, I think taking the Third Party Administrator piece first, as in prior years, we've seen little to no new penetration in our client base from the TPAs. There's still an occasional place for them in the marketplace, but fewer and farther between in our opinion.

The networks have expanded to the extent across the country that there is now very significant overlap, and the TPA discounts no longer really compete with what the major managed care carriers have been able to do from a network standpoint.

With respect to the second part of your question (related to the self-funding versus fully insured question), our clients primarily seem to want certainty in this economic environment with respect to their healthcare spend.

So, unless they have either a reasonable track record of consistent and relatively predictable claim patterns, clients that we expect to be fully insured are still largely biased in that direction, and those that are on the fence as to whether they should be fully insured or self-funded seem to, again, be biased more towards the fully insured product.

I would add that where we have had increased conversations is with our smaller client segment that are increasingly frustrated with what we call blind renewals, meaning, no claims data, and experiencing large increases on top of no claims data.

As a result, there's absolutely increased interest at the smaller client segment in evaluating potential self-funding with stop loss protection.

Borsch:

Getting back into the topic of the competitive dynamics, can you touch on how criteria other than price play a role in carrier competition, whether that's in fully insured or self-insured or to the extent you draw a distinction, and to the extent that maybe that's changed or not changed a little bit versus a year or two ago?

Lewis:

Yes, I think, as we've talked about in prior calls, price remains king in the middle market, and is probably queen as well. Factors that can be a tie breaker other than price would include network disruption to the specific population; market perception of the competitive carrier's reputation; product flexibility, meaning willingness to allow prescription drug carve-outs; ability to provide detailed reporting in a certain employee population level, and funding arrangements offered. Not just the self-funded versus fully insured argument but some of the hybrids or

the more creative solutions within the fully insured marketplace such as minimum premium or participating contracts in the fully insured environment.

Those things taken together can all factor in as tie breakers with respect to how employers are evaluating carriers. But even still, price certainly remained the most significant driver.

I would add one thing; you asked how it's changed from prior years. I think last year on this call, we talked specifically about the playing field that was fairly level on the service end of the equation and as I mentioned at my opening comment, we have seen a bit of gapping with respect to the services at some carriers. And that is driving employers to certainly take a look at what's available on the marketplace. Then again, finding that there's not a lot of aggressive price competition, the service disruption would have to be fairly significant for somebody to move knowing that they're not going to be able to trade down pricing very significantly.

Borsch:

Is it the case that the service disruptions that you've seen in some instances are severe enough to reach the threshold where they switch?

Lewis:

The short answer is yes. We have seen some of that, and I think we've seen it at a lower price threshold than what we would've seen in the past.

Borsch:

Let me move to a slightly different topic here, and obviously, the background here is the severe recession that was certainly having an impact when we talked a year ago. But, now we've been through a lot more pain even though the economy is showing signs of recovery. A lot of the impacts of these types of things are lagged.

So, I guess, it's sort of a general question how significant a role has the recession played in the clients' product managed care strategies. And, what have you seen in terms of the overall group enrollment changes related to that? It's sort of a high level question there, but trying to understand what the impact of the severe recession has been on the way employers look at things, buy things, and on enrollment?

Lewis:

Yes, I'd say, it's a great question and an interesting one particularly as we look at this market. You mentioned the lag factor and the timing of the stock market drop of mid-September 2008 was fairly late in the game to impact many employers' January 2009 strategies. So, most were not making any significant benefit changes, and/or made the specific decision to hold the line when it came to health benefits at the end of the day due to the freezes or cutbacks in other areas such as pay, 401K matches, and staffing levels.

So this year, I think, we saw a lot of employers saying, they were not going to make that mistake again or very early on in 2009 looking back and saying, if I had to do it over again, I probably would've made more drastic changes and not held the line with health benefits.

So, it is a bit ironic that they didn't—a lot of employers chose not to make the change last year when we were in the deepest part of the recession. But this past year the renewal process started much, much earlier for employers even knowing that the sooner they started, the more impact trend uncertainty would have on their renewal.

Strategic planning just started much earlier, and employers wanted to see just about every option under the sun both in terms of pricing, plan design, extreme options, really hedging themselves trying to get some clarity as to what their options were with respect to health benefits, because they didn't have clarity on either the direction of the market, the economy, or even their own specific prospects.

So, as I mentioned at the outset, it was without a doubt the most challenging renewal cycle in my 20 years of this business with employers really struggling with how and what was going to drive their decision combined with the lack of aggressive and competitive pricing in the marketplace.

I think, to your last point about how that may have impacted group enrollment, I'm not sure I have anything significant statistically to share with you today. However, anecdotally, I would say that enrollment is down across our book of business. We looked at 2009 going into the year and planned for the enrollment on our client base to be down 10 percent, and I would say that was fairly accurate.

Borsch:

You alluded to something I just wanted to clarify—it may be that this isn't measurable, but on the question of adverse selection (and, here, we're talking about the employer market, not the individual market), you alluded to the potential that some employees might be more likely not to take up coverage or, in fact, to discontinue employer subsidized coverage, because even though it is subsidized it can be a very sizable chunk out of their pay for a benefit package that may look less attractive after some of the changes the employers have made.

So, to the extent you can infer if you're seeing any of that (and, related to that, the COBRA uptake), has that been something that you measure? Has it come up in how the carriers have presented their pricing? Finally, do you have any sort of visibility on whether that trend is increasing or abating?

Lewis:

Let me take the first part on something I've alluded to about the potential for adverse selection due to younger, healthier folks dropping and/or not selecting coverage to begin with. You know, I think it depends a bit on the demographics of the population, the type of industry; our clients really span just about every industry out there.

So is adverse selection on the rise in the group market? I would say it is, but I don't have any data to back that up, but just based on the fact that the population is down 10 percent across our book. And we look how the census in those client populations has shifted. I would suggest that there is: I don't want to overstate it because I'm not sure it's significant at this point, but I certainly would see some creep, if you will on adverse selection.

I think that ties to your second point about COBRA uptake. We did not keep specific statistics on the extent of COBRA uptake. But we certainly saw it across the board, in our client base, and we certainly believe that it is impacting the pricing that our clients are experiencing.

Borsch:

Given what you're facing from a more conservative underwriting environment amongst the carriers, how are you leveraging or seeking to leverage current market conditions to your clients' advantage in renewal negotiations?

Lewis:

Well, as stated the outset, and probably add nauseum at this point and it's been a tough year.

Carriers were very selective in going after new business, and incumbents were willing to walk away from existing clients. So we had to be incredibly creative in our negotiation tactics as well as in our strategic advice with clients. And again, it was something that fortunately for us, in the process, we did start early and while it consumed a lot of energy from all of the stakeholders it was probably the year of creativity.

With respect to negotiation tactics, one of the interesting things is that we seemed to have seen a bit of a bifurcation in the marketplace at the plus or minus 300-employee size.

In the groups under 300 employees, many of them don't have or are unable to get control of their claims data either as a result of the products they've purchased or just underwriting guidelines at the carrier level where they don't have complete control of their claims data. In that under 300-market place, there was very little competition and very high renewals right out of the gates.

However, in the over 300-employee market, if the claims data was available and in a detailed way and you could make a story about that claim's pattern and possibly make adjustments for a spike—a one-time spike. Then, you would see competition pick up. But again, it was very selective and certainly not anything we would characterize as overly aggressive.

Borsch:

This lead in to the next question: Can you generalize about what is the average rate increase that you're observing: both the initial carrier request and the final end point, post negotiation and plan changes? And can you tell us about the extent of plan benefit reductions in achieving final results for your clients?

Lewis:

Averages are tough, you're right, and probably don't tell a very good story and some clients look at that and say, wow, how did you get that average? I must've been the high person. But the range was all over the place and fairly extreme. I'd say we settled in a range, on our book of business, from a 5% reduction to a 50% increase.

But generally speaking, we were in low to mid-teens out of the gates, and this is where the real challenges begin. Because negotiations generated no more than one to one and a half points with no plan changes. And so it's almost like you were getting a first and final and you had to dig through the renewals to find a mistake.

That's less movement than we've had in each of the prior years and certainly, not turned in the right direction from our clients' perspective.

Borsch:

But on the benefit plan changes that your clients have implemented, would you say those are more substantial today than what you saw a year ago?

Lewis:

I would say that incrementally the changes are more substantial, but visually to employees, they're fairly significant. You know, just about everybody did something this year. And it did vary as you would imagine by the extent of the renewal and the existing plan structure, but things like 100% co-insurance are virtually gone.

Borsch:

Yes.

Lewis:

What we saw was a lot of tweaking, where we'd see the employers bifurcating the primary and specialist co-payments, adding prescription drug deductibles on top of co-payments, and really focusing on plan changes first and foremost before looking at impacting employee contributions.

Investor Question:

You talked about client renewal process starting earlier as the planning process started earlier. Does that mean the contracts are actually being signed earlier and therefore the carriers will have more visibility into the premium yield this year compared to previous years?

Lewis:

Great question. The answer is no. The contracts are not renewing any earlier, just the negotiation process. So, in our world, generally speaking, we would look to get a renewal (depending on the size of the group) from 90 to 120 days before the expiration of a renewal.

This year, clients were looking to us (and to a certain extent from the carriers) to extend that to 6 months out: where we start predicting where the renewal is going to end up. And to the extent that the carriers were willing to provide a preliminary renewal, they have to load in a lot of trend because they have to make guesses on the claims going forward.

And then as you move closer to the expiration date, they offset trend with the wrong claims experience. So nobody was renewing or signing contracts earlier, they were just dragging the process out much, much longer from both the carrier side and the employer side.

Borsch:

Let me ask a question, and hopefully, this is isn't repetitive, but in the market studies that you've reviewed, how wide have the gaps been between the different carriers? Have you noted one carrier or groups of carriers relative to the others that have been especially aggressive or perhaps overly conservative that stand out?

Lewis:

The short answer is no. I think in particular situations, we've seen a couple of carriers be more aggressive than others. But I'm putting quotes around more aggressive because we're generally in the three to five percent range between pricing from where an incumbent renewal might be and what might be considered aggressive.

Now, there were few exceptions on some of our larger middle market clients, as I've mentioned earlier, with very clean data, stable business, perhaps a one-year blip with the incumbent that cause the incumbent to get skittish and want to shut the business and a competitor to come in and price it more aggressively. But as a general rule, Matt, we were in a pretty tight range during the market study process.

Borsch:

We've talked in prior years about tracking the gradually growing interest in the consumer-directed health plan products. Where you would say we stand now? Have you seen the uptake increase meaningfully as a result of all the pressure of the last year? And, you know, if you can offer a little bit of a forecast, do you think that may change going into 2011?

Lewis:

Yes. Surprisingly, we have not seen a significant shift towards the consumer directive

plan. Across the board, it's now an option for most employer groups. And the clients that have offered it for the longest period of time (call it three-plus years) are now exceeding double-digits, but that's the low double-digits for enrollment as an option.

New offerings continue to generate very low enrollments out of the gates with still almost no full replacements at this point. I think the one shift we have seen is a swing towards health reimbursement accounts and away from health savings accounts that more employer-friendly. And employers are doing more to tie their wellness rewards and strategies to their health reimbursements accounts.

So I'd say if you ask about a crystal ball, really the tying of wellness and to focus on improving the health of a population, then consumer health plans tied to an HRA account is where we see this market moving and really the potential for the biggest surge.

Borsch:

Let me just conclude with one last one I want to throw at you here, Steve. This has been tremendous insight that you've brought for us so I want to thank you. On health reform, obviously, this is a huge thing in the background but it's a practical matter, but it doesn't necessarily have that much day-to-day impact on things.

But to what extent is health reform something that the employers are looking at? Are they talking to you about it? Have you got "two cents" on where opinions fall amongst employers about what they would like to see happen relative to what's been presented in Washington?

Lewis:

Yes, we are talking to our clients a lot about it. There is a lot of what I would call academic interest at this stage of the game. They're very mixed in their reaction, quite candidly consistent with what we're seeing in the polling numbers by party lines.

I think most people would acknowledge that there's a need for healthcare reform, employers continue to be very frustrated. So when they look at what the Obama administration and the Democratic Majority state as their goals to increase access and lower cost and rail at what maybe termed oligopolistic behavior of carriers in certain markets, I think employers really buy in to that message and have much of that frustration and anger at our lack of solutions.

But I would also say that many of them still view the legislation and the partisanship coming out of Washington as possibly the medicine worse than the disease. So, many employer groups that we're talking to feel like it would be a shame to lose an opportunity to do something with respect to healthcare reform. But many are starting to feel like maybe nothing is better than something in this current environment.

Borsch:

This is probably a good place to end our call. Steve, thank you very much. This is really a great frontline perspective on industry trends and I want to thank you and your firm Willis, and also thank our investor clients who dialed in.

Lewis:

Thank you, Matt. I appreciate it.

[From the Huffington Post, Mar. 8, 2010]  
GOLDMAN TO PRIVATE INSURERS: NO HEALTH CARE REFORM AT ALL IS BEST

(By Sam Stein)

What's Your Reaction?



A Goldman Sachs analysis of health care legislation has concluded that, as far as the bottom line for insurance companies is concerned, the best thing to do is nothing. A close second would be passing a watered-down version of the Senate Finance Committee's bill.

A study put together by Goldman in mid-October looks at the estimated stock performance of the private insurance industry under four variations of reform legislation. The study focused on the five biggest insurers whose shares are traded on Wall Street: Aetna, UnitedHealth, WellPoint, CIGNA and Humana.

The Senate Finance Committee bill, which Goldman's analysts conclude is the version most likely to survive the legislative process, is described as the "base" scenario. Under that legislation (which did not include a public plan) the earnings per share for the top five insurers would grow an estimated five percent from 2010 through 2019. And yet, the "variance with current valuation"—essentially, what the value of the stock is on the market—is projected to drop four percent.

Things are much worse, Goldman estimates, for legislation that resembles what was considered and (to a certain extent) passed by the House of Representatives. This is, the firm deems, the "bear case" scenario—in which earnings per share for the top five insurers would decline an estimated one percent from 2010 through 2019 and the variance with current valuation is projected to be negative 36 percent.

What the firm sees as the best path forward for the private insurance industry's bottom line is, to be blunt, inaction.

The study's authors advise that if no reform is passed, earnings per share would grow an estimated ten percent from 2010 through 2019, and the value of the stock would rise an estimated 59 percent during that time period.

The next best thing for the insurance industry would be if the legislation passed by the Senate Finance Committee is watered down significantly. Described as a "bull case" scenario—in which there is "moderation of provisions in the current SFC plan" or "changes prior to the major implementation in 2013"—earnings per share for the five biggest insurers would grow an estimated 10 percent and the variance with current valuation would rise an estimated 47 percent.

The report, a Goldman official stressed, was analytic not advocacy-based. Their job was to provide a sober assessment of the market realities facing private insurers under various versions of health care reform.

"If no reform at all happens you would see the largest rise in EPS," a Goldman official acknowledged. "But what we are doing is just analyzing what the stocks would do under different scenarios."

The study does note on the front page that the firm "does and seeks to do business with companies covered in its research reports." Those companies include Aetna, Wells Point and United Health.

In the context of the current health care debate, the findings provide a small window into the concerns that have driven the private insurance industry's opposition to reform legislation. Simply put: health care reform is going to hurt their bottom line. No less a prestigious voice than Goldman Sachs is telling them so.

Some insurers, in the end, will be hit harder than others. CIGNA is the lowest of the big five, for instance, because it does little business providing insurance plans to Medicare patients, individuals and families buying health plans directly, or small employers that offer health plans to their workers.

In addition, some reforms are going to hurt the industry more than others. Regulatory changes—such as prohibiting the prejudice against consumers with pre-existing conditions—will have an impact across the board, as will the funding cuts to Medicare Advantage.

Overall, Goldman calculates the probability of reform passing Congress at 75 percent. Though the limitations of Goldman's political prognostications were on full display earlier in the document:

By mid-late October, we expect a cloture vote (60 votes) to bypass a potential filibuster followed by several weeks of debate over proposed amendments on the Senate floor (with a similar process under way in the House). If both the Senate and House are able to pass legislation (perhaps before the Thanksgiving recess), a House-Senate conference negotiation should produce combined legislation for final approval (perhaps by mid-December).

[From Goldman Sachs, Oct. 19, 2009]

AMERICA'S MANAGED CARE—10 YEARS OF HEALTH REFORM

WE HAVE PUBLISHED A NEW 10-YEAR INDUSTRY MODEL

As we near the final weeks for health reform efforts in Congress, we have published a new, interactive 10 year model to forecast potential impact.

WE NOW FORECAST 2010-2019 EPS GROWTH OF 5% UNDER HEALTH REFORM

Under our "base" case scenario, we forecast core managed care earnings growth would be cut by 50% over the next decade under implementation of the current Senate Finance Committee reform plan. Specifically, we see sector EPS growth at approximately 5% per year under health reform (2010-2019) as compared to 10% EPS growth with no health reform.

We also consider a "bear" case scenario for reform that would drive declining EPS for the sector in aggregate over the next decade. The reform measures that would most negatively impact earnings growth are funding cuts to Medicare Advantage and strict new regulations for the individual and small group business. These would be partly offset by the positive impact of expanded insurance coverage under reform.

UNDER REFORM, 8% EPS GROWTH FOR CIGNA, -2% FOR HUMANA

Under our "base" case scenario for reform, our company-level forecasts for 10 year EPS range from a 2% decline per year for Humana (owing to its Medicare Advantage exposure) to growth of 8% per year for CIGNA and Aetna (owing to their concentration of earnings from larger employers).

NEUTRAL ON MANAGED CARE; CIGNA REMAINS OUR FAVORITE

We remain Neutral on core managed care although our bias is increasingly for sector upside given the 20% fall in valuations over the past 5 weeks. CIGNA remains our favorite with by far the least downside risk exposure to health reform even as the stock trades at a valuation discount to the group. We also recommend UnitedHealth and Health Net (both Buy rated).

RISK-REWARD HAS BECOME MORE FAVORABLE WITH LOWER VALUATIONS

Health reform outcomes: probability, earnings growth and implied return.

	Probability	EPS growth 2010-19E	Expected valuation	Variance w/current valuation
No reform .....				
Reform "bull" case .....	25%	10%	12.5x	59%
Reform "base" case .....	10%	10%	11.5x	47%
Reform "bear" case .....	55%	5%	7.5x	-4%
Probability-weighted .....	10%	-1%	5.0x	-36%
Current sector valuation .....		6%	8.9x	13%
			7.8x	

Source: FactSet, Goldman Sachs Research estimates.

Mr. DURBIN. I yield the floor.  
The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak in morning business for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me respond to a couple of the remarks of my good friend from Illinois. I listen to this all the time, people talking about during the Bush administration, the costs that have gone up, the deficits and all this stuff. I appreciate the fact

that the Senator from Illinois did state that the situation was a little different when President Bush came into office because, of course, 9/11 happened and we ended up in a couple wars. But that is understating the situation.

Right after the Clinton administration—I remember it so well—I was a member of the Senate Armed Services Committee at that time and actually was a member of the House Armed Services Committee when President Clinton first came in. The euphoric attitude everyone had at that time was that the war is over. Remember we

talked about the peace dividend and all this stuff. The war is over and we no longer need to have a strong national defense. That is what they were saying, though they used different words. They started cutting our defense system. I have a chart that shows what happened to—the demise of our ability to defend ourselves during the Clinton administration. We went through the same thing back during the Carter administration. People remember the hollow force at that time.

During the Clinton administration, we started degrading our military. It

was reduced by 40 percent from what it was when he took office during those 8 years. When I say 40 percent reduction, I am talking about end strength, military expenditures. The problem President Bush had when he came into office was not just that two wars broke out, but they broke out when we had a defense system that had been reduced by 40 percent.

The second thing that happened during that time—and this is by admission—I remember Senator Gore had made the statement prior to that that the recession actually started in March of the previous year before the second Bush administration started. It is kind of an interesting thing. People forget that for every 1 percent drop in economic activity, that translates into about \$40 billion of lost revenue. Turning that around, for every 1 percent increase in economic activity, that increases revenues about \$40 billion when that happens.

Of course, we started out with a reduced military, negotiating two wars, and with a recession at the same time. Obviously, that had very adverse effects.

Before I get carried away with the remarks of the Senator from Illinois, that he voted against going into the Iraq war, let me remind my fellow Senators that I happened to have been privileged, right after the first gulf war—that was when Saddam Hussein—all the atrocities had taken place, and we had what we called the first freedom flight. That is when we went back into Kuwait to see what the situation was in Kuwait. It was so close to the end of the war that the Iraqis didn't realize the war was over. They were still fighting. You remember they were burning the oilfields and the wind would shift. All of a sudden, it would be daytime, and it would turn into night. I remember going back there. I was with nine other people. There were some Democrats. Tony Coelho, former whip of the House, was there. Alexander Haig, a man we revere, the man I always thought should have been President, was there. We were watching and looking to see the remnants of the first gulf war.

I had a young girl with me who had fled Kuwait. She was a royalty. She was going back. She wanted to see if a palace on the Persian Gulf was still there. When we got there, we found out that it had been used by Saddam Hussein as one of his headquarters. She wanted to go up in her bedroom. She was 7 years old, and she wanted to see if her animals were still there. They had used her bedroom for a torture chamber. There were body parts stuck to the walls. A little kid had his ears cut off because he was caught carrying an American flag.

I can remember the mass graves. We looked at the mass graves where Saddam Hussein had tortured these people.

When he had them sentenced to death, some begged to be dropped—eased into the acid vats head first so they would die quicker. I mean, this is the type of thing that was taking place. Here is a guy who had actually murdered hundreds of thousands of his own people up in the Kurd area by the most painful way of dying. So to suggest we should not have gone back in to finish him off I think is unacceptable.

Before I finish responding to the comments made by the Senator from Illinois, I would only mention, when he talked about how George W. Bush came into office and he cut taxes for the rich and all that, I recall one time in history—actually, it has happened several times in history; it happened right after World War I—they passed tax increases to support the war and when the war was over, they said, we can now repeal the taxes. They repealed the taxes, and it didn't reduce revenue, it increased revenue. That is something that was kind of forgotten until one of the great Presidents came along, John Kennedy.

During the Great Society days he said we are going to have to have increased revenue to pay for all of these Great Society programs. He said the best way to increase revenue is to decrease marginal rates, so he did. Remember, he dropped them down from I think 90 percent to 70 percent or something like that, and during the next 6 years taxes went down and we had the increase in the revenue, which was phenomenal. The last time I checked, President John Kennedy was a Democrat, not a Republican. So I don't know how they forgot that along the way.

We saw when Reagan came into office, he actually made those dramatic cuts as well. I remember—I am going from memory now—but the amount of money that came in from marginal rates in 1980 when President Reagan took office was \$244 billion. When he left office, it was \$488 billion. It doubled in that period of time, the largest tax reductions in history. Revenues increased when tax reductions went down. Anyway, that all ended when the Clinton administration came in. We all remember the 1993 tax increases, the greatest tax increases in about four decades. That is when they increased them on everything.

The bottom line is, yes, he did cut taxes and that had the effect of increasing revenues. I think when we talk about the deficit, as the Senator from Illinois mentioned, that was inherited by this President, President Obama, we have to remember that the deficits during the Bush administration, if you add them all up, were a little bit more than the deficit in the first year of the Obama administration.

As far as his comments about the \$787 billion stimulus bill, that wouldn't have been that bad of an idea. I opposed it, of course, but it didn't stimu-

late. It had all of this social engineering in there, all of the equal distribution of wealth, yet I tried to add an amendment on there which was cosponsored by Senator BOXER to increase, quadruple the amount of money that went into roads and highways. It didn't work. They defeated it. So it could have had the opportunity to do something.

The last thing I would say about the government-run system is I thought it was interesting when the Senator from Illinois talked about the wonderful opportunities I have and he has in choosing from the private sector good coverages. I think what he is describing is what we have today. I agree with what he said in that respect. But when you talk about a system that is very similar to the Canadian system, all you have to do is go up in the northern part of the United States, go to Mayo Clinic and look at the number of people there who have come down from Canada because they can't get the health care they want in that kind of government-run system. So I would agree with my friend from Alabama when he was talking about describing what we are up against.

That is not why I came to the floor this evening. I have come to introduce a bill.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 3095 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. INHOFE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3430, AS FURTHER MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding its adoption, the Isakson amendment be further modified, with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is further modified by striking the word "ending" on pages 58, 63, and 67 and inserting the word "beginning".

Mr. DURBIN. Mr. President, I ask unanimous consent that at 2 p.m. Wednesday, March 10, the Senate resume consideration of H.R. 4213 and all postcloture time be considered expired, and upon disposition of the pending amendments, no further amendments or motions be in order; the substitute amendment, as amended, be agreed to; that the Senate then proceed to vote on the motion to invoke cloture on

H.R. 4213, as amended, with the mandatory quorum waived; that if cloture is invoked, then all postcloture time be yielded back, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I voted against waving a budget point of order to the Murray/Kerry amendment on the grounds that it is not paid for and contained terrible welfare and Medicare policies.

The Congress cannot keep spending money it does not have. It is unconscionable to put forth an amendment that is not being paid for at a time of exploding deficits to an underlying bill that already has another \$104 billion not paid for.

In addition to adding to the deficit during a fiscal crisis, the underlying Murray/Kerry amendment perpetuates flawed welfare policies that undermine key principles of welfare reform.

The Murray/Kerry amendment perpetuates the fund established in the stimulus bill that, for the first time since the landmark 1996 welfare reform act, rewards States for increasing their welfare caseload and does not require these additional eligible adults to participate in work, education or training activities.

This in turn adds to the current deplorable situation where, according to the latest data we have from the Department of Health and Human Services, the U.S. average for eligible adults receiving welfare doing nothing is 56 percent.

That is right—on average 56 percent of adults receiving welfare are engaged in zero hours of work, training or education activity. Some States have over 70 percent of eligible adults doing nothing.

That is zero hours of job search. Zero hours of education. Zero hours of substance abuse treatment. Zero hours of job training. Zero hours of subsidized work activities.

I bet if you asked the American people—how many adults on welfare should be doing something to qualify for their welfare check—I bet the answer would be: all of them!

I bet if the American people knew that the majority of adults on welfare were doing nothing, they would be as stunned and appalled as I am.

We need to do better by these families. Allowing them to languish in the soul crushing, deep and persistent poverty of welfare is a travesty. The Murray/Kerry amendment does nothing to address the issue that the majority of adults on welfare are not doing anything to get themselves out of poverty.

That makes no sense, Mr. President, and I cannot support it.

Finally, in addition to the misguided welfare policies, I also had reservations about the use of “intelligent assign-

ment” in Part D to pay for this amendment. I fully support efforts to make sure vulnerable populations are in the lowest cost plan that meets their personal health care needs and look forward to continuing to work on this issue in the future. But the Centers for Medicare and Medicaid Services, CMS, and MedPAC commissioners have raised concerns that “intelligent assignment” could lead to increased disruption, higher costs and little overall improvement for beneficiaries.

Therefore, I opposed waving the Budget Act that would have allowed the Murray/Kerry amendment to undermine welfare policy, advance misguided Medicare policy and increase the deficit.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNATIONAL WOMEN'S DAY

Mr. DURBIN. Mr. President, yesterday marked the 100th anniversary of International Women's Day—an occasion that celebrates the many contributions women have made to our communities, societies, and nations. Women have made great progress, but the sad reality is that women around the world are not participating equally in business or politics, are not paid the equivalent of their male counterparts, and are more likely to be denied educational opportunities, property ownership, and other basic rights.

The inequities facing women today represent some of the world's greatest global-development challenges. Investing in women is vital to the world's growth potential. I have introduced two bills this Congress that take important steps towards equity and human rights for women worldwide.

In July 2009, I introduced the Global Resources and Opportunities for Women to Thrive—GROWTH—Act of 2009. The GROWTH Act is designed to reduce these economic inequities in developing countries. By providing women with the economic resources to start and grow their own businesses, the GROWTH Act would create broad educational, legal, and community-based programs that would promote female property ownership and empower women in their communities.

Today, women account for 64 percent of adults who lack basic literacy skills, 70 percent of the hungry, and 56 percent of those subject to forced labor.

Women typically invest 90 percent of their income back into their household compared to only 30 to 40 percent by men. Developing programs that allow

women to increase their education and thrive professionally is good for the family, as well as the woman.

In May 2009, I also introduced the International Protecting Girls by Preventing Child Marriage Act. This bill sets out to strategically eliminate the harmful practice of child marriage overseas. Child marriage poses a direct threat to investments in education for girls overseas, HIV/AIDS prevention, poverty reduction, maternal and child safety, and human rights.

Too often the potential of children and developing women is crushed by early marriage, sometimes occurring when girls are as young as 7 years of age. Child marriage is a direct challenge to guaranteeing equality and basic human rights to children and developing women around the globe.

International Women's Day calls on us to acknowledge the achievements of women, but it is also a reminder of the sometimes immovable barriers women in many countries still face. I commend my colleague Senator SHAHEEN for submitting S. Res. 433 recognizing International Women's Day. This resolution is a testament to the Senate's commitment to the advancement of women worldwide.

Mr. CARDIN. Mr. President, I rise today to express my support for the International Women's Day.

Rooted in the long-term struggle for equality, International Women's Day has been observed since the beginning of the last century, at a time when American women were fighting for basic rights, such as voting or fair employment. We should commemorate the determined and courageous women who have played an extraordinary role in the history of women's rights.

While women have made hard fought and important strides towards equality since then, they continue to face significant obstacles in all aspects of their lives, particularly those living in poverty. Over a billion people worldwide live on a dollar a day or less—and women are most likely to be among them. This is a problem that affects all of humanity—when women are poor, entire communities suffer because they are not free to earn an income, feed their families, or protect themselves and their children from violence. And their efforts are critical to rebuilding countries in peril like Afghanistan and Haiti. Until women around the world have improved access to economic, political and social opportunities, the great challenges we face today will go unresolved.

Indeed, investing in women and girls is one of the most efficient uses of our foreign assistance dollars and best ways to make the world more peaceful and prosperous. Decades of research and experience prove that women are more likely to invest their income in food, clean water, education, and health care for their children, creating

a positive cycle of change that lifts entire families, communities and nations out of poverty. Simply put, when women succeed, we all do.

If we ignore these realities, the results will undoubtedly be negative. The statistics are staggering. A World Bank report confirms that societies that discriminate on the basis of gender pay the cost of greater poverty, slower economic growth, weaker governance, and a lower living standard of their people.

In sub-Saharan Africa, for example, less than 2 out of 10 women have a job with a regular income and lower economic risk. GNP per capita is far lower in countries where females are significantly less well educated than men. Also in sub-Saharan Africa, inequality between men and women in education and employment suppressed annual per capita growth between 1960 and 1992 by 0.8 percentage points per year. This is significant, as a boost of 0.8 percentage points per year would have doubled economic growth over that time period.

But when women's voices are fully included in societies and economies, the reverse is true. According to UNICEF, when women hold decision-making power, "they see to it that their children eat well, receive adequate medical care and finish school. Women who have access to meaningful, income-producing work are more likely to increase their families' standards of living, leading children out of poverty."

The World Bank states that, at the macroeconomic level, there is evidence that removing gender disparities spurs growth. According to one estimate, growth rates in sub-Saharan Africa, South Asia, and the Middle East and North Africa would have been 30–45 percent higher had these regions closed the gender gaps during the school years as fast as East Asia did between 1960 and 1992.

The economic growth that can result from gender equality is exemplified by Eugenia Akuete. Eugenia grew up in Ghana surrounded by poverty and started making products from shea butter because she was looking for a way to earn money to help supplement her family's income. At first the market was difficult—she was only producing a small amount, she lacked necessary business and technical training and it was hard to get the shea butter soaps and lotions to U.S. customers. She eventually received training that focused on women's entrepreneurship.

Now she is earning a steady income and teaching other women to do the same by producing and selling shea butter. She has 10 employees, most of whom are women, who she pays above than the government minimum and going market rate. She also now employs 300 women in northern Ghana who gather nuts for the factory to convert into shea butter. Stressing that

they are all connected to each other, she explained that it is in her best interest that everyone produce the best quality possible—so that all communities benefit.

When asked what she would like to tell Americans, Eugenia said that what women like her need most are tools so that they can help each other and themselves. "Yes, we need help," she said, "[but] we are also responsible to other people so that we'll have a multiplying effect. I don't believe in freebies: part of the package of responsibility is that if you are helped you in turn have the responsibility to help someone else."

As we in Congress and in the administration are moving forward with the vital process to revamp our foreign assistance, we have an opportunity to make women's empowerment a central focus of U.S. foreign policy. With these unprecedented plans as a backdrop, we should remember Eugenia when we are thinking of ways to maximize our foreign aid dollars. Because of the obvious multiplier effect, one of the best ways to do that is to ensure that women are empowered. Women's success always benefits more than one person.

While we should reflect on progress that women have made in pushing for greater rights and equal opportunities, we must be conscious we still have much to do in working towards greater global gender equality. As a member of the Senate Foreign Relations Committee, I am committed to continuing to work with my colleagues to put women at the center of U.S. foreign assistance and to marshal all the resources necessary to achieve this goal.

#### ALASKAN OLYMPIANS

Ms. MURKOWSKI. Mr. President, from February 12 to February 28, Americans were united in cheering on some of our Nation's most elite athletes as they competed at the 22nd Winter Olympics in Vancouver. I commend all of our athletes for their exemplary performance and thank the coaches, the team leaders and the U.S. Olympic staff. With such a talented group of people working together, it is no surprise that the United States won a record breaking 37 medals. Americans watched with an extraordinary sense of pride as our flag was raised and our anthem played, and our fellow countrymen and women competed and won on an international stage. I am especially proud of the seven Alaskans that contributed their talent to their country and competed at these Winter Olympics.

Holly Brooks, the coach turned athlete, participated in her first ever Winter Olympics this year. Holly quickly became a beloved member of the Alaskan community after moving there from Seattle. Her work as a coach at Alaska Pacific University and subse-

quent Olympic success has been an inspiration to many of Alaska's young skiers. I know that Holly received an outpouring of support during her run up to qualifying for the Olympics from many of her fellow athletes and Alaskans led by her husband who made hundreds of "Go Holly" stickers for her supporters to wear. I wish Holly luck in her further competitions and hope that she will continue to be a great role model for the young people of Alaska.

Callan Chythlook-Sifsof is the first Alaska Native to be selected to the U.S. National Ski and Snowboard Team and the first to make an Olympic Team. Growing up in a small rural village on the coast of the Bering Sea, Callan learned to board on the mountains surrounding her home. In 2006, at age 17, she earned a position on the U.S. snowboard team and a bronze medal in her first World Cup Boardercross in Japan. She also received a bronze medal at the start of the 2009 season in the South America Continental Cup. Callan continues to quickly excel and is currently ranked No. 2 in the U.S. and No. 14 in the world in Ladies' Boardercross. I hope she continues to compete for many years to come and hopefully we will see her in 2014 in Sochi.

Jay Hakkinen is a familiar name in Alaska where he has been a professional biathlete for over 13 years and just finished his fourth Winter Olympics. Jay is one of the most accomplished U.S. biathletes in Olympic history and his 10th-place finish in the 20 Kilometer Individual at the 2006 Torino Games previously served as the benchmark for the U.S. in an individual event. Jay has shown his perseverance and persistence throughout his illustrious career as a biathlete. I know this is not the last we have heard of Jay and wish him luck as he finishes out the World Cup season.

Jeremy Teela surpassed Jay's benchmark this Olympic Games with his 9th place finish in the Men's 10 Kilometer Sprint. The 34-year-old biathlete from Anchorage is a three-time consecutive Olympian. However, his service to his country goes beyond his athletic talent as Jeremy is a sergeant in the U.S. Army National Guard. As one of five soldier athletes competing in the Olympics, Jeremy and his other servicemembers remind us of the sacrifices that many young Americans have made in service to their country. Jeremy previously earned the bronze medal in the Men's 20 Kilometer in last year's World Cup and I hope he has similar success this year.

Kikkan Randal, the 27-year-old cross country skier from Anchorage, competed in her third consecutive Winter Olympic Games where she had her best-ever finish in the Women's 30 Kilometer Classic—finishing 24th. A former resident of Salt Lake City, UT, she

moved at an early age to Anchorage with her family. She is also the niece of former Olympic cross country-skiers, Betsy Haines and Chris Haines, and in 2007 she became the first American woman to ever win a cross-country World Cup Title.

During his second consecutive Winter Olympic Games, James Southam competed in three events, including the 50 Kilometer Classic where he achieved a personal best finishing in 28th place. James was born and raised in Anchorage and participates in training along with Holly Brooks and Kikkan Randall at the Alaska Pacific University Ski Center. The APU Ski Center was a vital source of support for these Olympic athletes and kept many Alaskans informed of their progress through their facebook page. James, Holly, and Kikkan are a tremendous inspiration for the other skiers at APU and I look forward to hearing of more of their successes over the years.

Our Olympic Silver medalist Kerry Weiland, from Palmer, is a fierce defender on the ice. Her intensity has earned her the nickname Kamikaze Kerry, because she has the ability to take out two players with one hit. Not only did Kerry's defense help lead the U.S. to a Silver medal, but the U.S. Women's Hockey team outscored their opponents 40-2 leading up to the gold-medal game. Kerry is also a dominant force on the U.S. National Team where she was a member of the 2008 Gold Medal World Championship team. She is also the founder and instructor of the Weiland Hockey Development in Ontario where she teaches young women the fundamentals of hockey, inspiring a new generation of female athletes.

I want to thank again all the U.S. Olympic athletes for all of their hard work and dedication. It is difficult to comprehend the high degree of training and commitment required to compete in the Olympic Games and we have watched in awe as they have inspired us with their achievements. As Alaskans, we are exceptionally proud of these individuals. We regard our athletes as role models in many ways, and the sportsmanship that all our American Olympians displayed during these games exemplified some of our Nation's most important values. Our athletes were humble in victory and gracious in defeat, and made all Americans proud. I thank these individuals for being such great ambassadors for Alaska and for America.

#### STRATEGIC ARMS REDUCTION TREATY

Mr. FEINGOLD. Mr. President, I thank you for the opportunity to speak today in support of our administration's efforts to negotiate a follow-on agreement to the Strategic Arms Reduction Treaty, START. Our negoti-

ating team in Vienna is currently working with the Russian delegation to finalize this agreement, and I look forward to reviewing the treaty when it is submitted to the Senate.

The United States and Russia maintain over 90 percent of the world's approximately 23,000 nuclear weapons. Each of these weapons has the capacity to destroy an entire city; collectively, they can destroy the world. The mere existence of these weapons creates the risk of a nuclear accident, unauthorized use, and theft by a terrorist group. The size and structure of the American and Russian nuclear arsenals reflect an antiquated Cold War mindset that we must move beyond.

It is in the national security interest of the United States to reach an agreement with Russia to reduce the number of nuclear weapons and ensure that strong verification and transparency measures remain in effect. This is the core purpose and focus of the START follow-on agreement.

The START follow-on agreement is an important component of our efforts to work with Russia and other international partners to collectively address the dangers posed by nuclear weapons. These dangers include the vulnerability of nuclear material to theft by terrorists, as well as the risk of nuclear proliferation by other countries.

Ratification of a START follow-on agreement would also be a clear signal that the United States is upholding our obligations under the nonproliferation treaty. It would reaffirm our leadership on nonproliferation issues and demonstrate, as the President has advocated, that we are serious about moving towards a world without nuclear weapons while maintaining a reliable deterrent for so long as it is needed. We cannot afford to miss this opportunity; without a demonstrated effort to fulfilling our nonproliferation responsibilities through a new START agreement, it will be increasingly difficult for the U.S. to secure the international support needed to address the urgent security threats posed by the spread of nuclear weapons.

The Congressional Commission on the Strategic Posture of the United States concluded that "terrorist use of a nuclear weapon against the United States or its friends and allies is more likely than deliberate use by a state." Our priority, therefore, should be to work together with Russia to reduce the size and vulnerability of our nuclear arsenals, and ensure that proper security and surveillance safeguards are in place.

Unfortunately, today Russia continues to possess huge stores of nuclear materials that are inadequately secured and which, if stolen by terrorists, could be used to destroy an American city. The size of our own nuclear arsenal is also unsustainable, both from a

security and cost perspective, and should be tailored to the new 21st century threats we face.

The reductions required by the START follow-on agreement will not adversely affect our national security. The United States could pursue much deeper reductions in the size of our arsenal and still have more weapons that we would ever need. In fact, it is precisely the size of our nuclear arsenal and complex that makes them vulnerable to exploitation by terrorists. There is no longer any compelling national security reason to maintain or expand the size of our nuclear stockpile.

Nor is there any reason to continue to develop new nuclear weapon technologies or warheads. Our brightest experts have concluded that we no longer need new nuclear weapons in order to maintain a credible deterrent. A recent report from the independent JASON Defense Advisory Group concluded that, as a result of our nuclear laboratories' successful life-extension programs, the lifetimes of our nuclear warheads can be extended for decades.

I am encouraged that efforts to negotiate a START follow-on agreement have bipartisan support among national security experts. Notably, the bipartisan Congressional Commission on the Strategic Posture of the United States, headed by former Defense Secretaries William Perry and James Schlesinger, endorsed a follow-on agreement to START. Similarly, Secretary Perry joined with former Senate Armed Services Committee Chairman Sam Nunn and former Secretaries of State Henry Kissinger and George Shultz to pen an op-ed in the Wall Street Journal calling for the extension of the key provisions of START and further reductions in our nuclear stockpile.

In conclusion, I commend the administration for its efforts to reinvigorate the nonproliferation regime by negotiating a follow-on to the START treaty. We must act now to address the spread of nuclear weapons and materials, which is one of the gravest dangers facing the United States. In a time of terrorism and of rising international concern about Iran's nuclear program, international cooperation remains key to preventing the spread of weapons of mass destruction. The START follow-on agreement is an essential step towards that goal, and towards a world without nuclear weapons.

#### HAWAII'S TSUNAMI RESPONSE

Mr. AKAKA. Mr. President, today I would like to commend the people of Hawaii for their quick response to the tsunami caused by the earthquake in Chile.

On Saturday, February 27, 2010, an 8.8 magnitude earthquake off the coast of Chile generated a tsunami throughout

the Pacific. A tsunami warning was issued for Hawaii, the Northern Mariana Islands, American Samoa, and the Marshall and Solomon Islands. Additionally, a tsunami advisory was issued for the west coast of the United States and Alaska.

My staff and I monitored the situation closely, and were in contact with the Federal Emergency Management Agency, FEMA, and the Hawaii State Civil Defense. FEMA was monitoring the situation in Hawaii and the other territories from the FEMA Region IX office in California and Region X office in Washington State. Supplies for any recovery effort in the Pacific are prepositioned in Hawaii at FEMA's Pacific Area Office warehouse, as well as in Guam and American Samoa. I worked to establish and maintain the FEMA Pacific Area Office headquartered in Honolulu in order to protect our isolated island communities. The office has been essential for preparedness efforts in Hawaii and critical for disaster response throughout the Pacific region.

Equally important, the actions of State and local officials and the people of Hawaii have demonstrated the value of citizen and community preparedness. Thanks to the efforts of the people of Hawaii, we were prepared to save lives and avert considerable damage had a large tsunami come ashore. Around 6:00 a.m. on Saturday, tsunami warning sirens sounded in Hawaii, which notified people to evacuate the low-lying areas. The people of Hawaii followed the directions of our local authorities, stayed calm, and evacuated all shorelines.

Hawaii is familiar with the destructive power of tsunamis. In 1960, a 9.5 magnitude earthquake off the coast of Chile generated a tsunami that killed over 60 people in Hawaii. More recently, Hawaii faced a disaster of a different kind, in 1992, when Hurricane Iniki caused billions of dollars in damage.

The Chilean earthquake reminded us that when a disaster occurs, we need to be prepared. Because Hawaii is isolated from the rest of the United States, it is even more critical that we are prepared to take care of ourselves. I want to congratulate the people of Hawaii, as well as Federal, State, and local authorities who successfully prepared for and responded to the tsunami.

While I am thankful for the tsunami's minimal impact on my home State, we cannot forget the tragedy in Chile. My thoughts and prayers are with everyone affected by the earthquake.

#### SATELLITE TELEVISION EXTENSION AND LOCALISM ACT OF 2010

Mr. ROCKEFELLER. Mr. President, I rise today to urge passage of the Satellite Television Extension and Local-

ism Act of 2010, or STELA, as part of the American Workers, State, and Business Relief Act of 2010.

Over the past 15 years, satellite television has grown into a strong competitor to cable by offering consumers in rural as well as urban markets a choice in pay television providers. Where residents once were limited to a single cable operator, satellite providers now offer most consumers an alternative. This has led to price and service competition, which is good for consumers. Congress supported such competition through the passage of the Satellite Home Viewer Act and its progeny, including the Satellite Home Viewer Extension and Reauthorization Act, or SHVERA. And now Congress has the same opportunity with passage of STELA, which reauthorizes and extends certain communications and copyright provisions.

A decade ago, Congress, recognizing that consumers want access to local news, weather, and community-oriented programming, established a mechanism by which satellite providers could offer local broadcast stations to residents in the local market. This means that when a satellite subscriber in Huntington, West Virginia tunes-in to CBS, PBS, ABC, FOX or NBC, they hear about events in the state capital and see the successes and trials of their neighbors—not the weather in Manhattan.

Recognizing the limits of satellite providers at the time, Congress did not require the companies to offer local channels to every market in the country. Over time, this has created a division between haves and have-nots in which satellite companies are not providing local channels to residents in the smallest markets.

In West Virginia, satellite subscribers in the Parkersburg and Wheeling markets cannot receive local channels from either satellite provider. In certain other markets in the State, only one provider offers local channels. Rural consumers deserve better.

That is why I am particularly pleased that STELA provides incentives to provide local service into all 210 markets across the county, which sets the stage for consumers in even the most rural regions to gain access to local news, sports, and community programming.

Another important provision of STELA changes existing law to promote the carriage of high-definition local public broadcasting stations and to make it easier for statewide public television networks, like that in West Virginia and 14 other States, to reach every resident of the States they serve.

As some broadcast television has become coarser and less informative, the importance of the mission and programming provided by public television has grown. STELA makes sure that more satellite subscribers will have access to the compelling programming available on public television.

Passage of STELA provides us with the opportunity to encourage greater competition and access to quality programming to consumers throughout the nation. For this reason, I urge my colleagues to support passage of this important legislation.

#### HEALTH CARE

Mr. ROCKEFELLER. Mr. President, as we move closer than ever to enacting legislation that delivers on the promise of secure and affordable health care across America, it is important to remember what is at stake and whom we are fighting for.

Over the last year, I have told many of my colleagues about the Bord family of West Virginia and their son Samuel who suffered from leukemia.

Stories like the Bords' are a reminder that our work in Congress has a profound and personal impact on millions of lives every day. Each of us brings to this critical work the shared tragic and trying personal experiences of our friends and neighbors back home. They are real: These stories are a picture of people's lives and their pain. And we have an obligation to honor those struggles and sacrifices by working to make things better for everyone. Yet recently, radio host Rush Limbaugh sneered at the Bords' experience, describing it and other stories highlighted during last week's bipartisan health care summit as "sob stories." Always the cynic, he dismissed them entirely, "Can you believe these stories happen in America?" These stories do happen in America—every day. And it is a shame that anyone could hear of this heartbreak and fail to recognize what it says so clearly about the terrible burden our failed health care policies have placed on countless families across this country.

Rich and Amy Bord of Fairmont, WV, are two dedicated schoolteachers with health insurance through their employer. Let me repeat that: They have health insurance. Their 9-year-old son, Samuel, suffered from leukemia, and he needed significant invasive medical therapy. They thought they were covered, only to learn that their policy had a million-dollar lifetime cap. A million dollars sounds like a lot of money—and it is—they surely never would have expected to exceed it. But health care costs are spiraling out of control and the reality is, health insurance companies don't want to cover sick people.

In addition to Samuel, the Bords have two young twin sons at home, and the entire family's health care decisions were impacted by Samuel's bills.

After multiple rounds of chemotherapy and a relapse that required additional treatment for Samuel, the Bords reached their insurance fund's cap. Even with the help of my office

and from the Public Employees Insurance Agency to get supplemental coverage for the Bords, Samuel still needed surgery and lots of additional care. Soon they would be approaching the next cap on their supplemental coverage. So the Bords were left with only heart-wrenching suggestions—consider getting a divorce so that Samuel would qualify for Medicaid or stop taking their other children to the doctor altogether, even if they get sick, in order to save every penny for Samuel. That is right. Get a divorce or choose one child's health care needs over another's. Those are the suggestions our Nation offered to these caring, hard-working parents with a sick child?

They did everything in their power to save Samuel, but this fall, he passed away—and there are simply no words to ease his family's loss and pain.

I understand that, to many, circumstances like these may seem rare. But I cannot tell you how many times, over the many years I have served as U.S. Senator and before that, Governor, that I heard families' desperate pleas for help because their medical needs could not be met.

It breaks my heart to think of what the Bords went through: not only the pain of watching their son fight a terrible disease but also the uncertainty of paying for his treatment when the coverage they counted on—and paid for—would run out. For anyone, especially a public figure, to aggressively question and attack a family's extraordinary personal anguish is deeply offensive and morally reprehensible.

No parents should have to spend the precious, fleeting time they have with their child, struggling to navigate a broken system, worrying how they are going to provide care. And no one, especially a child like Samuel, should be forced to walk such a dangerous tightrope between life and death because he or she lacks meaningful health insurance coverage, because of runaway costs, and caps, and exclusions. Yet that growing and deeply felt insecurity runs like a common thread through our entire health care system.

It is these stories—real stories of real people—and the unbelievable pain behind them and the battle of so many West Virginians that drive me to fight for comprehensive health reform every single day. We must listen to these stories, take them in, and never ever forget them.

#### DIFFICULT ECONOMIC TIMES

Mr. WHITEHOUSE. Mr. President, as I have traveled throughout Rhode Island, I have heard from countless constituents about the sacrifices they have made during these difficult economic times. Many of my constituents have adjusted to the economic climate by cutting back on extras and finding savings where they can.

For seniors living on a limited budget, however, simply cutting back is not an option. I have heard from seniors who have turned off the heat in their homes because oil prices are so high. I have heard from others who are splitting pills and skipping doses because they cannot afford to refill a prescription. These are seniors who have worked hard their whole lives, paid into the system, and believed that they would be able to grow old comfortably. Instead, many are barely scraping by on Social Security benefits that no longer cover their daily living expenses.

Last Wednesday, the Senate had the opportunity to provide some extra help for seniors, veterans, and individuals with disabilities who rely on Social Security. We voted on an amendment offered by Senator SANDERS, which I co-sponsored, that would have provided an extra \$250 payment to Social Security beneficiaries. The payment would have been an extension of the financial assistance I successfully fought for as part of the economic recovery package last year, and these funds would plow right through into our economy to help further stimulate demand and economic recovery. Unfortunately, this year, the amendment failed to receive enough votes for passage.

Although a \$250 payment may not sound like much to some, for those on a limited budget the extra financial assistance provides peace of mind amid skyrocketing health care and prescription drug costs. The payment would provide added relief for the millions of older Americans who, for the first time since 1975, did not receive a cost-of-living adjustment in their Social Security benefits. Without some extra help, these beneficiaries are hard-pressed to make ends meet.

Just ask Jackie, a North Smithfield resident, who has seen her health insurance premiums increase by double digits this past year and the cost of her prescription drugs continue to rise. At a time when every penny counts, Jackie says the winter months are particularly hard for her. When Jackie hears the oil truck drive by, she cringes knowing that the cost of heating her home is another bill she simply cannot afford.

I also heard from Edward, a senior living in Warren, who is worried how he will make ends meet without the increase in his Social Security benefit. In recent months, he is seen his car and home insurance increase by \$200, and other daily living costs, such as heating oil, gas, and groceries, rise significantly. In these tough times, Edward could just use a little help. He writes, "I just don't understand why Congress cannot do something to help seniors at least maintain a status quo."

Linda, a Rhode Islander from Providence, survives on only \$500 a month. Like so many older Americans, Linda

takes multiple prescriptions every day. The out-of-pocket costs for her prescriptions add up, even on Medicare. Between her medical costs, food, heating, and other daily expenses, she can barely make ends meet. Linda would welcome any financial assistance she can get, so that she can save for copayments for visits to the doctor which she knows she will soon need. Linda says she is disappointed that the Senate does not realize how desperately seniors need added financial help.

Like Linda, I am disappointed by the vote this past Wednesday. My colleagues failed to act on an opportunity to help our seniors when they need it the most; at a time when just a little help would go a long way.

For Jackie, Edward, Linda, and seniors across our country facing similar challenges, I will continue fighting to assist older Americans during these difficult economic times. I urge my colleagues join me in standing by our Nation's seniors.

#### NEW HAMPSHIRE OLYMPIANS

Mrs. SHAHEEN. Mr. President, I wish to congratulate the athletes from New Hampshire who represented our country at the Olympic games in Vancouver.

As I watched the games over those 2 exciting weeks in February, I know I joined all Granite Staters in celebrating New Hampshire's enduring tradition of excellence in winter sports.

More than 125 years ago, in 1882, residents of Berlin, NH, formed the first modern ski club in America.

In 1927, the Dartmouth Outing Club organized the first downhill race in the United States at Mount Moosilauke in New Hampshire's White Mountains, where the Outing Club still hikes to this day. The next year, a Dartmouth professor organized the country's first slalom race.

In the 1930s and 1940s, as skiing grew in popularity, J-bars and chairlifts were added at mountains in Europe, in the West and across New England, but none could rival Cannon Mountain's Aerial Tramway in Franconia, which was built by the New Hampshire State Legislature and continues to be the platform from which millions of visitors first see our White Mountain range.

At the 1960 winter games in Squaw Valley, CA, 37 years after that first race in the White Mountains, a 22-year-old from Center Harbor named Penny Pitou became the first American to win an Olympic medal in downhill. The great "Skiing Cochrans" have roots on both sides of the Connecticut River, including Barbara Ann, who won a gold medal in 1972, her brother Bob, and Bob's son Jimmy, who competed in the slalom in Vancouver and grew up in Keene.

There were 12 athletes on the U.S. team in Vancouver who have strong



New Hampshire ties. On the Alpine team, Jimmy Cochran was joined by Leanne Smith from Conway and Bode Miller from Franconia, along with Andrew Weibrecht, an environmental studies major at Dartmouth.

Hillary Knight from Hanover competed in her first Olympics as the youngest member of the U.S. Women's ice hockey team. And from just down the road in Lebanon, Nick Alexander competed in three ski jumping events including the normal hill event, known in the sport as the "NH Individual."

Kris Freeman from Andover competed in his third Olympic games in Nordic skiing. Kris trains at Waterville Valley, alongside Michelle Gorgone and Hannah Kearney, members of the famous Waterville Valley Black & Blue Trail Smashers Club. Snowboarder Scotty Lago from Seabrook went to his first Olympics in Vancouver after years of practice at Waterville and Loon. My husband Billy would want me to mention that he went to Dover High School with Jim Westcott, father of snowboarder Seth Westcott, who won back-to-back golds in snowboard cross.

The New Hampshire medalists at these Vancouver Games were really spectacular. Scotty Lago spoke with such pride about representing Seabrook and all of New Hampshire when he won a bronze medal in the men's halfpipe competition. We are all very proud of Andrew Weibrecht, who won bronze in the Super-G, and Hillary Knight, who took silver with her team.

Of course, the State is still celebrating Bode Miller, who, by winning a gold, silver, and bronze medal on the Whistler slopes, became the most decorated American alpine skier in history.

But I am proud of every Granite Stater who represented our country in these Games. As someone in elected office, I can tell you that not every race goes exactly how you would like. What is important is that each of you has achieved so much through focus and hard work, far away from the spotlight. You represent the best of our State.

Finally, I want to take a moment to recognize Tyler Walker of Franconia and Chris Devlin-Young of Campton, who will be skiing for Team USA later this week at the Vancouver Paralympic games. The Paralympic games continue to shine as an example to the world of what each of us can achieve. Thank you for representing our State and our country. Good luck.

#### ADDITIONAL STATEMENTS

##### MOUNTAIN WEST CONFERENCE CHAMPIONS

• Mr. BINGAMAN. Mr. President, it is with great pleasure that I congratulate the University of New Mexico men's basketball team for achieving a second

straight Mountain West Conference title.

The team's accomplishments include a school record 28 wins, including 10 road wins this season. In addition, their remarkable achievements include 14 consecutive victories and top 10 rankings in both the AP and ESPN/USA Today polls.

Renowned for passionate fans, the University of New Mexico men's basketball team dedication to character and teamwork has brought tremendous pride to the people of New Mexico and offers our country a reflection of this spirit.

I also wish to commend the leadership of senior cocaptain Roman Martinez for his excellence in the classroom and his contributions to the community. As an Academic All-American, Roman exemplifies the true character of a student-athlete. Knowing Roman's dedication to service in the community, it is clear that his role in this most worthy pursuit will be even greater in the years to come.

Along with my fellow New Mexicans, I wish these students much success as they prepare to compete in the Mountain West Conference and NCAA tournaments, and I applaud their achievements.●

##### DR. MIKE LOOPER

• Mrs. LINCOLN. Mr. President, today I congratulate Dr. Mike Looper of Greenwood for being named the Agriculture Research Service National Scientist of the Year for 2009. Dr. Looper, an animal scientist at the Dale Bumpers Small Farm Research Center, is the first Arkansan to receive the Herbert L. Rothbart Outstanding Early Career Research Scientist Award, which goes to the top scientist who has worked for less than 7 years.

I commend Dr. Looper for his research on how improved livestock management can have a positive economic impact on our rural farmers. Through his research efforts, Dr. Looper represents the best of our Arkansas values: hard work, dedication, and perseverance. He also inspires the next generation of Arkansas leaders as an adjunct instructor of biology and physiology at the University of Arkansas.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our Arkansas agriculture community. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

I salute Dr. Looper and the entire Arkansans agriculture community for their hard work and dedication.●

##### RECOGNIZING THE ARKANSAS RED CROSS

• Mrs. LINCOLN. Mr. President, today, during Red Cross Month, I salute the efforts of the Arkansas Red Cross. The men and women who work in support of our local Red Cross chapters are part of a global network that mobilizes during the most devastating of times. They provide comfort and care for those who need it most, whether that need is clothing, shelter, or blood.

The Arkansas Red Cross exemplifies our Arkansas values of humanity, compassion, and a spirit of giving. Many times throughout the years, I have seen the good work of our Arkansas Red Cross first hand. The sacrifice and commitment they make is to be acknowledged and celebrated. On behalf of the people of our State, I thank everyone in the Arkansas Red Cross family, from volunteers to staff members to donors of blood or financial resources.

Since 1943, the President of the United States has proclaimed March as "Red Cross Month." President Franklin D. Roosevelt issued the first Red Cross Month proclamation, recognizing the American Red Cross as a true reflection of the humanitarian and volunteer spirit and calling on Americans to "rededicate themselves to the splendid aims and activities of the Red Cross."

Mr. President, communities depend on the Red Cross in times of need, and the Red Cross depends on the support of the public to achieve its mission.●

##### TRIBUTE TO KEVIN WATTS

• Mrs. LINCOLN. Mr. President, today I congratulate Kevin Watts of McGehee, AR, for being named Ginner of the Year by the Southern Cotton Ginners Association. Kevin is an excellent example of Arkansas's agriculture tradition. After working with his father in a cotton gin, Kevin knew by the time he graduated from high school what he wanted to do with the rest of his life.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. Agriculture is one of the leading U.S. industries in exports, with a trade surplus of \$23 billion in fiscal year 2009. We must work to continue the farm family tradition, so families are able to maintain their livelihoods and continue to help

provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute Kevin and all Arkansas farm families for their hard work and dedication.●

#### REMEMBERING DIANA TILLION

● Ms. MURKOWSKI. Mr. President, today I wish to honor Diana Tillion, of Halibut Cove, AK. I am saddened to report that Diana, a true Alaskan spirit and invaluable public servant, passed away at home, with her family surrounding her, on February 3, 2010, at the age of 81. Diana is remembered by those who knew her as a beloved wife and mother, public servant, teacher, writer, poet, and friend. She is treasured by the people back home as an incredible artist who depicted Alaska's beauty in a unique way. Diana had the ability to create a window through her art—a window into the impressive and untamed landscape of our great State. Any one of her pieces could draw you into that scene and that moment in a meaningful and memorable way.

Alaska is a vast open land full of breathtaking scenery, wild animals, and diverse terrain. It is also a place that is rich in culture. From Alaska's native peoples and the traditions passed down by their ancestors, to the pioneers of the gold rush, to Alaskans who are breaking new ground today—it is not a place for the faint of heart. Alaskans take pride in this, and Diana Tillion undoubtedly understood this sense of pride and shared in it with us.

Diana was born in Paradise, CA on June 1, 1928. She migrated north to the territory of Alaska at the age of 11 in 1939, when her stepfather and mother found work at the Independence Gold Mine outside of Palmer, AK. In 1942 her family moved to Homer, AK. Before graduating from high school in 1948, Diana had already gained attention and praise for her art. In her teens Diana won a juror's choice award for a painting and was paid \$100 a great amount at that time—to paint a mural of Homer in the old Yah Sure Club saloon. She was recognized as a promising artist and began studying art by correspondence, since, at that time, there was no road access to Homer and the lower Kenai Peninsula. As a young woman, Diana left Alaska to study under the prominent artists of the time in New York, London, and Paris.

In 1952, Diana married an Alaskan commercial fisherman and the love of her life, Clem Tillion. Clem proposed to Diana on their first date, and they spent 59 wonderful years together. Clem and Diana built their life together in Halibut Cove, a small scenic community located on the south shore of Kachemak Bay in Prince William Sound—a 6-mile trip by boat from Homer. The Tillions had four children:

William, Marian, Martha, and Vincent. When Alaska celebrated statehood in 1958, Clem became active in the State legislature and served in both the House and Senate. Diana was a key supporter in Clem's political career and successfully moved four children back and forth between Halibut Cove and Juneau when the State legislature was in session. She maintained their education as well as her career in the arts throughout this time. Her son Vincent has said that she "supported [Clem] wholeheartedly in a way many wouldn't be able to do". The special friendship between Clem and Diana Tillion was well recognized among political colleagues and friends in Juneau.

In 1958 Diana discovered a new medium, distinguishing herself as the first and only known artist to paint with octopus ink. A biologist friend helped her perfect the extraction process so that removing the ink caused no harm to the creatures found in the lagoon near her home. Once removed, the ink naturally regenerates. Diana was fascinated by how the color of the ink shifted from animal to animal—from purple to gold to green. She built an art gallery in Halibut Cove that drew many visitors and renowned artists to the small community over several decades. It was said that Diana turned Halibut Cove into an "isolated haven" for Alaska's artists. Diana's work was featured in a solo exhibit at the Anchorage Museum in 1971 and her work was shown across the country. She published six books, served as the vice president of the Alaska Council on the Arts and taught art at Homer Community College for 10 years. Diana influenced many Alaskans through her compassion for art and public service. Her living legacy is apparent today through her work, family, and those who were fortunate enough to have known her.

You can go through life and meet thousands of people, but it is rare to meet someone as exceptional as Diana. She was a pioneer, in the truest sense of the word. A lover of Alaska and the people. Diana painted her last picture just 8 days before she passed away. She is survived by her husband Clem, their four children, grandchildren, and friends. Alaskans back home, myself included, are proud of the legacy that is Diana's life and work. The person she was and the beautiful art she left with us will forever be cherished.

On behalf of the U.S. Senate, I am proud to recognize and thank Diana Rutzebeck Tillion for her passion for life and her family, her originality, and years of giving to her community. I extend my condolences and sincere sympathy on her passing to her family, friends, and students.●

#### TRIBUTE TO CARL TUBBESING

● Mr. VOINOVICH. Mr. President, today I honor Carl Tubbesing, execu-

tive director of the National Conference of State Legislatures, NCSL, on the occasion of his retirement after 35 years of service. Carl's dedication to the ideals of federalism has been steadfast and unwavering during the course of his time at NCSL, and his accomplishments have been many. His tireless commitment to maintaining the balance among Federal, State and local governments undoubtedly has made a positive impact in the lives of many.

I am fortunate to have worked with Carl during my days as chairman of the National Governors Association. Together, we fought to maintain a healthy relationship between Federal and State governments, and to ensure that the folks in Washington adhered to the same ideals of federalism in which we believed.

In 1986, I made a speech as mayor of Cleveland lamenting the fact that while Constitutional federalism was alive in theory, it had died in practice. We have made great progress since I gave that speech more than 20 years ago. The comeback story of federalism and our success in the proper delineation of responsibility from Federal centralization to local control is due, in no small part, to Carl's perseverance and hard work.

Carl's efforts to devolve authority for domestic policy from the Federal to State level paid off, most notably, with the passage of several major pieces of legislation. These include the Unfunded Mandates Reform Act, amendments to the Safe Drinking Water Reform Act, welfare reform, and Medicaid reforms.

It is my privilege to recognize Carl Tubbesing for his diligent commitment to federalism and dedicated service to the National Conference of State Legislatures, and to congratulate him on his well-deserved retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building".

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4984. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Decreased Assessment Rate" (Docket Nos. AMS-FV-09-0063; FV09-956-2 FIR) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4985. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Defense (Personnel and Readiness), received in the Office of the President of the Senate on March 4, 2010; to the Committee on Armed Services.

EC-4986. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Public Affairs), received in the Office of the President of the Senate on March 4, 2010; to the Committee on Armed Services.

EC-4987. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Family Subsistence Supplemental Allowance program; to the Committee on Armed Services.

EC-4988. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (75 FR 7956)" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4989. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (75 FR 7955)" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4990. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of El Salvador" (RIN1505-AC23) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Finance.

EC-4991. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Oregon Chub (*Oregonichthys crameri*)" (RIN1018-AV87) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4992. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Galapagos Petrel and Heinroth's Shearwater as Threatened Throughout Their Ranges" (RIN1018-AW70) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4993. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for 48 Species on Kauai and Designation of Critical Habitat" (RIN1018-AV48) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4994. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the California Red-Legged Frog" (RIN1018-AV90) received in the Office of the President of the Senate on March 8, 2009; to the Committee on Environment and Public Works.

EC-4995. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Permit Renewal Applications and Permit Renewal Submittal" (FRL No. 9125-9) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4996. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Application Review Schedule" (FRL No. 9123-7) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4997. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 9125-3) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4998. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Clean Air Interstate Rule Sulfur Dioxide Trading Program" (FRL No. 9125-2) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-4999. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 9125-6) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5000. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan; San Joaquin Valley Air Pollution Control District" (FRL No. 9123-3) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5001. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction" (FRL No. 9118-7) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Environment and Public Works.

EC-5002. A communication from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the EDA Regulations" (RIN0610-AA64) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Environment and Public Works.

EC-5003. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, (5) five reports relative to vacancies in the Department of State, received in the Office of the President of the Senate on March 4, 2010; to the Committee on Foreign Relations.

EC-5004. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Investing in Innovation Fund" (RIN1855-AA06) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5005. A communication from the Assistant General Counsel of the Division of Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Magnet Schools Assistance Program" (RIN1855-AA07) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5006. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Paracoccus Pigment; Confirmation of Effective Date" (Docket No. FDA-2007-C-00456) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5007. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a

vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5008. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC-5009. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Intelligence and Analysis, Department of Homeland Security, received in the Office of the President of the Senate on March 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5010. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-319, "Clean and Affordable Energy Fiscal Year 2010 Fund Balance Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5011. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-320, "Health Care Facilities Improvement Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5012. A communication from the General Counsel of the Department of Commerce, transmitting the report of proposed legislation containing a series of legislative changes that make certain technical and conforming amendments to trademark and patent law as well as other needed changes; to the Committee on the Judiciary.

EC-5013. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Data Mining Activity in the Department of State; to the Committee on the Judiciary.

EC-5014. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (24); Amdt. No. 3358" (RIN2120-AA65) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5015. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information" (RIN2105-AD67) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5016. A communication from the Deputy Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Commerce Acquisition Regulation" (RIN0605-AA26) received in the Office of the President of the Senate on March 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5017. A communication from the Deputy Chief Financial Officer and Director for

Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties; Adjustments" (RIN0690-AA35) received in the Office of the President of the Senate on March 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5018. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (French Lick, Indiana, and Irvington, Kentucky)" (MB Docket No. 07-296) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5019. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Markham, Ganado, and Victoria, Texas)" (MB Docket No. 07-163) received in the Office of the President of the Senate on March 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5020. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, a report relative to Amtrak's Executive Level 1 salary for 2009; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 649. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission (Rept. No. 111-159).

S. 592. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service (Rept. No. 111-160).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 3089. A bill to require a study and report by the Office of Advocacy of the Small Business Administration regarding the effects of proposed changes in patent law; to the Committee on Small Business and Entrepreneurship.

By Mrs. GILLIBRAND:

S. 3090. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the saver's credit and to make the credit refundable; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Ms. LANDRIEU):

S. 3091. A bill to amend the Immigration and Nationality Act to prohibit the Secretary of Homeland Security from charging a fee for a Certificate of Citizenship for a for-

eign-born child adopted within the United States and for other purposes; to the Committee on the Judiciary.

By Mr. REID:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building"; read the first time.

By Mr. CASEY:

S. 3093. A bill to require semiannual indexing of certain Federal child nutrition programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 3094. A bill to allow individuals to elect to opt out of the Medicare part A benefits; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BARRASSO, and Mr. BURR):

S. 3095. A bill to reduce the deficit by establishing discretionary caps for non-security spending; to the Committee on the Budget.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 448. A resolution reauthorizing the John Heinz Senate Fellowship Program; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. BEGICH, Mr. FEINGOLD, and Ms. MIKULSKI):

S. Res. 449. A resolution celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty; considered and agreed to.

By Mr. REID:

S. Res. 450. A resolution to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 118

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs

of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 968

At the request of Mr. REID, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1737

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1737, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regula-

tions to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1780

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 2888

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2888, a bill to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

S. 2993

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2993, a bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Montana (Mr. TESTER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3059

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3059, a bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN), the Senator from New Mexico (Mr. UDALL), the Senator from Vermont

(Mr. SANDERS), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of non-discrimination on the basis of sexual orientation.

S. 3069

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3069, a bill to amend the American Recovery and Reinvestment Act of 2009 to provide for the preservation and creation of jobs in the United States for projects receiving grants for specified energy property.

S. 3082

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3082, a bill to amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes.

S. CON. RES. 51

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Con. Res. 51, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary.

S. RES. 439

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 439, a resolution recognizing the exemplarily service, devotion to country, and selfless sacrifice of Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe and Special Warfare Operator 1st Class Julio Huertas in capturing Ahmed Hashim Abed, one of the most-wanted terrorists in Iraq, and pledging to continue to support members of the United States Armed Forces serving in harm's way.

AMENDMENT NO. 3351

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 3351 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3356

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3356 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3365

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3365 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3419

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3419 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3434

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 3434 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3439

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 3439 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3440

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3440 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

## AMENDMENT NO. 3447

At the request of Mr. DEMINT, the names of the Senator from Missouri (Mrs. McCASKILL), the Senator from Oklahoma (Mr. COBURN), the Senator from Florida (Mr. LEMIEUX), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3447 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 3089. A bill to require a study and report by the Office of Advocacy of the Small Business Administration regarding the effects of proposed changes in patent law; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to small businesses and independent inventors everywhere—patent reform.

I understand that the Senate Judiciary Committee has been hard at work analyzing what reforms would improve the U.S. patent system. One of these reforms would involve changing the U.S. from a “first to invent” to a “first to file” invention priority system. As Chair of the Senate Committee on Small Business & Entrepreneurship, I want to ensure that Congress’ reform will create a patent regime that will not unduly burden small businesses and independent inventors, but instead, enhance their success as innovators in the U.S. economy.

Small businesses represent 99.7 percent of all employers, employing ½ of the U.S. labor force. These businesses are at the forefront of U.S. innovation and have produced over 80 percent of net new jobs in the U.S. economy over the past decade. At a time when our Nation’s economy is under stress, we need the help of small businesses in creating new jobs and economic opportunities.

Today, we are living in what some call a “Digital Age” with an ever-increasing focus on how to incorporate advanced technology into our day to day activities. When it comes to advanced technology, small businesses are also leading the pack in terms of job growth, producing approximately 40 percent of all high-tech employment nation-wide.

One measurable way of tracking the rate of small business innovation in the U.S. is by analyzing patent statistics. For example, small businesses in the technology sector produce 13 times more patents per employee than large businesses. Additionally, small firm patents outperform those of larger firms in a number of key areas, and tend to be cited more frequently as these patents are more original and more general. These metrics are important indicators of patent value, and indeed small firm patents are tightly linked to growth in the patenting firms.

As you can see, the role that small businesses play as innovators in our economy is critical to our Nation’s overall success as an international high-tech leader. In order to properly track and understand how changes to the U.S. patent system will impact our small innovators, I am introducing the Small Business Patent Data Collection Act of 2010. This legislation will direct the Small Business Administration’s Office of Advocacy to conduct a study

in consultation with the U.S. Patent and Trademark Office to analyze how changes to the current system will impact the ability of small businesses to obtain patents, whether the change would create barriers, and how it will impact the costs and benefits to small businesses overall.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3089

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. STUDY AND REPORT OF PATENT LAW CHANGES.

(a) DEFINITIONS.—In this section—

(1) the term “Chief Counsel” means the Chief Counsel for Advocacy of the Small Business Administration; and

(2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) STUDY.—

(1) IN GENERAL.—The Chief Counsel, in consultation with the Director of the United States Patent and Trademark Office, shall conduct a study of the effects of changing from a first-to-invent to a first-to-file invention priority system under patent law under title 35 of the United States Code.

(2) AREAS OF STUDY.—The study conducted under paragraph (1) shall include examination of the effects of changing from a first-to-invent to a first-to-file invention priority system, including examining—

(A) how the change would affect the ability of small business concerns to obtain patents;

(B) whether the change would create or exacerbate any disadvantage for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns; and

(C) the costs and benefits to small business concerns of the change.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Chief Counsel shall submit to the Committee on Small Business and Entrepreneurship and the Committee on the Judiciary of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report regarding the results of the study under subsection (b).

By Mr. REID:

S. 3092. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the “Joseph A. Ryan Post Office Building”; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. JOSEPH A. RYAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5070



Vegas Valley Drive in Las Vegas, Nevada, shall be known and designated as the "Joseph A. Ryan Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joseph A. Ryan Post Office Building".

By Mr. INHOFE (for himself, Mr. BARRASSO, and Mr. BURR):

S. 3095. A bill to reduce the deficit by establishing discretionary caps for non-security spending; to the Committee on the Budget.

Mr. INHOFE. Mr. President, I come to the floor this evening to announce the introduction of a bill, S. 3095. It is called the Honest Expenditure Limitation Act of 2010. It spells HELP. It is the HELP Act of 2010.

On February 1 of 2010, President Obama released his fiscal year 2011 budget with a funding request of \$3.8 trillion. In it he announced a 3-year freeze on discretionary spending for all nonsecurity-related agencies at the fiscal year 2010 levels, which amounts to a total spending level of \$460 billion each year for those agencies. Nonsecurity spending is defined as all agencies except the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, the Department of State, and one of the national security-related agencies in the Department of Energy. The administration's Office of Management and Budget estimates this initiative will save \$250 billion over the coming decade. Keep in mind, that is \$250 billion from where it started, which I will address in a minute.

On the surface, this proposal gives the President the appearance of being fiscally prudent—something the American people have been demanding of their government, especially in recent months. But when you look closely at the numbers he has presented, it is clear as day why he is able to offer this spending freeze without batting an eye. For one, discretionary spending has increased by 20 percent in 2 years. Secondly, the massive \$787 billion stimulus package provided a substantial spending cushion for nearly every agency, making a spending freeze such as the President's inconsequential.

Let's stop and look at that. We are talking about \$787 billion in a stimulus bill, but we are also talking about having increased from fiscal year 2008 to fiscal year 2010 by 20 percent. So what he is doing here is raising it 20 percent and then freezing it. What he ought to do, if he had to raise it 20 percent, is start bringing it down.

Additionally, this spending freeze proposal does too little to improve the long-term fiscal aspects of our Nation. We all know we stand at the edge of disaster. Doug Elmendorf, who is the Director of the nonpartisan Congressional Budget Office, recently testified

about our Nation's fiscal outlook before Congress and he didn't deliver very good news. I will tell my colleagues what he said. He said that last year our budget deficit was a staggering \$1.4 trillion. Remember, just a minute ago I said if you add up all of the—well, let's say that is actually more than all of the last 6 years of the Bush administration deficits. That amounts to less than the \$1.4 trillion. So he said last year our budget deficit was a staggering \$1.4 trillion, which represented about 10 percent of the total economy. He expects 2010's deficit only slightly lower at \$1.3 trillion or 9.2 percent of GDP.

Looking further out, the average deficit between now and 2020 is forecast to be \$600 billion per year. This is all coming from Elmendorf. This is the CBO we are talking about. Additionally, CBO estimates the amount of debt held by the public will skyrocket to \$15 trillion by 2020. If it sounds like a staggering number, that is because it is. When you consider the amount of interest we will be paying to China and Japan and others, it is embarrassing: \$700 billion each and every year until 2020 and beyond if we do nothing about our rising deficit levels. In other words, if we keep on what we are doing right now with this administration, with the help of the Democratic legislators in both Houses, it is going to be \$700 trillion.

Let's do the math and put that in perspective. If \$700 billion of interest were paid evenly by every household in the United States today, it would amount to more than \$6,000 per household. That is kind of interesting. I always try to do my math. When I was fighting the effort by this administration to have a cap-and-trade bill which would have been somewhere between \$300 billion and \$400 billion, whether you are talking about the McCain-Lieberman cap-and-trade bill of 2003 or the McCain-Lieberman bill of 2005 or the bills of 2008, or later on the Boxer-Sanders bill, or even going back to Kyoto, it is going to cost somewhere between \$300 billion and \$400 billion. I understand when we talk about billions and trillions of dollars what we are really talking about. So I do my math all the time and say, How much is this going to cost my average taxpaying families in my State of Oklahoma? It amounted to \$3,100 a year. This would have been, if they had been successful in passing a cap-and-trade bill—it is all dead now. They are not going to do it. I don't care what Senator LINDSEY GRAHAM and Senator JOHN KERRY say, it is history now. People are not going to pay that kind of thing to get nothing for it.

Back when we were talking about the \$700 billion interest that would be paid every year, that is what is going to happen by 2020 with this administration if we let it continue. That would

cost each tax-paying family in the United States of America \$6,000 per household each and every year after 2020.

Put another way: The entire financial industry bailout—remember the famous bank bailout? I know Republicans were partially responsible for that too. That happened. That vote took place in this Senate on October 1 of 2008. It was back during the Bush administration. It was back when Hank Paulson came in and told everybody that he was going to save our Nation and so Republicans bought into it and many of my good conservative Republican friends voted for a \$700 billion bailout. I did not and a few others didn't, but a vast majority did. That is kind of interesting because that \$700 billion is the same figure we are using right now that it will cost people by the year 2020—just the interest alone. But the \$700 billion that we could spend on interest in 2020 happens each and every year. We don't get anything for it. It is the cost of living having this much debt in the first place.

At this rate, it will become more and more difficult for the government to fund priorities we truly think are important, such as national security and infrastructure spending. For some reason, nobody around here wants to spend money on infrastructure. I know I get criticized. I am considered to be a conservative. I have been rated the No. 1 most conservative Member of the Senate some time ago by the American Conservative Union and just last week by the National Journal. So you are looking at a conservative, but I am a big spender on some things. One is protecting America. That is what we are supposed to be doing around here. The other is infrastructure. We have a crumbling infrastructure system. Look what happened with some of the bridges crumbling down. I guess that was in Minnesota. People died up there. Our infrastructure is crumbling. It is aging. We need to do something about it, but I can't find anyone who wants to spend money on infrastructure. Instead we are spending money on social engineering.

To combat this, several proposals have been recently introduced that I support. In the House, Congressman PENCE and Congressmen HENSARLING introduced a constitutional amendment that would cap the Federal spending at 20 percent of the economy—20 percent of GDP. It is one way of doing this. I think it is a good idea. I am all for it. Additionally, Senator DEMINT introduced an amendment requiring a balanced budget. I am all for that. Some of my colleagues are supporting a year-long earmark moratorium. That is kind of phony. It was reported on Monday that Speaker PELOSI has suggested a year-long earmark moratorium as well. My colleagues need to consider a couple of issues in talking about earmarks.



One, an earmark moratorium does nothing to combat the increasing government spending. In other words, if you have a moratorium on earmarks, it doesn't save a cent. Funding that would have been spent in earmarks will simply be spent by the Obama administration, by their bureaucrats. I suppose it should come as no surprise that Speaker PELOSI supports the Democratic administration fully funding its own priorities.

Secondly, last year's earmarks accounted for only 1.5 percent of discretionary spending—1.5 percent. Where is the focus on the other 98.5 percent? Where is the focus on what I call bureaucratic earmarks? Here is what happens. If you stop earmarks—if you read the Constitution, article I, section 9 of the Constitution, it says what we are supposed to be doing here in the House and in the Senate. We are supposed to be making priorities. We are supposed to be doing the spending, and our Founding Fathers recognize that we do a better job knowing what our needs are in the local communities than the central government does.

If we let the President and the President's budget dictate everything and then we try to make changes within that, people will say, Oh, that is an earmark. Well, wait a minute. If you don't do that, then you are having the unelected bureaucrats in government in the Obama administration do the earmarking. So the President earmarks too. If you don't believe it, look at the Appropriations Conference Report, where the focus is on the vast majority of discretionary spending which is doled out every year by unelected bureaucrats.

I wish more people would understand this, because I find that a lot of the people who hammer and demagog the earmark mantra are the ones who are the biggest spenders and it is a nice way of deviating from your behavior. I think something needs to be done immediately and seriously.

So today I am introducing the HELP Act, as I mentioned. It is called the Honest Expenditure Limitation Program Act of 2010. The bill does three things. One, it places caps on nonsecurity discretionary spending which I define exactly as President Obama's budget does. I do this because I wish to show the similarities between what he said he wants to do and what I want to do. The second thing is it enforces the caps by sequestering any spending above the cap through across-the-board cuts, a process that currently applies to mandatory spending, but not to discretionary. Three, it disallows Congress from evading the sequestration cuts through a 67-vote point of order against any attempt to exempt new spending from this legislation. That is going to make it pretty tough to get through.

Rather than simply freezing the spending as the President wants to do

at the 2010 levels—let's keep in mind, first, he increased discretionary spending for a year by 20 percent, and then he wants to freeze it there.

Instead of doing that for 3 years and then allowing spending to explode again, which is what his proposal does, my bill would actually cut discretionary spending for nonsecurity agencies, the same exemptions he has, back to fiscal year 2008 levels. It is cutting it back by 20 percent of what he tries to do, about \$400 billion a year. Spending would be frozen for 5 years—not 3 years but 5 years, through 2020. Rather than simply freezing spending levels for only 3 years and at an artificially high level, as the President's proposal does, my initiative would hold the Federal Government more accountable for the next 10 years by creating real, meaningful spending cuts and then placing the cap at reduced levels.

The difference in savings between my plan and President Obama's plan is clearly displayed on this chart.

If we look at the chart, the blue bars represent how nonsecurity-related discretionary spending levels will rise over the next 10 years if allowed to increase. This is according to OMB's numbers.

The red line illustrates the impact of Obama's plan and what will happen if spending is allowed to increase following the 3-year freezing on the estimates of OMB, the Office of Management and Budget. They are nonpartisan, by the way, and very accurate. Clearly, the \$250 billion in savings is not substantial when spread over a 10-year period. It really does not tighten the belt at all.

My proposal is represented in the green bars. These are the spending levels. Watch as they go down over the period of time from 2010 to 2020. We phase down spending levels from the high point in 2010 to a more reasonable level between 2011 and 2015 and then stay flat thereafter.

My plan, when compared to the blue bars of doing nothing, will save more than \$880 billion over the next 10 years. Let me say that again. By reducing nonsecurity discretionary spending levels, using the same definition of "nonsecurity" as the President is using, to 2008 levels and then holding them there through 2020, our Nation can save nearly \$1 trillion. When I compare my plan directly with President Obama's, my plan saves \$634 billion more than his.

I have made my estimates using the methodologies of the Office of Management and Budget, and they are probably conservative. First off, if you look at the history of discretionary spending, annual increases are far greater than what they assume they are here. Second, we do not estimate how much we would be saving in interest by not having to borrow the spending we are cutting. Overall, this proposal will likely save much more than the nearly \$1 trillion we estimate.

If we do nothing to curtail skyrocketing government spending or merely freeze it at an artificially high, elevated level for a few years, as the Obama administration is trying to do, we will find ourselves in a tragic situation. The clock is ticking. Congress is going to have to act.

Some of my colleagues will probably attack this proposal because the hardest thing to do around here is cut spending. Without cutting spending, we only leave one alternative, and that is massively raising taxes. That is not what the American people want, and it would harm our economic recovery.

Around these halls, we seem to forget. Most of the Members of the Senate have forgotten the recess last August when they had all the tea parties out there and people were yelling and screaming and people wanted to get involved. People were getting involved in politics who never had been involved before. They were concerned primarily about two issues. At that time, it was government-run health care and cap-and-trade, which would have been the largest tax increase in the history of this country.

Right now, the Obama administration is saying: I don't care what anybody says, we are going to stay with it; we are going to be tough; we are going to have this government-run health care system and bring back cap-and-trade. They have just completely forgotten what happened.

I have to agree with Senator McCONNELL. I hope people remember that all the way through the election because that is going to repeat what I remember in 1994.

Others may charge this proposal will harm the government's ability to help citizens in their time of need. But what is important to realize about this spending reduction is that it will have no impact on mandatory spending programs such as unemployment benefits, Social Security, Medicare, and Medicaid. Those programs are in need of reform, but this bill does not do that. This bill only affects the agencies identified by President Obama as nonsecurity.

My bill, the HELP Act of 2010, would take President Obama's proposed spending freeze and truly make an impact. Rather than merely freezing spending at the inflated 20-percent increase of the 2010 levels, this would bring it back down to 2008. I think this can be done.

I really do believe the American people are going to start getting involved. They have not forgotten. I was giving a speech in Florida. This particular group was actually Club for Growth. Their group is concerned about spending. I told them some of the things we could be doing, some of the things to watch out for. Watch out for those who

say you can have a moratorium on earmarks and somehow affect—if you affected all of that, it would be something like 1.5 percent. My bill affects the other 98.5 percent.

We are going to have to do it right now. If we wait, each month that goes by—as I said, the budget he increased and his deficit was as much as the last 6 entire years of the Bush administration.

This is the HELP Act. It is one that will work, and it is one that has come along at the right time. Now is the time to act.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 448—REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 448

*Resolved,*

##### SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking section 5 and inserting the following:

##### “SEC. 5. FUNDS.

“There are authorized to be appropriated to carry out the provisions of this resolution \$85,000 for each of fiscal years 2005 through 2014.”.

Mr. SPECTER. Mr. President, I have sought recognition to submit a resolution reauthorizing the John Heinz Senate Fellowship Program. This Congressional fellowship program, created in 1992, is a fitting tribute to my late colleague and dear friend, United States Senator John Heinz. Senator Heinz dedicated his life and much of his Congressional career to improving the lives of senior citizens. He believed that Congress has a special responsibility to serve as a guardian for those who cannot protect themselves. This fellowship program, which focuses on aging issues, honors the life and continues the legacy of Senator Heinz.

During his 20 years in the Congress, John Heinz compiled an enviable record of accomplishments. While he was successful in many areas, he built a national reputation for his strong commitment to improving the quality of life of our Nation's elderly. Pennsylvania, with nearly 2 million citizens aged 65 or older—over 15 percent of the population—houses the third largest elderly population nationwide. As John traveled throughout the State, he listened to the concerns of this important constituency and came back to Washington to address their needs through policy and legislation.

Senator Heinz led the fight against age discrimination by championing

legislation to eliminate the requirement that older Americans must retire at age 65, and by ensuring full retirement pay for older workers employed by factories forced to close. During his Chairmanship of the Senate Special Committee on Aging from 1981–1986 and his tenure as Ranking Minority Member from 1987–1991, Senator Heinz used his position to improve health care accessibility and affordability for senior citizens and to reduce fraud and abuse within Federal health care programs. Congress enacted his legislation to provide Medicare recipients a lower cost alternative to fee-for-service medicine, as well as his legislation to add a hospice benefit to the Medicare program.

John also recognized the great need for nursing home reforms. He was successful in passing legislation mandating that safety measures be implemented in nursing homes and ensuring that nursing home residents cannot be bound and tied to their beds or wheelchairs.

The John Heinz Senate Fellowship Program will help continue the efforts of Senator Heinz to give our Nation's elderly the quality of life they deserve. The program encourages the identification and training of new leadership in aging policy by awarding fellowships to qualified candidates to serve in a Senate office or with a Senate Committee. The goal of this program is to advance the development of public policy in issues affecting senior citizens. Administered by the Heinz Family Foundation in conjunction with the Secretary of the Senate, the program allows fellows to bring their firsthand experience in aging issues to the work of Congress. Heinz fellows who are advocates for aging issues spend a year to help us learn about the effects of Federal policies on our elderly citizens, those who are social workers help us find better ways to protect our Nation's elderly from abuse and neglect, and those who are health care providers help us to build a strong health care system that addresses the unique needs of our seniors.

The Heinz fellowship enables us to train new leaders in senior citizen advocacy and aging policy. The fellows return to their respective careers with a new understanding about how to work effectively with government, so they may better fulfill their goals as senior citizen advocates.

The John Heinz Senate Fellowship Program has been a valuable tool for Congress and our communities since its establishment in 1992. The continuation of this vital program will signal a sustained commitment to our nation's elderly. I urge my colleagues to join me in cosponsoring this resolution, and urge its swift adoption.

##### SENATE RESOLUTION 449—CELEBRATING VOLUNTEERS IN SERVICE TO AMERICA ON ITS 45TH ANNIVERSARY AND RECOGNIZING ITS CONTRIBUTION TO THE FIGHT AGAINST POVERTY

Mr. ROCKEFELLER (for himself, Mr. COCHRAN, Mr. BYRD, Mr. BEGICH, Mr. FEINGOLD, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 449

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA's call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citizens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects, and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States; and

Whereas AmeriCorps VISTA members generate more than \$100,000,000 in cash and in-kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

**SENATE RESOLUTION 450—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN**

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 450

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

**COMMITTEE ON ARMED SERVICES:** Mr. Levin (Chairman), Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burriss, Mr. Bingaman, Mr. Kaufman.

**COMMITTEE ON THE BUDGET:** Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS:** Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burriss, Mr. Kaufman.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3448. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3412 submitted by Mr. LAUTENBERG and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3449. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3450. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3397 proposed by Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3451. Mr. BAUCUS proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

**TEXT OF AMENDMENTS**

**SA 3448.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3412 submitted by Mr. LAUTENBERG and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike "section 403(a)" and insert "sections 403(a) and 423(b)".

**SA 3449.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

"With respect to the credit for nonbusiness energy property, windows, doors, and skylights that meet the Environmental Protection Agency's Energy Star standards but that do not meet the standards in the American Recovery and Reinvestment Act shall be eligible for a \$1,000 tax credit.

"With respect to the credit for nonbusiness energy property, windows, doors, and skylights that meet the standards in the American Recovery and Reinvestment Act shall be eligible for a \$1,500 tax credit."

**SA 3450.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3397 proposed by Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 6. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking "unless" and all that follows and inserting "unless—

"(A) such component is equal to or below a U factor of 0.30 and SHGC of 0.30, or

"(B) for a credit allowable under subsection (a) applied by substituting '\$1,000' for '\$1,500' in subsection (b), in the case of—

"(i) any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

"(ii) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

"(iii) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 6. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.**

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of sub-

paragraph (B) and inserting "and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A)."

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SA 3451.** Mr. BAUCUS proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike section 201 and insert the following:

**SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "December 31, 2010";

(B) in the heading for subsection (b)(2), by striking "APRIL 5, 2010" and inserting "DECEMBER 31, 2010"; and

(C) in subsection (b)(3), by striking "September 4, 2010" and inserting "May 31, 2011".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "April 5, 2010" and inserting "December 31, 2010";

(B) in the heading for paragraph (2), by striking "APRIL 5, 2010" and inserting "DECEMBER 31, 2010"; and

(C) in paragraph (3), by striking "October 5, 2010" and inserting "June 30, 2011".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "April 5, 2010" each place it appears and inserting "January 1, 2011"; and

(B) in subsection (c), by striking "September 4, 2010" and inserting "June 1, 2011".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "September 4, 2010" and inserting "May 31, 2011".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking "and" at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and"

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Strike section 211 and insert the following:

**SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.**

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) **RULES RELATING TO 2010 EXTENSION.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) **RULES RELATED TO 2010 EXTENSION.**—

“(A) **ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.**—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) **REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.**—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) **2010 TRANSITION PERIOD.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) **CONSTRUCTION.**—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) **NOTIFICATION.**—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

In section 212, strike “December 31, 2009” and insert “March 31, 2010”.

In section 231, strike “this title” and insert “this Act”.

In section 241(1), strike “March 1, 2010” and insert “March 31, 2010”.

In section 601(1), strike “February 28, 2010” and insert “March 31, 2010”.

In section 601(2), strike “March 1, 2010” and insert “April 1, 2010”.

**NOTICE OF HEARING****COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 17, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Jeffrey Lane, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [Amanda\\_Kelly@energy.senate.gov](mailto:Amanda_Kelly@energy.senate.gov).

For further information, please contact Sam Fowler or Amanda Kelly.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON ARMED SERVICES**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 9, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 9, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 9, 2010, at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “U.S. Preference Programs: Options for Reform.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,

and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “ESEA Reauthorization: The Importance of World-Class K–12 Education for Our Economic Success” on March 9, 2010. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS’ AFFAIRS**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on March 9, 2010. The Committee will meet in room SDG-50 in the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 9, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 9, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**MAJORITY COMMITTEE APPOINTMENTS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 450, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 450) to constitute the majority party’s membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 450) was agreed to, as follows:

S. RES. 450

*Resolved*, That the following shall constitute the majority party’s membership on

the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Byrd, Mr. Liberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burriss, Mr. Bingaman, Mr. Kaufman.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Liberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burriss, Mr. Kaufman.

#### NOMINATION REFERRED

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the nomination of Robert A. Harding to be Assistant Secretary of Homeland Security, received by the Senate on Monday, March 8, be referred to the Senate Committee on Commerce, Science, and Transportation; that upon the reporting out or discharge of the nomination, it then be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 calendar days; that if the Committee on Homeland Security and Governmental Affairs has not reported the nomination at that time, then the committee be discharged and the nomination be placed on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### NORTH AMERICAN WETLANDS CONSERVATION ACT AMENDMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 308, H.R. 3433.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3433) to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3433) was ordered to a third reading, was read the third time, and passed.

#### CELEBRATING VOLUNTEERS IN SERVICE TO AMERICA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 449, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 449) Celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 449) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 449

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA's call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citizens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects, and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States; and

Whereas AmeriCorps VISTA members generate more than \$100,000,000 in cash and in-

kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

#### MEASURE READ THE FIRST TIME—S. 3092

Mr. DURBIN. Mr. President, I understand that S. 3092, introduced earlier today by Senator REID, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3092) to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive, in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building."

Mr. DURBIN. I now ask for the second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

#### ORDERS FOR WEDNESDAY, MARCH 10, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; that following morning business, the Senate resume consideration of H.R. 4213, as provided for under the previous order; and, finally, I ask that time during any adjournment or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, tonight we were able to reach agreement to complete action on the tax extenders legislation tomorrow afternoon. Under the agreement, at approximately 2 p.m.

all postcloture debate time will expire and the question will be on the substitute amendment. Once the substitute amendment is agreed to, the Senate will proceed to a cloture vote on the bill, H.R. 4213. If cloture is invoked, the Senate would then proceed to a vote on passage of the bill, as amended. Therefore, Senators should expect up to three rollcall votes beginning at 2 p.m.

The majority leader would like to begin consideration of the Federal Aviation Administration reauthorization legislation tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:46 p.m., adjourned until Wednesday, March 10, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL ENERGY REGULATORY COMMISSION

CHERYL A. LAFLEUR, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2014, VICE SUEDEEN G. KELLY, TERM EXPIRED.

PHILIP D. MOELLER, OF WASHINGTON, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2015. (RE-APPOINTMENT)

##### NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

LAWRENCE J. PIJEUX, JR., OF ALABAMA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014, VICE A. WILSON GREENE, TERM EXPIRED.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

REAR ADM. CAROL M. POTTENGER  
IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(C) AND 9336(B):

##### To be colonel

CAROLYN ANN MOORE BENYSHEK  
IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be colonel

RONALD J. DYKSTRA  
LOUIS H. JORDAN  
WILLIAM M. KEHRER  
STEPHEN A. TOWN

##### To be lieutenant colonel

SCOTT E. ARMSTRONG  
LARRY D. GLIDEWELL  
DOUGLAS R. LEWIS  
THARNELL M. THOMAS

##### To be major

COOPER D. BOWDEN  
LAURALEE FLANNERY  
JOSEPH G. GOVOCEK  
THOMAS W. HAAS  
COREY W. HARRIS  
CARDELL J. HERVEY  
KRISTOFER S. LABOWSKI  
SEAN M. LAVIGNE  
TIMOTHY J. LEMLEY  
PAUL L. MAHER  
PATRICK L. MALLET  
RICHARD J. NAMETH  
SCOTT C. NAYLOR  
JEFFREY ORTOLI  
CHRISTOPHER R. REID  
MATTHEW W. ROMAN  
JOHN D. SHANNON  
DEIDRA E. SIDDALL  
SCOTT H. SINKULAR  
JAMES L. WILKINSON  
ANTHONY T. WILSON

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

JAMES H. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

ENRIQUE G. MOLINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

SCOTT A. CARPENTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

CHRISTOPHER C. RICHARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

JACOB C. HINZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

STANLEY E. HOVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

RIVKA L. WEISS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

SHAWN M. STEBBINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant commander

HENRY D. LANGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

##### To be lieutenant commander

CHRISTIE M. QUIETMEYER

## HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 2010*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 9, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### HONORING WOMEN OF TOMORROW MENTOR AND SCHOLARSHIP PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to recognize a wonderful organization, the Women of Tomorrow Mentor and Scholarship Program. As a former educator and Florida certified teacher with a doctorate in education from the University of Miami, I know first hand the importance of providing our children every opportunity to succeed. The Women of Tomorrow Program is a local lifeline for at-risk young women. This pioneering program pairs extremely accomplished professional women with small groups of at-risk teenage girls in public high schools for a 4-year mentoring program.

These mentoring women who could be judges, doctors, lawyers, indeed from all walks of life, they are all volunteers who are dedicated to showing teenage girls the possibilities that exist if they stay on the right track.

The Women of Tomorrow Program gives students the hope and inspiration

needed to be successful, productive, active adults. The volunteers build self-confidence, assist the girls in achieving academic success, and help students give back to their community in both a constructive and positive manner.

Founded in 1997 by veteran TV journalist Jennifer Valoppi and Telemundo president Don Browne, Women of Tomorrow is an unrivaled positive and growing force within our south Florida community. Dozens of public high schools throughout south Florida have implemented the Women of Tomorrow Program. These schools allow over 2,000 young women to be helped by this program. And the high school graduation rate of students in the program is nearly 90 percent.

The Women of Tomorrow Program is inspiring at-risk young women to achieve their fullest potential through a strong education. And since 2000, the Women of Tomorrow project has presented \$2.3 million in scholarship value to over 800 graduates of their program for college. The support offered by the volunteers of Women of Tomorrow give these young women the confidence to pursue a college degree, to realize that they can achieve their goals.

The incredible impact this program has had on south Florida in helping countless troubled youth achieve success is truly phenomenal. It is because of the commitment of dedicated volunteers, mentors, and staff at Women of Tomorrow that this innovative program has been such an immense success.

As a proud grandmother of a beautiful baby girl, I know our girls deserve a program like Women of Tomorrow. I look forward to hearing more about all of the future successes of each young woman that is involved in Women of Tomorrow, and congratulate everyone involved for their everyday victory for our children.

I include for the RECORD the wonderful board of directors that guides the Women of Tomorrow Program.

Madam Speaker, at this time I would like to submit for the RECORD the board of directors for the Women of Tomorrow Mentor & Scholarship Program: Jennifer Valoppi, Television Journalist & Author, Founder & President; Don Browne, President, Telemundo Network, Co-Founder & Vice President; The Honorable Katherine Fernandez Rundle, Miami-Dade State Attorney, Founding Mentor & Co-Vice President; Betty Amos, President, The Abkey Companies, Founding Mentor, Board Member & Treasurer; Judge Judith Kreeger, Miami-Dade County Circuit Court, Founding Mentor & Secretary; Jamie Byington, Tax Partner,

Cherry, Bekaert & Holland, L.L.P., Board Member; Donna Feldman, CPA, PA, Mentor & Board Member; Marisa Toccin, President, Linea Luxe Lifestyle, Board Member; Lisa Stewart Hughes, Vice President, Compliance, Telemundo/NBC Universal, Board Member; Dr. Diane Walder, MD, PA, Founding Mentor & Board Member.

### RESTORING AMERICANS' NET WORTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, since it began in 2007, the Great Recession has caused tremendous hardships throughout the Nation. Millions of Americans have lost their jobs, in increasingly larger numbers every month, including 741,000 in January 2009 alone. Our economy contracted an astounding 5.4 percent in the fourth quarter of 2008, and an unbelievable 6.4 percent as this Congress and the Obama administration were taking office in the first quarter of 2009. Foreclosures were skyrocketing, up 81 percent in 2008, with more than 2.3 million homes in default or seized. Our economy was on the brink. Nowhere was that more evident than in the precipitous drop of American households' net worth.

I brought a visual aid today because words alone cannot do this loss justice. From December 2007 through March 2009, Americans lost \$17.5 trillion in net worth. That is trillion with a "t." That is larger than the entire economy of the United States. If we dedicated the entire output of the U.S. economy, every penny spent by every single person, it still would not equal that loss. It represented a loss of \$56,000 for every single person in our country.

I am not talking about the value of a business, or corporate profit. The net worth of American households is their 401(k) and retirement accounts. It is in the value of their children's education fund. It is their emergency savings and nest eggs. It is the equity in their homes, the single largest asset most Americans have. In fact, foreclosed homes have decreased the equity of existing homeowners by \$502 billion alone. American homeowners who always have remained current on their mortgage payments nonetheless have lost more than half a trillion dollars in equity, simply because of those foreclosures. And the broader housing market troubles have only exacerbated that loss.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



This long red line represents that loss. It represents \$17.5 trillion of lost college payments, \$17.5 trillion of delayed retirement, \$17.5 trillion lost from the American dream.

This blue line represents the return to growth for that net worth. One of the very first acts this Congress undertook was to pass the Recovery Act. The economy was in free fall, and Americans were literally losing trillions of dollars. And it worked. The first quarter after we passed the Recovery Act, the economy slipped only 0.7 percent, and by the end of last year it had recovered and grown by 5.9 percent, the largest increase in 6 years.

Housing prices had an unprecedented 22 straight months of decline starting in 2007, leaving more than 20 percent of all homeowners underwater with negative equity. Not only are these homeowners unable to access home equity in case of emergencies, they cannot sell their homes without risking bankruptcy if they need to relocate for their jobs. As a result of our actions through the Recovery Act, and the extension and expansion of the first time home buyers tax credit, and overall mortgage refinancing support, housing prices stabilized. And in December 2009, they grew for the seventh consecutive month. While their value has not fully recovered, the average home sale price increased \$45,000 from January 2009 through January of this year, restoring tens of thousands of dollars in equity to each homeowner.

The stock market, representing the retirement funds, 401(k)s and life savings of so many Americans, has grown almost 60 percent since its March 2009 low. Although there is still a way to go to fully restore the value, the increases have been steady.

The result of these improvements to the American people is the blue line. It is \$5 trillion of value restored to American households. Madam Speaker, I ask you to look at that red line again. The decline was continuous until our interventions. Since our actions, the growth has been continuous.

We are not out of the woods just yet. Households lost value every month for the longest recession since World War II. But we have turned the corner, and Americans today have \$5 trillion more in net worth because of our actions. That is why it is vital to stay the course so we can continue to help every homeowner recover their life savings and restore prosperity to every household.

#### HEALTH CARE REFORM THAT WORKS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, I came to talk about health reform, but would

first note that the gentleman from Virginia fails to mention that the economy began its nose-dive when Democrats took control of Congress in January 2007. For 54 months before that, with a Republican President and Republican control of Congress, the economy was doing very well and growing.

Madam Speaker, the American people have spoken loud and clear: they do not want a government takeover of health care. They want sensible, step by step health care reform that works. But the White House is not listening. Instead, they are proposing expensive new entitlements that will only worsen the Federal Government's finances and North Carolina family budgets. At least there is one thing we agree on: we need to have a bill that will lower the cost of health care in America. But you don't lower the cost of health care in America by creating expensive, new, government-run programs. The best way to lower the cost of health care is by empowering patients, putting patients in charge of their health care, not insurance companies and certainly not the government, is the solution.

While I agree with President Obama that we need to lower the cost of health care, the problem is that his proposals, which are simply retreads of the House and Senate bills, will not really lower costs. They are simply a trillion-dollar expansion of government control.

Lower costs will stem from patients who are empowered in making health care decisions through innovations like expanded health savings accounts and by making sure that the trial lawyers who are driving up the cost of health care with a blizzard of frivolous lawsuits are reined in.

So we should start over. Starting over is the single best way to produce bipartisan legislation that the public can support. We should focus on working step by step to enact commonsense health care reform that will lower costs for families and small businesses and expand access to affordable, high-quality care.

Republicans have been talking about a step-by-step approach for months. This approach would allow individuals to buy health care across State lines, cover people with preexisting conditions, improve access to health savings accounts, as well as enact medical liability reform. The nonpartisan Congressional Budget Office estimates that such a commonsense plan would reduce deficits by \$68 billion and reduce private insurance premiums by up to 10 percent. This is a plan that doesn't grow the government, and it is a plan that reduces cost without a government takeover and without breaking the budget or soaking taxpayers. Madam Speaker, it is a plan that will work for the American people.

#### BORDER SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Arizona (Mrs. KIRKPATRICK) for 5 minutes.

Mrs. KIRKPATRICK of Arizona. Madam Speaker, for too many years the Mexican drug cartels have taken advantage of our unsecured borders, smuggling drugs and people into our country in exchange for the illegal weapons and cash they use to keep their supply routes open.

For too many years, failed policies from the Federal Government allowed these violent gangs to grow and thrive. Politicians in Washington fought each other rather than dealing with the problem. As a result, crime is spilling over into Arizona and throughout the entire Southwest.

While our State, local, and tribal law enforcement do a great job with the resources they have, they cannot do this job alone. Securing our borders is the responsibility of the Federal Government, and the Federal Government has to live up to that responsibility. This government has begun to give this danger the attention it deserves, but there is so much more that has to be done to make up for years of neglect.

I am fighting for the folks in my district who have to live with the consequences of Washington's mistakes, and I am continuing to push for the support that our border agents need. I will not let up. As a part of my efforts, I am happy to announce that I will be touring the Arizona-Mexico border later this week. I will be visiting with our border agents on duty, accompanying them on the job and hearing directly from them about how I can help to address the challenges they face. I am ready and eager for this opportunity to make sure that the voice of our law enforcement on the front lines is heard and not the voice of politicians playing games in Washington.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Wake the world with song. Let the whole day be filled with blessing.

For the Lord of Creation rejoices and is with His people.

May all the peoples of the Earth turn to their Redeemer and seek justice for the most forsaken.

Lord, grant healing to the sick and freedom to the addicted.

May today be a new beginning of goodness and lead to peace.

Such is our prayer and our hope in You, O Lord, both now and forever. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Ms. CHU) laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 5, 2010.

Hon. NANCY PELOSI,  
Speaker of the House,  
Washington, DC.

DEAR MADAM SPEAKER: I write to inform you that as of 5 p.m. Monday, March 8th, I will resign my position as the Federal Representative for the 29th Congressional District.

Sincerely,

ERIC J.J. MASSA,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 5, 2010.

Hon. LORRAINE CORTÉ-VÁQUEZ,  
Secretary of State,  
Albany, NY.

DEAR SECRETARY CORTÉ-VÁQUEZ: I write to inform you that as of 5 p.m. Monday March 8th, I will resign my position as the Federal Representative for the 29th Congressional District.

Sincerely,

ERIC J.J. MASSA,  
Member of Congress.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from

New York (Mr. MASSA), the whole number of the House is 431.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 5, 2010.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 5, 2010 at 3:03 p.m.:

That the Senate passed S. 2961.

That the Senate agreed to without amendment H. Con. Res. 236.

That the Senate agreed to without amendment H. Con. Res. 239.

Appointments: (2)

Board of Directors of the Office of Compliance.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,  
Clerk.

### COMMUNICATION FROM OFFICE MANAGER, THE HONORABLE CAROLYN C. KILPATRICK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Andrea Bragg, Office Manager, the Honorable CAROLYN C. KILPATRICK, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony by the United States District Court for the Eastern District of Michigan.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANDREA BRAGG,  
Office Manager.

### JOINT REAPPOINTMENT OF INDIVIDUALS TO BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

The SPEAKER pro tempore. Pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), as amended by Public Law 111-114, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate their joint reappointment of the following individ-

uals on March 5, 2010, each to a 5-year term on the Board of Directors of the Office of Compliance:

Alan V. Friedman, California  
Susan S. Robfogel, New York  
Barbara Childs Wallace, Mississippi  
and, in addition, their joint designation of:

Barbara L. Camens, Washington, D.C., Chair

### IN MEMORIAM—THE HONORABLE FRANCISCO CASTRO ADA

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Madam Speaker, I rise to pay tribute to a man who served our country and who served the Northern Mariana Islands with great honor and distinction.

The Honorable Francisco Castro Ada passed away on March 2. His state funeral is on Wednesday.

Mr. Ada pulled himself up by his own efforts, but his efforts always pulled up others as well.

He had to go to Guam to get a high school diploma, but he returned home to teach others. He went to Hawaii to earn a college degree, and again, he returned home to help his community.

He served as district administrator for the United Nations Trust Territory of the Pacific Islands, overseeing the Northern Marianas' transition to a Commonwealth of the United States. Then he was elected as our first Lieutenant Governor. Though a public figure, Mr. Ada never lost touch with his family.

His guidance shows that the Ada family is one of our most distinguished—a doctor, lawyers, public servants—each leaders in their own right and, in many ways, Francisco C. Ada's greatest legacy.

### BRITISH MAN DIES OF THIRST IN GOVERNMENT HOSPITAL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the United States broke away from our mother country over 200 years ago. The decision to throw off our royal rulers looks even better today.

England has government-run health care, and it's dangerous to one's health.

Recently, the London Daily Mail reported the story of Kane Gorny:

Kane was a 22-year-old man who had hip replacement surgery under England's government-run health care system. Afterwards, reports say he was neglected by hospital staff. He was not even given his medications. Kane was immobile. He couldn't even get a drink of water on his own. So Kane called the police and begged them to bring him

some water. When the police showed up, they were turned away by hospital staff, who said Kane was a problem patient.

The next day, Kane died of thirst in that government-run hospital in London. The police are investigating.

Madam Speaker, importing government-run health care into America would be unhealthy for everybody. Just ask the family of Kane Gorny, who died of dehydration in that British-run hospital.

And that's just the way it is.

#### RECLAIMING OUR CONSTITUTIONAL RESPONSIBILITY AND OUR RESPONSIBILITY TO THE AMERICAN PEOPLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, in 2001 I joined the House in voting for the authorization for the use of military force.

In nearly 9 years, it has become clear that the authorization for the use of military force is being used *carte blanche* for circumventing Congress' role as a coequal branch of government.

Both the Bush and the Obama administrations have cited that the 2001 authorization of the use of military force is justification for the military escalation in Afghanistan, for holding prisoners indefinitely in Guantanamo or at Bagram Air Force Base, and even for mass domestic spying on U.S. citizens in violation of our most basic constitutional principles.

Tomorrow, the House will consider H. Con. Res. 248, a resolution that would require the President to withdraw U.S. Armed Forces from Afghanistan by December 31, 2010.

As U.S. Armed Forces and our allies begin the first in a series of large military operations in Afghanistan, this House must be heard from. We must reclaim our constitutional responsibility and our responsibility to the American people.

#### EMPOWERMENT

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute.)

Mr. NEUGEBAUER. Madam Speaker, in today's Wall Street Journal, Director of the Congressional Budget Office, Douglas Elmendorf, an appointee of Speaker PELOSI, stated, "The U.S. Federal budget deficit is on a trajectory that poses significant economic risks."

According to Mr. Elmendorf, "the U.S. is entering unfamiliar territory in its level of public debt." In fact, a report by the CBO shows that the President's budget drives debt to an alarming 90 percent of our economy by 2020, making the U.S. public debt load one of the highest.

The Federal Government must rein in its spending, and it must cut costs, just as families and businesses all across the 19th Congressional District are doing.

We have two paths on which to set our compass. We can set our path towards empowerment or we can set our path towards entitlement. One offers opportunity and hope; the other offers uncertainties.

America deserves a choice that gets the budget and the economy back on a sustainable path.

#### THE FIGHT FOR JOBS ON MAIN STREET

(Mr. PERRIELLO asked and was given permission to address the House for 1 minute.)

Mr. PERRIELLO. Madam Speaker, within weeks in my district, we will be upon the summer construction season.

Construction is not a Democrat idea or a Republican idea. It's just something we need to do to rebuild America. In fact, we'd be well on our way if it weren't for the gigantic snowstorms having set back the building season. We have a chance across the aisle, in a short period of time, to address the issue of construction.

For my nieces and nephews, summer may just mean time off from school, but for many of our small businesses around the country, it means a time to gear up. Many have taken losses year after year, quarter after quarter, in the hopes that this year will be the time we can get back on top.

If housing starts are not going to pick up in time, we know we can build other things. We can build infrastructure. We can retrofit existing building stock. These are good jobs that rebuild the competitive advantage of this country.

This town is too paralyzed by partisanship. We have an opportunity to rise above that and to say, We will meet this summer construction season. We will not flirt with a double-dip recession just as we are starting to pull out of it. These are good commonsense ideas that make sense back on Main Street. That's what we need to be fighting for here.

□ 1415

#### SUPPORT SPENDING LIMIT AMENDMENT TO THE CONSTITUTION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, Federal spending is out of control, and the American people know it. Our Nation is facing a fiscal crisis of epic proportions. In the past 5 years, Federal spending has climbed from a historic

average of 20 percent of the American economy to nearly 25 percent today, and it is rising.

According to the Congressional Budget Office, the first 5 months of this fiscal year, the Federal Government ran a deficit of \$655 billion, keeping the country on track for a record \$1.6 trillion deficit this year.

After years of trying to rein in Federal spending under Republican and Democrat administrations, the American people want fiscal discipline and they want new ideas. That is why Congressmen JEB HENSARLING, JOHN CAMPBELL, and I introduced the Spending Limit Amendment to the Constitution of the United States. Under our amendment, absent a declaration of war or a two-thirds vote in the Congress, Congress would be required to adhere to its historic percentage of the economy.

For the last 60 years, we have only taken 20 cents on the American dollar out of this economy. It is time we put that limit in the Constitution of the United States. If we fail to act, our children will be less free, less prosperous, and less secure. It is time for a spending limit amendment to the Constitution of the United States.

#### AMERICANS SAY MEDIA ARE BIASED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, more than seven in ten Americans say that news sources are biased, according to a recent survey by the Pew Research Center. This opinion is consistent across party lines. Eight in ten Republicans say the news is slanted, as do two-thirds of the Democrats and three-quarters of the Independents. Not surprisingly, this is the fifth recent poll that has found Americans don't trust the media.

The reason is simple: On important issues like job creation, government spending, treatment of terrorists, and the Senate reconciliation procedure, the national media present the news from a liberal point of view.

If the media wants to restore Americans' trust, they should report all the facts, not just one side.

#### EDITORIALS ACROSS SOUTH CAROLINA CONDEMN PRESIDENT'S DECISION ON YUCCA MOUNTAIN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the President's recent budget proposal to Congress kills funding for Yucca Mountain. Without a safe and secure location like Yucca Mountain, nuclear energy development in America cannot progress.

Newspaper editorials throughout South Carolina have condemned the President's unilateral move. Last year, the Charleston Post and Courier blasted the President's decision as "breath-takingly irresponsible."

The Aiken Standard from February 17 says that the "president's lack of faith in using Yucca Mountain for nuclear waste sends a mixed signal to Americans."

The Greenville News on February 21 said that "the Obama administration has broken a long-standing Federal promise to deal with the Nation's nuclear waste."

And in the Lexington County Chronicle on March 4, Mark Bellune editorialized, "liberals would stick us with nuclear waste."

I urge Congress and the administration to put politics aside on this issue that has serious implications for America's energy future and national security from terrorist attacks.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### NASA STOPPING DREAMS FROM BECOMING A REALITY

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Madam Speaker, NASA recently announced and unveiled a new interactive computer simulation that allows kids to pretend to be going to the space station, the Moon, Mars and beyond. They said it would excite young people.

Sometimes, though, our new NASA administrators are too shy. What they failed to announce is that also the preliminary design review on Constellation was finished successfully, which means that after exhaustive scientific and technical review, there are no technical issues that can stop Constellation from doing that for which it was designed, to replace the space shuttle with a flight capacity that is 10 times safer than the space shuttle.

You see, Madam Speaker, it is nice to come up with computer games to inspire kids, but it is also cruel to stop the only programs that can make those dreams a reality. There is nothing technically that can stop Constellation from fulfilling its mission, except politics. Thanks, NASA.

#### HONORING U.S. ARMY SPECIALIST ALAN N. DIKCIS

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Madam Speaker, I rise this afternoon to honor a true American hero, U.S. Army Specialist Alan N. Dikcis, a native of Wheatfield, New York. Sadly, on March 5, while serving his second tour of duty, Spe-

cialist Dikcis lost his life when he was struck by a roadside bomb in Afghanistan.

Specialist Dikcis enlisted in the Army shortly after graduating from Niagara-Wheatfield High School in 2006 and had hoped to spend his career serving his country.

He enjoyed spending time outside, whether it was going for a hike or riding on his motorcycle or his four-wheeler, and he enjoyed spending time with those he loved, his family and his friends. As Specialist Dikcis' step-mother recently said, "Alan loved being in the Army. He was proud of his work. He made us proud. He made his daughter proud."

I ask that the House join me in thanking Specialist Dikcis for his honorable service to our great Nation, and I extend our condolences to his family and friends, who had Alan taken from them far too soon.

#### TIME FOR CONGRESS TO LISTEN TO THE AMERICAN PEOPLE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, the 111th Congress is starting its 10th week of this session, and what have we done to help the American family and our small business men and women? Absolutely nothing, Madam Speaker. Absolutely nothing.

We have not passed any legislation that would create jobs, that would lower health care costs, or jump-start our struggling economy. Instead, congressional leaders continue to show their arrogance, ignorance, and incompetence by ramming through job-killing legislation that will increase taxes and increase uncertainty for families and businesses.

Madam Speaker, 15 million Americans are without jobs. Yet Democratic leaders are still forcing their unpopular and unconstitutional health care mandates, and implementing policies that will actually discourage job growth.

The American people want Washington to start over. It is time for congressional leaders to listen to the American people and work on real issues and real solutions.

#### AMERICAN PEOPLE DON'T WANT CURRENT HEALTH CARE BILL

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. Madam Speaker, Democrats are once again rushing to meet an artificial deadline to pass their government takeover of our Nation's health care system, and it is clear that the majority of the American people don't want this bill.

Republicans have been clear about why reforms being proposed should be scrapped. This proposal will increase costs, decrease quality, and decrease access to care for the vast majority of Americans. I can say this unequivocally as a physician and as a Tennessee resident who has experienced TennCare, our State Medicaid program, firsthand. Small businesses that are dealing with the worst recession in decades will have to lay off workers and cut back on wages to deal with the new mandates.

The end result is what we are dealing with in Tennessee right now: rationed care. To meet its budget, the State is limiting TennCare patients to eight visits per year to a physician and \$10,000 paid to providers, no matter what the costs.

While we can't make our State Medicaid program work as is, Democrats in Congress want to expand it. In the end, what is happening in Tennessee will happen to everyone in America, and that is the wrong solution.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Recorded votes on postponed questions will be taken after 6:30 p.m. today.

#### NATIONAL ROBOTICS WEEK

Mr. BAIRD. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1055) supporting the designation of National Robotics Week as an annual event.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1055

Whereas the United States has the largest number of academic and research organizations with dedicated programs focused on the advancement of robotics technology;

Whereas robotics has matured into an all-encompassing and enabling technology that, as a pillar of 21st century American innovation, is positioned to fuel a broad array of next generation products and applications, transform our society, and become as ubiquitous over the next several decades as desktop and mobile computing technology is today;

Whereas the emerging market for service robotics in various sectors, including healthcare, national defense, homeland security, energy, manufacturing, logistics, transportation, agriculture, education, consumer goods, and others, is expected to grow at a compound annual growth rate of nearly 20 percent over the next few years to become a worldwide \$27 billion industry;

Whereas robotics is a critical technology capable in the near term of contributing to the economic recovery by creating new jobs, increasing productivity, improving quality, and increasing worker safety, and equally capable over time of addressing the longer term labor and healthcare issues expected to result from the 40 percent increase in number of the Nation's elderly over the next 20 years;

Whereas robotics technology holds tremendous potential for reducing the cost of healthcare delivery, stimulating the discovery and development of new procedures and treatments for a wide variety of diseases and disorders, improving the standard and accessibility of care, providing individuals with disabilities, especially injured veterans, with greater independence and dignity, and enhancing overall patient health outcomes;

Whereas robotics technology is proving essential to our national defense and homeland security by enabling the ongoing development and fielding of unmanned air, ground, and maritime systems that today help keep our Nation's war-fighters and protectors out of harm's way, and in the long run will serve as a highly effective force multiplier;

Whereas robotics is a key transformative technology that can revolutionize American manufacturing by enabling small and mid-sized companies to cost effectively combine highly skilled workers and highly adaptable, precise, and reliable equipment to create and make high value products in high-stakes industries;

Whereas robotics is rapidly proving to be one of the most effective, compelling, and engaging means for teaching and reinforcing fundamental science, technology, engineering, and mathematics (STEM) concepts as well as inspiring the Nation's youth to pursue STEM-related careers thereby helping to create a highly-skilled, 21st century American workforce;

Whereas America's ability to maintain its leadership position and be both globally competitive and cooperative in a wide range of rapidly emerging markets is being currently challenged by other regions, including the European Union, Korea, and Japan, who have committed to making multi-billion dollar, long-term investments in further developing and commercializing robotics technology;

Whereas there is a strong need to recognize America's leadership in robotics technology, educate the public on robotics technology's broad potential, growing importance, and future impact on American society, underscore the need for increased investment in robotics technology research and development, and inspire the Nation's youth to pursue careers in robotics and other STEM-related fields; and

Whereas the second week in April each year is designated as "National Robotics Week", recognizing the accomplishments of Isaac Asimov, who immigrated to America, taught science, wrote science books for children and adults, first used the term robotics, developed the Three Laws of Robotics, and died in April, 1992: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of National Robotics Week (NRW) as an annual event;

(2) encourages institutions of higher education and companies which utilize robotics technology to hold open houses during NRW to help explain the technology and its applications;

(3) encourages science museums to organize events and demonstrations during NRW

that help to educate and engage the public on the utility, importance, and impact of robotics technology;

(4) encourages schools, clubs, and organizations to hold open houses, organize local competitions, and demonstrate student activities relating to the field of robotics technology;

(5) encourages activities that advance the use of robotics to revolutionize the way fundamental science, technology, engineering, and mathematics (STEM) concepts are taught in the classroom and that highlight the success that robotics competitions organized by groups such as For Inspiration and Recognition of Science and Technology (FIRST) are having at inspiring students to pursue STEM-related careers; and

(6) affirms the growing importance of robotics technology and supports all other efforts to increase national awareness of the technology and its impact on the future of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1055, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1055, a resolution supporting the designation of National Robotics Week as an annual event.

National Robotics Week is observed the second week of April. Its purpose is to celebrate the United States as a leader in robotics technology development, to educate the public about how robotics technology impacts our society, and to inspire students of all ages to pursue careers in robotics and other science, technology, engineering, and mathematics fields.

Robotics technology is an increasingly important technology for United States innovation and competitiveness, helping to create new jobs and increase productivity. It has potentially transformative implications for a broad range of sectors, including health care, national defense, homeland security, energy, manufacturing, transportation, and agriculture.

At the same time, as the United States struggles to maintain a highly skilled STEM workforce, robotics technology has the ability to inspire young people and get them excited about science and technology. It is precisely this kind of enthusiasm that robotics technology and robotics competitions offer to our children that will encour-

age them to consider careers in STEM-related fields.

I particularly want to thank and acknowledge the hard work of Representatives MIKE DOYLE from Pennsylvania and PHIL GINGREY from Georgia for introducing this bipartisan resolution. Representatives DOYLE and GINGREY are the co-chairs of the Congressional Robotics Caucus, and they have made it a priority to educate Members of Congress about robotics technology and the important role that it plays in our competitiveness.

I would urge support of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I rise in support of H. Res. 1055, supporting the goals and ideals of National Robotics Week, and I yield myself such time as I may consume.

National Robotics Week, which annually occurs during the second full week of April, recognizes the transformative role of robotics technology, the ability of robotics to inspire and educate, and the need to underscore education at all levels. This event celebrates the U.S. as a leader in robotics technology, which becomes more prevalent in our lives with each passing year.

The mission of National Robotics Week is to educate the public about the social and cultural impacts of robotics technology and to inspire students of all ages to pursue careers in robotics and other science, technology, engineering, and mathematics-related fields.

Events are scheduled around the country for this purpose. For those who cannot attend in person, the National Robotics Week Web site provides other ways for parents and teachers to get involved.

Affecting numerous sectors of our economy, including national defense, robotics will continue to be an emerging market, with substantial growth expected. As such it is important for us to recognize the many aspects of the specialized field.

Despite the projected growth, the United States is facing a shortage of graduates in STEM-related fields. National Robotics Week is yet another tool to help parents and teachers motivate and inspire our children to learn about the exciting role robotics plays in our everyday world. Somewhere out there, the next Isaac Asimov is receiving inspiration. Perhaps it is at a National Robotics Week event.

Madam Speaker, I reserve the balance of my time.

Mr. BAIRD. Madam Speaker, I would just mention, as my dear friend from Texas pointed out, that anybody who has had the opportunity to visit some of these nationwide competitions and see the enthusiasm of these young people as their robots compete in everything from pushing balls around to try

to score goals in robotic soccer to mock combat, what you really see is people who have really put their hearts and minds into something, an enthusiastic learning experience that, as Mr. HALL pointed out, will really inspire these people to careers in science, technology, engineering, and math.

We need more of these folks, and this legislation helps champion that idea. I again urge its passage.

I have no further requests for time, and I reserve the balance of my time.

Mr. DOYLE. Madam Speaker, I rise today in support of H. Res. 1055, legislation to support the designation of National Robotics Week as an annual event.

I introduced this legislation because the increase in the number of emerging and potential applications for robotics is astounding, and I believe Americans should know more about the important role the field of robotics will play in our national security and economic health in the coming decades.

Robotics has come a long way in the last 20 years, but most Americans still think of real-life robots as confined to the assembly line. Nothing could be further from the truth.

Recently, we've seen advanced next-generation robotics playing an important role in our military for our national defense. Unmanned aerial vehicles today provide life-saving reconnaissance support for our troops in Iraq and Afghanistan, and the rocket-armed Predator UAV is reportedly the most effective tool we have for attacking the Al-Qaeda and Taliban leadership and infrastructure. In addition, our troops in Iraq and Afghanistan have benefited greatly from the development and deployment of mobile robots that detect and disarm IEDs—the improvised explosive devices that have posed the greatest threat to our troops on the ground in those countries.

Robotics is growing in economic importance as well. Robots are now being used to perform surgeries, fill prescriptions, and deliver supplies and materials, in addition to the role they've filled for many years working on the assembly line. The Robotics Industry Association estimates that nearly 200,000 robots are now used in the United States, and it's estimated that more than one million robots are being used worldwide. Even during the current economic downturn, orders for robotic technology in the pharmaceutical, biomedical, and food and consumer goods sectors rose significantly.

The emerging market for robotics in various sectors, including health care, national defense, homeland security, energy, manufacturing, logistics, transportation, agriculture, education, and consumer goods, is expected to grow at an annual rate of nearly 20 percent over the next few years to become a \$27 billion industry worldwide, and one new study predicts that the personal robotics market for products like the Aibo, the iRobot, the Looj, and the Roomba will be worth \$15 billion by 2015.

It's clear to me that robotics technology will drive much of the growth in the world economy in the coming decades, much as computer technology did over the last 30 years, and I want America to be the world leader in this exciting technology.

I'm proud to note that the Congressional District I have the honor of representing is already a world leader in researching and developing robotics technology. In 1999, in fact, the Wall Street Journal nicknamed Pittsburgh "Roboburgh."

Carnegie Mellon University has been leading the world in integrating robotic technologies into everyday life for over 30 years. Carnegie Mellon's Robotics Institute has nearly 350 full and part-time employees conducting research in a number of robotics-related fields, including space robotics, medical robotics, computer vision, and artificial intelligence, to name a few. All told, the Robotics Institute has about 100 research projects and an annual research budget of \$55 million. Current projects include a lunar prospector robot for NASA and two USDA programs applying robotic technologies to agricultural production.

Pittsburgh is home to first generation companies like Bombardier Transportation and McKesson; and second generation companies such as RedZone, Seegrid, Aethon and RE Squared.

Pittsburgh is also the long-time home of one of the giants of the robotics industry, Red Whitaker, distinguished professor of robotics at Carnegie Mellon University and the leader of the CMU team that won the 2007 DARPA Grand Challenge, a cross-country long-distance race for robotic cars.

At the state-level, Pennsylvania has a total of 45 robotics companies with over 2,000 employees. Nationwide, the figures are even larger and growing dramatically. That is why the Congressional Robotics Caucus was established—and why we're discussing National Robotics Week here today.

National Robotics Week is the brainchild of a number of universities and companies working to promote the development and adoption of robotics technology. The consortium works closely with the House Robotics Caucus, which Representative GINGREY and I have the honor of co-chairing.

The Robotics Caucus focuses on key issues facing the nation's traditional industrial robotics industry and, perhaps even more importantly, those issues critical to newly forming companies, markets, and industries based on advances in technology that enable robots to perform functions beyond traditional assembly line tasks and operate in environments beyond the factory floor. Our goals include: Increasing general awareness of robotics industry challenges and issues among Members of Congress and policy analysts in federal government; educating Members of Congress and congressional staff on current and future research, development, and utilization initiatives regarding robotics; serving as a forum where robotics-related policy issues can be exchanged, debated, and discussed; and ensuring that our nation remains globally competitive as the robotics industry rapidly expands and begins to exert a profound effect on the way our citizens live their lives.

Representative WAMP and I established the Caucus in 2007. Today, the Caucus has over 30 members from across the country.

About a year ago, the group of universities and businesses that serve on the advisory committee for the Robotics Caucus completed a national "road map" to promote robotics technology.

One of the steps contained in the road map was to raise public awareness of the potential robotics holds for our nation's growth in the coming years and encourage young people to pursue science, technology, engineering, and math educations essential for maintaining U.S. leadership in this important field. The road map identified the establishment of an annual national robotics week as a good way to help achieve that goal. The week of April 10th to 18th this year will be the first of these annual events to raise national awareness of robotics technology and its potential impact on the future of the Nation.

Over the course of that week, robotics companies, museums, schools, and universities will hold events to educate the public and get young people interested in pursuing careers in fields associated with robotics. In Pittsburgh, for example, Carnegie Mellon University and the Carnegie Science Center will be holding open houses and other events for the public, and there will be a demonstration of an unmanned helicopter by SkEyes Unlimited, a local robotics company.

I introduced H. Res. 1055 earlier this year to recognize the observation of National Robotics Week. It's my hope that this Congressional resolution will help give National Robotics Week—and the important goals it seeks to promote—a higher profile.

I urge my colleagues to support this important legislation.

Mr. GINGREY of Georgia. Madam Speaker, I rise in strong support of H. Res. 1055, a resolution supporting the designation of the 2nd week of April as National Robotics Week. As co-chair of the Congressional Robotics Caucus and lead Republican sponsor of this resolution, I would like to commend my colleague from Pennsylvania, Mr. DOYLE, for his leadership in robotics and as the chief author of this legislation.

Science, technology, engineering, and mathematics, STEM, education is instrumental to our ability to stay at the cutting edge of the global economy. Yet, the United States is falling behind the rest of the world in the number of students that are graduating from STEM fields.

Madam Speaker, according to a 2006 Association of American Universities study, 50 percent of students in China receive their undergraduate degrees in natural science or engineering; in Singapore, that number is 67 percent, and 38 percent of South Korea's graduates fall into these fields. Unfortunately, the United States is lagging behind with a staggering 15 percent of graduates in natural science or engineering.

H. Res. 1055 reflects the support and understanding that the promotion of robotics will help inspire current and future students to pursue careers in robotics and other various STEM-related fields. In addition to simply supporting the designation of National Robotics Week, this resolution encourages schools, universities, and other robotics companies to use that week as a way to demonstrate the impressive and ongoing technological advancements in the field of robotics.

Madam Speaker, as a graduate of Georgia Tech with a degree in chemistry, STEM education is an issue that is near and dear to me, and I am very happy to see this body consider

a resolution that supports National Robotics Week. Robotics technology gives students a "hands on" learning experience and can provide them with the tools to keep them engaged in STEM fields with the hope that those students will pursue higher education opportunities and careers in those cutting edge fields.

I urge all of my colleagues to support H. Res. 1055.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1055, "Supporting the designation of National Robotics Week as an annual event," introduced by my distinguished colleague from Pennsylvania, Representative DOYLE.

Robotics was a term first used by Isaac Asimov, who immigrated to America, wrote science books for children and adults and developed the Three Laws of Robotics. Robotics is rapidly proving to be one of the more effective, compelling, and engaging means for teaching and reinforcing fundamental science, technology, engineering, and mathematics, STEM, concepts. It is also a major vehicle for influencing the Nation's youth to pursue STEM-related careers, which is helping to create a highly-skilled 21st century workforce. Robotics is a key transformative technology that can revolutionize American manufacturing by enabling small and mid-sized companies to cost effectively combine highly skilled workers and highly adaptable, precise, and reliable equipment to create and make high value products in high-stakes industries.

Robotics technology is essential to our national defense and homeland security in that it enables the ongoing development and fielding of unmanned air, ground, and maritime systems that today keep our Nation's war-fighters and protectors out of harm's way, and in the long run will serve as a highly effective force multiplier. Robotics technology holds tremendous potential for reducing the cost of health care delivery, stimulating the discovery and development of new procedures and treatments for a variety of diseases and disorders, improving the standard and accessibility of care, providing individuals with disabilities, especially injured veterans, with greater independence and dignity, thus enhancing overall patient outcomes. Robotics is a critical technology capable in the near term of contributing to the economic recovery by creating new jobs, increasing productivity, improving quality, and increasing worker safety.

The emerging market for service robotics in various sectors, including health care, national defense, homeland security, energy, manufacturing, logistics, transportation, agriculture, education, consumer goods, and others, is expected to grow at a compound annual growth rate of nearly 20 percent over the next few years, to become a worldwide \$27 billion industry. Robotics has matured into an all-encompassing and enabling technology that, as a pillar of 21st century American innovation, is positioned to fuel a broad array of next generation products and applications, transform our society and become as ubiquitous over the next several decades as desktop and mobile computing technology today. The United States has the largest number of academic and research organizations with dedicated programs focused on the advancement of robotics technology.

I believe that supporting the designation of National Robotics Week, NRW, as an annual event will encourage all institutions of higher education and companies which utilize robotics technology to hold open houses during NRW to help explain the technology and its related applications. The week will allow schools, clubs, and organizations to organize local competitions, and demonstrate student activities relating to the field of robotics technology, and provide science museums the opportunity to organize demonstrations that help educate and engage the public. NRW will ultimately increase the national awareness of this particular type of technology and its impact on the future of the Nation. The way that fundamental STEM-concepts are taught in the classroom and how they highlight the success that robotics competitions are organized by groups such as For Inspiration and Recognition of Science and Technology, or FIRST, are inspiring students to pursue STEM-related careers.

□ 1430

Mr. HALL of Texas. I yield back the balance of my time.

Mr. BAIRD. I would urge passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1055.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING WINNERS OF NOBEL PRIZE IN PHYSICS

Mr. BAIRD. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1069) congratulating Willard S. Boyle and George E. Smith for being awarded the Nobel Prize in physics.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1069

Whereas breakthroughs in scientific research are the building blocks of a productive, competitive, and healthy society;

Whereas the Nobel Prize is a prestigious international award administered annually by the Nobel Foundation in Stockholm, Sweden, and has since 1901 recognized the world's most outstanding achievements in physics;

Whereas, on December 10, 2009, in Stockholm, Sweden, Willard S. Boyle and George E. Smith from Bell Laboratories in Murray Hill, New Jersey, were awarded the Nobel prize for physics for their invention of an imaging semiconductor circuit, the charge-coupled device (CCD), in addition to Charles K. Kao from Standard Telecommunication Laboratories in Harlow, United Kingdom, and the Chinese University of Hong Kong in Hong Kong, China, for his work concerning the transmission of light in fibers for optical communication;

Whereas Bell Laboratories in Murray Hill, New Jersey, is an internationally renowned research organization founded in 1925 by the American Telephone & Telegraph company (AT&T);

Whereas a total of seven Nobel Prizes for physics have been awarded for work completed at Bell Laboratories;

Whereas work at Bell Laboratories has led to the invention or advancement of such groundbreaking technologies as the transistor, photovoltaic cells, the laser, the UNIX operating system, and the CCD sensor;

Whereas scientific leadership in the United States is made possible by robust investments in scientific research programs in both the public and private sectors;

Whereas continued support of science research programs is indispensable to maintaining the Nation's position as the global leader in technology and innovation; and

Whereas the accomplishments of these scientists are significant achievements in the field of scientific research and further promote the United States among the world leaders in science: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates Willard S. Boyle and George E. Smith for being awarded the Nobel Prize in physics; and

(2) recognizes Bell Laboratories in Murray Hill, New Jersey, as a contributor to leadership in scientific research and innovation in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1069, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Madam Speaker, I yield myself such time as I may consume.

I am very pleased today to be honoring the two Nobel Prize-winning physicists on their remarkable achievement. Willard S. Boyle and George E. Smith, of Bell Labs, were recipients of the 2009 Nobel Prize in physics, along with Dr. Charles K. Kao. Drs. Boyle and Smith won the prize for their invention of an imaging semiconductor circuit, the charge-coupled device, or CCD. If this sounds familiar, it may be because it is the device that makes digital cameras work. The digital camera is already ubiquitous in consumer usage, but people may not realize the device also has been instrumental to scientific endeavors as well. The field of astronomy was revolutionized by the integration of these devices into telescopes to capture details of the cosmos in even greater detail. CCDs have also greatly aided our ability to look inward at the tiniest particles



with their adaptation into microscopes.

Today, we also honor Bell Laboratories of Murray Hill, New Jersey. Bell Labs is a renowned research organization whose name is synonymous with innovation. In addition to CCDs, work at Bell Labs has led to the development of the transistor, photovoltaic cells, the laser, and the UNIX operating system. For all of these accomplishments, a total of seven Nobel Prizes for physics have been awarded for the work done at Bell Labs.

I want to thank the sponsor of this resolution, Mr. LANCE of New Jersey, for recognizing these great scientific achievements. It's vitally important as we work to try and maintain America's competitiveness in the global economy that we celebrate scientific achievement and encourage young people to pursue careers in technical fields. We are quick in this body to recognize sports accomplishments. It is only fitting that we also recognize intellectual accomplishments of this caliber, particularly when they have such a dramatic impact on all of our lives. If we want as a society to do better in these areas of endeavor, it only makes sense for Congress to recognize great intellectual achievement when it happens; and these gentlemen are certainly deserving of that recognition.

So, once again, I want to thank my colleagues, and I urge passage.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1069, which honors and congratulates Willard S. Boyle and George E. Smith for receiving the Nobel Prize in physics on December 10, 2009, for their invention of the imaging semiconductor circuit, the charge-coupled device, or CCD. This accomplishment, achieved by Willard S. Boyle and George E. Smith while working at Bell Laboratories, has greatly influenced the way human beings view the world.

The invention of the charge-coupled device allows for the direct capture of images electronically rather than on the basis of film. The CCD has given the power of instantaneous imagery to people worldwide. This image-capturing device is not only more efficient but also is more accurate than conventional photography. It has allowed for the development of high-resolution picture-making and has helped create the ability to process and to develop photographs in a real-time setting.

Their design has gone on to be the core of every digital camera, camcorder, and telescope in existence today. In addition, CCD is used in various surgical cameras, as well as in cameras used by NASA. They have enabled millions of people worldwide to capture images sharply and effectively.

It's with great appreciation that we recognize these men today for their ac-

complishments and for their achievement in winning the 2009 Nobel Prize in physics. I encourage my colleagues to join me in support of this resolution.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I thank the gentleman from Texas and the gentleman from Washington.

I rise today to recognize Willard S. Boyle and George E. Smith from Bell Laboratories in Murray Hill, New Jersey, in my congressional district. Drs. Boyle and Smith, along with Charles Kao of Standard Telecommunications Laboratories and the Chinese University of Hong Kong, were awarded the Nobel Prize for physics for the invention of the charge-coupled device, an imaging semiconductor circuit.

The work of Drs. Boyle and Smith represents a breakthrough in telecommunications that may bring about revolutionary changes in the near future. Their significant achievements have helped advance the United States as the world leader in scientific research and development.

It should come as no surprise that their work was completed at Bell Laboratories. Founded in 1925 by the American Telephone and Telegraph Company, Bell Laboratories is an internationally renowned research organization. Work at Bell Labs has led to the invention or advancement of such groundbreaking technologies as the transistor, photovoltaic cells, the laser, the UNIX operating system, and the CCD sensor. In fact, seven Nobel Prizes for physics have been awarded for research conducted at Bell Labs.

I'm very proud to commend Drs. Boyle and Smith on winning the Nobel Prize in physics and in sharing their scientific achievements with colleagues in Congress, with Garden State residents, and indeed with the American people. I also thank my colleague, Congressman RUSH HOLT, also from New Jersey, for his efforts to recognize this remarkable achievement and recognizing Bell Labs.

Mr. BAIRD. I want to, again, commend Mr. LANCE from New Jersey and my colleague and friend, Dr. RUSH HOLT, for his leadership on this, an absolutely fitting acknowledgment.

I again urge passage, and I reserve the balance of my time.

Mr. HALL of Texas. I congratulate Mr. BAIRD for his leadership.

Having no further requests for time, I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I rise in support of H. Res. 1069, congratulating Willard S. Boyle and George E. Smith for being awarded the 2009 Nobel Prize in physics. These two scientists invented the charge-coupled device, or CCD, while working at Bell Laboratories in Murray Hill, New Jersey. The development of the CCD was a breakthrough in electronic image sensing that led to today's digital cameras and other recording devices. CCDs are

now integral components of modern laboratory instruments and medical sensors. The field of astronomy, in particular, benefitted from the invention of the CCD: the Hubble space telescope, the Kepler satellite, and other major astronomical instruments rely on CCDs for their spectacular images. Myself, I have used CCD detectors in physics research. I am deeply pleased that the Nobel Committee chose to reward these researchers' transformative contribution.

It is worth noting that Drs. Boyle and Smith set out to create a new tool for electronic memory, not a new imaging device. The dramatic success of their design is a reminder that research and development is a non-linear process. New products often spring from unexpected discoveries or develop from innovations that were originally intended for a different purpose. That is why our future economic success is inextricably linked to a robust, sustained federal investment in basic scientific research and a true commitment to a healthy national innovation infrastructure.

The creativity and inventiveness of Willard Boyle and George Smith were nurtured in the Bell Labs of the 1960s. That environment was responsible, in large part, for the seven Nobel Prizes that have been awarded for work carried out at Bell Labs over the years. The freedom to pursue science to unpredicted ends was a pillar of our research and development system for decades. Yet this opportunity is far too rare in today's public and private research institutions, and American competitiveness is not a given. A recent study by the Information Technology and Innovation Foundation ranked the United States last among forty nations and regions in terms of national improvement in international competitiveness and innovation capacity over the last decade.

With that in mind, we should remember that a Nobel Prize is a lagging indicator of success. It can take decades for the importance of a scientific discovery to be fully understood. As we applaud Willard Boyle and George Smith, we should not forget that the work for which the Nobel Committee honored them in 2009 was completed 40 years earlier—in 1969. Perhaps the best tribute to their legacy—and the best way to ensure our collective success—is to make certain that the scientists and researchers working today in our universities and laboratories have the resources they need today to bring home the Nobel Prizes of 2050.

Mr. BAIRD. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1069.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BAIRD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

# CONGRATULATING WINNERS OF NATIONAL MEDAL OF TECHNOLOGY AND INNOVATION

Mr. BAIRD. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 935) honoring John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation for receiving the 2008 National Medal of Technology and Innovation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 935

Whereas the National Medal of Technology and Innovation (formerly known as the National Medal of Technology) is the highest honor for technological achievement bestowed by the President on leading innovators in the United States;

Whereas the purpose of the National Medal of Technology and Innovation is to recognize individuals, teams, and companies that have made lasting and substantial contributions to the United States' competitiveness and to strengthening the Nation's technological workforce through—

(1) the development and commercialization of technological products, processes, and concepts,

(2) technological innovation, and

(3) development of the Nation's technological manpower;

Whereas by highlighting the national importance of technological innovation, the National Medal of Technology and Innovation seeks to inspire future generations in the United States to prepare for and pursue technical careers to keep the United States at the forefront of global technology and economic leadership;

Whereas, on September 17, 2009, the President named John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation as the recipients of the 2008 National Medal of Technology and Innovation;

Whereas Dr. John E. Warnock and Dr. Charles M. Geschke, both of San Jose, California, pioneered technological innovations that were central to spurring the revolution in desktop publishing, which had an immense and significant role in changing the way people create and engage with information and entertainment across multiple mediums including print, video, and the Internet; and

Whereas Forrest M. Bird of Sandpoint, Idaho, invented pioneering technologies in cardiopulmonary medicine (including the medical respirator), devices that helped launch modern-day medical evacuation capabilities, and intrapulmonary percussive ventilation ("IPV") technologies, which have saved the lives of millions of patients with chronic obstructive pulmonary disease and other conditions;

Whereas Dr. Esther Sans Takeuchi of Buffalo, New York, developed the silver vanadium oxide battery that powers the majority of the world's lifesaving implantable cardiac defibrillators, and other medical battery technologies that improve the health and quality of life of millions of people; and

Whereas IBM Corporation of Yorktown Heights, New York, created the Blue Gene

supercomputer and its systems architecture, design, and software, which have delivered fundamental new science, unsurpassed speed, and unparalleled energy efficiency, and have had a profound impact worldwide on the high-performance computing industry: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes and honors the innovative technological achievements of John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation; and

(2) congratulates John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation for receiving the 2008 National Medal of Technology and Innovation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

## GENERAL LEAVE

Mr. BAIRD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 935, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 935, honoring John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation for receiving the 2008 National Medal of Technology and Innovation.

The National Medal of Technology and Innovation is the highest honor for technological achievement given by the President to the country's leading innovators, and the five recipients honored by this resolution have all made great contributions to technology and innovation in the United States.

These honorees have made contributions in areas including desktop publishing, medical and battery technologies, and supercomputing. Innovation and technological advancements in these areas and others are critical for many reasons, including furthering health care technology for our citizens and increasing the United States' ability to remain economically competitive with other nations.

I want to congratulate the five honorees and thank Representative LORGEN from California for her leadership in introducing this resolution.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

H. Res. 935 honors John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM for being awarded the 2008 National Medal

of Technology and Innovation. The National Medal of Technology and Innovation is awarded annually to the Nation's leading innovators. This award recognizes those who have made significant contributions to their country. Additionally, it's intended to also inspire our youth to pursue science, technology, engineering, and mathematics-related fields of study.

Together, Drs. Warnock and Geschke founded Adobe Systems. Adobe Systems enabled documents to be successfully sent electronically from program to program through technology that's today known as PDF. Since their retirement as software executives, both have contributed generously to programs that help encourage young engineers and innovators.

Dr. Forrest Bird of Idaho served as an aviator during World War II. Following the war, he founded Bird, Inc., which developed amphibian aircraft and innovative breathing equipment to reduce the risks of altitude sickness. Using this same technology, Bird later developed medical respirators, which are still in use around the world, and contributed to lowering breath-related infant mortality rates.

Dr. Esther Sans Takeuchi of New York began her distinguished career as a scientist for Greatbatch, Inc. In her years there, she developed a lithium/silver vanadium oxide battery, which was essential to producing implantable cardiac defibrillators. Today, more than 200,000 of those ICDs are implanted each year, most with batteries originally developed by Takeuchi.

IBM's Blue Gene Server Group represents a new age of American innovation. These supercomputers have enabled business and science to visit new calculations previously unattainable. In addition, these computers have been recognized as the most energy efficient of their type in the world today.

On October 7, 2009, President Obama honored the 2008 recipients of the National Medal of Technology and Innovation during a White House ceremony. I join the President in recognizing these distinguished Americans and urge my colleagues to do so.

I have no further requests for time, and I yield back the balance of my time, Madam Speaker.

□ 1445

Mr. BAIRD. Again, I want to commend the sponsor of this bill, Ms. LORGEN, and, most importantly of all, commend the recipients of this prestigious award and thank them for their contributions to the betterment of our entire society, our economy, and the well-being of our public.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 935.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BAIRD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

# HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL AMENDMENTS ACT OF 2010

Mr. BAIRD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010".

## SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

## SEC. 3. DEFINITIONS.

(a) AMENDMENT.—The Act is amended by inserting after section 602 the following:

### "SEC. 602A. DEFINITIONS.

"In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) PROGRAM.—The term 'Program' means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

"(4) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast

Guard Authorization Act of 1998 is amended by adding after the item relating to section 602 the following new item:

"Sec. 602A. Definitions."

## SEC. 4. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

(a) AMENDMENT.—The Act is amended by inserting after section 603 the following:

### "SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

"(a) IN GENERAL.—Except as provided in subsection (d), the Under Secretary, through the Task Force established under section 603(a), shall establish and maintain a National Harmful Algal Bloom and Hypoxia Program pursuant to this section.

"(b) DUTIES.—The Under Secretary, through the Program, shall coordinate the efforts of the Task Force to—

"(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

"(2) integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

"(3) coordinate and work cooperatively with State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

"(4) identify additional research, development, and demonstration needs and priorities relating to monitoring, prediction, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia;

"(5) encourage international information sharing and research efforts on marine and freshwater harmful algal blooms and hypoxia, and encourage international mitigation, control, and response activities;

"(6) ensure the development and implementation of methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms;

"(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

"(8) assist in regional, State, tribal, and local efforts to develop and implement appropriate marine and freshwater harmful algal bloom and hypoxia response plans, strategies, and tools;

"(9) provide resources for and assist in the training of State, tribal, and local water and coastal resource managers in the methods and technologies for monitoring, controlling, mitigating, and responding to the effects of marine and freshwater harmful algal blooms and hypoxia events;

"(10) oversee the development, implementation, review, and periodic updating of the Regional Research and Action Plans under section 603B; and

"(11) administer peer-reviewed, merit-based competitive grant funding to support—

"(A) the projects maintained and established by the Program; and

"(B) the research and management needs and priorities identified in the Regional Research and Action Plans.

"(c) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of efforts with other offices, centers, and programs within the Na-

tional Oceanic and Atmospheric Administration and other agencies represented on the Task Force established under section 603(a), States, tribes, and nongovernmental organizations concerned with marine and freshwater aquatic issues related to harmful algal blooms and hypoxia.

"(d) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, the Administrator and Under Secretary, through the Task Force, shall carry out the duties otherwise assigned to the Under Secretary under this section and section 603B, including the activities described in subsection (e). The Administrator's participation under this subsection shall include—

"(1) research on the ecology of freshwater harmful algal blooms;

"(2) monitoring and event response of freshwater harmful algal blooms in lakes, rivers, estuaries (including their tributaries), and reservoirs;

"(3) mitigation and control of freshwater harmful algal blooms; and

"(4) an identification in the President's annual budget request to Congress of how much funding is proposed in that request for carrying out the activities described in subsection (e).

"(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—As part of the program under this section, the Under Secretary shall—

"(1) maintain and enhance existing competitive grant programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater harmful algal blooms and hypoxia;

"(2) carry out marine and freshwater harmful algal bloom and hypoxia events response activities; and

"(3) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities, and increase the availability to appropriate public and private entities of—

"(A) analytical facilities and technologies;

"(B) operational forecasts; and

"(C) reference and research materials.

"(f) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—All monitoring and observation data collected under this Act shall be collected in compliance with all data standards and protocols developed pursuant to the National Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.), and such data shall be made available through the System established under that Act.

"(g) ACTION STRATEGY.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Under Secretary, through the Task Force established under section 603(a), shall transmit to the Congress an action strategy that identifies—

"(A) the specific activities to be carried out by the Program and the timeline for carrying out such activities; and

"(B) the roles and responsibilities of each Federal agency in the Task Force established under section 603(a) in carrying out Program activities.

"(2) FEDERAL REGISTER.—The Under Secretary shall publish the action strategy in the Federal Register.

"(3) PERIODIC REVISION.—The Under Secretary shall periodically review and revise the action strategy prepared under this subsection as necessary.

“(h) REPORT.—Two years after the submission of the action strategy, the Under Secretary shall prepare and transmit to the Congress a report that describes—

“(1) the activities carried out under the Program and the Regional Research and Action Plans and the budget related to these activities;

“(2) the progress made on implementing the action strategy; and

“(3) the need to revise or terminate activities or projects under the Program.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 603 the following new item:

“Sec. 603A. National Harmful Algal Bloom and Hypoxia Program.”.

#### SEC. 5. REGIONAL RESEARCH AND ACTION PLANS.

(a) AMENDMENT.—The Act is amended by inserting after section 603A the following:

##### “SEC. 603B. REGIONAL RESEARCH AND ACTION PLANS.

“(a) IN GENERAL.—The Under Secretary, through the Task Force established under section 603(a), shall—

“(1) identify the appropriate regions and subregions to be addressed by each Regional Research and Action Plan; and

“(2) oversee the development and implementation of the Regional Research and Action Plans.

“(b) CONTENTS.—The Plans developed under this section shall identify—

“(1) regional priorities for ecological, economic, and social research on issues related to the impacts of harmful algal blooms and hypoxia;

“(2) research, development, and demonstration activities needed to develop and advance technologies and techniques for minimizing the occurrence of harmful algal blooms and hypoxia and improving capabilities to prevent, predict, monitor, control, and mitigate harmful algal blooms and hypoxia;

“(3) ways to reduce the duration and intensity of harmful algal blooms and hypoxia, including in times of emergency;

“(4) research and methods to address human health dimensions of harmful algal blooms and hypoxia;

“(5) mechanisms, including the potential costs and benefits of those mechanisms, to protect vulnerable ecosystems that could be or have been affected by harmful algal blooms and hypoxia events;

“(6) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and relevant research entities;

“(7) communication, outreach, and information dissemination methods that State, tribal, and local governments and stakeholder organizations can undertake to educate and inform the public concerning harmful algal blooms and hypoxia; and

“(8) the roles that Federal agencies can play to assist in the implementation of the Plan.

“(c) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing the Plans under this section, the Under Secretary shall—

“(1) utilize and build on existing research, assessments, and reports, including those carried out pursuant to existing law and other relevant sources; and

“(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, and estuaries and tributaries.

“(d) DEVELOPMENT OF PLANS.—The Under Secretary shall develop Plans under this section with assistance from the individuals and entities described in subsection (f).

“(e) PLAN TIMELINE AND UPDATES.—The Under Secretary, through the Task Force established under section 603(a), shall ensure that the Plans developed under this section are completed not later than 24 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, and updated once every 5 years thereafter.

“(f) COORDINATION AND CONSULTATION.—In developing the Plans under this section, as appropriate, the Under Secretary—

“(1) shall coordinate with State coastal management and planning officials;

“(2) shall coordinate with tribal resource management officials;

“(3) shall coordinate with water management and watershed officials from both coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia; and

“(4) shall consult with—

“(A) public health officials;

“(B) emergency management officials;

“(C) science and technology development institutions;

“(D) economists;

“(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

“(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

“(G) other stakeholders.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 603A, as added by section 4(b) of this Act, the following new item:

“Sec. 603B. Regional research and action plans.”.

#### SEC. 6. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

##### “SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

“(a) TASK FORCE INITIAL PROGRESS REPORTS.—Not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall complete and transmit to the Congress and the President a report on the progress made by Task Force-directed activities toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

“(b) TASK FORCE 2-YEAR PROGRESS REPORTS.—After the initial report required under subsection (a), the Administrator, through the Task Force, shall complete and transmit to Congress and the President a report every 2 years thereafter on the progress made by Task Force-directed activities toward attainment of the coastal goal of the Gulf Hypoxia Action Plan 2008.

“(c) CONTENTS.—The reports required by this section shall assess progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects. The reports shall—

“(1) include an evaluation of how current policies and programs affect management decisions, including those made by municipalities and industrial and agricultural producers;

“(2) evaluate lessons learned; and

“(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.”.

#### SEC. 7. PACIFIC NORTHWEST, ESTUARIES, AND PUGET SOUND HYPOXIA.

(a) AMENDMENT.—The Act is amended by inserting after section 604 the following:

##### “SEC. 604A. PACIFIC NORTHWEST, ESTUARIES, AND PUGET SOUND HYPOXIA.

“(a) ASSESSMENT REPORT.—Not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Task Force established under section 603 shall complete and submit to Congress and the President an integrated assessment of hypoxia in the coastal and estuarine waters of the Pacific Northwest that examines the status of current research, monitoring, prevention, response, and control efforts.

“(b) PLAN.—The Task Force shall include in the regionally appropriate Regional Research and Action Plan developed under section 603B a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the coastal and estuarine waters of the Pacific Northwest. In developing such plan, the Task Force shall consult with State, Indian tribe, and local governments, and academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also address the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 604 the following new item:

“Sec. 604A. Pacific Northwest, estuaries, and Puget Sound hypoxia.”.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 605 is amended to read as follows:

##### “SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated—

“(1) to the Under Secretary to carry out sections 603A and 603B, \$34,000,000 for each of fiscal years 2011 through 2015, of which, for each fiscal year—

“(A) \$2,000,000 may be used for the development of the Regional Research and Action Plans and the reports required by section 604A;

“(B) \$3,000,000 may be used for the research and assessment activities related to marine and freshwater harmful algal blooms at research laboratories of the National Oceanic and Atmospheric Administration;

“(C) \$8,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms Program (ECOHAB);

“(D) \$5,500,000 may be used to carry out the Monitoring and Event Response for Harmful Algal Blooms Program (MERHAB);

“(E) \$1,500,000 may be used to carry out the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program (NGOMEX);

“(F) \$5,000,000 may be used to carry out the Coastal Hypoxia Research Program (CHRP);

“(G) \$5,000,000 may be used to carry out the Prevention, Control, and Mitigation of Harmful Algal Blooms Program (PCM);

“(H) \$1,000,000 may be used to carry out marine and freshwater harmful algal bloom and hypoxia events response activities; and

“(I) \$3,000,000 may be used for increased availability, communication, and coordination activities; and

“(2) to the Administrator to carry out sections 603A, 603B, and 604, \$7,000,000 for each of fiscal years 2011 through 2015.”.

(b) **EXTRAMURAL RESEARCH ACTIVITIES.**—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. **BAIRD**) and the gentleman from Texas (Mr. **HALL**) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. **BAIRD**. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3650, as amended, the bill now under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. **BAIRD**. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Act. This bill represents a timely and necessary step to address a large and growing problem. The Harmful Algal Blooms (HABs) and Hypoxia Research and Control Act was first signed into law in 1998 and last reauthorized in 2004. And from the outset, I want to commend my dear friend and colleague, Dr. **EHLERS**, for his tireless work on this over many years.

I stand in support of these programs because this affects virtually every coastal waterway in America as well as freshwater ecosystems. Let me share with you an example of how serious this problem is.

In a small lake in my own district recently, a person was out with their dog, playing fetch in the water. They threw their favorite tennis ball in the water. The dog jumped into the water, retrieved the tennis ball, swam back up on the shore, and promptly died.

Harmful algal blooms are what we know in the saltwater environment as red tides. In freshwater, it's often blue-green algae. They are deadly in both environments. Estimates suggest the cost may be \$82 million a year, the annual economic impact of HABs, according to a 2006 study. This means billions of dollars over decades.

I mentioned already the tragic loss of this animal, but on a human scale, red tides pose a serious neurotoxin that can actually affect your ability to remember things over the long run. So we have a serious problem. It is growing in the case of harmful algal blooms.

We have a parallel and related problem that the bill also addresses, and these are so-called dead zones, or hypoxia, so known because they are areas of lack of oxygen. These are expanding.

Perhaps the most well known is in the Gulf of Mexico, areas literally thousands of square miles wide that if virtually any marine organism swims into them, they die very shortly thereafter because they do not have sufficient oxygen to survive. This has impacted not only the Gulf of Mexico, but also my own coast and elsewhere in the country.

Now, within the freshwater system, I want to underscore a particularly important point. From the Great Lakes to small creeks of West Virginia and throughout the country, this is a problem. My friend and colleague, Mr. **MOLLOHAN** from West Virginia, has been particularly interested in this. We need to understand that these harmful algal blooms in freshwater are particularly toxic for the following reasons:

Most of the mechanisms that we currently use to purify water do not work with harmful algal blooms. If you boil water to kill pathogens, that normally purifies it. If you boil water that has harmful algal blooms in it, you actually increase the toxin and increase its lethality. If you filter water to get out protozoa and other things, as many of us do when we are hiking or climbing, that can purify normal water. It is totally ineffective and may be actually counterproductive in harmful algal blooms because all you do is break up the bodies of the algae, but the toxin survives. Chlorination does not work to stop these things.

So we have a problem that is deadly to organisms ranging from fish to shore birds and to human beings. And again, both harmful algal blooms and hypoxic events are spreading.

I want to also mention that in my own district, which has a coastal area that is very economically benefited by the clamming season, all you need is one red tide to come in, shut down the clamming season, and you literally lose millions of dollars of business. And for many of our hotel owners and restaurateurs and others, that's the season. You lose that because of a harmful algal bloom, you have basically lost your economy for the year. So this bill would expand our ability to study and ultimately to control these harmful algal blooms and hypoxic events.

I appreciate the support of many colleagues.

I reserve the balance of my time.

Mr. **HALL** of Texas. I yield myself such time as I may consume.

Harmful algal blooms are those blooms that produce toxins that are hazardous to plants and animals. The most recognized harmful algal bloom is red tide, since it discolors the water and makes seafood inedible. Such an event causes many States severe economic harm through beach closures and restrictions on seafood.

This bill fosters continued research into the causes of red tide, explores ways to manage the blooms, and sets

up mechanisms to potentially predict when they may occur. These are all areas of research that are beneficial to our economy and to human health, and I commend the vice ranking member of our committee, Dr. **VERN EHLERS**, for his commitment to address this important issue through his cosponsorship of this legislation.

While I'm supportive of the goals of this measure, I do need to convey some concerns that I and several of my Republican colleagues had in committee. The bill addresses a problem that affects nearly every State. However, we want to make sure that the original and the regional research and action plans that are called for are not a top-down mandate but a true collaboration between the Federal Government and the States and local areas directly affected by these blooms. We want to make sure we are not imposing undue burdens on States that they would not voluntarily take on themselves.

Although the onus is currently on the Federal Government, the activities identified in these plans are ones that will most likely be executed by State, tribal, and local governments. As written, the bill does not contain any safeguards against unfunded mandates. During the markup, we offered amendments that would address these concerns.

The first amendment would have prevented any increased financial burden to State, tribal, or local governments as a result of anything in the bill or the law it amends. Despite receiving bipartisan support, the amendment was not accepted.

A second amendment would have required the development and implementation of the plans initiated only at the request of the States, not the Federal Government. Unfortunately, this amendment also failed. State, tribal, and local governments are already shouldering the burden of the effects of harmful algal blooms since these events have a direct impact on local and regional economies. Furthermore, in the current economic climate, these governments are struggling to prioritize and fund the most basic of services. The assurance of the added protection against unfunded mandates at this time should be something all Members favor.

This legislation has gone through a number of changes since it passed out of committee. Some changes were made by the majority after the bill passed out of committee, and I hope that in the future, we can make necessary changes while bills are still in committee so that all Members can weigh in before bills go to the floor.

Finally, I have concerns about the authorization levels in the bill. Given this era of fiscal constraint, we must be mindful of how we spend taxpayers' dollars. This bill authorizes funding that is almost three times the amount

that has been appropriated in recent years. The authorization levels are 50 percent higher than the last reauthorization in 2004. The Federal Government did not spend more than \$15 million per year when the authorization level was at \$26 million per year, so it's hard for me to support raising the level to \$41 million per year in 2011.

Harmful algal blooms and hypoxia are growing threats to our economy and to our economic prosperity and impact coastal gulf and even inland States. While I support the overarching goals of research into these issues and the development of technologies and procedures to lessen their harmful consequences, I remain concerned that this bill is too expensive and does not protect against unfunded mandates.

I reserve the balance of my time.

Mr. BAIRD. Madam Speaker, at this point, I want to acknowledge that, as is so often the case, H.R. 3650 was a collaborative effort, not just with my minority colleagues on the Science and Technology Committee, but also with the Natural Resources Committee and the Transportation and Infrastructure Committee as well. I would like, here, to insert letter exchanges with those committees into the RECORD, and I want to also thank both Chairmen RAHALL and OBERSTAR for their efforts on this legislation.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, November 12, 2009.

Hon. BART GORDON,  
Chairman, Committee on Science and Technology, Rayburn H.O.B., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009, which was referred to the Committee on Science and Technology, and in addition to the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, and knowing of your interest in expediting this legislation, I am willing to waive further consideration of H.R. 3650 by the Committee on Natural Resources at this time. Of course, this waiver is not intended to prejudice any future jurisdictional claims over the provisions of this legislation or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 3650 and into the Congressional Record during consideration of the measure on the House floor.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,

Chairman, Committee on Natural Resources

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON SCIENCE AND TECH-  
NOLOGY,

Washington, DC, November 12, 2009.

Hon. NICK J. RAHALL, II,

Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for your letter regarding H.R. 3650, the Harmful

Algal Blooms and Hypoxia Research and Control Amendments Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Natural Resources. I acknowledge that by discharging the Committee on Natural Resources from further consideration of 3650, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Natural Resources has jurisdiction. A copy of our letters will be placed in the Committee Report on H.R. 3650 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,

Washington, DC, December 14, 2009.

Hon. BART GORDON,

Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 3650, the "Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009".

H.R. 3650 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3650.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 3650 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 3650 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON SCIENCE AND TECH-  
NOLOGY,

Washington, DC, December 14, 2009.

Hon. JAMES L. OBERSTAR,

Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 3650, the Harmful

Algal Blooms and Hypoxia Research and Control Amendments Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Transportation and Infrastructure. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 3650. A copy of our letters will be placed in the Committee Report on H.R. 3650 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,  
Chairman.

If I may, at this point, I would like to yield 3 minutes to the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. I thank the gentleman from Washington for yielding.

Madam Speaker, I rise in support of H.R. 3650 and urge my colleagues to support it.

Maryland's First Congressional District, my district, is a district defined by the water that surrounds it. Healthy water in our district means commerce, recreation, and, most importantly, jobs.

A harmful algal bloom is a rapid overproduction of certain species of algae that produce toxins which are detrimental to plants and animals. These outbreaks are commonly referred to, as you have heard, as red or brown tides and have the potential to kill fish and other aquatic life by decreasing sunlight available to the water and by using up available oxygen in the water.

In recent years, many of the Nation's coastlines, near-shore marine waters and freshwaters have experienced an increase in the number, frequency, duration, and types of HABs. If we continue to allow this problem to persist, bodies of water like the Chesapeake Bay in my district will see a detrimental decline in water quality which will affect the thousands of species that call the bay home.

More importantly, perhaps, the thousands of men and women who rely on the bay to pay their bills will be put out of work. Watermen, commercial fishermen, charter boat captains, and any number of similar professions have been part of the Eastern Shore culture for decades. If gone unchecked, these professions will become less and less prominent, and an entire segment of our local economy will be hurt.

H.R. 3650 is a good bill that takes important steps in the fight against red tides and other harmful algae by creating a coordinated national strategy to deal with HABs while at the same time allowing for flexibility so that



different regions can best address their unique concerns.

I am also pleased, again, as was mentioned, that funding will actually be directed to control and prevention of this problem in addition to, simply, research. This will no doubt limit the severity and frequency of this dangerous environmental concern.

Madam Speaker, I once again urge my colleagues to support this measure.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. BAIRD. I want to thank the gentleman from Maryland. He has been a tireless champion of this. The watermen in his district and the others who depend on this great natural resource owe him, I am certain, a great debt of gratitude.

I yield such time as she may consume to the gentlelady from Florida (Ms. CASTOR), who has also been a tireless champion of clean water and of this issue.

Ms. CASTOR of Florida. Madam Speaker, I would like to thank Mr. BAIRD from Washington for his leadership. He has been a real champion on behalf of clean water and clean beaches. I would also like to express my gratitude to the Science and Technology Committee for their terrific work on what I call the "red tide bill."

This is a jobs bill because, let me tell you, coming from the great State of Florida, the Sunshine State, we depend on folks from all across the country coming to vacation in Florida, to swim and to fish. There is nothing like a vacation in the warm waters of the Gulf of Mexico. And I see my friend and colleague here who represents the Florida Keys. There is nothing like a vacation there where you can spend time unwinding on our beautiful beaches.

But there is a real threat to our tourism economy and jobs in the State of Florida, like there is in other parts of the country, and it's these very harmful algal blooms that cause red tide. In a State that employs over 1 million Floridians and where tourism has a \$65 billion impact on our State's economy, when the red tide rolls in, it's a serious threat, because what the red tide does is it causes you difficulty breathing. It burns your eyes. Dead fish will roll up on the beaches. It's really bad news.

The problem is we don't know what causes it, and that's why this bill is so important. And it's tied to jobs because, if we can do a little bit of research and determine what the causes are, we will be able to protect our tourism economy and make sure that we have clean and healthy beaches for folks who need that vacation.

□ 1500

By some estimates, red tide outbreaks cost coastal communities \$82 million a year. We have got to find out what is happening here. I also want to recognize my colleague and good friend

Congressman CONNIE MACK, who represents some of the most beautiful beaches in the country down in Naples and Sanibel Island. Two years ago we were able to authorize \$90 million for a 3-year period for peer-reviewed science research on red tide.

But today's legislation builds on that bipartisan effort. And Representative BAIRD's bill, which I cosponsored, creates a new initiative on red tide, and will dedicate some monies to over 5 years of finding a solution that will give our Federal and State agencies a real leg up.

Like I said, red tide is a significant threat to jobs, our tourism economy, our health, and our environment. So I am pleased to urge that we all join together to protect our coastal resources and the tourism-related jobs that come with having healthy beaches by learning more about harmful algal blooms and adopting H.R. 3650.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BAIRD. Madam Speaker, I want to commend Ms. CASTOR for her comments, and join her in acknowledgement of the incredible leadership of CONNIE MACK from Florida. We talk about the costs of this legislation. Consider the costs to Florida's economy, to the Gulf economy if a red tide comes in at the height of tourist season. You can't swim in this; it's toxic. You can't fish in it, you can't collect shellfish. The fishing industry out in the coast when a hypoxic zone comes in, it kills hundreds of thousands of fish overnight. Shore birds are affected. And on and on the list goes.

As Ms. CASTOR pointed out and as Mr. MACK has pointed out in our discussions, making sure that we understand what causes this and finding ways to remediate it and prevent it is not only in the interests of human health, it is in the interests of our economy as well.

I am particularly pleased also that the Puget Sound area, which is near and dear to my heart and near to my home, has received recognition. We have got a serious problem off the coast in terms of red tide. But within the Puget Sound region, particularly Hood Canal, there is a growing annual development of a dead zone. And these things seem to be developing earlier, lasting longer, and growing in size. This bill will help us understand why.

The bill has support from a broad group of stakeholders, including Ocean Champions and the PURRE Water Coalition. And again, I am pleased that it has been a bipartisan effort. Dr. EHLERS, as I mentioned earlier, has been instrumental for many years on this. And of course CONNIE MACK has been as well. I thank the gentlemen for their input. Mr. HALL has offered some constructive suggestions. And of course as we move this forward and work with the Senate, we will try to make sure

we incorporate as many of those as we can. Finally, I would also like to recognize the staff who worked so diligently on this bill: Shimere Williams and Katrina Lassiter on the majority side, and Tara Rothschild on the minority side.

Ongoing research, development, and implementation of an action strategy are key components to addressing this environmental challenge, and H.R. 3650 helps move us forward in each of these areas. I urge my colleagues to support H.R. 3650.

One last thing I will say. Understanding the impact of harmful algal blooms in freshwater is absolutely critical. If a major metropolitan area develops a toxic algal bloom, as I mentioned earlier, it will be extraordinarily difficult to remove the toxins from the waterway. It has happened in some smaller communities. It is extremely costly, and can present an urgent and immediate and hugely expensive health crisis. We need to understand how to prevent this, and we need to understand how to treat it. This legislation will help us do that both in the saltwater and in the freshwater environment. I urge its passage, and thank my colleagues.

Mr. MACK. Madam Speaker, I rise today to express my strong support for H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act. I would like to thank Congressman BAIRD who took the lead this Congress, along with Congresswoman KATHY CASTOR and Congressman ALLEN BOYD, for their work on this important issue. Passing this important piece of legislation is the first step in increasing research for harmful algal blooms while ensuring that scientists and experts in the field, and not politicians, determine where research money is spent.

Last Congress, I introduced the Save Our Shores Act to increase our commitment to researching harmful algal blooms. Since then, my colleagues and I have worked together to tackle red tide and other harmful algal blooms. The committee has crafted new language to improve the legislation by including freshwater harmful algal blooms and instituting regional action plans.

These are important efforts and it is time we recognize that although harmful algal blooms affect our entire Nation, they are different throughout the country. I represent the coastal areas of southwest Florida. If you haven't been there, it's a beautiful part of the country, with miles and miles of white sandy beaches. For southwest Florida, like many communities, a healthy environment and a healthy economy go hand-in-hand. As a kid growing up in Cape Coral red tide blooms were short-lived nuisances that lasted just a few days. Today, however, these blooms continue for months at a time, and they have long-lasting implications that threaten the environment, people's health, and our overall quality of life. It is imperative that we do more to understand and combat this problem.

These blooms cause dangerous respiratory distress and burning eyes, as well as the potential for severe food poisoning from contaminated shellfish. Harmful algal blooms not only



affect our personal health, they also affect the health of our economy. Red tide and other toxic blooms cost approximately \$80 million annually to communities across the United States of America. From New England to the Great Lakes, from California to South Carolina, these toxic blooms affect us all.

Madam Speaker, by passing this legislation today, the House of Representatives is giving this important issue the attention it deserves. I salute Congressman BAIRD and all the other Members who cosponsored this legislation for bringing this matter to the forefront and making this research a priority. I urge all of my colleagues to support this vital legislation.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 3650, the "Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010".

This legislation, which is an amendment to the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, provides additional focus on Federal efforts to understand, detect, predict, control, mitigate, and respond to both marine and freshwater harmful algal blooms and hypoxia events.

I applaud the work of the principal sponsors of this legislation, my colleagues on the Committee on Transportation and Infrastructure, the gentleman from Washington, Mr. BAIRD, and the gentleman from Michigan, Mr. EHLERS, and their bipartisan efforts to improve the overall understanding and control of harmful algal blooms and hypoxic conditions.

Over the past two Congresses, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure has held numerous hearings on the impact of excessive nutrients on water quality—most notably in connection with nonpoint sources of pollution, coastal water quality protection, under the BEACH Act, and in the Great Lakes.

These hearings highlighted the strong scientific evidence that excessive discharges of nitrogen and phosphorous can result in the growth of harmful algal blooms and hypoxic, low-oxygen, conditions in receiving waters. According to testimony from the Environmental Protection Agency, EPA, the most significant sources of nutrients come from agricultural runoff, as well as commercial or residential fertilizers, animal waste, sewage treatment plants, and air deposition from utilities and vehicles. As is evident from the ongoing "dead-zone" in the Gulf of Mexico and the emergence of a similar "dead-zone" in Lake Erie, additional efforts are warranted to reduce the adverse impacts of excessive nutrients on national water quality.

EPA has statutory authority under the Federal Water Pollution Control Act, more commonly known as the Clean Water Act, as well as other Federal authorities, to implement programs designed to provide protections for oceans, coastal waters, and freshwater lakes, rivers, and streams.

Through the Clean Water Act's National Pollutant Discharge Elimination System, NPDES, permitting program under section 402, the establishment of water quality standards by individual States, and other Clean Water Act authorities, both EPA and the States have statutory tools available to target ongoing sources of nitrogen and phosphorous and to minimize

the potential for harmful algal bloom outbreaks or the creation of hypoxic conditions in the Nation's waters. Unfortunately, there has been mixed success in equally addressing both point sources, e.g., publicly owned treatment works and urban stormwater, and nonpoint sources, e.g., runoff from urban lawns, construction sites, and agricultural areas.

I believe that more needs to be done to meet the goals of the Clean Water Act "to restore and protect the chemical, physical, and biological integrity of the Nation's waters." We should not be complacent with the fact that one-third of the Nation's assessed waters still do not meet "fishable and swimmable" standards—as called for almost 40 years ago in the 1972 Clean Water Act.

I believe that the authorities contained in H.R. 3650 can complement ongoing efforts by the Environmental Protection Agency and other Federal partners, including the National Oceanic and Atmospheric Administration, NOAA, to address these remaining water quality challenges. However, this legislation should not be interpreted as allowing other Federal agencies to overtake or otherwise supplant ongoing efforts by EPA, including efforts pursuant to the Clean Water Act.

I thank the Chairman of the Committee on Science, the gentleman from Tennessee, Mr. GORDON, and the Ranking Member of the Committee on Science, the gentleman from Texas, Mr. HALL, for their commitment to continue to work with the Committee on Transportation and Infrastructure to enhance the implementation of the Federal harmful algal bloom program.

As this legislation goes to conference with the Other Body, I will continue to work with the chairman and ranking member to ensure that this legislation complements, not supplants, ongoing efforts by EPA to control harmful algal blooms and hypoxic conditions in the Nation's waters.

Increased Federal attention and accountability to harmful algal bloom and hypoxic condition control efforts is important. This legislation provides an opportunity for increased coordination between various Federal agencies, States, and other stakeholders, while building on the strong foundation of Federal efforts to address harmful algal blooms and hypoxic conditions to date.

I urge all of my colleagues to join me in supporting this legislation.

Mrs. CAPPS. Madam Speaker, I rise today in support of H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009. As a cosponsor of this bill I strongly support the development of a national strategy to address and respond to marine and freshwater harmful algal bloom and hypoxia events.

Coastal regions across the country are reporting increases in the occurrence of devastating harmful algal blooms. It is believed that excess nutrients from upstream cause what are normally naturally occurring algae in our coastal waters to rapidly increase in number causing a bloom.

These increased levels of algae have devastating environmental, economic, and human health impacts along our coastlines.

Harmful algal blooms produce powerful toxins that kill fish, shellfish, mammals and birds.

In 2007, a devastating harmful algal bloom along the California coastline—from San Luis Obispo to Los Angeles—resulted in hundreds of marine mammal and seabird deaths.

Toxins from harmful algae also accumulate in shellfish causing commercial shellfish industries to close during blooms, which in turn leads to significant economic losses to fishing families. Decreased tourism and recreation during a bloom event can also result in the loss of millions of dollars to local coastal economies. Even worse, if contaminated shellfish are consumed it could result in paralysis or even death. Increased cases of respiratory distress, especially among seniors and children, have been reported in areas affected by these blooms.

Madam Speaker, I support the directive in H.R. 3650, which establishes a Federal task force that would develop regional action plans to address and respond to harmful algal bloom and hypoxia events around the country. Currently, hypoxic areas, or dead zones, have been recurring over large areas of the Pacific Northwest coastline for the last several years.

H.R. 3650 is a critical first step for developing strategies to mitigate the impacts of harmful algal blooms on regional coastal water quality, marine mammals and harvestable shellfish.

I urge my colleagues to support H.R. 3650 to protect human health and coastal economies.

Mr. MOLLOHAN. Madam Speaker, I am pleased to support H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009, which recognizes the growing problem of harmful algal blooms in coastal and freshwater environments.

Unfortunately, I know all too well the need for this legislation. In September of 2009, a fish kill occurred in Dunkard Creek, a 38-mile creek on the border of West Virginia and Pennsylvania. According to news reports, this massive fish kill eliminated more than 160 species of fish, salamanders and endangered mussels from one of the most biologically-diverse streams in either State. The West Virginia Department of Environmental Protection determined that golden algae caused the kill, but much remains unknown. How did the algae arrive in West Virginia? What factors contributed to the bloom? How can blooms be contained from moving throughout the watershed? More information is needed to develop a thoughtful process to mitigate and control the growth and spread of harmful algae.

Fortunately, the legislation under consideration today recognizes the increasing number of freshwater algal blooms, and establishes a partnership between NOAA and EPA to research, monitor and respond to those freshwater blooms. Ultimately, this legislation will put West Virginia in a better position to address existing blooms in the State and prevent further spread of golden algae.

For West Virginia, this is an ecological and economic issue. Our rivers, creeks and watersheds are recreation destinations, modes of transportation, and are critical to local economies. I am pleased to support this measure, and look forward to its enactment.

Mr. CONYERS. Madam Speaker, I rise in support of H.R. 3650, "The Harmful Algal

Blooms and Hypoxia Research and Control Amendment Act of 2009.” This bill requires the Under Secretary of Commerce for Oceans and Atmosphere to utilize the resources of the Inter Agency Task Force on Harmful Algal Blooms and Hypoxia Task Force to establish and maintain a National Harmful Algal Bloom and Hypoxia Program. This program will help to develop and promote a national strategy to address and respond to one of the major problems facing our marine and freshwater ecosystems: algae blooms.

The need to address the ongoing harmful blooms and hypoxic events that increase daily, in our oceans, lakes, rivers and waterways, is long overdue. I applaud the fact that this bill allows for closer coordination between state and federal agencies through the use of innovative demonstration projects. Similarly, I also support provisions in this legislation that focus our efforts to educate our citizens about the causes and harmful environmental effects of pollution and algal blooms in our oceans, rivers, lakes, and waterways.

Water is our most critical natural resource and this legislation will improve our Nation’s ability to provide safe water to all. As we continue to experience climate change, the threat posed by algal blooms will be a continuing challenge. This legislation addresses this threat in a measured, scientific manner and will improve our ability to address this issue in the future. I encourage my colleagues to support the bill.

Ms. WOOLSEY. Madam Speaker, keeping our oceans productive and healthy is of vital interest to coastal and inland communities across the world. As a Member who represents one of the biologically richest coastal Congressional Districts in the country, I rise today in support of H.R. 3650, the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act, which will take necessary steps toward maintaining the oceans’ ecological health.

Harmful algal bloom (HAB) produces toxins harmful to shellfish, fish, and biomass, which affect other organisms along the food chain and pose real dangers to the vitality of all coastal areas. HAB can also decrease the sunlight entering the water and use up available oxygen, creating hypoxia or oxygen depletion. In extremely low oxygen environments, sedentary species perish, mobile species migrate, and spawning areas are jeopardized. If these conditions continue, the hypoxia may become permanent as coastal areas become lined with dead zones in which little marine life can exist.

Although algal blooms occur naturally, they are exacerbated by human activities, including the runoff from lawns and livestock feedlots, point-source discharge from sewage plants, and emissions from vehicles. All of these activities lead to elevated levels of nutrients and an increase of algal growth. HAB and hypoxia are growing more severe and more prevalent in our oceans.

The Marin and Sonoma coastline in my District is one of the most biologically productive regions in the world. This coastline includes one of only four coastal upwelling zones on the planet, which make up only 1 percent of the ocean but produce 20 percent of its fish. Unfortunately, even this biological hot spot has

been impacted by algal blooms. As recently as last October, northward currents carried a large HAB from Point Reyes up the coast to Bodega Bay, harming marine life and irritating swimmers and divers. Increasing our understanding of these events and undertaking new efforts to monitor, control, prevent, and mitigate them must be a priority.

H.R. 3650 would establish a National Harmful Algal Bloom and Hypoxia Program to develop and coordinate a comprehensive strategy to address HABs and hypoxia.

Additionally this legislation will implement regional action plans to reduce HABs and hypoxia.

Madam Speaker, as a cosponsor of H.R. 3650, I commend my colleagues on the Science and Technology Committee for their hard work on this issue, and I look forward to this legislation becoming law. The increasing type, frequency, location, duration, and severity of these dangerous events demonstrate how urgently we need to implement solutions to these problems.

Mr. LUETKEMEYER. Madam Speaker, the House voted down H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act. This bill would have cost an estimated \$153 million of taxpayer dollars for 2010 through 2014 and \$22 million after 2014 to establish a new task force charged with responding to hypoxia events and, among other items, implementing and overseeing the regional research and action plans. I joined with 141 of my colleagues and voted against this misguided bill. I understand and appreciate that the health of our rivers is of vital importance to the 9th district of Missouri and to the Nation, and I believe that responsible environmental management is critically important to national commerce and infrastructure. However, agriculture has been forced to bear the brunt of environmental attacks for long enough. While the Environmental Protection Agency, EPA, and National Oceanic and Atmospheric Administration, NOAA, point the finger at agriculture as a contributor of gulf hypoxia, particularly through the dumping of sediment and runoff of fertilizer, the Army Corps of Engineers, Corps, at the direction of U.S. Fish and Wildlife Service is digging chutes that are up to 25 feet deep, 200 to 300 feet wide, and sometimes over one mile long to provide shallow water habitat for the endangered pallid sturgeon. According to the Missouri Clean Water Commission, the Corps will dump 34 million metric tons of sediment into the Missouri River annually. This soil contains a significant amount of phosphorous, a known cause of hypoxia. All of this without facing fines from the EPA, which have been levied against farmers and businesses along the river, because the Corps was able to obtain a Clean Water Act Section 404 permit granted by themselves. Instead of continually attacking agriculture and small business and trivially spending hard earned taxpayer dollars, perhaps the Federal Government should spend some time investigating its own actions.

Mr. BAIRD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the

rules and pass the bill, H.R. 3650, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BAIRD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

#### EXPRESSING CONDOLENCES TO CHILE EARTHQUAKE VICTIMS

Mr. CONNOLLY of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1144) expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people of Chile as they plan for recovery and reconstruction.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1144

Whereas, on February 27, 2010, an 8.8 magnitude earthquake, one of the largest ever recorded, struck off the coast of Chile;

Whereas casualty estimates, which number in the hundreds and continue to grow, as well as the destruction of entire coastal villages and extensive damage to highways, bridges, apartments, and infrastructure, have led to the Government of Chile’s declaration of a “state of catastrophe”;

Whereas an estimated 2,000,000 people, including upwards of 1,500,000 displaced persons, have been directly affected by the earthquake, the tsunami, and its aftermath;

Whereas aftershocks numbering over 100, including 8 aftershocks registering above a 6.0 magnitude, continue to affect the coast and the rest of the country after the initial 120-second tremor, the strongest and most damaging earthquake in Chile in the last 50 years;

Whereas Chile had already overcome the trials of more than a dozen previous 7.0-magnitude or greater earthquakes since the 1960 Valdivia 9.5-magnitude quake, the largest ever measured, which left thousands dead;

Whereas the tsunami caused by the earthquake, which came shortly after, with waves measuring over 19 feet, slammed 124 miles of Chile’s coast and accounted for a significant percentage of the casualties and missing;

Whereas the threat of potential tsunamis across the “Ring of Fire” earthquake area prompted warnings and advisories issued from Hawaii to as far as the California coast and Alaska;

Whereas according to the United States Geological Survey (USGS), Concepcion, Chile’s second largest city, was 70 miles from the earthquake’s epicenter and suffered some of the worst damage, and its hundreds of thousands of residents initially remained largely cut off from the remainder of the country without many basic necessities, including running water and electricity;

Whereas the coastal town of Dichato and its 4,000 residents were among the hardest hit, and is reportedly 80 percent destroyed;

Whereas 80 percent of Talcahuano's 180,000 residents living on the Chilean coast were left homeless by the earthquake;

Whereas initial estimates of the damage costs range from \$15,000,000,000 to \$30,000,000,000;

Whereas basic necessities across the country, including electricity, clean water access, telephone access, and communication systems, continue to be restored on a progressive basis in many zones;

Whereas the Government of Chile continues to deliver aid to affected citizens to the best of its ability, including airlifting supplies to remote towns;

Whereas the Government of Chile has taken significant measures to maintain order and public security in the streets to prevent more widespread panic and chaos as damage assessments are made and relief is delivered;

Whereas Chile is a political and economic leader and a close ally of the United States in Latin America;

Whereas the people and Government of Chile have stood resolute and steadfast in the face of a long history of destructive earthquakes;

Whereas Chile's stringent building codes, which one local architect called "our proud building standards", as well as the Government of Chile's ability to implement them, greatly mitigated the impact of this catastrophic natural event both in terms of casualties and physical damage to the infrastructure of the country;

Whereas Chile showed its deep generosity and responsibility as a regional ally when it deployed Chilean earthquake rescue teams, which Secretary of State Hillary Rodham Clinton has described as among the best in the world, to Haiti following its devastating earthquake earlier this year;

Whereas these search and rescue teams continue to work tirelessly to save more lives from collapsed buildings and neighborhoods struck by the earthquake in Chile;

Whereas several international urban search and rescue teams remain prepared to deploy to Chile if the need arises;

Whereas sitting Chilean President Michelle Bachelet declared the natural disaster "a catastrophe of such unthinkable magnitude that it will require a giant effort to recover";

Whereas incoming Chilean President Sebastian Pinera, to be sworn in March 11, 2010, expressed that "The future government is working tirelessly and will continue to confront the emergency that Pres. Bachelet is facing, because the emergency will not be over in five days. We are set to tackle something even more difficult, which is to lift Chile up, to reconstruct our country";

Whereas President Obama declared that the United States "stands ready to assist in the rescue and recovery efforts and we have resources that are positioned to deploy should the Chilean government ask for our help";

Whereas Secretary Clinton visited Chile on March 2, 2010, delivering crucial communication equipment, and vowed that "We'll be here to help when others leave because we are committed to this partnership and this friendship with Chile."; and

Whereas the world stands ready to swiftly aid those affected by this epic natural disaster: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) mourns the significant loss of life, as well as the physical damage, caused by the February 27, 2010, earthquake and resulting tsunami in Chile;

(2) expresses its deepest condolences and sympathy to the families of the victims of this horrific tragedy, and solidarity with the millions of affected Chileans;

(3) recognizes that Chile is and remains a close ally and friend of the United States;

(4) recognizes that Chile's embrace of democratic ideals and the Government of Chile's ability to implement strict building standards due to its strong governance structure greatly mitigated the impact of this natural disaster;

(5) commends the rescue, relief, and recovery actions, still underway, taken by the Government of Chile;

(6) commends the United States Government, the entire international community, and nongovernmental organizations for their prompt deployment of assistance to Chile;

(7) urges the President to continue to support the Government of Chile, as it assesses its relief and recovery needs; and

(8) pays tribute to the resilience, strength, and courage of the people of Chile as they begin the recovery and rebuilding process.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. CONNOLLY of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

This resolution, introduced by my good friend and colleague from Texas, RUBÉN HINOJOSA, marks the tragedy of a second powerful earthquake in as many months to strike a country in the Western Hemisphere, this time our close friend and ally Chile.

On February 27, an 8.8-magnitude tremor struck just 70 miles away from Chile's second largest city, Concepcion, and has left a terrible toll in its wake. The Chilean people have a long history of resolve in the face of past earthquakes. Last month's quake was one of the largest ever recorded, and the worst to hit the country since a 1960 earthquake, the strongest ever measured.

The tsunami and aftershocks from this quake, one of which measured 6.3 this past Friday, led to the declaration of a state of catastrophe for this economic and political leader in Latin America. The Chilean people are now faced with an unprecedented challenge to recover and rebuild, and they deserve our support.

Official casualty estimates number in the hundreds, while another 2 million people, including as many as 1.5

million displaced persons, were directly affected by the temblor and the crashing 19-foot waves that soon followed. In addition to the human toll, estimates of the cost of physical damage range from \$15 to \$30 billion, including the destruction of entire coastal villages, damages to roads, bridges, residences, and other infrastructure.

The international community rallied behind Chile with financial contributions, donations of telecommunications equipment, and offers of expert technical help in the immediate aftermath of this 120-second quake, which was 500 times more powerful than the 7.0-magnitude tremor that hit Haiti just over 6 weeks prior. In this context, it is important to highlight Chile's generosity in dispatching some of its own outstanding earthquake rescue teams to Haiti in that country's time of desperate need just weeks before.

It is also worth noting that Chile's embrace of good governance, and specifically its ability to create, implement, and enforce strict building codes played a major role in mitigating the effects of this terrible event, which could have had so much more by way of loss of lives.

In spite of this epic natural disaster, the Chilean people and their government remain committed to the principles of unity and rebuilding their lives and restoring their country. This resolution makes it clear that as they go about this critical task, the United States stands with them.

Madam Speaker, I urge my colleagues to support this important resolution, and reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise today as a proud original cosponsor of the bill before us, House Resolution 1144, and join my colleagues in expressing our heartfelt sympathy to all of those impacted by the devastating earthquake in Chile 2 weeks ago. The strength and the magnitude of this quake and its resulting tsunami caused hundreds of lives to be lost and left countless survivors homeless.

As the Government of Chile continues to carry out its immediate relief and recovery efforts and complete its damage assessments, we are just beginning to get a sense of how much this destruction has brought about. Nearly 1.5 million homes are reported to have been damaged, and many historic structures collapsed. An estimated 2 million people in Chile were displaced by the quake and the subsequent tsunamis that swept away entire coastal towns. However, the democratic stability and the strong government structures in place prior to the earthquake will undoubtedly enable Chile to respond responsibly to this disaster. In particular, its commitment to free market principles will allow private

sector actors to immediately respond to certain damaged sectors such as water and sanitation. This will help to minimize the tremendous challenges facing the government of Chile in the aftermath of the crisis. It will allow domestic and international assistance to go only where it is absolutely needed.

The U.S. Southern Command, SOUTHCOM, based in my home district of Miami, Florida, has played a vital role in providing necessary assistance to the people of Chile. While we are carrying out important relief efforts in Haiti, here the U.S. military has helped to provide important satellite communications equipment to the emergency operation and response officials in Chile. What an incredible statement that is for our wonderful men and women serving our Nation's Armed Forces.

Our military is also in the process of deploying an Expeditionary Medical Support team, EMEDS unit, to help increase crucial medical capabilities in that country. And we thank them for their prompt action.

I join my colleagues in expressing our condolences to those impacted by this terrible disaster. The United States will continue to stand side by side with the people of Chile as they begin to recover.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, I thank my good friend and colleague from Florida (Ms. ROS-LEHTINEN), the ranking member of the Foreign Affairs Committee.

I now yield 4 minutes to the chairman of the Higher Education Subcommittee, my friend from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. I thank the gentleman from Virginia for yielding time.

Madam Speaker, I rise today in support of House Resolution 1144. The resolution expresses the House of Representatives' condolences for the families of the victims of the powerful earthquake in Chile, as well as solidarity with and support for the people of Chile.

Let me first thank Chairman BERMAN, Subcommittee Chairman ENGEL, and my friend and colleague Ranking Member ROS-LEHTINEN for helping bring this resolution to the floor. I would also like to thank my colleagues in the Congressional Hispanic Caucus, who are unanimously in support of H. Res. 1144.

Chile and the United States have a long-standing and important partnership. It is one of mutual respect and understanding. Both countries understand their democratic and economic prosperity are aligned, and that we need to work together for our mutual benefit. The Congressional Hispanic Caucus has worked to build on this relationship by recognizing the rich cultural heritage both nations share.

As chairman of the CHC's task force on commerce and international relations, I am committed to working with my colleagues to strengthen our relations with our neighbors in the Western Hemisphere.

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The devastating disaster that has struck Chile is a humanitarian imperative requiring immediate action. Millions of families have lost their home or been displaced by the gigantic earthquake and the following tsunami and strong aftershocks. Hundreds have died and many are still missing. Hundreds of thousands of families in Chile remain without running water or power.

The United States has been quick to respond to President Bachelet's call for help and is providing much-needed equipment to reestablish communication and has deployed two C-130 cargo planes to help transport humanitarian cargo. The United States stands ready to provide whatever additional aid is necessary to help the victims of this natural disaster. We have seen the generosity of the American people during the recent disaster in Haiti, and I am confident that spirit of generosity will also be extended to the people of Chile.

In closing, I want to say that the resolution recounts the tragic events that have unfolded in Chile so I will not read it again. The resolution reaffirms the House of Representatives' commitment to the people of Chile to aid in their speedy recovery. We applaud the resolve and the resilience of those affected by the earthquake. The people of Chile on other occasions have come together to help their friends and neighbors rebuild. Today we want to assure them that we will stand by their side to help as they recover from this tragedy.

I urge all of my colleagues to support this important resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker. I rise in support of H. Res. 1144, "Expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people of Chile as they plan for recovery and reconstruction" introduced by my distinguished colleague from Texas, Representative HINOJOSA.

As you know, on Saturday, February 27, 2010, a massive, 8.8 magnitude earthquake, one of the largest ever recorded, struck off of the coast of Chile. An estimated 2,000,000 people, including upwards of 1,500,000 displaced persons, have been directly affected by the earthquake, the tsunami, and its aftermath. As the casualties continue to grow, there is a great deal of extensive damage to highways, bridges, apartments, and infrastructure, have led the government of Chile declaration of a 'state of catastrophe.' Since the initial earthquake, there have been over 100 aftershocks,

which include 8 aftershocks registering above a 6.0 magnitude. These aftershocks continue to affect the coast and the rest of the country.

According to the United States Geological Survey, Concepcion, Chile's second largest city, was 70 miles from the earthquake's epicenter and suffered some of the worst damage. Thousands of its residents initially remained cut-off from the remainder of the country without any basic necessities, such as running water and electricity. The coastal town of Dichato and its 4,000 residents were among the hardest hit and is 80 percent destroyed. 80 percent of Talcahuano's 180,000 residents living on the Chilean coast were left homeless by the earthquake. Initial estimates of damages range from \$15,000,000,000 to \$30,000,000,000, and basic necessities across the country, including electricity, clean water access, telephone access, and communication systems continue to be restored on a progressive basis in many zones.

Chile's stringent building codes, which one local architect called 'our proud building standards,' as well as the Government of Chile's ability to implement them greatly mitigated the impact of this catastrophic natural event both in terms of casualties and physical damage to the infrastructure of this country. The Government of Chile has taken significant measures to maintain order and public security in the streets in order to prevent more widespread panic and chaos as damage assessments are made and relief is delivered.

America is again responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Chile as they grieve once again in the aftermath of a natural disaster. As Chile's neighbor, I believe it is the United States' responsibility to help Chile recover, and build the capacity to mitigate against future disasters.

Throughout my time in Congress, I have been highly involved in strengthening the relationship between the U.S. and countries abroad. I have worked to establish positive and productive partnerships with local development officials, non-profit organizations, and various leaders to establish a strong web of support for countries abroad. In collaboration with the Congressional Black Caucus, I have been a continual advocate of providing assistance to various countries to strengthen their fragile democratic processes, continue to improve security, and promote economic development among other concerns such as the protection of human rights, combating narcotics, arms, and human trafficking, addressing migration, and alleviating poverty.

Once again, I am devastated by the immeasurable tragedy that occurred in Chile. Along with my colleagues, I hope to visit Chile in the near future to meet with their leaders and see what the United States can do to rebuild the shattered livelihoods.

Mr. CONNOLLY of Virginia. Madam Speaker, I want to thank Mr. HINOJOSA for his leadership on this important resolution, and I thank my colleague from Florida.

I yield back the balance of my time.  
The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 1144.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SENSE OF HOUSE REGARDING ASSISTANCE TO MEXICO IN FIGHT AGAINST DRUG VIOLENCE

Mr. CONNOLLY of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1032) expressing the sense of the House of Representatives that the United States should continue to assist the Mexican Government in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1032

Whereas Mr. Agustin Roberto "Bobby" Salcedo, a United States citizen and resident of California, was senselessly murdered on December 31, 2009, at the young age of 33 while vacationing with his family in the city of Gomez Palacio, Durango, Mexico;

Whereas Bobby Salcedo was a rising star in the community, had just been elected to his second term as a member of the El Monte City School Board, and served as the vice principal and football coach at his alma mater, Mountain View High School;

Whereas Bobby Salcedo was studying for his doctorate in educational leadership at the University of California, Los Angeles, after having earned his bachelor's degree in history from California State University, Long Beach, and a master's degree in educational administration from California State University, San Bernardino;

Whereas Bobby Salcedo, the son of immigrant parents, sought to chart a better course for his entire community, serving as a local leader for such organizations as the South El Monte/Gomez Palacio, Durango, Mexico Sister City Organization;

Whereas, on December 31, 2009, Mr. Salcedo was having dinner in Mexico in a restaurant with family and friends when a group of armed and masked men burst in and forcibly removed Mr. Salcedo and 5 other men;

Whereas Mr. Salcedo was killed execution-style with a single gunshot to the head;

Whereas Bobby Salcedo's body, along with the bodies of the 5 other men, was found several hours later dumped in a field near a canal;

Whereas the Federal Bureau of Investigation has been asked by the Government of

Mexico to assist in investigating the death of Mr. Salcedo;

Whereas innocents are directly impacted by drug-related violence in Mexico;

Whereas the Mexican drug cartels are major producers and suppliers to the United States market for heroin, methamphetamine, and marijuana and the major transit country for 90 percent of the cocaine sold in the United States;

Whereas the National Drug Intelligence Center, a component of the U.S. Department of Justice, has identified Mexican drug trafficking organizations as "the greatest drug trafficking threat to the United States";

Whereas the illegal trafficking of firearms, including from the United States to Mexico, contributes to drug-related violence, and the United States-Mexico Joint Statement on the Merida Initiative on October 22, 2007, stated that the United States will "continue to combat trafficking of weapons and bulk currency to Mexico";

Whereas the Mexican drug cartels have become increasingly violent, killing at least 5,600 people in 2008 and more than 7,000 people in 2009;

Whereas the Mexican State of Durango, where Bobby Salcedo's execution took place, is one of the most violent with more than 700 recorded gang related killings in 2009;

Whereas the Government of President Felipe Calderon has significantly stepped up Mexico's efforts to confront the drug cartels and end the violence, deploying some 45,000 troops and 5,000 police throughout Mexico; and

Whereas the United States Congress has appropriated over \$1,300,000,000 under the Merida Initiative to help Mexico break the power and impunity of the drug cartels, assist the Government of Mexico in strengthening its judicial and law enforcement institutions, curtail gang activity in Mexico, and disrupt demand for and distribution of drugs in the region: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses sorrow at the death of Mr. Agustin Roberto "Bobby" Salcedo;

(2) supports continued cooperation between the United States Government and the Government of Mexico to help identify and convict Mr. Salcedo's killers;

(3) calls on the Governments of the United States and Mexico to increase cooperation to prosecute those responsible for the drug-related killings of innocents in Mexico, be they United States or Mexican citizens; and

(4) reaffirms its continued support for bilateral cooperation with Mexico to break the power of the Mexican drug cartels and turn the tide of violence.

The SPEAKER pro tempore (Mr. CLAY). Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

##### GENERAL LEAVE

Mr. CONNOLLY of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

On December 31, Mr. Agustin Roberto "Bobby" Salcedo, a high school vice principal and school board member, and a young leader of several local organizations, was brutally murdered while on a family vacation in Durango state, Mexico, at the hands of violent men with ties to Mexican drug cartels.

While enjoying the company of family and friends at a restaurant in the city of Gomez Palacio, Mr. Salcedo and five other patrons were taken hostage by a group of masked, armed individuals. They were all subsequently killed execution-style, their bodies discovered in a field a few hours later.

This incident is a tragic example of the drug-related violence that is plaguing Mexico today. Reliable estimates suggest that more than 16,000 people have died in drug-related violence since President Felipe Calderon declared a war on drug traffickers in January 2007, including almost 8,000 deaths in 2009 alone and over 1,000 so far this year.

Many of those killed each year are associated with the drug trade, but there has been an alarming increase in the number of innocent bystanders who have become victims of the violence, including Mr. Salcedo. Last year, more than 500 women and children were killed by these cartels. The Department of Justice has identified the Mexican cartels as "the greatest drug trafficking threat to the United States." Indeed, these cartels are major producers and suppliers of heroin, methamphetamine, and marijuana to the United States drug market and the major transit country for 90 percent of the cocaine sold in the United States.

In light of horrific events such as Mr. Salcedo's senseless murder, which the FBI continues to investigate, alongside Mexican authorities, we must continue to seek justice for all American citizens and other innocents harmed by drug-related violence.

Mr. Salcedo was a respected member of his El Monte, California, community, and an inspiration to so many of his students. His friends and family deserve to see that his murderers and their patrons are brought to justice. The United States must continue to work with Mexico to break the grip of the powerful drug cartels, curtail violence, reduce arms trafficking from the United States to Mexico, and diminish the demand for drugs throughout North America.

It is important that we express our solidarity with the Mexican people and government who are on the front lines of the fight against the cartels, and that we work together closely to address the drug-related violence that

has had such a devastating effect on both of our countries.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to join my colleague in supporting the ongoing cooperation between the United States and Mexico to fight the drug cartels and curb the drug-related violence which is increasingly impacting our citizens on both sides of the border. There is no doubt that through the Merida Initiative, significant gains have been made against narcotraffickers and organized crime in Mexico over the past couple of years.

However, as is to be expected, the harder we fight to get them off the streets, the harder they fight to stay there. More than 7,000 people were killed at the hands of drug-related violence in Mexico last year alone. One of those victims is recognized in this resolution, Mr. Agustin Roberto "Bobby" Salcedo, a U.S. citizen and resident of California. Mr. Salcedo was in Mexico visiting his family, and was with family on New Year's Eve when, as the resolution states, he was callously abducted and murdered by a group of masked, armed men. His family has yet to learn why.

Unfortunately, Mr. Salcedo's story is one that many of us are becoming all too familiar with. Over 14 months ago, Mr. Felix Batista, a constituent of my congressional district, disappeared in Mexico. He has not been heard from or seen since. I have worked closely with many of my colleagues in the Florida delegation, both in the House and the Senate, especially our Florida Senator BILL NELSON, to try to help his family over the last year. And while it is my understanding that the FBI and Mexican authorities were investigating his case, his family has yet to gain a better understanding of exactly what happened to Mr. Batista on December 10, 2008.

The tragic disappearance of Mr. Batista and so many other Americans who have been victims of violence in Mexico demonstrates that the security challenges facing our neighbor in the south also pose a threat to the safety of our Nation and our citizens. It is critical that we continue to work with Mexico and other democratic partners in the region to present a united front against narcotraffickers in our hemisphere. We especially must not forget our partners in Colombia. While there is no doubt that tremendous advances have been made, the premature reduction in assistance to Colombia would undoubtedly put these great gains at risk. Much hard work remains to be done in Colombia and throughout the region.

Together we can successfully confront the transnational nature of these criminals and their illicit activities.

Mr. Speaker, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise today in support of House Resolution 1032, a resolution to honor Agustin "Bobby" Salcedo, an exemplary American citizen who was the victim of a shocking murder in Mexico, and to urge the United States to be resolute in its efforts to help Mexico fight the drug cartels.

This past December, Bobby traveled to Gomez Palacio in the Mexican state of Durango to visit his wife's family for the holidays. On New Year's Eve, he was out with family and friends at a local restaurant when gunmen burst in and dragged Bobby, along with five other men, out of the restaurant at gunpoint. They were then each shot to death execution-style. The next day, all six bodies were found dumped in a ditch. Bobby was only 33 years old.

I met Bobby early in his career. Having grown up in my district, in El Monte, California, he was dedicated to improving the lives of children in his community. He was an elected school board member in the El Monte School District. He returned to his alma mater to become its assistant principal and was studying for his doctorate in education at UCLA. It was clear to everyone who knew him that he was going somewhere. He was a rising star.

After the investigation began, it was confirmed that none of the six murder victims were connected to the drug trade in any way. Bobby and the others were in the wrong place at the wrong time. Their deaths exemplify the growing number of innocent bystanders who are becoming victimized by cartel violence in Mexico. It had seemed as though the situation could not get worse. However, only weeks after Bobby was murdered, the lead state investigator in his case was also shot dead by the drug cartels.

Bobby's murder brings to the forefront two critical issues: the urgency in finding the killers of Bobby Salcedo, and the importance of reducing the violence of the drug cartels in Mexico. There must be justice in the murder of Bobby Salcedo, but the challenges are great. The state of Durango is one of the most violent in Mexico. In 2009, there were 637 cartel-style murders in Durango, and not one of the cases has been solved by the police. State authorities are limited in their resources, and the cartels have successfully corrupted or scared away many officials from interfering in their business.

That is why I have asked the Mexican Government to make every effort to bring the full force of the federal government on the Salcedo murder.

The federal government's strong stance against organized crime offers hope in this case. The federal government has greater resources at their disposal, such as forensic equipment, manpower, and training. Although the federal government has yet to federalize Bobby's case, I am hopeful they will realize this case is a symbol for both of our countries and can demonstrate to all parties that progress can be made.

We cannot allow the death of innocent bystanders, of American citizens, to pass without consequence. Until there is true accountability for the violence, there is little incentive for the drug lords to keep peace. But the overall solution is not stopping the violence of the drug cartels. The U.S. must be resolute in supporting Mexico's efforts to combat the drug trade and its violent consequences. There has been progress. President Felipe Calderon made the combating of drug violence his focal point. He greatly increased efforts on the Federal level to track down the drug kingpins and reduce their supply lines.

□ 1530

In 2007 the United States and Mexico worked together to pass the Merida Initiative. This agreement took Mexican and American cooperation to a whole new level, providing over \$1.3 billion to support the Mexican Government in its fight. The funds went to helicopters, surveillance aircraft, interdiction equipment, nonintrusive inspection equipment and improved data collection capabilities, as well as provided for training programs and institution building in Mexico.

But now we are at a critical point. The Merida Initiative will expire at the end of this year, the war has not been won, and the violence grows more disturbing each day. That is why Congress and the administration must decide now how to implement the next phase of this partnership.

In my conversations with law enforcement and state departments, three elements are critical in a new initiative: fighting the massive money laundering of funds out of the U.S., improving the forensic technology available to Mexican law enforcement entities, and helping Mexico rebuild its judicial institutions.

On money laundering: Every year between \$8 billion to \$10 billion is smuggled out of the U.S. by the drug cartels. Even as our law enforcement agencies are improving their ability to stop these funds from leaving the country, the cartels are finding novel ways to launder money. They are using money service businesses, online services, and even legitimate retail businesses as fronts for their illegal transactions, and they are also using massive bulk cash transfers. Stopping the money laundering gets at the heart of the drug cartel operation.



On technology: Mexican state and local law enforcement agencies are sorely lacking in the appropriate technology to combat these well-armed cartels. We must focus more of our efforts on the local institutions to provide them with 21st-century law enforcement technology.

And on the judiciary: until we have a partner with a strong judiciary and objective law enforcement, the cartels will continue to run free. By providing resources to train law enforcement and rooting out corruption amongst them, drug kingpins will be forced to face the consequences of their actions.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONNOLLY of Virginia. I yield an additional 30 seconds for my colleague to sum up.

Ms. CHU. Now is the time to pass this resolution. Bobby Salcedo's death is a brutal reminder that this violence is a growing threat not just to Mexicans, but also to Americans. Bringing his killers to justice will vindicate his death, and ending the violence in Mexico will save the lives of thousands of innocent victims in this gruesome war. For these reasons, I urge you to vote in favor of this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I want to congratulate our colleague from California (Ms. CHU) for her leadership on this issue.

I was in Mexico just about 1 year ago, and clearly the unfolding violence is something that ought to be of great concern to every American. It is just on the southern part of our border, and frankly it is something that is very alarming in its scope and in its unparalleled violence. I thank our colleague from California for bringing this once again to the attention of the United States Congress.

Mr. DREIER. Mr. Speaker, I rise in support of H. Res. 1032.

H. Res. 1032 not only stresses the need to work with the Mexican law enforcement community in the fight against drug cartels, it also honors the life of El Monte resident, Agustin Roberto "Bobby" Salcedo. El Monte is a great city in the San Gabriel Valley which Congresswoman CHU, the author of this resolution, and I represent. I am pleased to be a cosponsor of H. Res. 1032 and I want to thank Congresswoman CHU for her hard work on this important issue, and her dedication to the Salcedo family and the El Monte community.

Mr. Salcedo was an innocent bystander in the relentless, ongoing drug war that is being waged throughout Mexico. He was viciously murdered, along with five other men, while visiting family in Mexico over the holidays. It is clear that Bobby Salcedo touched the lives of thousands through his work as a teacher, coach and school administrator and I offer my deepest condolences his family and friends. The community of El Monte lost an outstanding family man, friend, colleague and educator.

Unfortunately Mr. Salcedo is not the only innocent victim in this drug war. As noted in H. Res. 1032, there has been an outbreak of violence in Mexico and individuals who have no connection whatsoever to the drug cartels are in danger. I will continue to support efforts in Congress to ensure that our law enforcement have the resources they need to end drug related violence in Mexico and the United States. This will not be an easy task. The cartels are ruthless in their desire to continue the brutality.

The Mexican government and the FBI are working together to solve Mr. Salcedo's murder. It is my hope that with continued cooperation between law enforcement agencies in both the United States and Mexico, the individuals who committed this senseless crime against Mr. Salcedo will soon be brought to justice.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 1032, "Expressing the sense of the House of Representatives that the United States should continue to assist the Mexican Government in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad."

Let me begin by thanking my colleague Representative JUDY CHU for introducing this resolution, as it is vitally important both to our national security and the safety of the American people that we confront the problem of transnational drug trafficking and attempt to reduce the violence associated with the trade of narcotics.

Violence related to the drug trade has hit catastrophic proportions over the last few years. Just across the United States-Mexico border from my home state of Texas a battle is being waged by armed gangs for the control of the illicit transnational drug market. In Mexico alone, drug cartels killed at least 5,600 people in 2008 and that number increased to more than 7,000 people in 2009. I condemn in the strongest possible terms this type of senseless violence and will work to see that violence against civilians in the U.S. and in Mexico is curbed or eliminated.

Unfortunately, execution-style killings and kidnappings have become the norm in many Mexican cities like Ciudad Juárez and Gomez Palacio as drug cartels attempt to extend the reach of their power and institute a sense of fear over the local populations.

In one of the most atrocious acts of violence against an innocent U.S. citizen, Bobby Salcedo was killed execution-style while vacationing in Mexico by a single gunshot to the head after being kidnapped. Mr. Salcedo was kidnapped while at dinner with family and friends in a restaurant and had no apparent connections to the drug or arms trade.

Mr. Salcedo was a pillar of his community in El Monte City, California where he served on the local School Board, and also served as the vice principal and football coach of Mountain View High School. Mr. Salcedo also served as a local leader for such organizations as the South El Monte/Gomez Palacio, Durango, Mexico Sister City Organization.

Furthermore, Mr. Salcedo was in the process of earning a doctoral degree in educational leadership at the University of California, Los Angeles, and had previously

earned his bachelor's degree in history from California State University, Long Beach, and a master's degree in educational administration from California State University, San Bernardino.

Violence from the drug trade has also created many problems in my home city of Houston, Texas. Houston has one of the highest murder rates among U.S. cities with a population over 1 million. Furthermore, much of this violence likely stems from the fact that Houston is a major hub for drug traffickers, who supply cocaine, marijuana, heroin, and methamphetamine to distributors in other American markets. Many of these issues surrounding violence also stem from the problem of transnational gangs and organized crime cartels.

There are currently at least seven drug cartel organizations operating between the U.S. and Mexico. These groups are not only involved in the illicit transportation of drugs but are also involved in the illicit trade of firearms, execution of public officials and these groups have also terrorized entire local populations.

Many of these gangs and cartel organizations also have vast links and networks within the U.S., some even managing to penetrate American Junior High and High Schools. It is important that we recognize this threat and work towards the dissolution of these groups and continue to promote legitimate transnational trade and exchange.

I would like to commend the Mexican Government under the leadership of President Felipe Calderon for having significantly increased their efforts to stop the drug cartels and end the violence, deploying some 45,000 troops and 5,000 police throughout Mexico. We in the U.S. will continue to support the Mexican Government as we did in 2008 when over \$1,300,000,000 was appropriated to the Mexican Government to fight the illicit drug trade. This money was appropriated under the Merida Initiative to help break the power of the drug cartels, assist the Mexican Government in strengthening its military organizations, to help improve the capacity of its justice system, curtail gang activity in Mexico, and to diminish demand for drugs in the region.

It is important that we continue to work vigilantly towards breaking the illicit drug trade links and networks between the U.S. and Mexico while working together to create a bright future through legitimate commercial and financial trade between our two great nations. I am quite confident that through a concerted effort towards increasing transnational trade and creating opportunities in the legitimate sector we can work towards a brighter future for both the U.S. and Mexico.

I ask that my colleagues support this resolution. I also ask my colleagues for their continued support of anti-drug trade measures as well as their support for ending the spate of violence that has become associated with the drug trade.

Mr. CONNOLLY of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the



rules and agree to the resolution, H. Res. 1032, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Expressing the sense of the House of Representatives that the United States should continue to assist the Government of Mexico in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad."

A motion to reconsider was laid on the table.

#### RECOGNIZING THE PLIGHT OF PEOPLE WITH ALBINISM IN EAST AFRICA

Mr. CONNOLLY of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1088) recognizing the plight of people with albinism in East Africa and condemning their murder and mutilation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1088

Whereas, in parts of East Africa, most notably Tanzania, shamans promote the reprehensible belief that people with albinism are less than human, and that their body parts can be made into potions to bring wealth or luck;

Whereas over the last 2 years, more than 50 adults and children with albinism have been murdered in East Africa by mercenaries who sell their body parts to shamans;

Whereas countless other people with albinism have survived these attacks, but have been permanently mutilated in the name of profit;

Whereas two mothers of children with albinism were attacked by gangs who were searching for the children in Eastern Tanzania in November 2008;

Whereas a 10-year-old boy with albinism, Gasper Elikana, was beheaded by men who fled with his leg in October 2008;

Whereas a 28-year-old woman with albinism, Mariamu Stanford, was attacked while she slept, losing both of her arms and her unborn child in October 2008;

Whereas a 17-year-old woman with albinism from Kenya, Vumilia Makoye, was killed by 2 men in her home who sawed off her legs in May 2008;

Whereas hundreds of children with albinism are living in fear for their lives in rural areas;

Whereas people with albinism are routinely shunned by their communities and often excluded from East African society;

Whereas a number of government officials in rural areas of East Africa have ignored or even colluded with local shamans in these degradations;

Whereas people with albinism in East Africa generally are not provided with life-saving information about preventing skin cancer, and have no means of protecting themselves from excess sunlight; and

Whereas people with albinism lack access to medical treatment for skin cancer, and

the average person in East Africa with albinism dies by age 30 from skin cancer, and only 2 percent of people with albinism in that region live to age 40: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the murder and mutilation of adults and children with albinism for their body parts;

(2) expresses support for people with albinism in East Africa who have been the victims of such attacks;

(3) recognizes that the murder and mutilation of people with albinism in East Africa is a gross violation of human rights;

(4) urges governments in East Africa, particularly the Governments of Tanzania and Burundi, to take immediate action to prevent further violence against persons with albinism and to bring to swift justice those who have engaged in such reprehensible practices;

(5) calls upon governments in East Africa, along with international organizations and other donors, including the United States, to actively support the education of people with albinism about the prevention of skin cancer and provide appropriate levels of assistance toward that end;

(6) calls upon governments in East Africa, along with international organizations, to educate populations in East Africa about the realities of albinism, with the purpose of eliminating discrimination and abuses against people with albinism; and

(7) calls upon the United States to work with the governments of East Africa, and international organizations and other donors, to eliminate violence against people with albinism.

The SPEAKER pro tempore (Ms. CHU). Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

##### GENERAL LEAVE

Mr. CONNOLLY of Virginia. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

House Resolution 1088 shines a light on the untold horrors men and women with albinism have faced and continue to face in East Africa where human beings with albinism are butchered and their body parts sold for profit. These acts of brutal murder are best told through the story of a brave Tanzanian mother, one of the few survivors of the attacks. I had the honor of meeting a survivor of one of these attacks, a young woman from Tanzania named Mariamu Stanford, who epitomizes the essence of bravery.

These horrific acts, like the crime committed against Mariamu, are per-

petrated by shamans who believe that the body parts of people with albinism have magical powers and can be mixed in potions to bring the buyer good luck. Rural villages have strong incentive to harvest the limbs of their neighbors with albinism because a single limb can sell for as much as \$2,000, a king's ransom in Tanzania's countryside.

Mariamu, who has albinism, is one of the few survivors of these attacks. Her story is one of fear, horror, and unbelievable courage. She told me her story through an interpreter the last day of the first session of this Congress in December.

One night in October of 2008, when Mariamu was sleep with her toddler son, a group of machete-wielding men from her own village broke into her home and attacked her. They cut off both of her arms while she struggled, screamed and shielded her 2-year-old from the blows. It was 6 long hours after the attack before Mariamu, who was 5 months pregnant, was able to receive any medical treatment. In the end, she lost her unborn baby, but she survived; and she is now relaying her story in the hopes that these brutal crimes against people with albinism will come to an end.

Mariamu came to the United States for a visit thanks to the generosity of many, including some of my constituents from northern Virginia with albinism and some who are parents of children with albinism, several of whom are here today in the gallery. While she was here for nearly 2 weeks in December, Mariamu was fitted with prosthetic arms donated by the Orthotic Prosthetic Center in Fairfax County, Virginia; and she underwent intensive physical therapy.

She is a rare survivor of a horrific and inhumane crime that is of growing concern in East Africa. More than 54 people with albinism have been butchered in the region, most of them women and children. In November of 2008, a 6-year-old girl was shot dead in Burundi's eastern province of Ruyigi, close to the border of Tanzania. Her attackers removed her head and limbs, leaving only her dismembered torso. In January of 2009, three men armed with machetes killed an 8-year-old boy in Burundi and smuggled his limbs into Tanzania. Every one of these stories borders on the unbelievable and, quite frankly, must turn every stomach of those of us who have to hear them.

Not only do people with albinism face violence in parts of the world, but they are also at high risk for medical complications such as skin cancer and poor vision due to the lower melanin levels in their skin. In East Africa's harsh sun, this is a lethal combination, but oftentimes people with albinism have no choice but to expose themselves to the sun with little protection as they must be outside to work, go to school, and attend everyday business.

Unfortunately, the medical issues that people with albinism face are the least of their worries. The threat of brutal violence looms over them at all times. Tanzania Prime Minister Mizengo Peter Pinda has condemned, correctly, this violent crime against people with albinism, but judicial and enforcement barriers remain.

My meeting with Mariamu and local families concerned about her plight, and albinism in general, has moved me to take action. I am contacting President Obama and the State Department to urge them to place diplomatic pressure on Tanzania's federal and local governments to end these crimes now, these crimes against humanity, and to provide education to dispel the myth that body parts of those with albinism have any special properties.

I also believe we must look at providing humanitarian and medical assistance to people with albinism in East Africa, with a focus in Tanzania where most of these crimes have occurred. To this end, I introduced House Resolution 1088, a resolution recognizing the plight of people with albinism in East Africa, condemning these murders and mutilations, and advocating remedies to bring an end to this heinous and misguided behavior.

Specifically, the resolution urges governments in East Africa, particularly the governments of Tanzania and Burundi, to take immediate action to prevent any further violence against persons with albinism and to bring to swift justice those who have engaged in such reprehensible practices. It also calls upon those governments, along with international organizations and other donors, including the United States, to actively support the education of people with albinism about the prevention of skin cancer and provide appropriate levels of assistance toward that end.

Finally, it urges the United States to work with the governments of East Africa and international organizations and other donors to eliminate violence against people with albinism.

I urge my colleagues to join Mariamu Stanford and me in bringing international attention to this horrific abuse of human beings and to bring those who have perpetrated that violence to justice by voting "yes" on this measure.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1088.

In 2008, an undercover reporter for the BBC's Swahili Service broke the horrific story of the occult-based killings of albinos in parts of eastern Burundi and northwest Tanzania. Since that time, it has been revealed that albinos have been killed and mutilated

by so-called "hunters" who sell their victims' body parts to unscrupulous traditional healers. The hunt is driven by the absurd belief that albinos possess mystical powers and that their body parts can be used as talismans to bring wealth and good luck. The market itself is driven by greed. It has been reported that a complete set of body parts can fetch up to \$75,000 on the black market.

To be clear, the hunting and mutilation of albinos in East Africa is by no means a common practice. The number of attacks is relatively few in terms of the broader population.

The hunting and mutilation of people simply because they look different is profoundly disturbing and requires us to condemn it. This resolution calls upon the governments in East Africa, particularly in Burundi and Tanzania, to take effective action to end these senseless attacks which constitute gross human rights violations. It also calls upon those governments, with support from international organizations and other donors, to take effective action to educate the general population with a view toward eliminating discrimination and abuse.

I thank the gentleman from Virginia (Mr. CONNOLLY) for introducing this measure, and I encourage my colleagues to support it.

With that, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. I want to thank my friend and colleague from Florida for her cooperation and support and leadership on this issue.

I have to say, just on a personal note, there are many issues I thought I would face when I came here to the United States House of Representatives; this was not one of them. It is an incredible tale, but it is something that we can do something about by bringing pressure to bear on the governments in East Africa. I thank my friend from Florida in helping to make that happen today.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1088, "Recognizing the plight of people with albinism in East Africa and condemning their murder and mutilation."

Let me begin by thanking my colleague Representative GERRY CONNOLLY for introducing this resolution, as it is important that we recognize the plight of albinos in East Africa.

In recent years, the belief that albino body parts, particularly limbs, have magical powers has driven thousands of Africa's albinos into hiding. According to a report released in November of last year by the International Federation of Red Cross and Red Crescent Societies (IFRC), the killings of albino people in Burundi and Tanzania, based on occult practices, have triggered a crisis involving almost the entire albino population of the two countries.

The stories of these victims are heart wrenching. I recall an article in the New York

Times in 2008 that vividly describes the horror and fear that many Albinos live with on a daily basis.

"In May 2008, Vumilia Makoye, 17, was eating dinner with her family in their hut in western Tanzania when two men showed up with long knives, "Vumilia was like many other Africans with albinism. She had dropped out of school because of severe near-sightedness, a common problem for albinos, whose eyes develop abnormally and who often have to hold things like books or cell phones two inches away to see them. She could not find a job because no one would hire her. She sold peanuts in the market, making \$2 a week while her delicate skin was seared by the sun. When Vumilia's mother, Jeme, saw the men with knives, she tried to barricade the door of their hut. But the men overpowered her and burst in. "They cut my daughter quickly," she said, making hacking motions with her hands. The men sawed off Vumilia's legs above the knee and ran away with the stumps. Vumilia died. Yusuph Malogo, who lives nearby, fears he may be next. He is also an albino and works by himself on a rice farm. He now carries a loud, silver whistle to blow for help. "I'm on the run," he said."

According to the Red Cross, thousands more albinos across a huge swathe of countryside, are unable to move freely to trade, study or cultivate fields for fear of albino hunters. These albinos fear losing their lives and limbs to unscrupulous dealers who can make up to \$75,000 selling a complete dismembered set.

In his New Year's address to the nation, President Jakaya Kikwete of Tanzania said the nation that the government would step up efforts to stamp out the albino killings. I commend the government of Tanzania for acknowledging the danger posed to albinos in their country, but I hope that Tanzania and Burundi will do more to educate their nations about albinos. The Albino Association of Tanzania says that although just 4,000 albinos are officially registered in the country, they believe the actual number could be as high as 173,000. A census is now under way to try to verify the figures.

In addition, in 2008, President Kikwete nominated Al-Shymaa Kway-Geer to represent the albino community at the national level. Ms. Kway-Greer is the first Minister of Parliament with albinism.

Yet, despite these improvements, people with albinism still live in fear. As Samuel Mluge, a Tanzania albino remarked to the reporter, "I feel like I am being hunted." No one should live in this state of fear. We must vocally denounce such killings, and do everything we can to prevent them from occurring in the future. I ask that my colleagues support this resolution. I also ask my colleagues for their continued support albinos in East Africa.

Mr. CONNOLLY of Virginia. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 1088, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1545

#### RECOGNIZING THE 189TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. CONNOLLY of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1107) recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American democracy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1107

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in its original text, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the Greek national anthem (Hymn to Liberty) includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over \$20,000,000,000 in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over \$750,000,000 in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas its Chairmanship of OSCE in 2009 underlined Greece's continued commitment to the trans-Atlantic community;

Whereas in August 2004, the Olympic Games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes and over 2,000,000 spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and has been consistently working for rapprochement with Turkey, as most recently demonstrated by Prime Minister George Papandreou's visit to Turkey in October 2009, just days following his election, his first diplomatic trip abroad;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2010, Greek Independence Day, marks the 189th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and celebrates the aspirations for democracy that the peoples of Greece and the United States share; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 189th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 189 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

##### GENERAL LEAVE

Mr. CONNOLLY of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Res. 1107.

I would like to begin by thanking my good friend and ranking member of the Foreign Affairs Committee, Ms. ILEANA ROS-LEHTINEN, for her leadership in introducing this important resolution which marks the 189th anniversary of Greek independence.

I am pleased to announce that, moments ago, the administration accepted Greece as a participant in the Visa Waiver Program.

As the birthplace of democracy, Greece stands alone among nations in its influence over our modern American Government. Our Founders fashioned our society based in significant part on the political experience and philosophy of the ancient Greeks.

Today, we stand here in a room surrounded by images of some of the greatest thinkers of world history, many of them Greek. We stand in a building inspired by ancient Greek architectural designs. We continue to legislate today under Greek ideals of democratic governance.

The Greek contribution to world culture is hardly limited to politics. From the ancient works of Homer, Plato, and Aristophanes, to the sculpture of Praxiteles, to the ethical sensibility of Hippocrates, to the mathematical insights of Archimedes and Pythagoras, we are indebted to the Greek nation for its scientific, philosophical, and artistic contributions to the development of the finest aspects of civilization.

The Greek-American bond, inspired by the ancients, remains vibrant today. Throughout the modern era, Greece has been one of the United States' strongest allies, supporting us in every major international conflict. Today, our two nations express their mutual commitment to safeguarding democracy and freedom through a partnership in NATO and through bilateral defense cooperation.

Situated at the crossroads of three continents, Greece holds a strategic position in the Mediterranean region. Over the past decade, Athens has pursued path-breaking diplomacy that has resulted, for example, in meaningful rapprochement with neighboring Turkey.

In that regard, we especially want to welcome to Washington Prime Minister George Papandreou, who is visiting us this very week. As foreign

minister in the 1990s and in the first years of this century, Mr. Papandreou was essentially the architect of that rapprochement with Turkey. Thanks largely to his vision, the threat of war in the Aegean, a near constant for many decades, has now diminished. In a remarkable gesture of friendship and reconciliation, Prime Minister Papandreou, newly elected last fall, made Turkey the site of his very first Prime Ministerial trip abroad.

As we commemorate today the 189th anniversary of Greek independence, we would be remiss if we failed to acknowledge the rich contributions of Greek immigrants and their descendants to the United States. Their accomplishments are a testament to the greatness of their land of origin.

Madam Speaker, I extend anniversary congratulations to Greece, an ancient country of noble traditions. I join with all Americans and democracy lovers throughout the world in celebrating Greek heritage and our thriving Greek-American friendship. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, the greatest aspect of Greek influence on our country has its roots in the classical era of ancient Greece—that point in time when the Greek political philosophy of democracy was born. In our political debates today, we can easily see the continuing influence of that classical age in our lives.

How different would the world be today if the Greeks of that day had not stood up to the invading armies of the Persian Empire? Unfortunately, although the ancient Greek political philosophers first conceived of democratic self-government, after their time passed, the Greek nation, itself, in fact, became a part of larger empires.

It was ruled for centuries by men with unquestioned and arbitrary power over life and death—the antithesis of democracy. By the start of the 1800s, however, the signs were clear. The Greek people saw the opportunity and were determined to win back their independence and to live in liberty once again.

The most eloquent advocate for liberty in the nation of Greece in the early 19th century was a freedom fighter and a poet, who, before perishing in the struggle, penned the immortal line, “Better 1 hour of free life than 40 years of slavery and prison.” After the Greek Revolution was declared on March 25, 1821, this poem became a patriotic call for liberty and the motto for the freedom fighters of Greece.

Our Founding Fathers shared that same passion for liberty, as evidenced by Patrick Henry’s famous statement just a few decades earlier, “Give me liberty or give me death”—a brave

statement which is so familiar and so similar to the rallying cry of the Greek people during their historic struggle.

Such are the shared ideals, the common values upon which the friendship between Greece and America was founded, and that friendship has, indeed, become a formal alliance.

During the 20th century, in every major international conflict, Greek soldiers stood beside American soldiers in the fight for freedom and liberty.

To this day, Greece supports our reconstruction and stabilization missions in Iraq and Afghanistan. Greece has deployed an operational mentor and liaison team to assist NATO efforts to train the Afghan army. Further, the Souda Bay naval base on Crete has been a valuable support for the coalition forces in Iraq. During the brutal fighting in 2005 alone, this Greek base supported over 11,000 U.S. military ships and planes on their way to Iraq.

Greece has also contributed significant financial and diplomatic support to continuing stabilization efforts in the Balkan region, and it has effectively promoted such efforts in that region during the 2009 chairmanship of the Organization for Security and Cooperation in Europe.

I was honored to have met with the Greek Prime Minister earlier today to discuss these issues and to discuss ways to continue strengthening our bilateral relationship.

Greece continues today as a valued partner and as a strong friend of the United States. It is my pleasure to offer this resolution which recognizes the 189th anniversary of the independence of that great nation.

With that, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, I yield 2 minutes to my friend, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Madam Speaker, today, I rise to honor the 189th anniversary of Greek Independence Day. We are also celebrating today Greece’s entry into the U.S. Visa Waiver Program, which is a strong affirmation of the close ties between our two nations.

The American people and the people of Greece have been united by common values from the very beginning. Democracy, liberty, freedom, and the idea that the individual should have a say in the workings of society are the values we share and are the foundations upon which both of our great nations have been built and have prospered.

It is no coincidence, therefore, that Greece and the United States have stood by each other’s side in every major struggle. After all, our two great nations are the historical pillars of democracy: Greece as creator and America as promoter.

By passing this resolution today, we commemorate the struggle of the Greek people to secure their freedom and to establish the modern Hellenic Republic.

Today, as we know, Greece is facing particularly difficult challenges. Yesterday, as part of his 4-day visit to the United States, the Prime Minister of Greece, George Papandreou, delivered an address at the Brookings Institution in which he described those challenges and emphasized the important role the United States can play in ensuring that global speculators do not take further advantage of what remains a very fluid situation.

America and Greece must stand together to ensure that the global economic system is restored, to support European democracy, and to foster peace and prosperity around the globe. We are strong allies and are up to the task. In that spirit, our country today congratulates Greece on the celebration of its independence, and we look forward to strengthening our mutual ties in the days to come.

Mr. CONNOLLY of Virginia. Madam Speaker, I yield 5 minutes to my friend, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Thank you, my dear friend, for your leadership and for yielding to me.

Madam Speaker, as an original cosponsor of H.R. 1107 and as co-chair and cofounder of the Congressional Caucus on Hellenic Issues, I rise today to celebrate the entrance of Greece into the Visa Waiver Program and to celebrate the 189th anniversary of Greece’s declaration of independence from the Ottoman Empire.

Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to win their independence. Following 400 years of Ottoman rule, in March 1821, Bishop Germanos of Patras raised the traditional Greek flag at the monastery of Agia Lavra, inciting his countrymen to rise against the Ottoman army.

The bishop timed this act of revolution to coincide with the Greek Orthodox holiday celebrating the archangel Gabriel’s announcement that the Virgin Mary was pregnant with the divine child. Bishop Germanos’ message was clear: A new spirit was about to be born in Greece.

The following year, the Treaty of Constantinople established full independence for Greece.

New York City is home to the largest Hellenic population outside of Greece and Cyprus. Western Queens, which I have the honor of representing, is often called “Little Athens” because of the large Hellenic population in that neighborhood. New Yorkers celebrate Greek Independence Day with a parade on Fifth Avenue, along with many cultural events and private gatherings. These events, hosted by the Federation

of Hellenic Societies and other Hellenic and Philhellenic organizations and friends, remind us of the Hellenic American community's many contributions to our Nation's history and culture.

I am also pleased that President Obama is continuing the tradition of holding a White House celebration in honor of Greek Independence Day.

Relations between the United States and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe.

I hope permanent solutions can be found for ending the division of Cyprus and for finding a mutually agreeable name for the former Yugoslav Republic of Macedonia. Additionally, I have re-introduced legislation which urges Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate. It is time for this suppression of religious freedom to come to an end and for Turkey to move in the direction of freedom and democracy.

I, along with my colleagues, have worked to ensure that the process for Greece's entry into the Visa Waiver Program has continued to move forward. I have had legislation before this body for well over 6 years.

In September of 2007, Greece was formally nominated for the Visa Waiver Program by the U.S. State Department and was the only member of the original 15 European Union nations not to belong to the Visa Waiver Program. In light of this, I was very, very pleased to learn that, just today, Secretary Napolitano announced the inclusion of Greece into the program. This is a most welcomed and long overdue development for Greece, the birthplace of democracy and one of our Nation's closest allies.

I ask the Nation to join me in celebrating the Greeks' independence. I also join my colleagues in welcoming Prime Minister Papandreou, who is visiting this country for 4 days. It is also my sincere pleasure to pay tribute to New York's Hellenic American community and to its many contributions to our city and Nation.

Zeto E Eleftheria. Long live freedom.

Mr. CONNOLLY of Virginia. Madam Speaker, I want to thank my colleagues for their thoughtful comments on this important matter. I want to thank the ranking member, my friend from Florida (Ms. ROS-LEHTINEN), for her leadership on this matter.

Before I yield back the balance of my time, I also want to thank both the majority and minority staffs of the committee for their fine work, and I want to thank my own staff member, Hera Abbasi, for her fine work, especially on our albinism resolution.

Mr. MCMAHON. Madam Speaker, today, I congratulate Greece on her 189th anniversary of independence.

Greece has long been a close ally to the United States and rightly so, given that our

founding fathers formulated the American political philosophy from the Greek ideals that were first conceptualized in 500 BC.

Today, Greece is a partner in Afghanistan and continues to build bridges between cultures throughout Europe and the greater region.

Greece promotes peaceful dialogue and understanding through its own negotiations, particularly in regards to its divided neighbor, Cyprus.

Ending the occupation of Cyprus has long been a focus of my political career. Greece and Cyprus's steadfast commitment to finding peaceful people to people solutions to ending the occupation have touched and motivated my own work on the House Foreign Affairs Committee. In fact, Secretary Clinton described Cyprus as a strategic focal point in response to my questions on integrating the island.

Today, thousands of Turkish and Greek Cypriots pass through various passageways between the occupied North and the Republic of Cyprus. There has not been one incidence of violence and many Turkish Cypriots escape the congestion of the occupation and enjoy education and health benefits in the Republic that they do not have in the North.

After over 35 years, it is time to bring peace to this island through a bi-zonal, bi-communal federation driven solely by the joint efforts of all Cypriots and Cypriots, only.

On a similar note, Greece has for years pursued the deserved rights of the leader of the Orthodox Christians, the Ecumenical Patriarchate. I will continue to advocate for the Patriarchate's recognition. I believe that this recognition would not only benefit the Patriarchate's legacy, but Turkey's multi-cultural history, as well.

Finally, I will work to make sure that a mutual agreeable name for the Former Yugoslav Republic of Macedonia, FYROM, is reached. After all, Macedonia is Greek!

Through its great history, Greece has always approached its own matters with grace. I am particularly proud of the Greek-Americans who, through, their advocacy and hard work, today heard the great news that Greece has finally been granted visa waiver status.

I cannot tell you how happy I am that families will finally be comfortably reuniting after years of a discriminatory status.

I thank President Obama and Secretary Napolitano for their decision and once again congratulate Greece on all that it has achieved and of course, all that it will achieve.

Mr. SPACE. Madam Speaker, I rise today in support of H. Res. 1107, a bill recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American democracy.

I am proud to support a bill whose significance is so extensive and which has such great personal meaning to me and my family members.

I am extremely proud to call myself a Greek-American. My paternal grandfather emigrated from the island of Ikaria, Greece in the early 20th century and earned his American citizenship by fighting in World War I for the U.S. yet, he never let go of his roots. My father served in the Marines during the Korean War and instilled in me a deep sense of patri-

otism and respect for our great country. My family, like so many other Greek-American families, has never forgotten that strong bond that exists between Greece and the United States.

Our Founding Fathers looked to ancient Greece and her political wisdom. They drew on the enlightenment of the ancient texts to build a new representative democracy, deeply rooted in the philosophy and ethos of Greek government. Greece and the U.S. have always been at the forefront of the effort for freedom, democracy, peace, stability and human rights, and those similarities are what have forged our enduring bond over the centuries.

The solidarity between our two great countries has served us both throughout the years. The Greek people fought alongside American soldiers in the historic battles of World War II and have lent aid to our troops fighting in Iraq and in battlefields around the world. Whether in war, or in peace, the U.S. and Greece have been able to stand strong, firmly anchored by the democratic principles from which both of these two great nations were born.

Today, as we celebrate the anniversary of this wonderful nation's independence, it is important that we continue to recognize the significance of Greek contributions to the global society. As an American, and as a Greek, I support H. Res. 1107 and ask my colleagues to do the same.

Ms. TSONGAS. Madam Speaker, as an original cosponsor of this resolution, and a member of the Congressional Caucus on Hellenic Issues, I rise today in order to voice my heartfelt congratulations to the people of Greece on the 189th anniversary of their independence.

Massachusetts' Fifth Congressional District has deep roots in the rich Greek-American community, as does my family—my husband Paul's family emigrated from Greece to Lowell, Massachusetts when his father was 3 years old.

Our Nation has benefited tremendously from the contributions of the prominent Greek community that resides, works, and sustains a vibrant Greek heritage here in the United States.

The bond between the United States and the nation of Greece has always been an exceptional alliance, anchored in our common values, traditions, and passion for freedom and democracy.

President Obama has appropriately continued the tradition of holding a White House celebration in honor of Greek Independence Day, and I look forward to joining him this year to celebrate this historic occasion.

This measure expresses the House of Representatives' support for the important partnership and strong relations between Greece and the United States over the past 189 years. To this day, Greece remains one of our greatest allies.

I am proud to join the Greek-Americans of Massachusetts' Fifth District, and across our country, in celebrating the 189th anniversary of their independence day.

I urge my colleagues to support this resolution.

Mr. VAN HOLLEN. Madam Speaker, As a lead sponsor of this resolution, I am proud to

stand with my colleagues to commemorate the 189th anniversary of Greek independence. We gather here today not only in recognition of Greece's proud history, and in appreciation of the warm friendship our two countries share, but also to thank the Greek people for standing by our side in good times and bad, in peace and in war.

The U.S. connection to Greece reaches back to the days before the United States was even a country. It is well known that the Founding Fathers were well versed in Greek political philosophy and drew on that knowledge in their efforts to lay the political foundation of this Nation. Thomas Jefferson once said of Greece that it was "the first of civilized nations, (and) presented examples of what man should be." Indeed, many of the political ideas attributed to the United States today, such as freedom of speech and the respect for democratic governance can trace their origins back to ancient Greece.

On this 189th anniversary of Greek independence, let us all reflect on what we as Americans owe to Greece for our historical ties, for the role ancient Greece played in the shaping of our democracy and for the enduring friendship between the peoples of the United States and Greece.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 1107 to recognize the 189th anniversary of the independence of Greece and to celebrate Greek and American democracy.

The path to a free and democratic state is often long and arduous. This has been particularly true for Greece, and through the decades, the country has worked diligently to ensure the rights of citizens and uphold the principles of democracy. On March 25, 2010, we join the Greeks in celebrating their Independence Day, and by so doing, we are reminded of the sacrifices that a country grounded in democratic principles necessitates. In truth, the work that goes into attaining a freer and fairer democratic state never truly ends, and for this reason, it is important to recognize the citizens of Greece and the Greek government on this day.

Madam Speaker, the country of Greece has played a remarkable role in European history, and I commend the Greek people on their accomplishments and commitment to democratic ideals. I ask my fellow colleagues to join me today in honoring the people of Greece on the occasion of their 189th Independence Day.

Mr. CONYERS. Madam Speaker, I rise today in support of H. Res. 1107, which recognizes the 189th anniversary of the independence of Greece and celebrates Greek and American democracy. This resolution honors the Greek republic on its 189th anniversary, but the culture of the Greek people is over three thousand years old and has been the intellectual and philosophical foundation for many democracies throughout modern history.

Modern Greece is a living, breathing example of the trials and struggles of many countries over the last hundred and eighty-nine years. Greece had to remove the shackles of empire to forge its own identity and destiny. The Greek people joined the allies in their fight against fascism during World War II. In the war's aftermath, Greece was in the physical and geopolitical center of the east and west struggle in the Cold War.

The Greek people and culture have also had a lasting impact in the Detroit Metropolitan area. What started out as a small group of people on Monroe Street who wanted to preserve their rich culture, has grown into a successful group of business owners and, most of all, great Detroiters.

Greece is an example of the steadfast determination that all people admire. The Greek People have seen their land invaded by foreign nations, experienced coups and rebuilt after tragedy. While this happened, America stood with them offering aid and assistance. It is only fitting we celebrate this occasion with them.

Mr. GARRETT of New Jersey. Madam Speaker, as a member of the Congressional Caucus on Hellenic Affairs, I am proud to congratulate the nation of Greece on its upcoming celebration of the 189th anniversary of independence. It's been one hundred and eighty-nine years since Greece obtained freedom from the oppressive Ottoman Empire.

On March 25, 1821, the Greek people rose up against Ottoman oppression and declared their independence. The Greeks had been under occupied rule by the Ottoman Turks for over 400 years. After years of war and negotiations, Greece was finally recognized as an independent nation in 1832.

As the birthplace of democracy, Greece has shared numerous self-government efforts across the world, including here in the United States. America's Founding Fathers were inspired by the political experiences and philosophies of ancient Greece in writing our Constitution and founding our representative democracy. Today, Greece is again a thriving democracy and an example of self-determination for other nations.

Greece has long been one of the United States' closest allies. Greece fought alongside America in every war of the 20th Century and continues to offer strong support in the current war on terrorism.

I am honored to cosponsor H. Res. 1107 which recognizes the 189th anniversary of the independence of Greece and am pleased that this bill is being considered by the House of Representatives today.

I would again like to congratulate Greece for celebrating such a momentous occasion. This anniversary is a time to remember the sacrifices of the past, to take pride in your nation, and to look ahead to a future of promise.

Mr. CONNOLLY of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 1107.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

## PREVENT DECEPTIVE CENSUS LOOK ALIKE MAILINGS ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4621) to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4621

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevent Deceptive Census Look Alike Mailings Act".

### SEC. 2. REQUIREMENTS FOR MAIL BEARING THE TERM "CENSUS" ON THE ENVELOPE OR OUTSIDE COVER OR WRAPPER.

(a) MATTER SOLICITING PURCHASE OF A PRODUCT OR SERVICE.—Section 3001(h) of title 39, United States Code, is amended—

(1) by inserting, in the matter preceding paragraph (1), "; or which bears the term 'census' on the envelope or outside cover or wrapper" after "such matter by the Federal Government";

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by inserting "(1)" after "(h)"; and

(5) by adding at the end the following new paragraph:

"(2) In the case of matter bearing the term 'census' on the envelope or outside cover or wrapper, in addition to satisfying one of the exceptions contained in paragraphs (1)(A), (1)(B), or (1)(C), such envelope or outside cover or wrapper bears on its face an accurate return address including the name of the entity that sent such matter."

(b) MATTER SOLICITING INFORMATION OR CONTRIBUTION OF FUNDS.—Section 3001(i) of title 39, United States Code, is amended—

(1) by inserting, in the matter preceding paragraph (1), "; or which bears the term 'census' on the envelope or outside cover or wrapper" after "such matter by the Federal Government";

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by inserting "(1)" after "(i)"; and

(5) by adding at the end the following new paragraph:

"(2) In the case of matter bearing the term 'census' on the envelope or outside cover or wrapper, in addition to satisfying one of the exceptions contained in paragraphs (1)(A), (1)(B), or (1)(C), such envelope or outside cover or wrapper bears on its face an accurate return address including the name of the entity that sent such matter."

The SPEAKER pro tempore (Mr. DOYLE). Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes. The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may



have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4621, as amended. I would like to thank Chairman TOWNS and Ranking Member ISSA of the Committee on Oversight and Government Reform, and Congresswoman MALONEY and Congressman CHAFFETZ for working with me on this legislation. As chairman of the Information Policy, Census, and National Archives Subcommittee, this legislation is of particular importance to me.

This legislation would require certain mailings which have the term "census" on the outside of the envelope to also include an accurate return address and the name of the sender on the envelope. H.R. 4621 would also mandate that such mailings follow existing legal requirements to include disclaimers making it clear that the mailing is not from the Federal Government.

H.R. 4621 was introduced on February 9, 2010, and referred to the Committee on Oversight and Government Reform. The committee approved the measure with a manager's amendment by voice vote on March 4, 2010.

In recent months, mailings which have the word "census" on the envelope and contents that resemble official census forms have been sent by the Republican National Committee and other nonprofit organizations to citizens in several States. The RNC mailings were marked "DO NOT DESTROY. OFFICIAL DOCUMENT." The envelope used in these mailings did not include a return address or identify the sender. Using these terms on the outside of the envelope without a return address and the name of the sender creates an appearance of an official government document.

Later this month, the Census Bureau will begin conducting the decennial census through the U.S. mail. The decennial census is mandated by article I, section 2, of the U.S. Constitution. This official government function provides an accurate portrait of the American population. The decennial census serves as a basis for the distribution of hundreds of billions of dollars for schools, hospitals, job training centers, and transportation projects.

In addition to conducting the decennial census every 10 years, the Census Bureau conducts surveys throughout the decade. For example, under the previous administration, the Bureau started the American Community Survey, which is an annual survey sent to a sample of the public. This survey helps communities understand where and how their population lives and permits the community to allocate resources accordingly.

Because legitimate census mailings are used for such important purposes, it is critical that the Census Bureau is able to receive accurate information and that American citizens continue to have confidence in census mailings. Increased confidence in the census will save taxpayers money by improving the response rate.

The Director of the Census Bureau, Robert Groves, has said that the Bureau will save \$85 million for every 1 percent increase in the mail-back response from recipients of the decennial census.

This bill is narrowly tailored to address the specific problems caused by census look-alike mailings. This bill would not prevent the use of the term "census" in mailings altogether; H.R. 4621 would merely require the sender to identify itself and include language clarifying that the mailing is not from the Federal Government.

Mailings by private organizations which appear to be from the Census Bureau, without a proper clarification or disclaimer, create a risk of confusion on the part of citizens who will be receiving actual census mailings this year. H.R. 4621 will help to prevent such confusion.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank Mrs. MALONEY for her introduction of H.R. 4621, the Prevent Deceptive Census Look Alike Mailings Act. What this bill will do is seek to prevent the word "census" from appearing on mail that does not pertain directly to the national census.

Currently we do have laws to address sending deceptive or fraudulent mail, and the Postal Inspection Service currently has responsibility for investigating allegations of this nature and determining if a violation has been committed. However, what this bill will do is simply reinforce and reiterate existing law.

This bill would give postal inspectors an additional tool, if you will, in addressing mail sent by those seeking to capitalize on the importance people place on the U.S. census—mail that may be in a gray area where inspectors are unable to determine whether a violation has been committed or not.

The census is one of the most important functions of the Federal Government, particularly given the role it plays in our representative democracy, so confusion or reduced participation can affect political representation, and also whether a community receives its fair share of Federal dollars. So when a piece of mail says "census" on it, we want people to take it seriously, to read it and to respond to it. We must

maintain public trust in this process and send the message to citizens that an accurate census is of paramount importance to all Americans.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership in moving this bill to the floor. I also would like to thank Chairman TOWNS and Ranking Member ISSA, along with Congressmen CLAY and LYNCH, for their support and cooperation.

The 2010 census is here. Later this week, on March 12, 2010, forms will be hitting the mailboxes. That is why we must act quickly to ensure a fair and accurate count without disruption or confusion.

Many may not realize this, but the constitutionally mandated census is used to determine the distribution of billions of dollars in Federal funding into our States and our communities, in addition to determining the number of congressional seats per State. Participation in the census is essential to ensuring a brighter tomorrow for our communities and a representative government for our country.

It is because of this we must do everything possible to protect the integrity of the United States census and ensure that it is both accurate and cost-effective, and it's why the Congress has appropriated hundreds of millions of dollars to the Census Bureau to encourage participation.

Unfortunately, while the U.S. Government is working to encourage participation, there are some organizations that are causing confusion by sending mailers that resemble official census documents. These deceptive mailings include the words "census department," "census document," and "official document," but are instead letters seeking support for other purposes.

If we allow organizations to send mock census documents or mock look-alikes of the census forms, we stand to confuse people and risk a lower response rate, which ultimately would increase the cost of the entire count. In fact, every percentage decrease in the mail response rate costs approximately \$25 million for the additional expense of sending enumerators to the homes of those who do not respond to the mailing. After all, when people simply fill out the form and mail it back, it costs the least to our government.

Former Census Director Dr. Barbara Bryant, who served under President George H.W. Bush, has noted that there are documents that are intentionally made to look like the census in an effort to deceive. That is why I introduced H.R. 4621, the Prevent Deceptive



Census Look Alike Mailings Act, and why I am grateful that we will pass this bill today with bipartisan support.

H.R. 4621 would require any mailing with an envelope marked "census" to clearly indicate the sender and return address. It would also trigger an existing requirement in Federal law to include a disclaimer that the mailing is not from or affiliated with the Federal Government.

The bill would not prohibit the use of the word "census" on a mailing if an organization wants to do a census and call it that. That is fine. However, the mailer must be absolutely clear that it is not the United States Government's census.

This bill will serve as an important tool in protecting the integrity of census mailings and save the taxpayer money in fulfilling the constitutionally mandated census by limiting any confusion that a deceptive census look-alike mailer could cause.

Finally, I would like to note that Senator CARPER intends to move this bill to the Senate floor once we pass it in the House. I thank my colleagues for moving swiftly on this issue, and urge my colleagues to vote yes.

Mr. GARRETT of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, again, I encourage my friends from both sides of the aisle to join me in supporting H.R. 4621, as amended, and again I thank the gentlewoman from New York for her leadership on this legislation.

Mr. HOYER. Mr. Speaker, entering its 23rd decade, the U.S. Census is the longest-running national census in the world. Our founders wrote it into the Constitution, because taking a fair count is an essential part of fair government. A comprehensive, accurate Census helps ensure that our common resources are distributed where they are most needed, so that our communities can get the roads, schools, and police protection that they need. There's nothing partisan about that goal.

Unfortunately, some groups have set out to deceive Americans by disguising their own private mailings as Census documents. This month, Americans have received envelopes marked "Census" and "official document," when the papers inside are nothing of the kind—and sometimes even political fundraising appeals. Groups that send out such mailings are taking advantage of the Census to unfairly promote their own interests. And even worse, they are interfering with a fair and accurate Census by possibly depressing the response. According to Barbara Everitt Bryant, a former Republican appointee to head the U.S. Census Bureau, "those who respond may feel they have been good citizens and already answered the census when their real questionnaires arrive next month."

To stop that kind of cynical manipulation, I urge my colleagues to support the Prevent Deceptive Census Look Alike Mailings Act. It would require any mailing with an envelope marked "Census" to clearly indicate the send-

er, reducing the possibility of deception; it would also trigger an existing legal requirement that the mailing include a disclaimer stating that it is not affiliated with the U.S. Census. This bill won't prevent any organization from using the word "Census"—but it will stop private organizations from disguising themselves as the federal government.

This bill is an important way to ensure an unbiased count of all Americans, and I strongly support its passage.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise before you today in support of H.R. 4621, the "Prevent Deceptive Census Look Alike Mailings Act." I would like to thank Representative MALONEY for introducing this important piece of legislation.

It is extremely important that we protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census. This legislation is vital because it will set requirements for mail bearing the term "census" on the envelope or outside cover or wrapper.

Protecting the integrity of the Census from fraudulent activity will ensure that the U.S. Census Bureau is able to gather more accurate data. Hopefully, this legislation will ease the fears of those afraid to be scammed and therefore do not respond to the Census. It is important that the American people are aware that the questions in the Census survey are used only to produce statistics, and never identify an individual. The Census Bureau never asks for a full social security number, money or a donation, requests on behalf of a political party or requests PIN codes, passwords or similar access information for credit cards, banks or other financial accounts.

The official U.S. Census is described in Article I, Section 2 of the Constitution of the United States. It calls for an actual enumeration of the people every ten years, to be used for apportionment of seats in the House of Representatives among the states. Besides providing the basis for congressional redistricting, Census data are used in many other ways. Since 1975, the Census Bureau has had responsibility to produce small-area population data needed to redraw state legislative and congressional districts. Other important uses of Census data include the distribution of funds for government programs such as Medicaid; planning the right locations for schools, roads, and other public facilities; helping real estate agents and potential residents learn about a neighborhood and identifying trends over time that can help predict future needs.

According to the PriceWaterHouse report on the 2000 Census, the Census Bureau has estimated that the Census 2000 undercounted the actual U.S. population by a net of over three million individuals, representing an undercount rate of 1.18 percent. I am particularly concerned about correcting undercounting problems because Harris County, Texas, which is situated in my district, ranked fourth of the fifty U.S. counties with the highest number of people living in hard-to-count areas. In fact, 80.5 percent of the population in Harris County lives in hard-to-count areas. Even more astonishing, Harris County, Texas is one of eight counties estimated to lose over \$100 million each in federal funds from under-

counting in the 2000 Census, according to the aforementioned Price Waterhouse report.

I urge my colleagues to support this legislation and protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 4621, the "Prevent Deceptive Census Look Alike Mailings Act," and commend Representative MALONEY for bringing this issue to the Floor. Like my colleague from New York, I am concerned about any mailing that could cause confusion and impact the response rate in the 2010 Census. Because of the importance of the Census, with its count determining many important calculations for federal funds and political representation, we must make every effort to ensure the integrity of the process.

I believe this legislation will mitigate some of the confusion and fraudulence that could cause underreporting, especially among targeted populations. The requirement for organizations that include "Census" on their mailings to provide a disclaimer that they are not writing on behalf of the federal government will help our constituents know that those materials are not part of the official 2010 United States Census.

I encourage my colleagues to support this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, the beginning of March marks the one-month process of one of the most important collective actions that our country partakes in, the national Census. Thus I want to express my support to House Resolution 1096, deeming this month designated as Census Awareness Month. The Census provides an opportunity to not only count how many people live in our great nation, but to also collect valuable data that will help to provide services to millions of Americans. According to information collected from the Census, over \$400 billion per year in federal funding is distributed to State and local governments. As a member of the Congressional Black Caucus, I want to ensure that all African Americans are counted as the Census has significant importance in the black community. The implementation and evaluation of programs like the Equal Employment Opportunity Act, the Civil Rights Act and the Fair Housing Act are based on Census data. In 2007 the Black community grew to 40.7 million from 33.5 million in the year 2000. Underrepresentation of minorities is the leading cause of underfunding programs that these communities utilize the most, such as education, health care, housing and transportation programs.

The myths that further discourage people from participating in the Census must be dispelled. The Census is not a long process; there are merely 10 questions to answer, making it the shortest Census form in history. By law the Census Bureau cannot share individual responses with anyone; that includes immigration authorities, IRS, FBI, CIA or any other government agency. The U.S. Census preferred method of participation is through forms sent through mail and returned through mail and Census workers will only visit households that do not return their forms. This snapshot of our nation also effects Congress itself;

the distribution of U.S. House of Representative seats are based on the Census. In order to have proportional representation as well as programs and funding that directly serve the American people, everyone must participate in the 2010 United States Census. Underrepresentation of our population must be avoided; thus from March to April, I urge everyone to go to [www.census.gov](http://www.census.gov) to find out more on how you can be involved in the 2010 U.S. Census.

Mr. CLAY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4621, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

#### SPC NICHOLAS SCOTT HARTGE POST OFFICE

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4624) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4624

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SPC NICHOLAS SCOTT HARTGE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, shall be known and designated as the "SPC Nicholas Scott Hartge Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "SPC Nicholas Scott Hartge Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

I rise in support of H.R. 4624. This legislation will designate the facility of the U.S. Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office." Army Specialist Nicholas Hartge was raised in the small town of Rome City, in northeastern Indiana. After the terrorist attacks of September 11, 2001, Specialist Hartge enlisted in the infantry while still in high school and was stationed in Germany before deploying to Iraq.

On May 14, 2007, Specialist Hartge's patrol came under heavy attack. He was killed in combat when his Humvee hit a roadside bomb while maneuvering under intense fire.

For his service to his country, Specialist Hartge received a Commendation Medal for outstanding achievement for helping to capture the enemy in Iraq, and a Bronze Star for his actions on the day he was killed. He is missed by his family, his community, and his country. Our Nation owes a great debt of gratitude for his service.

H.R. 4624 was introduced by the gentleman from Indiana, Representative MARK SOUDER, on February 9, 2010. The measure was referred to the Committee on Oversight and Government Reform, which approved it by unanimous consent on March 4, 2010. The measure enjoys the support of the entire Indiana delegation.

Mr. Speaker, I urge my colleagues to join me in supporting this bill.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. I yield myself such time as I may consume.

I rise today in support of H.R. 4624, designating the facility of the United States Post Office located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office."

It was back on May 14, 2007, that Specialist Hartge met a tragic, yet heroic fate when his unit came in contact with enemy forces in Iraq. In honor of this fallen American hero, it is fitting and appropriate that we recognize the ultimate sacrifice that he made for his country.

He was raised in Rome City, Indiana. Specialist Hartge was profoundly affected by the 9/11 attacks on the United States. It was then that he decided that he wanted to, more than anything else, serve his country. Before graduating from East Noble High School, he enlisted in the Army. Just 1 week after graduation, he left for boot camp at Fort Benning.

In August 2006, he was deployed to Iraq, where he and his unit patrolled the difficult streets of the city. Risking his life every day, he served as a driver and a radio/telephone operator. Although he was one of the younger members of his unit, he distinguished

himself as hard working, a good soldier, and the type of person his comrades could always count on. He believed in what he was fighting for. He believed and felt that they were really helping the people of Iraq.

While he was only 20 years old, he aspired to do something special with his life. And, indeed, when we think about it, he did. He became a positive role model for those around him and those he surrounded himself with. He once told his fellow soldiers that "the Army doesn't give you values; it develops values that you already had from your parents." That's so true.

He is survived now by his parents, a sister and brother—a fellow soldier. Yes, this fine young man embodied the values and the passions of this great Nation. Sadly, he paid the ultimate sacrifice to preserve those freedoms for all of us.

Mr. Speaker, as I come to the floor and speak about this fallen soldier, I'm mindful of the fact that I was here only literally several weeks ago, submitting a similar resolution for a young man about the equal age, back from our district, from the Fifth Congressional District of the State of New Jersey. Likewise, in these circumstances we saw the outpouring of support from the people of his community on the day that he was returned once and for all to his final resting place in his hometown. At that time, members of his fire department, the mayor and council and, more importantly, the entire community came out and recognized him.

It was at that point we realized that it's a day to remember these fallen soldiers when they do come back. But that day is a fleeting day. Even when you talk to the parents of the soldiers at those funerals and the services, they don't really even remember it, in some ways. A week later, it was such a blur, just a fast passing, and all the commotion that went on that day. It was hard to remember who was there.

So I'm sure, like the speaker on the other side of the aisle and all the Members on the other side of the aisle agree, it's for this reason we come to the floor today and name the post office for Specialist Hartge, because we don't want to just make it a 1-day event. We don't want it to be an incident where the community comes out and pays respect at the church service and graveside. We don't want it to be a time that is in passing. We want to have something there in the community that, day in and day out, members of his family, other members of the community that he grew up with, his boyhood friends and the like, will be able to see his name on post office.

We also want to have something in the community that, days in the future, when future generations grow up, kids that he grew up with have grown up and gotten married and have children themselves and they come back to

town, that they will see Specialist Hartge's name up there on the post office.

Maybe they will ask their parents, Who was that Specialist? Who was that name? Who was that soldier? And there will be people still around in the community who say, I remember him when he grew up here. I remember what he did for the town. I remember him going through the high school in the days there, and the friends that he had there. I remember him for the love that he had for his family, his brother and his sister, and for everyone else here. I remember him also for the sacrifice that he made for this country overseas.

So in that respect a little bit of him will be remembered for this generation and his posterity as well. So I thank the gentleman for moving this piece of legislation in a bipartisan manner so that a piece of him will be remembered for posterity.

With that, I yield back the balance of my time.

Mr. CLAY. I want to thank the gentleman from New Jersey for his kind words about Specialist Hartge. Also, Mr. Speaker, again, I encourage my friends from both sides of the aisle to join me in supporting H.R. 4624.

Mr. SOUDER. Mr. Speaker, SPC Nicholas Scott Hartge served in Charlie Company, 1st Battalion, 26th Infantry, Brigade Combat Team, 1st Infantry Division in Schweinfurt, Germany.

Nicholas grew up in the small town of Rome City, Indiana where he was deeply involved with his community. He was extremely patriotic and was moved by the events of September 11th to do something special. He decided to serve his country and enlisted in the army during his senior year of high school. His mother, Lori, has often described that on the day he came home seeking her permission to join, Nicholas was so determined that a freight train could not stop him. Just one week after graduation, he left for boot camp at Fort Benning, GA. He could have taken many paths, but chose to serve in the infantry.

In August, 2006, Nicholas and his unit were deployed to Iraq where they had the difficult task of patrolling the streets of Adhamiyah. Every day his unit risked their lives, constantly under pressure, never knowing who their enemy was. Though he was one of the younger members, Nicholas quickly earned the respect of his fellow soldiers. They described him as having a Midwest innocence, and even teased him good naturedly for being such a straight-laced young man. All were impressed by his dedication and drive to succeed—noticing how he would practice new tasks endlessly until he mastered them.

He had a goal to attend West Point, and worked with his commanding officer to prepare for the process. However, when an opportunity was presented to him to join a prep school that could have led to the academy, Nicholas decided he could not leave his unit and chose to stay and finish his combat tour. On May 14, 2007, his patrol came under heavy attack. Nicholas was killed in combat when his humvee hit a roadside bomb, while maneuvering under intense fire.

He always maintained deep roots in his community and was very proud of his hometown. When on a two-week leave from Iraq, Nicholas took time to visit classes and talk with students at the Rome City Elementary and Middle School. In the summer of 2009, the school renamed their annual spirit award as the "Nicholas Scott Hartge Spirit Award." Nicholas had previously received the honor when he was in 8th grade.

SPC Nicholas Scott Hartge received a Commendation Medal for outstanding achievement in the capture of Abu Hassan, and a bronze star for his actions on the day he was killed. He is survived by his mother and stepfather, Lori and Dave Abbott of Rome City; father Scott Roger Hartge of Delaware, OH; sisters Elise Hartge of Rome City and Jennifer (Scott) Wheeler of Fort Wayne; brothers Ryan Abbott of Camp Humphreys, Korea and Justin Abbott of Auburn; maternal grandmother Janet Hines of Orlando; paternal grandfathers Roger Hartge of New Carlisle, OH, Frank Robey of VanWert, OH; grandmother Marjorie Abbott of Fort Wayne and many nieces and nephews.

Renaming the Rome City Post Office in his honor is just a small gesture to recognize the contributions of a young man and his family who sacrificed so much for us all.

Mr. CLAY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4624.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RECOGNIZING CONTRIBUTIONS OF KOREAN AMERICANS

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1036) recognizing the contributions of Korean Americans to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1036

Whereas, on January 13, 1903, the arrival of 102 pioneer Korean immigrants to the United States marked the first chapter of Korean immigration in this country;

Whereas the Korean War began 60 years ago this June and impacted the lives of millions of Koreans;

Whereas thousands of Koreans, fleeing from war and poverty, came to the United States seeking opportunities;

Whereas Korean Americans, like thousands of immigrants to the United States before them, have built strong families and contributed to dynamic communities;

Whereas more than a million people in the United States can trace their roots to Korea;

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13 of each year as "Korean American Day" to commemorate the first step of the long and prosperous

journey of Korean Americans in the United States; and

Whereas Korean Americans have contributed significantly to the development of the arts, sciences, engineering, medicine, government, military, education, and the economy in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives urges all people in the United States to recognize the invaluable contributions Korean Americans have made to this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

##### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1036, a resolution that will recognize the contributions of Korean Americans to the United States. Korean Americans have contributed significantly to the culture, economy, and success of the United States. January 13, 2010, marked the 107th anniversary of the beginning of Korean immigration into the United States. There are now more than a million and a half people of Korean descent living in the United States. Korean Americans have helped build our communities and our Nation. They have added significantly to the development of the arts, sciences, engineering, medicine, government, military, education, and the economy of the United States.

House Resolution 1036 was introduced by the gentleman from New Jersey, Representative SCOTT GARRETT, on January 22, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on March 4, 2010. The bill enjoys bipartisan support from over 50 Members of Congress.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1036.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise to express my strong support for H. Res. 1036, recognizing the contribution of Korean Americans to the United States.

It was indeed back on January 13 that we marked the 107th anniversary of Korean American Day, for it was on that day, 107 years ago, that a boat carrying 102 Korean immigrants arrived in Hawaii. In the years since that time, many Koreans have come to the United States for opportunity, safety, and

other reasons. Like the millions of immigrants before them, Korean Americans have made a tremendous contribution to the United States. At the beginning, these immigrants were laborers on farms, worked in mines, railroads, and such. It was their hard labor that literally helped build this country as we have it today. Today, there are over a million Korean Americans across this great country.

This year marks yet another great anniversary for them. The Korean War began 60 years ago this June, impacting the lives of millions of Koreans and, of course, people in this country as well. By the 1960s, Koreans became one of the top five immigrant groups to the United States, as many Koreans sought hope and freedom and refuge from poverty and violence. The consequences of a divided Korean Peninsula affected the world then, as it does today. We will continue to work for diplomatic relations to resolve this conflict, and a North Korea free from nuclear weapons as well.

These Korean American immigrants have made untold contributions to American society. They have raised strong and good families and built successful businesses, dynamic communities, active civic associations, churches and charities. Thousands of Korean Americans currently serve in our Armed Forces; and many of them deployed overseas today, in harm's way, are keeping our Nation safe from terrorism and other risks.

□ 1630

Whether it's in military or in education, in science, in business or in the arts, Korean Americans have played and continue today to play a vital role in shaping communities throughout this country. So, Mr. Speaker, I come pleased to present this opportunity to recognize the contributions that Korean Americans have made to our Nation and urge all of us here on the floor and my colleagues across this House to support H. Res. 1036.

I would like to say thank you to the gentleman from the other side of the aisle for the past resolutions and this one as well.

Mr. BURTON of Indiana. Mr. Speaker, I rise tonight to express my strong support of H. Res. 1036, offered by my colleague from New Jersey, Mr. GARRETT, which recognizes the contributions of Korean-Americans in the United States.

I have always believed that the Republic of Korea is one of America's most committed friends and allies, and the warmth and hospitality extended to me and my wife during our visit there last Spring reinforced my belief that the bonds that bind the people of the United States together with the people of South Korea are as strong today as they have ever been. Furthermore, I stand in fervent support of the more than 22 million citizens of North Korea who have suffered political oppression and severe human rights abuses for far too

long under the dictatorship of Kim Jong-il and his father Kim Il-Sung.

The United States and the Republic of Korea first became partners more than 125 years ago, when we signed a treaty of amity and commerce in 1882. This partnership grew stronger on the battlefield during the Korean War. The South Koreans fought bravely alongside Americans to stay free from the chains of tyranny and communism and have remained a beacon of light and democracy ever since. When countless Koreans were faced with war and poverty, they chose to come to the United States seeking better opportunities.

I believe that one of the reasons this bond has endured for over a century and remained so strong is because of the more than a million and a half people currently living in the United States of Korean descent. As noted in the resolution, these Korean-Americans, like countless others before them, have provided to their American communities by building strong families and becoming valuable members, greatly contributing to the arts, sciences, engineering, medicine, government, military, education and the economy in the United States. In addition to these contributions, these Korean-Americans continue to serve as a reminder of our long history together.

Furthermore, as this matter is of great importance to Korean-Americans, I would like to take this time to draw attention to the Administration's delay in pushing through various free trade agreements, especially the agreement that is pending with South Korea, which is the biggest U.S. trade pact since the 1994 North American Free Trade Agreement. I urge this Administration to implement this agreement without any further delay as it is of vital interest to all and will have enormous economic and trade benefits for both the United States and South Korea.

Once again, in accordance with this resolution, and as Co-Chair of the Congressional Caucus on Korea, I would like to both acknowledge and express my gratitude for these important contributions to our society and to this Nation. I look forward to the continued positive role of Korean-Americans in communities all across America, and I look forward to the quick implementation of the free trade agreement with South Korea.

Mr. HONDA. Mr. Speaker, I rise today to add my voice of strong support for H. Res. 1036, introduced by Representative SCOTT GARRETT from New Jersey, which recognizes the invaluable contributions of Korean Americans to the United States of America.

Korean Americans have a long and proud history of serving their country in numerous ways. Military service, teaching our students, serving at high level posts in our current Administration, running Ivy League institutions, and providing quality medical care are just a few examples of how Korean Americans contribute to our society. They have added to the fabric of our culture and education with contributions in the fields of medicine, economy, business, architecture, and the arts.

Mr. Speaker, the history of Korean Americans in the U.S. traces back to January 13, 1903 when a group of 102 Korean men, women and children immigrants arrived in Hawaii after a long journey across the Pacific. The Centennial Committees of Korean Immi-

gration and Korean Americans have designated January 13 of each year as 'Korean American Day' to commemorate the first step of the long and prosperous journey of Korean Americans in the United States. In 2005, Congress formally designated this date as Korean American Day. This special day recognizes their American journey to this country as well as their entrepreneurial contributions to American society, culture, and economy.

Today, there are over one million Americans of Korean descent, making it the fifth largest Asian American subgroup. According to the 2006–2008 American Community Survey, California's fifteenth district, which I represent, is home to nearly 15,000 persons of Korean and Korean American background. Korean Americans are proudly serving the American people in the current Obama Administration, as well as excelling in professional sports such as golf and football.

Mr. Speaker, the United States and Korean peninsula share strong diplomatic and economic ties, dating back to the 1953 Korean War that unfortunately split apart a people with a rich history, culture, and religion. South Korea has blossomed into a beacon of democracy and free-market economy and continues to be one of America's unwavering friends in an increasingly critical region of the world.

Once again, Mr. Speaker, I applaud the introduction of H. Res. 1036 and urge colleagues to support this resolution so that we may recognize the contributions of Korean Americans.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Res. 1036, recognizing the contributions of Korean Americans to the United States.

There are more than 1 million Korean-Americans living in the United States. From the first hundred who immigrated to the United States in the early 20th century, Koreans have become an integral part of our country. Today, one out of every eight Korean-Americans owns his or her own business.

In my own district, I have had the opportunity to work hand in hand with the Korean community and I have seen their commitment in upholding their own rich heritage. The United States, and California in particular, have been enriched and defined by the contributions of Korean-Americans in a wide variety of fields.

Korean-Americans have invigorated businesses, civic institutions, and academic communities across the country. Korean-owned businesses employ more than 333,000 men and women, generating sales and receipts of over \$46 billion. This resolution gives Congress the chance to recognize the importance Korean-Americans play in our communities.

Abroad, our relationship with South Korea has steadily grown and is now better than ever. Our trade relations are strong, and stand to be only further strengthened by the Korea-U.S. Free Trade Agreement, a deal that stands to grow both of our economies. In the previous Congress, I was proud to have authored legislation that granted Korea NATO +3 status in terms of military sales. These measures are important, but the strongest bridge between our two societies remains the Korean-American community, which continues to flourish.

In closing, I want to remind my colleagues that it is all too easy to overlook the invaluable

contributions that Korean-Americans have made, not just in my home state of California, but to our Nation as a whole. This resolution provides well-deserved recognition to the Korean-American community for the indelible mark they have made upon the diversity and prominence of our great Nation.

Mr. KING of New York. Mr. Speaker, today I rise in support of H. Res. 1036, recognizing the contributions of Korean Americans to the United States. As a cosponsor of this resolution, I join with 50 of my colleagues in urging the House to pass this resolution today.

For six decades now the United States and the Republic of Korea have maintained a strong alliance that rests on a shared commitment to peace, democracy, and freedom not only on the Korean peninsula but throughout Asia and the rest of the world. And this alliance between the U.S. and the Republic of Korea remains resilient and firm based on the shared values, mutual trust, and common interests of our peoples.

The Korean War was a major battlefield in the Cold War as American forces and our allies fought so heroically to resist North Korean aggression and prevent communist forces from imposing their rule on the Republic of Korea. Nearly seven million Americans served during the Korean War period and the United States suffered 54,246 casualties and over 8,000 POW/MIAs during this "Forgotten War." The nearly 30,000 American soldiers who remain stationed in the Republic of Korea are a testament to this relationship.

One of the fastest growing immigrant communities with over a million people in the United States, Korean Americans have made great contributions to all facets of American society.

Mr. Speaker, I urge the House to pass this resolution today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1036 to recognize the contributions of Korean Americans in the United States.

On January 13, 1903, over a hundred Korean immigrants came to the United States, and today there are more than a million people living in this country who can trace their ancestry to Korea. In my district in Texas, we are privileged to have a very large and dynamic Korean American community, and through the years, Dallas has benefitted immensely from this community's contributions. Additionally, the Dallas/Fort Worth area has a remarkably strong trading relationship with South Korea and the city both imports and exports exhaustively with the country.

Mr. Speaker, our country is stronger because of communities like the Korean American community, and we are fortunate that they have added unique and dynamic attributes to the American character. I ask my fellow colleagues to join me today in honoring their contributions to American culture and in celebrating their accomplishments in this country.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res. 1036, recognizing the contributions of Korean Americans to the United States. I am pleased to cosponsor this resolution, introduced by my colleague from New Jersey, Mr. GARRETT. For over a century, the United States has prospered from the many

contributions of Korean Americans to our society. Korean immigrants first arrived in Hawaii, but they quickly moved from the West Coast across the continent, establishing vibrant, productive communities across the Nation, including in my home State of New Jersey.

I recently had the opportunity to sit down with a small group of Korean Americans from my congressional district, as I frequently do, to hear their thoughts and learn about their needs. It impresses me that Korean Americans have clear interest in fully utilizing the intellectual capital and entrepreneurial spirit prevalent in their community to invest in the future of Korean American youth and, for example, to contribute to the fields of science and technology—particularly green technology. It is the kind of future-oriented perspective that has distinguished the Korean American community and contributed to their accomplishments in the arts, sciences, government, education, sports, and so much more. I am confident that the Korean American community will continue to flourish and enhance the character of our Nation, and I look forward to future opportunities to support the goals of Korean Americans in New Jersey's 12th congressional district.

Mr. GARRETT of New Jersey. I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, again, I encourage my friends from both sides of the aisle to join me in supporting House Resolution 1036.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1036.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CAPTAIN LUTHER H. SMITH, U.S. ARMY AIR FORCES POST OFFICE

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4547) to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4547

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CAPTAIN LUTHER H. SMITH, U.S. ARMY AIR FORCES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, shall be known and designated as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I now yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4547. This legislation will designate the facility of the U.S. Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the Captain Luther H. Smith, U.S. Army Air Forces Post Office.

Luther Smith was one of the original Tuskegee Airmen, a highly decorated World War II prisoner of war, and a recipient of the Congressional Gold Medal. One of the first African Americans to become a licensed pilot, Captain Smith began his military career in 1943. He flew 133 combat missions with the 332nd Fighter Group as a combat fighter pilot over Europe. He was severely wounded on his last mission in October 1944 and spent the next 7 months in enemy hospitals and prison camps before being liberated in May of 1945 by the Allied forces.

During his distinguished military career, Captain Smith destroyed two German aircraft in aerial conflicts and 10 aircraft in ground strafing attacks. Captain Smith was awarded the Distinguished Flying Cross, the Air Medal with six oakleaf clusters, the Purple Heart, the Prisoner of War Medal, and eight European Theater Campaign Ribbons.

After retiring from the U.S. Army Air Forces, Captain Smith earned a B.S. in mechanical engineering at the University of Iowa. He was hired by General Electric, where he was involved in projects for the Air Force, the Navy Submarine Command, and NASA. His work included missile and jet engine design, and he published numerous papers and was awarded two patents.

Following his retirement from GE in 1988, Captain Smith was active in support of local civic causes, serving as the vice chairman of the Radnor Township, Pennsylvania, school board, and the board of the Delaware County Community College in Pennsylvania.

He also was instrumental in preserving the history of the Tuskegee Airmen. He and two other Tuskegee

Airmen were featured in the 2006 documentary, "On Freedom's Wings: Bound for Glory—The Legacy of the Tuskegee Airmen." He also designed the plaque, dedicated in memory of the Tuskegee Airmen, in Arlington National Cemetery.

In May of 1995, he was selected by President Bill Clinton to represent the U.S. Air Force for the 50th anniversary celebration of VE Day, and he accompanied President Clinton and Vice President Gore to Europe.

Captain Smith was a pioneer in American military and aviation history and left a lasting legacy for future pilots and engineers.

Mr. Speaker, H.R. 4547 was introduced by the gentleman from Pennsylvania, Representative JOE SESTAK, on January 27, 2010, and was reported out of the Committee on Oversight by unanimous consent on March 4, 2010. This legislation enjoys the support of the entire Pennsylvania delegation.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4547.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I do rise today in support of H.R. 4547, designating the facility of the U.S. Post Office, located at 119 Station Road in Cheyney, Pennsylvania, as the Captain Luther H. Smith U.S. Army Air Forces Post Office.

Luther H. Smith was an original of the now legendary Tuskegee Airmen. His accomplishments, as already set forth, during World War II truly speak for themselves but deserve to be mentioned here on the floor.

Mr. Smith was awarded the Distinguished Flying Cross, the Purple Heart, the Air Medal with six oakleaf clusters, the Prisoner of War Medal, and eight European and Mediterranean Theaters Campaign Ribbons.

It was on October 13, 1944, while he was flying a mission over Hungary, that Mr. Smith's P-51 Mustang fighter plane was hit, caught fire, and he was forced to bail out. Saved then only by a parachute, Mr. Smith lost consciousness as he drifted towards Earth, snapping his hip in two places when he crashed into a tree. Later, there were some German soldiers who found him, and he was placed in a German hospital and then, after that, a prison camp for 7 months until the war ended. Wounded and starving, the exuberant and now talkative man, affectionately nicknamed Quibbles by his Airmen friends, withered to a mere 70 pounds during his internment.

After returning home from the war, Mr. Smith received an engineering degree from the University of Iowa. He went on to spend the next 37 years as an aerospace engineer for General Electric, leveraging his experience to hold two U.S. patents; a testament, I think, to his creativity and his innovation.

Mr. Speaker, Mr. Smith's life is an inspiration, and his tremendous sacrifices and a clear willingness to place himself in harm's way for this Nation are worthy of commendation. I ask our colleagues to support this resolution so that his life story will continue to inspire generations of Americans to serve their country.

Having no further requests for time, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, again, I encourage my friends from both sides of the aisle to join me in supporting H.R. 4547. Mr. Smith certainly led an exemplary life which we can all be proud of.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4547.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### COMMENDING OHIO STATE FOOTBALL TEAM ON 2010 ROSE BOWL VICTORY

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1047) commending The Ohio State University Buckeyes football team for its victory in the 2010 Rose Bowl.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1047

Whereas The Ohio State University (Ohio State) Buckeyes football team achieved many historic accomplishments during the 2009 regular season;

Whereas Ohio State defeated favored Oregon 26-17 in the Rose Bowl on January 1, 2010;

Whereas Ohio State won its seventh Rose Bowl all-time;

Whereas Ohio State won its fifth consecutive Big Ten title and played in its fifth consecutive BCS bowl;

Whereas Ohio State finished the season at 11-2, ranked fifth nationally;

Whereas Ohio State led the Big Ten for the eighth consecutive season in academic all-conference honorees;

Whereas Ohio State Coach Jim Tressel became only the second coach in Ohio State history to win both a NCAA National Championship and a Rose Bowl (Woody Hayes);

Whereas the Ohio State defense ranked in the Top 5 nationally in 4 different categories;

Whereas Quarterback Terrelle Pryor threw for 266 yards, ran for 72 yards, and scored two touchdowns, leading all players for both teams in these categories; and

Whereas Quarterback Terrelle Pryor was the Rose Bowl MVP: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends The Ohio State University (Ohio State) Buckeye football team for its victory in the 2010 Rose Bowl;

(2) congratulates Coach Jim Tressel, winner of five Big Ten titles; and

(3) recognizes the accomplishments of the Ohio State Buckeye football team, which has played in more BCS Bowl Games than any other team in college football.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

#### GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I request 5 legislative days during which Members may revise, extend, and insert extraneous material on H. Res. 1047 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself such time as I may consume.

I rise today to congratulate the Ohio State University Buckeyes football team for their victory in the 2010 NCAA Rose Bowl. On January 1, the Ohio State Buckeyes of the Big Ten Conference faced off against the Oregon Ducks from the Pac-10 Conference for the 96th Rose Bowl game. The Buckeyes defeated the Ducks by a score of 26-17, collecting their seventh Rose Bowl crown.

The Buckeyes finished their season with an 11-2 record and a fifth national ranking. In addition to winning its seventh Rose Bowl title, Ohio State won its fifth consecutive Big Ten title, playing in its fifth consecutive BCS bowl game. The Buckeyes have played in eight BCS games, the most of any school. The players and coaches deserve to be recognized for their outstanding accomplishments.

Congratulations are in order for Terrelle Pryor, Ohio State's quarterback and 2010 Rose Bowl MVP. Pryor threw for 266 yards, ran for 72 yards, and scored two touchdowns, leading all players from both teams in these categories.

I also want to extend my congratulations to Head Coach Jim Tressel. Coach Tressel just completed his ninth season with the Buckeyes. Since taking the position, Tressel has led the Buckeyes to an overall record of 94-21, with nine bowl appearances and one national championship.

The extraordinary achievement of this year is a tribute to the skill and dedication of the many players, coaches, students, alumni, families, and fans that have helped to make the Ohio State University Buckeyes a great football program. Winning the Rose Bowl and finishing the season with an 11-2 overall record have brought acclaim to the school and to the Buckeye football team. I know the fans of the university will revel in this victory as they look forward to the 2010 season.



Mr. Speaker, once again, I congratulate the Ohio State University Buckeyes for their success and thank Congresswoman KILROY for bringing this bill forward.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 1047, commending the Ohio State University Buckeyes football team for its victory in 2010's Rose Bowl game.

In the 2010 Rose Bowl, the Ohio State University Buckeyes defeated the University of Oregon on January 1, 2010. Sophomore quarterback Terrelle Pryor scored two touchdowns and was Rose Bowl's offensive most valuable player. Although Oregon's team fought valiantly, the Buckeyes' defense held fast. Despite the Ducks' lead early in the third quarter, the Buckeyes' defense marched forward to win the game 26-17.

Known as "The Granddaddy of Them All," the Rose Bowl game kicked off a myriad of college football legacies in 1902. Since then, the game has showcased 18 Heisman Trophy winners, produced 32 national champions, featured 197 consensus All-Americans, and honored 98 college football legends by inducting them into the Rose Bowl Hall of Fame.

The 2010 Rose Bowl was the seventh Rose Bowl won by the Buckeyes. The 2009-2010 season marked the fifth consecutive Big Ten title for the Buckeyes and the fifth consecutive BCS Bowl for the team.

□ 1645

Ohio State was ranked fifth nationally and competed in a manner unparalleled in the Rose Bowl game. The Buckeyes have won seven national championships and produced seven Heisman Trophy winners. While the tradition of excellence certainly presents itself on the gridiron, Ohio State University's commitment to academic excellence is equally abundant.

Ohio State University is the flagship institution of Ohio's public university system. It has been ranked as the 18th best public university by U.S. News & World Report and houses several programs that were ranked among the top 10 in these United States. The university was established in 1870, and its students have excelled since that time.

I extend my congratulations to head coach Jim Tressel and all of the hard-working players, the fans, and to Ohio State University. I am happy to join in recognizing the Ohio State Buckeyes for their accomplishment, and wish all involved continued success, except of course when they are playing the Wisconsin Badgers.

I ask my colleagues to support this resolution, and I reserve the balance of my time.

Mr. PIERLUISI. Mr. Speaker, I am pleased to yield such time as she may

consume the gentlewoman from Ohio (Ms. KILROY), the sponsor of this legislation.

Ms. KILROY. Mr. Speaker, I rise today in support of House Resolution 1047, bipartisan legislation I introduced to recognize the Ohio State University Buckeyes football team for its victory in the 2010 Rose Bowl. As a graduate of the Moritz College of Law at the Ohio State University, and the Representative of the 15th Congressional District, where Ohio State University is located, it is my very great pleasure to wear the scarlet and gray today, and to publicly and formally congratulate the Buckeyes on a wonderful season, particularly for its Rose Bowl win.

I would like to thank the 26 cosponsors of this resolution for joining me in recognizing the Buckeyes' achievements, including all 18 members of the Ohio delegation. Buckeye football unites us across party lines. And I thank my Big 10 colleague from Wisconsin for his support of the resolution, and particularly for his kind words about Ohio State University's strong history of academic achievement. I am pleased that we can set aside partisan differences to come together and recognize the achievements of the student athletes of Buckeye football. I would also like to thank Chairman MILLER for his help in bringing this resolution to the floor.

On January 1, 2010, central Ohio cheered on the Ohio State Buckeyes as they defeated the University of Oregon Ducks 26-17 in the 96th Rose Bowl game. It was the Buckeyes' fifth straight BCS bowl appearance and seventh Rose Bowl victory in the program's history. The Buckeyes' strong defense held the high-powered Oregon offense to 27 points below its season average.

While the win was a result of a tremendous team effort, quarterback Terrelle Pryor, son of Pennsylvania, Mr. Speaker, turned in an exceptional individual performance, throwing for 266 yards and rushing for 72 more, earning the Most Valuable Player award.

I would also like to take this opportunity to congratulate the Buckeyes' worthy opponent, the Pac 10 champion Oregon Ducks, on a great season. Led by their quarterback Jeremiah Masoli and their running back LaMichael James, the Ducks came into the game ranked number seven and boasted one of the most prolific offenses in the Nation. Although the Buckeyes prevailed in Pasadena, Oregon overcame adversity all season and should also be proud of their achievements.

A great thing about college football is that you see the students come and go and new teams every year. And so after losing a wealth of experience on both offense and defense, some thought that 2009 might be a rebuilding year for the Ohio State Buckeyes' football team. But instead, during a banner

month of November, the Buckeyes tallied wins over then-number 10 Penn State and then-number 13 Iowa in a thrilling overtime game on their way to winning the Big 10 title.

The Buckeyes achieved many historic achievements during the 2009 season. The team earned its fifth consecutive Big 10 Conference title, and its sixth in the last eight seasons. The Buckeyes also won at least 10 games 5 straight years for the first time in the program's storied history. The Ohio State defense was ranked in the top five nationally in four statistical categories, while shutting their opponents out three times. This year's senior class is the most successful in Ohio State history, winning a school record 44 games over the past 4 years. In addition, head coach Jim Tressel became only the second Ohio State coach, along with Woody Hayes, to win both a Rose Bowl championship and the national championship with the Buckeyes. Most importantly, 31 Buckeyes were named to the Big 10 all-academic team, and the Buckeyes have led the Big 10 in all-academic team honorees in eight consecutive seasons.

One other comment about the Rose Bowl, this one about the Rose Bowl Parade. Many great marching bands, including those from Ohio, marched on that day in the Rose Bowl Parade, but it was a banner day when the marching band from the Ohio State School for the Blind marched the streets of Pasadena as part of the Rose Bowl Parade, an historic first. And I really congratulate those students, their teachers, and their band director. We are very proud of their outstanding achievement as well.

As it turns out, the Buckeyes' victory in the Rose Bowl was a sign of good things to come for Ohio State athletics in 2010. The women's basketball team recently won the Big 10 regular season title for the sixth year in a row, a new record, and the Big 10 tournament title for the second year in a row. Meanwhile, the men's basketball team won a share of the Big 10 regular season championship going into this weekend's Big 10 tournament. I wish both of these teams the best of luck during their postseason runs.

I urge my colleagues to support this bipartisan resolution recognizing the Ohio State Buckeyes' athletic and academic achievements. The 2009 Ohio State Buckeyes football team conducted itself both on and off the field with the excellence we have come to expect from this great program. I congratulate the Buckeyes on their season and look forward to cheering them on in 2010. As we say in Ohio, Go Bucks.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Mr. PIERLUISI. I now urge my colleagues to join me in supporting this resolution congratulating the Ohio



State Buckeyes for their Rose Bowl victory, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 1047.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PIERLUISI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CONGRATULATING SILVER LAKE COLLEGE ON 75TH ANNIVERSARY

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1142) congratulating Silver Lake College for 75 years of service as an undergraduate institution of higher education.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1142

Whereas Silver Lake College was founded in the late 1800s by the Franciscan Sisters of Christian Charity as an academy and normal school;

Whereas the State of Wisconsin issued the charter designating Silver Lake College, then named Holy Family College, as an undergraduate institution of higher education in 1935;

Whereas Silver Lake College is a four-year Catholic liberal arts college, located in Manitowoc, Wisconsin;

Whereas Silver Lake College currently serves 1,253 students and offers a 7 to 1 student to teacher ratio;

Whereas students at Silver Lake College can earn degrees in 11 different programs and 24 different areas of study; and

Whereas Silver Lake College emphasizes a professional education with a liberal arts experience and encourages life-long learning and moral and community leadership: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates Silver Lake College for 75 years of service as an undergraduate institution of higher education; and

(2) commends Silver Lake College for providing education and training to the people of Wisconsin for over 75 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

#### GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I request 5 legislative days during which Members may revise, extend, and insert extraneous material on H. Res. 1142 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 1142, which congratulates Silver Lake College for 75 years of service as an undergraduate institution of higher education. Founded in the late 1800s by the Franciscan Sisters of Christian Charity, Silver Lake College has emerged as a strong academic environment for students looking for one-on-one attention. The school educates approximately 1,000 students annually, offers a seven-to-one student-to-teacher ratio, and provides 24 different areas of study for its students. The small, intimate setting Silver Lake College champions gives students and teachers opportunities to excel in and out of the classroom.

Silver Lake College was founded on Franciscan Catholic values. These values focus on a commitment to community, compassion, peace, and reverence for creation. Through a quality liberal arts education, students at Silver Lake College learn to connect the mind and spirit through Franciscan traditions. Leadership and service ideals are instilled in the student body at Silver Lake College. These ideals are best exemplified by students' commitment to volunteerism. This past February, three student organizations at the school partnered to raise funds for victims of the Haiti earthquake. Students hosted a rock and roll concert and sold food at fundraisers throughout campus, with all proceeds going to earthquake victims.

This year Silver Lake College will celebrate 75 years of providing excellent education and cultivating young women and men to be well-rounded young adults with promising career paths.

Mr. Speaker, once again I express my support for Silver Lake College, and thank Congressman PETRI for bringing this bill forward. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1142, congratulating Silver Lake College for 75 years of service as an undergraduate institution of higher education. Silver Lake College is a 4-year Catholic liberal arts college located in Manitowoc, Wisconsin, which is in the congressional district I represent.

The college was founded in the late 1800s by the Franciscan Sisters of

Christian Charity. In 1935, the State of Wisconsin granted Silver Lake its charter as a 4-year undergraduate liberal arts institution, and it conferred its first degree 4 years later. The college began admitting lay women on a regular basis in 1957, and became co-educational in 1969 to better meet the educational needs of the local area.

Today, Silver Lake serves over 1,000 students and offers a seven-to-one student-to-teacher ratio. It offers 11 different degree programs in 24 areas of study. A pioneer in the music field, Silver Lake College is the only college in the country to have an established undergraduate Kodaly concept of music education concentration.

In addition to music, Silver Lake College has a highly regarded reputation for its undergraduate and graduate education programs. The college also has expanded its reach throughout the State of Wisconsin, offering classes in a variety of communities, including Green Bay, Marinette, Rhinelander, and Sheboygan. Silver Lake College strives to develop a community of lifelong learners, to provide educational opportunities for professional preparation within a liberal arts experience, to prepare students for self-directed intellectual inquiry and aesthetic appreciation, and to foster commitment to Christian values, service, and leadership in the world community.

This past fall, as part of a 10-year campus master plan, Silver Lake College opened its first on-campus residence hall. As its growth continues, plans are in the works for the construction of a new music education and performance center, along with an athletics and events center.

I have had the opportunity to visit the college on numerous occasions, and commend Dr. George Arnold, Silver Lake's president, for his efforts in working with the local Manitowoc community and businesses to enhance student learning opportunities. Strong institutions help to make strong communities, and the people of Wisconsin, especially those in and near Manitowoc, are proud of the 75 years of service that Silver Lake College has provided. The growth, strength, and vitality of Silver Lake College is an achievement well worth special recognition.

I extend my congratulations to Silver Lake College on its 75th anniversary, and wish all of its faculty, staff, students, and alumni continued success in their endeavors.

I ask my colleagues to support this resolution.

□ 1700

I have no further requests for time, and I yield back the balance of my time.

Mr. PIERLUISI. Mr. Speaker, I urge my colleagues to join me in supporting this resolution congratulating Silver Lake College for 75 years of service.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 1142.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

### SCHOOL SOCIAL WORK WEEK

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1091) expressing support for designation of the week of February 28 through March 7, 2010, as "School Social Work Week", as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1091

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas in 1999, with the most current data available, the Surgeon General's Report on Mental Health showed that fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration and of "School Social Work Week" during the week of February 28 through March 6, 2010, highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

#### GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H. Res. 1091 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1091, a resolution to recognize the week of February 28 through March 6, 2010, as National School Social Worker Week.

School social workers have long played a critical role in schools and in the community as a whole. They are professionals with training in social support and mental health intervention who work with youth to address their emotional, social, and developmental needs. For example, students in elementary school are just beginning to develop their academic skills and their feelings of competence. School social workers help students build their confidence as learners.

In middle school, many new challenges arise. During this passage from childhood to adolescence, students are characterized by a need to explore a variety of interests, connecting their learning in the classroom to its practical application in life. In middle schools, school social workers provide leadership to engage all stakeholders in the delivery of programs and services to help students navigate the challenges of early adolescence to achieve academic, social, and behavioral success.

And in high school, students begin separating from parents to explore their independence and define their individuality. They face increased pressures to engage in risky behaviors involving sex, alcohol, and drugs, and many students seek support in choosing acceptable behavior and establishing mature, meaningful relationships. School social workers help them make thoughtful and appropriate decisions.

On top of this, school social workers must be responsive to the range of challenges that young people face every day such as poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning.

School social workers are also on the front lines when disaster strikes, such as the suicide plane attack in Austin, Texas, that killed a number of people last month, Hurricane Katrina, as well as our traumatic events such as 9/11 or school violence incidents like Columbine.

There is documentation of the growing need for school districts to expand mental health and student support services in schools. The numbers indicate that less than 1 in 5 of the 17.5 million children in need of mental health services actually receive any support from qualified professionals. Many students go underserved primarily because the national average ratio of students to school social workers is far higher than the 400 to 1 ratio recommended by the School Social Work Association of America.

Mr. Speaker, this resolution serves to recognize the tremendous importance of school social workers and acknowledge the valuable role that they play in guiding our students' success. I want to thank Congressman KENNEDY for bringing this resolution forward. I urge my colleagues to resoundingly pass this resolution.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution before us, House Resolution 1091, expressing support for designation of the week now passed of February 28 through March 6, 2010, as "School Social Work Week."

School social work is a specialized area of practice within the broad field of the social work profession. School social workers bring unique knowledge and skills to the school system and the student services team. School social workers are instrumental in furthering the purposes of education, which is to provide a setting for teaching, learning, and for the attainment of competence and confidence. School social workers are hired by school districts to enhance the district's ability to meet its academic mission.

Within the school setting, school social workers are a link between the

student, the student's family, the school, and the community. The efficacy of this link is considerably dependent upon professional relationships developed with the student and the student's family, as well as with other school personnel. School social workers are concerned with the student's education as well as their emotional and mental well-being.

School social workers play an important part in the academic and emotional development of students in schools. They provide services to students who face challenges that might be a barrier to learning, such as poverty, disability, abuse, loss of a loved one, or divorce. School social workers are critical to the identification of mental health problems and the provision of services when needed.

Today, we honor and recognize the contributions of school social workers to the success of students in the schools throughout our Nation. I ask my colleagues to support this resolution.

Having no requests for time, I yield back the balance of my time.

Mr. PIERLUISI. Mr. Speaker, I urge my colleagues to join me in supporting this resolution recognizing National School Social Work Week.

Mr. KENNEDY. Mr. Speaker, I rise today in support of House Resolution 1091, supporting "School Social Work Week." I introduced this resolution in order to recognize and support the critical, often thankless work performed by social workers in schools across our country. School social workers bring valuable skills and expertise to schools and student services teams to ensure that every child has an opportunity for success.

On a daily basis, school social workers help educators, administrators, and parents address students' emotional, physical, and environmental needs. School social workers help educators to understand cultural, family, and community factors affecting students.

Everyday, they work with administrators to design and implement prevention programs and policies that address school attendance, bullying, sexual harassment, teen pregnancy, child abuse and neglect, special education, and more. Issues like cyber bullying and harassment are extremely underreported and on the rise in schools across the country. Adult intervention at school is necessary to effectively curb these trends.

School social workers also work as liaisons between parents and schools. They work with parents so that they may participate in their child's education, understand special education services, and access other services related to their child's needs.

In healthcare we must treat the whole person and in education we must do the same. School social workers recognize the importance of connecting emotional, behavioral, and academic services in order to maximize children's opportunities for success.

Too many children do not receive the mental health services they need. Improved and expanded school mental health programs would help to close this discrepancy. The

kinds of services that so many students desperately need are precisely the type of services that school social workers can provide. As our economy continues to struggle, and families all over the country are losing their homes and jobs; the need for school social workers only multiples.

That is why I am proud to be the sponsor of this resolution. I would like to thank the Chairman and Ranking Member of the House Education and Labor Committee for allowing this resolution to come to the floor, and I urge all of my colleagues to support it.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1091, which expresses support for designation of the week of February 28 through March 7, 2010, as "School Social Work Week".

Mr. Speaker, there is a mounting need for local educational institutions to provide the mental health services social workers offer when working with students' emotional, physical, and environmental needs. When students are coupled with sincere and understanding social worker, they are more likely to succeed and achieve behavioral and academic success. This legislation will affirm that social workers are life lines to children, schools, families and communities and those we fully are committed to any and all initiatives that promote the need for such crucial workers.

Mr. Speaker, 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement. It is imperative that more social workers are properly trained and deployed into these various school systems to assist students in reaching their most favorable level of potential and achievement, especially children with serious emotional barriers. The observation of 'School Social Work Week' during the week of February 28 through March 7, 2010, calls attention to the fundamental role school social workers play in the lives of students in the United States.

As many may know during the first years in the aftermath of hurricane Katrina, the Houston school system, mainly Houston Independent School District, was flooded with children from the affected area school systems. After being through such a horrific ordeal, students were expected to continue with their studies as normal. It took the dedicated work of school social workers which assessed what was already in place to help the students, conclude what was missing and formulate a plan to build the student's aptitude to bounce back from adversity. Now many of these students have gone on to succeed academically and socially.

So in conclusion, I support H. Res. 1091 and I encourage my colleagues to join me. In these uncertain times, where natural and unnatural disasters are on every hand and have caused traumatic experiences for this nation, let us not forget our youth.

Mr. PIERLUISI. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr.

PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 8 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHRADER) at 6 o'clock and 30 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 248, AFGHANISTAN WAR POWERS RESOLUTION

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-428) on the resolution (H. Res. 1146) providing for consideration of the concurrent resolution (H. Con. Res. 248) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3650, by the yeas and nays;

House Resolution 1069, by the yeas and nays;

House Resolution 935, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL AMENDMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3650, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and pass the bill, H.R. 3650, as amended.

The vote was taken by electronic device, and there were—yeas 263, nays 142, not voting 25, as follows:

[Roll No. 92]

YEAS—263

Ackerman	Etheridge	McIntyre
Adler (NJ)	Farr	McMahon
Alexander	Fattah	McNerney
Andrews	Filner	Meek (FL)
Arcuri	Fleming	Meeks (NY)
Baca	Fortenberry	Melancon
Baird	Foster	Michaud
Baldwin	Frank (MA)	Miller (NC)
Barrow	Fudge	Miller, George
Bean	Garamendi	Minnick
Becerra	Giffords	Mitchell
Berkley	Gohmert	Mollohan
Berman	Gonzalez	Moore (KS)
Berry	Gordon (TN)	Moore (WI)
Biggert	Grayson	Moran (VA)
Bilbray	Green, Al	Murphy (CT)
Bilirakis	Green, Gene	Murphy (NY)
Bishop (GA)	Hall (NY)	Murphy, Patrick
Bishop (NY)	Halvorson	Napolitano
Blumenauer	Hare	Neal (MA)
Bocchieri	Harman	Nye
Bono Mack	Hastings (FL)	Oberstar
Boswell	Heinrich	Obey
Boucher	Hereth Sandlin	Oliver
Boustany	Higgins	Ortiz
Boyd	Hill	Pallone
Brady (PA)	Himes	Pascrell
Braley (IA)	Hinche	Pastor (AZ)
Brown, Corrine	Hinojosa	Payne
Brown-Waite,	Hirono	Perriello
Ginny	Hodes	Peters
Buchanan	Holden	Peterson
Butterfield	Holt	Pingree (ME)
Cao	Honda	Polis (CO)
Capito	Hoyer	Pomeroy
Capps	Inlee	Posey
Capuano	Israel	Price (NC)
Cardoza	Jackson (IL)	Putnam
Carnahan	Jackson Lee	Quigley
Carney	(TX)	Rahall
Carson (IN)	Johnson (GA)	Rangel
Cassidy	Johnson, E. B.	Reichert
Castor (FL)	Jones	Reyes
Chandler	Kagen	Richardson
Chu	Kanjorski	Rodriguez
Clarke	Kaptur	Rohrabacher
Clay	Kildee	Rooney
Cleaver	Kilroy	Ros-Lehtinen
Clyburn	Kind	Ross
Cohen	Kissell	Rothman (NJ)
Connolly (VA)	Klein (FL)	Roybal-Allard
Cooper	Kosmas	Ruppersberger
Costa	Kratovil	Rush
Costello	Kucinich	Ryan (WI)
Courtney	Langevin	Salazar
Crowley	Larsen (WA)	Sánchez, Linda
Cuellar	Larson (CT)	T.
Cummings	LaTourette	Sanchez, Loretta
Davis (CA)	Lee (CA)	Sarbanes
Davis (IL)	Levin	Scalise
Davis (TN)	Lewis (GA)	Schakowsky
DeFazio	Lipinski	Schauer
DeGette	LoBiondo	Schiff
Delahunt	Loeb	Schrader
DeLauro	Lofgren, Zoe	Schwartz
Diaz-Balart, L.	Lowey	Scott (GA)
Diaz-Balart, M.	Lujan	Scott (VA)
Dicks	Lynch	Serrano
Dingell	Mack	Sestak
Doggett	Maffei	Shea-Porter
Donnelly (IN)	Maloney	Sherman
Doyle	Markey (CO)	Shuler
Driehaus	Markey (MA)	Sires
Edwards (MD)	Matheson	Skelton
Edwards (TX)	Matsui	Slaughter
Ehlers	McCarthy (NY)	Smith (NE)
Ellison	McCollum	Smith (NJ)
Ellsworth	McDermott	Smith (WA)
Eshoo	McGovern	Snyder

Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)

Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz

Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Wittman  
Wu  
Yarmuth

NAYS—142

Aderholt	Granger	Moran (KS)
Akin	Graves	Murphy, Tim
Altmire	Griffith	Myrick
Austria	Guthrie	Neugebauer
Bachmann	Hall (TX)	Nunes
Bachus	Harper	Olson
Bartlett	Hastings (WA)	Owens
Barton (TX)	Heller	Paul
Bishop (UT)	Hensarling	Paulsen
Blackburn	Herger	Pence
Boehner	Hunter	Petri
Bonner	Inglis	Pitts
Boozman	Issa	Platts
Boren	Jenkins	Poe (TX)
Brady (TX)	Johnson (IL)	Price (GA)
Bright	Johnson, Sam	Radanovich
Broun (GA)	King (IA)	Rehberg
Brown (SC)	King (NY)	Roe (TN)
Burgess	Kingston	Rogers (AL)
Burton (IN)	Kirkpatrick (AZ)	Rogers (KY)
Buyer	Kline (MN)	Rogers (MI)
Calvert	Lamborn	Roskam
Campbell	Lance	Royce
Cantor	Latham	Schmidt
Carter	Latta	Schock
Castle	Lee (NY)	Sensenbrenner
Chaffetz	Lewis (CA)	Sessions
Childers	Linder	Shadegg
Coble	Lucas	Shimkus
Coffman (CO)	Luetkemeyer	Shuster
Cole	Lummis	Simpson
Conaway	Lungren, Daniel	Smith (TX)
Crenshaw	E.	Souder
Culberson	Manzullo	Stearns
Davis (KY)	Marchant	Sullivan
Dent	Marshall	Terry
Dreier	McCarthy (CA)	Thompson (PA)
Duncan	McCaul	Thornberry
Emerson	McClintock	Tiahrt
Flake	McCotter	Tiberi
Foxx	McHenry	Turner
Franks (AZ)	McKeon	Upton
Frelinghuysen	McMorris	Walden
Gallegly	Rodgers	Westmoreland
Garrett (NJ)	Mica	Whitfield
Gerlach	Miller (FL)	Wilson (SC)
Gingrey (GA)	Miller (MI)	Wolf
Goodlatte	Miller, Gary	Young (AK)

NOT VOTING—25

Barrett (SC)	Forbes	Perlmutter
Blunt	Grijalva	Ryan (OH)
Camp	Gutierrez	Space
Conyers	Hoekstra	Titus
Dahlkemper	Jordan (OH)	Wamp
Davis (AL)	Kennedy	Woolsey
Deal (GA)	Kilpatrick (MI)	Young (FL)
Engel	Kirk	
Fallin	Nadler (NY)	

□ 1902

Messrs. GARY G. MILLER of California, ALTMIRE, HALL of Texas, COLE, OLSON, CHILDERS, BOREN, JOHNSON of Illinois, TERRY and MCCAUL and Mrs. McMORRIS RODGERS changed their vote from “yea” to “nay.”

Messrs. CASSIDY, ALEXANDER, FLEMING and BILIRAKIS and Mrs. BONO MACK changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

## CONGRATULATING WINNERS OF NOBEL PRIZE IN PHYSICS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1069, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1069.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 28, as follows:

[Roll No. 93]

YEAS—402

Ackerman	Castor (FL)	Giffords
Aderholt	Chaffetz	Gingrey (GA)
Adler (NJ)	Chandler	Gohmert
Akin	Childers	Gonzalez
Alexander	Chu	Goodlatte
Altmire	Clarke	Gordon (TN)
Andrews	Clay	Granger
Arcuri	Cleaver	Graves
Austria	Clyburn	Grayson
Baca	Coble	Green, Al
Bachmann	Coffman (CO)	Green, Gene
Bachus	Cohen	Griffith
Baird	Cole	Guthrie
Baldwin	Conaway	Hall (NY)
Barrow	Connolly (VA)	Hall (TX)
Bartlett	Cooper	Halvorson
Barton (TX)	Costa	Hare
Bean	Costello	Harman
Berkley	Courtney	Harper
Berman	Crenshaw	Hastings (FL)
Berry	Crowley	Hastings (WA)
Biggert	Cuellar	Heinrich
Bilbray	Culberson	Heller
Bilirakis	Cummings	Hensarling
Bishop (GA)	Davis (CA)	Herger
Bishop (NY)	Davis (IL)	Hereth Sandlin
Bishop (UT)	Davis (KY)	Higgins
Blackburn	Davis (TN)	Hill
Blumenauer	DeFazio	Himes
Bocchieri	DeGette	Hinche
Boehner	Delahunt	Hinojosa
Bonner	DeLauro	Hirono
Bono Mack	Dent	Hodes
Boozman	Diaz-Balart, L.	Holden
Boren	Diaz-Balart, M.	Holt
Boswell	Dicks	Honda
Boucher	Dingell	Hoyer
Boustany	Doggett	Hunter
Boyd	Donnelly (IN)	Inglis
Brady (PA)	Doyle	Inlee
Brady (TX)	Dreier	Israel
Braley (IA)	Driehaus	Issa
Bright	Duncan	Jackson (IL)
Broun (GA)	Edwards (MD)	Jackson Lee
Brown (SC)	Edwards (TX)	(TX)
Brown, Corrine	Ehlers	Jenkins
Brown-Waite,	Ellison	Johnson (GA)
Ginny	Ellsworth	Johnson (IL)
Buchanan	Emerson	Johnson, E. B.
Burgess	Eshoo	Johnson, Sam
Burton (IN)	Etheridge	Jones
Butterfield	Farr	Kagen
Buyer	Fattah	Kanjorski
Calvert	Filner	Kaptur
Campbell	Flake	Kildee
Cantor	Fleming	Kilroy
Cao	Fortenberry	Kind
Capito	Foster	King (IA)
Capps	Foxx	King (NY)
Capuano	Frank (MA)	Kingston
Cardoza	Franks (AZ)	Kirkpatrick (AZ)
Carnahan	Frelinghuysen	Kissell
Carney	Fudge	Klein (FL)
Carson (IN)	Gallegly	Kline (MN)
Carter	Garamendi	Kosmas
Cassidy	Garrett (NJ)	Kratovil
Castle	Gerlach	Kucinich

Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick

Murphy, Tim  
Myrick  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader

Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Yarmuth  
Young (AK)

## NOT VOTING—28

Barrett (SC)  
Becerra  
Blunt  
Camp  
Conyers  
Dahlkemper  
Davis (AL)  
Deal (GA)  
Engel  
Fallin

Forbes  
Grijalva  
Gutierrez  
Hoekstra  
Jordan (OH)  
Kennedy  
Kilpatrick (MI)  
Kirk  
Manzullo  
McIntyre

Nadler (NY)  
Perlmutter  
Quigley  
Ryan (OH)  
Serrano  
Wamp  
Woolsey  
Young (FL)

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCINTYRE. Mr. Speaker, on rollcall No. 93 I was unavoidably detained. Had I been present, I would have voted “yes.”

### CONGRATULATING WINNERS OF NATIONAL MEDAL OF TECHNOLOGY AND INNOVATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 935.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 935.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 402, noes 0, not voting 28, as follows:

[Roll No. 94]

AYES—402

Ackerman	Burgess	DeLauro
Aderholt	Burton (IN)	Dent
Adler (NJ)	Butterfield	Diaz-Balart, L.
Akin	Buyer	Diaz-Balart, M.
Alexander	Calvert	Dicks
Altmire	Campbell	Dingell
Andrews	Cantor	Doggett
Arcuri	Cao	Donnelly (IN)
Austria	Capito	Doyle
Baca	Capps	Dreier
Bachmann	Capuano	Driedhaus
Bachus	Cardoza	Duncan
Baird	Carnahan	Edwards (MD)
Baldwin	Carney	Edwards (TX)
Barrow	Carson (IN)	Ehlers
Bartlett	Carter	Ellison
Barton (TX)	Cassidy	Ellsworth
Bean	Castle	Emerson
Becerra	Castor (FL)	Eshoo
Berkley	Chaffetz	Etheridge
Berry	Chandler	Farr
Biggart	Childers	Fattah
Bilbray	Chu	Filmer
Bilirakis	Clarke	Flake
Bishop (GA)	Clay	Fleming
Bishop (NY)	Cleaver	Fortenberry
Bishop (UT)	Clyburn	Foster
Blackburn	Coble	Fox
Blumenauer	Coffman (CO)	Frank (MA)
Boccieri	Cohen	Franks (AZ)
Boehner	Cole	Frelinghuysen
Bonner	Conaway	Fudge
Bono Mack	Connolly (VA)	Gallely
Boozman	Cooper	Garamendi
Boren	Costa	Garrett (NJ)
Boswell	Costello	Gerlach
Boucher	Courtney	Giffords
Boustany	Crenshaw	Gingrey (GA)
Boyd	Crowley	Gonzalez
Brady (PA)	Cuellar	Goodlatte
Brady (TX)	Culberson	Gordon (TN)
Braley (IA)	Cummings	Granger
Bright	Davis (CA)	Graves
Broun (GA)	Davis (IL)	Grayson
Brown (SC)	Davis (KY)	Green, Al
Brown, Corrine	Davis (TN)	Green, Gene
Brown-Waite,	DeFazio	Griffith
Ginny	DeGette	Guthrie
Buchanan	Delahunt	Hall (NY)
		Hall (TX)
		Halvorson
		Hare
		Harman
		Harper
		Hastings (FL)
		Hastings (WA)
		Heinrich
		Heller
		Hensarling
		Herger
		Herseeth Sandlin
		Higgins
		Hill
		Himes
		Hinchey
		Hinojosa
		Hirono
		Hodes
		Holden
		Holt
		Honda
		Hoyer
		Hunter
		Inglis
		Inslee
		Israel
		Issa
		Jackson (IL)
		Jackson Lee
		(TX)
		Jenkins
		Johnson (GA)
		Johnson (IL)
		Johnson, E. B.
		Johnson, Sam
		Jones
		Kagen
		Kanjorski
		Kaptur
		Kildee
		Kilroy
		Kind
		King (IA)
		King (NY)
		Kingston
		Kirkpatrick (AZ)
		Kissell
		Klein (FL)
		Kline (MN)
		Kosmas
		Kratovil
		Kucinich
		Lamborn
		Lance
		Langevin
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Latta
		Lee (CA)
		Lee (NY)
		Levin
		Lewis (CA)
		Lewis (GA)
		Linder
		Lipinski
		LoBiondo
		Loeback
		Lofgren, Zoe
		Lowey
		Lucas
		Luetkemeyer
		Luján
		Lummis
		Lungren, Daniel
		E.
		Lynch
		Mack
		Maffei
		Maloney
		Marchant
		Markey (CO)
		Markey (MA)
		Marshall
		Matheson
		Matsui
		McCarthy (CA)
		McCarthy (NY)
		McCaul
		McClintock
		McCollum
		McCotter
		McDermott
		McGovern
		McHenry
		McKeon
		McMahon
		McMorris
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (KS)
		Moran (VA)
		Murphy (CT)
		Murphy (NY)
		Murphy, Patrick
		Rothman (NJ)
		Roybal-Allard
		Royce
		Ruppersberger
		Rush
		Ryan (WI)
		Salazar
		Sanchez, Linda
		T.
		Sanchez, Loretta
		Sarbanes
		Scalise
		Schakowsky
		Schauer
		Schiff
		Schmidt
		Schock
		Schrader
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Sessions
		Sestak
		Shadegg
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Souder
		Space
		Speier
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tanner
		Taylor
		Teague
		Thompson (CA)
		Thompson (MS)
		Thompson (PA)
		Thornberry
		Tiahrt
		Peters
		Tierney
		Titus
		Tonko
		Towns
		Tsongas
		Turner
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walden
		Walz
		Wasserman
		Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch
		Westmoreland
		Whitfield
		Wilson (OH)
		Wilson (SC)
		Wittman
		Wolf
		Wu
		Yarmuth
		Young (AK)

## NOT VOTING—28

Barrett (SC)  
Berman  
Blunt  
Camp  
Conyers  
Dahlkemper

Davis (AL)  
Deal (GA)  
Engel  
Fallin  
Forbes  
Gohmert

Grijalva  
Gutierrez  
Hoekstra  
Jordan (OH)  
Kennedy  
Kilpatrick (MI)

Kirk  
Manzullo  
Nadler (NY)  
Perlmutter

Quigley  
Ryan (OH)  
Terry  
Wamp

Woolsey  
Young (FL)

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on March 9, 2010, I was called away on personal business. I regret that I was not present to vote on H.R. 3650, H. Res. 1069, and H. Res. 935. Had I been present, I would have voted "yea" on all votes.

#### PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend several votes today. Had I been present, I would have voted "aye" on final passage of H.R. 3650, "aye" on final passage of H. Res. 1069, and "aye" on final passage H. Res. 935.

#### PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 92, 93, and 94.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 872

Mr. McCOTTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 872.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### HONORING TERRY LINDSEY

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Mr. Speaker, I would like to take a moment to honor a very distinguished individual from the 11th District of Georgia, Mr. Terry Lindsey.

Terry is not only a dear friend but a very renowned member of the Polk County community. Terry is retiring this March after 31 years of employment with Engineered Fabrics in Rockmart, Georgia. Engineered Fabrics manufactures fuel bladders for many platforms, such as the Blackhawk helicopter and the Abrams tank.

Terry's hard work with the company has ultimately helped to ensure the safety of our pilots and of our soldiers who are in harm's way.

Terry started with Engineered Fabrics in 1979 as the manager of Contract

Management, and 10 years later, he was made vice president of Business Development. He is an integral part of Engineered Fabrics' success, and I know he will be deeply missed by the company.

Terry is also a very active volunteer in the Polk County community, serving on the Rotary, and he has been a board member of the Chamber of Commerce for many, many years. He is very committed to the youth leadership committee, often speaking to their graduation classes.

Terry is married to his college sweetheart, Jean, is a wonderful father of two, and is a grandfather of four.

Mr. Speaker, I am very proud to call Terry a friend. I want to congratulate him on his retirement, and I want to thank him for his hard work on behalf of our community and the military.

#### OHIO AIR NATIONAL GUARD TO HAITI

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, today, I rise in recognition of the Ohio Air National Guard, recently dispatched to Haiti to participate in the relief efforts after the devastating earthquake there.

The 179th Airlift Wing of the National Guard was among the first units to land in Haiti, ready to improve communication at the Port-au-Prince airport and to dispatch search and rescue crews, knowing full well of the conditions awaiting them.

As a former member and pilot of the 179th Airlift Wing, I flew on various missions with them around the globe, and I know of their dedication.

The conditions in Haiti are, indeed, horrific, and I pray for those who have perished and for the loved ones they have left behind. I am proud that my home State of Ohio symbolizes what so many in the U.S. Armed Forces already know: No matter where devastation occurs, there are courageous and selfless young men and women across our Nation who are willing to respond to the call of duty.

To the members of the 179th Airlift Wing of the Ohio Air National Guard, each of you are heroes today, and I commend you for rising to the call of duty in this desperate time of need. Thank you for your service to our country.

#### HONORING THE LIFE OF HOYT C. WOODS

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor the life of Hoyt C. Woods, who passed away at his home in Port St. Lucie, Florida, this month. Woody, as he was known, was a veteran

of the Vietnam War, and before moving to Florida nearly 30 years ago, he served as a police officer in Longmeadow, Massachusetts.

Serving fellow veterans was one of Woody's lifelong passions. For more than 15 years, he served as chairman of the Martin County Veterans Council, and he was also active in AMVETS, the American Legion, the VFW, and the Elks. He also co-established and was a charter member of the Vietnam Veterans of America, Chapter 127, in Martin County.

Woody was particularly proud of his integral role in creating the Honor Flight Program. This program honors America's veterans and their sacrifices by raising money to fly them to the Nation's capital so they can visit and reflect at their memorials.

Hoyt Woods leaves behind his wife of 25 years, Joyce; their sons, Micki and Shawn; two daughters, Wendi and Angela; and a Nation forever grateful for his distinguished service.

On behalf of the people of the 16th District of Florida, Godspeed, Mr. Woods.

#### RECOGNIZING WOMEN'S HISTORY MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise tonight to call attention to the month of March as being National Women's History Month. I am happy to stand here today, not only as a proud husband but also as a proud father of four daughters.

National Women's History Month actually started in March of 1980 as National Women's History Week. In 1987, the celebration was expanded to a full month. This month, we mark 30 years of shining a bright light on the importance that women have played in shaping the great Nation we live in today.

This year's theme is "writing women back into history." Through events, celebrations, and many additional measures, 2010 will help ensure that the historical and groundbreaking achievements made by thousands of women will find their rightful place in our history books.

Today, I am proud to recognize the grandmothers, the mothers, and the daughters who have given us so many reasons to celebrate National Women's History Month. I look forward to witnessing other young women become future leaders and history makers.

#### HONORING THE SERVICE AND SACRIFICE OF SERGEANT VINCENT L.C. OWENS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today in honor of a brave American soldier who sacrificed his life for freedom, Sergeant Vincent L.C. Owens from Fort Smith, Arkansas.

Sergeant Owens was a decorated soldier who was assigned to the 3rd Battalion, 187th Infantry Regiment, 101st Airborne Division, stationed in Fort Campbell, Kentucky. He was the recipient of many awards, including two Army Commendation Medals, two Army Achievement Medals, a Valorous Unit Award, an Iraq Campaign Medal, and a Global War on Terrorism Service Medal.

On March 1, 2010, Sergeant Owens died of injuries sustained when the vehicle he occupied received direct fire. He was only 21.

Vincent was an accomplished young man, known for his work ethic and drive, for his focus and desire to be the best, and, most importantly, for his commitment to his family. Vincent made the ultimate sacrifice. So, too, did his family—his wife, Kaitlyn; his mother, Sheila; and his father, Keith.

Mr. Speaker, Vincent is a true American hero. I ask that my colleagues keep his family and friends in their thoughts and prayers during this very difficult time.

#### SAVING NASA, A NATIONAL SECURITY INTEREST AND ASSET

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am very pleased tonight to acknowledge that there is a lot of energy behind the engine of NASA and the Constellation Program. There is a lot of interest across America, not so much for the individual States that are impacted but for the research engine of the international space station and the importance of human space exploration.

Today, I will introduce, along with 16 cosponsors, H. Res. 1150, which declares NASA a national security interest and asset. It emphasizes the importance of the work of NASA. As well, it indicates that the elimination of the Constellation Program will, in fact, create a national security risk to the United States and will diminish the Nation's efforts to advance scientific research in space.

In addition, we are asking and indicating that there should be partnerships between universities and that NASA centers should be established to provide research opportunities to conduct research on behalf of the United States at the International Space Station. In addition, this legislation will ask for the full funding of the Constellation Program.

We must save NASA. We must save jobs. This is an American imperative.

#### PRESERVE, PROTECT AND DEFEND AMERICA'S MANNED SPACE PROGRAM

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, I rise to join my colleague and fellow Houstonian, Congresswoman SHEILA JACKSON LEE, in expressing our strong support for the fine men and women at NASA.

Our manned space program has preserved America's leadership in space, which has led to America's leadership in technology and in scientific advancement. The great men and women of NASA and of our manned space program have created in so many ways so many technological spin-offs that we must preserve America's leadership in space. We must preserve America's ability to protect the high ground. Unavoidably, the outer space today is the high ground militarily just as surely as Cemetery Hill and Little Round Top were at Gettysburg.

There is strong bipartisan support in this Congress to preserve America's manned space program and to oppose the recommendation—and that's what it is—of the Obama administration to close down America's space program. That is unacceptable. America will never surrender her leadership in the world, and we certainly will not surrender our leadership in outer space.

We are very proud of the men and women at NASA and in our manned space program, and we will be working together in a bipartisan way to preserve, protect and defend America's manned space program.

□ 1930

#### NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intent to offer a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.'" (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas.

Therefore be it:

*Resolved*, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) what witnesses were interviewed, (2) what, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore (Mr. CROWLEY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.



## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SCHRADER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

# MAKING PUBLIC INFORMATION GATHERED BY HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, just minutes ago I introduced a privileged resolution that would require the House Committee on Standards of Official Conduct to make public information gathered for its probe into the relationship between earmarks and campaign contributions.

In a report released earlier this month, the Standards Committee concluded that it could find no evidence of a quid pro quo regarding the relationship between earmarks and campaign contributions. The committee exercised its authority under its own rules to release information gathered by the Office of Congressional Ethics, but released nothing more than a summary of its own findings.

According to one media source, "the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee beyond a statement that the investigation included extensive document reviews and interviews with numerous witnesses."

I think it is fair to ask what the Standards Committee did regarding this investigation. We know the Standards Committee reviewed documents gathered by the Office on Congressional Ethics. What were these documents? We were also told the Standards Committee interviewed numerous witnesses. Who were they?

We know that the OCE has no subpoena power. It cannot compel cooperation from whom it investigates. Let me give an example of where it might have been useful to have some followup information from the Standards Committee.

Page 17 of the report notes that the OCE had reason to believe that a witness withheld information. It also notes that many remaining former PMA employees refused to consent to interviews. In addition, it noted that the OCE was unable to obtain any evidence within PMA's possession. I think it is reasonable to ask whether the Standards Committee issued subpoenas or otherwise sought cooperation from these reluctant witnesses. It appears they did not.

Perhaps what is most troubling about this investigation is that the

Standards Committee concludes that while they could find no evidence of a quid pro quo between campaign contributions and earmarks, there is a widespread perception among campaign contributors and earmark recipients that such a quid pro quo exists.

It should be noted that the "perception" or "appearance" has been sufficient grounds for admonishment of a Member of Congress by the Standards Committee as recently as 2004. Yet despite finding that there is a widespread appearance of impropriety here, the Standards Committee provides no guidance to Members of Congress as to how they might avoid such an appearance. The existence of such a perception, I might add, inures to the benefit of Members of Congress and their campaign committees.

I have long advocated for a change to the Standard Committee's current guidance regarding earmarks and campaign contributions and have introduced legislation to this effect. House rules already require Members who earmark funds to certify that they and their families have no financial interest in the organization receiving earmark dollars, yet the Standards Committee states that campaign contributions do not constitute financial interests. Classifying campaign contributions as financial interests would go a long way toward dispelling the widespread perception of a quid pro quo and would do much to lift the ethical cloud hanging over this body.

As an aside, while we are updating guidance from the Standards Committee, we should certainly update the recent guidance implying that Members of Congress who, for example, earmark money for a freeway off-ramp next to property they own, thereby inflating the value of this property, are not in violation of House rules as long as they are not the "sole beneficiaries" of such a rise in value. Such a standard does not pass the test of smell or laughter.

When behavior that is condoned by this body lends itself to a widespread perception of impropriety, we have an obligation not only to change the behavior, but to change the rules that police and govern such behavior.

Mr. Speaker, we owe this wonderful institution far more than we are giving it. The widespread perception of the dependent relationship between earmarks and campaign contributions carries no partisan advantage. The cloud that hangs over this body rains on Republicans and Democrats alike, and we will all benefit when this cloud is lifted.

## THE NECESSITY FOR FUNDING NASA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Just a few minutes ago, Mr. Speaker, I stood on the floor of the House to introduce H. Res. 1150, which addresses the National Aeronautic and Space Administration as a national security asset and interest.

I served for 12 years on the Science Committee and as a member of the Space and Aeronautics Subcommittee. I visited almost every NASA center around the country. I have visited our science laboratories. I am very engaged with the Science, Technology, Engineering, and Math Program, to help educate America's children to ensure that we remain at the cutting edge of science and technology and inventiveness, and as well to be able to build jobs for the 21st century. We are in that century now.

I have interacted with NASA and many of the astronauts over the years, watching them as they have launched into space, experiencing the tragedies of *Challenger* and *Columbia*, the loss of life of those brave souls who were willing to risk their lives to explore on behalf of the American people.

I want to work with the administration, because I believe they are knowledgeable about the value of human spaceflight. However, the approach to commercialize this important national security interest is not appropriate for now.

We live in a world that has changed. I chair the Subcommittee on Homeland Security dealing with transportation security and the protection of our infrastructure. Our infrastructure includes the buildings that we are in today, hospitals and schools, private-sector buildings, mass assets of the Federal Government, and, yes, the NASA centers and the NASA shuttle and all of the equipment that goes into providing for human spaceflight.

Lending that space technology to commercial exploration and private-sector businesses on the basis of profit is not appropriate now. It will put us in a noncompetitive position with China, India, and Russia.

So this resolution is simple. It declares the National Aeronautics and Space Administration as a national security interest and asset. It indicates that the United States has invested in the human space program since May 5, 1961. We all can remember the words of our President, John F. Kennedy, that challenged this Nation when he asked the question, Not why, but why not? Although those words came from his brother, he captured it in the early 1960s when he asked and demanded what we could do not for ourselves, but what we could do for our country.

At that time, we established the United States as a leader in the role of space exploration, and as well in the advancement of scientific research, and therefore that equals a national security interest. It does so because science

provides security, and the penetration of the scientific knowledge that we have lowers the security of this Nation.

My Committee on Homeland Security deals with protecting the infrastructure. Infrastructure is security. Infrastructure involves the science labs. Infrastructure involves the many space centers we have around the Nation. The States that are involved are Florida; Huntsville, Alabama; Texas; and the various sites in California as well.

□ 1945

And so I would ask that this legislation be moved quickly in the United States Congress and in this House because the 2010 NASA budget funded a program of space-based research that supports the administration's commitment to deploy a global climate change research and monitoring system. That research can be done better on the International Space Station. That international space station needs to be supported. It needs to be able to carry astronauts and scientists there to continue the research to make the quality of life for Americans and the world better. In the early stages of the International Space Station, research was done involving HIV/AIDS, stroke, heart disease, and cancer. That research has created opportunities for a better quality of life, and it saved lives.

Let us not miss the opportunity, the treasure of being able to explore in space; the genius of America to allow us to be at the cutting edge of science; and, yes, to protect a natural security interest, which is the National Aeronautics Space Administration and all of its assets.

And so I look forward to working with General Bolden, an astronaut and a very able appointee of the President of United States, to see how we can save NASA and the Constellation program that will allow us to be at the cutting edge of science, not in America, but around the world.

#### BUYING INTO MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, I have just introduced a simple 4-page bill that allows any American to buy into Medicare at cost. Let me explain why I have done that. I have five children. When one of my children was born, I found out from the insurance company that the insurance company would not pay for the birth of my child. I had what I thought was excellent health care coverage from this insurance company, but it turned out otherwise. As a result of that, I had to pay \$10,000 for the birth of my child.

You know, it could have been worse. Maybe I wouldn't have that \$10,000. A

lot of Americans face that situation when they have health care bills that their health insurance company won't cover. It could have been worse. I had twins who were born afterwards, who were born a month premature, spent weeks in the hospital. God only knows what those bills would have looked like. I probably would have been broke.

But the fact is that I felt, like many Americans feel, that I had an adversarial relationship with my insurance company and that every penny they spent on my care was a penny less for their profits. And that is a fundamentally unfair situation that causes untold health care needs around this country that go unmet and, frankly, untold death.

That's why we need another option. We need a public option. We're going to be seeing a Senate bill that doesn't have a public option. We're going to be seeing reconciliation that doesn't have a public option. But America needs a public option. That's why I've introduced this bill.

There are other reasons as well. Another reason is that all across this country there are areas, including areas in Florida, where one or two private insurance companies dominate the market to the extent that they have 80 percent of all the insured in the area. There is no competition. It's a monopoly in the case of one. It's an oligopoly in the case of two. Either way, these insurance companies pretty much do whatever they want. They can offer you care or they deny you care. They can cut you off when you already have care. And they can charge you pretty much anything they want.

Well, a public option would change that. In an area where one company had 80 percent of the market, suddenly there would be an alternative. Where two companies have 80 percent of the market, suddenly there would be an alternative. That alternative is an alternative that is already used by one-eighth of our population. That alternative is Medicare.

This simple bill would allow anybody—any American, any permanent resident—to buy into Medicare at cost. And what it does is it takes this enormously valuable public resource called the Medicare Provider Network and makes it available to all Americans. We've spent billions putting together a Medicare Provider Network that stretches from Nome, Alaska, all the way to Key West, Florida. We've spent billions doing that, and yet only one-eighth of the population can use it.

The most expensive part of preparing a health care plan for any American in any location is to set up the provider network, hundreds and hundreds of contracts with hospitals, with specialists, with nurses, with testing companies. All these things have to be done before you actually serve the first patient.

Well, we have a system like that called Medicare, and yet it's open to only one-eighth of the population. It's as if we're saying that only one-eighth of the population, senior citizens, can drive on Federal highways. That's how important the Medicare provider network is, and that's why we have to open it to everybody.

This is not a plan for subsidies. Everyone would have to pay their own cost. This is not a plan that's meant to help anybody, except for the people who cannot otherwise get insurance, or people like me, who simply don't trust the insurance companies anymore because of the raw treatment that we've received.

Let's face it, it's never going to be any different. The insurance companies are always going to look for ways to chintz you. They're always going to look for ways to charge you more and give you less, and the difference is what they call profit. And that's a system that a lot of people just can't accept anymore. They just don't want it anymore.

And for those people who have it in their mind that there will be some kind of government death panels, what about the real death panels that exist in this company—the insurance company death panels; the ones that look for rescission when you get sick, the ones that top you out at some small amount of benefits when you have some terminally ill condition. These are the real death panels in this country. And that's why we need a public option.

So I'm asking the Speaker and the leadership, if we have to vote on this Senate bill that doesn't have a public option in it, if we have to vote on this reconciliation amendment that doesn't have a public option, isn't it time that we finally did something good for America? Isn't it time that we gave all Americans the right to buy into a public plan like this? Isn't it in fact past time that we did something like that? And what's the harm?

I say to those people on the other side of the aisle, if you don't want to buy into the public option, that's fine. But don't prevent me and my family and the ones who I love from doing the same. Let us have our alternative. And remember what you said so many times before: you say the government can't do anything right. Well, let's see. Let's see right now. Let's let people buy into the public option through this bill, H.R. 4789, and we'll give it a shot.

#### HEALTH CARE ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. You know, Mr. Speaker, I wasn't going to come down here and speak tonight, but I saw

my learned colleague who's a trial lawyer coming down here to talk. The trial lawyers have been doing very well over the years suing doctors and driving up the cost of medical care because of the suits that have to be paid, and the insurance that the doctors have to buy to protect themselves against malpractice claims is astronomical in some States. In some States, doctors are actually leaving the State or retiring from their practices because they can't afford to pay those premiums and/or they're worried to death that they're going to lose everything they have worked a whole lifetime to attain through a lawsuit.

And so it's not a surprise to me that my colleague that was just here, who is a trial lawyer, would be down here talking about the changes that he thinks ought to be made in health care.

We have an alternative. Our alternative is to allow small businesses to bind together to buy insurance for their employees at the same rates as a major corporation; to allow small businesses and individuals to buy insurance across State lines so there's more competition in the system; to come up with tort reform, which will limit these astounding settlements that these trial lawyers get.

There's a whole host of things that we have talked about putting into legislation that will help solve the problems of health care, but they don't want to talk about it. In fact, what they talk about is that we're the Party of "No," we're being obstructionists, and we don't want to solve the health care problems. We do want to solve the health care problems. And we can solve the health care problems without destroying the free enterprise system.

They are for government takeover of medicine. That is socialized medicine. And they want to see the government telling all of us what kind of care we get, who we get it from, when we get it, and what rationing might take place. And there will be rationing of health care if their plan passes. And that's something I don't think the American people want.

And then you start talking to the senior citizens. They want to take \$500 billion out of Medicare and Medicare Advantage. What's that going to do to the seniors and the health care they're getting right now? That's going to add to the problem that they say they're going to solve. Just putting the government in complete control of health care is not going to be the answer.

We have problems that need to be solved. They can be solved. They can be solved within the free enterprise system. We don't want to destroy free enterprise in America. There are those on that side and I believe at the White House that believe government should run everything. They should run health care; they should run energy, like the cap-and-trade bill; they should run the

automobile industry. We now have Government Motors that took over General Motors. They want to run the finance industry. And the crown jewel is health care, because health care is one-sixth of our economy. They get that. They're on their way to the government controlling every part of our lives, at least in large part.

This is something that we don't believe in in America. We believe in the free enterprise system and the people that have the ability to succeed to have that opportunity, the people who come from nowhere can make money because the system works. And we don't want the government telling us what we can and we can't do. We believe in freedom in this country and not more and more government control.

If their health care bill passes, there will be rationing of health care. There will be bureaucrats coming between people and their doctors. And government here in Washington will be making decisions for people's health care. Are they taking care of the other problems we're facing in this country? Are they solving the problems without the costs going through the roof? Their program is going to cost at least \$1.5 trillion to \$3 trillion that we do not have. And our kids and our grandkids are going to have to pay for that. That's unbelievable that we pass to the next generation all the problems that we face today.

We could come to grips with this, and we could solve the problem if they'll sit down and work with us. They keep saying, Well, we're not working with them. They've got about an 80-vote majority in this House. In the other body, they've got 59-41. They can pass anything they want. They've got the guy in the White House. The reason they can't get it done is because you, the American people, don't want it. You don't want government control over our lives, and you don't want socialized medicine.

We can solve these problems. And we can do it within the free enterprise system if we just sit down and get the job done. Let there be competition in the free enterprise system and medicine, and we'll solve these problems.

#### RULE OF LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. I'm honored to be here. I think some might remember in this body that for the last about year, year and a half, I've been getting up here and talking about the rule of law and how the basic foundation of American society is based upon a set of rules, a set of laws. Without that foundation,

that surrender of sovereignty of the American people to pieces of paper that describe how we will behave in this world, we would be an uncivilized Nation and we would not be the great Nation of liberty and freedom that we are today. I've talked about the fact that when we talk about the rule of law, we're not just talking about abiding by the laws of this country. We're talking about abiding by the rules that we set to operate whatever we operate in this country.

I'm reminded to tell a story. When my oldest son was, I believe, in the seventh or the eighth grade; he played football. He was the best punter. He was also the center. So the one time he didn't snap the ball was when he was the punter. He punted the ball. He did a pretty good job of it. We played a team—I won't mention where it is, but if he's listening, he'll know what I'm talking about—where the first time he kicked the ball, a guy came through and knocked him flat, and they didn't throw a flag. It's young kids playing and not, I guess, the most professional referees. So he took it and I took it and there was no problem.

The second time he punted the ball, somebody came in and knocked him flat again. At this point in time, I was really concerned about it. The third time he punted the ball, somebody came in and knocked him flat again. He turned to the referee as I was climbing the fence, I was so mad, and asked him, What does it take to get a "roughing the kicker" call? And he said, In this town, you better just shut up and play the game.

□ 2000

My son is now a coach at a major school in Texas, but I would almost assure you that he has never forgotten that person who refused to enforce the rules, and we were just lucky that he didn't get injured because he was a little kid still. He was in the seventh grade. And I have never forgotten it, and most people don't forget when people break rules that they expect to be played by. If their team is playing on Saturday or on Sunday and they see a blatant violation of the rules, most Americans get infuriated by people who violate rules.

I take the position—and I think the position is easily defended—that the United States of America cannot run without the laws that we create both in this body and our State legislatures around the country and those laws that the courts have interpreted correctly. Those things keep us on that foundation of operational procedures that we have that allows us to know that when we do something, we follow the rules, and others are expected to follow the rules, and if they don't follow the rules, we have recourse to make them follow the rules.

I have been talking about that for a year. I have been talking about that,

about Members of this body that I have said, you know, that there were ethics violations filed against them, that the Ethics Committee needed to resolve those because there were allegations that they had broken the rules. Some of those things have come to fruition, and without any animosity towards anyone, I am glad at least one of those issues has been slightly resolved. But there are others, and it would seem to me that as we talk about and as we look at each other in this body—and all of us are Members and all of us agree to a set of rules when we come here.

What's interesting is that in the history of the United States, there are some people that are highly respected by both political parties, by all Americans. I think Abraham Lincoln falls in that category. I think George Washington falls in that category. I believe Thomas Jefferson, Benjamin Franklin, and many, many others of those who are either our Founding Fathers or people who have done such extraordinary things for freedom and for liberty in this country that we remember them, and we remember and we honor what they did.

Thomas Jefferson wrote the rules for operation of this House and of the Senate. I take that back. I don't know if he wrote it for the Senate. I know he wrote it for the House. I think he wrote it for both bodies. But whatever that may be, when our Founding Fathers were sitting around on those hot days in the summer trying to put together a constitution, trying to resolve the issues and deciding what kind of functioning government they wanted to have, they had a concept of creating a republic—not a parliamentary democracy but a republic—where you had a representative form of government, where you had two bodies, the House and the Senate. The House would be the people's House, and it would have the opportunity to change every 2 years. The Senate, at that time, would be appointed by the legislatures of the various States. The Senators would represent States, and they would change after a 6-year term, with alternating terms, so every 2 years a certain body but never all that body would change.

And when they looked at how they wanted these two Houses to operate, they set up that this House would be the rapid-solution-to-the-problem House. This House goes and moves, compared to the Senate, at light speed, and it was intended that way by our Founders. They intended it because they wanted the people's business taken care of and addressed first, and they wanted it addressed in an important manner by this House. But they also realized that sometime in the heat of debates that can go on in this place, that level heads needed to calm things down for a bit and ponder it before it's passed so things aren't rushed to judg-

ment and mistakes aren't made. We have the same kind of procedures in the courtroom today. Just, for example, in a capital murder case, we spend an inordinate amount of time and slow things down so that we can try our very best to make sure that mistakes are not being made, because it's life or death, what occurs in that courtroom.

So our Founding Fathers wanted our legislation to go to the Senate and give the Senate the ability to slow the process down, take a hard look at each of the elements, and try to come up with a resolution in the Senate that was more philosophical and more pondered than the House. It was intended that way. And for that reason, they set up a means by which the Members of the Senate could do what's called filibuster the Senate. And that means that they can start talking, and one person could hold up the whole operation until everybody agreed to calm down and get certain points resolved at a slower rate.

This has evolved, but the rules have been following that various trend and with that concept since the creation by our Founding Fathers. Today, we have a process that takes place over in the Senate which is sort of, if you will—imagine that there is someone standing up talking until you get 60 votes to shut him up. But there is not really somebody standing up and talking. We have a rule called “cloture,” and that rule says that until you can vote on an up-or-down vote on any issue in the Senate of the United States, you have to have 60 Members of that body to agree to bring that to the floor of the Senate for a vote. And that's an issue that it should be—if it's not in the minds of all the American people today, it should be in the minds of the American people, because one-sixth of our economy teeters on the verge of change based upon whether or not the Senate rule of cloture will be maintained as a rule which has been in existence and the concept since the founding of the body that is over on the other side of this building.

Now, whenever there's a rule, there is always someone who will try to come up with a way to get around the rule. That's human nature. Sometimes people can get around it by breaking the rule, and sometimes people can get around it by adjusting the rule. The rule was adjusted slightly back in, I think it was, 1974, and they came up with a concept called reconciliation. And what they were finding was that in the budgetary process, when you have to reconcile revenues with expenditures to balance your checkbook, balance the budget, whatever you do at your home—don't use the kind of accounting we use around this place. But to make those two things reconcile, they put up the process of reconciliation, which for reconciling those numbers—for reconciling those two num-

bers to make them work, you could use a reconciliation process if you had put it in the rule prior to the passage of the budget or the addressing of the budget so that you could reconcile the numbers, and it didn't take 60 votes to get that vote. And reconciliation has been used for budgetary and number balancing ever since in a very limited manner.

It comes up maybe once or twice a Presidential term for a President, to make sure that when new things are being done in the way of expenditures or taxation or whatever it is, to make things reconciled. Sometimes that's done by reconciliation. But it never was designed to take a whole body and battery of laws and just change the rule to make 51 votes a win in the Senate. It was always intended that that was just for balancing your checkbook and not for creating your job and paying your bills. So, in other words, it wasn't for the big ideas. It was for the little tweaks to make things work. I don't think everybody understands that, but that's what it was for. That's what it's been used for.

I have some examples on this page. This was written by a man named John Dalton about the process. It's a good explanation. He points out—and there may be others, but he has got a list of the names of the bills that have used reconciliation. Omnibus Reconciliation Act of 1980 under Jimmy Carter, Omnibus Budget Reconciliation Act of 1981 under Ronald Reagan, Omnibus Budget Reconciliation Act of 1982 under Ronald Reagan, Tax Equity and Fiscal Responsibility Act 1982 under Reagan, Omnibus Budget Reconciliation Act. Notice the names “budget,” “taxes,” “fiscal” under Reagan. Deficit Reduction Act under Reagan. All of those took place in the eighties. All of those, you hear the word “budget” or you hear the word “tax” or “expenditures.” That's what it was for.

Today we have been debating now for over a year President Obama's concept of health care for the United States. I hesitate to say President Obama's bill because, at least to my knowledge, President Obama has never himself, nor the White House, written a bill and presented it to this body for deliberation.

So the bill that we're talking about right now—we had a House bill pass this body by one vote, and we had a Senate bill pass the Senate on Christmas Eve. Both of those were contentious, and both of those were hard fought, and both of those barely squeaked by. And normally, because the Senate bill is drastically different from the House bill, those would go to a conference committee where they would work out the differences and try to come up with solutions. That's the normal process for bills in this House. But the normal process doesn't seem to be wanting to go on in this House right

now, so we're not going to a conference committee. And the only other alternative would be that either the Senate take the House bill without any changes and pass it, which they said "no," or now that they've passed their bill, they send it over here to the House, and the House has to pass that bill without any changes. And if there are any changes, it's got to go to a conference committee, because you can't change it. You either accept it or you haven't accepted it. If you haven't accepted it, then you've got to reconcile between the House and the Senate bill.

The proposal on health care, which is being strong-armed in this House right now is to get this done by Easter, and they're going to do it by strong-arming the elements in this House on the Democratic side of the aisle because the Republicans are not going to vote for this bill, to ask them to give up their conscience—both our liberal Members and our conservative Members—to give up what they stand for and pass the Senate bill, even if they don't agree with it, and then to trust the leadership of this House to put together a reconciliation package that will fix things like abortion, which has nothing to do with anything to do with reconciliation, and do a reconciliation bill to address the issues concerning abortion in this bill, or do a reconciliation bill to address a government option, which is the far left liberals' concept—and you heard it talked about here tonight—of what's missing here in this bill.

The leadership here is asking them to not mess with the Senate bill; pass it, even though they don't agree with it. And they don't think it should pass the way it is. Pass it and trust it that it will be changed. And it will be changed through a process which is not for changing these types of life-changing issues, but for tweaking your checkbook, if you will. And that means that we are going to change over 200 years of history in order to get a health care bill passed that, by the best poll out there, 57 percent of the American people don't want. And there are polls that say as many as 60 and 70 percent of the American people don't want this health care bill. They want us to start over and try again. They think we can do better than to create hundreds—not hundreds. That's an exaggeration. Let's get it right—about 35 or 40 new agencies and bureaus in this country that will have people overseeing everything to do with health care in this Nation and that will put people who operate in Washington, D.C., between you and your doctor in making health care decisions.

The American people have said, We don't like it. Tens of thousands of them took to the streets in August and said, Go back and do it right. Both you Democrats and you Republicans, get together. We want to see you work to-

gether on this bill, and we want you to come up with the kind of solutions we're looking for that deal with costs, deal with accessibility, deal with pre-existing conditions. But they don't have to be in something that nobody—unless they've got a couple of months—can read through and digest and understand. Put it in a series of bills that we can understand as American people.

If there is one thing we owe, as Members of this body, is that we owe it to the American people to pass bills that they can read. I mean, it is affecting one-sixth of their lives. One-sixth of their paycheck is going to be hit every time they think about health care.

□ 2015

And people are going to be ordered to take health care and mandated with penalties if they don't want to take health care. And there's some people that don't. So it's life-changing. But what I'm talking about today—that's an argument you've heard made for months now—I'm back to where I started. There are rules and there are laws that you run your operation by, and when you start violating, especially laws and rules that go to the basic tenet of the Constitution of this United States, that the Senate is the deliberative body, then you are basically changing not only a sixth of our economy but you're changing the way the government of the United States has operated for over 200 years. That's not the way it ought to be. It shouldn't be that way.

And so I would argue that my issue about rule of law goes to the reconciliation process. And yet the leadership of this House, the Speaker of the House, NANCY PELOSI; HARRY REID, the majority leader of the Senate; and the President of the United States are all talking about fixing the disputes that are in this House about the Senate health care bill through reconciliation which would then be an abuse of the rules and violate what this country has stood for for over 200 years.

Now, what's wrong with that picture? Well, first off, it changes everything that happens in the future. Because if now we can turn over one-sixth of the economy to the government, again a portion of the economy will now be managed by the centrists, if you will, the people who want a central government here in Washington running everything, when they do that, then the next issue that comes before this House, there's no reason for anybody to honor the 60-vote rule in the Senate. There's no reason for anybody to honor it. Once you break it, that affects every human being that lives on this planet, inside the United States, once you fix it and violate the rules to suit yourself against those people, what can we bring before this House that would require that rule ever again? And I think an argument could very well be

made that that will be the end of the cloture rule in the Senate. And when you end the cloture rule in the Senate, we'll either go back to the old filibuster or, quite frankly, we'll go back to a different Senate that's not operating the way our Founding Fathers intended it to operate.

These are issues that I think as we vote about this, we need to realize that our concept, that we should go by a set of rules and we should operate by that set of rules. To violate those rules, there are consequences. I'm not saying we're going to put anybody in jail. I'm saying the consequences are right now you might have a win. But when you're in the minority, which this 60-vote rule is done to protect the minority, whoever it may be, Democrat or Republican, if you once give up the power to protect the minority, or at least give them a voice, then down the road someone's going to wake up, it's something that breaks their heart to see it passed into law, and there won't be a cloture rule to protect them.

Breaking rules has consequences. I don't know if what I'm saying here has any effect on those folks, but I can tell you that, for instance, the health care bill calls for \$1 billion in budget savings over a 5-year period of time of deficit spending totaling about, estimated, \$8 trillion. This impact is about one one-thousandth of a percent, which indisputably reaches the "incidental" definition of budgetary impact under the Byrd rule.

Senator BYRD wrote a rule that said you can't use this idea of reconciliation for just incidental effects. There is nothing more incidental than that. When you're talking about \$8 trillion versus \$1 billion, that's pretty incidental. And yet it is one-sixth of the economy.

The reason we have rules is for people to follow the rules. I encourage and I hope and I pray that every one of the American people will now understand, and this is difficult to talk about, and it's not easy for anybody to understand. And if anybody tells you that JOHN CARTER's an expert on it, you tell them they don't know what they're talking about. I'm not an expert on it. I'm just here to tell you that I do understand what common sense means and I understand what's right and wrong. And when Thomas Jefferson writes the rules and everybody abides by them for over 200 years of history of the United States and all of a sudden to get your way you decide not to abide by the rules, that's wrong. And I think the American people are going to know it's wrong. And I hope the American people will rise up and say it's wrong.

If they can pass it with 60 votes in the Senate, that's the blessing of the American people. That's the way the deal operates. That's playing within the rules. That's following the rules that make the playing field, I consider,

level because we all play by those rules. And that's fine. But if you can't, don't play tricks and don't change rules that you're not supposed to change, because if you do, the consequences to the American people are going to be awful. There's a lot of anger in this country right now, and I believe that anger will be increased six-fold or more if they find out, the same bunch of Americans who watch basketball or football or baseball, who know the rules of the game and watch somebody break the rules, they expect a foul to be called, they expect a penalty to be set, they expect a man to be called out or a man to be called safe, they expect the rules to be played by; and if they expect that on the baseball field, the football field and the basketball court, why wouldn't they expect it when people are changing their life? When people are writing rules to change their life, why wouldn't they expect that?

Health care reform has been on our plate now for quite a while. Meanwhile, we're losing jobs. We've got issues that we really need to be dealing with about people that are out of work and trying to figure out a way to get them back to work. We've got companies that are confused about the future. By that confusion, they're not willing to make investments either by expanding their businesses or hiring people, so they're just sitting on the sidelines right now and waiting. We've got small businesses that are frightened because they don't know whether they're going to be mandated to do health care or not, or whether they can do what they're doing now or what they need to do, or where they can go to make it better for their employees so maybe I don't want to hire any more employees. We've got millions of people that need a job. And we're happy when only 30 or 40,000 lost a job this month. That's supposed to be happy? I think we should be happy when 30 or 40,000 got a job this month, not when only 40,000 or 30,000 or 20,000 lost. That's not our goal. Our goal is to be able to say, we're happy to announce on the floor of this House that 40,000 people got a job this month.

But instead, we've been debating health care. We have been like people who say, I'm going to take my football and go home, demanding the game be played by their rules, not by the rules of the game, and demanding that their way be taken even when the American people tell them they don't want that way. That's what I think this debate is about.

I have a whole bunch of posters here that a lot of people went to a lot of work on, and I will go through some of them. ROBERT BYRD, who's still alive and still working over in the Senate, here is what he said about reconciliation:

"I oppose using the budget reconciliation process to pass health care re-

form and climate change legislation. Such a proposal would violate the intent and spirit of the budget process and do serious injury to the constitutional role of the Senate.

"As one of the authors of the reconciliation process, I can tell you that reconciliation was intended to adjust revenue and spending levels in order to reduce deficits. It was not designed to create a new climate and energy regime and certainly not to restructure the entire health care system."

This was said by Senator ROBERT BYRD, 4/2/09. He was one of the authors of the reconciliation process in 1974. And that's what I've just been telling you. The Senator agrees with what I've just been saying, and I think really important things that we have to be concerned about is what he said about the Constitution: "serious injury to the constitutional role of the Senate," just what I've been talking about with you.

Let me point out, all these chairs that you see in this room have somebody that sits in them. They're not assigned seats, we sit where we want to, but we all tend to sit somewhere. Every one of us stands up on the first day of this House and we swear an oath. We raise our right hand and we swear an oath. And the nature of that oath is pretty darn simple. We don't swear to be loyal to our party, Republican or Democrat; we don't swear to be loyal to a man or a Speaker or a majority leader or a President. We swear one thing. We don't swear to provide for everybody and give a free ride to everybody in the country. We swear to preserve, protect and defend the Constitution of the United States. That's what we swear to. That's our job here. Our job is to make sure that piece of work that created this simple but intricate system of rules that we've all accepted and has caused us all to prosper, our job is to defend that and the President's got the same oath. Our job is not other things; it's preserve what's in the Constitution and the way the Constitution is supposed to operate.

Senator BYRD points out as I did, we're looking at something that will be in violation if not of the nature but at least of the spirit of the Constitution of the United States. This is more serious than some people may be thinking about.

Here's some stuff about reconciliation:

It gives the Congress the ability to change current law to bring spending and revenues in line.

Uses numerical targets and not program-specific.

Debate is limited to 20 hours, non-germane amendments are not in order, a vote is guaranteed and requires 51 votes to pass rather than 60 as normal.

The Byrd rule. Legislation cannot be added to a reconciliation bill if it has a budgetary impact which is merely incidental to the policy components of the

provision. As I've told you, the bill that we're talking about is \$1 billion versus \$8 trillion. That's pretty incidental.

Now you may not think so until you realize what a billion is, and then you realize what a trillion is. A trillion is a number that's so hard to understand that if you stacked thousand-dollar bills 4 inches high, they're brand new, they don't have any wrinkles, they perfectly fit together and they're 4 inches high, that's a million dollars. A trillion dollars, 67 miles high.

So you can see, that's a whole lot of money we're talking about. A billion to \$8 trillion is pretty incidental.

Health care reform is not fiscal policy. That means it's not about money. That's what we're talking about. When you change a rule to do something that you can't do, that you shouldn't be doing in the first place, and so you're going to change the rule just to get your way and change the constitutional history of our country, something's real wrong with all that, and something that people ought to think about, because someday somebody might be rolling over you and something you care about by breaking the rules, and I don't think you will be very happy about that, because we are a group of people that play by the rules.

□ 2030

Been picking on these two guys for a long time for the last 2 months about tax evasion with no penalties: Treasury Secretary Tim Geithner and Mr. RANGEL, who is the former Chairman of the Ways and Means Committee. But it is not fair to have spent the time picking on these two guys when this whole House is fixing to break rules that are going to affect everyone sitting in this Chamber, and in fact everyone drawing a breath in this country, and they are going to break rules and change rules and avoid rules.

I am almost embarrassed to have picked on these two individuals for the rules that they broke concerning taxes and other things. Although it is the right thing to say, and if they break the rules you ought to talk about it. Well, the Congress is about to break the rules, and we ought to talk about it.

Finally, and I am going to quit now, I would hope that everybody realizes that everybody in this Congress wants to make health care work. And they want to make health care work for everybody and give everybody equal opportunity under health care. And there are many people on both sides of the aisle that think we can do better than these 2,000- and 3,000- and 4,000-page bills that seem to hit that table once in a while. And health care is one of them. So I am appealing to my colleagues in the House of Representatives to encourage everybody, when it



comes to this important one-sixth of our economy, to play by the rules.

I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 12, 15, and 16.

Mr. JONES, for 5 minutes, March 12, 15, and 16.

Mr. BURTON of Indiana, for 5 minutes, today and March 10, 11, and 12.

Mr. MORAN of Kansas, for 5 minutes, March 15 and 16.

Mr. FLAKE, for 5 minutes, today.

#### ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 10, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6446. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Amendment to the list of MARPOL Annex V special areas that are currently in effect to add the Gulfs and Mediterranean Sea special areas [Docket No.: USCG-2009-0273] (RIN: 1625-AB41) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6447. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318 Series Airplanes [Docket No.: FAA-2009-0713; Directorate Identifier 2007-NM-303-AD; Amendment 39-16180; AD 2010-02-09] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6448. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmoa IV A and IV C Turbohaft Engines [Docket No.: FAA-2010-0009; Directorate Identifier 2010-NE-01-AD; Amendment 39-16178; AD 2010-02-08] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6449. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 Helicopters [Docket No.: FAA-2009-1125; Directorate Identifier 2009-SW-50-AD; Amendment 39-16129; AD 2009-19-51] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6450. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R Series Airplanes [Docket No.: FAA-2007-27862; Directorate Identifier 2007-CE-036-AD; Amendment 39-16150; AD 2009-26-11] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6451. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Class E Airspace, Modification of Class E Airspace; Ocala, FL [Docket No.: FAA-2009-0326; Airspace Docket 09-ASO-15] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6452. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes Equipped with General Electric CF6-45 or -50 Series Engines, or Equipped with Pratt & Whitney JT9D-3 or -7 (Excluding -70) Series Engines [Docket No.: FAA-2009-0865; Directorate Identifier 2009-NM-023-AD; Amendment 39-16168; AD 2010-01-10] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6453. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisport, KY [Docket No.: FAA-2009-0706; Airspace Docket No. 09-ASO-26] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6454. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clayton, GA [Docket No.: FAA-2009-0605; Airspace Docket No. 09-ASO-19] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6455. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tompkinsville, KY [Docket No.: FAA-2009-0604; Airspace Docket No. 09-ASO-18] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6456. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Hertford, NC [Docket No.: FAA-2009-0705; Airspace Docket No. 09-ASO-25] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6457. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100B SUD, -200B, -300, -400, and -400D Series Airplanes [Docket No.: FAA-2009-0636; Directorate Identifier 2009-NM-031-AD; Amendment 39-16158; AD 2010-01-02] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6458. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat 90xx and 92xx Series Passenger Seats, Installed on, but not Limited to ATR — GIE Avions de Transport Regional Model ATR42 Airplanes and Model ATR72 Airplanes [Docket No.: FAA-2007-27346; Directorate Identifier 2008-NM-205-AD; Amendment 39-16176; AD 2010-02-06] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6459. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes [Docket No.: FAA-2010-0029; Directorate Identifier 2009-NM-262-AD; Amendment 39-16179; AD 2009-21-10 R1] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6460. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Anniston, AL [Docket No.: FAA-2009-0653; Airspace Docket No. 09-ASO-22] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components, Inc., (ECI) Reciprocating Engine Cylinder Assemblies [Docket No. FAA-2008-0052; Directorate Identifier 2008-NE-01-AD; Amendment 39-16151; AD 2009-26-12] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA [Docket No.: FAA-2009-0750; Airspace Docket No. 09-ASO-16] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2009-0657; Directorate Identifier 2009-NM-048-AD; Amendment 39-16175; AD 2010-02-04] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment



of Class E Airspace; Saluda, SC [Docket No.: FAA-2009-0603; Airspace Docket No. 09-ASO-16] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No.: FAA-2009-0610; Directorate Identifier 2009-NM-021-AD; Amendment 39-16171; AD 2010-01-12] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2009-1251; Directorate Identifier 2009-NM-133-AD; Amendment 39-16174; AD 2010-02-03] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30706; Amdt. No. 3357] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0763; Directorate Identifier 2007-NM-301-AD; Amendment 39-16170; AD 2010-01-11] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6469. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30705; Amdt. No. 3356] received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6470. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's final rule — Worker Visibility [FHWA Docket No.: FHWA-2008-0157] (RIN: 2125-AF28) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6471. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Employee Protection Program; Removal [RIN: 2105-AD94] received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6472. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, DC Area; Removal [Docket No.: OST-2010-XXXX] (RIN: 2105-AD93) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6473. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Turbomeca S.A. Model Arriel 1B, 1D, and 1D1 Turboshaft Engines [Docket No.: FAA-2009-0503; Directorate Identifier 2009-NE-12-AD; Amendment 39-16172; AD 2010-02-01] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6474. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — OST Technical Corrections [Docket No.: OST-2009-0173] (RIN: 2105-AD82) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6475. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turbofan Engines [Docket No.: FAA-2009-0236; Directorate Identifier 2009-NE-06-AD; Amendment 39-16162; AD 2010-01-05] (RIN: 2120-AA64) (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0309; Directorate Identifier 2008-NM-173-AD; Amendment 39-16152; AD 2009-26-13] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1146. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 248) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan (Rept. 111-428). Referred to the House Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3239. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes; with an amendment (Rept. 111-429, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4506. A bill to authorize the appointment of additional bankruptcy judges, and for other purposes (Rept. 111-430). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Foreign Affairs discharged from further consideration. H.R. 3239 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. CAMP, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. HIGGINS, Mr. HERGER, Mr. BRADY of Texas, Mr. ROSKAM, Mr. CLYBURN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4783. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 4784. A bill to establish the Internet Freedom Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. CLYBURN (for himself, Mr. WHITFIELD, Mr. PERRIELLO, and Mr. SPRATT):

H.R. 4785. A bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself, Mr. OBERSTAR, Mr. MICA, Mr. LEVIN, Mr. TOWNS, and Mr. DEFAZIO):

H.R. 4786. A bill to provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself and Mr. SULLIVAN):

H.R. 4787. A bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Mr. MICHAUD, and Mr. MCCOTTER):

H.R. 4788. A bill to amend title 49, United States Code, to establish limitations on the approval of cooperative arrangements between 2 or more air carriers or between an air carrier and a foreign air carrier, and for

other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GRAYSON (for himself, Mr. FILNER, Mr. POLIS of Colorado, Ms. PINGREE of Maine, Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. KUCINICH, Ms. EDWARDS of Maryland, Ms. WATSON, and Ms. JACKSON LEE of Texas):

H.R. 4789. A bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States to buy into Medicare; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. ACKERMAN, Mr. FILNER, Mr. GRAYSON, Mr. HIMES, Mr. HOLT, Mrs. MALONEY, Mr. PALLONE, Mr. PETERS, and Ms. ROYBAL-ALLARD):

H.R. 4790. A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.R. 4791. A bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALCOMA-VAEGA:

H.R. 4792. A bill to direct the Secretary of the Interior, acting through the Minerals Management Service, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; to the Committee on Natural Resources.

By Mr. FRELINGHUYSEN:

H.R. 4793. A bill to designate the library and archives gallery at the Washington's Headquarters Museum at Morristown National Historical Park in the State of New Jersey, and for other purposes; to the Committee on Natural Resources.

By Mr. LANCE (for himself, Mrs. EMERSON, Mr. PAULSEN, and Mrs. MCMORRIS RODGERS):

H.R. 4794. A bill to prohibit the use of any recommendation of the Preventive Services Task Force (or any successor task force) to deny or restrict coverage of an item or service under a Federal health care program, a group health plan, or a health insurance issuer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 4795. A bill to prohibit restrictions on the resale of event tickets sold in interstate commerce as an unfair or deceptive act or practice; to the Committee on Energy and Commerce.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 4796. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY:

H.R. 4797. A bill to amend title 40, United States Code, to direct the Administrator of General Services to incorporate bird-safe building materials and design features into public buildings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON (for himself and Mr. CONAWAY):

H.R. 4798. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 4799. A bill to direct the Secretary of Health and Human Services to develop a strategic plan to retrain displaced workers to become health care professionals serving areas with a shortage of such professionals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself and Mr. INGLIS):

H. Con. Res. 250. Concurrent resolution congratulating the people of Iraq on their resolve to vote in a national parliamentary election on March 7, 2010, in the face of adversity; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself, Mr. BERMAN, Mr. ENGEL, Ms. LEE of California, Ms. ROYBAL-ALLARD, Ms. ROSLEHTINEN, Mr. FALCOMA-VAEGA, Mr. CUELLAR, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. REYES, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BACA, Mr. MEEKS of New York, Mr. SIREN, Mr. CLAY, Ms. SPEIER, Mr. LUJÁN, Ms. WATERS, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SALAZAR, Mr. DOGGETT, Mr. RYAN of Wisconsin, Mr. PIERLUISI, Mr. SABLON, Mr. PASTOR of Arizona, and Mr. FARR):

H. Res. 1144. A resolution expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people of Chile as they plan for recovery and reconstruction; to the Committee on Foreign Affairs.

By Ms. GIFFORDS (for herself and Mr. GRIJALVA):

H. Res. 1145. A resolution recognizing the University of Arizona's 125 years of dedication to excellence in higher education; to the Committee on Education and Labor.

By Ms. SPEIER:

H. Res. 1147. A resolution amending the Rules of the House of Representatives to require a Member, Delegate, or Resident Commissioner to hold an explanatory public meeting prior to the submission of congressional earmark requests; to the Committee on Standards of Official Conduct.

By Mr. BAIRD (for himself and Mr. FORTENBERRY):

H. Res. 1148. A resolution expressing support for the mission and goals of the World Economic Forum; to the Committee on Foreign Affairs.

By Mr. BISHOP of Utah:

H. Res. 1149. A resolution supporting the goals and ideals of National Charter School Week, to be held May 2 through May 8, 2010; to the Committee on Education and Labor.

By Ms. JACKSON LEE of Texas (for herself, Mr. CULBERSON, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KOSMAS, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. ORTIZ, Mr. SMITH of Texas, Mr. REYES, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. CUELLAR, Ms. WATSON, Mr. CARTER, Mr. MILLER of Florida, and Mr. OLSON):

H. Res. 1150. A resolution designating the National Aeronautics and Space Administration (NASA) as a national security interest and asset; to the Committee on Science and Technology.

By Mr. MCDERMOTT (for himself, Mr. LARSEN of Washington, and Mr. BAIRD):

H. Res. 1151. A resolution recognizing and congratulating Apolo Anton Ohno for his historic performances in short track speed skating at the 2002, 2006, and 2010 Olympic Winter Games and congratulating him for winning more Olympic Winter Games medals than any other American athlete; to the Committee on Oversight and Government Reform.

By Ms. MOORE of Wisconsin (for herself and Mr. BERMAN):

H. Res. 1152. A resolution celebrating Volunteers in Service to America (VISTA) on its 45th anniversary and recognizing the national service program's contribution to the fight against poverty; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mrs. CAPITO):

H. Res. 1153. A resolution recognizing the heroic efforts of the West Virginia National Guard and local responders for their work rescuing 17 individuals from a downed military helicopter on a rugged, snow-covered mountain on the Pocahontas-Randolph county line; to the Committee on Armed Services.

By Mr. SESTAK (for himself, Mr. MCCAUL, Mr. MELANCON, Mr. GRIJALVA, Mr. DOGGETT, Mrs. BLACKBURN, Mr. COLE, and Ms. SPEIER):

H. Res. 1154. A resolution expressing support for designation of September 13, 2010, as "National Childhood Cancer Awareness Day"; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. SIREN and Ms. NORTON.  
H.R. 43: Mr. ARCURI, Mrs. CAPITO, Mr. KIRK, Ms. PINGREE of Maine, and Mr. CONNOLLY of Virginia.  
H.R. 197: Mr. ISSA.  
H.R. 205: Mr. LOBIONDO.  
H.R. 211: Mr. SOUDER.  
H.R. 219: Mr. TIAHRT.  
H.R. 336: Ms. RICHARDSON.  
H.R. 393: Mr. INGLIS.  
H.R. 476: Mr. GENE GREEN of Texas and Mr. CAO.  
H.R. 489: Mr. WALZ.  
H.R. 537: Mrs. CAPITO, Mr. JONES, and Mr. LARSON of Connecticut.

- H.R. 622: Mr. OWENS.  
H.R. 673: Mr. CUMMINGS.  
H.R. 678: Mr. HALL of New York, Mr. BUCHANAN, Mr. MOORE of Kansas, Mr. ROGERS of Kentucky, Mr. LOEBSACK, Mr. GERLACH, and Mr. JONES.  
H.R. 690: Mr. BOEHNER and Mr. DAVIS of Tennessee.  
H.R. 789: Mr. SCOTT of Virginia and Mr. BRADY of Pennsylvania.  
H.R. 878: Mr. HELLER.  
H.R. 881: Mr. DUNCAN and Mr. BONNER.  
H.R. 903: Mr. ROTHMAN of New Jersey.  
H.R. 904: Mr. TEAGUE.  
H.R. 949: Mr. MOLLOHAN, Ms. McCOLLUM, and Mr. GORDON of Tennessee.  
H.R. 953: Mr. RODRIGUEZ and Mr. WALZ.  
H.R. 1017: Mr. CARNAHAN and Mr. OBERSTAR.  
H.R. 1020: Mr. RODRIGUEZ.  
H.R. 1067: Mr. CLEAVER.  
H.R. 1079: Mrs. CAPPS.  
H.R. 1126: Mr. QUIGLEY.  
H.R. 1175: Mr. HARE.  
H.R. 1177: Mr. HARE.  
H.R. 1190: Mr. MCCLINTOCK.  
H.R. 1205: Mr. PASCRELL, Mr. SCOTT of Virginia, Mr. MELANCON, Mr. VAN HOLLEN, and Mr. MICHAUD.  
H.R. 1207: Mr. QUIGLEY.  
H.R. 1210: Mrs. McMORRIS RODGERS, Ms. CHU, Mr. DONNELLY of Indiana, and Mr. SNYDER.  
H.R. 1407: Mr. MAFFEI.  
H.R. 1452: Mr. BRALEY of Iowa.  
H.R. 1460: Ms. NORTON.  
H.R. 1519: Mr. KLINE of Minnesota.  
H.R. 1523: Mr. MORAN of Virginia and Mr. BERMAN.  
H.R. 1547: Mr. CARTER and Mr. KING of Iowa.  
H.R. 1640: Mr. KAGEN.  
H.R. 1682: Mr. TIBERI.  
H.R. 1708: Mr. ROSS and Ms. ROS-LEHTINEN.  
H.R. 1718: Mrs. BLACKBURN.  
H.R. 1866: Mr. POLIS.  
H.R. 1873: Mr. HINCHEY.  
H.R. 1895: Mr. HALL of New York.  
H.R. 1924: Ms. HIRONO.  
H.R. 1925: Ms. MATSUI.  
H.R. 1932: Ms. BORDALLO.  
H.R. 1970: Mr. SOUDER.  
H.R. 1980: Mr. TIAHRT.  
H.R. 2084: Mr. JACKSON of Illinois.  
H.R. 2149: Mr. ALTMIRE.  
H.R. 2156: Mr. HARE.  
H.R. 2256: Mr. MURPHY of New York, Mr. POSTER, and Ms. ROS-LEHTINEN.  
H.R. 2258: Mr. LANGEVIN.  
H.R. 2296: Mr. MELANCON.  
H.R. 2299: Mr. KISSELL.  
H.R. 2365: Mr. HARE.  
H.R. 2372: Mr. BARRETT of South Carolina.  
H.R. 2373: Mr. ANDREWS.  
H.R. 2377: Mr. CAPUANO, Mr. GRAVES, Mr. GARAMENDI, and Ms. NORTON.  
H.R. 2408: Mr. OWENS and Mr. ORTIZ.  
H.R. 2414: Mr. OWENS.  
H.R. 2455: Mr. HARE and Mr. GARAMENDI.  
H.R. 2555: Mr. MILLER of Florida and Mr. YOUNG of Florida.  
H.R. 2565: Mr. RYAN of Wisconsin.  
H.R. 2568: Mr. QUIGLEY and Ms. SCHAKOWSKY.  
H.R. 2601: Mr. ETHERIDGE.  
H.R. 2697: Mr. CHANDLER, Mr. HARE, and Mr. MAFFEI.  
H.R. 2737: Mr. CASTLE and Mr. REHBERG.  
H.R. 2891: Mr. CARNAHAN and Mr. MAFFEI.  
H.R. 2906: Mr. LOEBSACK, Mr. HOLT, and Mrs. CAPPS.  
H.R. 3024: Mr. MAFFEI.  
H.R. 3035: Ms. SCHAKOWSKY.  
H.R. 3043: Mr. STARK.  
H.R. 3070: Mr. GORDON of Tennessee.  
H.R. 3101: Ms. KILROY, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida.  
H.R. 3116: Mr. BOUCHER.  
H.R. 3125: Mr. BUTTERFIELD, Mrs. CAPPS, and Mr. SULLIVAN.  
H.R. 3186: Ms. SUTTON.  
H.R. 3240: Mr. JOHNSON of Illinois and Mr. THOMPSON of Pennsylvania.  
H.R. 3308: Mr. HELLER.  
H.R. 3355: Ms. HIRONO.  
H.R. 3384: Mr. LOBIONDO, Mr. HERGER, Ms. KOSMAS, Mr. LINDER, Mr. QUIGLEY, Mr. McDERMOTT, Mr. PETERSON, Mr. POSEY, Mr. BERMAN, and Ms. CHU.  
H.R. 3401: Mr. GUTIERREZ, Mr. McDERMOTT, and Mr. STARK.  
H.R. 3415: Mr. SCHOCK and Mr. PAUL.  
H.R. 3421: Mr. TOWNS.  
H.R. 3488: Mr. ACKERMAN.  
H.R. 3554: Mrs. MYRICK and Mr. SESTAK.  
H.R. 3652: Mr. LYNCH, Mr. OLVER, Mr. BOSWELL, Mr. McGOVERN, Mr. ANDREWS, Mr. OBERSTAR, and Mr. WU.  
H.R. 3655: Mr. GRIJALVA.  
H.R. 3656: Mr. SCOTT of Virginia.  
H.R. 3715: Mr. HARE.  
H.R. 3731: Ms. GIFFORDS.  
H.R. 3734: Mr. NADLER of New York and Mr. PIERLUISI.  
H.R. 3787: Mr. FRANK of Massachusetts.  
H.R. 3790: Mr. CARNEY, Mr. WESTMORELAND, Mr. LEE of New York, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Mr. LIPINSKI, Mr. JONES, Mr. LEWIS of Georgia, Mr. ANDREWS, Mr. KING of Iowa, and Mrs. DAVIS of California.  
H.R. 3838: Mr. COHEN and Mr. HINCHEY.  
H.R. 3952: Ms. GIFFORDS.  
H.R. 4116: Mr. THOMPSON of California.  
H.R. 4141: Ms. BEAN.  
H.R. 4155: Ms. SPEIER.  
H.R. 4159: Ms. CHU.  
H.R. 4163: Mr. CUMMINGS.  
H.R. 4196: Ms. SCHAKOWSKY.  
H.R. 4241: Mr. MURPHY of New York and Mr. McMAHON.  
H.R. 4256: Mr. TANNER and Ms. GIFFORDS.  
H.R. 4261: Mr. POE of Texas.  
H.R. 4269: Mr. KILDEE.  
H.R. 4274: Mr. HOLT and Mr. CLEAVER.  
H.R. 4296: Mr. CARNAHAN, Mr. ALTMIRE, and Mr. TIM MURPHY of Pennsylvania.  
H.R. 4320: Mr. SHULER.  
H.R. 4322: Mr. BLUMENAUER.  
H.R. 4324: Mr. BILIRAKIS, Ms. BORDALLO, and Ms. GIFFORDS.  
H.R. 4333: Ms. NORTON, Mr. WAXMAN, and Mr. OLVER.  
H.R. 4343: Mr. SABLAN.  
H.R. 4353: Mr. COHEN and Mr. COOPER.  
H.R. 4375: Ms. SCHAKOWSKY.  
H.R. 4376: Ms. GIFFORDS.  
H.R. 4386: Ms. SCHAKOWSKY and Ms. BALDWIN.  
H.R. 4399: Mr. HINCHEY.  
H.R. 4400: Ms. BALDWIN, Mr. WAMP, Mr. GUTHRIE, and Mr. KLINE of Minnesota.  
H.R. 4430: Mr. SMITH of Texas and Mr. BARRETT of South Carolina.  
H.R. 4446: Mr. CARNAHAN.  
H.R. 4477: Mr. FILNER.  
H.R. 4496: Mr. GERLACH.  
H.R. 4502: Mr. DEFazio.  
H.R. 4505: Ms. GRANGER and Mr. WALDEN.  
H.R. 4521: Mr. FRANK of Massachusetts.  
H.R. 4530: Mr. JACKSON of Illinois, Ms. WASSERMAN SCHULTZ, Ms. GIFFORDS, and Mr. KENNEDY.  
H.R. 4537: Mr. ACKERMAN, Mr. BLUMENAUER, Ms. MOORE of Wisconsin, and Mr. WELCH.  
H.R. 4538: Mr. HASTINGS of Florida.  
H.R. 4556: Mr. McKEON.  
H.R. 4557: Mr. TOWNS.  
H.R. 4563: Ms. NORTON.  
H.R. 4572: Mr. SOUDER, Mr. SCHOCK, and Mr. BUYER.  
H.R. 4573: Ms. LINDA T. SANCHEZ of California.  
H.R. 4598: Mr. SCHAUER, Mr. THOMPSON of Pennsylvania, and Ms. BORDALLO.  
H.R. 4614: Mr. HEINRICH and Ms. MARKEY of Colorado.  
H.R. 4630: Mr. CUMMINGS.  
H.R. 4687: Ms. CHU, Mr. STARK, Ms. ROYBAL-ALLARD, and Mrs. DAVIS of California.  
H.R. 4690: Ms. DELAURO.  
H.R. 4692: Mr. SCHAUER, Mr. COSTELLO, and Mr. SHERMAN.  
H.R. 4693: Mr. CARTER.  
H.R. 4713: Mr. SESTAK.  
H.R. 4719: Ms. GIFFORDS.  
H.R. 4735: Mr. NEUGEBAUER.  
H.R. 4740: Ms. JACKSON LEE of Texas.  
H.R. 4745: Mr. BOSWELL, Mr. McMAHON, Mr. TANNER, Mr. ALTMIRE, Mr. SMITH of Washington, Mr. MELANCON, Mr. MICHAUD, Mr. BOREN, Mr. TAYLOR, Ms. SUTTON, Mr. HARE, Mr. SCOTT of Georgia, Mrs. BIGGERT, Mr. SHULER, Mr. LIPINSKI, Ms. MARKEY of Colorado, Mr. CHANDLER, Ms. WATSON, and Mr. GALLEGLY.  
H.R. 4751: Mr. MOLLOHAN.  
H.R. 4755: Ms. SUTTON, Mr. LEVIN, Mr. HIGGINS, Mr. CONYERS, Mrs. MILLER of Michigan, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. SCHAUER, and Mr. QUIGLEY.  
H.R. 4765: Mr. ELLISON.  
H.J. Res. 76: Mr. TIBERI, Mr. PETRI, Mrs. CAPITO, Mr. BARROW, Mr. DONNELLY of Indiana, Mr. ROGERS of Alabama, and Mr. EDWARDS of Texas.  
H. Con. Res. 204: Mr. COURTNEY.  
H. Con. Res. 231: Mr. JACKSON of Illinois.  
H. Con. Res. 242: Mr. SESTAK, Ms. CHU, Mr. VISCLOSKEY, Mr. VAN HOLLEN, Mr. CONNOLLY of Virginia, Ms. MATSUI, Mr. ISRAEL, and Mr. FARR.  
H. Con. Res. 248: Mr. STARK and Mr. FARR.  
H. Res. 173: Mr. SESTAK and Mr. HODES.  
H. Res. 200: Mr. FRANK of Massachusetts.  
H. Res. 213: Mr. CLEAVER, Mr. BECERRA, Ms. MATSUI, Mr. RANGEL, Mr. STARK, Mr. SIREs, Mr. DOYLE, and Ms. LEE of California.  
H. Res. 311: Mr. RUSH, Mr. CUMMINGS, Mr. WALZ, Ms. NORTON, and Mr. PETERSON.  
H. Res. 440: Mr. POLIS.  
H. Res. 704: Mr. KISSELL, Mr. PERLMUTTER, Mr. COHEN, Mr. PETERSON, Ms. TITUS, Mr. ROE of Tennessee, and Mr. MICA.  
H. Res. 763: Mr. McCOTTER.  
H. Res. 764: Mr. FORBES.  
H. Res. 874: Mr. PLATTS.  
H. Res. 925: Mr. SESTAK.  
H. Res. 959: Ms. FOX.  
H. Res. 1036: Ms. SCHAKOWSKY.  
H. Res. 1047: Mr. BOEHNER.  
H. Res. 1052: Mr. MARSHALL, Mr. LARSEN of Washington, and Mr. GONZALEZ.  
H. Res. 1053: Ms. WASSERMAN SCHULTZ, Mr. CONYERS, and Mr. OLVER.  
H. Res. 1060: Mrs. HALVORSON, Mr. BURTON of Indiana, Mr. FORBES, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. McCAUL, Mr. EDWARDS of Texas, Mr. CRENSHAW, and Mrs. CAPITO.  
H. Res. 1081: Mr. CONYERS, Mr. GRAYSON, Mr. SCOTT of Virginia, and Ms. NORTON.  
H. Res. 1088: Mr. GARAMENDI.  
H. Res. 1091: Mr. CLEAVER.  
H. Res. 1099: Ms. SHEA-PORTER, Mr. ROGERS of Kentucky, Mr. BARROW, Mr. TEAGUE, Mr. JOHNSON of Georgia, Mr. CONAWAY, Mr. FLEMING, Mr. WILSON of South Carolina, Mr. PERLMUTTER, Mr. SMITH of Nebraska, and Mr. McKEON.  
H. Res. 1102: Mr. FILNER, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Mr. CLEAVER.

H. Res. 1103: Mr. RODRIGUEZ, Mr. TANNER, Mr. CHAFFETZ, Mr. HINOJOSA, Mr. BURGESS, Mr. EDWARDS of Texas, and Mr. DUNCAN.

H. Res. 1107: Mr. LIPINSKI, Mr. LEVIN, and Ms. LORETTA SANCHEZ of California.

H. Res. 1116: Mr. KING of New York, Mr. DAVIS of Illinois, Mr. MICHAUD, Ms. BORDALLO, Ms. EDWARDS of Maryland, Mr. McDERMOTT, Mr. TIBERI, Mr. RUSH, Ms. HIRONO, Mr. BLUNT, Mr. GUTIERREZ, Mr. SNYDER, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, Mr. MAFFEI, Mr. PAYNE, Mrs. NAPOLITANO, Mr. BARROW, Mr. BILBRAY, Ms. SUTTON, Mr. CONNOLLY of Vir-

ginia, Mr. JACKSON of Illinois, Mr. HOLT, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Mr. SMITH of Washington, Ms. MCCOLLUM, Mrs. McMORRIS RODGERS, Mr. FARR, Mr. HASTINGS of Florida, Mrs. EMERSON, Mr. ISSA, Mr. MARKEY of Massachusetts, Mr. HINCHEY, and Mr. ALEXANDER.

H. Res. 1120: Mr. MARCHANT and Mr. EDWARDS of Texas.

H. Res. 1128: Mr. SALAZAR and Mr. LANGEVIN.

H. Res. 1138: Ms. JACKSON LEE of Texas.

H. Res. 1141: Ms. SHEA-PORTER, Ms. ROSELEHTINEN, Mr. WU, Mr. MINNICK, Ms. SPEIER,

Ms. RICHARDSON, Mr. GORDON of Tennessee, Ms. BERKLEY, Mrs. DAVIS of California, Ms. FUDGE, Ms. CHU, Mrs. MCCARTHY of New York, and Mrs. McMORRIS RODGERS.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 872: Mr. MCCOTTER.

## EXTENSIONS OF REMARKS

### A TRIBUTE TO ALEX KAPITANSKI, THE FLAG MAN OF OCEANSIDE

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. ISSA. Madam Speaker, I rise today to pay tribute to a constituent whose efforts have touched thousands of Americans over the last seven decades. Mr. Alex Kapitanski, more commonly known as "The Flag Man," recently passed away on February 17, 2010. Mr. Kapitanski holds a great legacy not only in my district of California, but across the United States.

A fixture at civic events, Mr. Kapitanski embodied love of country with his passion in providing American and state flags for display at thousands of events from school graduations, to parades, to countless military services. A resident of Oceanside since 1950, Mr. Kapitanski once estimated that he provided flags to more than 37,000 events and hung more than 3.5 million flags. He once said, "I'll probably die with a flag in my hand."

His unwavering patriotism and commitment to his purpose has been recognized by presidents, generals and even Pope John Paul II. Just recently, Mr. Kapitanski, was honored in a special Presidents Day salute at the Oceanside Public Library and presented a proclamation from Oceanside Mayor Jim Wood with a film tribute and of course, plenty of flags on display.

Born on March 23, 1923, in West Rutland, Vermont, Mr. Kapitanski carried the spirit of the American flag from his early youth. His inspiration to begin collecting flags came from watching the superior conduct and community involvement of the legionnaires. At age 11, he hung his first flags by decorating the American Legion Post in his home town.

Mr. Kapitanski loved his country and served it with distinction at many levels. As a combat photographer during World War II, his primary mission was to go behind enemy lines to photograph enemy positions and gun emplacements. The military newspaper "Stars & Stripes" once featured a photo of him bringing in a German soldier he had captured behind the lines while photographing a position in Normandy. The photo was sent by wire service to nearly every newspaper in the United States and beyond. During this time, Mr. Kapitanski received numerous commendations and awards for his heroism including a Silver Star from General Dwight D. Eisenhower and a Bronze Star from General Courtney H. Hodges.

With a passion to teach the meaning and significance of our nation's flags to area youth, Mr. Kapitanski's work truly came from the heart. Although he is no longer with us, his spirit will live on in the youth he determinedly sought to inspire. In a 2007 interview he said,

"My goal is to motivate the younger generation to preserve our freedom." He will certainly be remembered for his devotion to his work, his strength of character, and his steadfast efforts to pass on his love of country and patriotism to upcoming generations.

Our thoughts and prayers continue to go to the Kapitanski family who will take up their father's cause to honor his memory. He is survived by four sons, Alex of Carlsbad, and Edwin, Albert and Allen of Oceanside; a daughter, Emilyann Ransom of Oceanside, and eight grandchildren.

Madam Speaker, I ask that my colleagues please join me in paying tribute to the Flag Man, Mr. Alex Kapitanski, who will surely live as a symbol of the great work that can be done when we strive to achieve. He will be dearly missed by his family, friends, and the many Americans he inspired over his long and rich life.

### IN HONOR OF THE SOUTHERN CHRISTIAN LEADERSHIP CON- FERENCE

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. WITTMAN. Madam Speaker, I am privileged to rise today to honor the Southern Christian Leadership Conference (SCLC) for their meaningful work and the imprint the organization has made on our nation. The Southern Christian Leadership Conference has a rich history and has played an important role throughout America's Civil Rights Movement.

The work of the SCLC is based on the dream of Dr. Martin Luther King, Jr. The SCLC ensures that his dream continues to come true across the nation. In Virginia's First Congressional District, Gloucester County is home to Holly Knoll, a true American treasure. Just recently I visited Holly Knoll, which is not only the birthplace of the United Negro College Fund, but is also the site of a giant 400 year-old Oak tree where Dr. Martin Luther King, Jr. penned his famous "I Have a Dream Speech." This groundbreaking speech was written to spark American drive and passion in order to overcome the struggle of freedom and equality for all of our nation's citizens.

Dr. Martin Luther King, Jr. was president of the Montgomery Improvement Association (MIA) from 1957 to 1968, a precursor to the SCLC. At its first convention in Montgomery, AL in August 1957, the Southern Leadership Conference became the Southern Christian Leadership Conference. The SCLC has perpetuated Dr. King's mission through their advocacy on education, leadership, voter registration, and civil rights issues.

Dr. King's dream is made a reality by the great efforts of the Southern Christian Leader-

ship Conference. The hope for equality for children of all races, creeds, and backgrounds is a struggle which endures and one that the SCLC addresses by their continued work and faithfulness.

Dr. King challenged the nation on August 28, 1963 when he stated in his speech "We can never be satisfied." He also said, "My friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal'."

Today I am honored to recognize the Southern Christian Leadership Conference and the collective efforts of its leadership and volunteers to make certain Dr. King's dream is a reality across the nation and throughout the world.

### RECOGNITION OF ELFORD, INC. FOR 100 YEARS OF SERVICE

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor Elford, Inc. for a century of dedicated service to the Columbus area. Elford has remained true to its core values of integrity, consistency, and responsibility, while providing first-rate construction services to businesses, hospitals, schools, and other organizations throughout central Ohio.

In 1910, Edward "Pop" Elford founded Elford, Inc. with the goal of providing honest, high-quality service through dedicated construction professionals. One hundred years later, Elford has grown to over 200 employees while staying true to its roots by building lasting relationships through expert advice and guidance on each of their projects. The company's commitment to excellence has been recognized with numerous awards and honors including the City of Columbus EOC Prime Contractor of the Year, the Governor's Award for Excellence, the Association of General Contractors Build Ohio Award, and the American Subcontractors Association Outstanding Contractor Award.

In addition to providing superior project planning, general contracting, and building management services, Elford, Inc. has committed itself to improving the surrounding community. The company donates generously to many charitable and community-building organizations and the Elford employees carry on the values of this century-old construction company by donating their time to various causes including the American Red Cross, Boy Scouts and Girl Scouts of America, local hospitals and health centers, Hospice, the Rotary Club of Columbus, and local teams and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

clubs that benefit Columbus' youth. Elford also strives to promote diversity within their business and partners with and mentors local minority and women-owned businesses.

For 100 years, the honesty, dedication, and commitment to excellence that characterized "Pop" Elford has carried on through the high-quality and reliable services that Elford provides in central Ohio. I am proud to recognize and honor Elford for a century of service to the Columbus area and for its record as a company that has positively shaped our community.

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HONORING MRS. FRANKIE  
DRAYTON THOMAS

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Mrs. Frankie Drayton Thomas. It is with both profound sadness, but also an enduring sense of gratitude that I recognize her for the tremendous inspiration she provided to the South Florida community—specifically to the Broward Democratic Party.

Mrs. Thomas was born in West Palm Beach, Florida to Lola and Frank Drayton. She attended public schools and graduated in 1946 as an honor student from Industrial High School. In order to further her education, she attended Howard University in Washington, DC and graduated in 1950. She received a Master's degree in Public Administration from Florida International University. Subsequent to that time, she returned to West Palm Beach and became the first black college trained social worker hired by the Department of Public Welfare. She enjoyed a fruitful and productive career as a social worker having worked both in the State of Washington and Florida. In 1995, she retired from the Department of Health and Rehabilitative Services as Director of Resource Development and Volunteer Services.

In an effort to complement her professional achievements, Mrs. Thomas was involved in many political, social and family endeavors such as co-founder, national president and executive director of the Charmettes Inc., which has 19 chapters both nationally and internationally; founding president of the Northwest Democratic Club in Fort Lauderdale, Florida; Board of Directors of the Urban League; the first African-American female in the nation to be head of the Board of Directors of South East Hospice; and Board of Directors of the Girl Scouts of America.

Additionally, Mrs. Thomas was on the management team of the Democratic Broward County Executive Committee and served as the First Vice-Chair of the Democratic Party. She also served as Parliamentarian for the Broward County Chapter of Delta Sigma Theta Sorority, Incorporated. She organized and executed many political forums and helped with many campaigns including Governor Bob Graham, Congressman ALCEE HASTINGS, many of the Broward County Commissioners and School Board Members, Sheriff Ken Jenne,

Attorney General Bob Butterworth, and President William J. Clinton.

Mrs. Thomas was blessed with a loving family who took pleasure in every aspect of her life and her interests. She is survived by her husband, James Thomas Sr. This union produced two children, James Thomas Jr. and Lola Thomas Mosley, and seven grandchildren.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Mrs. Frankie Drayton Thomas. I am honored to pay tribute to Mrs. Thomas for her invaluable services and tireless dedication to the South Florida community. She will be missed by all who knew her, and I appreciate this opportunity to pay tribute to her before the United States House of Representatives. While she will indeed be missed, her legacy will live on and the outstanding contributions she made to the betterment of Broward Democratic Party will never be forgotten.

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GRAND OPENING OF THE GUILD  
OF AMERICAN PAPERCUTTERS

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. SHUSTER. Madam Speaker, I rise today to recognize the Grand Opening celebration of the Guild of American Papercutters National Museum which will take place on March 20, 2010 in Somerset, Pennsylvania.

The twenty-two year old guild has partnered with Laurel Arts at the home of the Philip Dressler Center for the Arts, and will bring to the area the ancient art form of papercutting, which dates back to Fifth Century China. The Guild of American Papercutters (GAP) museum will feature a number of exhibits and artwork created by past and present guild members as well as the international community. Such exhibits will feature artwork from Polish, Dutch, German, Swiss, Mexican, and Israeli artists.

The Guild currently retains over four hundred members, in which every state in the United States is represented. Before the new two hundred sixteen square foot gallery was completed, the GAP held traveling exhibits in a number of locations throughout the country, beginning with its 1989 debut at the Hershey Museum of American Life in Hershey, Pennsylvania. In their new gallery, the GAP plans to hold regularly scheduled hands-on workshops and guest presentations to further introduce this artistic technique to the ninth district of Pennsylvania.

I ask my fellow colleagues in the House to join me in celebrating this achievement of the Guild of American Papercutters, and wish them the best of luck and continued success in their new National Museum. May it be a creative outlet for generations of artists to come.

IN RECOGNITION OF MARBLE CITY  
BAPTIST CHURCH CELEBRATING  
THEIR 100TH ANNIVERSARY

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the congregation of Marble City Baptist Church, which celebrated their 100th anniversary this year.

Marble City Baptist Church, formerly the Gantt's Quarry Baptist Church, like so many other congregations across East Alabama, has been a staple in the community since it came into existence. In 1968, the church received the new name we know today. Pastor Dr. Michael Trull plays a substantial role in helping the church lead its ministry.

On February 13, Marble City Baptist Church held a reunion from the day into that night. This gathering brought close to 300 people back to the church. The following Sunday, a congregation close to 400 people came together for the 100-year anniversary service.

All of us across Talladega County and East Alabama are deeply proud of this congregation at this important milestone. We congratulate them on their 100th anniversary and wish them all the best in their next 100 years of ministry in the Sylacauga community.

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RECOGNITION OF THE COLUMBUS  
COMPACT CORPORATION

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor the Columbus Compact Corporation for its service to the city of Columbus, Ohio. The Columbus Compact Corporation, or the Compact, is a nonprofit community development organization that works to improve the quality of life in the central city neighborhoods of Columbus. On March 10, 2010, Columbus Compact Corporation will celebrate its 15th anniversary of serving central Ohio residents and businesses.

The Compact's mission is to act as both a catalyst for positive change and agent for the growth and development of central city Columbus. Since 1999, the Compact has led the U.S. Department of Housing and Urban Development-designated "Columbus Empowerment Zone." This program implements community redevelopment strategies and directs resources to rebuild the city's most distressed urban neighborhoods, making Columbus a happier, healthier, and more desirable place to live, work, and play.

The Compact also lends money to new and existing businesses to create jobs and bring vital goods and services to Columbus. Over the last 15 years, the Compact has focused on developing real estate in concentrated areas and on a scale that allows for larger redevelopment in the neighborhoods of Columbus while enhancing the variety and quality of the housing stock.

The Columbus Compact Corporation strives to improve the city of Columbus by strengthening neighborhoods and encouraging people to reach their full potential. The Compact is continually working towards creating a healthy, thriving central city that is filled with successful and economically secure individuals, families, and businesses. I am proud to recognize and honor the Columbus Compact Corporation for its 15 years of dedication to improving the quality of life in the city of Columbus.

STUDENT VETERANS OF AMERICA,  
MINNEAPOLIS CHAPTER AT THE  
MINNEAPOLIS COMMUNITY AND  
TECHNICAL COLLEGE

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. ELLISON. Madam Speaker, I rise today to recognize a valuable resource available to Minnesota veterans; the Student Veterans of America Chapter at the Minneapolis Community and Technical College (MCTC).

The Minneapolis group operates as a chapter of the national non-profit organization. The Student Veterans of America have three primary missions: 1) Develop student veterans groups on college campuses and coordinate by region between existing groups; 2) connect student groups with resources; and 3) advocate on behalf of student veterans at the state and national level. Since their establishment, the Minneapolis chapter has consistently achieved these goals. Veterans who served in Iraq, Afghanistan and around the globe are welcomed by the staff at the Minneapolis chapter. Veterans are able to discuss issues, receive assistance, and share common bonds with fellow veterans who are experiencing the stress of integrating into an academic environment. Whether they ultimately transfer to another college or begin their professional careers, veterans who attend the Minneapolis Community and Technical College have a high graduation rate.

As a Nation, we owe a debt of gratitude to our veterans, who have served, and continue to serve, our country and I am proud to announce that veterans are receiving the respect and assistance they need from the Minnesota Chapter of the Student Veterans of America. MCTC is hosting an event to honor student veterans on March 10 as one of the many ways we express our appreciation for student veterans. I encourage my colleagues in the U.S. House of Representatives to find ways to honor student veterans in their communities.

The post-9/11 G.I. Bill passed by Congress has allowed more veterans an opportunity to achieve their academic goals. Organizations such as the Student Veterans of America, and the additional benefits available through the G.I. Bill, help to ensure that our veterans achieve their goals. I want all student veterans to know that I am grateful for their service and proud of their achievements. I wish them nothing but success and prosperity in their future endeavors.

HONORING MR. WALLY HUCKNO

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Wally Huckno. Mr. Huckno served his constituency faithfully and justly during his tenure as a member of the Chautauqua County Legislature, serving district 10.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Huckno served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Huckno is one of those people and that is why Madam Speaker I rise in tribute to him today.

RECOGNIZING THE HONORABLE  
MILITARY SERVICE OF TIBOR  
RUBIN

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. ISSA. Madam Speaker, I rise today to honor Mr. Tibor "Ted" Rubin, a prominent U.S. Army Veteran and POW during the Korean War whose selfless and heroic actions earned him the Medal of Honor. Madam Speaker, I would like to extend my deepest appreciation to Mr. Rubin and share his story which serves as an inspiration to all Americans.

Having been born in Hungary in 1929, at age 15 Mr. Rubin was sent to Mauthausen concentration camp in Austria where he survived the next 14 brutal months of captivity. Tragically, his father perished in Buchenwald while his mother and sisters faced the gas chambers at Auschwitz. When Mauthausen was liberated by the U.S. Army in 1945, Mr. Rubin immigrated to the United States with a vow to show his appreciation to the country that gave him his freedom, and saved his life.

Mr. Rubin joined the army in 1950 and served as a rifleman with I Company, Eighth Regiment, First Cavalry Division, fighting in the Republic of Korea. Once there, Mr. Rubin hit the ground running and it wasn't long before he was recognized for his bravery and readiness to accept the most dangerous of missions. In one such mission, Rubin secured a route of retreat for his company by single-handedly defending a hill for 24 hours against waves of North Korean soldiers.

In November of 1950, after sustaining shrapnel wounds from a grenade, Mr. Rubin and others in his company were captured by the Chinese, who were fighting with the Korean Communist government. Despite the extreme conditions of low temperatures, short-

ages of food and medicine, all in the face of capture, this is where Rubin's selfless heroism truly shined. Mr. Rubin continually risked his life as he snuck out nightly to forage food for his fellow prisoners, especially the sick and dying. His fellow prisoners credit him with saving 35 to 40 lives by this brave and daring endeavor.

Mr. Rubin spent a total of two and a half years in the North Korean prisoner of war camp. Yet in the face of these unthinkable circumstances, Mr. Rubin distinguished himself by extraordinary heroism time and again. His harrowing acts of bravery and extraordinary devotion to his brothers in arms resulted in numerous recommendations from his Commanders for the Medal of Honor, among other prestigious awards. Regrettably, Mr. Rubin's deserved recognition was met with unwarranted obstruction due to his religious beliefs.

After more than 50 years of waiting, Mr. Rubin was finally given the acknowledgment he rightfully deserved. On September 23, 2005, President Bush awarded Mr. Rubin with the Medal of Honor—the highest military decoration awarded by the United States Government—for his many acts of valor throughout the Korean War.

Even to this day, at the age of 81, Mr. Rubin continues to inspire fellow veterans and service members as an active keynote speaker for military and Jewish communities across the United States. Most recently he has spoken to troops at Fort Hood, First Calvary, the California state military reserve, as well as to the 100 new soldiers enlisting in the five branches of the military service in Century City, California. In May of this year he will be speaking to the Army National Guard in Mississippi.

There is no question that Mr. Rubin has an unshakeable love for his adopted homeland of America. We are truly grateful for his demonstrated courage, compassion, and selfless military service.

Madam Speaker, I ask you to please join me in honoring all those brave men and women who have served in the United States Armed Forces, and the valiant service of Mr. Tibor Rubin.

HONORING SPECIALIST ALAN N.  
DIKCIS

**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. LEE of New York. Madam Speaker, I rise this afternoon to honor a true American hero—U.S. Army Specialist Alan N. Dikcis, a native of Wheatfield, New York.

Sadly, this past Friday, March 5, while serving his second tour of duty, Specialist Dikcis lost his life when he was struck by a roadside bomb in Afghanistan.

Specialist Dikcis enlisted in the Army shortly after graduating from Niagara-Wheatfield High School in 2006, and had hoped to spend his career in the service.

He enjoyed spending his time outside, whether it was going for a hike or riding his motorcycle or four-wheeler, and he enjoyed



spending time with those he loved—his family and friends.

As Specialist Dikcis's stepmother recently said, "Alan loved being in the Army. He was proud of his work. He made us proud, he made his daughter proud."

I ask that the house join me in thanking Specialist Dikcis for his honorable service to our great nation, and extend our condolences to his family and friends, who had Alan taken from them far too soon.

HONORING THE EXEMPLARY  
SERVICE OF MR. FONTAINE BANKS

**HON. BEN CHANDLER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. CHANDLER. Madam Speaker, it is with great pride that I rise before you today to honor the military and public service of a true legend in Kentucky, Mr. Fontaine Banks. Throughout his many decades of service, Mr. Banks has made countless contributions to the Commonwealth of Kentucky and to our nation.

Mr. Banks showed his desire to serve the public at an early age, starting out as president of the Student Government Association at Belfry High School, and later, serving as the president of the Student Council at Berea College.

But Mr. Banks' sense of service extended far beyond his education. Two weeks after graduating from college, Mr. Banks volunteered for the Marine Corps and reported to Parris Island. After basic training, he was deployed to Cho-do Island to fight in the Korean War, where he served two tours of duty in the fall of 1952 and the spring of 1953. He fought courageously with his fellow men and sustained injury while on the battlefield.

After his tour ended, Mr. Banks returned home to Kentucky and transitioned to the Marine Corps Reserve where he reached the rank of Colonel. He then began his civilian career with IBM and the Kentucky Department of Education, where he quickly moved up in state government. Mr. Banks eventually served as chief of staff to Governors Bert Combs and Ned Breathitt. To this day, he is the only person ever to serve as chief of staff to two Kentucky governors.

Madam Speaker, Mr. Banks has served his country in so many ways: in combat in Korea, as a Marine Colonel, as a public servant, and as a loving husband, father, and grandfather. He is a fine example of a man dedicating his life to making the lives of those around him better. Mr. Banks has made a career of exemplary service, both to his state and country, and it is with great pride that we thank him for his service today.

TESSA GRAYBILL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tessa Graybill. Tessa is a

very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Tessa's outstanding achievement reflects her hard work and dedication. Tessa has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Tessa can take pride in for the rest of her life.

Madam Speaker, I proudly ask you to join me in commending Tessa Graybill for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

15TH ANNIVERSARY OF GOSPEL  
AM 1490 WMBM

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. MEEK of Florida. Madam Speaker, today I rise to celebrate the 15th Anniversary of Gospel AM 1490 WMBM. Since its inception in 1995, WMBM's leadership and staff have continued to serve as an important communications tool for the south Florida community. The listeners are fortunate to have a radio station committed to keeping them informed and entertained.

Acquired by New Birth Broadcasting, Inc. on March 10, 1995, WMBM has remained the only 24-hour gospel station in the Miami-Dade area. For the past 15 years, WMBM has distinguished itself through the breadth and depth of its programming, as well as through its unwavering dedication and service to its many listeners throughout the 17th Congressional district.

With talk programming such as Spirit and Soul: Compassion, Business Showcase: Business in the Black, Business Showcase: Tuesday Talk, Spirit and Soul: Victorious Life Management, Spirit and Soul: Sister to Sister, and Spirit and Soul: Brother to Brother—it is quite clear of WMBM's commitment to provide up-to-the-minute news, empowering its listeners, and playing inspirational and encouraging gospel music.

Moreover, as the first Black-owned and operated radio station in South Florida, WMBM currently has a coverage map of over 1,500,000 homes and businesses. WMBM is also one of the first radio stations to stream its broadcast via the internet.

In 2007, WMBM was the recipient of the Stellar Award Radio Station of the Year, which is a premier gospel event that recognizes and honors African-American artists, companies and organizations in the field of gospel music.

Madam Speaker, please join me in applauding and honoring the 15th Anniversary of Gospel AM 1490 WMBM as it celebrates 15 years of dedicated fellowship through its radio station. WMBM has forged an impressive reputation for quality programming and integrity. It is my hope that WMBM continues to stand as a beacon of resolve, inspiration and worship for

many years to come. I wish them many more years of outstanding achievement.

THANKING MR. MICHAEL DOUGLASS FOR HIS SERVICE TO THE HOUSE

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement in December 2009, we rise to thank Mr. Michael Douglass for 34 years of outstanding service to the U.S. House of Representatives.

Mike began his career at the House in 1975 as a Sales Clerk in the Office Supply Store. Mike's leadership, dedication, and positive attitude were visible to his management and he moved up to become a Sales Clerk filling orders for delivery and then he moved into the Accounting Department. Mike eventually became the Supervisor of the Accounting Department in Office Supply, where he was responsible for the server, software, and business accounting process in the Supply Store. Later he took these skills to play a key role in implementing the House's first fully computerized purchasing system, which continues in use to this day. His people skills were essential to the successful rollout of that system (Procurement Desktop).

Mike eventually became responsible for configuring the purchasing system so that users could purchase goods and services in compliance with best practices and the Office of Inspector General recommendations. With his role in developing recommendations for implementing the system that will replace the current financial system, Mike's valuable contributions to the House community will continue long after he has left. Mike is known by his colleagues for his sound business judgment and problem solving skills. He is also known for his quick wit and fairness.

On behalf of the entire House community, we extend congratulations to Michael for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Michael many wonderful years in fulfilling his retirement dreams.

RECOGNIZING DIANNE VILLANO,  
FOUNDER OF SUPPORT OUR MARINES

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize Ms. Dianne Villano, the founder of Support Our Marines, Inc., in St. Pete Beach, Florida, who has dedicated herself to sending packages and correspondence to Marines who are stationed overseas. For the past four years, Ms. Villano, the owner of a local fitness company, has gone out of her way to actively support the troops, donating over 30 hours a week of her time to directing her non-profit organization.

After losing her fiancé during the September 11th terrorist attacks, Ms. Villano began supporting the troops in 2005 by sending mail and packages to those serving overseas. In 2007, she officially founded Support Our Marines in order to send packages to Marines on active duty in Iraq and Afghanistan. Her initial contact with the Marines began when she discovered a Web site where Marines posted facts about their living conditions, experiences, and general needs while they were on duty overseas. She chose to focus her efforts on Marines stationed on the front lines in Iraq and Afghanistan, because often, servicemembers in remote locations rarely receive packages. Since founding her organization, Ms. Villano has sent over 4,500 boxes of food and other items requested by the troops, between 40 and 60 packages a month, to over 115 contacts within the Marines who then distribute the items within their companies.

Additionally, Ms. Villano works diligently to secure funding for her organization to pay the costs to ship packages overseas. Support Our Marines is a registered nonprofit in Florida and Ms. Villano recently filed for 501(c)(3) status in order to be able to more actively solicit donations. Currently, she funds much of the mailing and acquisition costs with her own paychecks.

Ms. Villano also works to raise awareness about deployed Marines by competing in triathlons and running events while wearing military gear weighing about 20 percent of her body weight. She has competed in over 20 events, each of them with photographs of fallen Marines attached to her military gear and each in honor of a specific Marine from units she has adopted.

Recently, Ms. Villano was honored by being named as the first runner-up for the local Jefferson Award for Public Service which recognized her outstanding community service and dedication to the troops. She chose to present her award to a wounded Marine who had inspired her during her work for the Marines and presented it to him at the James A. Haley Memorial Hospital where he was recovering from a head injury. Additionally, she has been named as an associate member of the local Marine Corps League and has received the Distinguished Citizen Award from the Department of State.

Madam Speaker, Ms. Villano is an extraordinary, selfless woman who deserves to be recognized for her outstanding service to the troops and for her continuing efforts to support them. I would like to thank her for her hard work and dedication as she continues to devote her time and attention to our heroes on the front lines of the war on terror.

CONNOR HAYES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Connor Hayes. Connor is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Connor's outstanding achievement reflects her hard work and dedication. Connor has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Connor can take pride in for the rest of her life.

Madam Speaker, I proudly ask you to join me in commending Connor Hayes for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

MANUEL RAYMOND "RAY" SOUZA

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. CARDOZA. Madam Speaker, I rise today to honor Mr. Ray Souza as he is completing his term as President of the Western United Dairymen.

Mr. Souza is respected throughout California as one of the foremost experts on dairy policy and is a passionate advocate for California dairy producers. He is a well-known and respected leader in his local community, the California dairy industry, and in national organizations. He is the owner and operator of Mel-Delin Dairy in Turlock, California, a family dairy established by his grandfather in 1930. He started as a teenager with a 4-H cow that he purchased at an auction and has been making their living on milking cows ever since.

Mr. Souza takes an active role in his local community. He is a member of numerous community organizations including the Turlock Chamber of Commerce, Stanislaus County Farm Bureau and many others. Mr. Souza was recognized as the Chamber's Ag Leader of the year in 1994. Mr. Souza was appointed to the Stanislaus County Fair Board in 1996, a position he still holds.

Mr. Souza has been a member of the Western United Dairymen since its inception in 1984. He has served on the board of directors for over 10 years and is currently completing his second term as President. In this capacity he has testified before Congress on issues related to the dairy industry and advises members of Congress on real world impacts of dairy policy decisions. The quality of leadership that Mr. Souza has provided to the Western United Dairymen has been critical to the success and growth of the organization.

Madam Speaker, I ask that my colleagues join me in honoring my good friend, Mr. Ray Souza, for his leadership, dedication, and outstanding service to Western United Dairymen.

A TRIBUTE TO WILLIAM "BILL"  
REILLEY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate and pay tribute

to a fine American, William "Bill" Reilley, Sr., on an occasion when he and his business have received a prestigious honor: the International Circle of Excellence Award for 2009.

His success has been recognized by the industry. In 2001, Bill was named the International Dealer of the Year, an honor awarded to one International dealer who exhibits the highest commitment to best-in-class customer service. He was a multi-finalist for the American Truck Dealers' Dealer of the Year and the Wisconsin Truck Dealer of the Year awards. With this most recent award, Bill has received the Circle of Excellence Award a total of 15 times. The Circle of Excellence awarded by the International dealer organization of Navistar, Inc., honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards and most importantly, customer satisfaction. It is the highest honor a dealer principal can receive from the company.

He started his career with International Harvester in 1963 and eventually left to become the International dealer in Milwaukee, Wisconsin. Bill's business acumen has successfully positioned the company for continued success, growing Lakeside International, LLC, from one location to six while concurrently increasing revenues from \$14 million to more than \$100 million annually. Lakeside International employs 200 people in all. The company remains a family venture with Bill's son, Bill Reilley, Jr., being named successor, assuring consistent leadership and growth for years to come.

Bill has achieved this level of accomplishment and recognition through many years of hard work and service to his industry and community. He recently transitioned from his leadership role as board chairman of St. Anne's Center for Intergenerational Care in Milwaukee, a nationally recognized facility. He continues to dedicate his time and talents to St. Anne's as an Honorary Board Member, so that the center can continue to benefit from his leadership and commitment. Above all, he is committed to his family that includes Patricia, his wife of 43 years, his son Bill, Jr., his daughter Amy, his son-and-daughter-in-law and nine grandchildren.

Madam Speaker, for these reasons, I am honored to pay tribute to Bill Reilley for his contributions to the Fourth Congressional District. Mr. Bill Reilley has acquired a lifetime record of accomplishment and contributed much to his community, State and Nation.

PERSONAL EXPLANATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. REHBERG. Madam Speaker, on rollcall Nos. 75, 76, and 77, I was unavoidably detained from voting due to flight complications from Montana to Washington, DC. Had I been present, I would have voted "yea" on rollcall 75, "nay" on rollcall 76, and "yea" on rollcall 77.

## HONORING ALCALDE NIELS CHEW

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Representative LYNN WOOLSEY, to honor Alcalde Niels Chew, who was bestowed the title of honorary mayor of the City of Sonoma because of his commitment to his community and its citizens. The naming of an Alcalde, which means "magistrate" or "mayor" in Spanish, is a tradition that began in 1975 as a way to acknowledge the citizen of the year.

Niels is best known for his generosity, humility and his unwavering dedication to the causes he believes in, which is why he was selected from a long list of candidates. According to Niels, his father is responsible for instilling in him the value of service.

"During the Depression, no one in need ever came to our house and left empty handed," he said.

Niels embraces quite a history of community service to the City of Sonoma, dating back to 1984 when he and his wife Susan first moved to Sonoma. Since then, Niels has graciously shared his warehouse with many area nonprofits who have stored their food and clothing donations in his facility.

As owner of Dowling Miner Magnets until 2004, he provided opportunities to Becoming Independent to train and support people with developmental disabilities.

Currently, Niels serves on the board of the Sonoma Valley Hospital Foundation, Operation Youth, and the Sonoma Overnight Shelter. He was formerly the president of Kiwanis of Sonoma Plaza and trustee of the Sonoma Valley Unified School District.

One of his most notable and impactful service endeavors has been his continuous support of the Sonoma Valley Mentoring Alliance as a dedicated mentor and founding board member. He is even credited with starting the organization because he added the organization's executive director to his payroll at Dowling Magnets so she could kick-off the mentoring program.

As a result of his initial investment, what began as a 10 hour weekly commitment at Flowery School blossomed into an organization that has been successfully connecting caring adults with at-risk students for more than 12 years.

"He has a heart the size of a continent, especially where kids are concerned," said Ms. Kathy Witkowitz, Executive Director of the Mentoring Alliance. "We could never put a value on all that he has contributed to the Mentoring Alliance over the years, because it's priceless."

Madam Speaker, Niels Chew's commitment to service is a powerful example of the positive difference one person can make. We are thankful for the charitable contributions made by this humble and thoughtful leader and philanthropist and we wish him continued prosperity as he spends time with his children and grandchildren.

## COURTNEY DARR

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Courtney Darr. Courtney is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Courtney's outstanding achievement reflects her hard work and dedication. Courtney has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Courtney can take pride in for the rest of her life.

Madam Speaker, I proudly ask you to join me in commending Courtney Darr for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

HONORING THE LIFE OF MRS.  
HERTA ADLER**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mrs. Herta Adler, known to Memphians as the "matriarch of the local Jewish community." She was born to Mr. and Mrs. Adolf and Mathilde Arfeld on September 27, 1915 in Diez, Germany.

Mrs. Adler was 24 when she witnessed the burning of her synagogue on Kristallnacht, or Night of Broken Glass. On this night, dozens of Jews were killed and sent to concentration camps, including many of Mrs. Adler's friends and family. In 1948, Mrs. Adler was able to move to Lisbon, Portugal where her brother was in business, because the government granted residency to family members of established residents.

From Portugal, Mrs. Adler made her way to New York City, where she met her husband, Dr. Justin H. Adler. They married in 1943 and relocated to Memphis not long after. The two were known as avid collectors of art and Judaica. Mrs. Adler, in particular, was known as a philanthropist who supported all kinds of artistic and cultural organizations, reminding others that "charity is the fist that we give for having a good life." In the early 1990s, the Adlers donated a large collection of Jewish ritual art to Temple Israel, which is located in Memphis, TN, helping to create the only Judaica museum in the region. In 1992, the Adlers also contributed their extensive pewter collection, which spans 400 years, to Dixon Gallery and Gardens where it is part of the permanent collection.

In addition to her passion and appreciation for art, Mrs. Adler was known for her interest in the people around her. She befriended and

supported several young Memphis artists and centered much of her life on Temple Israel, where she was a member for more than 60 years. Mrs. Adler and her husband were also founders of Beth Sholom Synagogue, a Conservative Synagogue in the Memphis region.

Mrs. Herta Adler passed away on Friday, February 12, 2010 and was laid to rest on Monday, February 15, 2010. She was 94 years old. She is survived by her daughters Hedda A. Schwartz, a residential and commercial real estate executive, Susan Adler Thorp, a respected journalist, and her son Michael Adler, an accomplished attorney—all of Memphis. I will always remember Mrs. Adler for her devotion to shaping the cultural and Jewish life of Memphis, Tennessee.

HONORING THE 50TH ANNIVERSARY OF UNITED COUNCIL OF  
UW STUDENTS**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. BALDWIN. Madam Speaker, I rise today to honor the United Council of UW Students on its 50th anniversary. Founded in 1960, the United Council of UW Students has served as a champion for student rights and a tireless advocate for protecting access to higher education in Wisconsin.

A non-partisan, non-profit, student-driven organization, United Council employs grassroots techniques to ensure that the voices of students on every University of Wisconsin System campus are heard by our state government. With chapters across the state, United Council gives UW students an important and necessary seat at the table during the policy-making process.

Since its inception, the United Council has worked on a variety of issues including merging the University of Wisconsin and Wisconsin State University systems, increasing student rights and the ability of students to participate in the formation of university policy, and addressing affordability and access to a college education.

Ensuring that all university students have access to an affordable, quality higher education is essential to Wisconsin's economic future and the nation's position in the global economy. I am proud of the legacy of the United Council and its history of fighting for these vital goals.

For 50 years of advocacy on behalf of the students of the University of Wisconsin System, I would like to thank the United Council of UW Students for its service and wish all the members and advocates continued success in the future.

## PERSONAL EXPLANATION

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall

votes on March 4, 2010 and would like the record to reflect that I would have voted as follows:

Rollcall No. 90: "yes."

SHELBY CLAY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Shelby Clay. Shelby is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of the USA and earning the high honor of the Gold Award.

Shelby's outstanding achievement reflects her hard work and dedication. Shelby has exhibited unique and creative examples of service that have made a difference in her community. I am confident that she will continue to hold herself to the highest standards in the future. This is an accomplishment for which Shelby can take pride in for the rest of her life.

Madam Speaker, I proudly ask you to join me in commending Shelby Clay for her accomplishments with the Girl Scouts of the USA and for her efforts put forth in achieving the highest distinction of the Gold Award.

IN MEMORIAM—THE HONORABLE  
FRANCISCO CASTRO ADA

**HON. GREGORIO KILILI CAMACHO  
SABLAN**

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. SABLAN. Madam Speaker, I rise to pay tribute to a man who served our country, and who served the Northern Mariana Islands, with great honor and distinction. The Honorable Francisco Castro Ada passed away on March 2nd; and he is being accorded a state funeral this week on the island of Saipan.

Francisco Ada was born in 1934 during the Japanese administration of the Northern Marianas. He came from humble beginnings, but always strove to improve himself—and in the process contributed much to our community.

Following World War II he went to Guam to attend high school. This was before there was any high school in the Northern Mariana Islands. To obtain more than a basic education required leaving home.

Diploma in hand, Mr. Ada returned to Saipan and taught for two years in a public school. But convinced of the need for a college education Mr. Ada secured a scholarship to the University of Hawaii at Manoa and earned a Bachelor's degree in political science. There, he also demonstrated the political skills that would serve him throughout his life: he won election as president of the International Students Association.

Upon his return from college in 1961, Mr. Ada again took up teaching at Saipan Intermediate School, but within a year his education and charisma landed him a position as

public affairs officer for the Marianas District Government. The Marianas District was one of the geographical components of the United Nations Trust Territory of the Pacific Islands, administered by the United States.

Promotion came quickly. Over an eight year period Francisco C. Ada moved from economic and political programs officer to district political affairs assistant, then to assistant district administrator for public affairs. Trust Territory officials took due regard of Mr. Ada's work ethic, his administrative savvy, and his exemplary leadership skills. And in 1969 he was appointed Administrator for the entire Marianas District, overseeing all the operations of local government.

Arguably his most important and far-sighted achievement during his seven years as District Administrator was building the Saipan International Airport. This modern facility on the capitol island ushered in our next thirty-five years of development, allowing Saipan to grow as a business center and as a destination for tourists from around the Pacific. To manage this critical piece of public infrastructure Ada set up an airport authority, independent of the need for local government support, that continues to be a model in our islands. Fittingly, on the airport's 25th anniversary, it was named Francisco C. Ada International Airport.

Francisco Ada's years as Administrator coincided with a yearning for self-government and a change of political status in the Marianas. People wanted closer political ties with the United States and twice tried to restore the historical unification with Guam. Then, a 1975 plebiscite overwhelmingly approved commonwealth status under the sovereignty of the U.S.

Ada oversaw the subsequent transition from Trust Territory Government to Commonwealth. But he also saw that he could have a place in the newly forming government. He left his post with the Trust Territory and ran, successfully, on the Democratic Party ticket to be the first Lieutenant Governor of the new Commonwealth.

Those early years set the course for the fledgling government. Mr. Ada was an active participant in the passage of new laws; negotiations and agreements with Federal agencies; the design and construction of public infrastructure; and adjustment by all to self-government.

For the first time in anyone's memory, the islands' prospects for success or failure squarely rested on the shoulders of the people and new leaders of the Commonwealth. Francisco C. Ada lived up to that historical challenge and fulfilled the people's trust.

But it is easy to say of government officials that they served the general good. Let me tell you of my own experience of Francisco C. Ada working for the good of individuals, as well. I recall Mr. David Indalecio, who worked on Mr. Ada's staff, keeping the office clean and maintained. Mr. Indalecio did not have a high school diploma. Maybe he didn't need one to do his job. But Francisco C. Ada had a commitment to education—for himself and all those around him. Mr. Ada encouraged Mr. Indalecio to complete his schooling, and with that support Mr. Indalecio did graduate from high school. The story does not end there, however. Because Mr. Indalecio himself then

went on to leadership in our community. He was elected to the Saipan and Northern Islands Municipal Council, where he served with distinction.

Francisco C. Ada served the public throughout his career, but he never lost touch with the personal aspect of life—his family. His wife and seven children kept him anchored during the stormiest of times; and he gave them an example and the guidance that make the Ada family one of our most distinguished: a doctor, lawyers, public servants, each leaders in their own right, and in many ways Francisco C. Ada's greatest legacy.

Madam Speaker, thank you for this time to remark on the honorable and much esteemed Francisco Castro Ada. He will always be remembered for his dedication, fairness and tireless capacity to make the Commonwealth of the Northern Mariana Islands a better place for all.

God bless him and his family.

PERSONAL EXPLANATION

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. CROWLEY. Madam Speaker, on March 4th, 2010, I was absent for one rollcall vote because I was attending a meeting on healthcare at the White House. If I had been here, I would have voted "yes" on rollcall vote 90.

RECOGNIZING GENE SCHULTZ

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize and congratulate Elmwood Park resident Gene Schultz on his sterling driver-safety record and subsequent induction into the United Parcel Service Circle of Honor. Gene's induction commemorates 25 accident-free years as a UPS delivery driver. Gene's accomplishment is especially impressive when we consider that his job requires him to be behind the wheel of a truck for many hours each week.

Gene grew up as the 14th of 15 children in Chicago's Galewood neighborhood near Harlem and Grand Avenues. He has lived with his wife Theresa in Elmwood Park for the last 11 years. Mr. Schultz serves as a model for responsible driving in the city of Chicago and deserves commendation for his consistent safety record. It is with great pride that I recognize Gene Schultz for his contribution to the safety of Chicago's roadways.

HONORING RICHARD W. SNOWDON  
III FOR HIS SERVICE TO THE  
CHILDREN'S NATIONAL MEDICAL  
CENTER IN WASHINGTON, DC

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. NORTON. Madam Speaker, I rise today to recognize Richard W. Snowdon III, as he concludes his service as chair of the board of directors of the Children's National Medical Center in Washington, DC. Mr. Snowdon has a long and distinguished record of service to Children's National Medical Center, having served as chair of the hospital's foundation from 2002–2005 and most recently as chair of the board from 2006–2009.

Children's National Medical Center is an integral part of the fabric of Washington, DC. Founded in 1870 as a home for civil war orphans, Children's National has grown into a 283 bed academic medical center devoted to meeting children's health care needs locally, regionally and nationally. The hospital's growth and success have been dependent on strong, visionary leaders, such as Mr. Snowdon.

Under Mr. Snowdon's chairmanship, Children's National was thrice named to the Leap-Frog Group's list of top hospitals for quality and safety; immunization compliance of school-aged children in the District of Columbia went from one of the lowest in the country to the highest; the hospital opened a state-of-the-art, family-centered inpatient tower; and perhaps closest to his heart, Children's National released a comprehensive assessment of pediatric health in the District of Columbia. The report's findings will help Children's National target resources to address some of the most pressing health concerns facing our children, including asthma and obesity.

Mr. Snowdon is an attorney in the firm of Trainum, Snowdon & Deane. In addition to his service to Children's National, he is or has been a trustee, director or member of numerous civic organizations, including the Anthony Francis Lucas-Spindletop Foundation, The Langley School, the National Children's Museum, the Community Foundation of Greater Washington, the D.C. Advisory Committee of the Local Initiative Support Corporation, the National Cathedral School for Girls, the Washington Cathedral, the Black Student Fund, and the Federal City Council. Mr. Snowdon received a B.S. from the Syracuse University College of Business Administration and a J.D. from The George Washington University National Law Center.

I ask the House of Representatives to join me in recognizing and commending Richard W. Snowdon III for his outstanding leadership and in thanking him and his wife, Catharine, for their commitment to the children of the District of Columbia and the national capital region.

JERALD L. MORLOCK

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jerald L. Morlock. Jerald is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Great Rivers Council Troop 99, and earning the most prestigious award of Eagle Scout.

Jerald has been very active with his troop, participating in many scout activities. Over the many years Jerald has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jerald has displayed dedication and perseverance with this significant achievement, values which will stay with him throughout his life.

Madam Speaker, I proudly ask you to join me in commending Jerald L. Morlock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

100TH ANNIVERSARY OF LOUIS  
GELDER & SONS COMPANY OF  
BENTON HARBOR, MICHIGAN

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Louis Gelder & Sons Company of Benton Harbor, Michigan, which is celebrating its 100th anniversary on Thursday, March 11, 2010.

Since 1910, Louis Gelder & Sons has proudly supplied the folks of southwest Michigan with tractors and other agriculture equipment and supplies. Today, operated by Bruce and Joe Gelder, the company is a fourth-generation family-run business.

The story of Louis Gelder & Sons begins in Millburg, Michigan, only a few miles away from their current location. Like many small businesses, their long history speaks to the power of the American entrepreneurial spirit, having endured two of the deepest economic recessions in modern history. Our Nation has faced many challenges and changes over the past century, but Louis Gelder & Sons has stood the test of time.

Behind great companies with this kind of endurance you will always find great people. The folks at Louis Gelder & Sons work as a team, which makes all the difference between a good company and a great one.

The long success of Louis Gelder & Sons is a remarkable achievement, and we are all very proud to see them continuing to provide service to the people of Michigan. Congratulations to the Gelder family and their employees. Here's to the next 100!

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,546,372,001,879.73.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,907,946,255,585.93 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING THE LEAGUE OF  
WOMEN VOTERS OF THE UNITED  
STATES

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the outstanding achievements of the League of Women Voters, which celebrated its 90th anniversary on February 14, 2010.

Since 1920, the League of Women Voters has worked to increase understanding of major public policy issues, encourage informed and active participation in government, and influence public policy through education and advocacy. With organizations in every state and hundreds of local chapters across the country, the League is one of the strongest grassroots activist networks in the country.

Throughout its history, the League has played a vital role in transforming our society and preserving responsive government. Whether fighting McCarthyism, helping to end segregation, protecting our environment, organizing our Nation's presidential debates, strengthening the Voting Rights Act, or upholding the decision in *Roe v. Wade*, the League of Women Voters has been at the forefront of nearly every major policy issue in the last 90 years. Through its dedication to good, responsible government, the League has been influential in overseeing the passage of Congress' most important pieces of legislation, including the Social Security Act and child labor laws.

The League's decentralized structure enabled it to keep pace with our Nation's dynamic societal changes in the last century, ensuring that its legislative priorities reflected the needs of society and critical issues of concern. Today, the League remains true to its mission of education and advocacy, focusing on global climate change, health care reform, and voting rights for the District of Columbia.

Madam Speaker, I am honored to recognize the achievements of the League of Women Voters and the contributions it has made to our Nation and to American history. Its efforts honor the legacy of the women who assembled at Seneca Falls, New York over 160

years ago. With the same courage and belief in equality, the League of Women Voters continues to make history.

IN RECOGNIZING OF THE 10TH ANNIVERSARY OF THE NATIONAL PEANUT BOARD

**HON. BOBBY BRIGHT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. BRIGHT. Madam Speaker, on Wednesday, March 10th, the National Peanut Board (NPB) celebrates 10 years of work on behalf of America's 10,000 peanut farmers, including the 500 who live in my district. Before this organization was created, there was no national effort by growers to market American-grown peanuts, spur new product development and innovative new uses, or to carry out an issues management program. Through several major strategic initiatives, the NPB's grower-funded check-off program has made measurable progress toward its goal of increasing demand and consumption since the launch of its promotion, marketing and advertising campaign.

Highlights from the National Peanut Board's past ten years will be showcased on March 10th at an event at the historic Eastern Market in Washington, D.C. featuring dishes created by celebrated chefs. They plan to honor one of America's most iconic and beloved foods. From savory to sweet, peanuts will be used in traditional and innovative dishes from a variety of cuisines at this special event celebrating this essential and deeply rooted part of America's food culture.

Since its inception, NPB has played a vital role in promoting peanuts. To stimulate consumer demand for American-grown peanuts over the last decade, NPB has extolled the value, nutritional attributes, versatility, portability, and great taste of American-grown peanuts, peanut butter and peanut products. NPB has undertaken marketing programs domestically and internationally to reach that goal, working to spark new uses for American-grown peanuts and peanut butter and to encourage the creation of innovative peanut products.

These programs are working. Since the start of NPB's programs in 2000, total peanut usage has increased more than 15 percent when compared to levels of usage in the 1990s. Peanut butter consumption alone has increased even more dramatically—over 20 percent during the same period, according to USDA Stocks and Processing reports.

Through partnerships with other commodity groups, manufacturers, and foodservice, NPB brings American-grown peanuts where they have never been before. NPB's targeted foodservice initiative actively promotes the culinary value of peanuts and peanut products by positioning them as versatile ingredients that can add nutrition, flavor, texture and appeal to any meal. In fact, listings of peanuts on the menus of the 200 restaurant chains have increased by 146 percent over the past seven years, according to Food Beat, Inc.

Production research funding is also at the forefront for the National Peanut Board. Over

the past 10 years, NPB has invested more than \$14.4 million in peanut production research to help create crop efficiencies, improve crop quality and reduce production costs. Additionally, the NPB is the only commodity board investing in food allergy research, outreach and education and has allocated more than \$7 million to this cause.

Furthermore, the NPB played a pivotal role during the 2009 salmonella crisis, most notably by hosting a two-day consumer and media outreach event in Vanderbilt Hall in Grand Central Terminal in New York. Through direct interactions, NPB and its partners educated consumers, conveyed the concerns of peanut farmers, and facilitated a steady market recovery for peanut butter.

Nearly half the peanuts grown in the United States are harvested within a 100-mile radius of Dothan, Alabama. As the Representative of the district which ranks fourth in the country in overall peanut acreage, I understand the importance of organizations like the NPB. Ten years of hard work and positive results for America's peanut farmers is a remarkable achievement. In honor of their 10th Anniversary, I commend the National Peanut Board for all of their hard work and past achievements, and wish them continued success in the future.

**JACOB A. FRANKLIN**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob A. Franklin. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Great Rivers Council Troop 99, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jacob has displayed dedication and perseverance with this significant achievement, values which will stay with him throughout his life.

Madam Speaker, I proudly ask you to join me in commending Jacob A. Franklin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING GAIL KROHN OF THE SECOND DISTRICT OF TEXAS

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. POE of Texas. Madam Speaker, today the Second District of Texas recognizes Ms. Gail Krohn for her service to the Nederland Independent School District as she retired ear-

lier this month. For 43 years, she has helped forge the minds of countless students, preparing them for an ever-changing and demanding world.

Gail was born in Kentucky and moved around through five different states before she and her family settled in Hull-Daisetta, TX. They stayed until she graduated from Lamar State College of Technology. Soon thereafter, she embarked on a long and fruitful career working with children in the Nederland Independent School District.

She began her career as a reading teacher at C.O. Wilson Middle School but was destined for a leadership role. Gail would eventually become principal of Central Middle School before taking over the role of Superintendent in 1997. Though she no longer worked with children on a daily basis, Gail made sure that the classrooms in Nederland always empowered students to achieve their dreams.

Numerous times throughout her career, Gail received recognition for her excellence in the classroom and for her work with students. The Region V Education Service Center named her Outstanding Principal while the Council on Exceptional Children presented her with the Will L. Smith Award. Similarly, Lamar University inducted her into their Administrator's Hall of Fame.

The Second Congressional District of Texas honors Ms. Gail Krohn for her many years of service to the Nederland Independent School District. The lessons and ideals that she taught will resonate with students and generations for years to come.

And that's the way it is.

RECOGNIZING THE SERVICE OF VIRGINIA PIERCE AND THE WOMEN AIRFORCE SERVICE PILOTS OF WORLD WAR II

**HON. TOM McCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. McCLINTOCK. Madam Speaker, I rise today to honor the service and achievements of Virginia Pierce from Alturas, California. During World War Two, Mrs. Pierce flew as a member of the Women Airforce Service Pilots (WASP). These aviators were the first female flyers to be trained on U.S. Military aircraft. During the time when the need of the country was greatest, these brave women flew fighter, bomber, transport and training aircraft in the defense of American freedom and liberty.

I was a proud cosponsor of the legislation that recognized these women's service, and I rise today to recognize Virginia Pierce and congratulate her on receiving the Congressional Gold Medal.

IN CELEBRATION OF EBBY HALLIDAY'S 99TH BIRTHDAY

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. SESSIONS. Madam Speaker, I rise today to honor Ebbie Halliday Acres as she

celebrates her ninety-ninth birthday today. Ebby has truly made a lifelong impact on the Dallas community and real estate industry through her many entrepreneurial and philanthropic endeavors.

Ebby Halliday Realtors was founded in 1945 by Ebby and her beloved husband, Maurice Acers. Their company began with only fifty-two homes in North Dallas, and has since grown to become one of the largest privately owned residential real estate firms in the country. Success for Ebby Halliday is not simply a result of her hard work and entrepreneurial spirit. She is notorious for the personal care and attention she gives to her employees, agents, and buyers. She has received numerous awards recognizing her professional success over the years. To name a few, Ebby received the Horatio Alger Award in 2005, the Visionary Award from Foundation Fighting Blindness, and the Linz Award in 2008.

Ebby is also celebrated in the Dallas community for generously donating her time and efforts, as well as significant financial support, to numerous philanthropic endeavors. St. Paul Medical Center, United Way of Metropolitan Dallas, and the Communities Foundation of Texas are only three of the many nonprofit organizations and causes that have been personally touched by Ebby's love for her community and dedication to making the City of Dallas a better place.

Madam Speaker, I ask my colleagues to join me in expressing our heartiest congratulations to Ebby as she celebrates her ninety-ninth birthday. May we all strive to match Ebby's passion for improving our communities and her unwavering commitment to success.

#### NATIONAL PEACE CORPS WEEK

##### HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. POLIS. Madam Speaker, I rise today in support of the National Peace Corps Week that is celebrated from March 1 through March 7, 2010.

The Peace Corps traces its roots and mission to the early 1960s, when then Senator John F. Kennedy inspired Americans to serve their country in the cause of peace by living and working in developing countries. The Peace Corps celebrated its 49th anniversary on March 1st.

As of September 30, 2009, 7,671 Peace Corps Volunteers are making significant and lasting contributions to improve the lives of individuals and communities in 76 countries. Since 1961, nearly 200,000 Volunteers have served in 139 countries around the world and in their local communities in the United States when they return home.

The Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grass-roots level in the developing world.

That is why I strongly support federal funding to ensure a strong and vibrant Peace Corps program.

Throughout its history, the Peace Corps has adapted and responded to the issues of the

times. In an ever-changing world, Peace Corps Volunteers have met new challenges with innovation, creativity, determination, and compassion.

Peace Corps Volunteers work in Africa, Asia, the Caribbean, Central and South America, Europe, the Pacific Islands, and the Middle East. Volunteers have made contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, youth, and the environment.

Peace Corps Volunteers will arrive in Indonesia in spring 2010 and will work as English teachers in high schools and at teacher training institutions. In mid-2010, Peace Corps Volunteers will return to Sierra Leone after a 16-year absence. Volunteers will focus on secondary education and work with their host communities on grassroots initiatives and community development projects.

Peace Corps Volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries. Their work around the globe represents a legacy of service that has become a significant part of America's history and positive image abroad. Their desire to make a difference has improved the lives of millions of people around the world as well as here in the United States.

Peace Corps Volunteers provide hope and meaningful assistance to people affected by HIV/AIDS. The tireless efforts and dedication of Volunteers have made the Peace Corps a key partner in the global response to the HIV/AIDS pandemic. Peace Corps Volunteers are uniquely suited to work in HIV/AIDS awareness and prevention because they are trained in the local language, live and work in the communities where they serve, and know how to share information in a culturally appropriate way.

Peace Corps Response provides returned Peace Corps Volunteers the opportunity to serve again in rewarding, high-impact, short-term assignments. Since its inception in 1996, this program has sent more than 1,000 returned Volunteers into the field in over 40 countries. Peace Corps Response Volunteers are deployed to crisis situations such as disaster relief following natural catastrophes, as well as to nonemergency interventions such as HIV/AIDS awareness.

Through Peace Corps service, Volunteers worldwide learn more than 250 languages and dialects, and they receive extensive cross-cultural training that enables them to function effectively at a professional level in different cultural settings. Returned Peace Corps Volunteers are leaders in all sectors of our society.

My home state of Colorado is a very service-oriented state and its first lady, Ms. Jeanne Ritter, wife of Colorado Governor Bill Ritter, was a Peace Corps volunteer who served in Tunisia in a center for the disabled.

My district, the Second Congressional District of Colorado, has a strong tradition of volunteerism and I would also like to take this opportunity to recognize in particular the great work of 38 constituents who are currently serving as Peace Corps Volunteers in countries like Togo, Costa Rica, Peru, Zambia, Honduras, Malawi and the Dominican Republic, among others. Thank you very much for

your contributions to the people and communities of these nations and for serving as ambassadors of peace, hope and opportunity.

In addition, I am very proud that the University of Colorado at Boulder—our state's flagship higher education institution—ranks second in the nation among colleges and universities for the most alumni joining Peace Corps in 2009 with 95 active volunteers and continues its great tradition of national and international service. Historically, the University of Colorado at Boulder ranks 5th for most alumni Volunteers in America, with 2,206 alumni having served as Peace Corps Volunteers since 1961.

It is indeed fitting to recognize the achievements of the Peace Corps and honor its Volunteers, past and present, and reaffirm our country's commitment to helping people help themselves throughout the world. I urge my colleagues to join me in celebrating the National Peace Corps Week and the 49th anniversary of this wonderful program.

#### PERSONAL EXPLANATION

##### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House Floor Thursday afternoon.

Had I been present, I would have voted "no" on rollcall numbers 87, 88, 89, and 90, and "aye" on rollcall number 91.

#### HONORING BROTHER JOE ADAMS

##### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize Brother Joe Adams for his outstanding service as chaplain to the Kentucky State government. On March 16, 2010, the Kentucky House of Representatives will celebrate Brother Adams' retirement after twenty-eight years of service.

Brother Adams was born and raised in Kentucky, and began preaching at the age of fourteen. In 1966, he enlisted in the United States Air Force. Serving for four years, Brother Adams spent his last year in Vietnam.

Following his service to his country, Brother Adams enrolled in Western Kentucky University to study Accounting and began preaching in Simpson County. He later pursued a master's degree in Child Development and Family Living, but soon realized he was being called to devote his life to full-time ministry.

Brother Adams has been a pastor at several Baptist churches across Kentucky. Since 1983, he has dedicated himself to working with community and State officials through the God and Country Ministry. In addition to his duties as chaplain to the Kentucky State government, Brother Adams has contributed to the Commonwealth as a member of numerous boards and committees, including the



Bardstown/Nelson County Chamber of Commerce, the Bardstown Public Housing Tenant Relations Committee, the Non-Public School Commission, and chairman of Christian Home Educators of Kentucky.

Madam Speaker, I ask my colleagues to join me in commending Brother Joe Adams for his service to our country and the Commonwealth of Kentucky. He has touched thousands, literally being the hands and feet of his Lord Jesus Christ reaching into many dark places with the light of truth, hope, and love. May God richly bless him as he and Sandra enter the next chapter in their lives of service.

#### PERSONAL EXPLANATION

##### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. SMITH of Washington. Madam Speaker, on Thursday, March 4, 2010, I was unable to be present for the recorded vote on the motion to suspend the rules and pass H. Res. 1079, as amended. Had I been present, I would have voted "yes" on rollcall vote No. 91.

##### JOSEPH FINNERTY: A JOB WELL DONE

##### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. FRANK of Massachusetts. Madam Speaker, mixed emotions describe the way I and the people of New Bedford feel about the retirement of Joseph S. Finnerty, as Executive Director of the New Bedford Housing Authority. Running a housing authority and a city is no easy job, as people well know. But Joe Finnerty has never been one to complain about this task for which he volunteered and which he has performed in an extraordinary fashion for thirty-five years. No one can begrudge him his retirement after all that service in such a demanding position, but Joe can't begrudge us our feelings of regret that he's leaving. As Executive Director of the Housing Authority, Joe Finnerty has served not just the residents of public housing, but all of the people of New Bedford, by the great contributions he has made to the quality of life for those residents and for the city as a whole.

Madam Speaker, tomorrow, March 10th, some of Joe's close friends, who know well what an extraordinary asset he has been to the city and people of New Bedford, are gathering with him to provide a well-earned salute. As you know, our business will keep me here in D.C. at that time, so I am taking advantage of this forum to send him my best wishes, not simply personally, but because the example of a man who has dedicated so much of his life to the important job of running a public housing authority, and done it so well, ought to be held up for those who sometimes become unduly pessimistic about the good that can be done in government. And I ask that the article by Jack Spillane, from the New Bedford

Standard Times, be printed here for that purpose.

[Jan. 26, 2010]

##### RETIRING HOUSING CHIEF LOOKS BACK ON REIGN WITH PRIDE

(By Jack Spillane)

Few people in New Bedford have positively affected more people's lives over the last 35 years than Joseph S. Finnerty.

Entrusted with the housing care of thousands of low-income city residents since 1975, Joe Finnerty has presided over an era in which the city authority rebuilt much of its aging public housing stock, de-leaded more than 2,000 units, and put into motion rebuilding projects that will eventually make scores of housing units accessible to the disabled.

Under the leadership of the 73-year-old Finnerty—who will retire at the end of this month—the New Bedford Authority has, for decades, provided stable and reliable housing for thousands of low-income city residents.

But it's something else that Finnerty—a member of a political family long active in city and local Democratic politics—seems most proud of. During Finnerty's long tenure as executive director, the New Bedford Housing Authority did not lose any of its public units to market-rate housing. (Any apartments lost to demolition have been replaced by other units elsewhere in the city.)

That's a monumental achievement in an era when housing rental rates far exceed the ability of people who work in minimum-wage jobs to afford any type of housing.

Finnerty is a staunch defender of the need for government-sponsored public housing.

"I don't see why you don't want to provide housing that's affordable to people so that they can raise their families," he said.

Public housing's biggest beneficiaries are the elderly, children and the disabled, he noted. "It provides affordable rents so that a family is not struggling to maintain a decent environment."

Finnerty's philosophy notwithstanding, it's not unusual to hear local complaints that New Bedford possesses too much government housing, that people are moving down from Boston because the housing is more affordable in New Bedford and Fall River.

Finnerty says he doesn't understand the attitude.

It would not be progress, he said, to return to the massive slum and tenement districts that blighted American cities in the 1930s and 1940s.

"We can do a lot better than that now, and we are doing better," he said.

"Public housing is no different than public health. It's no different than public transportation. It's a vital part of an urban community," he said.

"There are judges, university presidents and community leaders who grew up in public housing, or who for a significant time in their lives lived in public housing," he noted.

And the cities, Finnerty said, take responsibility for most of the public-housing stock necessary to their surrounding towns and suburbs. (By and large, suburban communities have limited their public housing to elderly units, leaving their own low-income families and disabled to relocate in the cities.)

Finnerty seems like a model for what a good, low-end, urban private landlord should have been.

He touts the importance of mixing working tenants with non-working ones in public housing. And he was always a no-nonsense

manager who made it clear to bad public-housing tenants that he would evict them. (He's even been consulted by private owners of low-income housing about how to keep developments safe and secure.)

"Public housing is not a right, it's a privilege," he said.

Many public housing tenants are ambitious, working two jobs, and some eventually get themselves out of public housing, Finnerty said.

"People who live in public housing are not different. They are intelligent people. Their character is the same as the people who live in non-public housing."

The job of a housing authority in a city the size of New Bedford (just short of 100,000 people at the last census) is not a small one.

There are some 4,355 government-supported housing units in New Bedford that were either directly or indirectly under Finnerty's management—more than 2,500 federal and state units, and an additional 1,600-plus Section 8 vouchers for private housing.

Finnerty, who worked for 13 years as a teacher and coach in the Fairhaven school system, originally thought he would preside over the housing authority for a comparatively short period. A political appointee of popular former Mayor John Markey, he thought he would return to public education, perhaps as a principal or superintendent.

(Finnerty, by the way, was one of the founding members of the board that built Greater New Bedford Regional Vocational-Technical High School and is a former trustee at both UMass Dartmouth and South-eastern Massachusetts University.)

But at the housing authority, Finnerty said there were always important projects proceeding and he wanted to oversee them to completion.

"I saw it (the public housing stock) as really an investment for the city," he said. "And it was definitely needed."

#### STATEMENT FOR PETER HAKIM OF INTERAMERICAN DIALOGUE

##### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. MEEKS of New York. Madam Speaker, it is my honor to congratulate Peter Hakim for his tremendous work in leading the Inter-American Dialogue for over 16 years. It is impossible to fully express in words what he has accomplished as President. As a leader, Peter has facilitated discussion, cooperation and understanding of some of the toughest issues confronting our hemisphere and generated conversations among leaders that inevitably bettered our ability to work together. Whether on drug policy, immigration, the plight of Afro-Latinos or countless other issues, I have seen the fruits of his labor and I believe the legacy of success will be a model for future leaders to follow. Although Peter will now move on as President Emeritus, I am heartened to know that Michael Shifter will continue the momentum. Michael's role at the Dialogue has already shown us his exemplary work on the policies affecting the Americas. His work as president of the organization will no doubt be exemplary as well.

The list of Peter's accomplishments is long and my time is short, but I will end with this:

I wish all the best to Peter and look forward to Michael Shifter now running with the baton.

#### HONORING PETER HAKIM

#### HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. MACK. Madam Speaker, I rise today to honor Mr. Peter Hakim for his service at the Inter-American Dialogue. Peter has testified in front of the Western Hemisphere Subcommittee several times and has always been a passionate advocate for issues in Latin America. His personal insight into the inner workings of Latin American politics has been both constructive and resourceful to our Subcommittee and to Members of Congress.

Madam Speaker, the Inter-American Dialogue is an organization that brings an incredible amount of information to the discourse on freedom in Latin America. Through discussions and lectures, the Dialogue has brought greater awareness to the current issues facing Latin America.

I would also like to honor Mr. Michael Shifter, the new President of the Inter-American Dialogue, upon his appointment to this important role. I'm sure the Dialogue will benefit greatly from Michael's leadership and experience, and I look forward to working with both Michael and the Dialogue as we work toward greater freedom, security and prosperity in Latin America and the hemisphere.

#### THANKING PETER HAKIM

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. ENGEL. Madam Speaker, I rise today to thank Peter Hakim for his 16 years of outstanding service as President of the Inter-American Dialogue. Under Peter's leadership, the Inter-American Dialogue has become a top center for policy analysis on U.S.-Latin American relations.

As Chairman of the House Foreign Affairs Subcommittee on the Western Hemisphere, I have benefited enormously from the first-rate work of the Inter-American Dialogue. My colleagues and I—and our staffs—consistently count on the Inter-American Dialogue's superb analysis of U.S.-Latin American relations.

Peter Hakim testified at my first hearing as Subcommittee Chairman in 2007, and I am pleased that he is closing out his tenure as Dialogue President as a witness at my hearing on U.S. Policy toward the Americas in 2010 and Beyond. His insights are extremely useful to me as I carry out oversight of our policies toward Latin America and the Caribbean. My colleagues and I have also greatly benefited from the dinner discussions organized by Peter and the Inter-American Dialogue where we debate key hemispheric issues. I am pleased that Peter will continue to serve the Inter-American Dialogue as President Emeritus, and I look forward to working with him in the coming years.

I also would like to commend Michael Shifter on his selection as the next president of the Inter-American Dialogue. Michael, who has served as the Dialogue's Vice President for Policy for several years, is clearly the best person for the job. Michael is no stranger to the Western Hemisphere Subcommittee himself. He has testified before my Subcommittee at hearings on the Colombia-Ecuador border crisis and Honduras. His essays and opinion pieces are published in a wide array of top U.S. and Latin American publications, and are a great resource for all of us in Congress.

I congratulate Peter Hakim and Michael Shifter and wish both of them and the Inter-American Dialogue many more years of success.

#### HONORING USC PRESIDENT STEVEN SAMPLE

#### HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. WATSON. Madam Speaker, I, DIANE WATSON, along with Mr. BECERRA, Ms. BONO MACK, Mr. CAMPBELL, Ms. CHU, Mr. DREIER, Mr. FILNER, Mr. GARAMENDI, Ms. NAPOLITANO, Ms. RICHARDSON, Mr. ROYCE, Ms. ROYBAL-ALLARD, Mr. SHERMAN, and Mr. VISCOSKY, rise today to honor University of Southern California's 10th President, Steven B. Sample. After 15 years of dedicated leadership, President Sample will be retiring this August.

Steven Sample led an institutional rise at USC that is unparalleled in American higher education, helping the university become a highly selective undergraduate institution. He drove faculty excellence to new levels. Not only did he create a network of global scholars and programs, but he also focused on building successful partnerships in local neighborhoods to spur economic and educational development. During his tenure, USC earned 20 national championships in men's and women's intercollegiate sports. In addition, he completed the largest fund-raising campaign in the history of higher education.

Under Sample's leadership, the University of Southern California attracted increasingly accomplished students, with SAT scores rising 300 points. Applications have nearly tripled since 1991. USC is now among the top five universities in the number of National Merit Scholars and first in the country in the number of international students.

By training, Steven B. Sample is an electrical engineer and a member of the National Academy of Engineering and the American Academy of Arts and Sciences. His patents in the field of digital appliance controls have been licensed to practically every major manufacturer of appliance controls and microwave ovens in the world. More than 300 million home appliances have been built using his inventions.

President Sample's *The Contrarian's Guide to Leadership*, a Los Angeles Times best seller, was named one of six "must-reads" for leaders by Harvard Management Update of the Harvard Business School.

Sample donates all royalties to a scholarship fund for USC undergraduates. This book

is translated into a leadership course that Sample teaches to Trojans every year.

His outreach has created numerous jobs locally. The University of Southern California became the largest private employer in the City of Los Angeles. It was ranked in the top five of a survey titled "Great Colleges to Work For" by the Chronicle of Higher Education in 2006, under Sample's leadership.

As a past chairman of the Association of American Universities, Sample understands the importance of intellectual collaboration. That is why he founded the Association of Pacific Rim Universities. Sample has also dedicated himself to promoting Los Angeles as the de facto capital of the Pacific Rim with its strong entrepreneurial-based businesses and commerce, the busiest seaports in the United States, creativity and intellectual capital, and unparalleled diversity.

Steven Sample's presidency of the University of Southern California has significantly benefitted the City of Los Angeles, the State of California, and, most important, thousands of Trojan students.

Kathryn Sample is her husband's most trusted ally and advisor and has dedicated herself unreservedly to helping strengthen USC's position as a world-class research university. They have two daughters, Michelle Sample Smith and Elizabeth Sample, and two grandchildren, Kathryn and Andrew Smith.

#### CONGRATULATING THE 2008 NATIONAL MEDAL OF TECHNOLOGY AND INNOVATION LAUREATES

#### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise as the proud sponsor of House Resolution 935, congratulating Drs. John E. Warnock and Charles M. Geschke of Adobe Systems, Dr. Esther Sans Takeuchi, Dr. Forrest M. Bird, and IBM Corporation as the recipients of the 2008 National Medal of Technology and Innovation. The National Medal of Technology and Innovation is the highest honor for technological achievement bestowed by the President on leading innovators in the United States.

The National Medal of Technology and Innovation has been awarded annually since 1985 and recognizes outstanding contributions to America's economic, environmental, and social well-being through the development of technological products, processes, and innovation.

The purpose of the National Medal of Technology and Innovation is to recognize those who have made lasting contributions to America's competitiveness, standard of living, and quality of life through technological innovation. By highlighting the national importance of technological innovation, we hope to inspire future generations of Americans to prepare for and pursue technical careers to keep America at the forefront of global technology and economic leadership.

The 2008 National Medal of Technology and Innovation Laureates include innovation and

achievement in the display and dissemination of information, lifesaving medical technology, and computer design and development.

I'm particularly proud that two of the 2008 Medal recipients, Drs. John E. Warnock and Charles M. Geschke, hail from my district in San Jose, California. Drs. Warnock and Geschke, through their work at Adobe Systems, pioneered innovations that were crucial to the revolution in desktop publishing that began in the 1980s and continues today. The advances in desktop publishing had, and continue to have, a profound effect on the way we create and communicate information across mediums such as print, video, and Internet. It is fitting that today we recognize two individuals who have been influential in informing how we create, communicate, and interact with information; the work of Drs. Warnock and Geschke played a prominent role in ushering in what we know as "The Information Age."

As a Member representing Silicon Valley, I know firsthand how technological and scientific innovations provide invaluable contributions to our society. Research and innovation have long been key drivers of our economy, particularly in the Bay Area. Advances in science, medicine, and technology will continue to shape our economy and our world. Therefore, it is vital that we encourage and recognize those who lead the way in these critical areas—those like our 2008 National Medal of Technology and Innovation Laureates. It is my hope that in spotlighting the very best in technology and innovation, we provide encouragement to the next generation of students, researchers, scientists, entrepreneurs, and businesses to continue to invest their time, energy, expertise, and resources into creating the next era of technological achievement. It is through innovation and advancement in science and technology that we will continue to be a leader in the global economy, protect our environment, and improve the lives of all Americans.

Again, I am proud to join my colleagues in honoring the 2008 recipients of the National Medal of Technology and Innovation, and I urge the passage of the resolution.

#### INTRODUCTION OF RESOLUTION RECOGNIZING WEST VIRGINIA NATIONAL GUARD AND LOCAL RESPONDERS

##### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Mr. RAHALL. Madam Speaker, today I have introduced a resolution recognizing the heroic efforts of the West Virginia National Guard and local responders.

On Thursday, February 18, 2010, the heroic actions of West Virginians brought about the highly successful rescue of 17 military personnel who were on board a U.S. Navy helicopter—participating in the Operation Southbound Trooper X annual military exercise, which went down in deep, snow-covered, and very rugged terrain in Pocahontas County, West Virginia.

The remarkable rescue was an outstanding and highly coordinated effort on the part of

many highly trained professionals as well as private citizens, who worked under very difficult conditions to reach the crew and personnel on board the aircraft, many of whom had been injured in the crash.

West Virginians are the best neighbors for whom you could ever wish. It is a truth that has been proven time and again. This heroic rescue effort was, thankfully, a rare event, but it was not at all out of character for our State. In fact, it was merely illustrative of the best of West Virginia.

The swift response; astounding skills and abilities; enormous courage; and, profound determination of all those involved in the rescue operation—from those who serve in and lead our West Virginia National Guard; to our local fire, rescue, law enforcement and first responder units; and the countless volunteers, families and neighbors nearby—most certainly made the difference between life and death.

While no expression of gratitude would ever be sought for such selfless acts, the hope that one good turn deserves another never dims with West Virginians.

On behalf of my fellow West Virginians, I'm pleased to introduce the following resolution to honor their good deeds, and to illuminate them as a beacon for others.

#### HONORING ALCALDE NIELS CHEW

##### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor Alcalde Niels Chew, who was bestowed the title of honorary mayor of the City of Sonoma because of his commitment to his community and its citizens. The naming of an Alcalde, which means "magistrate" or "mayor" in Spanish, is a tradition that began in 1975 as a way to acknowledge the citizen of the year.

Niels is best known for his generosity, humility, and his unwavering dedication to the causes he believes in, which is why he was selected from a long list of candidates. According to Niels, his father is responsible for instilling in him the value of service.

"During the Depression, no one in need ever came to our house and left empty-handed," he said.

Niels embraces quite a history of community service to the City of Sonoma, dating back to 1984 when he and his wife Susan first moved to Sonoma. Since then, Niels has graciously shared his warehouse with many area non-profits who have stored their food and clothing donations in his facility.

As owner of Dowling Miner Magnets until 2004, he provided opportunities to Becoming Independent to train and support people with developmental disabilities.

Currently, Niels serves on the board of the Sonoma Valley Hospital Foundation, Operation Youth, and the Sonoma Overnight Shelter. He was formerly the president of Kiwanis of Sonoma Plaza and trustee of the Sonoma Valley Unified School District.

One of his most notable and impactful service endeavors has been his continuous sup-

port of the Sonoma Valley Mentoring Alliance as a dedicated mentor and founding board member. He is even credited with starting the organization because he added the organization's executive director to his payroll at Dowling Magnets so she could kick-off the mentoring program.

As a result of his initial investment, what began as a 10-hour weekly commitment at Flowery School blossomed into an organization that has been successfully connecting caring adults with at-risk students for more than 12 years.

"He has a heart the size of a continent, especially where kids are concerned," said Ms. Kathy Witkowiak, Executive Director of the Mentoring Alliance. "We could never put a value on all that he has contributed to the Mentoring Alliance over the years, because it's priceless."

Madam Speaker, Niels Chew's commitment to service is a powerful example of the positive difference one person can make. We are thankful for the charitable contributions made by this humble and thoughtful leader and philanthropist and we wish him continued prosperity as he spends time with his children and grandchildren.

#### IN CELEBRATION OF SAN MATEO COUNTY'S PARTICIPATION IN "STREETS ALIVE"

##### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 2010*

Ms. SPEIER. Madam Speaker, every American can do something to address some of the most pressing issues facing our nation today—health care, energy independence, the obesity epidemic—simply by riding a bicycle or taking a walk.

That is why I commend the County of San Mateo and other cities in the 12th Congressional District of California for joining in the "Streets Alive" celebration as part of World Health Day festivities on April 11, 2010. This worthwhile endeavor is part of "1000 Cities, 1000 Lives," an international project to enlist 1000 local governments around the globe to open streets and public spaces to pedestrians and bicyclists as a worldwide message of cooperation and commitment to healthy and active living.

I have the extreme privilege of representing one of the most beautiful areas in our nation, yet too many of us only see it while stuck in traffic. This is an excellent opportunity to slow down, get some exercise, visit with neighbors and soak in the local treasures that attract so many to the Peninsula in the first place.

Madam Speaker, I commend the forward-thinking leaders of San Mateo County for participating in such a worthwhile event and urge my constituents and all Americans to celebrate World Health Day on April 11 by biking or walking through their community. They and the world will be healthier for it.